LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PUBLIC ACCOUNTS

(Reference: Auditor-General's Report No 2 of 2005: development application and approval process)

Members:

MR R MULCAHY (The Chair)
DR D FOSKEY (The Deputy Chair)
MS K MACDONALD

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 9 NOVEMBER 2005

Secretary to the committee:
Ms A Cullen (Ph: 6205 0136)

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents relevant to this inquiry which have been authorised for publication by the committee may be obtained from the committee office of the Legislative Assembly (Ph: 6205 0127).

The committee met at 3.53 pm.

THE CHAIR: I declare open the next stage of these hearings. This afternoon we are considering the development application and approval process, Auditor-General's report No 2 of 2005. For the benefit of witnesses, you should understand that these hearings are legal proceedings of the Legislative Assembly protected by parliamentary privilege. That gives you certain protections but also certain responsibilities. It means that you are protected from certain legal action, such as being sued for defamation, for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter.

MARK POWER and

BEATRICE POWER

were called.

THE CHAIR: I welcome Mr and Mrs Power as witnesses before this inquiry and I invite either or both of you to make a statement in relation to this inquiry, if you wish, before I invite committee members to ask questions.

Mr Power: Thank you very much. I would like to begin by thanking you for giving me the opportunity to appear before you today. I would like very briefly to explain my background so that you may better understand my submission and presentation. I have a bachelor of engineering degree and a bachelor of science degree, both from the University of New South Wales. I have been running my own consulting practice for over 13 years and my company is a previous winner of the ACT microbusiness of the year.

My business has two distinct areas: property related consulting and business practice management. In the area of property, I have managed subdivisions, and the construction of commercial buildings, undertaking assessments against the EPBC act, planned refurbishments in buildings listed on the Register of the National Estate, and managed urban design studies based on the works of Walter Burley Griffin.

My business process management experience has included the development of processes used by the Australian Sports Drug Agency before the Sydney 2000 Olympics. I worked with the architects that designed Stadium Australia and the Olympic tennis centre, and I have consulted for organisations implementing the business excellence framework. Over the past 13 years, I have worked with over 150 organisations, private and government, small and large, helping them document and implement improved business processes.

At the personal level, I have a direct interest in the Auditor-General's report because my family has just gone through a development process in a heritage area. I do not intend using this forum to dredge up the many issues surrounding our case. I think that would be unprofessional and of no value to you, the committee, in this important task that you have at hand. Rather, I would like to draw on my own many years of experience working with organisations that undertake process engineering and use my experience to

demonstrate the points in the Auditor-General's report.

My thesis is that the Auditor-General has identified key areas of process concern. However, based on experience, process definition is only part of the problem. Processes are undertaken by people. If the values of the individuals employed in the planning system do not align with the corporate values, or there are ineffective review mechanisms, the system will fail irrespective of how the process is defined.

I will give you a few examples. The Auditor-General, in recommendation 1, quotes the Territory Records Act and the obligations on agencies regarding record-keeping. In our matter, we have found evidence of information about our development being passed to local residents in the suburb. We have information that a local residents group received a briefing on our development, even though they failed to lodge an objection. Through a summons issued via an AAT appeal, we have discovered that the committee of the residents association had received briefings on six occasions over approximately seven months. Interestingly, only one of these meetings had ever been recorded by any government officials. When questioned by the ACT ombudsman about such briefings, the authority indicated they had not been involved. Their response was wrong.

While quoting the Territory Records Act, the Auditor-General could have equally pointed to the Public Sector Management Act, the commonwealth Privacy Act or even the Crimes Act. So why in our case did meetings occur when no official records existed? Had we not summonsed the minutes of the committee of the local residents group, who just happened to keep extensive records, we would never have known of these meetings.

So what is the issue for the planning system? Put simply, whilst systems can demand correct record-keeping, if the individuals choose to ignore these directions no set of policies or procedures, irrespective of how they are framed, will change the behaviour. If the individuals choose to work outside processes, how one defines those processes is largely immaterial.

In recommendation 9 it is suggested that the authority should document the reasons for decisions of all DAAs, to improve the transparency, fairness and reliability. In our particular case, the authority forced us to submit an unnecessary amendment to works that were already complete. We have been to the AAT twice on our matter. The authority did not provide what I would consider a comprehensive reason for either decision we have appealed. In the latter appeal, the authority stated that one of the reasons for their decision was that the local residents association would suffer significant detriment if the finish of the render on my house were smooth. No other reason was provided as part of this decision.

