



Australian Government
National Capital Authority

SUBMISSION

Finance and Public Administration Legislation Committee

1. Inquiry into the proposed Parliament House Security Upgrade Works.

Proposed Parliament House Security Upgrade Works

2. On 13 March 2014, the National Capital Authority (NCA) received an application for Works Approval from the Department of Parliamentary Services (DPS).
3. The works comprise:
 - construction of two gatehouses in precast concrete with stainless steel and aluminium window framing
 - installation of steel security fence and retractable gates (approx.2.6m high)
 - installation of eight fixed stainless steel bollards
 - installation of ten surveillance security cameras and poles
 - replacement of window framing and glazing.
4. The proposed works are in response to the heightened terrorist threat environment in Australia announced in September 2014. This announcement led to the establishment of a multi-agency Taskforce in early October 2014 at the request of the Prime Minister, the Speaker of House of Representatives and the President of the Senate to undertake a review of security arrangements at Parliament House.
5. The Taskforce developed the 'Australian Parliament House Security Upgrade-Implementation Plan' which was agreed by its members on 28 October 2014, and assigned specific tasks to individual agencies to complete. The DPS was assigned primary responsibility for the security hardening of Parliament House, including entry points, the building fabric and security infrastructure.
6. The external works are located outside the Ministerial Wing at the southern side of Parliament House.

The Role of the National Capital Authority

7. The NCA is the statutory arm of the Government of the Commonwealth of Australia, responsible for ensuring that 'Canberra and the Territory are planning and developed in accordance with their national significance' [*Australian Capital Territory (Planning and Land Management) Act 1988*].
8. The character of nationally significant areas within the National Capital is the responsibility of the NCA and it is required to consider applications for Works Approval in Designated

Areas (as specified in the National Capital Plan) and in accordance with the *Australian Capital Territory (Planning and Land Management) Act 1988*. Designated Areas are those areas of land that have the special characteristics of the National Capital. Parliament House is within the Designated Area of Canberra.

Works Approval in Designated Areas

9. A Works Approval is made pursuant to Section 12(1) (b) of the *Australian Capital Territory (Planning and Land Management) Act 1988*. Under the Act, Works Approval may be given where the works are in accordance with the National Capital Plan. This does not constitute a building approval.
10. In assessing a Works Approval application, the NCA considers:
 - a. the provisions of the National Capital Plan
 - b. the design quality of the proposal
 - c. environmental, heritage and visual impact of the proposal (where applicable).

Parliamentary Approval

11. Under Section 5(1) of the *Parliament Act 1974* the responsible Minister has a duty to ensure no works are carried out in the Parliamentary Zone unless the proposal has been approved by resolution of both Houses of Parliament.
12. The proposed works were presented to the House of Representatives on 23 March 2015 and passed. (Refer House of Representatives - Votes and Proceedings No. 111. Thursday 26 March 2015.)
13. The proposed works were presented to the Senate on 24 March 2015 and passed. (Refer Senate Hansard, Thursday 26 March 2015.)

National Capital Plan including Design Integrity

14. The site is located within 'The Central National Area' Designated Area of the National Capital Plan as shown in Figure 5: The Central National Area (The Parliamentary Zone). The land use policy for the subject sites are Parliamentary Use and Road. The proposed works will not alter the land use policy for the subject sites.
15. The National Capital Plan includes detailed conditions of planning, design and development for the Central National Area. Buildings must show an appropriate quality of architectural design consistent with their location in this area of special national interest. A primary objective is to achieve an integrated design of the highest quality.
16. The design and selection of materials has been based on the design principles for Parliament House. The proposed guardhouses use the existing materials palette.
17. The proposed works were designed by the original architects for the building and will be sensitively incorporated into the existing building and its landscape setting. The NCA has

met with architects and reviewed the plans in detail. The NCA is satisfied that the works are of a design and material quality that is appropriate to the nation's parliament.

Heritage Impact

18. Australian Parliament House is a nationally significant twentieth century building however it is not listed on either the National Heritage List or Commonwealth Heritage List. While not included in a statutory heritage list, Parliament House and its Surrounds meet the thresholds for listing against several of the National Heritage List criteria.
19. DPS engaged independent heritage consultant GML Heritage to undertake a Heritage Impact Assessment of the proposed design and provide advice on any potential impacts of the proposed works. Heritage Impact Assessments must demonstrate an understanding of the identified heritage values, an assessment of the impact of the proposal on the heritage values and an outline or description of what measures have been proposed to mitigate the impacts.
20. GML undertook consultation with DPS to confirm the heritage values and methodology for the impact assessment reporting. The impacts on the heritage values of Parliament House are summarised as follows:
 - a. The proposed security fence is assessed as having a moderate impact on the heritage values of Parliament House. It is acknowledged that the landscaping contour in these areas was originally designed to accommodate a fence in the proposed (approximate) location.
 - b. The proposed gate houses is assessed as having a moderate impact on the heritage values of Parliament House and do not significantly or permanently impact the landscape setting or design intent.
 - c. The proposed vehicle bollards is assessed as having a minimal impact on the heritage values of Parliament House.
 - d. The impact of the replacement of the window glazing is expected to have minor impact as the proposal is to match existing materials.
21. The NCA is satisfied that the proposed works have been designed in such a way as to reduce the impacts on the heritage values of Parliament House. Whilst the new structures will be visible, the Heritage Impact Assessment notes that the potential for visual impacts has been reduced to a reasonable level by the modest scale of the guardhouses. The siting of the fence is in keeping with the landscaping contours originally designed to accommodate a fence.

Moral Rights

22. Moral rights are rights provided to creators under copyright law in order to protect both their reputation and the integrity of their work. In Australia, moral rights were introduced in

December 2000 through the *Copyright Amendment (Moral Rights) Act 2000*. This legislation provides creators with three rights. They are the right:

- of attribution of authorship
- not have authorship of their work falsely attributed
- of integrity of authorship. This protects creators from their work being used in a derogatory way that may negatively impact on their character or reputation.

23. Moral rights last for the same time as copyright in a work, the term of which is usually the creator's life plus 70 years.
24. Consistent with its obligations under the *Copyright Amendment (Moral Rights) Act 2000* DPS, has engaged with the Australian Parliament House moral rights holder, Mr Romaldo Giurgola AO throughout this body of work, including formal notification of the proposed works provided in December 2014.
25. In further consideration of Mr Giurgola's, DPS have consulted with, and engaged as principle architect, Mr Harold Guida (Guida Moseley Brown Architects) for all the packages of design work related to the security upgrades.
26. DPS have been advised that Mr Guida and Ms Pamille Berg will represent Mr Giurgola's interests as they relate to his moral rights at Parliament House.
27. The NCA understands that generally moral rights are not reassigned. The legal standing of the arrangement between Ms Berg, Mr Guida and Mr Giurgola regarding moral rights is unknown to the NCA.
28. The NCA is aware that Ms Berg and Mr Guida were integral to the design development of Parliament House and have a solid understanding of the design integrity principles of the building.
29. Ms Berg, provided a response to the proposed works in January 2015. The NCA understands that DPS subsequently met with Ms Berg and Mr Guida to resolve the matters raised and agreed a solution for addressing moral rights obligations.

Malcolm Snow
Chief Executive
National Capital Authority
24 April 2015