

6 COMMONWEALTH GOVERNMENT EMPLOYMENT AND PROPERTY

Introduction

194. Decisions on the location or relocation of Commonwealth Government employment have significant and far-reaching long term effects on the urban environment, the prosperity or otherwise of urban settlements and the way in which services are provided to the community.

195. This view was generally supported by State witnesses, representatives of regional development authorities such as the Macarthur Development Board and the Geelong Regional Commission and representatives of local government associations and municipalities.

Extent of Commonwealth Employment

196. Between 1962 and 1975 the number of people employed by the Commonwealth Government increased at an average annual rate of about 4 per cent. This growth has slowed considerably, but the 320,959 persons employed by the Commonwealth Government in June 1977 (exclusive of defence forces) represented about 9 per cent of all wage and salary earners in the country. The number of defence employees in June 1977 was 70,081.

197. Approximately 80 per cent of Commonwealth Government employment is office based; but there are other significant types of activity including manufacturing, construction, transport, communication, storage and defence. The office-based element has been a significant factor in the development of major cities, particularly central business districts. In Sydney, Commonwealth Government employees represent some 17 per cent of the office-based work force and a majority of them are located in the inner city area. In Melbourne the percentage is slightly lower; and in recent years Government

departments and agencies have absorbed up to 70 per cent of all new office space in the inner city area. Overall in 1976 Commonwealth Government employees occupied 2 million square metres of office accommodation. Fifty-five per cent of this area is leased from private owners at an annual cost of \$56 million at 1976 rates.

198. The Committee was informed that while restrictions on the growth of Commonwealth employment continue, there is unlikely to be a significant increase in the total amount of office accommodation, but there will be a continuing demand for alternative space to replace sub-standard accommodation, to consolidate fragmented agencies and in the provision of services to new or growing urban agencies. If, in addition to these demands, Commonwealth employment began to increase again at a rate of no more than 1.5 per cent per year, the annual requirement for new office space would be of the order of 100,000 square metres per year. Such a demand provides the Commonwealth Government with a powerful tool to influence population distribution and urban development.

Impact of Decisions on Employment Location

199. Commonwealth Government employment locational policies affect:

- . direct and indirect costs to the Commonwealth (these include communication costs between departments, and subsidies to States for transport systems);
- . commercial and residential rentals (which may be forced up or held down by the Commonwealth's competition for office space);
- . council rates (since the Commonwealth does not pay rates);

- . retail turnover (influenced through local consumption by public servants);
- . access by the public to Government services;
- . access by employees to places of work (can contribute to congestion, especially at peak hour on the transport systems);
- . roads and parking (which are influenced by public servants' mode of travel to work);
- . employment opportunities (generated through the multiplier effect of Government employment);
- . future planning (in relation to population distribution, the environment, land use services and transport);
- . employment and manpower (especially the concentration of Government employment in the central business districts (CBDs) of major metropolitan centres); and
- . balanced development (the Government-led development in the CBDs has produced inequalities of opportunity in the outer areas and country areas).

200. Decisions affecting the location of Government employment can have positive effects as a catalyst to growth. The growth of Canberra from 50,000 to 200,000 in 15 years was partly aided by a compulsory transfer program involving 4,672 Commonwealth Government employees and was a consequence of the growth rate of the public service in Canberra which in some years exceeded 10 per cent.

Co-ordination and Consultation

201. The Department of Prime Minister and Cabinet ⁽¹⁾ informed the Committee that in general there is no co-ordination at a central government level of the location of the offices of various service departments, except in the case of major movements such as the movements of the Taxation Offices to Parramatta and Albury-Wodonga. Approximately 800 staff are involved.

202. On the other hand several other departments stated that there is machinery to review decisions on the location of Commonwealth Government employment. It is called the Location of Australian Government Employment Committee (LAGE) on which the Permanent Heads of the Public Service Board and the Departments of Prime Minister and Cabinet, Finance, EHCD, National Development, Capital Territory and Administrative Services are represented. LAGE is chaired and serviced by the Public Service Board.

203. LAGE was established in December 1973 to report to the Prime Minister on all aspects of the location and relocation of units of Commonwealth Government employment in accordance with the Government's urban and regional development policy. It replaced a number of other committees. The terms of reference have changed since the inception of LAGE in that initially it was required to report on units which might be relocated in the light of government policies, whereas under revised terms of reference approved by the Prime Minister it is now required to report on all matters relating to the location of existing or proposed units.

(1) Transcript, p. 699

204. The terms of reference of LAGE are:

- . that representation on the Standing Committee should be at Permanent Head level from the Public Service Board (chair) and the Departments of the Prime Minister and Cabinet, Finance, EHCD, National Development, the Capital Territory, and Administrative Services;
- . that the Standing Committee should be supported by necessary studies and sub-committee activities with representation from member departments and other departments as appropriate; and
- . that the Standing Committee be required to report and recommend to the Prime Minister on all matters relating to the location of existing or proposed units of Australian Government Employment, having regard to:

Government policies on urban and regional development, decentralisation and the regionalisation of Australian Government services, as announced from time to time,

the accommodation situation in major cities (including Canberra), and

efficiency in administration, and the preservation of the interests of staff.

205. Since the re-establishment of LAGE in January 1976 it has been primarily concerned with proposed transfers to Canberra and the preparation of guidelines for its ongoing operation.

206. The guidelines were not ratified until February 1977 more than 12 months after LAGE had been re-established. Against

the background of this delay the Committee believes it is justified in questioning the seriousness of participating departments and perhaps more importantly the apparent lack of concern about the impact of locational decisions on the urban environment.

207. Further justification for this concern was the fact that no mention of representation on the Committee is to be found in evidence given by the Department of Prime Minister and Cabinet, or in the submission of the Department of Administrative Services. The Permanent Heads of both Departments are represented on the Committee.

208. There also appears to be confusion among participating departments as to the role and effectiveness of LAGE. The Public Service Board and EHCD⁽²⁾ both agreed that there was a great need for better co-ordination and that LAGE's operation was essentially reactive and ad hoc. The Department of Administrative Services⁽³⁾ on the other hand described the LAGE system as one of co-ordination where the participating departments are working in concert.

209. The Department of Finance⁽⁴⁾ stated that all proposals to locate Commonwealth Government offices go before LAGE, a statement that is impossible to reconcile with the procedures which either exempt or partially exempt a wide range of Commonwealth Government instrumentalities.

210. The evidence before the Committee suggests that LAGE is purely reactive and does little or nothing to co-ordinate the location of Commonwealth Government employment and to assess its impact on the urban environment. It could be argued that in general LAGE merely legitimises decisions already taken by locating agencies.

(2) Transcript p 1943

(3) Transcript p 2021

(4) Transcript p 711

Exemptions

211. Under the procedures for the LAGE committee certain types of organisations are either exempted or partially exempted from the committee's consideration. A list of exemptions and partial exemptions is at Appendix 8. The exemptions are those organisations operating under joint government agreements and those likely to suffer severe losses in administrative efficiency, profitability and competitiveness if unable to determine their own location according to business precepts.

212. Others such as Telecom and Australia Post need only submit details of proposals involving national and State administrative headquarters and any other functions where location is not determined by commercial, technical or other considerations related to the most effective discharge of the functions.

213. Locational decisions by those agencies either exempted or partially exempted can have profound effects on the urban environment.

214. The procedures assume that departments will seek general locational approval before proposing a specific location. Significant proposals are often received as a fait accompli.

215. The Department of Administrative Services is obliged by the procedures to:

ensure that the attention of the LAGE committee is directed to proposals for the acquisition or leasing of accommodation which are of primary interest to the LAGE committee ... during the forward planning stage and to provide the committee with appropriate details of the leasing program during its formulation so that a review can be made of proposals included in the program which are exempted from submission to LAGE under the guidelines current at the time.⁽⁵⁾

(5) Transcript, p. 2000

216. The Department of Environment, Housing and Community Development stated that while the last point theoretically deals with significant leases with exempted organisations, the effect of placing the whole burden on the Department of Administrative Services is to emphasise administrative and financial considerations at the expense of other factors such as social costs and incompatibility with the objectives of other levels of Government.

217. In its submission EHCD asserts that there is no incentive for functional organisations to consider their locational requirements in any context other than an administrative and operational one. It is only at the time of a firm proposal to LAGE that an agency is required to discuss how the proposal relates to Government policy on urban and regional development and its impact on the urban environment.

218. The organisations currently exempted or partially exempted from consideration by LAGE are not exempt from the *Environment Protection (Impact of Proposals) Act 1974* and it is the view of the Committee that they should not be exempt from assessment of the locational impact of particular proposals.

219. The Committee, however, does not support any suggestion that each agency submit individual proposals for consideration, but rather an approach whereby an organisation's 3 to 5 year locational strategy is submitted for general endorsement by LAGE. Governments are entitled to be assured, even in the case of business undertakings, that locational proposals have been assessed in terms of their direct and indirect impact on the urban environment and the cost of associated community infrastructure.

220. The Committee also believes that the Commonwealth Government's leasing and acquisition programs which are currently administered by the Department of Administrative Services should be submitted to LAGE at an early stage for general endorsement and to ensure that locational impacts can be assessed and co-ordinated.

221. The Committee recommends that:

- . *all Commonwealth Government departments and instrumentalities submit 3 to 5 year locational strategies to the Location of Australian Government Employment Committee for endorsement and comment in terms of their impact on the urban environment;*
- . *the leasing and acquisition programs currently administered by the Department of Administrative Services be submitted to the Location of Australian Government Employment Committee at an early stage of development for general endorsement or otherwise in terms of their impact on the urban environment and relationship with the planning strategies of State and local government; and*
- . *the terms of reference of the Location of Australian Government Employment Committee be re-drafted to specifically identify the need for detailed examination of the impact of locational proposals on the urban environment.*

Responsibility for LAGE

222. Currently the chairmanship and servicing of LAGE rests with the Public Service Board. Representatives of the Board stated that LAGE deals primarily with the relocation of Government employment and is not involved in planning urban development.

223. The Committee however has proposed major shifts of emphasis in LAGE's operation which call for a greater awareness and understanding of the relationship between the impact of government employment location and the pattern and distribution of Australia's population, the indirect costs of locational decisions and their general impact on the environment in which people live.

224. The Board has a very important input to make to LAGE's deliberations both in terms of organisational efficiency and staff interests and the Committee believes that it should be able to do so without the constraints involved in Chairmanship and servicing. Accordingly the Committee recommends that:

- . *the Department of Prime Minister and Cabinet be given the Chairmanship of the Location of Australian Government Employment Committee and be responsible for the servicing function.*

Inter-governmental Co-ordination and Consultation

225. The Department of Environment, Housing and Community Development informed the Committee that there is no formal way in which LAGE ensures that consideration is given to State, local and regional planning requirements, and the wishes of State Governments in respect of the development of major sub-metropolitan centres or regional administrative centres in non-metropolitan areas. The Public Service Board supported this view. (6)

(6) Transcript p. 1299

226. The Department suggests that it is important that locational guidelines be developed which reflect the aims and policies of both Commonwealth and State Governments. In the Department's experience, problems have arisen from a lack of consultation. For example, a previous Commonwealth Government developed a proposal to establish offices in Ringwood, a suburb of Melbourne, which was not then supported by the Victorian Government. It is suggested that consultation and co-operation would be much enhanced if individual States were to establish comparable mechanisms to overview the location of State Government employment.

227. The Department also stated that, apart from South Australia, it did not think that State Governments have any clear view of a preferred pattern of office location, private or public, or the preferred pattern of location of their own services. The South Australian Government on the other hand stated that there are no mechanisms for reconciling the Commonwealth Government's activities as an employer with the objectives of State and local governments in a particular geographic area. (7)

228. Tasmanian Government representatives informed the Committee that proposals were being developed for the construction of State office facilities in 1979. The State wishes to co-ordinate development with the Commonwealth Government but is experiencing difficulty in obtaining details of future Commonwealth Government office requirements.

229. Reference was made to a previous commitment on the part of the Commonwealth Government to relocate a substantial number of Commonwealth public servants at Parramatta in accordance with the objectives of the Sydney Region Outline Plan to accelerate the growth of that centre. Some action was

(7) Transcript p.1932

taken by Commonwealth Government agencies, but they found that while Parramatta had been designated on maps, little or no action had been taken to co-ordinate investment decisions to ensure that the objective of accelerated development was achieved.

230. The Public Service Board stated that in relation to location of Commonwealth Government employment in Canberra the views of the National Capital Development Commission and the Department of the Capital Territory have been invaluable to LAGE in its consideration of particular proposals. There is no mechanism, however, for State or local government agencies to become involved in the process.

