



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**STANDING COMMITTEE ON ECONOMIC DEVELOPMENT AND
TOURISM**

(Reference: [Annual and financial reports 2017-2018](#))

Members:

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

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 7 NOVEMBER 2018

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.

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Amended 20 May 2013

The committee met at 9.30 am.

Appearances:

Ramsay, Mr Gordon, Attorney-General, Minister for the Arts and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans

Chief Minister, Treasury and Economic Development Directorate
Peffer, Mr Dave, Deputy Director-General, Access Canberra
Arthy, Ms Kareena, Deputy Director-General, Economic Development
Jones, Mr Greg, Director, Workplace Protection, Access Canberra
Green, Mr Ben, Acting Director, Regulatory, Solutions and Compliance, Access Canberra
Rynehart, Mr Josh, Director, Customer Coordination, Access Canberra
Tyler, Ms Sam, Director, artsACT

Environment, Planning and Sustainable Development Directorate
Ponton, Mr Ben, Director-General
Morris, Ms Vanessa, Policy Coordinator, Building Policy

Cultural Facilities Corporation
Elvin, Ms Harriet, Chief Executive Officer

THE CHAIR: Welcome to the second and final public hearing of the Standing Committee on Economic Development and Tourism inquiring into annual and financial reports for 2017-18. On behalf of the committee I would like to thank you, minister, and your officials, including Mr Ponton, for attending today. The committee will be examining the CMTEDD annual report as it relates to Access Canberra and the EPSDD report as it relates to building policy. After morning tea we will move to arts engagement and the Cultural Facilities Corporation.

I ask that you read the privilege statement in front of you and confirm that you understand its contents.

We no longer have opening statements.

Mr Ramsay: You are disappointed at that, aren't you?

THE CHAIR: I am. I will start off by asking a question about Access Canberra. The satisfaction rating for the contact centre has decreased from 91 per cent to 83 per cent. Is there an explanation as to why the satisfaction rating has dipped?

Mr Peffer: That result is part of an annual survey that we undertake through Micromex. It is a survey that talks to a range of individuals and also businesses about their engagement with Access Canberra and the satisfaction that they have with our services. That particular result I think highlights that we did see a spike in wait times in the contact centre within 2017-18. We saw the average wait time increase to 347 seconds, five minutes and 47 seconds, and the average call handle time reach

188 seconds, three minutes and eight seconds.

Since we received that result in March of this year, the minister has been very clear with us about the expectations around our service delivery, and we have introduced a range of improvements to the service. One of those has been our call-back service. This we initiated in March. It covers a range of our business lines. Instead of waiting on the line, members of the public now have the opportunity to initiate a call back: they can hang up and we will call them back as soon as we can, often within an hour or two hours. Since introducing that service, over 5,000 Canberrans have opted to take up the call-back option.

We have also expanded our webchat service offering. People can seek answers to questions they may have online, directly conversing through a chat mechanism, through our website, with members of our team. The way that chat mechanism works is that if someone uses the search function on our website, if they search for a particular term and they cannot find an answer but then go on to search for another term, our website will pick that up, identify that that is a problem and suggest to them that we cover that through a chat session. Many people then take that up.

Pleasingly, since we have introduced those changes, in 2018-19 we have seen the average wait time in our contact centre reduce from 347 seconds to 145 seconds, an improvement of 58 per cent, which has improved the experience for Canberrans calling us and which compares very favourably to—

THE CHAIR: You are still waiting, though, aren't you, to have the issue resolved? You might not be hanging on the phone, but it is not being dealt with as quickly as it was. I note that in 2014 the average wait time was five minutes. That has increased to 10 minutes in 2018. Acknowledging what you have just said there about the call-back feature, why has the wait time increased progressively over the past few years? What is the reason for that?

Mr Pepper: I think I should clarify that the average wait time in 2018-19, this current financial year, is two minutes and 25 seconds.

THE CHAIR: Was that the average across Access Canberra?

Mr Pepper: Correct.

Mr Ramsay: And for October it was just under two minutes.

Mr Pepper: So it is actually declining as a result of some of the initiatives that we have put in place. This is quite a terrific result.

THE CHAIR: What was the wait time in the annual report?

Mr Pepper: In 2017-18, five minutes and 47 seconds. What we are seeing is that there is a greater complexity in the calls that are coming through. Where there were previously certain business lines covered with the contact centre and then other teams across government or across the regulatory agency had their own call centre type function, now we are having people call us looking to resolve more than one matter,

which takes longer on the phone but allows them to get multiple things sorted through a single contact.

MR PARTON: I am fascinated to hear about the nuts and bolts of that online facility, the chat facility. I am fascinated to hear how that works in terms of how that gets allocated to an Access Canberra officer. How does that roll out?

Mr Peffer: From the research that we have undertaken and some of the feedback that we have had from our citizens, we identified that people have a fairly short time that they are willing to allocate to undertaking searches to try to find an answer. They will try it once; they might try it twice; some people will try a third time. But as soon as we hit that point, often what happens is that people pick up the phone and call us to try to receive that answer.

The chat mechanism identifies when that is happening on the website. It will pop up a little dialogue box to ask if you would like to chat with one of our team members. It is not an automated process or anything like that. There is no robot behind the scenes; you are talking to a real person. The team sits within our contact centre so they can take both calls but, given the popularity of the chat function, it is now a dedicated team of people who engage with members of the public in a way that is comfortable and, I guess, normal for an increasing number of our citizens.

Mr Ramsay: I have had the chance to sit alongside some of the team members while they have been doing that. They are so knowledgeable. They are some of the most highly skilled and dedicated people. I have been amazed at the level of knowledge as those chats have started and the way they have been able to respond and work through them. Hats off to the Access Canberra team.

THE CHAIR: What percentage of them would be two-finger typists?

Mr Ramsay: I think it would be a pretty low percentage.

MS CHEYNE: It is a long time since I have been to a service centre, because I usually do it all over the phone. But I note that they had 67,500 items of feedback left at Q-Flow pedestals. I do not know what that is, but how are you getting so many people to feel as though they want to leave feedback? Are the Access Canberra service providers finishing the transaction and saying, “Have you had a good experience today? Give me five stars.” You know, 67,500 is significant.

Mr Peffer: It is significant. Really this is a testament to the team members that we have serving behind the counter or at the desk. We do encourage all of our teams to actively seek feedback, because it is the mechanism that we can use to continue to improve. The data that is provided, given that it is such a very large sample, is quite rich in its insights. For example, in a particular shopfront we can identify when one of our team members is having a bad day. They get a series of feedback calls that service is not usually up to their standard. Alternatively, it can identify particular transactions where we see time and time again that the experience is not as positive as we would like it to be. That gives us an opportunity to take that away and break down that transaction, redesign it and potentially digitise it, if that is a possibility, as well.

In short, it is a testament to the team members who encourage members of the public to provide feedback both good and bad.

MS CHEYNE: So they are doing that at the end of that transaction. They are saying, “Please make sure you say how I did today.”

Mr Peffer: They certainly are. It is the team members who are serving at the counters but it is also our concierges who do their best to catch people on the way out the door and encourage them to take a second or two, which is all it takes, to give us some feedback about how we did.

MS CHEYNE: You said that you are constantly monitoring that, checking if someone is having a bad day or lots of bad days. Is that being reviewed daily for the team?

Mr Peffer: Yes. Within the shopfronts, each team leader or shopfront manager has access to their teams’ data. They use that day to day to observe any trends; to identify any challenges within their own workforce that they need to focus on; or, if someone is struggling a little bit, perhaps to identify some areas of training that they might need. It is available there but it is also available to the broader executive team and managers so that we can identify opportunities for reform and improvement.

