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### CABINET-IN-CONFIDENCE

### Chief Minister's Cabinet Brief

Cabinet Meeting Date:

Tuesday 22 March 2005

Title of Submission:

Block 21 Section 52 Belconnen - Direct Grant

Minister:

Minister for Planning

#### Context and Consultation

The Submission seeks Cabinet's agreement to a framework for conducting negotiations with Westfield that may lead to a direct sale of the southern portion of land at market value, rather than sale by auction.

#### Issues

Block 21 Section 52 Belconnen is the large surface carpark to the west of Belconnen Mall. It was listed for sale in 2004-05 and it was ACTPLA's intention to sell it in two parcels and in the following way: the smaller northern portion to be sold through the normal public auction process for (mainly) residential development; and the large southern portion to be sold through a two-stage Expression of Interest process.

The former will still occur but ACTPLA now proposes (with the support of the LDA) to sell the southern portion to Westfield by a direct sale process *provided* that a commercial contractual arrangement as recommended by the LDA can be negotiated within a two-month period. This reflects the fact that Westfield's active cooperation is essential in realising the Government's key objectives in revitalising the Belconnen Town Centre — these objectives include a new bus station to replace the existing interchange; active retail and entertainment frontages to Benjamin Way, Emu Bank and Lathlain Street; and improved pedestrian, cycle and public transport movement throughout the Town Centre.

If these outcomes cannot be achieved in negotiations with Westfield, the direct sale would not proceed. Westfield will be required to pay market value and at a price that represents an appropriate financial return to the Territory. The contractual arrangement would also incorporate severe financial penalty provisions to be triggered should Westfield fail to meet prescribed target dates.

The public expects that a major retail and public realm project will start in Belconnen in the near future and the arrangement with Westfield would facilitate this work.

CMD and the Department of Economic Development support the proposed approach but Treasury considers that a direct grant to Westfield will not maximise land sale revenues. As suggested above, sales revenue is not the only consideration in this instance; regard must be had to the capacity of the Government to obtain its desired social and transport outcomes in the Town Centre. Without Westfield's active participation, this will be almost impossible.

#### Submission Recommendations

The Submission recommendations should be supported.

#### Recommended Outcome / Deliverables

Cabinet will agree to a framework for conducting negotiations with Westfield that may lead to agreeing to a direct sale of land at market value.

Authorised by: Susan Killion Prepared/Cleared by: Rod Power/Greg Ellis

### CABINETAN GONFIDENCE

#### Government agency circulation report

### Attachment 6

AGENCY	COMMENTS	RESPONSE
Chief Minister's	The Department supports the submission. Ministers may benefit from a presentation by officials when the matter comes to Cabinet.	Noted. The Chief Planning Executive will be available to brief Cabinet if required.
Department of Economic Development	The Submission should indicate the Government's commitment to timely resolution of issues to support the commercial interests of Westfield.	Resources have been identified to assist with timely delivery of the project within normal constraints of accountability and fairness.
	Further information should be provided about previous direct grants to QIC in Civic and Lend Lease in Woden.	A reference to the nature of direct land grants to other major retailers in Canberra has been added.
,	The Submission should note the anticipated capital outlay and the construction and permanent employment created by the project.	Point 5a in Attachment 4 has been amended to include reference to construction and permanent employment associated with the proposal.
	Comparative timeframes for direct vs. competitive sale should be indicated.	Paragraph 12(b)v) suggests that delays of about 12 months will result from other project delivery options.
Department of Treasury	Treasury is concerned that a direct sale to Westfield will not maximise land sale revenue.	Where appropriate Block 21 has been sub divided to allow for competitive sale of the northern portion.
"	Land valuation should be used to determine a reserve price with the land subsequently put up for auction.	Land valuations have been obtained and will form the basis of establishing market value for the land.
	The decision of the LDA Board to be made on 23 February 2005 should be incorporated in the Cabinet Submission.	The decision of the LDA Board is included in the revised Cabinet Submission.
ACT Fire Brigade	Lathlain Street provides access to both the Fire Brigade and Ambulance Service. Any proposed works in Lathlain Street should not adversely affect emergency vehicle response times.	The Emergency Services Authority will be involved in resolution of detailed design issues to ensure its operational requirements are not adversely affected.

#### Policy and Organisational BINET-IN-CONFIDENCE CABINET-IN-CONFIDENCE



dhcs | ACT

Mr Neil Savery Chief Planning Executive ACT Planning and Land Authority

department of disability, housing & community services

Dear Mr Savery

community partners

Draft Cabinet Submission: Block 21 Section 52 Belconnen - Direct Grant

Thank you for referring this draft Cabinet Submission to the Department of Disability, Housing and Community Services for comment.

GPO Box 158 Canberra ACT 2601

www.dhcs.act.gov.au

This Department supports the draft Cabinet Submission and has no comments to submit on this matter.

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If you would like any further information please have one of your officers contact me on 6207 6057.

Yours sincerely /

Mr Adam Stankevicius

Senior Manager

Strategie Policy and Organisational Governance

February 2005



File no:

Mr Neil Savery Chief Planning Executive ACT Planning and Land Authority

Dear Mr Savery

(2)

Draft Cabinet Submission: Block 21 Section 52 Belconnen - Direct Grant

Thank you for referring this draft Cabinet Submission to Mr Harris.

This Department supports the Submission. It is likely that Ministers may find it useful to hear a presentation by officials when this matter comes to Cabinet.

If you require any further information please contact me on 50296 or Greg Ellis on 50468.

Yours sincerely

Susan Killion Executive Director Cabinet & Policy Group

14 February 2005

# CABINET-IN-CONFIDENCE CABINET-IN-CONFIDENCE Department of Economic Development

Mr Neil Savery Chief Planning Executive ACT Planning and Land Authority

Dear MySavery

I refer to your request for comments related to the draft Cabinet Submission titled 'Block 21 Section 52 Belconnen – Direct Grant', BusinessACT supports the improvements proposed for the Belconnen Town Centre as a major urban renewal project.

The draft Submission sets a timeframe of two months for the Government to engage in negotiations with Westfield to achieve in-principle agreement to urban design outcomes, community benefits and site value. It does not address the ACT Government's obligations to assist Westfield within the period of negotiation. The Submission only states that the Government needs to be 'satisfied with the detailed design proposal'. The Submission should therefore indicate the Government's commitment to timely resolution of the issue to support the commercial interests of Westfield.

As outlined in the Submission, Westfield is to undertake the detailed design work once in-principle agreement has been reached and a lease over the southern portion of Block 21 will not be issued until the Territory is satisfied with the proposal. However, the Submission does not indicate the time involved for this step. A similar timeframe should be provided in the Submission to ensure that Westfield's interests in the site are also afforded some protection given the direct grant is conditional on DA approval. The issue of timing is raised as a concern due to the time it may take for the Cohen Street extension to be finalised as the time that the Territory takes to determine the design of Cohen Street and the western bus terminus may add additional time to Westfield and impact on the possible final design for the area. This should be addressed within the Submission.

The discussion in the Submission regarding the need to achieve the Territory's financial objectives from land sales is supported. However, this should be balanced with the need to protect the interests of the business involved. Similarly, while a competitive sale process to ensure return to the Territory is supported, the Submission should provide more details on the direct grants offered to Lend Lease and QIC for Woden and Civic to enable some sort of comparison to be drawn between the companies and ensure fairness. Further details on the public benefit required from both Lend Lease and QIC should also



Department of Economic Development, PO Box 243 CIVIC SQUARE ACT 2608
Phone 132281
ACT Government website www.act.gov.au

# CABINET-IN-CONFIDENCE CABINET-IN-CONFIDENCE Department of Economic Development

be provided to substantiate the suggestion in the Submission that Westfield's previous approaches have 'lacked compelling public benefit argument'.

To supplement the information provided on the protection of the Territory's interest, the Submission should note that the anticipated capital investment by Westfield in the Territory through the Westfield Belconnen re-development is of the order of \$200 million, that the development would generate 1,600 new permanent jobs and 4,250 jobs during the construction period. The Submission should also indicate the likely time period for the development through a direct sale to Westfield, namely two to three years, as opposed to the time required to go through a competitive process, particularly given the objective of *The Canberra Spatial Plan* to support viable town centres as a focus for each district. This information is crucial to determine the best option for the Territory and should be included in the Submission.

Thank you for the opportunity to provide comments on the draft Cabinet Submission. If you require any further information please contact Jo Lloyd on 6207 5914.

Yours sincerely

ML Harris Acting Chief Executive

19 February 2005





ACT Government

Department of Economic Development, PO Box 243 CIVIC SQUARE ACT 2608
Phone 132281
ACT Government website <a href="https://www.act.gov.au">www.act.gov.au</a>

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## CABINET-IN-GONFIDENCE URY



Mr Neil Savery Chief Planning Executive ACT Planning and Land Authority

Dear Mr Savery (lei)

Thank you for providing the opportunity to consider the draft Cabinet Submission *Block 21 Section 52 Belconnen – Direct Grant.* The Department of Treasury does not support the direct sale at this time for two reasons.

Firstly, the contact officer has advised that informal attempts to determine the interest in the site from a range of developers have not met with success. Accordingly, the Submission concludes that Westfield is the only genuine contender to purchase the site for development. However, without evidence that the land does not have commercial appeal to any other developer, Treasury is concerned that a direct grant to Westfield will not maximise land sale revenues.

The inclusion of information in the form of research, consultation and market testing in the Submission would provide Cabinet with the confidence that the proposal will provide the best possible financial return to the ACT.

In the absence of genuinely compelling reasons to do otherwise, Treasury believes that the conventional principle should be followed when attempting to ensure the best price from any asset sale. Namely, a land valuation should be used to determine a reserve price with the land subsequently put up for auction. A competitive bidding process provides the most effective means of obtaining the best price and does not preclude the opportunity for a direct sale in the event that the land sale is passed in at auction.

Treasury is also concerned that the 23 February 2005 decision of the Land Development Agency Board, referred to in paragraph 10, cannot be incorporated into the draft Submission. This deficiency does not provide Treasury, other agencies or Cabinet with additional important information necessary to make an informed decision on the merits of proposal.

Please contact Matt Powell on extension 70324 should you wish to discuss these comments.

Yours sincerely

A Weeks A/g Chief Executive February 2005

ACT GOVERNMENT GPO Box 158 Canberra ACT 2601

T 13 22 81

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### **ACT Fire Brigade**

# MINUTE

Subject: Block 21 Section 52 Belconnen

Rochelle Rees
ACT Planning & Land Authority

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My comments are also made after consultation with Deputy Chief Officer of the ACT Ambulance Service, David Foot.

Both the Belconnen Fire Station and Belconnen Ambulance Station front onto Lathlain St for emergency response. Lathlain St is currently very busy in terms of vehicular traffic. This has increased, particularly since the advent of paid parking at Belconnen Mall, which has seen increased parking along the kerb-line of Lathlain St. ACT Ambulance have already raised this issue with ACT Roads, with the view to implement and enforce "no parking" zones in close proximity to the station aprons, because of parked cars affecting emergency vehicle responses.

The ACT Fire Brigade and ACT Ambulance Service request full involvement in the planning of any proposed development that would increase either the vehicular or pedestrian traffic onto Lathlain St. This is of particular importance if any developments would include pedestrian crossings, or other traffic calming measures on Lathlain St. These potentially would affect the response times of either agency or, in the case of the Fire Brigade, have adverse affects to truck maintenance through increased wear and tear.

G J KENT Deputy Chief Officer ACT Fire Brigade

14 February, 2005

Cabinet in Confidence

CABINET-IN-CONFIDENCE



### Cabinet-In-Confidence

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SUBJECT: DIRECT SALE TO WESTFIELD - CABINET SUBMISSION

MINISTER FOR PLANNING

Chief Planning Executive

Purpose

To seek your agreement to lodge the attached Cabinet Submission (Attachment A) dealing with the processes for selling Block 21 Section 52 Belconnen.

#### Background

You previously agreed that the draft Cabinet Submission jointly prepared by the ACT Planning and Land Authority (Authority) and the Land Development Agency (LDA) be circulated to agencies. Chief Minister's Department and Department of Economic Development both support the submission. Treasury is concerned that a direct sale to Westfield will not maximise land sales revenue.

#### Issues

An outstanding matter from the draft submission is the position of the LDA Board. Following its meeting on 23 February 2005 the LDA Board provided conditional support to the direct sale to Westfield. This advice is included in the submission.

#### Recommendation

That you agree to lodge the attached submission for Cabinet consideration.

Signed:

Dorte Ekelund

Position, Agency: Director, Land Planning and Projects Branch

Date:

≥S February 2005

AGREED / NOT AGREED / NOTED

Simon Corbell MLA Minister for Planning

Contact Officers:

Rod Baxter p: 71751

Gordon Lowe

p: 50576

Cabinet-in-Confidence

ACT Planning & Land Authority

### Cabinet-In-Confidence



Director Cabinet Office Chief Minister's Department

#### DISTRIBUTION RECORD FOR CABINET SUBMISSION

#### Block 21 Section 52 Belconnen - Direct Grant

A total of 22 copies of the Submission have been produced. Distribution has been arranged as follows:

Copy No.	Agency
1,1a, 1b	Chief Minister/Senior Adviser/Adviser
2, 2a	Deputy Chief Minister/Chief of staff
3, 3a	Minister for Health/Senior Advisor
4	Minister for Education
5	Minister for Urban Services
6, 7, 8	Chief Minister's Department
9-10	Department of Treasury
11	Department of Justice and Community Safety
12	Department of Urban Services
13	ACT Health
14	Department of Education and Training
15	Department of Disability, Housing and Community Services
16	ACT Planning and Land Authority
17	Department of Economic Development
18	Emergency Services Authority

If you require further information, please contact me on extension 71764.

Rochelle Rees Cabinet and Assembly Liaison Officer 10 March 2005

# Cabinet-In-Confidence

**ACT Planning & Land Authority** 

Dame Pattie Menzies House• 16 Challis Street, Dickson ACT 2602 GPO Box 1908 • Canberra ACT 2601 • Telephone (02) 62072644 • Facsimile (02) 62071640 ACTPLA Website: www.actpla.act.gov.au

#### DRAFT CABINET SUBMISSION

TITLE: Block 21 Section 52 Belconnen - Direct Grant

Due to Coordinating Area: NOON: Thursday 10 February 2005

Display back to Cab. Office: COB: Thursday 10 February 2005

Due to Originating Agency: NOON: Friday 11 February 2005

CONTACT OFFICER (in the Originating Agency): Rob Baxter on x71751

DATE CIRCULATED: Thursday 3 February 2005

Coordinating Area Checklist						
This draft Cabinet Submission or Bills Schedule item has been provided to your area for the preparation of CMD						
coordination comments.						
Please check with Cabinet Office for comments received from other line areas within CMD before finalising comments						
on this paper.						
Once finalised, please provide the original signed comments to Cabinet Office for logging and delivery to the						
Originating Agency/Line Area, observing the due dates above.						

Circulated to:		Comment / Nil Comment:	Date Provided to Cabinet Office:	Draft Cab Sub Destroyed by:	Date Draft Cab Sub Destroyed:
Dept. Treasury	Mr Weeks, A/g CE			8 copies KB	17/02/05
CE, CMD	Mr Harris	-		1 Copy SC	(4//4)
ED, Exec. Support	Mr Lasek	Written on green slip	17/02/05	КВ	17/02/05
ED, Cabinet & Policy	Ms Killion	Nil	24/02/05	КВ	24/02/05
Cabinet Office	Ms Wall	Nil	17/2/05	MD	17/2/05
	Cabinet Office	tt	tt	it	ít
Economic, Planning and Reg. Policy	Mr Ellis	Nil		TM	12/09/05
Social Policy	Mr Tardif	Nil	24/02/05	КВ	24/02/05
Comments Coordination	Coordinating Officer	Written	14/02/2005	КВ	14/02/05
Indig. Ageing and Women	Ms Hall	Nil	11/02/05	КВ	11/02/05
	Office for Women	Nil	11/02/05	KB	11/02/05
Canberra Plan and Bushfire Support	Ms Bitmead	Nil	11/2/05	MD	11/2/05
Office of Sustainability	Mr Ottesen	Nil	7/2/05	MD	7/2/05
	Mr Butt	Na	3/1/05	KB	25/3/25
Arts, Heritage & Environment	Nil	7/2/05	MD	7/2/05	



Date	10 February 2005
То	Acting Director, Economic Planning and Regional Policy
From	Acting Director, Cabinet Office
Subject	Comment on Draft Cabinet Submission: Block 21 Section 52 Belconnen — Direct Grant

Cabinet Office has the following comments in relation to the Submission:

- 1. Cabinet Office suggests that there is a need to assess whether there is demand for more retail/commercial space at the Belconnen Town Centre and possible impacts of the proposal on other retail centres.
- 2. The Submission should explain whether the Territory could withdraw the lease of Block 4 given that there has been no development on the site for 17 years. The Submission should address whether this could be identified as a bargaining tool.
- 3. Cabinet should be informed of Westfield's previous direct sale for the 'Intencity' site and whether Westfield delivered what they said they would in relation to this site.
- 4. The Submission needs to address how the proposal might impact on parking for shoppers and workers at Belconnen.
- 5. The Submission should explain why a lease with detailed conditions is considered more appropriate than Government-constructed infrastructure eg for the bus station and bus way. To treat infrastructure provision and land sales separately could improve transparency.
- 6. The submission should include more detailed information on other direct grants to large retail developers for retail/commercial development the information in paragraph 12(d) does not tell the full story.
- 7. It may be appropriate to include a presentation to Cabinet in association with consideration of this Submission to clearly demonstrate the interaction between infrastructure requirements and private sector development options.

Cabinet Office also has a number of editorial comments and these can be obtained by contacting Bob Webb of the Cabinet Office on (620) 75989.





Date 11 February 2005

To Susan Killion, Executive Director, Cabinet and Policy Group

Greg Ellis, A/g Director, Economic, Regional & Planning Branch

From Rod Power, Senior Manager

Draft Cabinet Submission: Block 21 Section 52 Belconnen - Direct Grant

Purpose

Subject

To brief you on this Department's comments re the above draft Cabinet Submission and seek your agreement to the strategic and detailed responses at Tabs A and B. (respectively).

Background

Block 21 Section 52 Belconnen is the large surface carpark to the west of Belconnen Mall. It is listed for sale in 2004-05. To date, ACTPLA has favoured selling it in two parcels and in the following way: the smaller northern portion to be sold through the normal public auction process for (mainly) residential development; and the large southern portion to be sold through a two-stage Expression of Interest process. The southern portion is crucial to Government objectives to revitalise Belconnen Town Centre in the following ways: a new bus station to replace the existing interchange; active retail and entertainment frontages to Benjamin way, Emu Bank and Lathlain Street; and improved pedestrian, cycle and public transport movement throughout he Town Centre. The Submission also notes that the community expects major improvements along these lines will commence in the near future (para 13).

#### Issues

The draft Cabinet Submission seeks Cabinet's agreement to a framework for conducting negotiations with Westfield that may lead to a direct sale of the southern portion of land at market value, rather than sale by auction. This would reverse previous ACTPLA and LDA policy, so the Submission essentially consists of an explanation for this change of mind. The explanation includes:

- It has now been realised that major improvements to the Belconnen Town Centre that are wanted by the Government cannot occur without the active cooperation and goodwill of Westfield (para 7)
- Westfield's latest approach for a direct sale goes a long way toward meeting the criteria for direct sale that are set out in an existing Disallowable Instrument (para 11)
- In the places where Westfield's latest approach may be somewhat deficient, there
  are good grounds for thinking that the deficiencies can be remedied (to the
  Territory's satisfaction) in negotiations with Westfield (para 12). However, it would
  be useful if the Submission provided more information on this score, in particular
  about the real capacity of the Territory to insist on Westfield meeting all
  requirements.

It remains the intention to sell the northern portion of land through the normal public auction process for (mainly) residential development. Before doing so, some interface issues with Westfield's proposed development would need to be resolved, and this is quite feasible (para 12 c).

The Submission states that it is expected the property industry will oppose a direct sale (para 14) but the uses to which the property industry are likely to put the land are not those sought by the Territory (para 15).

The Submission notes that the LDA Board will consider the land release strategy for the area on 23 February 2005 and the subsequent decision will be inserted into the final Submission. While unorthodox, this reference is justified by the need to progress the issue as soon as possible (it is in the Territory's interest to have development start in the near future: para 13) and hence obtain Cabinet's agreement to the basic approach outlined in the Submission. Recommendation 16(f) asks Cabinet to agree to a twomonth negotiating period where the Territory and Westfield develop a design solution that addresses the outstanding concerns of the Territory; if agreement cannot be reached, the Territory would not be committed to proceed with the direct sale. Further, it is intended to bring forward a second Cabinet Submission on the specific issue of whether or not the Territory should proceed with a direct sale (para 16 g). This means that Cabinet will make the final decision, which is wholly appropriate. (The possibility remains that the LDA Board may make a decision that is not in accord with Cabinet's wishes. This would raise delicate issues involving the capacity of the Government to 'direct' the LDA Board by explicit order, which would have to be tabled in the Assembly. This issue does not need to be addressed at this stage but may become relevant in the future.)

Ministers may find it useful to hear a presentation by officials when this matter comes to Cabinet.



Cabinet Office comments are at **Tab** and have been incorporated in the proposed response.

#### Recommendation

1

That you sign the attached letter to Mr Savery, Chief Planning Executive, ACT Planning & Land Authority (Tab A) and agree to the detailed comments (Tab B) being passed to the contact officer.



Rod Power

Agency	Title
ACTPLA	Block 21 Section 52 Belconnen - Direct Grant

DRAFT SUB DISTRIBUTION RECORD - CMD & DT

Recipient	Accepted by – NAME	Accepted by - SIGNATURE	Date	Time
Mr Weeks	D Chynaueth		312105	3 : 50 am / pm
Ms Wall Cabinet Office	CHC LAM		312105	3:30 am/pm
Mr Tardif	Jaclue aldson		312105	3:40 am / pm -
Mr Lasek	Karen Manny		<u>31210</u> 6	3:40 am/pm
Ms Killion	WENDY MCDONARD		312105	3:4/ am/pm
Mr Ellis	Li U	4	<u> </u>	am / pm
Coord. Copy	V U	li.	<u> </u>	<u>્ય :</u> am/pm
Ms Hall Office for Women	LARS PLENCE		312105	/ <u>5</u> : <u>45</u> am/pm
Ms Bitmead	Marlyn Dees		<u>31 51 01</u>	18:50 am/6m
Mr Ottesen Mr Butt	Lee RUPIC		\$120J	3_:4C am (pm)

Agency	Title
ACTPLA	Block 21 Section 52 Belconnen – Direct Grant

### **DRAFT SUB DISTRIBUTION RECORD - AGENCIES**

Recipient	Accepted by – NAME	Accepted by – SIGNATURE	Date	Time
Dr Cooper	11		412105	9:10
C/- DUS	W. COULTER			am/ <del>pm</del>

Yes/No

(A/g CE, Treasury) Mr Weeks+8 \* +LDA (CE, JACS) Mr Keady Mr "ssler (A/g CE, DUS) (CE, ACT Health) Dι rbon (CE, DET) Dr Bruniges (CE, DHCS) Ms Lambert (CPE, ACTPLA) Mr Savery Mr Harris (A/g CE, DED) Mr Dunn (Commissioner, ACTESA) (CE, CMD) Mr Harris Ms Killion, ED, Cabinet and Policy Group Ms Wall, Cabinet Office Cabinet Office Mr Ellis, ER&P Policy Mr Tardif, Social Policy Coordination of Comments - White Cover Ms Hall, Indig. Affairs, Ageing and Women Office for Women Mr Lasek, ED, Executive Support Ms Bitmead, Canberra Plan & Bushfire Support Mr Hawkins, CE, Asbestos Assessment Project Te Mr Ottesen, ED, Office of Sustainability Mr Butt, Office of Sustainability Ms Davoren, ED, Public Sector Management Mr Tothill, ACT Info Management

Mr Gaskill, Corporate Management Mr Tomlins, ED, Strategic Projects & Implem. Dr Cooper, ED, Arts, Heritage and Environment

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printed?

Mr Janssen, ACT Workcover

#### **CHECKLIST** BINET SUBMISSION FOR CONSIDERATION

Section 52 Belconnen - Direct Grant

E, DET)	FOR CIRCULATION					
E, DHCS) PE, ACTPLA)	Mike Harris (with date/time stamp)?	Yes				
/g CE, DED)	roving circulation signed off by Minister/CEO?	Yes				
ommissioner, ACTESA) E, CMD)	s included?	Yes				
nd Policy Group	hments included?	Yes				
fice	Draft numbered?	Yes				
	tion time adhered to? (ie 7 days)	Yes				
licy nments - White Cover	has Clare approved shortened circulation?	N/A				
rs, Ageing and Women	y CLO as to who in CMD will get copy of Draft?	Yes				
Support	sions, copy to agencies contains circulation	N/A				
n & Bushfire Support s Assessment Project Tean	n the Red Book?	Yes				
Sustainability ustainability ector Management	e "Papers in Circulation" document) established to track comments? Action Officer and dates	Yes				
Management Management	e Draft circulated to everyone on the CMD no did not receive the full draft Cab Sub?	Yes				
Projects & Implem.	for accuracy prior to distribution?	Yes				
tage and Environment ver	nt (g:\CMD_Exec\Cabinet\Draft Cabinet pers in Circulation) updated?	Yes				
Signature sheet the green folder	prepared, signed for by all recipients and lodged in	Yes				
Green folder file Submission drav	d under relevant Minister's portfolio in Draft ver of filing cabinet?	Yes				
POST CIRCULA	ATION					
"Papers in Circulation" document prepared updated to reflect the return of copies of the Draft, comments made and destruction details?						
Copy of any and all CMD comments copied and lodged in green folder and the original forwarded to Policy?						
Comments from Policy forwarded to Cabinet Office, copy made and original forwarded on to relevant agency?						
	vant "Papers in Circulation" file printed and placed	Yes/No				
	containing name of Draft Submission created and	Yes/No				

If "No" circled for any of the above, please give some reason/explanation, Also, any other relevant comments.

filed in back of Draft Submission drawer of filing cabinet?

All documents in green folder combined with pink cover sheet and



Cabinet in Confidence

Mr Mike Harris Chief Executive

Chief Minister's Department

Mr Tim Keady Chief Executive

Department of Justice and Community Safety Department of Education and Training

Dr Tony Sherbon Chief Executive ACT Health

Mr Mike Zissler Chief Executive Department Urban Services

Commissioner Peter Dunn ACT Emergency Services Authority

Mr Andrew Weeks A/a Chief Executive Department of Treasury

Dr Michele Bruniges Chief Executive

Ms Sandra Lambert Chief Executive

Department of Disability Housing and

Community Services

Mr Mike Harris A/g Chief Executive

Department of Economic Development

#### Block 21 Section 52 Belconnen – Direct Grant

I am writing to seek your comments on the attached draft Cabinet Submission.

I would appreciate you providing any comments you may have, or a nil response, to Rochelle Rees, 3rd floor South, Dame Pattie Menzies House, 16 Challis Street Dickson (phone 6207 1764), by NOON Friday 11 February 2005.

Enguiries on the document should be directed to Rob Baxter on 620 71751

Neil Savery Chief Planning Executive

2 February 2005

Cabinet in Confidence

Mr Butt

Comments

Nil Comment

1/)

**Draft Submission Title:** 

Block 21 Section 52 Belconnen - Direct Grant

**Due Date for Comments:** 

NOON Wednesday 9 February 2005

Date Circulated: Thursday 3 February 2005

- You have received the attached draft Cabinet Submission for consideration and comment. Comments, including nil comment, should be returned to the Cabinet Office by the date specified above.
- All comments will be coordinated by the Policy Group and conveyed in writing to the Chief Executive of the
  originating agency. The Cabinet Office can advise you of the name of the policy group officer for this paper.
- If you have received a copy of the coverpage only and would like to view the full draft Submission, please contact the Cabinet Office on x50709 or x50456.

### DRAFT CABINET SUBMISSION FOR CONSIDERATION

Mr Tothill

Comments

Nil Comment

**Draft Submission Title:** 

Block 21 Section 52 Belconnen – Direct Grant

**Due Date for Comments:** 

NOON Wednesday 9 February 2005

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Mr Ottesen

Comments

Nil Comment

Draft Submission Title:

Block 21 Section 52 Belconnen - Direct Grant

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  the Cabinet Office on x50709 or x50456.

### DRAFT CABINET SUBMISSION FOR CONSIDERATION

Dr Cooper

Comments

Nil Comment

Draft Submission Title:

Block 21 Section 52 Belconnen – Direct Grant

**Due Date for Comments:** 

NOON Wednesday 9 February 2005

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Ms Wall

Comments

Nil Comment

Written comments provided

**Draft Submission Title:** 

Block 21 Section 52 Belconnen - Direct Grant

**Due Date for Comments:** 

**NOON Wednesday 9 February 2005** 

Date Circulated: Thursday 3 February 2005

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### **DRAFT CABINET SUBMISSION FOR CONSIDERATION**

Mr Gaskill

3/2

Comments

Nil Comment

**Draft Submission Title:** 

Block 21 Section 52 Belconnen – Direct Grant

**Due Date for Comments:** 

NOON Wednesday 9 February 2005

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Ms Davoren

Comments

Nil Comment

**Draft Submission Title:** 

Block 21 Section 52 Belconnen – Direct Grant

**Due Date for Comments:** 

**NOON Wednesday 9 February 2005** 

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### DRAFT CABINET SUBMISSION FOR CONSIDERATION

**Mr Tomlins** 

Comments

Nil Comment

**Draft Submission Title:** 

Block 21 Section 52 Belconnen - Direct Grant

**Due Date for Comments:** 

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Mr Ellis

Comments



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### DRAFT CABINET SUBMISSION FOR CONSIDERATION

Mr Janssen

Comments

Nil Comment

**Draft Submission Title:** 

Block 21 Section 52 Belconnen – Direct Grant

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**Mr Tardif** 

Comments / Nil Comment

**Draft Submission Title:** 

**Block 21 Section 52 Belconnen – Direct Grant** 

**Due Date for Comments:** 

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### DRAFT CABINET SUBMISSION FOR CONSIDERATION

Ms Hall

Comments / Nil Comment X

**Draft Submission Title:** 

Block 21 Section 52 Belconnen - Direct Grant

0 3 FEB 2005

### DRAFT CABINET SUBMISSION FOR CONSIDERATION

**Cabinet Office** 

Comments

/ Nil Comment

Draft Submission Title:

Block 21 Section 52 Belconnen – Direct Grant

**Due Date for Comments:** NOON

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Nil Comment

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**Draft Submission Title:** 

Block 21 Section 52 Belconnen – Direct Grant The proposed changes but well with the Gouts derive

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### DRAFT CABINET SUBMISSION FOR CONSIDERATION

Ms Bitmead

Comments

Nil Comment

Draft Submission Title:

Block 21 Section 52 Belconnen – Direct Grant

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Ms Killion

Comments / Nil Comment

**Draft Submission Title:** 

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### **DRAFT CABINET SUBMISSION FOR CONSIDERATION**

Mr Hawkins

Comments / Nil Commo

Draft Submission Title:

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# ET SUBMISSION FOR CONSIDERATION

Comments <u>n</u>

Nil Comment X



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Block 21 Section 52 Belconnen – Direct Grant

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### CABINET-IN-CONFIDENCE

#### Chief Minister's Cabinet Brief

**Cabinet Meeting Date:** 

Monday 11 April 2005

Title of Submission:

Direct Sale of Part Block 12 Section 56 Lyncham

Minister:

Treasurer

#### **Context and Consultation**

The Submission seeks Cabinet's agreement to the direct sale of part Block 12 Section 56 Lyncham to the Trustees of the Sisters of Saint Joseph of Goulburn (the current lessees). The proposal will help to provide accommodation to female rural students studying at tertiary level in the ACT.

<u>Consultation</u>: No objections were raised in the course of consultations conducted as part of the Development Application in January 2004. As there are no residences adjacent to the site, it is considered that there is no need for further consultation.

#### Issues

<u>Public Interest</u>: The proposal will increase student accommodation capacity in the ACT and thus help to meet a growing demand. As the Block in question is currently unleased and maintained by the Territory, maintenance costs will be reduced and revenue gained through sale of the land. Furthermore, the option of selling the proposed site via a competitive process is not practicable in this case due to lack of independent access and related contingencies.

Compliance with Disallowable Instrument (DI): An assessment against the criteria set out in DI No. 233 of 2003 is included with the Submission.

<u>Financial Implications</u>: Under the current charging policy, sites can be leased to community organisations at 5% of their current value. Based on the highest of three market valuations (ranging from \$33,000 to \$66,000) the rental amount paid by the Sisters of St Josephs will be in the order of \$3,300 per annum. The Land Development Agency Board has agreed to progress negotiations for a grant of lease.

CMD coordination comments have been taken into account.

#### Submission Recommendations

The Submission recommendations should be supported.

