



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY
STANDING COMMITTEE ON PLANNING AND URBAN SERVICES

REPORT NO.49 (MAY 2000)
ACTIVITY IN 1999-2000

RECOMMENDATION

The committee recommends that the Territory's parliament note this report.

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The Standing Committee on Planning and Urban Services was established on 28/4/98 to inquire into and report on planning and lease management, road and transport services, housing and housing assistance, government purchasing and public utilities purchasing, electricity industry and regulation, construction industry policy, parks and forests, private sector employment inspectorate, building services, environment, heritage and municipal services and any other related matter (resolution of appointment, as amended on 25/11/99).

Committee members

Mr Harold Hird MLA (Chair)

Mr Dave Rugendyke MLA (Deputy Chair)

Mr Simon Corbell MLA

Secretary – Mr Rod Power

For further information please contact the secretary on ph: 02 6205-0435 or fax: 02 6205-0432 or email:

committees@act.gov.au

Introduction

1. This report continues the practice established last year whereby the committee reports to the Territory's parliament on its activity in each year.¹ Members hope that the report will interest our colleagues in the Assembly as well as members of the public.

Meetings

2. The committee has met on 103 occasions since it was established on 28 April 1998. In its first year [April 1998-April 1999] it met on 46 occasions. In its second year [to May 2000] it met on 57 occasions.

3. 45 of the 57 meetings have involved a private meeting and 31 have involved a public hearing. The total time taken for public hearings was 92 ½ hours.

Number of reports

4. In both its first and second years of operation, the committee produced 24 reports. The reports produced in 1999-2000 are shown in Table I.

TABLE I: LIST OF REPORTS PRODUCED IN 1999-2000

Report No.	Title of report
25	Code of Practice for the placement of movable signs in public places
26	Draft Variation to the Territory Plan No.111 <i>Canberra Centre consolidation</i>
27	Draft Variation to the Territory Plan No.117 <i>Heritage Places Register</i>
28	Restricted taxi (multicab) plates
29	Draft Variation to the Territory Plan No.137 <i>O'Connor section 86, block 2 Macpherson Courts</i>
30	<i>Carparking at Exhibition Park in Canberra</i>
31	Draft Variation to the Territory Plan No.94 <i>Red Hill section 56 block 1 (Federal Golf Club)</i>
32	<i>Attendance of the committee at the national conference of parliamentary public works and environment committees in Hobart on 13-15 September 1999</i>
33	Draft Variation to the Territory Plan No.116 <i>Charnwood section 96</i>
34	Draft Variation to the Territory Plan No.102 <i>Heritage Places Register</i>
35	Draft Variation to the Territory Plan No.96 <i>Northbourne Avenue precinct</i>
36	Warrants for traffic calming measures
37	<i>Motor Traffic (Amendment) Bill (No.4) 1998 and circulated amendments</i>
38	<i>1998-99 Annual Reports of DUS</i>
39	<i>Long Service Leave (Cleaning, Building and Property Services) Bill 1999</i>
40	Draft Variation to the Territory Plan No.100 <i>Telecommunications policies facilities</i>
41	<i>Betterment (change-of-use charge)</i>
42	Draft Variation to the Territory Plan No.113 <i>Kingston foreshore</i>
43	<i>Draft 2000-01 Budget for DUS</i>
44	<i>An appropriate tree management and protection policy for the ACT</i>
45	Draft Variation to the Territory Plan No.114 <i>Heritage Places Register (Red Hill precinct)</i>
46	Draft Variation to the Territory Plan No.110 <i>Heritage Places Register</i>
47	Draft Variation to the Territory Plan No.110 <i>Heritage Places Register</i>
48	Draft Plans of Management for urban parks and sportsgrounds in inner Canberra and in Tuggeranong

¹ The committee reported in May 1999 in a report entitled *Standing Committee on Urban Services: Activity in its first year of operation* (Report No.24)

Subject of the reports

5. The number and subject of reports is indicated by Table II.² It shows that half of all the reports involved draft Variations to the Territory Plan. The next largest number of reports [four] dealt with transport issues.
6. The committee reported on the same number of Bills [two] in both years.
7. Of interest is the absence of any report on capital works in the committee's second year of operation. This reflects changes in the way that both the government and the parliament deal with capital works – especially the experiment in 2000 which saw the government's Draft Budget referred to the five standing committees for examination, with each committee looking at a specific department's program of capital works.
8. By way of contrast, the committee twice examined the activities of the Department of Urban Services in 2000: once when looking at the department's 1998-99 *Annual Report* and once when scrutinising the department's 2000-01 draft budget.

