



Legislative Assembly for the ACT

SELECT COMMITTEE ON  
PRIVILEGES

**Report on whether the actions of the  
Chair of the Standing Committee on  
Planning and Environment with regard  
to the distribution of a flyer in her name  
at the Belconnen Markets did constitute  
a contempt of the Assembly**

19 MARCH 2004

## Committee membership

Kerrie Tucker MLA (Chair)

Karin MacDonald MLA (Deputy Chair)

Greg Cornwell MLA

Secretary: Jim Pender

Administration: Judy Moutia

## Resolution of appointment

That:

1) pursuant to standing order 71, a Select Committee on Privileges 2004 be appointed to inquire and report on whether the actions of the Chair of the Standing Committee on Planning and Environment with regard to the distribution of a flyer in her name at the Belconnen Markets did constitute a contempt of the Assembly through improper interference in the work of the Standing Committee on Planning and Environment;

(2) the Committee be composed of:

(a) one Member to be nominated by the Government;

(b) one Member to be nominated by the Opposition; and

(c) one Member to be nominated by a Member of the ACT Greens, the Australian Democrats or the Independent Member;

to be notified in writing to the Speaker by 4.00 pm today; and

(3) the Committee report by the first sitting day in April 2004.



## Preface

On 10 February 2004 the Assembly resolved that a Select Committee on Privileges 2004 be appointed to:

inquire and report on whether the actions of the Chair of the Standing Committee on Planning and Environment with regard to the distribution of a flyer in her name at the Belconnen Markets did constitute a contempt of the Assembly through improper interference in the work of the Standing Committee on Planning and Environment;

Mr Cornwell, Ms MacDonald and Ms Tucker were nominated to the committee.



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# Recommendations

## **Recommendation 1**

The committee finds that the Chair of the Standing Committee on Planning and Environment in distributing a flyer in her name at the Belconnen Markets was in contempt of the Assembly but **recommends** no further action be taken (paragraph 5.8).

## **Recommendation 2**

The committee **recommends** that some form of continuing professional development in parliamentary procedures and conventions be introduced for Members additional to the new Members seminar (paragraph 5.10)



# 1. Introduction

## Sources of the Legislative Assembly's privileges

1.1 The powers and privileges of the ACT Legislative Assembly derive from the *Australian Capital Territory (Self Government) Act 1988* which states at section 24 that

(2) ... the Assembly may make laws:

(a) declaring the powers of the Assembly and of its members and committees, but so that the powers so declared do not exceed the powers for the time being of the House of Representatives ...

(3) Until the Assembly makes a law with respect to its powers, the Assembly and its members and committees have the same powers as the powers for the time being of the House of Representatives ...

1.2 The Assembly has not made a law under this section. Thus the powers and immunities of the Assembly are the same as those of the House of Representatives with one exception – that, as a result of subsection 24 (4) of the Self Government Act, it has no power to imprison or fine a person.

1.3 The privileges of the House derive in turn from those of the British House of Commons as at 1901 through section 49 of the Australian Constitution, which states that

The powers, privileges and immunities of the Senate and of the House of Representatives, and of the members and the committees of each House, shall be such as are declared by the Parliament, and until declared shall be those of the Commons House of Parliament of the United Kingdom, and of its members and committees, at the establishment of the Commonwealth.

1.4 The privileges of the Commonwealth Parliament were declared in the *Parliamentary Privileges Act 1987*.

1.5 Decisions of the House of Representatives and the Senate on privilege matters are important sources on the law and practice of privilege and contempt. The Senate's privileges resolutions are also a useful guide in this matter.

## Privilege

1.6 The term parliamentary privilege refers to special legal rights which apply to each House of the Parliament, its committees and Members.

1.7 The main features of the arrangement in the Commonwealth Parliament are as follows

- each House, its committees and Members enjoy certain **rights and immunities** (exemptions from the ordinary law), such as the ability to speak freely in Parliament without fear of prosecution (known as the privilege of freedom of speech);
- each House has the power to deal with offences – **contempts** – which interfere with its functioning;
- each House has the power to reprimand, imprison or impose fines for offences;
- complaints are dealt with internally ( within Parliament).

