



Subject: Flynn response to estimates committee
Date: Wednesday, 8 June 2011 2:10:41 PM
Attachments: [Summary of complaint.pdf](#)
[Budget Estimates E Taglietti 2010.pdf](#)
[JFCG EstimatesCommittee 160610.pdf](#)

Brendan Smyth
Chair
Select Committee on Estimates 2011-2012

Dear Brendan,

In recent budget estimates sessions, the Flynn community claimed the following:

Documents that we have now been able to obtain show a series of misdemeanours include falsification of meeting dates and minutes; false and misleading advice and evidence to Ministers, the Assembly and its committees; serious and undeclared conflicts of interest; deceptive and dishonest engagement; and behaviour contrary to the *Public Sector Management Act*. Some of these matters are now the subject of two independent investigations, including the ACT Ombudsman.

You asked for documents to confirm that these serious allegations are true.

To comply in some small way with that request, we attach details of misleading evidence presented to the previous budget estimates committee (with a copy of a letter by Dr Taglietti to confirm one of our claims), and a copy of an outline of a complaint about these matters to DHCS. The investigation from this complaint is scheduled to finish by 20 June 2011.

We recognise that it may not be within the scope of your committee, but we are asking at this stage for an inquiry into the departmental processes and decision-making about Flynn generally, particularly since budget allocations for last year and this year have been made on the basis of advice from the very department now under investigation.

We are more than happy to provide further documentation at an appropriate time.

Regards

Roger Nicoll and Shirley Pipitone
for the Flynn community

The Department of Disability, Housing and Community Services (DHCS)

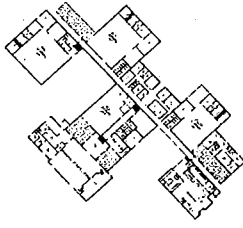
This document constitutes the overview of a formal complaint by Flynn community groups (John Flynn Community Group Inc. and the Flynn Primary School Parents and Citizens Association Inc) against the Department of Disability, Housing and Community Services (DHCS) and its officers in relation to their handling of issues relating to the future use of the Flynn Primary School building and grounds (**the School**). This complaint relies on documents on the public record and obtained through Freedom of Information processes.

A summary of the complaint

The Flynn community groups make the following complaint about DHCS's:

- Failure to protect the heritage values of the School, including:
 - failure to adhere to the commitment made by the Chief Minister and Minister for Heritage to protect the heritage value of the School, regardless of whether the School is formally listed on the ACT Heritage Register
 - failure to investigate options for use that would protect the heritage value of the School
 - failure to prepare a proper conservation management plan for the School
 - failure to incorporate all relevant values into the conservation strategy that was prepared, and commencing works before that document was finalised
 - failure to adhere to the Burra Charter in claimed refurbishment, despite Ministerial claims to the contrary.
- Failure to adequately respect legal process by starting demolition works in part of the school building when the heritage status of the School is currently before the ACT Supreme Court.
- Failure to act with integrity upon the ACT Government's commitment to implement Recommendation 3 from the School closures inquiry, in particular failure *'to negotiate the viability of [the Flynn community's], or alternative, proposals for the closed school site'*.
- Failure to conduct an open, transparent and integrous committee process in the operation of the joint working group with the **John Flynn Community Group (JFCG)** to implement Recommendation 3 from the School closures inquiry, including
 - failure to agree on terms of reference for the working group

- apparent fraud in the preparation of minutes of meetings
- Misleading the Assembly, the Chief Minister, the Minister for Disability, Housing and Community Services, and the community, specifically:
 - provision of inaccurate evidence to the Assembly budget estimates committee in relation to consultation about the heritage value of the School
 - providing inaccurate and damaging information to the Chief Minister about the negotiations and conduct of JFCG
 - failure to brief the Minister for Disability, Housing and Community Services accurately on the operation of the joint working group and the JFCG proposal for future use of the School
 - failure to adhere to government policy on community engagement by misleading the community and publicly misrepresenting JFCG
 - failure to prepare accurate and honest minutes of meetings
 - failure to accurately advise the Minister for Disability, Housing and Community Services on the impact of internal demolition on the heritage values of the School
 - wrongly advising the Minister for Disability, Housing and Community Services about the compliance of works with the Burra Charter.
- Favouritism, discrimination and lack of due process in progressing tenancy matters
 - failure to conduct an open, transparent and integrous tender process for selection of tenants to occupy the School
 - failure to invite an application from the JFCG and partner that had legitimately and repeatedly registered interest in the tenancy through the previous formal process
 - failure to adhere to a written commitment that JFCG would be involved in a final selection of tenants to occupy the School.
- Failure to treat JFCG with fairness, courtesy and respect, including points already covered above, including:
 - failure to adhere to the values and general principles guiding acceptable public service practice set out in Division 2.1 of the *Public Sector Management Act 1994*
 - failure to adhere to the values and general principles guiding acceptable consultation in the *Community Engagement Guidelines*
 - failure to respond to complaints about these matters in a timely manner.



JOHN FLYNN COMMUNITY GROUP

c/o 26 Schwarz Place, Flynn ACT 2615

Chair
Select Committee on Estimates 2010–2011
ACT Legislative Assembly
Civic Square, London Circuit
CANBERRA ACT 2601

16 June 2010

Correction of factual errors in evidence to Select Committee on Estimates 2010–2011

Dear Ms Hunter,

Thank you again for the opportunity to present to the Select Committee on Estimates 2010–2011.

