



Legislative Assembly for the ACT

STANDING COMMITTEE ON PLANNING AND
ENVIRONMENT

Report on Annual and Financial Reports 2005–06

APRIL 2007

Report 26

Committee membership

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Resolution of appointment

On 7 December 2004 the ACT Legislative Assembly agreed by resolution to establish general purpose standing Committees:

- (1) The following general purpose standing committees be established and each committee to inquire into and report on matters referred to it by the Assembly or matters that are considered by the committee to be of concern to the community: ...

(e) a Standing Committee on Planning and Environment to examine matters related to planning, public works and land management, conservation and heritage, transport services, and environment and ecological sustainability.

....¹

Terms of reference

On 17 October 2006 the Assembly agreed that the annual and financial reports for the calendar years 2005 and 2006, and the financial year 2005–2006, presented to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 2004* (ACT), would stand referred to the Assembly's standing committees, on presentation, in accordance with an agreed schedule.² The Standing Committee on Planning and Environment had the following reports referred to it, with questions to be taken by the following Ministers:

ACT Planning and Land Authority	Minister for Planning
Land Development Agency	Minister for Planning
ACTION Authority	Minister for the Territory and Municipal Services
ACT Public Cemeteries Authority	Minister for the Territory and Municipal Services
Commissioner for the Environment	Minister for the Territory and Municipal Services
Department of Urban Services	Minister for the Territory and Municipal Services
Chief Minister's Department ³	Minister for the Territory and Municipal Services

¹ Legislative Assembly of the ACT, *Minutes of Proceedings*, No 2, 7 December 2004, pp 12–16

² Legislative Assembly of the ACT, *Minutes of Proceedings*, No 77, 17 October 2006, pp 835–836

³ Those sections of the Chief Minister's Department Annual Report concerning the environment (refer 2005–06 BP4 Output class 2: Arts Heritage and Environment. Output 2.1: Environment Management and Regulation; Output 2.2: Nature Conservation & Land Management), are referred to the Standing Committee on Planning and Environment with the Minister for the Territory and Municipal Services as the responsible Minister.

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SUMMARY OF RECOMMENDATIONS

RECOMMENDATION 1

2.12 The Committee recommends that the Minister for Territory and Municipal Services comply with the *ACT Government Community Engagement Manual* in the administration of his portfolio responsibilities.

RECOMMENDATION 2

2.25 The Committee recommends that the Office of Commissioner for Environment be allocated an additional permanent position at an appropriately senior level.

RECOMMENDATION 3

2.27 The Committee recommends that ACT Government departments reduce the use of contract staff through better management of their permanent public service staff.

RECOMMENDATION 4

2.70 The Committee recommends that the public education activities at the Materials Recovery Facility in Hume continue to be promoted and expanded.

RECOMMENDATION 5

3.8 The Committee recommends that in future annual reports the Planning and Land Authority better comply with the Chief Minister's Annual Report Directions concerning the reporting of external scrutiny.

RECOMMENDATION 6

4.8 The Committee recommends that the Assembly consider the benefits of joint inquiries by Assembly and counterpart parliamentary committees in other jurisdictions, including the Commonwealth, in relation to matters that have both Commonwealth and ACT implications.

RECOMMENDATION 7

4.9 The Committee recommends that the Assembly resolve to permit joint inquiries by the Standing Committee on Planning and Environment and the Australian Parliament's Joint Standing Committee on the National Capital and External Territories in relation to matters that require amendments to both the National Capital Plan and the Territory Plan.

1 INTRODUCTION

- 1.1 On 17 October 2006, the ACT Government's annual and financial reports for 2005–2006 were tabled in the ACT Legislative Assembly and referred to standing committees for enquiry and report, as noted in the terms of reference above. The Standing Committee on Planning and Environment had the following reports referred to it:
 - ACT Planning and Land Authority;
 - ACT Land Development Agency;
 - ACTION Authority;
 - Department of Urban Services;
 - Commissioner for the Environment;
 - Canberra Public Cemeteries Trust; and
 - Chief Minister's Department (environmental matters only).
- 1.2 This report focuses on the issues raised and assessed during the Committee's public hearings for this inquiry. To assist with the assessment process, and to clarify issues the Committee held public hearings on 24 October 2006 and 31 October 2006. The list of questions taken on notice during the hearing and follow-up questions is at Appendix A.
- 1.3 The Committee thanks the ACT Government Ministers and accompanying departmental and agency officers, and members of governing boards, for providing their valuable time and expertise as witnesses. A list of those who participated in the hearings is at Appendix B.
- 1.4 The Members of the Legislative Assembly who participated in the public hearings, in addition to the members of the Planning and Environment Committee, were Dr Deb Foskey, Mr Richard Mulcahy, Mr Steve Pratt and Mr Wayne Berry.

Purpose and intent of annual reports

- 1.5 The 2005–06 *Chief Minister's Annual Reports Directions*⁴ guided the preparation of the latest annual and financial reports, and the Directions are pertinent to this review.
- 1.6 The Directions note that annual reports are key accountability documents concerning management performance. Annual reports are high-level documents reflecting on the year's performance, achievements and outcomes. They are also a concise way of accounting for the expenditure of public monies.
- 1.7 Agencies account for management performance through Ministers to the Legislative Assembly and the wider community. Since annual reports are tabled in the Assembly, they are historical documents on the public record, and are available for use by stakeholders, including educational and research institutions, the media and the public. Annual reports are also key reference documents, and documents for internal management.
- 1.8 Annual reports are expected to:
- clearly present the agency's purpose, priorities, outputs and achievements
 - focus on results and outcomes
 - discuss results against expectations
 - explain changes to structures or functions during and over reporting periods
 - provide performance information that is complete and informative, linking costs and results to provide evidence of value for money
 - discuss risks and environmental constraints, management strategies, and the external operating environment
 - recognise stakeholders' diversity; and
 - comply with any specific reporting requirements and the *Chief Minister's Annual Report Directions*.
- 1.9 Agencies are expected to follow a standard format, including management

⁴ Chief Minister's Department, *Chief Minister's Annual Report Directions 2005 – 2006*, <http://www.psm.act.gov.au/strategic_human_resources/chief_ministers_annual_report_directions_2005-2006.doc>, accessed 12 January 2007

analysis and discussion structured into four reporting areas:

- a 'chief executive review' section providing an overview of the agency's operating environment and a summary of highlights and the outlook for the coming year
- an 'agency performance' section, reporting on strategic achievements and reporting requirements relating to legislation and whole of government policy initiatives
- a 'management of the organisation' section reporting on key accountability measures covering people management, governance, sustainability and environment (including external scrutiny); and
- an 'analysis of financial performance' section providing financial results and discussion of the agency's operational and resource performance.

- 1.10 Annual reports should have a straightforward layout, and include a table of contents; a list of abbreviations and acronyms; a glossary of technical terms; an alphabetical index; other sources of information; and a compliance index. In addition, annual reports are required to provide reference to contact officers (with contact details) and reference to related annual reports. Internal cross-referencing, and a website address or physical address where copies of the report can be obtained, is also required.

2 ISSUES DISCUSSED IN PUBLIC HEARINGS

Public libraries

- 2.1 The public hearing on 31 October 2006 was dominated by discussion of the closure of the Griffith Public Library. The closure had been recommended in the Report of the Library Services Consolidation Project, dated September 2006.⁵
- 2.2 In response to questions put during the Committee's inquiry, the Minister for Territory and Municipal Service, Mr John Hargreaves MLA further advised:
 - the quality of the materials in the ACT Public Library Service has improved with 44% of the collection now less than 5 years old (previously it was 32%). The ACT Government had invested about \$800 000 in new material for libraries across Canberra;⁶
 - Griffith library was the least used library and some of the services located there could be relocated, such as the home lending library service, the call centre and the mobile library service;
 - the ACT needs to modernise its library facilities;
 - the specialisation in some of the library collections, such as the Chinese language material collection at the Dickson library;
 - it is better to concentrate resources in Group Centres or Town Centres;
 - 'quite a number' of people were using other ACT public libraries as well as the Griffith Library;
 - demographic issues were assessed in the review report; and

⁵ AEC Group (2006), *Library Services Consolidation Project: A Report Into ACT Library Services*, <http://www.tams.act.gov.au/__data/assets/pdf_file/40468/ACT_Library_Report_tabled.pdf>, accessed 8 January 2007

⁶ Question without notice: Griffith library, Legislative Assembly for the ACT, *Hansard*, 14 November 2006, p3434

- the former Griffith Library was equidistant between the Civic and Phillip libraries and the latter libraries have more extensive collections and services.⁷
- 2.3 In response to questions on the public consultation process, Minister Hargreaves suggested that there was no need for extensive public consultation as the likely response of users of Griffith Library was obvious, and also of the views of other library users because of the nature of the library staffs' face-to-face contact with many users. Moreover, he suggested that there had been a recent public consultation on the proposed closure.⁸
- 2.4 The Minister advised the Committee that there were also some other highlights worth noting in relation to public libraries. These included:
- the completion of the \$3.5 million Kippax library;
 - completion of Stage 1 of the Belconnen library refurbishment;
 - the investment of a about \$1.1 million for Stage 1 and 2 of the Belconnen library refurbishment; and
 - the development of the new Civic library, as part of the \$15.9 million Civic Link project.
- 2.5 The Minister tabled the report on the Library Services Consolidation Project in the Assembly on 14 November 2006. The Report was prepared by Dr Veronica Lunn.
- 2.6 During the Assembly debate that followed the announcement of the closure, Minister Hargreaves referred to the consultation undertaken during the development of the Griffith Neighbourhood Plan and suggested that people knew that the Griffith library was to close.⁹
- 2.7 The Committee is aware that users of the Griffith Library are likely to disagree with the Minister's view. The Griffith Neighbourhood Plan refers to the significant value attached to the library by local residents, and says that the Griffith Central Area (section 78) would continue to provide a library, and that