1.8 The privileges of parliament are available to the parliament to protect itself and are

conferred in order to ensure that the duties of members as representatives of their constituents may be carried out without fear of intimidation or punishment, and without improper impediment. ... These immunities ... are limited in number and effect. They relate only to those matters ... recognised as crucial to the operation of a fearless Parliament ...<sup>1</sup>

1.9 The immunities are recognised, and generally defended, by the law.

1.10 Perhaps the best known and most significant immunities are “the right of free speech in Parliament without liability to action or impeachment for anything spoken therein” and the immunity of members from legal proceedings for anything said by them in the course of parliamentary debates and proceedings.

1.11 This immunity derives from the English Bill of Rights of 1689 which refers to “debates and proceedings” in Parliament.

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<sup>1</sup> Senate Committee on Privileges, 62<sup>nd</sup> Report, 1966-1996, *History, Practices and Procedure*, August 1996, para 1.1.

### 1.12 The Parliamentary Privileges Act defines what constitutes proceedings:

... all words spoken and acts done in the course of, or for purposes of, or incidental to, the transacting of the business of a House or a committee, and ... includes-

- (a) the giving of evidence before a House or committee, and the evidence so given;
- (b) the presentation of a submission or document to a House or Committee;
- (c) the preparation of a document for purposes of or incidental to the transacting of such business; and
- (d) the formulation, making or publication of a document, including report, by or pursuant to an order of a House or a committee and the document so formulated, made or published.<sup>2</sup>

1.13 Thus proceedings in parliament can encompass a broad range of activities and can include the evidence of witnesses before committees and documents prepared by third parties for use by members in the course of their parliamentary business.

1.14 The powers of parliament are, principally, those necessary to control its own members and to punish breaches of its privileges or contempts. Those of the ACT Legislative Assembly are limited, as mentioned above, by the Self Government Act.

## Contempt

1.15 A legislature's power with regard to contempt is analogous to that of the courts and reflects the need of a legislature, or a court, to '... protect themselves from acts which directly or indirectly impede them in the performance of their functions.'<sup>3</sup> Note that "the power [to punish contempts] does not depend on the acts judged and punished being violations of particular immunities"<sup>4</sup>.

1.16 The relationship between immunities and the power to punish contempts is described in Odgers as

The power of the Houses in respect of contempts ... is not an offshoot of the immunities which are commonly called privileges, nor is it now the primary purpose of that power to protect those immunities, which are expected to be protected by the courts in the processes of the ordinary law.<sup>5</sup>

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<sup>2</sup> *Parliamentary Privileges Act (C'wealth) 1987*, s.16.

<sup>3</sup> *Odger's Australian Senate Practice*, 10<sup>th</sup> edition, p.58.

<sup>4</sup> *Odger's*, *ibid*, p. 58

<sup>5</sup> *Odger's*, *ibid*, pp.30-31.

1.17 Erskine May, the guide to British parliamentary practice, describes contempt as,

... any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence. It is therefore impossible to list every act which might be considered to amount to a contempt, the power to punish for such an offence being of its nature discretionary.<sup>6</sup>

1.18 Contempt of parliament is further defined in the Parliamentary Privileges Act at section 4

Conduct (including the use of words) does not constitute an offence against a House unless it amounts, or is intended or likely to amount, to an improper interference with the free exercise by a House or a committee of its authority or functions, or with the free performance by a member of a member's duties as a member.

1.19 The Privileges resolutions of the Senate include a guide to acts that may be considered contempts. For the purposes of this inquiry the first of these is relevant:

A person shall not improperly interfere with the free exercise by the Senate or a committee of its authority, or with the free performance by a Senator of a Senator's duties as a Senator.<sup>7</sup>

1.20 The Houses of the Commonwealth Parliament while treating contempt seriously have tended to exercise their powers "with great circumspection". The Senate Privileges Committee has generally confined its investigations to "serious matters potentially involving significant obstruction of the Senate..." and "... now regards a culpable intention on the part of the person concerned as essential for the establishment of contempt."<sup>8</sup>

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<sup>6</sup> Erskine May, *Treatise on the Law, Privileges, Proceedings and Usages of Parliament*, 22<sup>nd</sup> edition, p.108.

<sup>7</sup> Parliamentary Privilege. Resolutions agreed to by the Senate on 25 February 1988. No. 6 – Matters constituting contempts, paragraph (1). *Odgers*, op cit, p. 579. Members should also consider paragraphs (12) and (16) .

<sup>8</sup> For discussion of this see *Odger's*, op cit, pp.61-63.

1.21 Obstruction of a committee's work should be improper and substantial. Committees of the House of Representatives have reported, on a number of occasions, that unauthorised publication has occurred but the matter has not been pursued because "... substantial interference with its work had not occurred."<sup>9</sup> However, it should be noted that, while the outcome of a particular breach may be minor, the matter might still be pursued because it represents a significant breach of an important principle irrespective of the consequences.