#### Recommended Outcome / Deliverables

The proposal will have financial benefits in terms of reduced maintenance costs for the Block, and a gain in revenue, and will also help to increase the capacity of the Territory to meet student accommodation needs.

### CABINET-IN-CONFIDENCE TTACHMENT C

#### AGENCY COMMENTS MATRIX

### Chief Minister's Department

()

"This Department supports the Submission. Given that the proposal would address the current shortage of student accommodation in the ACT, consideration should be given to developing a media release / strategy to accompany the final submission."

A media release will be prepared at the time of sale.



### DEPARTMENT OF TREASURY CAPITAL TERRITORY

Mr Phil Tardif A/g Director Cabinet Office Chief Minister's Department

Dear Mr Tardiff

#### DISTRIBUTION RECORD FOR CABINET SUBMISSION Direct Sale of Part Block 12 Section 56 Lyncham

A total of 23 copies of the Submission have been produced. Distribution has been arranged as follows:

<b>Copy No.</b> 1,1a, 1b	Agency Chief Minister/Senior Adviser/Adviser
2, 2a	Deputy Chief Minister/Chief of Staff
3, 3a	Minister for Health/Senior Adviser
4,	Minister for Education
5	Minister for Urban Services
6, 7, 8	Chief Minister's Department
9-10	Department of Treasury
11, 11a	Department of Justice and Community Safety/Parliamentary Counsel
12	Department of Urban Services
13	ACT Health
14	Department of Education and Training
15	Department of Disability, Housing and Community Services
16	ACT Planning and Land Authority
17	Department of Economic Development
18	Emergency Services Authority

If you require further information, please contact me on extension 50623.

Yours sincerely

Dorena Chynoweth

Dorena Chynoweth
A/g Cabinet Liaison Officer
24 March 2005

ACT GOVERNMENT GPO Box 158 Canberra ACT 2601 T (02) 6207 5111

ACT Government Homepage: http://www.act.gov.au
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### DRAFT CABINET SUBMISSION

TITLE: Direct Sale of Part Block 12 Section 56 Lyneham

Due back to Cab. Office:

Due to Originating Agency:

COB: Thursday 10 March 2005

NOON: Thursday 10 March 2005

COB: Friday 11 March 2005

CONTACT OFFICER (in the Originating Agency): Marcia Bowden, 70241

DATE CIRCULATED: Wednesday 2 March 2005

Γ	Coordinating Area Checklist
	This draft Cabinet Submission or Bills Schedule item has been provided to your area for the preparation of CMD
	coordination comments.
[	Please check with Cabinet Office for comments received from other line areas within CMD before finalising comments
1_	on this paper.
[	Once finalised, please provide the original signed comments to Cabinet Office for logging and delivery to the
	Originating Agency/Line Area, observing the due dates above.

Circulated to:		Comment / Nil Comment:	Date Provided to Cabinet Office:	Draft Cab Sub Destroyed by:	Date Draft Cab Sub Destroyed:
Dept. Treasury	Mr Weeks, A/g CE			8 copies CL	9/3/05
Dept, J&CS	Mr Keady, CE			MD	15/3/05
Dept. Urban Services	Mr Zissler, CE				
ACT Health	Dr Sherbon, CE				
Dept. E&T	Dr Bruniges, A/g CE				
Dept. DHCS	Ms Lambert, CE				
ACTPLA	Mr Savery, CPE				
Dept. Economic Development	Mr Harris, A/g CE				
ACTESA	Mr Dunn, Comm.				
CE, CMD	Mr Harris				
ED, Exec. Support	Mr Lasek	Written on green slip	16/3/05	CL	16/3/05
ED, Cabinet & Policy	Ms Killion	Nil	16/3/05	CL	16/3/05
Cabinet Office	Mr Tardif	Nil	11/3/05	CL	11/3/05
	Cabinet Office	Nil	11/3/05	CL	11/3/05
Economic, Planning and Reg. Policy	Mr Ellis	Nil	16/3/05	CL	16/3/05
Social Policy	Ms Hudson	Nil	17/3/05	CL	17/3/05
Comments Coordination	Coordinating Officer	Written	1113/05	MD	23/3/05
Indig. Ageing and Women	Ms Hall	Nil	10/3/05	CL	10/3/05
	Office for Women	Nij	14/3/05	MD	14/3/05
Canberra Plan and Bushfire Support	Ms Bitmead	Nil	11/3/05	CL	11/3/05



Date	11 March 2005				
То	Susan Killion, Executive Director, Cabinet & Policy Group				
	Greg Ellis, Director, Economic Planning & Regional Branch				
From	James Ward				
Subject	Draft Cabinet Submission Direct Sale of Part Block 12 Section 56 Lyneham				
• Rod Power, Senior Manager u/3					

#### Purpose

To brief you on this department's comments regarding this draft Cabinet Submission and seek your agreement to the strategic response at <u>Tab A</u>.

#### Background

This Submission seeks Cabinet's agreement to the direct sale of part Block 12 Section 56 Lyneham to the current lessees of Block 12, the Trustees of the Sisters of Saint Joseph of Goulburn. Block 12 is currently used to provide accommodation and guidance to female rural students studying at tertiary level in the ACT.

The Sisters of St Josephs require additional lodgings to be constructed on the proposed site to meet current student demand and to provide separate accommodation for the Sisters. This additional land will replace recreational space recently lost to additional accommodation requirements and will also provide an opportunity for future expansion. (The ACT Land Planning Authority approved a Development Application in January 2004 for the construction of six, two bedroom villa extensions and associated car parking on Block 2).

#### Issues/Comment

<u>Land Use</u>: The relevant Land Use Policy allows for "religious associated use" (para 5). Environment ACT advise that there are no environmental, ecological or heritage constraints.

Public Benefit of a Direct Sale: The option of selling the proposed site via a competitive process is not possible in this case as the proposed site can only be accessed from the rear of Block 12 and this is not practicable due to planning guidelines, traffic conditions and the topography of the land (para 10). By pursuing a direct sale the Territory would gain revenue and maintenance costs would be reduced. More significantly, the Sisters of St Josephs would be increasing student accommodation within the ACT by means of the proposal and in view of the present shortage of student accommodation options in the ACT, this would be in the broader public interest (para 13).

<u>Consultation</u>: No objections were raised in the course of consultations conducted as part of the Development Application in January 2004. Also, as there are no

residences adjacent to the site, it is considered that there is no need for additional consultation.

Compliance with Disallowable Instrument (DI): An assessment against the criteria set out in DI No. 233 of 2003 is included with the Submission.

<u>Financial Implications</u>: Under the current charging policy, sites can be leased to community organisations at 5% of their current value. Three market valuations (ranging from \$33,000 to \$66,000) were received. Based on the highest valuation, the rental amount paid by the Sisters of St Josephs would be in the order of \$3,300 per annum.

<u>Land Development Agency Board</u>: The Board has agreed to progress negotiations for a grant of lease.

This Submission should be supported. The proposal could be promoted as being supportive of attracting (and retaining) young people, and students in particular, in the ACT (one of the stated Economic White Paper initiatives). CMD Communications Group has suggested that the proposal may constitute a media opportunity and consideration should be given to developing a media release/ strategy to accompany the final Submission.

Support is indicated in the letter to Mr Andrew Weeks, A/g Under Treasurer, Department of Treasury (<u>Tab A</u>). Cabinet Office has no comment on the Submission.

#### Recommendation

That you sign the attached letter to Mr Andrew Weeks (<u>Tab A</u>).



James Ward



Mr Andrew Weeks A/g Under Treasurer Department of Treasury

Dear Mr Weeks

#### Draft Cabinet Submission: Direct Sale of Part Block 12 Section 56 Lyneham

Thank you for referring this draft Cabinet Submission to Mr Harris.

This Department supports the Submission. Given that the proposal would address the current shortage of student accommodation in the ACT, consideration should be given to developing a media release/strategy to accompany the final Submission.

If you require any further information please contact me on 50296 or Greg Ellis on 50468.

Yours sincerely

Susan Killion

Executive Director Cabinet & Policy Group

March 2005

lyneham - letter.doc

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## DRAFT CABINET SUBMISSION FOR CONSIDERATION

**Mr Tothill** 

Comments

Nil Comment

**Draft Submission Title:** 

Direct Sale of Part Block 12 Section 56 Lyneham

**Due Date for Comments:** 

Noon Thursday 10 March 2005

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### DRAFT CABINET SUBMISSION FOR CONSIDERATION

Mr Janssen

Comments

Nil Comment

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Ms Hudson

Comments



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DRAFT CABINET SUBMISSION FOR CONSIDERATION

Mr Lasek

Comments

Nil Comment

Draft Submission Title: 3/3/05

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Dr Cooper

Comments

Nil Comment

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# DRAFT CABINET SUBMISSION FOR CONSIDERATION

Mr Gaskill

Comments



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Lyneham

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**Ms Bitmead** 

Comments

Nil Comment

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Mr Tardif

Comments '

Nil Comment

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Cabinet Office

Comments

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# DRAFT CABINET SUBMISSION FOR CONSIDERATION

Office for Women

Comments, / Nil Comment 📡

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Mr Ellis

Comments

**Nil Comment** 

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**Ms Killion** 

Comments

Nil Comment

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Ms Davoren

Comments



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# DRAFT CABINET SUBMISSION FOR CONSIDERATION

**Mr Tomlins** 

Comments: /

Nil Comment

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Direct Sale of Part Block 12 Section 56
Lyneham

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Ms Hall

Comments / Nil Comment X



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Mr Hawkins

Comments

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Agency	Title	
DT	Direct Sale of Part Block 12 Section 56 Lyneham	

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JACS	Renne your		3,300	<u>3:40</u> am/pm
DUS	M. Barano		31362	9:15 man Hon
ACT Health	1. Bates		313105	0:05 am/ppa
DET	J. GNJEC		213105	4 :15 am/pm
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ACTPLA	M. Bound		<u>701 E15</u>	9:45 am / pr
DED	W. LACET		7,3pr	4:20 am /pm
ESA	Collected by A Schure 3/3/05 12-15			am / pm

Agency	Title
DT	Direct Sale of Part Block 12 Section 56 Lyneham

DRAFT SUB DISTRIBUTION RECORD - CMD & DT

Recipient	Accepted by - NAME	Accepted by - SIGNATURE	Date	Time
Mr Weeks	Jan Pearse		02/03/05	3 : ∞ am / pm
Mr Tardif Cabinet Office	CUC LATY		213105	2: am pm
Ms Hudson	Sackié Telebaon		213.65	3_:@@ am /pm
Mr Lasek	Karen Manny		213106	<u>3</u> :∞ am/pm
Ms Killion	K CRAIL		213101	<u>}:∞</u> ₀ am/pm
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Ms Hall Office for Women	R. HATS		21210 F	<u>3:/0</u> am/pm
Ms Bitmead Mr Tomlins	R. CROSSAN		2,3,05	<u>3 :⊘</u> am/pm



### DEPARTMENT OF TREASURY CAPITAL TERRITORY

Mr Mike Harris Chief Executive Chief Minister's Department

Mr Tim Keady Chief Executive Department of Justice and Community Safety

Ms Michele Bruniges
Chief Executive
Department of Education
and Training

Mr Neil Savery
Chief Planning Executive
ACT Planning and Land Authority

Mr Peter Dunn Commissioner ACT Emergency Services Authority Mr Mike Zissler A/g Chief Executive Department of Urban Services

Dr Tony Sherbon Chief Executive ACT Health

Ms Sandra Lambert
Chief Executive
Department of Disability, Housing
and Community Services

Mr Shane Gilbert Chief Executive Department of Economic Development

### Direct Sale of Part Block 12 Section 56 Lyneham

I am writing to seek your comments on the attached draft Cabinet Submission, which is proposed for consideration by Cabinet on Monday 4 April 2005.

I would therefore appreciate receiving any comments you may have by COB Friday 11 March 2005.

Please forward comments, including a 'Nil' response, to Ms Jan Pearse (extension 50321).

The contact person at the Land Development Agency for this draft Submission is Marcia Bowden, ext 70241.

Yours sincerely



for

A Weeks A/g Under Treasurer

2 March 2005

ACT GOVERNMENT GPO Box 158 Canberra ACT 2601 T (02) 6207 5111

ACT Government Homepage: http://www.act.gov.au
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Mr Weeks+8	(A/g CE, Treasury)	
+LDA		
Mr Keady	(CE, JACS)	
Mr Ziss	(A/g CE, DUS)	
Dr Sherk	(CE, ACT Health)	
Dr Bruniges	(CE, DET)	- 1
Ms Lambert	(CE, DHCS)	3L
Mr Savery	(CPE, ACTPLA)	17F
Mr Harris	(A/g CE, DED)	90
Mr Dunn	(Commissioner, ACT	ESA)
Mr Harris	(CE, CMD)	
Ms Killion, ED, Cal	inet and Policy Group	
• Mr Tardif, Ca	binet Office	

### CHECKLIST BINET SUBMISSION FOR CONSIDERATION

le of Part Block 12 Section 56 Lyneham

Ms Lambert	(CE, DI	HCS) 3L	e of Fart Block 12 Section 30 Lynemann	
Mr Savery		ACTPLA) 17 F	N FOR CIRCULATION	
Mr Harris		E, DED) 90	Mike Harris (with date/time stamp)?	Yes
Mr Dunn	(Commi	issioner, ACTESA)		2500
Mr Harris	(CE, CN	•	proving circulation signed off by Minister/CEO?	Yes
Ms Killion, ED, Cabine			es included?	Yes
Mr Tardif, Cabin	et Office	<del>.</del>	chments included?	Yes
Cabinet Office  Mr. Ellis, ER&P F	olicy		Draft numbered?	Yes
Ms Hudson, Soci.			ation time adhered to? (ie 7 days)	Yes
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Ms Hall, Indig. A		geing and Women	n has Phil approved shortened circulation?	Yes
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Ms Bitmead, Canberra			hissions, copy to agencies contains circulation	N/A
Mr Hawkins, CE, Asbe	stos Ass	essment Project Team		
Mr Ottesen, ED, Office		•	in the Red Book?	Yes
Mr Butt, Office of		•	(i.e "Papers in Circulation" document) established	Yes
Ms Davoren, ED, Publi		<del>-</del> · · ·	r to track comments? Action Officer and dates	.55
<ul><li>Mr Tothill, ACT I</li><li>Mr Gaskill, Corpo</li></ul>		_		n Legis
Mr Tomlins, ED, Strate	gic Proje	ects & Implem.	the Draft circulated to everyone on the CMD who did not receive the full draft Cab Sub?	Yes
Dr Cooper, ED, Arts, Heritage and Environment Mr Janssen, ACT Workcover			d for accuracy prior to distribution?	Yes
			ent (g:\CMD_Exec\Cabinet\Draft Cabinet Papers in Circulation) updated?	Yes
	14	Signature she the green fold	et prepared, signed for by all recipients and lodged in	Yes
	15		led under relevant Minister's portfolio in Draft awer of filing cabinet?	Yes
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	16		culation" document prepared updated to reflect the es of the Draft, comments made and destruction	Yes/No
17 Copy of any and folder and the of the comments from original forward.			nd all CMD comments copied and lodged in green original forwarded to Policy?	Yes/No
			m Policy forwarded to Cabinet Office, copy made and ded on to relevant agency?	Yes/No
			levant "Papers in Circulation" file printed and placed	Yes/No
	20		eet containing name of Draft Submission created and	Yes/No
	21	All documents	in green folder combined with pink cover sheet and f Draft Submission drawer of filing cabinet?	Yes/No

If "No" circled for any of the above, please give some reason/explanation. Also, any other relevant comments.

# **Chief Minister's Budget Cabinet Brief**

Cabinet Meeting Date:

Saturday 2 April 2005

Title of Submission:

**Gaming Machine Tax Rates** 

Minister:

Treasurer

#### **Context and Consultation**

The Submission provides Budget Cabinet with further information on potential changes to gaming machine tax rates. On 18 March Cabinet considered a proposal to raise an additional \$14.6 million by increasing the gaming machine tax rate to a level effectively similar to the Victorian rate of 22.4%. As the ACT (presumably unlike Victoria) applies a GST credit allowance scheme which rebates ACT Gaming tax by the amount paid in GST to the Commonwealth, ACT rates already appear high. The Treasury therefore proposes that this first be eliminated by reducing the nominal tax rate whilst at the same time eliminating the GST credit allowance, in a revenue-neutral way. Treasury puts forward two options for this, the first of which leads to increases in tax for large clubs whilst the second results in much smaller increases. Both have negligible impact on smaller clubs. Further Treasury analysis is based on Option 2.

Once GST is eliminated, Treasury proposes that the nominal tax rate (which will now also be the effective tax rate) be increased over two years to a level which is on average similar to the Victorian regime of 22.4%. This will be achieved by adopting a progressive taxation regime which ranges from 0% for turnover below \$15 000 to 26% for turnover above \$50 000, yielding an additional \$14.6 million. The impact on clubs will range from an increase in tax paid of 0% for very small clubs (and an absolute reduction for small ones) to an increase of 45% for large (over \$50 000 turnover) clubs.

#### Issues

The major issue appears to be that of raising the effective tax rate on clubs (and the tax yield) in a way which does not appear out of line with interstate practice. The Treasury proposal (based on its Option 2) should achieve this.

It should be noted that the incidence of the tax increase will fall predominantly on the 24 larger clubs out of the total of 64. This may have impact on the clubs' ability to service the range of community projects in which many are involved. The Submission does not canvass this issue, and does not provide any information on the level of profits of the clubs (large or small) and the typical disbursal of these profits.



### **Submission Recommendations**

The Submission has no recommendations.

### **Cabinet Brief**

**Cabinet Meeting Date:** 

18 April 2005

Title of Submission:

Progress of the ACT Asbestos Task Force

Minister:

Katy Gallagher

### Context and Consultation

The cabinet submission advises Cabinet on the current status of the Task Force's work program, and seeks Cabinet's agreement to the completion of an accelerated program of condition audits by late 2005. The submission updates

- Community awareness and education, and research confirming the need for a comprehensive awareness campaign.
- Research into identifying high risk activities
- Extent and impact survey of 500 residential premises and a sample of commercial, industrial and other buildings.
   The survey has an estimated cost of \$540,000 and will be undertaken in April / May
- Government asset management. Whilst some properties have up to date inspections, many were last surveyed for
  asbestos in the late 1980s and early 1990s. Some were not inspected and assessed at all. It is extremely important
  that Government has access to current asbestos reports or registers for all high priority properties as soon as
  possible. The estimated cost of \$503,000 has been provisionally identified by agencies to support the accelerated
  program
- Risk management. There is significant potential costs to Government in future years related to uninsured liabilities, asset management, lack of industry assessment capacity, information management, community relations, and agency operational costs. The Task Force is undertaking a risk management review.
- <u>Long term asbestos management</u> based on three strategic models which will be tested over the coming months. The models are: Individual Inspections; Triggered Awareness and Education.
- Resource and budget implications. \$1.5 million has been allocated for 2004-05. It is anticipated that \$1 million will be allocated for 2005/06.

The Cabinet Submission was circulated for agency comment between 18 March and 1 April 2004. Comments are addressed within the submission.

### Issues/Comment

The original budget for the asbestos project in 2005/06 was estimated to be \$1.65 million. Early advice on the outcome of budget discussions has indicated that the budget will be \$1 million for 2005/06.

With the reduced budget allocation to \$1 million, the Asbestos Task Force will be unable to fund the accelerated audit program costed at \$503,000. It is now proposed that the accelerated program be completed through reprioritisation of existing asset management programs within agencies.

### **Submission Recommendations**

It is recommended that Cabinet:

- a) note the submission;
- b) note the long-term resource implications for the Territory in asbestos management outlined in this submission
- o) agree to a target date of late 2005 for completion of an accelerated program of asbestos condition audits on priority properties to be undertaken by agencies; and
- d) agree that the accelerated program of condition audits for government assets be completed through reprioritisation of existing asset management programs within agencies.
- e) agree to consider further resource implications for 2005/06 and beyond when responding to the Task Force report later this year

### Recommended Outcome / Deliverables

Cabinet should agree to the accelerated audit program, and the absorption of auditing costs within existing agencies resources.

# Chief Minister's Cabinet Brief

Cabinet Meeting Date:

Monday 18 April 2005

Title of Submission:

Progress of the ACT Asbestos Task Force

Minister:

Minister for Industrial Relations

### Context and Consultation

The Submission advises Cabinet on the current status of the Task Force's work program, and seeks Cabinet's agreement to the completion of an accelerated program of condition audits by late 2005. The Submission updates Cabinet on:

community awareness and education;

research into identifying high risk activities;

- a proposed extent and impact survey of 500 private residential premises and a sample of commercial, industrial and other buildings scheduled to be undertaken in April / May 2005 at an estimated cost of \$540,000;
- a proposed survey of Government assets an estimated \$503,000 has been provisionally identified by agencies as the amount required to support the accelerated program on priority properties;
- risk management the Task Force is undertaking a risk management review;
- long term asbestos management three options are identified; and
- resource and budget implications \$1.5 million has been allocated for 2004-05. It is anticipated that \$1 million will be allocated for 2005/06.

The Cabinet Submission has been circulated for agency comment. Comments provided have been addressed within the Submission.

### Issues/Comment

The original budget for the asbestos project in 2005/06 was estimated to be \$1.65 million. Early advice on the outcome of budget discussions has indicated that the budget will be \$1 million for 2005/06. This will not allow the Asbestos Task Force to fund the accelerated audit program for Government assets costed at \$503,000. It is now proposed that the accelerated program be completed through reprioritisation of existing asset management programs within agencies.

### **Submission Recommendations**

The recommendations should be supported.

### Recommended Outcome / Deliverables

Supporting the recommendations will mean that Cabinet:

- agrees to a target date of late 2005 for completion of an accelerated program of asbestos condition audits on priority Government properties, to be funded by reprioritisation of existing asset management programs within agencies; and
- agrees to consider further resource implications for 2005/06 and beyond when responding to the Task Force report later this year.

# Office of the Chief SARVNET-IN-CONFIDENCE OPY CABINET-IN-CONFIDENCE



Ms Pam Davoren
Acting Chief Executive
Chief Minister's Department

Dear Ms Davoren

dhcs | ACT

department of disability, housing & community services

Draft Cabinet Submission: Progress of the ACT Asbestos Task Force

community pariners

Thank you for referring this draft Cabinet Submission to the Department of Disability, Housing and Community Services for comment.

This Department supports the draft Cabinet Submission and has the following comments to submit on this matter.

GPO Box 158 Canberra ACT 2601

Telephone

www.dhcs.act.gov.au

### **Government Assets:**

The Cabinet Submission does not make the distinction between government assets, such as public buildings, schools and facilities, and government assets that are residential properties, such as public housing. It is important that this distinction is identified as the costs and timings for undertaking asbestos audits of Housing ACT's residential properties have not been factored into the Submission.

Paragraph 21: The provisional rating system to decide the most sensitive properties does not identify public housing – it is suggested that public housing should be included or footnoted as an exclusion.

Attachment E – the statement about the number of Housing ACT properties that have been surveyed could be misleading. It is suggested that the wording of the first sentence be changed to: "Housing ACT has not conducted an asbestos audit on its 11,500 properties. Property condition audits conducted during 2004 are being used to identify probable locations of asbestos for inclusion in S47J advices to tenants. Housing has identified that 2,527 pre-1990 houses have not yet had a condition audit."

Paragraph 23: It is suggested that the details of the breakdown of the amount of \$350,000 that has been identified by agencies should be provided in Attachment E. The amounts identified in Attachment E total \$303,000. Is the estimated cost for Education and Training's 148 properties \$47,000?



File no:

# Suggested Inclusion for Government Asset Management in Submission

The Department of Disability, Housing and Community Services is writing to all Housing ACT tenants advising them of the requirements of the legislation and providing them with a Section 47J Advice detailing what is known about asbestos in their properties. Housing ACT has not conducted an asbestos audit on its 11,500 properties. However, property condition audits conducted during 2004 are being used to identify probable locations of asbestos for inclusion in S47J advice to tenants. Section 47J Advice are also being provided to new tenants and to prospective buyers for all Housing ACT properties listed for sale. Total Facilities Managers (TFMs) who are contracted to undertake all maintenance and repairs to Housing ACT properties are being provided with advice on the probable location of asbestos in accordance with Section 47J. Housing ACT is also identifying methods to capture all new information related to asbestos in its properties and to provide tenants and TFMs with the most current information.

More accurate data on asbestos locations within specific Housing ACT properties will be gathered through the regular condition audit. A program of property condition audits will be conducted over the next 3 to 5 years and these will be expanded to include a visual identification of asbestos containing materials. Identification of asbestos through this process is not expected to add significantly to the cost of the condition audits.

If you would like any further information please contact me on 620 71555 or have one of your officers contact Mr Adam Stankevicius on 620 76057.

Yours sincerely

Sandra Lambert Chief Executive

\_\_\_March 2005 1 April 2005

NO. 138

# WARINET WICCOMBIDIBE



### DEPARTMENT OF TREASURY



Mr M L Harris Chief Executive Chief Minister's Department

Dear Mr Harris

Thank you for providing the opportunity to comment on the draft Cabinet Submission Progress of the ACT Asbestos Task Force. The Department of Treasury offers the following comments.

Treasury considers it a major oversight that under the Budget Impact heading the Submission lists only the Task Force's direct costs and does not highlight the ACT's potential liability exposure arising from possible errors in the inspections to be undertaken this year. Within the current year there is an exposure to potential liabilities of some \$50m in undertaking the survey by way of performing inspections on some 500 individual premises.

The \$50m is arrived at by taking a sustainable error rate of 2% and allowing a potential \$5m liability exposure to each of the premises where the inspection may be in error. The \$5m figure allows for exposure to non-detected asbestos for all occupants, visitors and tradespersons who may work at the premises over time.

While it is not possible to estimate the actual liabilities that would arise from errors in the inspection process with any confidence, the \$50m figure provides a broad estimate for the maximum potential exposure for the Territory.

In the longer term, should the legislation be implemented in its current form. the exposure would increase to some 130,000 individual premises for which a calculation similar to that above could be extrapolated.

The above situation is driven by the unavailability of insurance cover in the market for any asbestos related exposure. Under normal circumstances we would expect the inspection contractors to carry public liability and professional indemnity insurance in respect of the work that they perform. In regard to asbestos there is either no cover or the possibility (only) of a cover so restricted that it will have little influence on the total liabilities incurred.

Treasury notes that the ACT Asbestos Task Force has sought a Treasurer's Advance of \$0.539m for 2004-05. This request is currently being examined, Additional funding sought for 2005-06 is currently being considered as part of the Budget process.

> ACT GOVERNMENT GPO Box 158 Canberra ACT 2601 T 13 22 81

CARINFT IN C



6. APR. 2005 10:00

# abinet wicoonbedice

Treasury also notes that the costs for 2005-06 costs are estimates only and will be more clearly defined when Government and the Assembly decide on the long-term scope for asbestos management.

Should you wish to discuss these comments please contact Peter Matthews on extension 70268.

Yours sincerely

Paul Grimes Under Treasurer

1 April 2005





MINUTE

Cabinet in Confidence

Mike Harris Chief Executive Chief Minister's Department

Molle Dear Mr. Harris

Thank you for the opportunity to comment on the draft Cabinet Submission 'Progress of the ACT Asbestos Task Force'.

At this stage it is too early to accurately gauge the impact of the legislation and program on the resources within the Authority. The submission needs to be clear that affected agencies will need to be able to seek supplementary funding on a demonstratable needs basis.

If you would like to discuss any aspects of these comments, please contact Rochelle Rees on extension 71764.

Yours sincerely

Neil Savery / Chief Planning Executive 4 April 200# The senoul Mike.

The light of white the agency has already absorbed was already absorbed we some transfer to be somewhere to absorb new continue to absorb new continue to absorb new cost are some and a senous transfer we somewhere.

Cabinet in Confidence

GPO Box 1908 Canberra ACT 2601

www.actpla.act.gov.au

CABINET-IN-CONFIDENCE







File Ref. 2005/02385

Ms Pam Davoren A/g Chief Executive Chief Minister's Department

Dear Ms Davoren

# DRAFT CABINET SUBMISSION: PROGRESS OF THE ACT ASBESTOS TASKFORCE

Thank you for your minute of 18 March 2005 inviting comment on the above mentioned submission.

The department notes the considerable progress made in relation to community awareness and thanks the Taskforce for its assistance with preparation of the department's information package and for making officers available to attend briefing sessions for principals and others. The school information manual and fact sheets have been distributed to all schools and preschools.

The department agrees with the point made in the submission regarding the importance of ensuring that more 'sensitive' government properties are inspected or re-inspected for asbestos as a matter of some priority. In this regard, the department has commenced a program of asbestos condition audits in schools and anticipates being able to conclude all these audits by the end of 2005. The expected costs of the remaining surveys will be in the order of \$171,000 (\$116,000 for schools and \$65,000 for preschools).

The department strongly supports the work being done by the Taskforce on examining the strategic options for long-term asbestos management. Clearly, in order to build both long-term community awareness and a sustainable change in public behaviour around the management of asbestos, it will be necessary to consider a range and combination of these options.

On a minor note, the reference to this department in paragraph 8 should read 'Education and Training' not 'Education, Youth and Family Services'.

Yours sincerely

Michele Bruniges Chief Executive

/ April 2005

1. APR. 2005 15:31

# CMD CAB & EXEC SUPP 02051093 CONTROL ENCE

# CABINET-IN-CONFIDENCE



CHIEF MINISTER'S DEPARTMEN

Mr Lincoln Hawkins Chief Executive Asbestos Assessment Project



Dear Mr Hawkins

Draft Cabinet Submission: Progress of ACT Asbestos Task Force

Thank you for providing this draft Cabinet Submission for comments,

The Cabinet and Policy Group does not support Cabinet being asked to consider funding of projects outside of the Budget process, and notes that the timing of this Submission is likely to mean that it will not be considered by Cabinet until 2005/06 Budget decisions have been made.

Given that other recommendations only ask that Cabinet "note" information, it may be that this information can be conveyed to Ministers in some way other than through a Cabinet Submission,

If you require any further information please contact me on 50296 or Clare Wall on 50207.

Yours sincerely

Susan Killion Executive Director Cabinet & Policy Group

April 2005

CABINET-IN-CONFIDENCE

### Cross, Catherine

om:

Healy, Chris

Sent:

Tuesday, 5 April 2005 10:26 AM

To:

Cross, Catherine

Subject:

----Original Message----

From:

Blume, Kristin

Sent:

Tuesday, 5 April 2005 10:19

To:

Healy, Chris

Subject:

### Kristin Blume

Alg Cabinet Liaison Officer Cabinet Office Chief Minister's Department n: 6205 0456 Fax: 6207 6200

----Original Message----

From:

· Willson, Helen

Sent:

Tuesday, 5 April 2005 10:18 AM

To:

Blume, Kristin

Subject:

Kristin

sorry for the delay - Urban Services has a nil comment on the asbestos task force sub - we have provided some information direct to Chris Healy

Thanks

lelen

### Cross, Catherine

om:

Healy, Chris

Sent:

Monday, 4 April 2005 5:43 PM Lacey, Wayne

To: Cc;

Cross, Catherine

Subject:

RE: Progress of the ACT Asbestos Task Force

### thanks wayne

----Original Message----From:

Lacey, Wayne

Sent:

Monday, 4 April 2005 2:57 Blume, Kristin

To:

Cc Subject: Healy, Chris Progress of the ACT Asbestos Task Force

Apologies that comments on the above were due on Friday - DED has no comment.

Cheers,

Wayne :

**Wayne Lacey Policy and Planning Officer Sport and Recreation ACT** 

Phone: 6207 2080 Mobile: 0438 742 188

wayne.lacey@act.gov.au

### Cross, Catherine

From:

Healy, Chris

Sent:

Friday, 1 April 2005 11:44 AM

To:

Bates, Vicki

Cc:

Cross, Catherine

Subject: RE: Nil comment

Thanks very much Vickil

----Original Message----

From: Bates, Vicki

Sent: Friday, 1 April 2005 9:54

To: Blume, Kristin Cc: Healy, Chris

Subject: Nil comment

Hi Kristin

ACT Health would like to provide a nil comment on the draft Cabinet Submission titled "Progress of the ACT Asbestos Task Force".

Thank you for the opportunity to comment.

Vicki Bates Cabinet Liaison Officer **Executive Coordination ACT Health** 

Telephone: 62050850

### Cross, Catherine

'rom:

Blume, Kristin

sent: To:

Wednesday, 6 April 2005 2:25 PM Cross, Catherine; Healy, Chris

Subject:

FW; Progress of the ACT Asbestos Task Force

### Kristin Blume

A/g Cabinet Liaison Officer

**Cabinet Office** 

Chief Minister's Department

Ph: 6205 0456 Fax: 6207 6200

----Original Message-----

Cieslar, Juliana

Sent:

Thursday, 31 March 2005 4:19 PM

To:

Blume, Kristin

Spooner, Dlane

ubject:

Progress of the ACT Asbestos Task Force

The Department of Justice and Community Safety has a nil comment on the above submission.

