



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**STANDING COMMITTEE ON ECONOMIC DEVELOPMENT
AND TOURISM**

(Reference: [Annual and financial reports 2018-2019](#))

Members:

**MR J HANSON (Chair)
MR M PETERSSON (Deputy Chair)
MR D GUPTA**

TRANSCRIPT OF EVIDENCE

CANBERRA

THURSDAY, 7 NOVEMBER 2019

**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	57
Environment, Planning and Sustainable Development Directorate	57

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Amended 20 May 2013

The committee met at 1.45 pm.

Appearances:

Gentleman, Mr Mick, Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management, and Minister for Police and Emergency Services

Chief Minister, Treasury and Economic Development Directorate

Pryce, Mr David, Deputy Director-General, Access Canberra

Green, Mr Ben, Executive Branch Manager, Construction and Utilities, Access Canberra

Potter, Ms Chantel, Executive Branch Manager, Fair Trading and Compliance, Access Canberra

Cubin, Ms Derise, Executive Branch Manager, Licensing and Registrations, Access Canberra

Chan, Ms Yu-Lan, Executive Branch Manager, Projects, Governance and Support, Access Canberra

Rynehart, Mr Josh, Executive Branch Manager, Customer Coordination, Access Canberra

Environment, Planning and Sustainable Development Directorate

Ponton, Mr Ben, Director-General

Brady, Dr Erin, Deputy Director-General, Land Strategy and Environment

Wilden, Ms Karen, Executive Branch Manager, Engagement and Executive Support

Morris, Ms Vanessa, Coordinator, Building Policy

THE CHAIR: Welcome to the second public hearing of the Standing Committee on Economic Development and Tourism inquiry into annual and financial reports 2018-19. On behalf of the committee, I would like to thank you, Mr Gentleman, for standing in, as I understand it, for Mr Ramsay, and I welcome your officials today.

Today we will examine sections of the annual report of the Chief Minister, Treasury and Economic Development Directorate dealing with Access Canberra and ACT construction occupations. We will also examine parts of the Environment, Planning and Sustainable Development Directorate annual report related to building quality improvement. Could I confirm that you have read the privilege statement?

Mr Gentleman: Indeed.

THE CHAIR: I remind you that the proceedings are being recorded by Hansard for transcription purposes and are being webstreamed and broadcast live. Do you have anything to say before we go to questions?

Mr Gentleman: Chair, I advised the previous committee that I would come back with some further information on a question Mrs Kikkert asked this afternoon. I have a short statement that I could read; it would only take a minute or so.

THE CHAIR: That was planning and urban renewal. That is a different committee. You can make that statement to them when you come back.

Mr Gentleman: Okay.

MR COE: I am interested to hear it, but I can wait.

THE CHAIR: It does not pertain to this committee.

MR PARTON: I do not think the minister is appearing before the planning committee when we reconvene.

Mr Gentleman: Yes, we do get to come back with environment and heritage over the next week.

THE CHAIR: If you do appear before that committee, do it then; otherwise I am happy—

Mr Gentleman: Otherwise we will do it by way of a question on notice.

THE CHAIR: All right. I want to go to the issue of flammable building cladding. It is very topical at the moment, as you would be aware. What is the government's position on that issue, regarding both its own buildings and privately owned buildings? What audits are being conducted and is there an intent to say what those buildings are?

Mr Gentleman: I can advise that Mr Ramsay has publicly committed to provide a more comprehensive update to the community by the end of the year on the use of combustible cladding on ACT government owned buildings. Mr Ramsay reiterated earlier this week that some of the buildings identified may only have a small amount of cladding, and it is important for government to determine the level of risk in each of the buildings before making a more detailed public announcement.

This is a complicated piece of work done in conjunction with other state and territory governments. Our work on this continues. It kicked off earlier, when I had responsibility for building construction, and Mr Ramsay has continued that work. We do recognise the level of public interest, of course, and that is why Mr Ramsay has committed to providing as much information as possible on the audit by the end of the year.

In regard to private buildings, the government has not come to a decision on that as yet; that is my understanding. I am happy to take that on notice and come back to you with further details.

THE CHAIR: Sure. Have you been advised that there are any particular high-risk buildings, either privately owned or government owned?

Mr Gentleman: In regard to the risk level of the buildings, I will ask the directorate to give you the details.

Dr Brady: As part of the review group we have been looking at government buildings. We have used a tool that the Victorian government developed through many iterations. They have shared it confidentially with us. They have shared it with other jurisdictions, and everyone agreed that was probably one of the better tools to use. We have been using that to look at some of the buildings that potentially have combustible cladding on them, the government buildings. That goes through an assessment—a site visit, and putting in some of the building approval material, and it gives us a risk level.

At the moment we are still in the process of determining where they fall in the risk level. The risk rankings are: extreme, high, moderate and low risk. That will help to inform us, if anything falls potentially in the moderate, high and extreme rankings, what sort of mitigation we might need to do. In some cases what is needed might be very minor. It might be an internal safety issue around where the cladding might be located—that sort of thing. At the moment we are still working through that. As the minister said, Minister Ramsay will be providing information shortly so that he can—

THE CHAIR: Are those the same risk factors that the Victorian government is using—extreme, moderate and high?

Dr Brady: My understanding is that it is. They have used a similar tool.

THE CHAIR: What does “extreme” mean? Can you occupy a building when it has an extreme risk?

Dr Brady: I might need someone who has actually used the tool in a bit more detail to explain that. With a lot of the buildings, they are still safe to occupy. It might relate to where the cladding is located. Ms Morris is very familiar with the tool, so I might let her speak to that.

Ms Morris: “Extreme” would mean a risk to occupants from a fire in the building that may delay or impact on their ability to evacuate the building. It is not necessarily that it is completely unoccupiable, but should a fire occur there might be a particular risk to people in evacuating the building.

THE CHAIR: The risk, I suppose, came out of the Grenfell fire. We have been aware of this as an issue for some time, but we are in a position some years on where the government is unaware of the risk to its own buildings, let alone risk to buildings in the community. What is the delay here?

Mr Gentleman: When we look at buildings—and I am speaking now with the support, I think, of the chief fire officer of the ACT—we look at the whole building as a safety issue and how safe that building is. Buildings in the ACT, I am advised, are quite safe, and they take into account the whole of the building. It includes the fire mitigation opportunities within a building, such as compartmentalisation, sprinkler systems, retardant measures, and access to and egress from the building. My understanding is that ACP, if placed near an entry or an exit, or if above three storeys high, could be a risk in a building. But, generally, buildings in the ACT are reasonably safe.

Ms Morris: This is the second phase of assessments of public buildings. The first one was done by directorates to identify those buildings that would potentially have combustible cladding. Part of that involved liaison with ACT Fire & Rescue. As part of that process, none of those buildings were seen to be an imminent risk or unoccupiable as a building at that stage. We are refining that work and making sure that that is the case. Certainly, in the initial sorting, there was nothing that jumped out as something that would be an extreme occupiable risk.

THE CHAIR: With the decision to investigate privately owned buildings, what is the process for that decision? Will it go to cabinet as to whether that will actually occur or will it be a ministerial decision? Is there a time line for that?

Mr Gentleman: I have not yet spoken to Mr Ramsay about that decision. Most likely, it would have to go to cabinet, I would imagine. If we are dealing with the private sector generally in the ACT, there are 250-odd buildings in the ACT that are not government buildings. We would have to think carefully about that decision. I note, too, from the community's response to ACP, that they have been calling for a national position on flammable cladding. We are working with other jurisdictions through the BMF—there will be another BMF in December—on whether we take a national approach and what that approach should be.

MR PARTON: Is it safe to say, minister, that the ACT government has somewhat more exposure on the issue, arising from the fact that it is the ACT government's role to issue occupancy certificates for buildings and to approve the fire safety controls in place? I would not have thought that that would apply in many other jurisdictions to the same level that it applies here. I note that the ACT's approach on this has been less proactive than that in other states. I am just not sure why.

Mr Gentleman: I think we are one of the first jurisdictions to actually kick off the work on ACP. In regard to approvals, all construction in the ACT has to conform with the National Construction Code. That means that they have to conform with the particulars of the building—for example, building materials. Of course, fire safety also has to be within the Construction Code. That does not mean to say that a building cannot have a change to the particular materials that are used later on but they must conform with the national code to be approved.

MR PARTON: I guess what I am asking is this: as opposed to the systems that operate in most other jurisdictions, it is the ACT government specifically that issues occupancy certificates for buildings and approves the fire safety controls that are in place. I wonder whether that actually gives more exposure to the ACT government in regard to this problem. Granted, we do not know the size of it when it comes to private building.

Mr Ponton: I will also ask my colleague Ben Green from Access Canberra to add to this. In terms of the role of the ACT government, yes, we do issue the certificate of occupancy. That is based on all the paperwork and certification that is provided to the ACT government by the private certifier. Yes, there is a degree of exposure that we issue a certificate of occupancy. But if you follow the trail, the greater exposure is, in fact, to the person who has signed off on the work.

