



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

---

**PUBLIC ACCOUNTS COMMITTEE**

**REPORT ON THE AUDITOR-GENERAL'S  
ANNUAL REPORT 1992-93**

**REPORT NUMBER 24**

---

**OCTOBER 1995**

Presented and Ordered  
to be printed by the  
Legislative Assembly  
of the  
Northern Territory  
on 19 October 1995

**Public Accounts Committee**

---

**MEMBERS**

(in attendance during inquiry)

Mr Rick Setter, MLA  
(Chairman)

Mr John Bailey, MLA

Mr Denis Burke, MLA

Mrs Loraine Braham, MLA

Mr Brian Ede, MLA

**Legislative Assembly of the Northern Territory**

**PUBLIC ACCOUNTS COMMITTEE**

GPO Box 3721  
Darwin NT 0801

Level 3, Parliament House  
Mitchell Street  
Darwin NT 0800

Telephone: (089) 461 459  
Facsimile: (089) 816 158

## CONTENTS

	Page No.
<i>STATUS OF THE COMMITTEE</i>	<i>iv</i>
<i>DUTIES OF THE COMMITTEE</i>	<i>iv</i>
<i>COMMITTEE MEMBERS in attendance during Inquiry</i>	<i>v</i>
<i>CHAIRMAN'S FOREWORD</i>	<i>vi</i>
<b>1. CONDUCT OF INQUIRY</b>	<b>1</b>
1.1. Hearings	1
1.2. Correspondence	1
<b>2. COMMITTEE'S FINDINGS</b>	<b>2</b>
<b>3. BACKGROUND</b>	<b>3</b>
<b>4. CHRONOLOGY OF EVENTS</b>	<b>4</b>
<b>5. PURCHASE PROCEDURES</b>	<b>5</b>
5.1. Documentation	5
5.2. Requisitions	5
5.3. Purchase Orders	6
5.4. Invitation of Quotations and Requirements for Certificates of Exemption	6
5.5. Certificate of Exemption	7
5.6. Gazettal Notice	8
5.7. Financial Delegations	9
<b>6. DOCUMENTARY EVIDENCE</b>	<b>10</b>
<b>7. ADDITIONAL COMMENTS</b>	<b>11</b>
<i>Appendix 1 Letter from Public Accounts Committee to Procurement Review Board dated 7 April 1995</i>	<i>15</i>
<i>Appendix 2 Reply from Procurement Review Board to Public Accounts Committee dated 19 April 1995</i>	<i>16</i>
<b>8. DISSENTING REPORT</b>	<b>19</b>

## **NORTHERN TERRITORY PUBLIC ACCOUNTS COMMITTEE**

### **STATUS OF THE COMMITTEE**

The Northern Territory Public Accounts Committee was established by temporary Standing Order 21A of the Legislative Assembly on 16 August 1986.

The Committee's status was altered, by way of a motion of the Chief Minister on 23 August 1988, from a Sessional Committee on a trial basis to a Standing Committee of the Parliament.

As a Committee of the Legislative Assembly, its authority is derived from the *Northern Territory (Self Government) Act* (of the Commonwealth) and the *Legislative Assembly (Powers and Privileges) Act* (of the Northern Territory).

The committee is comprised of five (5) members, presently three (3) Government and two (2) Opposition members.

### **DUTIES OF THE COMMITTEE**

The duties of the Committee under Standing Orders 21A are:

- (a) to examine the accounts of the receipts and expenditure of the Northern Territory and each statement and report transmitted to the Legislative Assembly by the Auditor-General, pursuant to the *Financial Management Act*;
- (b) to report to the Legislative Assembly with such comments as it thinks fit, any item or matters in or arising 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 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 laid before the Legislative Assembly with the accounts of a Public Authority of the Northern Territory (including any documents annexed or appended to those reports).

## **COMMITTEE MEMBERS in attendance during Inquiry**

The Members of the Public Accounts Committee are:

### **Mr Rick Setter, MLA - Chairman**

Appointed 17 May 1988

Appointed Chairman 25 August 1994

Country Liberal Party

Member for Jingili. First elected 1984.

Chairman of Committees.

*Other Committees:* Publications (Chairman); Subordinate Legislation and Tabled Papers (Chairman); Standing Orders.

### **Mr John Bailey, MLA**

Appointed 4 December 1990

Australian Labor Party

Member for Wanguri. First elected 1989.

Opposition Whip

Shadow Minister for Tourism, Transport and Works and Territory Insurance Office.

*Other Committees:* Constitutional Development; Environment; New Parliament House

### **Mrs Loraine Braham, MLA**

Appointed 27 June 1994

Country Liberal Party

Member for Braitling. First elected 1994

Deputy Chairman of Committees

*Other Committees:* Use and Abuse of Alcohol by the Community; Euthanasia.

### **Hon. Denis Burke, MLA**

Appointed 23 August 1994

**Discharged 15 August 1995**

Country Liberal Party

Member for Brennan. First elected 1994

Appointed Minister for Power and Water, Work Health and Territory Insurance effective 26 June 1995

*Other Committees:* Privileges; New Parliament House

### **Mr Brian Ede, MLA**

Reappointed 27 June 1994

Australian Labour Party

Member for Stuart. First elected 1983.

Leader of the Opposition

Shadow Minister for Chief Minister, Treasurer, Police, Fire and Emergency Services, Asian Relations and Trade and Industries and Development

## CHAIRMAN'S FOREWORD

The Public Accounts Committee has a standing reference to follow up on matters raised in the annual report of the Auditor-General. Previously the Committee has issued one report in any one year to address these matters. In considering this report, one of the matters pertaining to the Department of Education warranted further investigation from the Committee. This report specifically addresses this matter.

The Auditor-General's annual report for the year ended 1992/93 expressed concern about procurement procedures for the acquisition of equipment (wheelchairs) in June 1992 by the Department of Education. Specifically, the Auditor-General's report states:

*Inadequacies were noted in procurement procedures for the acquisition of some equipment in June 1992 for an amount of \$49,980. In response the Department advised that "the action was taken during a busy period in which financial year accounts were being finalised. Procurement procedures, including the need to issue a Certificate of Exemption, were initially overlooked but this was remedied immediately the omission was noted. Steps have been taken to ensure that the correct procedures will be observed."*

This report is, in this case, confined to the Committee's review into the Auditor-General's Report on the inadequate procurement procedures for the acquisition of wheelchairs.

During the course of its inquiry, the Committee was mindful that related issues associated with the supplier of the wheelchairs had also been debated in the Parliament since 1991.

It is important to reiterate, that this report only addresses the issue raised in the Auditor-General's report. Purchasing procedures adopted by the Department of Education were reviewed against the administrative and procurement procedures that were in force in 1991/92. These procedures are referred in the *Financial Administration and Audit Act*, the Treasury Regulations applicable under this Act, the Treasurer's Directions and the circulars issued by the NT Supply and Tender Board (now referred as the Procurement Review Board). *The Financial Administration and Audit Act* was replaced by the Financial Management Act in April 1995.

## 1. CONDUCT OF INQUIRY

In addressing the issue raised in the Auditor-General's annual report, the Committee firstly established the framework into the purchase of the wheelchairs. Departmental Officers briefed the Committee on a number of matters pertaining to the procurement of the wheelchairs, why the wheelchairs were purchased, the type of wheelchairs purchased, and the procurement procedures used in acquiring these wheelchairs.

### 1.1. Hearings

*In camera* briefings were conducted with representatives from Department of Education:

- |              |   |
|--------------|---|
| 7 March 1995 | Mr Michael Fong, Secretary<br>Mr Michael Higgins, Director,<br>Management Services Branch |
| 6 April 1995 | Mr Michael Fong, Secretary<br>Mr Michael Higgins, Director,<br>Management Services Branch |
| 3 May 1995   | Mr Peter Allen, Deputy Secretary,<br>Corporate Services                                   |

In a deliberative meeting of the Public Accounts Committee on the 22 September, 1995, members voted to lift privilege on the 3 May 1995 transcript of evidence given by Mr Peter Allen, Deputy Secretary, Corporate Services, Department of Education.

### 1.2. Correspondence

During the course of the inquiry, the Committee requested the Department of Education to provide:

- |                  |  |
|------------------|--|
| 10 February 1995 | Briefing papers relating to the matter raised in the Auditor-General's Annual Report.<br><br>(Reply dated 26 February 1995)  |
| 14 March 1995    | Documentation relating to the purchase of 28 wheelchairs from Modular Medical Wheelchairs<br><br>(Reply dated 20 March 1995) |
| 22 March 1995    | Specific questions relating to the structure, use and purchase of wheelchairs.<br><br>(Reply dated 29 March 1995)            |

- 3 April 1995 Request for a copy of departmental instrument of delegation to approve certificate of exemption from public quotations  
(Reply dated 5 April 1995)
- 19 April 1995 Request for supporting documentation referred to by Departmental representatives in briefing on 6 April 1995.  
(Reply dated 24 April 1995)
- 30 August 1995 Clarification on internal Departmental procurement procedures  
(Reply dated 12 September 1995)

## 2. COMMITTEE'S FINDINGS

Changes to the Government's tendering and purchasing procedures were approved by Cabinet and introduced, by way of changes to the Treasurer's Directions and Treasury Regulations to the Northern Territory Public Sector early in 1988. These procedures coincided with the Northern Territory joining forces with the States and Commonwealth in the National Preference Agreement.

In accordance with section 20.1 of the Treasurer's Direction, the underlying objective was to ensure that the procurement procedures were seen to be beyond reproach by ensuring Territory moneys were spent effectively and economically. The Direction considered that the objective was best achieved by inviting public quotations.

The changes introduced in 1988 provided the basis of the purchasing procedures adopted by the Department of Education for the procurement of the wheelchairs in 1992.

The Committee's enquiries revealed that the correct procurement procedures were not followed as indicated in the Auditor-General's report and the delegated officer accepted responsibility for not seeking the certificate of exemption from public quotations. The Committee noted his explanation that the oversight arose from his inexperience in his recent elevation to the position of Deputy Secretary, Corporate Services.

From evidence presented, the officer stated that, although he was aware of his delegated responsibility relating to the position, he was not aware of the administrative procedures attached to that responsibility.

Other findings provided within the context of this report have been cross referenced to the relevant section of the report:

- The Public Accounts Committee is of the opinion that the document provided by the Department of Education does not constitute an authorisation to purchase wheelchairs, ie. the memorandum from Deputy Secretary, Corporate Services, dated

18 June 1992 requesting the Director Finance to arrange immediate payment of the attached invoice. (Page 6)

- The Committee found that documentation provided by the Department of Education did not comply with the standard order form specified in Appendix A of Treasurer's Direction 1. (Page 6)
- Based on advice provided by the Procurement Review Board (formerly NT Supply and Tender Board), the Committee is of the opinion that the document issued by the Department of Education did not comply with the Northern Territory Supply and Tender Board requirements. It does not provide any justification that the accountable officer or the person authorised by the accountable officer was satisfied that it was not expedient to invite quotations. (Page 8)
- Based on the documentation provided by the Department, the Committee is of the opinion that correct purchasing procedures were not followed by the Department of Education:
  - 1) No requisition for supplies was provided.
  - 2) No official Government order was raised.
  - 3) No appropriate certificate of exemption from inviting public quotations was used.
  - 4) The Department of Education did not report the issue of the certificate of exemption from inviting public quotations to the Supply and Tender Board.
  - 5) No details of the purchase of wheelchairs were published in the Northern Territory Gazette. (Page 9)
- Whilst the Deputy Secretary, Corporate Services had administrative responsibility for the position of Director, Facilities and Administration, he was not an authorised, delegated officer to issue a Certificate of Exemption. A specific delegation would need to be issued to the position of Deputy Secretary, Corporate Services or the office of Deputy Secretary, Corporate Services. (Page 10)
- The Education Quotation Assessment Committee cannot be authorised a delegation under section 79 of the *Financial Administration and Audit Act*. (Page 10)
- The Committee believes that inadequate records were kept by the Department to cover the transactions relating to Modular Medical Products NT Pty Limited in the request for, the purchase of, and distribution of wheelchairs. (Page 11)

### 3. BACKGROUND

Before the end of the 1991/92 financial year, the Department of Education purchased 28 wheelchairs at a price of \$49 980 from a Darwin-based company, Modular Medical Products NT Pty Limited.

Modular Medical Products NT Pty Limited is an exempt proprietary company with the principal business office located in Coconut Grove, Darwin, Northern Territory. The

company is principally engaged in the manufacturing and retailing of medical equipment. The Northern Territory Government, Department of Industries and Development, is listed as a shareholder in this company.<sup>1</sup>

#### 4. CHRONOLOGY OF EVENTS

Purchase of wheelchairs initiated by the Deputy Secretary, Corporate Services, following discussions with the Secretary of the Department<sup>2</sup>.

An invoice for \$49 980.00 was raised by Modular Medical Products NT Pty Limited for the supply of 28 M.M.P. System One Wheelchairs.

18 June 1992 Department of Education memorandum from the Deputy Secretary, Corporate Services to the Director Finance requesting immediate payment of the wheelchairs to be arranged.

19 June 1992 An instruction from the Director Finance stating "*Please arrange payment urgently. Cheque to be paid from RTM advance.*"

19 June 1992 Department of Education document - Payee acknowledgment of receipt of \$49 980 and witness signature. (both signatures unidentified) Payment certified in accordance with Treasurer's Direction.

22 June 1992 Claim processed through the Government Accounting system for the payment of \$49 980 (reference APDT35 charged to account number 35 3442 LCEO2100, vendor MODU100).

24 June 1992 Close-off for all claims for payment, other than urgent payments as instructed by NT Treasury in Treasury Circular A14/92, *End of Year Processing Arrangements: 1991/92*.

2 July 1992 Internal memorandum to Director Facilities from Deputy Secretary Corporate Services referring to the approval of certificate of exemption.

Mr Geoff Spring was employed as Chief Executive Officer for the Department of Education during the period of the acquisition of the wheelchairs and until 4 October 1992. Mr Michael Fong commenced as Acting Chief Executive Officer on 5 October 1992, and was substantively appointed on 29 October 1992. During the period of this inquiry, Mr Fong represented the Department of Education and appeared before the Committee, together with Mr Higgins, Director, Management Services Branch and Mr Allen, Deputy Secretary, Corporate Services.

---

<sup>1</sup> Australian Securities Commission Annual Return of a Company Form 316 for financial year ended 30/06/92

<sup>2</sup> PAC Transcript of Evidence, Mr Peter Allen, Deputy Secretary, Corporate Services, dated 3 May 1995, p.2

## 5. PURCHASE PROCEDURES

Northern Territory Treasury were responsible for the issuance and maintenance of Treasurer's Directions and Treasury Regulations and the issuance of Treasury Circulars and instructions pertaining to procurement procedures for Government Departments.

Treasury Regulation 10A empowered the Treasurer to establish tender boards (ie Supply and Tender Board which resided in Darwin and regional tender boards at Katherine, Tennant Creek, Alice Springs and Nhulunbuy which operated under the guidelines approved by the Supply and Tender Board, Darwin). The tender board was issued with such powers which was considered necessary to enable it to carry out its functions.

### 5.1. Documentation

Following an initial briefing with the Department of Education on the 7 March 1995, the Committee requested the Department of Education provide documentation relating to the purchase of the 28 wheelchairs from Modular Medical Products NT Pty Limited.

The following documents were provided on 20 March 1995.

- Internal memorandum to Director Finance, from Deputy Secretary Corporate Services, dated 18 June 1992 - request for payment of wheelchairs to be paid immediately.
- Undated invoice number 336612 from Modular Medical Products NT Pty Limited to Department of Education for the supply of 28 M.M.P. System One wheelchairs costing \$49 980.
- Duplicate copy of Department of Education document - Payee acknowledgment of receipt of \$49 980 and witness signature. (both signatures unidentified) Payment certified in accordance with Treasurer's Direction.
- Internal memorandum to Director Facilities, from Deputy Secretary Corporate Services, dated 2 July 1992 referring to the approval of certificate of exemption.

### 5.2. Requisitions

In accordance with section 20.3 of the Treasurer's Directions, a requisition or an authority to acquire supplies must be completed by all Government Departments before a contract is entered into for supplies. Treasury Regulation 8 (1) and section 9.34 and 9.35 of the Treasurer's Directions permits the Treasurer to nominate classes of commitments for which requisitions are not required. These exceptions are listed in Appendix B of section 9 of the Treasurer's Directions and only include:

- Postal, telephone and telegram charges.
- Public utility charges - e.g. electricity, water, sewerage.

- Charges arising from contracts for continuing services, e.g. cleaning contracts.
- Vehicle hire and associated charges for vehicles on long term hire.
- Charges for official transport charged on a trip by trip basis.

The authorisation to purchase the wheelchairs was signed by the Deputy Secretary Corporate Services on 18 June 1992.

The Public Accounts Committee is of the opinion that the document provided by the Department of Education does not constitute an authorisation to purchase wheelchairs, ie. the memorandum from Deputy Secretary, Corporate Services, dated 18 June 1992 requesting the Director Finance to arrange immediate payment of the attached invoice.

### 5.3. Purchase Orders

Section 20.5 of the Treasurer's Directions and Treasury Regulation 13 provides that all supplies ordered by the Territory shall be on an order form that is specified in Appendix A of Treasurer's Direction 1 and signed by the Accountable Officer or his delegate.

The minimum detail required on this form includes the supplier's name, details of goods purchased, total cost of goods purchased, sales tax exemption statement and the signature of a delegated officer.

The Committee found that documentation provided by the Department of Education did not comply with the standard order form specified in Appendix A of Treasurer's Direction 1.

### 5.4. Invitation of Quotations and Requirements for Certificates of Exemption

Circular No. C2, Issue No. 1 issued by the Northern Territory Supply and Tender Board on the 1 February 1988 applied to Government Departments. This circular was still current in June 1992. Relevant details extracted from this Circular are as follows:

- 4(iii) *Supplies for the Territory in excess of \$3 000 in value shall be obtained by public quotation unless they are the subject of a Certificate of Exemption from Public Quotations issued by the Accountable Officer (up to \$50 000 in value)*
5. *Certificate of exemption authorises the suspension of requirement to publicly advertise for quotations.*  
*It is not an approval to accept a quotation or enter into a contract.*
7. *Quotations up to \$50 000 may be accepted by the Accountable Officer without reference to the Tender Board.*
12. *Where value of supplies is estimated at between \$3000 and \$50 000 and public quotations are not sought, details of Certificate of Exemption from*

*public quotation issued by the Accountable Officer and any resultant contract are to be recorded for notification to the Tender Board.*

- 13 *The Tender Board may at any time seek details of any or all Certificates of Exemption from Public Quotations issued...in excess of \$3 000...*
14. *Where the amount to be expended under a Contract for supplies is in excess of \$3 000 details...shall...be published in the NT Gazette.*

### **5.5. Certificate of Exemption**

Treasury Regulation 12 provided that where the Treasurer or his delegate was satisfied that it was not expedient to call public quotations, he could issue a Certificate of Exemption.

Section 20.17 of the Treasurer's Directions stated that the accountable officer or his delegate could issue certificates of exemption from public quotations up to and including \$50 000. All such certificates issued were required to be reported to the appropriate tender board.

The functions of the Supply and Tender Board included, inter alia, the review of certificates of exemption from public quotations issued by Accountable Officers with respect to supplies under \$50 000.

The Public Accounts Committee sought clarification from the Procurement Review Board on procurement procedures practised by Government Agencies in June 1992 (refer Appendix 1).

Advice from the Procurement Review Board on 19 April 1995, states:

*Supply and Tender Board (the Board) Circular C2 Issue 1, released on the 1 February 1988, was still current in June 1992. An amendment clarifying requirements was not circulated until 26 October 1992.*

*Attachment "A" herewith is the format that Departments were required to adopt to report to the Board. Certificates of Exemption (COE) issued by Accountable Officers (ie under \$50,000 in value). Reporting was required monthly in arrears. The Board would note (or query) all such advice. The Board did not approve these matters. The requirement to report was to ensure Departments were conducting their procurement activities in accordance with NT Government Procurement Policy of the day when issuing such Certificates. (Refer Appendix 2)*

As advised by the Supply and Tender Board, the certificate was required to detail:

- Description of supplies
- Value of supplies
- Date of issue of certificate
- Contractor

- Names of other firms approached (where firms are located outside the Territory, a statement should be included that Board approval to approach interstate suppliers had been obtained)
- Reasons for certificate of exemption
- Signed by the Accountable Officer

The Public Accounts Committee requested that the Department of Education provide a copy of the certificate of exemption from public quotations which was issued by the Department at the time the wheelchairs were purchased.

The Department provided a document which they referred to, in all evidence as a Certificate of Exemption. This document was signed by Mr Peter Allen as Deputy Secretary, Corporate Services, Department of Education, on 2 July 1992.

Based on advice provided by the Procurement Review Board (formerly NT Supply and Tender Board), the Committee is of the opinion that the document issued by the Department of Education did not comply with the Northern Territory Supply and Tender Board requirements. It does not provide any justification that the accountable officer or the person authorised by the accountable officer was satisfied that it was not expedient to invite quotations.

The Procurement Review Board (formerly Northern Territory Supply and Tender Board) have advised that:

*I have searched our files between 7 May 1992 and 17 September 1992 and can find no record of the Department of Education reporting the issue of a COE in relation to the purchase of wheelchairs from Modular Medical Products NT Pty Limited.<sup>3</sup>*

#### 5.6. Gazettal Notice

In a letter to the Public Accounts Committee dated 24 April 1995, Mr Michael Fong advised:

*I have been unable to locate a copy of the Gazettal notice. I assume that in the absence of a formal purchase order the area responsible for Gazetting the purchase did not have the appropriate paperwork to do so.*

---

<sup>3</sup> Letter from Sandi Gemmell, Secretary, Procurement Review Board to Northern Territory Public Accounts Committee, 19 April 1995.

Based on the documentation provided by the Department, the Committee is of the opinion that correct purchasing procedures were not followed by the Department of Education:

- 1) No requisition for supplies was provided.
- 2) No official Government order was raised.
- 3) No appropriate certificate of exemption from inviting public quotations was used.
- 4) The Department of Education did not report the issue of the certificate of exemption from inviting public quotations to the Supply and Tender Board.
- 5) No details of the purchase of wheelchairs were published in the Northern Territory Gazette.

### 5.7. Financial Delegations

At the request of the Committee, the Department provided a copy of the instrument and schedule of the financial delegations that had been issued by the Accountable Officer, pursuant to Section 79 of the *Financial Administration and Audit Act*. The instrument dated 20 September (no year) authorised the 'EQAC' (Education Quotation Assessment Committee) to issue a certificate of exemption for purchases >\$10 000 <\$50 000.

The structure of this Committee comprised:

Chairman	Director, Facilities and Administration
Deputy Chairman	Assistant Director, Finance and Supply
Members	Manager, Supply
	Chief Procurement Officer

In an administrative responsibility chart provided to the Public Accounts Committee, the Deputy Secretary, Corporate Services is shown as the immediate supervisor of the Director, Facilities and Administration.<sup>4</sup>

Furthermore, the Department of Education advised that:

*The Deputy Secretary Corporate Services has line responsibility for the operations of EQAC (Education Quotations Assessment Committee) ... and ...had the delegation to issue Certificates of Exemption as he was the officer supervising the incumbent of the position shown as having the delegation. (Officers at more senior levels are deemed to have all the delegations that their 'junior' officers have.)*

*The Chairman of EQAC, Director Facilities and Administration was on leave at the time of the transaction in question and the Deputy Secretary was advised that as the officer with line responsibility for EQAC and as*

<sup>4</sup> Letter from Michael Fong, Chief Executive Officer, Department of Education to Northern Territory Public Accounts Committee, 24 April 1995.

*the immediate supervisor of the Director Facilities and Administration he could issue the Certificate.<sup>5</sup>*

Section 79(3) of the *Financial Administration and Audit Act* provides that:

*Authority may be conferred in pursuance of Subsection (1) on a named person or on the person for the time being holding acting in or performing the duties of a named office designation or position.*

However, subsection (7c) does not allow the power to delegate a power or function.

Further, the Interpretation Act provides that a person includes a body politic and a body corporate. Legal advice sought by the Committee considered that a committee would be held not to be a person, and therefore the delegation to a committee would then be ultra vires the Act. The legal advice suggested that delegations, should in fact, be made to a specified person or a named office designation, rather than a Committee and that the person could then seek recommendations of a committee in the exercise of the delegated power.

Whilst the Deputy Secretary, Corporate Services had administrative responsibility for the position of Director, Facilities and Administration, he was not an authorised, delegated officer to issue a Certificate of Exemption. A specific delegation would need to be issued to the position of Deputy Secretary, Corporate Services or the office of Deputy Secretary, Corporate Services.

The Education Quotation Assessment Committee cannot be authorised a delegation under section 79 of the *Financial Administration and Audit Act*.

## 6. DOCUMENTARY EVIDENCE

During the course of the inquiry, the Committee requested documentation from the Department of Education relating to the purchase of the 28 wheelchairs. The documents provided by the Department of Education are listed at 5.1.

The Committee requested other documentation which was forwarded by the Department on the 5 April 1995, 24 April 1995 and the 12 September 1995. The letter of 5 April 1995 specifically requested a copy of the instrument of delegation in force at the date of purchase of the wheelchairs. (June 1992)

On the 12 September 1995, the Secretary of the Department subsequently advised that the instrument attached to his letter of 5 April 1995 was not the correct instrument for the schedule provided and that the relevant instrument for departmental delegations could not be located.

---

<sup>5</sup> Letter from Michael Fong, Chief Executive Officer, Department of Education to Northern Territory Public Accounts Committee, 5 April 1995.

The Committee believes that inadequate records were kept by the Department to cover the transactions relating to Modular Medical Products NT Pty Limited in the request for, the purchase of, and distribution of wheelchairs.

## 7. ADDITIONAL COMMENTS

In addition to the findings of the Committee relating to the procurement procedures used by the Department of Education, there were a number of other issues that arose out of this inquiry that were secondary to the matter raised by the Auditor-General.

The Committee considered:

### **Justification for the Purchase**

In briefings to the Committee, the Department advised that requests for wheelchairs had been received. However, the Department of Education was not able to provide evidence of written requests for wheelchairs.

### **Suitability of the Equipment**

The wheelchair specifications specify that the wheelchairs provide customised seating for children with a wide range of disabilities, for children aged from two to thirteen years of age with a maximum loading of 25 kilograms.

Based on the results of a Committee survey to recipient schools, the Committee is not convinced that the type of wheelchair purchased was the most appropriate for the full range of children and schools to which they were assigned.

### **Availability of Wheelchairs**

The results of Committee's inquiries showed that another Darwin supplier could provide, at the time of purchase a range of wheelchairs with prices varying from \$344-825 each (1995 prices).

### **Price of wheelchairs**

The Committee noted that the package price for the twenty eight wheelchairs was \$49 980 ie \$20 less than the limit where the administration of procurement procedures would change.

It is the committee's view that, in the best interest of good management practices, sound procurement procedures be consistently adopted by the Department.



**APPENDICES**





Legislative Assembly of the Northern Territory  
*Public Accounts Committee*

Telephone (089) 46 1465  
Fax 816158  
Telegrams Comptarlas

GPO Box 3721  
DARWIN NT 0801

Ref: 16/4/8

16/5/3

16/9/2

7 April, 1995

Secretary  
Procurement Review Board  
Department of Industries & Development  
GPO Box 4160  
DARWIN NT 0801

Dear Ms Gemmell,

The Public Accounts Committee is currently reviewing a number of purchasing practices that were adopted by the Department of Education in June 1992. It is the Committee's understanding that the Purchase Procedures, Circular C2, Issue No. 1 issued on 1 February 1988 were effective for purchases made in June 1992.

Could you please confirm if any amendments had been made to this circular from the date of release and the ensuing period up to August 1992. Could you please provide a sample copy of the Certificates of Exemption that pertain to this circular and were used by Agencies at that time.

I now refer to the specific purchase of 28 wheelchairs made by the Department of Education from Modular Medical Products, a Darwin based company.

The purchase price was \$49,980 paid on 19 June 1992. Could you please advise if the Department of Education notified the Supply and Tender Board that a Certificate of Exemption from Public Quotation had been issued. If so, could you please provide documentary evidence of this Certificate of Exemption.

It would be appreciated if a reply could be forwarded to the Committee Secretariat by Friday, 28 April 1995.

Yours sincerely,

JENNY MOLLAH  
SECRETARY



NORTHERN TERRITORY OF AUSTRALIA

**APPENDIX 2**

Agenda Item: 4.2  
Paper No: 5  
Date: 3.5.95

**PROCUREMENT REVIEW BOARD**

Contact Officer: Sandi Gemmell

Telephone No: (089) 89 7654

GPO Box 4160  
DARWIN NT 0801  
Fax No: (089) 89 7657

Secretary  
Public Accounts Committee  
Legislative Assembly of the Northern Territory  
GPO Box 3721  
DARWIN NT 0801

Dear Ms Mollah,

**PROCUREMENT REVIEW BOARD MATTERS**

Thank you for your letter ref. 16/3/8 of the 7 April 1995 concerning an inquiry into purchasing practices within the Department of Education.

The following information is provided in response:

Supply and Tender Board (the Board) Circular C2 Issue 1, released on the 1 February 1988, was still current in June 1992. An amendment clarifying requirements was not circulated until 26 October 1992.

Attachment "A" herewith is the format that Departments were required to adopt to report to the Board. Certificates of Exemption (COE) issued by Accountable Officers (ie under \$50,000 in value). Reporting was required monthly in arrears. The Board would note (or query) all such advice. The Board did not approve these matters. The requirement to report was to ensure Departments were conducting their procurement activities in accordance with NT Government Procurement Policy of the day when issuing such Certificates.

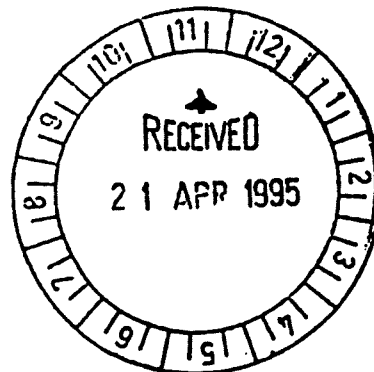
I have searched our files between 7 May 1992 and 17 September 1992 and can find no record of the Department of Education reporting the issue of a COE in relation to the purchase of wheelchairs from Modular Medical Products.