### Regards

Juliana Cieslar Ministerial Services Department of Justice and Community Safety



Mr Phillip Tardif A/g Director Cabinet Office Chief Minister's Department

Dear Mr Tardif

### DISTRIBUTION RECORD FOR CABINET SUBMISSION

### Progress of the ACT Asbestos Task Force

A total of 22 copies of the Submission have been produced. Distribution has been arranged as follows:

Copy No.	Agency
1, 1a, 1b	Chief Minister
2, 2a	Deputy Chief Minister
3, 3a	Minister for Health
4	Minister for Education
5	Minister for Urban Services
6, 7, 8	Chief Minister's Department
9, 10	Department of Treasury
11	Department of Justice and Community Safety
12	Department of Urban Services
13	ACT Health
14	Department of Education and Training
15	Department of Disability, Housing and Community Services
16	ACT Planning and Land Authority
17	Department of Economic Development
18	ACT Emergency Services Authority

If you require further information, please contact me on extension 50456.

Kristin Blume A/g Cabinet Liaison Officer 12 April 2005



### MINUTE

Date	7 April 2005
То	Minister for Industrial Relations
From	Chief Executive, Asbestos Assessment Task Force
Subject	Lodgement of Cabinet Submission – Progress of the ACT Asbestos Task Force

### Critical date and reason

The Cabinet Submission reporting on the progress of the ACT Asbestos Task Force will need to be lodged with Cabinet on Monday 11 April, in order to be considered by Cabinet at the scheduled meeting of Monday 18 April 2005.

### **Purpose**

To seek your agreement to lodge the Cabinet Submission (Attachment A) with the Cabinet Office.

### Background

The cabinet submission advises Cabinet on the current status of issues relating to:

- Community awareness and education.
- · Research.
- Extent and impact survey.
- Government asset management.
- Risk management,
- Long term asbestos management based on three strategic models which will be tested over the coming months. The models are: Individual Inspections; Triggered Awareness and Education.
- Resource and budget implications.

The Cabinet Submission will be considered by Cabinet on Monday 11 April 2005. A Cabinet Brief is provided at Attachment B, summarising key points of the submission.

#### Issues

In preparing the Cabinet Submission, the indicative budget for the asbestos project in 2005/06 was estimated to be \$1.65 million. Early advice on the outcome of budget discussions has indicated that the allocated budget is likely to be \$1 million for 2005/06.

The \$350,000 identified in the Cabinet Submission for the accelerated audit program for ACT Government assets has since been revised on the advice of agencies to \$503,000. With the reduced budget allocation to \$1 million, the Asbestos Task Force will be unable to contribute to the accelerated audit program. The Cabinet Submission has been amended to reflect this situation. It is now proposed that individual agencies fund the accelerated audit program for their assets from their existing resources.

The Cabinet Submission seeks Cabinet's agreement to the completion of the accelerated audit program of government assist by the end of this year, and agreement that the associated costs of conducting the audits be absorbed within existing agency resources.

### Consultation

The Cabinet Submission was circulated for agency comment between 18 March 2005 and 1 April 2005. Formal comments were received by the Departments of: Treasury; Education and Training; and Disability Housing and Community Services, the Cabinet and Policy Group of the Chief Minister's Department and the ACT Planning and Land Authority. Their comments are addressed within the submission.

### Financial

It is anticipated that the project will be allocated a budget of \$1 million for 2005/06. As a result of the reduced allocation for 2005/06, agencies will need to absorb the costs of the accelerated audit program within their existing resources.

### Media

Not applicable.

### Recommendation

That you:

- note the above;
- agree to lodge the Cabinet Submission at <u>Attachment A</u> for consideration by Cabinet on Monday 18 April 2005; and
- note the Cabinet Brief at <u>Attachment B</u>, summarising the key points of the submission.

Lincoln Hawkins Chief Executive

Asbestos Task Force

7-4.05

/AGREED / NOT AGREED / PLEASE DISCUSS

.. 11 / 4 / 05

Katy Gallagher MLA

# Summary of Comments Requesting Amendment to the Cabinet Submission

Summary of Comments	Agency	Response
<ul> <li>Body of the Submission – formatting and general content issues</li> <li>Cover page – "Purposes" should be amended to include seeking Cabinet's agreement to the proposed amendments to remove sections 47K and 47L of the <i>Dangerous Substances Act 2004</i>.</li> </ul>	Cabinet and Policy Group CMD	Amended to included reference to seek agreement.
• references to the <i>Dangerous Substances (Asbestos) Amendment Act 2004</i> should refer to the <i>Dangerous Substances Act 2004</i> – the amending Act was a vehicle for inserting these uncommenced provisions into the <i>Dangerous Substances Act 2004</i> itself.		Amended to include reference to Act.
• The Human Rights paragraphs should be amended – identify what impact, if any, the proposed measures would have on the human rights set out in the <i>Human Rights Act</i> 2004 – if there is no impact on these rights the Submission should state this.		Amended following advice from the ACT Human Rights Office.
• Cover page — "Budget Impact" should not refer to any amount for which existing budget provision has been made. The table should identify any additional amounts that will be required to implement the Government Response in this and subsequent financial years.		Amended to reflect estimated budget.
• Cover page – "Treasury agreement to Budget impact" – indicate either affirmatively or negatively whether Treasury agrees to those additional Budget impacts.		Amended to reflect estimated budget.
• The body of the Submission should detail the out year costs and indicate how those costs have been estimated, including whether Treasury advice has been sought.		• The submission had been amended to include reference to advice from Treasury. Attachment G provides further detail on the cost estimates.
• paragraphs 26 and 27, Cabinet should not be asked to commit to any action recommended by the Taskforce Report until such time as those costs can be assessed by Cabinet.		See financial implications
• Cabinet should either defer agreement, or restrict itself to agreement "in principle" or "subject to Budget", to any recommendation of the Taskforce Report Government Response until the cost of implementing those recommendations has been properly estimated.		As above.

<ul> <li>"Consultation", paragraph 28 – deal with coordination comments from agencies, and address major issues raised in those coordination comments.</li> <li>Main body – heading dealing with "Media", and the media release referred to on the cover page should be included with the remainder of the Submission for Cabinet's consideration.</li> <li>The numbering of Attachments in the recommendations in paragraph 30 does not appear to correspond with the list of Attachments.</li> <li>In relation to attachments generally, it should be noted that while attachments may be used to flesh out detail, Cabinet needs to be able to ascertain from the body of the Submission itself what the key issues are.</li> <li>Note also that the Cabinet Handbook specifies that subparagraph numbers must be used in place of dot points).</li> </ul>		<ul> <li>Amended following submission of agency comments.</li> <li>Amended. A media release has been attached.</li> <li>Amended.</li> <li>Noted</li> <li>Amended.</li> </ul>
<ul> <li>Body of the Submission – specific issues</li> <li>paragraphs 5 – 7, 16 and 17, and especially the proposal to amend section 47J, it may be useful to remind Cabinet that owners of properties are already generally obliged under the common law to disclose factors, such as the presence of hazards, that may affect a purchaser's or tenant's decision to buy or occupy that property.</li> <li>Cabinet needs to understand how any proposed amendments will fit in, both legislatively and procedurally, with the wider framework of obligations, land management requirements and hazard reduction procedures that already exists in the Territory</li> <li>paragraph 23, it would assist Cabinet in understanding the further ramifications of the Government Response by providing a short summary of what the key issues are likely to be in relation to the three areas identified in that paragraph.</li> </ul>	Cabinet and Policy Group CMD	<ul> <li>Amended to include reference to common law obligations.</li> <li>Amended to include reference to wider framework of obligations.</li> <li>Amended to provide further explanation of key issues.</li> </ul>
Government Response  It may be appropriate to advise Cabinet of the likely interest in the Government Response, and the corresponding need to ensure that all elements of the Response are realistically achievable within the stipulated time-frames, to avoid any subsequent potential embarrassment in the event that Government is unable to meet its commitments.	Cabinet and Policy Group CMD	An asbestos management strategy will be developed which include a 5 year review of the implementation and progress of the new regimes.

<ul> <li>Implementation Strategy</li> <li>It is understood that there is no current intention to release the Implementation Strategy publicly. It would be useful to clarify this intention in the main body of the Submission.</li> <li>It may be useful to make it clear that the Strategy itself is subject to budget, and that further refinement of the Strategy may be needed from time to time, or in light of reaction to the Government Response from industry and other stakeholders.</li> <li>In particular, it may be useful to flag that there may be some minor changes to ensure that the proposed actions fit in smoothly with existing regulatory functions of agencies such as ACTPLA, ACT WorkCover and the Registrar-General of land titles.</li> </ul>	Cabinet and Policy Group CMD	<ul> <li>Amended to confirm internal document.</li> <li>Amended to include reference to review.</li> <li>Covered by the above amendments.</li> </ul>
<ul> <li>Legislative amendments</li> <li>It is noted that it is now proposed to introduce amendments to repeal sections 47K and 47L at the same time as the Government Response and the Taskforce Report are tabled. The Bill, its Explanatory Statement and Presentation Speech will therefore need to be included with the final Submission for Cabinet's consideration.</li> <li>the Government response to recommendation 23 specifically mentions that risk</li> </ul>	Cabinet and Policy Group CMD	<ul> <li>The bill is no longer included in the submission. It will be introduced during the September sittings.</li> <li>Amended to included reference to</li> </ul>
assessment strategies will continue to be applied to decisions concerning the removal of asbestos material.	of Education and Training	risk assessment.
<ul> <li>paragraph 30 (e) to "Attachment E" should be to "Attachment F.</li> <li>Recommend that the proposed government response be amended to make it clear that Recommendation 23 would only be implemented over many years, as it would not be cost effective to remove all asbestos from Category 1 and 2 buildings in a short period of time.</li> </ul>	Department of Treasury	implementation over a number of years.
<ul> <li>Likely difficulty of finding insurers ready to provide adequate insurance be highlighted prominently in the Government response.</li> <li>the submission should mention the possible exposure to future liabilities arising from the surveys commissioned by the Task Force which have now been completed.</li> </ul>		<ul> <li>Amended Government response to include reference to difficulties in obtaining adequate insurance</li> <li>Amended submission to include reference to future liabilities.</li> </ul>

<ul> <li>Table on the front page be footnoted to highlight that approval is not currently being sought, however the submission will create budget pressures for additional funding in future budgets</li> </ul>		Amended submission with footnote.
Amend table on front page.		Amended table.
<ul> <li>Include further detail about which agencies may experience cost pressures resulting from the implementation, and identify and implications and costs for existing information technology and other systems, as a result if increased regulatory roles.</li> </ul>		<ul> <li>Amended submission to note that ACT Planning and Land Authority and the Department of Education and Training have flagged future resource issues.</li> </ul>
		<ul> <li>Amended attachment G to include reference to information technology and other systems.</li> </ul>
ACT NoWaste cannot cover costs of strategy for educating the community on how to dispose of MCAs.	Department of Urban Services	Asbestos Project team will collaborate with ACT NoWaste to minimise communications costs.
Future budget impacts regarding property information, legislative change and audit and certification requirements.	ACT Planning and Land Authority	<ul> <li>Noted that the Authority will submit to the 2006/07 budget process.</li> <li>Asbestos Project team will handle legislative drafting in close collaboration ACTPLA.</li> </ul>

P. 1







File Ref: 2005/02385-2

Mr M Harris Chief Executive Chief Ministers' Department

Dear Mr Harris

# DRAFT CABINET SUBMISSION - ASBESTOS TASK FORCE REPORT

Thank you for the opportunity to comment on the Cabinet Submission concerning the Asbestos Task Force Report.

The department generally supports the position taken in the submission and believes that it presents an effective and workable way of moving forward on this issue.

With respect to the ongoing management of materials containing asbestos in the non-residential sector; it is understood that the management model proposed is to be based on the National Occupational Health and Safety Council (NOHSC) Code of Practice for the Management of Asbestos in the Workplace and other best practice models. A management model based on the application of the NOHSC Code is welcomed, and it is noted that consultation with agencies will occur to finalise the details of the model prior to implementation.

The management framework may require additional resources to implement the new arrangements. This is a matter that would require further consideration and is dependent on the detail of the new arrangements developed.

Paragraph 11 of the submission recommends the government's support in principle to Recommendation 23 establishing a long term goal of achieving practical removal of all materials containing asbestos from all government—category 1 and 2 non-residential buildings (schools are category 1). The cost implications of this decision for this department are likely to be significant.

The department currently has updated asbestos survey reports for 42 schools and spent approximately \$0.24 million on asbestos removal and make good in 2004-05. Further works from the schools already surveyed are estimated to cost in the region of \$0.5m.

These costs are for the removal of materials containing asbestos in deteriorating condition only, and do not include removal of all identified material in these schools. Such materials may be found in wall and ceiling cladding, soffit linings, vinyl floor tiles, pipe lagging and gaskets in plant. The current policy is to leave these items in situ where they are in a sound and stable condition. While precise estimates have not been calculated, the costs to implement the new policy for DET alone could easily be several tens of millions of dollars. Even over a 30 year time period, this will require a significant injection of funds.

Implementation of this policy would be further complicated if "hidden" asbestos was to be included. Current asbestos surveys are non invasive in nature — ie they do not attempt to assess where asbestos may be in inaccessible areas, such as asbestos lagging to hot water pipes inside walls and sub-ground asbestos formwork, electrical conduits and water pipes.

Should a policy position of total removal of all materials containing asbestos be adopted, it would involve significantly greater costs – both in conducting invasive surveys, and for removal and restitution works where asbestos was found.

For these reasons it is suggested that the Government response to recommendation 23 specifically mention that risk assessment strategies will continue to be applied to decisions concerning the removal of asbestos material.

On a more minor note, it appears that the reference in paragraph 30 (e) to "Attachment E" should be to "Attachment F."

Should you wish to discuss these comments further, please contact Mr Robert Donelly on x 59108.

Yours sincerely

Anne Thomas
Executive Director
Resource Management

| August 2005



## Cabinet-in-Confidence



ACT Asbestos 1 0 AUG 2005 Project Team

Mr Mike Harris Chief Executive Chief Minister's Department

Dear Mr Harris

Thank you for the opportunity to comment on the draft Cabinet Submission Asbestos Task Force Report.

The Authority has identified the following Implications for the Authority:

# 1. Staff time and resourcing will be needed for the following:

Property Information:

Ensuring the Authority's property enquiry system can "flag" houses [and later commercial properties] that may contain asbestos:

a) by virtue of the age or type of the property, or

b) because an Asbestos Survey report has been undertaken on the property and is a public record.

The intent is to ensure that development or conveyancing enquiries are alerted to this information.

ACTPLA has concerns whether:

- The Authority "property" database can accurately record and recall this type of information, particularly if Objective can be "flagged' at a property ID level appropriate to identify houses and other individual buildings;
- If not, what estimated costs to upgrade /create such functionality might be required;
- If conveyancing enquiries can deal with this type of information input;
- The type of training that will be required for customer service staff to deal with these issues as primary contact for Asbestos Advice rollout and advice related to development related work safety requirements; and
- The need to develop additional data fields in standard forms, documentation and reporting requirements.

Additional budget resources are likely to be sought in 2006/7 for full implementation of the above matters

Cabinet-in-Confidence

Legislative Change:

The Asbestos Project Team will handle Legislative drafting for the Dangerous Substances Act and associated regulations for the Building Act and Construction Occupations Licensing Act changes.

A dedicated resource will be provided within the Office of Industrial Relations (CMD) to undertake legislative drafting. Close collaboration with and input from ACTPLA will be required.

# 2. Role of Building Certifiers and new categories of Construction Occupations

Additional responsibilities will be assigned to Construction Occupations and Compliance in relation to:

- Creation of new categories of Construction Occupations Asbestos Surveyors and Assessors, and the ongoing audit and registration of these occupations;
- New requirements for training and audit of building certifiers; and
- Participation in development of Training Standards, which will be delivered by registered training organisations.

ACTPLA has advised the the CEO of the Asbestos Project Team that the Authority is unable to play a lead role in development of training standards. This should be led by a central agency with input from the external advisory group.

The budget impacts of the actual implementation of audit and certification requirements will come in later financial years and may be capable of absorption into ACTPLA core business at that time. Separate budget submissions by the Planning and Land Authority may be required in later years.

If you would like to discuss any aspects of these comments, please contact Leonie Mossop on extension 71764.

Yours sincerely

→Dorté Ekelund Deputy Chief Planning Executive

1 August 2005





Date	10 August 2005
То	Chris Healy, Director, Asbestos Assessment Project Team
From .	Executive Director, Cabinet and Policy Group     Greg Ellis, Director Economic, Planning and Regional Branch
Subject	Draft Cabinet Submission: Asbestos Taskforce Report

### Purpose

To provide you with Cabinet and Policy Group's comments on the draft Submission.

### Issues/Comments

Body of the Submission - formatting and general content issues On the cover page, the "Purposes" should be amended to include seeking Cabinet's agreement to the proposed amendments to remove sections 47K and 47L of the Dangerous Substances Act 2004. Please also note that the references in the Submission and associated documents to the Dangerous Substances (Asbestos) Amendment Act 2004 should refer instead to the Dangerous Substances Act 2004 - the amending Act was merely the vehicle for inserting these uncommenced provisions into the Dangerous Substances Act 2004 itself.

The Human Rights paragraphs on the cover page and in the main body should be amended, as there does not appear to be any right in the Human Rights Act 2004 specifically regarding a duty of care or disclosure of hazards. To assist Cabinet, it would be preferable for this aspect of the Submission to identify what impact, if any, the proposed measures would have on the human rights set out in the Human Rights Act 2004 - it may well be the case that there is no impact on these rights, and if so the Submission should simply state this.

On the cover page, the table under "Budget Impact" should not refer to any amount for which existing budget provision has been made. The table should identify any additional amounts that will be required to implement the Government Response in this and subsequent financial years. Also, next to "Treasury agreement to Budget impact", the cover page needs to indicate either affirmatively or negatively whether Treasury agrees to those additional Budget impacts.

2

To assist Cabinet, the body of the Submission should detail the out year costs and indicate how those costs have been estimated, including whether Treasury advice has been sought. In relation to paragraphs 26 and 27, Cabinet should not be asked to commit to any action recommended by the Taskforce Report until such time as those costs can be assessed by Cabinet. Accordingly, Cabinet should either defer agreement, or restrict itself to agreement "in principle" or "subject to Budget", to any recommendation of the Taskforce Report Government Response until such time as the cost of implementing those recommendations has been properly estimated.

Under "Consultation", paragraph 28 of the main body of the Submission also deal with coordination comments from agencies, and address major issues raised in those coordination comments. This will enable Cabinet to identify any possible areas of disagreement between agencies (if there are any) and to decide the best way to resolve these matters.

In the main body, there needs to be a heading dealing with "Media", and the media release referred to on the cover page should be included with the remainder of the Submission for Cabinet's consideration. Ideally, the media release and the proposed Presentation Speech should have been circulated to agencies for comment as part of the Cabinet co-ordination process.

The numbering of Attachments in the recommendations in paragraph 30 does not appear to correspond with the list of Attachments. In relation to attachments generally, it should be noted that while attachments may be used to flesh out detail, Cabinet needs to be able to ascertain from the body of the Submission itself what the key issues are. Note also that the Cabinet Handbook specifies that subparagraph numbers must be used in place of dot points),

Body of the Submission – specific issues

In relation to paragraphs 5 - 7, 16 and 17, and especially the proposal to amend section 47J, it may be useful to remind Cabinet that owners of properties are already generally obliged under the common law to disclose factors, such as the presence of hazards, that may affect a purchaser's or tenant's decision to buy or occupy that property. This suggestion is made in order to remind Cabinet that the management of asbestos needs to be viewed as part of a wider s framework of both common-law and statutory obligations on land-owners and occupiers to investigate, manage and disclose hazards on land.

In this particular case, the substantive legislative issue for the Government in responding to the Taskforce Report is to develop an effective and viable statutory mechanism for ensuring that potential asbestos hazards are identified and subsequently disclosed to future owners or occupiers. In turn, Cabinet needs to understand how any proposed amendments will fit in, both legislatively and procedurally, with the wider framework of obligations, land management requirements and hazard reduction procedures that already exists in the Territory. 11. AUG. 2005 16:11

3

In relation to paragraph 23, it would assist Cabinet in understanding the further ramifications of the Government Response by providing a short summary of what the key issues are likely to be in relation to the three areas identified in that paragraph.

Government Response

It is noted that both the Taskforce Report and the Government Response are likely to receive considerable attention from regulatory authorities and stakeholders in other jurisdictions - the release of the Report has already been foreshadowed in the OH&S Daily News of 9 August 2005, for example. Accordingly, it may be appropriate to advise Cabinet of the likely interest in the Government Response, and the corresponding need to ensure that all elements of the Response are realistically achievable within the stipulated time-frames, to avoid any subsequent potential embarrassment in the event that Government is unable to meet its commitments.

Implementation Strategy

It is understood that there is no current intention to release the Implementation Strategy publicly. It would be useful to clarify this intention in the main body of the Submission. In terms of the Strategy as a whole, it may be useful to make it clear that the Strategy itself is subject to budget, and that further refinement of the Strategy may be needed from time to time, or in light of reaction to the Government Response from industry and other stakeholders. In particular, it may be useful to flag that there may be some minor changes to ensure that the proposed actions fit in smoothly with existing regulatory functions of agencies such as ACTPLA, ACT WorkCover and the Registrar-General of land titles.

Legislative amendments

It is noted that it is now proposed to introduce amendments to repeal sections 47K and 47L at the same time as the Government Response and the Taskforce Report are tabled. The Bill, its Explanatory Statement and Presentation Speech will therefore need to be included with the final Submission for Cabinet's consideration.

Please contact me on 76136 or Amanda Casimir on 78934 if you wish to discuss these comments.



Pam Davoren Executive Director CMD CAB & EXEC SUPP (2051093 NFIDENCE NO. 289





#### DEPARTMENT OF TREASURY

Mr M L Harris Chief Executive Chief Minister's Department

HING

Dear Mr Harris

Thank you for referring for comment the draft Cabinet submission *Asbestos Task Force Report*. The Department of Treasury offers the following comments.

Consistent with comments provided in pre-circulation consultation, Treasury is concerned that the financial implications of some of the recommendations have not been established more accurately. Treasury recognises that this may be due to time constraints in finalising the submission (and the fact that some recommendations are inherently difficult to cost); however, it means that Cabinet is being asked to agree to recommendations before the financial consequences have been fully assessed.

The submission proposes that the resources to be provided in future years should be determined through the annual budget process. While this approach would ensure that additional funding for asbestos management is properly considered against other spending priorities — and is certainly preferable to consideration outside the budget process — it does not remove the risk that the Government will be faced with little choice but to fund the asbestos initiatives. Treasury recommends that this risk be highlighted more prominently in the Cabinet submission.

Notwithstanding these concerns, Treasury recognises that the Task Force's recommendations will be significantly less costly to implement than the current legislation.

Of the recommendations, recommendation 23 (relating to the removal of all asbestos from certain government buildings) is likely to involve the greatest potential costs to the budget. Treasury recommends that the proposed Government response be amended to make it clear that the recommendation would only be implemented over many years, as it would not be cost effective to remove all asbestos from category 1 and 2 buildings in a short period of time. Treasury believes it is important that expectations are not raised that the Government may provide significant funding for this recommendation in the short term.

Further comments on the presentation of financial implications in the submission are provided in the attachment to this letter.

ACT COVERNMENT GPO Box 158 Camperra ACT 2601 T 13 22 81

ACT Government Homepage; http://www.act.gov.au g:\dtl\_exec\stanhope government\comments\asbestog <u>ras</u>



NO. 289 P. 2

# CABINET-IN CONFIDENCE

The submission notes that further investigation of insurance arrangements will contribute to the detailed system for asbestos surveyors and assessors. Treasury and the ACT Insurance Authority (ACTIA) have undertaken to facilitate the sourcing of insurance cover for these activities. ACTIA is of the view that the possibility of securing adequate insurance coverage is extremely remote but is committed to pursuing the issue. Treasury suggests that the likely difficulty of finding insurers ready to provide adequate insurance be highlighted prominently in the proposed Government response.

Treasury considers that the submission should mention the possible exposure to future liabilities (previously estimated on a worst case basis at \$130m) arising from the surveys commissioned by the Task Force and which have now been completed.

Treasury confirms that, following the release of the Report, it will work with the Task Force to brief the members of the Australian Procurement and Construction Council.

In addition to the above, some minor editorial comments have been provided directly to Lincoln Hawkins.

Should you wish to discuss these comments please contact Marina Belmonte on ext 70215 or Peter Matthews on ext 70268 for insurance-related comments.

Yours sincerely

Paul Grimes Under Treasurer

ii August 2005

NEIDENICE NO. 289 P.

#### **ATTACHMENT**

Cabinet is not being asked to formally approve additional funding at this stage. Treasury recommends that the table on the front page be footnoted to highlight the fact that approval is not currently being sought, however, the submission will create budget pressures for additional funding in future budgets.

Treasury notes that due to the limited time for comment, the following changes to the Budget Impact table have not yet been incorporated. Treasury requests that the amendments be made to the final Submission as below:

Net impact (\$000) 2005-06 2006-07 2007-08 2008-09 2009-10 Operating Budget 0 -230 -104 -104 -104 Capital

After further analysis of the submission, Treasury offers the following comments in addition to those made in the pre-circulation period.

Treasury notes that the net impacts on the Budget are indicative only and reflect higher staffing levels (above those already funded in the 2005-06 Budget for the Task Force) for legislative, regulatory and implementation activities. Treasury believes that the submission could usefully include further detail to help inform Cabinet about which agencies may experience cost pressures resulting from the implementation of the Task Force Report recommendations and identify any implications and costs for existing information technology and other systems, as a result of increased future regulatory and monitoring roles. Treasury also notes that future costs to the Budget could be mitigated by the re-prioritisation of existing funding or savings initiatives.

Treasury notes that the long-term financial implications regarding the management of government assets will be brought to Cabinet in a separate submission, although this should be highlighted in this submission. Treasury also notes the difficulties in estimating the potential costs prior to the completion of the asbestos audits. Treasury believes, however, that Cabinet should be informed that there is a potential for significant costs in the future, as these will need to be considered in future budgets in line with other Capital Works priorities.





Working in partnership to protect and preserve life, property and the environment of the ACT

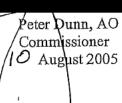
ACT Asbastos 1 0 AUG 2005 mseT toslor9

Mr Mike Harris Chief Executive Chief Minister's Department GPO Box 158 CANBERRA ACT 2601

Draft Cabinet Submission: Asbestos Task Force Report

The ACT Emergency Services Authority supports the proposed amendments to the *Dangerous Substances (Asbestos) Amendment Act 2004* and do not have any comments on the Report.

Thank you for the opportunity to comment on the Draft Cabinet Submission.





# URBAN SERVICES Cabinet-in-Confidence

ACT GOVERNMENT

Mike Harris Chief Executive Chief Minister's Department

Draft Cabinet Submission: Asbestos Task Force Report

Thank you for the opportunity to comment on the above titled draft Cabinet Submission. The department offers the following comments concerning recommendation 15 of the ACT Asbestos Task Force Report, which proposes that a strategy be developed for educating the community on how to dispose of materials containing asbestos in accordance with the appropriate guidelines.

The Implementation Strategy at Attachment F of the submission identifies Urban Services as the agency with primary responsibility for responding to recommendation 15 of the Report. Although NOWaste in Urban Services could develop and deliver an appropriate education strategy, the department currently does not have sufficient funding to absorb this additional cost, unless other NOWaste programs are curtailed.

The department notes that the implementation strategy indicates that 'further consideration is required in the development of costings for ongoing education' and accordingly looks forward to these discussions. In the first instance please contact Hamish McNulty, Executive Director of Municipal Services Network, on 6207 6399 to further these discussions.

Mike Zissler Chief Executive

11 August 2005



Office of the Chief Executive

Level 5, Macaribur House • 12 Wattle Street Lyneham ACT 2602 GPO Box 158 Canbarra ACT 2601 • Telephone (02) 6207 6000 • Pacsimile (02) 6207 6229 • ACT Government homepage: www.act.gov.au

#### Cross, Catherine

From:

Healy, Chris

Sent:

Wednesday, 10 August 2005 8:59 AM

To:

Cross, Catherine

Subject: FW: Nil comment

----Original Message----

From: Bates, Vicki

Sent: Wednesday, 10 August 2005 8:54

To: Rau, Amelia Cc: Healy, Chris Subject: Nil comment

Hi Amelia

Thank you for the opportunity to comment on the draft Cabinet Submission titled "Asbestos Task Force

ACT Health would like to provide a nil comment.

VB :-)

Vicki Bates **Cabinet Liaison Officer Executive Coordination ACT Health** Telephone: 62050850

#### Cross, Catherine

rom:

Healy, Chris

sent:

Wednesday, 10 August 2005 8:48 AM

To: Cc: Cross, Catherine Hawkins, Lincoln

Subject:

FW: DHCS Comments on Cabinet Submission

Importance:

High

----Original Message-----

From:

Rau, Amelia

Sent:

Wednesday, 10 August 2005 8:10

To:

Healy, Chris

Subject:

FW: DHCS Comments on Cabinet Submission

Importance:

Hlgh

FYI

Amelia Rau

A/g Cabinet Liaison Officer

Cabinet Office

Cabinet and Policy Group Chief Minister's Department

Ph: 62050456 Fax: 62076200

amelia.rau@act.gov.au

----Original Message-----

From:

Wood, Pam

Sent:

Tuesday, 9 August 2005 5:02 PM

To;

Subject:

Rau, Amelia DHCS Comments on Cabinet Submission

Importance:

High

Amelia

DHCS has no comment to offer on Cabinet Submission - Asbestos Task Force Report.

I will forward a signed nil response letter through the internal mail.

Cheers

Pam Wood

Cabinet Liaison Officer

Department of Disability, Housing and Community Services

6205 0457

Policy and Organisations CAB & EXEC SUPP

#### CABINET-IN-CONFIDENCE



dhcs | ACT

Mr Mike Harris Chief Executive Chief Minister's Department

department of disability, housing & community services

Dear Mr Harris

соптупліту рагитега

# Draft Cabinet Submission: Asbestos Taskforce Report

Thank you for referring this draft Cabinet Submission to the Department of Disability, Housing and Community Services for comment.

GPO Box 158 Canderta ACT 2601

This Department supports the draft Cabinet Submission and has no comments to submit on this matter.

Telephons 13 22 81

www.dhcs.aolgav.eu

If you would like any further information please have one of your officers contact me on 6207 6057.

Yours sincerely --

Adam Stankevicius Senior Manager Governance and Strategy

August 2005

building our city

File no:

CABINET-IN-CONFIDENCE

#### Cross, Catherine

om:

Healy, Chris

Sent:

Wednesday, 10 August 2005 2:25 PM

To: Subject: Cross, Catherine FW: coord comments

#### JACS response

----Original Message----

From:

Rau, Amelia

Sent:

Wednesday, 10 August 2005 2:15 Healy, Chris; Wahren, Lee-Anne

To: Subject:

FW: coord comments

FYI:)

Amelia Rau

A/g Cabinet Liaison Officer

Cabinet Office

Cabinet and Policy Group Chief Minister's Department

Ph: 62050456 Fax: 62076200 amelia.rau@act.gov.au

-----Original Message-----

From:

Elworthy, Klra

Sent:

Wednesday, 10 August 2005 1:26 PM Rau, Amelia

To: Subject:

coord comments

Hi Amelia

The Department of Justice and Community Safety has a 'Nil' comment on the following Cabinet Submissions

"Government and plant industry cost sharing deed in respect of emergency plant pest responses"

"Asbestos task force report"

Thanks

Kira Elworthy Ministerial Services Unit **JACS** 

#### Cross, Catherine

.om:

Healy, Chris

Sent:

Wednesday, 10 August 2005 3:06 PM

To:

Cross, Catherine

Subject:

FW: Draft Cabinet Submission: Asbestos Task Force Report

----Original Message----

From:

Mullan, James

Sent:

Wednesday, 10 August 2005 2:56

To:

Healy, Chris; Rau, Amelia

Subject:

Draft Cabinet Submission: Asbestos Task Force Report

H Chris / Amelia,

DED has a NIL response in regards to the above DCS.

Regards James Mullan

Assembly and Cabinet Liaison Officer Department of Economic Development

Ph: 02-62071887 Fax: 02-62070033 Mob: 0434070239



#### KATY GALLAGHER MLA

MINISTER FOR EDUCATION AND TRAINING
MINISTER FOR CHILDREN, YOUTH AND FAMILY SUPPORT
MINISTER FOR WOMEN MINISTER FOR INDUSTRIAL RELATIONS
MEMBER FOR MOLONGLO

# MEDIA RELEASE

# DRAFT

# ACT Asbestos Task Force Report recommends changes to asbestos laws

The Minister for Industrial Relations Katy Gallagher today released the ACT Asbestos Task Force Report on *Asbestos Management in the ACT*.

'The report presents the Government with a practical, cost effective and balanced approach to the management of asbestos in the ACT, said Ms Gallagher said.

