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AND EXTERNAL TERRITORIES

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JOINT STANDING
COMMITTEE ON NATIONAL CAPITAL AND EXTERNAL TERRITORIES

Wednesday, 17 June 2009

Members: Senator Lundy (*Chair*), Mr Secker (*Deputy Chair*), Senators Crossin, Ferguson, Humphries and Joyce and Mr Adams, Ms Burke, Ms Annette Ellis, Mr Neville and Mr Turnour

Members in attendance: Senators Ferguson, Humphries, Joyce and Lundy and Mr Adams, Ms Burke, Ms Annette Ellis, Mr Secker and Mr Turnour

Terms of reference for the inquiry:

To inquire into and report on:

National Capital Authority

WITNESSES

AITKIN, Professor Don, Acting Chairman, National Capital Authority 1

RAKE, Mr Gary Michael, Chief Executive, National Capital Authority 1

Committee met at 12.52 pm**AITKIN, Professor Don, Acting Chairman, National Capital Authority****RAKE, Mr Gary Michael, Chief Executive, National Capital Authority**

CHAIR (Senator Lundy)—I declare open this public hearing. In July 2008 the committee released its report entitled *The way forward: inquiry into the role of the National Capital Authority*. As part of that report, the committee made a series of recommendations which sought to enhance the governance and accountability of the National Capital Authority. In particular, recommendation 3 proposed that representatives of the NCA appear regularly at public hearings before the committee to account for its performance. This is the first public hearing arising from that recommendation. The chairperson of the NCA will have an opportunity to make a statement outlining key achievements and performance against objectives. The evidence given today will be recorded by *Hansard* and attracts parliamentary privilege. Before introducing the witnesses, I refer members of the media who may be monitoring this hearing to the need to fairly and accurately report the proceedings of the committee.

With that formal statement, I now welcome representatives of the National Capital Authority to today's hearing. Although the committee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the respective houses. I now invite you to make an opening statement to the committee.

Prof. Aitkin—Thank you, Senator. I will start with a brief personal introduction. My links with Canberra go back to 1923, when my great uncle worked on Parliament House. My mother visited him and his wife in the early twenties and then came as a teacher to Telopea Park, where she taught Gough Whitlam. She met my father, and they came back to Canberra in the 1940s. My father was the maths master of Canberra High, and I went to Ainslie Primary School, with one year at Canberra High School. And then I left in the fifties to go to Armidale. When I left, I went from one country town to another; they were approximately the same size. Fifty years later, Armidale is twice as large as it was—there are now 25,000 people—and Canberra has 350,000 people. I have been here for two-thirds of my life and I have seen it grow from a small country town into the city that it now is.

I have worked for the Commonwealth as a statutory officer. I have also worked in the ACT jurisdiction, where I am currently Chairman of the Cultural Facilities Corporation. So I have a pretty good sense of both federal-territory relations and the growth of Canberra, and a very clear sense of Canberra as being two cities. One is the city in which we live; the other is the national capital. They overlap: you can see them almost as transparencies floating across one another. It is often difficult for people who live here—and you get this very much in public print and in angry questions—to see that in fact they live in a very interesting and different city which has two characteristics. The NCA's responsibility is to manage and plan for the national capital, not for the city in which we live, if I can make that distinction.

I am very pleased and proud to be the chairperson of the authority, and I look forward to working with you, Chair, and all the members of your committee in making this, even more than it is today, a work of art among the world's capital cities and something in which the

Commonwealth has an absolutely primary place in that it is the sole owner of every square metre of the land. In fact, the country is inconceivable without a national capital. There would not have been Federation had there not been agreement to choose a new place. This was the place chosen.

Those are my opening remarks. I do not think I would get much disagreement from anyone across the table.

CHAIR—We appreciate the introduction.

Prof. Aitkin—The National Capital Authority has, I think, got a lot going for it. Speaking now as the chair, the morale of staff is good. We have a new chief executive, on my right, Gary Rake. We are doing good things. We did some good things in the last year, 2007-08, the report on which you of course all have, and we are trying to engage more of the citizens who live in the city with the realisation that Canberra is growing. Canberra will have 500,000 people by 2030 or thereabouts. It will have three-quarters of a million people by 2050. It will grow because the country grows. If the country does not grow then Canberra will not either. But all the urban areas of Australia have grown in rough proportion to the growth of the country itself. The rural areas do not grow so quickly. We have to plan for a city of half a million. My personal agenda is that, with everything we look at, we should think in terms of: is this going to work for half a million people? Because it is only 22 years until that will occur.

We have a very professional organisation, and we win lots of prizes and awards for the things we do. One reason is that the Commonwealth, quite properly, funds the work that we do at the right level. If we are building an overpass at Kings Avenue, some will say, 'This is overengineered,' but I will say: 'No, this is the national capital of Australia and what we do here cannot be gimcrack. It can't be shoddy; it has to be of the right quality.' We may not get the money to do everything we think ought to be done, but at least we get the money that enables us to do what we do well. I think it would be useful if I answered questions rather than spoke any further—

CHAIR—Sure.

Prof. Aitkin—but I am happy to do so if you would like.

CHAIR—No problem. Mr Rake, did you want to make an opening statement or are you happy just to respond to questions?

Mr Rake—No, I have nothing to add.

CHAIR—Okay. I will start by offering my congratulations to you on your appointment as CEO. I know you have got a long period of experience within the NCA and I think that that continuity is good for the organisation.

Mr Rake—Thank you.

CHAIR—May I start by offering my congratulations to you on your appointment as CEO. I know you have a long period of experience within the NCA and for that reason the continuity is good for the organisation.