Through investigations and the FOI process we have not been able to discover one piece of correspondence to the authority from this group. There are no records of meetings, phone calls, letters or emails. The one agency comment on our matter to the authority did not mention the residents group or any detriment. So here we have a delegate of the authority attributing significant detriment to a group with which there is no evidence of liaising. The obvious question is: if the delegate has never spoken with the group, how did he form his opinion?

Again, while the authority states that it is not obliged to give detailed reasons for

decisions based on the land act, the situation that has happened to us can continue. I disagree about the concerns and the impracticalities raised by the authority. DAs affect people's lives and the decisions must be subject to scrutiny. Again, staff within the authority can use the system to their advantage.

I mentioned that we had been to the AAT twice. Recommendation 11 of the Auditor-General's report deals with statutory time frames. Our first appeal to the AAT concluded at a directions hearing when the President of the AAT pointed out to the authority delegate that he had made the decision against the wrong part of the land act. The president also pointed out that on two previous occasions delegates of the authority had made the same such error. It took the authority 8½ months to make the revised decision.

On the second occasion, they chose to refuse the minor amendment. The delegate again made the decision against the wrong part of the land act. Of greater concern, after six months of waiting for the decision, we wrote to the President of the AAT, pointing out the fact that the authority was yet to comply with the direction he had given. We were staggered to receive a letter from the AAT in January this year that stated that they had no authority to force ACTPLA to comply with the direction they gave.

I will not go into the details of the letter except to note that the first line of appeal against a planning decision is the AAT. However, based on advice from the AAT, it appears that a government agency can ignore a direction given by the AAT. I wonder what would happen to me if I chose to ignore a direction of the AAT.

In our case, we had a direction effectively ignored for 8½ months. Again, this is evidence that the people are an essential ingredient of planning reform. The concerns about statutory time frames in recommendation 11 are real.

I would like to turn to one of the findings in the Auditor-General's report with which I disagree. When reviewing fairness, the Auditor-General stated that the majority of the AAT decisions find in favour of the authority. The Auditor-General makes the assumption that this suggests fairness in the ability of decisions to withstand public scrutiny. The Administrative Appeals Tribunal Act 1989 requires delegates to furnish all relevant documents relating to the decision to be reviewed in what are termed the T documents. In our case, we have evidence that critical documents relating to our appeal were withheld by the authority. How do we know this? We used FOI to gain access to the government documents. Again, a critical part of the planning system can be manipulated by individuals—in our case, ignoring not only the process but also the legislative requirements.

In our last trip to the AAT, we were self-represented. We went to argue over a minor amendment and we believe we were well prepared. We arrived at the AAT hearing room to be confronted by 11 people in total against us. Our minor amendment had attracted the service of a very senior member of the ACT Government Solicitor's Office, who in turn had engaged the services of a consultant barrister. A minor amendment over the finish of render on the wall attracted 11 people, the ACT Government Solicitor and a consultant barrister.

The matter did not proceed to hearing. Instead, the AAT sided with the consultant

barrister. After the hearing, I sought redress of an error of law. I was able to get the AAT to admit, in writing, that the amendment we were forced to lodge some 18 months earlier, which had been the subject of two appeals in the AAT, was in fact unnecessary. Unfortunately for us, the President of the AAT to date has chosen not to correct the record, so the whole story is not told. I will be seeking redress on this matter separately.

The relevant point: the authority can draw on any amount of funds to defend decisions. In our case, a minor amendment attracted services up to and including a consultant barrister. I think the conclusion drawn by the Auditor-General between success and fairness is potentially incorrect. When money is no object, any conclusion about success in the AAT needs to be moderated.

There are two matters I wish to conclude with. The first is notification of objections and comments and the second is compliance, covered by recommendation 19. Our original DA did not attract any objections within time. There was one late objection. At paragraph 3.25 of the Auditor-General's report, the Auditor-General concludes that public submissions may not result in a full and objective assessment of their merits.

In our case, the involvement of the residents association that was facilitated by someone in government is a cause for concern. This group claim to represent the views of the suburb in which we live and claim to have over 100 members. We compared the membership list with the ACT electoral roll. We found 31 anomalies, including the same people being recorded under two names and an address that did not exist. In one case, a person who had left the suburb in early 2000 was still recorded as a member of the association in June 2005.

In our particular case, through personal petition, we were able to establish over 53 signatures, including present members of the association, that disagreed with the views being expressed by the residents association. We produced a further 82 signatures of people outside the suburb who disagreed with the stance taken against us.