I hope this information is of assistance. Should you have any further queries please do not hesitate to contact me.

Yours sincerely,

  
S GEMMELL  
Secretary, Procurement Review Board.

19 April, 1995



(A)

TO: SECRETARY  
NORTHERN TERRITORY SUPPLY AND TENDER BOARD

DEPARTMENT OF .....

CERTIFICATE OF EXEMPTION FROM PUBLIC QUOTATIONS ISSUED  
BY ACCOUNTABLE OFFICER OR HIS DELEGATE

REFERENCE NO. :

DESCRIPTION OF SUPPLIES :

VALUE OF SUPPLIES :

DATE OF ISSUE OF  
CERTIFICATE :

CONTRACTOR :

(Also list name(s) of other firms approached. Where firms are located outside the Territory a statement should be included that Board approval to approach Interstate Suppliers has been obtained)

REASONS FOR CERTIFICATE  
OF EXEMPTION :

ACCOUNTABLE OFFICER

.....

SHELL4  
DEPTXEMPT



# **DISSENTING REPORT**



## INTRODUCTORY OVERVIEW

It is with sadness and frustration that we have had to include an extensive dissenting report.

This is the first time in the history of the Northern Territory Public Accounts Committee that a dissenting report of such magnitude has been included.

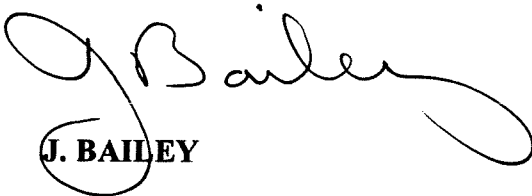
The reason for this has been the total lack of responsibility being taken by the Chairman of the Committee to adequately carry out the full range of duties bestowed upon the Public Accounts Committee by Parliament.

The majority reports states that in almost all areas associated with the Education Department's purchase of nearly \$50,000 worth of wheelchairs from Modular Medical Products were either seriously flawed or non existent in relation to correct procedure, however the Chairman refuses to be critical.

The Chairman refused to pursue the Member for Leanyer over his contradictory statements to Parliament, in 1993, when the Member for Leanyer answered questions as the then Education Minister.

The Chairman refused to detail the level of concern in relation to the decision to purchase wheelchairs, and the level of concern over the financial situation and relationship between Modular Medical Products and Government.

The Chairman also refused to pursue the wider issues of public accountability in relation to taxpayer dollars, and is unfit to continue to be Chairman of this Committee. Unfortunately while he remains, we will have to produce dissenting reports based on the information we are able to obtain under difficult conditions.



**J. BAILEY**

The summation of events and the conclusions reached are reasonable and accord with my records of the evidence before the Committee.



**B. EDE**

## FOREWORD

The Public Accounts Committee has a standing reference to follow up on matters raised in the Annual Report of the Auditor-General.

The Auditor-General's annual report, for the year ended 1992/93, expressed concern about procurement procedures for the acquisition of equipment (wheelchairs) in June 1992 by the Department of Education. Specifically, the Auditor-General's report states:

*Inadequacies were noted in procurement procedures for the acquisition of some equipment in June 1992 for an amount of \$49,980. In response the Department advised that "the action was taken during a busy period in which financial year accounts were being finalised. Procurement procedures, including the need to issue a Certificate of Exemption, were initially overlooked but this was remedied immediately the omission was noted. Steps have been taken to ensure that the correct procedures will be observed."*

While the Chairman felt that only the narrow issue of inadequate procurement procedures for the acquisition of the wheelchairs could be dealt with, we believe the key role of the Public Accounts Committee is to comment on all areas of financial accountability that come to its attention. Only by doing this will the public feel confident that their taxpayers dollars are being responsibly and efficiently spent.

In this case not only were the correct procurement procedures totally lacking, but it would appear that the Auditor-General was incorrect in his 1992/93 report. He stated "...This (the procedures) was remedied immediately the omission was noted." This was not the case. The other issues not dealt with in the majority report include:

1. Criticism and recommendations over the decision-making to buy the wheelchairs in the first place.
2. The total lack of any documentary evidence to either show how the decision to purchase was made, or any evidence to support the Department's barely believable story of events leading to the purchase. Not only was there no evidence to support the decision to purchase, there was no evidence to show the basis for allocation.
3. The Chairman also refused to criticise the decision which led to \$50,000 of taxpayers money being largely wasted on unsuitable wheelchairs being purchased. The wheelchairs were over three times more expensive than appropriate ones which could have been purchased, if it had been considered appropriate for an Education Department to be buying wheelchairs in the first place. Purchasing wheelchairs for schools is something not done before in the Northern Territory, or by interstate Education Departments.
4. The refusal by the Committee to adequately pursue the other, more plausible explanation. The Government, aware of the financial situation of Modular Medical at that time and the high level of taxpayers funds invested in the company, used the

purchase of excess stock as a way of injecting much needed cash into the company, thus avoiding another embarrassing financial fiasco for the Government at that time.

5. The Chairman's refusal to call Government Ministers before the Committee to answer these allegations especially Fred Finch, who misled Parliament during answers in the 1993 Appropriate Debate and the role of Shane Stone, the Minister for Education at the time of purchase.

## FINDINGS

While the majority report has focussed almost entirely on procurement procedures and has conveyed most of the technical aspects, the Committee failed to pursue how the situation arose, the follow-up actions and lack of documentation. Even the most casual reading of Mr Allen's evidence to the Committee would show the reader Mr Allen moved from the "correct" story:

*Mr Allen the wheelchairs were purchased to meet the needs of special and other students.....*

Towards the end we began to get closer to the "truth".

*Mr Bailey Looking back, were you in any position to initiate this action if it had not been raised by the Secretary to you in the first place? In other words, were you contemplating purchasing wheelchairs in any shape or form prior to the Secretary saying: 'Peter, I believe that there are these wheelchairs at Modular Medical that are available for sale'?*

*Mr Allen You have summed it up precisely. I did not have a plan in my mind to go and purchase wheelchairs. It arose from the discussion that you described.*

(Allen evidence to Public Accounts Committee. 3 May 1995 Appendix A)

It is also important to see the level of documentation provided for an expenditure of nearly \$50,000 of taxpayers money. For the Department to convince us that the exercise was ever any more than a cash injection to Modular Medical they would have to clearly establish the basis for the decision.

In fact the only documentation that was presented supports the cash injection theory.

1. Memo June 18 (Appendix B) and invoice undated (Appendix C) says "... Account to be paid immediately" "Please contact me the moment a cheque is available for collection" hand written note on memo "please arrange payment urgently" which was made available the next day. (Appendix D) ordered on the 18th and paid for on the 19th.

When the need for a certificate of exemption from public quotations was required, Mr Allen writes a memo (Appendix E) and says "a certificate of exemption is approved". This memo, Mr Allen says, is "the certificate". In fact a certificate (Appendix F) requires the officer to fill in the reason for the issuing of the certificate. Just because an officer may have delegation to move outside the normal tender process and exempt a purchase, he cannot exercise that right without justification (Appendix L).

All the evidence presented indicated the number one priority of the Government was the injection of \$50,000 into Modular Medical Products.

2. When no evidence to support "need to purchase" wheelchairs could be provided by the Department, the Committee wrote to all schools that received wheelchairs (Appendix G) and asked a number of questions, such as "Did your school request a wheelchair?" and "What level of use does the wheelchair get?" and "Where is it now?". The responses were collated (Appendix H). The results show that, of the schools who responded, there is no basis that either the chairs were ever requested, or they are largely unsuitable, and have had minimal use.

This evidence would strongly suggest that the Minister's statements that "a number of schools had made direct approaches" and that "the wheelchairs were distributed to those schools that were assessed as having a need for them" is patently wrong.

3. In response to the Committee questions a number of schools noted the unsuitability of the chairs. A brief look at the Modular Medical wheelchair brochure (Appendix I) would see it as a highly specialised wheelchair for children with very specific needs. It is not a general use wheelchair. Not only were these chairs highly specialised and not suitable for general use, they were very expensive compared to standard wheelchairs (Appendix J), with prices ranging from \$344 - \$825 compared to the \$1785 paid for the Modular Medical chairs. Someone needs to accept responsibility for the waste of nearly \$50,000 of taxpayers money and the subsequent cover-up.
4. The cover-up appears to have been systematic and widespread raising questions about who continued to authorise this cover-up. The cover-up seems to have started with the misleading of the Auditor-General, in relation to correct procedures being followed, after he was informed that they were rectified once the oversight was noted. This cover-up continued either by the Department on their own, or in collusion with the Minister in response to October 1993 Appropriation Debate (Appendix K).

Then, when the Committee began to look into the issue, the cover-up was continued by the Secretary, Mr Fong and Director Management Services, Mr Higgins in their evidence of 7 March 1995 (Appendix M). With supposedly no evidence and no documentation, they were able to reel off the same totally insupportable rhetoric, and finally the Member for Leanyer again stood up in Parliament and reiterated the incorrect statements he had made, in a personal explanation in August 1993 (Appendix N).

5. Not only was this general cover-up maintained by those involved but it was also not pursued by the C.L.P. Members of the Committee. Following the evidence by Mr Allen, which clearly showed his account of events and Fred Finch's response to Parliament were inconsistent, I requested the Committee to question Mr Finch.

They refused. This matter of privileges was referred to the Speaker on 25 May 1995. The Speaker responded on 7 June 1995 (Appendix O) referring the issue back to the Committee. The Chairman responded to the Speaker on 15 June 1995 (Appendix P) indicating the matter would be further pursued. The Committee would not call Mr Finch to give evidence but chose to write to him pointing out the discrepancies. Mr Finch responded on 8 August 1995 (Appendix Q) with a contemptuous letter that was clearly at odds with the evidence before the Committee at that time. The Committee, however, refused to question the Minister further, which led to a second referral to the Speaker.

This was rejected by the Speaker because the Chairman stated the Committee had dealt with the matter. How could he ignore the contempt of the Committee by the Minister and fail to act? The Chairman's failure to act, and the support, by his C.L.P. colleagues for the Minister, whilst he continued to hide the Minister's misleading of Parliament as well as ignoring the misleading of the Committee by the Minister when they knew his statements were false. For these actions alone, there is enough reason for the Chairman to stand down.

6. To understand what might have happened in June 1992, it is necessary to look at Modular Medical Products. Over a number of years, starting around 1988, the Government invested over \$600,000.00 in Modular Medical Products. (See detailed account of Government involvement in M.M.P.) (Appendix R). In August 1991, Minister Hatton stated that the company was going to systematically buy out the Government share. This has never happened, as shown in A.S.C. documents. The Government still had the same level of investment in February 1995 (Appendix S). The Register of Financial Interests June 1994 (Appendix T) lists Modular Medical Products and shows that while the Government has almost \$700,000 of shares, the vast majority, they only have 10% ownership. The Register lists Stephen Moo as the Government representative, even though he is listed as privately owing shares in the company. Other concerns raised in the past have related to conflict of interest of Lindsay Pyne, one time C.E.O. of Royal Darwin Hospital, while being Director of a medical supply company. (He has since left Darwin but is still a director.) It is these issues that the Public Accounts Committee was not allowed to pursue, thus leaving the very important issues of any improprieties in the relationship between Modular Medical Products and the Northern Territory Government and the role of Shane Stone, the then Minister for Education in relation to the purchase of wheelchairs.

While the C.L.P. Members continue to inhibit the ability of the Parliament and its Committees to scrutinise executive decisions and actions that make them accountable to the community, they will stand condemned by the community.

## APPENDICES

- Appendix A** Public Accounts Committee transcript of briefing by Mr Peter Allen, Deputy Secretary, Corporate Services, Department of Education, 3 May 1995
- ⊗ **Appendix B** Department of Education Memo to Director Finance from Deputy Secretary Corporate Services re Payment for Wheel Chairs dated 18 June
- ⊗ **Appendix C** Invoice from MMP to Finance Section, Department of Education for \$49980.00 for 28 M.M.P. System One Wheelchairs
- ⊗ **Appendix D** Internal form prepared by Department of Education for payment of wheelchairs
- ⊗ **Appendix E** Department of Education Memo to Director Facilities from Deputy Secretary Corporate Services re Purchase of Wheel Chairs dated 2 July 1995
- Appendix F** Sample Certificate of Exemption provided by the NT Supply and Tender Board
- ⊗ **Appendix G** Letter from Public Accounts Committee dated 6 April 1995 to attached list of schools requesting details on acquisition of wheelchairs
- ⊗ **Appendix H** Public Accounts Committee Business Paper Meeting 3 May 1995
- Appendix I** Brochure: MMP System One Wheelchair
- Appendix J** Brochure: Met-A-Lite Wheelchairs and Rehabilitation Equipment
- Appendix K** Hansard Debates - Wednesday 13 October 1993, pp. 9761-9767
- Appendix L** NT Supply and Tender Board Circular No. C2: Invitation of Quotations and Requirements for Certificates of Exemption from Public Quotations dated 1/2/88
- ⊗ **Appendix M** Public Accounts Committee transcript of briefing by Mr Michael Fong, Secretary, Department of Education, and Mr Michael Higgins, Director, Management Services Branch, Department of Education, 7 March 1995
- Appendix N** Hansard Debates - Tuesday 22 August 1995, pp. 4611-4614
- ⊗ **Appendix O** Letter dated 7 June 1995 to Chairman, Public Accounts Committee from the Speaker of the Legislative Assembly
- ⊗ **Appendix P** Letter dated 15 June 1995 to the Speaker of the Legislative Assembly from Chairman, Public Accounts Committee

⊗ **Appendix Q** Letter dated 8 August 1995 to Chairman, Public Accounts Committee from Hon. Fred Finch, MLA

**Appendix R** Extracts from Hansard 30.4.91 - 13.10.93

**Appendix S** Australian Securities Commission 1994 Annual Return of a Company, Form 316 on Modular Medical Products N.T. Pty Limited for financial year ended 30/06/94

⊗ **Appendix T** Register of Financial Interests as at 30 June 1994 in accordance with Section 22 of the Treasurer's Directions

⊗ **Items withheld by motion of Public Accounts Committee on 17 October 1995**

**PUBLIC ACCOUNTS COMMITTEE**

**BRIEFING BY DEPARTMENT OF EDUCATION ON  
AUDITOR-GENERAL'S ANNUAL REPORT 1992/93**

Wednesday 3 May 1995  
Opened: 09.15 hrs  
Litchfield Room, Parliament House

On the committee:

Mr R. Setter, MLA - Chairman  
Mr J. Bailey, MLA  
Mr B. Ede, MLA  
Mr D. Burke, MLA

Ms J. Mollah, Secretary

Representing DEPARTMENT OF EDUCATION

Mr Peter Allen, Deputy Secretary, Corporate Services

Tapes: 42-47

**Note:** This is an edited transcript.

**Issued: Wednesday 14 June 1995**

**Mr SETTER:** I call to order this meeting of the Public Accounts Committee on 3 May 1995. This committee operates under the standing orders of the Northern Territory Legislative Assembly. I welcome from the Department of Education Mr Peter Allen, deputy secretary, corporate services, appearing to brief the committee on the Auditor-General's annual report 1992-93. The committee has ordered that evidence shall be sworn.

**Ms MOLLAH:** The evidence you shall give the committee shall be the truth, the whole truth and nothing but the truth. So help me, God.

**Mr ALLEN:** So help me, God.

**Mr SETTER:** For the Hansard record, please state your full name and the capacity in which you appear today.

**Mr ALLEN:** My full name is Peter Richard Allen. I am deputy secretary, corporate services, for the Northern Territory Department of Education.

**Mr SETTER:** I am sure that you are aware that the matter we would like to discuss with you today is the purchase of wheelchairs ...

**Mr ALLEN:** Yes, I am aware of that.

**Mr SETTER:** which took place several years ago. They were distributed, I understand, to various schools throughout the Northern Territory. I am sure you will also be aware that we have, on a couple of previous occasions, discussed the matter with Mr Fong and Mr Higgins. As a result of those discussions, it has evolved that you were the person - the deputy secretary, I think, at the time - who authorised or initiated the purchase of those wheelchairs. We have asked you in to clarify further, perhaps, the circumstances that resulted in the purchase of those wheelchairs. I also note that the secretary has written to you with a questionnaire that posed a number of questions, and you have responded to those. Is there anything that you would like to say before we start asking questions about them?

**Mr ALLEN:** I am happy to talk to it in the sense of telling you what happened, or I am happy to take questions, or talk and then take questions - however you wish to structure it.

**Mr EDE:** For the record, do you have a copy of the questions put to you by the secretary, and the answers?

**Mr ALLEN:** No, I do not. I am reasonably confident that I can recall them, but I am happy to have a copy in front of me if you believe that is appropriate.

**Mr EDE:** No, that is not necessary. It is just for the record, whether you could give the force to your answers that you provided here in this one. Would you be willing to do that?

**Mr ALLEN:** I am sorry, I missed the early part of what you said.

**Mr SETTER:** Okay, we will give you that, but what we will do ...

**Mr EDE:** We need, on record, to bring this formally into sworn evidence. Rather than asking you to read it all in as sworn evidence, would you make a statement as to the statements you made, which would give them the force of an oath.

**Mr SETTER:** Let us do it this way. I will ask you the questions as they are laid out in this particular response of yours to the secretary, and you can either read what you have written to the secretary or respond in your own words.

**Mr ALLEN:** I think it might be as well, for the sake of accuracy, if I read.

**Mr SETTER:** Is that it in front of you?

**Mr ALLEN:** Yes.

**Mr SETTER:** Mr Allen, why were the wheelchairs purchased?

**Mr ALLEN:** The wheelchairs were purchased to meet the needs of special and other students as a suitable means of moving students who were injured, ill or had movement difficulties requiring perambulation. The chairs, although commonly referred to as 'wheelchairs', were in fact pushchairs, and were specifically designed to assist staff moving young people who were not able to move themselves, or when injury rendered movement difficult or undesirable. In addition to those students needing the chairs on a permanent or semi-permanent basis, I regarded the chairs as being potentially useful in a range of school situations, as a means of moving temporarily immobile students while lessening the likelihood of injury to teachers who are not normally trained in lifting.

Throughout my experience as a teacher and principal, the desirability of having wheelchairs available had been apparent. My experience at the Ludmilla Primary School, where I was responsible for the Ludmilla special unit, and my continued involvement in special education as a regional superintendent, brought me into regular contact with special educators and schools generally. Requests for wheelchairs to assist with student mobility, while ad hoc, are certainly not unusual.

As a ministerial officer to a former Minister for Education, I dealt regularly with requests for all forms of special assistance, including wheelchairs, ramps, lifts and additional staff. In actioning the purchase of the chairs, I saw them as a means of fulfilling the regularly expressed needs of our schools.

**Mr SETTER:** Who initiated the purchase?

**Mr ALLEN:** I initiated the purchase following discussions with the then Secretary of our department, who encouraged me to proceed. Prior to actioning the purchase, I visited the Coconut Grove premises of the company offering the chairs for sale, to personally inspect the chairs and to examine their quality, functionality, ease of

assembly and adjustment, and to assure myself of their suitability for school-age children. I regarded my involvement in special education of some 20-plus years as a teacher as providing the necessary expertise to make these judgments.

**Mr SETTER:** Why did we buy 28 and not any other number?

**Mr ALLEN:** 28 was the number of chairs offered for sale in relation to the price quoted. I did not question the number, which is conservative in relation to the total number of our schools and was, I thought, nevertheless sufficient to properly trial the chairs in a range of situations.

**Mr SETTER:** Why did we purchase the type of chairs that we did? Why did we not purchase a general-purpose chair?

**Mr ALLEN:** I believe, if I may, that I have covered that in my response to the first question.

**Mr SETTER:** Why the urgency in purchasing the wheelchairs?

**Mr ALLEN:** The chairs were available in quantity at what I regarded as a very reasonable price, considering the high quality of the chairs and the wide range of potential uses. When actioning the procurement I was mindful that the financial year was closing and was anxious to conclude the purchase from funds available within the current year.

**Mr SETTER:** Why did you not you follow established procedures?

**Mr ALLEN:** As indicated in our responses to the Auditor-General, who has previously inquired into these matters, our department was in error failing to issue a certificate of exemption prior to arranging the purchase. The error was mine. It was indeed mine alone, and arose from my newness in the position. I was, however, aware that as a deputy secretary my delegation covered the amount involved in the purchase, and as I have previously mentioned in response to question 2, the goods were thoroughly inspected by me, prior to purchase.

The director, facilities and administration, whom I would normally have relied on for technical advice regarding purchase methods, was absent at the time of purchase, and following his return a certificate of exemption, which I am delegated to issue, was formalised. The certificate of exemption was in accordance with the requirements relating to goods of a specialised nature and to those goods available only from a sole supplier.

**Mr SETTER:** What age range of the chairs [inaudible]?

**Mr ALLEN:** The wheelchairs are suitable for primary-age children and for smaller children in the early years of secondary school.

**Mr SETTER:** And what was the reason for the cost of \$49,980 being just under \$50,000, for which the Treasurer's approval would have to be sought?

**Mr ALLEN:** The chairs were purchased at the total quoted price. I did not enquire of the selling company as to why they had arrived at that particular figure.

**Mr SETTER:** You said that you initiated the purchase following discussions with the then Secretary of the department. I take it that was Mr Spring?

**Mr ALLEN:** That is correct.

**Mr SETTER:** And he encouraged you to proceed. Maybe you could enlighten us with regard to those discussions.

**Mr ALLEN:** Yes. I do not, of course, remember the exact date, but Geoff Spring came into my office and advised me that some wheelchairs were available and that I should enquire into them, to follow the matter through, and if everything was suitable to arrange the purchase.

**Mr SETTER:** Was there a need out there in the schools?

**Mr ALLEN:** My experience is that that is certainly the case. Indeed, when I was inspecting the wheelchairs - the like of which I had not, in my significant experience, both professional and personal, seen before - I initially expected that that item which we all regard as a wheelchair to be the item that was for sale, and initially I was sceptical until I saw the wheelchairs themselves. Mr Spring having steered me in the direction of following the matter through with a view to purchase if suitable, I rang the company and I spoke to a person who I believe was a Mr David Sharp, who went to some pains to explain to me the uniqueness of these wheelchairs and to make plain to me what I have since made plain to a number of others - that is, that they were not wheelchairs as generally understood. I said to him, 'Well, that is all very well', or words to that effect, but I would like to see them.

A time was arranged that day or the following day, whatever, and I went as I have stated to Coconut Grove and spoke to a person to whom Mr Sharp had referred me. I watched the assembly, I examined the quality, I noted they were just so totally different to a standard wheelchair that it became apparent to me that their uses were well beyond a standard wheelchair, both in terms of the range of size of students and the range of uses. I have described the range of uses there in terms of moving immobile children, I have described their use with regard to special education and I have described their value in terms of being able to shift children around as an alternative to teachers who are not trained in the special art of lifting, and that is something in which some people are trained - risk of injury etc. - so I saw their value there in preventing that.

**Mr BAILEY:** Can we stay on single issues and pursue them a bit further, rather than going boom, boom, boom? Otherwise ...

**Mr SETTER:** I was going to ask Mr Allen a range of questions, and then ...

**Mr BAILEY:** If you want to do that, that is fine.

**Mr SETTER:** Okay, that is the way I am proceeding. We can come back to these matters. The next question I wanted to ask you was, you have already accepted responsibility for not seeking the certificate of exemption, and you state that upon the return of the director, facilities and administration, who happened to be absent at the time, a certificate was issued shortly after.

**Mr ALLEN:** Yes.

**Mr SETTER:** Have you any idea how long that took?

**Mr ALLEN:** You are testing my memory, but with the best of intent I would have to say it was a day or so after.

**Ms MOLLAH:** Could you perhaps tell us, was that the certificate of exemption?

**Mr ALLEN:** Yes, I believe that is the certificate of exemption.

**Mr SETTER:** What is the date on that?

**Mr ALLEN:** 2 July 1992. The document is headed, 'To director, facilities'. It is from me as deputy secretary, corporate services, and it is regarding the purchase of wheelchairs. It says: 'As per my memo of 18 June regarding the purchase of wheelchairs from Modular Medical Products, a certificate of exemption is approved'. And I have a delegation to approve certificates of exemption.

**Mr SETTER:** In your response to the final question from the secretary, which is, 'What was the reason for the cost of \$49 980?', you said that the chairs were purchased at the quoted price.

**Mr ALLEN:** Yes.

**Mr SETTER:** I do not quite understand, considering that you have said that you did not know how many chairs you were getting for the quoted price, how the quote was achieved. From reading your document, I suspect that what you said is: 'Look, I've got \$50 000 here in my little bikkie barrel, and I can buy up to \$50 000 worth of chairs'. Is it true, then, that you said to these people: 'I want to buy some wheelchairs. I've got about \$50 000. How many chairs can I get?'

**Mr ALLEN:** No, I could see that that is 1 way it could have been approached, but that in fact is not the case. In my discussions with Mr Sharp it was he who, to the best of my recollection, raised the number of wheelchairs and the quoted price, and I indeed saw them then, and have seen them ever since, as a package deal - a significant number of chairs for what I regarded then, and still regard, as a reasonable price.

**Mr SETTER:** So are you saying that he said: 'I've got 28 chairs in stock and I'm prepared to do a deal'.

**Mr ALLEN:** The exact words, of course, are well gone, but that is clearly the context in which I recollect it.

**Mr SETTER:** 'I've got 28 chairs, you can have them for \$49 980'?

**Mr ALLEN:** It was not a situation where we were bargaining backwards and forwards. It was more an offer made for a number of chairs at a particular price, and I saw that as quite a reasonable number of chairs for the price quoted. Then, having heard Mr Sharp's praise of his chairs, as I have stated, I went out to the Coconut Grove premises and had a good look for myself.

**Mr BAILEY:** While you may not have been clearly aware of the procedures for issuing an exemption, you stated that you were aware that you had the delegation up to \$50 000.

**Mr ALLEN:** Yes.

**Mr BAILEY:** Did you ever question in your own mind the coincidence, in relation to the number of wheelchairs and the cost, that in fact one more wheelchair or \$1 more for each of those 28 wheelchairs would have taken you past your delegation?

**Mr ALLEN:** No, indeed I did not question that. Whether I was a victim of my own enthusiasm or whatever, I do not know, but I did not question that. They were a significant number of chairs at a reasonable price per chair, given the quality of the chairs. I was fairly powerfully motivated personally in areas of 'special ed'. Perhaps, with hindsight, I should have been a better accountant, as compared to having a desire to do something educationally. I daresay, X years later and experienced in the position - I mean, you question that, but I did not question that at the time.

**Mr BAILEY:** I gather you were aware that at \$50 000, the delegation goes with actually having to go to the Treasurer ...

**Mr ALLEN:** I am aware of those processes.

**Mr BAILEY:** ... to explain. Therefore I would have thought that you may have had in your mind as well that while your delegation went up to \$50 000, the need for scrutiny of procedure would become more and more critical as you approached that. In other words, if you were buying something for, say, just over \$10 000, it is right at the bottom end of your being able to delegate. The level of procedure put in place for that, and one that is getting within \$20 of actually having to go to the Treasurer for approval ... Are you trying to suggest to us that at no stage did you think twice about the amount of money that you were spending and the need to document the decision-making process you were going through?

**Mr ALLEN:** No. I understand what you say. Indeed, I agree with the concept that the nearer you go to the edge of any guideline, there would be a need for greater scrutiny. I believe my scrutiny was well and truly expressed in the thoroughness with which I personally examined the wheelchairs, examined the

assembly method, examined the quality etc. Indeed, you have asked within that a question of - I just need to recall your question there - but it certainly did not occur to me to go to the Treasurer or follow those processes through, even though it was in my delegation but only just within. I saw it was within my delegation, the wheelchairs were wheelchairs of quality, educationally I was confident of the need and the desirability of that particular product, and I pursued - albeit perhaps too single-mindedly - that objective.

**Mr BAILEY:** You are a public servant of long standing.

**Mr ALLEN:** Correct.

**Mr BAILEY:** And you worked also in a ministerial office. I am sure you would be generally aware of the accountability that public servants need in this day and age.

**Mr ALLEN:** Yes.

**Mr BAILEY:** You were aware that there was a delegation to exempt you from going through the Tender Board.

**Mr ALLEN:** Yes.

**Mr BAILEY:** Were you aware that there had to be some justification - not just that you had the power to do that, but you had to be able to justify why you did that?

**Mr ALLEN:** I am aware, certainly, of accountability in this day and age. Although I am perhaps more recently a public servant, as distinct from a teacher, the notion of justification and accountability is not a foreign notion to me. I saw the general accountability and justification as being expressed by the personal attention I gave to the quality of the wheelchairs. Certainly, from my experience in schools and my experience in fielding questions and requests to the minister's office, my experience as a superintendent, indeed my experience as a council member of special schools - where I indeed made the sort of requests that I now field - I felt that I had clearly examined very closely my own thoughts and actions. That is not to suggest that that was a formal process, but I would argue that it was quite an internal questioning process at the time.

**Mr BAILEY:** You are talking basically about \$50 000 worth of taxpayers' money.

**Mr ALLEN:** Yes.

**Mr BAILEY:** We will forget about the rationale for why you wanted wheelchairs, just for the moment. In purchasing these, you went to Modular Medical and you looked at them and you believed they were a good product.

**Mr ALLEN:** Yes.

**Mr BAILEY:** You believed that they were a good price.

**Mr ALLEN:** Yes.

**Mr BAILEY:** Did you compare either the product or price of other wheelchairs? What documentation did you create in the process of your decision-making? In other words, did you ring a number of other wheelchair manufacturers? Did you get prices for wheelchairs or pushchairs from other manufacturers? What did you commit to writing to say, at the end of your decision-making to purchase these 28 wheelchairs, what was the procedure you had gone through - saying these are the ones we should buy, because you had rejected these others, without a formal tender process because of the urgency to get it done? What was committed to writing?