MS ORR: I would like to change the topic a little. You have introduced the rapid regulatory response team. Can you explain what this team does?

Mr Peffer: I will ask Mr Green to expand on that. However, by way of introduction the committee may have heard us talk in recent hearings or in estimates about the introduction of our complaints management team within Access Canberra. This team has provided us with an opportunity to source, collect and analyse a much richer source of data around complaints that we are receiving on a range of fronts, building being one of them. Through that data we have been able to identify areas of particular need where we need to focus our resources and to apply our regulatory interventions. I will get Ben to expand on that.

Mr Green: Thank you for the question. The rapid regulatory response team was established to respond to a couple of issues. The primary one was around how quickly we were engaging with citizens who lodged complaints with us. That is about our getting on site quickly to determine whether there has been a breach of any of the planning and building legislation.

The officers—it is a team of four at this stage—undertake a preliminary assessment on site to make that assessment. There has been some really good success with that. The team itself is made up of building professionals. One of them is a building surveyor and there are some highly skilled investigators who undertake a variety of work across the building and planning side.

Since the inception of the rapid response team, the team has dealt with 82 matters. They have been complaints that have come in since the beginning of this financial year. They have been able to resolve 35 of those matters at a single point out on site, generally either through identifying an issue and being able to get that resolved or

through analysing what has occurred on site and determining that it is not a breach of law.

In addition to the 35 that we have resolved at the single point, we have been able to refer 12 to other areas. For example, if it relates to contractual matters we have been able to refer that internally for a fair trading investigation. We have also escalated 35 to formal investigation where a breach has been identified and we then take that next step of gathering the evidence that is required to either prove the breach or to work with the relevant parties to get that matter resolved.

Since its inception, we have seen a number of complaints come through. This year we have received 113 complaints into the building and planning compliance area and we have been able to manage the resources to turn around within nine days a resolution for a constituent first up.

MS ORR: With the 35 escalated cases, how long can it take to do an investigation to one of those?

Mr Green: It really does depend on the matter. If it is a large class 2 development, for example, where we are seeing water ingress issues, the investigation will often rely upon expert reports being prepared. That is usually facilitated by unit corporations and bodies corporate to be able to inform any potential action that can occur.

We have certainly seen that over the last little while. We have commenced processes in terms of issuing show cause for rectification orders to be issued over a number of buildings in the territory. Often that can take anywhere up to 60 days to get the information that we need and the evidence to be able to take that matter through to resolution.

We do often see, where we issue rectification orders, that if parties are not willing to cooperate we end up in a tribunal situation where we will need to see that that matter is reviewed. Those experts are then called on to provide supporting evidence as well.

MS ORR: It can be quite variable in the time to reconcile those escalated cases.

Mr Green: Absolutely, and it often does depend on the cooperation of the individuals involved.

MS ORR: How has all this impacted the number of notices that have been issued?

Mr Green: We have seen an increase. I think it is fair to say that if we look at our complaint figures over the year, having received 113, we have also closed 159. A lot of those are closed through engaging and educating those people involved. Fortunately, it has been rare that we have had to use formal enforcement mechanisms. But, from my perspective, we have reached a point where we need to send a clearer signal to the industry and we have increased our enforcement capability over the recent months.

In terms of the formal enforcement activities that we have undertaken, we have issued four notices of intention to issue a rectification order relating to building failures. One

of those notices has been issued and three are still in progress and yet to be determined. We have issued seven show cause notices under the Planning and Development Act for control activities. Control activities range from people building structures without planning approval or development approval, failing to comply with provisions of their crown lease or failing to keep their leasehold clean. We have seen an increase in that activity.

We have issued three of those orders. One of them is an ongoing control activity order that operates for a period of five years on a property in Kaleen. We are yet to determine four. We have also increased our action around demerit points against licensees. In relation to builders and building certifiers, we have issued 30 demerit points in the past few months.

One of the other provisions that we have under the Building Act is to direct that building work occur where buildings have fallen into a state of disrepair, are structurally unsound or unsafe or there has been a building approval issued and building work has not been completed when the approval has lapsed. We have issued eight notices under that act.

We are also increasing our visibility on site during the construction process and have stopped a number of building projects from proceeding due to failures to comply with their building approval. So far we have issued 12 of those stop work notices. Our enforcement activities have increased over the past couple of months. It is certainly sending a clear message to industry that we are going to be out there more often and we are going to be taking these actions where they are proportionate to the action that is being undertaken.

MS ORR: Mr Green, just for the record, you said that there is a whole range of things that you can do. What are some of the actions? You referred to giving a notice of intention. Can you run me through what the tools are?

Mr Green: Certainly. Under the Construction Occupations (Licensing) Act there are powers to compel a licensee to rectify an issue. That goes right across all construction occupations. It can apply to an electrician; it can apply to a plumber; equally, it can apply to a builder.

As part of the natural justice principles that exist throughout the law, we are required to issue a notice basically asking them to show cause as to why we should not issue a rectification order. It does take some time, as I previously discussed, to get that evidence to a point to be able to issue a show cause notice.

That provides the relevant licensee with an opportunity to come back to us to provide their view, provide alternative expert reports if they feel that that is necessary, and from there we will review that information and make a decision about whether we should be issuing a rectification order in that circumstance.

MS ORR: You mentioned in your previous answer that you have put demerit points in for certifiers. Are you able to give examples of what sorts of things are leading to those demerit points, what sorts of actions?

Mr Green: In relation to building certifiers and the demerit points, we have seen a couple of occasions where a certifier has undertaken one of the mandatory inspection points under the Building Act and the work that happened prior to that inspection point has not been compliant with the building approval. So they have continued and allowed building work to commence from that inspection point rather than stopping the work, getting the building approval amended and then moving on from that point.

MS ORR: I go back to an earlier part of the answer. You said that there is quite a lot of data being sourced around the complaints. It is allowing you to identify areas that need further focus. Can you run us through what data you are collecting and what trends and opportunities you have seen coming out of it.

Mr Peffer: I guess aggregating the complaint data that is coming in from across the community under a range of acts that we administer gives us much greater context in the environments that we are operating in. Building, of course, is an interesting economic environment where there is a range of other factors at play that motivate particular decisions that get made by builders as they act.

The complaints management team has now given us a much richer source of data, I guess, to really identify two things: one is what is it that is generating complaints? What is the nature of the poor quality built form outcomes that we are seeing coming through in the data, whether that is waterproofing or fireproofing or whether they are much smaller fair trading type issues? So it is giving us better visibility of the nature of complaints that are coming in.

The second, and perhaps most important, is much richer data around the particular builders who are operating in the territory who are now receiving multiple complaints or complaints on different fronts. It may not just be complaints that are coming through under the Building Act or the Construction Occupations (Licensing) Act. It could be under a range of different acts, whether that is environmental protection or other things that help us to build the context around our enforcement or compliance activity that we undertake.

Mr Green: I also add that we do have a proactive compliance program in the building space. A lot of our information can come from that space around the defects that we are seeing. I think it is articulated in the COLA annual report, the number of areas of non-conformance identified relating to things like inconsistencies between the development approval and the building approval, issues around structural compliance, compliance with the building code relating to access and egress, and weatherproofing. So it is being able to identify whether there is a pattern to those things occurring and for us then to target our program into those areas as well.

MS ORR: With all these activities going on, are you seeing an impact on the number of complaints received and resolved? Are you starting to get more complaints because there is more activity going on in this area? Do you see fewer because builders have already pulled up their socks?

Mr Green: In terms of this year, we have seen 113 cases since 1 July. That can be related to the increased number of building approvals that are out there. A lot of issues we do see are planning. We do have a very active citizenship who are aware of the

planning laws of the territory and who are concerned about what goes on.