The Auditor-General discusses objective assessment. The critical issue with this group in our case exists at several levels. Firstly, the views expressed by the committee of this group did not accord with the views of the people they claimed to represent. Secondly, there is not one piece of evidence that anyone in ACTPLA, the heritage unit or the AAT asked the most basic of questions; that is, no one asked the committee of the group to prove the currency of their membership, how many members they actually had and prove that the representations being made had the support of the majority of their membership. Of interest, their annual general meeting in March 2005 was attended by just seven members of the public.

Consultation is a basic tenet of our planning system. In our case there was blind acceptance of this group's views. They were given free and unfettered access to officials, provided information not available to the public and in all cases bar one their meetings with public officials went unrecorded. We were denied, in the same period, any access and information. This group was able to exert disproportionate influence on public officials about our matter. As with other examples I have provided, staff within the planning system can use the system to their advantage. In our case, they proffered views of small interest groups and denied us the same courtesy. The absence of controls within the authority will see the Auditor-General's fears realised.

I conclude with compliance and recommendation 19. The compliance system has been used by individuals against us. In our case, claims have been made that have never been investigated. Two years after we received certificate of occupancy and use, compliance action is still threatened against us. Our experience suggests that the current compliance system is based on a presumption that the complainant is correct and the person about whom the complaint is lodged is in error. The one complaint from a neighbour has resulted in years of pain and anguish and has probably cost the taxpayer hundreds of thousands of dollars—all over complaints that have never been properly investigated.

The big issue about compliance matters is balance. In our case, I believe we have been denied the presumption of innocence, a right fought so hard for by our Chief Minister. In our case, many of the Auditor-General's criticisms are evident. I have not touched on the agency referral system that in our case revealed flawed process investigations. I have not discussed the use of experts or numerous other matters.

There is a small issue of the DA that was withdrawn nearly two years ago but for which we still do not have the refund. In our case, we were advised, in writing, on five occasions, over three months, including a brief from the head of the heritage unit and the minister, that our home had originally been finished with a smooth render. This position was reversed. Since that time, we have been fighting to correct a gross injustice.

You are reviewing the findings of the development application approval process. The Auditor-General has made recommendations relating to the system of planning in the ACT. My experience tells me that getting the system right is half the battle. The other part of the battle lies in the people who implement the systems. Having an effective rule book does not create an effective system. If it did, the Attorney-General's portfolio would probably not exist.

The planning system, like any system, is about people, on both sides of the counter. I have used our experience to highlight how people can manipulate the system. In circumstances where these manipulators are also providing the briefings, there are real concerns. Any review of the planning system must include real and meaningful initiatives to address organisational culture within the authority. There also need to be truly independent compliance systems, not just for the authority to use but within the authority, so that, when people like me come knocking on the door and highlight serious flaws in process, rather than be vilified in this place, our concerns are independently checked and we are not subjected to years of erroneous claims that require AAT appearances that can be ignored—a never-ending circle.

I understand that the great majority of people working in the public service wish to serve the community. Unfortunately, often those in the system for a long time learn the way of manipulation. While the Auditor-General has identified many of the process issues, if you do not address internal compliance, training and culture, real change to the benefit of the ACT economy will not happen. Our matter, and the saga, continues. Thank you.

THE CHAIR: Thank you, Mr Power. I have given fair latitude in your statement. I probably should tell you that, in terms of who is in or who isn't in the Reid residents association membership is really outside of what I believe is the scope of this inquiry. Certainly, methods of consultation would reasonably be within the scope of this, in my

view, so I am personally not going to look for us to explore that particular subset of issues.

It is obviously troubling to hear of your experience. I have become generally aware of it over some months. I am struggling to understand how this whole thing could have dragged on for a couple of years—about two years this battle has been running? Has any facility or vehicle of mediation been suggested by governmental authorities, or by you, or if you have got legal representatives, or has it just been a simply entrenched situation on this dispute?

Mr Power: From where I sit on the matter, we have never had a phone call from any of the authorities to say, "Come in. Let's sit down and talk about this." There was the mandatory mediation, the first time we went to the AAT process, which did not result in any activities and did not result in a resolution.

THE CHAIR: Was that because of unwillingness on either side to give ground, or on one party to give ground, or was there just no scope for a middle position on this?

Mr Power: I suggest there was no scope for a middle ground, because the basic starting premise was that on five occasions we had been told, in writing, and had members of the heritage council—experts appointed by the ACT government—come on our property and indicate that our house was smooth. That position was reversed, and I subsequently can prove that the basis on which that reversal occurred is flawed.