231. The Northwest One-stop Welfare Centre (NOW) in Melbourne is an attempt to provide a comprehensive social welfare service at the one location. The centre co-ordinates the activities of Commonwealth, State and local government welfare agencies. The Committee agrees with the conclusion of the Royal Commission on Australian Government Administration⁽⁸⁾ that the Centre provides an excellent example of co-operation between Commonwealth and State Governments and further centres should be encouraged. As far as the Committee can ascertain this is the only comprehensive attempt at co-location. It is pertinent to point out in this context that the Board saw a great need for a better co-ordination of all the small scale decisions being taken in the States.⁽⁹⁾

232. The Parliamentary Standing Committee on Public Works, which only considers projects costing more than \$2 million, found it necessary to draw the Government's attention to a lack of adequate consultation with local government bodies and other interested organisations. The Public Works Committee concluded that:

(8) Royal Commission on Australian Government Administration *Report*, Australian Government Publishing Service 1976

(9) Transcript p. 1950

greater emphasis must be placed on the need for meaningful discussions with those organisations and persons likely to be affected by Australian Government projects.(10)

233. The Committee believes that the implications of decisions regarding the location of Commonwealth Government employment are far reaching and that it is essential that there be mechanisms for Commonwealth and State Government consultation on locational strategies and their relationship to metropolitan and non-metropolitan plans which are the responsibility of State and local governments. The Committee sees the need for policies and mechanisms to facilitate consultation and co-ordination of such matters as:

- . locational strategies;
- . forecasting the availability of and requirements for office accommodation;
- . opportunities for the co-location of Commonwealth and State Government services in a wide range of areas;
- . Commonwealth and State Government policies relating to decisions on office location; and
- . research and exchange of information.

234. To achieve these objectives the Committee recommends that:

- . *joint Commonwealth/State Government working parties on office accommodation and location be established in each State;*

(10) Parliamentary Standing Committee on Public Works, *Thirty-ninth General Report*, Parliamentary Paper No. 79 of 1976

- . representation on the working parties be drawn from State Government departments and instrumentalities responsible for planning and co-ordination of investment, State and Commonwealth Public Service Boards and the Department of Environment, Housing and Community Development, National Development and Administrative Services;
- . as far as Commonwealth Government employment is concerned the working parties be integrated with the operation of the Location of Australian Government Employment Committee;
- . locating agencies be co-opted on an ad hoc basis to discuss their future plans and their relationship with metropolitan and non-metropolitan planning strategies;
- . that regional planning and development agencies and local government bodies be co-opted as necessary when particular proposals affect their areas of functional responsibility; and
- . the working parties be encouraged, where appropriate, to give evidence to Commonwealth and State Parliamentary works committee's hearings on particular locational proposals.

The Role of Property

235. The Committee believes that Commonwealth Government property acquisition, leasing and management has come to be regarded as an administrative service rather than an integral part of urban policy and the process of ensuring that particular proposals are compatible with other investments in urban infrastructure.

236. Given the apparent lack of awareness of the Department of Administrative Services as outlined in the Introduction, the Committee gave serious consideration to recommending the transfer of the Property Division of the Department to a department which is aware of the impact of location decisions on the urban environment. Now that the decentralisation functions of EHCD have been transferred to the Department of National Development, the Committee decided that the Property Division with its implications for both metropolitan and regional areas could not properly be located in either EHCD or the Department of National Development.

237. The Committee therefore considers that the Property Division should, for the time being, remain within the Department of Administrative Services. The Committee believes however that if the Department's performance does not improve, the situation should be reviewed at a later date.

Payment of Rates

238. The Local Government Association of New South Wales told the Committee that because Commonwealth and State authorities do not pay rates to local government authorities, the establishment of major facilities in certain municipalities can cause considerable hardship to the rest of the community who must shoulder the burden of upkeep of community facilities such as roads and water supply. Municipalities appearing before the Committee voiced similar concerns.

239. The Association cited the example of the municipality of South Sydney which lost a substantial portion of its rates when the Leyland Company sold its complex to the Department of Defence. The municipality also sustained considerable losses in rates as a consequence of the establishment of Telecom facilities, the provision of new workshops and

a container depot in the Waterloo industrial area, the expansion of Sydney University, the expansion of several schools in the area and due to vacant land owned by the Housing Commission on which the Commission does not pay rates. The Association asserted that the loss of rates as a consequence of additional non-rateable land since 1968 represents 15 per cent of rate revenue.

240. The Committee sought the advice of the Department of Administrative Services about the Commonwealth Government's exemption from liability to pay rates. The Department's reply is at Appendix 9. The letter confirms that the purchase of the former Leyland property by the Department of Defence has deprived the municipality of \$247,500 in general rates in 1977. The letter also confirms that apart from the circumstances where ex gratia payments are made, no compensation is paid to local government authorities for any loss of revenue due to the Commonwealth Government's acquisition of land.

241. Commonwealth departments and instrumentalities which are subject to the provisions of the *Audit Act* 1901 are required to follow Department of Finance Directions which specify three restricted areas where act of grace payments are made in lieu of rates. The areas are detailed at Appendix 9. Commonwealth statutory authorities which are not subject to the Act (i.e. those like Telecom and Australian Post that are established by Acts as bodies corporate with power to hold real property) are, under their constituting Acts generally immune from State and Territory rating to the same extent as the Commonwealth Government. These statutory authorities are not required to follow Department of Finance Directions and therefore are able to establish their own policy as to the payment of rates. The Committee was told by the Department of Administrative Services, however, that statutory authorities are encouraged to follow Commonwealth Government policy and generally do so.

242. The Committee is concerned that the non-payment of rates or the provision of adequate compensation could lead to significant inequities between municipalities, particularly where there are significant concentrations of offices and installations in municipalities. The Committee does not accept the argument that because State Governments do not pay general rates there be no compensation paid by the Commonwealth Government.

243. The Committee recognises the complexities inherent in a proposal that the Commonwealth Government pay general rates on the same basis as any other private landowner, but cannot accept that these complexities are sufficient justification for the Commonwealth Government not to fulfil a clear moral obligation to ensure greater equity and efficiency.

244. Greater equity could be achieved if, in addition to the percentage of tax revenue earmarked for local government, there be an additional percentage earmarked as compensation to municipalities for losses of general rate revenue. The determination of relativities for receipt of compensation could be made by the Commonwealth Grants Commission in consultation with State Grants Commissions.

245. The Committee therefore recommends that:

- . *the Commonwealth Government recognise explicitly its obligation to compensate municipalities for loss of general rate revenue as a consequence of Commonwealth Government immunity in respect of Crown property; and*
- . *the right of Commonwealth Government statutory authorities, not subject to the 'Audit Act 1901', to determine whether their own policy as to the payment of rates be removed and that they be*

required as a matter of course to follow overall Commonwealth Government policy.

Compliance with State and Local Government
Building and Zoning Regulations

246. The letter from the Department of Administrative Services indicates that the Commonwealth Government has a (implied) constitutional immunity from building and zoning regulations (see Appendix 9). Commonwealth Government policy is to comply with State and local government land use and planning schemes wherever possible, unless to do so would conflict with overriding national interests. Defence requirements are cited as an example of an overriding national interest.

247. In its submission the City of Prahran in Victoria stated that Telecom are in the process of constructing a seven storey building over a basement car park, known as the Windsor Telephone Exchange building, in a residential zone. Council considers the building to be completely out of scale with the existing surrounding development, that there is virtually no landscaping to soften the impact on the surrounding environment and that insufficient car parking facilities have been provided.

248. The Local Government Association of New South Wales referred to the fact that Australia Post refuses to confer with Councils over development proposals for post offices, and refuses to conform to Council codes relating to off-street parking. The Association referred to the fact that Telecom refuses to underground telephone cables unless the developer of a subdivision meets the difference in cost between overhead connections and undergrounding. The Association claims that there are instances where placing cables underground would be of advantage to Telecom as well as to the urban environment but that body's policy remains rigid.

249. Telecom told the Committee that the Commission follows the policy of co-operating with State and local government authorities and, where possible, adhering to town planning schemes. It takes action to meet, as far as possible, the requirements of all authorities involved in local building ordinances. Australia Post has a similar policy.

250. Telecom stated that consultation does take place with local and State Governments and as an example documented the discussions it had with the Prahran City Council, the fact that an Environmental Impact Statement had been prepared in respect of the Windsor Telephone Exchange and the fact that the Council did not accept an invitation to express its views to the Commonwealth Parliamentary Standing Committee on Public Works when it considered the proposal at public hearing.

251. While the Committee is not competent to comment on the rights and wrongs of particular proposals, including the question of undergrounding of telephone cables, it is most concerned at the apparent policy of Telecom to obtain the lowest cost solution, regardless of the indirect financial and social costs which may have to be borne by other arms of Government at all levels.

252. The Committee is concerned that whereas stated Commonwealth Government policy is to comply with State and local government land use and planning schemes, unless to do so would conflict with overriding national interests, the policy of instrumentalities such as Telecom and Australia Post is to comply where possible.

253. The Committee considers Commonwealth Government policy is correct and that it should apply to all instrumentalities constituted under Commonwealth law. It should

not be the sole prerogative of instrumentalities such as Telecom or Australia Post to determine the "national interest" when taking decisions not to comply with State or local government regulations or planning schemes.

254. It appears that local and State Governments are not sufficiently aware of their rights under Section 10 of the *Environment Protection (Impact of Proposals) Act 1974* which enables any person to require the Minister for Environment, Housing and Community Development to inform him or her in writing of what action, if any, has been taken, or is proposed, to assess the environmental aspects of a particular proposal coming within the scope of the Act.

255. The Committee therefore recommends that:

- . *all Commonwealth departments and instrumentalities comply with State and local government laws, regulations and schemes; and*
- . *non-compliance on the grounds of overriding national interest should only occur where the Commonwealth Government departments or instrumentalities involved are specifically exempt by act or regulation.*

7 AREA BASED CO-ORDINATION

Introduction

256. The concept of area based co-ordination at State, regional and local levels was raised on a number of occasions throughout the course of the inquiry and in a variety of ways.

257. This Chapter discusses a number of aspects of area based co-ordination including mechanisms that have been, or might be, established to facilitate improved co-ordination and co-operation in policy formulation and program delivery.

Expenditure by Location

258. The Macarthur Development Board and the Geelong Regional Commission told the Committee that there is no formal way in which information can be obtained on the spending intentions of Commonwealth Government departments and instrumentalities. The Board stated that it has a greater accessibility to information on the spending intentions of the private sector than those of Commonwealth Government departments in its particular area of responsibility. The Board said that its inability to answer inquiries from the private sector on the spending intentions of Commonwealth Government departments makes its task all the more difficult.

259. EHCD stated that in some areas of Australia no-one knows at any particular time what community health centres are being produced, what schools are being built, what community centres are being provided and how many houses are being built. The Department also said that no-one knows what is going to be the impact of the Federal Budget on particular States, let alone regions. No analysis is contained in published Budget papers or in the analytical discussion of the Budget.

260. The framing of the Budget tends to focus on the allocation of funds as between function and program categories within financial constraints. Federal and State budgets framed in this way cannot represent an efficient allocation of resources from an area based viewpoint. Programs for public housing, utilities, urban public transport and roads, telecommunications, health etc. find their most coherent expression at a regional or community level. Here their relationship is clearer, and opportunities for rational choices between them can be appreciated better.

261. Programs are delivered at the regional and community level by authorities representing the three levels of Government and there is no mechanism to ensure a perception of the aggregate impact of public sector programs on particular States, regions and communities.

262. EHCD suggested that a pre-requisite to effective area based co-ordination is an urban capital Budget; that is, an information system identifying the capital spending of each Commonwealth Government department and instrumentality by State, and where appropriate, by region. With the co-operation of States and municipalities the information system could be expanded over time to reflect all public capital spending in defined areas. The Department of Finance was non-committal about the concept of an urban capital budget, but agreed that there was no mechanism for assessing the aggregate effects of Commonwealth Government expenditures in particular States and regions.

263. The Committee is concerned that there is no mechanism whereby the Commonwealth Government can assess the aggregate effects of Commonwealth investment in any particular State or region, or whereby State and local regional organisations can have access to information on the spending intentions of Commonwealth departments and instrumentalities.

264. The Committee recognises that an information system of the type suggested by EHCD would be complex and involve costs in terms of manpower and time. The information system would not be fully effective until the co-operation of the States had been obtained in terms of the integration of all public capital expenditures.

265. The Committee acknowledges that there will be difficulties in developing a comprehensive information system on capital spending, but believes that as a first step a system could be developed based on the capital spending of Commonwealth departments and instrumentalities on a State by State basis. The system could then be expanded to encompass metropolitan areas, agreed regions and major provincial centres, particularly where these are experiencing rapid growth.