1.22 In a discussion on acts that constitute breaches of privilege and contempts *House of Representatives Practice* refers to

- advocacy by Members, quoting *May* that.... no Member....shall...advocate or initiate any cause or matter on behalf of any outside body or individual; or urge any Member of either House of Parliament, including Ministers, to do so<sup>10</sup>;
- any conduct having a tendency to impair a Member's independence in the future performance of his or her duty<sup>11</sup>; and
- *May* again at page 716

Other acts besides words spoken or writings published reflecting upon either House or its proceedings which, though they do not tend directly to obstruct or impede either House in the performance of its functions, yet have a tendency to produce this result indirectly by bringing such House into odium, contempt or ridicule or by lowering its authority<sup>12</sup>

as possibly constituting contempts.

1.23 On the point of advocacy House of Representatives practice, following recommendations of its Procedure Committee in 1986 in relation to petitioning the House, prohibits any indication on a petition that it had been sponsored or distributed by a Member. The House Procedure Committee in a later report acknowledged the involvement of Members in assisting people to prepare petitions but drew a line on Members helping people and initiating or promoting petitions themselves. This rule is repeated in the Assembly's standing order 85

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<sup>9</sup> *House of Representatives Practice, 4<sup>th</sup> edition, 2001*, pp 716, 842 and 846.

<sup>10</sup> *House of Representatives Practice, ibid*, p709.

<sup>11</sup> *House of Representatives Practice, ibid*, p711.

<sup>12</sup> *May, op cit*, p120.

Every petition ..... shall be free of any indication that a Member may have sponsored or distributed the petition.

- 1.24 The principle espoused in this standing order could have wider implications for the Assembly.
  
- 1.25 Similarly, intent should be a part of the matter being investigated. For example, a new Member or staff member may inadvertently breach standing orders before they have had time to become properly aware of the provisions. This would clearly be significantly less serious than a breach by a person fully aware of their responsibilities.
  
- 1.26 It is important to distinguish between the ordinary meaning of contempt and its use in a parliamentary or legal context. Contempt, in the ordinary sense of holding something in extremely low regard or finding it despicable, is not relevant here. In a parliamentary context contempt is as defined above. Thus a person may appear to be expressing or implying contempt in the ordinary sense for a committee or its members without that action raising an issue of contempt in the parliamentary sense.



## 2. Conduct of the inquiry

2.1 The committee met a total of eight times, two of which meetings were public hearings where Mrs Dunne MLA (on two occasions) and Mr Hargreaves MLA were examined. Part of one hearing was conducted *in camera* and Mrs Cross MLA was examined during this hearing. The committee later published Mrs Cross' evidence to Mrs Dunne and then made it public.

2.2 The committee wrote to all members of the Standing Committee on Planning and Environment and the secretary of that committee seeking submissions on the inquiry and also to obtain details of the submissions received by the Standing Committee in its inquiry into the possible siting of a supermarket at the Belconnen Markets. The committee later wrote to Mrs Cross and Mrs Dunne in relation to the evidence already received by the committee.

All committee correspondence was authorised for publication.

2.3 Responses were received on 5 March 2004 (from Mrs Dunne and Ms Atkinson), 11 March (from Ms Dundas) and 12 March (Ms Atkinson). Mr Hargreaves and Mrs Cross chose to give evidence to the committee at a hearing of the committee; Mrs Cross requesting that her evidence be taken in private session.

Further correspondence was received from Mrs Cross on 17 March 2004 and Mrs Dunne on 18 March 2004.