A lot of the matters we do get—this is some work we will be doing from the education perspective—are not matters that require any form of approval. They are simple things like a pergola on a neighbour's property where it may have resulted in a neighbourhood dispute and something escalating to us. So we are seeing some of that information.

I think the key for me is that we are seeing that the number of our complaints closed is higher than the number of complaints that we are receiving. We are clearly being able to impact a lot better. I think that comes down to the rapid regulatory response team. They have been able to get out there quickly, engage quickly with the people involved and, where we can, make a decision quickly about whether it is something we can take action on.

MS ORR: You mentioned in one of the previous answers that the certification and the documentation are not necessarily marrying up with the building as much as they should. What changes have you made to the minimum document requirements so they are articulated more clearly?

Ms Morris: Some of the work that we are doing at the moment is to develop documentation guidelines for people who are applying for building approvals. That is really aimed at not the certifiers themselves but the people who are putting together specifications and plans for building approvals, including engineers, architects and building designers.

With that work, we have effectively got to a certain point where we are up to targeted consultation with particular people. The expectation is we will have that early next year for deployment. That piece of work also feeds into a whole range of other auditing work that we and Access Canberra are doing on improving things across and throughout the building process—what can actually be lodged and who that can actually be lodged by.

Mr Ponton: In terms of those guidelines that are being developed, we are also working with architects and engineers to have diagrams incorporated into those. So it will not just be a series of words; we will have examples of what is expected in terms of developing documentation to make it abundantly clear what is required.

Mr Peffer: While this work is being undertaken by our colleagues in EPSDD, we are not sitting on our hands regarding the attempt to improve documentation. A message has gone out to industry, and all certifiers as well, about a certificate of occupancy and use audit, which has commenced now. One of the things that we are identifying where we have poor quality built form is that often the certifier has signed off on a set of plans as being final which do not represent work as executed, or what you would observe if you were to look at the building.

The particular challenge that causes, of course, is that, when you are attempting to rectify a building, perhaps five years after the fact, the plans do not necessarily give you an insight into what was done to complete the building and where the possible issues might lie.

The minister announced a COU audit recently. When an application comes in for a certificate of occupancy and use, it is about auditing what has been submitted in the plans against the built form out on site. Where there is a difference, the certificate will not be issued until that is rectified.

MS ORR: So that audit would involve going through the paperwork and doing a site visit. Is there anything else?

Mr Green: Yes, that is correct. Certainly, for the month of October we have undertaken 34 audits as part of that audit program, mainly checking compliance with the building approval, development approval and compliance with the building code.

The reason we initiated this audit at this time of year is that we often see a rush towards the Christmas deadline—people wanting to occupy buildings. We are not looking to hold up occupation of buildings but we do not want to see scenarios where corners are cut, and people have outcomes further down the track that end up in rectification issues.

Certainly, we have already seen 32 per cent non-conformance being detected. Some of those issues relate to buildings not being in accordance with the approved plans and some are on the technical side, around slab-edge protection. Our team is working hard with certifiers and builders to make sure that (1) their documentation is correct and (2) the outcome on the site is compliant with the building code.

MR PARTON: Can I get a quick sense from the minister and/or Mr Peffer: a brief assessment of the success of the rapid regulatory response team? We are talking about a small team; we are only talking about four. Why is it that this team has been able to achieve what it has been able to achieve in a short period of time? Is there a chance that it will be expanded or will some things from this be—

Mr Peffer: Mr Parton, what it is effectively doing is triaging what is coming into the organisation. Previously, we did not have a mechanism that did that. That means that if the team is fully committed on a couple of investigations—some of those might run for a number of years—we would have citizens that put in a complaint and then wait for long periods of time.

One of the things we have learnt about that is that the longer someone waits for a response, the greater the expectation grows. Whereas we might go back to a complainant, at a point in time some years after the fact, and say, “In fact, this isn’t a breach,” that is perhaps not what they were looking to hear after such a long period of time.

The rapid response team obviously flips that around. There is almost immediate contact, with observations on site to determine whether it is a matter that they take on and investigate for a potential breach, or whether it is a matter that can be resolved very quickly through one of the team simply calling a builder and saying, “You might want to go and have a look at this.” If it gets fixed, that is terrific; it is a good outcome and a very quick turnaround. It has shifted how we respond to incoming complaints.

MR PARTON: Not specifically referring to the case that you mentioned, Mr Green, but on a broader basis, when we do come across those instances, like the one you mentioned regarding a certifier who has given the tick when the tick should not have been given, what, typically speaking, is the penalty there?

Mr Green: We need to keep in context the role of the certifier. There is probably a level of confusion about that. A certifier is not the building supervisor. They are attending a building site only maybe four or five times to undertake an inspection at critical hold points under the Building Act. With that in mind, and where we can clearly identify that they have allowed something to proceed past the inspection point, it depends on the severity of it. We want to be proportionate about our response.

Generally, we are issuing demerit points in those circumstances. One of the things that I have done in the past two weeks is to bring all of the building certifiers together—as many as we could get—to have a conversation about the issues that we are seeing and to get feedback from them about the issues that they see on site and the complexities around it, opening up that narrative with them for them to understand.

We had a number of pictures about some poor building practices out there, and a picture tells a thousand words. To put that in front of them and say, “These are potentially things that you’re either missing or you’re signing off that we can’t necessarily align to a particular inspection point,” really heightens their awareness around it.

We try to work with them to understand those issues. But where we need to, we will issue demerits. Again, depending on the severity, we have the powers to undertake disciplinary action by applying to the ACAT for occupational discipline. Certainly, in the past there have been matters that have gone through an occupational discipline process, which resulted in a reprimand of a certifier, a suspension period. Where we look to identify these issues, we will be looking at taking that proportionate action if required.

MR PARTON: What was the vibe of that meeting with certifiers? Do they feel under siege? Do they feel on notice?

Mr Green: Certainly, the feedback I have had is that they have welcomed the engagement with the regulator. They see it as a good opportunity to provide that feedback.

MR PARTON: That is what they are telling you.

Mr Green: That is what they are telling me. I am not quite sure who else they have spoken to. Certainly, I was pretty clear with them about what my expectations were, and being able to highlight those issues to them. Also, it was about understanding that we need to work with them to resolve some of those issues. We cannot just go out and whack them over the head for every single breach that may or may not have occurred. We know that a building process, the construction process, is quite fluid. But these critical stage inspection points are those points where certifiers need to be taking that step to say, “No, you can’t proceed until such time as you have amended your building approval,” for example.

Coupled with that, we will be out on site a lot more. The role of another one of our teams, the construction audit team, who are doing the certificate of occupancy audit at the moment, is to be out there proactively throughout the build process on buildings to identify those issues. Overall, I think the feedback has been positive. I am happy to hear otherwise if other parties have a different view.

MS LE COUTEUR: You talked about going to ACAT. I know I have read of at least one ACAT case where you were not successful. Are you planning to send more cases to ACAT and aim for disqualification?

Mr Green: I do not think it is fair to say that we aim to take things to ACAT. We aim to have a proportionate response to the matter as we see it. We need to take into consideration (1) the facts of the matter, and (2) the behaviour of the licensee, if they tend to cooperate. We want to be outcomes focused. If there are issues for citizens, we want to see that outcome achieved.

More often than not, and certainly from looking at the complaint figures that come in, and the complaints that are closed, a lot of that is achieved by engaging with licensees to get the outcome, and not going down the path of rectification orders. Having said that, we will do that, and we have done that, where it is deemed necessary.

