



Legislative Assembly for the Australian Capital Territory

STANDING COMMITTEE ON URBAN SERVICES:
ACTIVITY IN ITS FIRST YEAR OF OPERATION

Report No.24 of the Standing Committee on Urban Services

May 1999

The committee's resolution of appointment

On 28 April 1998 the Legislative Assembly for the Australian Capital Territory resolved to establish a general purpose standing committee, called the Standing Committee on Urban Services, 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 matter under the responsibility of the portfolio minister.

Committee Membership

Mr Harold Hird MLA (Chair)

Mr David Rugendyke MLA (Deputy Chair)

Mr Simon Corbell MLA (appointed on 25 June 1998, replacing Mr Wayne Berry MLA who was discharged on the same day)

Secretary: Mr Rod Power

ACTIVITY OF THE STANDING COMMITTEE ON URBAN SERVICES FROM ITS ESTABLISHMENT ON 1 MAY 1998 TO 30 APRIL 1999

Introduction

1. It being a year since the Standing Committee on Urban Services held its first meeting (on 1 May 1998), the committee resolved—on 23 April 1999—to report to the Assembly on its activity in the past year.
2. The report sets out some matters of interest affecting the committee. It is the committee's view that these are of general interest to members - and the Canberra community. It is therefore appropriate that they be brought before the ACT parliament by way of a formal report.
3. The committee is aware that there are a number of ways in which parliamentary committees can report on their activity. These include: the number, and length, of meetings; whether those meetings involve the public or not; the number of inquiries, and their relevance to members and the community; the time taken to complete inquiries; reports completed; the nature of the reports and especially of their recommendations; and the notice that is taken of the committee's reports and activity.
4. This report utilises most of these measures to give an idea of the committee's activity in the past year.

Meetings

5. The Urban Services committee has met on 46 occasions. Sixty percent of these meetings (28 meetings) have involved *public* hearings. Eighty-seven percent of the meetings (41 meetings) have involved a *private* meeting.
6. These meetings have totalled 90 hours and 52 minutes. Of this total, 30 hours 29 minutes have involved private meetings; and 60 hours 23 mins have involved public hearings. *In effect, this means that two-thirds of meeting times have involved the public and one third of meeting times have been private.*

Witnesses

7. In the past year, the committee has heard 327 people. Of this total, 294 have appeared before the committee at public hearings and 33 have appeared at private meetings.

Reports

8. To date, the committee has produced 23 reports (not counting the present report). This amounts to two per month since the committee's first meeting on 1 May 1998. A complete list of reports is appended to this report.

9. All but one of the reports were initiated by the Legislative Assembly¹—meaning that only one report arose out of the committee’s power to self-refer a matter.

10. In terms of themes of the 23 reports:

- 13 involved draft variations to the Territory Plan;
- three involved draft management plans for public land;
- two involved the government’s draft capital works program;
- one report provided information about the national parliamentary conference of Australian Public Works and Environment committees, which the committee attended on 27-29 July 1998;
- one report involved the *exposure draft* of a Bill;
- one report involved a Bill;
- one involved ACTION bus services for school-children; and
- one involved petrol sites policy.

11. In terms of the time taken to produce the reports: nine reports were produced in one month or less; six were produced in two months; two were produced in three months; one was produced in four months; four were produced in five months; and one report was produced in six months.

12. The reports taking the longest time to produce were those on the petrol sites policy, the draft Variation for Area Specific Policies B11 and B12, ACTION bus services for school-children, and the draft management plan for Canberra Nature Park.

Investigations that were not formal inquiries

13. The committee has been involved in four investigations that were not formal inquiries. These dealt with:

- planning for community facilities at Kippax [four public hearings, resulting in a statement to the Assembly];
- old Ainslie School [two public hearings];
- rural residential study [one public hearing]; and
- Kinlyside [one public hearing].

¹ This includes draft Variations to the Territory Plan, and draft management plans for public land—both of which are required by the Land Act to be referred by the executive to an appropriate committee of the Assembly.