Another important point to note is that, in relation to the issues around combustible cladding, the cladding has been approved for use. It is the way that it has been installed or it might be that during the construction the certifier has agreed to this type of cladding and something else has been used. It is often around the way that the cladding has been used, as opposed to it necessarily being the cladding itself. Mr Green, did you want to add to that?

Mr Green: Yes, I will add some further comments. Going to your question around whether the ACT is in a different position to other jurisdictions, I do not think we are. I think that if you look at the roles of local councils throughout Australia, and other governments, they have a role to play—some through the issuing of building approvals through government certifiers and through the issuing of occupancy certificates at the end of the process. That risk, if it is one, that you are thinking about is one that would apply nationwide, particularly to those areas that have local council building certifiers undertaking the approval and the occupancy stage.

As Mr Ponton rightly points out, the ACT has privatised completely private building certification. The whole design process, approval process and construction process is a matter for the private industry to ensure that they are complying with the National Construction Code. Certainly, the territory is not resourced to do certification. Our role as a regulator is to make sure that people are compliant with those requirements. We do that in a variety of ways through work programs. I think where we are at at the moment with the cladding is that we are undertaking that audit and finalising, as Ms Morris points out, the second phase of that audit program.

MR PARTON: Minister, it has been put to me by a couple of individuals that the reason the government is not keen on doing an audit of private buildings in the ACT is that we may be sitting on a Mr Fluffy-style scenario here, depending on the level of cladding that is discovered. I put that to you for your reflection. Are we potentially going to see a mini Mr Fluffy saga unfold here if there is a higher level of combustible cladding in private buildings than we had originally thought?

Mr Gentleman: I have not seen any evidence to support that position. When I talk about building safety across the ACT, we have very few high-rise buildings in the territory. The ACP situation has been brought to the fore because of the impacts of combustion of ACPs on high-rise buildings. But since we do not have very many high-rise buildings—in fact, I am not sure whether we have any with ACP. We might have some medium-rise buildings with ACP. But, as I said, I have not seen any evidence to support that position.

MR PETTERSSON: I have some questions about road transport infringements. How long can you have an infringement payment plan in place for?

Ms Cubin: Mr Pettersson, thanks for your question. You can have your payment plan in place for as long as it takes you to pay off your infringement.

MR PETTERSSON: Is there a minimum payment mandated?

Ms Cubin: That depends, really, on the individual, with regard to payment plans. It also depends on whether you are on a Centrelink payment, on whether you are

establishing the payment plan yourself and on what you can afford to pay.

MR PETTERSSON: I am looking at some of the numbers in the annual report. Last year you managed 17,000 plans and 11,000 of those were established in the most recent years. The report tells me there are 6,000 and something that have been going on for longer than this reporting period. Do you have any idea how long some of these payment plans have been in place?

Ms Cubin: I guess the thing with a payment plan is that you can establish a plan and then, if you receive another infringement, you can add that infringement to the plan. So it is not a finite process for one infringement. You could keep adding on to that—continue your payments.

MR PETTERSSON: If you keep adding on to it, do you have to increase your minimum payment or can you just continue to pay the same minimum amount?

Ms Cubin: Again, it is going to depend on your ability to pay. I guess that there are some algorithms within our processes to work that out. In respect of the minimum amount, I will get some advice on what that might be. But my understanding is that it all comes back to your ability to pay and what that relates to.

Mr Gentleman: I think you would be fine to pay straight up, Mr Pettersson. I do not think you need a plan on your salary.

MR PETTERSSON: I was going to see if I could get one.

THE CHAIR: You are just the speed master on your motorbike, minister?

Mr Gentleman: No, certainly, if you look at my history, I have done very well.

MR PETTERSSON: I have a related question. When you do get a parking ticket, is there any measure of how long it takes to resolve a dispute over a parking ticket?

Ms Cubin: I guess it depends on whether you are seeking to withdraw it or whether you are seeking to dispute that through the court system. There are two pathways with someone who receives a parking ticket.

MR PETTERSSON: Let us go with a withdrawal. I suspect that is the one that is straightforward.

Ms Cubin: Yes, generally there is a legislative time frame. However, depending on their reason for withdrawal and the number of infringements that the team is currently processing, we work through that with the individual. They will not have their licence sanctioned until they have finished the negotiation and the discussion with us against the infringement withdrawal guidelines.

MR PETTERSSON: Do you have an indication of how long that process is? I know that it varies and circumstances differ, but what does your team work to?

Ms Cubin: As in a minimum time? I will take on notice as to whether we have a set

time frame. As I said, it really comes back to the individual and what their reasonings are for seeking withdrawal, what evidence they want to provide, whether that complies with the withdrawal guidelines. It really is working through all those elements.

MISS C BURCH: I understand there were 12,000 online applications to dispute or seek withdrawal. Do you know how many of those were successful or what percentage of those were successful?

Ms Cubin: Out of the 12,000, no, I do not. I will have to take that on notice as well.

MISS C BURCH: Thank you.

MS CHEYNE: I have a supplementary on this, but I do not know what has just been asked.

THE CHAIR: Have a go and we will see if it has been asked before. I will be generous.

MS CHEYNE: We are on parking fines?

Ms Cubin: Yes.

MS CHEYNE: I want to know how many fines have been issued to vehicles in Jamison. I know that Macquarie is one of the top suburbs—that, to me, means Jamison—with the licence plate recognition vehicle.

Ms Potter: I am executive branch manager of fair trading and compliance in Access Canberra, and within that falls parking operations in terms of our foot patrol officers and our use of the licence plate recognition vehicles that you referenced in your question. In terms of Jamison, I assume you are alluding in particular to the trash and treasure issue?

MS CHEYNE: No, I mean Jamison generally. Any time I do a mobile office there, the van is also there. I am not sure if there is a correlation! It seems to be there a lot and I get lots of comments about it. I am just curious to know if Jamison generally is a hotspot. I know that it is on trash and treasure days, but I am curious overall.

Ms Potter: I do not have numbers to hand in terms of the breakdown of Jamison as a suburb. Do you want that for the annual report year or do you want it year to date for this calendar year?

MS CHEYNE: Year to date for this calendar year would be great, if that is available.

Ms Potter: We can provide that on notice. Do you want a separation between trash and treasure and the suburb generally? I just ask because we have had quite a presence at the trash and treasure.

MS CHEYNE: That would be useful if it is easy for you to do that.

Ms Potter: Yes, we can do that.

MS CHEYNE: One of the useful aspects of your foot patrol officers issuing fines is the yellow notice on people's windshields, which I think sends a broader message to the community that this is not the right place to park, whereas with the licence plate recognition van, people are not seeing that and are not getting that message so much. With the use of the van, is there the potential that we are getting a spike in the number of fines that are issued in a certain area because people simply are not getting the yellow ticket message?

Ms Potter: You are talking about the deterrent effect of people coming back to a vehicle and other people seeing the yellow envelope on the windscreen of the vehicle. Jamison in particular, with the trash and treasure, presents a particular workplace health and safety issue for the live foot patrol. In the past, they have had to attend with ACT Policing present with them, which is why—

MS CHEYNE: Because people have threatened them?

Ms Potter: Because people abuse and yell at the parking officers; that is right.

MS CHEYNE: I cannot imagine that from my constituents.

THE CHAIR: Wow. It would not happen at Weston Creek, Tara.

Ms Potter: In terms of LPR use, particularly in and around that location and the suburb, that provides protection and safety for our staff, which are obviously paramount. In terms of the yellow envelope issue, I think GIO stadium and the games that were held there are probably an example of where we had done LPR infringements initially and then done yellow envelopes subsequently. In terms of the reaction and then the parking behaviour shift, we saw an improvement. But relevant to that as well is the extensive education campaign we did with TCCS and central comms in providing buses and making people aware of CIT parking and other available parking.

Similarly, we have had a program at the trash and treasure. On 29 September we had a number of staff handing out fliers, and there were large signs with maps showing free, available and legal parking a short walk from the markets themselves. It is certainly not the case that we rely on the yellow envelopes as a means of changing that parking behaviour. It is also about working with the community to let them know that 200 metres in one direction there is free, unlimited parking, so there is no need to take the risk of getting a fine.

MS CHEYNE: Finally on the topic of parking fines—this might be for your colleague—I understand that previously infringement notices could be paid by BPAY and now that option is not available. What has been the thinking behind that?

Ms Cubin: My understanding is that there is still an option to pay by BPAY. We can definitely do online payments over the phone if someone rings us up to establish payments.

MS CHEYNE: As someone who has recently received a fine—

Mr Gentleman: Thank you for your contribution.