"The Task Force was asked to work in uncharted territory and have responded well to the challenge. They have undertaken an extensive amount of work in understanding the current local, national and international issues associated with asbestos and its management.

"A survey of over 600 Canberra homes found that the majority of homes built before 1982 are likely to have building materials containing asbestos (MCAS); homes built between 1982 and 1984 may have MCAs; and homes built from 1985 onwards are unlikely to have MCAs.

"In non-residential premises, the types and uses of MCAS are more widespread. While the majority of building products were phased out in the mid 1980s in the non-residential sector, other MCAs continued to be used in plant room gaskets and similar products until 2003.

"The Government has agreed to or agreed in principle to all 25 recommendations contained in the report.

"The Task Force recommended three separate approaches for the future management and control of asbestos in our community targeting the residential sector, non-residential sector, and those trades and asbestos industry groups who handle MCAs on a regular basis. (A snap shot for each of these regimes is attached).

"These approaches will replace existing asbestos laws under the *Dangerous Substances Act* 2004, which were passed in the Assembly last year. Sections 47K and 47L of the *Dangerous Substances Act* 2004 which would have required property owners and occupiers, from 16 January 2006, to provide asbestos reports listing their property for sale, or when undertaking high risk activities, will be repealed in the next three months.



"Together these approaches offer a more effective way of providing information and protecting people at risk than the current legislation.

"This is a comprehensive body of work. I have no doubt this report will be a valuable contribution to the areas of asbestos research and management, both nationally and internationally.

"I thank each member of the Task Force for their contribution to this process", Ms Gallagher said.

The report and Government Response can be accessed at www.asbestos.act.gov.au

Statement Ends
Date
Madia Contact Angle Proke

Media Contact: Angie Drake Phone: 6205 0139(w)

0408 092 016(m)

# CABINET-IN-CONFIDENCE CABINET-IN-CONFIDENCE

ATTACHMENT C

#### COMMENTS RECEIVED FROM AGENCIES

Agency comment	DDHCS action
Department of Treasury	
Treasury notes that the market in shared equity schemes and products is still developing, and that there is little certainty in relation to the risk faced by consumers.	Noted.
Treasury remains concerned that public announcements or publications from Government may pose a risk to the Government from a user of the scheme making claims against the Territory where participation in the scheme has not met their expectations. This is a particular risk given that the details of the scheme have not yet been finalised. For example, the scheme details provided in Attachment A do not cover how capital improvements (ie extensions, renovations) to the house are treated, nor confirm that the equity investor bears the proportional risk in the event of sale price being lower than purchase price.	Noted. The concerns raised by Treasury about the Government supporting, endorsing or approving a financial product are set out in the Cabinet Submission. See paras 22 - 25
As a way forward, the submission could be changed to include information regarding the work in progress by Westpac, the support they are seeking and the risks to the Territory if that level of support were provided.  Cabinet could be informed that a public announcement and booklet along the lines described are being developed and will be brought to Cabinet in a further submission.  The announcement and booklet could then be developed and advice sought from the ACTGSO that the risks have been mitigated.	The Cabinet Submission has been amended to reflect the approach suggested by the Department of Treasury,

# CABINETIN-CONFIDENCE

### COMMENTS RECEIVED FROM AGENCIES (continued)

Agency comment	DDHCS action
information on the mechanics of the scheme to be sought from Westpac and be presented to Cabinet. It would also be useful in this future submission to outline the expected take-up of a shared equity scheme from Housing ACT tenants, and indicatively estimate this as a proportion of total scheme applicants.	
Further to this, Treasury considers that the Department should approach other financial institutions to provide them the opportunity to have similar schemes included in the booklet before it is brought back to Cabinet.	Agreed — see para 30.
The revised submission could also consider any regulatory implications for Government in the Westpac and similar schemes.	This will be addressed in the Cabinet Submission that will be prepared seeking agreement to the release of the booklet. Further details of the scheme proposed by Westpac should be available at that time.
In addition to the above general comments, Treasury also has the following concerns regarding the details of the proposed shared equity scheme by Westpac.	
The example annual repayment includes interest at 7% pa, principal, and the 2% pa charge on Westpac's equity. It would be helpful if the interest rate were expressed as a "true" interest rate, which includes the 2% equity cost, allowing it to be compared with other types of loans and loans offered by other institutions.	Noted. Table 2 shows the total cost — including amount payable for interest and equity. This is compared with the amount payable under a traditional mortgage.
Attachment A states that the title will be in the name of the resident who will be responsible for normal mortgagee obligations. The submission should note that Westpac would be considered to hold an equitable or beneficial interest in the property and there may be duty consequences under the <i>Duties Act 1999</i> , depending upon the transactions or agreements required to secure their interest in the property.	Noted. This matter will be considered when further details of the Westpac scheme are provided. It will be addressed in the Cabinet Submission seeking agreement to the release of the booklet.

# COMMENTS RECEIVED FROM AGENCIES (continued)

Agency comment	DDHCS action
A purchaser may be eligible for a First Home Buyer Grant (FHOG), currently \$7,000 and not income tested. The submission should note this and that under most arrangements this amount may be used as part of the deposit. However, the method Westpac uses to secure their interest may affect eligibility.	Noted. Further details are needed from Westpac to determine whether the eligibility to the scheme might be affected. This matter will be addressed in the Cabinet Submission seeking agreement to the release of the booklet.
The submission does not consider one-off and establishment costs, which would be substantia to a low-income borrower. Examples are:	
The property would be subject to duty payable by the transferee. Under the current Home Buyer Concession Scheme, from 1 January 2005 an eligible purchaser who meets an income test would have the \$9,500 duty payable reduced by a concession of \$7,093.75. The amount payable would be \$2,406.25. It should be noted that the method Westpac uses to secure their interest might affect eligibility and reduce the amount of the concession;	Noted. Further details are needed from Westpac to determine whether the eligibility to the scheme might be affected. This matter will be addressed in the Cabinet Submission seeking agreement to the release of the booklet.
There is no estimate of Westpac establishment costs. If additional equity is purchased at a later date, will there be additional bank fees to amend the standing of the equity share amount?	Noted. Further details are needed from Westpac to determine whether the eligibility to the scheme might be affected. This matter will be addressed in the Cabinet Submission seeking agreement to the release of the booklet.
Treasury also notes an editorial error: the recommendation at paragraph 37 (b) (vii) should read "an independent financial planner/advisor."	Noted. Error has been corrected.
Chief Minister's Department	
This Department supports the Submission and makes the following specific comments:	Noted.
It is understood that from discussions with the contact officer that the Submission will be revised to incorporate new details concerning the progress of the Land Rent Scheme mentioned at Paragraph 5.	The Cabinet Submission has been revised to include details about progress being made with the Land Rent Scheme.

#### **COMMENTS RECEIVED FROM AGENCIES (continued)**

#### Agency comment **DDHCS** action It is also understood that the details of the Noted. See para 9. Scheme were communicated by Westpac in writing to both the former Minister for Disability, Housing and Community Services, Mr Bill Wood MLA, and the Executive Director of Housing and Community Services ACT in 2004. This, and any other formal communications between Westpac and the Government regarding the proposed Scheme should be referenced in the Submission. The "Purpose/Issues" section of the Cover Noted. The Cover Sheet has been changed to Sheet states that the Submission is seeking reflect the fact that Government is being Government support for the proposal. This advised about progress being made in the appears inaccurate as the recommendations development of financial products to improve ask Cabinet to note the proposal, and seek the availability of households on low and agreement to a set of conditions which DHCS moderate incomes. will present as the position of Government to Westpac. It is requested that this section be revised to reflect the nature of the recommendations. The proposal by Westpac is also consistent Noted. with a goal under Priority 6 of the Social Plan, "improve access to quality, affordable and safe housing". This could be also be referenced in the Submission. It is recommended that the "Impact on Noted. The Cover Sheet has been amended. Women' section on the title page be revised to indicate that the scheme should have a positive impact on women, as they frequently experience barriers to entry into the Home Ownership market base d on income and discrimination. The submission is very long and when Noted. The Cabinet Submission has been converted to the correct spacing will be amended accordingly. around 15 pages long. It is suggested that attachments be used in which to place more of the detail.

# COMMENTS RECEIVED FROM AGENCIES (continued)

Agency comment	DDHCS action
Department of Urban Services	
Firstly, it would be beneficial for Cabinet if the submission referred to Attachment A and the workings of the proposed Shared Equity Scheme earlier in the submission. As it currently stands, the submission doesn't really answer any questions regarding the operations of the scheme. It may be useful to have a sub-heading under Issues such as "How a Shared Equity Scheme Operates".	Noted. The Cabinet Submission has been amended to make clear that consideration is being given to developing a range of financial products.
Secondly, It may be more relevant for Cabinet, if the submission used median house prices or median first home owner house prices in Tables 1 and 2. This would more clearly display the proposed impact of the scheme on the target group.	Noted. This matter will be considered in the context of the Cabinet Submission seeking agreement to the release of the booklet.



Ms Sandra Lambert Chief Executive Department of Disability, Housing and Community Services

Dear Ms Lambert

Draft Cabinet Submission: Development of a Shared Equity Scheme by Westpac

Thank you for referring this draft Cabinet Submission to Mr Harris.

This Department supports the Submission and makes the following specific comments at Attachment A.

If you require any further information please contact me on 50296 or David James on 72002.

Yours sincerely

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Susan Killion
Executive Director
Cabinet & Policy Group

// May 2005

Attachment A

#### **Detailed Comments**

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- It is understood that from discussions with the contact officer that the Submission will be revised to incorporate new details concerning the progress of the Land Rent Scheme mentioned at Paragraph 5.
- It is also understood that the details of the Scheme were communicated by Westpac in writing to both the former Minister for Disability, Housing and Community Services, Mr Bill Wood MLA, and the Executive Director of Housing and Community Services ACT in 2004. This, and any other formal communications between Westpac and the Government regarding the proposed Scheme should be referenced in the Submission.
- The "Purpose/Issues" section of the Cover Sheet states that the Submission is seeking Government support for the proposal. This appears inaccurate as the recommendations ask Cabinet to note the proposal, and seek agreement to a set of conditions which DHCS will present as the position of Government to Westpac. It is requested that this section be revised to reflect the nature of the recommendations.
- The proposal by Westpac is also consistent with a goal under Priority 6 of the Social Plan, "improve access to quality, affordable and safe housing". This could be also be referenced in the Submission.
- It is recommended that the "Impact on Women" section on the title page be revised to indicate that the scheme should have a positive impact on women, as they frequently experience barriers to entry into the Home Ownership market base d on income and discrimination.
- The submission is very long and when converted to the correct spacing will be around 15 pages long. It is suggested that attachments be used in which to place more of the detail.

# CABARENETI-BORRIBENCE

#### DEPARTMENT OF TREASURY



Ms Sandra Lambert
Chief Executive
Department of Disability, Housing
and Community Services

Dear Ms Lambert

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Thank you for the opportunity to comment on this and earlier versions of the draft Cabinet Submission *Development of a Shared Equity Scheme with Westpac*. Treasury acknowledges the work undertaken by the Department to investigate the possible shared equity scheme, following from the disappointing response by the financial sector to the land rent scheme, and offers the following comments.

Treasury notes that the market in shared equity schemes and products is still developing, and that there is little certainty in relation to the risk faced by consumers.

Treasury remains concerned that public announcements or publications from Government may pose a risk to the Government from a user of the scheme making claims against the Territory where participation in the scheme has not met their expectations. This is a particular risk given that the details of the scheme have not yet been finalised. For example, the scheme details provided in Attachment A do not cover how capital improvements (ie extensions, renovations) to the house are treated, nor confirm that the equity investor bears the proportional risk in the event of sale price being lower than purchase price.

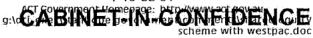
As a way forward, the submission could be changed to include information regarding the work in progress by Westpac, the support they are seeking and the risks to the Territory if that level of support were provided. Cabinet could be informed that a public announcement and booklet along the lines described are being developed and will be brought to Cabinet in a further submission. The announcement and booklet could then be developed and advice sought from the ACT GSO that the risks have been mitigated. This approach would also allow additional information on the mechanics of the scheme to be sought from Westpac and be presented to Cabinet. It would also be useful in this future submission to outline the expected take-up of a shared equity scheme from Housing ACT tenants, and indicatively estimate this as a proportion of total scheme applicants.

Further to this, Treasury considers that the Department should approach other financial institutions to provide them the opportunity to have similar schemes included in the booklet before it is brought back to Cabinet.

The revised submission could also consider any regulatory implications for Government in the Westpac and similar schemes.

**CABINET-IN-CONFIDENCE** 

ACT GOVERNMENT GPO Box 158 Canberra ACT 2601 T 13 22 81





## CABINEWATOUNFIDENCE

In addition to the above general comments, Treasury also has the following concerns regarding the details of the proposed shared equity scheme by Westpac.

The example annual repayment includes interest at 7% pa, principal, and the 2% pa charge on Westpac's equity. It would be helpful if the interest rate were expressed as a "true" interest rate, which includes the 2% equity cost, allowing it to be compared with other types of loans and loans offered by other institutions.

Attachment A states that the title will be in the name of the resident who will be responsible for normal mortgagee obligations. The submission should note that Westpac would be considered to hold an equitable or beneficial interest in the property and there may be duty consequences under the *Duties Act 1999*, depending upon the transactions or agreements required to secure their interest in the property.

A purchaser may be eligible for a First Home Buyer Grant (FHOG), currently \$7,000 and not income tested. The submission should note this and that under most arrangements this amount may be used as part of the deposit. However, the method Westpac uses to secure their interest may affect eligibility.

The submission does not consider one-off and establishment costs, which would be substantial to a low-income borrower. Examples are:

- The property would be subject to duty payable by the transferee. Under the
  current Home Buyer Concession Scheme, from 1 January 2005 an eligible
  purchaser who meets an income test would have the \$9,500 duty payable
  reduced by a concession of \$7,093.75. The amount payable would be
  \$2,406.25. It should be noted that the method Westpac uses to secure their
  interest might affect eligibility and reduce the amount of the concession;
- There is no estimate of Westpac establishment costs. If additional equity is purchased at a later date, will there be additional bank fees to amend the standing of the equity share amount?

Treasury also notes an editorial error: the recommendation at paragraph 37 (b) (vii) should read "...an independent financial planner/advisor."

Should you wish to discuss these comments please contact Khalid Ahmed on ext 70228 or Faye Wills on ext 70016 in relation to the details of the submission.

Yours sincerely

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Paril Campa

Paul Grimes Under Treasurer

19 May 2005

CABINET-IN-CONFIDENCE
CABINET-IN-CONFIDENCE

ACT Planning & Land Authority

MINUTE

Ms Sandra Lambert Chief Executive Department of Disability, Housing and Community Services

Dear Ms Lambert

Thank you for the opportunity to comment on the draft Cabinet Submission regarding the Development of a Shared Equity Scheme by WESTPAC.

The Authority supports efforts by the Department of Disability, Housing and Community Services (DHCS) to facilitate the introduction of a shared equity scheme in the ACT. The introduction of such a scheme will provide alternative methods for people to enter the housing market at a lower income level than is currently possible.

The Cabinet Submission identifies that there are potential risks in the government actively facilitating the scheme's promotion. DHCS have, however, identified the risks and the submission indicates that they are actively working to ameliorate any risks to the Territory Government.

If you would like to discuss any aspects of these comments, please contact Leonie Mossop on extension 71764.

Yours sincerely

Neil Savery

Chief Planning Executive

18 May 200\$

#### Wood, Pam

From:

Tranter, Adrienne

Sent:

Thursday, 19 May 2005 2:02 PM

To:

Wood, Pam

Subject:

FW: Draft Cabinet Submission - Development of a Shared Equity Scheme

Pam

Sorry this was sent to the contact officer.

Regards

Adrienne

----Original Message----

From:

Jones, David

Sent:

Monday, 16 May 2005 1:32 PM

.To:

Johns, Peter

ubject:

Draft Cabinet Submission - Development of a Shared Equity Scheme

Peter

As discussed, the Department of Urban Services has only a couple of minor comments on the above draft submission.

- Firstly, it would be beneficial for Cabinet if the submission referred to Attachment A and the workings of the
  proposed Shared Equity Scheme earlier in the submission. As it currently stands, the submission doesn't really
  answer any questions regarding the operations of the scheme. It may be useful to have a sub-heading under
  Issues such as "How a Shared Equity Scheme Operates".
- Secondly, It may be more relevant for Cabinet, if the submission used median house prices or median first home owner house prices in Tables 1 and 2. This would more clearly display the proposed impact of the scheme on the target group.

Regards

David

**David Jones** 

olicy & Compliance Unit

Policy, Compliance & Transport Group

ACT Department of Urban Services

Ph: Fax: 6207 5918 6207 2345



DET File Ref: CAB 05/196

Mr Sandra Lambert Chief Executive Department of Disability, Housing & Community Services GPO Box 158 CANBERRA ACT 2601

Dear Ms Lambert

Thank you for the opportunity to comment on the draft Cabinet Submission: Development of a Shared Equity Scheme by WESTPAC.

The Department of Education and Training has a 'nil comment' on the submission.

Yours sincerely

Michele Bruniges Chief Executive

May 2005

### **Chief Minister's Cabinet Brief**

Cabinet Meeting Date:

Monday 20 June 2005

Title of Submission:

Development of Private Sector Investment in Affordable

Housing

Minister:

Minister for Disability, Housing and Community Services

#### Context and Consultation

The 2002 Affordable Housing Taskforce recommended in 2002 that the Government consider shared equity schemes as a means to increasing housing affordability. Moreover, under the Commonwealth State Housing Agreement the Territory is obliged to research and develop options for shared equity and liaise with financial institutions regarding possible models.

Discussions have been held with Westpac and the Commonwealth Bank regarding a shared equity scheme, as well as other mechanisms to increase affordability. Westpac have progressed a model and put it to DHCS where both the household and the financial institution would own equity in the premises, allowing households with an income between \$50,000 to \$80,000 to enter the current housing market.

It is understood the Commonwealth Bank is still considering its options and no model has been put forward to DHCS at this time.

#### Issues

Westpac are planning to pilot their scheme in the ACT and have asked for Government assistance. Specifically, Westpac would like the Government to:

- direct prospective purchasers towards the bank;
- promote the product through shop fronts and Housing ACT offices;
- market the product to ACT Government employees; and
- provide the bank with a mandate of 18 months during which there will be no involvement by the Government with another company in testing a like product.

Treasury are concerned that despite the lack of financial risk, endorsement of the Westpac scheme could have significant and long-term political risks. Moreover, shared equity schemes do not have an established 'track record' and lack credibility in the housing market at present.

Rather, the Submission recommends DHCS produce an information booklet outlining details of low cost home purchased schemes. The booklet would be made available in Canberra Connect shopfronts, developed in consultation with Treasury and the GSO and will be the subject of a further submission to Cabinet. The booklet would also provide details of the Westpac shared equity products and those of other financial institutions.

#### **Submission Recommendations**

The Submission recommendations should be supported.

Authorised by: Pam Davoren Prepared/Cleared by Luke McAlary/Cathy Hudson

# department of disability, housing & community services | ACT CABINET-IN-CONFIDENCE



Mr Phil Tardif
Acting Director
Cabinet Office
Chief Minister's Department

department of disability, housing & community services

community partners

Dear Mr Tardif

( )

# DISTRIBUTION RECORD FOR CABINET SUBMISSION Development of Private Sector Investment in Affordable Housing [Previously titled: Development of a Shared Equity Scheme by WESTPAC]

GPO Box 158 Canberra ACT 2601

Telephone 13 22 81

www.dncs.act.gov.au

A total of 23 copies of the Submission have been produced for distribution. The original Cabinet Submission is also attached.

Distribution has been arranged as follows:

Copy No.	Agency
1,1a,1b	Chief Minister/Senior Adviser/Adviser
2,2a	Deputy Chief Minister/Chief of Staff
3,3a	Minister for Health/Senior Advisor
4,	Minister for Education
5	Minister for Urban Services
6,7,8	Chief Minister's Department
9,10,10a	Department of Treasury
11	Department of Justice and Community Safety
12	Department of Urban Services
13	ACT Health
14	Department of Education and Training
15	Department of Disability Housing and Community Services
16	ACT Planning and Land Authority
17	Department of Economic Development

If you require further information, please contact me on extension 50457.

Pam Wood Cabinet Liaison Officer

19

June 2005



File no:

"Development of Shared Equity Scheme by Westpac"

comments on Cabinet Submission by the ACT Office for Women (OFW)

The impact on women on the title page of the cabinet submission is described as "N/A". The OFW recommends that this be revised to indicate that the scheme should have a positive impact on women, who make up the majority of low income earners.

Mirka Smith
A/g Manager
ACT Office for Women

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### **DRAFT CABINET SUBMISSION**

TITLE: Development of a Shared Equity Scheme by WESTPAC

Due to Coordinating Area: COB: Monday 16 May 2005

Due back to Cab. Office: NOON: Wednesday 18 May 2005

COB: Wednesday 18 May 2005

CONTACT OFFICER (in the Originating Agency): Peter Johns on x78170

DATE CIRCULATED: Wednesday 11 May 2005

#### **Coordinating Area Checklist**

- This draft Cabinet Submission or Bills Schedule item has been provided to your area for the preparation of CMD coordination comments.
- Please check with Cabinet Office for comments received from other line areas within CMD before finalising comments on this paper.
- Once finalised, please provide the original signed comments to Cabinet Office for logging and delivery to the Originating Agency/Line Area, observing the due dates above.

Circulated to:		Comment / Nil Comment:	Date Provided to Cabinet Office:	Draft Cab Sub Destroyed by:	Date Draft Cab Sub Destroyed:
Dept. Treasury	Dr Grimes, CE			1 copy AR I copy CL 7 copies CL	24/5/05 20/6/05 25/5/05
CE, CMD	Mr Harris				
ED, Exec. Support	Mr Lasek	Nil	16/05/2005	JC	16/05/2005
ED, Cabinet & Policy	Ms Killion	Nil	17/5/05	CL	17/5/05
Cabinet Office	Mr Tardif	Nil	23/5/05	CL	23/5/05
	Cabinet Office				, , , , , , , , , , , , , , , , , , , ,
Economic, Planning and Reg. Policy	Mr Ellis	Hil	2016/05	CL	20/6/05
Social Policy	Ms Hudson	7:1	30/6/05	CL	30/6/05
Comments Coordination	Coordinating Officer	Written	18/5/05	AR	18/5/05
Indig. Ageing and Women	Ms Hail	Nil	16/05/2005	C	16/05/2005
	Office for Women				
Sustainability	Mr Butt	Nil	26/5/05	CL	26/5/05
Canberra Plan and Bushfire Support	Ms Bitmead	Nil	17/5/05	CL	17/5/05
Corporate Management	Mr Gaskill	Nil	12/05/2005	ЯС	12/05/2005

Ms Hudson

Comments

Nil Comment

**Draft Submission Title:** 

Development of a Shared Equity Scheme by WESTPAC

**Due Date for Comments:** 

COB Monday 16 May 2005

Date Circulated: Wednesday 11 May 2005

- You have received the attached draft Cabinet Submission for consideration and comment. Comments, including nil comment, should be returned to the Cabinet Office by the date specified above.
- All comments will be coordinated by the Policy Group and conveyed in writing to the Chief Executive of the
  originating agency. The Cabinet Office can advise you of the name of the policy group officer for this paper.
- If you have received a copy of the coverpage only and would like to view the full draft Submission, please contact the Cabinet Office on x50709 or x50456.

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## DRAFT CABINET SUBMISSION FOR CONSIDERATION

Mr Ellis

Comments

Nil Comment

**Draft Submission Title:** 

Development of a Shared Equity Scheme by WESTPAC

**Due Date for Comments:** 

COB Monday 16 May 2005

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Mr Butt

Comments

Nil Commer

**Draft Submission Title:** 

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## DRAFT CABINET SUBMISSION FOR CONSIDERATION

Mr Tardif

Comments \*

Nil Comment

**Draft Submission Title:** 

Development of a Shared Equity Scheme by WESTPAC

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Dr Cooper

Comments

Nil Comment

**Draft Submission Title:** 

Development of a Shared Equity Scheme by **WESTPAC** 

**Due Date for Comments:** 

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### DRAFT CABINET SUBMISSION FOR CONSIDERATION

Ms Bitmead

Comments / Nil Commen

Draft Submission Title:

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Nime + Am 11)5)05.

Ms Killion

Comments

Nil Comment

**Draft Submission Title:** 

**Development of a Shared Equity Scheme by** 

WESTPAC

**Due Date for Comments:** 

COB Monday 16 May 2005

Date Circulated: Wednesday 11 May 2005

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# DRAFT CABINET SUBMISSION FOR CONSIDERATION

**Mr Tomlins** 

Comments

Nil Comment

Draft Submission Title:

Development of a Shared Equity Scheme by **WESTPAC** 

**Due Date for Comments:** 

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<u>Ms Hall</u>

Comments / Nil Comment X

**Draft Submission Title:** 

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# DRAFT CABINET SUBMISSION FOR CONSIDERATION



Comments



**Draft Submission Title:** 

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COB Monday 16 May 2005

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### DRAFT CABINET SUBMISSION FOR CONSIDERATION

Mr Lasek

Comments / Nil Comment

**Draft Submission Title:** 

Development of a Shared Equity Scheme by WESTPAC

**Due Date for Comments:** 

COB Monday 16 May 2005

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# DRAFT CABINET SUBMISSION FOR CONSIDERATION

Mr Janssen

Comments

Nil Comment

Draft Submission Title:

**Development of a Shared Equity Scheme by** WESTPAC

**Due Date for Comments:** 

COB Monday 16 May 2005

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- If you have received a copy of the coverpage only and would like to view the full draft Submission, please contact the Cabinet Office on x50709 or x50456.

CMD - CO5/11.

# DRAFT CABINET SUBMISSION FOR CONSIDERATION

Thes

Mr Hawkins

Comments

Nil Comment

**Draft Submission Title:** 

Development of a Shared Equity Scheme by WESTPAC

**Due Date for Comments:** 

COB Monday 16 May 2005

Date Circulated: Wednesday 11 May 2005

- You have received the attached draft Cabinet Submission for consideration and comment. Comments, including nil comment, should be returned to the Cabinet Office by the date specified above.
- All comments will be coordinated by the Policy Group and conveyed in writing to the Chief Executive of the
  originating agency. The Cabinet Office can advise you of the name of the policy group officer for this paper.
- If you have received a copy of the coverpage only and would like to view the full draft Submission, please contact the Cabinet Office on x50709 or x50456.

# DRAFT CABINET SUBMISSION FOR CONSIDERATION

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Mr Gaskill

ー Comments

Nil Comment

Draft Submission Title:

Development of a Shared Equity Scheme by WESTPAC

**Due Date for Comments:** 

COB Monday 16 May 2005

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Date	17 May 2005
To	Executive Director, Policy and Cabinet Group
	Director, Social Policy Branch
From	David James, A/g Senior Manager, Social Policy
Subject	Draft Cabinet Submission: Development of a Shared Equity Scheme by Wesipac

Purpose

To brief you on this department's comments regarding this draft Cabinet Submission and seek your agreement to the strategic and detailed responses at <u>Tabs A and B</u> respectively.

Background

This Submission seeks Cabinet to note details of a Home Purchase shared equity scheme that Westpac is developing and seeking ACT Government support for, and seeks agreement to a Government position to guide DHCS's future negotiations with Westpac.

### Issues/Comment

This Submission should be supported.

Westpac are seeking support from the ACT Government in relation to a home purchase shared equity scheme they are developing. Specifically they are seeking that the Government:

- Direct prospective purchasers towards the bank;
- Promote the product through shop fronts and Housing ACT offices;
- Market the product to ACT Government employees; and
- Provide the bank a mandate of 18 months during which there will be no involvement by the government with another company in testing a like product.

Treasury have advised that despite the lack of financial risk by the Government in the proposed scheme, exposure of the Government to endorse it is a significant and long-term political risk. They also advise that shared equity schemes do not have an established record and lack credibility as a product within the fina notal services sector.

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, 5	Director, Social Policy Branch
From	David James, A/g Senior Manager, Social Policy
Subject	Draft Cabinet Submission: Development of a Shared Equity Scheme by Westpac

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- Market the product to ACT Government employees; and
- Provide the bank a mandate of 18 months during which there will be no involvement by the government with another company in testing a like product.

Treasury have advised that despite the lack of financial risk by the Government in the proposed scheme, exposure of the Government to endorse it is a significant and long-term political risk. They also advise that shared equity schemes do not have an established record and lack credibility as a product within the financial services sector.

The Submission recommends that that DHCS produce and information book outlining details of low cost home purchased schemes, and issue a public statement broadly supporting schemes of this type when Westpac release it.

Support is indicated in the letter to Ms Lambert (Tab A). Comments received from Community Affairs (Tab C) have been included in the proposed communications with the Department of Disability, Housing and Community Services.

# Recommendation

That you sign the attached letter to Ms Lambert (Tab A); and agree to the terms of the proposed issues for discussion with the contact officer (Tab B).

David James A/g Senior Manager Social Policy Branch



Ms Sandra Lambert Chief Executive Department of Disability, Housing and Community Services

Dear Ms Lambert

Draft Cabinet Submission: Development of a Shared Equity Scheme by Westpac

Thank you for referring this draft Cabinet Submission to Mr Harris.

This Department supports the Submission and makes the following specific comments at Attachment A.

If you require any further information please contact me on 50296 or David James on 72002.

Yours sincerely

Susan Killion Executive Director Cabinet & Policy Group

/s/ May 2005

### Attachment A

## **Detailed Comments**

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- It is understood that from discussions with the contact officer that the Submission will be revised to incorporate new details concerning the progress of the Land Rent Scheme mentioned at Paragraph 5.
- It is also understood that the details of the Scheme were communicated by Westpac in writing to both the former Minister for Disability, Housing and Community Services, Mr Bill Wood MLA, and the Executive Director of Housing and Community Services ACT in 2004. This, and any other formal communications between Westpac and the Government regarding the proposed Scheme should be referenced in the Submission.
- The "Purpose/Issues" section of the Cover Sheet states that the Submission is seeking Government support for the proposal. This appears inaccurate as the recommendations ask Cabinet to note the proposal, and seek agreement to a set of conditions which DHCS will present as the position of Government to Westpac. It is requested that this section be revised to reflect the nature of the recommendations.
- The proposal by Westpac is also consistent with a goal under Priority 6 of the Social Plan, "improve access to quality, affordable and safe housing". This could be also be referenced in the Submission.
- It is recommended that the "Impact on Women" section on the title page be revised to indicate that the scheme should have a positive impact on women, as they frequently experience barriers to entry into the Home Ownership market base d on income and discrimination.
- The submission is very long and when converted to the correct spacing will be around 15 pages long. It is suggested that attachments be used in which to place more of the detail.

# "Development of Shared Equity Scheme by Westpac" comments on Cabinet Submission by the ACT Office for Women (OFW)

The impact on women on the title page of the cabinet submission is described as "N/A". The OFW recommends that this be revised to indicate that the scheme should have a positive impact on women, who make up the majority of low income earners.

Mirka Smith A/g Manager ACT Office for Women

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Agency	Title
DHCS	Development of a Shared Equity Scheme by WESTPAC

DRAFT SUB DISTRIBUTION RECORD - CMD & DT

Recipient	Accepted by - NAME	Accepted by - SIGNATURE	Date	Time
Dr Grimes	C no bouts		11151-05	10.20 am/pm
Mr Tardif Cabinet Office	Jacob Collins		11,5,0S	9:58 am) pm
Mr Lasek	Jevery Lasel		M 1 5705	/P : 2* am / pm
Ms Hudson	T Sean		11 102 02	11 : 40 and / pm
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Ms Killion	T Som		11 105 105	11 .40 apri/pm
Mr Ellis	T Seal.		11 102 Lox	11:40 am)/pm
Ms Hall Office for Women	But Hoy		415105	(ර : 7ට am / pm
Ms Bitmead	R. Cabsson		1115105	/0:/S am/pm
MrBH	& Hung- Wallers		12/5/05	9 40 am

# CHECKLIST DRAFT CABINET SUBMISSION FOR CONSIDERATION

# TITLE: Development of a Shared Equity Scheme by WESTPAC

	PREPARATION FOR CIRCULATION		
Α	Copy of Draft to Mike Harris (with date/time stamp)?	Yes	
1	Minute/letter approving circulation signed off by Minister/CEO?	Yes	
2	All relevant pages included?		
3	All relevant attachments included?	Yes	
4	All pages of the Draft numbered?	Yes	
5	Requisite circulation time adhered to? (ie 7 days)	No	
6	If "No" to 5, then has Phil approved shortened circulation?	Yes	
7	Decision made by CLO as to who in CMD will get copy of Draft?	Yes	
8	For CMD Submissions, copy to agencies contains circulation letter?	N/A	
9	Draft written up in the Red Book?	Yes	
10	Distribution list (i.e "Papers in Circulation" document) established on the computer to track comments? Action Officer and dates included?		
11	Cover sheet of the Draft circulated to everyone on the CMD distribution list who did not receive the full draft Cab Sub?	Yes	
12	Folders checked for accuracy prior to distribution?	Yes	
13	"Listing" document (g:\CMD_Exec\Cabinet\Draft Cabinet Submissions\ Papers in Circulation) updated?	Yes	
14	Signature sheet prepared, signed for by all recipients and lodged in the green folder?	Yes	
15	Green folder filed under relevant Minister's portfolio in Draft Submission drawer of filing cabinet? POST CIRCULATION	Yes	
16	"Papers in Circulation" document prepared updated to reflect the return of copies of the Draft, comments made and destruction details?	Yes/No	
17	Copy of any and all CMD comments copied and lodged in green folder and the original forwarded to Policy?	Yes/No	
18	Comments from Policy forwarded to Cabinet Office, copy made and original forwarded on to relevant agency?	Yes/No	
19	Completed, relevant "Papers in Circulation" file printed and placed in green folder?	Yes/No	
20	Pink cover sheet containing name of Draft Submission created and printed?	Yes/No	
21	All documents in green folder combined with pink cover sheet and filed in back of Draft Submission drawer of filing cabinet?	Yes/No	

If "No" circled for any of the above, please give some reason/explanation. Also, any other relevant comments.



department of disability. housing & community services

Mr Mike Harris Chief Executive

Chief Minister's Department

Mr Mike Zissler Chief Executive Department of Urban Services Services

Dr Tony Sherbon Chief Executive ACT Health

Mr Neil Savery Chief Planning Executive ACT Planing and Land Authority

Commissioner Peter Dunn ACT Emergency Services Authority Mr Tim Keady Chief Executive

Department of Justice and

Community Safety

Dr Michele Bruniges Chief Executive

Department of Education and Training

Dr Paul Grimes Under Treasurer

Department of Treasury

Mr Shane Gilbert Chief Executive

Department of Economic Development

# Draft Cabinet Submission: Development of a Shared Equity Scheme by WESTPAC

I am writing to seek your comments on the attached draft Cabinet Submission.