TABLE II: NUMBER AND SUBJECT OF REPORTS IN THE TWO YEARS OF THE COMMITTEE'S OPERATION

	Year one	Year two
Reports	24	24
Draft variations	13	12
Transport issues	1	4
Conference	1	1
Code of practice	1	0
Bills	2	2
Analysis of DUS	0	2
Long service leave in the cleaning industry	0	1
Betterment	0	1
Capital works	2	0
Management plans for public land	3	1
Trees policy	0	1
Petrol sites policy	1	0

9. The list of reports in Table II shows that the committee has examined many of the matters listed in its resolution of appointment (shown at the foot of the cover page of this report). While half of the reports dealt with planning and heritage issues, the committee also investigated environment issues (reports on trees, draft management plans and petrol sites policy), lease issues (report on betterment), roads and transport services (reports on traffic warrants, 'burnouts', carparking at EPIC), and private sector employment (long service leave policy in the cleaning industry).
10. Missing are reports on housing issues, government purchasing and industry regulation. In connection with the first matter (housing), the Legislative Assembly chose to establish a select committee to examine the role of public housing, rather than add to this committee's workload.³

² Totals may not balance due to some overlap among the subjects, eg. the reference to two Bills includes one dealing with traffic matters and one dealing with long service leave in the cleaning industry; hence, these reports are also listed under these headings.

³ The Select Committee on Public Housing was established on 1 July 1999 to inquire into and report on the role of public housing in the ACT. The committee reported in March 2000.

Aspects of the inquiries leading to reports

11. The work involved in producing the reports is suggested by the information in Table III, which shows the length of each inquiry, the number of public hearings, and the number of witnesses and of submissions.

12. The Table shows that, while the longest inquiry took 19 months, a majority of the inquiries lasted three months or less. Over 200 witnesses addressed the committee at these hearings; and 244 submissions were received.⁴ The greatest number of submissions related to the committee's inquiry into draft Variation No.94 for the Federal Golf Course [121 submissions] followed by the inquiries into a tree protection policy [30 submissions], a traffic warrant system for traffic calming devices [21 submissions] and taxi services for disabled persons [15 submissions].

TABLE III: ASPECTS OF REPORTS BY THE COMMITTEE IN ITS SECOND YEAR OF OPERATION

Report	Length of inquiry (rounded)	No. of public hearings	No. of witnesses	No. of subs
25. Code of practice	5 ½ months	1	4	3
26. DV111	3 months	1	10	4
27. DV117	4 days	0	0	0
28. Taxis	10 months	3	24	15
29. DV137	2 months	2	10	2
30. EPIC carparking	1 month	2	13	0
31. DV94	3 months	2		121
32. Conference	1 month	0	0	0
33. DV116	1 ½ months	1	2	0
34. DV102	5 months	1	4	3
35. DV35	4 months	1	3	0
36. Traffic warrants	6 months	1	11	21
37. Motor Traffic (Amendment) Bill No.4	11 months	1	7	10
38. DUS Annual Report	3 months	2	Many from DUS	0
39. Long Service Leave (cleaners) Bill	3 months	3	7	6
40. DV100	3 months	1	2	0
41. Betterment	7 ½ months	4	19	7
42. DV113	3 months	1	6	2
43. DUS Draft Budget	3 months	2	20	12
44. Tree policy	19 months	4	22	30
45. DV114	5 ½ months	3	14	7
46. DV110	6 months	2	7	1
47. DV145	3 months	1	3	0
48. Draft management plan	3 months	1	4	1

⁴ These figures exclude inquiries still underway at the time this report is tabled.

Origin of the reports

13. All but four of the committee's 24 reports arose out of a resolution of the Territory's parliament or by legislation.

14. Those arising out of legislation derived from the specific provisions of the *Land (Planning and Environment) Act 1991* that refer draft Plan Variations and draft Plans of Management for public land to the 'appropriate' committee of the Legislative Assembly.⁵

15. The four reports that did not originate in a resolution of the Assembly or by legislation had their origin in the power of Assembly standing committee to self-refer matters for examination. The committee did this in the case of inquiries into carparking at EPIC, a trees policy, warrants for traffic calming measures and reporting on the national conference of parliamentary public works and environment committees.