MS CHEYNE: Thank you; I am happy to contribute to the economy and to government revenue. I had reported to me that, particularly if you want to pay quickly, there is often quite a lag online on the Access Canberra website, I think up to 24 hours, which might contribute to people forgetting to pay the fine, because they want to pay it on the spot, but when they go in to do that—

Ms Cubin: Thank you for that. We will follow that up. That is information that has not come to us before, if there is an issue with payment. It should still be available, as well as the payment plans and through Centrelink.

MS CHEYNE: I think maybe it is just not stipulated on the paper fine anymore.

THE CHAIR: We might leave that there, then.

Ms Cubin: Mr Hanson, if I can just respond to Mr Pettersson, the minimum payment is \$10 a fortnight for your payment plan.

MR PETTERSSON: So if I am on that \$10 minimum payment plan and then I get more and more fines, I can still keep paying that \$10; I just have to pay it for longer?

Ms Cubin: Yes. The thing is that obviously you do not get your licence suspended, which means that you do not incur potentially more debt for a different infringement.

MR GUPTA: Just on building quality, are there any new policies on compliance and insurance on new constructions which have been released or implemented?

Ms Cubin: For?

MR GUPTA: For the compliance and insurance of new constructions, the different stages of certification. Will we do any audit on those to see whether they are complying with the policies of the government on insurance?

Mr Green: To get some clarification, are you referring to insurance policies held by building certifiers?

MR GUPTA: No, building construction policies.

Mr Green: Construction policies?

MR GUPTA: If somebody is constructing, in the different stages, do we have any policy on compliance and insurance of those stages and how the certifiers do the inspection? Is anybody checking that or referring to any policies or has nothing been done?

Mr Green: Yes, certainly. One of the roles within Access Canberra is to undertake audit activity in relation to construction services. That relates to building and builders,

building certifiers and the role that they play. But it also extends to the electrical and plumbing trades as well, where you have a responsibility to assess compliance, which is different from building certification.

As part of our audit program we undertook a number of audits last year. There were 784 audits in total. And that comprised things like energy efficiency rating audits, site audits to assess compliance with the building approval to determine that what was being constructed on site was actually consistent with the building approval. There were 112 site audits that assessed compliance with development approvals as well. Certainly from a regulatory perspective, we have a role to play in the audit space and we do do that.

MR GUPTA: Out of 735 you said, is it?

Mr Green: 784.

MR GUPTA: How many of them were compliant?

Mr Green: It is a difficult question to answer because the role that we play is to assess compliance at the time of the inspection. The way that we approach the regulatory process within Access Canberra is to engage and educate and, where required, to take enforcement activities to achieve compliant outcomes.

It is not on every occasion when we attend a site that there is going to be something that is substantially wrong. It may be perfect. It may have some slight issues that need correction or it may be that it is before an inspection stage and, when you are looking at auditing certifiers, they have not necessarily been on the site at that particular point in time. We do not record whether the audit found broadly whether there were X number of defects on that site.

Certainly on the complaint side—where we receive complaints from residents—that needle shifts, effectively, and we start looking at what has been completed, because once it is completed and the builder has effectively done what they need to do in terms of getting it built, getting it certified and an occupancy certificate issued, that is where we start seeing the defects emerge and that is where our regulatory intervention has historically been, to try to resolve those defects.

The government funded this year the establishment of a rapid regulatory response team—and throughout last year, through a pilot program That team has started to have a significant impact on the way that the industry behaves. And we are starting to see that shift.

When you look at our enforcement activities you would probably note that there have been an increased number of enforcement activities undertaken over the last 12 months. Again, we are seeing a shift in behaviour of the industry. We go to them now with, under our legislative processes, a show cause notice and, rather than them being issued with a rectification order, they are engaging with us and with owners of buildings to get things resolved.

I think, when you look at it more broadly, there is a role for us to play in the auditing

space, where we want to try to prevent issues arising in the first place and, if they do arise, resolve them there and then. But, equally, there is a role for us to play where citizens have experienced poor quality building practices, and that is where we want to stamp that behaviour out.

MR GUPTA: Who performs these audits? Is it internal or external?

Mr Green: The auditing is undertaken by officers within my branch and they are responsible and appointed under the Building Act.

MR GUPTA: These are then internal audits?

Mr Green: Yes.

MR GUPTA: There are no external audits on the construction site and on the—

Mr Green: An audit by government is an external audit because building certification is private. If you are talking about site audits, yes, our officers go out to site and undertake that audit function as well.

Mr Gentleman: An example of the improvement in compliance is that we have seen 75 fewer cases regarding building and construction than in the previous financial year. It is a tangible response.

Dr Brady: I might just add to that. As part of the reform work we have been doing a code of practice for certifiers and builders, and that includes requirements around inspection points throughout construction that they will be accountable for. It is requiring them to do what was part of their job, but it is now definitely clear that it is part of their job.

MR PARTON: Mr Green, you made mention of the highly trumpeted rapid response team, and I know you are quite proud of what has been achieved there. Sometimes I get the perception that you have made a conscious effort to go hard and to make an example of some builders in some situations. Is that a fair call or is that unfair?

Mr Green: No, I do not think that is a fair call. I think if you look—and Minister Gentleman has just highlighted some complaint numbers—by and large, we are still able to resolve a lot of the building quality issues through engaging and educating those involved in the process. However, if builders are reckless in their behaviour and they choose not to comply, we are going to take the regulatory action we need.

In some circumstances builders acknowledge the issues and are quick to resolve those issues. But this particularly relates to where citizens have already moved into their homes and have often had protracted negotiations prior to coming to government to get a resolution. What we have seen, as I have described a bit earlier, is that the process for us to start that formal enforcement work, if you talk about rectification orders as an example, requires us to issue a show cause notice which is, effectively, a notice saying, “Tell us now, before we go down this formal enforcement pathway, why we should not go down that pathway and what you are going to do about it.”

Builders have a choice to make at that point. They can choose to work with government, work with, in some cases, owners corporations to get those issues resolved or they can choose to ignore it. Where we have got sufficient evidence to prove that there are building quality issues, there are breaches of the building laws and the building codes, and there is no cooperation from builders, then we will utilise those enforcement measures. Certainly the feedback that I have had from industry is that they are starting to take notice of those regulatory actions. Some of the actions that we take get clearly publicised by the media and picked up by the media—and, yes, we make decisions to put things out into the media. That has a deterrent effect, the same as putting a yellow envelope on a motor vehicle.

MR PARTON: I am not suggesting in any way, shape or form that there was anything untoward; I am just suggesting that perhaps it was a strategy. Let us go to 1 March and the big day of action in Gungahlin. There must have been some premeditated thought, “Let’s make a splash in Gungahlin today.”

Mr Green: I do not think it is necessarily a premeditated thought. We are certainly being more strategic about where we target. If builders have got a poor compliance history then we are going to be targeting those builders. If there are issues that present when you go to a suburb, particularly in greenfield areas, where you see a number of dwellings being constructed all at the same time and you are seeing the same issue, then clearly there is a broader issue at hand, not necessarily on an individual basis. The tools that we have available to us, those particular stop notices in Taylor, are a quick way to get resolution and prevent problems occurring for the citizen moving in when it is all completed.

MR PARTON: But is it also your belief that—and I think there were 17 sites on that day in Gungahlin that were stopped for non-compliance, including for timber frame defects, exposed steel reinforcement in concrete slabs, incorrect installation of window flushes—that sort of action does have a ripple effect across the industry, that everyone looks over their shoulder and says, “Benny’s pretty serious”?

Mr Gentleman: Can I just highlight that the team did 784 audits during 2018-19, 589 proactive and reactive inspections, 13,500 drainage and plumbing inspections and 3,000 gas inspections. Seventeen is quite a small number to address.

MR PARTON: It was a lot of shutdowns in one day though, wasn’t it?

Mr Green: I think, going back to your original question, if I heard it correctly, we want to be strategic about what we do. I think that, yes, builders are looking over their shoulder—and rightly so—but there are also a whole lot of builders that are not because they are doing the right thing and do not need the regulatory intervention.

MR PARTON: The figures that the minister brought up are extremely important to trumpet in terms of considering collectively, accumulatively, the number of inspections there and considering the very, very, small amount of non-compliance. It actually paints a different picture to the one that is in the media cycle in regard to this perception that we have a city full of dodgy—

THE CHAIR: Are we asking questions or are we making a statement?

MR PARTON: I am just trying to pass back to you, chair. That is what I am trying to do.

THE CHAIR: You now have a substantive, Mr Parton.

MR PARTON: In 2018-19 the directorate completed 15 of the 43 reforms from the review into improving the ACT building regulatory system, taking the total number of reforms completed at that stage to 28. How will you assess if the reforms are working or achieving the goals that have been set out?

Mr Gentleman: I will ask the directorate to give you the details.

Ms Morris: Depending on the reform, different evaluation processes will be put through, some of which are legislative changes. They will effectively be tested through their implementation and how well they are working. For the exams, an evaluation after six months was built into the reform program so that we could see if we needed to change them or do something else, including perhaps interviews of applicants.

