



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**STANDING COMMITTEE ON ECONOMIC DEVELOPMENT AND
TOURISM**

(Reference: [Annual and financial reports 2016-2017](#))

Members:

MR J HANSON (Chair)
MR M PETERSSON (Deputy Chair)
MS S ORR
MR M PARTON

TRANSCRIPT OF EVIDENCE

CANBERRA

THURSDAY, 9 NOVEMBER 2017

Secretary to the committee:
Mr H Finlay (Ph: 620 50129)

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

APPEARANCES

| | |
|--|----------------|
| Chief Minister, Treasury and Economic Development Directorate | 82, 115 |
| Cultural Facilities Corporation | 115 |

Privilege statement

The Assembly has authorised the recording, broadcasting and re-broadcasting of these proceedings.

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Amended 20 May 2013

The committee met at 9.00 am.

Appearances:

Ramsay, Mr Gordon, Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors

Chief Minister, Treasury and Economic Development Directorate

Rynehart, Mr Josh, Director, Customer Coordination, Access Canberra

Jones, Mr Greg, ACT Work Safety Commissioner and Executive Director Construction, Environment and Workplace Protection Division, Access Canberra

Peffer, Mr Dave, Deputy Director-General, Access Canberra, and Acting Chief Executive, Suburban Land Agency

Simmons, Mr Craig, Director, Community, Business and Transport Regulation, Access Canberra

THE CHAIR: Good morning. Welcome to this public hearing of the Standing Committee on Economic Development and Tourism inquiry into annual and financial reports 2016-17. On behalf of the committee I thank you, Minister, and all of the officials for attending today. I draw to your attention the privilege statement. Can you confirm that you understand its contents?

Mr Ramsay: Yes.

THE CHAIR: Minister, do you have an opening statement?

Mr Ramsay: Yes, I do, thanks. When Access Canberra was established, the vision was to provide a “no wrong door” approach, to make it easier for businesses, for community organisations and for individuals to get their business done in the territory, while ensuring that community safety is preserved. Access Canberra have, in the last financial year, once again delivered on this vision, and the results are demonstrated in the Chief Minister, Treasury and Economic Development annual report for the financial year 2016-17.

As Minister for Regulatory Services, I can see the results of the services that are offered by Access Canberra on a daily basis. In 2016-17 Access Canberra provided over 700 different types of services through agencies, shopfronts and online services, including registering births, deaths and marriages; issuing drivers licences; inspecting and registering cars; issuing certificates of occupancy for houses; undertaking electrical, plumbing and gas inspections for new and existing buildings; providing advice on consumer rights and faulty household products; issuing MyWay cards; licensing tradespeople; and parking compliance.

In 2016-17 we have seen the introduction of a number of new initiatives by Access Canberra. Just by way of a few examples and achievements, there was the opening of the Woden service centre, with easy access to Woden Town Square and designed on the successful set-up of the new-style Gungahlin service centre. The service centre provides over 200 services and features touch screen terminals so that transactions can be completed easily online.

We opened a new vehicle inspection station at Hume, where customers can pay for and book inspections online. The facility was designed to allow the inspection of light vehicles and heavy vehicle combinations, including B-doubles and trailers.

We have trialled the introduction of licence plate recognition cameras. The licence plate recognition systems were implemented to provide greater access to parking spaces through turnover for all drivers by encouraging drivers to comply with parking time limits. We finalised the rollout of tap-and-go payments on all parking machines, which has resulted in increasing use of non-cash payments.

During 2016-17 Access Canberra continued to have a customer-centric approach throughout all its activities. While I understand that the Canberra public may not always be happy with waiting times, it should be acknowledged that in the last financial year Access Canberra welcomed more than 450,000 customers through its service centres and shopfronts. It recorded more than 2.7 million visits to the Access Canberra website. It received more than 720,000 phone calls and completed, on average, around 1,000 web chats each month.

So it is important to recognise that, through a customer satisfaction survey undertaken during the last financial year, the feedback from the community was encouragingly positive. Satisfaction with the service centres increased from 94 per cent in 2016 to 97 per cent in 2017. Satisfaction with the contact centre increased from 87 per cent in 2016 to 91 per cent in 2017. And satisfaction with the Access Canberra website increased from 78 per cent in 2016 to 83 per cent in 2017. This positive feedback is a result of the staff thoroughly and fairly dealing with customers' issues and transactions, and Access Canberra listening to over 67,000 items of feedback left at pedestals in the service centre.

Access Canberra has also supported businesses effectively in the 2016-17 financial year. Those initiatives include the introduction of individual concierge-style case management for new liquor businesses in February 2017; progressing work on the government's commitment to growing outdoor dining on public unleased land and reducing outdoor dining fees; implementing the government's liquor licensing reforms; implementing the government's regulatory reforms for charities to make it easier for the non-profit sector to meet ACT and commonwealth reporting requirements; and implementing the government's commitments to barrier-free conveyancing and foreign ownership register data sharing with the commonwealth.

With Access Canberra housing a number of regulators, the work undertaken in compliance and enforcement should not go unnoticed. For example, during 2016-17 Access Canberra initiated a number of targeted engagement activities focusing on a broad range of compliance obligations, including activities focusing on the bidding at real estate auctions, toy safety, security licences and personal vaporiser or e-cigarette licence obligations. It referred five matters to the ACT Civil and Administrative Tribunal for occupational discipline relating to contravention of the Agents Act 2003 and the Liquor Act 2010. It settled 265 complaints received relating to planning laws and 224 complaints relating to construction laws. It issued 129 improvement notices under the Work Health and Safety Act 2011, one improvement notice under the Dangerous Substances Act 2004, 52 prohibition notices under the Work Health and

Safety Act 2011 and two prohibition notices issued under the Dangerous Substances Act 2004. And it provided ongoing oversight of safe demolition activities in relation to the government's loose-fill asbestos insulation eradication scheme.

A large number of initiatives and successes were achieved by Access Canberra in 2016-17 which I am not able to go into in detail in this opening statement. Access Canberra continues to look at ways in which it can efficiently and effectively support the people and the businesses of Canberra. Looking forward, Access Canberra is committed to continuing to enhance its digital transaction services, which at the end of 2016-17 enabled over 1.7 million transactions to be completed digitally; and building on the newly established centralised complaints management system.

Access Canberra is also committed to providing support to the Environment, Planning and Sustainable Development Directorate with the sustainable energy storage program and to introducing a healthier workday forum for all businesses in the ACT to learn about what resources and organisations can assist in the workplace health ambit. Finally, Access Canberra is committed to continue to help grow and diversify the economy by reducing red tape and working with industry, particularly the hospitality and gaming industries and the events sector.

As Minister for Regulatory Services, I look forward to continuing to work hand in hand with Access Canberra to continue to provide an avenue where government services are provided more easily and simply, because the reality is that Access Canberra is indeed here to help.

THE CHAIR: I turn first to the issue of shopfronts and those that have closed recently. I have a constituent who has approached me. It used to be that you could go to Dickson to get a vehicle inspected, and there was a shopfront at Dickson, so it was a bit of a one-stop shop, I understand, whereas now vehicle inspection happens in Hume. You have then got to go to another site to get plates, I guess, once your inspection is done, and get that process finalised through Access Canberra. For some interstate vehicles you need not only a vehicle inspection but also an identification inspection, and they are two separate inspections.

So you can be in a situation now where if you have an interstate vehicle—and lots of people do have that situation—you have to go to Hume, where they do an inspection of one sort, then you have to either come back another day or wait a number of hours potentially for that inspection to be done, and then you have to go to Woden, Gungahlin, Tuggeranong or somewhere else to finish that process. It used to be all in the same spot. So how have we made that easier for people? It might now be easier for government, but how have we made that process easier for people if they have now got to be driving all over town to achieve what used to be done, as I am advised, in one spot?

Mr Rynehart: The new Hume facility was opened because of the closure and demolition of the Dickson motor vehicle registry. The new location offers us an ability to undertake improved service delivery and an expanded range of inspections of the vehicles. It also prevents heavy vehicles from having to drive through suburban areas in order to get their inspection done. There are over 80 private inspection stations in the ACT for customers to attend. We are currently undertaking some work

to investigate moving the booking service online for the Hume facility, which will move some of the challenges with service delivery away from the Hume facility. But customers do have a range of options to attend many private facilities. Most private vehicles do not need to attend Hume; people can elect to take our facility but they can also elect to take a private—

THE CHAIR: Sure, but a lot of commercial vehicles would still be going to Hume, would they not?

Mr Rynehart: Certainly the heavy vehicles tend to go to Hume. We are actively looking at a slight shift to the booking process, which should negate that challenge and the issue.

THE CHAIR: There are some shopfronts that have limited purpose, like the one at Civic Library. Is there any scope for having limited services at Hume that just relate to commercial vehicles and so on, so that people who are busy trying to get on with running their businesses are not going through that inconvenience? Is that feasible, or would that be cost prohibitive? Can you have a one-stop shop effect, as we used to have in Dickson, by relocating some services to Hume?

Mr Rynehart: I would not call it a service centre or a shopfront, but one of the options that we are looking at is whether we can complete the transactions that people are doing in one transaction at the location.

MR HANSON: They would do it online and mail the thing to them, or whatever it might be?

Mr Rynehart: Yes, that is the sort of thing: to push the initial booking to an online service and to have the payments processed outside the location. Those are all the options we are looking at; we are not looking at a shopfront or a service centre at the moment.

THE CHAIR: However that is achieved—just so that they do not have to be driving all over town and meeting what could be three different appointments to achieve what really is, or should be, one transaction.

Mr Rynehart: Yes.

THE CHAIR: Thanks.

MR PETTERSSON: I have some questions on workplace visits. First and foremost, I am looking at some historical data as we lead into this year. Why has there been such a large increase from 2015 onwards in terms of workplace visits?

Mr Jones: The increase in visits, which have almost doubled, has been a use of technology and a redesign of the way we do our proactive audit program in particular. In earlier days, particularly pre Access Canberra, with most visits the inspectors would come into the office, get their daily program, make arrangements for their visits and then go out on site and do those visits.

Now we have a more detailed program. It is a longer term program, so we know in advance where we are going. And we have implemented technology through apps, with iPads and things like that for fieldwork IT arrangements, and home garaging of vehicles for those inspectors. When they start work, they have their vehicle from home. They have their iPad, which they can enter their data straight into. They know for that week where they are attending, so they can attend that site straight from home, and they can load their data and their site visit information directly into their iPad. They can issue responses on the spot; they can email an immediate response to the workplace that they visit.

That minimises travel time into the office and back out again; it also minimises the in-office desk time for writing up notes that they may have taken in the field. There are significant efficiencies there, and that has substantially increased the number of workplace visits that we can undertake.

MR PETTERSSON: How many WorkSafe inspectors are there?

Mr Jones: There is a total of 35 positions. There are a couple of vacancies, three of which are related to the light rail program, which we have just received funding for this financial year. That recruitment process is well underway, and we should have people on board before the end of this calendar year. That will fill three vacancies. There are a couple of other vacancies due to inspectors leaving or inspectors going elsewhere. We have about 28 or 29 persons on board at the moment, with a total of 35 funded positions, including those three light rail positions.

MR PETTERSSON: Perhaps you will need to take this on notice, but can you provide for me historical data on how many workplace inspectors you have had in the past five years, in full-time equivalents?

Mr Jones: Yes, we can do that. Yes, no problem.

MR PETTERSSON: Are all workplace visits undertaken by WorkSafe inspectors?

Mr Jones: Some of them are combined visits. For example, let us take a major multicultural event as an example. That in itself is a workplace, because people are employed there, providing that particular service. Within Access Canberra, we do joint inspections: we may get our gas inspectors, our electrical inspectors, if needs be our building inspectors, and our WorkSafe inspectors; we all go along as a team and work through those major events and make sure that we cover all of those identified risks—gas, electrical, structural. For example, with a stage or some scaffolding with lights or speakers or something like that, given the crowds that we get at some of these events—as you would know from our multicultural events, the crowd density is quite high—the relative risk of having some issue or incident based on a gas, electrical or structural issue is quite high. We go through all of those stalls and all of that set-up prior to those events commencing. So we do joint inspections—

MR PETTERSSON: But there is a WorkSafe inspector there?

Mr Jones: Correct, yes. We cover all of those legislative provisions, from work, health and safety to electrical, gas and building structural. We do that proactively

before those major events occur.

MR PETTERSSON: In terms of the report, I have some queries on how the information is presented. Why are major events included in the same count as targeted audit activity? On page 42 of the report, the third paragraph down shows 1,933 workplace inspections for events and proactive campaigns. Why are major events and proactive campaigns in the same number?

Mr Jones: They are all part of a proactive program. We have two types of inspections. One is reactive, where there is a complaint or an incident, where we have skilled inspectors that go out into the field and investigate a complaint or an incident. And we have the proactive, the preventative side. The events fall into that proactive side. We do not have a complaint, but we go out there; we know that there is a higher risk, given the crowd densities and the way some of the people set up these stalls. They are pop-up stalls for a weekend or a short period, so often the bump-in is quite quick or happens late the night before, because a lot of the people travel or come from interstate. There are risks in having things that are dismantled and put up all the time. They are part of that proactive program. They are combined into that proactive inspection program.

MR PETTERSSON: You can maybe take this one as a comment, but maybe you could separate that.

Mr Peffer: Mr Pettersson, as the commissioner explained, because of the nature of the inspections, they are, in fact, proactive. I am not sure how we would separately classify that. It is either reactive, so we are responding to something that has come in—an incident, a complaint or some sort of injury—or it is proactive, where there has not been a complaint or any sort of initiation of that event and we are just doing the inspection.

MR PETTERSSON: Aren't you currently separating asbestos inspections?

Mr Jones: Yes. Again, that is a proactive program, but they are identified separately.

MR PETTERSSON: That is the point, though. You can separate, within proactive inspections, the different types. If you can do it for asbestos, surely you can separate major events into their own category.

Mr Jones: We could do. In the context of reporting the data within the CMTEDD annual report, I guess there is a limit to how much detail we can provide. We do have data on that, clearly; we can provide that. It is a matter of whether it is—

THE CHAIR: Are you able to break that down for next year's annual report? If we want that information, are you able to provide that on notice as a breakdown so that there is more information for Mr Pettersson?

Mr Jones: If you are after that now, we can provide that. We can take that on notice and provide that.

MR PETTERSSON: Take it on notice, but also take it as a comment. The more

detail there is, the better for us.

Mr Jones: Sure.

THE CHAIR: We can look at whether we make that a recommendation as well.

Mr Jones: Yes.

MR PETTERSSON: A couple more questions. You raised proactive and reactive inspections. There has been a giant increase in proactive inspections, which is a good thing. You said the purpose of proactive inspections was to monitor for compliance, generally trying to prevent things. But why are reactive visits still increasing quite drastically?