**Mr ALLEN:** I did not seek other formal quotes. It was within my knowledge, certainly, having seen the wheelchairs, that they were - I can use that hackneyed word - 'unique'. I certainly believed them to be unique. They were available in the Northern Territory - that is, from a local supplier - they were, to my knowledge at the time and still, the only supplier of that particular type of wheelchair in the Northern Territory, and they were generally within the ballpark of wheelchairs as such. Indeed, they were of a higher quality than most I have seen. In terms of committing this process to writing - no, I did not.

**Mr EDE:** You spoke about your experience in special education, your experience with special schools, as your background in this regard. You spoke about the thorough examination that you gave to these wheelchairs and to the method of construction and price relevance. Could you advise us of how many wheelchairs you previously purchased in your career.

**Mr ALLEN:** I have not purchased any wheelchairs previously - not personally.

**Mr EDE:** But have you been through other wheelchair factories, so that the knowledge you gained about how well these were manufactured and how well they were put together, the expertise at that range, that you had something to compare with?

**Mr ALLEN:** I have seen wheelchairs on a daily basis, the conventional type. I have seen ...

**Mr EDE:** I mean in terms of manufacture. You were saying that you went out to the factory and you saw the way that they were put together etc. Have you seen that with others, so that you were able to draw those comparisons?

**Mr ALLEN:** No, I have not. But indeed, that is a judgment call where you look at the quality and you look at the strength of manufacture and you satisfy yourself, given experience, that it is a valid purchase in correctly ...

**Mr EDE:** You have experience in other manufacture?

**Mr ALLEN:** No, but I have seen wheelchairs in use, in schools including special schools, on a daily basis. I have seen the tasks which are for the arduous use of wheelchairs and I was well satisfied that these wheelchairs were of a quality that would survive the arduous life that wheelchairs have.

**Mr EDE:** Did you believe you had the expertise to make that judgment?

**Mr ALLEN:** Yes, I do.

**Mr EDE:** In which way? I am sorry if you have not been able to ...

**Mr ALLEN:** I take the view that I have covered that, but I am happy to return ...

**Mr EDE:** No, you have stated that you have no experience in manufacture, you have not seen the manufacture of another one, you have not seen the assembly of another one, and yet you are able to judge that these particular ones, because of your examination of the way in which they were put together and the manufacturing process, were a superior product.

**Mr ALLEN:** Yes, I am saying that. Indeed we all, with respect, buy cars or other products every day of which we have no experience in the manufacture. But we examine them to more or less degree and we make our judgments and are accountable for them personally or professionally accordingly. I made such judgment with respect to these wheelchairs, probably much more thoroughly than I have made with any car I have purchased - and I certainly do not mean that flippantly. I believe I gave it thorough judgment. My following of the procedures was obviously awry. My judgment with respect to the quality of wheelchairs I will hold to forever, I believe.

**Mr SETTER:** Are you saying that your experience is based on the work that you have done in special education with disabled students and so on over the years, and that you have been able to form an opinion about the quality of various types of wheelchairs as a result of your experience observing them in - I use the word advisedly - the workplace?

**Mr ALLEN:** Yes, I am saying that. My special ed. experience goes back to 1973, when the Victorian Education Department awarded me a full-time scholarship to study special ed. at Melbourne University. I was one of 4 successful applicants. I do not want to mislead you by saying that I then completed that study - indeed, I came to the Northern Territory instead. But in a very competitive environment my expertise was identified around 20 years before this purchase.

**Mr BURKE:** You said that you were alerted to the availability of these wheelchairs by the Secretary of the department.

**Mr ALLEN:** That is correct - Mr Geoff Spring, Secretary at that time.

**Mr BURKE:** And his delegation in these matters was \$50 000?

**Mr ALLEN:** To be honest, I am not immediately clear of Mr Spring's delegation at the time.

**Mr BURKE:** Looking at the documentation, I gather it is the same, \$50 000. So, did he alert you to the number of chairs that were available?

**Mr ALLEN:** Honestly, I do not recall that.

**Mr BURKE:** Was there any discussion about the level of the purchase, or what numbers of chairs were needed?

**Mr ALLEN:** No. Mr Spring told me that there were wheelchairs available, and that I should look into it. I took that to mean to follow my judgment and carry through the process.

**Mr BAILEY:** To follow on from your expertise, and I think it is an important area, first of all, in your time in special ed., how many of the Modular Medical wheelchairs had you come across?

**Mr ALLEN:** Well, I have to say none. I believe they were not available prior to around the date that they came to my attention. When I was at Ludmilla Special School in 1984 and later when I went to Humpty Doo, I remained on the school council at that special unit, elected by the parents, and this type of product did not come to notice. I had special education-type children as a broad classification and wheelchair-borne children at Humpty Doo. Again, these chairs were not - no advertising material came to the school, and indeed, when I had a role in opening a special school in Katherine during my time there, these products were not known to be available.

**Mr BAILEY:** So your expertise in special ed. and wheelchairs covered none in relation to these wheelchairs, prior to your having a look at the local factory.

**Mr ALLEN:** I would say that I had years of experience, sometimes on a daily basis, seeing and dealing with students in wheelchairs. Until I went to the factory on that day, I had not seen this type of wheelchair.

**Mr BAILEY:** ...So when you were talking about the issues to do with wheelchairs on a daily basis, are you talking about the design features, or the quality of manufacture and the reliability?

**Mr ALLEN:** I would have been talking about all of those factors, and had all of those things in mind.

**Mr BAILEY:** So when you looked at the wheelchairs, you could see aspects of them that made them better than other wheelchairs you had seen, in both the design and, you were saying, quality of manufacture?

**Mr ALLEN:** Yes.

**Mr BAILEY:** Could you explain what some of those were?

**Mr ALLEN:** I saw the structure as being more rugged than your standard wheelchair.

**Mr BAILEY:** Can I ask what evidence you had for that?

**Mr ALLEN:** Well, I looked at the quality of welding, sat on them. I mean, when I say I looked at them I do not mean that in the sense of standing back and looking at them. We are talking about a hands-on looking-at where I looked at the way the wheels were attached. While I am not a welder per se, I looked at the quality of the welds, I looked to see if they were fully welded or spot-welded etc., etc. That is the type of detail with which they were examined, and certainly I was well satisfied with the quality of them, particularly with regard to their ruggedness.

With regard to their design, I saw that for some special students they may indeed not be appropriate. They would be those students who required special support with regard to seating. But in terms of their general applicability across the school system, I saw the number as reasonable and the chairs as having a broad-ranging applicability, including special ed. and of course including general schools.

**Mr BAILEY:** Were you aware that they were supposed to have an insert made individually for each student who would use them?

**Mr ALLEN:** No, I am not sure what you mean by an insert.

**Mr BAILEY:** It is my understanding from talking to the SEAT unit at the hospital that in fact these are custom chairs that are basically set up for individual clients. While you can adjust the block work within them, there needs then to be, supposedly, a cover that is made before students can use them on a regular basis.

**Mr ALLEN:** No, I know what you mean and I am aware of what a SEAT clinic is - it is an acronym. The wheelchairs come as a wheelchair or as a pushchair, as do normal, standard, conventional wheelchairs. The adaptation, through a customised plastic foam moulding, is something that is specific to each student, and specific indeed to those students at various stages of growth and development and at various stages of their rehabilitation - or, sadly, the opposite of rehabilitation. For example, a young child with spina bifida will have physical abnormalities, postural problems, and will sit in a certain way. That way that they sit is likely to make those postural problems worse rather than better. A SEAT clinic, as run at the hospital - and indeed, over time experts have come from other states to conduct these clinics in special schools - examines and measures the child and then customises the insert in the chair to a particular child with respect to their particular special needs or conditions at that point in time. And of course the seating needs to be revised. They are inserts. Now I did not see, and would not have expected to see, inserts available for those particular pushchairs. Indeed, I would not expect to see them available for any wheelchair, given my brief description of what SEATing is about.

**Mr SETTER:** Could you tell us the use to which you believe these chairs would be put in the schools? In other words, what type of students would use them?

**Mr ALLEN:** I have mentioned that in my statement, but again, I saw them as being useful for some special education students, for students who were ill, who were not able to be easily moved about the school, or who for periods of time at the school needed to be wheeled around as an access thing.

**Mr SETTER:** Then is it true that they were purchased with the intention that they be used by students who have a temporary disability - for example, they may have broken their leg or sprained their ankle - as opposed to a person who has a permanent disability such as spina bifida, where they are totally confined to a wheelchair? In the latter case those people would have their own wheelchairs custom-designed to suit them, as opposed to having a wheelchair on site at the school in case a student has a temporary disability and needs to be wheeled around for a few days.

**Mr ALLEN:** I saw them being useful in all cases that you described. However, there would be some special education students whom they may not necessarily suit. Indeed, in spite of my own expertise, that would be a decision for people with more specialised expertise in the seating of special education students.

**Mr SETTER:** Is it true that people with those special disabilities - you mentioned spina bifida, and I use that just as an example, there are a range of others - would normally attend school with their own custom-designed chair, and whatever top?

**Mr ALLEN:** Yes, unfortunately custom-designed chairs are in demand. In my experience of special ed., one never has everything one wants on the day one needs it. Indeed, I can remember children at Ludmilla Special School waiting months or as long as a year until the seat in their wheelchair was revised or initially constructed. These particular wheelchairs would have been useful as, perhaps, a standard wheelchair, during that time.

**Mr EDE:** Could I ask at this stage that No. 6 in the papers that were circulated to us be tabled for the benefit of evidence, and a copy be provided to Mr Allen?

**Mr SETTER:** Yes you may. I table paper No 6, which is a summary of responses received from a number of schools as a result of a letter that was sent to them by our secretary. The letter requested an appraisal of the suitability and usage of the chairs in their possession.

**Mr EDE:** Mr Allen, you stated that from your long experience in the area and the large numbers of requests that you had received for wheelchairs, presumably of this type, it was your judgment that this was the one to use. I wish to take you to the attachment that has been handed to you in regards to those schools that were sent these chairs and particularly to question No. 2: Did they request the chair? If you have a look at those, you will see Sanderson High School saying they were not aware

of a request, Alice Springs High School ditto, Darwin High School said no request, Clive Fenton School said there was no request, Tennant Creek Primary School said there was no request, Taminmin High School said yes, but they received a disability wheelchair - not one that was suitable for their students. Millner Primary School said they did not make a request, Moulden Park School said they did not make a request.

Also, if you look further through there, you will see that these schools generally state that the chair as supplied was unsuitable. Its level of usage is sporadic, or none at all, or very occasional. The highest level of usage is probably at Moulden Park School, which says it was used occasionally 2 years ago, when they had a disabled child enrolled. It is unstable, it is not adjustable for larger children and is of little use. Would you agree now, on the basis of this, that the schools that did reply found that it was of very little use to them, and in fact, while they may have wanted a generalist wheelchair, this particular model with which you supplied them was to all intents and purposes useless?

**Mr ALLEN:** No, I am not able to agree with that. Any school will obviously make their judgment on the specific students whom they have, or do not have, at the particular time this question is asked. I made a judgment of a general nature and I saw those chairs, as I have said, as being superior to standard wheelchairs in terms of their broad-spread applicability. In my quick reading of these attachments I see that not all schools were asked.

**Mr BAILEY:** All schools were asked. Not all have replied yet.

**Mr ALLEN:** Thank you for that clarification. I am particularly aware of a request from Braitling School, which I do not see mentioned. Hence my question.

**Mr EDE:** But I understand Braitling requested a generalist.

**Mr ALLEN:** They requested a wheelchair. They may not have been - indeed, I suspect would not have been - aware of this particular type of wheelchair, which I saw as being superior, as I have said, for the range of general applications as compared to the standard wheelchair.

**Mr EDE:** The advice that I have received is that this chair is not superior for generalist use. It is high off the ground, it is unstable, and on that basis is inferior to the ordinary wheelchair for generalist use on occasions when somebody breaks a leg or something like that.

**Mr ALLEN:** You have advice, which I respect, and I have my view, which I guess is my advice to me and to others. I do not see that wheelchair as being unstable. Indeed, I see it as a much better wheelchair, particularly for the person providing care and support. I am not sure of the wheelchair-pushing experience available within this committee, but think if you will for a moment of your standard wheelchair and imagine yourself pushing that over a distance. The effect on your back is going to be fairly interesting. I saw these particular wheelchairs as being designed to be able to be pushed easily from an appropriate point of leverage and being generally rather more useful than your standard wheelchair.

**Mr BAILEY:** Say an 11 or 12-year-old with a sprained ankle is at his desk and wants to be able to move slightly. He has to request someone to come behind him and grab the handles, whereas with a normal wheelchair he just puts his hands down and pushes the wheels slightly back or slightly forward. With this one you cannot do that. Every time he wants to move an inch closer to his desk or an inch further away, he has to get a student or the teacher to help. I would have thought one of the big areas of clientele, especially when you put them into a large number of high schools, would be those who tripped on the stairs or tripped out on the playing field and suffered some sort of leg injury. You are saying, then, that the only way such a person can move is to have someone else to push them, and that you felt that was a better wheelchair than a standard rolling one?

**Mr ALLEN:** No. I certainly understand the point that you are making. However, in my judgment with regard to the ruggedness, the adaptability, the durability of these wheelchairs and applicability in a broader range of situations, I believed these wheelchairs were unique and worthy of purchase.

**Mr EDE:** And cost?

**Mr ALLEN:** Oh, certainly. I saw them in the ballpark as the overall cost of wheelchairs.

**Mr BAILEY:** In Hansard from the sittings of 13 to 22 August 1991, in an answer to a question in relation to moneys paid to Modular Medical, there are a number of items including supply and delivery of wheelchairs: 6 padded, folding wheelchairs \$445 each, 18 non-padded, folding wheelchairs \$445 each. Are you suggesting that a figure of about \$450 is in the same ballpark as \$2000?

**Mr ALLEN:** No, indeed I am not. But you are also talking about a different type of wheelchair and in my judgment a range of quality, as I have said.

**Mr BAILEY:** So you are suggesting these other wheelchairs are not of the same quality?

**Mr ALLEN:** I was well satisfied with the ruggedness, the longevity of the wheelchairs I saw in the Coconut Grove premises of the supplier, and I relied on that judgment.

**Mr BAILEY:** On one hand you are saying these wheelchairs are totally unique and there is nothing to compare them with, and on the other you are saying they were in the ballpark of the price of similar wheelchairs. Can you explain to us which other wheelchairs are in the \$2000 ballpark range that you compared them with?

**Mr ALLEN:** There is indeed no similar wheelchair. They are, I have said, unique. I saw them as being, as I have said, more durable, more rugged, a higher standard of construction, more suitable in a wider range of circumstances.

**Mr EDE:** But 4 times as expensive.

**Mr ALLEN:** If they were more than 4 times as expensive as some wheelchairs, I saw these wheelchairs as being of value within themselves for the nature of the product.

**Mr BAILEY:** So in fact you made no comparison with prices of other wheelchairs, or you had no understanding of prices of other wheelchairs? You only compared these on what you believed was their normal price, and a discounted price at which they were offered?

**Mr ALLEN:** I did not make formal comparisons with other wheelchairs at the time, as I saw this product as being superior in my experience to the general product and, as I have said, the potential range of applications across our school system ...

**Mr BAILEY:** Have you ever seen a document like this?

**Mr ALLEN:** I certainly do not recollect it, no.

**Mr BAILEY:** Well, on the back of it there are some technical details. Were you ever provided with any technical details, other than your highly skilled observation of the way it was made?

**Mr ALLEN:** I did not access any specifications. I chose to look at the chairs.

**Mr BAILEY:** Were you given any particular maximum loadings?

**Mr ALLEN:** I do not precisely recall figures being mentioned. Certainly I enquired into the range of applicabilities of students in terms of age - age is a bit loose, size of course is more useful - but I did not at any time access precise technical specifications.

**Mr BAILEY:** Could you recollect, from the way these were distributed, your understanding of the size of the child that could be supported safely in this wheelchair?

**Mr ALLEN:** During my conversation with Mr Sharp and on seeing the wheelchairs personally, my view was that they were suitable for primary and perhaps lower secondary, depending on size. I looked at the chairs, and I was satisfied that that would be the case.

**Mr BAILEY:** The specifications state a maximum loading of 25 kg. I doubt whether more than 1 or 2 students in a high school would weigh less than 25 kg.

**Mr ALLEN:** You are correct. I am surprised, having examined the chairs so thoroughly, that that is all their manufacturers - it seems, on the evidence you have there - would be prepared to claim or warrant or whatever. I certainly saw them as rather more rugged than that.

**Mr BAILEY:** When I rang the SEAT clinic in Darwin and asked for information regarding these chairs, I ended up speaking to the man who designed

them. He is no longer working for Modular Medical but now works there. He stated they were a highly specialised wheelchair, designed specifically for small children going through their growth spurts, to be used as a permanent wheelchair that could be adjusted as that child grew. That was the specialist design brief that they had been put together for in the first place. Was that explained to you when you purchased them?

**Mr ALLEN:** Indeed, it was their adjustability that attracted me to them.

**Mr EDE:** Were the other aspects of that statement explained to you?

**Mr ALLEN:** No, not in that detail.

**Mr SETTER:** I wish to make a couple of comments because we have to close this session. First of all, there was some highlighting of comments made by the various schools in this response. I raise the question - on the basis that Mr Allen was questioned at length about his qualifications with regard to purchasing the chairs - of the qualifications of the people who prepared these various responses to comment or assess the chairs in the way that they have done. I suggest to you that they do not have any qualifications at all, other than just their observations of the situation.

**Mr EDE:** Are you questioning, Mr Chairman, or are you passing comment on the ...

**Mr SETTER:** I am passing comment on this document.

**Mr EDE:** It is not a deliberative session at this stage.

**Mr SETTER:** I am passing comment because the matter has been raised regarding comments by these people.

**Mr EDE:** As you pointed out, we are very short of time. We should talk about comments later on. I have another question.

**Mr SETTER:** Could you just close off with your questions now, please.

**Mr BAILEY:** Can I ask one more too?

**Mr SETTER:** You can indeed, but we are running out of time fast.

**Mr EDE:** I would like to bring you back to your statement that a certificate of exemption was issued within, I think, a matter of days of you finding out. I think you identified 2 June 1992 as the date on which you forwarded a certificate of exemption ...

**Mr ALLEN:** It would have been 2 July.

**Mr EDE:** ... 2 July 1992, to the Procurement Review Board. I think we already have among our documents an attachment to paper No. 5 which was tabled in the previous meeting. Mr Chairman, I now seek leave to table another document from the Procurement Review Board in relation to the certificate of exemption.

**Mr SETTER:** Yes, leave granted.

**Mr EDE:** I table a document that is in our papers as paper No 5, agenda item 4.2, dated 3 May 1995. It is a letter from the secretary of the Procurement Review Board on 19 April 1995, addressed to the secretary of the Public Accounts Committee on Procurement Review Board matters. The secretary of the Procurement Review Board states: 'I have searched our files between 7 May 1992 and 17 September 1992 and can find no record of the Department of Education reporting the issue of a COE in relation to the purchase of wheelchairs from Modular Medical Products'. Have you any comment on that? Can you explain how it is that while you provided us with the documentation of a COE from 2 July, the Procurement Review Board states that it has no record of it?

**Mr ALLEN:** I certainly had no knowledge of what you have just tabled. I issued the certificate on that date in the correspondence which I read from earlier, which I think was on 2 July. As far as I was concerned then and indeed, in spite of what you say, as far as I am concerned now, I within my delegation issued a certificate of exemption on that date. If my own staff or people in my own division of the department have not followed the matter through, hopefully they will have learnt from the experience, as have I, with regard to the proper process.

**Mr EDE:** Would you be able to check that when you go back to your department, as to what happened to that certificate of exemption, and provide us with advice regarding it?

**Mr ALLEN:** Yes. I would be grateful for a copy of what has been tabled to facilitate that.

**Mr SETTER:** Okay, if you could respond to us on that matter.

**Mr BAILEY:** In previous evidence we were told by the Secretary that in fact there appeared to be no documentation on file re the purchase of these wheelchairs. You mentioned in your decision to purchase them 'as per memo 18 June'. Can you explain what that memo was about? I gather that it was between the Secretary and yourself. In today's evidence you stated the words 'a memo on 18 June', because I wrote it down. This was when you in your decision - I suspect that you may have been, from your verbal comments ...

**Mr ALLEN:** Yes, I just need to firm in my own mind the base from which you are coming ...

**Mr BAILEY:** The basis I am coming from is that you said you had talked to the Secretary, who had said that there were these wheelchairs. You had then gone out yourself and with your expert opinion decided that they were a fantastic product and you decided to purchase them, and you said 'as per the memo 18 June'. Now, was that just an order note or was that some correspondence? One of my concerns is that in this whole period there appears to be literally no documentation whatsoever to justify a decision - nor has there been since that period, until you were asked to write

**BRIEFING BY DEPARTMENT OF EDUCATION ON AUDITOR-GENERAL'S ANNUAL  
REPORT 1992/93 - 3rd May 1995**

---

this out. Yet on a number of occasions questions were asked in Parliament and replied to by the minister. From my knowledge of the public service, the moment a minister is asked a question the whole department goes: 'Ooh! Let's make sure we have all the documentation - we have an answer to prepare for the minister'. As a person who has worked in a ministerial office, I am sure you are aware of that procedure. First of all, though, the memo of 18 June: You mentioned it today - I guess we might have to wait until Hansard re-records that. Was there any correspondence between you and the Secretary in relation to the decision to buy these wheelchairs?

**Mr ALLEN:** I am certainly not aware of any correspondence between myself and Mr Geoff Spring, the Secretary at that time, regarding the purchase of wheelchairs. I would need to see the memo, which I [inaudible] actually recall referring to, so we will look for Hansard. If there was such a memo, I think it would have been an internal one where I wrote to the director, facilities, or a finance person or something about purchase of the wheelchairs at the price quoted, or words to that effect.

**Mr SETTER:** Did you say you do recall the memo, or you do not?

**Mr ALLEN:** I do not precisely recall the memo because the date escapes me slightly.

**Mr SETTER:** Do you recall mentioning a memo today?

**Mr ALLEN:** No I do not, indeed - not of 18 June.

**Mr BAILEY:** Well I wrote that down specifically in relation to the exemption procedures.

**Mr ALLEN:** Yes.

**Mr BAILEY:** I gather you at least signed an order form.

**Mr ALLEN:** I did receive an invoice and indeed I sought an invoice.

**Mr BAILEY:** Sorry, you received an invoice?

**Mr ALLEN:** Yes.

**Mr BAILEY:** Did you at any stage actually raise an order?

**Mr ALLEN:** I did not personally raise the order, no. I would have passed it to the finance section to raise any orders.

**Mr BAILEY:** So you would have written something to say ...

**Mr ALLEN:** It may well be the memo of the 18th, that seems elusive at the moment.

**Mr BAILEY:** Would you normally, when you write a memo to order something like that, which I gather you had the delegation to do, attach some sort of documentation beyond just saying: 'Buy 28 wheelchairs for \$48 000 from Modular Medical'? Do you normally do some documentation that backs up a purchase?

**Mr ALLEN:** Yes, indeed there is normally some documentation. But when you say do I normally, indeed I do not normally do any of these things at all. They are done by people within my division and not necessarily even by Mr Higgins, but by people somewhat down the system from himself in a process that he supervises. The error on my part was to accept the personal follow-through of these matters [inaudible], probably borne from some enthusiasm, as I have described, when on reflection I should have passed it to the purchasing officer, who has the daily expertise in carriage of these matters, rather than dealing with it personally.

**Mr BAILEY:** Looking back, were you in any position to initiate this action if it had not been raised by the Secretary to you in the first place? In other words, were you contemplating purchasing wheelchairs in any shape or form prior to the Secretary saying: 'Peter, I believe that there are these wheelchairs at Modular Medical that are available for sale'?

**Mr ALLEN:** You have summed it up precisely. I did not have a plan in my mind to go and purchase wheelchairs. It arose from the discussion that you described.

**Mr BAILEY:** Did the Secretary indicate how he knew that these wheelchairs were available?

**Mr ALLEN:** No, he did not.

**Mr BAILEY:** He did not indicate whether it was the minister or Modular Medical who had contacted him?

**Mr ALLEN:** No, he did not.

**Mr BAILEY:** Were you aware that Modular Medical was a company with significant taxpayers' funds in the company at that time?

**Mr ALLEN:** I was in the minister's office as a staff member and thus heard general comment around the traps, so to speak, with regard to Modular Medical Products.

**Mr BAILEY:** By June 1992, there had been many questions about Modular Medical Products raised both within the parliament and within the media, related to concerns about the financial arrangements between the NT Government and that company.

**Mr ALLEN:** I do not recall any precise questions. I certainly am aware of discussion and then questioning by the opposition in the Assembly.

**Mr BAILEY:** Prior to June 1992, when you purchased these wheelchairs?

**Mr ALLEN:** I do not recall accurately the timing, but I have a general recollection that that was the case, yes.

**Mr BAILEY:** Did you have any knowledge, prior to the purchase of the wheelchairs or during the purchase, that Modular Medical Products had any sort of financial problems at the time of the purchase of the wheelchairs?

**Mr ALLEN:** No I was not aware of them having financial problems.

**Mr BAILEY:** Did you at any stage consider it strange that this company happened to have 28 wheelchairs that the Secretary had been made aware of, that were being offered to you as a job-lot?

**Mr ALLEN:** Mr Spring put it to me in the manner in which you described. I do not question instructions, whether given to me as direct instructions or indeed just requests. A word being as good as a command, I did not question Mr Spring. Nor would I question Mr Fong tomorrow if he asked me to do something.

**Mr SETTER:** Mr Bailey ...

**Mr BAILEY:** This is crucial. Can I just finish this?

**Mr SETTER:** I am the chairman, and I am asking you could you please conclude your questions as soon as possible. Somebody else has been waiting now for almost 15 minutes. I intend to close this off at 10.30. Mr Burke wants to ask a question, and so do I.

**Mr BAILEY:** Can you just clarify, then, whether you perceived the request from the Secretary to be largely a directive that you had to be happy with, or was it just a suggestion that you then pursued to an end? You have said that if you got a similar request or direction from this Secretary, you would do the same thing. I am trying to clarify whether in fact you looked at them, felt the directive from the Secretary to purchase these wheelchairs seemed reasonable, and you went ahead with it. Or was it just purely a passing comment he made that there may be some wheelchairs available, that you might just like to look into and if it seemed reasonable, go for it.

**Mr ALLEN:** Mr Spring, as the CEO of the department ... Indeed, a suggestion from one's boss can be interpreted as a command or whatever, and it falls to a matter of interpretation. Certainly, Mr Spring gave me no direct, formal instruction, he certainly did not give me a written instruction in the form of a minute or whatever, and he did not look me straight in the eye and say: 'Peter, go now and do this'. So I did not see it as a formal instruction. I have expressed it earlier in this forum that he asked me to look into it and if suitable, proceed, or words to that effect. And I looked into it as I have described here. If you are seeking a definition of the context in which I felt I was being asked to do something, I saw it as a clear request, if you are chasing a matter of definition.

**Mr BAILEY:** Are you aware of the department ever purchasing wheelchairs in the past?

**Mr ALLEN:** No. Indeed, I would not have been in a position to be aware of the mechanism of the purchase. I may well have been a client in my special ed. or superintendent role, but they arrived in that role.

**Mr BURKE:** Notwithstanding your judgment at the time - and you said you have learned a lot from this experience - would you, based on the evidence presented, particularly the manufacturer's specifications, accept the fact that the wheelchair purchased has limited applicability in terms of the intent in which it was purchased? I refer primarily to the fact that it is suitable for persons up to but not exceeding 25 kg.

**Mr ALLEN:** I do not immediately see it as a bad decision. I openly and realistically see it as a badly managed decision on my part. I would want to do my own research, too, and have some discussion. Were it indeed a bad decision, there is certainly cause to reflect on that, but I do not immediately see it as a bad decision. I have seen the wheelchairs since this date. I understand they are marketed overseas, to what effect I do not know, but there seems to be a continuing demand. Certainly, I would not be prepared to say right now that it was a bad decision.

**Mr BURKE:** I am simply referring to the fact that the wheelchairs were distributed to a wide range of schools, including high schools. They were purchased for a generalist nature and they are limited by weight to small, primary-age students. So would you accept in that instance alone that they have limited applicability?

**Mr ALLEN:** I am surprised by the specification of 25 kilos. If that was to be the case I would have to accept that as a fact. But there are only 28 wheelchairs and somewhat more schools. Redistribution has been, and remains, an option.

**Mr SETTER:** I will close with this question. Our secretary, Ms Mollah, wrote to the Secretary of the Department of Education on 19 April 1995 with a series of questions. Question No. 5 says: 'Confirm whether the department prepared written ministerial briefings to the Minister for Education referring to the wheelchairs developed by Modular Medical Products and the purchase and distribution of the wheelchairs to schools'. Mr Fong in his response of 24 April says: 'The department did not prepare written ministerial briefings to the Minister for Education referring to the wheelchairs developed by Modular Medical Products and the purchase and distribution of the wheelchairs to schools'. Can you confirm that that is in fact the case?

**Mr ALLEN:** Yes, that is certainly my understanding.

**Mr SETTER:** Thank you. Then I will close this session. Thank you very much, Peter Allen, for coming in this morning.

**Mr ALLEN:** Thank you.

TO: SECRETARY  
NORTHERN TERRITORY SUPPLY AND TENDER BOARD

DEPARTMENT OF .....

**CERTIFICATE OF EXEMPTION FROM PUBLIC QUOTATIONS ISSUED  
BY ACCOUNTABLE OFFICER OR HIS DELEGATE**

REFERENCE NO. :

DESCRIPTION OF SUPPLIES :

VALUE OF SUPPLIES :

DATE OF ISSUE OF  
CERTIFICATE :

CONTRACTOR :

(Also list name(s) of other firms approached. Where firms are located outside the Territory a statement should be included that Board approval to approach Interstate Suppliers has been obtained)

REASONS FOR CERTIFICATE  
OF EXEMPTION :

ACCOUNTABLE OFFICER

.....