Aspects of specific inquiries

16. Some interesting aspects of the inquiries are summarised in Table IV

TABLE IV: ASPECTS OF SPECIFIC INQUIRIES

Report No. and inquiry	Interesting issues
26. DV111 Canberra Centre	Dissatisfaction of some tenants in large shopping mall
28. Taxis	First use of colour photo in a committee report. Sydney visit. Recommended cabs for disabled are painted in the same livery as other cabs. Government adopted recommendations.
29. DV137 Macpherson Court	Committee request to see section master plan before it is signed off by Minister
30. EPIC	Speedy inquiry due to the need to anticipate looming problems of carparking around EPIC. Local government role of committee. Self-referred
31. DV94 Federal Golf Club	Site visit. Emotive issues. Dissent won in the final vote in the Chamber.
36. Traffic warrants	Seconded officer. Detailed recommendations. Visited Newcastle, Melbourne and Brisbane
37. Motor Traffic Amdt Bill No.4 ('burnouts')	Emotive. Originated in a Private Member's Bill. Committee was directed to examine this Bill along with amendments moved by the Minister and another member.
38. DUS Annual Report	Quick. Recommended improved performance measures and report layout.
39. Long Service Leave (Cleaners) Bill	Not a dissent but Chair not agree with the majority.
41. Betterment	Report on a report! Controversial and emotive. Dissent won in the final vote in the Chamber.
43. DUS Draft Budget	
44. Tree policy	Lengthy. No government submission.
45. DV114 Red Hill precinct	Contentious issue. Dissent.
46. DV110	Contentious in relation to Ainslie School.
47. DV145	
48. Draft management plan	

⁵ These provisions are section 25 of the *Land (Planning and Environment) Act* (referring draft Plan variations to an 'appropriate' committee) and section 203 (which refers draft Plans of Management to the 'appropriate' committee).

Some efficiency measures

17. The committee is aware of the difficulty in measuring the efficiency of parliamentary committees. With this qualification, the committee points out that:

- it has produced 48 reports to date
- on 9 May 2000 it tabled what it understands is the most number of reports tabled by a committee in one sitting day [four]
- it has produced, on average, two reports for each month of its existence [48 reports over 24 months]
- it averages two meetings per report [102 meetings of the committee and 48 reports]
- it has conducted public hearings on each Friday of 2000 since 25 February 2000 [holidays excepted].

Inquiries underway as this report is brought down

18. The committee has eleven inquiries underway at present. Starting with the most recently referred, they are as follows:

- the Utilities Bill 2000 [referred by the Assembly on 2 March 2000 for tabling on 27 June 2000]
- Draft Variation No.146 concerning the proposed Callam Street realignment in Woden Town Centre [referred by the Minister for Urban Services, pursuant to the Land Act, on 17 April 2000]
- Final draft management plan for the lower Molonglo River corridor [referred by the Minister for Urban Services, pursuant to the Land Act, on 20 December 1999]
- Draft Variation No.139 concerning proposed additional uses in B11: North Canberra [referred by the Minister for Urban Services, pursuant to the Land Act, on 9 December 1999]
- Draft Variation No.89 [revised] for the Murrumbidgee and lower Molonglo Rivers [referred by the Minister for Urban Services, pursuant to the Land Act, on 8 November 1999]
- Draft Variation No.140 relating to the existing produce market sites at Belconnen and Tuggeranong Canberra [referred by the Minister for Urban Services, pursuant to the Land Act, on 25 October 1999]
- Tuggeranong Lakeshore Master Plan [referred by the Assembly on 2 September 1999]
- proposals for rural residential development [referred by the Assembly on 1 July 1999]
- monitoring the implementation of Variation No.64, and monitoring precinct master plans for local shopping centres [partially self-referred and part referred by the Assembly on 30 June 1999]

- inquiry into the proposals for Gungahlin Drive extension (the former John Dedman Parkway) [referred by the Assembly on 21 April 1999]
- Motor Traffic (Amendment) Bill (No.3), to prescribe a speed limit of 50 kms per hour in public streets [referred by the Assembly on 10 March 1999].

Statutory appointments

19. As well as producing reports, the committee scrutinised proposed appointments by the Minister for urban Services to the following bodies: Heritage Council; Flora and Fauna Committee; Plumbers, Drainers and Gasfitters Board; Electrical Licensing Board; Canberra Public Cemeteries Trust; and the Animal Welfare Advisory Committee.