Mr Rake—Thank you.

CHAIR—What is the NCA's understanding of the progress of the government's response to our report on the role of the National Capital Authority? We understand that a review is being conducted by the Department of Finance and Deregulation on the functions of the National Capital Authority so I want to ask, in the first instance, what the current status of that review is. What stage is it at? Secondly, what progress has been made to start the discussion, or at least provide terms of reference, on what I call the update of the National Capital Plan and how it fits with the territory plan? They were two key recommendations of reform—recommendation 18, I am referring to. Would you provide the committee with an update on progress in both of those regards.

Prof. Aitkin—I think I should defer to the chief executive because this is a matter that runs into the Public Service of Australia.

CHAIR—I appreciate that. It is very much a functional, 'where things are at' question.

Mr Rake—Both of those recommendations are being implemented by the government. That was confirmed in its response to the report. The first one, the functional review, is being chaired by the Attorney-General's Department. It is an interdepartmental committee. A large body of work has been undertaken there and it is currently being finalised and made ready for clearance through the bureaucratic process for presentation for government consideration.

The second part is a planning review that will be conducted jointly with the ACT government. The focus of that will be simplifying and streamlining the planning arrangements in the ACT. There have been discussions between the Commonwealth and the ACT government as to the terms of reference. Those are still internal to those parties at the moment, but agreement on the terms of reference is getting close. I think those activities have occurred in the correct order: we agree the functions first and, having established that there is a need for a planning function, we move on with defining the terms of reference. The intergovernmental committee will commence its serious work on the planning arrangements in the next couple of months.

CHAIR—Is there any indicative time frame for the completion of that intergovernmental committee on planning and reform?

Mr Rake—We are still working to a fairly ambitious time line. We are aiming for the end of this calendar year. There is no doubt that it will be a challenging time line to meet.

CHAIR—I also have questions about specific projects and initiatives that the National Capital Authority is involved in. Firstly, do any members of the committee have any questions about processes arising out of the role of the National Capital Authority report?

Senator HUMPHRIES—Yes. The functional review is intended to be the basis for any changed relationship that the NCA has. The simplifying planning interface exercise you mentioned with the ACT government is meant to be addressing this issue, which the government has publicly raised, of having a poor interface between the two planning systems. I assume that is the mechanism for dealing with that issue. I assumed that the government was going to announce some kind of new format for the planning of Canberra based on the criticisms that

were levied at the NCA before the last election. So is the functional review, as you understand it, intended to be the vehicle for restructuring in the NCA, providing for any reforms that the government might be intending to introduce to the NCA, or is there some other process going on to deal with that issue?

Mr Rake—The functional review will be the primary vehicle if there is to be a change in the functions or the roles performed by the NCA. So the functional review, to simplify the terms of reference, is looking at the extent of Commonwealth services or Commonwealth interest in the national capital and the optimal means of delivering those services or fulfilling those interests. By virtue of the NCA being one of the main vehicles for the expression of the Commonwealth interest in the national capital it has focused a lot on our functions. The planning review is, as you say, looking at the perceived overlap in the planning systems and whether the arrangements that were put in place at self-government are still the right arrangements.

Senator HUMPHRIES—What is the time frame for that interface with the ACT planning system review?

Mr Rake—That is the one where terms of reference have been discussed between the Commonwealth and the ACT and agreement is nigh on those terms of reference. We commence work in the next month or two, aiming at completion towards the end of this year, although that will be a very ambitious time frame.

Senator HUMPHRIES—So both the functional review and the planning interface review are expected to be finished by the end of this year.

Mr Rake—That is still the target, but there will be a lot of work to get done in a short period of time with two jurisdictions and a lot of interest.

Prof. Aitkin—If I could gloss that just slightly, in your own review of the NCA you pointed out that the Commonwealth cannot avoid a responsibility because it is the sole landowner. If for nothing else it cannot avoid responsibility. And the government accepted that in its response to you. So the question is: what is the best way of doing this? That is what we are waiting to hear: what is the best way of discharging the Commonwealth's responsibility for the planning and management of the national capital. When that is decided, it will be much easier to say: what do we do about the land? One comes before the other.

CHAIR—My understanding is the sequencing is that the functional review has largely been completed but is now in the bureaucratic channels heading towards the executive.

Mr Rake—Correct.

CHAIR—In the meantime work has begun on the terms of reference for the planning review. I would presume that we will hear about the results of the functional review or at least know that they have been considered by the executive as the planning review starts. Do you know whether the outcomes of the functional review will be made public?

Mr Rake—I do not know the answer to that.

CHAIR—That is a question for the minister. Okay. Excellent. My understanding is that the planning review, depending on the outcomes, may result in draft amendments coming forward to the national capital plan and possibly legislative changes to the territory plan in the ACT assembly to make sure that the outcomes marry up in both spheres of government. Is that correct?

Prof. Aitkin—Yes, that would be our expectation.

Mr Rake—It is certainly a possibility.

CHAIR—That is my understanding as well.

Mr ADAMS—I am very pleased to hear Professor Aitkin's words on real commitment to Canberra. I am very pleased to come here, quite often. I do not see as much as I would like to but I am really interested in the promotional side of Canberra, which we dealt with in our report. Have you dealt with that, or have the other issues been dominating your considerations?