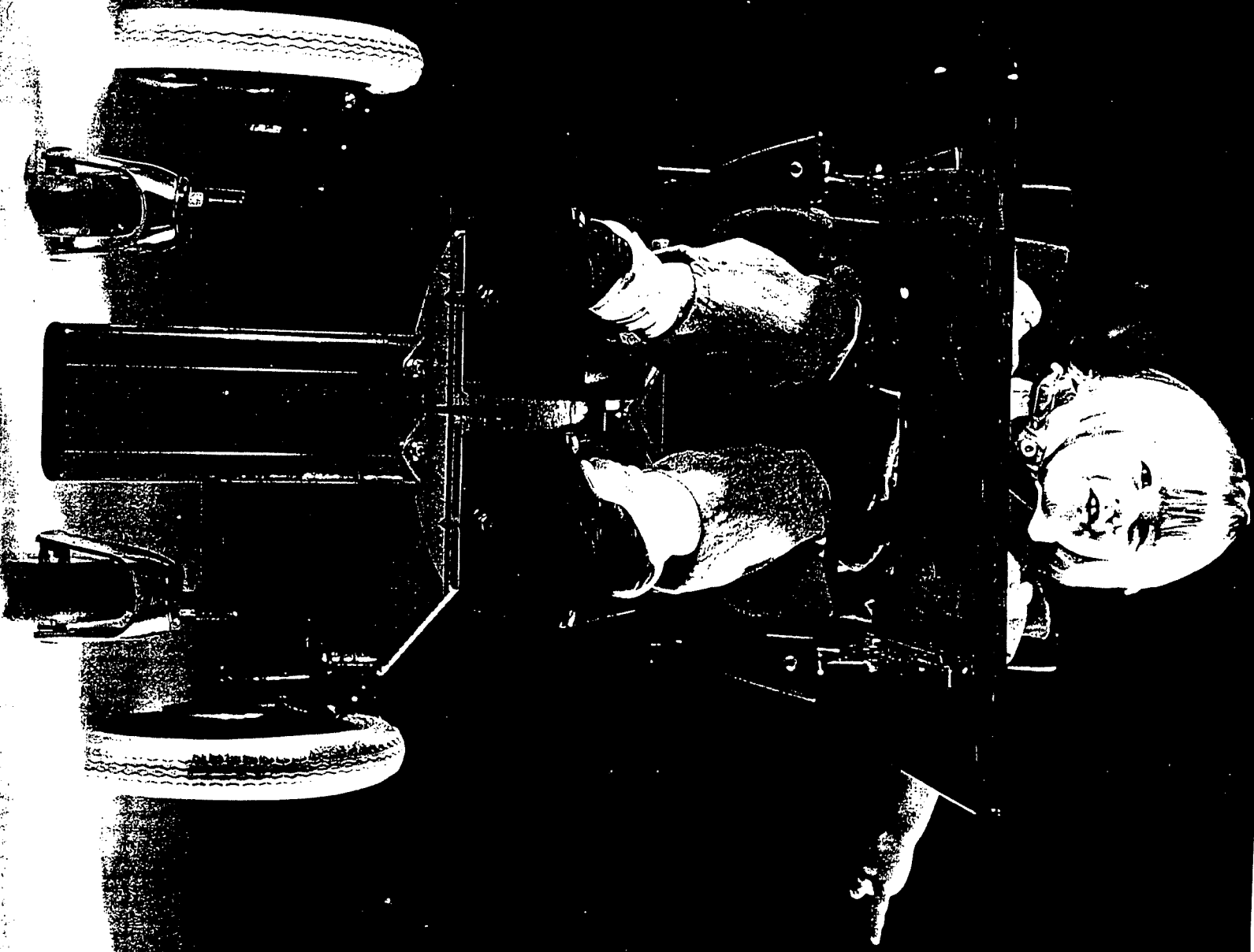
SHELL4  
DEPTXEMPT

# MAR

## SYSTEM ONE

Published at Meeting  
Paper No: 21  
Date: 6.4.95

**APPENDIX I**



**It grows, it changes, it lasts.**

# No, this is not just another wheelchair.

**With so many wheelchair designs for children in existence, why would a small, young company dare to challenge the market and introduce a significant advancement in customised seating?**

Why? Because a group of Health Professionals recognised after extensive research and evaluation, that there were gaps, crucial needs not being met for children requiring seating, their carers, and even the technicians who seat them in the first place.

They realised that there was very little on offer for the moderately to severely disabled child in the way of a chair that would **grow with them right through from two to thirteen years of age**, and accommodate their changing needs.

The needs for improved postural support and comfort, greater adaptability, optimum function, extensive adjustment capabilities, lightweight ease of handling, and importantly, value-for-money were investigated.

MODULAR MEDICAL PRODUCTS responded with a complete seating system which provides features and advantages not previously available in any other single system ... the unique *MMP System One*.

## IT GROWS

**As the child grows, and the disabilities change, the *MMP System One* grows and adjusts in length and height as required, with a segmented seating system.** Seating inserts can be replaced, making costly periodic wheelchair replacement unnecessary. The initial seating and future modification is fast and easy, enabling people without specialist technical skills to seat a child adequately. **For the first time technicians can now provide individualised supportive seating in 3 hours!**

## IT CHANGES

**Being fully adjustable, *MMP System One* enables customised seating for children with a wide range of disabilities, including those not previously able to be seated.**

The modular frame body support system assembles and dismantles with one connecting point.

Both the recline and the tilt angle easily adjust, and its Tilt-in-Space capability maintains the child's posture while being tilted into a resting position.

There is a three way adjustment for the head and footrests - even the tray can be changed in height, angle and distance from the occupant.

The seatbelts and handlebar can be altered as desired, and *MMP System One* easily dismantles into three lightweight sections for transport in a small car - that's customised seating at its best!

## IT LASTS

**The aim of the *MMP System One* is to provide individual posture support seating and optimum function for the child and caregiver without costly replacement every few years.**

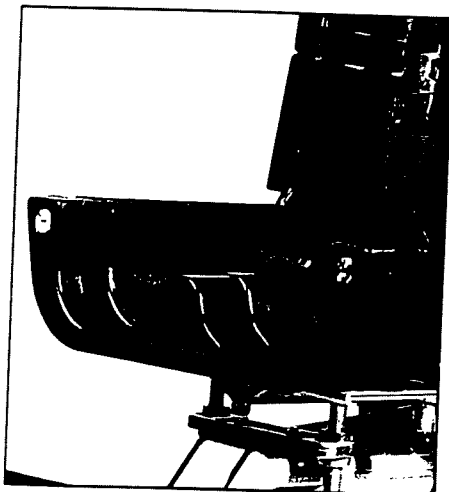
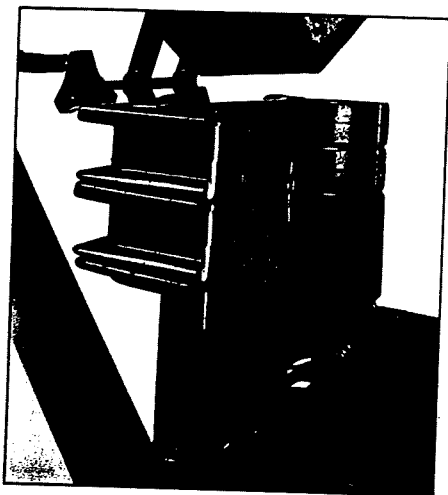
The frame is durable non-rust aluminium and the segmented seating sections are strong and washable polyurethane. Every component is of utmost quality and tested professionally for safety and strength.

## IT COMES COMPLETE

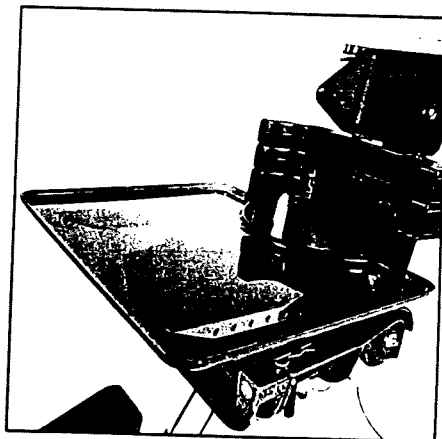
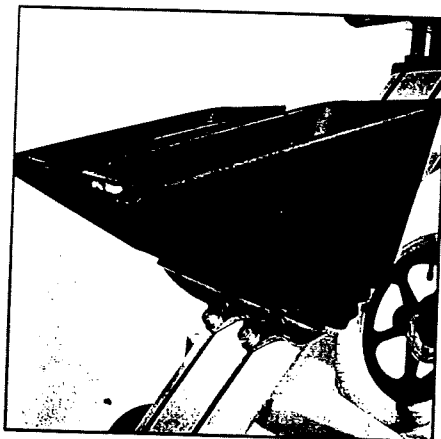
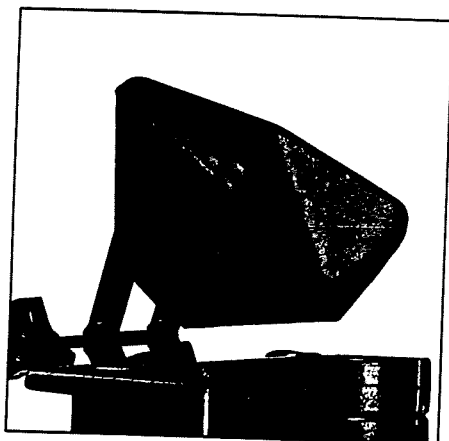
**MODULAR MEDICAL PRODUCTS do not believe that standard components should be costly "optional extras". *MMP System One* is a complete system, designed for an economical, extended life. Additionally:- Individual seat insert is to be tailor made to suit individuals by your health professional.**

# A UNIQUE REMOUNTED SEATING SYSTEM

- Grows in height and length with 50mm segments
- Removable leg divider support sections
- Adjustable 130cm along the frame
- Lightweight, durable, washable polyurethane provides a firm surface for a range of customised and replaceable foam-in-place inserts.
- Customised, individual posture supportive seating

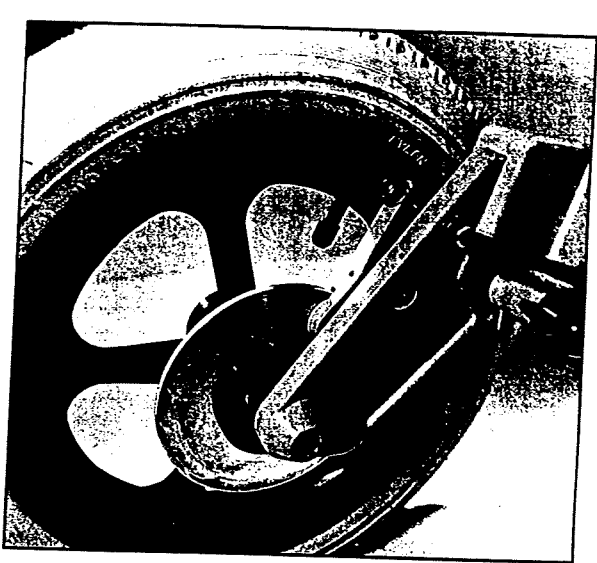
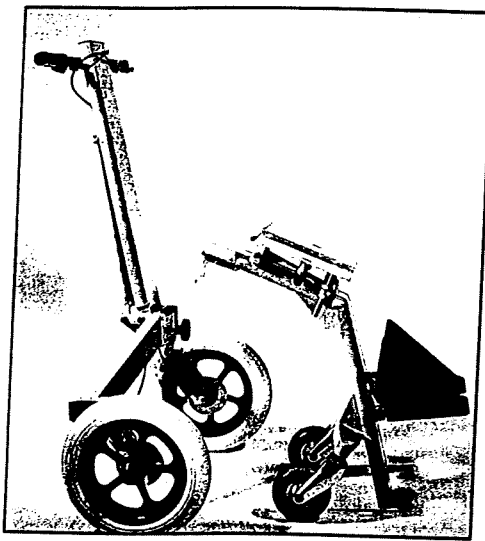


## ADJUSTABLE SEATING THE WAY YOU WANT IT



- Fully adjustable 3 ways
- Easily connects to backrest
- Folds back, rotates, raises and lowers, adjusts forward and back, moves sideways from centre line
- Soft feel - can be adjusted in shape
- Operated by simple easily handled knob
- Fully adjustable in angle, width, height and along entire surface of front frame (39cm)
- Provision for ankle straps
- Adjusts in height, angle and distance from body
- Provision for communication board
- Tinted perspex, can see-through for leg positioning
- Generous work surface
- Shaped body recess, raised lip
- Returns to set position on installation
- Quick, simple removal

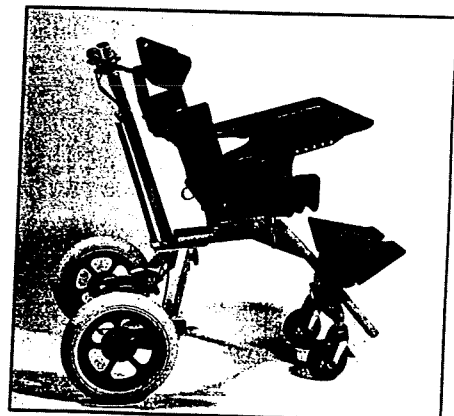
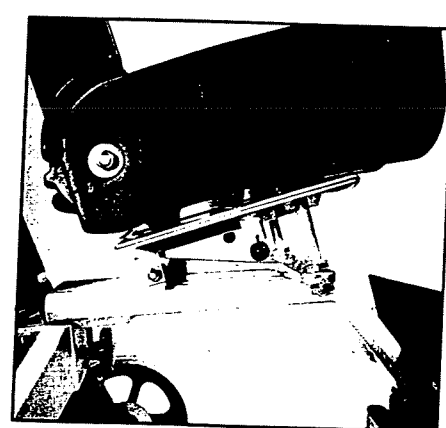
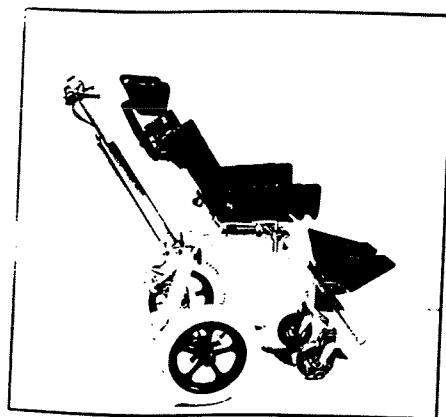
# ADJUSTABLE SEAT



- Unique central spine system
- Step through 'y' frame at back for operator clearance
- Backrest adjusts in angle (40°)
- Custom designed lightweight, robust aluminium
- Dismantles into 2 parts for storage and transport
- Easily operated 12° recline system

- Graduated braking
- Fingertip control
- Convenient high level control
- Simple and effective parking system
- Easily adjustable
- Interchangeable disc pads
- Cannot be accidentally applied by occupant

# ADJUSTABLE SEAT



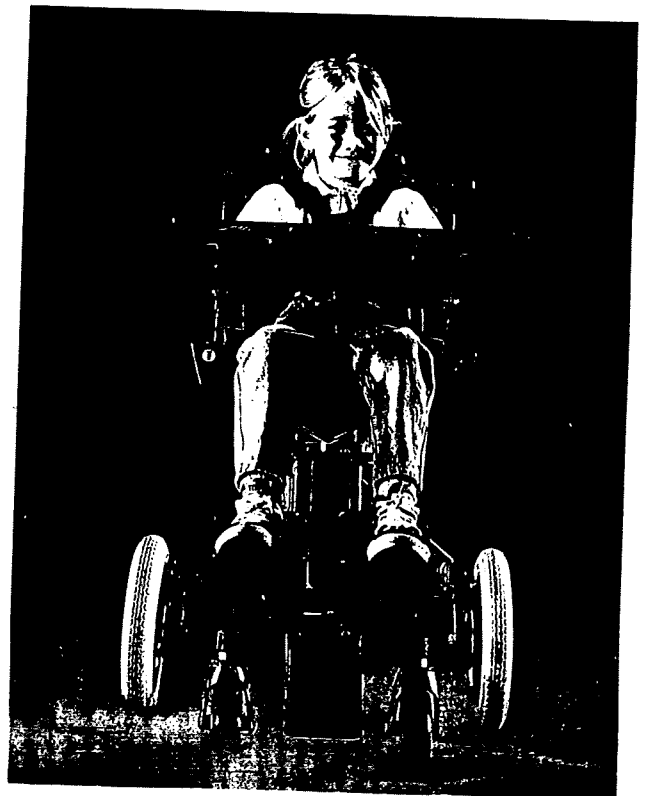
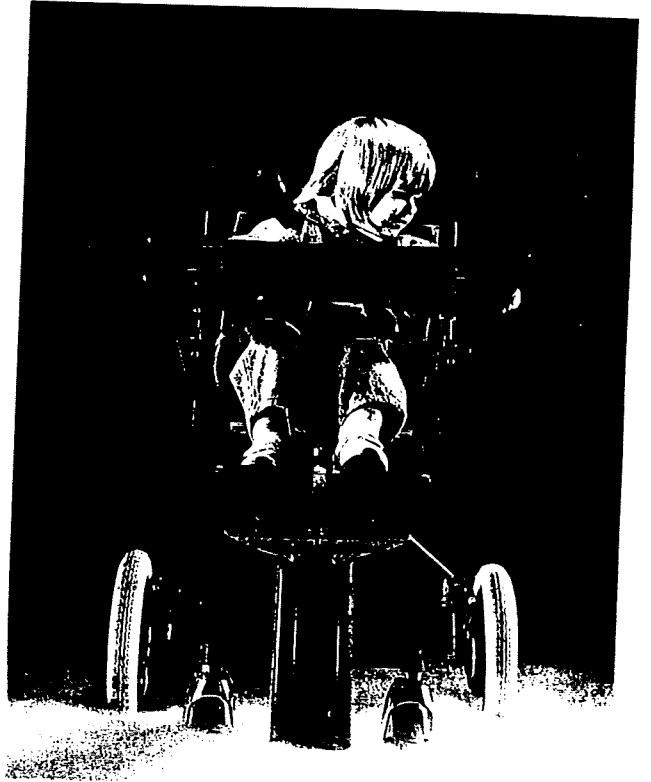
- Changes angle of backrest in relation to seat
- 40° range of adjustment
- Suits most disabilities

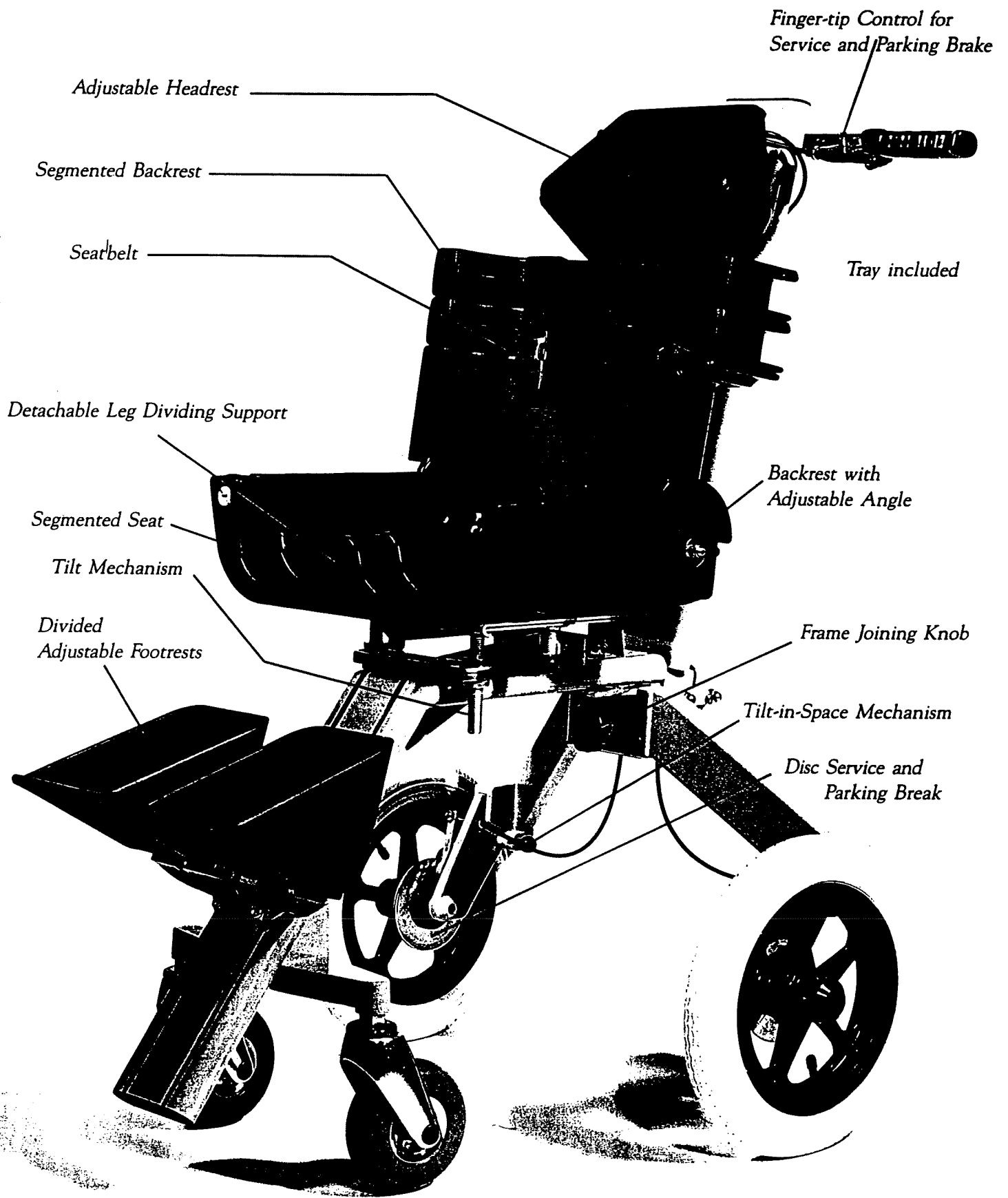
- Changes angle of seat and backrest together
- Easy to adjust
- Adjustable through 15°

- Tilts the child while maintaining posture for resting positions

# MVP

THE BEST OF THE BEST





The manufacturer reserves the right to change component parts at any time and completed MMP System One wheelchairs may appear different from those in this brochure.

**PATENT No. 604108**

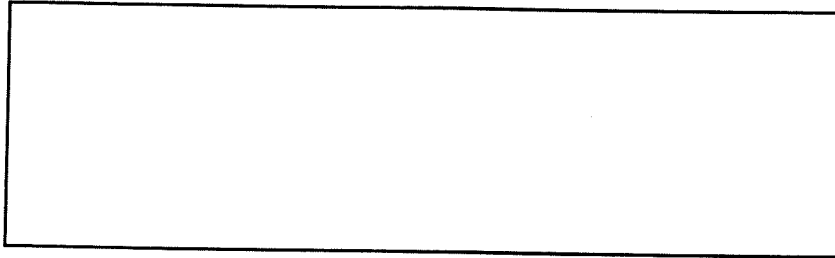


# ORDERING INFORMATION

## MAIL ORDER

Simply use your order form, listing size and colour you require, and forward to your MMP Agent.

## MMP AGENT



### **Modular Medical Products NT Pty Limited**

9 Tang Street Coconut Grove NT 0810 Australia

Telephone: (089) 480 432 International: +61 89 480 432

Facsimile: (089) 480 459 International: +61 89 480 459

## WARRANTY

The following parts are covered by Warranty against faulty workmanship and materials for a period of 12 months from the date of purchase.

1. Frame Body Support System
2. Plastic Seat Components, when assembled in terms of instructions
3. Cast Aluminium Parts
4. Headrest

It is the purchasers responsibility for the return of components to MMP or their Agents.

## PRINCIPAL DIMENSIONS

<b>Turning Circle:</b>	Radius - 1,600 mm
<b>Seat Height:</b>	540mm
<b>Seat Width:</b>	330mm
<b>Overall Height:</b>	1000mm
<b>Overall Width:</b>	650mm
<b>Rear Wheels:</b>	310mm Dia.
<b>Front Castors:</b>	125mm Dia.
<b>Footrest Adjustment:</b>	400mm Height, 80mm Width, 15° angles
<b>Tray Adjustment:</b>	110mm Height, 170mm Forward and Back, 45° angle
<b>Recline Adjustment:</b>	40°
<b>Handle Bar Adjustment:</b>	180mm
<b>Frame Back Adjustment:</b>	40°
<b>Seat Length:</b>	240mm Adjustment - 50mm increments
<b>Back Height:</b>	200mm Adjustment - 50mm increments
<b>Weight:</b>	21kg
<b>Maximum Loading:</b>	25kg

# MET-A-LITE

**WHEELCHAIRS and  
REHABILITATION  
EQUIPMENT**

*"Made in Australia to work for you."*



**MET-A-LITE MANUFACTURING CO PTY LTD**

ACN 000 207 698

17-19 Mitchell Road, Brookvale, N.S.W. 2100 Australia

Postal address: P.O. Box 9, Brookvale, NSW 2100 Australia

Telephone: (02) 905 3947 - 905 2213 — Facsimile (02) 905 5959





*Dear Client,*

*I'm please to present a selection from our standard range of Met-A-Lite wheelchairs and rehabilitation equipment — the culmination of many years of dedication to the development and manufacture of equipment for the disabled.*

*Although we are one of Australia's largest manufacturers of this equipment we are not limited to standard items. We will gladly design and manufacture to your own specifications.*

*Equally important, we support you with after sales service and a full range of replacement components.*

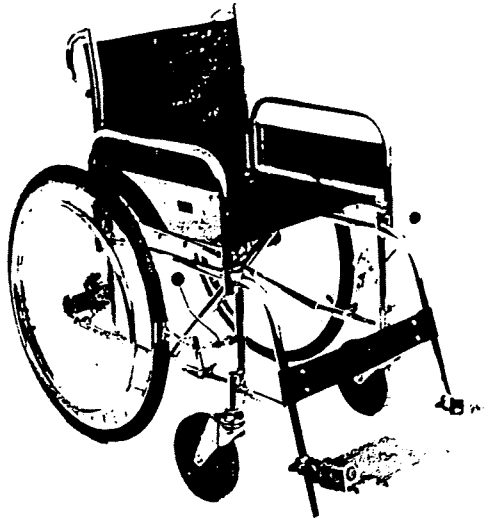
*At Met-A-Lite, we care.*

*Ted Cragg,  
Managing Director,  
Met-A-Lite Manufacturing Co Pty Ltd  
ACN 000.207 698*

## WARRANTY

Met-A-Lite grants a warranty for all parts which become defective or useless through faulty material or workmanship during the course of one year. Such parts are either replaced or repaired – at our discretion – without any charge.

# WHEELCHAIRS FOR WORK AND PLAY



## A 6 BETTSLITE SPORT AND WORK

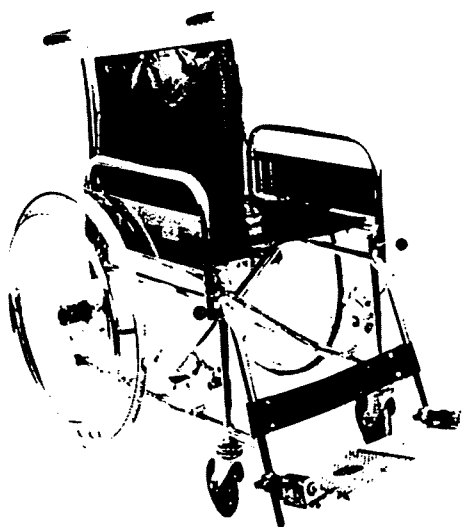
Specially developed for active use, the A 6 wheelchair is used by members of Australian Paraplegic Sports teams and is recognised by world authorities for manoeuvrability and comfort. It is the ideal work chair.

For great freedom of movement it has a lower back than usual, but extension pieces can be quickly fitted to give back support according to the user's activities.

The A 6 can be ordered with either 24" or 26" back wheels, and 5" or 8" spring loaded castors in the front.

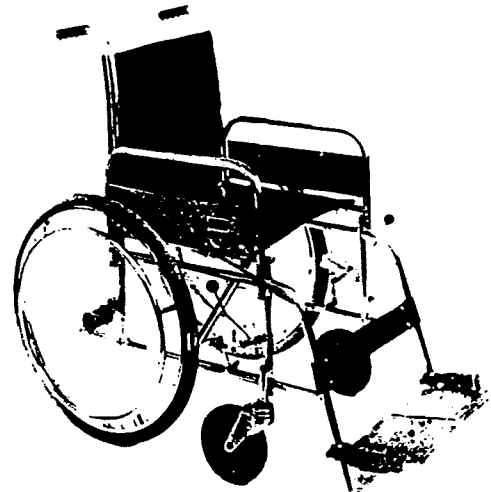
Another comfort feature of the A 6 is the three-position mounting for the rear wheels. This enables the chair to be set with varying rearward slope, giving the user a change in comfort zone, according to the activity.

Also available is a special "sports only" version of the A 6 without brakes or provision for armrests



## A 2 GENERAL PURPOSE

The Met-A-Lite A 2 is an all-purpose wheelchair for home or hospital use. Featuring a simple folding action the A 2 is fitted with 24" wheels at the back and 5" castors on the front. Constructed in chrome plated tubular steel. All stress points are reinforced with steel tube liner.



## A 3 FOLDING

The Met-A-Lite A 3 folding wheelchair is designed for outdoor use as well as indoor. The large 7" castors aid travel over rough or soft terrain.

The A 3 has two-position mountings for the rear wheels. This enables the chair to be set with varying rearward slope, giving the user a change in comfort zone according to the type of work being done.

The chrome plated tubular frame is reinforced at all stress points.



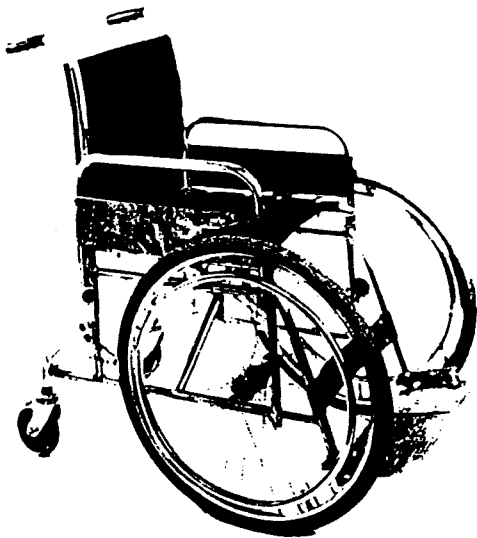
## A 3 FOLDING DELUXE

Similar to A 3 Folding but with additional features:

- Padded, removable armrests.
- Swinging removable footplate.
- Pneumatic tyres on the 24" rear wheels.