266. The Committee therefore recommends that:

- . *the Commonwealth Government develop an information system to identify in a comprehensive form the capital expenditures of Commonwealth Government departments and instrumentalities on a State by State basis;*
- . *the information system then be expanded to identify capital spending by metropolitan area, region and major provincial centre;*
- . *the information system form part of the supplementary papers to the Commonwealth Government Budget;*
- . *State and local governments be encouraged to participate in the development of the information system by providing details of their own capital expenditures.*

The IMPACT Project

267. The Committee was told that IMPACT is a joint study by the Australian Bureau of Statistics, the Department of Employment and Industrial Relations, EHCD and the Industries Assistance Commission.

268. The development of IMPACT is a response to an increasing need for improved policy information services on a wide range of inter-related economic and social issues. The project involves the development of a framework containing four econometric models relating to different aspects of the national economy and of a system of data concepts and bases necessary to support the use of this framework for policy analysis.

269. IMPACT is being developed as an analytical tool to be used by participating agencies in formulating their independent judgments in the area of policy advice, for which each is individually responsible.

270. The IMPACT framework has great flexibility and is relevant for the analysis of a broad range of economic and social issues. Two of the four models are complete and in the area of regional analysis it is possible at the present time to analyse how different States are affected by changes in such variables as tariffs and exchange rates. Within the next twelve months it will be possible to use the model to analyse the economic effects of various levels of migration. A large amount of work has also been done on simulating the effects of structural change on the economy which has obvious implications for particular regions.

271. In the area of population and workforce projections the model is still at a fairly early stage of development, but it is possible to make workforce projections by age, sex and

marital condition and fertility estimates. The demographic work involved in the IMPACT Project differs from conventional analysis in that it attempts to model family decision-making and to derive projections from these models rather than by simply using time trends.

272. The Committee was surprised and disturbed to learn that the Departments of the Treasury and Finance have not participated in the development of the IMPACT framework, which could be an important analytical tool in the assessment of policy options.

273. The Committee was informed that the key criteria for participation in the project were "capacity" and "will". Given that the Departments of Treasury and Finance are the primary source of national economic and financial advice, it should be mandatory for these Departments to participate.

274. The Committee recommends that:

- . *the development of the IMPACT Project be given every encouragement and details of its potential and progress be published as widely as possible; and*
- . *representatives of the Departments of the Treasury and/or Finance should participate.*

Regional Organisation

275. The Wollongong City Council stated that in the absence of regional organisations and communication links, it is understandable that problems associated with migration and economic policies escape notice in Canberra. The Council said that a positive Commonwealth Government policy on regional issues is essential, if for no other reason than to establish and maintain a line of communication for the discussion of the impact that Commonwealth Government decisions have on the local area.

276. The Local Government Association of New South Wales stated that at the local level there is not enough awareness of who co-ordinated Commonwealth Government policies. It said that while EHCD plays a role, that role is not specifically communicated to local authorities. Little information is made available on the Government's attitudes and priorities relating to planning at a national level, and how these attitudes are translated into policy and subsequent action.

277. The Association said that whether it is recognised or not, planning has, is, and will continue to take place at all levels of Government. A prime objective should be to ensure there is no overlapping or divergence of action. Anyone involved in decision-making concerned with growth and change, particularly those trying to control and guide it, knows that decisions are closely related and, if made in ignorance of all the relevant factors, are generally inadequate, expensive and often ineffective.

278. There are about 900 municipalities in Australia and, because it is impracticable to expect ongoing close liaison with all municipalities, it is important to recognise the regional dimension in the provision of many community services.

279. Witnesses who appeared before the Committee supported the principle of voluntary, co-operative regionalism, based on local government.

280. The State Meeting of New South Wales Regional Organisations of Councils on 30 January 1976 said that voluntary and co-operative regionalism is a useful tool to promote efficiency and economy in public administration. Commonly agreed regional units are a useful "neutral ground" for the co-ordination of the activity of local, State and Commonwealth Governments. Co-operation between local councils can foster:

- . economy (e.g. in the provision of major community facilities);
- . efficiency (e.g. by regular exchanges of information and ideas);
- . innovation (e.g. by cost sharing in new or experimental programs);
- . sound planning (local councils are most sensitive to community needs and attitudes and can make valuable contributions to regional planning); and
- . responsible decentralised government retaining local democracy and accountability rather than remote, centralised decision-making. (1)

281. The Regional Organisation of Councils concluded that while the Area Improvement Program had many deficiencies, notably unnecessary duplication of other programs and its limitation to only thirteen regions, the problems should not be attributed to the concept of regional co-operation itself. (2)

282. While the Committee recognises that there is no single prescription for regional co-ordination that can be applied equally effectively throughout Australia, it believes that the development of voluntary co-operative arrangements based on regions should be encouraged.

283. The Committee recommends that:

- . *the Commonwealth Government explicitly recognise the advantages inherent in area based co-ordination; and*

(1) Transcript, p. 1690

(2) Transcript, p. 1689

- . *take positive steps in conjunction with the States and local government to further develop the concept of voluntary co-operative regional arrangements based on local government.*

Commonwealth Government Mechanisms

284. The Committee believes that regional co-ordination is doomed to fail if Commonwealth and State Governments are not responsive and are not prepared to participate in a meaningful way. In the case of the Commonwealth Government its machinery must reflect this responsiveness and provide appropriate channels of communication.

285. The Committee supports the recent decision to appoint a Commonwealth Government regional co-ordinator for the Townsville region as an experiment. The experiment should be expanded to ensure that all States, municipalities and regional organisations have a focus to which their concerns and information requirements can be directed on an ongoing basis.

286. The focus would serve as a two-way link between Commonwealth departments and local organisations and provide the basis for the development of a co-ordinated bank of knowledge on the changing economic, social and environmental circumstances in any particular area.

287. There is the risk that Commonwealth Government officers located in the States will become isolated from Canberra. This risk can be minimised by the rotation of officers between States and between Canberra and the States. The process could be supplemented by the regular secondment of Commonwealth Government officers to State, regional and local organisations for agreed periods.

288. Accordingly the Committee recommends that:

- . *the Commonwealth Government appoint regional co-ordinators on an experimental basis to serve as a link between the Commonwealth Government and local organisations.*

Commonwealth Government Representation

289. There is a need for the Commonwealth Government to indicate its preparedness to participate in regional planning studies and liaison committees. The Commonwealth Government should provide representatives to serve on special purpose authorities where the invitation is extended by a State, the authority itself or a municipality.

290. The Chairman of the Macarthur Development Board added that in his view it is desirable that there be representatives on the Board from all levels of Government. At the outset of the Macarthur project there were two Commonwealth Government representatives on the Board, but the two positions have become vacant and no action has been taken to appoint replacements.

291. The Committee was informed that doubts about future direct Commonwealth involvement in the project have been responsible for the delay. The Chairman of the Board told the Committee that, irrespective of questions of direct financial involvement, Commonwealth Government representation is important because it provides a facility for co-ordination, liaison and information exchange.

292. The Committee recommends that:

- . *where the Commonwealth Government has been invited to provide representatives on State, regional or local authorities, the invitation should be accepted and the presence maintained.*

Regional Development

293. The Committee gained the impression throughout the course of the inquiry that a number of Commonwealth Government departments perceive Commonwealth Government involvement in regional development as relating to direct financial assistance to growth centre projects.

294. This perception fails to recognise the significance of a range of Commonwealth policies and programs in the development of non-metropolitan areas, including growth centres. Issues raised during the course of the inquiry include:

- . co-ordination of public works priorities in growth centres and selected regional and administrative centres;
- . the regionalisation and co-location of Commonwealth and State services in growth centres and designated centres;
- . an awareness of the growth implications of tertiary education institutions;
- . an awareness of the differential impact of housing, tariff and tax policies on regional development;
- . an awareness of the impact of defence installations in the settlement patterns and the opportunities for a closer integration of defence facilities with regional development policies; and
- . an understanding of the problems of depressed regions throughout Australia.

295. The Committee believes that the term decentralisation has become synonymous with re-location from the major capital cities. Re-location is only one element of non-metropolitan

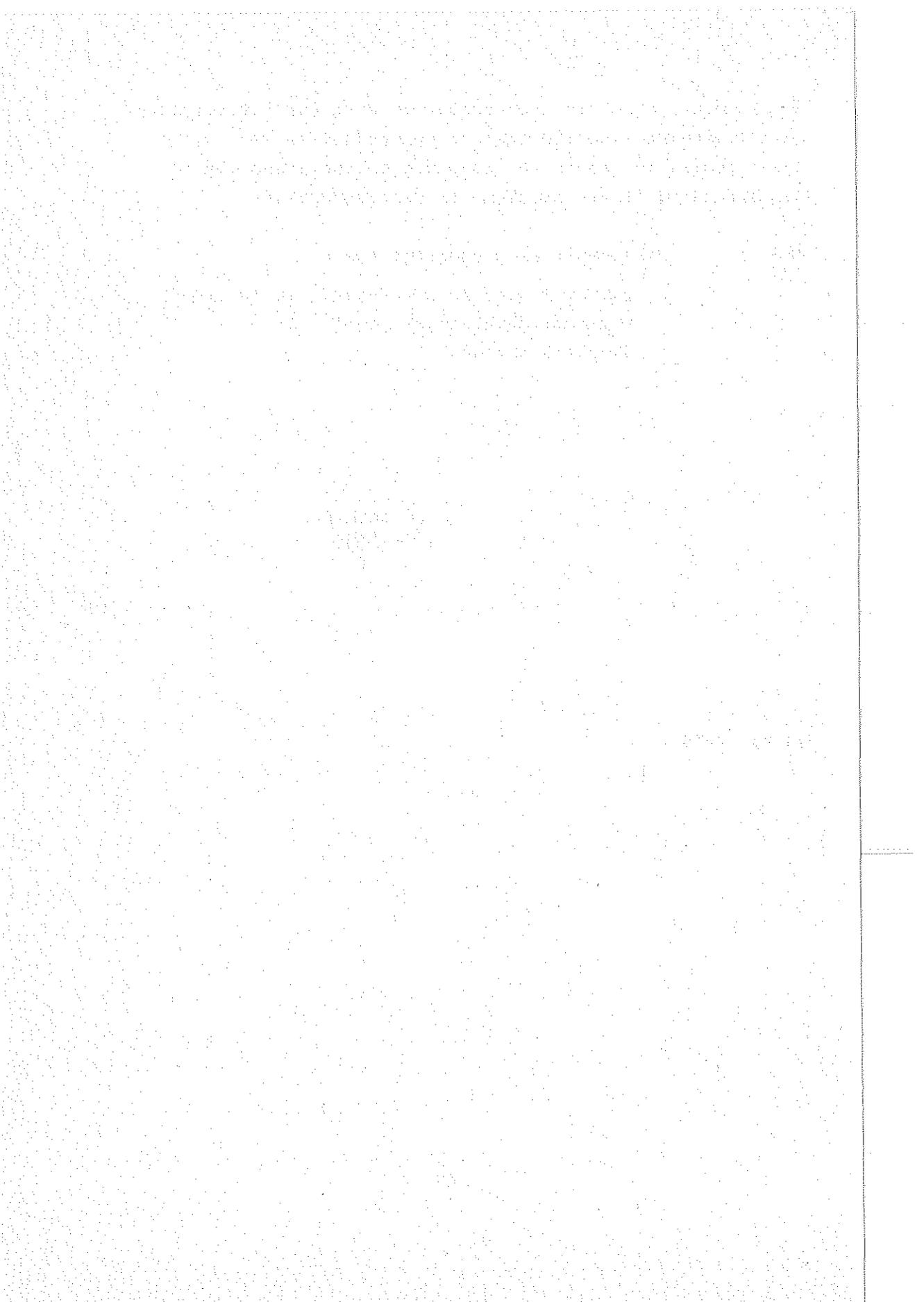
development, which is also concerned with the attraction of new investment, the creation of opportunities that allow young people to remain in non-metropolitan areas and an understanding of the problems of depressed areas.