In relation to taking action against licensees, again, a demerit point is a significant action. It is effectively a shot across the bow of a licensee to improve their behaviour. Yes, there is a process where, if they get to a certain number, we take that process to occupational discipline. For licensees who just want to flout the law, we will look at taking that occupational discipline to either suspend or disqualify.

That is not a decision in terms of the penalty as such that we will be able to make. We can make a recommendation to the tribunal. It is ultimately the tribunal's decision about what is proportionate. That is why we need to consider that as part of our process through an investigation.

MS LE COUTEUR: You talked about natural justice, and you were talking about natural justice in connection with the building people: the certifiers, the builders et cetera. Do you look at it in terms of the person who is being negatively impacted by these activities? Certainly, I have heard from many people who would feel they have not had natural justice because what has been done has significantly negatively impacted on them. The building professional has, at the worst, got a rap over the knuckles. It has not had any significant impact on their lives at all, but it has had an ongoing negative impact on the neighbour or the building owner.

Mr Green: Certainly. It is a difficult balance but, from my perspective, we have an industry that is providing services for citizens of the territory, and we need to make sure that both parties are provided that opportunity for natural justice. Certainly, where harm has been caused to a citizen through poor building practices, our first issue is: is it a breach? If it is a breach, what can we do to rectify that? As I have mentioned there is often a better outcome for the citizen if we can engage with the relevant licensee to get that fixed.

Mr Peffer highlighted earlier the results that we are seeing from the rapid regulatory response team. Having complaints drawn out for a long period of time often escalates the level of angst for citizens. We have tried to rectify that by getting out there quickly and being able to make a call relatively quickly about whether it is something that we can take regulatory action on, or indeed get an outcome for.

MR PETTERSSON: How many WorkSafe inspections were carried out, and were they in any particular industries?

Mr Ramsay: Although WorkSafe sits within Access Canberra, under the administrative arrangements Minister Stephen-Smith has the responsibility for both policy and the oversight of the regulatory side of WorkSafe. I think there is some space for some conversation, seeing we have the officials here today, but we will need to be mindful that it is certainly not going to be my place, either personally or with the officials here, to be speaking in the areas that are covered under Minister Stephen-Smith's responsibilities.

MR PETTERSSON: I am mainly just interested in how many and the focus of them.

Mr Jones: In 2017-18 there were a total of 4,134 workplace visits, which is a combination of both reactive and proactive visits. The proactive visits are planned audits where we attend high-risk or focus areas. Out of that 4,100 there were over 2,400 proactive visits. This year to date, which is just less than four months, we have done just over 1,200 workplace visits.

MR PETTERSSON: How does that 2,400 proactive compare to previous years?

Mr Jones: In the previous year, 2016-17, there were 1,933 proactive visits. In the year before that, 2015-16, there were 1,434. So since 2015-16 they have almost doubled the proactive visits.

THE CHAIR: On the visits, previously you gave evidence that following an altercation with the CFMEU and your officials being threatened, they were travelling in pairs. Is that still the case? They are still travelling in pairs?

Mr Jones: I am not sure we were threatened. But generally speaking where there are potential right-of-entry discussions which we are pursuing, we will go in pairs. Often there are a number of people on site: employer, employee and other stakeholder reps; so quite often we need numbers to deal with all parties as quickly as possible. We certainly do in those situations go in pairs.

MR PARTON: My question refers to the ongoing conversation on the strengthening of the integrity of the ACT's building industry. It is a conversation that seems to be to some extent repeating itself. There are a lot of things being said now that were being said four or five years ago. Back in 2015 and early 2016, Minister Gentleman reported that the government was taking action to strengthen the integrity of the building industry with the implementation of 43 reforms that were to be in place in stages leading up to, in theory, the end of financial year 2017-18. Of the 43 reforms that were announced in 2016, how many have been fully implemented?

Mr Ponton: Of those 43 recommendations, we have identified 15 that we believe are the most important for this current financial year. Last financial year we spent time building the team, and that work has continued. One of the challenges for us has been to identify key people who are suitably qualified to assist. As of about six months ago, essentially Ms Morris, who is here, was the building policy team. But we have been expanding that team with the support of the government through the budget process. Now that we have spent the time identifying the right people and getting people on board to assist, we are working our way through those first 15 recommendations and are on target to achieve those 15 recommendations.

In terms of the priorities, that has included expanding the licence examinations for new applicants for B and A class licenses, developing the codes of practice with builders and building certifiers, and finalising the minimum documentation guidelines that we talked about a bit earlier. Also we are developing a training course with building surveyors. That work is well underway, and I am sure that Ms Morris will talk a bit more about that shortly. As I said, there are 15 recommendations that we are focusing on for this financial year and we will just need, next financial year, to work our way through the 43. But in—

MR PARTON: Is it safe to say, then, Mr Ponton, that the initial announcement from the minister was somewhat ambitious? His announcement suggested that we would have completed those reforms by the end of last financial year, and you are talking about the first 15 of them.

Mr Ponton: In terms of the specific response to your question, Mr Parton, as I alluded to earlier, the greatest challenge for us has been identifying the right people to undertake the work. That has caused some delay. Now that we have been able to build the team, we are confident that we can get on and get the work done. We are doing that in a coordinated way.

MR PARTON: The sense from a number that I have spoken to in the industry was that, although the reforms were announced in 2016, the perception for many is that there was a sort of sitting-on-hands period when not much was really achieved in that space; it was sort of put on the back burner. Is that a fair reflection?

Mr Ponton: Not at all. I think I have answered that question. The greatest challenge for us, and I will say it again for abundant clarity, has been developing the team. We were funded, in terms of the resources, to undertake this work. But, across Australia, getting expert building professionals in this policy space is a real challenge.

MR PARTON: I grant that those challenges have presented themselves. But, again, the initial announcement suggested that we would complete this process by the end of 2018. What do you think: 2020, 2021, 2022?

Mr Ponton: I will hand over to Ms Morris to talk about the specifics of the reform and the next steps.

Ms Morris: At this stage we are scheduled to complete everything by 2019-20, so the next financial year after this. Some of the delays also have been because while we were working through our program there was a range of national reforms or national

projects that came along as well.

All of those things that related to, say, dispute resolution and security payments were somewhat delayed because there was a national security payments review which was looking at a lot of the same things that we were considering looking at. So we did postpone our work until that work was completed. That report is now out and each jurisdiction is looking at it in the context of both their own reform programs and the 86 recommendations that have come out nationally.

In addition to that, the Building Ministers' Forum commissioned a report on compliance issues with the National Construction Code. That report came out earlier this year as well. So we and other jurisdictions are considering those recommendations in the context of these reforms. There has been a range of national work, as well, that we have sought to stay in alignment with, rather than complete things and then have the national report come along and recommend something entirely different. That is another reason why some of these reforms have been postponed.

As Mr Ponton mentioned, there are 15 scheduled for this year. We have completed 13 and there is another one that is partially complete. A lot of the changes that we made in 2016 were really the foundation for what we are doing now, to put in heads of power on a range of things in various laws so that we can then work through this program.

One of the reasons you do not see things coming out one at a time is that a lot of these are highly integrated. They are also taking into account the information that is coming back now through Access Canberra on particular issues that we may need to focus on. So, for instance, the minimum documentation guidelines also link into the code of practice for the building surveyors, which links into the training for the building surveyors, which links into the auditing system. It also links to the code of practice for builders. All of these things need to work together, so that is why they will come out in a very short period next to each other as opposed to one thing coming out, say, every month.

It is a very large piece of work to effectively reconfigure some of the baseline assumptions under the act about what supervision actually means and what documentation actually means. The work we are doing now is to set that up. But we have scheduled everything to be completed by the year 2019-20.