Mr Jones: I guess that is the nature of the level of activity that is out there. As I indicated, a reactive inspection is based on a complaint, an issue or an incident. That reflects the level of activity not only in construction but in a range of other businesses, whether it be retail, hospitality or whatever, that we will attend. Whenever there is an issue or a complaint, we will attend, so the number of reactive inspections is a reflection of the level of business activity that is out there.

MR PETTERSSON: Isn't the premise of proactive visits to reduce the number of reactive visits?

Mr Jones: That is the aim. As part of the engage and educate approach which is combined with our proactive visits, the aim is clearly to prevent injury. Obviously our goal is to have no injuries, or minimal injuries, and the proactive program aims at that. The intensity of our education programs and the information we put out there, as well as our proactive visits, is aimed at doing that. I believe that is working. Even though those reactive visits are still increasing, my view would be that they are increasing at a slower rate than they would be if we did not have the intensity of our proactive program.

Mr Peffer: I might just add to that. Something we have worked on quite hard over the last couple of years is building strong connections and relationships with industry and industry groups. One of the benefits of having a relationship like that or a strengthened relationship is that often we have strong engagement from employers or employees. Perhaps before a concrete pour is done we receive a call—not because something has gone wrong, which used to be the case, but just to come and run a second set of eyes over it to make sure it is safe. Even though we are reacting to a call that might be coming in to the organisation, it is coming in a proactive fashion. So it is pushing our reactive visits up there but it is in quite a positive way.

THE CHAIR: Are you able to separate those two—one where something has gone wrong as opposed to one asking for you to come and check? Can you provide that? Otherwise it is escalating the reactive when it is potentially not such a reactive call.

MR PETTERSSON: That sounds almost like a proactive visit to me, not a reactive visit.

THE CHAIR: Separate categories between the two, yes.

Mr Peffer: I suppose it is a definitional thing. In fact, we are reacting to something that has come into the organisation. It is not part of a proactive campaign, but it is not after something has gone potentially wrong.

THE CHAIR: Maybe in answer to a question on notice, and you may not have that information this time, you can provide an analysis that, although it was reactive, there were a certain number that were in anticipation of an activity, as opposed to following an incident.

Mr Peffer: To pull that data out, we would probably have to manually go through each visit form, to separate that.

THE CHAIR: If that is not feasible for this annual report, perhaps in future you can be mindful of that so that it gives a bit of clarity about what is actually going wrong as opposed to where industry is saying, "Look, we want to work cooperatively."

MR PETTERSSON: Thank you.

THE CHAIR: Just on WorkSafe inspectors, we had some discussions, probably last year or the year before, about previous incidents where there had been some problems with WorkSafe inspectors and CFMEU officials and alleged bullying. Police were called. That happened on at least one occasion, if not more. As a result you instigated a policy where WorkSafe inspectors would move in pairs for their own safety, if nothing else. Is that still ongoing, that WorkSafe inspectors move in pairs following those incidents?

Mr Jones: We have a general policy of looking after our inspectors over a whole range of issues, in terms of their general safety on a worksite and the physical layout. A construction worksite, for example, is by definition a high-risk place just because of the activity that is going on and the fact that they change on a day-to-day basis. So we have a policy of people going out in pairs to make sure that they look after each other. Often where we are doing either an inspection or a visit, whether it is proactive or reactive, we can be a lot more efficient with two people doing it.

THE CHAIR: You have maintained that policy?

Mr Jones: The short answer is yes, we have maintained it for a range of reasons, including efficiency and their own safety.

THE CHAIR: It was instigated essentially because of the issues that were happening with the police and so on, but you have found that since doing it there are other benefits that arise?

Mr Jones: Certainly since I have been commissioner I have had a policy of looking after my workers and making sure that they go out in pairs so that they can basically look after each other on a whole range of issues.

Mr Ramsay: And can I just note, by way of a reminder, that there is a specific

hearing in relation to the Work Safety Commissioner next Tuesday.

MR PARTON: This is more than anything else a clarification of language. I have heard this “high risk” term used by Mr Jones and by others. Volume 1 of the CMTEDD report, page 44, says that Access Canberra undertook several joint inspection programs for high-risk events, including the Canberra Greyhound Racing Club’s annual Canberra Cup and, I think, Oktoberfest and the Royal Canberra Show. How does Access Canberra conclude that these events are high-risk events? How do we determine that and on what basis?

Mr Peffer: That is a good question. I will get Mr Simmons to expand on this a little, but we have an events coordination team that works right across government with a range of directorates and organisations, including the police and emergency services and so forth. When the planning for events is undertaken it goes through quite a thorough process for risk assessment, which then helps to inform a risk management plan, which has input from right across government, for crowd control or any sorts of issues that may arise as that event actually occurs. That helps to shape the inspection program that we then run around each of those events.

Mr Simmons: When we are talking about high risk, often that perception is one of physical risk and it is not a conversation about physical risk. It is about the other types of risks that organisations will have. If you were to think about the Greyhound Racing Club, most of their events are quite small. There are not hundreds of people there. When they have a big, particular marquee day there will be a lot more people there. The risks then are: are they going to be able to maintain their systems with respect to the service of alcohol and gambling and making sure that those things are there? That is why it gets an increased level of attention, because when you are coming to an environment where the normal practice of running it is slightly different, the risk factors change for them. Sometimes it is because there are physically more people there. But that puts different types of pressure on the other things they have to do.

MR PARTON: It is almost a reflection of risk of non-compliance?

Mr Simmons: Yes. And that is why we want to engage with those people as early as possible to make sure that, if they are going to have a problem, they are aware of it. We may have seen things in the past. Melbourne Cup Day is obviously a big event, not just out at the racecourse but at other venues around the town. We will engage early with venues where we know there might be particular promotions on. We say, “Be aware that you do not want to transgress here with respect to what you are allowed to do and what you might encourage.”

A couple of years ago we identified, for example, that a number of our liquor venues where there was gambling as well had been putting tables and chairs in front of the fire exits. We started a program: don’t block it, don’t lock it. You were finding, sometimes because of space, sometimes extra people, that fire exits were a problem in the building. It is a problem in restaurants. It is quite a problem. Knowing that there are going to be lots of people, coming up to the Melbourne Cup is a good time to say to those particular venues, “Hey, here’s some material we’ve provided. Be aware that that’s going to be your path of access and egress.” In the normal run of business, there are probably not enough people there to be a problem, but when there are lots of

people there it will be a problem.

MR PARTON: In that sort of setting, how difficult it is for your on-the-ground officers to do their job and be perceived as helping rather than hindering?

Mr Simmons: It really comes down to what you do in the time before. The more you are out there, the more you can discuss those things with venues, particularly new venues as they are coming on board. Your risk factor is different. They might be starting a brand-new bar, but it is their third or fourth. They have had a lot of interaction with us. They know what we would expect. We would still go there. We would still talk to them about particular issues that they have. They are different to dealing with somebody when it is the first time they have ever opened a bar. They will need a bit more help and a bit more assistance from us in understanding where we are, how we are going to regulate them and what our expectations of them will be as licence holders.

The whole process about “engage and educate” is that you are far better off to be able to predict. We have got lots of knowledge about what is going on. The more we can engage and make people aware of what the issue is before we get there, that minimises our effort at the other end, because if it has gone wrong then not only is it expensive for the community but it is expensive for us. It is about outcome. The ability to prevent is what you are really looking for.

MR PARTON: In terms of compliance with these regulations in this space—and I do not know if you will know the answer to this, but I dare say you probably will—what differences are there between the regulations that exist here in this jurisdiction and over the border for a major event like the Multicultural Festival? Are you aware of the major differences?

Mr Simmons: I would say in terms of how a specific piece of legislation would be structured, the New South Wales statute book is quite different. It is quite differently constructed to ours. It is much harder to read for a start. That is deliberate. Our PCO is very good at making, you would like to think, easier to read legislation.

But if you take a step back from what are the principles, what are you trying to manage at something like a big race day in Queanbeyan as opposed to a big race day in Canberra, the issues are crowds, alcohol—crowds and alcohol mixing—paths of access and egress. At its core they are not fundamentally different to what you are trying to achieve. Regardless of what the technical differences might be in the legislation, you know what your risk is and you know what you are trying to control. And whether it would be our teams on our side of the border or the New South Wales teams on their side of the border, largely the effective management control is going to be pretty much the same.

MS ORR: Mr Simmons, you mentioned, in the analogy you gave of the bars opening, if it is the fourth bar they need a little less help than if it is the first bar. I was just wondering: for small businesses like that is there any assistance that you provide formally in the sense of helping them to navigate through the regulations that are there or is it on a case-by-case basis? How does Access Canberra respond?

Mr Simmons: Very much the creation of Access Canberra was about the “no wrong door” approach, but on top of that it was not that you could come to any door; it was that complexity, which would normally exist out there for the first-time punter trying to do this, was actually brought inside. One of the reasons that we exist is to bring that complexity inside and be able to deal with people. People come to us and say, “I need a liquor licence,” and we look at them and say, “Well, there might be a few other things.” We take that responsibility on and try to help them through the journey, which can be quite complicated for some activities. Sometimes we do not always get there. It is a lot harder to get a cafe up than you might imagine. We were not able to be terribly successful there but we have learnt.

Mr Peffer: Just expanding on that, one of the things that we did reasonably early on was to create an events coordination team, because we recognised, in delivering on the government’s agenda of a vibrant city with plenty of activity, events were central to that. There was a process, as Mr Simmons outlined, where individuals would need to interact with potentially a dozen or more different teams within government, within different directorates. It was very complicated, it was a time-consuming activity and it was quite costly, particularly for small businesses or community organisations that might have events. That team has proven to be a real success. The feedback we have received has been enormously positive.

From February this year we have actually expanded its operations into some complicated liquor businesses, because this is a particularly hard business to get off the ground. It is one where there is a lot of activity in the economy at the moment in terms of little pubs or bars popping up all over the place—restaurants and cafes. We identified that that clearly was an area where we could step in as a regulator and provide a much more guided approach to navigating some of those regulations.

So far this year we have assisted 44 businesses in terms of that wraparound service. I will just quote something that we got from one that we recently helped. The quote is:

I must say it has been a pleasure dealing with you. You have been very helpful and informative and it’s always best to have a single point of contact for these things. You have been exemplary.

I think the key learning that we took away from the process we built around events and event organisers has been the ability to call a single person and have them coordinate behind the scenes what is otherwise a very, very complex process. That has been our objective in going through this and assisting businesses.

MS ORR: I am just trying to figure out the difference between two figures that are in the report. At page 43, the second triangle point down says “undertook a range of inspections of operations” and it notes 711 audits of building constructions. Then at page 273 it talks about a lot of audits of “residential building approval”. Can you just run me through the difference between those two figures, what they cover?

Mr Peffer: Which number on page 273 are you talking about?

MS ORR: I was looking at the first table in particular on page 273, the part where it says “Number of audits of residential building approval”. Then it just runs through

them. I can follow that table quite easily. I am just not sure in particular how the 711 audits on page 43 interact with the other audits that you are doing.

Mr Simmons: The 270 relates to building classes 1 and 10, and the 711 relates to all building classes.

MS ORR: The 270 would be included in that 711?

Mr Simmons: Yes, as a subset.

MS ORR: Are the inspections that are done physical inspections of the building site or are they inspections of the applications that are coming in?

Mr Simmons: The 270 is physical inspections. That is actually being on site. The 711 would be a combination of desktop and physical.

MS ORR: Are the ones where you are going out to building sites targeted in any way?

Mr Simmons: They can be in response to complaints. Particularly with new builders, anybody coming into the construction industry, those first few are things where you might want to pay some more attention to them. Now that we have got the complaints management team, one of the things we are looking at is to see, if a particular type of complaint reoccurs in the data, whether we can go back and actually start looking for that more actively. If we are finding a particular form of complaint that persists, then that tells us that we need to come back earlier into the system and say that is where we need to intervene to prevent it happening in the first place. Being able to do those things is what we are looking to do.

MS LE COUTEUR: I am possibly just confused, but with respect to inspections of building works. If someone rings up and says, “Next door is building a monstrosity,” presumably with more detail than that, I am not clear on whether you would be expected to come out and look at it or whether that would only occur if there was some other reason why you thought there could be a problem.

Mr Simmons: Ms Le Couteur, sometimes one person’s monstrosity is another person’s work of art.

MS LE COUTEUR: I do appreciate that. That is just shorthand for a number of potential things—agreed.

Mr Simmons: The planning system does allow for various things, particularly—

MS LE COUTEUR: Okay, a monstrosity which they believe is not compliant.

Mr Simmons: Most of the time, yes, we do go out and visit those things, unless some evidence is provided electronically. Sometimes people like to send us photos; that can shorten the process. Generally, whilst they may appear to be a building matter, they often come through as a complaint about planning. You might find it recorded as a planning complaint. People say, “I’ve seen the neighbour’s plans; I don’t think they’re

in accordance with the approved plans.” That will be recorded as a planning breach, not necessarily as a building breach. It may appear in different columns there. Overwhelmingly, those sites are physically visited.

MS LE COUTEUR: And reasonably quickly after—

Mr Simmons: Reasonably quickly.

MS LE COUTEUR: Within a couple of days or weeks?

Mr Simmons: It depends on the program and the schedule that the inspectors have, and what our resourcing is, but it is not months; it is usually days or weeks.

Mr Peffer: It would depend, Ms Le Couteur, on the risk assessment that is done. If the complaint is, “I think the colour of the Colorbond fence is inconsistent with whatever,” that might be something that takes us a few weeks to get around to, but if it is a case like the one we received the other day, where we received a complaint about footings that someone believed were in front of the permitted boundary line, because they were about to do a concrete pour, we had someone out there immediately. As it turned out, the surveying on the block had actually been done wrongly; it had to be redone to shuffle the house back. So that was a nearly immediate response.

MS ORR: If the 270 is building site visits and the 711 is overall audits, would I be right in assuming that the majority of the audits happen at the earlier, paperwork stage? How are we overlooking the construction? That is my question.

Mr Simmons: For all classes of building, the building surveyor is the person who issues the approval, ensures compliance with the building approval and makes that statement to the registrar at the end of the project that the building is compliant with the Building Code of Australia and all the other attendant standards required. Our role is to audit over the top of those things. In terms of complaints and our own proactive campaign, where we are out looking at particular issues, multi-unit apartments, which are class 2 dwellings, are quite popular now. They are a much greater percentage of the market, and they are the ones that tend to have the more complex issues with things going wrong with them. So we do have a heavy emphasis on that in terms of both our audit and our inspection program.

You might audit a series of plans and see whether the plans are really indicative of what is actually supposed to be happening. That audit takes place in the office and then you will go out and do a comparison between what was the development approval, what was the building approval, and what is actually appearing on site, and see whether the techniques they have been using are consistent and that the certifier is doing a sufficient amount of work in controlling that site.

MS ORR: I was trying to find some information on the complaints that you received in regard to building construction. Are you able to provide the number of complaints you have taken and the nature of them?

Mr Ramsay: We will see if we can track that down, Ms Orr.