Mr Rake—Again there will be staging in terms of the functional review looking at the extent to which we are involved in the promotional aspects related with Canberra. But we continue our main activity, which is the operation of the national capital exhibition at Regatta Point. In the second half of last year we opened a new temporary exhibition there commemorating the centenary of the selection of the site and we are currently working on a series of temporary exhibitions commemorating key milestones between now and the more formal centenary of the national capital in 2013. The next one we are working on is commemorating the centenary of Scrivener's surveys of Canberra. In my recent time confirmed in the role of chief executive I have been going around and speaking to each of the national institutions and positing the view that the NCA is ideally placed to work I guess as a bit of a servant to the national institutions in helping coordinate some of the interactions between them both in land management and in a promotional sense.

Mr ADAMS—I was also interested in the promotion of Canberra fitting into the world sense of other capitals that are not necessarily the biggest centres et cetera and that are planned capitals. I was in Canada recently and I had not realised that when they became a federation they got Queen Victoria to choose because they could not make a decision between Upper Canada and Lower Canada, so they used another process and got Queen Victoria to choose the site.

Prof. Aitkin—I think she was given just a little help there. Actually, the American and Canadian capitals have the same kinds of positions. Ottawa is directly on the border of Ontario and Quebec, and Washington is directly on the division between the north and the south. We did not have that. Going back to your promotion question, as a former teacher and as a political scientist—in fact when I leave here I will be going to teach a leadership group for the next three hours on exactly this question—I know that we have different levels of belonging. If you live in a country town you belong to the town; you also belong to the state and you also belong to the nation. There is no need to see these things in competition. Maths people would call them a nesting set; they are equally valid. The only point is when one belonging gets in the way of the other.

One of the things the NCA can do is to try and take up that position and educate Australians about it. For example, if you came as a visitor to something that I was organising, I would say, 'Welcome to your city.' Only one in 100 people say, 'What do you mean?' They understand instantly what I am saying, because I am welcoming them to their national capital.

Mr ADAMS—That is an important point.

Prof. Aitkin—There is quite a lot of sledging about the national capital but there is also, as there is in Canada and in the US, a pride in it. It says something about who we are. We are a nation. This is our capital. This capital, if I may be allowed to say so, is the only one in the world which is a continuing work of art because the people who set it up, the founders, made the extraordinarily important decision to keep the land leasehold and not to alienate it.

Mr ADAMS—And we have some very good planning principles that I think should be protected.

Prof. Aitkin—Excellent.

Mr Rake—If I may add, we are continuing our dialogue. We have a working group called the Capitals Alliance, which is a working group of the deliberately planned national capitals around the world, Canberra, Ottawa, Washington and Brasilia, and we maintain an active dialogue there because there are lessons that we can learn from each other. With the improvements in electronic technology, as long as we can arrange a time when we are all happy to sit at the phone or at our computers, we can maintain that dialogue in quite an efficient manner.

Mr ADAMS—I certainly hope that you keep the committee up to date on that.

Mr Rake—I am happy to do so.

Senator FERGUSON—You can certainly learn something from Brasilia, anyway, about where not to put a capital.

Mr Rake—Yes.

Prof. Aitkin—And about how big not to make it.

Senator FERGUSON—Yes. I was just looking through your portfolio budget statements. I noticed that in the out years you have constant dollar figures of funding, which does not allow for any sort of increase in inflation. I wonder how you think the NCA, with a constant dollar funding, can cope without cutting into some of its services or its personnel.

Prof. Aitkin—As chairman, I would have to say that the NCA, like every other Commonwealth agency, will operate within the money that is allocated to it. Having been responsible for another Commonwealth agency some years ago, I would also say that the amount of money that we could dispose of effectively is almost infinite. So somewhere between those two extremes there is a better figure than the present one. However, we understand also that the economic conditions in this country are serious, and for the next little while we will do the best we can.

Mr Rake—I support that entirely.

Senator FERGUSON—You talked a bit about the promotion and awareness of the significance of Canberra as a national capital. I think the closer you live to Canberra the more importance that has. I live in the country in South Australia, where there is not a significant interest in the promotion of Canberra as a capital, I can tell you. The people who are most interested in Canberra are those who have actually visited the place, which is very few people—although I do think every schoolchild should at some stage in their schooling visit the national capital.

Prof. Aitkin—And lots do.

Senator FERGUSON—Yes, a lot do. But regarding the next line in the budget about advocacy, enhancement and management of the national capital estate, which is a significant line item of some \$11 billion, can you give me an example where money would be spent on advocacy and enhancement as distinct from promotion and awareness of the significance of the capital?

Prof. Aitkin—I will defer to Mr Rake.

Mr Rake—That entire program item is related to management of built assets in the national capital estate. An example of advocacy would be highlighting the need to create a new commemorative structure. If there were a strong and significant national interest in creating a new memorial on Anzac Parade that is currently not recognised and not yet being pressed by any proponent group, it would fall to us to propose it. That advocacy role would fall to us. The majority of the funding spent under that output is purely related to management of significant national assets in the national capital estate, such as the parliamentary zone, Lake Burley Griffin and the Carillon. It is almost entirely an asset management line item. That is why it is so large. We manage approximately \$700 million worth of assets.

Senator FERGUSON—Where is the dividing line between the work you do in advocacy and that of the territory government?

Mr Rake—It falls to the separation between the national interest and the city interest. We are interested in representing Canberra as the national capital for all Australians, so our advocacy would be only for matters of special national importance.

Senator FERGUSON—But there must be some areas where there is an overlap.