The Submission is proposed for Cabinet consideration 30 May 2005. Therefore, I would appreciate receiving any comments you may have on the draft Submission by close of business Wednesday 18 May 2005.

The contact officer for the draft Submission is Peter Johns, who can be contacted on extension 78170.

Yours sincerely

Sandra Lambert Chief Executive

May 2005

# CABINET IN CONFIDENCE

# **Chief Minister's Cabinet Brief**

**Cabinet Meeting Date:** 

Monday 15 August 2005

Title of Submission:

Joint Study into ACT Policing

Minister:

Minister for Police and Emergency Services

### **Context and Consultation**

The 'Policing for the Future' final report was presented to the Minister for Police and Emergency Services on 30 June 2005. The report was prepared to inform negotiations on a new arrangement and future annual purchasing agreements for the ACT's use of the Australian Federal Police (AFP) Policing Branch (to which we are tied under self government provisions).

Treasury's preference is for the report not to be released. Should it be released, they call for a communications strategy to be developed. They have concerns about the use of the National Efficiency Comparator Model to determine police numbers and the need for resource issues to be considered in the budget context. Treasury recommends that Cabinet consider the parameters for guiding the negotiations on the new functional arrangements.

The Cabinet Submission is on 'Restricted' circulation, due to its sensitivity.

#### Issues

The Minister made public comments that this Commonwealth/ACT joint study would be considered by Cabinet on 1 August 2005. There is particular public interest in the police resourcing issues. Due to its joint nature, the Commonwealth could release the report, and the AFP anticipates that the report will be made public.

The report identifies a staffing shortfall of 107 police staff, to bring the ACT as close as possible to the national average on a range of indicators using the National Efficiency Comparator Model. The cost of the additional police staff is estimated at up to \$11.8M pa plus further funding for reporting and management functions. However the funding for 40 additional police in 04/05 and 05/06 has not been captured in the report.

The Submission proposes that the report's release coincide with the finalisation of the new Policing Arrangement and revised (purchasing) Agreement, currently being developed within the existing budget for the remainder of 2005/06.

Attachment B to the Submission sets out DJACS proposed negotiating parameters. However these do not provide a strategic framework to guide the negotiations or set out the ACT Government's priorities for the ACT Policing function. The recommendations of the Submission would need amendment for Cabinet to specifically consider the negotiating parameters, including strategic priorities.

Attachment B indicates that the negotiating position in regard to the proposal to extend the life of the Policing Arrangement to eight years is to reject the change in favour of retaining the current five year Policing Arrangement. While the Submission does not specifically refer to this or give reasons for this position, a five year Policing Arrangement may provide more flexibility for the ACT.

Approved by: Pam Davoren Prepared by/Cleared by: Kathy Binns/Cathy Hudson

The Submission recommends that the draft new Policing Arrangement and 2005/06 Agreement be provided for Cabinet consideration with the proposed government response and recommendations that have budgetary implications. However the recommendations should specify that a further Submission will be provided on police numbers (as per para 10) and elements with budgetary implications will be addressed through the budget process (as per para 16).

If the report is to be released, a communications strategy needs to be developed that ensures the limitations of the modelling approach are highlighted. The Submission proposes a media kit be prepared to manage the media interest anticipated for the release of the report (presumably before the 2006/07 budget). The fact that the Government has already committed 40 additional police in the 04/05 and 05/06 Budgets should also be highlighted. You may wish for a communications strategy to come back to Cabinet or be developed in consultation with CMD's Executive Support Group.

Agency officers have indicated their support for the proposed additional recommendations to clarify the intent of the Submission and assist with the negotiations.

# Submission Recommendations

The recommendations should be supported with the addition of the following:

- agree to the negotiation parameters at Attachment B outlined in paragraph 5 (including that the ACT negotiate to continue a five year arrangement) but with further Cabinet consideration of a strategic negotiating framework setting out the ACT Government's policing priorities
- further Cabinet consideration of a comprehensive communications strategy prior to the report's release
- 20. d) delete the words 'at a later date' and replace with 'including police numbers for consideration in the context of the 2006/07 budget'

### Recommended Outcome / Deliverables

That negotiations with the AFP be guided by the ACT Government's police priorities; that resourcing decisions in response to the report are made in the 2006/07 Budget context; and that a comprehensive communications strategy be developed prior to the proposed release of the report.

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# Attachment B

# JOINT POLICING STUDY "POLICING FOR THE FUTURE" – SUMMARY OF RECOMMENDATIONS AND PROPOSED ACTION AGAINST RECOMMENDATIONS

Rec. No.	Recommendation	Deal with in 2005 Arrangement  [JACS proposed negotiation position]	Deal with in revised 2005-06 Agreement [JACS proposed negotiation position]	Requires Budget Consideration and/or further Agency Consultation
1	The overall structure of the present Policing Arrangement and Purchase Agreements is continued.	Agree. No action required. Report does not identify any preferable alternative governance arrangements to replace existing model.	Agree. No action required. Report does not identify any preferable alternative governance arrangements to replace existing model.	
2	The duration of the Policing Arrangement is extended from the present five years to eight years, while continuing to utilise annual Purchasing Agreements.	Not agree - negotiation position will be to retain five-year arrangement.		
3	An extended Policing Arrangement includes provision for periodic reviews of the appropriateness of the arrangements, the frequency and specific details of those reviews to be determined by the parties.	Not agree - negotiation position to retain five-year arrangement thereby periodic reviews not required (clause 11 of Arrangement refers).		
4	The role and functions of the Department of Justice and Community Safety in respect of the management of the Policing Arrangement and Purchase Agreements, the provision of policy advice to the Minister on policing matters and consequential arrangements between the Chief Executive of the Department, the Chief Police Officer and the Minister are formalised, without inhibiting the independent reporting and advisory responsibilities of the Chief Police Officer to the Minister.	Agree - propose new provision to allow police minister to direct the AFP to provide information to a nominated ACT agency that shall provide support to the police minister.		Resource implications – see recommendation 5 below.

5	The structure, capacity and precise nature of the reporting and management functions to be performed as well as the scope of additional resources required to support the enhanced role and functions of the Department of Justice and Community Safety be determined by the Minister for Police and Emergency Services in consultation with the Chief Executive of the Department and the Chief Police Officer.		Consideration in the 2006-07 budget. Budget proposal likely to seek 4 staff comprising SOGB, SOGC, 2xAS06. Positions to undertake all financial considerations, costing advice, accounting tasks and economic functions; policy work; and auditing, performance measurement, reporting design and benchmarking activities. [Possibility of some positions are on a 50/50 share basis with ACT Treasury.]
6	A three year strategic plan is developed and promulgated in consultation with the ACT community, which complements the Policing Arrangement, informs the annual Purchase Agreements and outlines the ACT Government's priorities and directions in policing.	Agree – propose new provision flagging the development of a three year strategic plan. Similar to Commonwealth/AFP process.	
7	The resource shortfall of ACT Policing staff to meet current and future workloads is acknowledged and addressed through the provision of additional resources or adjusted performance indicators where appropriate.		Consideration in 2006-07 budget, study's National Comparator Model identifies a shortfall of 107 police personnel but this needs to be reviewed/refined in light of 8,9,10 and 28 in identifying any efficiency measures or cost-savings.
8	The National Comparator Model is used as a basis for establishing the appropriate level of personnel numbers. Actual police numbers should be determined by ACT Government and ACT Policing taking into account broader government and community policing priorities, and any potential efficiency measures or more effective alternatives to the provision of policing services.		Consideration of National Comparator Model as a basis for determining police resources in the context of 2006-07 budget.

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9	A process is established between the ACT Government and ACT Policing to facilitate regular tracking and monitoring of resources required to provide policing services in the ACT. This could include annual use of the <i>Relative Input Efficiency Model</i> to assess the relative efficiency of the provision of policing services in the ACT.		Consideration of future use of the Relative Input Efficiency Model to assess efficiency of policing services in the context of future budgets.
10	The National Comparator and Relative Input Efficiency Models are enhanced through inclusion of additional national performance indicators as they become available, together with appropriate weighting of those indicators to reflect ACT community policing priorities.		Consideration of possible use of National Comparator Model and Relative Input Efficiency Model in determining police resources in context of 2006-07 budget and future budgets.
11	ACT Policing report resource usage on a quarterly basis, the level of financial and other detail to be consistent with the requirements of the Policing Arrangement and Purchase Agreements and in a format consistent with ACT Government agency reporting.	Agree – propose additional schedules to agreement on quarterly resource reporting to more closely monitor staff movements and financial reporting more in line with ACT Treasury requirements.	
12	Reporting includes variations of actual expenditure against budget forecasts by ACT Policing.	Agree – propose new provision requiring variations to targets and priorities to be appended to agreement.	
13	ACT Treasury should ensure ACT Policing is provided with budget preparation instructions either directly or through a portfolio department such as Justice and Community Safety (JACS).	Agree – ensure this process is more timely and closer liaison among ACT Treasury, JACS and ACT Policing.	

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14	Quarterly reporting to the Minister for Police and Emergency Services includes information relating to aggregated numbers of staff transferred into and out of ACT Policing; the general destinations of outwards transfers; and advice of changes of police management personnel of the rank of Superintendent and above.		Agree – proposed additional schedule requiring ACT Policing to report in more detail on staff movements. The aim is to provide the ACT with a better insight of transfers nationally and overseas deployment.	; ;
15	ACT Policing and the ACT Government jointly participate during the budget development cycle in the costing of ACT Policing activities against each of the Purchase Agreement outputs to enhance the ACT Government's understanding of the range of associated costs.		Agree – ensure closer liaison and working relationship between agencies on ACT Policing budget bids	•
16	The current performance indicators are acknowledged as useful and meaningful within the context of the Policing Arrangement and the Purchase Agreement and that no changes are necessary in the short term, noting that elements of them will inevitably require amendment with the effluxion of time.		Agree – performance indicators will be reviewed to explore inclusion of crime performance indicators for victims and aim for a percentage reduction in level of crime against the person and property. Otherwise, current performance measures are considered adequate and meaningful. There is a risk that if resource shortfall is not met, ACT Policing will seek an adjustment/review of the performance measures.	

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17	Policing numbers are specified in future Purchase Agreements to enhance the level of understanding of the primary resources used to achieve policing results but the purpose of those Agreements remains the achievement of an outcome for Government and that the quantification of staff numbers is for information and is not a performance measure of itself.	Agree – propose to include 2005-06 FTE's in revised agreement, qualifying the figure is indicative only and may vary at any given time.	
18	The specification of price, billing and payment arrangements introduced in the 2004 – 2005 Purchase Agreement is retained in future Agreements.	Agree – will seek to retain provision (Schedule 1 refers).	
19	A strategic policing infrastructure and facilities management plan to inform future capital requirements is developed in consultation between the ACT Government and ACT Policing for the procurement, maintenance and replacement of ACT Government owned assets used by ACT Policing.	Agree – propose new provision for assets register of Territory-owned fixed infrastructure with a view to develop an assets management plan. Study found no evidence of a structured asset maintenance and replacement program. [Consistent with current approaches in DUS, ESA and DHCS regarding asset management plans.]	-
20	Consideration be given to reviewing the adequacy of the current maintenance and replacement funds allocated to infrastructure and facilities.	See above.	Future budget consideration may be required as assets management plan is developed.
21	ACT Government asset register includes all fixed infrastructure assets which are to be subject to periodic valuations and assessment as to their suitability for ACT Policing needs.	See above.	

22	ACT Policing is to detail within Annual Reports those resources received free of charge to reflect the costs of infrastructure provided by the ACT Government.		Agree – current provision (clause 16 refers) for CPO to furnish annual report to Minister on provision of police services – include resources received free of charge in annual report.	
23	Annual surveys continue as the basis for determining the proportion of Commonwealth work undertaken by ACT Policing.	Agree – propose new provision outlining the use and purpose of annual surveys.		
24	A rolling average, based on the results of those activity surveys for the last three years is used as the basis for attributing costs to the Commonwealth.	Agree – propose new provision stipulating Commonwealth-attribution costs to be calculated on a rolling average – currently activity survey conducted each year and annual result used to calculate Commonwealth work.		
25	Additional surveys continue to be an option where agreed by ACT Policing and ACT Government.	Agree – propose new provision that any additional surveys will be conducted where agreed to by both parties.		
26	ACT Policing builds on the current direct costing methodology to establish cost effective methods for recording actual time spent undertaking Commonwealth activities.	Discuss in negotiations in context of recommendations 23, 24 and 25.		-
27	ACT Policing and JACS explore opportunities to integrate the Police Citizens Youth Club (PCYC) with other youth programs in the ACT to capitalise on existing resources, potentially increase returns on current outlays and contain where possible current expenditures in both areas while maintaining the core objectives of the PCYC.	Discuss in negotiations.		Long-term budgetary implications, possibly identifying savings.

28	ACT Policing and JACS explore alternatives to current requirements of police in respect of abandoned motor vehicles, motor vehicle accident reporting processes, fireworks, some animal nuisance complaints, nuisance phone calls and traffic hazards, recognising the possible cost shifting consequences of any alternatives.			Budget implications requiring consultation with ACT agencies that would take over these functions from ACT Policing. Possible savings in having other ACT agencies undertaking functions other than police, however, noting possible resource impact on agencies.
29	In view of the diversity of crime prevention activities undertaken at a whole of government level, ACT Policing and JACS identify those functions where synergies exist between departments and agencies and accordingly make recommendations to government on appropriate alternative approaches to the delivery of crime prevention programs.		- <u>-</u>	Long-term budgetary implications, possibly identifying savings if duplication or integration of services achieved.
30	ACT Policing and ACT Government undertake a joint re-basing of enabling services costs with the timing of this re-basing project to acknowledge the requirement for both parties to make available all necessary resources.			Consideration in 2006-07 budget. Resource intensive exercise with JACS, ACT Policing and ACT Treasury indicating no existing resources available to conduct rebasing exercise.
31	ACT Policing and ACT Government, as part of the re-basing project, develop an on-going phased assessment program so as to eliminate the requirement for annual re-basing activities.	<u>-</u>		Issue considered as part of rebasing exercise.
32	ACT Policing is included in ACT Government's ongoing program to develop a systematic approach for accessing data required for the administration of justice in the ACT.	Agree – propose new provision flagging development of an MOU on ACT Policing data access.		

33	ACT Government and ACT Policing establish processes for identifying, communicating and prioritising ACT Government information requirements and ongoing changes to these requirements.	See above.		
34	ACT Policing initiatives aimed at strengthening data validation and integrity are continued and supported.	See above.		

# Attachment C

# Joint Study into ACT Policing: "Policing for the Future": Final Report - Coordination Comments (circulated on a restricted basis to ACT Treasury and Chief Minister's Department)

Agency	Agency's Comments/Position	DJACS' Comments/Position
Chief Minister's Department	No comments provided.	
ACT Treasury	General Comments  Treasury does not support the submission as currently drafted on the basis that the:  1. New Arrangement and 2006-07 (sic) Purchasing Agreement be progressed without Cabinet first determining the negotiating parameters or enter into negotiations with the Commonwealth without the Government having considered or identified future levels of funding, resourcing and outcomes;  2. concern over the submission foreshadowing that "once negotiations are finlaised [the Minister] proposes to bring to Cabinet the draft new arrangement and agreement". This approach appears to lock the Government into future funding decisions without proper consideration or weighting against other budget priorities.	<ul> <li>Attachment B of the Submission clearly sets out the negotiation parameters in terms of which recommendations from the report will be negotiated either as part of the new arrangement or agreement. Attachment B clearly sets out any recommendation that has budget and resourcing implications, stating that these will need to be considered in the 2006-07 budget context. Paragraph 16 of the Submission also notes that the new arrangement and agreement will not have any budgetary implications.</li> <li>There appears to be a lack of understanding that the new arrangement and the further revision of the already revised 2005-6 agreement will not have budgetary commitments for this financial year. The arrangement is an overarching document on how the AFP provides community policing functions to the ACT. The annual agreements stipulate resources.</li> <li>The further revised agreement will be for 2005-06 only and the resources have already been determined ie cost of policing services is almost \$95 million for 2005-06. An agreement negotiations/budget.</li> </ul>
	Treasury maintains that report should remain confidential.  Treasury's concern that the public release of the report has the potential to raise expectations about a future ideal level of personnel resourcing that may inhibit Cabinet's future budget decision-making processes. Treasury would be less concerned	There have already been calls from the police union and opposition members to release the report publicly and it has received wide publicity.  To keep the report confidential creates an even greater possibility of the report leaking and government needing to

about the report being released publicly if it had a high level of confidence in the national comparator model.  If keeping the report confidential is not possible, Treasury recommends that a communications strategy be developed to ensure that the limitations in the modelling approach are highlighted.	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	go into "damage" control wheras the strategy proposed by DJACS in paragraphs 12-15 of the Cabinet Submission ensures the report is managed in a considered, timely fashion. As also noted in the submission at paragraph 12, the report is co-owned by the ACT and AFP thereby giving the AFP the potential to release the report, most likely in consultation with the ACT, if it wished to do so. For the ACT to go to enter into negotiations with the AFP suggesting the report will not be released will be perceived by the AFP as a sign of bad faith and arguably make negotiations for the new arrangement more difficult.  Paragraph 19 of the Submission mentions the preparation of a media kit to respond to the report. This is currently being prepared and DJACS would welcome Treasury's input on the limitations of the comparator model.
Attachment A of Treasury's comments Resourcing Treasury maintains that any increase in police resourcing should be predicated on the delivery of agreed policing outcomes for the ACT and should be raised for consideration during future budget processes where a funding decision can benefit form consideration in context with other competing government priorities. Other factors should also be considered such as the experience profile of policing staff and the efficiency of ACT Policing vis a vis other jurisdictions.		DJACS agrees that any increase in police resourcing requires factoring in a number of considerations. As the Cabinet Submission outlines, the intention is to prepare a separate budget bid on police resourcing.  The report itself makes the qualification in recommendation 8 that actual police numbers should be determined by ACT Government and ACT Policing taking into account broader government and community policing priorities, and any potential efficiency measures or more effective alternatives to the provision of policing services.  It should be noted that the joint study team's Relative Input Efficiency Model on pages 93-95 of the report suggests that at the current level of resourcing and reported performance, ACT Policing is operating at a level considered at the theoretical optimum in comparison to other jurisdictions. Other jurisdictions were not highlighted in the report because of the sensitivities around doing so.
National Efficiency Comparator Model  The submission should also clearly state that the comparator model should not be used in isolation to determine any shortfall		DJACS considers the national comparator model as a useful tool to assist in determining the appropriate level of personnel

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in policing numbers, and should not be used as the main tool with respect to "automating" decision making regarding any increase in police numbers.		required. It is recognised that the model could be further developed and refined, but other factors will also need to be considered, most importantly other competing government priorities. Paragraph 10 of the submission has been amended to reflect this.
Negotiating Strategy Treasury suggests that the Submission should more clearly set out the proposed strategy for negotiating a new funding agreement with the AFP as follows:  1. Settle the immediate funding to be provided in 2005-06  2. need to negotiate a new long-term agreement with the AFP and that this would occur in parallel with the 2006-07 budget.	Ď	There is no further funding to be provided in 2005-06. The Submission stipulates that there are no further budgetary implications for 2005-06. It has always been the intention that the new agreement following on from the 2005-06 would occur in parallel with the 2006-07 budget and will be the subject of a separate Cabinet Submission.  Negotiations for the new arrangement and revised 2005-06 agreement will be finalised by October/November 2005 – see Attachment B,
Governance Arrangements  While Treasury supports the notion of a dedicated unit being established to oversight the Policing Arrangement, but at this stage does not see a role for Treasury in such a unit.	•	This issue will be further discussed in the context of a future budget bid, however, there will be a strong requirement for some skill sets in accounting/economics and auditing.
Special Fiscal Needs (SFN)  The "SFN component" in the report is misleading and is of little relevance, particularly beyond 2004-05, as this grant was provided to the ACT to compensate the Territory for its lack of control over the setting of police conditions of employment. This grant was never designed to "top-up" funding provided to ACT Policing.  From 1 July 2005 SFN grants ceased to exist and are now incorporated into the GST relativity calculation. Visibility may reduce or disappear in the future and there is no guarantee that the ACT will continue to be funded for this into the future.	•	DJACS' interpretation is that the SFN was in fact "top up" funding for precisely the reason to compensate the ACT for having no control over the AFP Award.  It is considered the report provides a "balanced" position by calculating costs with and without the 'SFN component'. By rolling the policing SFN into the ACT's factoring equation, there is concern that over time, with no specific provision, this issue could be lost and its impact given no recognition by the Commonwealth.

Therefore any cost related comparisons made between the ACI	
and other jurisdictions should be made excluding the impact of	,
the SFN grant.	

# RABSISTED TO BUTCH NCE

### DEPARTMENT OF TREASURY



Ms Elizabeth Kelly A/g Chief Executive Department of Justice and Community Safety

Dear Ms/Kelly

Thank you for referring for comment the draft Cabinet Submission *Joint Study into ACT Policing:* Policing for the Future – *Final Report*. The Department of Treasury offers the following comments.

Treasury does not support the Submission as currently drafted.

Treasury is concerned that the Submission proposes that negotiations for a new Arrangement and 2006-07 Purchasing Agreement be progressed without Cabinet first determining the negotiating parameters. Treasury notes that the Submission does not indicate how the Government can practically enter into negotiations with the Commonwealth, without it having considered or identified future levels of funding, resourcing and outcomes. Treasury recommends that a further Submission be brought to Cabinet seeking agreement to the negotiating strategy and framework.

Treasury is also concerned that the Submission foreshadows that "once negotiations are finalised [the Minister] proposes to bring to Cabinet the draft new arrangement and agreement, identifying any new or improved administrative, governance or reporting provisions…". This approach would be appear to lock the Government in to future funding decisions without proper consideration or weighting against other Budget priorities. The Submission does not indicate whether negotiations can be re-visited following any Government decisions about the Arrangement and Purchasing Agreement parameters.

Treasury understands that a Purchasing Agreement for 2005-06 has been agreed, on the same terms and conditions as the old Agreement, and that it will be shortly signed by the Minister for Police and Emergency Services. The Submission would benefit by including this information and clarifying that the negotiation of a new Purchase Agreement relates to the 2006-07 financial year.

Treasury does not agree with the Report's recommendation that the National Efficiency Comparator Model should be used as the basis for establishing the appropriate level of personnel numbers. Treasury considers that the Submission should acknowledge a number of limitations with the Model, including that it does not identify, or allow for, differences in the efficiency, experience or police/civilian mix of policing personnel, and the demographics and policing priorities across the jurisdictions being compared.

CABINET-IN CONFIDENCE

ACT GOVERNMENT GPO Box 158 Canberra ACT 2601 T 13 22 81

ACT Government Homepage: http://www.act.gov.au

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# TEACH PARTICION OF THE PERENT OF THE PERENT

Treasury notes that the public release of the Report has the potential to raise expectations about a future ideal level of personnel resourcing that may inhibit Cabinet's future budget decision-making processes. Treasury would be less concerned about the report being released publicly if it had a high level of confidence in the National Efficiency Comparator Model. However, as noted above, Treasury considers that this model has a number of significant limitations. Accordingly, Treasury would recommend that the Report remain confidential. If this is considered not possible, Treasury recommends that a communications strategy be developed to ensure that the limitations in the modelling approach are highlighted.

Treasury also has a number of concerns with some of the recommendations and findings of the Report, which can be found at Attachment A.

Should you wish to discuss these comments please contact David Morgan on ext 71520.

Yours sincerely

Paul Grimes Under Treasurer

ւս July 2005

CABINET-IN-CONFIDENCE
CABINET-IN-CONFIDENCE

Attachment A

# Treasury comments on aspects of the Joint Study into ACT Policing

# Resourcing

The Report notes that while there have been increases over the past decade in many crime categories, ACT crime trends indicate the ACT is still well below the national average in all crimes against the person. Notwithstanding this, the Report goes to lengths to identify and justify the need for an increase in police resourcing. Treasury recommends that any increase in police resourcing should be predicated on the delivery of agreed policing outcomes for the Territory and as far as possible should be raised for consideration during future budget processes where funding decisions can benefit from consideration in the context with other competing Government priorities.

Other factors that should be considered in relation to the resourcing capacity of ACT Policing include: consideration of the experience profile of policing staff (which presumably has an impact on the cost of the service being provided); and the efficiency of ACT Policing vis-a-vis other jurisdictions. Treasury notes that a number of indicators in the Report suggest that ACT Policing is less experienced and more costly per full time equivalent than was the case only a few years ago.

Treasury also notes that the Government has funded an additional 40 police positions in the 2004-05 and 2005-06 Budgets which have not been captured within the Report. Treasury recommends that the draft Submission should be revised to clearly set out the additional resources that have been provided in the past two Budgets. This could be done in the form of a short attachment.

# National Efficiency Comparator Model

Treasury does not agree with the Report's recommendation that the National Efficiency Comparator Model should be used as the basis for establishing the appropriate level of personnel numbers. Treasury considers that the comparator model has a number of limitations, including that it does not allow for differences in the efficiency, experience or policing/civilian mix of policing personnel, the demographics, or policing priorities across the jurisdictions being compared. While the Model could be used to provide a broad indication of the resourcing levels of ACT Policing compared to other jurisdictions, it should not be used as the main tool with respect to "automating" decision-making regarding any increase in police numbers.

# Negotiating strategy

Treasury recommends that the Submission should more clearly set out the proposed strategy for negotiating a new funding agreement with the AFP. There would appear to be two major questions:

 The first is to settle the immediate funding to be provided in 2005-06.
 Treasury understands that a draft interim agreement has been agreed with the AFP, but has not yet been signed. Treasury suggests that, consistent

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with the draft interim purchasing agreement developed with the AFP, the draft Submission include an explicit recommendation that no additional funding be provided in 2005-06.

The second question is the need to negotiate a new long-term agreement
with the AFP. The draft Submission does not set out a timetable for this
process. It would be most desirable if it could occur in parallel with the
2006-07 Budget process. If JACS considers that this is not possible or
desirable, Treasury would suggest that the Submission clearly spell out the
reasons why this is the case.

Given the significance of the negotiations and the budget risks involved, Treasury suggests that a further Submission should be brought forward for Cabinet, setting out the proposed negotiating strategy in some detail. Treasury recommends that this should occur before negotiations commence. Most importantly, the further Submission should very clearly set out the proposed negotiating parameters, particularly in relation to financial matters.

This would allow Cabinet to consider whether it wishes to entertain providing additional funding over and above the forward estimates and, if so, how much additional funding might be provided. As noted above, Treasury would recommend that, if at all possible, these questions be determined in the context of the 2006-07 Budget.

# Governance Arrangements

Treasury supports the notion of a dedicated unit being established to oversight the Policing Arrangement, however, at this stage does not see a role for Treasury in such a unit. To the extent possible these resources should be found within the existing funding and staffing bases of the Department of Justice and Community Safety and ACT Policing respectively.

## Special Fiscal Needs (SFN)

Chapter 6.4 of the Report provides comparative data for the States, the Northern Territory, the ACT and the National average, with the ACT having data presented both including and excluding an "SFN component". This comparison is misleading, and is of little relevance, particularly beyond 2004-05 (it is acknowledged that the final year of data presented in the Report is 2003-04), as this grant was provided to the ACT to compensate the Territory for its lack of control over the setting of police conditions of employment. This grant was never designed to "top-up" funding provided to ACT Policing.

From 1 July 2005 SFN grants ceased to exist and are now incorporated into the GST relativity calculation. Visibility may reduce or disappear in the future and there is no guarantee that the ACT will continue to be funded for this into the future. Any cost related comparisons made between the ACT and other jurisdictions should be made excluding the impact of the SFN grant, and therefore the relevant ACT data is identified in the Report with the phrase: "including SFN component".

CABINET-IN-CONFIDENCE

# Vebb, Robert

From:

Jory, Derek

Sent:

Monday, 1 August 2005 12:44 PM

To:

Webb, Robert

Cc:

Sizer, Cheryl; Hays, Lil

Subject:

RE: Draft Decision

### Bob

Happy with amendments except minor change to wording of (d) which should read "bring further recommendations..." - ie plural. The items (i) - (v) will require more than one cab sub - especially (v) which are essentially budget cabsubs - we envisage probaly three separate items requiring individual business cases for cabinet consideration.

Derek J 70579

----Original Message----

From:

Sizer, Cheryl

Sent: To:

Monday, 1 August 2005 12:24 PM Jory, Derek; Hays, Lil

Subject:

FW: Draft Decision

Derek / Lil Derek / Lil

----Original Message----

From:

Webb, Robert

Sent:

Monday, 1 August 2005 11:55 AM

To: Subject:

Sizer, Cheryl Draft Decision

## Dear Cheryl

Attached is a draft of a decision which differs from the recommendations on the Policing sub being considered today. I have spoken to Derek Jory who asked me to also provide the draft to Lil Hays. Can you please provide the attached to Derek and Lil and ask them to give me any comments by about 4.00 pm today.

<< File: Policing.doc >>

Happy to discuss any aspect.

Bob W Assistant Manager **Cabinet Office** 

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# RESTRICTED

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# **Chief Minister's Cabinet Brief**

**Cabinet Meeting Date:** 

Monday 1 August 2005

Title of Submission:

Joint Study into ACT Policing

Minister:

Minister for Police and Emergency Services

### **Context and Consultation**

The 'Policing for the Future' final report was presented to the Minister for Police and Emergency Services on 30 June 2005. The report was prepared to inform negotiations on a new arrangement and future annual purchasing agreements for the ACT's use of the Australian Federal Police (AFP) Policing Branch (to which we are tied under self government provisions).

Treasury's preference is for the report not to be released. Should it be released, they call for a communications strategy to be developed. They have concerns about the use of the National Efficiency Comparator Model to determine police numbers, the need for the resource issues to be considered in the budget context and recommend that Cabinet consider the parameters for negotiating the new functional arrangements in advance.

The Cabinet Submission is on 'Restricted' circulation, due to its sensitivity.

#### Issues

The Minister has made public comments that this Commonwealth/ACT joint study will be considered by Cabinet on 1 August 2005. There is particular public interest in the police resourcing issues. Due to its joint nature, the Commonwealth could release the report, and the AFP anticipates that the report will be made public.

The report identifies a staffing shortfall of 107 police staff, to bring the ACT as close as possible to the national average on a range of indicators using the National Efficiency Comparator Model. The cost of the additional police staff is estimated at a cost of up to \$11.8M pa plus further funding for reporting and management functions. However Treasury comments indicate that funding for 40 additional police in 04/05 and 05/06 has not been captured in the report.

The Submission proposes that the report release coincide with the finalisation of the new (functional) arrangement and revised (purchasing) agreement, currently being developed within the existing budget for the remainder of 2005/06.

Attachment B to the Submission sets out DJACs proposed negotiating parameters. However Treasury comments indicate that these do not provide a strategic framework to guide the negotiations or set out the ACT Government's priorities for the ACT Policing function. The recommendations of the Submission would need amendment for Cabinet to specifically consider the negotiating parameters, including strategic priorities.