MS ORR: Okay. I am happy for you to take it on notice, if that helps.

THE CHAIR: All right, that will be taken on notice.

MS LAWDER: I referred a few times over previous estimates and annual reports hearings to a case in Gordon where a fence line had fallen down when 5.8 metres depth of excavation took place. In speaking with the next-door neighbour this week, she said this is still an ongoing issue. She has lost a length of 40 metres of her boundary fence and some of her property has fallen into the hole next door. Whilst the neighbour who is building the house has now come up with a plan that she agrees with, she is still tens of thousands of dollars out of pocket and the next-door neighbour building the house has said he is not going to pay for that.

I understand that this is a civil litigation process, but do you think your average bloke or woman in the pub expects that a house can get to that point where they have been complaining for three years—three years of complaints—and the government have not been able to stop this at any point along the way and it is now the individual constituent's issue to try to fix?

THE CHAIR: Can I ask that we remember that this matter is before the courts, Ms Lawder? You are now asking for an opinion on outcomes and this process. Can I suggest that you—

MS LAWDER: I am not sure that it is before the court. I think it has been suggested that to take it to court would mean—

THE CHAIR: Can you just clarify that?

MS LAWDER: That is my understanding.

THE CHAIR: So this is not before the court?

MS LAWDER: That is my understanding this week, that she has been told she could take it to court to get the costs repaid. That is my understanding this week.

THE CHAIR: Civil litigation is being considered, but it has not been initiated?

MS LAWDER: Yes.

THE CHAIR: I just wanted to clarify that point.

MS LAWDER: I know you are familiar with the case, Mr Peffer. Why is it that it has reached this point?

Mr Simmons: Without possibly going into the detail of this particular matter, most laws work when there is some degree of agreement and acceptance about how they need to function. In rare circumstances—and this is one of those—where the parties cannot agree, even with interventions from third parties to attempt to resolve those, they become quite protracted. They are very difficult to resolve without recourse to

what essentially become expensive forms of litigation. It has taken quite some time for the parties to get to an agreement about the final design and construct of the retaining wall that is required. It is a series of unfortunate events; there is no doubt about that. We would have clearly liked to have been able to resolve this matter much earlier and much faster than we have been able to.

There are lessons that can be learnt from this, as well as all other matters where we get to these protracted and difficult issues, but it is never going to be where there are fundamental disagreements over what the solution is. A number of solutions have been put forward, and it has taken quite some—

MS LAWDER: I think they have agreed on the solution now.

Mr Simmons: Yes.

MS LAWDER: It is the cost that is now the issue.

Mr Simmons: Yes, and they are matters between the parties now to resolve.

MS LAWDER: Would you expect that, if that was your neighbour, you would have to be \$30,000 or \$40,000 out of pocket for something that should have been stopped three years ago?

Mr Peffer: Ms Lawder, I think the very unfortunate fact with this matter is that it has taken some years to get to an agreed design, and both parties have engaged a series of experts who, as will be the case from time to time, disagree vehemently on designs; so there were more designs, more experts involved and more and more designs, until we finally reached a point where I understand we funded an independent expert to make an assessment and draw a line under this so that we can get on with the retaining wall. Time has been the most significant contributing factor, I think, in leading us to this very unfortunate point.

MR PARTON: Your agency is about compliance, isn't it? The neighbour has been compliant. The neighbour has not done anything wrong. Nothing that the neighbour has done has actually fallen outside the boundaries of what should have been done. I guess the overarching question is: in that instance, where the neighbour has just been the victim of what has gone on next door, why should it be up to the neighbour to fund the way out? That is the overarching question, isn't it?

Mr Peffer: The only thing I can say is that there are remedies to that available to the neighbour. I appreciate that that may not always be an ideal situation, but it is the case that with the non-compliant retaining wall the builder responsible for that did come to the table, did offer a solution and has subsequently offered many solutions, until we have arrived at a point where there is agreement across the board to now rectify the situation.

It has not been a case, Mr Parton, where one party has engaged with us and advised us of this unfortunate circumstance and the other party is completely disengaged and does not care. That has not been the case at all. We have had to work with both parties and attempt a balance, to get an outcome as quickly as we can for the safety of both

parties and both premises.

MS LAWDER: In terms of compliance, though, and what your area does, there was a case over two years ago where the so-called safety fence fell over on a windy day. Where is the inspection and compliance happening with that?

Mr Simmons: We do not inspect every fence, and nor can we—

MS LAWDER: But when you have already had a year, a history of issues, do you not feel that it could have been relevant?

Mr Peffer: My understanding, Ms Lawder—and I am not particularly familiar with that day or when that occurred—is that we have had quite an extensive—

MS LAWDER: It was 20 April 2015.

Mr Peffer: presence on that site in terms of continued inspections from both a construction and work safety perspective. We have had both inspection teams out there regularly. There has been a stop work notice in place for a long time in terms of that dwelling ceasing being constructed, and it has now sat there for a couple of years, with us attempting to broker an outcome where the retaining wall can be built.

Mr Simmons: Once they have agreed then they can submit the DA and the work can proceed. Our advice is that the last meeting did go well. The engineer for the neighbour will be providing advice to the neighbour that all the outstanding matters have been resolved, and once there is an agreement on that then the matter can proceed to the DA.

MS LAWDER: As I said, the innocent victim neighbour has said she is happy with the design but she will not approve until the issue of costs has been sorted out, which I feel is fair enough, given that she has done nothing whatsoever to make this issue bad.

THE CHAIR: Do you have a substantive question, Ms Lawder?

MS LAWDER: I do. It may surprise you to know that it is about the smell affecting some Tuggeranong suburbs, just for a change! Can you give me an update? Do you feel you have identified the source of the smell once and for all? Do you feel you have fixed the source of the smell?

Mr Jones: Ms Lawder, I am happy to provide an update. Access Canberra and the EPA have been working extensively with Remondis, the operator, and NOWaste, the contract manager and the responsible agency for the operation of the Mugga Lane precinct, in terms of the tip, the rubbish and the green waste recycling area.

I think last time we spoke we had narrowed it down to the Mugga Lane precinct. NOWaste put on an expert contractor to do some assessment work, and part of that included some advice on the source of those periodic or sporadic odours. Part of that advice was that in relation to some of the old rubbish cells at the Mugga Lane tip, it may be helpful if the cap on those, meaning the depth of soil on top of those old cells,

could be increased, which would potentially reduce the amount of methane or other gases that were emitting from those old cells. NOWaste instructed to Remondis to duly do that, which has been done. We believe that that has potentially improved or reduced the odour coming from that part of the operation.

Further, both NOWaste and the EPA have been working with Corkhill there on their operations and how they manage their green waste on site and the composting of that. With discussions, it has been agreed that in relation to the waste, and I cannot remember the exact time frame, all the composting is done off site at a remote place in the country where there are no neighbours within the vicinity. That means that the green waste that is on site is what is accepted in delivery from either commercial sources or households, and then there is the composted material, which is ready for sale or ready for pick-up there. And while that is being stored and composted, that is actually off site.

Between those various arrangements, we believe that the relative odours have been reduced. It has clearly got some climatic peaks, if you like, in terms of wet weather, temperature, wind direction and things like that, which do exacerbate potential odours on a short-term basis, but we have had minimal complaints received this calendar year, since those capping works and those operational works on the green waste have come through. I trust your office has received fewer complaints as well.

MS LAWDER: Yes, absolutely. Absolutely true.

Mr Jones: Excellent.

MS LAWDER: I received an email from a constituent who said they reported an odour on 23 September to Access Canberra. In that Access Canberra fix my street report, they referred to three instances: “this morning”, 23 September, which was when they were writing; 9 am on 2 September; and 8.30 am on 21 September. There were three complaints in one email, but I do not think the first two had been separately submitted. Do you count that as one complaint or three complaints?

Mr Jones: If it is related to the same issue, and from the same person, we would probably record that as one complaint, but they are clearly related.

MS LAWDER: This person has complained numerous times. Are you telling me that has only been counted as one complaint?

Mr Jones: If it comes in in one batch, in one go, typically that would be one complaint with multiple components, but if a particular person had a number of previous complaints, they would be recorded separately.

MS LAWDER: They also said they got a reply three weeks later saying:

Hello—

giving the person’s name—

Unfortunately I cannot help with this complaint as it has only just been referred

to me.

That was three weeks later. The reply continued:

I have noted the information for future reference with a request that in the future these complaints get sent to the EPA once they are received so they can be investigated in a timely manner.

Surely after two or three years of complaints about this smell we might have had a better system for a response? I know that when I have referred complaints through my office you have consistently told me that people need to go through Access Canberra in a timely manner, as this one did on 23 September, yet it took three weeks to get to the EPA. How has this happened?

Mr Jones: That is part of the teething issues, the development issues that we have with the complaints management team in how things are triaged and how they are dealt with on a risk basis. In the EPA we know that there is a history there, especially with some people, and clearly once it hits the EPA, if there is a history with an individual, that gets a different response from if it was an initial contact or a one-off. All I can say is that when it hit the complaints management team it was treated as a one-off without that history, but now that it has been referred to the EPA that will be added to the history.

MS LAWDER: Can you just explain that a bit more? If there is a history, they are treated differently? What does that mean?

Mr Jones: It means that there would be a non-resolution of a particular matter or a particular complaint, whether it be a noise, a smell or whatever. We would treat that differently if it was, for example, a one-off from a person. A noise complaint, if we jump to that, for example, may be about ongoing noise from a construction site which may go for six or 12 months, in which case we would treat that differently in terms of its resolution, if there was a continuation of complaints, compared to a one-off party that might be in a suburban area where the likelihood of a repeat of that noise or nuisance would be minimal. It is a matter of whether it is assessed on that risk-harm basis, whether it is a one-off or whether it is an ongoing continual thing, and that would engage the amount of regulatory effort we would put in in terms of resolving it.

MS LAWDER: Is the odour issue the ongoing thing or is the person complaining the ongoing thing?

Mr Jones: It is the odour issue itself. Again, if I use a parallel with noise, if we got multiple complaints from different neighbours, we would collate them and go, "There is obviously an issue here," rather than dealing with a one-off from one person. We look at the whole of the issue that is happening. In terms of the smells at Mugga, we treat that as a whole-of-Mugga issue and an ongoing issue.

MS LAWDER: Following this, have you reinforced with the people that answer the phone the importance of the timely referral of these complaints?

Mr Jones: Yes. The complaints management team is establishing its protocols and

procedures and developing its own history in terms of how it deals with those. Clearly, as it gains experience, it will get better and better and more efficient at dealing with those. We have either weekly or fortnightly meetings with the team, and I have weekly catch-ups with the director responsible for that team in terms of making sure that what comes up regularly is dealt with as a priority rather than perhaps being treated as a one-off when there may be a history there.

MS LAWDER: Where does the odour issue sit within that?

Mr Jones: It sits as an ongoing issue. It does have a history of several years, as we are both well aware. That has been communicated to the complaints management team in terms of how they deal with that and accelerate that as a priority to the EPA so that we can be timely and responsive when they come in.

MS LAWDER: Well, fingers crossed that it is on the improve. Thank you.

Mr Jones: And hopefully resolved as well, as best we can.

MS LE COUTEUR: I have got a question which arises from page 20 of the DPP's report, which, I would hazard a guess, not everybody has with them. It is one of the advantages of being a one-person band and going to a lot of different things. It has got a list which is headed "Briefs of evidence referred to under the following legislation". This is for regulatory prosecutions. It has got the Animal Welfare Act, the Food Act, the Domestic Animals Act, the Environment Protection Act, the Tree Protection Act, and then further down it has also got CO(L)A. Would I be correct in assuming that every prosecution that you would be instigating would come under this heading of regulatory?

Mr Jones: I think that would be a reasonable assumption, yes.

MS LE COUTEUR: It appeared to me that that would be the case.

Mr Jones: Yes.

MS LE COUTEUR: Assuming that that is correct, my question is: why so few regulatory prosecutions? They have got 25. I know you are getting hundreds and hundreds of complaints—and I am sure that most of the complaints can be resolved as we would want them to be without going to the lengths of prosecution—but it seems amazingly small, particularly given that of these 25, 17 were animal welfare, which is not your line of business but DAS's line of business. Could you tell us more about why things do not go to the end?

Mr Peffer: Yes, certainly. As a large regulatory agency with a broad range of responsibilities, there are a significant number of tools that are actually available to us as a regulator in terms of enforcing the law and ensuring compliance. We operate on a risk-based model and we have "engage, educate and enforce" as the central plank to that model. Underpinning that or, I guess, overarching that, is our accountability commitment, which has been signed off by cabinet, which essentially outlines how we operate as a regulator and provides quite a transparent framework for how we will respond to certain regulatory situations and how we will escalate our response as we

move into more severe or significant issues.

The first thing we try to do whenever we are regulating an industry or a group of individuals or a situation is focus on the engagement piece because what we know from evidence, not just here in Canberra or nationally but internationally, is that the vast majority of people will attempt to do the right thing so long as they understand what the right thing is. The vast majority of people fit into that category. The better we can be at actually engaging with people and providing those materials in a reasonably straightforward way, the better compliance we will ultimately get.

From there, we move into education. This is, I guess, a more targeted approach. It is not population wide. Often it will be centred on particular segments of an industry, particular employers or community groups or individuals whom we know to be of a higher risk. They might have done something wrong in the past. Where the risk of harm is low in those situations, we will attempt to educate those individuals or organisations so that they are aware of what their obligations are and can act accordingly.

The final one—and prosecution fits within that area—is enforcement. This is one where the more enforcement we do really suggests that we are not doing a good job as a regulator. If we do lots of enforcement—it has a clear deterrent effect, and that is an important component and why it is part of our toolkit—it means ultimately that by and large things have gone wrong before we have actually got ahead of them and attempted to sort things out. That is probably why you see lower enforcement actions there—sorry, prosecutions. I should separate that.

Under a range of our regulatory regimes we have a variety of tools that assist us in enforcing the law that do not require quite a lengthy and expensive prosecution process to be followed, and some examples of those might include infringements. For our parking inspectors, it is obviously not feasible for every matter to go through the courts. There are obviously many thousands of parking tickets that are issued each year and infringement is a much more acceptable means of attempting to shape individuals' behaviours in that case.

As we step up into the more significant or severe areas where we observe non-compliance, prosecution is still just one of our tools. If you look at an area such as work, health and safety, which is an important one for us, prosecution is an enforcement tool; equally so is an enforceable undertaking where an organisation admits that they have done the wrong thing and then works with the regulator to come up with quite an extensive plan—and sometimes there are very large dollar amounts attached to these actions—where they will attempt to improve things not just within their own organisation but within an industry or for the broader community. I guess prosecution is a very small part of the very broad toolkit that we use to encourage compliance.

MS LE COUTEUR: I do not have a problem with it being a small part. I think it is very good that it is a small part, but the concern I have is that it appears to be close to a non-existent part. I have spoken to many constituents who basically feel that the situation is: if you build it, it will be okay, because there just are not going to be any enforcement actions, any prosecutions. You look at it from the point of view of risk.