MS ORR: Ms Morris, as you said, they are highly integrated. They also seem to heavily involve industry. How have you been working with industry as you have been reviewing these and going through the process of implementing them?

Ms Morris: Most of these will have some level of further consultation with industry. We do have regular conversations that are informal with a range of different people on a lot of these reforms. For instance, we may have conversations with the Government Architect or specific experts in industry, say, on security payment matters. Each of the reforms will have a slightly different, potentially, consultation period, but we will be working closely with various people in the industry to make sure that what comes out at the end is workable.

MS LE COUTEUR: My question is about the occupational discipline of architects. I asked a bit about it of the board last time but I want to follow up on the broader policy and regulatory questions. I asked a question on notice earlier this year about whether an architect's registration could be cancelled due to failure to comply with building planning and heritage work, and the answer was no. My question is: why not?

Mr Green: The Architects Act is not an act that regulates the practice, in effect. The purpose of the Architects Act is around regulation of the profession. If you would like to call yourself an architect, you have to be registered. That is the extent at this point in time in terms of the regulation. It does not go to whether an architect has designed something that is not in accordance with Australian standards or the Building Code. It does not go to the behaviours of an architect in the way that they deal with clients. It is a piece of law that exists to allow the profession, in effect, to call themselves an architect. Their disciplinary matters are more relating to people who are calling themselves an architect and who are not registered as an architect, and that is the extent of the law.

MS LE COUTEUR: Given that—and you are basically saying there is no broader follow-up as far as you are concerned—if the Architects Board are not upset, then you have no role. I am aware, and I imagine you are aware, of an incident with an architect where community members were unimpressed and hopefully something more could happen. Your answer basically is no?

Mr Green: Certainly that specific matter, if I recall the matter correctly, came to the Architects Board about the behaviour of the architect, the design aspects of that building and then the build outcome. I think, if I do recall correctly, that matter was referred to Access Canberra and to the building planning compliance team to deal with that side of things.

In terms of the architects themselves, the Architects Act at this point in time does not deal with them undertaking that architectural service. Certainly the Architects Board is cognisant of the fact, as is the Architects Accreditation Council of Australia, which is a representative body of the regulators across the country. Our Architects Board in the ACT has been doing some work to develop a code of practice and a code of conduct.

Again, that code, though, is confined by what the law allows. The law is not a law that regulates the practice and design components of architecture. But I understand—and Ms Morris might be able to expand a bit further—that there was a discussion paper in relation to regulation of design practitioners previously that might go to the issues that your constituents are—

Mr Ramsay: And can I also note that the Architects Board has a hearing on Friday afternoon.

MS LE COUTEUR: I am aware. My point is: I have already gone that far with the Architects Board, and they have said no. I am now talking to you from the broader point of view having started with, I agree with you, the obvious people who could not really help. As you have said, that is not their line of business to be concerned about

what the architects do so much, just whether they are qualified. But you are concerned, hopefully, about what they do in the ACT. That is what I am talking about here.

Ms Morris: Earlier we did some consultation on regulation of people carrying out design practices. That was a whole range of people. What came back was that there was, I guess, a very different level across different types of people about what their skills and qualifications were, even within the one profession.

Certainly, a lot of the design courses do not really cover the Building Code at all. They are not really in the detail of building detailing—and we have that across a whole range of design courses. The current registration process would not necessarily be the basis for determining what was appropriate for regulating those people.

What also was apparent with our consultation was that there was a great deal of difference of opinion, shall we say, about what kinds of design information were required and, certainly, the consultation we did on the latest reforms did indicate that there were a lot of people who really did not understand what the purpose of a building approval actually was. They noted that they did not include a lot of this detail because they did not think it was actually necessary.

A lot of the work we are doing now, certainly within the minimum documentation guideline, is to really put on the table that that information is required so that we have a standard against which we can regulate those people now. There is further work under the reform program to do further consultation on specific scopes of work, particularly more complex buildings and mixed use buildings and things like that, whether they need specific regulation of the people who are actually undertaking those designs.

MS CHEYNE: Speaking of customer satisfaction, do we do any customer satisfaction on how people feel about their engagement with fix my street? I am aware that, and the annual report notes, there have been some updates to the interface of fix my street. Do we have customer satisfaction for it? What is the response rate and things like that?

Mr Rynehart: Thanks for the question. We have undertaken a range of improvements to fix my street over the past couple of years, including implementing new interfaces for customers to have a look at jobs that have already been raised. More recently we undertook a joint activity with TCCS to implement a new way for customers to log the jobs coming in, a more straightforward way to log a specific type of job, a better, specific type of activity.

We regularly receive feedback about our performance. The most common feedback that we have received about fix my street over time has been questions about logging the job in the first place and the feedback loop providing the answer back to the customer. We very much focus with TCCS on closing that loop for the jobs when they come through and giving the customer the information and updates on the work.

The most recent improvements that we have put in have been about joining the fix my street system, which is essentially a front-facing customer system, with the back-end municipal system where the jobs are logged and for the teams who go out and actually

undertake the work to provide that feedback directly between the systems so that the customer gets an automatic response back on the outcome of the work. That is the main focus that we have been putting on.

When we released the upgrades last year we undertook some customer engagement work in our service centres, to sit down with people and run through the upgrades and to see what they saw from an experience perspective. But certainly the work we are doing is on joining the systems so that customers get the feedback and they know ultimately what has actually happened with the work.

MS CHEYNE: And what have you done to join those systems?

Mr Rynehart: There was a project earlier—

MS CHEYNE: What is the technical aspect?

Mr Rynehart: There was a project that we undertook earlier this year with TCCS which was about connecting some of the key hubs of jobs coming through our system directly with the business system for the municipal areas so that the job goes in through fix my street straight to the municipal teams. They manage it within their business system and, when it is closed, it pushes it directly back out to the customer. When fix my street was first implemented it was largely a manual process where the jobs came in, were received by the teams through various means. They put it into their system, they completed the job then they manually re-entered it back into the system.

We are very much focusing on getting that to work automatically. There was a program earlier this year to start with some of the higher volume activity.

MS CHEYNE: What has been the outcome of that program?

Mr Rynehart: We have got jobs like tree jobs and streetlight jobs now automatically rolling through and we are looking at the next round. So we did—

MS CHEYNE: What do you mean by automatically rolling through?

Mr Rynehart: As I described it, the job comes in, it automatically goes to the team and then pushes it straight back out to the customer.

MS CHEYNE: How it is automatic though? It comes up. Are the TCCS officers carrying some sort of device that it goes through?

Mr Rynehart: No. I cannot speak for what TCCS do with it but what happens is that our system receives the job. The customer puts in the work and our system automatically sends it to the TCCS system and then they manage it from there. There are various ways that they manage it there. When they finish it in their system it automatically pushes it back to ours to tell the customer what the outcome has been.

We have released that for some initial higher volume activity as a test to see how that works and whether that is a better way for us to get the information back to the customers. And we are still in a testing phase for that. We are looking at and

inspecting this but we are looking at, if that proves more effective, rolling that out over a broader space over the next 12 months.

MS CHEYNE: How long have you been testing that for?

Mr Rynehart: It has been in place for about—I have to get the exact date. It is a couple of months now that it has been in place. We have just implemented it softly to start, to see how it is working, and we are getting the feedback from the customers to look at the outcomes because some jobs take some time to complete. Obviously jobs that are logged now might take a few months to be resolved. We are looking at a bit of time for it to work first and then see whether that is more effective.

MS CHEYNE: And I note, with the interface you put on the streetlights, trees and potholes processes, you can see if someone has already logged the job. Has there been any noticeable decline in people reporting the same things over and over or has it actually encouraged people to go, “Someone else has reported it. I’ll add my name too and really tell them it is definitely an issue”?