2.4 A list of hearings is at Appendix 1 and a list of submissions is at Appendix 2.



### 3. The circumstances of the reference

- 3.1 Ms Roslyn Dundas MLA, on 21 October 2003, presented a petition from 1661 residents requesting that the Assembly pass legislation allowing ALDI Supermarket to build a supermarket next to Belconnen Markets and moved that this request for an ALDI supermarket be referred to the Standing Committee on Planning and Environment. Ms Dundas continued "I'll just speak briefly to it to inform members that I think we've now had over 3,000 signatures tabled in this place requesting an ALDI supermarket at the Belconnen Markets, and I believe that the Planning and Environment Committee is best placed to investigate the issues behind the need for this petition and what is going on in relation to Belconnen Markets, simply a referral, and I'm sure that the Planning and Environment Committee will be able to report back on what is going on in our Belconnen Town Centre". On the same day Ms Dundas had circulated a media release referring to the petitions and Ms Dundas' intention to refer the petitions to the Standing Committee on Planning and Environment. In the release Ms Dundas was quoted as saying that she was hoping the committee would be able to identify a way to break the impasse that is holding back the development of a supermarket at the Belconnen Markets.
- 3.2 The Assembly accepted Ms Dundas' proposal and the petition was referred to the Standing Committee on Planning and Environment for inquiry and report. A copy of the petition is at Appendix 3.
- 3.3 The Planning and Environment Committee called for submissions giving a closing date of 12 December 2003.
- 3.4 In late November the Chair of the Planning and Environment Committee had approximately 200 pamphlets printed and these were distributed around Belconnen Markets on 29 November 2003 (*see* Appendix 4).
- 3.5 Ms Dundas, a member of the committee, collected a copy of the pamphlet at the Markets on 23 December 2003 but did not consider it until contacted by the Deputy Chair of the committee, Mr Hargreaves, on 12 January 2004.

- 3.6 The committee received 43 submissions, three before the pamphlet was distributed and 40 afterwards. Only five of the submissions were against the proposition of a supermarket at the Belconnen Markets and one of those was in favour of a supermarket at Jamison. These five submissions were all received after the circulation of the pamphlet.
- 3.7 When the possible impropriety of the pamphlet was pointed out in the Planning and Environment Committee, as Mr Hargreaves explained on 10 February 2004 when moving this matter be referred to the Privileges Committee, "the Chair indicated that if there was significant feeling in the community that the inquiry had a predetermined position, and from comments by members that this appeared to be so, she would withdraw from the inquiry".
- 3.8 The Chair apologised to the committee and the committee accepted her withdrawal.
- 3.9 As Mr Hargreaves further explained "the committee resolved to issue a letter to those who had been approached by the committee to submit their case indicating that the Chair had withdrawn from the inquiry to ensure that the integrity of the inquiry was intact."
- 3.10 In the debate on 10 February 2004, the Chair, Mrs Dunne, admitted her "mistake" and went on to say that "there was no intention to in any way interfere with the proceedings of the Planning and Environment Committee and there is no intention to interfere with the workings of the Assembly".
- 3.11 Ms Dundas submitted that she believed that "the course of action agreed to by the Planning and Environment Committee was the only suitable option that allowed (the committee) to continue the inquiry unimpeded by perceptions of bias."
- 3.12 However both the letter and the media release that the committee put out on 20 January 2004 were in Mrs Dunne's name. In addition the other members of the committee signed the letter which was sent to traders at the Belconnen Fresh Food Markets and the Jamison Shopping Centre. There were no further submissions or correspondence after the committee sent out its letter disassociating itself from the flyer.

- 3.13 These means were adopted by the committee to assure those with an interest in the inquiry that the committee was maintaining “an open mind” about the inquiry and expressed regret “if the leaflet may have given any impression of bias in the early stages of its inquiry”. The committee expressed its concern that the community may have been misled about the potential outcome of the committee’s deliberations.
- 3.14 Also on 10 February Mrs Dunne successfully moved in the Assembly to be discharged from the inquiry and on 12 February to have Mr Stefaniak appointed in her place.
- 3.15 On 4 March the Standing Committee on Planning and Environment presented Report 27 on its inquiry into the building of a supermarket next to the Belconnen Markets thus completing the inquiry process.
- 3.16 On 6 March a media release over Mrs Dunne’s’ name was published. The release was headed “DUNNE ‘VINDICATED’ BY BELCONNEN MARKETS REPORT”. A copy of the release is at Appendix 5.



