



Australian Government

**Australian Government response
to *Canberra a Capital Place:*
*Report of the Independent Review
of the National Capital Authority***

**AUSTRALIAN GOVERNMENT RESPONSE TO CANBERRA A CAPITAL PLACE: REPORT
OF THE INDEPENDENT REVIEW OF THE NATIONAL CAPITAL AUTHORITY**

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MINISTER'S FOREWORD

The Australian Capital Territory (ACT) is a unique and important area for the nation. It has been the seat of the Federal Government for almost 100 years, and as such is rich in Australian history and culture which should be maintained and shared with all Australians. It contains many important national monuments and institutional landmarks, such as the Australian War Memorial, the National Library and the High Court of Australia which showcase both the history and future of Australian Democracy. The Australian Government's interests in the National Capital are administered through the National Capital Authority (NCA).



Similarly, the ACT is home to approximately 366,900 people. The people of the ACT have enjoyed self government from 1988, allowing them to make decisions on the future of the ACT which has transformed Canberra into a modern and cosmopolitan city. As such, it is important for the Australian Government to recognise the maturity of the ACT Government and ensure that there is an appropriate balance between preserving and protecting the national significance of the capital and allowing Canberra to grow and prosper as a city in its own right. This is why the Australian Government commissioned the independent review (the Review) of the NCA undertaken by Dr Allan Hawke AC, which was provided to the Government on 18 July 2011.

In preparing its response, the Australian Government has actively worked with the ACT Government in order to achieve agreement on how the recommendations in the Review will be implemented in a way which meaningfully addresses issues of balance. As such, the Australian Government has committed to:

- Provide funding of \$11.9 million over the forward estimates to the NCA to help ensure its ongoing financial sustainability, allow it to meet its obligations for heritage management and improve its capacity to maintain the assets in the National Capital Estate.
- Work in partnership with the ACT Government to develop criteria for determining national significance and incorporate these criteria into the National Capital Plan, making planning structures and processes clearer and reduce duplication between the National Capital Plan and the Territory Plan where possible.
- Work in partnership with the ACT Government to review principal areas of responsibility between the Commonwealth and the ACT through the General Policy Plan.
- Enhance community engagement through community representation on the NCA Board and co-ordinated public awareness and participation processes with the ACT Government.
- Invite the ACT Government to nominate a community representative for a position on the NCA Board.
- Clarify the NCA's education and outreach roles. This will allow the NCA to better serve the Australian community in promotion and education of the nation's capital.

These initiatives provide an opportunity for both Governments to work collaboratively to enhance the economic and cultural environment for the people of the ACT.

A handwritten signature in blue ink, appearing to read 'Simon Crean', with a long horizontal flourish extending to the right.

SIMON CREAN

PREAMBLE

In keeping with its enduring interest in Canberra as the nation's capital, the Australian Government commissioned Dr Allan Hawke AC to conduct a review of the National Capital Authority (NCA), the body that preserves and enhances that national interest.

Dr Hawke's report, entitled, *Canberra a Capital Place: Report of the Independent Review of the National Capital Authority* (the Review), considers the effectiveness and efficiency of the NCA in performing its key statutory functions. In his deliberations, Dr Hawke built on the work of previous inquiries into the roles and responsibilities of the NCA.

The Australian Government is responsible for Canberra's continuing national role and, as the guardian of the national interest in the Capital, is accountable to all Australians for decisions about their National Capital. The NCA's statutory functions are set out in the *Australian Capital Territory (Planning and Land Management) Act 1988 (C'th)* (PALM Act). These functions fall into three broad categories: planning; enhancing and maintaining the national assets located in the ACT; and promotion of the national capital. The NCA is responsible for the National Capital Plan which seeks to ensure that 'Canberra and the Territory are planned and developed in accordance with their national significance', as set out in section 9 of PALM Act.

Under self-government arrangements, the ACT Government has both state strategic planning and local government statutory planning responsibilities for the ACT.

Both Commonwealth and ACT Governments acknowledge the importance of the role each plays in planning for a growing city that is also our National Capital. The Review sought to clarify the ACT Government and the NCA's role, to recommend governance improvements and to provide a blueprint for the future of the NCA. The Review also sought to balance Commonwealth and ACT Government planning responsibilities.

The Australian Government welcomes Dr Hawke's Report and provides the following response to its recommendations.

The two key goals of the Review into the NCA were to increase the clarity of 'national interest' and the NCA's role in the national capital and to ensure that, where a national interest is clearly identified, the Commonwealth's interests are well supported and effectively implemented.