Prof. Aitkin—Yes. There is no doubt there is an overlap. I said that before when I posed the two transparencies over each other. For example, the ACT government is very keen on the national cultural institutions doing well. Why? Because they bring tourists to Canberra. Why are they interested in that? Because they stay in hotels and so forth. There is an economic flow that is inescapable. But that is not our job. It is not our job to support the national cultural institutions so that people stay in hotels in Canberra. We would not put our resources into that. But we would, for example, say to your citizens in South Australia that the police memorial includes the list of all the South Australian police who have been killed on duty. When South Australians

come to the national capital, especially if they have that interest, I would take them and show them, because this is the capital for all Australians.

Senator FERGUSON—But there would be some people who would argue that, if you have a memorial listing the South Australian police who have been killed in the line of duty, it should be in Adelaide not Canberra.

Prof. Aitkin—But what we do here is celebrate to Queenslanders and Victorians what has happened in South Australia. That would be my response to that. You can have both. There is no need—

Senator FERGUSON—The national capital is not the only place that has national cultural institutions. Sydney has them; Melbourne has them. Many of the institutions there are national as well.

Prof. Aitkin—Of course. The oldest and wealthiest gallery in Australia is the National Gallery of Victoria.

Senator FERGUSON—Yes, that is right.

CHAIR—Just continuing on from my whole point about a general approach, one of the discussions that has been occurring about the NCA is the extent to which they engage in this promotional type of activity. I also appreciate the subtle differences on motivation for that activity. There is a very practical economic argument to drive tourism here, but there is also a very practical and important reason to drive visitation here so the citizens of Australia can experience the environments of our cultural institutions, visit the parliament and the War Memorial and get a sense of belonging that is associated with their national capital. Where are you at in articulating that motivation within the organisation, or is this one of those issues that is being addressed specifically as part of the functional review?

Mr Rake—That is certainly being expressly considered as part of the functional review. But until we have an outcome there and until government makes a decision we still have a very strong focus, and I have outlined some of that before. I agree that every school child should visit the national capital. A lot of our effort goes into producing efficient teaching resources for the teachers to use in classrooms once they return from their visit.

CHAIR—I go now to a few more specifics. One of the concerns raised in the role of the national capital report was the resourcing to some of the smaller national capital attractions within the parliamentary zone, such as Blundells Cottage, the National Capital Exhibition, the Carillon and the foreshore area of Commonwealth Place. Can you report back to the committee the nature of your ongoing investment in those facilities and whether there has been any change? And what is the state of health of those aspects of your responsibilities?

Prof. Aitkin—As you would have gleaned from an answer to an earlier question, we have basically static funding so we will be doing essentially what we did last year with respect to each of those; but if there is a difference I will ask Gary to say something about it.

Mr Rake—No, we are continuing as we did last year. In rationing our funding our focus is on maintaining the assets that we have in a safe condition. We are protecting public safety and we are making sure that we do not allow any key national asset to fall into such disrepair that it cannot be salvaged. So we have got a focus on asset protection and asset maintenance but we have also worked hard to make sure that none of our public facilities close indefinitely. We have had to reduce the operating hours. We did that last year. We do not foresee the need to reduce them any further. We have been able to implement those changes in a manner that I think has maintained reasonably good public access.

CHAIR—Thank you for that. I take you to an issue that I know has been the subject of some public comment recently: it is the ASIO building. I think it is formally known as the ‘Commonwealth new building project’ and I appreciate that. I should say that we received your correspondence about that project but for the purpose of the public interest in this can you explain to the committee the current status of this project and some of the concerns that have been expressed?

Prof. Aitkin—The current status of the project is that works approval has been given for the fence, for some site excavation and for servicing, but that is as far as works approval has gone. We are all handicapped by the fact that I cannot say publicly that this is an ASIO building—I can only say it is a Commonwealth building, the Department of Finance and Deregulation, et cetera. Of course, this makes us look a bit silly publicly when people say ‘How have you allowed this?’ The answer is that it is consistent with the national plan. It was approved before my watch. What we are doing at the moment is simply following through on works approvals. It is undoubtedly true that some of the critics wish there was not an ASIO building at all. That is not a matter that either this committee or the NCA can do anything about. The second is that they think that it is too big, but in our judgment it is not too big. It is consistent with other buildings in the Russell area. And of course the extension of Constitution Avenue was planned to have large buildings there. So it is consistent even with what the NCA proposed and the previous government accepted.

CHAIR—For the sake of clarity, my understanding is that the envelope for that development was part of the Constitution Avenue element of the Griffin Legacy amendments, with that original—

Mr Rake—That is correct. It is reasonably clear on those that there would be a different scale of development on that site. I think it is fair to say that in our discussions over works approval that, as with every development, occasionally there will be requests by developers to stretch the boundaries of the approval and we are not compromising on our values there. It has to be consistent with the National Capital Plan, as amended by amendment 60. There have been some requests that we have said no to and we will continue to say no. If it is inconsistent then it will not go ahead.

Senator HUMPHRIES—I am pleased to hear that, but one of the other elements that I understood were present in the Griffin Legacy proposals was that the buildings on Constitution Avenue should come close to the boundary of the street, so that we have an avenue effect with interfacing between the buildings as much as possible. The plans that we have seen here, which may not be—

CHAIR—‘Boulevard’ is, I think, the term that was used.

Senator HUMPHRIES—Yes, the Champs-Élysées effect was at one stage suggested. I do not know how indicative this diagram is but it demonstrates that the setback for this building is about twice as far—looking at buildings on the other side of the road, it is three times the distance that these buildings on the north side of Constitution Avenue have. I appreciate that you cannot rigorously enforce every element of that, but do you really see a configuration like that on that side as enhancing the Griffin Legacy concept?