296. The Committee recommends that:

- . *the Commonwealth Government use the term regional development rather than decentralisation.*

J.C. HODGES
Chairman

23 May 1978



APPENDIX 1

LIST OF WITNESSES

| | |
|--|--|
| ACOCKS, Mr H.P. | Acting Senior Assistant Secretary, Airport Planning and Development, Department of Transport, CANBERRA. A.C.T. |
| ADAMS, Mr S.R. | Director of Corporate Planning, Department of Planning and Co- ordination, Brisbane City Council, BRISBANE. QLD. |
| ATKINS, Mr C.K. | Chairman, Geelong Regional Commission, GEELONG. VIC. |
| BARLING, Mr J.W. | Director, Road Regulations and Safety Sections, Land Transport Policy Division, Department of Transport, CANBERRA. A.C.T. |
| BATES, Mr L.H. | Director-General, Department of Housing and Construction, HOBART. TAS. |
| BIELENBERG, Lieutenant Colonel R.J. | For Director-General of Accommodation and Works - Army, Defence Facilities Division, Department of Defence, CANBERRA. A.C.T. |
| BIRCH, Mr G.A. | Assistant Supervising Planner, Melbourne and Metropolitan Board of Works, MELBOURNE. VIC. |
| BLACK, Mr C.A. | Alderman, Corporation of the City of Darwin, DARWIN. N.T. |
| BORRIE, Professor W.D. | Chairman, National Population Inquiry, CANBERRA. A.C.T. |
| BOURKE, Mr M. | Director, Australian Heritage Commission, CANBERRA. A.C.T. |
| BRADFORD, Mr E.J. | Planning Engineer, Department of Main Roads, HOBART. TAS. |
| BREWSTER, Mr D.A. | Acting Director, Planning and Policy Section, Commission on Advanced Education, CANBERRA. A.C.T. |
| BROOKE, Mr D.A. | Manager, Buildings, Telecom Australia, MELBOURNE. VIC. |
| BROOKS, Mr T.J. | Assistant Secretary, Urban and Town Planning Section, Department of Northern Territory, DARWIN. N.T. |

BRUNTON, Mr J.L. Manger, Properties and Accommodation, Building and Properties Branch, Australia Post, MELBOURNE. VIC.

BRYDON, Mr K.G. Assistant Secretary, Municipal Association of Victoria, MELBOURNE. VIC.

BUCKHAM, Mr M.W. First Assistant Secretary, Defence Facilities Division, Department of Defence, CANBERRA. A.C.T.

CARR, Dr D. Town Planning Commissioner, Department of Town Planning, PERTH. W.A.

CLARK, Mr J.R. Assistant Secretary, Planning and Review Branch, Property and Survey Division, Department of Administrative Services, CANBERRA. A.C.T.

COLE, Mr R.W. Secretary, Department of Finance, CANBERRA. A.C.T.

CRAWFORD, Mr P. City Engineer, Hobart City Council, HOBART. TAS.

CRAWFORD Mr W.J. City Building Surveyor, Prahran City Council, MELBOURNE. VIC.

CURRIE, Mr G.D. Deputy City Planner, Adelaide City Council, ADELAIDE. S.A.

CUSHING, Mr W.J. Assistant Secretary, Evaluation Branch, Department of Environment, Housing and Community Development, CANBERRA. A.C.T.

DAVIS, Mr C.H.C. First Assistant Secretary, Lands, Department of the Capital Territory, CANBERRA. A.C.T.

DAY, Mr P.D. Head, Department of Regional and Town Planning, University of Queensland, BRISBANE. QLD.

DELANEY, Mr D.J. First Assistant Secretary, Research and Policy Division, and Director, Support Staff, State Co-ordination Council, Premier's Department, MELBOURNE. VIC.

DIXON, Mr D.A. Assistant Secretary, Regional Affairs and Education Branch, Department of Finance, CANBERRA. A.C.T.

DOWNES, Dr R.G. Director of Conservation, Ministry for Conservation, MELBOURNE. VIC.

DREVER, Mr W. Councillor and Chairman, Environment and Libraries, Prahan City Council, MELBOURNE. VIC.

DUNBAR, Professor D.N.F. Commissioner, Tertiary Education Commission, CANBERRA. A.C.T.

DUNK, Mr W.P. Chief Assessment Officer, Ministry for Conservation, MELBOURNE. VIC.

DUNN, Mr K.R. Town Planner, Wollongong City Council, WOLLONGONG. N.S.W.

DUNN, Mr M.D. Principal Engineer, Environment and Security Branch, Department of Transport, CANBERRA. A.C.T.

ENFIELD, Mr J.D. First Assistant Secretary, Resources and Development Division, Department of Prime Minister and Cabinet, CANBERRA. A.C.T.

FILMER, Mr R.J. Assistant Secretary, Locational Analysis Branch, Department of Environment, Housing and Community Development, CANBERRA. A.C.T.

FISHER, Mr N.W. First Assistant Secretary, Development, Department of Environment, Housing and Community Development, CANBERRA. A.C.T.

FITT, Mr B.J. Assistant Secretary, Special Services Branch, Department of Employment and Industrial Relations, MELBOURNE. VIC.

FORNER, Ms B. Administrative Officer, Premier's Department, ADELAIDE. S.A.

FORSEY, Mr K.R. Director, Urban Roads, Roads Division, Department of Transport, CANBERRA. A.C.T.

FOSKETT, Mr R.A. First Assistant Secretary, Territorial and Facilities Division, Department of Education, CANBERRA. A.C.T.

FRICKER, Mr L.P. Assistant Commissioner, Tertiary Education Commission, CANBERRA. A.C.T.

GALLAGHER, Reverend J.M. President, Outer Western Regional Council for Social Development, SYDNEY. N.S.W.

GEORGE, Mr M. Head of Research and Planning,
 Planning and Environment Commission,
 SYDNEY. N.S.W.

GILCHRIST, Mr J.B. Director of Planning Policy, National
 Capital Development Commission,
 CANBERRA. A.C.T.

GILES, Mr M.D. Assistant Statistician, Demography
 and Social Branch, Australian Bureau
 of Statistics, CANBERRA. A.C.T.

GILLETT, Mr R.M. Assistant Secretary, Finance and
 Building Programs, Universities
 Commission, CANBERRA. A.C.T.

GRAHAM, Mr R.J. City Planner, Hobart City Council,
 HOBART. TAS.

GREER, Mr J.H. Technical Assistant to the Engineer-
 in-Chief, Melbourne and Metropolitan
 Board of Works, MELBOURNE. VIC.

GRIFFIN, Dr A. Deputy Secretary, Premier's Department,
 MELBOURNE. VIC.

GUSTER, Mr A.F. First Assistant Commissioner, Develop-
 ment Division, Public Service Board,
 CANBERRA. A.C.T.

HEALEY, Mr B.O. Water Pollution Control Officer,
 Department of Environment,
 HOBART. TAS.

HICKEY, Mr J. Assistant Secretary, State Relations
 Group and Development Division,
 Department of Prime Minister and
 Cabinet, CANBERRA. A.C.T.

HIGGS, Mr H.J. Deputy Secretary, Environment
 Protection, Department of Environment,
 Housing and Community Development,
 CANBERRA. A.C.T.

HILL, Mr D.G. Senior Projects Officer, Australian
 Conservation Foundation, MELBOURNE.
 VIC.

HODGMAN, Mr W.M. Member for Denison

HOGG, Mr D. Mc.C. Senior Environmental Officer, National
 Capital Development Commission,
 CANBERRA. A.C.T.

HOUSTON, Dr H.S. Commissioner, Tertiary Education
 Commission, CANBERRA. A.C.T.

HUBBARD, Mr S.A. Program Budgeting Engineer, Melbourne and Metropolitan Board of Works, MELBOURNE. VIC.

JENKINS, Mr P.M. First Assistant Secretary, Community Division, Department of Environment, Housing and Community Development, CANBERRA. A.C.T.

JOHNSTONE, Mr M.F. National Land Manager, Housing and Land Group, Jennings Industries Ltd, MELBOURNE. VIC.

KACIREK, Mr J.P.F. Chairman, Macarthur Development Board, CAMPBELLTOWN, N.S.W.

KEHOE, Dr M. Acting Deputy Chief Director, Medical Services, Department of Veterans Affairs, CANBERRA. A.C.T.

KEITH, Mr F.C. Assistant Secretary, Ports and Terminals Branch, Department of Transport, CANBERRA. A.C.T.

KNOX, Mr J. Director-General of Transport, PERTH. W.A.

LANSDOWN, Mr R.B. Secretary, Department of Environment, Housing and Community Development, CANBERRA. A.C.T.

LEADER, Ms L.F. Assistant Director, Australian Heritage Commission, CANBERRA. A.C.T.

LEE, Mr D.R. Financial Controller, Adelaide City Council, ADELAIDE. S.A.

LESSELS, O.B.E. Air Commodore J.D. Director-General, Accommodation and Works - Air Force, Defence Facilities Division, Department of Defence, CANBERRA. A.C.T.

LLEWELLYN-SMITH, Mr M.J. City Planner, Adelaide City Council, ADELAIDE. S.A.

LOXTON, Mr H.T. Chairman, Commonwealth Bureau of Roads, MELBOURNE. VIC.

LUND, Mr K. Executive Member, Local Government Planners Association, SYDNEY. N.S.W.

LYNCH, Mr E. Inspector, Works, Department of Veterans Affairs, CANBERRA. A.C.T.

LYNEHAM, Mr N.L. Commissioner, Town and Country Planning Commission, HOBART. TAS.

MACDONALD, Mr B. Chief Finance Officer, Regional Affairs and Education Branch, Department of Finance, CANBERRA. A.C.T.

MADDEN, Mr C.J. Acting Assistant Secretary,
Employment Operations and General,
Department of Employment and
Industrial Relations, MELBOURNE. VIC.

MANNING, Mr B.H. Acting Assistant Secretary, Local
Government Branch, Department of
Environment, Housing and Community
Development, CANBERRA. A.C.T.

MANT, Mr J.H. Director-General, Department of Housing
and Urban Affairs, ADELAIDE. S.A.

MARSDEN, Mr B.S. Strategy Development Manager, Darwin
Reconstruction Commission, DARWIN.
N.T.

MATTHEWS, Mr N.R. Assistant Secretary, Roads Projects
Branch, Department of Transport,
CANBERRA. A.C.T.

MESSITER, Mr G.F. Assistant Under Secretary, Ministry of
Transport and Highways, SYDNEY.
N.S.W.

MILES, Mr N.T.G. Secretary, Local Government Association
and Shires Association of N.S.W.,
SYDNEY. N.S.W.

MORAN, Mr A.J. Project Officer, Outer Western
Regional Council for Social Develop-
ment, SYDNEY. N.S.W.

MORRIS, Mrs P.M. Architect Class 3, Central Office,
Department of Construction, MELBOURNE.
VIC.

MORTON, Mr A.J. Director, Public Sector Liaison,
Decentralisation Programs Branch,
Department of Environment, Housing and
Community Development, CANBERRA.
A.C.T.

McCALLUM, Mr B.G. Assistant Commissioner, Planning
Branch, Development Division, Public
Service Board, CANBERRA. A.C.T.

McDONALD, Mr B.P. Deputy Chairman, Director, Macarthur
Development Board, CAMPBELLTOWN.
N.S.W.

McLENNAN, Mr W.P. Assistant Statistician, Co-ordination
Branch, Australian Bureau of
Statistics, CANBERRA. A.C.T.

McMILLAN, Mr W.H. Acting Assistant Secretary, Planning
and Research Branch, Department of
Immigration and Ethnic Affairs,
CANBERRA. A.C.T.

NEILSON, Mr L.R. Acting Assistant Secretary, Decentralisation Programs Branch, Department of Environment, Housing and Community Development, CANBERRA. A.C.T.

NEILSON, Mr L.R. Director of Planning, Geelong Regional Commission, GEELONG. VIC.

NEUTZE, Dr G.M. Head, Urban Research Unit, Australian National University, CANBERRA. A.C.T.

O'CLERY, Mr P.C. Assistant Secretary, Lands, Department of the Capital Territory, CANBERRA. A.C.T.

O'DONNELL, Mr B. Deputy City Engineer, Prahran City Council, MELBOURNE. VIC.

O'FLAHERTY, Dr K. Assistant Director-General, Community and Professional Services Branch, Social Welfare Division, Department of Social Security, CANBERRA. A.C.T.

OGILVY, Mr G.E. Co-ordinator, Town and Country Planning Association of Victoria, MELBOURNE. VIC.

O'SHANNASSEY, Mr B. Director, Institutions, Department of Veterans Affairs, CANBERRA. A.C.T.

PARSONS, Mr J.W. Acting General Manager, Darwin Reconstruction Commission, DARWIN. N.T.

PENALVER, Mr D. Architect, Defence Service Homes Corporation, Department of Veterans Affairs, CANBERRA. A.C.T.

PERRY, Mr J.P. Executive Officer, Australian Population and Immigration Council, CANBERRA. A.C.T.

PLANT, Mr H.T. Acting First Assistant Secretary, Lands and Rural Development Branch, Department of the Northern Territory, DARWIN. N.T.

QUINN, Mr P. Assistant Director, Department of Youth and Community Services, SYDNEY, N.S.W.

