

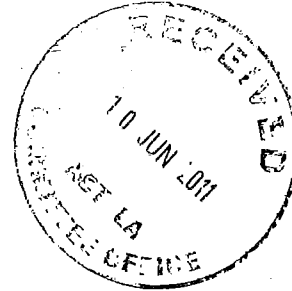


Simon Corbell MLA

ATTORNEY GENERAL
MINISTER FOR POLICE AND EMERGENCY SERVICES
MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT
MINISTER FOR TERRITORY AND MUNICIPAL SERVICES

MEMBER FOR MOLONGLO

Mr Brendan Smyth MLA
Chair
Select Committee on Estimates 2011-12
ACT Legislative Assembly
London Circuit
CANBERRA ACT 2601



Dear Chair

At the Estimates hearing of Wednesday 25 May 2011 I answered one question in relation to the location of the Heritage Unit and one in relation to an order for security of costs in relation to an appeal before the Supreme Court. I am writing to formally correct my answer in relation to the location of the Heritage Unit and to provide further clarification in relation to my answer on security of costs.

In response to your question concerning the physical location of the Heritage Unit, I indicated that the Unit was currently located in Nara House with the Chief Minister and Cabinet Directorate. I have subsequently been advised that whilst the Unit was part of the former Chief Minister's Department, it did not relocate from Macarthur House, where it had been based as part of the former Department of Territory and Municipal Services. The Unit remains at Macarthur House.

In response to your question concerning the appeal to the Supreme Court by the John Flynn Community Group Inc and Flynn Primary School Parents and Citizens Association Inc against the decision of the Heritage Council not to list Flynn Primary School, Pre-School and Health Centre on the ACT Heritage Register, you asked about the need for the Government to take the action in relation to the Flynn 'community group'.

I indicated that the practice of seeking security for costs was not uncommon. Further advice on this matter has been provided by the Chief Solicitor, who has clarified that his office routinely considers the capacity of persons who bring proceedings against the Territory to meet an order for costs that might be made in favour of the Territory.

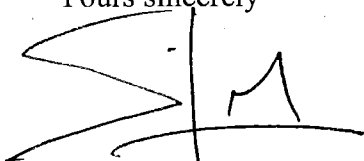
The Chief Solicitor advises that, generally, where a person has already tested a decision in circumstances where no personal or commercial interest is concerned, then serious consideration is given to the question of the party's capacity to meet an order for costs in relation to any appeal. He has indicated that amongst the considerations in deciding to make an application for security or costs will be the information about the assets and 'support' of the party, and in particular whether

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the case raises some important question of law or fact and an assessment by his office of the merits of the case.

The Chief Solicitor has advised that to the best of his knowledge the Territory has only made three applications for security of costs in the last ten years.

Yours sincerely

A handwritten signature in black ink, appearing to be 'S. Corbell', written over a vertical line that extends from the 'Yours sincerely' text.

Simon Corbell MLA
Minister for the Environment and Sustainable Development

8.6.11