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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

AUSTRALIAN CAPITAL TERRITORY

PLANNING AND LAND MANAGEMENT BILL 1988

SECOND READING SPEECH

By

the Hon Clyde Holding MP

Minister for the Arts and Territories

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I move -

that this Bill be now read a second time.

Madam Speaker, the Australian Capital Territory Planning and Land Management Bill 1988 heralds a new era in the planning and development of the A.C.T.

This Bill reflects the findings of Mr Block's report on the ongoing role of the NCDC in the context of moves to self-government. It, together with the A.C.T. (Self-Government) Bill 1988, establishes a framework for funding and administering national capital concerns separately from municipal and territorial concerns.

Canberra is a magnificent place. We all acknowledge the expertise and creativity that has gone into making Canberra what it is today - a national capital unequalled in the world for its natural and man-made beauty.

Since 1957, the architect of this city has been the National Capital Development Commission. The Commission was created at a time when it appeared that Walter Burley Griffin's vision for Canberra may not be fulfilled. The Commission took up the challenge and today Canberra is a vibrant reflection of our nation - a City/State in which the whole nation can take pride. The Commission can be proud of the fact that it has taken Canberra from the 'bush capital' of the 1950's to the national capital of the 1980's. Its efforts mean that the development of Canberra as the nation's capital is virtually complete.

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There are a few national projects yet to be built, such as the National Museum. However, the important and exciting task ahead is for Canberra to develop and grow as a community. The task is to see that it provides in a balanced way for all the diversified economic and social needs of its citizens.

With maturity comes responsibility. Under new financial arrangements that are already in place, A.C.T. citizens will pay for territorial planning and development activities like the rest of us. Fairness and equity requires that there now be an accompanying and unambiguous division between national and local responsibilities. This Bill achieves this.

The Commonwealth will accept administrative and financial responsibility to maintain and enhance the character of the Territory as the national capital. The A.C.T. will accept the normal State-type administrative and financial responsibility to plan and develop the Territory.

The Government will abolish the NCDC and set up a new national planning body, the National Capital Planning Authority, directly responsible to the Commonwealth Minister.

This new Authority will prepare a National Capital Plan which will define the policies, aesthetic principles and any development requirements required to maintain and enhance the character of the National Capital.

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The A.C.T. will be responsible for the normal range of State-type planning and development matters. A Territorial planning authority will be set up. It will be responsible for developing and managing a Territory Plan not inconsistent with the National Capital Plan. It will also be able to set out the detailed planning, design and development conditions for all land in the Territory except designated national capital areas.

The Bill requires of both governments parliamentary scrutiny, public consultation and review processes to ensure openness. There will be no scope for corruption.

Ownership of the land will remain with the Commonwealth. The A.C.T. will be responsible for the orderly development of land to meet the needs of the community. Therefore, land other than that reserved by the Commonwealth for its purposes will be managed by the A.C.T. on behalf of the Commonwealth.

These new arrangements will take time to put in place. Any hiatus in A.C.T. planning and development must be avoided. This Bill therefore introduces appropriate interim measures to allow for the smooth and orderly introduction of the new arrangements.

The financial impact of these changes on the Commonwealth will be positive. The integration of NCDC functions into the A.C.T. Administration and the Department of Administrative Services, together with the creation of the National Capital Planning Authority, will result in savings. These savings are estimated at some 120 staff yielding \$6.6 million per year. Initial

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integration of NCDC functions has provided a saving of about 80 positions this year. A further saving of about 40 positions is expected to be brought to account in 1989. In undertaking these changes, the Government has been and will continue to be concerned to fully protect the interests of NCDC staff.

I will now address the various Parts of the Bill.

Part I provides for the usual preliminary matters of commencement and interpretation.

Part II establishes the National Capital Planning Authority, prescribes its powers and functions and makes it subject to general ministerial direction.

Part III prescribes the object of the National Capital Plan and outlines what matters the Authority may include when preparing a draft Plan.

The purpose of the Plan is to ensure that the Commonwealth's national capital interests in the Territory are fully protected, without otherwise involving the Commonwealth in matters that should be the prerogative of the Canberra community.

The legislation requires public notification, consideration of representations, and consultations between the Commonwealth and A.C.T. governments before the Plan is brought into effect. The Minister's approval to the Plan is subject to parliamentary disallowance provisions. A process of ministerial certification

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will be used to protect the draft plan where this is required before normal approval processes have been completed.

Part IV requires the Assembly to establish a Territory planning authority to prepare and administer a Territory Plan. This Plan will provide the people of the Territory with an attractive, safe and efficient environment in which to live, work and have their recreation. The Bill outlines the parameters of the Plan and ensures that it cannot operate inconsistently with the National Capital Plan.

Importantly, this Part requires the Assembly to make laws for the procedure to make the Plan, as well as requirements for public notification, consideration of representations, and consultations between the Commonwealth and ACT governments before the Plan is brought into effect.

The Assembly is also required to ensure by law that there are just and timely processes in place to review appropriate planning, design and development decisions. These reviews will be conducted without unnecessary formality.

Part V provides for the management of land in the A.C.T. It confers on the Commonwealth the right to specify at any time which areas of land it requires for its use or intended use. This land will be called National Land.

All other land will be called Territory Land and will be managed by the A.C.T. Executive on the Commonwealth's behalf. The

existing leasehold system will be retained and only the Commonwealth will be able to vary it.

The A.C.T. will be liable for any acts or omissions in its management of Territory Land, as will the Commonwealth in respect of National Land.

Provisions are included to define the relationship which will exist between the two governments in respect of financial aspects of land management. These are required to allow Commonwealth/State financial arrangements to be introduced.

Part VI sets out the constitution of the National Planning Authority. It confers the responsibility to determine remuneration for Authority members on the Remuneration Tribunal and covers appointments to the Authority, obligations imposed on Authority members. It also sets out requirements for meetings of the Authority and permits the appointment of advisory committees.

Part VII sets out that a Chief Executive will manage the affairs of the Authority under its general directions and that its staff will be employed under the Public Service Act. The Authority may engage consultants and is required to present to the Minister a report annually on its operations, which will be tabled in both Houses of this Parliament.

Part VIII provides that the A.C.T. will be indemnified by the Commonwealth for any claims made against it in respect of any matter arising from the Commonwealth's management, actions or inactions before self-government or concerning National Land.

Part IX repeals existing National Capital Development Commission legislation.

Part X sets out transitional provisions that are necessary for the first 12 months after self-government. They will cover the period before the A.C.T. Executive and the A.C.T. planning authority have been established, as well as allow the first National Capital Plan to be brought into effect. During this period, relevant National Capital Development Commission policies will continue in effect. The provisions of this Act regarding the respective roles of the Commonwealth and the A.C.T. to manage and vary planning policies will generally apply.

This Bill is further evidence of the Government's commitment to giving the people of the Territory the same rights and responsibilities as their fellow Australians.

The new arrangements will create an unambiguous separation of responsibility for National Capital planning from Territory planning and development.

They ensure that the interests of the Commonwealth in, and the character of, the Territory as the nation's capital are protected.

They guarantee that the Commonwealth will not be required to take financial responsibility for other than its national capital interests.

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They allow the people of the Territory to control the day-to-day planning and development of their home.

I present the explanatory memorandum to this Bill and commend the Bill to the House.