Current workload

14. At present, the committee is inquiring into:

- the number of restricted taxi (multicab) plates. The committee has held four public hearings so far, received 16 submissions, and will travel to Sydney in May 1999 to meet office-holders in the taxi industry, the disabled community and government
- an appropriate tree management and protection policy. The committee has held four public hearings and received 23 submissions
- the Motor Traffic Amendment Bills No.3 and 4. The committee will shortly advertise for public input
- the 'Code of practice for the placement of movable signs in public places'. The committee has held one public hearing and expects to report to the Assembly in the same week that the present report is brought down
- implementation of Variation No.64 to the Territory Plan. The committee has conducted two public hearings and made two statements to the Assembly
- draft Variation to the Territory Plan No.89 relating to the Murrumbidgee and Lower Molonglo Rivers. The committee has produced one report and is awaiting the government's response
- draft Variation to the Territory Plan No.111 relating to consolidation of the Canberra Centre. The committee is organising a public hearing for 14 May 1999
- proposals for the Gungahlin Drive extension (John Dedman Parkway). The committee will conduct one or more public hearings and will take into account all of the material received by this committee's predecessor in the Third Assembly.

Some unusual features of the committee's activity

15. In this section, the committee lists a number of unusual features of its activity in the past year. These include:

- the committee has established a convention that, unless unusual circumstances apply, it will not meet unless all three of its members are available
- the committee has resolved that, at *any* time that a public hearing is held, members of the Assembly not being members of the committee may question witnesses. This resolution means that the committee does not need to grant leave on each specific occasion²

² Standing Order No.235 states that: 'When a committee is examining witnesses, Members of the Assembly not being members of the committee may, by leave of the committee, question witnesses'.

- the committee operates on the basis that nearly all material laid before it will be made available for public access³
- the committee has obtained the Speaker's consent to *broadcast* the proceedings of public hearings to the public on several occasions (these are where an inquiry was particularly topical)
- the committee has produced unanimous reports on all but two occasions. The exceptions involved the Water Resources Bill, when one member added a dissent; and draft Variation to the Territory Plan No.97 relating to Northbourne Oval in Braddon, when the committee split down the middle⁴
- in another case, the committee's report noted that—in relation to one particular recommendation (out of a total of seven recommendations made by the committee)—two members recommended one course of action and the third recommended a different course of action.⁵ By incorporating both points of view in the report, the committee avoided a dissent while making plain that a significant difference of opinion existed *on this one issue*
- there has been one occasion when a member has produced 'additional comments' to supplement a unanimous report⁶
- the committee's examination of the *exposure* draft of a bill was highly unusual (there have been few instances of an Assembly committee examining the exposure draft of a bill, as compared to the actual bill itself)
- the occasion when the committee combined a public hearing with a *public meeting* was highly unusual. The committee took this course of action when examining the Water Resources Bill.⁷ It meant that the committee could invite interested members of the public to a public *meeting* addressed by government officials (who outlined the nature of the Bill) and *members of the public could question those officials*—with all questions directed through the chair of the committee. Both before and after the public meeting, the committee conducted a public hearing—the first time to be briefed by government officials on the Bill and, on the second time, to question those officials using, in part, the information obtained during the public meeting. The committee 'found this a useful exercise'⁸
- further on this point, the committee considers that its treatment of the Water Resources Bill demonstrates the fact that the Assembly in general—and the Urban

³ The committee recognises that there are circumstances in which material needs to be treated confidentially (such as material involving privacy or commercial information).

⁴ There were only two members of the committee considering the draft Variation, because the Chair (Mr Hird MLA) declared an interest in the matter and took no part in the committee's deliberations on the issue. The Deputy Chair (Mr Rugendyke MLA) took over the meetings at which the draft Variation was considered.

⁵ Report No.11 on ACTION bus services for school-children

⁶ Report No.10 on the Environment Protection (Amendment) Bill

⁷ On 4 September 1998

⁸ Standing Committee on Urban Services *Water Resources Bill 1998 and Amendments* Report No.12 October 1998 p1

Services committee in particular—combines both state-type and municipal roles. The former involves the use of parliamentary privilege (for example, at public hearings), whereas the latter does not (for example, at a public *meeting*)

- the committee's inquiry into 'an appropriate tree management and protection policy' is unusual in that the government has deliberately chosen not to lodge a submission (it appears that the government is letting the committee take the running on this issue)
- the joint meeting with the Standing Committee on Education—when both committees examined the government's proposals for a craft centre at old Ainslie School—is the only time so far in the Fourth Assembly that a *joint* public hearing has been held⁹
- the committee has found it useful—in relation to four matters—to receive a briefing, in public, on issues that the committee has not (at the time) adopted as formal inquiries. The briefings have enabled the committee to obtain information that is topical and within the committee's resolution of appointment. It is possible that such a briefing, in the future, may lead the committee to initiate a formal inquiry
- the fastest turnaround time for a detailed report by the committee, taking account of written and oral submissions by the public, is the seven weeks for the *Draft 1999-00 Capital Works Program*. To produce a detailed report in this timeframe requires members to put aside some of our normal work in order to concentrate upon one particular issue. It also requires an usually heavy effort by the committee's clerk
- unusually contentious reports by the committee include those on capital works, management plans for Canberra Nature Park and Tidbinbilla, the Environment Protection (Amendment) Bill, ACTION bus services for school-children, the Water Resources Bill, draft Variation No.89 for the Murrumbidgee and Molonglo Rivers, and draft Variation No.109 for Area Specific Policies B11 and B12.

