NATIONAL CAPITAL DEVELOPMENT COMMISSION AMENDMENT BILL 1985

Date Introduced: 23 April 1985
House: House of Representatives
Presented by: Hon. G.D. Scholes, M.P., Minister for Territories

Short Digest of Bill

Purpose

To restructure the management of the National Capital Development Commission (NCDC) and to amend the procedure for resolving disputes between the NCDC and the Minister.

Background

The NCDC was established in 1957 to undertake the planning, development and construction of Canberra. The NCDC comprises the Office of the Commission itself and four operating divisions. The Commission is responsible for policy determination, administrative guidance and control, corporate planning and public relations. The Commission consists of a Commissioner and two Associate Commissioners.

The structure of the Commission was examined in the Report of the Committee of Review of the Role and Functions of the National Capital Development Commission (the White Report), presented in September 1983. The White Report recommended that the current Commission should be replaced by a Commission of five members[1] for the following reasons:

1. The larger size of Canberra and the changing role of the NCDC since 1957 make a more broadly-based body appropriate.

2. The larger body would allow representatives of different interests, including the local community, to be involved in decision making.

3. The changes would make the Commission more responsive and accountable to the different interests it serves.
If appropriately composed, the Commission should be able to balance Commonwealth and local interests. [2]

The White Report recommended that the Minister should appoint a chairman, an executive officer and one other member. Either the Chairman or 'other member' should reside outside the ACT. It also recommended that the remaining 2 positions should be filled by nominees of the ACT House of Assembly. It considered that only the executive officer, who would be responsible for the day to day running of the Commission should be employed full-time whereas the other members should be employed on a part-time basis.

The White Report also examined the methods for the resolution of conflicts between the Commission and the Government. At present, such disputes are resolved by reference to the Governor-General-in-Council, which effectively means the Government. The White Report recommended the adoption of the 'Commonwealth Bank Model' method for dispute resolution. Under this model the Government would have the power to direct the Commission, but such directions would have to be tabled in Parliament for public scrutiny. [3]

Outline

The Bill will replace the current Commission with a seven member board, comprising three full-time and four part-time members. The dispute resolution procedures will also be amended. The 'Commonwealth Bank Model' has been rejected as being 'even more cumbersome than the present power and ... inconsistent with practice elsewhere'. [4]

Main Provisions

The change in the Commission's structure is implemented by clause 6 which repeals sections 4 to 10 of the National Capital Development Commission Act 1957 (the Principal Act) and substitutes new sections 4 to 10E. The major features of the new Commission will be:

- It will comprise 7 members, all appointed by the Governor-General.
- Two members must reside in the ACT, while one member must reside outside the ACT.
- The Chief Commissioner and 2 Deputy Commissioners are to be full-time and may be appointed for a maximum 7 years.
The 4 Commissioners are to be part-time and may be appointed for a maximum 3 years.

Members will have to disclose any interest they may have in a matter before the Commission (proposed section 7).

A member's appointment may be terminated if he becomes incapacitated, bankrupt, is absent for 3 consecutive meetings without approval and fails to disclose interests. For full-time members, termination of appointment occurs should they engage in other paid employment without consent or are absent without leave (proposed section 10C).

The Chief Commissioner will call meetings of the Commission as are necessary for the proper functioning of the Commission. The Minister may direct that a meeting be held (proposed section 10D).

Clause 7 repeals section 12 of the Principal Act and inserts new sections 12 and 12A. The latter deals with disputes between the Commission and the Minister. It will empower the Minister to direct the Commission and require that such directions be in writing and published in the Gazette within 21 days.

Clause 9 amends section 24 of the Principal Act to require any directions given by the Minister to be reported in the NCDC's Annual Report.

Schedules 1 and 2 enact a number of formal drafting amendments and remove sexist language from the Principal Act and the Parliament House Construction Authority Act 1979.

For further information, if required, contact:

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References

2. Ibid, p.34.