These twin goals inform the Commonwealth's response to the Review's recommendations. Throughout this response, the Australian Government proposes actions that combine the intent of the Review's recommendations with implementation methods that enhance clarity and foster substantive community involvement and a collaborative arrangement with the ACT Government.

In implementing reforms coming out of the Review, the Commonwealth and the ACT Government have agreed to work collaboratively to:

- improve the structure and expression of matters of national significance as the overarching principles that guide the Commonwealth's role in planning for Canberra;
- simplify the Commonwealth's national capital planning system and better recognise the role of ACT Government;
- reduce overlap and duplication by better alignment, where possible, of land management and detailed planning responsibilities;
- clarify the NCA's role in the promotion of the national capital; and
- take account of both local and national interest through the appointment of an ACT Government nominee from the Canberra community to the board of the NCA.

STRUCTURE OF THIS RESPONSE

This Response sets out the Review's recommendations and provides a brief synopsis of the community feedback, as well as a detailed Australian Government response to the Review's recommendations. Where recommendations are interlinked, the Australian Government has provided a combined response. The ACT Government has agreed to this response.

BACKGROUND TO THE HAWKE REVIEW

In 2011, the Australian Government commissioned an independent review of the future role of the NCA, with a view to making recommendations to meet the needs of both the ACT Government and the NCA. The Australian Government envisaged that, through targeted consultation with key stakeholders, the Review would provide additional insights into the work of previous taskforces and committees. The Department of Regional Australia, Local Government, Arts and Sport (Department), the NCA and the ACT Government all supported the conduct of the Review.

Dr Hawke was appointed to lead the Review. Dr Hawke has demonstrated expertise in conducting public sector reviews of this nature. Previously, he completed a review of the *Environmental Protection Biodiversity Conservation Act 1999 (Cth)* (EPBC Act) and, in February 2011, he completed a review of the ACT Public Sector. Both the NCA and the ACT Government agreed that Dr Hawke would be appropriate to undertake the Review. Dr Hawke commenced his review in March 2011 and provided his findings to the Australian Government in July 2011.

The Review of the NCA examined the scope and delivery of the Commonwealth's responsibilities in the ACT through the NCA, including consideration of the NCA's structure and its effectiveness. The Review also considered:

- options for tailoring the NCA's functions to operate within its existing resources as a way of addressing the NCA's financial sustainability issues;
- the history and development of self-government in the ACT and the Commonwealth's role in the national capital and the nature of 'national significance';
- maintenance and development of the National Capital and current planning arrangements in the ACT;
- promotion of the National Capital and the NCA's role in education activities; and
- the governance and accountability of the NCA, as well as public participation and transparency.

Dr Hawke consulted key stakeholders, including members of the ACT Legislative Assembly and members of the Joint Standing Committee on the National Capital and External Territories (JSCNCET). The Review was subsequently released for public comment.

The Review is available in full on the Department of Regional Australia, Local Government, Arts and Sport website at http://www.regional.gov.au/territories/actnt/hawke_report.aspx.

COMMUNITY CONSULTATION

The Review was released for public consultation between 12 October 2011 and 18 November 2011. It received three responses from groups or agencies representing interested stakeholders and one from an individual. All submissions broadly supported the Review's recommendations.

Areas of particular interest included:

- increasing the transparency of planning requirements, documents and decisions. This could include increasing online access to information and increased use of 'plain English' in planning documents;
- ensuring the existence of a formal appeals process for planning decisions made by the NCA;
- increasing community engagement and participation in planning decisions;
- increasing the consideration and protection of biodiversity in planning matters, with particular reference to Canberra's unique grasslands. This may include ensuring better alignment with the EPBC Act; and
- ensuring that the NCA is retained as the principal planning body for the ACT in order to protect its character and the defining features of the Griffin Plan.

The community's comments recommended that:

- the NCA Board be able to represent the community objectively and apolitically; and that
- consideration be given to the creation of a National Capital Advisory Committee.

Other issues raised included that:

- some significant sites in the ACT may lack appropriate heritage protections due to their inclusion on the Register of National Estate which, as of February 2012, will no longer hold any formal heritage status; and
- planning expertise within both the NCA and the ACT Government is not currently sufficient to protect and maintain the integrity of the Griffin Plan.

The Australian Government considered these comments in its response to the Review. Where community comments are of direct relevance, they are noted in the response to the recommendations.