Conclusion

16. The Standing Committee on Urban Services thanks all those who have facilitated its work during its first year of operation.

Harold Hird
Chair

30 April 1999

⁹ The joint hearing took place on 8 March 1999

APPENDIX: LIST OF REPORTS OF THE STANDING COMMITTEE ON URBAN SERVICES

- * Report no. 1: Draft variation to the Territory Plan No. 97: Braddon section 30 block 1 (Northbourne Oval) B5: restricted access recreation land use policies (*referred by the government, pursuant to s. 25 of the Land (Planning and Environment) Act 1991, on 18 May 1998; report presented on 26 May 1998*)
- * Report no. 2: Draft variation to the Territory Plan No. 91: Signs policies - Amendments to the Territory Plan written statement (*referred by the government, pursuant to s.25 of the Land (Planning and Environment) Act 1991, on 25 May 1998; printing, circulation and publication authorised by the Speaker 2 July 1998; report presented on 26 August 1998*)
- * Report no. 3: Draft variation to the Territory Plan No. 93: Narrabundah section 34 block 16 and part block 27 - B5 restricted access recreation land use policies (golf facility) (*referred by the government, pursuant to s. 25 of the Land (Planning and Environment) Act 1991, on 25 May 1998; printing, circulation and publication authorised by the Speaker on 2 July 1998; report presented on 26 August 1998*)
- * Inquire into and report on the 1998-99 Draft Capital Works Program (*self-referred on 22 May 1998 following a request by the Chief Minister on 19 May 1998, announced to the Assembly on 28 May 1998*)
Report presented: No. 4 - The Government's 1998-99 Draft Capital Works Program (*26 August 1998, printing, circulation and publication authorised by the Speaker on 3 July 1998; report released on 9 July 1998; government response tabled on 29 October 1998*)
- * Report no. 5: The 1998 National Conference of Parliamentary Public Works and Environment Committees (*27 August 1998*)
- * Report no. 6: Draft Variations to the Territory Plan No. 66 and No. 79 relating to the Heritage Places Register (Fourth and Fifth Variation) (*referred by the government, pursuant to s. 25 of the Land (Planning and Environment) Act 1991, on 3 & 6 July 1998; printing, circulation and publication authorised by the Speaker on 4 September 1998; report presented on 22 September 1998*)
- * Report no. 7: Final draft management plan for Canberra Nature Park (*referred by the government, pursuant to s. 203 of the Land (Planning and Environment) Act 1991, on 5 January 1998; report presented on 22 September 1998*)
- * Report no. 8: Draft Variation to the Territory Plan no. 67 relating to the Federal Highway duplication (*referred by the government, pursuant to s. 25 of the Land (Planning and Environment) Act 1991, on 12 August 1998; printing, circulation and publication authorised by the Speaker on 23 October 1998; report presented on 29 October 1998*)
- * Report no. 9: Final draft management plans for urban parks and sportsgrounds in Woden, Weston Creek and Belconnen, and for Lake Ginninderra (*referred by the government, pursuant to s. 203 of the Land (Planning and Environment) Act 1991, on 10 August 1998; printing, circulation and publication authorised by the Speaker on 16 October 1998; report presented on 29 October 1998*)
- * Report no. 10: Environment Protection (Amendment) Bill 1998: Exposure Draft (*referred on 25 June 1998, report presented together with additional comments on 27 October 1998*)
- * Inquire into and report on ACTION bus services with particular reference to:
 - (1) school bus routes;
 - (2) the constitution of the interagency advisory committee on school bus services;
 - (3) the cost of school bus fares;

- (4) the implication of traffic configurations around pick up and drop off points for school buses; and
- (5) any other related matter (*referred on 20 May 1998*)

Report presented: No. 11: ACTION bus services for school-children (29 October 1998; government response tabled on 8 December 1998)