THE CHAIR: Right. I am still trying to find my way through here—whether for people in like positions in the future there might be a more amicable outcome that can be achieved. That always involves, obviously, people maybe giving some ground. Throughout your evidence you speak of other parties, but I wasn't entirely clear—I'm not sure whether Ms MacDonald formed a view—to whom you were referring. Were you referring to complainants from within the community there, that those within ACTPLA were driving this, or through some other agency that in your view was unfairly using the system in terms of your application?

Mr Power: I can only base my evidence on material found through FOI. Through FOI there is evidence of certain events—like a meeting occurs on 3 December 2003 on our property. In a matter of a week, a member of the public writes to the authority, saying, "I've become aware that a decision has occurred—

THE CHAIR: Okay. But you haven't really answered my question. I want to try to get a fix on where the problem has been generated from your perspective.

Mr Power: From my perspective, the problem appears to be generated from a philosophical position that the views of the committee of the residents association, which seem to be fairly strongly formed, appear to align with some members of the heritage unit and that appears, in my case and from where I sit, to be the cause of most of the issues in this particular matter.

THE CHAIR: So really, from an authority point of view, the heritage council is probably the countervailing body in this dispute, rather than the broader authority, ACTPLA. Is that reasonable?

Mr Power: I would not say that it is the heritage council per se, because two of the three members of the heritage council actually supported smooth render; it was only one. However, the issue was that there was the delay of 8½ months, in which case the authority chose to refuse our amendment the second time, claiming detriment to the residents association, and overturning expert advice.

You can examine the FOI material and examine the correspondence between them. One example I can quote, and I will almost get the words correct. There was a potential FOI process that I would submit. An email exchange occurred between the heritage unit and the planning authority. At that point in time, a senior member of ACTPLA sent an email to other people in our matter and said, "Please note the warning below." Why does there need to be a warning—

THE CHAIR: What was the warning?

Mr Power: FOI was potentially coming; an FOI request was potentially coming. Draw your own conclusions. Given the requirements for record keeping, why do public servants need to create warnings about an FOI process?

THE CHAIR: Just let me then move on to the culture. We have had this discussion—it is on the public record—with the housing association a few weeks ago, when they talked about the culture within ACTPLA. I don't want to personalise this if we can avoid that, but if you can just give me your perception of what the cultural issue is that you referred to within ACTPLA.

Mr Power: I think culturally there is, in all likelihood, a general desire to do the right thing. However, I believe there also is a cultural element of, "If there is someone that we don't particularly like, if someone is going down a path that we don't particularly agree with, we will use whatever means we can to create grief." For example, for two years we were asked to put in an amendment to our development application, but we kept saying, "We don't need an amendment; the works are completed." It was only after I finally got the President of the AAT to change his view that I received a letter from Neil Savery asking for a development application. Culturally, I believe there is potential to rely on the ignorance of people like me about the workings and functions of the land act. Someone can say, "I require you to put in X." I could say, "I don't believe I need to put in X. What are my options?" So, from a cultural perspective, I believe there is a capacity, if there is someone that you don't necessarily agree with or support, to use the system to cause them grief.

THE CHAIR: What is the resolution to your problem at the moment? Where are you up to with this whole saga? Is there a mechanism here that you see available under the processes we are looking at where you may be able to achieve resolution?

Mr Power: I would like to think there was. However, the bizarre issue is that on 17 October I completed removing the render on my house, which has been failing after 75 years. I had two engineers, an architect and a quantity surveyor all coming on site and confirming it needed replacement and repair because it was failing. We completed removing the render, only to receive a notice of prohibition in our letterbox one evening. So: "Don't remove the render. Oh, it needs repair? Okay, you've removed the render.

Don't put it back on." So we have the situation now where we have a notice of prohibition issued to us on 17 October—

THE CHAIR: For works that have been undertaken already?

Mr Power: For works that have been undertaken already but works which are authorised under the territory plan. Section 4.2A of variation 173 allows you—

THE CHAIR: Can I take you back to my question: how do we get this resolved using the process? Are there deficiencies in the process?

MS MacDONALD: Can I just ask about that. So your house is not rendered at the moment?

Mr Power: Yes.

MS MacDONALD: The bricks are bare at the moment?

Mr Power: Absolutely, and they have been—

MS MacDONALD: And presumably they need to have something sealing them?