Each of the reforms has its own evaluation, but it will depend on the nature of the reform and how big it is. Some of those might be evaluations a number of years out, whereas for the exams it is a reasonably short evaluation time because it is something on which we got more immediate feedback. So a new power or a new code of practice will take a little time to permeate through industry and the evaluation of that will probably be in the outer years.

MR PARTON: In 2018-19 how many applications were there for each of the A, B and C-class building licences?

Mr Green: Do you want that split by individual, corporation and partnership as well?

MR PARTON: Not necessarily.

Mr Green: For class A builder licences, 102 were issued; class B, 56; class C, 120; class D, 22; and 250 owner-builder licences were issued.

MR PARTON: Do you have information on how many applications were unsuccessful?

Mr Green: I do not have that information in front of me, but we can certainly get that for you.

MR PARTON: I am trying to get to the bottom of whether changes made under the reforms have increased or decreased the success rate for applications of building licences.

Mr Green: I can talk to the success rate of exams sat, if that gives you some background?

MR PARTON: Yes.

Mr Green: During April 2019 to June 2019, which was when the new exam process commenced, there were 12 new applicants. Others went through the process as existing licensees through the renewal and reissue process, and there were 35 of those. In total there were 47. Some 33 per cent failed on their first attempt at that examination. I do not think that is unusual in terms of standard tests; you are usually looking at around a 75 to 80 per cent success rate. Of those that sat for the second time around, 83 per cent failed.

Mr Gentleman: That was five people.

Mr Green: Yes. To get to the point of refusing a licence we have to consider a number of things, and the exam is one component of that. Other components include a qualification depending on the class of licence you are applying for and demonstrated work experience of that licence type under the supervision of others. I can provide on notice the number of licence applications that were refused during that period.

MR PETTERSSON: Do you know if any of the people renewing their licences who went through the examination failed?

Mr Green: No. I do not have that breakdown with me, but I can get that.

MS CHEYNE: Mr Rynehart, we have had a few conversations about fix my street over the years. Recently Ms Le Couteur and Ms Lawder were asking about the utility of the website and the perceived inability to report some things. Last year the common feedback was about the closed job loop and that not looping all the way around for people to receive information about outcomes. Your team has been working with TCCS on that, and I think there has been quite an investment there for TCCS officers to have something where they can punch things in and report back. I am keen on an update.

Mr Rynehart: Fix my street has been around for some time and we have been working incrementally through processes to improve both the customer-facing element and closing the loop with the customer. They are two pieces of work on which we have been working closely with TCCS over a number of years. Without going into detail about TCCS's elements of the project, they have been upgrading their asset management system, which is expected to be completed this financial year. That will take us the next step forward to automatically closing that loop. The officers on the ground who are doing the work will be able to close the loop while they are there and that will quickly push the information straight back to the customer.

We believe that will resolve most of the challenges around providing information back to the customer and for people to understand what the outcome has been. We have spoken a few times about work that is sometimes deemed unnecessary or that will be held over for some time, and that information will be pushed directly back to the customer. At the same time, Access Canberra have a continual improvement process looking at the customer interface and we have been looking at ways to improve that. We have released some changes over the last 12 months to get better data from the customer in the first place so that the officers in the business units can

more easily pinpoint where or what the issue is without having to go back to the customer in the first instance and so that the job can be completed more successfully.

MS CHEYNE: Have you found success with that or learned some lessons?

Mr Rynehart: When those changes were initially released we found a high level of satisfaction from customers about being able to put in that information and being better able to pinpoint issues. The larger change is waiting for the system upgrades to be released. We will monitor that when that happens, through customer feedback and TCCS about the satisfaction level and how that resolves those challenges of ensuring that people know the outcomes.

MS CHEYNE: About a year and a half ago functionality came online where customers could see certain jobs that other people had logged. We wondered at the time whether that would deter people from logging the same job or whether they would also log the job to try to stress the urgency of it. What trends have you seen with that?

Mr Rynehart: Overall, fix my street has been largely steady in what is coming through. I believe last year there was a slight increase in the number of jobs that came through. There are two pathways for a customer to come to fix my street, because one piece of feedback we received after that change was that while some people welcomed the ability to see what had been logged in their suburb others simply wanted to go directly to the form. Now there is an ability for a customer to go directly to the form without looking at the previously logged jobs, so there are two pathways.

MS CHEYNE: One of the most common bits of feedback about the loop not being closed seems to be where people have used fix my street to ask for something to be created in their suburb, like a capital major investment. For example, "Two years ago I logged a job on fix my street for a traffic light upgrade and I haven't heard back." What is the policy when jobs are logged through fix my street when they are not actually for fix my street?

Mr Rynehart: Fix my street is not intended to be a place for people to request new services, as you alluded to. Our policy is that all jobs should be closed at whatever point, so a response should go back to the customer regardless of whether action can be taken.

MS CHEYNE: Do you do audits on how many outstanding jobs you have that are more than six months old, for example?

Mr Rynehart: I do not have that to hand. We have looked at the numbers previously, but I do not have to hand what that might look like.

MS CHEYNE: Can you take that on notice?

Mr Rynehart: Yes.

MS CHEYNE: Would you be willing to consider adding something to the fix my street website to clarify that the website is not for requesting new services or capital

upgrades?

Mr Rynehart: We are always happy to take feedback. We incrementally improve the service as we receive feedback. If that is the feedback people are providing we absolutely can do that. Whether it is directly in the form or on the website itself we will have a look at what information we can provide so that customers get to the right place in the right time. We work on a “no wrong door” policy; it is not that we would ever push a customer away from taking that avenue, but there are places for people to request that sort of work, which is not directly through the fix my street site.

MISS C BURCH: Do you have any internal accountability indicators or policies around wait times for action on fix my street items and closing the loop on those items?

Mr Rynehart: The only answer I can give is from an Access Canberra perspective, and the fix my street system, from ours, is automatic for most services. From our perspective it pushes through immediately.

MISS C BURCH: So you do not have anything from your perspective?

Mr Rynehart: It would be the business unit who respond to it, rather than us necessarily pushing them—

MISS C BURCH: With the web form, we noticed that earlier this year the illegal rubbish dumping tab was removed from the front page of the form. What was the decision underpinning that?

Mr Rynehart: I do not know that off the top of my head. I will get some advice and come back to you on that.

MISS C BURCH: Going to Access Canberra accountability indicators more broadly, in your annual report it says that three accountability indicators failed, but it does not actually list what those accountability indicators were. Can we know what those indicators were? It is on page 61.

Mr Pryce: I have only just taken on my role in the last seven weeks, so I am still getting across all the detail. In 2018-19 we had seven measures that were met within a five per cent variance, and two indicators varied by less than five per cent.

We have a variance around the compliance activities on engage, educate and enforce. We talked before about where our focus is. We have a stronger focus on engage and educate over enforce. Instead of 70, 20, 10, which is what we had in the indicators, we had a variance of 82, which was in engage, 11 in educate and seven in enforce. So it is a variance from the indicator. But we would argue that we were trying to spend more time to get compliance through awareness and education and people understanding the problem, rather than doing the hard edge, which is our regulatory compliance efforts.

I am not sure if this is the other one, but average level of helpfulness after issuing a notice or before issuing a licence authorisation was five per cent better than the target.

MISS C BURCH: Yes, that is my question. You have 10 accountability indicators. Three failed to meet the targets and are not listed in the annual report. The annual report only seems to list the two that you have just mentioned that exceeded the target by five per cent.

Ms Chan: I believe that one of those referred to is “Doing business in the ACT is easier”. Our target was 95 per cent and what we actually achieved was 91 per cent. This is the percentage of the community that is satisfied with how easy it is to do business with us, to interact with us. That was four per cent underneath our target. For “Percentage of services completed online” our target was for 85 per cent of service to be done online; 84 is what was achieved. For “Reduction of regulatory burden on business by undertaking risk based coordinated inspection activities” our target was 80 per cent; we achieved 79 per cent.

MISS C BURCH: Why are those not actually listed in the annual report?

Mr Gentleman: We might take that on notice and see if we can come back to you.

MS CHEYNE: In future years, can we have that listed as a table with the indicators—

MISS C BURCH: As it is in the budget papers.

MS CHEYNE: and what was achieved. This may sound like—

THE CHAIR: We might take that on as a committee recommendation.

MS CHEYNE: Indeed. Miss Burch has a point. This says it did not meet the other three targets—but it was by one per cent. It is not that bad. But here it is like, “It could be really bad; that’s why they didn’t put it in there.” So I think it would be useful to see that in table form. I will recommend that to the committee.

MS LE COUTEUR: I want to talk about energy efficiency standards, which relate to the two items in the parliamentary agreement which overlap with action 4.6. Can you start with a status update on the minimum energy performance standards for rental properties?