Yes, it is not going to fall down and injure someone, therefore we are not going anywhere with it. And many, many people have had this conversation with me that, really, there is not any enforcement from a building and construction point of view. Have you got anything that is underway in a—

Mr Peffer: I would not say that is a fair categorisation of the activities of us as a regulator. If you are talking particularly of the building and construction sector, a far more important deterrent mechanism for us could be a prohibition notice. There is one that has been issued recently that is sitting over a full construction site with an enormous amount of plant on that site and a very large workforce attached to the site. That site is shut and has been shut now, from my understanding, for a couple of weeks. The costs associated with that are not hundreds of dollars; they are in the many tens of thousands per week to keep a site shut.

We could run a prosecution and it might be the case that we would get a \$20,000 or \$30,000 fine in four years time or we can have that immediate effect right now that sends a clear message about what we expect as a regulator. And more often than not, that is what we are attempting to do. It is a very hard thing to shape behaviour four, five or seven years down the track after everyone has moved on and an activity is consigned to history. Wherever possible we attempt to be, I guess, responsive where we can and stop things—which does impose quite a cost, often a greater cost than courts would impose through a fine—to ensure that people will shift their approach and act in compliance with the law.

MS LE COUTEUR: I guess, generally speaking, the people who are complaining to me are not so much wanting a fine as things made good, such as the instance that Ms Lawder has been talking about. I am sure that her constituent is not particularly interested in the fine. They want things to be back to how they used to be. Generally speaking, people are saying that the issue is not one of fines; they are saying, “That thing was not in accordance with the plans but it has been built, so it will be allowed to stay there.”

Mr Ramsay: As your question was originally around prosecution, having something made good in terms of building is not a matter of prosecution.

MS LE COUTEUR: No, but the make good does not happen; that is the point. The constituents’ point of view is that nothing happens. There is not a make good; there is not a prosecution. I have had a number of people say to me that there appear to be no consequences.

Mr Peffer: I am not sure that that is the case—and Mr Jones may like to expand on this—but in the financial year that we are talking about there were a number of instances where we sat down with the builder or developer because we had quite extensive rectification work that needed to be done on a lot of units.

There were two things we could have done. We could have taken that through the court and perhaps there would have been a fine or something like that, a conviction. But ultimately our goal is to ensure that those units are habitable and things are made right. What we had to do was actually pause the court proceedings and in parallel look at an alternative dispute resolution where we sat down and we brought experts in to

essentially outline what needed to be done to fix these units. We had quantity surveyors, all that sort of thing, engaged and ultimately what happened—outside the court process, outside any prosecution—was that the matter was resolved through a payment by the developer to the unit holders. And that was it. The unit holders could then go about rectifying those units so that they were habitable and they retained their value.

As to the suggestion that prosecution might be a good measure of how effectively we are regulating or delivering these outcomes, I am not sure I would necessarily agree with that.

MS LE COUTEUR: That is not actually what I am suggesting. It is more that there needs to be demonstrable make good or some consequences. Maybe one thing I could suggest is: from a PR point of view, if you are doing things like that, let the community know. I can tell you that, from my constituents, there is a lack of trust and belief that there are consequences to things going wrong from a building point of view. There may be some people who are aware of that, but the general public does not have that belief—very strongly. I hear Ms Lawder agreeing with me. They just do not believe that. There is nothing to be seen in the way of consequences. I call upon prosecutions mainly because it is one piece of information that I can see, but it is not very impressive.

Mr Jones: I think there are some really good examples of where actually avoiding a prosecution gives a much better outcome for all parties, and that ranges from both a very small scale to a large scale. I think at our last hearings there was concern from one of your constituents about a garage wall next door. We could have just said after our investigation, “There was a breach of the DA; we will go and prosecute.” That would still be ongoing. But what we did was negotiate with the various parties, and that wall has now been reduced and everything is resolved. The outcome there was that, firstly and importantly, the issue was resolved. We will then pursue the builder about the breaches in the first place. But the important thing was to resolve the breach for the sake of the neighbour.

Just to expand on a couple of examples that Mr Peffer gave, in the last 12 months there have been a couple of ongoing issues between developers and body corporates, owners of multi-unit dwellings, where there has been concern about the quality of buildings. There are two in particular. They had already been part of some litigation, at the cost of several hundred thousand dollars to each party—the body corporate, the government and the developer—and if we had continued to pursue rectification orders and go down that path we knew that the developer would have appealed any immediate outcome, which would have meant two court hearings. The estimate of two hearings just for the ACT government alone was in the order of half a million dollars plus in legal costs.

I negotiated with all parties over, I have to say, a contracted period and we got a positive outcome which everybody agreed on. We had a deed of settlement at the end of it. If it was going to cost the ACT government half a mil, it was going to cost the developer half a mil, and the body corporate something similar. Rather than each organisation spending a lot of funds—and there would have been the potential, if a particular company was wound up at the end of those proceedings, for a zero outcome,

not to mention the legal bill, and clearly that is not in anybody's interests—by going down that dispute resolution path we not only saved all those fees but actually got an outcome. Those buildings are currently being rectified based on that deed of agreement. There have been two examples involving substantial sums of money and, while there is no prosecution, it is a positive outcome for all, perhaps other than our legal fraternity.

THE CHAIR: We might leave the question there because it strikes me that we are drifting, in this committee, into technical planning regulatory issues. You will be appearing with the minister for workplace safety, I assume, in our planning committee hearings to look into planning issues. There is a lot to get on with today.

I think the committee will look more broadly at you appearing multiple times with the same hat and being asked the questions that have been asked. This is a new committee. This is economic development; this is not necessarily to be a planning committee. I just remind members of that and I would invite questions that are more directly focused on Access Canberra as opposed to getting into specific planning issues that have occurred. If we could just focus on those issues rather than technical planning issues.

MS LE COUTEUR: I believe ACT construction occupations are in this session.

THE CHAIR: That is correct, but I think that we have probably done enough.

MS LE COUTEUR: Our question qualifies under technical planning but—

THE CHAIR: We will let the commissioner free, because he will be back to make encore appearances in other committees. I will move now to page 40 of the annual report. It talks about the work that Access Canberra has done in the service centres and shopfronts. It talks about the number of calls. A total of 720,000 calls have been received, which is a lot; there is no question about it. I am interested in the time frame for those calls to be answered and dealt with. Certainly, I have been in the queue for those calls and it says, "You're 16th in the queue." Do you have average times for calls to be answered?

Mr Rynehart: Yes. Before I get to the numbers, in August 2017 Access Canberra changed our 132 281 incoming call line to implement what is called an IVR, an interactive voice recognition system, which is essentially the system that says, "Press 1 for this service, 2 for et cetera." The reason we did that was that we have been steadily expanding the services available through the contact centre since 2014. We have been focusing more on completing the transaction or providing the full information for the person when they call rather than necessarily answering the call as quickly as possible and then transferring it to another business unit.

We implemented an IVR, which now gives a number of options for customers to select. One of those options is urgent matters—matters relating to work safety, dog attacks, syringes and needles et cetera—that require some timely response from the business unit. On average, it is taking around 32 seconds for us to answer those calls.

The broader contact centre also takes calls on ACTION, housing, CSD generally,

education and the general switchboard for the government. In September the average across all lines was 241 seconds for calls to be responded to. We are undertaking a number of activities at the moment in an attempt to bring down some of the peak wait times.

We have noticed in the last 12 months that the morning and afternoon peaks have grown, meaning that more people are calling in a more compressed time frame. We are testing a process at the moment where we put on an extra few people between nine and 10 in the morning, from a different business unit, in an attempt to answer some calls, to bring down that early morning peak. What happens is that people back up very quickly between nine and 9.30. The wait time gets very long and it carries through for a number of hours beyond there.

What we are testing at the moment is putting on some additional people from a different unit first thing in the morning for an hour or so, to see whether that works in bringing down the peak. We find that the complaints tend to come when the peak rises, rather than the general average. Where there are very high peaks—after a public holiday, it is not unheard of for there to be double the number of calls coming in first thing in the morning, obviously, because we have lost a working day—the wait times can get quite lengthy there.

THE CHAIR: In that context do you record how many calls had to wait over 10 minutes, how many over 20 minutes or how many over 30 minutes?

Mr Rynehart: Yes.

THE CHAIR: You have that data; can you provide that to us?

Mr Rynehart: Yes.

THE CHAIR: If someone rings, the call might be answered and then it says, “We’re now transferring you to another agency.” Is how long that takes to be recorded? Often that is where the delay is. It is not necessarily with the initial call; it is when you are told, “You’re being redirected to a separate agency,” to deal with whatever the issue might be. You are then waiting on that line. The cumulative effect is that you have been waiting for half an hour, even though the initial wait time might have only been four minutes.

Mr Rynehart: The time frame I could provide would be how long it takes for us to answer and then to handle our component of the call. Our system does not track once we refer it.

THE CHAIR: Okay; it would be up to that agency.

Mr Rynehart: Yes.

THE CHAIR: In terms of those calls, the 720,000, do you also record how many people just give up?

Mr Rynehart: Yes. We indicate how many calls presented and how many calls were

answered, which I would be happy to provide you with—

THE CHAIR: Yes, if you could pass that information on, that would be great. In terms of calls and communication to fix my street, who handles that? Is that done by you?

Mr Rynehart: Yes.

THE CHAIR: When you get a communication, a call or someone goes onto fix my street, you have submissions and you have time for submissions. The time frames that are indicated seem to be four days to action the call and then eight days for it to be closed; is that right? How does that work? I have a question on notice that I have a copy of that lists the number, for example, of people without streetlights. There were 5,000 communications on fix my street regarding streetlights. In the answer to the question on notice it was stated that it took an average of four days to respond and to action fix my street submissions lodged, and that it took an average of eight days to close a fix my street submission. What does that mean? Does that mean your action? It does not mean whether it has been fixed by Actew or whoever might be the responsible agency?

Mr Rynehart: Yes, for most cases with fix my street, the decision to close the matter lies with the business unit that the matter is referred to. Access Canberra's role in fix my street is to host the system or take the call, depending on how the person presents, capture that information and then pass it through for whichever relevant area needs to consider it. That unit then provides the information back into the system, which is passed back to the customer at resolution or closure of the matter.

THE CHAIR: So you take the call or get the email or form filled out?

Mr Rynehart: Yes.

THE CHAIR: That then means it is open. Once you then pass it on to the agency, you wait for that matter to be resolved back to you?

Mr Rynehart: Yes.

THE CHAIR: Do you impose times on those agencies or are you just at their mercy, so to speak?

Mr Rynehart: There is no defined time frame for a response. We monitor and we provide information to the business units on their open matters. Certainly, if somebody contacts us for a second time, we follow up and we escalate the matter with that business unit or through whichever path is relevant for that particular—

THE CHAIR: When the business unit gets back to you, do they clarify whether the matter was resolved or is outstanding or what the resolution was, or do they just say it is closed?

Mr Rynehart: Generally, the business unit that is dealing with the matter will amend the status themselves in the system. They have access as a user of the system, and

they will put in there whatever information is relevant, back to the customer, and they will change the status of the matter.

THE CHAIR: Do you have the same system to refer matters on to each of the different business units across government or is each one a bit different and unique?

Mr Rynehart: There are a number of different systems that receive it. Fix my street is a very broad service and it cuts across municipal, some regulatory matters and some more general contacts. There are a number of business units that are referred to. The fix my street system generates information that is provided in whichever format is necessary in the particular business line. In some cases that is an email to a particular mailbox and in other cases it is a direct file transfer to another business system. It depends on the particular type of service.

THE CHAIR: How many people do you have working in that area?

Mr Rynehart: It is a difficult question. I will answer for fix my street. With customer coordination, the staff provide customer services across a range. We have around 53 people in the contact centre who would take the call at any one time and they do some data entry. There is a team who look after the digital services and they administer the system. But with regard to fix my street, it is worked into all of our other work.

THE CHAIR: There is not a dedicated unit, as such, doing fix my street?

Mr Rynehart: No.

MR PETTERSSON: Thank you. I have some questions about the trial for licence plate recognition cameras. How is the trial going? How many of these cameras do you have?

Mr Simmons: The licence plate recognition camera trial has gone very well. We are moving into a production phase at the moment. In terms of the number of cameras we have, we have got two cameras in operation at the moment and another two on order, so we will have four as soon as we can get them delivered to us.

What we have been doing is testing the technology and seeing how effective it is in changing behaviour. There were some hotspots around town. The building sites around Campbell 5 had been the subject of a large number of complaints, both from the National Capital Authority, asking us if we could do some stuff, and the people living in the area. They are very big construction sites and there is lots of dangerous and unlawful parking taking place. On some streets the roadside verge has been completely denuded of any form of vegetation from the high level of parking. By the end of the first week, that particular stretch of road no longer had any cars on it. Some of the anecdotal evidence was that in conversation with some of the people working on the sites they said, "I suppose we have to use our parking allowance now to actually pay for parking." That behaviour change has been quite stark and fairly quick around there.

In other places, as we have driven around, it has had an impact. We stop the cars, we

show people what is going on, we have been talking to regular commuters who are in areas when we go there, before we start issuing fines.

The thing that has been most disturbing for us, I suppose, is what we have found at schools, where the morning parking behaviour of parents dropping off is fairly poor. In parking terms you would refer to it as a target-rich environment, so much so that in our first trial we had so many infringements in a very short period of time that we contacted the school and said, “We’re not going to issue these infringements; we will give you a chance,” but we detailed what form of parking it was. It was not overstaying; it was all unlawful parking: stopping on the school crossing and getting out, double parking on the school crossing and things like that. We have written to the school, contacted them and said, “Look, this is what we’ve seen; this is the behaviour. Could you please put some messages in your school newsletter, because we will be back and the next time we will not be issuing warnings; we will be issuing fines for the behaviour.”

We have been in contact with the department of education and assured them that that will be our method going forward as we roll out to more schools. Education will be supplying us with some information about schools where parking has already been reported to them as being highly problematic. That is one of the areas where “engage, educate, enforce” is slightly harder; it tends to be more “enforce, educate, engage”—the opposite order. But in this case we have taken the opportunity, because of what we are seeing, to work with education about that.

The focus has been on unlawful and illegal parking with the cameras at the moment. We have not spent a lot of time on the overstayers yet because it is quite important that we are able to say to the community that we would like the forms of behaviour that we are seeing which are most problematic to be corrected first, and we are giving people the opportunity by sending warnings out first.

The new infringements that come out will identify, whether it be a warning or an actual infringement, that it was identified by licence plate recognition cameras. We will be informing the community that we are using a different technique to fine them, because people are used to coming back and seeing a yellow canary on their windscreen. They will not see that. What they will receive is a letter in the mail like they do for a speeding fine through one of our speed cameras. That will be a different form of parking fine. We do not want them to think that somebody walked by and took it off; we will be making it very clear that the technology we used to pick them up was what did it, because that is about saying to people, “If you persist with the behaviour, we do have the capacity to find it much faster.”