Mr Power: Absolutely, because we have a 1936 lime-rich mortar exposed to the weather. Half of the house has been exposed for 18 months and, in fact, when we wrote to the authority about 14 months ago asking whether we could please put a cover on it, we were ignored. No response was ever provided.

THE CHAIR: So you're looking now to try to get some form of authority where you can complete the render and close the file on it?

Mr Power: Correct.

MS MacDONALD: I have another question. You talked about a mandatory conciliation, was it?

Mr Power: Mandatory mediation is part of the AAT process.

MS MacDONALD: I know you have the chronology here, and I have looked at bits of it, but I haven't memorised it; I hope you will understand. Before that happened, had you had a meeting with either the planning authority or the heritage unit or all three parties—you and your architect and—

Mr Power: No. There was an original complaint about render on our property. A member of the heritage council attended on site and wrote a report saying smooth it was—didn't affect the suburb. That report was ignored. On 3 December 2003 all members of the heritage council came on site and said smooth it was; minutes were recorded of that.

MS MacDONALD: And were you present at that meeting?

Mr Power: Absolutely. However, I wasn't at that time given the option to exercise my right ingrained in the land act to refuse access and/or give consent for such a meeting. At that stage I was not aware of my rights and they were not given to me, explained to me. Then we proceeded, after receiving a letter from the minister saying smooth render is probably okay. We started removing it. At that point, an hour and a half after we started, we had a stop-work notice issued against us, and then, a week later, a notice of prohibition. And there it stopped, until we got the revised decision. So at no point from that point on was there any formal engagement up until the AAT mediation process, which happened in May.

MS MacDONALD: I don't live in Reid. I have been there on occasions but I honestly couldn't tell you the render of other properties. Are there other properties in Reid that have smooth render?

Mr Power: I can tell you that, based on my research of really sophisticated things called the Internet and the National Archives, I have found photographs of homes in Reid in 1936 that were smooth. Yet the advice that was used by Dr Sandy Blair to change—there's the question—the opinion was that there were no smooth-rendered homes in the twenties and thirties.

MS MacDONALD: I'm talking about now, though. Are there any—

Mr Power: There are 10 homes that existed in 1933 that were smooth and are still smooth today. There is actually a type 10 home about five doors up from us that is smooth.

MS MacDONALD: I'm sorry; I don't know what a type 10 home is.

Mr Power: It's just a style of home; there are certain styles. So, yes, there were homes in the 1920s and 1930s that were smooth. There are homes from the twenties and thirties today that are smooth. The point is that in our particular case the bizarre fact of it is that the citation for the suburb is about streetscape; it's about landscape; it's about the view when you walk or drive down the street. It's about the relationship between the road, the trees, the footpath and the property. It has got nothing to do with—the citation does not mandate—rough or smooth finish. This is why in our case this is just so bizarre, and this is why we've struggled all the way through. And that's why when we have experts appointed by the government coming on site and saying, yes, it was smooth, and they change their mind, we get a little bit upset.

So, in terms of resolution, I think the simple fact is that there were smooth homes. We were told five times it was. We want to make the house back to what it was. We want to restore it. We want to improve the suburb. I'd like to be able to say: let's lift the notice of prohibition, finish the render, clean up your front yard, so that we can then have a property that we are all proud of.

THE CHAIR: You may not want to share this, and don't feel compelled, but would you be willing just to share with us what this whole process would have cost you in terms of time, money, representatives or whatever? Can you estimate it?

Mr Power: I have spent over $30,000 on legal representation. I run a microbusiness.

I have spent over 1,200 hours defending this position. When you look through the files, every step of the way there has been correspondence between heritage and the government solicitor. If you add all the public servants' time at their charge-out rates, the government solicitor's office, the engagement of consultant barristers and my time, I would suggest it is hundreds of thousands of dollars. And what that doesn't measure are the times when I'm sitting around the dinner table and my children are turned to tears. That doesn't take into account the time when on Valentine's Day, which was a Sunday, an A4 black envelope turned up in the letterbox. My two youngest children walked in and said, "Dad, is this a bomb or anthrax?" It wasn't; it was simply a promotional magazine. But it got to the point where that was the effect on people, on our life.

THE CHAIR: I'm very sorry to hear that.

MS MacDONALD: So you're in limbo at the moment. I understand the hearing at the AAT has finished, which is why we're having a public hearing at the moment. You sort of addressed this when Mr Mulcahy asked some questions before, but, with your opinion, your attitude as to why it has gone down this track, you believe that to be because of—

Mr Power: Personalities.