RECOMMENDATION ONE

- 1. The ACT Self-Government Act should be reviewed with a view to enacting a new Bill in 2013 to mark the Centenary of Canberra.**

Australian Government's response:

The Australian Government notes this recommendation and supports the ACT Government's review of the *Australian Capital Territory (Self-Government) Act 1988 (C'th)* (the Self-Government Act).

The ACT Legislative Assembly commenced a review of the Self-Government Act in December 2011. The Australian Government will await the ACT Government's review before it considers any legislative change to the Self-Government Act.

RECOMMENDATION TWO

- 2. The five criteria (aesthetic, historic, education/scientific, political, and social/cultural) for determining national significance, as described by the Taskforce on the Commonwealth's National Capital Responsibilities, be incorporated into the National Capital Plan.**

Australian Government's response:

The Australian Government supports this recommendation in-principle.

The Australian Government supports incorporating criteria for determining national significance into the National Capital Plan, and will assess the appropriateness of each the five recommended criteria (see response to Recommendation 6).

The Australian Government, through the NCA, will work in collaboration with the ACT Government to redraft the criteria for determining national significance and incorporate them into the National Capital Plan. New criteria should reflect enduring national interests and be sufficiently specific to shape and inform the NCA's role. This work will build on the 2009 work of the Commonwealth's National Capital Responsibilities Taskforce.

Implementation of this recommendation should occur in a manner consistent with the Australian Government's response to Recommendation 6.

RECOMMENDATIONS THREE, FIVE, EIGHT, NINE, TEN AND ELEVEN

- 3. The current Designated Areas and areas subject to 'Special Requirements' be accepted as the areas which currently demonstrate national significance and where the Commonwealth should maintain a high level of interest.**
- 5. To the extent that any of the above requires a change in the 'designation' status (i.e. changing the planning decision-maker), a clear transition plan should be prepared which ensures natural justice for and minimises loss or windfall gains for landholders. For example, it might be agreed that the planning decision maker for an existing undeveloped site would only change either prior to its sale or after its initial development - depending on which would best balance the national interest and minimisation of unintended economic impact.**
- 8. Designated Areas be renamed 'Areas of Special National Importance'.**
- 9. Special Requirements continue to apply under the National Capital Plan.**
- 10. All Special Requirements that stipulate the need for a Development Control Plan be removed and a set of detailed principles and policies for the area developed jointly between the National Capital Authority and the ACT Planning and Land Authority.**
- 11. Special Requirements for other areas be reviewed as part of a comprehensive review of the National Capital Plan.**

Australian Government's response:

The Australian Government supports these recommendations in-principle.

The Australian Government considers that recommendations three, five, eight, nine, ten and eleven seek to define the NCA's role, particularly in regard to planning and other issues where there is a potential for crossover with ACT Government responsibilities. The Australian Government has developed a combined response to these recommendations, in consultation with the ACT Government and the NCA.

The Australian and ACT Governments support measures to increase clarity and integration while reducing duplication and complexity across the two planning systems.

The Australian Government considers that the National Capital Plan should be revised to address:

- redesigned areas of Commonwealth interest, based on clear criteria of national interest, such as Designated Areas and Special Requirement areas, with the aim of aligning, wherever possible, planning and land management responsibilities;
- review of Special Requirements to ensure they are clear, with a principles based approach as recommended by Dr Hawke, developed collaboratively with ACT Government to reduce overlap and complexity in planning processes;
- transition arrangements developed in accordance with good business practice to minimise both losses and gains in any changes to designated areas. Specific guidance on these issues will be incorporated into the revised National Capital Plan; and
- the renaming of Designated Areas to 'Areas of Special National Importance' to improve clarity.

In response to concerns that the National Capital Plan does not accurately recognise the division of responsibility between the two governments, for land management, service delivery and infrastructure provision, which resulted from self-government, further discussions will focus on improving the clarity and

application of the Australian Government's interest in the National Capital. A tiered approach, reflecting the nature of 'national significance', will be explored to more accurately reflect Commonwealth and ACT Government responsibilities in the ACT.

The Australian Government further supports the recommendation to consult more often with the ACT Government and the general community. The Australian Government notes that the values of transparency and community involvement emerged as strong themes throughout the community consultation. Further information on increased community engagement activities is included in the response to Recommendation 21.

In response to recommendation 10, the Australian Government supports further discussion with the ACT Government aimed at the development of principles and policies about planning controls for the proposed Areas of Special National Importance. These discussions will need to consider the interests of Australian Government leaseholders of Territory Land outside the Areas of Special National Importance. The Australian Government considers that as a minimum all National Land should be included within the proposed Areas of Special National Importance or be subject to some other NCA planning control. Any principles and policies agreed upon would not supersede existing Development Control Plans but would guide decisions on future planning.