Observations in relation to the committee's activity

20. Some observations about the committee's activity during the past year including the following:

i. Local government role

—the committee performs a type of local council role in relation to many of the issues under the control of the Department of Urban Services [DUS]. This reflects the fact that the Territory's parliament and government have responsibility for both state and local government roles.

ii. Broadcasting of public hearings

— during the year the committee resolved to seek the Speaker's authorisation to broadcast all public hearings of the committee. This is a first for Assembly committees and reflects the public interest in the committee's inquiries. Members are aware that the Assembly's Standing Committee on Administration and Procedure is reviewing the legislation applying to broadcasts of the assembly and its committees; and it is the wish of members of this committee that this will lead to legislation permitting all public hearings to be broadcast *unless the Assembly or a committee specifically resolves otherwise*.

iii. Public access to transcripts

—the secretary frequently receives requests from the public and from government officers for access to the unedited transcript of a committee hearing of the previous week. This reflects the interest in gaining speedy access to the transcript (especially where an inquiry is controversial).

The current policy of the Assembly is that unedited transcripts cannot be released or made available beyond the Assembly (anyone wishing to read them must come to the Committee Office where it will be made available, though it cannot be photocopied to take away). This reflects the desire to ensure that witnesses are protected from possible errors in the unedited transcript. One disadvantage of this policy is that public access to oral testimony is constrained.

iv. Submissions on email

—the committee is receiving an increasing number of submissions by email. The committee's policy is that email submissions will be accepted whenever a name and address is clearly stated.

The committee also is conscious that some members of the public want to see, on the web, the submissions that have been authorised for publication. This is particularly the case when an inquiry is contentious, such as the inquiry into the proposed Gungahlin Drive extension. At

present, the committee office of the Assembly does not have the capacity to scan all submissions into a form suitable for placing on the web.

v. Record number of submissions

—in relation to the Gungahlin Drive inquiry still underway, the committee has received over 800 submissions to date (with more arriving weekly). It is believed that this is a record number of submissions to an Assembly inquiry—and it reflects the wide interest in the subject of the inquiry.

vi. Reports on email

—the committee is receiving an increasing number of requests for its reports to be sent via email to interested persons (including government agencies). Wherever possible, the committee forwards its reports by this method.

vii. Authorisation to publish submissions on receipt

—in order to cope with the great amount of correspondence (including submissions), the committee has resolved that all submissions are approved for publication to the public provided that they are not defamatory or irrelevant and that two conditions are met. The first is that they do not raise issues of a confidential or commercial-in-confidence kind (in which case the secretary is required to bring the submission to the attention of members for a decision on whether to publish). The second is that members must see the submissions before they are released to the public. This procedure facilitates public access to key documents in an inquiry.

viii. Travel

—the committee travelled to Sydney during May 1999 to meet taxi companies, government officials, the NSW Disability Council and a workshop manufacturing an Australian designed hydraulic vertical lift for disabled access to vehicles. The visit was made in relation to the inquiry into taxi services for the disabled. Members found the visit extremely helpful in understanding the difficulties faced by disabled people; and the lessons learnt during the visit were reflected in the nature of the committee's recommendations in the subsequent report.

The committee also travelled to Newcastle in July 1999 in relation to two inquiries: into a Motor Traffic Amendment Bill dealing with burnouts and into warrants for traffic calming measures. The committee met local police, council staff and the operators of the Tomago Speedway.

In October 1999 the committee visit the Gold Coast and Brisbane city councils, and the Booroondara and Monash councils in Melbourne. The visits were in relation to the inquiry into traffic calming measures. While in Melbourne the committee also met a traffic consultant specialising in traffic management (Mr O'Brien). Again, the visits were useful in drawing out the important issues in the inquiry, and this made the committee's final report more accurate and relevant.

ix. National conference

—a further element of the committee's travel was its attendance at the national conference of parliamentary Public Works and Environment committees in Hobart during September 1999. This is an opportunity for parliamentarians from around Australia to share information about the activity of their committees. It also is the opportunity for the host committee (in this case, the Tasmanian Public Works Committee) to showcase current developments in the area of public works and the environment. Members find the conference extremely useful.

x. Use of seconded officers

—in order to ease the pressure on the committee's sole permanent officer, the committee asked the Minister for Urban Services to provide a seconded officer for its inquiry into traffic warrants. Not only did the Minister make an officer available, he also agreed to fund the officer's travel costs when members travelled inter-state to inspect traffic calming measures and meet officers of local government authorities.

The seconded officer (Mark Ransom) brought specialist knowledge to the inquiry, and this proved very useful to members. He met all deadlines, organised meetings in a professional manner and wrote the committee's report quickly, clearly and thoroughly.