# A1 WHEELCHAIR



## A1

This folding chair is very manoeuvrable. It is designed for use around the home or at work where space may be limited. The front wheel drive gives great pivoting manoeuvrability and lets the user come close to benches and cupboards.

With the large wheels in front, decreasing the overall length, it is particularly easy to use in confined spaces and narrow corridors.

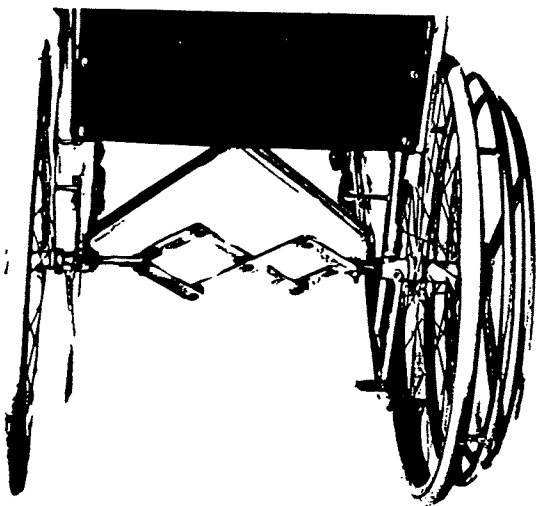
On this model the 5" castors may be moved to the front and the 24" wheels placed at the rear if the need arises.

When the A1 is used with the 24" wheels on the front it is not recommended for use in situations involving frequent negotiation of steps and kerbs.

## SPECIFICATIONS

	HEIGHT	WIDTH	LENGTH	SEAT	FOLDED with Wheels	FOLDED without Wheels	WEIGHT
A1	38" (965 mm)	25½" (650mm)	37" (940mm)	17"x17"(430mm)	11½" (290mm)	5" (125mm)	45lb (20K)
A2	38" (965 mm)	25½" (650mm)	42" (1065mm)	17"x17"(430mm)	11½" (290mm)	5" (125mm)	45lb (20K)
A3	38" (965 mm)	25½" (650mm)	44" (1118mm)	17"x17"(430mm)	11½" (290mm)	5" (125mm)	50lb (22K)
A6	38" (965 mm)	25½" (650mm)	45" (1144mm)	17"x17"(430mm)	11½" (290mm)	5" (125mm)	50lb (22K)

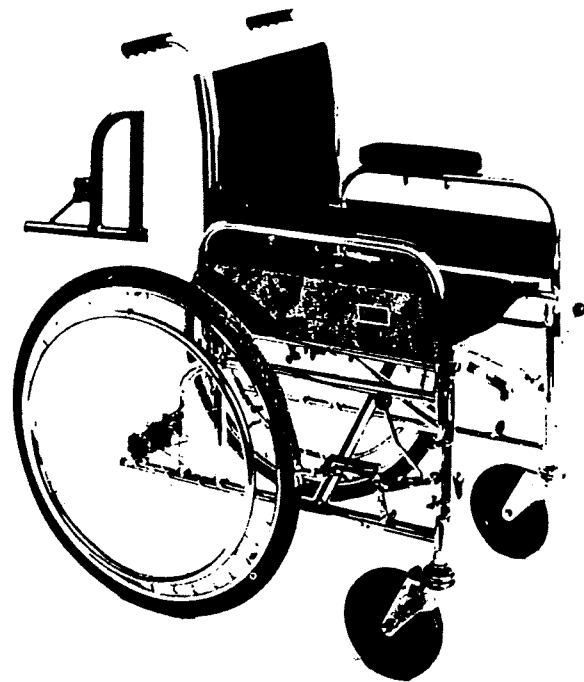
## SPECIAL ADAPTATIONS



### A 9 ONE ARM DRIVE

For those people with a disability in one arm. There are two hand rims on one side of the chair – one connecting directly to the wheel, and the other is connected by a folding axle to the opposite wheel. By pushing both rims together the chair moves forward or backward in a straight line. By pushing one rim only the chair moves to that side.

Available in right or left hand drive.



### A 10 AMPUTEE CHAIR

The Amputee adaptation to the Met-A-Lite range is designed for users who have single or double leg amputations.

The rear wheels are set back 2½" to compensate for weight loss and give proper balance for the user. A standard feature on the A 10 versions is a dual position rear wheel fitting (see insert) that allows variations in seating angle for increased comfort.

Amputee wheelchairs are also available with either swing detachable footplates or lift-out footplates.

**MET-A-LITE** Manufacturing Co Pty Ltd Phone (02) 905-2213 905-3947

17-19 Mitchell Road, Brookvale, N.S.W., Australia  
P.O. Box 9, Brookvale 2100, Australia

GUARANTEED PRODUCTS AND AFTER SALES SERVICE

Fax (02) 905-5959

Leading Australian manufacturers  
of wheelchairs and  
rehabilitation equipment.

# CHILDREN'S WHEEL CHAIRS

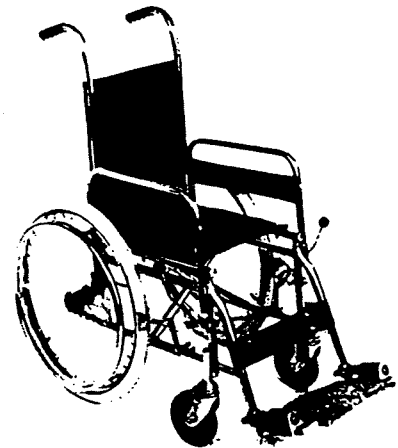
Children's wheelchairs by Met-A-Lite are designed and manufactured to the same standards as adult chairs. Each is especially designed for the child, taking into account the child's age and future growth.



## CHILD'S SPECIAL RECLINING FOLDING PUSHER

The special Reclining pusher features a back that will recline simply by releasing two knobs. For extra comfort padded wings may also be fitted.

- Constructed from chromed tube steel.
- Folds to 10" wide for transport.
- Has 12" balloon rear tyres and 5" front castors.
- Padded armrests.
- Adjustable footplates.
- Two ratchet brakes.
- Weight 30 lbs (13.5 kg).



## A 5 CHILD'S WHEELCHAIR

A standard size wheelchair for a small child would have a 12" x 12" (305 x 305 mm) seat and a floor to seat height of 17" (430 mm).

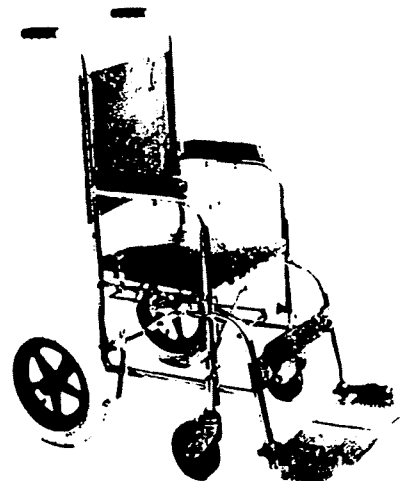
- Children's folding wheelchairs can be supplied with 12", 20" or 24" rear wheels.
- Handles raised to standard height for ease of pushing by an adult.
- Chrome plated finish.
- Two toggle brakes.
- Adjustable height armrests.



## CHILD'S PUSHER CHAIR

The children's pusher is available in two standard sizes: — small with a 13" x 13" (330 mm) and large with a 15" x 15" (380 mm) seat.

- Both manufactured in chrome plated steel tube.
- Large 8" wheels.
- Timber seats with 1" foam padding and vinyl covers.
- Adjustable footplates and rear wheel ratchet brakes.

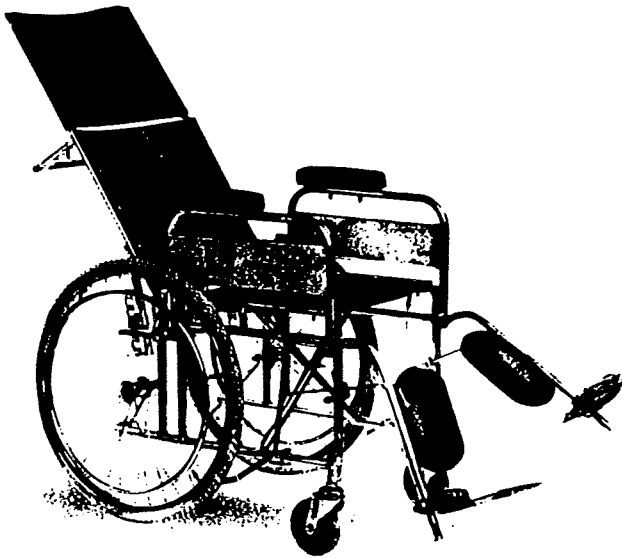


## CHILD'S SPECIAL PUSHER

Similar to the Child's Pusher Chair, but with 12" pneumatic wheels at the rear and 5" castors at the front for greater manoeuvrability and comfort.



# SPECIAL APPLICATION WHEEL CHAIRS



## RECLINER

The A 7 recliner has an adjustable reclining back that can be set in one of five positions. The leg rests also can be separately adjusted to any elevation, so offering a variety of body and leg positions enabling the user to reach a comfortable position.

Head rest extension and padded armrests are standard with this model, as are the two locking brakes and lift-up footplates. The A 7 is fully folding.

Seat width 17" (430 mm)  
Seat depth 17" (430 mm)  
Floor to seat 21" (530 mm)

Folds to 12" wide  
Weight 55 lbs (25 kilos)

## TRANSPORTER

The Transporter is designed for use in hospitals as a pusher for transporting patients from ambulance to admissions, from ward to ward, etc. It is particularly useful where patients are not required to propel themselves. The transporter is fitted with 12" balloon rear wheels and 5" front castors, and can be folded for storage. It is also available fitted with swinging, removable footplates.

Dimensions:  
Overall:  
Height 36" (915 mm)  
Width 23" (585 mm)  
Length 36" 915 mm)



**MET-A-LITE Manufacturing Co Pty Ltd** Phone (02) 905-2213 905-3947

17-19 Mitchell Road, Brookvale, N.S.W., Australia  
P.O. Box 9, Brookvale 2100, Australia

GUARANTEED PRODUCTS AND AFTER SALES SERVICE

Fax (02) 905-5959  
Leading Australian manufacturers  
of wheelchairs and  
rehabilitation equipment.

# THE LIGHTWEIGHT



This lightweight folding wheelchair is constructed from strong chrome plated steel tube for strength combined with aluminium for overall lightness.

- ★ The Lightweight is upholstered in a double thickness of top quality vinyl with an intermediate layer of coated fibreglass for strength.
- ★ The Lightweight has two-position mounting for the rear wheels, which enables the back & seat to be set with varying rearward slope, giving a comfortable position according to the user's activity.
- ★ Choice of pneumatic or solid 24" tyres.
- ★ 24" rear wheels in free-running long life bearings and large 7" castors give the Lightweight greater mobility.



#### Dimensions:

##### Overall:

Height 38" (965 mm)

Width 25½" (650 mm)

Length 44" (1065 mm)

##### Seat:

Width 17" (430 mm)

depth 17" (430 mm)

floor to seat 21" (530 mm)

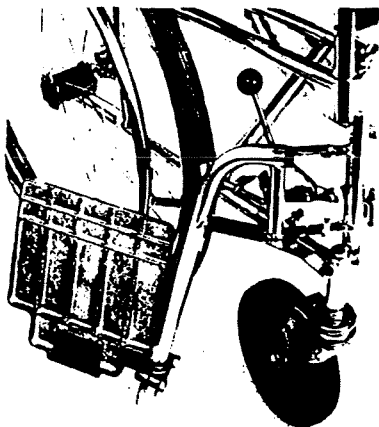
##### Folded:

With wheels 11" (280 mm)

without wheels 5" (125 mm)

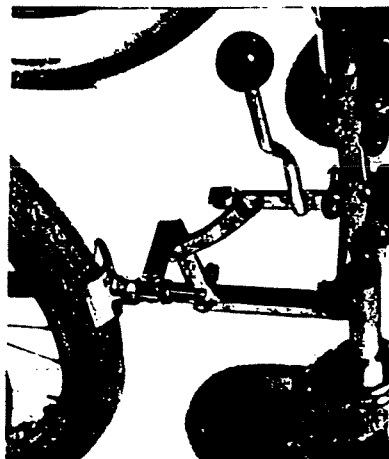
Weight 43 lbs (19 kilos)

## THE LIGHTWEIGHT HAS ALL THE MET-A-LITE FEATURES



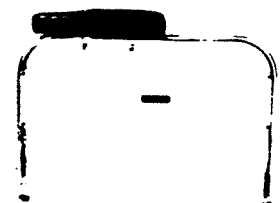
#### SWINGING FOOTPLATES

The Lightweight is supplied with swinging detachable footplates that allow the user to come right up to cupboards, hand basins, cars and so on. As with all Met-A-Lite chairs the footplates are adjustable for height



#### BRAKES

The Lightweight features two adjustable, easy to operate, toggle brakes operating on the rear wheels. For users with limited arm movement a brake extension lever can be fitted to give greater leverage.



#### ARMREST

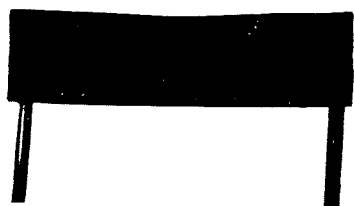
Removable armrests simplify entering or leaving the chair from the side. Can be supplied in three styles including the full length, padded, as shown, or the popular desk type.

**MET-A-LITE** Manufacturing Co Pty Ltd Phone (02) 905-2213 905-3947  
 17-19 Mitchell Road, Brookvale, N.S.W., Australia Fax (02) 905-5959  
 P.O. Box 9, Brookvale 2100, Australia  
 GUARANTEED PRODUCTS AND AFTER SALES SERVICE  
 Leading Australian manufacturers of wheelchairs and rehabilitation equipment

# WHEEL CHAIR ACCESSORIES



Met-A-Lite has a wide range of Accessories that can be incorporated into a wheelchair to meet your special needs. Some should be ordered with your chair, others may be added later.



## BACK EXTENSIONS

For greater comfort. May be made to any height to order. Can be fitted to any chair at any time.



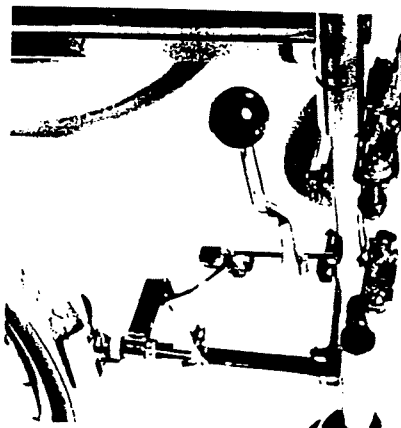
## CUSHIONS

Good quality foam with zippered vinyl covers. Available in many sizes.

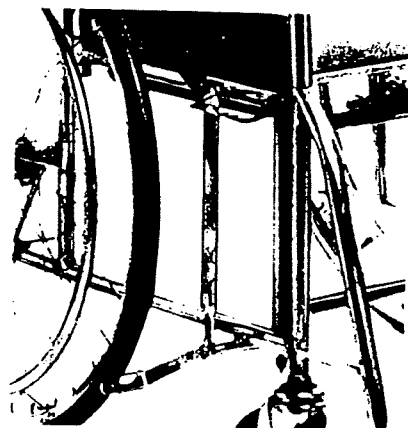


## OPENING BACK

Permits entering or leaving chair from the rear. Aids toileting. Left or right hand opening.



## TOGGLE BRAKE



## RATCHET BRAKE



Fits over any Met-A-Lite brake. Extends height-leverage for those with limited movement.

## BRAKE EXTENSION

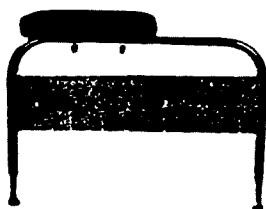
## DETACHABLE ARMRESTS

ALL ARMRESTS ARE EASILY DETACHABLE FOR EASE OF ENTERING AND LEAVING WHEELCHAIR FROM EITHER SIDE.



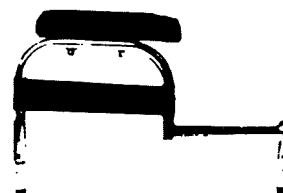
## FULL LENGTH PADDED

Has 12" pad and attached skirt guard.



## HALF PADDED

Full length armrest with 9" pad and skirt guard.

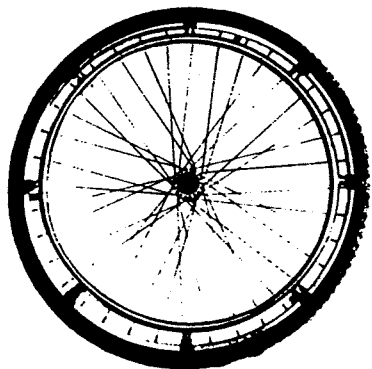


## DESK TYPE

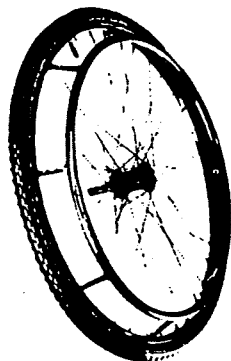
Allows user to come in close to a desk. Available with or without 9" pad.

# WHEEL CHAIR ACCESSORIES

## SPECIAL PURPOSE HAND RIMS



8 vertical projections.



8 round connectors fixing rim to wheel.

Both these hand rims are recommended for those who have difficulty in grasping regular hand rims. They may be fitted to any Met-A-Lite wheelchair at any time.

## CASTORS



5" or 7" spring loaded



5" solid



7" solid



5" locking



7" lightweight



7" x 1 1/4" microcellular

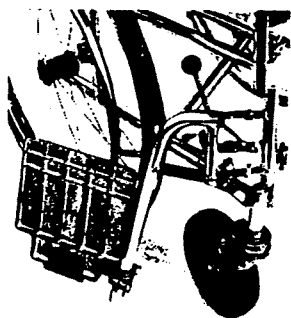
## TYRES

Pneumatic tyres in non-marking grey or white are desirable when a chair is used outdoors to absorb road shocks, or on rough or soft surfaces.

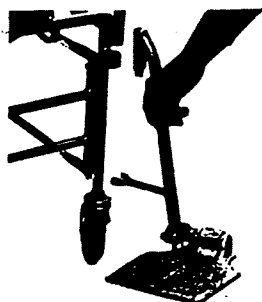
Solid tyres need no maintenance and are used indoors or when chair is not used often.

## DETACHABLE FOOTPLATES

Fitted to any chair at time of manufacture.



SWINGING



LIFTOUT

## WHEELCHAIR SAFETY HARNESSSES

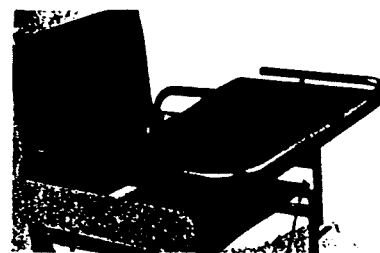
Safety harnesses are easily fitted to hold the patient firmly and comfortably. Available in three sizes — small, medium and large.



STANDARD



with LAMBSWOOL COVER



## A14 WHEELCHAIR TRAYS (or CHAIR TRAYS)

The Met-A-Lite tray is a solid, timber tray with a laminated top and chrome retaining rail. It sits firmly on the arms rests, will not slip off. Can be used with full or desk type armrests.



## A13 THE "GRIFFEN" SEAT

The "Griffen" seat helps prevent pressure sores or aids in their removal. It simply fits on top of the existing chair seat.



HEEL LOOPS



FOOTPLATE COVERS

Loops prevent feet slipping off back of footplate.

Clip-on, vinyl covers for people not wearing shoes.

**MET-A-LITE Manufacturing Co Pty Ltd** Phone (02) 905 2213 905 3947

17-19 Mitchell Road, Brookvale, N.S.W., Australia  
P.O. Box 9, Brookvale 2100, Australia

GUARANTEED PRODUCTS AND AFTER SALES SERVICE

Fax (02) 905 5959

Leading Australian manufacturers of wheelchairs and rehabilitation equipment

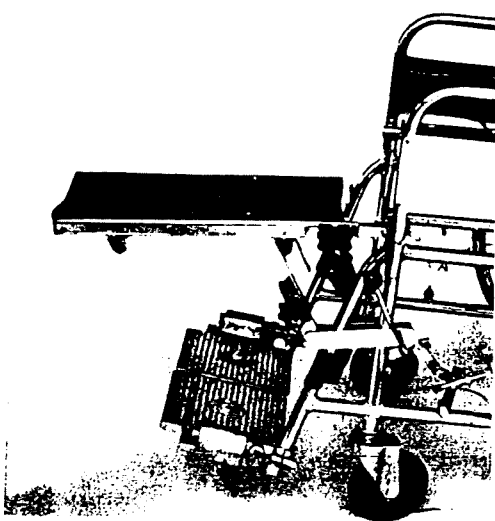
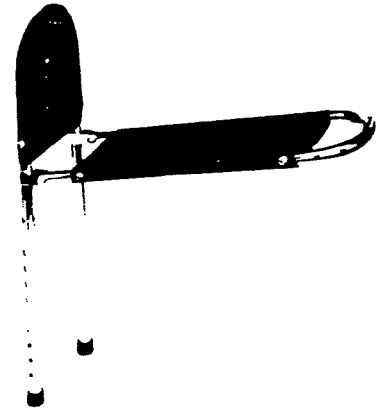
**MET-A-LITE**

# SPECIAL PRODUCTS TO OUR RANGE



## LEG SUPPORT

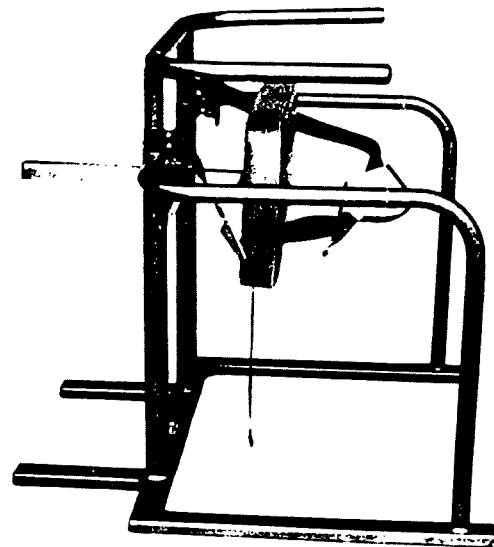
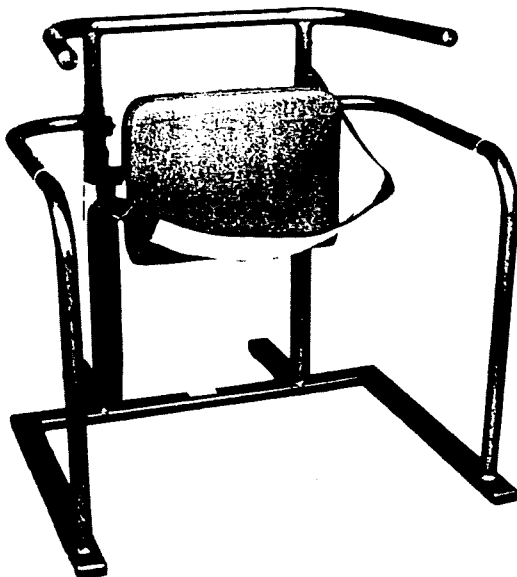
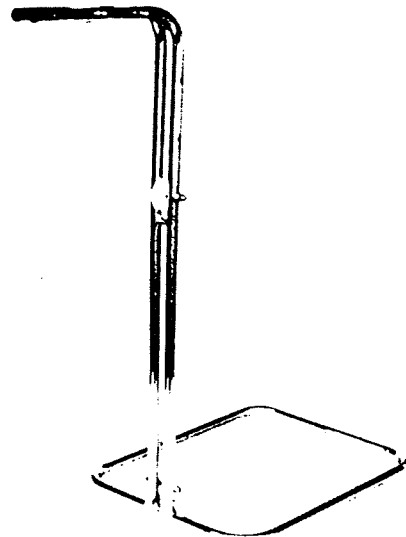
May be used anywhere.  
Adjustable height. Self supporting when a leg is on it.  
Folds flat for storage or carrying.



**LEG SUPPORT:** Will fit most wheelchairs interchangeable for left or right hand.

## BED TRACTION

This unit may be used on any bed. The base slides under the mattress. Used for cervical or pelvic traction.



**STANDING FRAME:** Handles adjust in height. Knee pad slides in or out. Strap to fit behind buttocks. The unit is self supporting or may be bolted to the floor.

**MET-A-LITE Manufacturing Co Pty Ltd** Phone (02) 905-2213 905-3947

17-19 Mitchell Road, Brookvale, N.S.W., Australia

P.O. Box 9, Brookvale 2100, Australia

GUARANTEED PRODUCTS AND AFTER SALES SERVICE

Fax (02) 905-5959

Leading Australian manufacturers of wheelchairs and

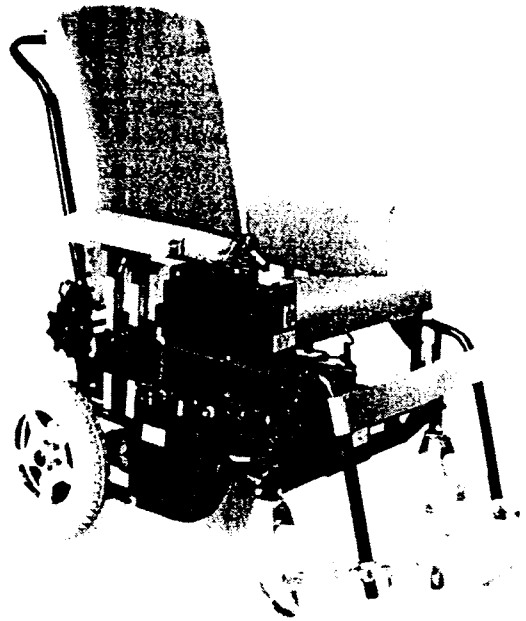
**MET-A-LITE**

# ELECTRIC WHEELCHAIR

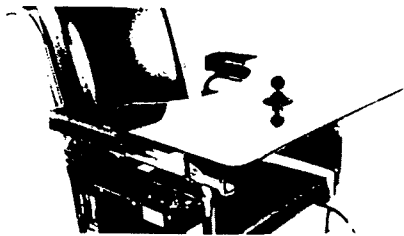
An Australian-manufactured electric wheelchair which provides increased independence for the severely handicapped is the latest addition to the range of wheelchairs produced by Met-A-Lite Manufacturing Co. Pty. Ltd.

The chair is designed for maximum manoeuvrability, utility, safety and comfort.

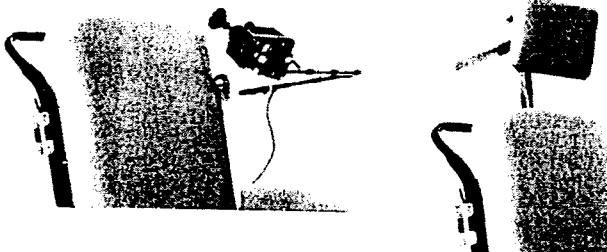
The Met-A-Lite Electric can be driven from the left or right-hand armrest control centre, or from the dual mode, optional, centre control tray. Steering and speed are controlled by an electronic joystick, which can be adapted to suit all users (with optional chin or remote controls). Preset acceleration and braking controls provide greater comfort and improved steering. **OVERRUN PROTECTION** means that the chair will brake itself — even on slopes.



## OPTION



The Centre Control comes with a strong, clear polycarbonate tray that fits across the armrests and has provision for centre mounting of the joystick. If desired, the joystick may be handheld.

**CHIN CONTROL****HEAD EXTENSION**

The chair has a floating front axle so as to keep all four wheels on the ground, the rear wheels are 12½ x 2¼ pneumatic tyres which make the chair suitable for out side use. The front casters are 200 x 50mm.

Special attention has been given to the construction of the seat of this chair. It is of ply with a thick foam padding and the back, also on a ply support, has a contoured foam overlay. Both the back and seat are covered in top quality soft vinyl — a combination that makes the Met-A-Lite a very comfortable wheelchair.

The seat is easily removed from the base, and the battery can be lifted out with its cradle. These separate components can be transported in the boot of a car.

The chair is supplied with a battery charger and has many built-in safety and convenience features.

Standard size — 17" (430mm) wide seat.

Child's version — 14" (355mm) wide seat with adjustable height armrests.

*\*Special seat sizes and structural modifications can be made to your requirements.*

## CONTROL UNIT

### FEATURES

INFINITELY VARIABLE SPEED  
POWER RATING  
BATTERY ALARM  
PROTECTION

At the touch of a joystick travel at any desired speed in any direction.  
Rated at up to 45 amps per motor. Power to spare to meet those awkward situations.  
Buzzer and flashing lamp tells you when to recharge your battery.  
Electronic protection prevents overloads and motor burnouts, even stops damage if battery is connected back to front.

### OPTIONS

CHIN CONTROL  
REMOTE CONTROL  
CENTRE CONTROL

With special steering response designed for quadriplegics.  
Remote mounted hand operated joystick.  
Includes polycarbonate clear tray.

### SPECIFICATIONS

VOLTAGE 124v D.C. 2 x 36 Amphour sealed batteries  
CURRENT Electronically limited to 45 amps per motor.  
CONTROL HANDLE Solid state joystick, no potentiometers.  
PLUG AND SOCKET 8 pin Painton type (or as specified).  
DIMENSIONS 56 x 118 x 188mm.  
MOUNTING Left or right hand.

**MET-A-LITE Manufacturing Co Pty Ltd** Phone (02) 905-2213 905-3947

17-19 Mitchell Road, Brookvale, N.S.W., Australia  
P.O. Box 9, Brookvale 2100, Australia

GUARANTEED PRODUCTS AND AFTER SALES SERVICE

Fax (02) 905-5959

Leading Australian manufacturers  
of wheelchairs and  
rehabilitation equipment.