The Submission recommends that the draft new arrangements and 2005/06 agreement be provided for Cabinet consideration with the proposed government response & recommendations that have budgetary implications. However the recommendations should specify that a further Submission will be provided on police numbers (as per para 10) and elements with budgetary implications will be addressed through the budget process (as per para 16).

Approved by: Pam Davoren

Prepared by/Cleared by: Kathy Binns/Cathy Hudson

CABINET-IN-CONFIDENCE



# RESTRICTED

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While Treasury do not support the release of the report, however if it is to occur, they maintain that a communications strategy needs to be developed that ensures the limitations of the modelling approach are highlighted. The Submission proposes a media kit be prepared to manage the media interest anticipated for the release of the report (presumably before the 2006/07 budget). You may wish for this to come back to Cabinet or be developed in consultation with CMD's Executive Support Group.

## **Submission Recommendations**

The recommendations should be supported with the addition of the following:

- 20. b)i) (new clause) agree to the negotiation parameters at Attachment B outlined in paragraph 5 and further Cabinet consideration of a strategic negotiating framework setting out the ACT Government's policing priorities
- 20. c) add the words 'and consider a comprehensive communications strategy prior to the report's release'
- 20. d) delete the words 'at a later date' and replace with 'including police numbers for consideration in the context of the 2006/07 budget'.

### Recommended Outcome / Deliverables

That negotiations with the AFP be guided by the ACT Government's police priorities; that resourcing decisions in response to the report are made in the 2006/07 Budget context; and that a comprehensive communications strategy be developed prior to the proposed release of the report.

RESTRICTED

Approved by: Pam Davoren

Prepared by/Cleared by: Kathy Binns/Cathy Hudson

# RESTRICTED

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While Treasury do not support the release of the report, however if it is to occur, they maintain that a communications strategy needs to be developed that ensures the limitations of the modelling approach are highlighted. The Submission proposes a media kit be prepared to manage the media interest anticipated for the release of the report (presumably before the 2006/07 budget). You may wish for this to come back to Cabinet or be developed in consultation with CMD's Executive Support Group.

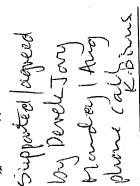
## **Submission Recommendations**

The recommendations should be supported with the addition of the following:

20. b)i) (new clause) agree to the negotiation parameters at Attachment B outlined and further Cabinet consideration of a strategic negotiating framework setting out Government's policing priorities

20. c) add the words 'and consider a comprehensive communications strategy pric report's release'

20. d) delete the words 'at a later date' and replace with 'including police numbers consideration in the context of the 2006/07 budget'



### Recommended Outcome / Deliverables

That negotiations with the AFP be guided by the ACT Government's police priorities; that resourcing decisions in response to the report are made in the 2006/07 Budget context; and that a comprehensive communications strategy be developed prior to the proposed release of the report.

RESTRICTED





FINAL CABINET SUBMISSIONS - JOINT STUDY INTO ACT POLICING: POLICING FOR THE FUTURE - FINAL REPORT

Director Cabinet Office Chief Minister's Department

Enclosed are the original and 11 copies of the restricted submission entitled "Joint Study into ACT Policing: *Policing for the Future* - Final Report" for Cabinet consideration on 1 August 2005.

I have arranged distribution to the following agencies.

Copy No	Agency
1	Chief Minister/Senior Advisor/Advisor
2	Deputy Chief Minister/Chief of Staff
3	Minister for Health/Senior Advisor
4	Minister for Education and Training
5	Minister for Disability, Housing and Community Services
6	Chief Executive, Chief Minister's Department
7	Deputy Chief Executive, Chief Minister's Department
8	Director, Cabinet Office
10, 10A	Department of Treasury
11	Department of Justice and Community Safety

If you require further information, please contact me on extension 70517.

Cheryl Sizer
Manager
Ministerial Services

25 June 2005

Received 2 1 JUL 2005 Inrough MS



ACT DEPARTMENT OF JUSTICE & COMMUNITY SAFETY

MINUTE

Submission No 2005 00410

Schedule No 2005 PFS 00 196

Date Rec'd Minister's Office

To:

Minister for Police and Emergency Services

From:

Chief Executive

Date:

July 2005

Subject:

Joint Study into ACT Policing: "Policing for the Future": Final Report

- Deputy Chief Executive .../...
- · Director 21/7/05 DJ signed

### Recommendation

That you:

- agree to late lodgement of the attached Cabinet Submission for Cabinet consideration Monday, 1 August 2005; and
- sign the attached letter to the Chief Minister seeking his agreement to the late lodgement.

Background

On 30 June 2005 you were presented the policing study report by the former Chief Police Officer and the department's former Chief Executive.

#### Issues

You have made public comments that the report needs to be considered by Cabinet and is scheduled for Cabinet on 1 August 2005. The Cabinet Submission is at Attachment A. A letter to the Chief Minister is at Attachment D seeking his agreement to the late lodgement of the submission

The main focus for Cabinet is considering the more immediate issue of processing the report and how government will manage and respond to it. The submission seeks Cabinet agreement to:

- the public release of the report simultaneously with the finalisation of the new arrangement and agreement; and
- future preparation of three separate Cabinet Submissions for Cabinet to consider:
  - i) the draft new arrangement and agreement (once negotiated) and proposed government response;
  - ii) the resource gap in police numbers identified in the report; and

Perfo	rmance Assess	sment
<b>DUE DATE:</b> //		ECEIVED:/
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according to criteria specified in	ACT Governme	nt Policy Performance Measures
Signature		Office of the Minister for Police and Emergency Services

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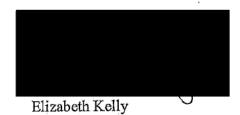
other recommendations in the study with budgetary implications, primarily recommendation 5 (additional staff for this department to monitor the arrangement and agreements more effectively); and recommendation 30 (joint re-basing exercise of enabling services costs).

The latter two will form the basis of separate budget proposals.

**Media Implications** 

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Completion of the report will generate media interest, and will especially increase pressure to release the report publicly and intensify the debate on police resources. A media kit to deal with media inquiries is proposed, and will be prepared following negotiations on the new agreement and arrangement.



Action Officer Lil Hays Phone x70550 AGREED/SIGNED/NOT AGREED/NOTED

John Hargreaves MLA

27/7/91

# DRAFT CABINET SUBMISSION

TITLE: RESTRICTED- Joint Study into ACT Policing: Policing for the Future – Final Report

Due back to Cab. Office: COB: Friday 15 July 2005
Due to Originating Agency: COB: Monday 18 July 2005

CONTACT OFFICER (in the Originating Agency): Lil Hays 70550

DATE CIRCULATED: 8/7/05

	AL ONGO LAGINO
	Coordinating Area Checklist
	This draft Cabinet Submission or Bills Schedule item has been provided to your area for the preparation of CMD
_	coordination comments.
U	Please check with Cabinet Office for comments received from other line areas within CMD before finalising comments
	on this paper.
	Once finalised, please provide the original signed comments to Cabinet Office for logging and delivery to the
	Originating Agency/Line Area, observing the due dates above.

Circulated to	Circulated to:		Date Provided to Cabinet Office:	Draft Cab Sub Destroyed by:	Date Draft Cab Sub Destroyed:	
Dept. Treasury	Dr Grimes, CE			(aps K)	12/08/05	
CE, CMD	Mr Harris	Nil	14/7/05	AR	14/7/05	
Cabinet Office	Mr Tardif	Nil	11/7/05	MD	11/7/05	

#### DRAFT CABINET SUBMISSION FOR CONSIDERATION

Mr Tardif

Comments

Nil Comment

**Draft Submission Title:** 

RESTRICTED- Joint Study into ACT Policing: Policing for the Future – Final Report

**Due Date for Comments:** 

Monday 18 July 2005

Date Circulated: 8/7/05

- You have received the attached draft Cabinet Submission for consideration and comment.
   Comments, including nil comment, should be returned to the Cabinet Office by the date specified above.
- All comments will be coordinated by the Policy Group and conveyed in writing to the Chief Executive of the originating agency. The Cabinet Office can advise you of the name of the policy group officer for this paper.
- If you have received a copy of the coverpage only and would like to view the full draft Submission, please contact the Cabinet Office on x50709 or x50456.

# DRAFT CABINET SUBMISSION FOR CONSIDERATION

AG

Mr Gaskill

Comments <sup>\*</sup>

Nil Comment

Draft Submission Title:

Freedom of Information Amendment Bill 2005 – In Principle Agreement

**Due Date for Comments:** 

COB Wednesday 27 July 2005

Date Circulated: Thursday 21 July 2005

- You have received the attached draft Cabinet Submission for consideration and comment. Comments, including nil comment, should be returned to the Cabinet Office by the date specified above.
- All comments will be coordinated by the Policy Group and conveyed in writing to the Chief Executive of the
  originating agency. The Cabinet Office can advise you of the name of the policy group officer for this paper.
- If you have received a copy of the coverpage only and would like to view the full draft Submission, please contact the Cabinet Office on x50709 or x50456.



ACT DEPARTMENT OF JUSTICE

& COMMUNITY SAFETY

Mr Mike Harris

Chief Executive

Chief Minister's Department

Dr Paul Grimes

Chief Executive

Department of Treasury

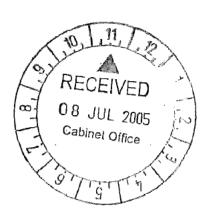
# DRAFT CABINET SUBMISSION – JOINT STUDY INTO ACT POLICING: POLICING FOR THE FUTURE – FINAL REPORT

I am writing to seek your agency's comments on the attached Restricted Cabinet submission. It is proposed for Cabinet consideration on 1 August 2005.

I would appreciate any comments on the submission by COB on Monday 18 July 2005.

You may wish to ring me, annotate the paper, or provide written comments. The contact officer for this matter is Lil Hays on x70550

Tim Keady U Chief Executive 7 July 2005



(CE, Treasury) Dr Grimes+8 (CE, JACS) **CHECKLIST** Mr Keady Mr Zissler (CE, DUS) IET SUBMISSION FOR CONSIDERATION (CE, ACT Health) Dr Sherbon Dr Bri (CE, DET) into ACT Policing: Policing for the Future – Final (CE, DHCS) Ms Lampert (CPE, ACTPLA) Mr Savery OR CIRCULATION Mr Gilbert (CE, DED) Mr Dunn (Commissioner, ACTESA) ke Harris (with date/time stamp)? Yes (CE, CMD) Mr Harris ving circulation signed off by Minister/CEO? Yes Ms Davoren, ED, Cabinet and Policy Group Mr Tardif, Cabinet Office Yes ncluded? Cabinet Office Yes nents included? Mr Ellis, ER&P Policy Ms Hudson, Social Policy Yes aft numbered? Coordination of Comments - White Cover Yes n time adhered to? (ie 7 days) Ms Hall, Indig, Affairs, Ageing and Women Office for Women N/A as Phil approved shortened circulation? Mr Lasek, ED, Executive Support CLO as to who in CMD will get copy of Draft? Yes Ms Bitmead, Canberra Plan & Bushfire Support Mr Hawkins, CE, Asbestos Assessment Project Team ons, copy to agencies contains circulation letter? N/A Mr Ottesen, ED, Office of Sustainability Yes he Red Book? Mr Bntt, Office of Sustainability Mr Gaskill Public Sector Management Yes "Papers in Circulation" document) established Mr Tothill, ACT Info Management track comments? Action Officer and dates Ms Wall,, Corporate Management Mr Tomlins, ED, Strategic Projects & Implem. Yes Draft circulated to everyone on the CMD Dr Cooper, ED, Arts, Heritage and Environment did not receive the full draft Cab Sub? Mr Janssen, ACT Workcover Yes r accuracy prior to distribution? Yes (g:\CMD Exec\Cabinet\Draft Cabinet Submissions\ Papers in Circulation) updated? Signature sheet prepared, signed for by all recipients and lodged in Yes the green folder? Green folder filed under relevant Minister's portfolio in Draft Yes Submission drawer of filing cabinet? POST CIRCULATION Yes/No

"Papers in Circulation" document prepared updated to reflect the 16 return of copies of the Draft, comments made and destruction Yes/No Copy of any and all CMD comments copied and lodged in green 17 folder and the original forwarded to Policy? Comments from Policy forwarded to Cabinet Office, copy made and Yes/No 18 original forwarded on to relevant agency? Completed, relevant "Papers in Circulation" file printed and placed Yes/No 19 in green folder? Pink cover sheet containing name of Draft Submission created and Yes/No 20 printed? All documents in green folder combined with pink cover sheet and Yes/No filed in back of Draft Submission drawer of filing cabinet?

If "No" circled for any of the above, please give some reason/explanation. Also, any other relevant comments.

Agency	Title
JACS	RESTRICTED- Joint Study into ACT Policing: Policing for the Future – Final Report
<u> </u>	DDAET CUR DISTRIBUTION DECORD. CMD 2 DT

	DIGHT LO	OD DIO HAIDO HOM MEGOLAD - OM	D Q D 1	· _ ·
Recipient	Accepted by - NAME	Accepted by - SIGNATURE	Date	Time
Dr Grimes	Jan Pearse		08 0705	<u> </u>
Mr Tardif	Jacob Collins		817105	1.38 (m)/ pm

#### **Cabinet Brief**

**Cabinet Meeting Date:** 

22 August 2005

Title of Submission:

Asbestos Task Force Report

Minister:

Jon Stanhope

#### **Context and Consultation**

The submission has been prepared to seek Cabinet agreement to:

- a Government response to the recommendations in the Asbestos Taskforce Report to be tabled in the Legislative Assembly on 23 August 2005;
- develop legislation to repeal section 47K and 47L of the Dangerous Substances 2004; and
- the referral of the Asbestos Taskforce Report to the Ministerial Council for Workplace Relations for consideration

#### Issues/Comment

The Task Force report is a comprehensive body of work, fulfilling the terms of reference. The Task Force recommends significant amendment to legislation, to establish different asbestos management regimes for the residential and the non-residential property sectors, and new training and handling arrangements for the building and trades industries. The report contains 25 recommendations across five areas: awareness and education, assessment and management, training, legislation, and monitoring and review.

The Minister for Industrial Relations recommends that Government agree, or agree in principle, to all of the recommendations, with the exception of Recommendation 21, which proposes the deferment of s. 47K and s. 47L of the Act. In light of the support for the recommendations and the new management regime, she proposes that the government repeal these sections. Drafting instructions have been prepared for the development of legislation to repeal s. 47 K and L.

In relation to Recommendations 6, 16, 17(b) and (c) and 23, the Minister recommends agreement in principle to allow further consideration to be undertaken by Government. She proposes that the Government agree to Recommendation 1 in part.

The report has been fully agreed by the Task Force members. There has been adjustment and compromise in the positions initially held by various members. Only one such instance needs to be noted. While supporting the report, the Housing Industry Association placed on record its concern about the 10 square metre limit proposed for tradespersons handling asbestos, preferring a higher limit. The Minister considers the Task Force advice sound and does not intend to go beyond their recommendation on this.

Out year costs have been included in the submission for the roll out of the residential and non-residential regimes.

#### **Submission Recommendations**

It is recommended that Cabinet:

- (a) agree to the Bill to repeal section 47K and section 47L of the Dangerous Substances (Asbestos)

  Amendment Act 2004, for introduction and passage in the Spring Sittings 2005
- (b) agree to the Government response to the Asbestos Task Force report at Attachment D
- (c) note that I will table the Task Force Report and the Government Response in the Legislative Assembly on 23 August 2005
- (d) note the Implementation Strategy at Attachment F
- (e) note that there will be further submissions to Cabinet regarding longer term resource implications
- (f) agree that the report be referred to the Ministerial Council for Workplace Relations with a view to facilitating support for relevant report recommendations.

Approved by: Chris Healy

Prepared by: Asbestos Assessment Project
Team

(g) note that a legislative package will be introduced in 2006 establishing new legislative arrangements for the residential and non-residential sectors, and training and certification for the building and trade industries.

#### Recommended Outcome / Deliverables

It is recommended that Cabinet support the recommendations to enable the implementation of a more practical and effective asbestos management system for the ACT.

Approved by: Chris Healy

Prepared by: Asbestos Assessment Project

ABINET-IN-CONFIDENCE

#### Summary of Comments Requesting Amendment to the Cabinet Submission

Summary of Comments	Agency	Response
Body of the Submission – formatting and general content issues  • Cover page – "Purposes" should be amended to include seeking Cabinet's agreement to the proposed amendments to remove sections 47K and 47L of the Dangerous Substances Act 2004.	Cabinet and Policy Group CMD	Amended to included reference to seek agreement.
• references to the Dangerous Substances (Asbestos) Amendment Act 2004 should refer to the Dangerous Substances Act 2004 — the amending Act was a vehicle for inserting these uncommenced provisions into the Dangerous Substances Act 2004 itself.		Amended to include reference to Act.
• The Human Rights paragraphs should be amended—identify what impact, if any, the proposed measures would have on the human rights set out in the <i>Human Rights Act</i> 2004—if there is no impact on these rights the Submission should state this.		Amended following advice from the ACT Human Rights Office.
• Cover page — "Budget Impact" should not refer to any amount for which existing budget provision has been made. The table should identify any additional amounts that will be required to implement the Government Response in this and subsequent financial years.		Amended to reflect estimated budget.
Cover page — "Treasury agreement to Budget impact" — indicate either affirmatively or negatively whether Treasury agrees to those additional Budget impacts.		<ul> <li>Amended to reflect estimated budget.</li> </ul>
The body of the Submission should detail the out year costs and indicate how those costs have been estimated, including whether Treasury advice has been sought.		<ul> <li>The submission had been amended to include reference to advice from Treasury. Attachment G provides further detail on the cost estimates.</li> </ul>
paragraphs 26 and 27, Cabinet should not be asked to commit to any action recommended by the Taskforce Report until such time as those costs can be assessed by Cabinet.		See financial implications
<ul> <li>Cabinet should either defer agreement, or restrict itself to agreement "in principle" or "subject to Budget", to any recommendation of the Taskforce Report Government Response until the cost of implementing those recommendations has been properly estimated.</li> </ul>		• As above.

	<ul> <li>"Consultation", paragraph 28 – deal with coordination comments from agencies, and address major issues raised in those coordination comments.</li> <li>Main body – heading dealing with "Media", and the media release referred to on the cover page should be included with the remainder of the Submission for Cabinet's consideration.</li> <li>The numbering of Attachments in the recommendations in paragraph 30 does not appear to correspond with the list of Attachments.</li> <li>In relation to attachments generally, it should be noted that while attachments may be used to flesh out detail, Cabinet needs to be able to ascertain from the body of the Submission itself what the key issues are.</li> <li>Note also that the Cabinet Handbook specifies that subparagraph numbers must be used in place of dot points).</li> </ul>		•	Amended following submission of agency comments. Amended. A media release has been attached. Amended. Noted  Amended.	CABINET
	Body of the Submission – specific issues	Cabinet		Amended to include reference to	=
- 1	<ul> <li>paragraphs 5 - 7, 16 and 17, and especially the proposal to amend section 47J, it may be useful to remind Cabinet that owners of properties are already generally obliged under the common law to disclose factors, such as the presence of hazards, that may affect a purchaser's or tenant's decision to buy or occupy that property.</li> <li>Cabinet needs to understand how any proposed amendments will fit in, both legislatively and procedurally, with the wider framework of obligations, land management requirements and hazard reduction procedures that already exists in the Territory paragraph 23, it would assist Cabinet in understanding the further ramifications of the Government Response by providing a short summary of what the key issues are likely to be in relation to the three areas identified in that paragraph.</li> </ul>	and Policy Group CMD		Amended to include reference to wider framework of obligations.  Amended to provide further explanation of key issues.	T-IN-CONFIDENCE
1	Government Response  It may be appropriate to advise Cabinet of the likely interest in the Government Response, and the corresponding need to ensure that all elements of the Response are realistically achievable within the stipulated time-frames, to avoid any subsequent potential embarrassment in the event that Government is unable to meet its commitments.	Cabinet and Policy Group CMD		An asbestos management strategy will be developed which include a 5 year review of the implementation and progress of the new regimes.	

		po Total dell'ale y control y specie			Τ'
	It is understood that there is no current intention to release the Implementation Strategy publicly. It would be useful to clarify this intention in the main body of the Submission. It may be useful to make it clear that the Strategy itself is subject to budget, and that further refinement of the Strategy may be needed from time to time, or in light of reaction to the Government Response from industry and other stakeholders. In particular, it may be useful to flag that there may be some minor changes to ensure that the proposed actions fit in smoothly with existing regulatory functions of agencies such as ACTPLA, ACT WorkCover and the Registrar-General of land titles.	Cabinet and Policy Group CMD		Amended to confirm internal document.  Amended to include reference to review.  Covered by the above amendments.	CAB
Le	It is noted that it is now proposed to introduce amendments to repeal sections 47K and 47L at the same time as the Government Response and the Taskforce Report are tabled. The Bill, its Explanatory Statement and Presentation Speech will therefore need to be included with the final Submission for Cabinet's consideration.	Cabinet and Policy Group CMD		The bill is no longer included in the submission. It will be introduced during the September sittings.	
•	the Government response to recommendation 23 specifically mentions that risk assessment strategies will continue to be applied to decisions concerning the removal of asbestos material.	Department of Education and Training		Amended to included reference to risk assessment.	
•	paragraph 30 (e) to "Attachment E" should be to "Attachment F.  Recommend that the proposed government response be amended to make it clear that Recommendation 23 would only be implemented over many years, as it would not be cost effective to remove all asbestos from Category 1 and 2 buildings in a short period of time.	Department of Treasury		Amended.  Amended to make reference to implementation over a number of years.	
	Likely difficulty of finding insurers ready to provide adequate insurance be highlighted prominently in the Government response.  the submission should mention the possible exposure to future liabilities arising from the surveys commissioned by the Task Force which have now been completed.		40	Amended Government response to include reference to difficulties in obtaining adequate insurance Amended submission to include reference to future liabilities.	The second secon

Table on the front page be footnoted to highlight that approval is not currently being sought, however the submission will create budget pressures for additional funding in future budgets		•	Amended submission with footnote.
Amend table on front page.			Amended table.
Include further detail about which agencies may experience cost pressures resulting from the implementation, and identify and implications and costs for existing information technology and other systems, as a result if increased regulatory roles.			Amended submission to note that ACT Planning and Land Authority and the Department of Education and Training have flagged future resource issues.  Amended attachment G to include reference to information technology and other systems.
ACT NoWaste cannot cover costs of strategy for educating the community on how to dispose of MCAs.	Department of Urban Services	•	Asbestos Project team will collaborate with ACT NoWaste to minimise communications costs.
Future budget impacts regarding property information, legislative change and audit and certification requirements.	ACT Planning and Land Authority	•	Noted that the Authority will submit to the 2006/07 budget process. Asbestos Project team will handle legislative drafting in close collaboration ACTPLA.

#### CMD CA

# WABINET-IN-CONFIDENCE





File Ref; 2005/02385-2

Mr M Harris Chief Executive Chief Ministers' Department

Dear Mr Harris

# DRAFT CABINET SUBMISSION - ASBESTOS TASK FORCE REPORT

Thank you for the opportunity to comment on the Cabinet Submission concerning the Asbestos Task Force Report.

The department generally supports the position taken in the submission and believes that it presents an effective and workable way of moving forward on this issue.

With respect to the ongoing management of materials containing asbestos in the non-residential sector; it is understood that the management model proposed is to be based on the National Occupational Health and Safety Council (NOHSC) Code of Practice for the Management of Asbestos in the Workplace and other best practice models. A management model based on the application of the NOHSC Code is welcomed, and it is noted that consultation with agencies will occur to finalise the details of the model prior to implementation.

The management framework may require additional resources to implement the new arrangements. This is a matter that would require further consideration and is dependent on the detail of the new arrangements developed.

Paragraph 11 of the submission recommends the government's support in principle to Recommendation 23 establishing a long term goal of achieving practical removal of all materials containing asbestos from all government category 1 and 2 non-residential buildings (schools are category 1). The cost implications of this decision for this department are likely to be significant.

The department currently has updated asbestos survey reports for 42 schools and spent approximately \$0.24 million on asbestos removal and make good in 2004-05. Further works from the schools already surveyed are estimated to cost in the region of \$0.5m.

These costs are for the removal of materials containing asbestos in deteriorating condition only, and do not include removal of all identified material in these schools. Such materials may be found in wall and ceiling cladding, soffit linings, vinyl floor tiles, pipe lagging and gaskets in plant. The current policy is to leave these items in situ where they are in a sound and stable condition. While precise estimates have not been calculated, the costs to implement the new policy for DET alone could easily be several tens of millions of dollars. Even over a 30 year time period, this will require a significant injection of funds.

Implementation of this policy would be further complicated if "hidden" asbestos was to be included. Current asbestos surveys are non invasive in nature – ie they do not attempt to assess where asbestos may be in inaccessible areas, such as asbestos lagging to hot water pipes inside walls and sub-ground asbestos formwork, electrical conduits and water pipes.

Should a policy position of total removal of all materials containing asbestos be adopted, it would involve significantly greater costs – both in conducting invasive surveys, and for removal and restitution works where asbestos was found.

For these reasons it is suggested that the Government response to recommendation 23 specifically mention that risk assessment strategies will continue to be applied to decisions concerning the removal of asbestos material.

On a more minor note, it appears that the reference in paragraph 30 (e) to "Attachment E" should be to "Attachment F."

Should you wish to discuss these comments further, please contact Mr Robert Donelly on x 59108.

Yours sincerely



Anne Thomas
Executive Director
Resource Management

August 2005

CMD - G05/501

#### **CABINET-IN-CONFIDENCE** Cabinet-In-Confidence

ACT Planning & Land Authority MINUTE



**ACT** Asbestos 1 0 AUG 2005 Project Team

Mr Mike Harris Chief Executive Chief Minister's Department

Dear Mr Harris

Thank you for the opportunity to comment on the draft Cabinet Submission Asbestos Task Force Report.

The Authority has identified the following Implications for the Authority:

# 1. Staff time and resourcing will be needed for the following:

Property Information:

Ensuring the Authority's property enquiry system can "flag" houses [and later commercial properties] that may contain asbestos:

a) by virtue of the age or type of the property, or

b) because an Asbestos Survey report has been undertaken on the property and is a public record.

The intent is to ensure that development or conveyancing enquiries are alerted to this information.

ACTPLA has concerns whether:

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- The Authority "property" database can accurately record and recall this type of information, particularly if Objective can be "flagged' at a property ID level appropriate to identify houses and other individual buildings;
- If not, what estimated costs to upgrade /create such functionality might be required;

If conveyancing enquiries can deal with this type of information input;

- The type of training that will be required for customer service staff to deal with these issues as primary contact for Asbestos Advice rollout and advice related to development related work safety requirements; and
- The need to develop additional data fields in standard forms, documentation and reporting requirements.

Additional budget resources are likely to be sought in 2006/7 for full implementation of the above matters

Cabinet-in-Confidence

Legislative Change:

The Asbestos Project Team will handle Legislative drafting for the Dangerous Substances Act and associated regulations for the Building Act and Construction Occupations Licensing Act changes.

A dedicated resource will be provided within the Office of Industrial Relations (CMD) to undertake legislative drafting. Close collaboration with and input from ACTPLA will be required.

#### 2. Role of Building Certifiers and new categories of Construction Occupations

Additional responsibilities will be assigned to Construction Occupations and Compliance in relation to:

- Creation of new categories of Construction Occupations Asbestos Surveyors and Assessors, and the ongoing audit and registration of these occupations;
- New requirements for training and audit of building certifiers; and
- Participation in development of Training Standards, which will be delivered by registered training organisations.

ACTPLA has advised the the CEO of the Asbestos Project Team that the Authority is unable to play a lead role in development of training standards. This should be led by a central agency with input from the external advisory group.

The budget impacts of the actual implementation of audit and certification requirements will come in later financial years and may be capable of absorption into ACTPLA core business at that time. Separate budget submissions by the Planning and Land Authority may be required in later years.

If you would like to discuss any aspects of these comments, please contact Leonie Mossop on extension 71764.

Yours sincerely

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✓Dorté Ekelund Deputy Chief Planning Executive

1 August 2005

NO. 292

COMPRIMETAIN-CONFIDENCE

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10 August 2005 Date Chris Healy, Director, Asbestos Assessment Project Team To Executive Director, Cabinet and Policy Group From Greg Ellis, Director Economic, Planning and Regional-Branch Draft Cabinet Submission: Asbestos Taskforce Report Subject

#### Purpose

To provide you with Cabinet and Policy Group's comments on the draft Submission.

#### Issues/Comments

Body of the Submission - formatting and general content issues On the cover page, the "Purposes" should be amended to include seeking Cabinet's agreement to the proposed amendments to remove sections 47K and 47L of the Dangerous Substances Act 2004. Please also note that the references in the Submission and associated documents to the Dangerous Substances (Asbestos) Amendment Act 2004 should refer instead to the Dangerous Substances Act 2004 - the amending Act was merely the vehicle for inserting these uncommenced provisions into the Dangerous Substances Act 2004 itself.

The Human Rights paragraphs on the cover page and in the main body should be amended, as there does not appear to be any right in the Human Rights Act 2004 specifically regarding a duty of care or disclosure of hazards. To assist Cabinet, it would be preferable for this aspect of the Submission to identify what impact, if any, the proposed measures would have on the human rights set out in the Human Rights Act 2004 - it may well be the case that there is no impact on these rights, and if so the Submission should simply state this.

On the cover page, the table under "Budget Impact" should not refer to any amount for which existing budget provision has been made. The table should identify any additional amounts that will be required to implement the Government Response in this and subsequent financial years. Also, next to "Treasury agreement to Budget impact", the cover page needs to indicate either affirmatively or negatively whether Treasury agrees to those additional Budget impacts.

11. AUG. 2005 16:11

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# CMD CAB & EXEC SUPP (1/2051093) CODA/BINETSIN-CONFIDENCE

NO. 292 P. 2

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To assist Cabinet, the body of the Submission should detail the out year costs and indicate how those costs have been estimated, including whether Treasury advice has been sought. In relation to paragraphs 26 and 27, Cabinet should not be asked to commit to any action recommended by the Taskforce Report until such time as those costs can be assessed by Cabinet. Accordingly, Cabinet should either defer agreement, or restrict itself to agreement "in principle" or "subject to Budget", to any recommendation of the Taskforce Report Government Response until such time as the cost of implementing those recommendations has been properly estimated.

Under "Consultation", paragraph 28 of the main body of the Submission also deal with coordination comments from agencies, and address major issues raised in those coordination comments. This will enable Cabinet to identify any possible areas of disagreement between agencies (if there are any) and to decide the best way to resolve these matters.

In the main body, there needs to be a heading dealing with "Media", and the media release referred to on the cover page should be included with the remainder of the Submission for Cabinet's consideration. Ideally, the media release and the proposed Presentation Speech should have been circulated to agencies for comment as part of the Cabinet co-ordination process.

The numbering of Attachments in the recommendations in paragraph 30 does not appear to correspond with the list of Attachments. In relation to attachments generally, it should be noted that while attachments may be used to flesh out detail, Cabinet needs to be able to ascertain from the body of the Submission itself what the key issues are. Note also that the Cabinet Handbook specifies that subparagraph numbers must be used in place of dot points),

Body of the Submission – specific issues
In relation to paragraphs 5 - 7, 16 and 17, and especially the proposal to amend section 47J, it may be useful to remind Cabinet that owners of properties are already generally obliged under the common law to disclose factors, such as the presence of hazards, that may affect a purchaser's or tenant's decision to buy or occupy that property. This suggestion is made in order to remind Cabinet that the management of asbestos needs to be viewed as part of a wider s framework of both common-law and statutory obligations on land-owners and occupiers to investigate, manage and disclose hazards on land.

In this particular case, the substantive legislative issue for the Government in responding to the Taskforce Report is to develop an effective and viable statutory mechanism for ensuring that potential asbestos hazards are identified and subsequently disclosed to future owners or occupiers. In turn, Cabinet needs to understand how any proposed amendments will fit in, both legislatively and procedurally, with the wider framework of obligations, land management requirements and hazard reduction procedures that already exists in the Territory.

In relation to paragraph 23, it would assist Cabinet in understanding the further ramifications of the Government Response by providing a short summary of what the key issues are likely to be in relation to the three areas identified in that paragraph.

Government Response

It is noted that both the Taskforce Report and the Government Response are likely to receive considerable attention from regulatory authorities and stakeholders in other jurisdictions - the release of the Report has already been foreshadowed in the OH&S Daily News of 9 August 2005, for example. Accordingly, it may be appropriate to advise Cabinet of the likely interest in the Government Response, and the corresponding need to ensure that all elements of the Response are realistically achievable within the stipulated time-frames, to avoid any subsequent potential embarrassment in the event that Government is unable to meet its commitments.

Implementation Strategy

It is understood that there is no current intention to release the Implementation Strategy publicly. It would be useful to clarify this intention in the main body of the Submission. In terms of the Strategy as a whole, it may be useful to make it clear that the Strategy itself is subject to budget, and that further refinement of the Strategy may be needed from time to time, or in light of reaction to the Government Response from industry and other stakeholders. In particular, it may be useful to flag that there may be some minor changes to ensure that the proposed actions fit in smoothly with existing regulatory functions of agencies such as ACTPLA, ACT WorkCover and the Registrar-General of land titles.