Mr Rake—The best way to answer that would be to again say that amendment 60, as described and as ultimately put through to the plan, does allow for work of the setback that is occurring on the site to occur in that place. It is a different treatment to some of the other buildings that are envisaged for Constitution Avenue.

Senator HUMPHRIES—Yes, but if the concept were to have a boulevard effect, it would also be consistent with that vision to have the buildings closer to the edge of the road. Can I ask you whether they are not close to the edge of the road because of the nature of the building, because of the nature of the activities that will take place in the building?

Prof. Aitkin—I think you can ask but we cannot answer. I do not know the answer to that question.

Mr Rake—In terms of looking at the intent of buildings we are then starting to look at the intent and the thinking behind an amendment that has been and gone in this regard. The development that is going ahead there, as I have said a couple of times, is as contemplated when that amendment was prepared. It is consistent with what is allowed in that amendment.

Senator HUMPHRIES—I will ask the question another way. If you as planners, as people responsible for a certain vision for Canberra’s design, were looking at the design of this building and came to the view that in an ideal world the needs of this building were not best satisfied on that site because of the special nature of the Constitution Avenue planning parameters, is it open to you to reject the building on that site and to say that the building should not proceed on that site?

Mr Rake—Not if it is consistent with the National Capital Plan. If as planners we came to that view, the appropriate course of action would be to propose a further amendment to the National Capital Plan that changed the planning arrangements on Constitution Avenue again. As it stands, we have works approval applications before us that are based on the planning regime as it stands and we need to assess them according to that regime.

Senator HUMPHRIES—Okay.

Ms ANNETTE ELLIS—I would like to take that a little further. I guess I am asking you to again state what you have just stated. What you are actually telling us is that, under the circumstances of the planning, through that amendment 60 and this design, you have no power whatsoever, even if you wished to exercise it, to suggest that that building be moved closer to Constitution Avenue. You are not able to suggest or request that that be considered?

Mr Rake—We could certainly suggest, but we could not ‘capital r’ request. We could not say, ‘Your works approval is dependent on agreeing to that request.’

Ms ANNETTE ELLIS—Would it be fair to say that, in the words of the NCA, generally that sort of discussion would be held in other cases? I do not mean a ‘capital r’ request but negotiations and discussions being held to get a good outcome; that would have happened in the past, I am sure.

Mr Rake—There certainly is, and that falls in the area of pursuing design excellence.

Ms ANNETTE ELLIS—Yes, exactly. Before you go on I would just add that, as you said, when amendment 60 went through, the nature of this building, whatever it might have been at the time, was made possible on this piece of land through amendment 60, having not seen this proposal at that stage.

Mr Rake—Correct.

Ms ANNETTE ELLIS—So, within amendment 60, this particular area of land was always going to allow a building of this height should it be so requested, even though it had not been requested at that time?

Mr Rake—That is correct. The height is one of the areas about which we had to talk to the developers and, indeed, maintain our position that that height is appropriate—

Ms ANNETTE ELLIS—Did they want to go higher?

Mr Rake—and that it could not go higher.

Ms ANNETTE ELLIS—Even though they may have wished to.

Mr Rake—Correct.

Ms ANNETTE ELLIS—Do you think there is a chance that there might be a discussion about a request about the location of the footprint if it is considered a good idea?

Mr Rake—At this point I am not sure that discussion will occur in that we have already granted in principle works approval for the overall design which would include the footprint and we are now down to the point of dealing with staged works approvals as we go along. To the extent that excavations are occurring based on a footprint under a works approval that is already granted, it would be a bit late to move it.

Ms ANNETTE ELLIS—The horse has bolted.

Senator HUMPHRIES—I suppose you could always wait until ASIO does not want the building anymore and then build something in front of it, between the building and the avenue.

CHAIR—Perhaps some kiosks!

Ms ANNETTE ELLIS—I am just hoping that there might be enough room at the rear of it—if I can call Parkes Way the rear—to allow suitable greening to screen the huge size of the building on the lakefront which is basically what it almost is.

Mr Rake—In that regard the design will very much be that the building addresses Constitution Avenue and from Parkes Way it will be far more of a parkland approach to the building.

Ms ANNETTE ELLIS—You are right, Gary, it does address Constitution Avenue, but it is going to have an enormous impact on the lakeside vista.

Mr Rake—It will be visible from that side, but it is also very clear in the design work that they are doing that it should be more of a parkland setting—yes, parkland with a big building behind it but it should not have a primarily visible built frontage to Parkes Way.

Ms ANNETTE ELLIS—Even though some of these diagrams suggest it might be quite visible.

Mr Rake—It will certainly be visible; it is a large building.

Ms ANNETTE ELLIS—Thank you.

Prof. Aitkin—When the Constitution Avenue development was put forward it was clear that the Commonwealth would be a major developer, but at the time there was no specific building in mind. It was simply that there would be a major building there and this is the one that has emerged. I said earlier that I keep thinking in terms of a Canberra of half a million and three-quarters of a million people and making sure that we do not block off the possibility of having certain things in certain places. If you look at where we are now at 350,000 and you ask, ‘Where are another 150,000 going to live?’, the answer is that some will be in Molonglo; there is room for 55,000 or so there. There will be room for another 10,000 somewhere else, but you are still looking at where the other 100,000 are going to go. The answer has to be up.

Ms ANNETTE ELLIS—Sure, but not necessarily.

Prof. Aitkin—What I am getting at is that the general sense of Canberra will be more European and not North American. There will be more five-storey buildings by far in 20 years time than there are now. It will just change the way we look at the city. The alternative is to go Manhattanish and nobody, I think, wants that.