## 4. Matter under investigation

- 4.1 The committee is charged with looking at whether the actions of the Chair of the Standing Committee on Planning and Environment with regard to the distribution of a flyer in her name at the Belconnen Markets did constitute a **contempt** of the Assembly through improper interference in the work of the Standing Committee on Planning and Environment.
- 4.2 As previously cited section 4 of the *Parliamentary Privileges Act 1987*, notes that an essential element of an offence is that "...it is intended or likely to amount, to an improper interference with the free exercise by a House or a committee of its authority or functions..." The matter under investigation by this committee is considered in the light of this provision and the discussion of what constitutes a contempt.
- 4.3 On the question of whether or not there was an improper interference the fact that the Standing Committee on Planning and Environment felt it necessary to take remedial action before it could conclude its inquiry into this matter indicates that it regarded the distribution of the flyer as both serious and an interference in the work of the committee.
- 4.4 The committee notes that the majority of submissions to the Planning Committee were received after the flyer went out and that these were generally in favour of the supermarket proposal.
- 4.5 The committee is of the view that the flyer, which is at the centre of the inquiry, contained language which left no doubt as to the author's (Mrs Dunne) preferred outcome of the inquiry. Mrs Dunne identified herself as the Chair of the Planning Committee and implored readers "To help bring Aldi to the Markets, write to The Secretary, Planning and Environment Committee, GPO Box 1020 Canberra 2601 and tell us what you want."
- 4.6 The committee's attention was also drawn to the media release circulated by Mrs Dunne on Saturday, 6 March, two days before Mrs Dunne appeared before the committee. The media release was subsequently discussed by the committee; the committee being concerned that through the use of the word "vindicated" in the heading and also through reference in the second paragraph to Mrs Dunne having stood aside from the inquiry of the Planning Committee, the impression is given that she was vindicated regarding the charge of contempt.
- 4.7 This also demonstrates a failure to make the distinction between Mrs Dunne's role as an individual member and as a party to committee proceedings.

- 4.8 In both instances Mrs Dunne has stated that her genuine intent was to make her opinion known to the public, not to influence the outcome of either the Planning Committee inquiry or this Privileges Committee inquiry.
- 4.9 Mrs Dunne's evidence highlighted the distinction that members of parliament must make between their different roles. In this particular case it is the distinction between being a member of the Assembly representing constituency interests and being an advocate for those interests and the member of an investigatory committee of the Assembly.
- 4.10 The committee addressed the question of a member's role as advocate for their electors (*see* paragraph 1.22) and could not agree to the very narrow construct that Mrs Dunne put on advocacy where in evidence she saw this responsibility in terms of "receiving money to do something". Standing orders and practice endeavour to ensure care and fairness in process. Members must take responsibility for their own actions and work within the prescribed boundaries. It is not sufficient to move outside the rules and offer the defence that it is just "politics".
- 4.11 There is also the broader picture of members upholding and maintaining community confidence in the Assembly's committee process. The consequence of actions that in any way call into question the integrity of committee processes is that committees will be compromised and unable to perform their duties.
- 4.12 It is important that committees gather as many and diverse points of view on a subject as is possible.



## 5. The committee's findings

- 5.1 The committee is of the view that the distribution of the leaflet was "likely to amount to an improper interference with the free exercise by ..... a committee of its authority or functions"; that this interference was serious; and that there was a clear intent shown by the Chair, Mrs Dunne, through the wording of the leaflet, to create this interference by advocating one particular view on the question under inquiry.
- 5.2 The fact that the Planning Committee saw fit to take substantial remedial action to achieve a conclusion on its "supermarket" inquiry is an indication that the possible effect of the flyer distributed by the Chair was an improper interference with the work of the committee. The Chair standing aside and the letters signed by all members of the committee show just how serious the committee did consider this matter.
- 5.3 The wording of the flyer was somewhat intimidating in canvassing only one point of view.
- 5.4 However much Mrs Dunne protests that she in no way intended to mislead or influence the outcome of the inquiry, it remained her responsibility to realize that her actions were "likely to amount to an improper interference with the free exercise by ..... a committee of its authority or functions".
- 5.5 As discussed elsewhere in this report a member must distinguish between his or her role as an individual member and as a participant in the committee process. While this distinction is not always easy to make, the committee is of the view that in this case it was quite clear that there has been a seriously inappropriate blurring of these roles.
- 5.6 Mrs Dunne has admitted her "mistake" in confusing her roles in both the committee and the Assembly and did disqualify herself from further involvement in the remainder of the Planning Committee's supermarket inquiry.
- 5.7 This admission on Mrs Dunne's part together with the ordeal of having to undergo this privileges inquiry has prompted this committee to recommend no further action be taken in relation to Mrs Dunne's transgression.

## Recommendation1

- 5.8 However the committee does find that the Chair of the Standing Committee on Planning and Environment in distributing a flyer in her name at the Belconnen Markets was in contempt of the Assembly but **recommends** no further action be taken.
- 5.9 There have been some worrying aspects to this inquiry not least of which that a member could make one simple mistake (see paragraph 3.10) which can put her in contempt of the Assembly. It is obvious to the committee that there is a need for continuing professional development for Members especially in relation to the various roles members must play and the distinction between those roles.