Implementation of these recommendations should occur in a manner consistent with the Australian Government's response to Recommendation 6.

RECOMMENDATION FOUR

4. If a nomination for parts of Canberra to be included on the National Heritage List is successful, Designated Areas be amended to include those subject to the heritage listing.

Australian Government's response:

The Australian Government notes this recommendation. It is unable to respond until a decision on heritage listing is made. Any part of Canberra included in the National Heritage List will be subject to the provisions of the EPBC Act, irrespective of jurisdiction controls.

The Australian and ACT Governments agree that future decisions must take into account the logical alignment of planning responsibilities across the two planning jurisdictions. This is necessary to avoid overlap and complexity across the Commonwealth and Territory planning instruments and processes. The proposed revised national significance criteria should guide designation decisions to reduce the risk of reintroducing overlap and duplication in planning processes. The Australian Government will consult with the ACT Government on any future designation decision.

The Australian Heritage Council is the independent expert body that undertakes heritage assessments for the National and Commonwealth Heritage lists. The Council is undertaking an assessment of Canberra for the National Heritage List, Australia's premier heritage list for those places of *outstanding heritage value to the nation*¹. The Australian Government notes that the boundary for the National Heritage List area is yet to be determined by the Australian Heritage Council. That boundary may be different from the area covered by the current Designated Areas. It is anticipated that the Council will complete its assessment before the Centenary of Canberra in March 2013. The Australian Government notes that the *Report of the Independent Review of the Environment Protection and Biodiversity Conservation Act 1999* identified a gap in the protection of places of heritage significance within the Designated Areas located on Territory Land.

¹ For a place to be included on the National Heritage List it must meet at least one of the statutory criteria contained in the *Environment Protection and Biodiversity Conservation Regulations 2000* Reg. 10.01A.

The Australian Heritage Council is consulting the NCA and the ACT Government as part of its assessment process for Canberra. No decision on amending Designated Areas to include a possible National Heritage List area should be made until the Council has completed its assessment and the Federal Minister for Environment has decided to include the place in the National Heritage List.

Further information on the *Report of the Independent Review of the Environment Protection and Biodiversity Conservation Act 1999* is available at www.environment.gov.au/epbc/reform.

RECOMMENDATION SIX

- 6. The Government consider providing one-off funding to enable the NCA to undertake a comprehensive policy and format review of the National Capital Plan, with the view to reflecting contemporary planning themes, more closely aligning the National Capital Plan with the Territory Plan in structure and terminology, and implementing other relevant recommendations of the Review.**

Australian Government's response:

The Australian Government supports this recommendation in part.

The Australian Government is committed to increasing clarity and integration while reducing duplication and complexity across the two planning systems. The Australian Government will provide \$11.9m over four years as part of the 2012-13 Budget in response to the Review of the NCA. The NCA will undertake a review of the National Capital Plan (including associated planning recommendations) over the forward years. The NCA will work closely with the ACT Government in undertaking the review.

In addition to the matters listed for consideration in the review of the National Capital Plan in Recommendations 3, 5, 8, 9, 10 and 11, the review should have regard to the Council of Australian Governments (COAG) agreed national objective and nine criteria for the future strategic planning of capital cities (December 2009). The objective of these criteria is to ensure Australian cities are globally competitive, productive, sustainable, livable, socially-inclusive and well placed to meet future challenges and growth. Future reviews should also acknowledge and have regard to the goals, objectives and principles of the National Urban Policy *Our Cities, Our Future* (May 2011).

RECOMMENDATION SEVEN

- 7. The NCA and ACT Government progress talks around reforming the General Policy Plan to assign 'Principal Responsibility Areas' to the relevant jurisdiction and agree on an appropriate Inter-Governmental agreement to give effect to the operation of this approach to strategic planning. This should be done in the context of the comprehensive review of the National Capital Plan.**

Australian Government's response:

The Australian Government supports this recommendation in principle.

The Australian Government agrees to progress discussions on how to reform the General Policy Plan. This document sits under the National Capital Plan and identifies the current arrangement for land use. The Australian Government will work with the ACT Government to establish a resolution model for the responsibilities in the General Policy Plan that better reflects the division of land management responsibilities, service delivery and infrastructure provision that resulted from self-government. A tiered approach, reflecting national significance, will be explored to more accurately reflect Commonwealth and ACT responsibilities in the ACT.