Mr Rynehart: When we looked at potholes there was a small decrease in the number of jobs coming through. I think it is fair to say it probably has not had a significant impact either way whether there are more or fewer jobs coming through. And it was not really about trying to lessen the amount of jobs. It was more about giving people an idea of there already being something that had been logged or not and to provide more information easily to customers when they are coming through to us.

MS CHEYNE: And finally on that line of questioning, last year, as many people are aware, there was a billboards inquiry. I very much appreciate that there is a working group underway and that it is more in the planning space. I can ask more questions about that. I think four of us in this room were on that inquiry. One of the things we discussed, and the recommendation was relating to fix my street, was that there was no option on fix my street to report billboards or signage that people think is inappropriate or in the wrong place. You can report election signage but that is it.

I was wondering if that has been given any thought or if it is caught up in that working group process. If it is caught up, could it perhaps be prioritised because it is really annoying? And it seems an easy fix and a recommendation that you can tick off.

Mr Rynehart: I am happy to have a look at it. People can report signage and billboards through other work jobs but there is no specific way at the moment. I am certainly happy to take that on board and to have a look at it for the system.

THE CHAIR: If you log a job at Access Canberra, it will be given a reference number. My understanding is that certain jobs have a certain time frame within which you would expect they would be completed, the time for removing a tree or whatever it might be. What is the feedback loop to the customer to advise them that that will be completed within a time frame or will not be? And if it exceeds that time frame, does that just continue or does the job actually cease? What is the process?

Mr Rynehart: When you log a job through fix my street there are two options to do it. You can do it anonymously, where obviously it is difficult for us to provide feedback

to the customer about what is going on.

THE CHAIR: What if it is on your property or adjacent to your property? Is that still fix my street, tree removal?

Mr Rynehart: That is a bit of a technical question. We encourage people to look at the website about whether or not it is captured for some of those matters. In the case of logging a job, if you choose to create an account with us, then at the point you log whatever the job is, you receive an immediate indication of the job number for whatever the job is. Then, for most of the processes, you receive an update at the point when the job has been assessed. For many cases the team needs to go out and have a look at it, find the issue and determine what they are intending to do, if anything. There is an indication at that point and then generally an indication at the closure of the work.

The time frames are dependent on the particular type of job that has come through, and they are largely set within the business unit that undertakes the work.

THE CHAIR: So if a job has a particular time frame and target, three months or whatever it might be, and it exceeds that period, do you advise the customer?

Mr Rynehart: I am not aware of a formal process or an automated process to advise customers of that. I understand that customers are generally advised how long the anticipated time frame is at that point of determination for the work. I am not aware of an automated process if it takes longer than that.

Mr Peffer: One of the improvements that the government is looking to make is an asset management system, through an initiative funded in Transport Canberra and City Services. This is a holistic system that captures, in time, all of the assets under management by Transport Canberra and City Services, everything from trees to the footpath and the road and everything in between. It is quite an extensive process to map all of that and determine the state of those assets.

One of the intentions of developing that new system, which is in the scoping and development stage now, is for a lot of this information to become available to the public. One of the requirements of the system that is being implemented was to back-end into the range of contractors that the government uses to undertake a lot of this work so that people can see when jobs have been allocated through a depot and who might be completing the work.

There is much greater visibility for a citizen, if they do have a tree on their property, to have a rough assessment, perhaps in two weeks, to have an inspection; and then to see, once the inspection is due, that it is a category whatever tree and this is the expected action to occur within this time frame.

THE CHAIR: There is some feedback I get, particularly from more elderly constituents who might not be engaging online but are ringing up, that they ring up, they log a job and then they just do not hear anything and they do not know what is happening. They do not know if it is going to be fixed or it is not going to be fixed, and it just seems to drag on. After a number of weeks, they will ring up and try to inquire,

but there is really no update. The people in Access Canberra will say, “Yes, your job has been logged,” and there is no update to it.

I was wondering if there is any sort of proactive process whereby, after a certain period, there can be some sort of feedback loop to say that an inspector has been there, whether it be a milestone based on action or a time line.

Mr Pepper: At this point in time we do not have that, but I am more than happy to look at that as part of some of this messaging that we tend to give to our customers about what is happening with progression. We can look at whether a phone call can be included.

THE CHAIR: Okay.

MS ORR: I want to ask about the new online birth certificates and registrations of birth certificates. Can I have a progress update on how it is going now that you can do this online.

Mr Pepper: Certainly. On 3 October, the minister announced the new process, a digital transaction that we have introduced in Access Canberra. Since the launch we have had 174 registrations online, in just a few weeks, based on the average number of 20 births per day, which is roughly what we see here in the territory. It is suggesting that we have quite a high utilisation of the service, in excess of 50 per cent, so an immediate take-up, suggesting that many of the community’s new mums are happy to jump online, either in the hospital or at a time and place that suits them back at home, and register the birth.

In terms of the average time now to register a newborn, it used to be 21 days; it has now reduced down to four. The service is available through a range of devices: smartphones, laptops and tablets. We have also improved the accuracy of the data that we are capturing. As you might imagine, with new mothers and fathers, perhaps a little sleep deprived—I can speak from experience—when they put their details into a form, they perhaps misspell something or we find that a particular letter looks similar to another letter and that ends up being an error on the birth certificate, which then creates a second process that people have to attend a shopfront to fix. The online birth registration process now has much improved our accuracy in the delivery of that service.

MR PETTERSSON: What exactly does a class C builder’s examination consist of?

MS ORR: You can take the test and find out, Mr Pettersson.

Mr Green: Obviously I am not wanting to go into too much detail about what is in the class C exam. There are a couple of primary areas that we want to focus on. One is around whether, should that individual become licensed, they understand what their obligations are under the law. There are questions around things that are around the Building Act, what they are responsible for. There are also questions around understanding what their roles and responsibilities are under the Construction Occupations (Licensing) Act; there is a series of questions around that. The other part of the exam is mainly around the technical components of what we would expect that

licensee to understand.

Through the design of the C class exam, we wanted to try to achieve a sense that they have their formal qualification; they have had at least one year post that formal qualification out on a site undertaking the work; and they have applied that learning, bringing it back to a point where they have been able to get that holistic view around what a builder does and what a builder should do and to articulate that in the exam around responsibility and their technical compliance.

MR PETTERSSON: How long does the exam go for?

Mr Green: Each exam varies. We have a number of exams, but generally speaking, it could take anywhere up to two hours to sit the exam.

MR PETTERSSON: This is a dangerous thing to go into, but there is a set number of examinations and you cycle through them in some order?

Mr Green: There is a set number of questions that cycle through different exams, if I can put it that way. We do not just set exam 1, 2, 3, 4 and 5; there is a bank of questions that we will cycle through different examination papers.

MR PETTERSSON: I understand that this is very new, introduced in 2016. How do the pass-fail rates now compare to when it was first introduced? Even though it is quite a small sample, do you think there is any trend there?

Mr Green: I think we are still seeing the same pattern in terms of the failure rate. We have had 104 applicants undertake the examination. Fifty-four failed on the first attempt, which is a failure rate of about 52 per cent; 48 went on to sit it a second time. Our current process is that you make an application for a licence; you sit the exam; if you fail it, you get a second opportunity to sit the exam; and if you fail that, your licence is refused. Of the 48 that sat that second attempt, 25 failed, so 50 per cent again. Where there is a new application lodged—and we have had 14 instances where someone has had a crack again, so it is of that 25—eight of those failed, and of three that went on from the second attempt, two failed.

What I can say is that there are some people who do take that choice to go away, do some additional learning, maybe get some mentoring, and work on areas that they have failed in the exam. But we are still seeing people who are persistent in trying to get a licence.