⁷ Legislative Assembly for the ACT, Standing Committee on Planning and Environment, Reference: Annual and Financial Reports 2005–2006, *Transcript of Evidence*, 31 October 2006, pp55–59

⁸ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, pp56, 57, 58

⁹ ACT Legislative Assembly, *Hansard*, 23 November 2006, p3847

in time, a new ‘purpose built library, possibly incorporating a range of community uses’ could be located on a site adjacent the Griffith Local Centre and the former O’Connell Education Centre (adjacent Block 27). The Neighbourhood Plan recommended that the area adjacent the Local Centre be retained as Community Facility to allow for a future purpose built library site.¹⁰

- 2.8 The ACT Government has accepted the Lunn report’s principal recommendation to close Griffith library, which was part of both options presented for consideration. The report found that the ACT Library Service needed a more sustainable and efficient service delivery model that could be resourced in the current restrained budget context. The report’s findings supporting its recommendation to close the Griffith library include that:
- the Griffith library does not fit within a tiered model of service delivery as it was at a local centre, not a group or town centre. A layered service delivery model whereby Town Centre libraries provide Tier 1 services and Group Centre Libraries provide Tier 2 services should be maintained;
 - there was a high level of duplication of services and products across libraries and insufficient specialisation of services. The closure of Griffith Library would enable administration and ‘back of house’ functions to be rationalised. Administration functions could be transferred to Woden Library and the Home Library Service to Belconnen;
 - patronage of libraries other than Griffith were increasing but patronage of Griffith declined in 2005–06 and projected population growth in the library’s catchment was not significant, and less than for Belconnen and Civic;
 - financial savings could be made with the abolition of the staff positions at Griffith Library;
 - the existing model is unsustainable given the cost of service delivery, the need to acquire recent publications, reduce service duplication and the geographical distribution of libraries; and

¹⁰ ACT Planning and Land Authority (n.d.), *Griffith Neighbourhood Plan: A sustainable future for Griffith*, accessible at <http://www.actpla.act.gov.au/neighbourhood_plans/suburbs/fgnrh/plans/griffith-anp.pdf>, pp33, 39

- funding for critical initiatives will need to be made available from within existing resources.

- 2.9 In early 2007 the Government was reviewing the report's other recommendations.
- 2.10 The Committee is concerned that Minister Hargreaves elected to disregard the *ACT Government Community Engagement Manual* when developing his policy position on the closure of the Griffith library, which policy presumably was put to his Cabinet colleagues for endorsement. The Minister wrote a compelling forward to the manual which highlighted the benefits of effective community engagement, and the fostering of 'a sense of collaborative partnership' with the community. The Committee notes that the Manual provides:

The timing of any engagement activity is crucial to its success. ...Ideally, the timeframe should be well connected to the decision-making timeframe so that the community can easily connect their engagement to the final decision.

Recommendations regarding timeframes

It is strongly recommended that the absolute minimum for any community engagement activity be six weeks. For large projects, policies and strategies seeking comprehensive feedback, twelve weeks is recommended.¹¹

- 2.11 The Committee regards the Griffith library closure process as non-compliant with the Manual.

RECOMMENDATION 1

- 2.12 **The Committee recommends that the Minister for Territory and Municipal Services comply with the *ACT Government Community Engagement Manual* in the administration of his portfolio responsibilities.**

¹¹ ACT Government (2005), *ACT Government Community Engagement Manual*, Canberra, p6

Public sector reform

- 2.13 The significant restructuring of the ACT Public Service during 2006 was a key issue for Ministers, officials and MLAs during the inquiry. Minister Hargreaves made a detailed statement on the restructure process and its outcomes.¹²

Consultative bodies

Budget savings: abolition of Planning and Land Council

- 2.14 The Minister for Planning, Mr Corbell MLA, in response to a question from Dr Foskey, advised that the ACT Government would save about \$500 000 per annum following the abolition of the Planning and Land Council. Savings would accrue from the non-payment of the administrative expenses associated with the operation of the Council, including support staff costs, the remuneration for Council members, and the travel and accommodation costs for interstate members.¹³

Community Councils

- 2.15 Ms Porter AM MLA asked the Minister for Planning whether he considered that community councils were an effective mechanism for promoting community engagement in planning matters. The Minister for Planning responded that the council were just one way that the Planning and Land Authority and the ACT Government sought feedback from the community, and that mechanisms were used as appropriate. For example, more focussed community associations were also consulted; letter-box drops might be done; shopping centre stalls might be used. The ACT Government provides some financial support to councils to ensure that information gets circulated appropriately.¹⁴ Some community councils were also more effective than others; the Western Creek Community Council for example, often letterboxed areas affected by proposed developments.

¹² Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, pp51–52

¹³ Legislative Assembly for the ACT, *Transcript of Evidence*, 24 October 2006, p6

¹⁴ Legislative Assembly for the ACT, *Transcript of Evidence*, 24 October 2006, p8

Public sector employee expenses

- 2.16 Several MLAs asked Ministers to explain disparities in budget estimates and actual expenditure on staff costs.
- 2.17 The Speaker, Mr Berry MLA, asked Minister Hargreaves to explain the difference between the 2004–05 cost of labour hire for CityScape Services of \$2.9 million, and the 2005–06 cost of more than \$4.2 million. Mr Hargreaves referred in his response to an increase in minimum award wage rates, fees and allowances, the use of temporary contract labour because of a freeze on the permanent filling of vacancies, and the recruitment of staff to perform additional maintenance and variable seasonal work (including grass mowing and bushfire suppression and preparedness activities).¹⁵
- 2.18 The Executive Director of Recreation and Land Management, Mr Hamish McNulty, advised that the previous work areas of Canberra Parks and Places, ACT NOWaste, CityScape, Environment ACT and the Office of Sustainability, had combined when those branches were moved across to the Department of Territory and Municipal Services. The restructure was designed to minimise duplication and promote better policy development and advice. Minister Hargreaves commented that there was a much more collegiate approach in having the branches co-located and working together.¹⁶
- 2.19 Mr Pratt MLA asked Minister Hargreaves about the difference between the 2006 budget estimate of \$26.9 million for employee expenses and the actual figure of \$38.7 million. The Minister explained that there had not been an increase in staffing costs at a departmental level, but that the variance reflected significant changes to the Department's organisational structure in 2005–06, and a reallocation of costs between business units. The Minister advised that further explanation between the budget estimates and actual expenditure could be found in the Management Discussion and Analysis section in Volume 2 of the department's annual report.¹⁷

¹⁵ Information provided by the Minister for Territory and Municipal Services, Mr Hargreaves MLA, in response to question PE23 from Mr Berry MLA

¹⁶ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, pp67–68

¹⁷ Information provided by the Minister for Territory and Municipal Services, Mr Hargreaves MLA, in response to question PE22 from Mr Seselja MLA

- 2.20 Mr Seselja MLA asked the Minister for Planning about the disparity between the 2006–07 budget estimate for the Planning and Land Authority’s 2005–06 staff costs of \$19.5 million, and the actual expenditure of \$20 818 million. In response, the Minister for Planning explained that two adjustments had been made to the 2006–07 budget papers to reduce the staff costs estimates to account for a Workers Compensation EPSC Technical Adjustment. An audit recommendation had been followed to report the adjustment against employee expenses. The Authority was to be reimbursed an InTACT transfer adjustment, which would reduce the discrepancy in the figures.¹⁸
- 2.21 Mr Seselja MLA also asked the Minister for Planning to advise how many persons, on average, the Land Development Agency employed on contract during the 2005–06 financial year. The Minister responded that the Agency employed 8.5 full-time equivalent staff (or 13 individuals) under consulting contracts for the performance of a range of specialist project management services, or temporary administrative duties.¹⁹ During 2005–06 the Land Development Agency changed from being a General Government Sector entity to a public trading enterprise (PTE).
- 2.22 The outgoing Commissioner for the Environment, Dr Purdie, also addressed labour hire issues. She expressed concern that due to the under-resourcing of the office, short-term, temporary staff tended to be recruited on six or twelve-month contracts to contribute to the preparation of the state of environment reports for the 17 local government areas with the auspices of the Regional Leaders Forum. Dr Purdie said that as most people preferred permanent work it was difficult to retain contract staff for the duration of their contract, and that having to train replacement staff was ‘an enormous drain [and] not an efficient way of using money’. Other staff in the office had to train the new recruits which detracted from their time to do their own work. Dr Purdie recommended that having an extra permanent staff member in the office would be the most cost-effective use of resources.²⁰

¹⁸ Information provided by the Minister for Planning, Mr Corbell MLA, dated 9 November 2006, in response to question PE5 Mr Seselja MLA

¹⁹ Information provided by the Minister for Planning, Mr Corbell MLA, dated 9 November 2006, in response to question PE7 from Mr Seselja MLA

²⁰ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, pp45–46

- 2.23 Dr Purdie advised the Committee that the inability of the office to perform even its prescribed statutory functions may increase following the completion of the review of the Office.²¹ For the Commissioner's work level, an additional staff member and salary to cover a 3-day working week for the Commissioner were warranted. Dr Purdie noted that she and her staff had consistently expressed their view that more resources were needed for the Office.
- 2.24 The Committee agrees with Dr Purdie, and unsuccessfully recommended in its report on 2004–05 annual and financial reports that additional resources be allocated to her office.²² The Committee reiterates this recommendation.

RECOMMENDATION 2

- 2.25 **The Committee recommends that the Office of Commissioner for Environment be allocated an additional permanent position at an appropriately senior level.**
- 2.26 The Committee also notes Mr Berry MLA's concern about the increased cost of the provision of CityScape Services due to Adecco contract staff costs, and recommends that this be addressed.