MS MacDONALD: personalities within ACTPLA or the heritage unit—

Mr Power: Both.

MS MacDONALD: taking sides with somebody from the association.

Mr Power: And my evidence: why are there six briefings? The classic example: the minutes of the association record that X attended a meeting at ACPLA at their request. Yet we were never given the same courtesy. But, when asked of the ombudsman, because the only place they are recorded is in these documents, they raised the question: why are they not recorded?

MS MacDONALD: This is moving away from the Auditor-General's report, but certainly I don't like to see anybody go through this sort of situation, and quite clearly it has taken up a significant amount of time in both of your lives. How do you think you can progress it?

Mr Power: As I've said, we received a letter from Neil Savery on 17 October. He copied that letter to Simon Corbell and Brendan Smyth. Today, we have completed a response to Mr Savery and copied it to those parties, plus to the opposition spokesman on planning. In that, I outline and address my concerns to the chief planning executive and I've put forward a potential solution: lift the notice of determination, let us repair our house, let us protect our family asset and let us just get on with cleaning the garden. I believe it to be that simple.

MS MacDONALD: Tell me: if you were prepared to put a non-smooth render on, would that resolve the issue? I'm not saying that that's the path you want to go down, but—

Mr Power: Sure. The fundamental issue is that I was brought up that when you say

something and you say it incorrectly you take the consequences. In this particular case, our concerns are that the position of entrenchment has been based on false and unreasonable premises. We've got to re-render the house. I think, morally and ethically, given what has gone on, there should be recognition that the smooth render is appropriate. Why? Because then we will have—if we don't—

MS MacDONALD: That wasn't my question. But that's okay—

THE CHAIR: That wasn't Ms MacDonald's question. We understand that position. I just think Ms MacDonald is looking for a solution.

MS MacDONALD: Yes, we understand that. I just want to know: if it was to be the case that you suddenly said, "Okay. I've had enough of dealing with all of this; I'll just go and put smooth render on," would that resolve the issue with these other people who have concerns about the smooth render?

Mr Power: Except there are a range of other claims of alleged breaches of DA, which I believe to be incorrect. Again—

THE CHAIR: Was that the one you said referred to in Mr Savery's letter? You said something earlier on about that.

Mr Power: That's right, yes. Again, I can prove all of those other issues. This comes back to a strategy. Can I give you some anecdotal evidence?

THE CHAIR: Keep it tight, really, because Ms MacDonald had a line of questioning that—

MS MacDONALD: Yes. It was more, I suppose, that I want to know: is it going to be possible to resolve the problem, or is the personality conflict to such an extent now that somebody is going to keep them going in terms of the other DA issues and complaints and non-compliance things?

Mr Power: I have had lots of claims and allegations levelled at me for two years. No one has ever bothered to say, "Mark, come in here, sit down and I'll show you why you're wrong." Every time I've raised anything, I've said, "This is incorrect, this is incorrect; here's my evidence." No one has ever bothered to say, "Well, thank you, Mr Power. What you've said I understand, but what about this, this and this?" So, in terms of a resolution and personality, it comes back to my statement in evidence about accountability. In our case, complaints were lodged and never investigated. It is an accountability side: if we keep wearing you down, one day you'll say, "I've had enough; I'm going to roll over."

MS MacDONALD: I really don't care if you have smooth render or non-smooth render.

Mr Power: Do you know what: most people in Canberra don't. That's the really sad part.

MS MacDONALD: Yes, I know. What I do care about is the fact that you're going through this and it is obviously a difficult situation. Anyway, I might stop at that because

we are at the end of our time.

Mr Power: From an auditor-general's perspective, it comes back to my thesis about culture: If I go to a chief executive and say, "I have certain concerns about certain staff," the natural tendency is to protect their staff—as it should be, because that's why they exist. However, at some point, someone has to say, independently: "Hang on. Is there some merit in what this person is saying? What are we doing to check or correct it?" In terms of the processes and a revised planning system, you must build in that, or, when someone runs a flag up a flagpole and says, "I've got some serious concerns here," if we don't have systems in place to check the veracity of any claim made, you can dabble with this all you like; it will make no difference.

THE CHAIR: On that note—and I think that is a good point to finish on—I might now adjourn proceedings, as we have gone about 15 minutes over the time allocated. I think both Ms MacDonald and I found your evidence of some assistance in our inquiry and I would like to thank you and Mrs Power for your attendance this afternoon.

The committee adjourned at 4.31 pm.