- * Report no. 12: Water Resources Bill 1998 and amendments (*referred on 27 August 1998, report presented together with a dissenting report on 29 October 1998; government response tabled on 17 November 1998*)
- * Report no. 13: Draft Variation to the Territory Plan no. 63: Policies for home businesses and home occupations (*referred by the government, pursuant to s. 25 of the Land (Planning and Environment) Act 1991, on 12 October 1998; printing, circulation and publication authorised by the Speaker on 5 November 1998; report presented on 17 November 1998*)
- * Report no. 14 - Draft Variation to the Territory Plan no. 105 Symonston section 103 block 6 Mugga Mugga (*referred by the government, pursuant to s. 25 of the Land (Planning and Environment) Act 1991, on 14 September 1998; printing, circulation and publication authorised by the Speaker on 5 November 1998; report presented on 17 November 1998*)
- * Report no. 15 - Interim report on draft Variation to the Territory Plan no. 89 Murrumbidgee and Lower Molonglo rivers - river corridors land use policy - public land categories; and other minor changes (*referred by the government, pursuant to s. 25 of the Land (Planning and Environment) Act 1991, on 28 August 1998; report presented on 8 December 1998*)
- * Report no. 16: Tidbinbilla Nature Reserve - Final Draft Management Plan 1998 (*referred by the government, pursuant to s. 203 of the Land (Planning and Environment) Act 1991, on 8 July 1998; report presented on 9 December 1998; government response tabled on 23 March 1999*)
- * Inquire into and report on existing petrol sites policy with particular reference to:
 - (1) the need for requirements on the owners of petrol station site leases, upon vacation of site provided that attempts to pass the petrol station site to a new lessee for the purpose of continuing the petrol station business have been unsuccessful, to restore the site to as close to original condition as possible, with regard to the removal of contaminants in the soil caused by leakage from fuel storage tanks and the removal of buildings and fittings no longer required at their own expense;
 - (2) the need for the restoration to meet standards imposed by the Commissioner for the Environment;
 - (3) a requirement for future leases to include provision for restoration as a term of the lease;
 - (4) requirements on existing lease holders to prepare environment restoration plans and submit them to the Commissioner for the Environment for approval;
 - (5) the need to establish a financial penalty (based on restoration at public expense and recovery from the lessee) for defaulters, together with significant fines for non-restoration;
 - (6) the possible application of any measures to all existing and new petrol station leases (*referred on 2 September 1998*)

Report presented: No. 17: The existing petrol sites policy (18 February 1999)

- * Report no. 18: Draft Variation to the Territory Plan No. 98 relating to water use and catchment policies (*referred by the government, pursuant to s. 25 of the Land (Planning and Environment) Act 1991, on 9 November 1998; report presented 16 February 1999*)

- ✱ Report no. 19: Draft Variation to the Territory Plan No.124 relating to Charnwood Section 94 Block 1 (former high school site) (*referred by the government, pursuant to s. 25 of the Land (Planning and Environment) Act 1991, on 10 February 1999; printing, circulation and publication authorised by the Speaker on 5 March 1999; report presented 9 March 1999*)
- ✱ Report no. 20: Draft Variation to the Territory Plan No.115 relating to the enclosure of sport grounds - Holt and Stirling district playing fields (*referred by the government, pursuant to s. 25 of the Land (Planning and Environment) Act 1991, on 8 February 1999; printing, circulation and publication authorised by the Speaker on 5 March 1999; report presented 9 March 1999*)
- ✱ Report no. 21: Draft Variation to the Territory Plan No.123 relating to Griffith Section 39 Block 18 (Part) (*referred by the government, pursuant to s. 25 of the Land (Planning and Environment) Act 1991, on 10 February 1999; printing, circulation and publication authorised by the Speaker on 5 March 1999; report presented 9 March 1999*)
- ✱ Report no. 22: The Draft 1999-00 Capital Works Program (*referred on 18 February 1999; statement, by leave, made on 11 March 1999, report presented on 20 April 1999 - printing, circulation and publication authorised by the Speaker on 7 April 1999, the report released publicly on 13 April 1999*)
- ✱ Report no. 23: Draft Variation to the Territory Plan No.109: Residential Land Use Policies - Area Specific Policies No.B11 and No.B12 North Canberra and Appendix III.3 Urban Housing Code (*referred by the government, pursuant to s. 25 of the Land (Planning and Environment) Act 1991, on 7 December 1998; report presented 20 April 1999 - printing, circulation and publication authorised by the Speaker on 16 April 1999*)

Statements, pursuant to SO 246A:

The Committee's work on the implementation of Variation No. 64 to the Territory Plan
(27 August 1998)

The Committee's monitoring of the implementation of Variation No. 64 to the Territory Plan
(10 December 1998)

Planning for community facilities at Kippax (22 April 1999)