RAMSAY, Mr A.M. General Manager, South Australian Housing Trust, ADELAIDE. S.A.

RATTRAY, Mr A.L. Principal Transport Planner, Commonwealth Bureau of Roads, MELBOURNE. VIC.

RAYSON, Mrs P. Councillor, Prahran City Council, MELBOURNE. VIC.

REFSHAUGE, Mr W.F. Principal Research Officer, Planning and Research Branch, Department of Immigration and Ethnic Affairs, CANBERRA. A.C.T.

ROBINSON, Mr C.S. Principal Scientist, Land Conservation Section, Department of the Northern Territory, DARWIN. N.T.

ROBINSON, Mr D.G. Principal Executive Officer, Technical and Further Education Commission, CANBERRA. A.C.T.

ROSETH, Dr J. Assistant Chief Planner, Planning and Environment Commission, SYDNEY. N.S.W.

ROSS, Mr R.T. Acting Executive Officer, Property Branch, Department of Administrative Services, CANBERRA. A.C.T.

SANSOM, Mr G.C. Administrative and Research Officer, Illawarra Regional Organisation of Councils, WOLLONGONG. N.S.W.

SFORCINA, Mr H.G. Director, Accommodation and Works - Navy, Defence Facilities Division, Department of Defence, CANBERRA. A.C.T.

SHANNON, Mr R.J. Director, Engineering Services, Engineering and Water Supply Department, ADELAIDE. S.A.

SILDEBERG, Dr R. Clerk, Department of Environment, Housing and Community Development, CANBERRA. A.C.T.

SIMSION, Mr D.W. Deputy Chief Planner, Melbourne and Metropolitan Board of Works, MELBOURNE. VIC.

SINGER, Miss J.B. Environmental Officer, Department of the Northern Territory, DARWIN. N.T.

STANTON, Mr D.I. Acting Assistant Director-General, Research and Statistics, Development Division, Department of Social Security, CANBERRA. A.C.T.

TAPLIN, Dr J.H.E. Deputy Secretary, Department of Transport, CANBERRA. A.C.T.

THOMAS, Mr R.A. Assistant Secretary, Public Utilities Branch, Department of the Northern Territory, DARWIN. N.T.

THOMPSON, Mr J. Councillor, Town and Country
Planning Association of Victoria,
MELBOURNE. VIC.

THOMPSON, Mr S. Assistant Secretary, Programs No. 1
Branch, Schools Commission,
CANBERRA. A.C.T.

TRABINGER, Mr N. Assistant Commissioner, Methods and
Services Branch, Department of
Veterans Affairs, CANBERRA. A.C.T.

VOLKER, Mr D. First Assistant Secretary, Planning
Program and Review Division, Depart-
ment of Immigration and Ethnic Affairs,
CANBERRA. A.C.T.

WAPLES, Mr J.M. City Health Surveyor and Principal
Building Inspector, Wollongong City
Council, WOLLONGONG. N.S.W.

WATSON, Mr K.S. Assistant Statistician, Australian
Bureau of Statistics, CANBERRA.
A.C.T.

WESTERMAN, Mr H.L. Associate Commissioner, National
Capital Development Commission,
CANBERRA. A.C.T.

WILLIAMS, Mr H.C. First Assistant Secretary, Major
Projects, Department of Construction,
MELBOURNE. VIC.

WIMMER, Mr S.D. Regional Co-ordinator, Outer Western
Regional Council for Social
Development, SYDNEY. N.S.W.

WOODHOUSE, Dr L.R. Research Officer, Department of
Environment, HOBART. TAS.

WRIGHT, Mr C. Environment Inquiries Co-ordinator,
State Pollution Control Commission,
SYDNEY. N.S.W.

WRIGHT, Mr L.M. General Manager, Planning and Technical
Services, Australia Post,
MELBOURNE. VIC.

YENCKEN, Mr D.G.D. Chairman, Australian Heritage
Commission, CANBERRA. A.C.T.

APPENDIX 2

EXHIBITS

No.

1. (i) *A Background Submission to the House of Representatives Standing Committee on Environment and Conservation.* Commonwealth Department of Environment, Housing and Community Development, Canberra, October 1976.
(ii) *Second Submission to the House of Representatives Standing Committee on Environment and Conservation.* Commonwealth Department of Environment, Housing and Community Development, Canberra, January 1977, pp. 25-79.
2. COMMONWEALTH BUREAU OF ROADS. *Sydney Metropolitan Study Area - Revised Traffic Zone Boundary - Estimated Incidence of Travel Costs on Incomes: Work Trips.* Planning Research Centre, Department of Town and Country Planning, University of Sydney, 1974.
3. *An Approach to Developing Transport Improvement Proposals.* Occasional Paper No. 2. Commonwealth Bureau of Roads, 1976.
4. COMMONWEALTH DEPARTMENT OF THE CAPITAL TERRITORY. *A Land Use Plan for the A.C.T.* National Capital Development Commission, Canberra, March 1975.
5. *Memorandum of Understanding Concerning the Environment (Impact of Proposals) Act - Progress Report.* Commonwealth Department of Environment, Housing and Community Development, 17 March 1977.
6. *Cases Where the Commonwealth Government's Requirement for Environmental Assessment has Played a Role in Modifying Urban Proposals.* Commonwealth Department of Environment, Housing and Community Development, Canberra.
7. *Discussion Paper - Transport Planning in Sydney.* Confidential. Draft Papers proposed for publication on Occasional Paper No. 3, March 1977. Commonwealth Bureau of Roads.

8.
 - (i) DARWIN RECONSTRUCTION COMMISSION. *Planning Options for Future Darwin*. Cities Commission (First Report, 28 January 1975). Australian Government Publishing Service, Canberra, 1975.
 - (ii) -- *Darwin Planning Guidelines*. Cities Commission (Draft Second Report 14 March 1975). Australian Government Publishing Service, Canberra, 1975.
 - (iii) -- *Darwin Reconstruction Commission*. 1st Annual Report, Darwin Reconstruction Commission, Darwin, N.T., 1975.
 - (iv) -- *Feasibility, Environmental and Indicative Planning Study*. Department of Construction, September 1976.
 - (v) *New Darwin Gaol - Environmental Study*. Darwin Reconstruction Commission, August 1976.
 - (iv) *Pedestrian Mall Study - Smith Street*. Darwin Reconstruction Commission, Darwin, 1976.

9.
 - (i) *Report on General Concept Objections*. Melbourne and Metropolitan Board of Works, Melbourne, February 1974.
 - (ii) *Planning Policies for the Melbourne Metropolitan Region*. Melbourne and Metropolitan Board of Works, Melbourne, November 1971.
 - (iii) *Social Dysfunction and Relative Poverty in Metropolitan Melbourne*. Research Report No. 1 Melbourne and Metropolitan Board of Works, Planning Branch, Research and Development Division, Melbourne, May 1974.
 - (iv) *Melbourne's Inner Area - A Position Statement*. Melbourne and Metropolitan Board of Works, Melbourne, April 1977.
 - (v) MELBOURNE AND METROPOLITAN BOARD OF WORKS. *Socio-economic Implications of Urban Development*. Urban Economic Consultants Pty Ltd., Melbourne, June 1977.
 - (vi) *Review of Planning Policies for the Non-Urban Zones*. Melbourne and Metropolitan Board of Works, Melbourne 1977.
 - (vii) *Maryibyrrnong Valley Metropolitan Park - Master Development Plan*. Polakowski, K.J., Centre for Environmental Studies, University of Melbourne, January 1977.

10. *Guidelines and Criteria for the National Sewerage Programme.* Melbourne and Metropolitan Board of Works, Melbourne, February 1974.
11. *The Mt. Ridley Development: The Planning Context and Unanswered Questions.* Town and Country Planning Association of Victoria, Melbourne, February 1977.
12. PRAHRAN COUNCIL. Map of the City of Prahran and accompanying photographs.
13. *Commonwealth State Administrative Arrangements.* Government of Victoria, Melbourne, January 1976.
14. (i) *State Co-ordination Council.* (Brochure). Government of Victoria, Melbourne, March 1977.
(ii) GREEN, K.D. *State Co-ordination Council, Chairman's statement.*
(iii) VICTORIA. *State Co-ordination Council Act 1975.*
15. *Guidelines for Environment Assessment.* Ministry for Conservation, Victoria, January 1975.
16. (i) *Report on Principles of Development Control within the City of Adelaide.* Adelaide City Council, Adelaide, 18 October 1976.
(ii) SOUTH AUSTRALIA. *Regulation under the City of Adelaide Development Control Act 1976.*
(iii) -- *City of Adelaide Development Control Act 1976.*
(iv) *The City of Adelaide Plan.* Adelaide City Council, Adelaide, 18 October 1976.
17. (i) *Annual Report 1976.* South Australian Housing Trust, Adelaide, 1976.
(ii) *Population Growth, Household Formation and Dwelling Completions: Adelaide 1976 - 2006.* Draft Report of the State Government Working Party on Household Formation, Adelaide, December 1976.
18. COMMITTEE SEMINAR. Hansard Transcript of Seminar, Melbourne, 20 June 1977. (CONFIDENTIAL)
19. COMMITTEE SEMINAR. Hansard Transcript of Seminar, Brisbane, 28 June 1977. (CONFIDENTIAL)

20. DEPARTMENT OF IMMIGRATION AND ETHNIC AFFAIRS
Review '76. Australian Government Publishing Service, Canberra, 1976.
21. WEST AUSTRALIAN STATE GOVERNMENT
Perth Region Data Book 1971. The Metropolitan Region Planning Authority, Perth, May 1975.
22. *Perth Metropolitan Region - Population Distribution 1971-1976*. Table. West Australian State Government.
23. WEST AUSTRALIAN STATE GOVERNMENT
Policy for the Inner Cities. U.K. Ministry for the Environment, H.M.S.O., London, June 1977.
24. WEST AUSTRALIAN STATE GOVERNMENT
Letter from Telecom to W.A. State Planning Commission.
25. STEPHENSON, G. *Joondalup Centre - Second Interim Report*. West Australian Department of Urban Development and Town Planning, Perth, December 1976.
26. *Report on the Corridor Plan for Perth*. The Metropolitan Region Planning Authority, Perth, July 1972.
27. *The Corridor Plan for Perth*. The Metropolitan Region Planning Authority, Perth, November 1976.
28. PUBLIC SERVICE BOARD
Appendixes 1 to 5 of Submission, 27 September 1977.
29. (i) MACARTHUR DEVELOPMENT BOARD
The New Cities of Campbelltown, Camden, Appin. Structure Plan. The State Planning Authority of New South Wales. Sydney, 1973.
- (ii) *Campbelltown City Centre*. Macarthur Development Board, June 1976.
- (iii) MACARTHUR DEVELOPMENT BOARD
Sydney Region: Outline Plan. The State Planning Authority of New South Wales, Sydney, October 1968.
- (iv) *Macarthur Growth Centre - Structure Plan*. Macarthur Development Board, Sydney, 1976.
30. GEELONG REGIONAL COMMISSION
Map of Geelong Region.

31. *Tasmania State Strategy Plan - Draft Report*. State Planning Co-ordination, Town and Country Planning Commission, Hobart, December 1976.
32. TASMANIA
Planning and Development Bill 1977.
33. *Guidelines and Procedures for Environmental Impact Studies*. Tasmanian Department of the Environment, Hobart.
34. (i) *The Second Hobart Bridge*. Joint Committee on Second Hobart Bridge, Hobart, January 1978.
(ii) *Second Hobart Bridge - Draft Environmental Impact Statement*. Joint Committee on Second Hobart Bridge, Hobart, January 1978.
35. MR M. HODGMAN, M.P.
Correspondence on environmental issues.

APPENDIX 3

CONDUCT OF THE INQUIRY

On 9 September 1976 the previous Committee resolved to inquire into and report on:

the extent to and the manner in which in the development and implementation of Commonwealth Government policies and programs influencing growth and change in Australian cities and towns there are mechanisms which recognise;

- . the need to have regard for effects on the urban environment
- . the need for co-ordination between departments and instrumentalities of the Commonwealth and other levels of Government.

The present Committee on 14 March 1978 resolved that the inquiry be resumed with identical terms of reference.

Submissions were invited from persons and organisations with an interest or knowledge of the subject matter of the inquiry. Over 70 submissions were received and 132 witnesses gave evidence to the Committee either in a personal capacity or representing Commonwealth and State Government departments, academic and professional institutions, municipalities and municipal associations and private companies. A list of witnesses appearing before the Committee is at Appendix 1.

Commencing on 7 March 1977, 23 public hearings were held at which nearly 2,500 pages of evidence were taken. Evidence given at public hearings is available for inspection in Hansard form at the Committee Office of the House of Representatives, the National Library and the Commonwealth Archives.