MR PETTERSSON: This is news to me. I did not realise that the cameras could pick up unsafe parking. I thought they only monitored overstaying. How do they actually identify where someone has parked?

Mr Simmons: If you stop on a school crossing, that is an unlawful park. That is just plain—or stop in a no-stopping zone.

MR PETTERSSON: Is that system automatic, or is there some human interaction there?

Mr Simmons: There is a human interaction. We are taking photos. When we put people on the ground in a school zone, for example, there is a lot of abuse that takes place. It is quite a confronting area to enforce physically, to put people on the ground—in fact, so much so that we do not. It has got to be quite well coordinated at the moment with the schools to even attempt that. So we sit our car, our van, with the camera in it at some distance and watch the crossings and watch the behaviour in that area, and we can take photos which geolocate the car. We record the time and the place where they are, using a GPS.

MR PETTERSSON: How many fines have gone out from using the LPR cameras?

Mr Simmons: I do not have an exact number for you at the moment. It is modest.

MR PETTERSSON: It is not measured separately?

Mr Simmons: Yes.

MR PARTON: I am back on shopfronts. Last year we had two shopfronts close, one at Fyshwick and one at Dickson. What is the expectation as to where those customers now get access to a physical shopfront?

Mr Rynehart: I will start with Fyshwick. The Fyshwick service was a shopfront that pre-dated Access Canberra and delivered specific services for births, deaths and marriages, land titles and business licensing. We have broadened the availability of those services now to all the other service centres, to Belconnen, Gungahlin, Woden and Tuggeranong.

The land title service moved to Dame Pattie Menzies House in Dickson, where now the services available there bring together all the building and conveyancing services and the planning matters. Previously for land titles, when it was located at Fyshwick, the conveyancing industry had to attend the revenue shopfront in Civic, the Dame Pattie Menzies building shopfront in Dickson and the land title shopfront in Fyshwick. What we did was to bring those together so that there is now one place for that industry to attend. We have also delivered a range of digital services for that industry, to reduce their need to come in in any case.

Births, deaths and marriages, which is a more generalised service, is now available in all the service centres. Whereas previously people had to travel to Fyshwick, they can now go to a location much closer to their house. That is as well as the business licensing services which are now available.

We have released a large number of new digital services in the last 12 months. The service model in Access Canberra is not face to face or phone or digital. It is a holistic approach. What we look at is a digital first model to minimise the need for people to attend in the first place. We focus on delivering digital transactions to customers end to end so that it minimises the impact on them and attendance at a service centre is, it is reasonable to assume, half an hour in and half an hour out and potentially 15 minutes to half an hour for the transaction in there. So it is an hour and a half out of people's lives.

We implemented an online drivers licence renewal in September, which has been incredibly successful. So far, since 4 September, 3,420 people have chosen to renew their drivers licence online, which now means that that number of people do not have come into a service centre.

MR PARTON: Please excuse my ignorance on that front. What do you do for the photo?

Mr Rynehart: We use the old one. In our system we have the image of people that we captured last time they came. We have accepted that an image is relevant for up to 11 years, similar to passports and some other approaches. When a person goes online they simply need to put their drivers licence and their date of birth in. They then pay their money. It takes about 30 seconds. We then reprint, based on the previous image, and mail it out to the last known address.

MR PARTON: So in essence you would have to come in for the second renewal, would you not?

Mr Rynehart: In five years time, yes. At the same time as the online system, we have also implemented a 10-year drivers licence renewal option where people come into the service centre, we take their image today and then it lasts for 10 years; and 3,454 people have chosen that. What has happened is that we have delivered a simple and easy service for people which is different to what we traditionally delivered, and people are taking it up very quickly, which is demonstrating that when we make it easier for people they will go down that path. Our focus is on delivering, re-engineering and transforming the way we deliver services to make it as easy as possible for people, which is generally digital, and to only get involved where we have to: potentially to lengthen times and minimise impact.

There is a group of people that we acknowledge struggle to engage digitally. There will always be a face-to-face offering and there will always be a contact centre offering. The more people who take the digital option, the fewer people who will need to meet us through the traditional channels, which will ease up the pressure on those lines as well. We are also actively working with some of the disability groups and community groups to look at different ways of delivering services to people in the future in a way that delivers on the same outcome but does not necessarily mean they need to come to a large, transactionally based physical location. That work is underway. We are moving quite quickly now into more digital transactions occurring with us than—

MR PARTON: As you say, it does not suit everyone. It is interesting. On our last sitting day in the chamber, I think during a speech of yours, Ms Le Couteur, there was a rather loud incident at the public entrance that we could hear. Obviously I was listening intently to what you were saying, so I found it a little disturbing. It was loud, there was anger and passion, and I thought we were under attack or something. I spoke to the attendants later and they told me that it was someone who was going off about the lack of services at the Civic Library Access Canberra shopfront. He is not the first one to complain; obviously he chose a different way to complain. Of the 700 different types of services which the annual report suggests are provided by

Access Canberra, how many are provided at that shopfront at the Civic Library? And why do city workers not have access to more of those services on a face-to-face basis?

Mr Rynehart: The Civic drivers licence service offers a drivers licence renewal and a working with vulnerable people application service. The services available in libraries through the internet kiosks and others include all of our digital transactions—there are 312 of those—as well as seniors cards. The Civic drivers licence service is a specific service for people to obtain a drivers licence renewal or a working with vulnerable people registration.

The closure of the Dickson shopfront was as a result of the pending demolition of the building and the building of the new ACT government accommodation. Services are available at Belconnen, Gungahlin and Woden, which are all still within close proximity to the inner north. It is a temporary closure of the Dickson service. There will be a service centre in the new building when it is complete.

MR PARTON: When is that forecast to occur?

Mr Peffer: I understand that it is in a couple of years.

MS ORR: I note from page 40 that there are quite a few improvements to the website, the fix my street portal and those sorts of things. Can you just run me through what these changes are and why they were made?

Mr Rynehart: The website was redesigned late last calendar year. When we first formed as an organisation, we brought all of our information and all of our transactions into a single portal. We did get some feedback about some difficulty for people identifying and getting to the place where they needed to be. It is now designed in what is called a client-centric tile design: basically, there are buttons on the page for people to come in and for the type of service that they are coming for. It brings the information and the transactions that occur more commonly up to the top or higher up in the website.

We also do a large amount of work in ensuring that if somebody googles the service that they are after, it gets them to the page as opposed to necessarily the home page. We find that increasingly people type “drivers licence renewal ACT” into the search bar, as opposed to thinking, “I’ll go to the Access Canberra website to find that.” So there is as much focus for us on ensuring that when people come in correctly to the transaction we can get them there, as for the website. The overall website is designed around the services for the clients, the customers, and to get people where they need to be as quickly as we can.

Fix my street was recently relaunched. What was done there was to push forward two things. One was, if there are previously identified reports, to push that information out to customers. That is done, essentially. If somebody is coming through to report something and they see it has already been reported, they can still elect to report it as well, but they will understand that somebody else has already raised the matter.

There is also a range of information that we are now providing for activities that are going on in people’s suburbs and around them, to provide general information to

avoid people logging a fix my street job, for example, about mowing. We have a grass mowing schedule and we have information about the general approach to mowing and when that suburb is next to be mowed. That is available to customers without them having to come in and then get a manual response.

That work is done to provide information to customers in a more friendly way and in a way where it is easier for them to interact with us. We also have an interactive map where people can pin-drop the issue that they have, as opposed to necessarily having to type in a street address. That is really beneficial for things like trees, streetlights or potholes; it can be hard to point to an address when it is somewhere between two houses or on one of the major thoroughfares. So there is that option for customers to drop it on a pin which then passes that information through for the business unit to have a look at so that they can actually find the issue, as opposed to driving up and down the street in an attempt to find it. That has only been recently released, but we have already received some quite positive feedback on how that is functioning. We are closely watching it to see how customers are using that and what further improvements we might be able to make.

MS ORR: What is the initial feedback you have?

Mr Rynehart: Before we launched it, we spoke with some of the high users of the service and presented them with the new option. All of the feedback we received was that it was much more user-friendly than the previous system. And we have received some feedback from customers since which is really indicating that it is easier for them to use and easy to find the information.

MS ORR: You noted in your answer that part of it was about getting information to customers. Once you have logged something on fix my street, is there anything now that gives you an update so that you know if it has been received, if it is tracking along?

Mr Rynehart: There has always been a way for customers to identify. When you log a job with fix my street, unless you have done it anonymously it sends an email to your nominated email address to say, "Here's the job; here's what has been logged." Customers can then go back in at any time and look at the status. There are also updates that are sent from the system at completion, but that was an existing service that was part of fix my street.

Mr Ramsay: Earlier Ms Orr asked questions in relation to some instruction data. We have got the information now. If you want to do it now rather than take it on notice, we can provide that information.

THE CHAIR: If you can be quick. Are you happy to take that on notice?

MS ORR: I am okay, but I am happy to get the information now if it is available. I just was not sure how quickly they would be able to pull it together.

THE CHAIR: Let us bring Mr Simmons up; he is not known for his brevity.

Mr Simmons: I will do it on notice for you.

THE CHAIR: That resolves that.

MS LAWDER: Following up on fix my street, I am a keen user of fix my street, but I was surprised in a way that you chose shopping trolleys to identify on the interactive map, especially now. Perhaps historically there might have been a few, but now that we have to put coins in for trolleys I would have thought that the incidence of them being left would drop off a bit. For example, while I was sitting here I did a quick look at seven suburbs in Tuggeranong, and there is only one shopping trolley identified, which is one I reported myself yesterday. As opposed to things like the smell from the tip or something, why did you choose shopping trolleys?

Mr Rynehart: The types of reports that we chose were based more on the likelihood that multiple reports would not make any particular difference to the urgency of the matter. One person talking about a shopping trolley is enough for that to be referred through to be collected. The other services that we chose also have the ability for us to automatically transfer the data back and forth so that we can have live information in the system.

We are looking at what other services can be moved in over time. The initial release was the release of a new approach and a way of pushing information out. As we move someone else, our datasets connect and we can put more and more services on. There is a challenge, though, in that the more we put on the page the slower the page tends to load. There is a balancing act between breadth of information and usability of the service.

MS LAWDER: Following up on the resource question about the feedback loop, one of the most prolific ones in Tuggeranong that I looked at was streetlights, reports of streetlights not working. I have reported many myself, and there does not appear to be that finishing report saying, “Yes, this has definitely been completed.” Is that because it goes to a different area?

Mr Rynehart: Access Canberra does not repair the streetlights. I will confirm, but I understand that the information does come back into the system at the point that it is closed. We find that streetlights are more apparent to people, because each night that the person drives past the streetlight not working they keep seeing the streetlight not working. It is one that does seem to be more front of mind for people when it has been reported. But I will confirm that the information comes back in.

MS LAWDER: Thanks.

THE CHAIR: It seems that Ms Lawder is responsible for securing your statistics single-handedly. Maybe we will have separate reporting from Ms Lawder.

MS LE COUTEUR: I would like to go to page 274, which is the performance information from occupational licensing, specifically the energy efficiency ratings. Part of my question relates to a lack of comprehension of exactly what you mean, and part of it is substantive. Looking at table 5 from the top, I take it that when you have got 4,045 new building applications, those are the ones that you actually audit of those?

Mr Simmons: Yes.

MS LE COUTEUR: If that is the case, how is the number of total building approval energy ratings audits only 222? I am simply confused. I do not understand this.

Mr Simmons: You have new building approval energy rating submissions for ones, twos and fours. We are saying that there were 4,045 of them.

MS LE COUTEUR: Then you have total audits of 222, which is about five per cent.

Mr Simmons: That is approval energy rating audits. I will have to take that on notice for you, Ms Le Couteur. I have recently returned to this role; I will have to find that out for you.

MS LE COUTEUR: You probably need also to take on notice the sale or lease of premises' EER ratings registered. What did you actually audit in this? Can you take that one on notice? The next one, which is the lowest number, 10, may not need to be taken on notice: you are saying you only physically audited 10? I am expressing my considerable concern about that. We have all heard lots of reports of buildings which leak a lot more than they ought to. Apart from that, we can all remember the pink batts, where clearly people said they had put insulation in but simply had not done so. I am a bit concerned if there are only 10 physical inspections related to EERs in the year, which is what appears to be the case.

THE CHAIR: Take that as a comment maybe, unless there is a response.

Mr Simmons: With the pink batts, the point to remember is that this jurisdiction had the lowest uptake anywhere in the country, because the requirements here had been much higher. Whilst there were some frenzied activities in other parts of the country, there were fewer here. From memory, about 1,000 homes benefited from pink batts in the ACT because of the high level of insulation. Whilst there are issues around that, the ACT system has been much more robust than a number of other jurisdictions, particularly with the energy ratings at the point of sale and those things.

THE CHAIR: We might have to leave it there. Ms Le Couteur, you can put further questions on notice.

MS LE COUTEUR: Could you go through tables 5 and 6 and basically give me an explanation, particularly for the non-conformances found for all residential energy ratings, at 1,264, which seems a very high number.

THE CHAIR: You can take that on notice, Mr Simmons. I would like to thank you, minister, for appearing in this capacity. I would like to thank officials that have appeared in this area.

Hearing suspended from 10.59 to 11.15 am.

Appearances:

Ramsay, Mr Gordon, Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors

Chief Minister, Treasury and Economic Development Directorate
Arthy, Ms Kareena, Deputy Director-General, Enterprise Canberra
Tyler, Ms Sam, Acting Director, artsACT

Cultural Facilities Corporation
Elvin, Ms Harriet, Chief Executive Officer

THE CHAIR: Welcome to this session of the public hearing of the Standing Committee on Economic Development and Tourism inquiry into annual and financial reports. We are looking at arts engagement and the Cultural Facilities Corporation. Can I confirm, minister, that you and your officials are aware of the pink privilege statement that is in front of you?

Mr Ramsay: Yes.

THE CHAIR: That is great. I draw to your attention that the proceedings are being recorded for Hansard and they are being webstreamed to a very large audience, no doubt.

MR PARTON: Massive.

THE CHAIR: Massive. Minister, before we turn to questions, do you have an opening statement?

Mr Ramsay: Yes, I do. Thank you, chair and members. The importance of the arts in our society certainly cannot be overstated. Engagement with the arts enriches people's lives and it provokes opportunities for people to reflect, to connect and to create identity. Contributions from Canberra's talented artists bring life to our city and also improve our sense of wellbeing.

The ACT government has supported many important initiatives in the 2016-17 financial year for the outcome of an artistically vibrant city, supporting a creative population. Facilities and funding programs have supported a wide range of participants across all art forms, including through the Cultural Facilities Corporation. Opportunities have been provided for those who are engaging with the arts for the first time, established and internationally recognised artists and everyone in between. To ensure the continued participation of all members of our community, the ACT government was pleased to deliver the social inclusion in the arts 2017 plan. The plan provides details of what opportunities are currently being provided and advice for organisations about access and inclusion in the arts, events and programs.