Ms Morris: At the moment we are working through those options. We will shortly be putting out a consultancy to do some of the analysis work that sits behind that. As you know, subsequent to those items in the parliamentary agreement there has also been the release of the climate change strategy, which has a commitment to those rental standards and a phase-in over time. We are refining those options based on the climate change strategy. We will be finalising that work shortly.

MS LE COUTEUR: You said there is going to be consultancy soon and the consultancy will do something. What is the time line before there is anything out in the public arena?

Ms Morris: It would probably be next year, in the public arena, because work has to

done before we can release that publicly. That work under the parliamentary agreement is to do that regulatory impact analysis. So it will depend on how it works with the item in the climate change strategy as to what is released publicly.

MS LE COUTEUR: Okay. Action 4.17, climate change strategies, about developing a new residential energy assessment tool—can you explain to us why it is needed?

Ms Morris: That one mainly relates to the current mandatory disclosure system. It is effectively a replacement for that. It does not necessarily mean that that would be a brand-new tool developed from scratch. It may be an adaptation of an existing tool that is more appropriate for the expected climate, and also one that is commercially supported and is more in line potentially with the ones used for new building standards. At the moment, as you know, we have particular tools that we use for mandatory disclosure, which are very effective for what they do. But they have been around for quite some time and need a bit of an update. That item particularly relates to making sure that whatever we have got works for not just the national Building Code standards but also for our mandatory disclosure system. New does not necessarily mean from scratch.

MS LE COUTEUR: Is it likely to be a more visual, do-it-yourself sort of tool? Those sorts of things have been talked about, as distinct from doing it off a set of plans. Or are the measuring tools so good these days that you can effectively rebuild the plans?

Ms Morris: It does depend on what the use of the tool is. There could be multiple uses of the tool. For instance, some tools have a self-assessment module in them, which is a basic assessment for people on information they could reasonably know as householders, right through to a professional assessment that would require a pretty good detailed knowledge of how a building is put together. With mandatory disclosure, for a good thermal performance assessment you would still need reasonably good information about the building. But that does not mean that there cannot be different aspects of that tool that help people to at least use it as a self-assessment option to know where in that efficiency range they are.

MS LE COUTEUR: Again, what sorts of time lines do you think there are for creating this tool, or however-ing this tool?

Ms Morris: We are working with our colleagues in climate change on that and on the timing for implementation of the climate change strategy. We are working through the implementation timing of that at the moment.

MS LE COUTEUR: Earlier this year there were some changes to the Building Code, part of which involved changing the rules for how EERs are calculated separately for winter and summer. Can you explain why that was needed and what it will mean at a practical level?

Ms Morris: The reason it was needed is that, effectively, the general rating is based on overall average climate and on the amount of energy used. That does not necessarily indicate when you use the energy. It can mean that you use very little energy in winter, but that is a much longer season and you get a good rating, whereas you use a fair bit of energy in summer but it is a shorter season. The reason those

backstops have effectively been put in is that, as well as that efficiency rating, you need a maximum heating rating and a maximum cooling load. That means you cannot achieve the rating by completely sacrificing the performance in one season or another.

This is a starting point. It is not a substantial change in the actual standard, but it does knock out the worst performing 10 per cent or so. The work on the National Construction Code for 2022 will look at potentially revising those targets again, to make sure that other buildings that may be more prone to discomfort in extremes of weather are addressed as well.

MS LE COUTEUR: There are buildings which were certified as being a minimum of six stars, and you said it would knock out the lowest 10 per cent. Basically, 10 per cent of what would have been acceptable last year is no longer acceptable?

Ms Morris: The full standards kick in on 1 May next year, so there has been a transition period coming in for that. Effectively, depending on the climate zone and the type of building, between five and 10 per cent, based on most of the climate zones, would no longer be compliant. Those designs would effectively need to be redesigned to meet the requirements.

MS LE COUTEUR: As far as climate goes, though, it is still based on the 50-year average historical climate?

Ms Morris: It is a 30-year average.

MS LE COUTEUR: But it is still based on historical climate?

Ms Morris: Yes; that is correct. There is work at the moment to update the climate files for the next iteration of the code. Again, there is a question about the extent to which that will take into account the future climate. Work that we are doing in the ACT is looking at that, and at the consistency between the historical average file and what may be a future average.

MS LE COUTEUR: If you were concerned about climate change and you figured the weather was going to get hotter, if you were looking at a building, you would be able to have two numbers, in winter and in summer. That would be published so that you would be able to say, "I'm only going to get ones that have a nice, low energy consumption in the summer, because I think there will be more of it"?

Ms Morris: Yes, the NatHERS certificate will show the overall rating. It will show the overall load and it also shows the heating and cooling loads. You can actually see it on the certificate itself.

MS LE COUTEUR: Good. Will your new mandatory disclosure tool that we were talking about earlier also have winter and summer separately or will it be a combined—

Ms Morris: The intention is to continue what we have, and not to lose any functionality. If you look at the energy ratings under mandatory disclosure now, the full report will actually show you winter and summer ratings as well. There is not an

intention to remove that function.

MS LE COUTEUR: How is this going to affect the design of houses, or is that question too hard? Will it get rid of black roofs? That is a simple one.

Ms Morris: It does depend. The solar absorbability of the roof is one factor in overall efficiency. If you have a black roof and you can achieve all the other things you need to do to get that rating then that is the case. It will probably make people think more about first principles and not just about the winter performance. Traditionally, in Canberra, obviously, that has been very important. When you are talking about lifting general efficiency standards, it has been very important to get that winter performance up. I think there is now more thoughtful design about seasonal performance, as opposed to just the rating itself. That is what we are hoping will come out of this.

MISS C BURCH: Going back to Access Canberra and online services, why aren't the number of partially completed online services recorded, given that fully completed services are recorded?

Mr Rynehart: Are you referring to reporting uncompleted services and inquiring about when someone starts the process but does not complete it?

MISS C BURCH: Yes.

Mr Rynehart: As I understand it, that would be as much a system challenge as anything else. We are undertaking a project at the moment with our customer relationship management system, which some of the forms are on, to upgrade that. I would anticipate that we would be able to get that sort of information in the future.

We have always focused our minds on encouraging people to engage with us digitally and to make it as simple as we can. We have seen real growth in digital services over the last four years through that approach. Our focus is more on encouraging people to go online and to deal with us rather than necessarily looking at people who have started the process and have not completed it. We look more at ensuring that they do complete the process.

MISS C BURCH: I recall in estimates that you were talking about dropout rates of phone calls and that not being recorded, so you cannot necessarily get a full picture of the number of people dropping out because wait times are too long. Has there been any progress on that?

Mr Rynehart: I do have some information regarding calls coming in. In 2018-19 we had around 555,000 calls presented and we answered 469,000 of those calls. The average wait time in the last financial year was 131 seconds, around two minutes and 11 seconds. The average handling time was around three minutes and 18 seconds, which is up a little bit on previous years. That is because we have moved to more of an information and discussion point with our customers, rather than transactional. As people move more online for transactions, each call on average takes a little bit longer because we are not necessarily getting the "I just want to pay my bill" calls anymore. We are getting questions around: "How do I do something?" or "I need support." We answered 469,000 calls last year.

MISS C BURCH: Of those calls that went unanswered, does that include anyone who dropped out of the waiting queue due to extended—

Mr Rynehart: The calls unanswered relate to anybody who has rung in and has not been answered by an operator.

MISS C BURCH: Anyone who has hung up while they have been waiting as well.

Mr Rynehart: Yes. We also have a call-back service available for customers.

MISS C BURCH: Yes; we spoke about that at length.

Mr Pryce: We had 130,000 fewer abandoned calls in the last financial year over the previous one. Again, there has been a significant effort by the teams to improve that so that we do get to the customer and answer their questions.

MR PETTERSSON: On the topic of online services, the annual update, what new online services does Access Canberra have?

Mr Rynehart: I am not sure that I have to hand what has been released. Over a number of years we have been releasing services as we come to them. We are going through a process of continuing to release more services, but we are also going back to the existing services and looking at improvements and encouraging customers to come.

Some of the new services that we have released in the last year are birth registration, time to pay infringement processes, infringement declaration for a known user, drivers licence, working with vulnerable people, a public vehicle drivers accreditation card replacement, viewing your parking infringement online, a written-off vehicle notification, and a party hosting notification form.

MR PETTERSSON: Can someone give me some background information on why you can only pick up a drivers licence from a shopfront? Drivers licence printing?

Mr Rynehart: Today you can still get issued a drivers licence. We are undertaking a piece of work looking at moving forward with the printing of the actual physical drivers licence card, about the most effective and efficient way to deliver that.

What will happen—we are the last jurisdiction to move to this model—is that customers who present to the service centre will receive an interim licence, which is a piece of paper instead of a plastic card. We will print the card itself and mail it out to them within 21 working days. We have had a significant uptake of online renewal for drivers licences, and licences for all those people are already mailed out.