All State governments, other than Queensland, participated in the inquiry by providing written and verbal evidence. Given the importance of co-ordination, consultation and understanding in a federal system of government, it is disappointing that the Queensland Government refused to provide a written submission or to make a State officer available to speak to the Committee. Such action was contrary to the spirit of the inquiry.

The Committee was pleased to receive submissions from local government and regional planning organisations, for it is at these levels that the effects of lack of co-ordination and concern ultimately appear.

The Committee held informal seminar type discussions with witnesses in Melbourne and Brisbane. It was decided not to publish the transcript of these discussions. The Committee also took some of its evidence in camera. Some of the Committee's conclusions and recommendations are based on this confidential information, and for this reason discussion of some matters is in broad terms only.

Although the inquiry was conducted mainly by the Committee in the 30th Parliament the conclusions and recommendations contained in the report are those of the Committee established in the 31st Parliament.

APPENDIX 4

POLICIES AND PROGRAMS AFFECTING GROWTH AND CHANGE IN THE URBAN ENVIRONMENT

Aboriginal Affairs

Aboriginal Enterprise Program)
Aboriginal Housing Loans) Aboriginal Loans Commission
Special Works Project Scheme
Support for Community Projects (rural properties)
Support for Aboriginal Housing Associations
Housing for Aboriginal Employees
Other Direct Grants to Community Groups
Career Visits
Aboriginal Hostels Ltd
Aboriginal Arts and Crafts Ltd
Aboriginal Publications Foundation (Inc)
National Aboriginal Sports Foundation
Aboriginal Legal Service
Aboriginal Health Service

Administrative Services

Acquisition, Leasing and Disposal of Commonwealth Government Land
and Property
Australian Government Inquiry Centres
Rates on Commonwealth Property (payments in lieu of)
Commonwealth Police Operations

Attorney-General's

Australian Legal Aid Office
Criminology Research (Institute of Criminology)

Business and Consumer Affairs

Book Bounty
Machine Tool Bounty
Agricultural Tractors Bounty
Superphosphate Bounty
Prices Justification Tribunal
Trade Practices Commission
Canned Fruit Excise
Refrigeration Compressors Bounty
Nitrogenous Fertilizers Bounty

Capital Territory (Indicative List)

Electrical Supply and Reticulation (Electricity Authority)
Public Transport
Lands Policy and Administration
Planning and Construction of Canberra
Welfare Policy and Administration
Water Supply

Construction

Planning, Construction and Maintenance of Commonwealth Government Works

Defence

Siting and Development of Military Installations (use of land)
Deployment of Personnel
Expenditure on Supplies

Education

Tertiary Education Allowance Scheme
Funds for Adult and Child Migrant Education Program
Post Graduate Awards
Pre-School Teacher Education Allowances Scheme
Aboriginal Secondary Grants Scheme
Education Research Grants
Grants to CAEs (Commission on Advanced Education)
Policy regarding location and development of future CAEs
Grants to Universities (Universities Commission)
Policy regarding location and development of future universities
Curriculum Development Centre
General Building Program)
Special Projects (Innovations) Program)
General Recurrent Program) Schools Commission
Funds for Education Centres)
Grants for Disadvantaged Schools)
Special Assistance) Childrens Commission
Library Assistance)
Commonwealth Teaching Service, recruitment and scholarships
Committee on the Teaching of Migrant Language in Schools
National Committee on Social Science Teaching

Employment and Industrial Relations

Commonwealth Employment Service
National Employment and Training Scheme
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Manpower Development Subsidy Scheme
Trade Union Training

Employment and Industrial Relations (continued)

Stevedoring Industry Regulation
National Committee on Discrimination in Employment and Occupation

Environment, Housing and Community Development

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Glebe Redevelopment
Housing Policy and Finance (Commonwealth/State Housing Agreement)
Community Assistance Program
Home Savings Grant Scheme
Homes for Pensioners (Policy and Finance)
Land Commissions (Policy and Finance)
National Sewerage Scheme
Growth Centre Policy
Captain's Flat Pollution Abatement Finance
Support Activities Program (Sewerage)
Brisbane Flood Mitigation Scheme
Metropolitan Adelaide Water Treatment Program
Policy on Environmentally Hazardous Chemicals
Soil Conservation Programs
National Air Monitoring Program
Assistance to National Trusts
Ecological Survey
Bridging Finance for Essential Community Amenities
Capital Assistance for Leisure Facilities
Local Government Scholarship Scheme
Assistance to Life Saving Organisations
Grants to National Fitness Program
Grants for Physical Recreation
Grants for Sport and Competitive Recreation
Holsworthy Development Project
Support for Australian Institute of Urban Studies
Conservation Policy and Administration (Australian Heritage
Commission, National Parks and Wildlife Service)
Albury-Wodonga Development Corporation
Assistance for Acquisition of Land for National Parks
Participation in Australian Environment Council
Commonwealth Hostels (Inc)

Health

Hospitals Development (Hospital and Health Services Commission)
Community Health Program
Health Service Planning and Research Grants
Home Nursing Subsidy Scheme
Family Planning Program
Australian School Dental Service
National Health Scheme
Medibank
National Health and Medical Research Council
Paramedical Care Scheme

Immigration and Ethnic Affairs

Immigration Planning
Commission on Community Relations
Language Translator Services
Migrant Education (Department of Education)
Migrant Welfare Services (Department of Social Security)
Assisted Passage Scheme

Industry and Commerce

Adjustment Assistance to Industry
Ship Construction Bounty
Assistance to Small Business
Policy on Industry Location
Monitoring of Impact of Commonwealth Government Purchasing Policies
Structural Assistance for Companies
Special Assistance for Firms in Non-Metropolitan Areas
Investment Allowance
Policy on Australian Content in Motor Vehicles
Australian Industrial Research and Development Grants
Capital Assistance for Tourism Development
Industrial Research and Development Grants
Government Munitions Establishments
Government Aircraft Factory

National Resources

Assistance to the Mining Industry
Taxation Incentives for Exploration and Marketing
National Energy Policy (Forecasts, Research and Development)
Export Controls
Hydrocarbon Research - National Coal Research Grants
Electricity Research
Geological, Geophysical and Geodetic Surveying (Bureau of Mineral Resources)
Topographic Maps Production (National Mapping)
Uranium Policy (Atomic Energy Commission)
Construction and Operation of Natural Gas Pipelines (Pipeline Authority, Coal Mining Policy, Government Coal Board)
AWRC Water Research Fund

Northern Territory

Darwin Reconstruction
Northern Territory Administration
Resource Development

Overseas Trade

Export Market Development Grants Scheme
Export Finance
Commodity Trade (agreements and policy)

Postal and Telecommunications

Broadcasting Policy (Radio and Television)
Licensing of Radio and Television Stations
Telecommunications, Policy Operations and Charges (Telecom)
Postal Services, Policy, Operations and Charges (Australia Post)

Primary Industry

Farm Development Loan Funds
Sales Tax Exemptions
Stabilisation Schemes
Softwoods Agreement
Sugar Marketing Assistance

Prime Minister and Cabinet

Tasman Bridge Restoration
Film Radio and Television Board)
Theatre Board)
Music Board)
Crafts Board) Australia Council
Community Arts)
Visual Arts Board)
Aboriginal Arts)
Darwin Cyclone Damage Compensation

Science

Meteorological Forecasting
Australian Research Grants Committee
CSIRO Grants to Research Institutions
Support for learned Academics
Promotion of Technology Assessment

Social Security

Age Pension
Invalid Pensions
Widows Pension or Supporting Mothers Benefit
Unemployment Benefit
Sickness Benefit
Child Endowment
Student Allowance

Social Security (continued)

Domiciliary Nursing Care Benefit
Delivery of Meals Assistance Scheme
Homes for Aged or Disabled People
Nursing Home Benefits
Pensioners Medical Service
Home Care Grants
Handicapped Persons Assistance
Grants for Activity Therapy Centres
Homeless Persons Assistance
Australian Assistance Plan
Orphans Pension
Maternity Allowance
Handicapped Childs Allowance
Rehabilitation Services
Tuberculosis Allowance
Special Benefit
Hostels for the Aged
Welfare Officers for Senior Citizens Centres
Personal Care Subsidy for Aged or Disabled Persons
Sheltered Employment for Aged People

Transport

Maintenance and operation of shipping services
Approval of freight rates, fares and timetables (air)
Provision, operation, maintenance and charges for use of air
navigation facilities
Design, provision and operation of Aerodromes
Noise abatement near aerodromes
Road Grants
Urban Public Transport Grants
Road Safety Research
Overseas Subsidies for Shipping
Aerodrome Local Ownership Scheme
Minor Improvement for Traffic Engineering and Road Safety
Transport Planning and Research Grants
Operation of Airline (TAA)
Operation of Overseas Airline (QANTAS)
Economic Research (Bureau of Transport Economics)
Development and Operation of Australian National Railways

Treasury

Fiscal Policy
Monetary Policy
Taxation
Budgeting
Reserve Bank Economic and Financial Research Fund
Financial and economic policy within Australia including:
levels of employment
economic growth
resources

Treasury (continued)

Financial Relations with the States including financial assistance, economic, financial and budgeting implications of proposals relating to defence, public works, social welfare, education, health, housing, transport, industry employment

Foreign ownership and control of Australian resources and industries

Australian Industry Development Corporation

Veterans Affairs

Repatriation Medical Benefit (including Hospitals)

Administration of Defence Service Homes Scheme



Environment Protection (Impact of Proposals) Act 1974

No. 164 of 1974

TABLE OF PROVISIONS

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7. Orders to be notified and may be disallowed
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9. Modification of operation of laws
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11. Inquiries by Commissioners
12. Remuneration of Commissioners
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19. Protection of Commissioners and witnesses
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21. Powers of Commission in relation to documents produced
22. Allowances to witnesses
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25. Regulations

19379/74—Recommended retail price 15c



Environment Protection (Impact of Proposals) Act 1974

No. 164 of 1974

AN ACT

To make provision for Protection of the Environment in relation to Projects and Decisions of, or under the control of, the Australian Government, and for related purposes.

[Assented to 17 December 1974]

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

1. This Act may be cited as the *Environment Protection (Impact of Proposals) Act 1974*. Short title.
- 5 2. This Act shall come into operation on the day on which it receives the Royal Assent. Commence-
ment.
3. In this Act, unless the contrary intention appears— Definitions.
 - “Australia” includes the Territories to which this Act extends;
 - 10 “authority of Australia” does not include a court but includes an authority of a Territory and all authorities and bodies (not being companies or societies) established by or appointed under the laws of Australia and of the Territories and also includes a company in which the whole of the shares or stock, or shares or stock carrying more than one-half of the voting power, is or are
 - 15 owned by or on behalf of Australia;

“environment” includes all aspects of the surroundings of man, whether affecting him as an individual or in his social groupings, and “environmental” has a corresponding meaning;

“Territory” means an internal Territory or an external Territory to which this Act extends. 5

Extension to Territories.

4. This Act extends to all the external Territories other than Papua New Guinea.

Object of Act.

5. (1) The object of this Act is to ensure, to the greatest extent that is practicable, that matters affecting the environment to a significant extent are fully examined and taken into account in and in relation to— 10

- (a) the formulation of proposals;
- (b) the carrying out of works and other projects;
- (c) the negotiation, operation and enforcement of agreements and arrangements (including agreements and arrangements with, and with authorities of, the States); 15
- (d) the making of, or the participation in the making of, decisions and recommendations; and
- (e) the incurring of expenditure,

by, or on behalf of, the Australian Government and authorities of Australia, either alone or in association with any other government, authority, body or person. 20

(2) The matters referred to in sub-section (1) extend to matters of those kinds arising in relation to financial assistance granted, or proposed to be granted, to the States.

Approved procedures.

6. (1) The Governor-General may, from time to time, by order, approve, and approve variations of, administrative procedures for the purpose of achieving the object of this Act, being procedures that are consistent with relevant laws, as affected by regulations under this Act. 25

(2) Without limiting the generality of sub-section (1), the approved procedures may provide for— 30

- (a) the supplying to the Minister of information for the purpose of consideration, by him or on his behalf, of the necessity for environmental impact statements;
- (b) authorizing the Minister to direct the preparation or obtaining, and the submission to the Minister, of statements to be known as environmental impact statements; 35
- (c) defining, or authorizing the Minister to determine, the matters to be dealt with by, and the form of, those statements;
- (d) the making of those statements available, in cases or circumstances specified by or in accordance with the procedures, for public comment; 40

- (e) inquiries in accordance with this Act, and action to be taken in respect of reports resulting from such inquiries;
- (f) the revision of those statements;
- 5 (g) the examination of those statements by or on behalf of the Minister and the making by or on behalf of the Minister of comments, suggestions or recommendations concerning the matters to which those statements relate, including suggestions or recommendations concerning conditions to which approvals, agreements and other matters should be subject; and
- 10 (h) exemptions from all or any of the requirements of the procedures.