We are writing to the Committee further to our presentation of evidence and further to the presentation by the Department of Disability, Housing and Community Services (DHCS) Minister Ms Joy Burch MLA and departmental officer Mr David Collett on 26 May 2010.

The John Flynn Community Group (JFCG) has a desire to move forward collaboratively with sound social, financial and environmental evidence-based planning to guide the prudent expenditure of \$4 million for revitalisation of the Flynn community via a sustainable hub.

The absence of a sound plan with genuine community input would raise serious questions about the cost-effectiveness and intent of the expenditure. While keen to proceed collaboratively, the JFCG considers that it is important that the Committee be made aware of these matters and some key errors of fact or misrepresentations contained in the DHCS evidence to the Committee, as follows:

1. Claim: “The John Flynn Community Group are welcoming of the childcare place. They are welcoming of the 100 to 120 ...”

- **The JFCG does not welcome a childcare centre of 100 to 120 places. We have not received any empirical evidence from the Department that supports this approach.** Rather, as our evidence indicates, the community welcomes a smaller *community-based* childcare (providing childcare places that are all new to the ACT) delivered as part of a socially, financially and environmentally viable community hub that protects heritage and uses the \$4 million wisely via a comprehensive site plan. This was the basis of the JFCG model proposed.

2. Claim: “We have already made contact with the architect for the Flynn school, Enrico Taglietti”

- The architect, Enrico Taglietti, has informed us that he has not been contacted or involved.

3. Claim: “The Flynn community group came forward with a number of options. We discussed those options, saw where they were compatible and where they represented different approaches. Whilst we have brought forward a proposal for the refurbishment of part of the school in this current financial year, it sits within the suite of options that we developed and discussed hand in hand with the Flynn community and certainly gives consideration to those things.”

- **The Flynn community came forward with one proposal, not a number of options that were considered.** THE JFCG presented *one* proposal for an integrated sustainable community hub based on social business and a citizen-centred governance model. As yet, there is no evidence that our proposal has in any way been considered, included, acknowledged or tested for viability as agreed through the recommendation of the School Closure Inquiry.
- The options proposed by the department were unacceptable to the community as they failed to provide empirical evidence of community needs and they appeared to be arbitrary—some government options involved demolishing at least part of the heritage-nominated building. We note that the department would not agree on terms of reference for the Joint Working Group that included a provision for addressing unmet local needs.

4. Claim: “ [the John Flynn Community Group] welcomed and accepted that other facilities and a community hub can be accommodated within the footprint of the building ... We will be able to accommodate the thrust of what the John Flynn Community Group wanted”

- **The thrust of what JFCG wanted is yet to be proven to be able to be accommodated within the remaining floorplan**—The size of the childcare proposed, the procurement process for childcare providers, and the two-stage process for further development are at odds with the carefully planned, sustainable, integrated community hub model and community consortium and governance proposed by the Flynn community.
- Without a site development plan that has been developed through discussions with the JFCG about community needs, DHCS and by default the Government is unable to demonstrate the appropriateness of its solution.

5. Claim: “I spoke before about the six meetings that we held with the John Flynn Community Group. Maureen Sheehan, the executive director, myself and, more recently, Bob Hyland have been involved in those meetings. So the sense that we have got a half-baked scheme with the childcare centre could not be further from the truth.”

- **There is no evidence that the Government’s childcare proposal is based on sound and tested information**—The JFCG has not been able to obtain or comment on the DHCS (Cabinet-in-Confidence) Budget proposal, any work plans or demographic rationale despite being part of a Joint Working Group tasked with preparing a submission. The JFCG has information and a rationale to indicate that the Community’s integrated hub proposal would be a cost-effective use of the \$4 million and is keen to incorporate this into a site development plan.
- **The John Flynn Community Group has never met with Bob Hyland.** The John Flynn Community Group does not know who Bob Hyland is and has not met with him.

The Flynn community recognises that a good understanding of the above facts could be important to the Committee deliberations and for ensuring that appropriate planning and community involvement guides the \$4 million government expenditure for Flynn. We understand that careful up-front planning and involvement of our community through a site development plan will enable the best use of the \$4 million to deliver an integrated and sustainable Flynn community hub.

Please do not hesitate to contact myself on 0432 035 112 or Roger Nicoll on 6259 2984 if you require further information.

Yours sincerely

Eric Hines
President
John Flynn Community Group

From: "Enrico Taglietti" <enricot@bigpond.com>
To: <committees@parliament.act.gov.au>
Cc: "Roger Nicoll" <roger.nicoll@atrax.net.au>
Sent: Wednesday, 16 June 2010 1:03 PM
Attach: image001.gif
Subject: Budget_Estimates_E_Taglietti

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Chair
Select Committee on Estimates 2010–2011
ACT Legislative Assembly
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Dear Madam Chair,

I write to the Committee on Estimates as the architect of Flynn Primary School.

I write to express my great concern that there have been no discussions with me regarding the ACT Government's plans to modify the Flynn Primary School building for childcare.

I am also very concerned about evidence below to the Committee that gives impression that I have been involved and perhaps agreeable to such a plan. I have never seen the proposal.

"We have already made contact with the architect for the Flynn school, Enrico Taglietti, and we will be involving him in the work for the childcare centre and we will be maintaining that dialogue with the Flynn community group about, as the minister says, the use of the remnant portion of the building." – David Collett

I would be thankful if you can put my concerns and letter to the Committee.

Flynn Primary School has a very important place in my architectural work and I would expect to be involved in the planning if any changes or modifications are proposed.

Yours sincerely

Enrico Taglietti

Enrico Taglietti
Architect, Flynn Primary School

16 June 2010