It is really a shift towards setting us up for the future with drivers licences and producing those cards. Customers receive exactly the same outcome. They still are licensed; they receive exactly the service that they would have received. It is simply that the plastic card is mailed out from our central location instead of being printed on the spot.

Mr Gentleman: I should advise, too, that we are looking at digital drivers licences. We are hoping to do an implementation by 2021. New South Wales has already started that work, and I can say from my work with ACT Policing that they can recognise those New South Wales licences whether they are card or digital. That will mean that you will not have to have it printed out in the future.

MR PETTERSSON: Is it particularly expensive to have drivers licence printers at shopfronts?

Mr Rynehart: There are a range of security measures that are necessary because the drivers licence is essentially your core identity document. There are a range of security controls that exist. The printers and some of the arrangements require a large level of security. It is also the process and the effort within the service centre itself; it can be more efficiently done as a batch at the end of the day or within a couple of days and then mailed out to the customer.

THE CHAIR: If we do move to a digital licence regime, as Mr Rynehart said, it is your core identity document. How do you get around that? Will there still be provision to have a physical licence if you wish to?

Mr Gentleman: I expect at some point no. I have been working on the digital ministers council with other ministers from all jurisdictions. We are looking at complete digital information. Through that process, we are looking at the sharing of your personal data. We want to make sure that the community are comfortable with their data going online. It is a real test in that sense, but every jurisdiction has indicated that they would like to go digital. We are leading the country with—

THE CHAIR: What then becomes your core identity document?

Mr Gentleman: It can still be your birth certificate, for example. We are leading the country with an electronic birth certificate. In the not too distant future, you will be able to go to an ACT birthing place, whether it is a hospital or not, and not need to receive a physical birth certificate; it will be digital.

THE CHAIR: A birth certificate is not a particularly handy document to wander around with, and often you need an identity document to prove your ID. That is particularly the case for younger people. I have young relatives who do not have drivers licences who find themselves in a position where they have to carry their passport around because they do not have another form of core ID. For a lot of people, a drivers licence is a very useful document to have to demonstrate who you are. If you remove that, you have to have either a passport, and many people do not have that, or a birth certificate, which may not be available. How do we work around that if we are going to completely remove all of these core identity documents, short of walking around with a birth certificate?

Mr Gentleman: That is part of the question as we go forward in the digital age: how we ensure that you are able to provide your identity. Facial recognition will be part of that.

THE CHAIR: Sure, but that is not going to be everywhere, is it? If a younger person wants to go to a licensed venue, it is unlikely that they are going to have facial recognition. As you are proceeding with this, it would be useful if you could provide the committee with answers as to what the answer is before you remove licences from everybody so that they do not have any core ID, before facial recognition and other technologies are introduced.

MR PARTON: Would you not have it on your phone, though?

Mr Gentleman: Yes, you would.

MR PETTERSSON: What if you have no battery?

Mr Gentleman: That is the point; it would be digital.

MS LE COUTEUR: But phones sometimes are flat.

MR PARTON: There are a few flaws to it, but I am assuming that would be the go-to: that it would be on your phone.

THE CHAIR: Potentially, but we are speculating here. What I am saying is that if there is going to be a regime put in place—

Mr Gentleman: Holding your digital ID will be the opportunity to have it, for example, on your phone, but also in a data storage area if you do not have your phone with you. There is still a fair bit of work to go.

MR PETTERSSON: Surely we can have a digital copy without fully removing the physical copy for those that want it?

THE CHAIR: You would hope so.

Mr Gentleman: That is part of the discussion as well.

THE CHAIR: I think it affects a lot of not just younger people but older people as well. During your 90s you may not have access to a smartphone that would have that or you may not understand the technology required. Older people need their proof of ID on occasion.

Mr Gentleman: It is all part of the discussion.

MS LE COUTEUR: And even younger people sometimes have flat phones. That is not really age discriminatory.

Mr Pryce: At this stage, as I have said, the digital licences will be an option. They will not be compulsory and therefore you will still have the card option available to address those issues that have been raised here.

MR GUPTA: Going to events, how does Access Canberra support people wanting to do events in Canberra?

Mr Rynehart: We have a range of services that we provide. We have a team that is called the events and business coordination team. They are set up specifically to work with event organisers and new business owners coming through, to walk with them through the regulatory approval path. They perform essentially a concierge role. They will meet with the business or the event organiser and work with them on the nature of what they are looking to undertake or to put on, and then work with the licensing and regulatory teams around obtaining the approvals and ensuring that we can support the event to be undertaken in a safe way and we can remove the complexity for the event organiser and work with reaching out to government on behalf of the organiser.

That team has been quite successful. They have worked over the last few years with a number of events. They work with event organisers that come to them on a weekly basis. They work with some small events and some large events to assist the event organiser to focus on the parts of the event that they would prefer to focus on: getting it organised and having a good event. We advise the event organiser on what they need to provide to us so that we can get the approvals done. Rather than the organisers themselves having to present to a number of regulatory teams and obtain the individual approvals, we get it done once.

MR GUPTA: Is it case managed?

Mr Rynehart: Yes; there is a case manager. We have a number of staff in the team. Each event gets a case manager, and that case manager works with them throughout the approval process. They also work with them leading up to the event itself to ensure that things that it has been indicated will occur do occur. For example, they ensure that if the event organiser indicates that they have a particular plan in place, they will do something to ensure that that happens, so that when the event happens there are no surprises, we minimise the risk of non-compliance and people are able to have an event and to have it in a safe way that is a benefit for everyone.

MR PARTON: This question probably straddles a few ministers and a few directorates. It is a question about the building levy. Of course, it was increased in recent times with the promise of that extra money being channelled into building quality reform. I understand that I may be out of area here. However, I am hoping that the minister is able to answer how much extra money has been raised by the increase in the building levy. Has all of the additional funding been directed to building quality reform?

Mr Gentleman: To answer the second part of the question first, it certainly has been directed to improving not just building quality reform but also DA application processes. There was work done, if you like, with the building community on how they would like to see that levy spent. What was the first question?

MR PARTON: It was basically how much extra money has been raised by the increase in the building levy?

Mr Gentleman: I think we will have to take that on notice to get the details for you.

MS LE COUTEUR: New South Wales Premier Gladys Berejiklian was quoted in the

Sydney Morning Herald on 10 July this year as saying the following about the building industry:

We allowed the industry to self-regulate and it has not worked.

Has the ACT government done any work to look at the option of completely reversing the 1990s deregulation of the building industry, including ending private certification of building approvals—

MR PARTON: Goodness me!

MS LE COUTEUR: given the multitude of problems that have been identified with buildings in Canberra over the last couple of decades?

Mr Gentleman: Historically we used to do all of the work as government; we would do the certification; we would do all of the inspections, for example. The private sector called on the government to privatise those functions, saying that we were not quick enough to do approvals and certification. The decision was made at that time to then allow private certifiers to do that function.

I do not think we have had a detailed discussion on whether it should come back in house. There has been some discussion, but I am not sure that we would receive the support, particularly from the building industry. Whether the community would like to see it happen is a different matter. Of course, there would be a cost with that too.

MS LE COUTEUR: Certainly there are plenty of people in the community who would like to see it happen. So it is not something that the ACT government has considered? Has it been considered at all at COAG forums, because it would appear that everywhere in Australia has building quality issues? We are not unique here.

Mr Gentleman: I did not hear it discussed at BMF when I was at BMF. Whether it has occurred since then, I am not sure.

Mr Green: The other thing I think we should add is that there was an Assembly inquiry into building quality. One of the questions it was asked to examine related to private building certification. Government is yet to receive the report from that committee. I do not think government has reached a position in relation to it at this point in time, noting that the inquiry had a number of members of the public give evidence.

THE CHAIR: I can add to that. The committee—this committee—is still chewing through the evidence that was provided. As you can imagine, it was quite substantial. But it is certainly one of the areas that we will be addressing in our report and recommendations to government.

Mr Gentleman: We look forward to the recommendations.

MS LE COUTEUR: Thank you, chair. Not being a member of the committee, I had forgotten about that.

MR PARTON: I have a question relating to building surveyors. Firstly, how many building surveyors are currently licensed in the ACT? I am assuming, Mr Green, that you will have that figure at your fingertips, the way you operate.

Mr Green: Strangely enough, I do not think I have the number of building surveyors with me. I can probably tell you the number that were issued in this last year, which was 15. Certainly we will get the exact figure for you. Broadly, at any one point in time, given that there are a number of building surveyors licensed in the ACT and also licensed in other jurisdictions who do not necessarily base their business here, we are thinking that there are around 70 to 100 that are active at any one time in the ACT.

MR PARTON: Granted that this answer may be as much anecdotal as anything else, you indicated that there were 15 additional licences issued. Do we know whether the number of building surveyors has increased or decreased in that 12 months or in recent times? Are we seeing surveyors leaving the industry? What is your gut feel?

Mr Green: In terms of the feel, I think—

Mr Gentleman: Vibe, I think.