RECOMMENDATION 3

- 2.27 **The Committee recommends that ACT Government departments reduce the use of contract staff through better management of their permanent public service staff.**

Staff programs

- 2.28 Mr Seselja MLA queried the Authority's expenditure on a screening of the film 'An Inconvenient Truth' on 24 October 2006. The Minister advised that the estimated cost of \$1 500 was met from the Authority's training and development budget for 2006–07.²³ In relation to occupational health and

²¹ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p45

²² See for example Recommendation 1 in ACT Legislative Assembly, Standing Committee on Planning and Environment, *Report on Annual and Financial Reports 2004–05*,
<<http://www.parliament.act.gov.au/downloads/reports/19peAnnualReports.pdf>>, accessed 20 December 2007

²³ Information provided by the Minister for Planning, Mr Corbell MLA, dated 9 November 2006, in response to question PE6 Mr Seselja MLA

safety measures, the Authority spent a total of \$2 134 on influenza injections for 95 staff or about 30% of the Authority's total staff.²⁴

- 2.29 The Department of Territory and Municipal Services also reported efforts to improve workplace health and safety. The Minister advised the Committee that continuing improvements to workplace health and safety culture had resulted in a \$1.1 million premium reduction.²⁵

Post-bushfire rehabilitation and fire prevention

- 2.30 In response to questions from Dr Foskey MLA and Mr Pratt MLA, Minister for Hargreaves provided information in relation to post-bushfire recovery in the ACT. Mr Hargreaves advised:

- that the future management strategies for ongoing pine plantation areas in the ACT were the subject of a study being undertaken by the Department of Territory and Municipal Services (TaMS) and Treasury. No decision had been taken regarding the long-term future management of the Territory's plantation resources;²⁶
- pine wildlings in bushfire rehabilitation areas would be controlled by physical removal (hand pulling, snipping with shears, or harvesting, depending on the size of the wildlings). Hazard reduction burns may also be used as a control method in future;²⁷
- significant and successful erosion mitigation works had been undertaken in the Lower Cotter catchment including the closure and rehabilitation of unnecessary plantation roads, the design and construction of sediment basins to trap silt and the revegetation of strategic riparian areas to assist site stabilisation;²⁸

²⁴ Information provided by the Minister for Planning, Mr Corbell MLA, dated 9 November 2006, in response to question PE6 from Mr Seselja MLA. Mr Corbell also referred to p115 of the Authority's 2005–06 annual report.

²⁵ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p53

²⁶ Information provided by the Minister for Territory and Municipal Services, Mr Hargreaves MLA, n.d., in response to question PE12 from Dr Foskey MLA

²⁷ Information provided by the Minister for Territory and Municipal Services, Mr Hargreaves MLA, n.d., in response to question PE12 from Dr Foskey MLA

²⁸ Information provided by the Minister for Territory and Municipal Services, Mr Hargreaves MLA, n.d., in response to question PE15 from Dr Foskey MLA

- the Rural Fire Service and volunteers had undertaken a number of hazard reduction burns on rural roadsides with support from the land management agencies. These were regarded as training exercises;²⁹ and
- the Draft Bushfire Operation Plan (BOP) and information about proposed hazard reduction burns are supplied to the Wildlife and Research Monitoring (WRM) Unit. The WRM Unit looks at the potential environmental impacts of the proposed operations (e.g. road construction and hazard reduction burning) and provides advice on ecological issues before the BOP is finalised. Comments provided by the WRM Unit are normally incorporated into the BOP as special conditions to be followed when undertaking an operation such as a controlled burn. WRM has also established some research plots to monitor any long-term effects of controlled burns on vegetation structure and composition.³⁰

- 2.31 In response to a question from Mr Mulcahy MLA about the Emergency Services Authority (ESA) being brought within the Department of Justice and Community Safety, the Commissioner for the Environment, Dr Purdie, noted that her predecessor had recommended that the ESA be an independent organisation. Dr Purdie said that she was unaware of the detail of the ACT Government's budgetary changes and the possible impact of the restructure on the operation of the ESA, but that there must have been some perceived benefits in the earlier implementation of the McLeod inquiry recommendations that the ESA be independent.³¹
- 2.32 Deb Foskey asked whether horse owners and riding schools had been offered access to areas with high grass for grazing.

Territory Plan

Planning reform project

- 2.33 In response to a question from Dr Foskey about third party appeal rights

²⁹ Information provided by the Minister for Territory and Municipal Services, Mr Hargreaves MLA, n.d., in response to question PE21 from Mr Pratt MLA

³⁰ Information provided by the Minister for Territory and Municipal Services, Mr Hargreaves MLA, n.d., in response to question PE29 from Dr Foskey MLA

³¹ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p49

following planning reforms, Minister Corbell advised that there would be opportunities for active stakeholder participation in the development of the planning codes etc that would be embodied in the Territory Plan, but that once those detailed rules were set within the Government's agreed policy framework, there would be limited opportunities for further appeals.³²

- 2.34 In 2006 the Supreme Court declared invalid provisions of *Land (Planning and Environment) Amendment Regulation 2006 (No. 2) (ACT)* which purported to exempt from review by the ACT Administrative Appeals Tribunal all Planning and Land Authority decisions to approve developments in an industrial area. The *Land (Planning and Environment) Act 1991 (ACT)* provided that regulations can be made which exempt a development of a kind specified by regulation, either absolutely or subject to conditions,³³ from review by the Tribunal. The Court found that the regulation was invalid because it exempted all developments by area rather than by kind of development. The regulations and this decision do not affect access to review pursuant to the *Administrative Decisions (Judicial Review) Act 1989*.
- 2.35 The Committee was interested to note the comments made by Mr Justice Gray that objectors and third parties may not be entitled to call upon the *Human Rights Act 2004 (ACT)* as they are outside the class of persons whose rights and obligations are directly affected by a development approval, and may not have protected rights of review. His honour said there was no general right to have decisions not affecting a particular individual's rights reviewed at the instance of an individual not directly affected.³⁴
- 2.36 On 20 February 2007 Minister Corbell introduced the *Land (Planning and Environment) Legislation Amendment Bill 2007* to the Assembly. The Bill removes the phrase 'of a kind' from the provisions of the legislation which caused the Supreme Court decision to invalidate the regulations, and inserts examples of the kind of regulations that are intended to be authorised by the section. The Bill also has retrospective effect. The legislation was to be debated

³² Legislative Assembly for the ACT, *Transcript of Evidence*, 24 October 2006, pp6–7

³³ paragraph 282(1)(e)

³⁴ *Property Projects (ACT) Pty Ltd & Ors v Planning & Land Authority & Ors* [2006] ACTSC 122 (15 December 2006)

following scrutiny by the Legislative Assembly's Legal Affairs Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee).

Implementation of the Spatial Plan

- 2.37 Minister Corbell advised the Committee that the implementation of the Canberra Spatial Plan and its commitment to urban consolidation was proceeding apace, both within Canberra and through inter-governmental agreements for the region. The Minister advised that very advanced work had been undertaken for the potential future urban expansion in the Molonglo Valley, an area that would eventually accommodate between 40 000 and 50 000 residents. In the eastern part of the Molonglo Valley, the area nearest to Weston Creek, about 44 000 residents or 20 000 dwellings would be accommodated.³⁵
- 2.38 The Minister noted that the National Capital Authority was likely to release the Molonglo Valley amendment to the National Capital Plan either late in 2006 or early 2007. That amendment, and consequent amendments to the Territory Plan, is necessary for the future urban development of parts of the Molonglo Valley to proceed. Planning work had included:
- completion of a detailed environmental assessment
 - completion of a detailed land use suitability assessment
 - provision in the budget for detailed investigations into transport, and road connections
 - obtaining the National Capital Authority's in-principle agreement to an amendment to the National Capital Plan, and a subsequent or concurrent variation to the Territory Plan.³⁶
- 2.39 Detailed planning work had also commenced on the Eastlake area, between Kingston Foreshore and Fyshwick near the Jerrabomberra Wetlands. Key issues being addressed there include the size of the land reserved for railway use and the relocation of the electrical substation which is adjacent to Kingston

³⁵ Legislative Assembly for the ACT, *Transcript of Evidence*, 24 October 2006, p5

³⁶ Legislative Assembly for the ACT, *Transcript of Evidence*, 24 October 2006, p4

Foreshore.³⁷

- 2.40 On the Eastlake development, in response to a question from Dr Foskey, the Minister advised that a draft planning report would be released for public comment early in 2007, but that there was no current timeframe for development in that area. Causeway residents would be consulted about the proposed development. The Government's sustainability principles and practices would be applied to the project, which was intended to revitalise the area. Mr Corbell advised that the Government was working closely with CSIRO to establish a Sustainability Demonstration Project within East Lake and would explore opportunities to apply that approach across the precinct.³⁸
- 2.41 In relation to the Woden East Development, the Minister for Planning advised that the Expression of Interest process had followed a Planning Study and Preliminary Assessment. The Woden East area is predominantly zoned Residential B1 with areas of Commercial B closer to the Town Centre. The development would accommodate about 500 dwellings as well as some commercial mixed use opportunities.³⁹

Character guidelines for A10 (Residential Core) Area Specific Policy areas

- 2.42 In relation to another policy supporting sustainable urban consolidation – A10 (Residential Core) Area Specific Policy – the Minister for Planning and the Chief Planning Executive, Mr Savery, advised the Committee that a consultant had been engaged to progress the development of character guidelines for A10 areas, particularly for inner north and inner south Canberra, as the Minister had directed be developed in 2004. This work would cost in the order of \$50 000 when complete. A discussion paper or similar document would be released for public consultation.⁴⁰

³⁷ Legislative Assembly for the ACT, *Transcript of Evidence*, 24 October 2006, p4

³⁸ Response QON1,

³⁹ Information provided by the Minister for Planning, Mr Corbell MLA, dated 2 November 2006, in response to question PE11 from Mr Seselja MLA,

⁴⁰ Legislative Assembly for the ACT, *Transcript of Evidence*, 24 October 2006, pp7–8

Dragway

- 2.43 The Commissioner for the Environment explained to the Committee how her office had been involved with responding to complaints from the community about the ACT Dragway.⁴¹ The ACT Government had later decided not to proceed with the dragway on that site. A copy of the Commissioner's correspondence with the ACT Government was subsequently provided to the Committee.