# ELECTRIC WHEELCHAIR

## ELECTRIC WHEELCHAIR FEATURES

LOCKING COLLAR

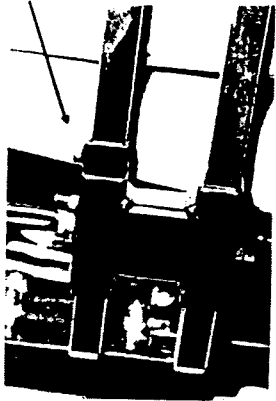


Figure 2

### ARM REST ADJUSTMENT

The arm rests are adjustable in height as well as width across the seat. If the seating width is not wide enough, the armrests may be moved out to give more room. There is also a locking collar on the height adjustment, so when the arm rest is returned, it always goes back to its original height. See figure 2.

### TO CHARGE BATTERIES

The plug on the end of the charging cable is plugged into the front of the control box, see figure 1, and the power turned on.

This position is easily reached.

The charger is automatic and will turn itself off when the batteries are fully charged.

CHARGING SOCKET

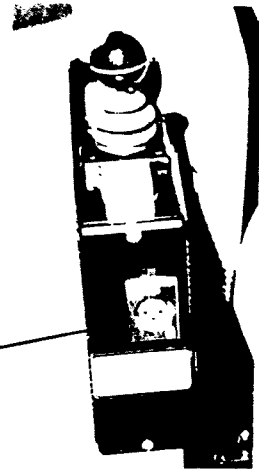


Figure 1

The electric wheelchair is belt driven from the motors to the rear wheels giving a smoother ride plus it takes a lot of the stop-go and rough terrain shocks from the gear box. To free wheel the chair so it may be pushed by an attendant, pull the belt tension lever back. To engage belt drive push lever forward. Figures 3 and 4.



Figure 3

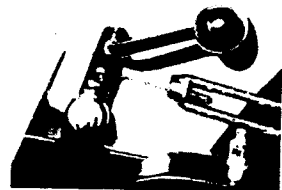


Figure 4

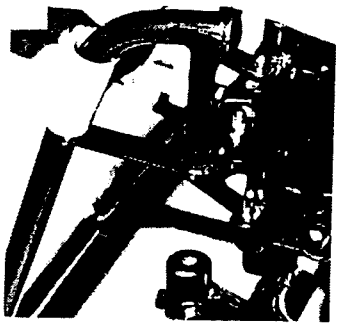


Figure 5

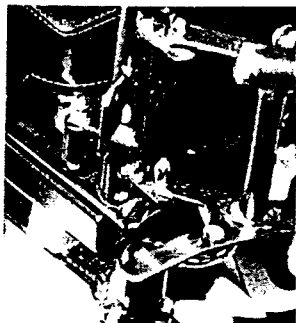


Figure 6

### LEG RESTS

The leg rests are swinging and may be removed easily by raising a locking pin which may be reached from the seat. Figures 5 and 6.

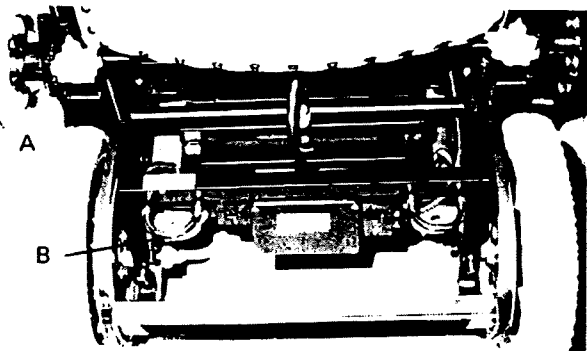


Figure 8

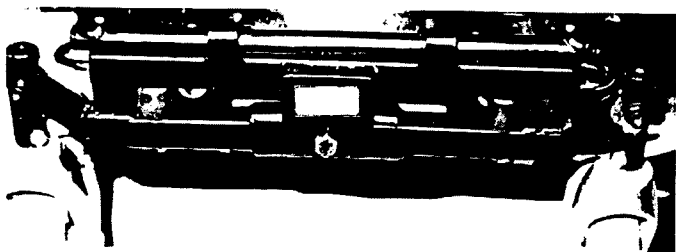


Figure 7

Floating front axle, so at all times on uneven surfaces all wheels remain in contact with the surface. Figure 7

Reclining mechanism on both sides of the back "A". See "A"

There are four tie down fittings on the chair, to firmly secure chair in bus etc., two in front, two at the back. See "B".



MANUFACTURING COMPANY PTY. LTD.

PO BOX 4 BROOKVALE

A.C.N. 100 207 698

17-19 MITCHELL RD BROOKVALE NSW 2100

TELEPHONE (02) 905 1947 905 2213

FAX (02) 905 5959

PRICE LIST - 1ST APRIL 1994

PRICES SUBJECT TO CHANGE WITHOUT NOTICE

CATALOGUE  
PAGE NO

WHEELCHAIRS

(All folding wheelchairs include 2 brakes and full removable arm-rests)

	[ Desk arm-rest in lieu of full arm-rests	add	45.00 pr	1-7
	[ Arm pads to fit full or desk arm-rests	add	80.00 pr	1-7
	[ Any wheelchair with lift-out foot plates	add	130.00	1-8
	[ Any wheelchair with swinging removable foot plates	add	155.00	1-8
	[ Any wheelchair with elevating leg rest	add	210.00	1-4
	[ One arm drive attachment added to any model at time of manufacture	add	205.00	1-2
A1	5" castors, solid tyres, front wheel drive		780.00	1-2
	As above, pneumatic tyres, front wheel drive		790.00	1-2
A2	5" castors, solid tyres, 24" wheels at rear only		710.00	1-1
	5" castors, pneumatic tyres		720.00	1-1
A3	STANDARD WHEELCHAIR, 7" castors, solid tyres		730.00	1-1
A3	STANDARD WHEELCHAIR, 7" castors, pneumatic tyres		740.00	1-1
A3	DELUXE WHEELCHAIR, 7" castors, 24" rear wheels with pneumatic tyres, swinging removable footrests, padded removable arm-rests, toggle brakes		939.00	1-1
A5	Child's folding wheelchair with 12" rear pneumatic wheels		690.00	1-3
A5	As above, with 20" rear pneumatic wheels		720.00	1-3
A6	Betts lite sports wheelchair, no brakes, no arm-rests		715.00	1-1
	Betts lite sports & work wheelchair with brakes and arm-rests fitted		770.00	1-1
	Non-folding wheelchair	from	650.00	
	Transporter folding wheelchair with 12" pneumatic rear wheels		690.00	1-4
A10	Double amputee chair without foot-plates	from	740.00	1-2
	Double amputee chair with removable liftout footplates	from	916.00	
	Double amputee chair with swinging removable footplates		949.00	
	** (All double amputee chairs have padded armrests)			
	Met-A-Lite Lightweight Wheelchair, approximately 18kg weight, as standard wheelchair with swing-away footplates and padded arm-rests. (This model may also be purchased with adjustable non-swinging footplates)		879.00	1-5
	Superlight wheelchair	from	890.00	

DELIVERY AND PACKING EXTRA \*\*\*\*\* AFTER SALES SERVICE  
Repairs to all equipment purchased from our company.

2.

MET-A-LITE PRICE LIST 1.4.94

		<u>CATALOGUE</u>
		<u>PAGE_NO</u>
	Met-A-Lite fully reclining wheelchair, elevating leg rests, high head extension, full padded armrests	1,350.00 1-4
	Child's special recliner	639.00 1-3
	Child's pusher	440.00 1-3
	Child's pusher 12" rear wheels and 5" castors	660.00 1-3
All	Electric wheelchair has been updated using new proportionate electronic hand control, making for smooth, easy control by the operator of chair	from 5,300.00 1-9
	Electric wheelchair as above, but with centre remote joy stick with polycarbonate clear tray	from 5,600.00 1-9
	With chin control	5,600.00
	Head extension (adjustable)	160.00
	Tray to drop down beside chair	180.00

WHEELCHAIR ACCESSORIES

A13	Griffen Seat	94.00	1-8
	Special Griffen Seat	POA	
	Recovering Griffen Seat with plastic tubing	73.00	
	Supply of plastic tubing for above (21 metres)	52.00	
	Head-rest or back extension	from 42.00	1-7
	Wheelchair back or seat	from 88.00	1-7
	Reinforced back for sports chair	from 98.00	
	Right or left back opening	from 110.00	1-7
	Leg strap and bolts	from 38.00	
	Heel rests for footplates	30.00	pr 1-8
	Body strap	from 28.00	
	Leg extension	from 115.00	
	No More Flats	P.O.A.	
	24" and 20" solid tyres	25.00	ea
	24" and 20" pneumatic tyres	12.50	ea
	Tubes	5.50	ea
	24" pneumatic tyre wheel complete with push ring	85.00	ea 1-8
	Improved brake gates - stainless steel	4.00	ea 1-7
	Brakes (ratchet)	35.00	pr 1-7
	Short brakes (toggle brakes)	65.00	pr 1-7
	Brake extension	20.00	pr 1-7
	Full arm-rests	70.00	pr 1-7
	Desk arm-rests	100.00	pr 1-7
	2" foam cushion	60.00	ea 1-7
	8 Capstan pushing ring or 8 connecting lugs	80.00	pr 1-8
	Footplates	68.00	pr 1-8
	Footplate covers (padded with vinyl outer cover)	38.00	pr 1-8
	Wheelchair tray for standard arm-rests	from 100.00	1-8
	Wheelchair tray for desk arm-rests	from 110.00	
	Soft toilet seat	57.00	ea
	Various castors and wheels	P.O.A.	

\*\* HOSPITAL AND WARD EQUIPMENT \*\*

A36	Bed cradle - fixed type, chrome plated	70.00	2-3
	Bed cradle - collapsible, chrome plated	68.00	2-3
A40	Bedside rails	180.00	pr 2-3
A38	Wellman single overhead bed frame	350.00	5-3
	Wellman double overhead bed frame	450.00	5-3
	Short traction (head of leg) fits 3' bed	150.00	5-4
	Short traction (double leg)	190.00	5-4
	Chain lift and fitting	60.00	5-4
	Components for over-bed frame	POA	5-4

**APPENDIX K**

DEBATES - Wednesday 13 October 1993

handing out many thousands of little plastic bags with goodies in them across the Territory.

Members interjecting.

Mr BAILEY: Mr Chairman, I refer the minister to the expenditure by the Department of Education on wheelchairs developed by Modular Medical Products. What was the total cost to budget in either 1991-92 or 1992-93 for this expenditure? From which section of the education budget did this money come?

Mr FINCH: The expenditure was incurred in 1991-92 and amounted to \$49 980. I am sure that the member is well aware of that because it has been spoken about in this Assembly previously. It came from the allocation for Student Support Services.

Mr BAILEY: Which schools requested wheelchairs prior to the purchase being made, thereby encouraging the government to undertake this expenditure?

Mr FINCH: A number of schools had made direct approaches to the department for wheelchair resources, Mr Chairman.

Mr Bailey: I asked which schools, not the number of schools.

Mr FINCH: Does the member want to go and have a chat with them or what?

Mr BAILEY: No. The minister is quite good at stating the facts as he sees them. I asked which schools requested wheelchairs. Was it 1 school or 2 schools? Was it a special education school or a primary school? I have asked the minister to name the schools because it would appear that the former minister simply bought a swag of wheelchairs and handed them out. If only a couple of schools had requested wheelchairs, it is quite reasonable to ask why the former minister purchased a stack of them. Can the minister tell us the names of the schools which asked for them?

Mr FINCH: No. The information I have is that a number of schools made approaches. Of course, the wheelchairs were distributed to those schools that were assessed as having a need for them. In the main, those are schools that have students with physical requirements. In fact, a number of those schools already had many of the same kind of wheelchairs. The minister did not simply buy a swag of wheelchairs of his own volition to send to schools. They were distributed to those which required them. Despite all the noise and nonsense from the member for Millner, I understand that only one school returned any chairs. Ironically, a number of students are still using wheelchairs of this kind at that school. In my travels, I came across a student at the school at Urapunga who uses a wheelchair of this kind.

Mr BAILEY: I could pick up on a number of issues there, but I will continue with these questions. Which schools received the wheelchairs and how many did each receive? I am quite happy for the minister to table that information.

Mr FINCH: The answer is: Henbury Avenue School - 3; Ludmilla Special School - 3; Acacia Hill School - 3; Kintore Street School - 2; Alice Springs High School - 1; Braitling Primary School - 1; Tennant Creek Primary School - 1; Clyde Fenton Primary School - 1; Katherine High School - 1; Nhulunbuy Primary School - 1; Taminmin High School - 1; Moulden Park Primary

DEBATES - Wednesday 13 October 1993

School - 1; Millner Primary School - 1; Wulagi Primary School - 1; Darwin High School - 1; Sanderson High School - 1; and Catholic Education - 5.

Mr BAILEY: What program was set in place in schools to identify which students needed wheelchairs and the type of wheelchairs they needed prior to this purchase being made? How much did this program cost?

Mr FINCH: Mr Chairman, this has absolutely nothing to do with the budget. However, to answer the question briefly ...

Members interjecting.

Mr Bailey: Those wheelchairs were given to the schools before they had identified any need for them. That is what the question is about.

Mr FINCH: Of course there was a need for them. The department knew that there were students who needed wheelchairs. There was no need to introduce a program to assess that need because it had been ongoing. Assessment of this kind is undertaken consistently. Specialist departmental staff in the Student Services area monitor the needs of students on a regular basis, and they understand their needs, including occasional short-term emergency requirements.

Mr BAILEY: What was the cost per unit of the wheelchairs? What type of wheelchair was ordered, and what age group were the wheelchairs designed to be used by?

Mr FINCH: The cost per unit was \$1785 for a wheelchair that is priced normally at \$2300.

A member interjecting.

Mr FINCH: I believe that the member ought really to examine one of these wheelchairs because they are a magical invention. They are adjustable. The wheelchair can be adjusted to 'grow' with the child. Obviously, they cater for a wide range of students, both in age and size.

Mr BAILEY: Are they suitable for people from early primary school age to adulthood? Is that what the minister is suggesting?

Mr FINCH: The youngest child that I have seen in one was probably about 6 or 7, and that is early primary school age.

Mr Bailey: Would you fit in one?

Mr Perron: They certainly accommodate adults.

Mr FINCH: I have seen a 16-year-old boy in one.

Mr Bailey: Was he a similar size to yourself?

Mr FINCH: A bit skinnier, but similar.

Mr Parish: But more intelligent than you are.

Members interjecting.

Mr Perron: Does this help you come to grips with the Territory's \$2000m budget?

Mr BAILEY: I am sure that the minister is aware that the reason why this issue has been raised in the discussion of this year's budget is because the Auditor-General's Annual Report for the Year Ending 30 June 1993 said specifically of the Department of Education that inadequacies were noted in the procurement procedures for the acquisition of some equipment in June 1992 for an amount of \$49 980. That appears to be exactly the amount that the honourable minister has told us was paid for these wheelchairs. Can the minister explain why the procurement procedures involved were inadequate?

Mr FINCH: Mr Chairman, we are not here at this time to debate the Auditor-General's report. In any event, I am sure that the assumption made by the member for Wanguri is off-beam.

Mr BAILEY: The Auditor-General and his annual reports have specific implications for the Territory's budgets because he looks at the way you blokes spend the money. He was saying that it appeared that the previous Minister for Education and Training had overlooked the normal procurement procedures. He had not applied for a certificate of exemption. Without requesting quotes or anything else, he bought a number of wheelchairs from Modular Medical Products, a company in which the government is by far the largest shareholder and a company that was experiencing some liquidity problems at that time. Rather than a rational process of assessment leading up to recognition of a need for wheelchairs, followed by a routine call for quotes and finally a purchase of the articles, it appears that, by coincidence, the minister suddenly found \$50 000 to help out the government's Dalway of medical supplies and he bought \$50 000-worth of wheelchairs of which the Auditor-General ...

Mr Perron interjecting.

Mr BAILEY: As many schools have indicated already, the purchase of the wheelchairs was decided upon purely at the minister's whim. They were then sent off to schools without any ...

Members interjecting.

Mr BAILEY: If the wheelchairs are designed only for small children, and they are sent to high schools, they are basically inappropriate for use by the students in those schools. That is why we have asked these questions.

Mr Perron: Haven't you ever seen one of these wheelchairs?

Mr BAILEY: Yes.

Mr Perron: Oh, you have?

Mr BAILEY: Yes.

Mr Perron: Well you did not take much notice of it judging from the questions that you have been asking.

Mr FINCH: We do not buy chairs. The department procured the chairs and it is subject to audit and to maintaining the protocols of the government's purchasing policy. I do not intend to debate at this time a report to the Parliament that is not before the Assembly.

I am glad that the member for Wanguri went on to explain why he wanted to know whether 16-year-olds fit the chairs. I thought for a moment he was

thinking he might have a need for one himself shortly. As I answered, 16 years is high school age, and I have personally seen 16-year-olds in those chairs.

Mr Manzie: They are adjustable.

Mr FINCH: I am not sure that they will fit the member for Wanguri, but maybe one day he might need to find out for himself.

Mr BAILEY: The honourable minister claimed that the decision to purchase these wheelchairs was not made by the then minister. I hope that he is prepared to ...

Mr Finch: I did not say that.

Mr BAILEY: I am sorry. I thought you said it was normal procurement procedure to ...

Mr Finch: You said 'you blokes went out and bought them'. I did not go out and buy them nor did any of my colleagues. The department bought them in accordance with strict guidelines.

Mr BAILEY: The strict guidelines were not adhered to. That is why the Auditor-General wrote in his annual report that the procedures were inadequate.

Mr FINCH: What has this to do with the budget?

Mr BAILEY: It has a great deal to do with this budget. We are saying that, if money has not been spent correctly in the past, we need to ask whether similar things will happen in relation to this budget. I asked whether the purchase of the wheelchairs was effected in accordance with a directive of the previous Minister for Education and Training and, if it was not, what action was taken against the public servants involved for breaching normal procurement procedures.

Mr FINCH: Here we go again, Mr Chairman! The classic Labor line of 'Sack those public servants'. This is their standard approach on everything.

Mr Reed: Someone made a decision.

Mr BAILEY: Was it the minister who decided specifically ...

Mr FINCH: I do not know if it was the minister's decision or if it came from a suggestion by the minister or a suggestion by somebody to the minister, but quite clearly the procurement of those wheelchairs, excellent as they are, was worth while. One is even being used by a student at Urapunga.

Mr Bailey: Purchased from a government-owned company.

Mr FINCH: It is not a government-owned company.

Mr Bailey: The contract did not go out to anyone else for tender, did it?

Mr FINCH: They were certainly purchased for a figure below the market price.

Mr Bailey: Why didn't the department follow the normal tender procedures instead of going to the Redstar Medical Products Factory?

Mr FINCH: Not everyone supplies wheelchairs, that is the problem. The only manufacturer of wheelchairs in the Northern Territory is the producer of a magnificent invention, in case you have never seen it. That manufacturer is Modular Medical Products in Darwin.

Mr Bailey: It was not the modular models that were bought though. Those purchased were not the adjustable modular products.

Mr FINCH: Given the price, given the fact that they are Territory made ...

Mr Bailey: You are talking about the wrong chairs. It was not the modular models that were purchased.

Mr FINCH: Mr Chairman, if the honourable member has difficulty with this government supporting local business, then that is a matter for him. I do not know the details of the arrangement or who recommended what to whom. I think that is quite irrelevant.

Mr BAILEY: It is interesting that the minister says that the purchase supported local business. The local businesses to which the government appears to lend the most support are those it owns itself in competition with other Territory-owned companies - in this instance, not necessarily wheelchair manufacturers, but other medical suppliers. The other point that the minister has not got through his head yet is that the wheelchairs purchased are not the high-tech adjustable models. The purchase comprised standard wheelchairs. They are not the modular adjustable models that the minister has been describing.

Mr Manzie: There you go. A moment ago you said he was buying them.

Members interjecting.

Mr BAILEY: What are they? Are they the modular ones or are they a standard folding wheelchair?

Mr FINCH: I understand they are the standard Modular Medical Products chair.

Mr Bailey: Not the kind that can be custom-adjusted specifically to suit the person who is to use it?

Mr FINCH: Mr Chairman, I have it on very good advice relayed by the Chief Minister that they were the award-winning, magnificently-designed, specially-adjustable, patented Modular Medical Products chair. Right? End of story. For the honourable member for Wanguri to fabricate, perhaps deliberately to try to win a brownie point, a story that they were some non-adjustable chair is really very despicable.

Mr BAILEY: The honourable minister is saying that they are custom-fit modular chairs and that each one has to be adjusted for the individual use of the person for whom it is intended.

Mr Perron: You guys barge in with all this and question time has been suspended for a couple of days. You are unbelievable.

Mr Reed: We might be here until Thursday night next week.

Mr Perron: Try to tell us that you are not just blowing time.

Mr BAILEY: Mr Chairman, I have seen the publicity for these special custom-fit modular medical wheelchairs that supposedly are capable of being adjusted individually to meet each client's needs. That would appear to indicate that they are totally unsuitable for use as a casual wheelchair of the kind indicated by the minister in the first place.

Mr Perron: They are very versatile units.

Mr BAILEY: I refer the minister to comments made in the annual report of the Auditor-General regarding significant breakdowns in internal control in a section of the payroll area. What significant breakdowns occurred?

Mr FINCH: Mr Chairman, given the carry-on by the honourable member, it is very obvious that he is aware that the Auditor-General's report is open to debate by honourable members when it is tabled in this Assembly.

Mr BAILEY: Mr Chairman, I will not refer then to the Auditor-General's report. I will ask if there have been significant breakdowns in the payroll area and, if so, what that has cost this section.

Mr FINCH: That has nothing to do with the budget, Mr Chairman.

Mr BAILEY: Is the minister denying that there have been significant problems in the payroll area?

Mr FINCH: Not at all, but it has nothing to do with the budget.

Mr BAILEY: Mr Chairman, it has a considerable amount to do with the budget.

Mr Finch: What?

Mr BAILEY: If one section has experienced problems of such a nature that these have resulted in a cost implication to the government, then it is quite appropriate that questions relating to those problems be asked in relation to the Appropriation Bill. I would have thought that the Auditor-General bringing that to the attention of the Assembly in his report would be a basis for questions to be asked during ...

Mr Perron: During debate on the Auditor-General's report?

Mr BAILEY: In debate on the Appropriation Bill.

Mr FINCH: Do you want me to answer the question?

Mr Bailey: Yes, otherwise I would not have asked it.

Mr FINCH: There were no cost implications. Therefore, it has nothing to do with the budget.

Mr BAILEY: Has this resulted in any internal investigations by the department?

Mr FINCH: The question has nothing to do with the budget.

Mr BAILEY: Mr Chairman, the minister has said that there were no budget implications whatsoever. I need to ask certain questions, but I have some difficulty here because the concern was that fraud may have occurred. Was fraud involved? If so, I would think that that would have had a budget implication.

Mr FINCH: It is absolutely true that allegations of fraud have nothing to do with the budget. I have no idea whether any budgetary impact resulted from any such allegation.

Mr Bailey: You just said that there was none.

Mr FINCH: I meant if there was any such fraud ...

Mr BAILEY: Did the breakdown in the payroll area include a failure to provide correct wages resulting in a budget implication, salaries and allowances to teachers involving a budget implication, or salaries to teachers aides or to other personnel in the department? If so, please detail what was found in this regard. If the minister wishes to say that none of those things occurred, I ask him to put that on the record.

Mr FINCH: Mr Chairman, this has nothing to do with the budget from the point of view of the basic topic. In regard to whether any budgetary impact followed from any errors etc, I understand that, despite some difficulties that have been experienced in that area - and the honourable member is well aware of those - all departmental staff have been paid correct wages, salaries and allowances. Consequently, there has been no budgetary impact.

Mr BAILEY: Did any industrial action by staff members of the personnel section occur in 1992-93? If so, what action and why? If any such action had taken place, that would have budgetary implications.

Mr FINCH: We did not budget for any strikes or disputes. Had we done so, we would have saved money as a consequence. The question has nothing to do with the budget other than that any strike by public service personnel results in small savings to the government. I do not have an amount.

Mr BAILEY: The question asked whether any industrial action by staff had occurred.

Mr FINCH: It has nothing to do with the budget.

Mr BAILEY: It does relate to the budget because, if the incompetence of the way in which the minister is running the section reaches the point where staff take industrial action, that has budget implications.

Mr Finch: Which public servants are you going to bag now? What is wrong with you? Do public servants live in your electorate or not?

Mr BAILEY: We are asking whether or not industrial action was taken in the personnel section of the department in 1992-93. Did any industrial action occur in that section?

Mr Perron: That has nothing to do with the budget whatsoever.

Mr BAILEY: It does.

Mrs Padgham-Purich: The minister does not have to answer.



## SUPPLY AND TENDER BOARD

Our Reference: CC2

1/2/88  
Issue No. 1

Your Reference: Northern Territory Supply and Tender Board  
Circular No. C2

INVITATION OF QUOTATIONS AND REQUIREMENTS FOR CERTIFICATES  
OF EXEMPTION FROM PUBLIC QUOTATIONS

1. For the purpose of this and other Circulars and Tender Board procedures, the following definitions apply:-

"Supplies" - includes work, stores and services that are to be executed, furnished or performed for or by the Territory.

"Quotations" - all offers whether provided orally or in writing.

"Public Quotations" - quotations invited by advertisement placed in a Territory daily or weekly newspaper.

"Accountable Officer" - the Chief Executive Officer of a Department/Authority or his delegate appointed under the Financial Administration and Audit Act.

"Purchasing Officer" - the officer appointed by the Accountable Officer to oversee and co-ordinate the quotation and contracting activities of a Department/Authority.

"Project Officer" - the officer within a Department/Authority who holds the overall responsibility for obtaining the particular supplies.

2. The Financial Administration and Audit Act, Treasury Regulations and Treasurer's Directions establish the procedures for obtaining supplies for the Territory.
3. Requests for supplies are to be made consistent with the form specified in the Treasurer's Directions.
4. Supplies for the Territory in excess of \$3,000 in value shall be obtained by public quotation unless they are:-
  - (i) available under an existing N.T. Government or N.T. Authority contract;

- (ii) available under an existing Contract held by the Commonwealth, a State or another Territory and Supply and Tender Board approval has been given to the use of that contract;
- (iii) the subject of a Certificate of Exemption from Public Quotations issued by the Accountable Officer (up to \$50,000 in value);
- (iv) the subject of a Certificate of Exemption from Public Quotations issued by the Treasurer (over \$50,000); or
- (v) the subject of a General Exemption issued by the Treasurer.

- Note:
- a) A single requirement for supplies shall not be divided into a number of separate requisitions so as to bring each requisition within any of the limits presented above.
  - b) Certificates of Exemption from Public Quotations must be obtained prior to any quotations for the requirement being sought or contracts being entered into.
  - c) Quotations are not to be sought from or advertised outside of the Territory without prior approval of the Supply and Tender Board.
  - d) For all works and services projects valued in excess of \$1,000,000.00, expressions of interest may be sought by public advertisement. Tenderers responding to that advertisement will then be assessed for prequalification. Quotations then sought from all of the prequalified tenderers for specific requirements need not be readvertised publicly. Certificates of Exemption from Public Quotations are not required in those instances.

When it is proposed to select a limited number or one only of the prequalified tenderers from which to seek an offer, then a Certificate of Exemption from Public Quotations is required.

- 5. A Certificate of Exemption from Public Quotations authorises the suspension of the requirement to publicly advertise quotations for specific supplies.

It is not an approval to accept a quotation or to enter into contract.

6. Quotations for supplies valued between \$1 and \$3,000 are to be obtained as follows:-
- (i) \$1 to \$500 - the Accountable Officer is to establish procedures where the estimated value of supplies does not exceed \$500.00; and
  - (ii) \$501 to \$3,000 - at least three (3) quotations from established traders in the type of supplies required. These quotations may be verbal but a written quotation on the applicable standard form is to be obtained from the recommended tenderer prior to the acceptance of an offer.
- Note: Where it is considered impractical to obtain at least three (3) quotations the Accountable Officer may invite such lesser number of quotations as is practicable and shall record in writing on the Request for Supplies, the reasons for the inability to obtain three (3) quotations.
7. Quotations for supplies up to a value of \$50,000 may be accepted by the Accountable Officer without reference to a Tender Board.
8. For quotations over \$50,000, where it is proposed that no quotation be accepted, the recommendation and Accountable Officer's approval to such action is to be referred to the Tender Board prior to any notification to tenderer(s) being issued.
9. Quotations and Contracts for supplies valued in excess of \$500 should normally be arranged using one of the following procedures:-
- (i) Standard Form Quotation for Works and Services (TW64B) - for construction, repairs, manufacture or provision of a one off service up to a value of \$250,000 where the Contractor is to provide labour and materials necessary to carry out the work.

This standard form incorporates Conditions of Quotation and Contract and may be accompanied by supplementary commercial conditions and/ or a technical specification as necessary.

A contract would normally be entered into by the raising of an order accepting the quotation.

- (ii) Standard Form of Quotation (TW66) - for major construction work.

This form is to be used with N.P.W.C. General Conditions of Contract, supplementary commercial conditions and a technical specification.

A contract is to be entered into by the raising of a Notice of Acceptance of quotation.

- (iii) Standard Form Quotation for Supply of Goods - for the purchase of stores ex-stock or after manufacture.

This standard form incorporates Conditions of Quotation and Contract and may be accompanied by supplementary Commercial Conditions and/or a technical specification as necessary.

Note: For supply contracts requiring installation and/or commissioning, the supplementary conditions must be utilised.

A contract would normally be entered into by the raising of an order accepting the quotation.

- (iv) Standard Form Quotation for Period Contracts/ Standing Offers - for multiple service contracts where stores or services are to be provided by the Contractor on a frequency or 'as and when required' basis for a set period.

This standard form incorporates Conditions of Quotation only.

Supplementary commercial conditions and a technical specification must be utilised with this Standard Form.

A contract may be entered into by the issue of a Notice of Acceptance or by the raising of an order accepting the quotation.