Mr Green: Yes, the vibe. It is relatively steady. I think it would be fair to say that in the industry—this probably applies right across the country—a lot of the private building certifiers would have originated in government certification roles at one point in time. I think those people are getting close to the point of retirement age. Clearly, whether they choose to take that up is up for them. But I do not think there has been a massive spike or decline in that particular sector, from the information that we have.

MR PARTON: I am sure it has been highlighted to you that ongoing insurance issues are causing some concern among those individuals.

Mr Green: Yes. Certainly there have been issues around professional indemnity insurance, which is required under the law to hold a building surveyor's licence. In the ACT we are only aware of one individual certifier who was not able to obtain insurance.

MR PARTON: Are you aware of any applications? You indicated that there were 15 new licences issued. Were there any applications declined for building surveyors?

Mr Green: I will take that on notice.

MR PARTON: Thank you.

MR PETTERSSON: What activities does Access Canberra do in Jervis Bay and how often?

Ms Cubin: I can talk to some of the activities in Jervis Bay. We undertake transport-related activities. They are usually operations with the police, where we do vehicle inspections. Our vehicle inspectors attend Jervis Bay to do that. We also at times have inspectors that go down there to do other compliance activities.

MR PETTERSSON: How often does that occur? Is it once a year or is it once a week?

Ms Cubin: Not once a week; probably twice a year. At least in the vehicle inspector space we have done a couple of operations down there; probably every six months.

MR PETTERSSON: There is another section of the report that caught my eye. You provide face-to-face education to retailers, schools and childcare facilities. Was that a one-off operation or is that an ongoing assistance program?

Ms Cubin: That is an annual program. That will be around the working with vulnerable people scheme and with retailers—their obligations under some of the laws that we regulate.

MR PETTERSSON: It seems quite sporadic. Nevertheless, thank you.

MR PARTON: Access Canberra, page 55, TED building and planning laws—who is going to step forward there? Of the 501 cases closed regarding concerns relating to building and planning laws, I want to get some idea of the average time from original complaint to case closure. Can someone give me an indication of that?

Mr Green: I do not think a measure of average time is one that would provide a great deal of value, because each matter has its own complexities. If it is in the planning space in terms of someone that may need to navigate a development approval process, that may extend a period of time, whereas if it is something like an unclear leasehold, if a person cleans a block up the weekend after we have engaged with them then it would change. So we do not necessarily record average time and do not have that as a specific measure, because the complexities are very diverse.

MR PARTON: Do you have any indication of the average cost of closing a case? Again, I am assuming that they will vary greatly across the gamut.

Mr Green: That is right. And when you look at costs, is it a cost for government; is it a cost for the territory in terms of a cost on an individual who might be subject—

MR PARTON: I am looking at cost to government.

Mr Green: We could probably give a cost for the number of staff that are in a particular area to guide that, but we do not have an average of: “X matter has cost the territory this amount of money.”

MR PARTON: Let me go with something you will be able to answer. I think 455 complaints were received relating to planning laws. Is that an increase on previous years?

Mr Green: In terms of planning laws, it is a slight increase. In 2017-18 there were 439 complaints. So it is very marginal in terms of the number of complaints in that area.

MR PARTON: I note that there were 226 complaints received relating to building

laws. Is that an increase on previous years?

Mr Green: No. Last year, 2017-18, there were 546 complaints about building and construction related matters, down to 226 in the 2018-19 financial year.

THE CHAIR: There was a recent announcement that a building that is, I think, five storeys and above will now be subject to basically a committee process to review the documents and the plan before that building proceeds. What was the decision around making that five storeys? Why not four? Why not six? What is the magic five-storey number?

Mr Ponton: We are talking about the design review panel?

THE CHAIR: Yes.

Mr Ponton: Just to be clear, the purpose of that is about making sure that we have a further input into the development application process, with a particular focus on the design quality of the building. I would need to go back and look at the documentation, but essentially, as part of the process of developing the criteria, we have looked at areas where we tend to receive feedback from the community around design as an issue. In terms of the number of units, height and the like, it tends to be around five storeys and, I think, 15—I do not recall the exact number—units. It is really just feedback from the community in terms of concerns that they have expressed around the design quality of—

THE CHAIR: So it is built more anecdotally—“This is where we seem to get lots of problems starting to arise”—rather than on anything particularly scientific.

Mr Ponton: Correct.

THE CHAIR: Or any consistency with other jurisdictions as to where the magic—

Mr Ponton: And, similarly to pre-DA consultation guidelines, we established some criteria around that in terms of a trigger based on anecdotal evidence. After 12 months of operation we have reviewed that. We are concluding that review at the moment. We will do the same with the design review panel to see whether it is the right measure.

THE CHAIR: I suppose the experience with this is that it is an effective measure and is not too burdensome, that it does not slow buildings down and there is not—

Mr Gentleman: In fact, we are hoping the DA process will be faster once it has had the—

THE CHAIR: Assuming this is reviewed as a positive outcome, is the provision to increase the scope and say, “Let’s work our way down. Let’s do four storeys as well,” and so on, or are you locked into the five for now?

Mr Ponton: I would not want to pre-empt the outcome of a review. Certainly that is possible. I would think that, after a reasonable period of time of operation, we would

go back and reflect on what we are learning and what is happening—

THE CHAIR: Are there many resources attached to doing it this way? Is it just a different way of doing it, or does it require additional resources to do it?

Mr Ponton: There was certainly additional investment by the government to establish the design review panel. That additional cost is in relation to the secretariat and also for the expert members who are on the panel.

THE CHAIR: Do you know what that amount was? Can you recall off the top of your head?

Mr Ponton: I am going to come back to you. I thought it was around the \$300,000 mark, but I will—

THE CHAIR: Per annum to run it?

Mr Ponton: Yes. But I will certainly take it on notice and confirm.

THE CHAIR: If you were to expand it—and I am not suggesting you should or should not—then, assuming that you have a secretariat already established and so on, you would imagine that in increasing the scope there would be an economy of scale there; is that right?

Mr Ponton: You would think so, yes.

Dr Brady: With the five-storey thing introduced as part of the secretariat working internally, criteria have been developed to look at a development application to see whether we think it has certain elements to it, a certain facade treatment, and if it is in a certain location. That decides whether it should proceed for more of a review. In terms of resources, we have tried to do stages. There will be an initial desktop analysis to decide if it needs further review as well.

THE CHAIR: That is for all buildings over five storeys?

Dr Brady: Yes.

THE CHAIR: So they make it through a gate and are then told it is fine or we are going for a more detailed analysis?

Dr Brady: Yes. That will help us also determine whether there are any further changes. We can get an idea of how many are coming in that are five-storey or more.

THE CHAIR: Where do the certifiers and building surveyors tie in on that building review process?

Mr Ponton: Just to be clear, the design and review panel is part of the planning process, not the building process. It is an initiative of the minister for planning, as opposed to the Minister for Building Quality Improvement.

THE CHAIR: So that panel basically establishes the planning parameters and then its responsibility in terms of that building is extinguished?

Mr Gentleman: Ensuring good quality design, initially. Then, in the construction, it would go to certifiers, for example, who have been insured.

THE CHAIR: So that panel does not stay linked to that building? One of the problems that has arisen that we are aware of is that you get design and plans and they are not necessarily adhered to. Is there no process where that committee conducts reviews or audits to establish that the quality of design is actually in the building?

Mr Ponton: The design and review panel is an input into the planning process, as I said. The development assessment team considers the advice of the design and review panel in making its decision. We can then include conditions around the key design elements, in terms of those having to be maintained and not amended over time. As the building is being constructed, there is sometimes a desire to amend certain aspects. We can lock that in through the development and assessment process, but any terms of enforcement would be through our colleagues in Access Canberra, not the design and review panel. That is not its purpose.

Mr Green: When it comes to the building approval side of things, government has already introduced reforms around minimum documentation for design, and that should be consistent with the development approval that exists for that site.

MR GUPTA: Going back to Access Canberra, I understand that the call centre may be a very high pressure and intense job. Is there any program for the employees' welfare and wellbeing? Sometimes it can be very abusive.

Mr Pryce: The answer is definitely yes, Mr Gupta. Josh can give further details.

Mr Rynehart: We have a range of supports in place for our staff. We have a buddying system where we have team leaders on the floor with the call takers. We work with our customer service officers to advise them that if at any point they feel uncomfortable they can pause the call and escalate to a team leader. If there is a difficult conversation, that is an opportunity. Or they can have the team leader respond to the call. We also have a process where, in the case of an adversarial phone call, they can terminate the call and we can deal with that separately.

With regard to general support, we have a range of programs in place. We bring in the EAP, our support team. They come in regularly to the office. They are simply there and available for people to speak to if they feel the need. We also have the ability for staff to reach out directly to the EAP at any point and to obtain support and counselling if they have had an incident or if they are finding it challenging in the workplace.