In the past year the ACT government supported a critical infrastructure of 17 arts organisations through the key arts organisations program, which underpins artistic activities across Canberra. In 2016 these organisations generated \$9 million in income and sponsorship and provided over 100 full-time equivalent employment

opportunities. Over 500 artists were employed to make works and deliver programs for the ACT public and for the organisations. These programs attracted just under half a million attendances from across facilities and activities, including ticketed and non-ticketed events, participative experiences and memberships.

In addition to the key arts organisations, the Cultural Facilities Corporation attracted 540,000 visitors and patrons to its facilities and programs and provided 570 education and community programs. Behind these figures is a very full program of theatre shows, exhibitions and other programs during the past year, right across the venues that the CFC runs, with far too many to mention.

There are also far too many to mention in general, but some of the highlights that I would like to draw out include the opening of the excellent Kirstie Rea exhibition at CMAG, attending the opening night of the Australian musical *Ladies in Black* at Canberra theatre, and participating in a walk led by an Indigenous guide to the canoe scar trees at Lanyon as part of the Canberra and Region Heritage Festival.

The CFC achieved own-source revenue, as a proportion of total revenue, of 54 per cent, a figure 16 per cent above target and due primarily to increased revenue from higher than expected volumes of theatre businesses. The CFC's good trading results for the year allowed it to make an addition of \$300,000 to the theatre reserve at the end of the year. This reserve was established by the CFC to help offset the financial risk associated with major theatre programming ventures for the Canberra Theatre Centre, allowing the centre to be more ambitious in bringing large-scale shows to Canberra.

Community engagement continued to be a priority, with engagement undertaken on issues such as the development of the arts funding plan, the arts infrastructure plan, the social inclusion in the arts plan, transitioning organisations to the Kingston arts precinct, and a potential ministerial arts body.

Our engagement is also reflected in the building of respectful relationships with the ACT Aboriginal and Torres Strait Islander communities, releasing the draft ACT Aboriginal and Torres Strait Islander consultation report to the community for comment and developing a soon-to-be released action plan. As a result of the consultation, artsACT will establish an Aboriginal and Torres Strait Islander arts network. The network will provide an important conduit with the community and will ensure self-determination for Aboriginal and Torres Strait Islander people. The network will also consider the objectives of the action plan to co-design programs in conjunction with artsACT.

Through a sustained focus on relationship building, artsACT also facilitated the commissioning of the Ngunnawal elders to make the possum skin cloak, which is a strong Ngunnawal custom that has not been performed for around 150 years, as part of the CMTEDD reconciliation action plan. These examples that I have provided are just a small selection of the achievements that have been made during the 2016-17 financial year.

Finally, as members may well know, the CFC celebrated its 20th birthday last week, so it is a great opportunity for us, and for me personally, to congratulate the

organisation on all that it has achieved to date, and to say how much I look forward to working with it in the future as it pursues its role of providing cultural leadership, ensuring the cultural life of Canberra and delivering the highest standards of service to the community.

THE CHAIR: Thanks very much, minister. I turn to an issue, which I think you are aware of, relating to the Canberra Artists Action Group. A petition was tabled in the Assembly. As it contained over 500 signatures, it was then forwarded to us. We have met with them; they have raised a number of concerns, which I believe you are aware of as well. I will go to that and summarise some of the issues that they have raised so that you can respond. This is from the submission that they provided:

Arts funding in Canberra is no longer best servicing ACT artists, organisations or the community. Without a viable and flourishing local arts sector, the vibrancy and creativity of the city and community are compromised. The structure of the arts funding and processes to distribute need to be refreshed and funding needs to be sufficient to meet community expectation.

They raised this point:

In December 2016 the ACT government made unannounced cuts to the project fund component of ACT arts funds. These cuts have meant that only 14 arts projects were funded in 2017 compared to 60 in previous years. In response to a letter co-signed by over 160 of Canberra's leading artists, the incoming Arts Minister, Gordon Ramsay, has since announced an additional \$230,000 of funding will be distributed for 2017 projects. Although this is welcome news, the reality is the total amount of project funding in 2017 will only be 65 per cent of what it has been in previous years.

You are aware of these issues. Would you like to provide a response to that on what the way forward is, particularly in relation to project arts funding? There has clearly been some confusion about what was promised and what was going to be delivered. Aside from that, I think the concern is: what is the government going to do now to make sure there is sufficient money in that space and there is some certainty of funding?

Mr Ramsay: Certainly, I can do that. I am sure some of the officials will contribute as well. One of the key things, as part of our conversations and my engagement with that group and with the artists as well, has been the announcements that were made in this particular year's budget, in moving forward. This government has established, for the first time ever, clear baseline funding, a minimum of \$750,000 for arts project funding. I was delighted to announce the recipients of that recently. There are 48 artists, arts groups and organisations that will receive a total of \$765,000. That is more than we announced would be the case in the budget. As I say, we established that there would be a new baseline.

To ensure that security, that transparency, we announced, as part of that, that there would be clear transparency in relation to when the arts project funds were announced, as well as when we were calling for expressions of interest for those—that it would be clear as to what the minimum amount would be, which had not been the case in previous years.

I am very happy to talk about some of the examples that we have. Certainly, what we have in terms of the process is increased funding and guaranteed minimum funding. Transparency is one of the things that that particular group and other artists have referred to. They have said it is particularly important for them to know at the time that the round is announced what the amount of funding will be. We have committed to doing that as well.

THE CHAIR: That group had an expectation; they were left with an impression from the previous minister—not from you—that the increase in funding that was announced would take project arts funding to \$1.25 million. They are disappointed that that is not the case. They intimated that that was not what they understood the election commitment to be. Do you have a response to that?

Mr Ramsay: We have set a very clear minimum baseline. That has never been the case before. There has not been a baseline. What we have done, in following through with this particular project fund, and in relation to other events funds and other funding, is that we have been able to ensure that that level is very clear to them.

THE CHAIR: Noting that there was not a designated baseline, and looking at what had been provided as an aggregate over years, and with the reference to an extra \$500,000, they are left scratching their heads and saying, “Funding has never been \$250,000; it’s always been at a level significantly more than that.” So if you are promising another \$500,000, how come we are only at \$750,000?

Mr Ramsay: I am advised that historically the project fund has never been a secure figure and there has always been a particularly complex way of being able to work it out on a year-by-year basis. That is why the government has ensured that there is a very clear and transparent minimum, which is at a good level of \$750,000 as a minimum baseline level.

MRS DUNNE: This question would be for the minister to take on notice. Could the minister provide to the committee for the financial years in the last Assembly the amount of project funding that was distributed for each of the years between 2012 and 2016?

THE CHAIR: All right.

MS LE COUTEUR: Minister, you just said the baseline funding was \$750,000 a year, as the budget papers show. However, if you read the annual report, it refers to a minimum of \$0.8 million, so there is a \$50,000 difference in this.

Mr Ramsay: Yes.

MS LE COUTEUR: Are you going to tell me it is a rounding matter? To the arts community \$50,000 is a significant amount of money. I would like to see the directorate do what it says at the bottom of page 87 it is going to do—increase it to a minimum of \$0.8 million for the baseline.

THE CHAIR: Which is the correct figure?

Ms Arthy: It is a rounding issue in terms of how it is presented in the annual report. The baseline is \$750,000. Occasionally, as I think we did this year, we found a little bit more money that we could tip in because there were some underspends in some other areas. As the minister said, the baseline is \$750,000, so that 0.8 is a rounding up from the \$750,000.

MRS DUNNE: So why is it 0.8 rather than 0.75?

MS LE COUTEUR: You have other things—further up that page you have \$325,000 for facility upgrades. Can I suggest that you look at reporting accurately in future?

MRS DUNNE: That would be novel.

Ms Arthy: We will take under advice recommendations on how we draft the annual report.

MRS DUNNE: Can we have that as a recommendation, Mr Chair?

Mr Ramsay: It is worth noting, though, with the \$750,000, which has been announced to be \$765,000 this year, there is also \$42,000 for Llewellyn Hall, as well as \$90,000 for screen funding. It is well over \$800,000 that we have announced in the delivery of the budget this year.

THE CHAIR: It seems from members of the committee and visitors that, because this is an area of particular interest and perhaps sensitivity, if we can get those figures recorded without rounding up or down, that might help.

MR PETTERSSON: I have some questions regarding community consultation and community engagement. There are exciting things on the horizon. What does community consultation and engagement comprise? How do you do it?

Ms Tyler: Community engagement with the arts sector is varied, depending on a project. Over the last number of years we have had consultations that have included open public forums, workshops with artists and arts organisations, individual meetings with organisations, surveys on both your say and the artsACT website, and independently facilitated workshops. The approach we have been taking is that, depending on the issue at hand, we will determine the best consultation methodology to reach the target group. That is why we have used such a variety of different consultation methods.

MRS DUNNE: Could I take the minister to page 87 of the annual report, on arts engagement. There is \$325,000 to “complete facilities upgrades”. Could we have, on notice, a breakdown of that \$325,000? And specifically, if this is \$325,000 to complete facility upgrades, why is there listed in that the design of a new set of fire stairs at Gorman? That is certainly not completed, if we are just designing the fire stairs at Gorman House. Why is that listed there?

Ms Tyler: I do not have that information to hand, so I will take that on notice.

MRS DUNNE: The next dot point there is \$164,000 to manage public art, including the restoration of *Wide Brown Land*. What was the work that needed to be done to *Wide Brown Land*?

Ms Tyler: The work on *Wide Brown Land* was related to damage done, I believe, by birds up at the Arboretum. It needed to be recoated to make sure that it was maintained appropriately.

MRS DUNNE: *Wide Brown Land* is not COR-TEN steel?

Ms Tyler: It is COR-TEN steel.

MRS DUNNE: So why does it need to be coated?

Ms Tyler: To protect the artwork.

MRS DUNNE: What is the nature of the coating, why is it not durable and why do you need coating on COR-TEN steel?

Ms Tyler: I will have to take that on notice.

MRS DUNNE: What is the work that was done on the owl? That was another coating issue, as I recall.

Ms Tyler: The work related to the owl is about graffiti management. The coating on the base part of the owl sculpture is to make the removal of graffiti easier.

MRS DUNNE: Could you give the committee a breakdown of that \$164,000? Does the \$164,000 include the CCTV for the owl?

Ms Tyler: We will have to take that on notice.

MRS DUNNE: Thank you.

MS ORR: Going back to the theme of consultation, I note that the annual report highlights continued community engagement concerning a potential ministerial advisory body. Can you update us on how this is progressing?

Mr Ramsay: That is right. Firstly, as I explained earlier, one of the things that came through the consultation with artists and arts groups late last year was developing the most appropriate way to have it so that the arts sector can be clearly heard in terms of policy and arts delivery. There are a number of ways that you could achieve that. There was a particular model that was used at one stage in the past that ceased a few years ago. There has been thinking through over a number of years, but probably most focused over this past 12 months, whether there could be a renewal of some form of that, whether that is a particular ministerial advisory body, as is the case with some other portfolios, or whether it is some other structure.

The arts sector is a broad, diverse sector, and trying to have one particular body that represents that well is a complex thing. That is why there was consultation about that.

The consultation occurred by having expressions of interest where people were able both to put in some ideas that they would like and to express interest in being part of a workshop. There were 79 submissions to the online survey. There were a range of people. There were four different workshops. Fifty-seven people were present at one of those workshops.

It is now being drawn together. You may not be surprised to know that across that consultation, both online and in the four different workshops, there was not a particularly clear recommendation coming through that “This is the one way to go.” So it is now a matter of working through all of the feedback that we have had, all of the consultation that we have had, all of the submissions that have been received, to ensure that there is a good, sound way for the arts sector to be able to be heard at ministerial level.

Ms Arthy: Any form of trying to get together one council that represents such a diverse sector as the ACT arts sector is quite complex in terms of how we go to a representational model. Do we look at people who are experts? Do we look at a combination of both? Is one committee sufficient to represent all the views of the arts sector? And it comes back to an even more fundamental question: what is this council to do? What are the terms of reference, of what advice is it to provide to the minister and to government? Once we have got that, we can then work out the best way of structuring—whether there is one council or whether there is one council with a series of subcommittees. A whole lot of things are currently under consideration and, as the minister said, in the report back and in all the consultation there is not one clear answer at all. We want to make sure that we get this right in the advice that we put up to the minister. We are still working through that now.

MS ORR: If I have understood correctly, you have gone out to consult with the community as to what a potential advisory body or representational body might look like, and the feedback you have got from that is many different views.

Ms Arthy: That is right.

MS ORR: So where it is up to now is taking stock of all of those views and trying to come up—

Ms Arthy: That is right: with options. There are a couple of options. I have already outlined one. Do we have representation from each of the forms of art? Do we have representation from particular industry bodies or arts bodies? Do we have people who have expertise? As soon as you start adding that up, it is huge. We are looking at those options right now in terms of looking at, on balance, which one is going to work best.

MS ORR: Would it be an ongoing consultation, then? Once you have come up with these options, will you be going back to the community and further consulting?

Ms Arthy: Maybe it is the word “consulting”. To get this right, we are going to have to go back and talk to quite a few people. But, as to the form of that consultation, I think it is too early for us to say what that would look like. It is going to be the case that we are going to have to, in some way, go back out to talk and test the idea.

MS ORR: I take it, then, that there is a commitment to make sure that whatever does come about is a good fit for the community and genuinely has them—

Mr Ramsay: Yes. We are certainly not questioning whether there should be something or other, or the principle of a new, stronger, different form of engagement with the arts sector. It is not the principle that is being questioned. What is being questioned is the best way of ensuring that it is something that is effective and something that is well owned by the sector as well.

MS ORR: With the advice that you are looking to get out of that, would this be giving a clearer view from the artists of what they need to sustain the community? I am thinking back to the arts fund, the project fund. There seems to be quite a bit of confusion in the community as to what was said at various points in time and not having it consistent. As you have said, you have now set a minimum. That at least provides a consistent base to go from. But also you do not have that feed-in mechanism. In what you are shaping up, will we start to see a response where these sorts of situations do not happen in the future? Is that one of the intentions of having these feedback mechanisms?

Ms Arthy: The way that I am seeing this advisory council is not so much to get involved in the detail of funding things, because that is not where the value will be added. For example, where advisory committees and councils really work is in looking at things that government does not know about. The very first question from before, the question we are looking at, is how we make the ACT arts industry far more vibrant. I would be looking at taking that to that committee.

Having a committee of artists, trying to force them to be bureaucrats, is not where we will get the value from. It is about how we use the collective wisdom of these people in the arts sector to provide advice to government that perhaps we could do things a bit differently in how we bring forward the arts industry. Of course that does not mean to say that they would not be fully briefed on the more bureaucratic side of things. It is more that I am always wary, in advisory councils, of trying to turn people into bureaucrats when they are not. That is not where the value is. That is where I am seeing this council going. The sorts of skills that I would be looking to have on there are really: “Okay, if we are going to be taking the arts sector to a different level in the ACT, what do we need to do and how do we marshal all the expertise?”