Note: Departments/Authorities should continue to use their own forms of Quotation and Contract Documents until stocks are exhausted and/ or Supply and Tender Board documents are available.

10. A recommendation together with the Accountable Officer's acceptance of a quotation in excess of \$50,000 must be referred to the Tender Board in the form of a Business Paper (copy attached) for approval prior to a contract being entered into for the supplies.

11. Applications to the Treasurer for issue of a Certificate of Exemption from Public Quotations for supplies in excess of \$50,000 must be first endorsed by the Departmental/ Authority Head and the responsible Minister.

The applications are then submitted for endorsement to the Tender Board prior to referral to the Treasurer.

12. Where the value of supplies is estimated at between \$3,000.00 and \$50,000.00 and public quotations are not sought, details of the Certificate of Exemption from Public Quotation issued by the Accountable Officer and any resultant contract are to be recorded for notification to a Tender Board.

The use of existing Period Contracts does not require the issue of a Certificate of Exemption from Public Quotation. Existing N.T. Government Period Contracts are to be utilised unless the Accountable Officer directs otherwise.

Supply and Tender Board approval is required before any Commonwealth, State or other Territory contract is used to obtain supplies.

13. A Tender Board may at anytime seek details of any or all Certificates of Exemption from Public Quotations issued, quotations called or contracts entered into for supplies in excess of \$3,000 in value. Departments/ Authorities are to ensure that proper records are maintained to ensure the availability of that information.

14. Where the amount to be expended under a Contract for supplies is in excess of \$3,000, details of the Contract shall, except in the special circumstances listed below, be published in the N.T. Gazette.

Gazettal action will not be taken where:-

- a) the supplies are obtained under 4(i) and (ii) above
- b) the publication of the information is in the opinion of the Treasurer, contrary to public interest (e.g. Security Services, Intruder Alarms etc).



W.H. COUSINS  
Secretary - Supply and Tender Board

10/ February 1988

DEBATES - Tuesday 22 August 1995

#### PERSONAL EXPLANATION

**Mr FINCH (Health Services)(by leave):** Mr Speaker, over the last 2 sittings, the opposition has accused me repeatedly of misleading the House in relation to answers to questions that I gave during a debate on the *Appropriation Bill* on 13 October 1993. Despite some encouragement offered to them to provide logical, rational and substantive reasons as to how ...

Members interjecting.

**Mr SPEAKER:** Order! The minister is making an explanation.

**Mr FINCH:** Mr Speaker, drawing attention specifically to where I may have misled the House might have been a start. The reason why the opposition did not attempt to substantiate its claim is that it knew very clearly ...

**Mr BAILEY:** A point of order, Mr Speaker! Can the minister explain what he is doing? Is this a personal explanation? If it is, he is now entering into an argument in relation to the motives of the opposition.

**Mr SPEAKER:** I ask the minister to confine his remarks to the explanation of his position and the way in which he has been misquoted.

**Mr FINCH:** Yes, Mr Speaker. It will be fine if I can do that.

The opposition was suggesting that I had misled the House in 2 areas during a debate on 13 October 1993. I refer honourable members to pages 9761, 9763 and 9764 of the *Parliamentary Record* for that date where I was giving answers to questions from members of the opposition during the committee stage of the *Appropriation Bill*. The first area where it has been suggested that I misled the House was in relation to my answer as to which schools requested wheelchairs. The question was from the member for Wanguri: 'Which schools requested wheelchairs prior to the purchase being made, thereby encouraging the government to undertake this expenditure?' As Minister for Education and Training at the time, I answered: 'A number of schools had made direct approaches to the department for wheelchair resources, Mr Chairman'.

The reason I gave that answer was because it was the answer that was given to me by the department in pre-written advice and in answer to questions on notice from the opposition. I will table a copy of the questions and answers as delivered. From what had been told to me by departmental officers, and from what I observed myself, I had no reason to believe that that answer was other than perfectly correct. I had advice from the department and I gave the answer - end of story. There is no cause for further debate unless, of course, the opposition wants to argue that the department misled me with that answer. Not true!

**Mr Ede:** Are you saying that it did not?

**Mr Bailey:** Are you saying that the department did not mislead you?

**Mr FINCH:** What I am saying is that, to my knowledge, the department did not mislead me. I thought the answer it gave me was correct. I thought so at the time and I think so now. If the opposition believes that the department misled me, it is up to it to argue the point. As to whether I misled the parliament, based on advice from the department, that is not to be argued. There is no argument for it.

**Mr Bailey:** Doesn't the buck stop with the minister?

**Mr FINCH:** The second area was in relation to the procedures. In fact, there were 2 parts on the procedures during that debate. The first was reported at page 9763 of the *Parliamentary Record* where the member for Wanguri suggested that the previous Minister for Education and Training had 'overlooked the normal procurement procedures'. He had 'not applied for a certificate of exemption'. After a fair bit of interjection, my answer was: 'We do not buy chairs' - that is, ministers do not buy chairs. 'The department procured the chairs and it is subject to audit and to maintaining the protocols of the government's purchasing policy'.

The second part is at page 9764 where the member said: 'I am sorry. I thought you said it was normal procurement procedure to ...' My answer, among other things, was: 'I did not go out and buy them, nor did any of my colleagues. The department bought them in accordance with strict guidelines'. That was my answer at the time. The departmental request for payment and payment for the chairs were made on 18 June 1992 and 19 June 1992 respectively. The certificate of exemption was approved some 2 weeks later on 2 July 1992. It was late, but it was approved. My answer in the Assembly, on 13 October 1993, after I had taken over as minister, was correct.

**Mr Ede:** What?

**Mr FINCH:** It was correct. The procedures were followed. As the Leader of the Opposition is aware, and certainly I was not aware, in fact, until ...

**Mr Bailey:** Did it send the exemption to the Tender Board which was the procedure? Did it?

**Mr SPEAKER:** Order!

**Mr Bailey:** With the reasons?

**Mr SPEAKER:** Order! The minister is making a personal explanation. It is not a debate. I would appreciate being able to hear him in reasonable silence.

**Mr FINCH:** A delegated authority for a certificate of exemption for under \$50 000 rested with that senior officer, and he issued the certificate some 2 weeks after he should have. Members opposite are well aware that the officer concerned indicated that an oversight or mistake had occurred. It was drawn immediately to his attention when the officer who held the position in the normal course returned from leave. The matter was rectified.

**Mr Bailey:** It was not until the Auditor-General had pointed it out.

**Mr FINCH:** It was not a slip to be repeated. We are talking about the delegation of a certificate of exemption. There had been a slip-up which was rectified immediately in 1992. It was a matter of which I was not apprised until recently. There had been a hiccup but, as far as I was aware ...

**Mr Ede:** A hiccup? The Tender Board was never notified.

**Mr FINCH:** ... and from all the information I had, the procedures at the time had been followed.

If you want to argue, let us consider how far you fellows stretch these things. I will take you to what triggered this PAC inquiry - the Auditor-General's report.

**Mr Ede:** It was our questions.

**Mr FINCH:** Mr Speaker, I will point out how members of the opposition get off the track. I refer members to page 9 of the daily *Hansard* for 16 August 1995 where the member for Wanguri said:

*The Auditor-General picked up the inconsistencies between the way the government deals with this company and other companies. He stated in his annual report that a purchase item approaching \$50 000 was not done under the correct procedures. He indicated in his annual report what he believed was a serious inconsistency in purchasing procedures.*

Mr Speaker, that is an absolute lie. For the benefit of members, I will table page 29 of the Auditor-General's report for the year ended 20 June 1993. The Auditor-General stated:

*Inadequacies were noted in procurement procedures for the acquisition of some equipment in June 1992 for an amount of \$49 980. In response, the department advised that 'the action was taken during a busy period in which financial year accounts were being finalised. Procurement procedures, including the need to issue a Certificate of Exemption, were initially overlooked but this was remedied immediately the omission was noted. Steps have been taken to ensure that the correct procedures will be observed'.*

That is what the Auditor-General said.

Has the member for Wanguri received another piece of correspondence from the head of an authority - like the correspondence he received from the Ombudsman?

**Mr SPEAKER:** Order! The minister should not be provocative.

**Mr FINCH:** I do not intend to be provocative, Mr Speaker, because, to be quite honest, I think this is a ho-hum matter ...

**Mr Stirling:** That is why you are on your feet now.

**Mr FINCH:** Exactly. It is simply to explain where you have missed out. I understand the personal vendetta of the member for Wanguri, who was caught out over misleading the Assembly - albeit unintentionally - about correspondence he had never had. He could never explain where he got it or show that he had it.

**Mr EDE:** A point of order, Mr Speaker!

**Mr SPEAKER:** Order! I ask the minister not to introduce other matters into his personal explanation. He is aware of the rules.

**Mr FINCH:** Mr Speaker, I was responding to an interjection from the member for Nhulunbuy. He had no justification for his nonsensical outburst on this matter the other week. In fact, I ask him to have a look at the video to see how stupid and empty-headed he looked.

**Mr EDE:** A point of order, Mr Speaker! Are you going to continue to allow the minister to disregard completely every ruling that you make and continue to abuse the use of a personal explanation or will you instruct him that, if he does it again, he will be named?

**Mr SPEAKER:** I will decide who is to be named. However, I ask the honourable minister to refrain from introducing extraneous matters into his personal explanation. I ask him to abide by the rules relating to personal explanations.

**Mr FINCH:** Mr Speaker, this is not a matter I intend to become over-excited about. Quite frankly, when people are throwing mud about, I guess you take notice of those whose opinions you respect. In this case, I have explained that there is absolutely no substance to the accusations made by the members opposite. They have had the opportunity to bring forward material. They have disregarded the protocols of the Assembly in relation to quoting from committee materials which, for logical reasons, are privileged at this time. We all realise that, in the end, the truth prevails. It always does, it always has and it always will.

**Mr Bailey:** Not in this Chamber.

**MODULAR MEDICAL PRODUCTS**

Agenda Item: 3  
Paper No: 8  
Date: 6.4.95

DATE	DETAILS	PERSON	REFERENCE						
30.4 - 9.5.91	<p>Question 23:</p> <ol style="list-style-type: none"> <li>How much NT Govt financial assistance has been given to Modular Medical Products since its inception.</li> <li>In what years was the financial assistance given.</li> <li>For what purposes was the financial assistance used.</li> <li>What is the value of NT Govt contracts or work won by Modular Medical Products since its inception.</li> <li>What is the nature of the NT Govt's contracts or work Modular Medical Products has won.</li> <li>How much NT Govt work has been awarded to Modular Medical Products without formal contracts.</li> </ol>	Smith to Minister for Health & Community Services	Questions, Parliamentary Record No. 3, p. 124						
13-22.8.91	<p>Answer to Question 23:</p> <ol style="list-style-type: none"> <li>The total amount of government assistance provided to Modular Medical Products is \$450 000</li> <li>\$400 000 was provided in 1990 and \$50 000 in 1991</li> <li>The \$400 000 was provided to assist with establishment costs and research and development of the "System One" wheelchair, a local Territory invention, for which the company has manufacturing and marketing rights and the \$50 000 for ongoing working capital requirements.</li> <li>"Supply and Delivery of Wheelchairs": <table border="0" style="margin-left: 20px;"> <tr> <td>6 padded folding wheelchairs @ \$445 ea</td> <td align="right">\$2 670</td> </tr> <tr> <td>18 non-padded folding wheelchairs @\$445 ea</td> <td align="right"><u>\$8 010</u></td> </tr> <tr> <td></td> <td align="right">\$10 680</td> </tr> </table> </li> <li>As per question 4 - "Supply and Delivery of Wheelchairs"</li> <li>1990 Financial year <span style="float: right;">\$6 890.45</span> 1991 Financial year to date <span style="float: right;"><u>\$70 609.34</u></span> <span style="float: right;">\$77 499.79</span></li> </ol> <p>Some of the services provided by Modular Medical Products, ie repair of wheelchairs, has been shared with a number of NT suppliers with no undue favouritism. Public tenders have recently been called for the supply of maintenance of wheelchairs and are currently being assessed by my department.</p>	6 padded folding wheelchairs @ \$445 ea	\$2 670	18 non-padded folding wheelchairs @\$445 ea	<u>\$8 010</u>		\$10 680	Minister for Health & Community Development	Answers to Written Questions, Parliamentary Record No. 4, p. 257
6 padded folding wheelchairs @ \$445 ea	\$2 670								
18 non-padded folding wheelchairs @\$445 ea	<u>\$8 010</u>								
	\$10 680								
13-22.8.91	<p>Amount of government assistance given to MMP - \$450 000, of which \$400 000 had been given in 1990 and \$50 000 in 1991. The \$400 000 was identified as establishment costs in the research and development of wheelchairs and the \$50 000 was ongoing working capital requirements. Problem: Department of Industries and Development annual reports for 1988-89 and 1989 90, - in 1988-89, there was a sum of \$150 000 for 'equity participation'. That figure of \$150 000 was not</p>	Mr SMITH (Millner):	Debate, Parliamentary Record No. 4, p. 1485						

**MODULAR MEDICAL PRODUCTS**

Agenda Item: 3  
Paper No: 8  
Date: 6.4.95

DATE	DETAILS	PERSON	REFERENCE												
30.4 - 9.5.91	<p>Question 23:</p> <ol style="list-style-type: none"> <li>How much NT Govt financial assistance has been given to Modular Medical Products since its inception.</li> <li>In what years was the financial assistance given.</li> <li>For what purposes was the financial assistance used.</li> <li>What is the value of NT Govt contracts or work won by Modular Medical Products since its inception.</li> <li>What is the nature of the NT Govt's contracts or work Modular Medical Products has won.</li> <li>How much NT Govt work has been awarded to Modular Medical Products without formal contracts.</li> </ol>	Smith to Minister for Health & Community Services	Questions, Parliamentary Record No. 3, p. 124												
13-22.8.91	<p>Answer to Question 23:</p> <ol style="list-style-type: none"> <li>The total amount of government assistance provided to Modular Medical Products is \$450 000</li> <li>\$400 000 was provided in 1990 and \$50 000 in 1991</li> <li>The \$400 000 was provided to assist with establishment costs and research and development of the "System One" wheelchair, a local Territory invention, for which the company has manufacturing and marketing rights and the \$50 000 for ongoing working capital requirements.</li> <li>"Supply and Delivery of Wheelchairs":               <table border="0" style="margin-left: 20px;"> <tr> <td>6 padded folding wheelchairs @ \$445 ea</td> <td align="right">\$2 670</td> </tr> <tr> <td>18 non-padded folding wheelchairs @\$445 ea</td> <td align="right"><u>\$8 010</u></td> </tr> <tr> <td></td> <td align="right">\$10 680</td> </tr> </table> </li> <li>As per question 4 - "Supply and Delivery of Wheelchairs"</li> <li> <table border="0" style="margin-left: 20px;"> <tr> <td>1990 Financial year</td> <td align="right">\$6 890.45</td> </tr> <tr> <td>1991 Financial year to date</td> <td align="right"><u>\$70 609.34</u></td> </tr> <tr> <td></td> <td align="right">\$77 499.79</td> </tr> </table> </li> </ol> <p>Some of the services provided by Modular Medical Products, ie repair of wheelchairs, has been shared with a number of NT suppliers with no undue favouritism. Public tenders have recently been called for the supply of maintenance of wheelchairs and are currently being assessed by my department.</p>	6 padded folding wheelchairs @ \$445 ea	\$2 670	18 non-padded folding wheelchairs @\$445 ea	<u>\$8 010</u>		\$10 680	1990 Financial year	\$6 890.45	1991 Financial year to date	<u>\$70 609.34</u>		\$77 499.79	Minister for Health & Community Development	Answers to Written Questions, Parliamentary Record No. 4, p. 257
6 padded folding wheelchairs @ \$445 ea	\$2 670														
18 non-padded folding wheelchairs @\$445 ea	<u>\$8 010</u>														
	\$10 680														
1990 Financial year	\$6 890.45														
1991 Financial year to date	<u>\$70 609.34</u>														
	\$77 499.79														
13-22.8.91	<p>Amount of government assistance given to MMP - \$450 000, of which \$400 000 had been given in 1990 and \$50 000 in 1991. The \$400 000 was identified as establishment costs in the research and development of wheelchairs and the \$50 000 was ongoing working capital requirements.</p> <p>Problem: Department of Industries and Development annual reports for 1988-89 and 1989 90, - in 1988-89, there was a sum of \$150 000 for 'equity participation'. That figure of \$150 000 was not</p>	Mr SMITH (Millner):	Debate, Parliamentary Record No. 4, p. 1485												

DATE	DETAILS	PERSON	REFERENCE
	included in the answer to question on notice. Appears that \$600 000 was given to MMP over the last 2 years, not \$450 000. Minister for Health and Community Services, to clear up that apparent contradiction before the conclusion of sittings.		
13-22.8.91	<p>Full explanation of any financial arrangements that have been made in respect of Modular Medical Products.</p> <p>Modular Medical Products Pty Ltd was formed in 1988 to manufacture and distribute, under licence, a Northern Territory invention which is known as the System One Wheelchair, which was the Winner of the 1987 NT Enterprise Workshop Award. At its inception, the government chose to become a shareholder in or part owner of the company by way of a purchase of shares to the value of \$150 000, being \$2500 in A-class shares and \$147 500 in B-class, all \$1 shares. As recorded in the 1989 Annual Report of the Department of Industries and Development, such an amount represented equity capital provided in the formation of the company.</p> <p>The government, through the Department of Industries and Development, subsequently provided financial assistance by way of loan funds to the company totalling \$450 000, on normal commercial terms and conditions. With the further evolution of the company, on 9 July this year, the decision was taken to convert those loan funds, plus full interest accrued thereon to 30 June 1991, to further equity capital, by purchase of a commensurate value of \$1 B-class preference shares in the company. The rationale for this decision was to allow the company to operate on a purely commercial basis with the government having no further direct involvement. Prior to this decision, the company's large loan liability to the government was precluding it from either raising normal commercial funding or attracting additional equity capital, thus stifling its ability to expand. Subsequent to this decision having been taken, both these matters have been achieved and the company is now positioned for further growth.</p> <p>As a result of this rearrangement, the company is now the beneficial holder of 692 500 \$1 B class preference shares, being the original shareholding plus conversion of the loan funds and accrued interest amounting to \$545 000. The company has undertaken to repurchase these shares at a rate of \$5000 per quarter, commencing 1 December 1991 until 1 July 1994, then at a rate of \$25 000 per quarter until the government shareholding has been fully extinguished. Further to this rearrangement, the company has undertaken to remain a Northern Territory-based operation until at least 1 January 1996, and we are hopeful that current negotiations with a number of overseas medical product firms may result in forthcoming export sales of the wheelchair.</p>	Hatton (Industries & Development)	Adjournment, Parliamentary Record No. 4, p. 1622

DATE	DETAILS	PERSON	REFERENCE
	<p>The government has also provided assistance in meeting patent protection costs on behalf of the owners of the invention. As honourable members may be aware, the government is a 70% owner of the invention with the remaining 30% owned equally by the 2 inventors. To 14 August 1991, the costs in regard to this assistance have amounted to approximately \$147 000 which it is intended will be recouped from payment of royalties from subsequent sales of the wheelchair.</p>		
22-24.9.92	<p>Questions 164 - 178:</p> <ol style="list-style-type: none"> <li>1. What payments have been made to Modular Medical Products or Territory Surgical Supplies by the Department of Correctional Services in the following financial years -           <ol style="list-style-type: none"> <li>(a) 1991-92; and</li> <li>(b) 1992 to date.</li> </ol> </li> <li>2. What were these payments for.</li> <li>3. Have the goods or services been received.</li> <li>4. What contracts have been awarded by the Department of Correctional Services to companies for which Modular Medical Products or Territory Surgical Supplies acted as agent.</li> <li>5. What are the details and values of those contracts.</li> </ol> <p><i>Question repeated: 17-26.11.92 p.1194-1201</i>  <i>23.2-4.3.93 p. 1378-84</i>  <i>29.6.93 p. 1767-73</i>  <i>17-19.8.93 QUESTION ANSWERED</i></p>	<p>Mr Parish to Chief Minister; Treasurer; Minister for Health ; Ind &amp; Develop; Education; T&amp;W; Tourism; Primary Industry ; Lands; Police; Mines ; Attorney-General; Sport; Conservation; Corrections</p>	<p>Written Questions 164-178, Parliamentary Record No. 12, p. 1100-06</p>
24.9.92	<p><b>BAILEY:</b> What has been the total cost of purchases made by the Royal Darwin Hospital or by the Department of Health and Community Services on behalf of the Royal Darwin Hospital from the companies Modular Medical Products and Territory Surgical Supplies in the financial years 1990-91, 1991-92 and 1992-93 to this date?</p> <p><b>MANZIE:</b> The present Appropriation Bill relates to 1992-93, and I do not have the information on the previous 2 years. Total 1992-93 expenditure by the Department of Health and Community Services is \$3124 with Modular Medical Products and \$77 018 with Territory Surgical Supplies.</p> <p><b>Mr BAILEY:</b> Those are the figures for this financial year to this date?</p> <p><b>Mr Manzie:</b> Yes.</p>	<p>Minister for Health</p>	<p>Debates, Parliamentary Record No. 12, pp. 6026-7</p>

DATE	DETAILS	PERSON	REFERENCE
	<p>MR BAILEY: Will the minister table the figures for amounts spent with Modular Medical Products and Territory Surgical Supplies last financial year?</p> <p>Mr MANZIE: If the honourable member cares to place a question on notice, I can most certainly provide the information. The information that I have available relates to 1992-93.</p> <p>Mr BAILEY: From the information the minister does have with him, can he detail whether these purchases were of medical supplies or medical equipment and how much was expended on each?</p> <p>Mr MANZIE: Mr Chairman, for 1992-93, the figures in relation to Modular Medical Products are: equipment - \$2464; and supplies - \$660. For 1992-93, the figures in relation to Territory Surgical Supplies are: equipment - \$55 286; and supplies - \$21 732.</p>		
24.9.92	<p>Mr BAILEY: Mr Chairman, what has been the total cost of purchases made by the Gove District Hospital or by the Department of Health and Community Services on behalf of that hospital from the companies Modular Medical Products and Territory Surgical Supplies in 1990-91, 1991-92 and 1992-93 to date?</p> <p>Mr MANZIE: I refer the member to the answer given to the relevant question under Royal Darwin Hospital.</p>	Bailey to Minister for Health	Debates, Parliamentary Record No. 12, p. 6039
24.9.92	<p>Mr BAILEY: I need to go back to the Modular Medical questions. The original question that we asked related to the Royal Darwin Hospital and it asked for a breakdown of expenditure between the medical supplies and medical equipment. Can the minister clarify that the figures given in response were the total for all purchases by his department and any other of its areas by type to those 2 companies?</p> <p>Mr MANZIE: I am so advised.</p>	Bailey to Minister for Health	Debates, Parliamentary Record No. 12, p. 6046
24.9.92	<p>Mr PARISH: In relation to the former loan to Modular Medical Products, which totalled somewhere in the order of \$600 000, I believe there was already some equity in there. Is the minister able to inform us of the nature of the arrangements whereby that equity can be bought out and whether there is any entitlement of the Territory in any position to insist on its being bought out? The nature of shareholding in a private company is normally that one cannot force the other shareholders to buy one out. You are captive until they choose to buy you out.</p> <p>Mr HATTON: I can confirm that we are an equity participant as the holder of 687 500 B-class preference shares. We have no A-class shares.</p> <p>Mr Parish: I am aware of that.</p> <p>Mr HATTON: It has bought those from us already. There is a buy-back arrangement in respect of those shares. I will provide the details to the honourable member at a later date. Interest is earned so that, if the creditors have been paid, we receive that before the holders of A-class shares receive their dividend. However, I will obtain details in respect of that for the honourable member.</p> <p>With regard to Modular Medical Products, the System-One Wheelchair - the production of which was</p>	Parish to Minister for Industries & Development	Debates, Parliamentary Record No. 12, p. 6084

DATE	DETAILS	PERSON	REFERENCE
	<p>the principal purpose behind establishing that business - was invented by employees of the Northern Territory government, and the Northern Territory government is a 70% owner of the invention known as the System-One Wheelchair. It eventuated from part of the employee conditions, introduced in 1987, to assist innovation among Northern Territory government employees whereby we provide a proportion of the royalty rights to employees who develop patentable inventions. That was how the 70:30 split originated. This was our first attempt to convert a Northern Territory invention to a Northern Territory manufactured product.</p> <p>Mr Parish: I was aware of that. I believe I have questions on notice on that.</p> <p>Mr HATTON: I want it included on the record.</p>		
17-26.11.92	<p>Question 219:</p> <ol style="list-style-type: none"> <li>1. Have any funds from the Community Care Section been used to purchase goods from the companies Modular Medical Products and Territory Surgical Supplies in the 1990-91 financial year.</li> <li>2. If the answer to question 1 is yes, what are the details of the purchases and what was the cost in each instance.</li> </ol> <p><i>Question repeated:</i>    23.2-4.3.93    p. 1399                                      18-27.5.93    p. 1607                                      29.6.93        p. 1787                                      17-19.8.93    p. 1840                                      12-14.10.93   p. 2066 <b>QUESTION ANSWERED</b></p>	Mr Bailey to Minister for Health & Community Services	Written Questions - Not Answered, Parliamentary Record No. 14., p. 1221
17-26.11.92	<p>Question 250:          What are the arrangements under which equity in Modular Medical Products will convert to payments to the government.</p> <p><i>Question Repeated:</i>    23.2-4.3.93    p.1407                                      18-27.5.93    p. 1610                                      29.6.93        p. 1790                                      17-19.8.93    p. 1853                                      12-14.10.093 p. 2007                                      23-25.11.93   p. 2161                                      22-23.2.94    p. 2476                                      10-17.5.94    p. 2324</p>	Mr Parish To Minister For Industries And Development	Written Questions - Not Answered, Parliamentary Record No. 14., p. 1235

DATE	DETAILS	PERSON	REFERENCE
2.3.93	We have been removing ourselves from our shareholding in Modular Medical Products and no longer have any A-class shares in that company. We converted the loans to B-class shares, but we have removed ourselves from ownership and control of that business.	Hatton	Debates, Parliamentary Record No. 15, p. 7629
3.3.93	I have a letter here that was written to medical suppliers. In effect, it states: 'Unless you appoint us as your commission agent, you will not obtain any Northern Territory government contracts'. Mr Stone: Table it. Mr PARISH: We will table it afterwards, Mr Speaker.	Parish	Debates, Parliamentary Record No. 15, p. 7723
23.2-4.3.93	Can the minister advise what material difference there is between Modular Medical Products and Dalway, apart from the fact that, despite owning 90% of its shares, the government is unable to control MMP's board of directors and that MMP has not yet been resold to the Silver Circle? Mr STONE: This government supported that industry. It has moved away from wheelchair manufacture and now is into specialist medical products. ... we are negotiating the sale of this business out of the Territory.	Mr Parish to Minister for Industries & Development	Questions, Parliamentary Record No. 15, p. 1543-44
29.6.93	Question 292: Did the Northern Territory government provide a grant to Modular Medical Products of \$3071.70 under the Export Marketing Assistance Scheme in the financial year 1991-92; if so, what was the purpose of this grant.  <i>Question repeated:</i> 17-19.8.93 p. 1853 12-14.10.93 p. 2012 23-25.11.93 p. 2161 22-23.2.94 p. 2328 10-17.5.94 p. 2480	Mr Parish To Minister For Industries And Development	Written Questions, Parliamentary Record No. 17, p. 1801
29.6.93	Last year, the then Minister for Education and Training, the member for Port Darwin, purchased wheelchairs from Modular Medical Products. These wheelchairs arrived at schools throughout the Territory even though there had been no request for them. Wheelchairs are very specialised items requiring custom specification for individual cases for the maximum benefit of the user. At his own behest, the member for Port Darwin purchased wheelchairs from a company that was owned by senior members of the Department of Health and Community Services - a company that had a majority of government equity. ... Some 9 months ago, the opposition placed on notice a series of questions related to departmental purchases from Modular Medical Products. Those questions have not been answered.	Mr Ede	Debates, Parliamentary Record No. 17, p. 8749-51

DATE	DETAILS	PERSON	REFERENCE
29.6.93	<p>Mr PARISH: Mr Speaker, Modular Medical Products was given considerable assistance some years ago to develop a special wheelchair. At the end of the day, that assistance amounted to some \$680 000. I understand that it is not a bad wheelchair, but the problem is that there is a very limited market for it. ... Even when the former Minister for Education and Training tried to give them away to various schools, the schools did not want them. They said that they had no use for them and asked for them to be taken back.</p> <p>Mr Stone: What schools? Name the schools!</p> <p>Mr PARISH...The company could not sell the wheelchairs and the government had invested almost \$0.75m of taxpayers' money. It thought it would get out of the wheelchair manufacturing business and become the local representative for every medical supplier in Australia. The way it went about that - and I will not mince words here - was by entering into what was basically a protection racket or a standover operation. It wrote a standard form letter to virtually every medical supply company in Australia. I have a copy which I am prepared to table. It reads: Our company has recently decided to diversify and expand the range of products offered in response to increased local demand. The increase in demand for medical supplies and equipment stems from a recent change in Northern Territory government purchasing policy which stipulates that preference will be given to locally-based companies. Restrictions have been placed on government departments obtaining quotations for products directly from interstate suppliers. In view of changes in Territory government purchasing policy and tendering procedures, we feel our company can provide a valuable distribution service for your company's product range. Mr Speaker, I seek leave to table that document.</p> <p>Leave granted.</p> <p>Mr PARISH: ... At the time, the general manager's wife was involved with the purchasing decisions at the Department of Health and Community Services. Moreover, the government owned 85% to 90% of this company..... It was not surprising that 75 national medical supply companies, which previously had not seen a need to have a local distribution agent in the Northern Territory, decided suddenly that it might be a good idea to appoint Modular Medical Products as its local representative. ... In relation to Modular Medical Products in particular, I suggest that there were other companies in town that acted as agents for some of those supply companies. Independent Living and Health Care is one such company. Until Modular Medical Products got into the business of being agents for virtually every medical supply company in the country, Independent Living and Health Care made a very reasonable living in that area. It is a locally-based company and has been for some years. Its business has been eroded by the entry of Modular Medical Products into the marketplace. Several of its distributorships and franchises have been withdrawn and given to Modular Medical Products.</p> <p>... That is hardly surprising because Modular Medical Products is owned by the government and consists of the very same people who make the purchasing decisions.</p>	Parish	Debates, Parliamentary Record No. 17, p. 8762-64