There are also regular catch-ups between the team members and their managers. Part of that is checking on people's welfare and how they are going. And we run a range of ongoing training programs to ensure that our team are well skilled and understand the policies and processes that they are speaking to customers about so that they are confident when they speak in the first place.

MR GUPTA: Do you have a training program for handling difficult customers? And what about the retention of employees? What is the churn rate?

Mr Rynehart: When somebody comes into the organisation, we put them through quite a lengthy training program. Part of that is about how to deal with customers and how to deal with difficult situations, and some resilience discussion, as well as the processes and policies. And we come back regularly; it is an ongoing program within our team. We have in-house training officers who help and regularly come back and work with our customer service officers. We monitor the direct interaction—we can pick up a phone call at the point it is problematic—but we also have some supports for our team if they are feeling the pressure or if they are finding it a bit hard.

Mr Pryce: Mr Gupta, as I said right at the start, I have only just been with Access Canberra for the last six or seven weeks.

MR GUPTA: How are you finding it?

Mr Pryce: It is excellent, but it is very diverse, as I am learning today. I have spent time with the contact centre staff. Sometimes, through our activity-based work, I sit in just to hear. I was talking to Josh this morning. The last time I was sitting there we had a very challenging call. I was amazed by the professionalism of the call taker in how she maintained her composure and professionalism, notwithstanding a very difficult call by a known client who often calls. It was great to see that the supervisor was immediately buddying up and monitoring the call.

At the end of the call, when she had resolved the issue as best she could, it was great to see the support that immediately wrapped around. Other staff checked on her. She was able to take time out from the workplace just to compose herself. I followed up with her personally, too. I know she said she was very appreciative of that, of having a deputy director-general following up. We also have all the other supports that Josh outlined.

Despite all that, it is very challenging. People do not understand. You are dealing with people over the phone or via the web. Our satisfaction in the contact centre is 92 per cent, and that is quite remarkable when you think about it. Over 81 per cent of people rate our service as easy or very easy. Normally the reasons for the satisfaction are just the knowledge of our staff and the willingness to assist, despite the fact that at times they are dealing with challenging issues or something that is a particular bug for the caller.

We do value our staff in that contact centre, as we do across our service centres, and all the different roles they perform. I would just like to give a shout out to that team, given the number of calls they take and the excellent service that they provide.

MR GUPTA: Is there any incentive for high performance?

Mr Rynehart: There is always recognition.

MR GUPTA: For the team you mentioned?

Mr Pryce: We have service awards. This morning I gave out an individual and a team service award based on customer survey results, where we survey either businesses or clients in the community on service. We do call-backs and other things. We have four quarterly awards. This morning I gave them out to an individual and a team; we do that each quarter. But we have a number of measures where we recognise performance even within teams.

MS CHEYNE: Who got them this morning?

Mr Pryce: This morning we had an individual—a female, Chelsea Stuckey—from our health protection service, and our team award went to our authorised vehicle examiners for the work that they do.

THE CHAIR: I should probably give an award to the best committee member this afternoon to see if we can lift our satisfaction rating.

MR PARTON: In regard to that ongoing difficult caller, I tried to tell my mother to stop calling, but I will get onto her again.

Mr Gentleman: There is your award.

MR PARTON: Specifically, I know it is not necessarily included in this set of annual reports, but can I just ask about the series of pretty quirky social media videos that I have seen in regard to building quality and getting messages out to people. Where have they been driven from, who are they targeting, how much have they cost and what sort of reach have they had? I quite like them.

THE CHAIR: Given the time, it will have to be a short answer, Ms Wilden.

Mr Gentleman: Chair, while Ms Wilden is preparing, we have a detailed answer for you on the cost of the national capital inquiry.

Mr Ponton: Very quickly, the cost of the national capital design review in terms of the funding provided was \$248,000 for the 2018-19 financial year; \$250,000 for 2019-20; \$252,000 for 2020-21; and \$244,000 for 2021-22. That includes one ASO6 FTE as the secretary.

Ms Wilden: In the campaign that we have run I have used a number of different channels. The key one was that, once we had been asked to develop the design and build portal, we said, “We want that to be the single source of truth.” The thinking behind the campaign was to make sure we were going to drive people there so that they were not going out and looking at somebody’s private blog or some Facebook post and thinking that that was the truth; that we actually combined information from both the area of responsibility for Access Canberra and then also EPSDD, and any other area of government as relevant, to have the whole story on the portal.

We were focused on making sure that both the people wanting to access services within the building industry and the people who work in the building industry could all see each other’s information. The campaign was designed to drive people to that

website. The videos were designed by a local company—

MR PARTON: All local actors?

Ms Wilden: Yes, they were. Apparently some of them have been used in some other campaigns, which might have been confusing. Anyway, you have got a small pool of local actors to use. The area that we felt—from the information we had, both through the building reforms process and advice from Access Canberra—we wanted to target was people wanting to access apartments who were asking, “If I am buying off the plan, what do I need to know?” One of the best performing ones has actually been the man cave: “I want to build a shed so that I can do my stuff.” And that has proven to be most successful.

MS CHEYNE: What does success look like when you say “most successful”?

Ms Wilden: Success looks like the number of people who have clicked through.

MS CHEYNE: And how many is that?

Ms Wilden: The stats that we have, which are not as of today but were as of the start of the month, are that 370,000 people have seen the videos and of those—and this is quite remarkable—nearly 48,000 have actually watched the video to completion. You normally think if you keep them to nine seconds you are pretty happy.

MS CHEYNE: Facebook loves it when you get to nine.

Ms Wilden: Yes. And when you consider the length of some of these videos—they are 40 seconds long—you actually have 48,000 people watching them and going, “Hang on, that’s something I need to know with regard to buying apartments.” You have 15,000 full views and they have then clicked through. We have had 500 click-throughs from there, just from that social media.

MS CHEYNE: Five hundred for which one?

Ms Wilden: That was overall. The stats start to get really, really confusing because every week we change them.

THE CHAIR: What we might do is, given the timing—and this sounds like a bit of a success story, which is good—ask you to perhaps table some of those on notice, just provide some of those.

Ms Wilden: What we can do for you is provide a table once we get the latest report from this week, given that we are almost at the end of this week, and also provide some information in terms of what the various terminology means. What is a click-through? What is an impression? What is a view? Even I get very confused sometimes. Where we have got information about how that performs against industry standards, we will provide that for you.

THE CHAIR: Thank you very much. Before we conclude, Mr Gentleman, you have got your statement there. Do you want to read it or table it?

Mr Gentleman: I will read it if I could. I just want to clarify some information sought by Mrs Kikkert and Mr Coe earlier regarding the second electricity supply project. As notified to Mrs Kikkert in answer to a question on notice, the tower closest to residential properties, as approved to be constructed, is at a distance of 20.7 metres from the base of the tower to the nearest boundary fence of the easement. So there are no homes or fences within 20 metres of the electricity supply.

My role in this decision was determining that the proposal met the relevant requirements. I am confident that the proposal met these requirements. Once a decision is made, of course, then the enforcement is up to Access Canberra, whether this is regarding the land, the contracts or the safety of utilities. If any of Mrs Kikkert's constituents believe that any tower has been constructed within the 20 metres then this would be not compliant with the approvals, and the constituent should contact the utilities technical regulator through Access Canberra.

The project underwent significant public consultation, especially with the developer, and responsibility for notifying prospective residents about easements lies with the seller of the land, which in this case was a private developer. Any residents who believe they are being misled about the easement should contact Access Canberra as a consumer law matter.

In respect to property values, the EIS may have indicated reduced property values as a potential risk. But just because the EIS identifies a potential risk does not necessarily mean that this risk is realised. And I stand by my statement that I have not seen any evidence of a decline in property values in Holt.

THE CHAIR: Thanks, minister, for appearing today, and thank you to officials for attending. I just remind you that you have five days to answer questions after receipt of the draft transcript. Mr Rynehart, you want to say something?

Mr Rynehart: If I can clarify a couple of points in my answers?

THE CHAIR: Sure.

Mr Rynehart: With regard to fix my street, illegal dumping exists as a section under a range of high levels. It is simply not in the top level anymore. It is now a second level. It comes down to how many—

MS CHEYNE: Can you change it back?

Mr Rynehart: We are always happy to look at agreements for the service. With regard to counting partially completed, if the form is not completed and submitted to us, we do not have a record of it, so we cannot count it.

Mr Pryce: Can I add a couple of others that we had that I can give an answer to now in 30 seconds?

THE CHAIR: Okey-dokey.

Mr Pryce: The average infringement processing time is between five and 10 days if all relevant documents are provided, and it may go beyond that if we do not have that information. But that is what we generally work within. On fund payment processing—I was asked about a lag in funds—this often occurs when it is through bank payment services. Importantly, a sanction will not be applied unless payments are not made by the due date. And there is a time frame for that. The number of parking fines issued in Jamison, year to date, is 2,565.

The committee adjourned at 3.33 pm.