3G Mobile Towers

- 2.44 Dr Foskey and Mr Mulcahy questioned the Commissioner for the Environment about the possible health effects of mobile towers. Dr Foskey had previously pursued this issue in the Chamber.⁴² The lack of possible health-effects monitoring was noted, but Dr Purdie suggested that policy implementation on this issue was a matter for the Environment Protection Authority. Her office would be open to discussion of the issue, she said.⁴³

Sustainable transport

- 2.45 Committee members examined various issues arising out of the ACT Government's Sustainable Transport Plan during the public hearings.

Belconnen to Civic Busway

- 2.46 In response to questions from Ms Porter and Mr Seselja, Minister Corbell provided information on the current status of the Belconnen to City Busway project and the costs and assessment processes for the project. Total costs incurred to date on planning work were expected to be in the order of \$4.5 million.⁴⁴ The Minister noted that the transit link between Belconnen and the city was the single busiest public transport corridor in the city, and carried the largest number of journeys of any type of public transport corridor in the city, so in his view, its upgrade was very important. A similar transitway between Gungahlin and the city, along Flemington Road, had already been

⁴¹ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p48

⁴² Legislative Assembly for the ACT: 2006 Week 7 Hansard (17 August 2006), pp2399–2399

⁴³ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p47

⁴⁴ Legislative Assembly for the ACT, *Transcript of Evidence*, 24 October 2006, p2

upgraded.⁴⁵

- 2.47 In November 2005, the consulting firm Consultecon Pty Ltd completed the first stage of a project to assess the costs and benefits of the proposed busway, after which stage two of the project did not proceed. The brief for the consultancy included an assessment and comparison of the four route options which had been identified in the Route Options Report, and a detailed cost benefit analysis of the selected preferred route.⁴⁶ The second stage of the project did not proceed because no decision had been made at the time about which of the two preferred routes, the Northern Option or the Haydon Drive Option, would be carried forward.
- 2.48 The Preliminary Assessment, which had been completed in July 2006 was also not done on a single preferred route, again contributing to the deferral of the second stage of the cost-benefit analysis. The Environment Minister's delegate was reviewing the Preliminary Assessment in late 2006, after which time the preferred route would be selected.
- 2.49 Consultecon had begun identifying data needs and gathering other relevant materials for Stage 2 of the busway project, and provided that material to the Planning and Land Authority. As this material is to be used at the appropriate time in future, the consultant was paid for this work. Of the original contract price of \$94 930, Consultecon had been paid \$66 715. This contract was not identified as a separate entry in the Planning and Land Authority's Annual Report because it was arranged and paid through Procurement Solutions, from Capital Works funding.⁴⁷
- 2.50 Minister Corbell advised that the ACT Government was also committed to the re-development of the existing bus interchange at Belconnen and, in late 2006, was negotiating with the owners of the Belconnen Mall about a new bus interchange which would be integrated with the retail facilities at Westfield Belconnen. The interchange would be relocated to the south-western side of

⁴⁵ Legislative Assembly for the ACT, *Transcript of Evidence*, 24 October 2006, p5

⁴⁶ Information provided by the Minister for Planning, Mr Corbell MLA, in response to question PE4 from Mr Seselja MLA, dated 9 November 2006

⁴⁷ Information provided by the Minister for Planning, Mr Corbell MLA, in response to question PE4 from Mr Seselja MLA, dated 9 November 2006. The response also referred to pp154–155 of the Annual Report, Item 5302 – Sustainable Transport Initiative Stage

Belconnen Mall, adjacent to Lathlain Street.⁴⁸

Cycling-friendly infrastructure

- 2.51 The ACT Government has been implementing its sustainable transport policy by improving infrastructure for bicycles. The Planning and Land Authority has developed bicycle parking guidelines for new commercial office buildings which require for example, the provision of end-of-journey facilities and secure parking facilities for bicycles. The Australian and ACT Governments had also jointly funded an important travel change behaviour program involving 11 000 households in north Canberra; mainly Belconnen.⁴⁹

On-road cycling

- 2.52 In response to questions from the Chair, Mr Gentleman MLA, about on-road bicycle lands and statistics on collisions, Minister Hargreaves re-affirmed the ACT Government's commitment to the continuation of those lanes and to their installation on new roads as they emerge. He said the lanes are built in accordance with Australian design rules, and the green strip makes cyclists more visible. The Minister said that when funds were available, major transport corridors would be retrofitted. The main advantages of the on-road cycle lanes were that they encourage people to commute sustainably, and they reduce the incidence of road rage between motorists and cyclists. Accidents between cars and bicycles had decreased by about 10% between 2001 and 2005.⁵⁰
- 2.53 On the use of the lanes, the Minister said that the Sustainable Transport Plan has a target of increasing cycling from 2.3% of all journeys in 2001 to 5% in 2011 and 7% in 2026.⁵¹ He provided detailed statistics on the volume of bicycles on roads in response to a question on notice. These are reproduced at Appendix C.
- 2.54 The Minister advised that there were no specific data for crashes in on-road

⁴⁸ Legislative Assembly for the ACT, *Transcript of Evidence*, 24 October 2006, pp3, 4

⁴⁹ Legislative Assembly for the ACT, *Transcript of Evidence*, 24 October 2006, p5

⁵⁰ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p70, 72–73

⁵¹ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p69

bicycle lanes, but in general terms, bikes constitute 0.8% of all vehicles involved in on-road crashes.⁵² He said:

Going back to 2001 [before on-road cycle lanes had been created], the total number of crashes on the road was 8,627. The total number of vehicles involved in the crashes was 16,396. The total number of bicycles involved was 122. ...

Going to 2004, the total number of accidents dropped. That was 7,275. The total number of vehicles involved in the crashes was 13,720. So it dropped a couple of thousand vehicles. There were 112 bikes involved. These are on-road figures. There have been no bike accidents involving deaths on or due to bike lanes.⁵³

- 2.55 For the years 2002 to 2005 (except for 2004 noted above), the accident figures were:⁵⁴

Year	Total crashes	Number of vehicles involved	Number of bicycles involved
2002	8,247	15,493	121
2003	8,288	15,757	120
2005	7,003	13,291	111

- 2.56 Mr Pratt MLA asked the Minister for information about the consultation with stakeholders over on-road cycle lanes, and in particular the meetings attended by the Minister and/or Roads ACT, and Pedal Power and/or the NRMA. Minister Hargreaves responded that he had met with Pedal Power representatives on 2 December 2004, 17 May 2005 and 11 August 2006. He had not met with NRMA. Roads ACT had met with Pedal Power representatives on 26 August 2005, 28 October 2005, 16 December 2005, 31 March 2006, 21 April 2006 and 9 June 2006. Roads ACT had met with NRMA

⁵² Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p68

⁵³ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p68

⁵⁴ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p70

representatives on 23 March 2006 and 17 May 2006.⁵⁵

2.57 About 100 bikes a week are carried in the bike racks on ACTION buses.⁵⁶

2.58 In view of these figures, the Committee is not persuaded that on-road cycle lanes are a safety hazard. Risks can also be remedied with driver and cyclist education initiatives. The Committee does not pursue this issue further here, as ACT road safety is currently being reviewed by the Assembly's Standing Committee on Public Accounts.

Motorcycling and road safety programs

2.59 Minister Hargreaves noted that the ACT Government had introduced several measures to improve motorcyclists' road safety. These included the registration label message "Watch out for motorcyclists" and "Don't drink and drive", the former of which had been suggested by the Committee Chair, Mr Gentleman MLA.⁵⁷ Motorcyclists' safety was also being addressed in the revision of the ACT Road Safety Strategy and through education programs. The Motorcycle Riders Association and other groups would be consulted before the strategy was finalised.⁵⁸

Taxis

2.60 The Minister for Territory and Municipal Services, Mr Hargreaves MLA, advised the Committee that with regard to taxis, the recommendations of the Wheelchair Accessible Taxi (WAT) Reference Group that he convened had been accepted in full and that WAT services would be improved and better funded as a result. Canberra taxi fleet had been expanded and some reforms had been made to hire cars in the ACT.⁵⁹

⁵⁵ Information provided by the Minister for Territory and Municipal Services, Mr Hargreaves MLA, in response to question PE19 from Mr Pratt MLA

⁵⁶ Information provided by the Minister for Planning, Mr Corbell, n.d., in response to question PE27 from Ms Porter AM MLA

⁵⁷ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p74

⁵⁸ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p74

⁵⁹ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p52

ACTION buses

2.61 Several issues concerning ACTION buses were discussed during the public hearings:

- Minister Hargreaves acknowledged that ACTION buses were behind target in the provision of buses that are accessible to people in wheelchairs.⁶⁰
- Driver security was a concern, particularly on suburban routes with few passengers. ACTION was spending more than \$10 000 a month on repairs as a consequence of vandalism inside buses. In the 2006-07 budget ACTION received funding of \$1.444 million and was engaged in a tender process for the purchase and maintenance of security cameras to retrofit the bus fleets. The Minister advised that a total of 1 573 cameras would be installed on 344 buses. A community security awareness program was also being implemented.⁶¹
- The ACTION budget tended to be overspent by about \$3.5 million. Some of the reasons for this included an increase in the price of diesel fuel, and vehicle maintenance costs rose by about 15%, but cost-cutting measures such as dissolution of the Board and restructuring of bus services was underway in consultation with community groups such as community councils, ACTCOSS, schools, and Pedal Power. The use of compressed natural gas was being increased, a trial of biodiesel was underway, and a hydrogen fuel study was also being undertaken. One aim was to reduce the diversity of bus vehicles in the fleet so that economies of scale could be achieved with respect to maintenance, spare parts, expertise etc. But the Minister also acknowledged that ACTION would probably never break even or run at a profit.⁶²

2.62 The Committee agreed to defer further consideration of issues concerning ACTION buses as it was inquiring into those in another inquiry.