Another thing that I will be looking to the council for is how we can use them as a conduit for us to get into the arts sector more broadly. It is not about advocacy; it is really about how we can make those connections so that we can get everything working.

MS ORR: You say “taking it to another level”. Can you clarify for me or expand on what that might mean? It always sounds good, “taking something to another level”, but—

MRS DUNNE: Is it a higher level though?

Ms Arthy: It is definitely a higher level. As people know, I am only fairly new here. The one thing that I have picked up very firmly is that there is a real energy in the arts

sector. I think we can do a lot in terms of how we bring together everyone's resources to do something a bit differently. The word "vibrancy" is overused, but it is about how we bring together all the different stakeholders that are out there doing incredible things. How do we link them together to not only develop the industry as an industry?

In my portfolio of responsibility I am also responsible for business, so how can I bring those skills in to help the arts sector develop as a sustainable business? I also look after tourism and major events, so how do I link those things in so that at the end of the day we have a much more integrated arts culture across the economy? It is a driver for economic growth but also a way to attract people here, and it also leads to good business and sustainable business opportunities for individual artists. That is what I am talking about when I am talking about a different level. It is about how I bring connections—

MS ORR: It is more holistic.

Ms Arthy: That is right. And, when we are looking at how we do the advisory council, what does that mean in terms of how it fits in providing advice in that sort of context?

MS ORR: It sounds great. I look forward to hearing more about it.

MRS DUNNE: I am going to editorialise here, if I might. I have been sitting on this side of the table for 16 years and I have heard every year that we are going to take the arts to new levels and integrate it with events. I hope that I will see that day, and I think the arts community hopes that it will see that day. Minister, on page 18 it says that the report in relation to the ministerial advisory body would be considered by you in early 2017-18, and that clearly has not happened. We are in the second quarter of 2017-18 and the evidence we heard today is that that is a way off. Have you set a time frame for finalising this process?

Mr Ramsay: As Ms Arthy has mentioned, the advice, including the options, has not been presented to me as yet.

MRS DUNNE: But are you setting a time frame to get this completed?

Mr Ramsay: Knowing that a good body would need to be resourced and managed well as well, I anticipate that there are likely to be budgetary impacts to it. If there are budgetary impacts then they would obviously need to be considered through the budget process.

MRS DUNNE: There is not a budget process already in place for this, although you are out consulting about it?

Mr Ramsay: I would anticipate that we are working to be able to commence something from the beginning of the next financial year.

MRS DUNNE: At the beginning of the next financial year?

Mr Ramsay: Yes.

MRS DUNNE: Sorry, at the beginning of the next financial year?

Mr Ramsay: At the beginning of the next financial year.

MRS DUNNE: At the beginning of 2018-19 you will be rolling out an arts advisory body?

Mr Ramsay: Given that there is no advice to me about what the model will be, it is inappropriate for me to say at this stage that I will be rolling out a something, because that is prejudging.

MRS DUNNE: Are you going to be rolling out an anything?

Mr Ramsay: I anticipate having something or other for the beginning of 2018-19. I cannot say that it will be a body because that may not be the final determination of the best model. I am not trying to be cute with words.

MRS DUNNE: You just demonstrated that you have no idea what you are going to do in this space and that although they have been working on this for quite some time—

Mr Ramsay: Again, yes, you are working with the editorial commentary on that. What I am saying is that the principle is clearly agreed to. What we are working on is the best model. I would anticipate that model being implemented for the beginning of the next financial year.

MRS DUNNE: With funds to do it?

Mr Ramsay: Yes.

MRS DUNNE: We will wait and see. We will watch this space.

MS LE COUTEUR: How do you consider the membership of this body will be produced: people who are working more for the community sector in terms of community support and social workers? You talked about the business implications of arts but the social inclusion impacts and disability impacts are equally real to the people of Canberra. Are those people likely to be part of this body?

Ms Arthy: Not pre-empting my decisions—

MS LE COUTEUR: I appreciate the view you have got of that, but—

Ms Arthy: The short answer is yes. Again, talking about connections that the minister is very keen to make, another area that I am looking at is preventative health. Minister Fitzharris did a launch on Monday where we had a representative from the Belconnen Arts Centre, Philip Piggin, do a display about dance. He does the dance for Alzheimer's. That is an example of an art form that is about helping people move, be healthier, be more connected. And it is an incredibly important and underplayed part of our arts sector. In short, yes, because it is a critical part.

MS LE COUTEUR: You were talking about how you were going to choose people.

Is there any way you could get a representative body such as the arts community to vote on it? I appreciate that this is incredibly difficult and something I certainly would not know how to do, but is it in any way possible to consider it?

Ms Arthy: I think all I can say is that at this point we are looking at every option. In past careers we have done that voting thing and it has never really—

MS LE COUTEUR: Fraught.

Ms Arthy: It is fraught. I think that is the easiest way of saying it. I am not ruling it in or out in terms of the advice we put forward to the minister. It has to be an option that we look at, but it is not a particularly attractive option. I think we would get a better outcome by taking a more direct approach to people. Again, whatever that form may take, we just have not got that level of detail in terms of the options that we put forward.

MRS DUNNE: I refer to the incoming minister's brief and go back to the question of arts funding. The incoming minister's brief talks about "an election commitment made for an additional ongoing fund of \$750,000 a year for arts grants programs". Minister, was \$750,000 added to the arts grants program in 2017-18?

Mr Ramsay: My advice was that the arts project fund was historically an area of difficulty in that there was not a precise level. That was what we had been working through. What I explained before was that what we have for this financial year is for the first time that clarity of \$750,000 in the arts project fund and—

MRS DUNNE: Is it additional?

Mr Ramsay: And in addition to that there are a range of particular events and projects that have been added in as well. That is the advice and, I think, the position of the budget, and the government is particularly clear on it.

MRS DUNNE: If it is particularly clear, can you quantify for the committee the amount of new arts funding that was in the 2017-18 budget, and does it amount to \$750,000? I am happy for that to be taken on notice.

Mr Ramsay: We will take that on notice.

MS LE COUTEUR: I note that the directorate is administering \$8.4 million. My first question is: you had a target of satisfaction with the management of grants administration of 80 per cent, but it was only 72 per cent. What are you doing to increase satisfaction in your administration of arts grants?

Ms Tyler: It was the first time that we had that accountability indicator. Setting it at 80 per cent meant we were not sure what the benchmark was. That was the first year that we had that response. The 73 per cent for that first year, we were quite happy with that response. The work that we do with people who apply to the arts fund is around communication. The survey covered issues from advertising of the fund through to acquittal of projects. We are looking at all our processes and how we can improve communication to applicants and successful artists on how they progress

their way through our processes.

MS LE COUTEUR: How much of the money that you are giving out goes to individuals or organisations who are based in either the ACT or the local region?

Ms Tyler: Are you asking for a breakdown between individuals and organisations?

MS LE COUTEUR: No, geographic. I am thinking about how much of the money goes to not just the ACT but the broader region versus international, overseas, interstate, long distance. How much is local, basically, or regional?

Ms Tyler: The criteria for project funding and organisational funding are for there to be an ACT-based practice. I do not have a breakdown specifically of people who live outside the ACT at the moment. I can take that on notice. If the residential address of the applicant for project funding is outside the ACT then they have to provide information on how their practice is based in the ACT.

MS LE COUTEUR: I am confused. All that \$8.4 million goes to people who are local? I did not think that was the case.

Ms Tyler: The majority of the funding that we provide goes to arts organisations which are based in the ACT. The majority of the project funding that goes to individual artists goes to residents of the ACT. For those who are not residents of the ACT, they have an ACT-based practice.

MS LE COUTEUR: Can I just be very clear? The vast majority of the \$8.4 million goes locally? There is not a category I am missing? You did not actually answer it on the \$8.4 million. I believe there is money under events, which I was going to come to, but you were giving the impression that basically all the money went locally. I am not sure if that is the case. The events money, which has always been a—

Ms Tyler: The events funding is separate to that.

MS LE COUTEUR: And it is not in that \$8.4 million?

Ms Tyler: No.

MS LE COUTEUR: I was going to ask what concessions there are to encourage event organisers to use local artists, but that is somewhere else that I need to be asking.

THE CHAIR: Looking at the economic rather than the social benefit of the arts, separating them at the moment—and arts is an economic driver, not just what we do through the ACT government but through a whole ecosystem that includes a lot of privately funded, business-funded, federally funded and national institutions—has there been any body of work that you have looked at in that respect to say, “Okay this is contributing an amount to the ACT economy and how do we amplify that?” There are good reasons for arts in the social construct, but how do we say, “Okay we are going to get a good return on investment”? It might be through the theatre, as an example, or it might be through working more closely with the national institutions.

What is it then that we can do to enhance the economy, be it through investment, through the budget or by other actions that we might be able to take to support cultural facilities, whatever it is? Have you looked at that and, if you have, do you have any analysis you can share?

Ms Arthy: There are a couple of levels and layers to that. I will hand over to Ms Elvin shortly to talk about individual productions. In terms of the impact of the overall sector on the ACT, I am not aware of any particular analysis that has been done. That is something that I am looking at at the moment in terms of the broader economic agenda for the ACT. I have identified the arts sector as one that I do want to have a look at in terms of how we develop it as a business, as an industry.

In terms of that overarching question of “have we looked at how much it contributes”, particularly in terms of return to employment, tourism events as a whole, I am not aware of one piece of work at the moment looking at how we do it. However, for each of the major productions there is always work done about what that brings into the economy. I will hand over to Ms Elvin to give you some examples about the individual ones.

MRS DUNNE: There is national work which is broken down by states. You are aware of that?

Ms Arthy: I am not personally, but I have only been here a short time. It could be that they have got a—

Ms Tyler: There was an economic impact of the arts in the ACT report that was done in 2015.

MRS DUNNE: There is work done every year which is a report card.

Ms Tyler: Yes, there is. That report in 2015 had a whole lot of information about figures for the ACT. We have not updated that work, but we are involved in—

THE CHAIR: Who does that report?

Ms Tyler: That report was done internally in the ACT government.

MRS DUNNE: There is also a national report. I cannot remember the name of it off the top of my head.

Ms Tyler: We are involved in a number of national working groups that contribute to statistics relating to the arts.

THE CHAIR: What was the name—sorry, I missed it—of the one that you did in 2015, was it?

Ms Tyler: It is the economic impact of the arts in the ACT. It is on the artsACT website.

THE CHAIR: Was that a one-off or do you—

Ms Tyler: It was a one-off. We have not updated the information in that document, but we are working with our colleagues in other jurisdictions on the economic impact of the arts and how we can look at that as a nation and work out the best way of recording that information, because there are different ways of looking at it.

THE CHAIR: Did that report just report on what the activity is or did it have a series of recommendations in it on how to capitalise on that?

Ms Tyler: There were no recommendations in the report. It was purely an analysis of available information.

Ms Elvin: If I could direct you to page 49 of the Cultural Facilities Corporation annual report, there is a summary there of the economic impact assessment that we do of theatre activities. For example, last year we know that the Canberra Theatre Centre generated \$19.7 million of value to the ACT economy, and \$9.9 million of that was as a result of tourism.

As Ms Arthy has said, we also look at the economic impact of individual theatre shows. You would be aware that the *Mamma Mia* production has rolled into town. I think it may have been a little disruptive for you as we bumped it in with nine semitrailers. I do apologise for that. This is the Australian opening of the show. It is very exciting to have that happen in Canberra. We have estimated that the economic impact of that show for the ACT economy is \$2 million. That is just one example.

THE CHAIR: And that is broken down into hotel rooms—

Ms Elvin: We look at a whole range of impacts, from locals attending and perhaps combining a theatre experience with pre or post show dining right through to people coming from interstate and booking hotel rooms.

THE CHAIR: It is a bit of an aside, but as I mull over this information there seems to be a lot of data without it necessarily having formed a coherent way ahead. I might suggest we think about a particular inquiry that this committee might look at. I might have a chat to other committee members about whether they think that might be useful. Having heard what is being done and what is yet to be done, it might be something that the committee might consider. Do you have anything further to add on that?

Ms Arthy: Yes, I do. We also have information about the economic impact on the ACT of the major exhibitions at the National Gallery right back to 2009. We know that, for example, when *Versailles* came the investment by the ACT was \$500,000 and the economic impact was estimated to be \$29.4 million on the ACT economy. We have that sort of information for all the major events that we have provided some investment into. That gives you another example of the sort of information that we have available about the flow-on effects from all these activities.

THE CHAIR: That would be useful. I might then ask: on notice could you consolidate the information, not necessarily as a massive pack but certainly where that information is so that the committee can then have a bit of a view of what information

has been collated either locally or in conjunction with the feds and so that we can get that raw data and then consider it?

Ms Arthy: What we can provide you quite easily is the summary for the completed exhibitions since 2009. There are quite a few of them. We can also provide you a link with the 2015 document and we can see what—

THE CHAIR: And the work that Ms Elvin has done as well.

Ms Arthy: And we will have a look at what those other—

THE CHAIR: And anything else that you then subsequently consider, such as this body of work or anything that federally has been done through the Bureau of Statistics or someone else that you are aware of and that you could provide us as well? That would be good.

Ms Arthy: I am not sure that we can go to that level, but we can certainly provide you with what we know about.

THE CHAIR: There might be people who are aware of stuff that has been done that we are not aware of.

MRS DUNNE: The information I was referring to is in the annual report from the Live Performance Industry, which breaks it down across the country. There is a breakdown for the Australian Capital Territory which shows that our revenue from attendance—and that is at live performances—is actually higher than revenue from attendance at live sporting games.

THE CHAIR: I think it is important that we make people aware that there is an economic benefit to the arts. It can then be self-sustaining or there can be a small contribution, as you said, to the national institutions, which then has a big flow-on effect. That is not just economic. There is the social benefit of the arts too. It is an important debate to have in the community so that people are aware.

Ms Elvin: If I could just add one comment and that is that the Cultural Facilities Corporation worked with the Childers Group, the independent arts advocacy body, and presented a valuing the arts forum earlier this year, which did indeed look at that issue of the economic impact of the arts but also considered other impacts such as social impacts, health impacts and so forth.

THE CHAIR: Is there a report from that as well or was it just a—

Ms Elvin: I believe there should be something on the Childers Group website. It is coming, I am told.

THE CHAIR: We might wait for that. We will look out for that. There seems to be a lot that has happened and it would appear—and this is not a criticism—that you are not aware of all of it. It seems that a gathering of this might be—

Ms Elvin: No, it would not be hard.

THE CHAIR: It might be a useful exercise.

Ms Elvin: Yes.