Senator HUMPHRIES—That is without expanding into the surrounding countryside.

Prof. Aitkin—We cannot. One of the spectres—I am not sure it is a spectre exactly—is that a big developer goes to the embattled Premier of New South Wales and offers to buy the whole of the land between Murrumbateman and Canberra and build a city there. That is outside the ACT but actually completely dependent on the national capital. That is where all the land is.

Ms ANNETTE ELLIS—It is not down in the south; that is for sure.

Senator HUMPHRIES—And use our schools and our hospitals.

Ms ANNETTE ELLIS—Charge people.

Mr ADAMS—There are a few constitutional issues there.

CHAIR—If we are finished with that particular subject, I should close it off by saying that we could receive a great deal of evidence at the time of the consideration of the Griffin Legacy amendments about concerns of the building envelopes that were foreshadowed in the Griffin Legacy amendment, I think it was draft amendment 60 for Constitution Ave. So the committee, I suppose, is sensitive to the criticisms of that envelope as it was originally presented and expressed our concerns that the time. In that regard it is not surprising that the same criticisms are now emerging as those envelopes are filled, so to speak.

Mr Rake—I will add to that one of the elements that the chairman and I have looked at in the way the National Capital Authority consults on draft amendments. We think that we could improve our consultation by coming forward at the appropriate time, which would probably be at the time that the minister signed off an amendment, to at least answer those things that we heard in consultations—to set out a statement of reasons, for want of a better term. That would outline the main things that we had heard during consultation, how we analysed it and what our response to that was—whether we changed our views because of what we heard or whether there was a reason that we had to reject those views—and we should be accountable and transparent in how we dealt with the things that were put to us.

Prof. Aitkin—The very next DA that we are dealing with will have such a report—

Mr Rake—Absolutely.

Prof. Aitkin—on consultation, and it will be published when it goes to the minister. We cannot release it before, but as soon as the minister has agreed or it is tabled in parliament we will publish that. People will be able to say, ‘Oh, we said that, and, look, that’s what they did.’ There is a tendency to see us as a bit of a black hole or a black box that ideas come into, but they do not go anywhere. We think that is wrong, and we want to change it.

CHAIR—Thank you for that.

Ms ANNETTE ELLIS—I think that the community comments that came in relation to the landmark buildings—for want of a better term—near the Albert Hall precinct are a perfect example of, in that case, not DA but flag flying that terrified a lot of people. I think that is part of what you are saying as well. You are obviously very aware of that.

Prof. Aitkin—I want the NCA to engage with the citizens of Canberra about their future all the time—all the time—so that people are able to say that there is a dialogue. There is a rock and a hard place. We do not have land; we cannot go on having a garden city that is 200 kilometres long. There is no land for that. If there is, it is in New South Wales. There is the constitutional matter that you referred to. So there is going to be a changed shape, and I want people to understand that and begin to think about it. There are good things that will come from that. Mass transit is much more possible with half a million than it is with the present population—and so

on and so forth, the higher the density. Eighty per cent of the land within the city boundaries is open land. There is no other city in the world that has anything like that.

CHAIR—It is glorious.

Prof. Aitkin—Yes, I know, and we want to keep as much of it as we possibly can, but then you say, ‘Where are the people to live?’ I have had people say to me, ‘We don’t want any more people here,’ and I think, ‘What are you proposing—putting a fence across the Federal Highway and only allowing ACT registration plates in or something?’ It is not like that.

CHAIR—I do not want to debate it, but I think that the spatial plan and the Territory Plan have sought to accommodate those expansion zones and areas of new development. For me, the real challenge is the integration of the plans—

Prof. Aitkin—Yes.

CHAIR—as we have discussed earlier, so that there is complementarity.

Mr ADAMS—Chair, I think there is some unrealistic debate that occurs. I come from Tasmania, where we have the same debates about how big we should be, and there is some nonsense talked in that debate about how you grow or do not grow and how many people should live on an island—those sorts of things. I think some reasonable discussion about how you do it is what we should discuss and how we should discuss it.

Prof. Aitkin—That is why the consultation protocols that we are developing encourage people to make comments but also show them what happens and get them to see what other people’s views are as well.

Senator HUMPHRIES—There is a place for a debate about population policy.

Prof. Aitkin—Yes.

Senator HUMPHRIES—I do not expect that a city twice as large as the present Canberra would be as nice a place to live as the Canberra of today is, and I happen to share with the Chief Minister a view about how we should try and design a city and plan a city that might aim for an ideal size, given the limitations on our growth, particularly with respect to water. That is a much bigger debate for another day.

CHAIR—Can I suggest that we just—

Mr ADAMS—It is also a nonsense debate.

Senator HUMPHRIES—Well—

Ms ANNETTE ELLIS—See, it has already started!

CHAIR—We will let it go. I want to ask about the lake. I do so declaring my interest as the patron and a member of Canberra Rowing Club. Obviously, the issue of lake closures has been

the subject of great comment and interest locally. I want to take this opportunity to invite you to explain to the committee the NCA's policy and practice with respect to maintaining the health and safety of Lake Burley Griffin.

Prof. Aitkin—I will throw that to Gary, because he has been deeply involved in it.