⁶⁰ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p86

⁶¹ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, pp86-87

⁶² Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, pp87-88, 91, 92

ACT NOWaste

- 2.63 The Committee and MLAs discussed progress with the implementation of the ACT NOWaste strategy with the Minister for Territory and Municipal Services and officials. The Department's annual report noted that about 550 000 tonnes of waste had been diverted from landfill because of the work done at the Materials Recovery Facility in Hume, representing a 73% recovery rate.⁶³
- 2.64 Minister Hargreaves advised that in 2003–04 about 38 000 tonnes had been retrieved for recycling and on-sold. In 2004–05 it was 45 500 tonnes, which is nearly a 20 per cent increase, and there was nearly a 10 per cent increase in 2005–06, or about 50,000 tonnes. Progress was also being made in the recycling of building waste. On the other hand progress was being impeded by some industries' resistance to minimising their packaging.⁶⁴
- 2.65 Minister Hargreaves explained that the Mugga Lane and Belconnen landfills now have active landfill gas extraction systems. The methane gas extracted is dried and combusted to generate green electricity. He said that methane was 21 times more potent a greenhouse gas than carbon dioxide, and by combusting it, electricity could be generated. The ACT generated 27.268 million kilowatt hours during 2005–06, and this was put into the Canberra grid and made available as green electricity purchased by consumers. The 27¼ million kilowatt hours produced was equivalent to powering approximately 4 500 Canberra homes.⁶⁵
- 2.66 Minister Hargreaves also advised that the Government has plans for the new landfill cell at Mugga Lane to have a leachate reingestion system operating in 2007–08, which would speed up landfill stabilisation and increase gas generation rates. The process involves recycling landfill liquids back through the waste materials to enhance their natural decomposition and the production of landfill gas and green electricity. The process can also assist in stabilising

⁶³ Department of Urban Services 2006, *Urban Services Annual Report 2005–2006, Vol 1*, Canberra, p19

⁶⁴ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p60

⁶⁵ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p64

the landfill materials more quickly than the usual 80 to 100 years.⁶⁶

- 2.67 During the hearing the Minister invited the Committee to visit the Materials Recovery Centre. This invitation was accepted, and two members of the Committee enjoyed a highly informative tour of the Hume Resource Recovery Estate on 27 February 2007. During the site visit, Mr Gentleman MLA and Ms Porter MLA, and the Committee Secretary were briefed by the TaMS Executive Director of Sustainability Policy and Programs, Mr Peter Ottesen, who provided an overview of ACT NOWaste policy and current initiatives and challenges. The ACT No Waste Manager, Mr Chris Horsey, elaborated on key issues and explained the operations at the facility. Mr Robert Webb, Manager, Built Environment, TaMS, provided additional information. Mr Horsey then provided a guided tour of the site, including the processing of the kerbside recycling collections, the green waste recycling, the building waste recycling, the landfill sites and their management, and the biogas extraction and energy generation site.
- 2.68 The Committee was very impressed with the quality of the resource recovery undertaken at the estate, and the obvious commitment of TaMS staff to promoting sustainability in Canberra. The Committee subsequently wrote to Minister Hargreaves congratulating him and the TaMS team on the excellent work that is being done. The Committee also expressed their hope that the educational potential of the site continues to be promoted and expanded.
- 2.69 Regrettably, Mr Seselja MLA and Dr Foskey MLA were unable to attend.

RECOMMENDATION 4

- 2.70 **The Committee recommends that the public education activities at the Materials Recovery Facility in Hume continue to be promoted and expanded.**
- 2.71 In response to a question from Dr Foskey MLA, the Minister advised that it was currently uneconomic for the ACT Government to provide recycling bins in town centres. It was the responsibility of individual business to sort out their waste at source, and not to dump it unsorted into the hoppers behind

⁶⁶ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p64

their business. Some small trials, such as that done for the National Folk Festival had been very successful, but the initiative would not be extended across Canberra, primarily because it would be too expensive.⁶⁷

- 2.72 On the Second-Hand Sunday recycling activity, Minister Hargreaves advised that community interest in the event had declined, and that the ACT Government was considering whether to continue with it. It was assessing the fairly expensive cost and the amount of organisation involved as it was important in terms of social responsibility, but not in terms of the number of people participating. Moreover, alternative services were available.⁶⁸

Natural resource management

Park management

- 2.73 The Minister for Territory and Municipal Services, Mr Hargreaves MLA, advised the Committee that some of the ACT Government's achievements with regard to parks and places included the refurbishment around the Lake Ginninderra foreshore near Emu Bank; the attainment of a 91% satisfaction rate for the more than 10 million visits that had been made to town and district parks. More than 40 events were held across Canberra in the 'Round Town' program.⁶⁹
- 2.74 Dr Foskey MLA asked Minister Hargreaves about wild dog management in Namadgi National Park. The Minister advised that under the zoning approach used in the park, baiting and trapping is limited to the outer edges of the park adjacent to rural leases because as top predators in much of the park, wild dogs perform an important ecological function. As elsewhere in Australia, 1080 is used in accordance with national standards, codes of practice and permits. He said that as the number of sheep lost to wild dogs had decreased since the implementation of the program suggesting that wild dog numbers have fallen in the control zone. The Minister noted that most of the dogs sampled in Namadgi are dingo dog hybrids, with only about 20% classified as

⁶⁷ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p62

⁶⁸ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p63

⁶⁹ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, pp53–54

pure dingoes.⁷⁰

- 2.75 Dr Foskey MLA asked Minister Hargreaves whether any follow-up activities had been undertaken in relation to the 76 licences issued under the *Nature Conservation Act 1980* (ACT) for the removal of, or interference with, the nests of native animals. The Minister advised that licences to remove or interfere with native animal nests were generally issued in conjunction with an approved application to undertake a tree damaging activity under the *Tree Protection Act 2005* (ACT). Licences include a condition that requires the licensee to contact the RSPCA at least 24 hours before any tree damaging activity is undertaken, if any wildlife has been observed using the nest. The RSPCA is not required to report on the relocation of nests but ACT Government officials liaise with the RSPCA as required.⁷¹
- 2.76 The Minister also advised Dr Foskey in response to a question about the control of high grasses through possible horse grazing that many areas were not appropriate for horses as they did not have appropriate facilities for tying horses for feeding and grooming, and some had potential hazards such as old fence posts and wire.⁷²

Management of Canberra's urban forest

- 2.77 Minister Hargreaves responded to questions from Dr Foskey concerning the loss of significant numbers of trees in Canberra's urban forest due to drought. He said that about 10,000 trees were being killed or affected badly by the drought, and some were just dying of old age. Additional funds had been provided in the budget for tree maintenance and removal works. Replacement trees were selected in consultation with affected residents.⁷³

⁷⁰ Information provided by the Minister for Territory and Municipal Services, Mr Hargreaves MLA, n.d., in response to question PE30 from Dr Foskey MLA

⁷¹ Information provided by the Minister for Territory and Municipal Services, Mr Hargreaves MLA, n.d., in response to question PE13 from Dr Foskey MLA

⁷² Information provided by the Minister for Territory and Municipal Services, Mr Hargreaves MLA, n.d., in response to question PE14 from Dr Foskey MLA

⁷³ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p82

Sustainability policy, climate change and air quality

- 2.78 In response to a question from Dr Foskey MLA, the Minister for Territory and Municipal Services, Mr Hargreaves MLA, advised that while the Government remained committed to the development of sustainability legislation further work had been postponed due to resource constraints and the need to progress other priorities such as the Climate Change Strategy.⁷⁴ The Minister advised that 38 people worked in the Sustainability Policy and Programs branch, and had moved across with the ACT public service restructure, from the Chief Minister's Department.⁷⁵
- 2.79 In response to a question from Mr Seselja MLA, the Minister advised that industry partners provided direct subsidies of \$81 800 for the wood heater replacement scheme, and the ACT Government provided the administrative resources to administer the program on industry's behalf.⁷⁶

Roads ACT

- 2.80 In response to a question about road maintenance costs in Territory, Roads ACT advised that in 2005–06 \$11.03 million was expended on road maintenance. In 2006–07, \$17.30 million was available for road maintenance.⁷⁷
- 2.81 Mr Seselja MLA asked the Minister for Territory and Municipal Services to provide information about the number of motor vehicle accidents at red light camera sites, before and after the installation of the lights. Minister Hargreaves provided a detailed table in response. He advised that the total number of crashes had decreased at seven of the nine sites, but that at the sites on Drakeford Drive/Marconi Crescent and Ginninderra Drive/Aikman Drive the number of rear end crashes had increased, while right angle and right turn

⁷⁴ Information provided by the Minister for Territory and Municipal Services, Mr Hargreaves MLA, n.d., in response to question PE31 from Dr Foskey MLA

⁷⁵ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p66

⁷⁶ Information provided by the Minister for Territory and Municipal Services, Mr Hargreaves MLA, n.d., in response to question PE25 from Mr Seselja MLA