At the time of writing this report, the committee has another seconded officer (David James) to assist it in the inquiry into the Utilities Bill. Again, the committee thanks the Minister for Urban Services (Mr Smyth MLA) for agreeing to make the officer available.

xi. Additional part-time help for the secretary (within the committee office)

—as a further help to the committee's secretary, the Legislative Assembly Secretariat provided a part-time officer (at the ASO-3 level) to be shared between this committee and another standing committee. The committee appreciates the help of this person (Ms Grayson).

xii. Display space in committee room 1

—the committee is often shown maps and other visual aids during public hearings and private briefings. The most frequently used maps are those dealing with the Territory Plan and with proposed changes to that Plan. The committee also receives requests by witnesses (sometimes at short notice) to use overhead projectors and videos.

The committee considers the display space in the committee rooms is limited. The committee would very much like an improved display space that might include facilities for leaving maps up, but out of sight, during the period between the committee's meetings.

The committee drew the Speaker's attention to the outstanding facilities in the council chambers of the City of Boroondara (Melbourne) which include an excellent projection system whereby a page of a document under consideration by council can be projected onto a very large screen behind the councillors such that every word in the document (or detail of a plan) can be seen by both councillors and people in the public gallery.

xiii. Policy on advertising inquiries

—the committee advertises its inquiries in the same way as other standing committees, ie by placing advertisements in the Public Notices section of the Saturday edition of the *Canberra times* and in the General News section of the *Chronicle*. The committee is aware that not everyone reads newspapers and that there is a case for broader dissemination of information about committee inquiries.

xiv. Change in the format of this committee's report

—in order to speed up the process of reporting on its large number of inquiries, the committee experimented with the format used to report. It was impressed by the format used by the Queensland Standing Committee on Public Works, which puts its conclusions and recommendations on the first page of its report and then provides, in a condensed form, some background to the inquiry. This committee adopted this format in the latter half of the year and found it useful. Readers of the committee's reports will be aware of these changes.

xv. Pressure upon members caused by the number of meetings

—in order to cope with the workload, members have adopted the practice of sometimes meeting twice a week in order to deal with issues. This frees up the regular Friday meeting for a public hearing.

xvi. Dissents

—the committee tries hard to produce a unanimous report, as this makes the view of the committee very plain to the Assembly. However, there are occasions when it is not possible to agree on the recommendations of a report and, in these cases, the committee uses one of two ways to express this disagreement.

One way is by dissent – this was used by Mr Corbell in three reports during the year (Report No.24 on the Federal Golf Course, Report No.41 on betterment and Report No.45 on the Red Hill precinct).

The second way is to make plain in the body of the report that one member has a contrary view to his colleagues but is not formally dissenting from the report. This was used twice by members: by Mr Corbell to distinguish his viewpoint on one issue from that of other members (in Report No.37 dealing with burnouts) and by Mr Hird to ensure that readers of Report No.39 (on the Long Service Leave Bill) were aware that he thought the recommendations of his colleagues were not appropriate.

xvii. Changes to the format of the schedule of witnesses

—in order to speed up the flow of witnesses through a public hearing, the committee has adopted the practice of showing the time allocated to witnesses on the schedule sheet eg. a witness may be shown as having 10 minutes talking time (maximum) followed by 5 minutes time for questions by members, making a 15 minute slot. This procedure has facilitated the appearance of witnesses at the several public hearings into the proposed Gungahlin Drive extension.

xviii. Frequency of public hearings

—in order to deal with the number of inquiries, the committee has met on most Friday mornings in public session to hear government officials and members of the public. During February, March and April 2000, the committee held public hearings on every Friday. In the case of a contentious issue like the inquiry into the proposed Gungahlin Drive extension, the committee held public hearings on three successive Fridays in April and three successive Fridays in May 2000.

xix. Involvement of local members

—the committee initiated the practise (new to Assembly committees) of inviting all members of an electorate to a public hearing where an issue of particular concern to that electorate was being discussed. This occurred in relation to the public hearing on developments affecting Latham shops held on 14 April 2000. Subsequently, all the local members from Ginninderra were provided with the transcript of the hearing, for information.

Appreciation

21. The committee expresses its thanks to all those who facilitated its activity during the past year, including those members of the public who lodged submissions and/or addressed members at public hearings, Ministers and their departmental officers, and staff of the Legislative Assembly Secretariat.

Harold Hird MLA
Chair
17 May 2000