Implementation of this recommendation should occur in a manner consistent with the Australian Government's response to Recommendation 6.

RECOMMENDATION TWELVE

12. In the interest of improving uniformity between the two planning systems, the DAF Leading Practice Model for Development Assessment be assessed by the NCA for its relevance and application to the National Capital Plan.

Australian Government's response:

The Australian Government supports this recommendation. The NCA will review the DAF framework to assess whether implementation will improve the clarity of planning decisions in the ACT. The NCA will need to consider the risks, costs and benefits of any implementation.

RECOMMENDATION THIRTEEN

13. Unless the Inter-Agency Committee reaches an alternative conclusion before the end of 2011, the Government adopt a policy position whereby all new embassies and high commissions established in Canberra are required to pay annual rent.

Australian Government's response:

The Australian Government notes this recommendation.

The Departments of Foreign Affairs and Trade and Finance and Deregulation and the NCA recently completed a review of diplomatic leasing conditions. The Review addressed a range of significant finance and foreign policy considerations concerning current and future diplomatic leasing arrangements. The Minister for Regional Australia, Regional Development and Local Government and Minister for the Arts the Hon. Simon Crean, is now considering the Review's findings.

RECOMMENDATION FOURTEEN

14. The NCA become the sole Commonwealth agency responsible for capital works within Designated Areas.

Australian Government's response:

The Australian Government does not support this recommendation.

Australian Government departments undertake a wide variety of works within Designated Areas. These organisations include the Department of Defence, the Department of Finance and Deregulation and CSIRO. These agencies often have unique requirements that would make a centralised approach cumbersome.

The Australian Government considers that the current management system has been proven to be effective and efficient. Removing agencies' capacity to undertake works on the properties that they own or manage would create additional layers of administration and unnecessary delays in completing works.

The Australian Government does not consider that this recommendation would enhance the clarity of the NCA's role or improve the degree to which the Commonwealth interest is upheld. The Australian Government considers that the protection of the national interest is facilitated better through the NCA's works approval function.

RECOMMENDATION FIFTEEN, SIXTEEN AND SEVENTEEN

15. Section 6(e) of the PALM Act be amended to read: “to foster awareness of the national capital by informing and educating Australians and visitors about its significance and role.”

16. The NCA prepare a five-year plan of information and education activities for the Minister’s agreement.

17. The NCA’s role in ‘promotion’ be clarified to identify the Commonwealth’s role as informing and educating Australians and visitors about the significance and role of the national capital.

Australian Government’s response:

The Australian Government supports these recommendations in-principle.

The Australian Government does not support the need for legislative change but instead seeks to clarify the NCA’s role in promotion of the national capital through a directive Ministerial Statement of Expectations and a reciprocal Statement of Intent from the NCA Board. An exchange of statements will permit a detailed description of the NCA’s awareness raising role and allow for the work of the NCA in this area to be clearly defined. The Ministerial Statement of Expectations could direct the development of a multi-year plan.

Duplication of purpose and resources with the promotional work of other relevant cultural institutions should be avoided.

RECOMMENDATION EIGHTEEN

18. Board numbers be increased to seven, comprising a Chair, Deputy Chair, Chief Executive and four other members (one nominated by the ACT Government).

Australian Government’s response:

The Australian Government notes this recommendation.

The Australian Government will continue to consult on the size and composition of the NCA Board, including with the ACT Government regarding appropriate representation.

RECOMMENDATION NINETEEN

19. The ACT Government nominate a member of the board to represent the interests of the Canberra community.

Australian Government’s response:

The Australian Government supports this recommendation.

The Australian Government supports rebalancing the NCA Board and will ask the ACT Government for a nominee from the Canberra community at the next vacancy, noting that NCA Board members have fixed terms.

It is desirable that this person should have a long-standing and lasting interest in the national capital and a connection to the people of Canberra. The person should demonstrate a serious and substantive interest in the development of the capital, ideally coupled with a firm understanding of contemporary community engagement and planning practice. The person should be able to demonstrate their connection and understanding of the people of Canberra through a history of involvement with the Canberra community, at a

range of levels and in a number of differing roles. This person will conduct their role in the same capacity as all other Board members to provide general direction to the Chief Executive in managing the affairs of the NCA.

RECOMMENDATION TWENTY

20. The NCA Board should recommend the Chief Executive Officer to the Minister, for decision.

Australian Government's response:

The Australian Government does not support this recommendation.