⁷⁷ Information provided by the Minister for Territory and Municipal Services, Mr Hargreaves MLA, n.d., in response to question PE34 from Mr Pratt MLA

crashes decreased. He said that was consistent with experience elsewhere.⁷⁸

Tharwa Bridge

- 2.82 In response to a question from Mr Pratt MLA, the Minister for Territory and Municipal Services, Mr John Hargreaves MLA, advised that \$869 000 had been allocated for the strengthening of the Tharwa bridge in the department's Capital Upgrade program. The bridge had been strengthened temporarily using the bailey bridging system. Work was completed in August 2005.⁷⁹ The Minister ruled out installing a temporary river crossing for various reasons, including a projected cost of \$1.3 million, the need for planning and heritage approvals, and safety.⁸⁰ The proposed new bridge is expected to cost about \$9 million, and to be complete in 2008.⁸¹

Heritage

- 2.83 Dr Foskey MLA asked the Minister for Territory and Municipal Services how heritage nominations were prioritised and whether multicultural heritage was a focus area of the Heritage Unit.⁸² The Minister responded that the multicultural heritage is a key focus for the Heritage Unit and that the ACT Heritage Register includes many multicultural places and objects such as Gus' Café, Hong Yong's Grave, Blue Range Hut and the Chinese market Garden at Oaks Estate. Many multicultural heritage projects have been funded under the ACT Heritage Grants Program.⁸³

Performance of the Land Development Agency

- 2.84 The Committee considered evidence about the performance of the Land Development Agency during 2005-06. This included:

⁷⁸ Information provided by the Minister for Territory and Municipal Services, Mr Hargreaves MLA, n.d., in response to question PE24 from Mr Seselja MLA

⁷⁹ Information provided by the Minister for Territory and Municipal Services, Mr Hargreaves MLA, n.d., in response to question PE18 from Mr Pratt MLA

⁸⁰ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p80

⁸¹ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, p81

⁸² Information provided by the Minister for Territory and Municipal Services, Mr Hargreaves MLA, n.d. in response to question PE16 from Dr Foskey MLA

⁸³ Information provided by the Minister for Territory and Municipal Services, Mr Hargreaves MLA, n.d. in response to question PE16 from Dr Foskey MLA

- that the LDA derived \$80 million from its operations during 2005–06 and paid these as dividends to the ACT Government in three instalments during that financial year
- that the LDA held retained profits of \$87.9 million at the start of the financial year and achieved a profit of \$37.9 million during the year; and
- that the dollar value of the land transferred from the ACT Government to the LDA was \$89.5 million. The cash amount the LDA paid was \$47.9 million and the amount taken up in LDA's books as a creditor was \$41.6 million.⁸⁴

2.85 The Committee notes that the ACT Auditor-General reported an unqualified audit result following its review of the Land Development Agency's 2005–06 Statement of Performance and Financial Reports.⁸⁵

Miscellaneous issues

2.86 Other issues canvassed during the public hearings included proposed amendments to the *Domestic Animals Act 2000* (ACT).⁸⁶

⁸⁴ Response dated 9 November 2006 from Minister Corbell to question PE2 from Mr Seselja

⁸⁵ ACT Auditor-General (2006), *2005–06 Financial Audits: Report No. 8/2006*, Canberra

⁸⁶ Legislative Assembly for the ACT, *Transcript of Evidence*, 31 October 2006, pp59–60

3 GENERAL REPORTING ISSUES

- 3.1 The Committee assessed the above reports against the Chief Minister's Department's Directions, and for:
- accessibility, clarity and focus in presentation
 - clear links between output classes and results; and
 - open and honest discussion of the impact of outside scrutiny on the agency and any difficulties faced.

External scrutiny and the role of the Committee

- 3.2 The Chief Minister's Annual Report Directions for 2005–06 require that agencies 'report on the most significant developments in external scrutiny of the agency and the agency's response, *including particulars of Legislative Assembly committee reports*.'⁸⁷ This is not a complete description of the content of annual reports required by the ACT Legislative Assembly in a continuing 2002 resolution, and it may be that the Directions are misleading in their lack of detail for ACT Public Service staff.
- 3.3 The Assembly resolved in 2002 that the Chief Minister should require that annual reports include 'a schedule outlining action that has been achieved and is in progress on the implementation of recommendations of Assembly standing and select committees that have been accepted by the Government of the day in any response to those committee reports ... after initial publication, the schedules included in subsequent annual reports only need include information required on achievements in the relevant period and action that remains outstanding'.⁸⁸
- 3.4 The Committee is concerned that the Planning and Land Authority's annual report does not properly identify the external scrutiny of its operations during the financial year, and nor does it comply with the 2002 Assembly resolution.

⁸⁷ ACT Government (2006), *Chief Minister's Annual Report Directions 2005–2006*, p21

⁸⁸ Legislative Assembly for the ACT, *2002 Week 4 Hansard 10 April*, 'Annual reports – implementation of committee recommendations', p938

For example:

- the ACT Ombudsman received 37 complaints about the Authority in 2005–06⁸⁹
- the ACT Administrative Appeals Tribunal reviewed many and various Authority decisions⁹⁰
- the Assembly's Standing Committee on Public Accounts reviewed the Auditor-General's *Report No 2 of 2005: Development Application and Approval Process*, during the financial year. Although the PAC report was tabled in the Assembly on 21 September 2006 the conduct of the inquiry could have been noted; and
- this Committee has made many recommendations to the Assembly about the Authority's work that it has reviewed. The Authority's annual report does include an appendix listing the dates the report of this Committee were tabled in the Assembly, but this does not comply with the Assembly's 2002 resolution.

3.5 This comment should not be taken as a criticism that the Authority is not responsive to external scrutiny. The Committee has previously commented on the Authority's positive responsiveness to planning decisions by the ACT Administrative Review Tribunal. The Committee noted in 2006 for example, that the Authority had an Administrative Appeals Tribunal Decisions Review Committee which was responsible for considering the Tribunal's decisions to ensure that legislative, policy or procedural reforms were addressed. That

⁸⁹ ACT Ombudsman Annual Report 2005–06,
<http://www.ombudsman.act.gov.au/publications_information/Annual_Reports/ar2005-06/part_B_performance/part_B_performance_8a.html>, accessed 27 February 2006

⁹⁰ See for example AAT review decisions made Dec–May 2006: *AMC Projects Pty Ltd and ACT Planning & Land Authority & Ors* [2006] ACTAAT 13 (2 May 2006), *Freeman/Evans and ACT Planning & Land Authority & Ors* [2006] ACTAAT 20 (16 June 2006), *Casino Canberra Limited and ACT Planning & Land Authority & Ors* [2006] ACTAAT 19 (14 June 2006), *Griffith/Narrabundah Community Association Inc. & Ors and ACT Planning & Land Authority & Anor* [2006] ACTAAT 17 (31 May 2006), *Daniel/Prior and ACT Planning & Land Authority & Anor* [2006] ACTAAT 16 (30 May 2006), *Vosame Pty Limited and ACT Planning & Land Authority* [2006] ACTAAT 12 (2 May 2006), *Mihaljevic and ACT Planning & Land Authority* [2006] ACTAAT 7 (7 March 2006), *Canberra Estates Consortium No. 8 Pty Ltd and ACT Planning & Land Authority* [2006] ACTAAT 6 (1 March 2006), *Lowndes and ACT Planning & Land Authority & Anor* [2006] ACTAAT 5 (28 February 2006), *Rosedale Homes Canberra Pty Ltd and ACT Planning & Land Authority & Ors* [2006] ACTAAT 10 (16 February 2006), *Griffith/Narrabundah Community Association Inc. & Ors and ACT Planning & Land Authority & Ors* [2005] ACTAAT 34 (21 December 2005), *Harriss and ACT Planning & Land Authority & Anor* [2005] ACTAAT 30 (21 November 2005), *Wyola Pty Ltd and ACT Planning & Land Authority* [2005] ACTAAT 32 (2 December 2005)

Authority Committee reports to the Authority's Planning and Land Authority Policy Committee.⁹¹ This Authority mechanism warrants reference in the Authority's annual report.

- 3.6 The Authority's annual report refers to the Committee as a 'stakeholder', along with other stakeholders such as all Canberrans, planning advisory bodies and the ACT Legislative Assembly,⁹² rather than a scrutiny body. The report describes the Authority's interaction with these stakeholders as enabling the fulfilment of its statutory consultation obligations for draft variations to the Territory Plan.⁹³ The report notes the Committee reports tabled in the Assembly concerning proposed variations to the Territory Plan.
- 3.7 The Committee is concerned that the Authority's annual report should more accurately represent the role of the Committee. The Committee has functions prescribed by legislation, but it also has broader functions established by Assembly convention and Assembly Standing Orders. The Committee assists with maintaining the accountability of the ACT Executive; provides a quality control mechanism for the matters it scrutinises (including proposed variations to the Territory Plan and proposed legislation); contributes to policy development; and provides an important opportunity for participatory democracy. Assembly committees are able to scrutinise matters in more detail and in a more participatory way than can the broader and more time-constrained Chamber. The Committee can make recommendations on any matter within its terms of reference whilst also discharging its statutory responsibilities, such as reviewing proposed Territory Plan variations, draft management plans for public land, and statutory appointments.

