

**GOVERNMENT RESPONSE
TO THE JOINT STANDING COMMITTEE'S
ROUNDTABLE PUBLIC HEARING:**

REVIEW OF THE GRIFFIN LEGACY AMENDMENTS

**THE HON JIM LLOYD MP
MINISTER FOR LOCAL GOVERNMENT, TERRITORIES AND
ROADS**

July 2007

THE GOVERNMENT’S RESPONSE

Recommendation 1: The committee recommends that the Minister for Local Government, Territories and Roads in the future provides the Joint Standing Committee on the National Capital and External Territories with the option of inquiring into every Draft Amendment to the National Capital Plan. Where the committee requests an inquiry, the Draft Amendment under consideration should not be tabled until after the committee completes its inquiry.

Not agreed.

The Resolution of Appointment is the source of authority for the establishment and operations of the Committee. The current Resolution was passed by the House of Representatives and the Senate on 18 November 2004 and provides that the Minister for Local Government, Territories and Roads (the Minister) may refer draft amendments to the National Capital Plan to the Committee for its consideration. While it has generally been the government’s practice to refer draft amendments to the National Capital Plan to the Committee, the government considers that the Minister should retain the discretion to do so.

Currently, as part of the approval process for draft amendments, the Minister provides a copy of draft amendments to the Committee giving them the opportunity to indicate if they wish to conduct an inquiry into the amendments. In addition to this, the Committee is also given the opportunity to be briefed on draft amendments. In the case of the Griffin Legacy Draft Amendments, the Committee was provided with private briefings throughout the development of the Griffin Legacy.

As part of the draft amendment process, there is usually time for the Committee to conduct inquiries, however there can be matters of national significance which may not allow time for full consideration by the Committee.

Recommendation 2: The committee recommends that the National Capital Authority explore options for ensuring that submissions to all the Authority’s consultation processes are made publicly available subject to full approval by the submitter and compliance with relevant privacy principles and advise the committee.

Agreed.

Submissions received during consultation processes will be made publicly available providing approval is obtained by the submitter and all relevant privacy principles are adhered to.

The National Capital Authority (NCA) has already released its Consultation Protocol (the Protocol) which includes the requirement to publicly release submissions. The

Protocol also sets out the minimum requirements for consultation which must be carried out:

- 1) when the Plan is being made or amended;
- 2) when a Development Control Plan (DCP) is being made;
- 3) on a development application; and
- 4) when the NCA informs community and stakeholders on an annual basis.

The Protocol seeks to formalise, clarify and guide the community and stakeholders to ensure consistency in the application of consultation within the legislative requirements, as outlined in the *Australian Capital Territory (Planning and Land Management Act 1988* and the *National Capital Plan*.

The Protocol is available on the NCA's website here:

http://www.nationalcapital.gov.au/downloads/planning_and_urban_design/consultation_reports/Consultation_Protocol_July2007.pdf

Recommendation 3: The committee recommends that before 29 March 2007 the Minister for Local Government, Territories and Roads moves to disallow Amendments 56, 59, 60 and 61 so that the National Capital Authority has the opportunity to further refine the amendments taking into account issues raised in the committee's report.

Not agreed.

After the Committee's report was tabled, the Minister publicly declined to disallow the Amendments.

The disallowance period ended in the House of Representatives on 22 March 2007.

On 29 March 2007 the Australian Greens Senator, Bob Brown moved to disallow the Amendments in the Senate. The debate and vote on the disallowance motion was held on 10 May 2007 and was not supported by the Senate. The Amendments are now incorporated in the National Capital Plan.