In 2008, the Australian Government implemented a policy of transparent, merit-based assessment processes for the selection of most Australian Public Service (APS) agency heads and other statutory office holders working in APS agencies. This policy governs the manner in which the Chief Executive Officer of the NCA is selected.

The policy requires that all appointments be advertised; that candidates be subject to merit-based assessment and that the Australian Public Service Commissioner (or representative) may be included in the process. Appointments are made against a range of criteria, accessible on the Australian Public Service Commissioner's website at www.apsc.gov.au/selc. It sets out that the relevant Secretary is responsible for overseeing the selection process for agency heads and statutory office holders and that a report endorsed by the Public Service Commissioner, will be provided by the Secretary to the Minister recommending shortlisted candidates.

RECOMMENDATION TWENTY-ONE

21. The NCA consider adopting the International Association for Public Participation's 'Public Participation Spectrum' for use in the Commitment to Community Engagement to clearly identify to the public the respective roles of the NCA and the public in varying public participation processes.

Australian Government's response:

The Australian Government supports this recommendation in principle. The NCA's existing community engagement policy focuses on the middle range of the Public Participation Spectrum (i.e. 'Consult', 'Involve' and 'Collaborate').

The Australian Government considers that to better support community involvement, the NCA and the ACT Government should seek, where possible, to coordinate and align their community engagement activities to reduce 'consultation fatigue'. Whenever practical, the ACT Government and NCA should notify the public of upcoming works and decisions concurrently and share public submissions between the agencies.

The Australian Government considers that community engagement and awareness is supported through various means including the work of the ACT Government and the NCA; the Public Works Committee; and the community notification provisions under the EPBC Act. The NCA will continue to ensure that these processes are as accessible as possible and impose the least burden on the public.

RECOMMENDATION TWENTY-TWO

22. Consideration be given to reforming the current EPBC Act assessment process to require assessment by only one agency (the NCA) as part of the Government's response to the recommendations of the 2009 Report of the EPBC Act Review.

Australian Government's response:

The Australian Government notes that this recommendation falls outside the Terms of Reference for the Review.

However, the Government agrees in principle that consideration should be given to one agency, the National Capital Authority (NCA), taking responsibility within its capacity for assessing development proposals within the Designated Area. The Australian Government released its response to the *Report of the Independent Review of the Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Review) in August 2011 as part of a broad package of reforms of Australia's national environmental law. This package of reforms includes actions to deliver a more streamlined assessment process to improve timeframes for decision making and better processes for heritage listing through a more transparent listing process. The Australian Government notes there is power under the EPBC Act to accredit Commonwealth, State or self-governing Territory bodies to act in accordance with an accredited authorisation process, which could be applied to the Designated Areas and other areas that may arise from any possible heritage listing.

The Australian Government has already agreed in its response to the EPBC Review to the "...need to institute comprehensive heritage protection in the Australian Capital Territory for all designated areas under the planning control of the National Capital Authority."

The Government would not support the NCA or any other body, undertaking heritage assessments for the National or Commonwealth Heritage lists under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) which are the responsibility of the Australian Heritage Council.

RECOMMENDATIONS TWENTY-THREE – TWENTY-FIVE INCLUSIVE

- 23. Proponents of proposals that require consideration by the Canberra National Memorials Committee (CNMC) undertake an EPBC assessment/referral prior to consideration by the Committee.**
- 24. Proponents of proposals that require consideration by the CNMC undertake public consultation prior to the NCA providing advice to the Committee.**
- 25. All vacant positions in the CNMC be filled as soon as possible in accordance with the National Memorials Ordinance 1928, and the Ordinance be subsequently reviewed in terms of membership and the need for meetings to be held in person.**

Australian Government's response:

The Australian Government notes these recommendations.

In November 2011, the Joint Standing Committee on the National Capital and External Territories tabled its report on its inquiry into the administration of the *National Memorials Ordinance 1928*. The full report is available on the Parliament of Australia website

http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=ncet/memorials/report.htm.

The Australian Government is preparing its response to the detailed recommendations of the Inquiry, which consider, among other issues, the matters raised in recommendations 23 to 25 inclusive. The Australian Government expects to release its response to the JSCNCET in 2012.

TABLE OF ACRONYMS

APS	Australian Public Service
CNMC	Canberra National Memorials Committee
CSIRO	Commonwealth Scientific and Industrial Research Organisation
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (Cth)
JSCNCET	Joint Standing Committee on the National Capital and External Territories
NCA	National Capital Authority
PALM Act	Australian Capital Territory Planning and Land Management Act 1988 (Cth)