RECOMMENDATION 5

- 3.8 **The Committee recommends that in future annual reports the Planning and Land Authority better comply with the Chief Minister's Annual Report Directions concerning the reporting of external scrutiny.**

⁹¹ ACT Legislative Assembly, Standing Committee on Planning and Environment (2006), Exposure Draft Planning and Development Bill 2006, *Report 22*, p76

⁹² Annual Report pp 6, 47

⁹³ Annual Report p47

4 FUTURE SCRUTINY OF PLANNING AND ENVIRONMENT ISSUES

Interaction with the Australian Parliament's Joint Standing Committee on the National Capital and External Territories

- 4.1 The Committee is aware of the role of the Australian Parliament's Joint Standing Committee on the National Capital and External Territories, and its report on the role of the National Capital Authority.⁹⁴
- 4.2 The Joint Standing Committee recommended in 2004 that planning projects affecting both territory and Commonwealth planning policies be better integrated. The Australian Government agreed with this recommendation.⁹⁵ While that report did not deal with the role of Assembly committees it mentioned the Assembly in passing.
- 4.3 Notwithstanding that the Committee has reported to the Assembly on the Government's Planning and Development Bill 2006, the Committee remains interested in the issue of planning reform, and of streamlining planning processes in the Territory. The Committee is aware that many stakeholders are confused by the dual planning system, or if not confused, then often frustrated by the disadvantages and costs of the dual system.
- 4.4 The Committee is interested in discussing with the Australian Parliament's Joint Standing Committee on the National Capital and External Territories, how Parliamentary committees' reviews of planning matters affecting both Territory and Commonwealth planning policies might be better coordinated or integrated, or at least how some co-operation might be promoted between the Parliamentary committees.

⁹⁴ Australian Parliament, Joint Standing Committee on the National Capital and External Territories (2004), *A National Capital, A Place to Live*, Canberra

⁹⁵ The Hon Jim Lloyd MP Minister For Local Government, Territories and Roads (2005), *Government Response to the Report of the Joint Standing Committee on the National Capital and External Territories: A National Capital, A Place To Live: Inquiry into the Role of the National Capital Authority*, <<http://www.aph.gov.au/house/committee/ncet/nca/govresponse.pdf>>, accessed 28 February 2007

- 4.5 There are precedents where Australian parliamentary committees have conducted joint inquiries. For example the Queensland Public Accounts Committee and its counterpart joint house committee in the Australian Parliament jointly inquired into the financial accountability requirements faced by Aboriginal and Torres Strait Island Councils in their dealings with Commonwealth and State funding agencies. This has been described as the first cross-jurisdictional inquiry ever to have been held in Australia.⁹⁶
- 4.6 That cross-jurisdictional inquiry was established following resolutions adopted in both Parliaments, and resulted in the tabling of a joint report simultaneously in both Parliaments. These resolutions are reproduced at Appendix D. Committee secretariats divided up the work and the one report was considered by both committees at a joint report consideration meeting. The committees then printed the reports under their own cover and tabled them almost at the same time. The process enabling a simultaneous examination of issues from the perspective of both jurisdictions. It resulted in some consensus cross-jurisdictional committee recommendations on various issues, as well as independent committee recommendations.
- 4.7 Some of the considerations supporting better cooperation between the two Parliamentary committees when ACT planning matters are being reviewed include:
- possibly enhanced scrutiny of government agencies where needed. This may include, for example, where it is important issues are clarified or debated before the Committee makes recommendations to the Australian Parliament on National Capital Plan amendments;
 - the views of local stakeholders could be well represented by elected Assembly MLAs to the Australian Parliamentary Committee, and through the Committee to the Australian Parliament, although how strongly the

⁹⁶ See Legislative Assembly of Queensland (1997), Public Accounts Committee, *Aboriginal Councils and Torres Strait Island Councils: Review of Financial Reporting Requirements, Report No 42*, Brisbane, <<http://www.parliament.qld.gov.au/PAC/view/committees/documents/PAC/reports/pac42.pdf>>, accessed 27 February 2007, and Australian Parliament (1997), Joint Standing Committee on Public Accounts, *355th Report: Aboriginal Councils and Torres Strait Island Councils: Review of Financial Accountability Requirements*, Parl Paper Number 314/1997.

ACT Committee might want to convey views would depend on the issue, and the policy stance taken by political parties and/or the ACT Government;

- a greater understanding of the costs and benefits of the dual planning system may be fostered in local stakeholders and parliamentary committee members. This can have flow-on benefits for stakeholders through their elected representatives;
- it could be time and cost effective for stakeholder views on proposed planning changes to be heard by both Australian Parliament and Assembly Committees so that subsequent hearings can be appropriately focussed;
- the Territory Committee has the same powers, privileges, and immunities as the House of Representatives, so privilege issues should not be a concern, as both Committees meeting jointly would share the broad privilege they enjoy when meeting independently; and
- it may enhance the stature of the ACT Assembly if stakeholders see its Committee members conduct hearings with a counterpart committee in the Australian Parliament.

RECOMMENDATION 6

- 4.8 **The Committee recommends that the Assembly consider the benefits of joint inquiries by Assembly and counterpart parliamentary committees in other jurisdictions, including the Commonwealth, in relation to matters that have both Commonwealth and ACT implications.**

RECOMMENDATION 7

- 4.9 **The Committee recommends that the Assembly resolve to permit joint inquiries by the Standing Committee on Planning and Environment and the Australian Parliament's Joint Standing Committee on the National Capital and External Territories in relation to matters that require amendments to both the National Capital Plan and the Territory Plan.**

Mick Gentleman MLA

Chair

April 2007

APPENDIX A: Annual and financial reports hearings: follow-up questions

QON No	From	To Minister for...	Subject
PE 01	Foskey	Planning	Eastlake and Causeway developments
PE 02	Seselja	Planning	Land Development Agency
PE 03	Seselja	Planning	West Fyshwick- variation to the Territory plan no 175
PE0 4	Seselja	Planning	Expenditure on the Belconnen to city bus way
PE 05	Seselja	Planning	ACTPLA Employee expenses
PE 06	Seselja	Planning	ACTPLA health promotion program costs
PE 07	Seselja	Planning	Consulting contracts at the LDA
PE 08	Foskey	Planning	Available land public housing in the last year
PE 09	Gentleman	Planning	Development plan for two commercial blocks Tuggeranong town centre
PE 10	Seselja	Planning	Further projects within the scope of Gungahlin EOI
PE 11	Seselja	Planning	Woden East development
PE 12	Foskey	Territ'y & Municipal Services	Kowen plantation management
PE 13	Foskey	Territ'y & Municipal Services	Activity licences for relocation of a native animal
PE 14	Foskey	Territ'y & Municipal Services	High grass animal grazing
PE 15	Foskey	Territ'y & Municipal Services	Success of soil erosion mitigation in lower Cotter catchment

QON No	From	To Minister for...	Subject
PE 16	Foskey	Chief Minister	Prioritising heritage nominations/multicultural heritage
PE 17	Foskey	Territ'y & Municipal Services	Freedom of information requests
PE 18	Pratt	Territ'y & Municipal Services	Bridge strengthening cost/ capital upgrade program
PE 19	Pratt	Territ'y & Municipal Services	Meetings between Pedal Power and NRMA
PE 20	Pratt	Territ'y & Municipal Services	Increase in valuation figure of roads, car parks, traffic signals
PE 21	Pratt	Territ'y & Municipal Services	Hazard reduction burns
PE 22	Pratt	Territ'y & Municipal Services	Employee expenses budget Urban Services
PE 23	The Speaker	Territ'y & Municipal Services	Employees provided by labour hire companies
PE 24	Seselja	Territ'y & Municipal Services	Crash data at red light cameras
PE 25	Seselja	Territ'y & Municipal Services	Wood heater subsidy scheme
PE 26	Seselja	Territ'y & Municipal Services	Recyclables – one-off contracts claims and unscheduled payment
PE 27	Porter	Planning	Bike racks
PE 28	Foskey	Territ'y & Municipal Services	Environment Protection Review publicly available

QON No	From	To Minister for...	Subject
PE 29	Foskey	Territ'y & Municipal Services	Fire ecology research
PE 30	Foskey	Territ'y & Municipal Services	Wild dog management
PE 31	Foskey	Territ'y & Municipal Services	Sustainability legislation
PE 32	Foskey	Territ'y & Municipal Services	Library service report
PE 33	Pratt	Territ'y & Municipal Services	Roll-out of cycles lanes
PE 34	Pratt	Territ'y & Municipal Services	Roads ACT asset management plan

APPENDIX B: List of witnesses

On **24 October 2006** following witnesses attended the Committee's public hearing on the annual reports of the ACT Planning and Land Authority and the Land Development Agency, on annual and financial reports and responded to Members' questions:

- Minister for Planning, Mr Simon Corbell MLA
- Chief Planning Executive, ACT Planning and Land Authority, Mr Neil Savery
- Deputy Chief Planning Executive, Planning Services, Ms Dorte Ekelund
- Director, Client Services, Mr John Meyer
- Manager, Corporate and Human Services, Mr Adrian Walsh
- Chief Finance Officer, Mr Anthony Howatson
- Chief Executive Officer, Land Development Agency, Ms Anne Skewes
- Deputy Chair of the Land Development Agency Board, Ms Jenny Morison
- General Manager, Corporate and Finance, Mr Gerry Ryan

On **31 October 2006** the following witnesses attended and responded to Members' questions on the annual reports of the Commissioner for the Environment, Department of Urban Services including subsumed and annexed Reports, ACTION Authority, ACT Public Cemeteries Board and the Chief Minister's Department (only those sections concerning the environment):

- Commissioner for the Environment, Dr Rosemary Purdie,
- A/g senior officer, Office of the Commissioner for the Environment, Ms Pauline Carder
- Minister for Territory and Municipal Services (TaMS), and Minister for Environment and Sustainability, Mr John Hargreaves MLA
- Chief Executive, TaMS, Mr Mike Zissler,
- Executive Director, Environment and Recreation, TaMS, Mr Hamish McNulty
- Executive Director, Enterprise Services, Dr Maxine Cooper
- Director, Strategic Finance, Ms Susanna Kiemann
- Executive Director, Community and Infrastructure Services, Ms Rosemary Kennedy

- Director, Roads ACT, Mr Tony Gill
- Executive Director, Sustainability, Mr Peter Ottesen
- A/g General Manager, ACTION Authority, Mr Tom Elliott
- Director, Environment Protection and Heritage, Mr Bob Neil
- Director, Parks Conservation and Land Management, Mr Russell Watkinson