Mr Rake—First and foremost, our primary obligation is public safety. We make our decisions taking advice from ACT Health, but we carry responsibility for the decisions. Those decisions are based on national guidelines set by the National Health and Medical Research Council. Essentially we have a tiered system. We measure the water quality in Lake Burley Griffin twice a week during the peak season. We look at indicators of unsafe levels of bacteria and count explicitly potentially toxic levels of blue-green algae. We have a sliding scale for making our decisions. Essentially we can give a warning when the levels are elevated but not particularly dangerously so. That is targeting people who may have individual susceptibility. At a higher level of threat, we can close the lake to recreation activities that involve full immersion in the water, like swimming. At the highest levels, we close the lake to all recreation activity where there is a risk of contact with the water. That primarily impacts on small-craft boating—rowing, canoeing, sailing.

The water testing is undertaken by a nationally accredited lab. They count the total level of blue-green algae and they also break that up into the individual strains so that we are not making decisions based on high levels of a harmless strain of bacteria. We only make our decisions based on real risk. Since February we have had particularly high levels of blue-green algae. In more recent months, those high levels have been of one of the more toxic strains, and that has resulted in the lake being entirely closed for a period of several weeks. One of the groups most impacted there was a group of elite rowers. The National Rowing Centre of Excellence is based in Canberra and there are a large number of people currently preparing for the world championships. When we close the lake, they cannot go out and train. We do not underestimate the inconvenience there.

We need to accept that this is a naturally occurring thing and will happen from time to time in the lake, but we have a definite interest in minimising the frequency, the intensity and the duration. We want the lake open and people out there using it as much as the recreational users want to be out there. We are commissioning a study that will look at why this year was so bad relative to others. We have some basic feeling about that but we want it backed by the science. We want to know whether there are some short-term solutions that we can put in place to either prevent recurrence of such bad blooms or, when we have a bloom, whether there is some active intervention we can put in place that will bring it to a close faster. Then we want to look long term at what we can do in the surrounding environment and the management of Lake Burley Griffin to reduce the frequency, duration and intensity.

In seeking that advice, we are looking to a major university to help us out, but we are also looking to a regional university that might be able to give us a feel as to what we will expect with predicted climate change. At this stage we are talking to the University of Central Queensland to help us out there. Again, we are looking at hot, dry summers and lower rainfall patterns over that to try and get a feel for what we might expect in the future and how we will deal with it.

CHAIR—Thanks for that. I have a couple of specific questions. First of all, can you point to the guideline that says that, when you are at that highest stage of potential toxicity from blue-green algae, a ban on small-craft boating is the standard response or part of the guideline response?

Mr Rake—The ACT government has a blue-green algae management plan. The NCA, as a land manager in the ACT, has agreed to abide by that policy. It provides that, at cell counts of over 50,000 cells per millilitre, water bodies are closed to all forms of recreation use. On Lake Burley Griffin, the ACT impose that themselves, in their jurisdiction on the Molonglo River at the waterski area, and we apply it on Lake Burley Griffin. The NCA has a slightly different mechanism for implementing those closures from that of the ACT government. The ACT government work with advisory warnings at the lower levels and, at the two higher levels, they simply have an ‘open’ or ‘closed’ statement. We close first for primary activities—allowing small craft to stay on the water a bit longer than they otherwise might—and it is only at those highest levels that we close it for those small-craft users.

CHAIR—You mentioned a policy. Is there anything in the NHMRC guidelines that recommends that small-craft boating be prevented?

Mr Rake—It talks about closure for recreation activities.

CHAIR—Does it make the distinction between immersing oneself or part of oneself in the water and being in a boat where you do not get wet?

Mr Rake—No, it does not. In that regard, we take the advice of ACT Health. They have recently reviewed their blue-green algae management plan. A final version was released as recently as this week, but it still maintains that distinction.

CHAIR—So you are not able to point me to a source where a scientific or medical authority nominates small-craft boating as presenting a specific health risk?

Mr Rake—I would argue that the ACT Health guidelines are exactly that authority for this jurisdiction.

CHAIR—But if I want to go deeper than that I would have to ask them for their reference?

Prof. Aitkin—NHMRC.

Mr Rake—Yes, you would. It goes to NHMRC. Indeed, the scientist who helped draft those, Professor Ian Falconer, lives here in Canberra and has been vocal in backing the—

CHAIR—I appreciate that, but I am trying to get to the heart of it on the public record because there is a lot of interest in it.

Mr Rake—We have had discussions with the rowing community. I note your interest and I confirm that you have had no part in any of these discussions. The Rowing Centre of Excellence is a nationally funded sporting body. We are serious about rowing in Australia and we are chasing gold medals. They have moved their centre of excellence to Canberra because it has

geographic features that enable them to train their rowers better than anywhere else in Australia. We are particularly keen to work with them and make sure they get out on the water. But there is nothing that can come forward to us from the biomechanists or anyone else to suggest that it is scientifically proven that the risk of getting wet, whether it be while rowing, getting into a boat, getting a boat out or cleaning a boat, is low enough to enable us to classify it as a non-water-contact activity.

Senator HUMPHRIES—I wanted to ask about a statement you made, Mr Chairman, about morale in the organisation. How many people have we got at the moment performing planning functions within the NCA?

Prof. Aitkin—We have 56 in all. How many are in planning functions?

Mr Rake—Approximately eight.

Senator HUMPHRIES—How many did you have two years ago?

Mr Rake—I will have to take that on notice and come back to you.

Senator HUMPHRIES—It was more than eight, I think, wasn't it?

Mr Rake—It would have been slightly more than eight. There have not been large cuts in the number of our planning staff though. It is one of our core statutory responsibilities. If there was a reduction in the overall number of planning staff, it may have been on some of the proactive planning works rather than the core statutory elements of that function.

Senator HUMPHRIES—Are proactive planning works things like Constitution Avenue?

Mr Rake—Correct.

Senator HUMPHRIES—Have you had much turnover in staff in the last two years?