7. (1) Where an order is made by the Governor-General under section 6—

Orders to be notified and may be disallowed.

- (a) notice shall be published in the *Gazette* of the order having been made, and of the place where copies of the order can be purchased;
- 15 (b) the order shall, subject to this section, take effect from the date of publication of the notice or, where another date is specified in the order, from the date specified; and
- (c) the order shall be laid before each House of the Parliament within 15 sitting days of that House after the making of the order.

20 (2) If an order is not laid before each House of the Parliament in accordance with sub-section (1), it shall be void and of no effect.

(3) If either House of the Parliament, in pursuance of a motion of which notice has been given within 15 sitting days after an order has been laid before that House, passes a resolution disallowing the order or part
25 of the order, the order or that part of the order, shall thereupon cease to have effect.

(4) If, at the expiration of 15 sitting days after notice of a motion to disallow an order or part of an order has been given in a House of the Parliament, being notice given within 15 sitting days after the order has
30 been laid before that House—

- (a) the notice has not been withdrawn and the motion has not been called on; or
- (b) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of,
- 35 the order, or part of the order, specified in the motion shall thereupon be deemed to have been disallowed.

(5) If, before the expiration of 15 sitting days after notice of a motion to disallow an order or part of an order has been given in a House of the Parliament—

- 40 (a) that House is dissolved or, being the House of Representatives, expires, or the Parliament is prorogued; and

(b) at the time of the dissolution, expiry or prorogation, as the case may be—

(i) the notice has not been withdrawn and the motion has not been called on; or

(ii) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of, 5

the order or part of an order shall, for the purposes of sub-sections (3) and (4), be deemed to have been laid before that House on the first sitting day of that House after the dissolution, expiry or prorogation, as the case may be. 10

Duties of Ministers.

8. Each Minister shall give all such directions and do all such things as, consistently with any relevant laws as affected by regulations under this Act, can be given or done by him—

(a) for ensuring that procedures for the time being approved under this Act are given effect to in and in connexion with matters dealt with by the Department administered by him and that any authority of Australia in relation to which he has ministerial responsibilities observes, and assists in giving effect to, those procedures; and 15

(b) for ensuring that any final environmental impact statement formulated in accordance with those procedures, and any suggestions or recommendations made in accordance with those procedures, are taken into account, in matters to which they relate, in the Department administered by him and by any authority of Australia in respect of which he has ministerial responsibilities. 20 25

Modification of operation of laws.

9. Without prejudice to any right, power or duty of any authority of Australia, apart from this Act, to take into account matters relating to the environment in the exercise of any power or function, the regulations may— 30

(a) make provision for or in relation to requiring or permitting a prescribed authority of Australia to take into account, either generally or in accordance with the regulations, matters affecting the environment in the taking of any action or the making of any decision or recommendation; and 35

(b) prescribing matters necessary or convenient to be prescribed as incidental to provision so made, including matters relating to procedures and times,

and regulations so made have effect notwithstanding any other law.

Minister to furnish certain information.

10. In respect of a particular matter of a kind referred to in any of the paragraphs of section 5, any person may, by notice in writing, require the Minister to inform him in writing as to what action, if any, has been 40

taken, or is proposed, for ensuring consideration of the environmental aspects of the matter, and the Minister shall promptly inform the person in writing accordingly.

5 11. (1) For the purposes of procedures approved under this Act or for achieving the object of this Act, the Minister may direct that an inquiry be conducted in respect of all or any of the environmental aspects of a matter referred to in any of the paragraphs of section 5, whether or not an environmental impact statement has, in accordance with procedures under this Act, been furnished to the Minister. Inquiries by Commissioners.

10 (2) The Minister shall appoint a Commissioner or Commissioners to be a Commission to conduct an inquiry under this section and may appoint a person or persons to advise the Commission.

(3) Where there is more than one Commissioner, the Minister shall appoint one of the Commissioners to preside at the inquiry.

15 (4) The Commission shall report its findings and recommendations to the Minister and shall, after so reporting but subject to sub-section (5), make public those findings and recommendations.

20 (5) The Commission shall not make public any evidence or matters in respect of which directions have been given under paragraph 14 (2) (b) or matters the publication of which is excepted from sub-section 14 (5).

(6) Subject to sub-section (1), a Commission is not subject to directions by the Minister, or otherwise by or on behalf of the Australian Government, in or in relation to the conduct of an inquiry.

25 12. (1) A Commissioner shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed. Remuneration of Commissioners.

(2) A Commissioner shall be paid such allowances as are prescribed.

30 (3) This section has effect subject to the *Remuneration Tribunals Act* 1973-1974.

35 13. Before a Commission commences to hold an inquiry, the Commission shall give reasonable notice, by advertisement published in the *Gazette* and in such newspapers as it thinks necessary, of its intention to hold the inquiry, the subject of the inquiry and the time and place at which the inquiry is to be commenced. Notice of inquiries.

14. (1) Subject to this section, an inquiry by a Commission shall be held in public and evidence in the inquiry shall be taken in public on oath or affirmation. Procedure at inquiries.

(2) Where a Commission is satisfied that it is desirable to do so in the public interest by reason of the confidential nature of any evidence or matter or for any other reason, the Commission may—

- (a) direct that an inquiry or a part of an inquiry shall take place in private and give directions as to the persons who may be present; or 5
- (b) give directions prohibiting or restricting the publication of evidence given before the Commission or of matters contained in documents lodged with the Commission.

(3) A Commission may, if it thinks fit, permit a person appearing as a witness before the Commission to give evidence by tendering, and 10 verifying by oath or affirmation, a written statement.

(4) Where a Commission considers that the attendance of a person as a witness before the Commission would cause serious hardship to the person, the Commission may permit the person to give evidence by sending to the Commission a written statement, verified in such manner as the 15 Commission allows.

(5) Where evidence is given to a Commission by a written statement in accordance with sub-section (3) or (4), the Commission shall make available to the public in such manner as the Commission thinks fit the contents of the statement other than any matter as to which the Commission 20 is satisfied that its publication would be contrary to the public interest by reason of its confidential nature or for any other reason.

- (6) Subject to this section, the regulations and orders under section 6—
 - (a) the procedure to be followed at an inquiry by a Commission is within the discretion of the Commission; and 25
 - (b) a Commission is not bound by the rules of evidence.

(7) Nothing in this section derogates from any law relating to Crown privilege.

Power to
summon
witnesses.

15. A Commissioner may, by writing signed by him, summon a person to appear before the Commission at a time and place specified in the 30 summons to give evidence and produce such books and documents (if any) as are referred to in the summons.

Failure of
witness to
attend.

16. A person served with a summons to appear as a witness at an inquiry by a Commission shall not, without reasonable excuse— 35

- (a) fail to attend as required by the summons; or
- (b) fail to appear and report himself from day to day unless excused or released from further attendance by or on behalf of the Commission.

Penalty: \$1,000 or imprisonment for 6 months.

Power to
administer
oath or
affirmation.

17. A Commissioner may administer an oath or affirmation to a 40 person appearing as a witness before the Commission.

18. A person appearing as a witness at an inquiry by a Commission shall not, without reasonable excuse—

Refusal to be sworn or to answer questions.

- (a) refuse or fail to be sworn or to make an affirmation;
- (b) refuse or fail to answer a question that he is required to answer by the Commissioner presiding at the inquiry; or
- (c) refuse or fail to produce a document that he was required to produce by a summons under this Act served on him.

Penalty: \$1,000 or imprisonment for 6 months.

19. (1) A Commissioner has, in the performance of his duties as a Commissioner, the same protection and immunity as a Justice of the High Court.

Protection of Commissioners and witnesses.

(2) Subject to this Act, a person appearing before a Commission as a witness at an inquiry has the same protection, and is, in addition to the penalties provided by this Act, subject to the same liabilities, in any civil or criminal proceedings as a witness in proceedings in the High Court.

20. A person shall not—

Contempt of court.

- (a) insult or disturb a Commissioner in the exercise of his powers or the performance of his functions or duties as a Commissioner;
- (b) interrupt an inquiry by a Commission;
- (c) use insulting language towards a Commissioner;
- (d) create a disturbance, or take part in creating or continuing a disturbance, in or near a place where a Commission is holding an inquiry; or
- (e) do any other act or thing that would, if a Commission were a court of record, constitute a contempt of that court.

Penalty: \$1,000 or imprisonment for 6 months.

21. (1) A Commissioner, or a person assisting a Commission and authorized by a Commissioner to do so, may inspect any books or documents furnished to the Commission for the purposes of the performance of its functions under this Act or produced at an inquiry and may make copies of, or take extracts from, those books or documents.

Powers of Commission in relation to documents produced.

(2) Books or documents so furnished may be retained by the Commission for such reasonable period as the Commission thinks fit.

22. A witness summoned under this Act to appear at an inquiry by a Commission is entitled to be paid by Australia such allowances for his travelling and other expenses as are prescribed.

Allowances to witnesses.

Witness not
to be
prejudiced.

23. (1) A person shall not—

- (a) use violence to or inflict injury on;
- (b) cause or procure violence, damage, loss or disadvantage to; or
- (c) cause or procure the punishment of,

a person for or on account of his having appeared, or being about to appear, as a witness at an inquiry by a Commission or for or on account of any evidence given by him before a Commission. 5

Penalty: \$1,000 or imprisonment for 6 months.

(2) Without limiting the generality of sub-section (1), an employer shall not— 10

- (a) dismiss an employee from his employment, or prejudice an employee in his employment, by reason that the employee has appeared as a witness, or has given any evidence, at an inquiry by a Commission; or
- (b) dismiss or threaten to dismiss an employee from his employment or prejudice, or threaten to prejudice an employee in his employment, by reason that the employee proposes to appear as a witness or to give evidence at an inquiry by a Commission. 15

Penalty: \$1,000 or imprisonment for 6 months.

(3) In any proceedings arising out of sub-section (2)— 20

- (a) if it is established that the employee was dismissed from, or prejudiced in, his employment and that, before he was so dismissed or prejudiced, he appeared as a witness, or gave any evidence, at an inquiry by a Commission—the burden lies on the employer of proving that the employee was not dismissed or prejudiced by reason that he so appeared as a witness or gave evidence; or 25
- (b) if it is established that the employee was dismissed, or threatened with dismissal, from his employment, or was prejudiced, or threatened with prejudice, in his employment and that, before he was so dismissed, threatened with dismissal, prejudiced or threatened with prejudice, he proposed to appear as a witness, or to give evidence, at an inquiry by a Commission—the burden lies on the employer of proving that the employee was not so dismissed, threatened with dismissal, prejudiced or threatened with prejudice by reason that he proposed so to appear as a witness or to give evidence. 30 35

(4) This section binds Australia as an employer, but does not render Australia liable to prosecution.

24. For the purposes of an inquiry under this Act, a Commissioner, or a person acting with the authority of a Commissioner, may, after giving reasonable notice to the occupier of any land, building or place—

Power to enter on land, &c.

- 5 (a) enter and inspect the land, building or place; and
(b) inspect any material on the land, or on or in the building or place.

25. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Regulations.



Environment Protection (Impact of Proposals) Act 1975

No. 36 of 1975

AN ACT

To amend the *Environment Protection (Impact of Proposals) Act 1974*.

[Assented to 19 May 1975]

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

1. (1) This Act may be cited as the *Environment Protection (Impact of Proposals) Act 1975*. Short title and citation.
- 5 (2) The *Environment Protection (Impact of Proposals) Act 1974** is in this Act referred to as the Principal Act.
- (3) The Principal Act, as amended by this Act, may be cited as the *Environment Protection (Impact of Proposals) Act 1974-1975*.
- 10 2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.
3. Section 5 of the Principal Act is amended by inserting in sub-section (2), before the word "financial", the word "direct". Object of Act.

* Act No. 164, 1974.

4. Section 24 of the Principal Act is repealed and the following section substituted:—

Power to enter on land, &c.

“ 24. (1) A Commissioner, or a person acting with the authority of a Commissioner, may, with the consent of the occupier of any land, building or place, enter the land, building or place for the purposes of an inquiry 5 under this Act.

“(2) Where a Commissioner has reason to believe that it is necessary or desirable for the purposes of an inquiry under this Act for him, or a person authorized by him, to enter any land, building or place, the Commissioner may make application to a Justice of the Peace for a warrant 10 authorizing the Commissioner or that person to enter the land, building or place for the purposes of the inquiry.