I think we have probably seen a decline in the number of people applying straight out of qualification and right on that one year deadline. People are now taking a bit more time to make sure that they are coming into an application process and are more confident in sitting the exam. I do not think that is necessarily manifest in terms of the results as yet, but we are seeing that sort of pattern establish.

MR PETTERSSON: If you fail your first test, you take the second test, which comes under that same fee. Is there a cool-down period between failing your second test and applying for another licence?

Mr Green: Not at this stage, no. That is something that is under consideration as part of the reforms to introduce the new licensing exam for class B and class A licence holders. It may be that that is something that we need to consider, particularly if we are seeing individuals not making the choice to go and brush up on their skills.

MR PETTERSSON: The test is held once a month?

Mr Green: Correct.

MR PETTERSSON: You could in essence take this test every month until you pass, if you are prepared to pay the 400—

Mr Green: If you are prepared to pay the licence application fee each time. As part of these considerations in terms of policy position, if we do not land at an exclusion period, we will need to seriously consider refusing at first point and running the gauntlet of the tribunal in terms of an applicant's skills. Clearly if we have a particular individual who wants to come back month in and month out, and is demonstrating that they are failing every single month, that is not the type of people that we want to be in the industry building homes and building buildings for Canberrans. So there will be a point at which we will just refuse to issue the licence.

MR PETTERSSON: Can you expand on how you would come to that decision? That sounds quite subjective.

Mr Green: The assessment process for a licence is captured in four parts. The first part is that they have to obtain their formal qualification. In the case of a C class licence holder, that is a certificate IV minimum qualification in building.

The second part is that they have to demonstrate two years or equivalent of full-time building work experience, one year of which has to be post the qualification being received. As part of that experience, there are a series of standards of competency that they need to demonstrate: things like understanding building technology, the actual physical doing, and demonstrating that they have physically done building work; an application of the legislation and building codes; and various other things that are required under that instrument.

The third thing is about that experience being verified by someone who is already licensed. They are the ones who are effectively providing a referee report to say that this individual has done this building work experience and has done it over that extended period of time.

The fourth component is the examination. There is discretion in terms of our assessment. It is not just a tick-the-box process; we need to look at what the criteria are. At the end of the day, from my perspective, we need to make sure that the people who cannot get this right are not in the industry. If that means that we need to change the instrument and the law, we will need to look at doing that.

MR PETTERSSON: Last question: what is the rationale for giving them two chances to pass the test?

Mr Green: I think this is part of natural justice. Particularly in the C class licensing space, they have probably not sat an examination before. They have probably gone through their whole qualification in terms of a competency-based training framework where they have not had to necessarily experience that. So for some individuals there is that sense of nervousness, and their ability to perform in that setting is limited. We initially made that decision that it would be a reasonable approach to allow for two bites of the cherry, in effect, in that one application.

MS CODY: What impact are the substandard private or offshore qualifications having on some of those licensing requirements?

Mr Green: Ms Cody, was that about offshore qualifications?

MS CODY: Offshore and some substandard qualifications.

Mr Green: We are not seeing a pattern at this point in time in terms of a particular registered training organisation. It is important to note that this examination is not a re-examination of what an RTO delivers; it is a whole encompassing assessment of what they have learnt, as well as what they have experienced in their time being on site under the supervision of a licensed builder.

A number of the qualifications that we see in the ACT are from ACT registered training organisations. We are not seeing a pattern of international qualifications. Certainly, if we do see that pattern, there are the assessment processes through VETASSESS that would make that assessment as to whether it is a comparable qualification. It is really a matter for ASQA to make that determination in that setting. But we are not seeing at this stage a pattern of one particular RTO putting out individuals who are not able to meet the examination.

MR PARTON: I have some broader questions on the function of the construction audit team. To start, does the audit team automatically inspect all construction sites? If that is not the case, how does it decide what to inspect?

Mr Green: As to your first question, Mr Parton, no, the audit team does not inspect every single building site. We take a risk-based approach to how we go about programming our audits. We have an annual program, which is subject to change, depending on external factors, where we look at targeting those areas that are of greatest risk.

That is utilising data from the complaint side of things, and utilising data that we get nationally around issues that may arise in a particular sector. It is also about getting some of that soft data and the stories that we hear from particular individuals, whether they are citizens, builders or building certifiers, around some of the issues that they see.

We have a program of work. One of the programs which we have already spoken about is around the certificate of occupancy and use audit. What we saw in that case was a pattern where we see a massive rush towards the end of the year. There is a series of compliance issues that come with that, which can eventually become latent defects in buildings or issues around occupation: citizens moving into their new home

or their new unit and immediately experiencing issues. We wanted to try to prevent that from occurring. Being out on a construction site prior to issuing a certificate of occupancy is an optimal time for us to influence the behaviours of the builders and get things fixed.

In terms of our programming, we look at programs right across the year. We target areas in the single residential sector and we target areas in the multi-unit construction side of things. Another aspect and some of the resourcing in our team is dedicated to energy efficiency.

MR PARTON: Is there a randomness at all in the selection of audit sites?

Mr Green: Yes, there is a randomness, but there is also a targeted approach. We want to utilise the data that we have to get the best outcomes and, from a broader industry context, understand what those issues are and for us to be able to influence behaviours going forward.

MR PARTON: How does the unit respond if a member of the public just requests a building site inspection? Let us say they are not associated at all with the building site. What happens when those sort of requests come in?

Mr Green: In the context of a complaint—

MR PARTON: Yes.

Mr Green: we have a separate team that deals with that. First it will run through our rapid regulatory response team. If it is something that is identified as a breach, our building and planning compliance team would then take that over. That team has planning inspectors appointed under the Planning and Development Act and also inspectors appointed under the Building Act to undertake that work.

It is important to know that our role as building inspectors is not to take the role of the certifier. We are not going out there to certify that something is correct. We are going out there to establish whether what has been done is compliant, and then to take regulatory action from there, whether that is engaging with the builder or engaging with the certifier to get the outcome, or whether it is that more formal enforcement action.

Mr Pepper: Since July 2017, 45 per cent of the complaints that we have received on the building front have come from third parties; not people who own a residence but neighbours. A vast majority of them, however, do relate to neighbourhood disputes, whether it is around fences, retaining walls or insufficient setbacks.

MS CHEYNE: Is it appropriate for me to talk about building hoarding or do I need to wait until Friday?

Mr Green: I think we can deal with it now.

MS CHEYNE: You might recall that in estimates I mentioned that there has been a proliferation of sexy—for lack of a better term—hoarding on some building sites. It is

not limited to one particular company; I am seeing it on a few. A few weeks ago I had a dad come up to me and tell me that there is a particular site next to a very popular shopping centre in Belconnen town centre where basically all of its advertising is of a naked woman in a shower, seemingly having a good time. This father's little girl had said, "Dad, what has that got to do with a building site? Why is there a naked woman associated with a building site?" I think that really stresses to me what sort of messaging we are allowing to be sent in such a public way.

Is there anything that we can do about this as a government? I completely appreciate that hoarding needs to advertise a building, but I have to say I agree with that little girl that I am not really sure what showering has to do with the quality of a building and why I would want to buy there. Is it about legislation or regulation? Can we put it into the DA process? Is there anything that can be done?

Mr Green: Our inspectors went and looked at that particular site and the hoarding around the building. Unfortunately, the building regulatory system and the planning regulatory system do not really deal with advertising standards. The most appropriate mechanism to deal with that is to approach the commonwealth regulator to see whether there is anything they can do in terms of appropriateness. Under the building law there is nothing that I can do as the registrar to prevent that from occurring.

