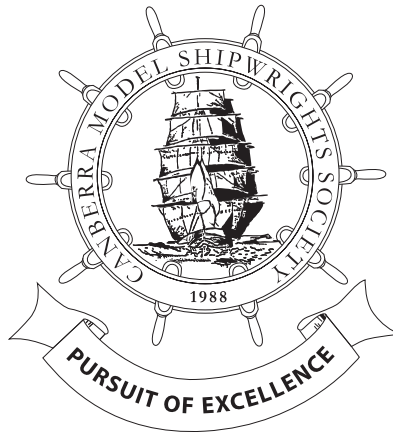




Mrs Mary Porter AM MLA
Chairman
Standing Committee on Planning, Public Works and Territory and Municipal Services
Inquiry into the Crimes (Bill Posting) Amendment Bill 2008
GPO Box 1020
CANBERRA ACT 2601

Dear Mrs Porter

I have been asked by the Committee of the Canberra Model Shipwrights Society Inc, a not for profit organisation, to respond to the Inquiry into the Crimes (Bill Posting) Amendment Bill 2008.

In late September/early October 2008 our Society was in the final stage of preparation for our Annual Expo at which we display model ships to the public. Entry to that exhibition was by way of a small entry fee \$2 or less and any excess of receipts over payments was donated to a charity, Make a Wish Foundation.

We have a small membership – around 70, all told, about half of whom are “country” members who reside at least 100 KM’s from Canberra.

We advertise our show as well as we can without incurring inappropriate/excessive costs, One type of advert ‘used’ last year was a series of 16 Corflute signs for display on median strips of main roads in Canberra. Through the good offices of one of our members, these signs and the support sticks were donated to us.

On or about 2 October 2008 one of our members and his daughter placed all signs on median strips around Canberra in conformity with the brochure put out by the ACT Government. Tape measures were used to ensure compliance with distances from lights, roads, intersections, etc.. To our horror, all signs were removed sometime over the next 3 days. When the appropriate area of government was finally located a lady member of staff politely but firmly advised that it would cost us \$99 for each sign to retrieve them, and that the reason for their removal was that the Department had not been advised they were to be so placed. There was nothing that we found before or after, requiring such notification. The following week we again phoned to plead our case, especially mentioning the charitable purposes of the show, to a male staffer who

not only was rude but denied all knowledge of their removal or existence. The lady staffer had acknowledged their presence on Departmental premises, prior to this.

We tried to do the right thing not only by the charity we were supporting that year but also by being good corporate citizens by abiding by the laws as best we are able. We did obtain the relevant Brochure. This sort of treatment does not help members to volunteer their services in support of charities.

As it was we had nearly double the number of exhibits at our Expo, but only a similar number of visitors. This was quite disappointing considering the distances some exhibitors had travelled – from Scone, Tuross Heads, Sydney, Bairnsdale and Melbourne. We believe that this was the largest exhibition of period ships in Australia in 2008 and from all accounts was also of the highest quality. Our distribution from the net proceeds of the show to Make a Wish Foundation suffered markedly despite the quality and quantity of exhibits..

We might add that we try to contribute to society as much as possible. Examples of this are:

- Last year we loaned 67 of our models to the Canberra Museum and Gallery for public display for a period of three months – March to May.
- Last year we attended the Malkara show – August. There were a number of models on display and members manned the desk for each day, Saturday and Sunday. We received a contribution towards our costs of \$100 which was immediately donated back to the School.
- We are at present in negotiations with Auswide Projects contractors to run programs for education of future inmates of the Alexander Maconachie Centre, with a view to attending the prison to provide expertise in a proposed ship modeling course.
- As a Society we have also made a donation to the Victorian Bushfire Appeal.

We believe that it is not in the interests of society generally that unduly harsh laws apply to organisations, or for that matter, to individuals who are making such contribution to society. It is appreciated that there must be legislation to control the use of Bills and Posters, especially those promoting a commercial event, otherwise it could become a problem for Government.

Without question, our wish to use signs as described, has no commercial gain. Even if a commercial gain could be defined to include our type of adverts, the proceeds from such commercial activity go to a charity.

By implication, Example 2 under Section 121 of the Bill could be interpreted to include a promotions officer/advertising member of our organisation especially when reading the “*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132)”. This would be a decidedly difficult matter for a volunteer and could well mean that many volunteers would be deterred from acting as a promotions officer/advertising member (by whatever name).

The age of Administration has been upon us for a century or more and successive governments have resorted to hiding behind Administrative Law. Perhaps this is a case where an exception could be inserted into the proposed Act to prescribe a form of obtaining approval for certain types of advertising for not for profit organisations

and charities. A **simple** application form could be included in Regulations to the Act to cover such qualifying organizations.

Also we have difficulty in determining the meaning of the word “Clean” in the Bill. Does it have a special meaning? The Acts Interpretation Act has been reviewed as well as other legislation wherein there seems to be no definition. Thus we are left with the dictionary definition. We presume it does not mean ‘as opposed to vulgar’, or ‘as opposed to pornographic’ but is a simple statement that the poster or sign is not dirty, whatever that means. Perhaps the Bill would be improved by a definition of the meaning of “clean”.

We strongly recommend that the Government refrain from making it too hard for the army of volunteers, including our members, who put much effort in supporting charities, even if they are also taking part and enjoying a hobby of their choice. Much more will be lost to society if Government is heavy handed and proceeds” to kill the goose that lays the golden egg”. On the face of it, making this legislation too difficult for those organisations that raise funds for charities does not hurt the Government’s bottom line. But if such activities are restricted the Government will be forced to fund those charities that miss out.

Yours sincerely

Signed on behalf of the Canberra Model Shipwrights Society Inc
Events Sub-committee

Russell Driver
Member

Address of Signatory

GUNGAHLIN ACT 2912

Dated in Canberra this 15 day of March 2009.