MR PETTERSSON: I had a question about one of the accountability indicators, the 73 per cent satisfaction level for management of community arts facilities, with a target of 85 per cent. Can you explain to me where you think the shortfall has come in?

Ms Tyler: Part of that rating is related to the number of facilities that we have. We have realised that we could not ever achieve the 85 per cent because of the number of facilities that are completing the survey. That is why it has been reduced to 80 per cent. Some of the commentary that we received as part of that satisfaction rating with facilities management is about broader issues in the art sector, not necessarily about the facilities management.

In terms of the respondents taking the opportunity to provide us with additional information, the way that the survey is conducted and compiled means that we take people's satisfaction rating as satisfied. When people have "neither satisfied nor dissatisfied", it does not count towards that satisfaction rating. They are not dissatisfied but they are not coming up in that as satisfied either.

We work very closely with the organisations that we have in the artsACT portfolio and we have an ongoing relationship that is full of very open communication along the way. We work very hard at making sure that we are meeting the needs of those organisations as much as we can within the available budget.

MRS DUNNE: Could I clarify about the survey. Is the survey of the facilities managers?

Ms Tyler: Yes.

MRS DUNNE: Not the people who use the facilities, just the—

Ms Tyler: No, it is just the facilities managers.

MRS DUNNE: So it is a very small subset?

Ms Tyler: Very small, yes.

MR PETTERSSON: You said lack of facilities was a cause of frustration?

Ms Tyler: No, it was not the lack of facilities. I do not remember what I just said about that but, no, the frustration was not around a lack of facilities; it was—

MR PETTERSSON: The variety of facilities?

Ms Tyler: I cannot recall, sorry.

MR PETTERSSON: Never mind; it is all right.

MR PARTON: Let us go to the Kingston arts precinct.

MRS DUNNE: Good choice, Mr Parton.

MR PARTON: Thank you, Mrs Dunne.

THE CHAIR: Are we are going there for lunch or a line of questioning?

MR PARTON: It depends. What is the status of the final design work for the precinct?

Ms Tyler: There is no final design work on the precinct at this point. There is a preferred tenderer in place for the Kingston arts precinct, but the contract has not been finalised at this point, so there is no final design for the precinct.

MR PARTON: To what extent have arts sector stakeholders been consulted in that process, if at all?

Ms Tyler: We have had a very long-term relationship with the arts organisations that are proposed to move to the Kingston arts precinct. That has involved them providing very detailed information on their functional requirements for any new building that may be a result of the precinct, down to the number of power points in each room, the weight bearing and the type of furniture they will require. That information has been very detailed.

That was included as part of the request for tender process. All of the tenderers received that information as part of that process and it informed the returns from the tender process. Those conversations included, as I said, the requirements but also the functional relationships between the spaces that those organisations need—where the office needs to be close to the gallery, for example, and those kinds of requirements—as well as public meeting spaces, outdoor event spaces and other facilities within the precinct.

Whilst there is a preliminary design as part of the tender process, because there is no contract in place the design has not been finalised. But those organisations will continue to be involved throughout the consultation period once the contract has been signed.

MR PARTON: Given that there are still some aspects of this that are not finalised and that are a little hazy, what is the status of the transition planning process for moving arts organisations to the precinct?

Ms Tyler: The transition planning for the move has not yet been undertaken. That is because we do not have the time frame for the move yet. We do not have a contract in place for the development of the precinct. We do not have the final design. Until we have a construction program in place where we understand the full time frames of the construction process and at what point these organisations will be required to move, the transition planning cannot really take full effect.

MRS DUNNE: What contingency planning and what funding planning is associated with the moves of various organisations like Megalo, PhotoAccess and ArtSound, all of whom have huge amounts of equipment and huge amounts of investment in their present site? Have you factored in the cost of the relocation of those facilities? I am a member of ArtSound; I am an ArtSound ambassador. I know how much they have invested, in actual money and also in time and effort, in establishing those facilities. Will they be guaranteed like for like? Will Megalo and PhotoAccess be guaranteed like for like if they move to the Kingston arts precinct?

Ms Tyler: The final budget and financial considerations of the move have not yet been decided by ministers and cabinet. Those things are still to be considered. We are quite a number of years off organisations moving into the new precinct. We have not got a contract signed, we do not have final designs and construction has not commenced. There is opportunity still to include those in future proposals in the budget processes.

MRS DUNNE: After this annual report hearing, will members of the staff of artsACT go to those organisations about whom we have asked questions and bully them like they did last year?

Mr Ramsay: That is a particularly unfortunate allegation to be making. The terminology of bullying is something that I invite consideration of as to whether it is appropriate language, chair.

MRS DUNNE: After the last annual report hearings, Mr Chair, members of staff of artsACT visited the organisations and complained to them about talking to the opposition about their concerns. I put it on the record.

THE CHAIR: I am happy to take that as a point, but we will not use the word “bullying”. I accept that, because that is a subjective—

MRS DUNNE: If you are happy, I withdraw.

THE CHAIR: Do you want to rephrase it, Mrs Dunne?

MRS DUNNE: They went to the organisations, complained about them talking to the opposition about their concerns and made intimations that if they continued to talk to the opposition things would not go well for them.

THE CHAIR: Based on that, I think it is a reasonable line of questioning.

MRS DUNNE: It looks like a duck; it sounds like a duck.

Ms Tyler: I was at the meeting with ArtSound following annual report hearings last time. We have regular visits with all of the arts organisations that we fund, to have conversations about their future directions and any issues they are raising. We did talk about the Kingston arts precinct at that meeting. However, it was to clarify with ArtSound whether they were still interested in moving to the Kingston arts precinct, noting that if they were not continuing to be interested at a board decision level then

the ACT government was not forcing them to move to the Kingston arts precinct. That is a decision the board needs to make, as an independent arts organisation. That is the conversation that was had.

THE CHAIR: My recollection is that I asked a couple of questions. I had not had any communication with the organisation involved. I just asked a couple of questions. They were interpreted as being asked on behalf of that organisation. That certainly was not the case. I think some assumptions were made that were just not the case. I hope it has been resolved. There was a lot of questioning that had not been instigated by anyone beyond me just asking a couple of speculative ones, and it was perhaps misinterpreted. I hope there is a lesson learned that questions asked in this place are not always asked with any particular agenda involved or necessarily in consultation with that organisation.

Ms Tyler: I think artsACT is having ongoing conversations with all of the organisations that have been flagged to move to the Kingston arts precinct about their continued interest in moving to the precinct, because the situations for these organisations change and because the process has been discussed over a number of years. We are clarifying on a regular basis with all of the organisations that are proposed to move whether they are still interested in moving into the precinct. We did not single out ArtSound in those conversations. We continue to ask them all to keep us up to date about whether they are still interested in moving to the Kingston arts precinct.

MS LE COUTEUR: This is based on experience that organisations had in Childers Street. It is not based on what is happening now. Once the premises are built and the move has happened, how are the new art spaces going to be managed and what will be the arrangements as far as rent goes? One of the things that happened in a new area was that organisations found that their premises were vastly superior but the rent went up as well.

Ms Tyler: There has been no decision made on the management model for the Kingston arts precinct at this point. That includes the rent situation for organisations moving to Kingston. We have been very clear with those organisations that we are not certain at this point what the rental implications will be and that there has been no decision about the management model.

MRS DUNNE: How can organisations possibly make a valid choice about whether to move if they do not know what the management is going to be like and what the rents are going to be like?

Ms Tyler: Because the financial position for the whole development has not been finalised yet, in terms of the total costs and revenue opportunities and those kinds of things, we are not in a position to make those decisions.

MRS DUNNE: I understand that. But you are asking people, without information about the full range of costs, to make a decision about whether they move. You are saying, "We are constantly asking people whether they want to move," but you cannot tell them how much rent they are going to pay. I understand the difficulty, but you are asking community organisations to make decisions and they do not have a full deck of

cards.

Ms Arthy: My understanding is that what we are asking of the arts organisations is whether they are interested. Of course they cannot make final decisions without having the financials, otherwise boards would not be fulfilling their duty. What we are trying to do, bearing in mind that we are not managing this process physically—

MRS DUNNE: So who is?

Ms Arthy: It is being run out of Treasury.

Ms Tyler: The Suburban Land Agency.

Ms Arthy: Our focus is on making sure that we ensure that the arts side of it and the arts organisations are properly engaged. I believe that at the moment we are just asking in principle and then, as we get information, we make sure we tell them what we know.

MS LE COUTEUR: What input are you going to have in terms of the management in particular? I have already had this conversation about it: it is not really the SLA's area of expertise. It is going to be very important if this is to work in the long run that the management works with the arts organisations.

Ms Tyler: ArtsACT has been very involved in the process. The management model is a decision that will be made by government. We are providing advice to the Suburban Land Agency on what the management models could be. The feasibility study that was done a number of years ago included options for management models for a precinct like this, but part of that depends on things like repairs and maintenance for buildings and the whole-of-life costs of the building as well as management of the public realm, not just the booking of meeting rooms and licences or subleases for arts organisations. Those are all things that we are taking into consideration in the development of a management model, and that is being done with close consultation between artsACT and the Suburban Land Agency.

MS ORR: I want to have a bit of a chat about providing arts to the community and some of the stuff that we are doing there. I have got a few questions. We will see how we go. The first thing I want to have a chat about is this: it does say on page 88 that you are undertaking community consultation on the current performing arts capacity in the territory, including the Canberra theatre, to help identify what infrastructure may be required into the future. My question is less focused on the Canberra theatre and more focused on the community arts centres that may be out there. I also note that you have got in there an extension of the Belconnen Arts Centre. I just want to get a better feel for what you are looking at doing to bring arts out into the community.

Ms Arthy: Perhaps if I start, and then we will gradually go down the line. At the higher level, in terms of what was the commitment to look at the facilities, we are currently in the planning stages of what that will look like. There are three groups that are working on this. While we have the lead in Chief Minister's, we are working very closely with the Cultural Facilities Corporation and now with the City Renewal Authority, because that is important. We are, as I say, in the planning stages: planning

to go out next year, looking at what it might look like around the city and how we do that. In terms of the more community-based organisations, we will start going down the line. Ms Tyler can talk about the Belconnen Arts Centre and what we are doing in the other arts precincts as well.

Ms Tyler: Stage 2 of the Belconnen Arts Centre has \$15 million in this budget. That tender process is underway currently, but the initial plans include a theatre space of up to 400 seats as well as a revised gallery and workshop spaces within that centre. That opportunity to have a performing arts space in the Belconnen region that is managed by an arts centre is a really good opportunity to have a range of performance options for that community, from music through to theatre and dance and other art forms there.

In terms of other opportunities to look at the need for community facilities in other regions, we have been working on an infrastructure plan that looks at where the priority areas are over the next little while. That is still in development. The consultation that was funded in the budget will look at the performing arts specifically, rather than the whole of the arts landscape. Primarily, the focus is on the Canberra theatre, a potential new Canberra theatre, but also to look at capacity within performing arts facilities across the city.

MS LE COUTEUR: You have in here a pop-up arts activity in Woden and Gungahlin.

Mr Ramsay: I will come back to that.

Ms Elvin: I was simply going to add that, in terms of looking at community aspects of the Canberra Theatre Centre, while that consultation will focus on looking at a new Canberra theatre, it will also consider how we can make the existing facilities more accessible to the community. One ambition we have in aspiring to a new 2,000-seat Canberra theatre is that we can use the existing facilities, particularly the Canberra theatre, for more community engagement.

At the moment there is a lot of pressure on our venues for things like end-of-year dance school performances, and at the moment that is particularly difficult with *Mamma Mia!* in for three weeks, for example. I think we will be looking at the whole suite of facilities, not just at a new Canberra theatre, and how we can increase community access to the Canberra Theatre Centre as part of that.

Mr Ramsay: Following up on the question from Ms Orr and the comment from Ms Le Couteur, one of the election commitments and one of the things that the government has committed to is the pop-up festivals in 2018-19 in Gungahlin and in Woden. Obviously that is not specifically about performance space or performance facilities but it is about how we can continue to grow the arts and arts engagement across all areas of Canberra. Gungahlin and Woden were two that were specifically focused on to be able to develop that area.

Because of the way that arts and cultural arts and community work so closely together—arts are often an expression of a form of community or a form of culture anyway—what we are doing at the moment is having the early planning stages for those two pop-up festivals so that they can grow out of the life of the community

rather than being imposed on the community. I think that is an important part of it, and I would anticipate that they would, hopefully, create additional momentum for arts facilities and for arts engagements certainly in those two regions of Canberra.

MRS DUNNE: Could I go to the Cultural Facilities Corporation proper, and could I start by congratulating the Cultural Facilities Corporation on the Dunne office award for the best annual report. It is clear, easy to read, not too much tizziness. Thank you.

THE CHAIR: Well done, Ms Elvin.

Ms Elvin: Thank you.

MRS DUNNE: This is a question about the Cultural Facilities Corporation, but it does not arise directly from the annual report. It arises from the incoming minister's brief. There is a discussion in the incoming minister's brief which is described as an "inbuilt efficiency dividend" because the Cultural Facilities Corporation does not get the same CPI and EBA increases as other agencies. Ms Elvin, can you explain to the committee how you work around that?

Ms Elvin: Thank you firstly for that award, which we are honoured to receive. We have certainly done a lot of work in recent years on improving the look, the layout, the presentation of our annual reporting, trying to include some summarised information. It is good that readers of the annual report are finding that useful.

The inbuilt efficiency dividend relates to the fact that we only receive supplementation for things like EBA increases and CPI increases to the proportion that government funding represents of our total funding. Over the years we have actually managed to increase our own-source funding, which has the effect of reducing the amount of the increases that we receive through the EBA and CPI process.

What we try to do then is to look at other forms of own-sourced revenues to compensate for that; for example, by being more ambitious in our theatre programming. That is now backed by a larger reserve which we have been able to build up. That, in fact, results in a sort of virtuous circle. If you are more ambitious in your programming and if you reap the financial rewards of that, you can put more back into the reserve and that helps to make you even more ambitious in future. It really is a case of looking to our own resources in order to cover the gap, I suppose, between what we receive in government funding and the total effect of those EBA and CPI increases.

MRS DUNNE: It is also a vicious circle as well, because every time you improve you are rewarded by getting less from government?

Ms Elvin: I think you have picked that quite accurately. I was going to say there is a sort of inbuilt disincentive, if you like, to try to do better. But I like to think it is a challenge for us. Certainly we want to operate entrepreneurially where we can, and I like to think that we rise to that challenge.

THE CHAIR: We might conclude there, noting the time. If we do have any further

questions, I invite members to put them on notice. Please put those questions on notice with the committee secretary five days after the receipt of the uncorrected proof. I have been advised that all non-executive members will be sent that uncorrected proof, not just members of the committee, which I think is a good initiative. The deadline for members to have supplementary questions to the committee office is not consistent amongst committees. Be aware of that. Answers to those questions will be due five days after the date that you receive them. With that, today's hearing is adjourned.

The committee adjourned at 12.28 pm.