APPENDIX C: Bicycle volumes on roads

LOCATION	TOWARDS	SURVEY DATE	VOLUME WEEKDAY AVERAGE	MANUAL COUNTS 7.00 – 9.00 AM	MANUAL COUNTS 4.00 – 6.00 PM
Northbourne Ave (Antill-Morphett)	Antill St	08.09.06	120	4	50
	Morphett St	18.09.06	200	72	10
Northbourne Ave (Ipima-Masson)	Ipima St	22.06.06	226	20	78
	Masson St	08.09.06	263	102	19
Northbourne Ave (Antill-Barton)	Barton Hwy	08.09.06	17	1	7
	Antill St		122	45	6
Barry Dr (Belconnen-Clunies Ross)	Belconnen Way	29.09.06	60	3	22
	Clunies Ross St		52	20	5
Belconnen Way (Barry-Caswell)	Barry Dr	29.09.06	71	24	12
	Caswell Dr		64	8	14
Belconnen Way (Bindubi-Haydon)	Bindubi St	29.09.06	50	5	22
	Haydon Dr	06.10.06	40	11	9
Commonwealth Ave (Parkes-Bridge)	Parkes Way	25.10.06	224	104	52
	Bridge		255	79	82
Commonwealth Ave (King Edward-Coronation)	King Edward Tce	11.10.06	74	21	13
	Coronation Dr		146	40	41
Adelaide Ave (State-Hopetoun)	State Cir	25.10.06	186	124	21
	Hopetoun Cct		231	19	63
Yarra Glen (Adelaide-Melrose)	Adelaide Ave	08.11.06	209	82	15
	Melrose Dr		115	23	31
Melrose Dr (Yarra-Launceston)	Yarra Glen	11.10.06	99	NA	NA
	Launceston	26.10.06	20	NA	NA
Barton Hwy (Federal-Randwick)	Barton Hwy	02.11.06	35	41	2
	Randwick Rd	10.11.06	28	7	21
Barton Hwy (Access-Gungahlin)	Access Rd to Ellenborough St	02.11.06	35	19	4
	Gungahlin Dr		34	1	6
Gungahlin Dr (Barton-Sandford)	Barton Hwy	20.10.06	165	17	0
	Sandford St		41	0	0
Federal Hwy (Barton-Phillip)	Barton Hwy	02.11.06	74	41	2
	Phillip Ave		57	3	8
Flemington Rd (Sandford-Federal)	Sandford St	20.10.06	59	9	12
	Federal Hwy		18	7	7

LOCATION	TOWARDS	SURVEY DATE	VOLUME WEEKDAY AVERAGE	MANUAL COUNTS 7.00 – 9.00 AM	MANUAL COUNTS 4.00 – 6.00 PM
Athllon Dr (Drakeford-Learmonth)	Drakeford Dr	06.10.06	11	NA	NA
	Learmonth Dr		11	NA	NA
Athllon Dr (Melrose-Hindmarsh)	Melrose Dr	22.09.06	10	1	1
	Hindmarsh Dr		NA	NA	NA
Hindmarsh Dr (Streeton-Namatjira)	Streeton Dr	15.09.06	16	1	4
	Namatjira Dr		24	10	4
Hindmarsh Dr (Badimara-Launceston)	Badimara St	15.09.06	19	2	7
	Launceston St		53	22	4
Hindmarsh Dr (Ainsworth-Yamba)	Ainsworth St	22.09.06	22	1	4
	Yamba Dr	15.09.06	10	3	2
Hindmarsh Dr (Yamba-Palmer)	Yamba Dr	22.09.06	13	2	2
	Palmer St		144	4	1
CYCLE PATHS					
Goodwin St to De Burgh St	Both dir	06.10.06	507	119	129
Clunies Ross St to Garryowen Dr	Both dir	06.10.06	676	203	196
Athllon Dr to Cowlshaw St	Both dir	20.10.06	267	37	60
Flynn Pl to Kaye St	Both dir	11.10.06	411	86	109
Sandford St to Barton Hwy	Both dir	20.10.06	163	50	45

APPENDIX D: Resolutions authorising joint parliamentary inquiries⁹⁷

The following motions were agreed to in the Australian Parliament and the Queensland Parliament respectively, thereby authorising the conduct of a joint inquiry by parliamentary committees.

Mr REITH (Flinders – Leader of the House) (3.33 p.m.) – by leave – I move:

(1) That the House, noting:

(a) that the Joint Committee of Public Accounts is at present conducting an inquiry into Commonwealth and State accountability requirements for Aboriginal and Torres Strait Islander local government councils;

(b) that the Public Accounts Committee of the Legislative Assembly of Queensland is at present conducting an inquiry into the same matter; and

(c) that the two committees have agreed to work together in their inquiries into this matter in order that the Senate and the House of Representatives and the Legislative Assembly of Queensland will have the benefit of comprehensive reports taking account of federal and State issues, authorises the Joint Committee of Public Accounts to confer and sit with the Public Accounts Committee of the Legislative Assembly of Queensland in connection with the consideration of Commonwealth and State accountability requirements for Aboriginal and Torres Strait Islander local government councils.

(2) That, at meetings for the purposes of the proceedings authorised by paragraph (1) of this resolution:

(a) Members and Senators for the time being appointed to the Joint Committee of Public Accounts and Members of the Public Accounts Committee of the Legislative Assembly of Queensland are authorised to participate in the proceedings;

(b) at all times during such proceedings the presence of 3 members of the Joint Committee of Public Accounts will be necessary to constitute a quorum;

(c) the Chairman of the Vice Chairman of the Joint Committee of Public Accounts or

⁹⁷ Reproduced from: Legislative Assembly of Queensland (1997), *Public Accounts Committee, Aboriginal Councils and Torres Strait Island Councils: Review of Financial Reporting Requirements, Report No 42*, Brisbane, pp60–63,
<<http://www.parliament.qld.gov.au/PAC/view/committees/documents/PAC/reports/pac42.pdf>>, accessed 27 February 2007

the Chair or Deputy Chair of the Public Accounts Committee of the Legislative Assembly of Queensland shall preside. In the absence of agreement on the selection of a Chair the proceedings shall be adjourned and the secretary attending the committee shall convene a meeting at another time;

(d) the determination of questions and the examination of witnesses shall be conducted in accordance with the procedures applicable to Committees of the Senate in so far as those procedures are applicable to Legislative and General Purpose Committees of the Senate and of the statutory provisions relating to the committees (in so far as those procedures are applicable);

(3) That for the purposes of any interim, final, joint or separate reports to the Senate, the House and the Legislative Assembly of Queensland on Commonwealth State accountability requirements for Aboriginal and Torres Strait Islander local government councils, the Joint Committee of Public Accounts and the Queensland Public Accounts Committee may consider and make use of any information gained as a result of the proceedings authorised by this resolution.

(4) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing and sessional orders, have effect notwithstanding anything contained in the standing and sessional orders.

(5) That in the event that a question arises in a meeting of the two committees in relation to the interpretation of either the Public Accounts Committee Act 1951 or the Parliamentary Committees Act 1995 (Qld), that question shall be resolved by the committee to which it applies.

(6) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.

(7) That the terms of this resolution be transmitted to the Legislative Assembly of Queensland.

(8) That the meetings provided for by this resolution may proceed when the Legislative Assembly of Queensland has notified the Senate and the House of Representatives of its agreement to a resolution in comparable terms to this resolution.

This matter has been the subject of discussions and I therefore will not speak to the motion. I commend the motion to the House.

Commonwealth/State Public Accounts Committees Joint Inquiry

Qld Motion

Mr Fitzgerald (Lockyer—Leader of Government Business) (10.02 a.m.), by leave, without notice:

I move—

"(1) That the Legislative Assembly, noting—

(a) that the Queensland Public Accounts Committee, is at present conducting an inquiry into Commonwealth and State accountability requirements for Aboriginal and Torres Strait Island local government councils;

(b) that the Commonwealth Joint Committee of Public Accounts is at present conducting an inquiry into the same matter; and

(c) that the two committees have agreed to work together in their inquiries into this matter in order that the Senate and the House of Representatives and the Legislative Assembly of Queensland will have the benefit of comprehensive reports taking account of federal and state issues; authorises the Queensland Public Accounts Committee to confer and sit with the Commonwealth Joint Committee of Public Accounts in connection with the consideration of Commonwealth and State accountability requirements for Aboriginal and Torres Strait Island local government councils.

(2) That, at meetings for the purposes of the proceedings authorised by paragraph (1) of this resolution—

(a) Members appointed to the Queensland Public Accounts Committee are authorised to participate in the proceedings;

(b) at all times during such proceedings, the presence of 3 members of the Queensland Public Accounts Committee will be necessary to constitute a quorum;

(c) the Chairman or the Vice Chairman of the Commonwealth Joint Committee of Public Accounts or the Chair or Deputy Chair of the Public Accounts Committee of the Legislative Assembly of Queensland shall preside;

(d) the determination of questions and the examination of witnesses by the Members of the Queensland Public Accounts Committee shall be conducted in accordance with the procedures applicable to Committees of the Legislative Assembly in so far as those procedures are applicable.

(3) That, for the purposes of its report to the Legislative Assembly on Commonwealth State accountability requirements for Aboriginal and Torres Strait Island local government councils, the Queensland Public Accounts Committee may consider and make use of any information gained as a result of the proceedings authorised by this resolution.

(4) That the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders, has effect notwithstanding anything contained in the Standing or Sessional Orders.

(5) That Mr Speaker be authorised to acquaint the President and members of the Senate and the Speaker and members of the House of Representatives of this Resolution."

Motion agreed to.