“(3) If, on an application under sub-section (2), the Justice of the Peace is satisfied by information on oath or affirmation that the issue of the warrant is reasonably required for the purposes of this Act, the 15 Justice of the Peace may grant a warrant authorizing the Commissioner, or that person, with such assistance as he thinks necessary, to enter the land, building or place for the purposes of the inquiry.

“(4) A warrant under sub-section (3) shall specify a date after which the warrant ceases to have effect. 20

“(5) Where a Commissioner, or a person acting with the authority of a Commissioner, enters any land, building or place in pursuance of sub-section (1) or of a warrant granted under sub-section (3) for the purposes of an inquiry under this Act, he may—

- (a) inspect the land, building or place; and 25
- (b) inspect any material on the land, or on or in the building or place.

“(6) A person shall not, without reasonable excuse, obstruct or hinder a Commissioner, or a person authorized by a Commissioner, acting in pursuance of a warrant granted under sub-section (3) or in pursuance of sub-section (5). 30

Penalty: \$200.

“(7) In this section, ‘occupier’, in relation to land, a building or a place, includes the person in charge of the land, building or place, as the case may be.”. 35

Department of Environment, Housing and Community Development

Lombard House Allara Street Canberra City ACT 2601 PO Box 1890 Telephone 475022 Telegrams ENHOCODEV Telex 62552

THE SECRETARY

In Reply Please Quote:

15 MAY 1978

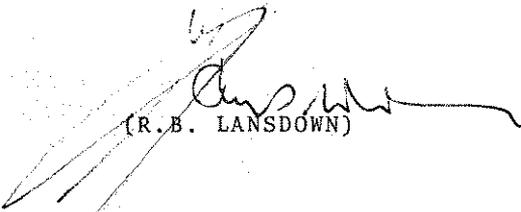
Dear Mr. Cummins,

I refer to your letter of 4 April 1978 on behalf of the House of Representatives Standing Committee on Environment and Conservation seeking information about legal opinion regarding the scope of the Environment Protection (Impact of Proposals) Act.

It has been the practice of the Department to seek advice from the Attorney-General's Department in relation to particular matters arising in the administration of the Act. We have not sought specific advice on the overall scope of the Act.

You may, however, be interested in comments made by a former Attorney-General Mr. R.J. Ellicott, Q.C., given in the course of advice on a particular aspect of the Act's application. In his opinion, Mr. Ellicott advised that the object of the Act "applies generally throughout the range of Government action and Ministers and officials therefore need to keep in mind the requirements of the Act in all areas of Government decision making."

Yours sincerely,



(R.B. LANSDOWN)

Mr. J. Cummins,
Clerk to the Committee,
House of Representatives Standing
Committee on Environment and Conservation,
Parliament House,
CANBERRA. A.C.T. 2600

APPENDIX 7

PROGRAMS MODIFIED BECAUSE OF ENVIRONMENTAL ASSESSMENT

CONCORDE FLIGHTS TO AUSTRALIA
GOOGONG DAM/CAPTAIN'S FLAT, N.S.W.
AUSTRALIAN GOVERNMENT OFFICE COMPLEX RINGWOOD,
VICTORIA
MOLONGLO PARKWAY, A.C.T.
NORTHCOTE TELEPHONE EXCHANGE, VICTORIA
PARRAMATTA TELEPHONE EXCHANGE, N.S.W.
PATHOLOGY LABORATORY, HOBART, TAS.
SYDNEY TEACHERS' COLLEGE, N.S.W.
FREMANTLE HOSPITAL, W.A.
A.N.L. CONTAINER TERMINAL, BOTANY BAY, N.S.W.
NATIONAL ACOUSTIC LABORATORY, CHATSWOOD, N.S.W.
ALICE SPRINGS COURTHOUSE, N.T.
AUSTRALIAN GOVERNMENT REGIONAL CENTRE, SUNSHINE,
VICTORIA
NATIONAL ANIMAL HEALTH LABORATORY, GEELONG,
VICTORIA
A.B.C. STUDIO, CHATSWOOD, N.S.W.
MOUNT TAYLOR T.V. TRANSLATOR, A.C.T.
DEVELOPMENT AND UPGRADING OF MOONEE PONDS CREEK,
MELBOURNE A.I.P. PROJECT, VICTORIA
BUS DEPOT, MORPHETVILLE, S.A.
MAIL EXCHANGE AND TRANSPORT CENTRE, CAMPBELL STREET,
HOBART, TAS.

Source: Department of Environment, Housing and Community
Development

APPENDIX 8

ORGANISATIONS EXEMPT OR PARTIALLY EXEMPT FROM CONSIDERATION BY THE LOCATION OF AUSTRALIAN GOVERNMENT EMPLOYMENT COMMITTEE

Capital Territory (except proposals outside the A.C.T.)
Northern Territory (except proposals outside the N.T.)
All A.C.T. and N.T. units carrying out municipal or State-type functions wholly within these territories.
Aboriginal Hostels Pty. Ltd.
Aboriginal and Islander Marketing Pty. Ltd.
Aboriginal and Island Products Pty. Ltd.
Applied Ecology Pty. Ltd.
Albury-Wodonga Development Corporation (excepting location in Canberra)
Anglo-Australian Telescope Board
Australian Apple and Pear Corporation
Australian Canned Fruits Board
Australian Canned Fruit Sales Promotion Committee
Australian Dairy Corporation
Australian Dried Fruits Control Board
Australian Egg Board
Australian Industry Development Corporation
Australian Meat Board
Australian National Airlines Commission
Australian National Gallery
Australian National University
Australian Shipping Commission
Australian Stevedoring Industry Authority
Australian Tobacco Board
Australian War Memorial Board of Trustees
Australian Wheat Board
Australian Wine Board
Australian Wool Corporation
Australian Wool Testing Authority

British Phosphate Commission
Canberra College of Advanced Education
Christmas Island Phosphate Commission
Commonwealth Banking Corporation
 (a) Commonwealth Development Bank of Australia
 (b) Commonwealth Savings Bank of Australia
 (c) Commonwealth Trading Bank of Australia
Commonwealth Brickworks
Commonwealth Serum Laboratories
Darwin Reconstruction Commission
Export Finance and Insurance Commission
Fawnmac Industries Pty. Ltd.
Joint Coal Board
National Capital Development Commission
National Library of Australia
Plague Locust Control Commission
Qantas Airways Ltd.
Reserve Bank of Australia
River Murray Commission
Snowy Mountains Hydro-Electric Authority
Darwin Community College
Honey Board
Australian Atomic Energy Commission
Australian Broadcasting Commission
Australian Film Commission
Australian National Railways Commission
Australian Postal Commission
Australian Telecommunications Commission
Australian Tourist Commission
Commonwealth Hostels
Commonwealth Scientific and Industrial Research Organisation
Health Insurance Commission
Housing Loans Insurance Corporation

Hospitals and Health Services Commission

Overseas Telecommunications Commission

Pipeline Authority

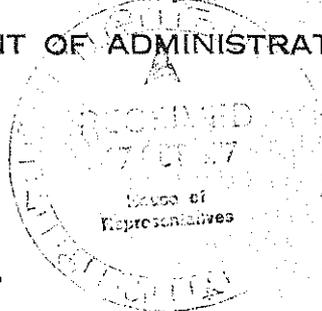
Snowy Mountains Engineering Corporation



DEPARTMENT OF ADMINISTRATIVE SERVICES

OFFICE OF THE
SECRETARY

17 OCT 1977

CANBERRA
A.C.T. 2600

Dear Mr Cummins,

I refer to your letter of 20 September 1977, seeking information about the Commonwealth's exemption from liability to pay rates or comply with the building and zoning regulations of local authorities.

The various questions are set out below together with relevant comments :

- (A) The legal basis on which the Commonwealth is exempted from the requirement to pay rates and comply with building and zoning regulations

Section 114 of the Constitution provides that "a State shall not, without the consent of the Parliament of the Commonwealth ... impose any tax on property of any kind belonging to the Commonwealth ..."

The provisions of Section 114 extend to general rates imposed either directly by a State Parliament or by local authorities established under State law.

Neither Section 114 nor any other constitutional provision or principle exempts the Commonwealth from water or sewerage rates to the extent that they are limited to fair and reasonable charges calculated by reference to the water and sewerage services actually provided to the Commonwealth.

Regarding State building and zoning legislation, the Commonwealth has an (implied) constitutional immunity. (It follows that the provisions of these State laws are not made applicable to the Commonwealth by the Commonwealth Places (Application of Laws) Act 1970 - see section 4(2)(a) of that Act.)

For the Commonwealth to pay rates or to comply with building and zoning regulations, as if it were legally bound to do so, appropriate provision would have to be given in Commonwealth legislation.

(B) The rationale for non-payment of rates

The conception behind section 114 of the Constitution was one of mutual immunity of State and Commonwealth agencies from the impositions and exactions of the Parliaments of the other.

(C) The rationale for non-compliance with building and zoning regulations when this occurs

The administration of policies on compliance with building regulations lies with the Department of Construction. I have therefore referred your question on this issue to Mr G. Warwick Smith for reply to you direct.

It is Commonwealth policy to comply with State and local government land use and planning schemes wherever possible, unless to do so would conflict with overriding national interests, e.g. defence requirements. Individual cases are treated on their merits and it is rare for a local authority's preferred use for Commonwealth land, as indicated by planning schemes, to be overridden.

(D) Circumstances where the Commonwealth would make ex gratia payments in lieu of rates

The Commonwealth has, over the years, agreed to pay, as an act of grace, the equivalent of municipal rates on certain classes of its properties.

Generally speaking an ex gratia payment is made where the Commonwealth has acquired property and the buildings and/or land are let or otherwise occupied by persons other than the Commonwealth. Where a property is not occupied, but held vacant for possible future government purposes, no payments are made.

Specifically, payments are made in accordance with Finance Directions 23/11 to 23/15, in the following circumstances :

- . rates in respect of Defence Service Homes;
- . where the Commonwealth acquires land on which are erected residential or business premises, whilst they continue to be occupied by persons other than Commonwealth representatives;
- . where a lessee or tenant pays either as a separate amount or within his rental an amount the equivalent of general rates; (where such an amount is not included in a rental it is the practice to require, as a condition of a lease, that the lessee should be responsible for rates);

- . where a lessee or tenant of the Commonwealth is a statutory authority engaged in the field of commercial enterprise;
- . where property is owned by a statutory authority which is subject to the Audit Act and which is engaged in the field of commercial enterprise; and
- . where homes are erected for use solely for domestic purposes; and
- . the Commonwealth will contribute towards the construction (not maintenance) of roads, footpaths, kerbing or guttering of land abutting Commonwealth property. The amount equals the sum that would have been payable to the local authorities under the appropriate State legislation if the land had been privately owned, subject to the reasonableness of the charge.

(E) Whether commercial undertakings such as Telecom and Australia Post are exempt from rate payments, and, if so, the rationale for their continued exemption

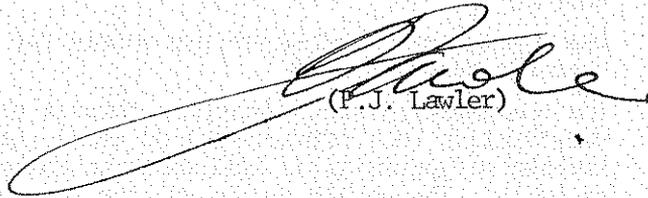
Commonwealth statutory authorities not subject to the Audit Act (i.e. those like Telecom and Australia Post that are established by their Acts as bodies corporate with power to hold real property) are, under their constituting Act, generally immune from State and Territory rating legislation to the same extent as the Commonwealth - see for example section 80 of the Telecommunications Act 1975 and section 83 of the Postal Services Act 1975. These statutory immunities could be removed by the Commonwealth Parliament.

Such statutory authorities are not required to follow the Finance Directions and therefore are able to establish their own policy as to the payment of rates. They are encouraged by this Department to adopt the Commonwealth's policy and generally do so.

You have also raised the question of the non-payment of rates by the Commonwealth in respect of the former Leyland property. This property is now owned by the Commonwealth and allocated for use by the Department of Defence. In accordance with the policies described above, payments are made to the Municipality of South Sydney in lieu of charges for services rendered by that Authority but no payments are made in lieu of general rates. Other than the payments made at present, no compensation is paid to local government authorities for any loss of revenue due to the

Commonwealth's acquisition of land. General rates for the current year would be some \$247,500 if they were to be levied.

Yours sincerely,



(P.J. Lawler)

Mr J. Cummins,
Acting Clerk to the Committee,
Standing Committee on Environment and
Conservation,
Parliament House,
CANBERRA, A.C.T. 2600