## Recommendation2

- 5.10 The committee accordingly **recommends** that some form of continuing professional development in parliamentary procedures and conventions be introduced for Members additional to the new Members seminar.

Kerrie Tucker MLA  
Chair  
19 March 2004

## Appendix 1 - The committee's hearings

The committee conducted hearings as follows

### **8 March 2004**

Mrs Dunne MLA

Mr Hargreaves MLA

*In camera*

Mrs Cross MLA

### **18 March 2004**

Mrs Dunne MLA

## Appendix 2 – List of submissions

Mrs Dunne MLA

Ms Atkinson, Secretary to the Standing Committee on Planning and Environment (2)

Ms Dundas MLA

## Appendix 3 - Petition "Local people want access to cheaper groceries"

### **PETITION**

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:  
**local people want access to cheaper groceries.**

Your petitioners therefore request the Assembly to:

**Pass legislation allowing ALDI SUPERMARKET to build a supermarket next to Belconnen Markets**

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## Appendix 4 – Leaflet “Aldi at the Markets?”

# Aldi at the Markets?



**MICKI DUNNE MLA  
MEMBER FOR  
GINNINDERRA**

ACT Legislative Assembly  
GPO Box 1020  
CANBERRA ACT 2601

Phone: 6205 0283  
Fax: 6205 3106  
Email: [dunne@act.gov.au](mailto:dunne@act.gov.au)

The ACT Government seems determined to stop Aldi building a supermarket next to the Belconnen Markets, because it would “undermine the retail hierarchy.”

The Government has announced Aldi sites at Kippax and Conder, but it seems the Markets will miss out.

I would like to see

- the markets prosper and continue to provide great service to the people of Belconnen
- a good spread of Aldi stores to provide competition in the grocery market
- Aldi and the Belconnen markets working well together, to benefit traders and customers.

Many of you will have signed petitions asking the Assembly to let Aldi build this supermarket. As a result, the Planning and Environment Committee, which I chair, is holding an inquiry into the decisions that have obstructed this project, threatening the long-term future of the Belconnen Markets.

Submissions close on 12 December, with, I hope, public hearings in the new year

To help bring Aldi to the Markets, write to

The Secretary,  
Planning and Environment Committee  
GPO Box 1020 Canberra 2601

and tell us what you want.

*“Choice magazine... found that [a standard package of] products cost \$59.20, compared to... over \$100 for similar goods at other supermarkets. A recent report by Deutsche Bank shows that Aldi has a significant impact on prices at nearby Woolworths and Coles stores.” Simon Corbell, 27 November 2003.*

# Appendix 5 – Media release “DUNNE ‘VINDICATED’ BY BELCONNEN MARKETS REPORT”



## Vicki Dunne MLA

Member for Ginninderra

Shadow Minister for Planning, Environment,  
Women's Affairs, Infrastructure and Regional Affairs  
Manager of Opposition Business and Opposition Whip

Media Release

## DUNNE “VINDICATED” BY BELCONNEN MARKETS REPORT

Saturday 6 March 2003

Shadow Planning and Environment Minister Vicki Dunne said that she had been vindicated by the Planning and Environment Committee's report *Inquiry into the Building of a Supermarket next to the Belconnen Markets*, tabled in the Assembly on Thursday.

Mrs Dunne stood aside from the inquiry following concerns about a pamphlet she had issued inviting market shoppers, several thousand of whom had signed a petition calling on the government to allow an Aldi supermarket at the Markets, to make submissions to the Committee “to help bring Aldi to the Markets”.

“I make no bones about the fact that I have been in favour of Aldi being allowed to come to the markets for a number of years,” Mrs Dunne said.

“I note that, of the 43 submissions received, all agreed with me except two from the government, and four from potential competitors at Jamison and Westfield.

“Of course the Jamison Centre's real problem is not Aldi at the Markets – it's the fact that the Government will not allow them to implement the Jamison Master Plan, despite it getting the tick from the Assembly.”

Mrs Dunne said that provisions of the Land Act require more costly investigations even though the community has signed off on the Master Plan.

“This has meant that the owner of the Jamison Centre now has to undertake a preliminary assessment to do the things in the Master Plan.

“The Master Plan, if implemented, will make Jamison a vibrant group centre once again.

“I am pleased that the committee came to the conclusion that essentially, the market, not silly planning constraints should determine where supermarkets should go.”

Statement ends

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