DATE	DETAILS	PERSON	REFERENCE
29.6.93	<p>Mr STONE: ...We do not apologise for supporting a product such as the wheelchair. We backed it because it was developed and bankrolled by Territorians. The opposition would have the public believe that they have not put anything on the table. However, they have mortgaged their homes. They have put everything they have into this product because they believe in it. As Territorians, we share that belief with them. We will back them against interstate manufacturers of wheelchairs any day, and we make no apology for that. For the record, that company has been audited independently on 2 occasions with a 12-month interval. Do you know what the finding was, Mr Speaker? It was that Modular Medical Products actually was disadvantaged as a result of government involvement.</p>	Mr Stone	Debates, Parliamentary Record No. 17, p. 8768-69
17-19.8.93	<p>Answers to Questions 164.178</p> <p>The following answer is a coordinated response to written questions 164 to 178 inclusive. The only departments/authorities to have had dealings with Modular Medical Products and Territory Surgical Supplies are as follows -</p> <p>DEPARTMENT OF INDUSTRIES AND DEVELOPMENT</p> <ol style="list-style-type: none"> <li>1. (a) (i) \$ 1 000.00; (ii) \$ 49 294.36; and (iii) \$ 3 071.70.</li> <li>(b) \$ 1 701.79</li> <li>2. (a) (i) Export Marketing Development Grant ) Modular (ii) Patent Assistance ) Medical (iii) Export Marketing Development Grant ) Products</li> <li>(b) Patent Assistance.</li> <li>3. Not applicable.</li> <li>4. Nil.</li> <li>5. Not applicable.</li> </ol>	Mr Parish to all Ministers	Written Questions, Parliamentary Record No. 18, p. 1857-73

DATE	DETAILS	PERSON	REFERENCE
	<p><b>DEPARTMENT OF EDUCATION</b></p> <p>1. (a) (i) \$ 3 858.00; and  (ii) \$ 49 980.00.</p> <p>(b) Nil.</p> <p>2. (a) (i) 2 Micromate audiometers; and  2 Pelican carry cases.</p> <p>These items were ordered for the Katherine Regional Office for use in an Aboriginal hearing project approved under the AEP.</p> <p>(ii) 28 wheelchairs.</p> <p>3. Yes.</p> <p>4. None centrally, apart from the purchases listed in answer to questions 2 and 3.</p> <p>5. Not applicable.</p> <p><b>DEPARTMENT OF PRIMARY INDUSTRY AND FISHERIES</b></p> <p>1. (a) \$ 141.22</p> <p>(b) Nil.</p> <p>2. Supply of glass tubing.</p> <p>3. Yes.</p> <p>4. Nil.</p> <p>5. Not applicable.</p>		

DATE	DETAILS	PERSON	REFERENCE
	DEPARTMENT OF HEALTH AND COMMUNITY SERVICES		
	(a) \$145 840.11		
	(b) \$102 874. 16		
	2. See attachments A and B.		
	3. Yes.		
	4.&5. Supply and delivery of pressure mattress and wheelchair cushions 24.3.92 to 23.3.93 and 12 months option \$ 9 600.00pa		
	Supply and delivery of medical sundries 10.7.92 to 9.7.94 \$19 663.62pa		
	Supply and delivery of medical instruments Royal Darwin Hospital \$ 233.20		
	Supply and delivery of motorised wheelchair SEAT <u>\$ 3 900.00</u>		
	<u>Certificates of Exemption</u>		
	Blanket Warming Cabinet \$11 147.00		
	Six (6) Folding Wheelchairs <u>\$ 5 763.24</u>		
	Attachment A( not retyped)		

DATE	DETAILS	PERSON	REFERENCE
12-14.10.93	<p>Question 219</p> <ol style="list-style-type: none"> <li>1. Have any funds from the Community Care Section been used to purchase goods from the companies Modular Medical Products and Territory Surgical Supplies in the 1990-91 financial year.</li> <li>2. If the answer to question 1 is yes, what are the details of the purchases and what was the cost in each instance.</li> </ol> <p>ANSWER</p> <p>1. &amp; 2.</p> <p>A consolidated response covering all Modular Medical Products questions has been supplied under separate cover.</p>	Mr Bailey To Minister For Health And Community Services	Question, Parliamentary Record No. 20, p. 2066
13.10.93	<p>Mr BAILEY: Mr Chairman, I refer the minister to the expenditure by the Department of Education on wheelchairs developed by Modular Medical Products. What was the total cost to budget in either 1991-92 or 1992-93 for this expenditure? From which section of the education budget did this money come?</p> <p>Mr FINCH: The expenditure was incurred in 1991-92 and amounted to \$49 980. I am sure that the member is well aware of that because it has been spoken about in this Assembly previously. It came from the allocation for Student Support Services.</p> <p>Mr BAILEY: Which schools requested wheelchairs prior to the purchase being made, thereby encouraging the government to undertake this expenditure?</p> <p>Mr FINCH: A number of schools had made direct approaches to the department for wheelchair resources, Mr Chairman.</p> <p>Mr Bailey: I asked which schools, not the number of schools....Can the minister tell us the names of the schools which asked for them?</p> <p>Mr FINCH: No. The information I have is that a number of schools made approaches. Of course, the wheelchairs were distributed to those schools that were assessed as having a need for them. In the main, those are schools that have students with physical requirements. . . . I understand that only one school returned any chairs. Ironically, a number of students are still using wheelchairs of this kind at that school. In my travels, I came across a student at the school at Urapunga who uses a wheelchair of this kind.</p> <p>Mr BAILEY: ... Which schools received the wheelchairs and how many did each receive? I am quite happy for the minister to table that information.</p> <p>Mr FINCH: The answer is: Henbury Avenue School - 3; Ludmilla Special School - 3; Acacia Hill</p>	Mr Bailey to Minister for Education	Debate, Parliamentary Record No. 20, pp. 9761-66

DATE	DETAILS	PERSON	REFERENCE
	<p>School - 3; Kintore Street School - 2; Alice Springs High School - 1; Braitling Primary School - 1; Tennant Creek Primary School - 1; Clyde Fenton Primary School - 1; Katherine High School - 1; Nhulunbuy Primary School - 1; Taminmin High School - 1; Moulden Park Primary School - 1; Millner Primary School - 1; Wulagi Primary School - 1; Darwin High School - 1; Sanderson High School - 1; and Catholic Education - 5.</p> <p>Mr BAILEY: What program was set in place in schools to identify which students needed wheelchairs and the type of wheelchairs they needed prior to this purchase being made? How much did this program cost?</p>		
	<p>Mr FINCH: .... The department knew that there were students who needed wheelchairs. There was no need to introduce a program to assess that need because it had been ongoing. Assessment of this kind is undertaken consistently. Specialist departmental staff in the Student Services area monitor the needs of students on a regular basis, and they understand their needs, including occasional short-term emergency requirements.</p> <p>Mr BAILEY: What was the cost per unit of the wheelchairs? What type of wheelchair was ordered, and what age group were the wheelchairs designed to be used by?</p> <p>Mr FINCH: The cost per unit was \$1785 for a wheelchair that is priced normally at \$2300.</p> <p>... They are adjustable. The wheelchair can be adjusted to 'grow' with the child. Obviously, they cater for a wide range of students, both in age and size.</p> <p>Mr BAILEY: Are they suitable for people from early primary school age to adulthood? Is that what the minister is suggesting?</p> <p>Mr FINCH: The youngest child that I have seen in one was probably about 6 or 7, and that is early primary school age.</p> <p>Mr BAILEY: I am sure that the minister is aware that the reason why this issue has been raised in the discussion of this year's budget is because the Auditor-General's Annual Report for the Year Ending 30 June 1993 said specifically of the Department of Education that inadequacies were noted in the procurement procedures for the acquisition of some equipment in June 1992 for an amount of \$49 980. That appears to be exactly the amount that the honourable minister has told us was paid for these wheelchairs. Can the minister explain why the procurement procedures involved were inadequate?</p>	25	
	<p>Mr FINCH: Mr Chairman, we are not here at this time to debate the Auditor-General's report.</p> <p>Mr BAILEY: The Auditor-General and his annual reports have specific implications for the Territory's budgets because he looks at the way you blokes spend the money. He was saying that it appeared that the previous Minister for Education and Training had overlooked the normal procurement procedures. He had not applied for a certificate of exemption. Without requesting quotes or anything else, he bought a number of wheelchairs from Modular Medical Products, a company in which the government is by far the largest shareholder and a company that was experiencing some</p>		

DATE	DETAILS	PERSON	REFERENCE
	<p>liquidity problems at that time. Rather than a rational process of assessment leading up to recognition of a need for wheelchairs, followed by a routine call for quotes and finally a purchase of the articles, it appears that, by coincidence, the minister suddenly found \$50 000 to help out the government's Dalway of medical supplies and he bought \$50 000-worth of wheelchairs of which the Auditor-General ...</p> <p>...</p> <p>Mr BAILEY: If the wheelchairs are designed only for small children, and they are sent to high schools, they are basically inappropriate for use by the students in those schools. That is why we have asked these questions.</p> <p>MR FINCH: .... As I answered, 16 years is high school age, and I have personally seen 16-year-olds in those chairs. ... The department bought them in accordance with strict guidelines.</p> <p>Mr BAILEY: The strict guidelines were not adhered to. That is why the Auditor-General wrote in his annual report that the procedures were inadequate.... . I asked whether the purchase of the wheelchairs was effected in accordance with a directive of the previous Minister for Education and Training and, if it was not, what action was taken against the public servants involved for breaching normal procurement procedures.</p>		
	<p>Mr FINCH: I do not know if it was the minister's decision or if it came from a suggestion by the minister or a suggestion by somebody to the minister, but quite clearly the procurement of those wheelchairs, excellent as they are, was worth while</p> <p>Mr Bailey: Why didn't the department follow the normal tender procedures instead of going to the Redstar Medical Products Factory?</p> <p>Mr FINCH: Not everyone supplies wheelchairs, that is the problem. The only manufacturer of wheelchairs in the Northern Territory is the producer of a magnificent invention, in case you have never seen it. That manufacturer is Modular Medical Products in Darwin.</p> <p>Mr Bailey: It was not the modular models that were bought though. Those purchased were not the adjustable modular products.... You are talking about the wrong chairs. It was not the modular models that were purchased.</p> <p>Mr FINCH: Mr Chairman, if the honourable member has difficulty with this government supporting local business, then that is a matter for him. I do not know the details of the arrangement or who recommended what to whom. I think that is quite irrelevant.</p> <p>Mr BAILEY: It is interesting that the minister says that the purchase supported local business. The local businesses to which the government appears to lend the most support are those it owns itself in competition with other Territory-owned companies - in this instance, not necessarily wheelchair manufacturers, but other medical suppliers. The other point that the minister has not got through his head yet is that the wheelchairs purchased are not the high-tech adjustable models. The purchase</p>		

DATE	DETAILS	PERSON	REFERENCE
	<p>comprised standard wheelchairs. They are not the modular adjustable models that the minister has been describing. ... What are they? Are they the modular ones or are they a standard folding wheelchair?</p>		
	<p>Mr FINCH: I understand they are the standard Modular Medical Products chair.</p> <p>Mr Bailey: Not the kind that can be custom-adjusted specifically to suit the person who is to use it?</p> <p>Mr FINCH: Mr Chairman, I have it on very good advice relayed by the Chief Minister that they were the award-winning, magnificently-designed, specially-adjustable, patented Modular Medical Products chair. Right? End of story. For the honourable member for Wanguri to fabricate, perhaps deliberately to try to win a brownie point, a story that they were some non-adjustable chair is really very despicable.</p> <p>Mr BAILEY: The honourable minister is saying that they are custom-fit modular chairs and that each one has to be adjusted for the individual use of the person for whom it is intended.</p> <p>... I have seen the publicity for these special custom-fit modular medical wheelchairs that supposedly are capable of being adjusted individually to meet each client's needs. That would appear to indicate that they are totally unsuitable for use as a casual wheelchair of the kind indicated by the minister in the first place.</p>		

**AUSTRALIAN SECURITIES COMMISSION**



TELSTRA PUBLIC USER #60

0000

Region: 99P  
Location: PUB  
Fax No: 089-816563

Wednesday May 17 1995

ANY DIFFICULTIES NOTIFY :DIANNE  
DELIVERY INSTRUCTIONS :ASAP

ON 089 817666

Name: MODULAR MEDICAL PRODUCTS N.T. PTY. LIMITED  
ACN : 009 635 214

<i>Document ID</i>	<i>No. of Pages</i>	<i>Date Lodged</i>
00963521E	5	10/02/95
008737173	3	10/02/95

Request Number 1514672 on 17/05/95 at 13:36.  
Attached are copies of requested documents, details of which appear above.  
The total number of pages including this cover page is 9.  
If all pages have not been included please contact the DOCIMAGE Help Desk.

Australian Securities Commission  
Gippsland Mail Centre  
Morwell VIC 3841

14-22 Grey Street  
Traralgon, Victoria  
Australia

Telephone 051 77 3700  
DOCIMAGE Help Desk 051 77 3001  
Facsimile 051 77 3889

When completed send this return with the prescribed fee to ASC, C/O Gippsland Mall Centre, Morwell 3641

lodging party or agent name : SUE WOOD  
agent name : R V LOWRY & ASSOCIATES  
address : P O BOX 36394  
WINNELLIE NT 0821



00963521E

telephone : (089) 41 0833 facsimile : (089) 81 7251  
DX number : registered agent number : 783

ASC  
CASH  
PRIC.



Australian Securities Commission

# 1994 Annual Return of a company

form **316**

Corporations Law  
335 (1), reg 3.8.01

## Declaration

This declaration must be signed by a current director, secretary or principal executive officer of the company.

- I declare (a) that the information given on this Annual Return of 5 pages and any annexures is complete and correct at the date of signing
- (b) that any key financial data shown at item 13 has been accurately extracted from accounting records kept in accordance with subsection 289(1)
- (c) that there are reasonable grounds to believe that the company will be able to pay its debts when they fall due (strike out this point if unable to form this opinion)
- (d) that this declaration is made under a resolution by the company's board of directors to adopt the contents of this Annual Return.

print name DAVID SHARP capacity DIRECTOR



date 8/2/95 sign here

Please read the Guide to the Annual Return before completing this form.

employees of the company	0	1 - 4	5 - 9	10 - 19	20 - 49	50 - 99	100 - 199	200 - 499	500 +
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1 company name **MODULAR MEDICAL PRODUCTS N.T. PTY. LIMITED**

2 Australian Company Number **009 635 214**

3 financial year ended (d/m/y) **30 /06 /94**

4 Annual General Meeting  
current financial year  meeting held or meeting deemed to have been held date of meeting (d/m/y) **31/12 /94**  
 meeting not yet held  extension of time approved to (d/m/y) / /

5 classification of company **proprietary, limited by shares**  
 exempt  non-exempt  
Was the company of the same classification for the whole of the financial year? yes  no   
Does the company act solely as the trustee of a regulated superannuation fund as prescribed by the Superannuation Industry (Supervision) Act and prohibit the distribution of income or property among its members? yes  no

6 principal activities **MANUFACTURING AND RETAILING OF MEDICAL EQUIPMENT**

7 registered office address **R V LOWRY & ASSOCIATES  
STE 6 CFM JOINERY BUILDING  
170 COONAWARRA ROAD RD  
WINNELLIE NT 0820**

If change of address Show the new address next to the preprint.  
date of change (d/m/y) / / If ASC previously notified, date of notification (d/m/y) / /

7 **registered office (cont)** Does the company occupy the premises specified as the address of the registered office? yes  no   
 if no name of occupier

Tick box below to assent to statement required by subsection 100(d) relating to occupier's consent.  
 *The occupier of the premises has consented in writing to the use of the specified address as the address of the registered office of the company and has not withdrawn that consent.*

office hours A registered office must be open to the public for at least 3 hours between 9am and 5pm on each business day.  
 Have the office hours of the registered office changed? yes  no   
 if yes date of change (d/m/y) / / if ASC previously notified, date of notification (d/m/y) / /

8 **principal business office** 9 DELATOUR ST  
 COCONUT GROVE NT 0810  
 telephone 089 480432 facsimile 089 480459

9 **ultimate holding company**  
 name N/A  
 A.C.N. or A.R.B.N. \_\_\_\_\_ place of incorporation \_\_\_\_\_

10 **current auditor** R V LOWRY & ASSOCIATES  
 RV LOWRY & ASSOCIATES  
 STE 6 CFM BUILDING 1ST FL  
 170 COONAWARRA RD  
 WINNELLIE NT 0820

If change of auditors show the name and full address of the new auditor next to the preprint.  
 new auditor date of appointment (d/m/y) / /  
 former auditor manner of ceasing resignation  removal  death   
 date of ceasing (d/m/y) / / if ASC previously notified, date of notification (d/m/y) / /  
 exempt pty co resolved not to re-appoint  change of name

11 **auditor's report** Were the company accounts for the financial year audited? yes  no   
 if yes, Did the auditor's report for the financial year contain a statement of: yes  no   
 • reasons for the auditor not being satisfied as to the matters referred to in section 331B? yes  no   
 • details of deficiency, failure or shortcoming concerning any matter referred to in section 331E? yes  no

12 **accounts** Is the company covered by a class order which relieves the company from preparing accounts? yes  no   
 Is the company an exempt proprietary company which appointed an auditor? yes  no   
 if no, to both questions give key financial data at item 13

13 **key financial data**

as at end of financial year	<b>current assets</b>	\$ 334730
	<b>non-current tangible assets</b>	\$ 114356
	<b>non-current intangible assets</b>	\$ -
	<b>total assets</b>	\$ 449086
	<b>current liabilities</b>	\$ 217503
	<b>non-current liabilities</b>	\$ 263235
	<b>shareholders' equity</b>	\$ (31652)
for the whole financial year	<b>operating profit / (loss) after income tax</b>	\$ (28554)
	<b>profit / (loss) on extraordinary items after income tax</b>	\$ NIL
	Does the company act as a trustee?	<span style="float:right">yes <input type="checkbox"/> no <input checked="" type="checkbox"/></span>
if yes	complete the following for each trust	
	<b>amount of liabilities incurred by the company as a trustee</b>	\$ NIL
	<b>amount by which the company has a right to be indemnified out of trust assets</b>	\$ NIL

**company officers**

If change of details to company officers, provide the following details along side the appropriate roles.

Detail of Change  
E.g. Cessation/Appointment  
or New Name/Address

Date of change and if applicable, date  
previously notified - PN (see Page 2  
of the Guide - How to show changes)

Details are required for each  
director, secretary and  
principal officer of the  
company.

Check carefully details which  
have been printed from the  
ASC database. If changes are  
necessary, draw a line through  
any incorrect details and show  
the correct information next  
to the printed information.

Show information on separate  
lines as follows

- 1 surname, given names in full
- 2 unit, floor, building name, street number and name
- 3 suburb/city, state, postcode
- 4 date of birth and place and state or country
- 5 office and date of appointment
- 6 whether the officer holds shares in the company

The address for company  
of ficers must be the  
residential address.

Use the appropriate  
abbreviation:

DIR director  
SEC secretary  
PEO principal executive  
officer

**changes**

If a change of name or address  
include the date the  
company's register was  
changed.

If ceasing to act or resigning  
show office and date of  
ceasing or resignation.  
eg 'DIR resigned 11/6/93'

~~LAND, ANNE LOUISE~~

~~UNIT 9~~

~~7 ANTONIOUS CRES~~

~~CASUARINA NT 0810~~

~~born 30/06/1941 at MONTREAL CANADA~~

~~DIR appointed 24/09/1987~~

~~Does the officer hold shares in the company? yes  no~~

~~MOO, STEPHEN KENNETH~~

~~27 SERGISON CRES~~

~~RAPID CREEK NT 0810~~

~~born 02/06/1960 at KATHERINE NT~~

~~DIR appointed 24/09/1987~~

~~SEC appointed 19/11/1990~~

~~Does the officer hold shares in the company? yes  no~~

~~PYNE, LINDSAY ROSS~~

~~7 ADA CRT~~

~~SANDY BAY TAS 7005~~

~~TASMANIA~~

~~born 22/05/1950 at TENTERFIELD NSW~~

~~DIR appointed 24/09/1987~~

~~Does the officer hold shares in the company? yes  no~~

~~SHARP, DAVID~~

~~6 SAVANAH DR~~

~~LEANYER NT 0812~~

~~born 27/01/1945 at BAIRNSDALE VIC~~

~~DIR appointed 11/07/1991~~

~~Does the officer hold shares in the company? yes  no~~

CESSATION  
DIR RESIGNED. - 3/2/95.

**15** issued shares and options

class code	description, full title of share	nominal value per share \$
A	A CLASS	
B	B CLASS	1.00
ORD	ORDINARY	1.00
		1.00

class code	shares			balance of share premium account \$	options	
	total number issued	total nominal value \$	total amount paid \$		number of shares entitled to	av. exercise price per share
A	<del>20494</del> 23619	20494.00 23619	<del>20494.00</del> 23619			
B	692500	692500.00	692500.00			
ORD	6	6.00	6.00			

**16** list of members (shareholders)

List details of the top 10 shareholders for each class first, then show all other shareholders.

If details of shareholders were recorded on the ASC database from the last Annual Return these details will be printed below. Add full details of any new or unlisted shareholders after the printed information.

If the shareholder details for the listed shares has changed, draw a line through the name and address and show the new information next to the printed information.

A member who holds shares on behalf of another person or corporation is not the beneficial owner of the shares (show 'N').

member's full name and address or name and address of executor/s where applicable.	class code (use same code as in item 15)	total number of shares held	Are shares fully paid? (Y/N)	Is the member the beneficial owner of the shares? (Y/N)
COX, LESLIE MERVYN 2 SMYTHE CRT KATHERINE NT 0850 held jointly with COX, MARGARET FAY 2 SMYTHE CRT KATHERINE NT 0850	A	500	Y	N
AS TRUSTEES FOR LESLIE COX FAMILY TRUST.				
LAND, ANNE LOUISE UNIT 9 7 ANTONIOUS CRES CASUARINA NT 0810	A	2499	Y	N
LAND, ANNE LOUISE UNIT 9 7 ANTONIOUS CRES CASUARINA NT 0810	ORD	1	Y	N
MOO, STEPHEN KENNETH 27 SERGISON CRES RAPID CREEK NT 0810	ORD	1	Y	N
MOO, STEPHEN KENNETH 27 SERGISON CRES RAPID CREEK NT 0810	A	<del>2499</del> 3749.	Y	N
NT GOVERNMENT DEPT IND & DEVELOP HARBOURVIEW PLZ CNR MCMINN & BENNETT STS DARWIN NT 0800	B	692500	Y	N

NT GOVERNMENT DEPT IND & DEVELOP  
HARBOURVIEW PLZ  
CNR MCMINN & BENNETT STS  
DARWIN NT 0800

A 2500 Y N

PYNE, LINDSAY ROSS  
7 ADA CRT  
SANDY BAY TAS 7005  
TASMANIA

A 2497  
4372 Y N

PYNE, LINDSAY ROSS  
7 ADA CRT  
SANDY BAY TAS 7005  
TASMANIA

ORD 3 Y N

SHARP, DAVID WILLIAM  
6 SAVANAGH DR  
LEANYER NT 0812

ORD 1 Y N

SHARP, DAVID WILLIAM  
6 SAVANAGH DR  
LEANYER NT 0812

A 2499  
4374 Y N

STAATS, NICHOLAS  
239 GEORGE ST  
NORTH QUAY QLD 4002  
held jointly with  
EDWARDS, RICHARD ARTHUR  
239 GEORGE ST  
NORTH QUAY QLD 4002

} AS TRUSTEE FOR  
N. STAATS  
SUPERANNUATION  
FUND.

A 2500 Y N

SHARP, BARBARA.  
6 SAVANAGH DRIVE  
LEANYER NT 0812.

A. 2500 Y N

KUNANAYAGAM, PUSHPARANJINI  
19 JINGILI TERRACE  
JINGILI NT 0810

A 625 Y N.

Registered agent number 783  
 Lodging party or agent name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone \_\_\_\_\_  
 Facsimile \_\_\_\_\_  
 DX number \_\_\_\_\_ suburb/city \_\_\_\_\_



Australian Securities Commission  
 Notification of  
 change to officeholders

form 304  
 Corporations Law  
 242(7), 361(1)(c)

Corporation Name MODULAR MEDICAL PRODUCTS N.T. PTY LTD.  
 Number (A.C.N./A.R.B.N.) 009 635 214

Type of Change  
 ceasing to hold office  change of name  change of address  new appointment

**Ceasing to hold office** If a change of director, give details of continuing directors on page 3.

name (surname & given names) LAND, ANNE LOUISE  
 former name \_\_\_\_\_  
 office & date director or equivalent  secretary  principal executive officer  date of ceasing 3/02/95  
 details of birth 30/6/41 town, state & country (if not Australia) MONTREAL - CANADA  
 reason for ceasing RESIGNED

name (surname & given names) \_\_\_\_\_  
 former name \_\_\_\_\_  
 office & date director or equivalent  secretary  principal executive officer  date of ceasing \_\_\_\_\_  
 details of birth \_\_\_\_\_ town, state & country (if not Australia) \_\_\_\_\_  
 reason for ceasing \_\_\_\_\_

name (surname & given names) \_\_\_\_\_  
 former name \_\_\_\_\_  
 office & date director or equivalent  secretary  principal executive officer  date of ceasing \_\_\_\_\_  
 details of birth \_\_\_\_\_ town, state & country (if not Australia) \_\_\_\_\_  
 reason for ceasing \_\_\_\_\_

**Change to previously notified name or address**

(surname & given names)

name as notified \_\_\_\_\_  
 new name \_\_\_\_\_  
 new residential address \_\_\_\_\_  
 suburb / city \_\_\_\_\_  
 Country (if not Australia) \_\_\_\_\_  
 office director or equivalent  secretary  principal executive officer  date of change \_\_\_\_\_

**New appointment**

If a change of director, give details of continuing directors on page 3.

other directorships

List other directorships only in public companies or subsidiaries of public companies.

If a directorship is held in one or more subsidiaries of the same holding company, simply give the name of the holding company and add the word "group" in brackets after it, for example Smith Ltd (Group).

Do not list a directorship in a body corporate related to this corporation.  
 If there are no other directorships write NIL.

**new appointments**

name (surname & given names)

former name

residential address

suburb / city

Country (if not Australia)

office & date

details of birth

business occupation

other directorships

name (surname & given names)

former name

residential address

suburb / city

Country (if not Australia)

office & date

details of birth

business occupation

other directorships

name (surname & given names)

former name

residential address

suburb / city

Country (if not Australia)

office & date

details of birth

business occupation

other directorships

name (surname & given names)

former name

residential address

suburb / city

Country (if not Australia)

office & date

details of birth

business occupation

other directorships

name (surname & given names)

former name

residential address

suburb / city

Country (if not Australia)

office & date

details of birth

business occupation

other directorships

director or equivalent  secretary  principal executive officer  date of appointment  
town, state & country (if not Australia)

director or equivalent  secretary  principal executive officer  date of appointment  
town, state & country (if not Australia)

director or equivalent  secretary  principal executive officer  date of appointment  
town, state & country (if not Australia)

director or equivalent  secretary  principal executive officer  date of appointment  
town, state & country (if not Australia)

director or equivalent  secretary  principal executive officer  date of appointment  
town, state & country (if not Australia)

continuing directors

name (surname & given names) MOO, STEPHEN KENNETH.  
 former name \_\_\_\_\_  
 residential address 27 SERGISON CRESCENT  
 suburb / city RAPID CREEK NT 0810.  
 Country (if not Australia) \_\_\_\_\_  
 date of appointment 24/9/87.  
 details of birth 2/6/60 town, state & country (if not Australia) KATHERINE, NT.  
 business occupation DIRECTOR.  
 other directorships \_\_\_\_\_

name (surname & given names) PYNE, LINDSAY ROSS.  
 former name T ADA CRT  
 residential address SANDY BAY, 7005  
 suburb / city TAS  
 Country (if not Australia) \_\_\_\_\_  
 date of appointment 24/9/87.  
 details of birth 20/5/50. town, state & country (if not Australia) TENTERFIELD, NSW.  
 business occupation DIRECTOR.  
 other directorships \_\_\_\_\_

name (surname & given names) SHARP, DAVID.  
 former name \_\_\_\_\_  
 residential address 6 SAVANAGH DRIVE  
 suburb / city LEANYER NT 0812.  
 Country (if not Australia) \_\_\_\_\_  
 date of appointment 11/7/91.  
 details of birth 27/1/45. town, state & country (if not Australia) BAIRNSDALE VIC.  
 business occupation DIRECTOR / MANAGER.  
 other directorships \_\_\_\_\_

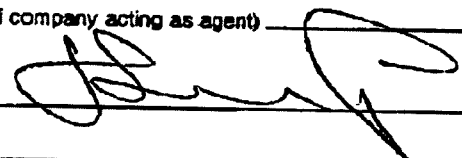
nature

This form must be signed by:

- Australian company      a director, secretary or principal executive officer (PEO)
- registrable Australian corporation      a director or equivalent
- foreign company      a local director, agent or a director, secretary or principal executive officer for a corporation acting as an agent

print name DAVID SHARP. capacity DIRECTOR.

print company name (if company acting as agent) \_\_\_\_\_

Sign here X  date 8.2.95

Annexures

To make any annexure conform to the regulations, you must:

1. use A4 size paper of white or light pastel colour
2. provide a margin of at least 10 mm on all sides
3. number the pages consecutively
4. write or type in dark blue or black ink, so that the document is clearly legible when photocopied
5. identify the annexure with a mark such as A, B, C etc.
6. be endorsed with the words: "This is the annexure (mark) of (number) pages referred to in Form (number and title)"
7. sign and date the form. The annexure must be signed by same person(s) who signed the form.