Legislative amendments

It is noted that it is now proposed to introduce amendments to repeal sections 47K and 47L at the same time as the Government Response and the Taskforce Report are tabled. The Bill, its Explanatory Statement and Presentation Speech will therefore need to be included with the final Submission for Cabinet's consideration.

Please contact me on 76136 or Amanda Casimir on 78934 if you wish to discuss these comments.



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Pam Davoren **Executive Director** 

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#### CMD CAB & EXEC SUPP (2051093) NO. 289

## WARINET-ANICON





DEPARTMENT OF TREASURY

Mr M L Harris Chief Executive Chief Minister's Department

Dear Mr Harris

Thank you for referring for comment the draft Cabinet submission Asbestos Task Force Report. The Department of Treasury offers the following comments.

Consistent with comments provided in pre-circulation consultation, Treasury is concerned that the financial implications of some of the recommendations have not been established more accurately. Treasury recognises that this may be due to time constraints in finalising the submission (and the fact that some recommendations are inherently difficult to cost); however, it means that Cabinet is being asked to agree to recommendations before the financial consequences have been fully assessed.

The submission proposes that the resources to be provided in future years should be determined through the annual budget process. While this approach would ensure that additional funding for aspestos management is properly considered against other spending priorities — and is certainly preferable to consideration outside the budget process - it does not remove the risk that the Government will be faced with little choice but to fund the asbestos initiatives. Treasury recommends that this risk be highlighted more prominently in the Cabinet submission.

Notwithstanding these concerns, Treasury recognises that the Task Force's recommendations will be significantly less costly to implement than the current legislation.

Of the recommendations, recommendation 23 (relating to the removal of all asbestos from certain government buildings) is likely to involve the greatest potential costs to the budget. Treasury recommends that the proposed Government response be amended to make it clear that the recommendation would only be implemented over many years, as it would not be cost effective to remove all asbestos from category 1 and 2 buildings in a short period of time. Treasury believes it is important that expectations are not raised that the Government may provide significant funding for this recommendation in the short term.

Further comments on the presentation of financial implications in the submission are provided in the attachment to this letter.



# CO ABUSTINET ON EIGHT BENCE

The submission notes that further investigation of insurance arrangements will contribute to the detailed system for asbestos surveyors and assessors. Treasury and the ACT Insurance Authority (ACTIA) have undertaken to facilitate the sourcing of insurance cover for these activities. ACTIA is of the view that the possibility of securing adequate insurance coverage is extremely remote but is committed to pursuing the issue. Treasury suggests that the likely difficulty of finding insurers ready to provide adequate insurance be highlighted prominently in the proposed Government response.

Treasury considers that the submission should mention the possible exposure to future liabilities (previously estimated on a worst case basis at \$130m) arising from the surveys commissioned by the Task Force and which have now been completed.

Treasury confirms that, following the release of the Report, it will work with the Task Force to brief the members of the Australian Procurement and Construction Council.

In addition to the above, some minor editorial comments have been provided directly to Lincoln Hawkins.

Should you wish to discuss these comments please contact Marina Belmonte on ext 70215 or Peter Matthews on ext 70268 for insurance-related comments.

Yours sincerely

Paul Grimes

Under Treasurer

II August 2005

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# CMD CAB & EXEC SUPP (2051093) CMABNETSINICONFIDENCE NO. 289 P. 3

#### **ATTACHMENT**

Cabinet is not being asked to formally approve additional funding at this stage. Treasury recommends that the table on the front page be footnoted to highlight the fact that approval is not currently being sought, however, the submission will create budget pressures for additional funding in future budgets.

Treasury notes that due to the limited time for comment, the following changes to the Budget Impact table have not yet been incorporated. Treasury requests that the amendments be made to the final Submission as below:

Net impact (\$000) 2005-06 2006-07 2007-08 2008-09 2009-10 Operating Budget 0 -230 -104 -104 -104 Capital

After further analysis of the submission, Treasury offers the following comments in addition to those made in the pre-circulation period.

Treasury notes that the net impacts on the Budget are indicative only and reflect higher staffing levels (above those already funded in the 2005-06 Budget for the Task Force) for legislative, regulatory and implementation activities. Treasury believes that the submission could usefully include further detail to help inform Cabinet about which agencies may experience cost pressures resulting from the implementation of the Task Force Report recommendations and identify any implications and costs for existing Information technology and other systems, as a result of increased future regulatory and monitoring roles. Treasury also notes that future costs to the Budget could be mitigated by the re-prioritisation of existing funding or savings initiatives.

Treasury notes that the long-term financial implications regarding the management of government assets will be brought to Cabinet in a separate submission, although this should be highlighted in this submission. Treasury also notes the difficulties in estimating the potential costs prior to the completion of the asbestos audits. Treasury believes, however, that Cabinet should be informed that there is a potential for significant costs in the future, as these will need to be considered in future budgets in line with other Capital Works priorities.

CABINET-IN-CONFIDENCE

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CMD - GOS/502.



# CABINET-IN-CONFIDENCE



Working in partnership to protect and preserve life, property and the environment of the ACT

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Mr Mike Harris Chief Executive Chief Minister's Department GPO Box 158 CANBERRA ACT 2601

Draft Cabinet Submission: Asbestos Task Force Report

The ACT Emergency Services Authority supports the proposed amendments to the Dangerous Substances (Asbestos) Amendment Act 2004 and do not have any comments on the Report.

Thank you for the opportunity to comment on the Draft Cabinet Submission.

Peter Dunn, AO Commissioner O August 2005

Ph. (02) 6207 8444 Fax. (02) 6207 8427





# URBAN SERVICES ACT GOVERNMENT

Mike Harris Chief Executive Chief Minister's Department

# Draft Cabinet Submission: Asbestos Task Force Report

Thank you for the opportunity to comment on the above titled draft Cabinet Submission. The department offers the following comments concerning recommendation 15 of the ACT Asbestos Task Force Report, which proposes that a strategy be developed for educating the community on how to dispose of materials containing asbestos in accordance with the appropriate guidelines.

The Implementation Strategy at Attachment F of the submission identifies Urban Services as the agency with primary responsibility for responding to recommendation 15 of the Report. Although NOWaste in Urban Services could develop and deliver an appropriate education strategy, the department currently does not have sufficient funding to absorb this additional cost, unless other NOWaste programs are curtailed.

The department notes that the implementation strategy indicates that 'further consideration is required in the development of costings for ongoing education' and accordingly looks forward to these discussions. In the first instance please contact Hamish McNulty, Executive Director of Municipal Services Network, on 6207 6399 to further these discussions.



Mike Zissler Chief Executive

11 August 2005



Office of the Chief Executive

Level 5, Macaribur House • 12 Wattle Street Lynebam ACT 2602 GPO Box 158 Canberra ACT 2601 • Telephone (02) 6207 6000 • Facsimile (02) 6207 6229 · ACT Government homepage: www.act.gov.au

#### Cross, Catherine

From:

Healy, Chris

Sent:

Wednesday, 10 August 2005 8:59 AM

To:

Cross, Catherine

Subject: FW: Nil comment

----Original Message----

From: Bates, Vicki

Sent: Wednesday, 10 August 2005 8:54

To: Rau, Amelia Cc: Healy, Chris

Subject: Nil comment

Hi Amelia

Thank you for the opportunity to comment on the draft Cabinet Submission titled "Asbestos Task Force Report".

ACT Health would like to provide a nil comment.

VB :-)

Vicki Bates Cabinet Liaison Officer Executive Coordination ACT Health Telephone: 62050850

#### Cross, Catherine

om:

Healy, Chris

Sent:

Wednesday, 10 August 2005 8:48 AM

To: Cc: Cross, Catherine

Hawkins, Lincoln

Subject:

FW: DHCS Comments on Cabinet Submission

Importance:

High

----Original Message----

From:

Rau, Amelia

Sent:

Wednesday, 10 August 2005 8:10

To:

Healy, Chris

Subject:

FW: DHCS Comments on Cabinet Submission

Importance:

High

FYI

Amelia Rau

ு Cabinet Liaison Officer

**Cabinet Office** 

Cabinet and Policy Group Chief Minister's Department

Ph: 62050456 Fax: 62076200 amelia.rau@act.gov.au

----Original Message----

From:

Wood, Pam

Sent:

Tuesday, 9 August 2005 5:02 PM

To: Subject: Rau, Amelia

**DHCS** Comments on Cabinet Submission

Importance:

Amelia

DHCS has no comment to offer on Cabinet Submission - Asbestos Task Force Report.

vill forward a signed nil response letter through the internal mail.

Cheers

Pam Wood

Cabinet Liaison Officer

Department of Disability, Housing and Community Services

6205 0457

# Policy and Organisatic CAB & EXEC SUPP CONFIDENCE

CABINET-IN-CONFIDENCE



dhcslact

Mr Mike Harris Chief Executive Chief Minister's Department

department of disability, housing & community services

Dear Mr Harris

community partners

# Draft Cabinet Submission: Asbestos Taskforce Report

Thank you for referring this draft Cabinet Submission to the Department of Disability, Housing and Community Services for comment.

GPO Box 158 Canberra ACT 2601

This Department supports the draft Cabinet Submission and has no comments to submit on this matter.

Telephons 13 22 81

www.dhcs.ect.gov.au

If you would like any further information please have one of your officers contact me on 6207 6057.

Yours sincerely

Adam Sankevicius Senior Manager

Governance and Strategy

August 2005



ACT Government

#### Cross, Catherine

Jm:

Healy, Chris

Sent:

Wednesday, 10 August 2005 2:25 PM

To: Subject: Cross, Catherine FW: coord comments

JACS response

----Original Message----

From:

Rau, Amelia

Sent: To: Wednesday, 10 August 2005 2:15 Healy, Chris; Wahren, Lee-Anne

Subject:

FW: coord comments

FYI:)

Amelia Rau

A/g Cabinet Liaison Officer

Cabinet Office

Cabinet and Policy Group

'ef Minister's Department

ra: 62050456 Fax: 62076200

amelia.rau@act.gov.au

----Original Message----

From:

Elworthy, Kira

Sent:

Wednesday, 10 August 2005 1:26 PM

To: Subject: Rau, Amelia coord comments

Hi Amelia

The Department of Justice and Community Safety has a 'Nil' comment on the following Cabinet Submissions

"Government and plant industry cost sharing deed in respect of emergency plant pest responses"

"Asbestos task force report"

Thanks

ra Elworthy
Indinisterial Services Unit
JACS

#### Cross, Catherine

¿m:

Healy, Chris

Sent:

Wednesday, 10 August 2005 3:06 PM

To:

Cross, Catherine

Subject:

FW: Draft Cabinet Submission: Asbestos Task Force Report

----Original Message----

From:

Mullan, James

Sent:

Wednesday, 10 August 2005 2:56 Healy, Chris; Rau, Amelia

To:

Subject:

Draft Cabinet Submission: Asbestos Task Force Report

H Chris / Amelia,

DED has a NIL response in regards to the above DCS.

Regards

James Mullan

ssembly and Cabinet Liaison Officer partment of Economic Development

. 1: 02-62071887 Fax: 02-62070033 Mob: 0434070239



#### KATY GALLAGHER MLA

MINISTER FOR EDUCATION AND TRAINING
MINISTER FOR CHILDREN, YOUTH AND FAMILY SUPPORT
MINISTER FOR WOMEN MINISTER FOR INDUSTRIAL RELATIONS
MEMBER FOR MOLONGLO

# MEDIA RELEASE

#### DRAFT

# ACT Asbestos Task Force Report recommends changes to asbestos laws

The Minister for Industrial Relations Katy Gallagher today released the ACT Asbestos Task Force Report on Asbestos Management in the ACT.

"The report presents the Government with a practical, cost effective and balanced approach to the management of asbestos in the ACT, said Ms Gallagher said.

"The Task Force was asked to work in uncharted territory and have responded well to the challenge. They have undertaken an extensive amount of work in understanding the current local, national and international issues associated with asbestos and its management.

"A survey of over 600 Canberra homes found that the majority of homes built before 1982 are likely to have building materials containing asbestos (MCAS); homes built between 1982 and 1984 may have MCAs; and homes built from 1985 onwards are unlikely to have MCAs.

'In non-residential premises, the types and uses of MCAS are more widespread. While the majority of building products were phased out in the mid 1980s in the non-residential sector, other MCAs continued to be used in plant room gaskets and similar products until 2003.

"The Government has agreed to or agreed in principle to all 25 recommendations contained in the report.

"The Task Force recommended three separate approaches for the future management and control of asbestos in our community targeting the residential sector, non-residential sector, and those trades and asbestos industry groups who handle MCAs on a regular basis. (A snap shot for each of these regimes is attached).

"These approaches will replace existing asbestos laws under the *Dangerous Substances Act* 2004, which were passed in the Assembly last year. Sections 47K and 47L of the *Dangerous Substances Act* 2004 which would have required property owners and occupiers, from 16 January 2006, to provide asbestos reports listing their property for sale, or when undertaking high risk activities, will be repealed in the next three months.



Together these approaches offer a more effective way of providing information and protecting people at risk than the current legislation.

"This is a comprehensive body of work. I have no doubt this report will be a valuable contribution to the areas of asbestos research and management, both nationally and internationally.

"I thank each member of the Task Force for their contribution to this process", Ms Gallagher said.

The report and Government Response can be accessed at <u>www.asbestos.act.gov.au</u>

Statement Ends
Date

Media Contact: Angle Drake Pl

Phone: 6205 0139(w)

0408 092 016(m)



Mr Phillip Tardif Director Cabinet Office Chief Minister's Department

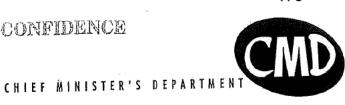
Dear Mr Tardif

# DISTRIBUTION RECORD FOR CABINET SUBMISSION

A total of 24 copies of the Submission have been produced. Distribution has been arranged as follows:

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Copy No. 1,1a, 1b 2, 2a 3,3a 4 5 6, 7, 8 9, 10, 10a 11, 11a 12 13 14 15 16 17	Chief Minister Deputy Chief Minister Deputy Chief Minister Minister for Health Minister for Urban Services Minister for Education, IR and Women Chief Minister's Department Department of Treasury Department of Justice and Community Safety Department of Urban Services Department of Health Department of Education, Youth and Family Services Department of Disability, Housing and Community Services Department of Disability, Housing and Authority Department of Planning and Land Authority Department of Economic Development Emergency Services Authority
18	extension 50456.

If you require further information, please contact me on extension 50456.



Mr Phillip Tardif Director Cabinet Office Chief Minister's Department

Dear Mr Tardif

## DISTRIBUTION RECORD FOR CABINET SUBMISSION

Asbestos Task Force Report

A total of 24 copies of the Submission have been produced. Distribution has been arranged as follows:

Copy No. 1,1a, 1b 2, 2a 3,3a 4 5 6, 7, 8 9, 10, 10a 11, 11a 12 13 14 15	Agency Chief Minister Deputy Chief Minister Minister for Health Minister for Urban Services Minister for Education, IR and Women Chief Minister's Department Department of Treasury Department of Justice and Community Safety Department of Urban Services Department of Health Department of Education, Youth and Family Services Department of Disability, Housing and Community Services Department of Planning and Land Authority
	Department of Planning and Land Authority
17 18	Department of Economic Development Emergency Services Authority

If you require further information, please contact me on extension 50456.



Mr Phillip Tardif Director Cabinet Office Chief Minister's Department

Dear Mr Tardif

# DISTRIBUTION RECORD FOR CABINET SUBMISSION

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18	Emergency Services Authority	

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6, 7, 8	Chief Minister's Department
9, 10, 10a	Department of Treasury
11, 11a	Department of Justice and Community Safety
12	Department of Urban Services
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	Department of Economic Development
18	Emergency Services Authority

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# DRAFT CABINET SUBMISSION

**TITLE: Asbestos Task Force Report** 

Due to Coordinating Area:

COB: Monday 7 August 2005

Due back to Cab. Office:

NOON: Wednesday 10 August 2005

Due to Originating Agency:

COB: Wednesday 10 August 2005

CONTACT OFFICER (in the Originating Agency): Ms Chris Healy (x78812)

DATE CIRCULATED: 2 August 2005

DATE CIRCULATED. 2 August 2000	
Coordinating Area Checklist  This draft Cabinet Submission or Bills Schedule item has been provided to your area for the preparation of CN	MD
coordination comments.  Please check with Cabinet Office for comments received from other line areas within CMD before finalising comments.	
on this paper.  Once finalised, please provide the original signed comments to Cabinet Office for logging and delivery to the Originating Agency/Line Area, observing the due dates above.	
Originating regerey.	to Droff Cab

Circulated to:		Comment / Nil Comment:	Date Provided to Cabinet Office:	Draft Cab Sub Destroyed by:	Date Draft Cab Sub Destroyed:
Dept. Treasury	Dr Grimes, CE	Written	11/8/05	1 Copy JC	08/08/05
Dept. Headury	· ·		12/08/05	1 Copy JC 1 Copy TM 7 copies KJ	12/08/05
Dept. J&CS	Mr Keady, CE	Nil	10/8/05		
Dept. Urban Services	Mr Zissler, CE	Written	12/8/05		
ACT Health	Dr Sherbon, CE	Nil	10/8/05		
Detp, E&T	Dr Bruniges, CE	Written	11/8/05		
Dept. DHCS	Ms Lambert, CE	Nil	10/8/05		
ACTPLA	Mr Savery, CPE	Written	9/8/05		
Dept. Economic Development	Mr Gilbert, CE	Nil	10/8/05		
ACTESA	Mr Dunn, Comm.	Nil	10/8/05	AR	10/8/05
CE, CMD	Mr Harris				
ED, Exec. Support	Mr Lasek	Written on Green	3/8/05	AR	3/8/05
ED, Cabinet & Policy	Ms Davoren	Nil		サレ	12/9/05
Cabinet Office	Mr Tardif	Verbal to Amanda Casimir		TM	12/9/05
	Cabinet Office	U		TM	12/9/0
Economic, Planning and Reg. Policy	Mr Ellis	Nil		CL	24/11/0
Social Policy	Ms Hudson	Written	4/8/05	AR	4/8/05
Comments Coordination	Coordinating Officer	Written	11/8/05	AR	11/8/05
Indig. Ageing and Women	Ms Hall	Nil	04/08/05	KJ	04/08/05
	Office for Women	Nil	03/08/05	KJ	03/08/05
Canberra Plan and Bushfire Support	Ms Bitmead	Nil	08/08/05	JC	08/08/05
Office of Sustainability	Mr Ottesen	Nil	10/08/05	KJ	10/08/05
	Mr Butt	Nil	08/08/05	KJ	08/08/05
ACT Workcover	Mr Janssen				
Arts, Heritage and Environment	Dr Cooper				
Asbestos	Mr Hawkins	· Wil		づこ	114/96

Mr Ellis

Comments

Nil Comm

**Draft Submission Title:** 

**Asbestos Taskforce Report** 

**Due Date for Comments:** 

Monday 8 August 2005

Contact Officer: Ms Chris Healy (x78812)

Date Circulated: 2 August 2005

- You have received the attached draft Cabinet Submission for consideration and comment. Comments, including nil comment, should be forwarded (in hard copy) to the Contact Officer named above. The yellow folder, including the draft Submission and green cover-slip, should be returned to the Cabinet Office for filling/destruction once you have commented on the paper.
- If you have received a copy of the coverpage only and would like to view the full draft Submission, please contact the Cabinet Office on x50709 or x50456.

### CMD DRAFT CABINET SUBMISSION FOR CONSIDERATION

Mr Hawkins

Nil Comment Comments

**Draft Submission Title:** 

Asbestos Taskforce Report

Due Date for Comments:

Monday 8 August 2005

Contact Officer:

Ms Chris Healy (x78812)

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Cabinet Office

Comments Nil Comment

Convents agreed, verbally, with America Casaining
Asbestos Taskforce Report

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### CMD DRAFT CABINET SUMMISSION FOR CONSIDERATION

**Mr Tardif** 

**Draft Submission Title:** 

Comments Nil Comment

> Jerbal comments to Amanda Commis Asbestos Taskforce Report

**Due Date for Comments:** 

**Monday 8 August 2005** 

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Ms Davoren

Comments

Nil Comment

**Draft Submission Title:** 

**Asbestos Taskforce Report** 

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# CMD DRAFT CABINET SUBMISSION FOR CONSIDERATION

asy Mr Janssen

Comments

Nil Comment

tribbushed belitions

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Office for Women

Comments

Nil Comment

4. In & helptom

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### CMD DRAFT CABINET SUBMISSION FOR CONSIDERATION

**Mr Tomlins** 

Comments

Nil Comment

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Asbestos Taskforce Report

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Mr Butty 2/8

n. Industrial Alakeus.

Draft Submission Title:

Comments

Nil Comment

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### CMD DRAFT CABINET SUBMISSION FOR CONSIDERATION

Ms Hall

Comments / Nil Comment

X

MAR

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Asbestos Taskforce Report

**Due Date for Comments:** 

**Monday 8 August 2005** 

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Mr Lasek

Comments )

Nil Comment

**Draft Submission Title:** 

Public need againg Reasistrance.

**Due Date for Comments:** 

Monday 8 August 2005

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### CMD DRAFT CABINET SUBMISSION FOR CONSIDERATION

38

Ms Bitmead

Comments / Nil Comment

**Draft Submission Title:** 

Asbesto's Taskforce Report

**Due Date for Comments:** 

Monday 8 August 2005

Contact Officer:

Ms Chris Healy (x78812)

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  the Cabinet Office on x50709 or x50456.

Mr Ottesen

Comments

Nil Comment

m. in he

Draft Submission Title:

Asbestos Taskforce Report

**Due Date for Comments:** 

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### CMD DRAFT CABINET SUBMISSION FOR CONSIDERATION

Ms Wall

Comments

Nil Comment

**Draft Submission Title:** 

Asbestos Taskforce Report

5/8/05

**Due Date for Comments:** 

Monday 8 August 2005

Contact Officer:

Ms Chris Healy (x78812)

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Ms Hudson



Nil Comment

**Draft Submission Title:** 

**Asbestos Taskforce Report** 

**Due Date for Comments:** 

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Agency	Title	
CMD	Asbestos Taskforce Report	

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Recipient	Accepted by – NAME	Accepted by - SIGNATURE	Date	Time
JACS	~ Etworth		218105	am / pm
DUS	J. Preston		218105	2 : OF am / pm
Maxine Cooper  ACT Health	J. Preston		218108	2:05 am/pm
DĒT	5 fusic		2 18 105	<u>ு: 09</u> am / pm
DHCS	J. Poeston		2,8,05	<u>≥:05</u> am/pm
ACTPLA Mr Hawkins	J Preston		21810	2 : 05 am / pm
DED	A. Milis		218105	11:35 am/pm
ESA	A. Schure		3,8,05	12:95 am (pm)

Agency	Title	_
CMD	Asbestos Taskforce Report	

DRAFT SUB DISTRIBUTION RECORD - CMD & DT Time Accepted by - SIGNATURE Date Accepted by - NAME Recipient 11:45 am/pm 02 108105 Jan Pearse nerese Mingay **Dr Grimes** 11:49 am) pm 218105 Mr Tardif **Cabinet Office** 218105 11:50 Lee THOMAS Mr Lasek (am) pm 12: 10 am/pm 218105 V Zanetti Cathy Hudsa Ms Davoren 218105 10:18 Ms Hudson Coord. Copy 21810E Mr Ellis 🛚 TIES am / pm 218105 Ms Hall LARS PLENCE Office for Women 12:30 am/pm 218105 Ms Bitmead Sally Readshaw 02/08/05 Mr Otteson J. Buke Martin d'Esle >> Ruth Warner Mr Butt 02/08/05 12:20 218/05 17-50-

my orich Janssen

### TITLE: Asbestos Taskforce Report

		(1/22)
Α	Copy of Draft to Mike Harris (with date/time stamp)	Yes
1	Minute/letter approving circulation signed off by Minister/CEO	(Yes)
2	All relevant pages included?	(Yes)
3	All relevant attachments included?	Yes
4	All pages of the Draft numbered?	Yes
5	Requisite circulation time adhered to? (ie 7 days)	Yes)
6	If 'No' to 5, then has Phil approved shortened circulation?	(N/A)
7	Decision made by CLO as to who in CMD will get a copy of Drait	Yes
8	For CMD Submissions, copy to agencies contains circulation letter?	N/A 405.
9	Draft written up in the Red Book?	Yes
10	Distribution list (ie 'Paners in Circulation' document) established on the	Yes
10	computer to track comments? Action Officer and dates included?	
11	Cover sheet of the Draft circulated to everyone on the CMD distribution	Yes
	list who did not receive the full Draft Cab Sub?	
12	Folders checked for accuracy prior to distribution?	Yes
13	'Listing' document (g:\CMD_Exec\Cabinet\Draft Cabinet	Yes
10	Submissions/Paners in Circulation) updated?	Yes
14		
	green folder?	
15	Green folder filed under relevant Minister's portfolio in Draft Submission	Yes
	drawer of filing cabinet?	
	POST CIRCULATION	
16	'Papers in Circulation' document prepared updated to reflect the return	Yes/No
• -	of copies of the Draft, comments made and destruction details?	ļ
17	Copy of any and all CMD comments copied and lodged in green folder	Yes/No
	and the original forwarded to Policy?	
18	Comments from Policy forwarded to Cabinet Office, copy made and	Yes/No
	original forwarded on to relevant agency?	
19	Completed, relevant 'Papers in Circulation' file printed and placed in	Yes/No
, -	green folder?	
20	Pink cover sheet containing name of Draft Submission created and	Yes/No
	nrinted?	
21	All documents in green folder combined with pink cover sheet and filed	Yes/No
	in back of Draft Submission drawer of filing cabinet?	
·		

If 'No' circled for any of the above, please give some reason/explanation. Also, any other relevant comments.



### Chief Executive

Dr Paul Grimes
Chief Executive
Department of Treasu

Department of Treasury

Mr Mike Zissler Chief Executive Department of Urban Services

Dr Michele Bruniges Chief Executive Department of Education & Training

Mr Neil Savery Chief Planning Executive ACT Planning and Land Authority

Mr Peter Dunn Commissioner Emergency Services Authority Ms Elizabeth Kelly
A/g Chief Executive
Department of Justice and Community Safety

Dr Tony Sherbon Chief Executive ACT Health

Ms Sandra Lambert Chief Executive Department of Disability, Housing and Community Services

Mr Shane Gilbert Chief Executive Department of Economic Development

### Draft Cabinet Submission: Asbestos Task Force Report

I am writing to seek your Agency's comments on the attached draft Cabinet Submission. This Submission is proposed for Cabinet consideration on Monday 22 August 2005.

I would therefore appreciate any comments from your Agency by COB Wednesday 10 August 2005.

Please forward comments, including a 'Nil' response, to Ms Amelia Rau (x50456).

The contact officer for this draft Submission is Chris Healy (x78812).

M.L. Harris Chief Executive

\ August 2005

### **Chief Minister's Cabinet Brief**

Cabinet Meeting Date:

Monday 10 October 2005

Title of Submission:

**Extension of the Mobile Speed Camera Network** 

Minister:

**Minister for Urban Services** 

### **Context and Consultation**

The Submission seeks Cabinet's agreement to allow all suitable arterial, major collector and minor collector roads in the ACT to be designated as mobile speed camera sites.

### Issues

- Mobile speed camera vans have been shown to be an effective way of reducing speed at scheduled sites. For this reason, the Traffic Liaison Committee (comprising the AFP, NRMA and DUS) has recommended all arterial (60km/h), major (60km/h) and minor collector roads (50km/h) be covered by the mobile speed camera policy – rather than just the 62 sites at present.
- All the new sites would continue to be listed on the DUS website to inform the public about where cameras will operate from (this continues the existing policy).
- Implementation of the new sites will occur over some years and in batches of 40 sites at a time, with the first batch to be operational by March 2006.
- Signs would be placed at the road entrances of Canberra stating 'Speed Cameras are used in the ACT'.
- An advertising campaign would inform the public of the expanded coverage, and the
  cost will be met within existing DUS resources, as will additional capital funding of
  \$20,000, for new signage. The advertising would address any "popular perceptions
  that the new measures are just revenue raising" (paragraph 17).
- The original approach would have involved drafting instructions to amend the Road Transport (Safety and Traffic Management) Regulations but, after detailed discussions with the Parliamentary Counsel's Office, this is no longer required. Instead, the existing Regulations will be used, and the new roads to have mobile camera sites will simply be added to the existing list.

### Submission Recommendations

Support the recommendations.

### Recommended Outcome / Deliverables

All suitable arterial, major collector and minor collector roads in the ACT will be designated as mobile speed camera sites over a period of some years, and the public will be advised of the expanded coverage by an advertising campaign.



Authorised by: Pam Davoren

Prepared/Cleared by: Rod Power/Greg Ellis

### Consultation Comments from Agencies

Com	ments	Agency	Response to Comments
	The purpose behind the proposal needs to be more fully developed by including first two paragraphs of Attachment A.	Chief Minister's Department	Agreed, incorporated into the background of submission.
	Cabinet should be alerted to the fact that there may be some adverse reaction from a minority within the community. The need to counter this perception may indicate a need for additional advertising expenditure.		Agreed, the submission now explicitly identifies that there may be some adverse reaction from the community to the proposed changes. Advertising expenditure has been calculated accordingly.
	It would be useful to emphasise the lowering of average speeds since the mobile speed camera network was introduced in the public information campaign.		Agreed, incorporated into submission.
•	The submission should address the road toll figures and identify if the fatalities have been in non-network areas.		There is no direct relationship between the road toll figures and the mobile speed camera sites therefore it is deemed that drawing a correlation would not enhance the submission.
	The submission should address whether there is evidence of drivers becoming complacent about speeding on non-network roads and deliberately avoiding cameras.		There is insufficient evidence to determine what routes drivers are choosing to take and why.
	The submission appears to require additional expenditure on advertising.		Funding for the advertising of the changes will be met within existing resources.

The state of the s		
It may be useful to explain the difference between the Speed and Red Light camera policy and the mobile camera network policy.		The mobile speed camera network policy is a component of the Speed and Red Light Camera policy. It does not require regulatory change and is going to Cabinet for noting.
<ul> <li>Recommends that the Budget Impact table contain nil values to clearly show no additional funding is required.</li> </ul>	Treasury	Agreed, incorporated into submission.
<ul> <li>Rephrase paragraph 15 to state "There is expected to be no impact on the level of revenue raised as a result of the proposed policy change above that agreed by Cabinet in the 2005-06 Budget."</li> </ul>		Agreed, incorporated into submission.
Clearly state that all roads in the ACT with speed limits of 50km/h will be designated as mobile speed camera sites.		All roads in the ACT with speed limits of 50km/h will not be designated as mobile speed camera sites. Only minor collectors, not access streets.
<ul> <li>The drafting instructions do not provide sufficient information to allow definitions of the kinds of roads to be defined with certainty.</li> </ul>	ACT Parliamentary Counsel's Office (PCO), Department of Justice & Community	After meeting with the PCO it was agreed to maintain the current regulatory arrangements and continue to list mobile speed camera sites in Schedule 1.
<ul> <li>There are no instructions about how the place where the image is taken is to be described on camera images, in the Regulation.</li> </ul>	Safety	The location codes of each site will continue to be in Schedule 1.
<ul> <li>In order to ensure there is no confusion surrounding definitions, such as that of 'minor collector' it is</li> </ul>	ACTPLA	The listing of all sites in Schedule 1 will address any possible confusion.

suggested that a map, using colour code would be beneficial to be attached to the submission.	
Nil comment	Department of Education & Training
Nil comment	Department of Disability, Housing & Community Services
Nil comment	Department of Economic Development
Nil comment	ACT Health

# CABINET-IN-CONFIDENCE



Mr Mike Zissler Chief Executive Department of Urban Services

Dear Mr Zissler

Thank you for the opportunity to comment on the draft Cabinet Submission regarding - Extension of the Mobile Camera Network

The Authority supports the submission and provides the following comment:

 In order to ensure there is not confusion surrounding definitions, such as that of 'minor collector', it is suggested that a map, using colour codes, would be beneficial to be attached to the submission.

If you would like to discuss any aspects of these comments, please contact Leonie Mossop on extension 71764.

Yours sincerely

Neil Savery
Chief Planning Executive

\ August 2005

DEPARTMENT OF TREASURY



Mr Mike Zissler Chief Executive Department of Urban Services

Hire

Dear Mr/Zissler

Thank you for referring for comment the draft Cabinet submission *Extension* of the *Mobile Speed Camera Network*. The Department of Treasury offers the following comments.

Treasury notes that the Budget Impact statement on the cover page of the submission indicates that capital funding of \$20,000 is required for the proposal, however paragraph 16 in the Financial Implications states that it will be funded from within existing resources. Treasury recommends the Budget Impact table contain nil values to clearly show that no additional funding is required. Treasury would agree to this costing.