Mr Rake—We did have a large turnover of staff last year both with staff that needed to be redeployed and a number of staff that moved on for personal reasons. But in the last six to 12 months the workforce has been quite stable. There has been a little bit of turnover in corporate functions but we still have a good body of corporate memory.

Senator HUMPHRIES—Have we got an expectation about when the board of the NCA will be finalised? Is it true to say, Professor Aitkin, that you are still an interim chairman?

Prof. Aitkin—Yes.

Senator HUMPHRIES—Is there no indication of when that is likely to be finalised? Are there any vacancies on the board at the moment?

Mr Rake—There is one vacancy on the board at the moment. Mr John Murray's term expired early May and there has not yet been a new appointment, although I understand that work is underway on that.

Senator HUMPHRIES—Are there any others that are likely to happen later on this year?

Mr Rake—No.

Prof. Aitkin—Not this year. Two other members' terms will come to an end about this time next year—perhaps a little earlier.

Mr Rake—I think it is in the early part of 2010.

CHAIR—I would like to ask about progress made against implementing the recommendations proposed by the Auditor-General in the performance audit of Asset Management by the National Capital Authority.

Mr Rake—In terms of improving our contract management, we have a new contract management framework in place. We have been working closely with our audit committee, chaired by an independent person. Implementation of that is almost complete.

The major one for implementation was a review of the diplomatic leasing arrangements. The NCA convened and chaired an interdepartmental committee. That committee has finished the majority of its work, and prepared a draft report. We have recently run that report past the Australian National Audit Office to see whether it adequately addressed their concerns, and they have confirmed that it does. That report will be ready for submission to the minister in the very near future.

CHAIR—Thank you for that.

Senator FERGUSON—And Scrivener?

Mr Rake—As to Scrivener Dam, we always contended the veracity of the report as put. Scrivener Dam has always been maintained in a safe condition and continues to be so. There are a number of upgrades to works that the report highlighted as having been deferred. Those works are either complete or currently underway.

CHAIR—Can I ask you about the current status of DA53, relating to Albert Hall? We made recommendations in our inquiry into the role of the National Capital Authority—specifically about draft amendment 53, given the contention at the time.

Prof. Aitkin—There has been no action in that area. The ACT government have not asked us to progress it. We have a little review going at the moment of it and a number of other DAs where no action has occurred and none seems likely to, and when we have done that we will certainly write to you and say so.

CHAIR—So we will look forward to you saying something about that.

Prof. Aitkin—Yes.

CHAIR—Finally—because I am very conscious of time; we are all going to have to race off to question time very shortly—I would like to ask about progress. I know that the NCA is

involved, because of their relationship with the management of the water of Lake Burley Griffin, with the initiative to supply a sustainable water source to the National Botanic Gardens. Again, this received significant coverage, with a 'splash', so to speak, on the front page of the *Canberra Times* just last Saturday. What can you tell the committee about the status of that particular project and the NCA's involvement?

Prof. Aitkin—I am happy to say that there is a good news story there, and Mr Rake has been immersed in it.

CHAIR—So to speak!

Mr Rake—We have been talking to the Botanic Gardens for about a year to help them get access to water from Lake Burley Griffin for watering the gardens. The initial impediment we had was that we work to a fixed abstraction cap, and we did not have room within that cap to accommodate a further licence. We were able to work closely and productively with the ACT government to increase the water available for abstraction from Lake Burley Griffin, and that has come to fruition in the last month. Indeed, this week we have been able to assure a water licence to the Botanic Gardens.

CHAIR—Oh!

Mr Rake—That has not been made public—

CHAIR—It has now!

Mr Rake—so there is the announcement. And the Botanic Gardens have been working in the background to prepare plans for a small pumping station that will move the water from Lake Burley Griffin up there, and they would look to have that in place, I imagine, by summer this year, but I must admit I cannot speak on behalf of the director of the Botanic Gardens for that, but I do know that Ms Duncan has been working very hard on those plans.

CHAIR—It is great to know that that was imminent. This is a public hearing, so it is out there now.

Mr Rake—Yes. There is nothing secret there. It does display some of the jurisdictional issues that we have to work around here.

CHAIR—Do you mean the delay?

Mr Rake—The delay. There were some legal matters that had to be worked through as to the regulation of water abstraction. They were complex matters. But again the parties all had a common desire—we all love the gardens, and it was a matter of finding a way through so that we could help them maintain their health and vigour.

Senator HUMPHRIES—Do they still have a cap on how much water can be taken?

Mr Rake—Yes, they do. The licence that we are granting them is 170 megalitres per year. So it is a reasonable size.

Senator HUMPHRIES—Do you know what their consumption is at the moment?

Mr Rake—No, I am sorry; I do not.

CHAIR—Is what the golf club gets for free part of that extraction cap?

Mr Rake—Yes, it is. And we have placed a limit on the amount that we believe the golf club should be entitled to draw.

CHAIR—Good.

Mr Rake—And we have their water supply metered and we do take their readings.

CHAIR—Thank you very much, Mr Rake. We are going to have to conclude our public hearing; question time is looming. I would like to thank you for your attendance here today. I appreciate the initiative, as well, of the National Capital Authority in corresponding with the committee and being willing to come forward in this way. You will be sent a copy of the transcript of your evidence, to which you can make corrections in relation to grammar and fact. Thank you, Professor Aitkin and Mr Rake, for your attendance, and I also thank members of the public who came along.

Resolved (on motion by **Senator Joyce**):

That this committee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at public hearing this day.

Committee adjourned at 1.55 pm