Paragraph 15 in the Financial Implications section states "there is expected to be no impact on the level of revenue raised as a result of the proposed policy change." Page 169 of 2005-06 Budget Paper No. 3 shows additional speed camera revenue of \$1.5m annually from 2005-06 to 2008-09. For the purpose of clarity, Treasury recommends that paragraph 15 be rephrased to state: "There is expected to be no impact on the level of revenue raised as a result of the proposed policy change above that agreed by Cabinet in the 2005-06 Budget."

The Budget Impact Protocol for Cabinet Submissions requires a statement that the financial implications of the recommendations have been agreed with Treasury. After discussions at officer level between Treasury and the Department of Urban Services, and on the basis of the two suggestions above being incorporated into the final submission, Treasury agrees with the Budget Impact statement. A statement to this effect will need to be included in the Financial Implications section of the submission.

It would be helpful for the submission to clearly state that all roads in the ACT with speed limits of 50 km/h will be designated as mobile speed camera sites.

Should you wish to discuss these comments, please contact Floyd Kennedy on ext 70096.

Yours sincerely



3 August 2005





Mr Mike Zissler Chief Executive Department of Urban Services

Dear Mr Zissler

Draft Cabinet Submission: Extension of the Mobile Speed Camera Network

Thank you for referring this draft Cabinet Submission to Mr Harris. The Chief Minister's Department provides the following comments on the Submission.

It would enhance the argument in the Submission if the purpose behind the proposal were more fully developed. For this purpose, the first two paragraphs of Attachment A would be usefully summarized at the beginning of the Submission itself. Secondly, Cabinet should be alerted to the fact that there may be some adverse reaction from a minority within the community who will see the new measures as merely revenue raising by the Government. The need to counter this perception may indicate a need for additional advertising expenditure.

A number of the points of detail forwarded to the contact officer are attached for your information.

Yours sincerely

Greg Ellis A/Director

Economic Regional and Planning Branch

3 August 2005

### **Detailed Comments.**

It would be useful to emphasise the lowering of average speeds since the mobile camera network was introduced in the public information campaign. Also, the Submission should address the road toll figures. If the road toll has risen in this period, there may be a perception that the cameras aren't as effective as a safety mechanism. If the data demonstrates the fatalities are in non-network areas, then conversely that would be a good reason for extending the mobile camera network

The Submission should address whether there any evidence drivers are becoming complacent about speeding on non-network roads and deliberately avoiding the cameras If so, then the Submission should address how the expansion of the network will reduce that complacency.

The Submission states that it is going to be funded within existing allocations; however, the proposal is significant and would appear to require additional expenditure on advertising.

It may be useful to explain the difference between the Speed and Red Light Camera policy referred to in paragraph 8 being revised, and the mobile camera network policy, to clarify why Cabinet is being asked to look at this aspect. For example, did the Speed and Red Light Camera policy involve regulatory change and also need to go to Cabinet?



### John Hargreaves MLA

MINISTER FOR DISABILITY, HOUSING AND COMMUNITY SERVICES
MINISTER FOR URBAN SERVICES
MINISTER FOR POLICE AND EMERGENCY SERVICES
MEMBER FOR BRINDABELLA

# MEDIA RELEASE

xxx/05

<INSERT> 2005

# SPEED CAMERA VANS TO OPERATE ON ADDITIONAL ROADS TO HELP IMPROVE ROAD SAFETY

Urban Services Minister John Hargreaves today announced the ACT Government would be widening the operation of its speed camera vans to include more arterial, major collector and minor collector roads in an effort to encourage motorists to slow down.

"Currently, there are 62 mobile speed camera sites and statistics taken from these locations show the highest speeds recorded in most speed limit zones during 2004 were on average three to six kilometres an hour less than in 2003. This shows that current mobile speed camera sites are well-known and are having the desired effect of slowing vehicles down.

"To help maximise road safety benefits, it makes sense to expand the camera's operation across a greater number of sites. It will provide the Australian Federal Police with more flexibility in placing the cameras at strategic locations to address road safety concerns.

"There are approximately 650 arterial, major collector and minor collector roads in the ACT, and through a staged process all of these roads will be assessed, and if considered suitable for van placement, will be identified as part of the mobile speed camera network" Mr Hargreaves said.

"It anticipated new sites will not be available for use until early next year and closer to this time an advertising campaign will take place to inform the community of the change and also remind them that roads with a default speed limit (50km/h) are not individually signposted.

"Expanding the mobile speed camera network means that drivers will obviously need to pay more attention to their speed as they will not know where to expect a speed camera. Reducing vehicle speed is obviously a major factor in reducing the number, and severity, of accidents. Obviously, if you are driving at or below the designated speed limit then the extension of the mobile speed camera network won't affect you."

Mr Hargreaves said that signs displaying the message 'Speed Cameras are used in the ACT' would be placed at the entrances to each Canberra region – Belconnen, Woden, Weston Creek, Tuggeranong, Gungahlin, Inner North and Inner South.

"Unlike other jurisdictions, the ACT adopts a very overt approach to its use of speed cameras. They are clearly signposted and out in the open, sending a simple message to motorists to slow down. The location of sites are also available at <a href="www.urbanservices.act.gov.au">www.urbanservices.act.gov.au</a>"

Statement Ends

Media Contact: Liz Lopa

6205 0292 (w)

0411 658 957 (m)

liz.lopa@act.gov.au



Phone (02) 6205 0104

Fax (02) 6205 0433





Director Cabinet Office Chief Minister's Department

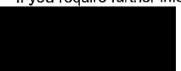
### DISTRIBUTION RECORD FOR CABINET SUBMISSION

# EXTENSION OF THE MOBILE SPEED CAMER NETWORK

A total of 24 copies of the Submission have been produced. Distribution has been arranged as follows:

Copy No.	Agency
1,1a, 1b	Chief Minister/Senior Adviser/Chief Ministers Adviser
2,	Deputy Chief Minister
2a	Deputy Chief Minister Chief of Staff
3	Simon Corbell
3a	Senior Adviser, Simon Corbell's Office
4	Katy Gallagher
5	John Hargreaves
6	Chief Executive, CMD (Cabinet Secretary)
7	Deputy Chief Executive, CMD
8	Director, Cabinet Office (Cabinet Notetaker)
9	Department of Treasury
10	Chief Executive, Department of Treasury
11	Department of Justice and Community Safety
12	Department of Urban Services
13	Department of Health
14	Department of Education and Training
15	Department of Disability, Housing and Community Services
16	ACT Planning and Land Authority
17	Department of Economic Development
18	Emergency Services Bureau

If you require further information, please contact me on extension 76254.



Helen Willson Cabinet and Assembly Liaison 29 September 2005

### **DRAFT CABINET SUBMISSION**

TITLE: Extension of the mobile speed camera network

Due to Coordinating Area: COB: Monday 1 August 2005

Due back to Cab. Office: NOON: Wednesday 3 August 2005
Due to Originating Agency: COB: Wednesday 3 August 2005

CONTACT OFFICER (in the Originating Agency): Karen Greenland on x76244

DATE CIRCULATED: Tuesday 26 July 2005

	 Coordinating Area Checklist
	This draft Cabinet Submission or Bills Schedule item has been provided to your area for the preparation of CMD
-	coordination comments.  Please check with Cabinet Office for comments received from other line areas within CMD before finalising comments
	on this paper
	on this paper.  Once finalised, please provide the original signed comments to Cabinet Office for logging and delivery to the
l	Originating Agency/Line Area, observing the due dates above.

Circulated to:		Comment / Nii Comment:	Date Provided to Cabinet Office:	Draft Cab Sub Destroyed by:	Date Draft Cab Sub Destroyed:	
Dept. Treasury	Dr Grimes, CE	-	1/8/5	SB (4 copies)	1/08/05	
			4/8/5	SB (2 copies)	4/8/5	
	·		08/08/05	JC 1 copy	08/08/05	
			24/08/05	1 copy KJ	24/08/05	
CE, CMD	Mr Harris					
ED, Exec. Support	Mr Lasek	written	27/7/05	MD	27/7/05	
ED, Cabinet & Policy	Ms Davoren	Nil	16/08/05	KJ	16/08/05	
Cabinet Office	Mr Tardif	verbal	4/8/5	SB	4/8/5	
	Cabinet Office	Verbal	4/8/5	SB	4/8/5	
Economic, Planning and Reg. Policy	Mr Ellis	Nil	09/08/05	KJ	09/08/05	
Social Policy	Ms Hudson	Nil	30/08/05	ĴC	30/08/05	
Comments Coordination	Coordinating Officer	Written	4/8/05	AR	4/8/05	
Indig. Ageing and Women	Ms Hall	Nil	02/08/05	KJ	02/08/05	
<del>-</del>	Office for Women	Nil	29/07/05	KJ	29/07/05	
Canberra Plan and Bushfire Support	Ms Bitmead	Nil	01/08/05	KJ	01/08/05	

Mr Gaskill

G. 26/7

Comments

Nil Comment

Submission Title:

Extension of the mobile speed camera network

ate for Comments:

COB Monday 1 August 2005

Date Circulated: Tuesday 26 July 2005

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have received a copy of the coverpage only and would like to view the full draft Submission, please contact abinet Office on x50709 or x50456.

### RAFT CABINET SUBMISSION FOR CONSIDERATION

ffice for Women

Comments

Nil Comment

t Submission Title:

Extension of the mobile speed camera network

Date for Comments:

**COB Monday 1 August 2005** 

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Ms Bitmead

Comments



n Dus S.tl

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# DRAFT CABINET SUBMISSION FOR CONSIDERATION

Dr Cooper

Comments



**Draft Submission Title:** 

y. Dus i Shu blorgaceres

Extension of the mobile speed camera network

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Ms Hall

Comments / Nil Comment X

M. Dus-

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### **DRAFT CABINET SUBMISSION FOR CONSIDERATION**

**Mr Hawkins** 

Comments /

Nil Comment

M Dus

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### DRAFT CABINET SUBMISS

### I FOR CONSIDERATION

Dus.

Mr Ellis

Comments



Draft Submission Title:

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# DRAFT CABINET SUBMISSION FOR CONSIDERATION

Mr Tomlins

Comments

Nil Comment

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Ms Davoren

Dus.

Dun-

Comments

Nil Comment

**Draft Submission Title:** 

Extension of the mobile speed camera network

**Due Date for Comments:** 

**COB Monday 1 August 2005** 

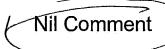
Date Circulated: Tuesday 26 July 2005

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### DRAFT CABINET SUBMISSION FOR CONSIDERATION

<u>Mr Janssen</u>

Comments



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**Cabinet Office** 

Comments /

2 6 JUL 2005

Nil Comment

**Draft Submission Title:** 

Minn report imments to dollar Extension of the mobile speed camera network

**Due Date for Comments:** 

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# DRAFT CABINET SUBMISSION FOR CONSIDERATION

Mr Tardif

**Comments** Minor editoral issues discussed

Nil Comment

2 6 JUL 2005

**Draft Submission Title:** 

Extension of the mobile speed camera

network Tracen South A. Carmin

**Due Date for Comments:** 

**COB Monday 1 August 2005** 

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Ms Wall

Comments

Nil Comment

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### DRAFT CABINET SUBMISSION FOR CONSIDERATION

Mr Ottesen

Comments

Nil Comment

**Draft Submission Title:** 

Extension of the mobile speed camera network

**Due Date for Comments:** 

**COB Monday 1 August 2005** 

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# **IET SUBMISSION FOR CONSIDERATION**

Comments

Nil Comment

Γitle:

Extension of the mobile speed camera network

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COB Monday 1 August 2005

Date Circulated: Tuesday 26 July 2005

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### CABINET-IN-CONFIDENCE



Date	3 August 2005
То	Director, Economic Regional and Planning Branch
	Rod Power, A/ Senior Manager
From	James Ward, Policy Officer
Subject	Draft Cabinet Submission: Extension of the Mobile Speed Camera Network

### Purpose

To brief you on this department's comments regarding this draft Cabinet Submission and seek your agreement to the strategic response at <u>Tab A</u>.

### **Background**

This Submission seeks Cabinet's agreement to significantly revise the current policy under which mobile speed cameras may only operate in designated areas. The proposed policy will allow all arterial, major collector and minor collector roads in the ACT to be designated as mobile speed camera sites.

### Issues/Comment

<u>Deterrent Effect</u>. Monthly statistics from 2004, showing average speeds down by 3-6km/h from those measured in 2003 at designated sites, suggest that drivers are aware of the presence of mobile speed camera sites and that the presence of such cameras seems to be having a measurable deterrent effect on speeding.

Proposed Expansion. The Traffic Liaison Committee or TLC (comprising the AFP, NRMA and DUS) recently reviewed current policy and recommended that all arterial (60km/h), major (60km/h) and minor collector roads (50km/h) be covered by the mobile speed camera policy. It also recommended the current legislative arrangements be revised to allow new roads to be more easily included in the network. The proposal represents a significant expansion; only 62 mobile speed camera sites are identified in Schedule 1 of the Regulation and there are approximately 650 potential sites across the ACT (see para 7).

Legislative Changes. The TLC proposes to remove the requirement that all relevant sites be listed in Schedule 1. It also proposes that the Regulation be amended to include the definitions of arterial, major collector and minor collector roads (the Submission includes drafting instructions to this effect).

Staged Implementation. The Submission advises that the 'Speed and Red Light Camera' policy (para 9) has been revised to reflect that all arterial, major collector and minor collector roads are included in the mobile speed camera network. The specific placement of cameras on the additional roads will continue to be subject to established Field Assessment Criteria (see para 9). An officer from the AFP and Traffic Camera Office (TCO) will continue to assess each road against the Field Assessment Criteria before a mobile speed camera can operate from a site. The

# CABINET DENCE

Submission therefore proposes that a staged implementation process be adopted to allow sufficient time for the assessment of over 600 new roads. Implementation process. The TLC will oversee the implementation process and prioritise the accessioning of the new roads based on the volume of traffic and known safety risk areas. As new roads are assessed and the specific camera location determined, a code will be assigned and the site entered into the rego.act system.

Public Information. All arterial, major and minor collector roads will be listed on the DUS website to inform the public about where cameras will operate from.

Changes to Road Signage. The policy has also revised the requirement for road signage (that prominent signs displaying the message, 'speed cameras used in this area' are installed at approaches to areas that contain speed camera sites). Given the significant increase in the number of proposed sites, these signs will be replaced, to read, 'Speed Cameras are used in the ACT' at the road entrances of Canberra. The TLC considers that once the new expanded network is announced, it will be important to remind the community that default roads (50 km/h) are not individually signposted. The message, 'the speed limit is 50km/h unless otherwise signposted' is proposed to be incorporated into the new signs.

Financial Implications. The Submission notes the assessment of new roads for inclusion into the network by the AFP and TCO will be met within existing departmental resources. The cost of coding and entering up to 600 new roads in to the rego.act system will be met within the departmental budget. The related advertising campaign will also be met within existing DUS resources, as will additional capital funding of \$20,000, for new signage.

The Submission should be supported. CMD Communications Group note that it would be useful for the public information campaign to highlight the drop in average speeds since the mobile camera network was introduced. The Submission might also usefully address whether the road toll itself had risen in the same period. It would also be useful if the Submission addressed whether there is any evidence that drivers are becoming complacent about speeding on non-network roads. It may also be of benefit to Cabinet if the relationship between the 'Speed and Red Light Camera Policy' being revised (referred to in para 8), and the proposed mobile camera network policy were more fully explained, to clarify why Cabinet is being asked to look at this aspect of the proposal.

### Recommendation

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That you sign the attached letter to Mr Mike Zissler, Chief Executive, Department of Urban Services (Tab A). The comments at Attachment B were previously forwarded to the contact officer.

James Ward

### Rau, Amelia

From:

Casimir, Amanda

Sent:

Tuesday, 2 August 2005 9:35 AM

To:

Greenland, Karen

Cc: Subject: Rau, Amelia; Ellis, Greg Cab Sub: Extension of the mobile speed camera network

### Hi Karen

Sorry for the late comments - was sick yesterday. The following comments are primarily from the Government communications people (Jeremy Lasek) and Cabinet will forward other comments to you directly:

• in the public information campaign, it would be useful to highlight the drop in average speeds since the mobile camera network was introduced. Also, if the road toll itself has risen in this period (Jeremy thought it had), will there be a perception that the cameras aren't effective as a safety mechanism (of course, if the data shows the fatalities are in non-network areas - which is what I thought- then conversely that would be a good reason for extending the mobile camera network)

is there any evidence that drivers are becoming complacent about speeding on non-network roads and deliberately avoid the cameras? If so, then the sub should address how the expansion of the network will reduce

that complacency

 your sub said it was going to be funded with existing allocations: Jeremy thought you might need an additional \$20,000 for advertising, if so he suggests you include this further amount of \$20,000 in the table on the cover sheet and under financial implications.

 it may be useful to explain the difference between the Speed and Red Light Camera policy referred to in para 8 as having been revised (did that need to go to Cabinet? Or did it not involve regulatory change therefore no need?) and the mobile camera network policy - to make it clear why Cabinet is being asked to look at this aspect.

Bob Webb from Cabinet will provide you with revised recommendations re amendments to the regulations.

Regards (and hope you and the family are all well)

Amanda Casimir Senior Manager Legislation and Legal Policy Policy Group Chief Minister's Department Speed Corneral

The Budget should also reflect a

poblic information compaign (is advertising) —

Song \$20,000

Need to highlight the drop in average

Speeds rinice convers were introduced

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The could be dequed the speed convers are

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# **DRAFT CABINET SUBMISSION FOR CONSIDERATION**

Mr Lasek

Comments

Nil Comment

**Draft Submission Title:** 

Extension of the mobile speed camera network

**Due Date for Comments:** 

COB Monday 1 August 2005

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26/7

Mike Harris Chief Executive Chief Minister's Department

Elizabeth Kelly
A/g Chief Executive
Justice and Community Safety

Tony Sherbon Chief Executive ACT Health

Neil Savery
Chief Executive
ACT Planning and Land Authority

cc Cabinet Office

Paul Grimes Chief Executive Treasury

Dr Michele Bruniges Chief Executive Education & Training

Sandra Lambert Chief Executive Disability Housing and Community Services

Shane Gilbert
Chief Executive
Department of Economic
Development

#### **EXTENSION OF THE MOBILE SPEED CAMERA NETWORK**

The attached draft Cabinet Submission is referred for comment. The paper should be examined with the view to it becoming a final Submission for consideration by Cabinet on 15 August 2005.

I would appreciate comments or a nil response to Helen Willson, 5th floor, Macarthur House (phone 620 76254), by COB Wednesday 3 August 2005.

Enquiries on the policy paper should be directed to Karen Greenland on telephone 62076244.

Mike Zissler Chief Executive

2 July 2005



Chief Executive, ACT Department of Urban Services

Level 5, Macarthur House • 12 Wattle Street, Lyneham ACT 2602 GPO Box 158 • Canberra ACT 2601 • Telephone (02) 62076254 • Facsimile (02) 62076229 ACT Government Homepage: www.act.gov.au

Agency	Title
DUS	Extension of the mobile speed camera network

DRAFT SUB DISTRIBUTION RECORD - CMD & DT

Recipient	Accepted by - NAME	Accepted by - SIGNATURE	Date	Time
Dr Grimes	Jan Pearse		2407105	12:40 am/pm
Mr Tardif Cabinet Office	Jacob Collins		2617105	am form
Mr Lasek	Dannielle Ford		2617 105	2:17 am (pm)
Ms Davoren	V. Zanotti		<u>2017105</u>	am (pm)
Ms Hudson	Sue Locke		2617105	2: 12 am l pm
Mr Ellis Coord. Copy	T Gare.		26,7,05	am / km
Ms Hall Office for Women	LARS PLENCE		2 <u>617105</u>	<u>19:15</u> am/pm
Ms Bitmead	SBroune		2610705	14: 20 am/pm

Dr Grimes+8 (CE, Treasury) +LDA Mr Keady (CE, JACS) Mr Zissler (CE, DUS) Dr Sherbon (CE, ACT Health) **Dr Bruniges** (CE, DET) Ms Lambert (CE, DHCS) Mr Savery (CPE, ACTPLA) Mr Gilbert (CE, DED) Mr Dunn (Commissioner, ACTESA) Mr Harris (CE, CMD)

- Ms Davoren, ED, Cabinet and Policy Group Mr Tardif, Cabinet Office Cabinet Office
- Mr Ellis, ER&P Policy
- Ms Hudson, Social Policy
- Coordination of Comments White Cover
- Ms Hall, Indig. Affairs, Ageing and Women Office for Women

Mr Lasek, ED, Executive Support

Ms Bitmead, Canberra Plan & Bushfire Support

Mr I ins, CE, Asbestos Assessment Project Team

Mr Ottesen, ED, Office of Sustainability

Mr Butt, Office of Sustainability

Mr Gaskill, Public Sector Management

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21

Ms Wall, Corporate Management

Mr Tomlins, ED, Strategic Projects & Implem.

Dr Cooper, ED, Arts, Heritage and Environment

Mr Janssen, ACT Workcover

#### CHECKLIST BINET SUBMISSION FOR CONSIDERATION

the mobile speed camera network

(CE, DED)	11 1 1 20 1 1 1 (Company)	Yes	
Commissioner, ACTESA)  e Harris (with date/time stamp)			
(CE, CMD)	ng circulation signed off by Minister/CEO	Yes	
net and Policy Group	cluded?	Yes	
et Office	ents included?	Yes	
	ft numbered?	Yes	
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If 'No' circled for any of the above, please give some reason/explanation. Also, any other relevant comments.

#### CABINET-IN-CONFIDENCE

## **Chief Minister's Cabinet Brief**

**Cabinet Meeting Date:** 

Monday 17 October 2005

Title of Memorandum:

Ministerial Statement on the Medicinal Use of Cannabis

Minister:

Health

#### **Context and Consultation**

The Drugs of Dependence (Cannabis for Medical Conditions) Amendment Bill 2004 was tabled in the Legislative Assembly by Ms Kerrie Tucker MLA on 30 June, 2004.

On 9 August, 2004, Cabinet considered the Bill and decided (Decision No. 1559) not to support it. However, it did agree to seek its referral to an Assembly Committee for further inquiry, as per the Department's advice.

The Amendment Bill was debated in the Legislative Assembly on 25 August and defeated. At the time, the Minister for Health said that if the Government was returned in the October election it would provide to the Assembly a detailed report examining issues related to the provision of cannabis for medicinal use in the ACT.

A report on the medicinal use of cannabis has been prepared by ACT Health and the proposed Ministerial Statement is intended to be delivered by Mr Corbell when this is tabled in the Legislative Assembly in the October 2005 sittings.

#### Issues

The Report for the Legislative Assembly on the Medicinal Use of Cannabis (at Attachment B of the Memorandum) explores five options for allowing improved access to cannabis and/or cannabis derivatives for medicinal use in the ACT. Options include:

- 1. improving access to nabilone, a synthetic cannabinoid;
- 2. participating in a proposed NSW trial of the medicinal use of cannabis;
- 3. exempting cannabis use from the usual operation of the criminal law;
- 4. establishing a medical cannabis program in the ACT for the cultivation or supply of cannabis; and
  - 5. seeking the availability of a sub-lingual spray, Sativex (formulated from a combination of cannabinoids), which is currently being trialled in the UK.

The proposed Ministerial Statement on the Medicinal Use of Cannabis (Attachment A of the Memorandum) summarises the contents of the Report and indicates a preference for importing Sativex, conditional on the results of the UK trial and Federal Government approval. This preference makes sense, given the difficulties, risks and costs associated with other options, but it offers no immediate prospect of assistance to those who might benefit from the particular medicinal properties of cannabis.

The Memorandum notes that, if Sativex is found to be safe and effective when further studies have been completed, the Minister for Health will bring a submission to Cabinet on the provision of Sativex for medicinal use in the ACT.

#### Recommended Outcome / Deliverables

The Report on the Medicinal Use of Cannabis will be tabled in the Legislative Assembly in the October 2005 sittings and the Minister for Health will make a Ministerial Statement on the subject at that time.

Authorised by: Pam Davoren

Prepared/Cleared by: S. McInnis/C. Hudson

#### CABINET-IN-CONFIDENCE



File No:

Chief Executive Chief Minister's Department

ATTENTION:

Ms Amelia Rau

A/g Cabinet Liaison Officer

### **DISTRIBUTION RECORD FOR CABINET MEMORANDUM**

Memorandum Title: REPORT AND MINISTERIAL STATEMENT ON THE MEDICINAL USE OF CANNABIS

Enclosed are the original and 24 copies of the above Memorandum. A total of 24 copies of the Memorandum have been produced (including ACT Health's copy). Outlined below is the number of the copies and their distribution.

### COPY NO:

#### **AGENCY**

	·
1, 1a, 1b, 2, 2a, 3, 3a,4	
4a, 5, 6, 7, 8	Cabinet Office
9, 10 &10a	Department of Treasury
11	Department of Justice and Community Safety
12 .	Department of Urban Services
13	ACT Health
14	Department of Education and Training
15	Department of Disability, Housing and Community Services
16	ACT Planning and Land Authority
17	Department of Economic Development
18	Emergency Services Authority

If you require any further information please contact me on 6205 0850.

Vicki Bates

Cabinet Liaison Officer **Executive Coordination** 

October 2005

#### CABINET-IN-CONFIDENCE

# DRAFT MINISTERIAL STATEMENT

# TITLE: MINISTERIAL STATEMENT on the Medicinal Use of Cannabis

Due to Originating Agency: COB: Friday 16 September 2005
CONTACT OFFICER (in the Originating Agency): Rona Hiam on x52649
DATE CIRCULATED: Friday 9 September 2005

DATE CIRCULATED: Friday 9 September 2005
Coordinating Area Checklist
This draft Cabinet Submission or Bills Schedule item has been provided to your area for the preparation of CMD
coordination comments.  Please check with Cabinet Office for comments received from other line areas within CMD before finalising comments
on this paper.  Once finalised, please provide the original signed comments to Cabinet Office for logging and delivery to the Originating Agency/Line Area, observing the due dates above.

Circulated to:		Comment / Nil Comment:	Date Provided to Cabinet Office:	Draft Cab Sub Destroyed by:	Date Draft Cab Sub Destroyed:
Dept. Treasury	Dr Grimes, CE			1 copy JC	15/09/05
				1 copy JC	19/09/05
				1 copy JC	21/09/05
				1 copy JC	22/09/05
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Social Policy	Ms Hudson	written	16/9/05	MD	16/9/05
Comments Coordination			'		

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Date	15 September 2005	lengs
То	<ul> <li>Pam Davoren, Executive Director, Cab</li> <li>Cathy Hudson, Director, Socia</li> <li>David James, A/g Snr Manage</li> </ul>	al Policy Branch
From	Shelley McInnis, Manager	
Subject	Draft Cabinet Submission: Ministeria Use of Ca	l Statement on the Medicinal nnabis

#### Purpose

To brief you on this draft Cabinet Submission and secure your agreement to the proposed response to the originating agency, ACT Health.

#### Background

The Drugs of Dependence (Cannabis for Medical Conditions) Amendment Bill 2004 was tabled in the Legislative Assembly by Ms Kerrie Tucker MLA on 30 June. 2004.

On 9 August, 2004, Cabinet considered the Bill and decided (Decision No. 1559) not to support it. However, it did agree to seek its referral to an Assembly Committee for further inquiry, as per the Department's advice.

The Amendment Bill was debated in the Legislative Assembly on 25 August and defeated. At the time, the Minister for Health said that if the Government was returned in the October election it would provide to the Assembly a detailed report examining issues related to the provision of cannabis for medicinal use in the ACT.

A report on the medicinal use of cannabis has been prepared by ACT Health and the proposed Ministerial Statement is intended to be delivered by Mr Corbell when this is tabled in the Legislative Assembly in the week beginning 17 October, 2005.

#### Issues/Comment

The Report for the Legislative Assembly on the Medicinal use of Cannabis (2 September, 2005) explores five options to allow improved access to cannabis and/or cannabis derivatives for medicinal use in the ACT. These include:

- improving access to nabilione, a synthetic cannabinoid;
- 2. participating in a proposed NSW trial of the medicinal use of cannabis;
- 3. exempting cannabis use from the usual operation of the criminal law;

- establishing a medical cannabis program in the ACT for the cultivation or supply of cannabis; and
- seeking the availability of a sub-lingual spray, Sativex (formulated from a combination of cannabinoids), which is currently being trialled in the UK.

The report outlines the pros and cons of each option and points out that:

- nabilione is relatively expensive and ineffective in relieving chemotherapyinduced nausea, vomiting, and pain;
- the NSW trial has stalled and the Government has declared its opposition to any proposal involving the importation, cultivation, and distribution of cannabis for medicinal purposes;
- authorising people to use cannabis for medical purposes without controlling a legal supply of it could force a reliance on illicit supply, be interpreted as implicit government endorsement of the smoking of cannabis, and result in legal liability for health problems associated with smoking;
- 4. the resource and policing costs associated with the establishment of a medical cannabis program in the ACT would be substantial and approval by the Therapeutic Goods Administration (TGA) is unlikely; and
- if Sativex is found to be safe and effective the TGA is likely to approve its importation.

The proposed Ministerial Statement on the Medicinal Use of Cannabis is faithful to the Report but, unlike the Report, it declares a clear preference for option #5 which affirms the potential value of the sub-lingual spray, Sativex. A preference for option #5 makes sense, given the difficulties, risks and costs associated with other options, but it offers no immediate prospect of assistance for those who might benefit from the particular medicinal properties of cannabis.

The proposed letter to Dr Sherbon (at Tab A) indicates that the Department supports the Submission .

#### Recommendation

That you sign the attached letter to Dr Sherbon.

Shelley McInnis

# CABINET-IN-CONFIDENCE



Dr Tony Sherbon Chief Executive ACT Health

Dear Dr Sherbon

# Draft Cabinet Submission: Ministerial Statement on the Medicinal Use of Cannabis

Thank you for referring this draft Cabinet Submission to Mr Harris.

The Department supports the Submission and its conditional preference for making the sublingual spray, Sativex, available to selected patients, given the costs and difficulties associated with other options for making cannabis available to people with specific medical conditions.

The Department notes that investigations of the therapeutic advantages of Sativex are currently underway overseas and that the proposed Ministerial Statement does not commit the Government to making Sativex available until its effectiveness and safety have been confirmed.

If you would like to discuss these comments please contact me on 50296 or have one of your officers contact Shelley McInnis on x76013.

Yours sincerely

Pam Davoren
Executive Director
Cabinet & Policy Group

September 2005

CABINET-IN-CONFIDENCE

Agency	Title	
ACTH	MINISTERIAL STATEMENT on the Medicinal Use of Cannabis	

## DRAFT SUB DISTRIBUTION RECORD - CMD & DT

Recipient	Accepted by - NAME	Accepted by - SIGNATURE	Date	Time
Dr Grimes	Provided directly by ACTH			:_ am / pm
Mr Tardif Cabinet Office	Therese Mingay		919105	am pm
Coord Copy	handed to Ms Hudson			: am / pm
Ms Hudson	11:40cm 9/4/05 19D			

Dr Grimes+8 +LDA	(CE, Treasury)
Mr Keady	(CE, JACS)
Mr Zissler	(CE, DUS)
Dr Sherbon	(CE, ACT Health)
Dr Bruniges	(CE, DET)
Ms Lambert	(CE, DHCS)
Mr Savery	(CPE, ACTPLA)
Mr Gilbert	(CE, DED)
Mr Dunn	(Commissioner, ACTESA)
Mr Harris	(CE, CMD)
Ms Davinen, HD.	abjust and Polley Group

- Mr Tardif, Cabinet Office Cabinet Office
- MERLIN BROKE POLICE Wis Hudson, Social Policy
- Conditation of Continuity White Cover -Ms Hall Inche Allane Anche and Women
- MATE BASCHING SUPPORT Ma Birgiord Strategic Condition and Corporate Management

My Tunling LD Strategic Projects & Implem

Mr Hawkins, CE, Asbestos Assessment Project Team Mr Ottesen, ED, Office of Sustainability

- Mr d'Este, Office of Sustainability
- Mr Gaskill, Public Sector Management
- Ms Neser, Corporate Management

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Dr Cooper, ED, Arts, Heritage and Environment Mr Janssen, ACT Workcover

#### **CHECKLIST** ABINET SUBMISSION FOR CONSIDERATION

L STATEMENT on the Medicinal Use of Cannabis

te Harris (with date/time stamp)		No (1)		
CE, DET)	ring circulation signed off by Minister/CEO	Yes		
CE, DHCS)				
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Comments from Policy forwarded to Cabinet Office, copy made and				
original forwarded on to relevant agency?				
Completed, relevant 'Papers in Circulation' file printed and placed in				
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If 'No' circled for any of the above, please give some reason/explanation. Also, any other relevant comments.

- (1) Advised by Director, Cabinet Office that Mr Harris would not require a
- (2) No set requirement for draft Ministerial Statements.

in back of Draft Submission drawer of filing cabinet?

(3) Similar procedure as for draft Bills.