Mr Ponton: Having said that, in light of your recent questioning, Ms Cheyne, I have asked my team to look at what might be able to be achieved, particularly in the context of hoarding around building sites, because that seems to be the general theme of where we are seeing concern. That type of advertising is exempt under the Planning and Development Act and regulation. We are looking at the extent of those exemptions. We are also exploring whether or not we could look at developing some guidelines similar to what you see regulating advertising on our bus network.

MS CHEYNE: Yes, imagine if it was on a bus.

Mr Ponton: There are quite clear requirements around that. My team has already made contact with our colleagues in Transport Canberra and City Services to understand how that works in terms of the buses, in the context of what the guidelines are. We will then do some more thinking around whether or not, through the DA process, we include a condition for certain larger developments, where we see this type of hoarding in particular. That would require further information to be provided following approval, if they do wish to place images on that hoarding, and then have a link back to those guidelines. In terms of the mechanics, we need to work through that a little bit more, but we are very mindful and thank you for the questions over recent months. Hopefully, we will find a solution to this.

MS CHEYNE: Mr Green, just about that particular site, was there any awareness from people on that site that perhaps that hoarding was not an appropriate message to be sending?

Mr Green: The difficulty that we had was that we do not have a regulatory remit at the moment. Whilst we could try to persuade a particular company about their advertising practices, it would be waving a stick that I do not have, unfortunately. In terms of going forward, it seems that Mr Ponton has been able, hopefully, to find

some solutions to dealing with it in the longer term.

MS LE COUTEUR: I believe you now have responsibility for the review of energy efficiency disclosure?

Mr Ramsay: Yes.

MS LE COUTEUR: What is the time frame for that review? I believe there is another separate review of the energy efficiency rating scheme. What is the time frame for these reviews? What is happening?

Mr Ponton: Yes, you are correct. We are currently undertaking some work on the energy efficiency disclosure system. The purpose of that is to review whether or not the current system is working, whether there are opportunities for improvements. Of course, there is a range of factors the property owners, renters or purchasers take into account when making their decisions, with energy efficiency being just one of those. That is also part of what we wanted to consider as part of this board of review.

In terms of the next steps, we have done some initial scoping work on this. The proposal is that the government will undertake community consultation on future directions of the scheme in early 2019. But in terms of next steps beyond that, I will turn to my colleague Ms Morris. She can provide a little more detail.

Ms Morris: We have funding in the 2018-19 financial year for completing modelling on changes to the scheme, potentially. We are looking to finish all of that work by the middle of next year. The consultation will come out. It is really looking at those broader issues. We have a scheme that has been running for over 20 years now. It had a particular way of looking at and assessing buildings, and rating them. But there are other options to do that now. Also, part of it is the effectiveness of reports, what has happened so far. We know from two independent statistical studies that people do place a premium on higher efficiency houses, especially in the sales market.

What we do not have great information on, and what we are working though at the moment, is doing some analysis on how it has influenced upgrades of buildings. That is one of the things that was an objective of the scheme. Those are two separate pieces of work. But there is also some work, as you mentioned, looking at energy efficiency ratings really for the purposes of the building code. That is largely under the national energy productivity plan. That is ourselves but also in collaboration with our colleagues nationally. That is really looking at where the building code is going, what are appropriate rating systems for new buildings. It is not necessarily looking at what is an appropriate rating system for an existing building.

We have quite a lot of rating systems that are very well designed for a new building. We have a lot of information. You have potentially got things that can be influenced at that point. There are not actually a lot of systems that have been designed with existing buildings in mind in the same way. There are few that have been designed for the purposes of a disclosure scheme, because we are still the only one in Australia that actually has a mandatory system. We are looking at that. But before you get to which tool you want, you really have to decide what you actually want to assess and actually put it out to the public.

At the moment, energy efficiency ratings explain one part of efficiency of the building. They do not necessarily cover a whole range of issues. We will be thinking about that and consulting on whether there a potential to broaden that and how that actually works and interacts with the current building system that looks at buildings slightly differently than our mandatory disclosure system.

Mr Ramsay: I note, Ms Le Couteur, that you will be aware obviously that there is a resolution of the Assembly to look this. I will also be updating the Assembly following on from that resolution in the next sitting week.

MS LE COUTEUR: Good.

THE CHAIR: Sorry, Ms Le Couteur; so that Ms Cody can get a go, we might move to Ms Cody, because we are getting very close to the end.

MS CODY: Thank you. I was about to say, “Don’t ask me just yet.”

MS CHEYNE: You are very magnanimous today, chair.

MS ORR: He has been like this all hearings. It has been lovely. It is much better than last time.

MS CODY: I might just ask my question now, chair, if that is okay? I am not getting involved in that one. You may have to take this on notice, noting the time. I will be as quick as possible but get my question out. I will talk about EPSDD for this particular part of the question. Can you provide me with a breakdown of what percentage of hours worked in the portfolio are casual, contractor or other non-permanent staff?

Mr Ponton: I am looking at my chief operating officer. You do not have that data? We will need to take that one on notice.

MS CODY: Yes, there is a little more to it.

Mr Ponton: Sure.

MS CODY: Also, how many staff are women? How many have culturally and linguistically diverse backgrounds? How many are of an Aboriginal or Torres Strait Islander background? And how many people with a disability do you have working across the agency?

THE CHAIR: I think answering that on notice might be good, given the time.

MS CODY: Yes.

MS ORR: Is this something that potentially we could do on Friday when we have the EPSDD back?

Mr Ponton: Yes, I am sure of it. We can provide that information on notice or provide the information—

THE CHAIR: Will you provide it on notice to us? If you do get it available for another committee, I cannot really report for another committee.

MS CODY: I assumed they would have to be taken on notice, given the time.

THE CHAIR: Yes.

MS CODY: Thank you for letting me ask a question.

THE CHAIR: Are you happy with that?

MS CODY: Yes, that is wonderful.

THE CHAIR: Let us conclude matters there. Thank you very much, minister, for attending and all the officials—the army that you brought with you. We have five days to get questions to you. You have then got five days to get them back. The committee will suspend, but we will resume in 30 minutes with the Minister for the Arts and Cultural Events. I believe you know him.

Mr Ramsay: Indeed.

Hearing suspended from 10.59 to 11.31 am.

THE CHAIR: Welcome back, minister, in a different capacity. We continue hearings of the committee. I remind witnesses to be aware of the privilege statement that is before you. We will be inquiring into arts and cultural events. I will kick off. Minister, could I ask you to give us a bit of an update on the Canberra Theatre? Earlier in the week the Chief Minister said that that was a priority in terms of new infrastructure. Where are we at in terms of planning for a new theatre?

Ms Elvin: It was delightful to hear the Chief Minister giving that endorsement of the priority that the new theatre has in his planning. At the moment, as you are probably aware, \$1.2 million was provided in the 2018-19 budget to conduct a full business case for the new theatre. As the first step in that process the government is currently considering the options to be looked at in that business case, and I believe that consideration is imminent. Once government has determined that, that will allow, of course, the most efficient use of those funds and those funds will then be released and the full business case will get underway.

THE CHAIR: Is there a time line on an expectation, if this is a priority for government, that there will be a new theatre complex? Is there an indicative time line?

Ms Arthy: At this point there is no set time frame. We are working through what the options are at the moment and, really, the final option will dictate then the time frames of when a new theatre will be ready for use.

THE CHAIR: And where is the site that is being proposed?

Ms Arthy: Apparently the options are looking around the existing theatre complex

and how that can be transformed to take into account what we need.

THE CHAIR: Are the options you are looking at going to be able to maintain the existing facilities whilst a new facility is built or is it going to require a shutdown for a couple of years or—

Ms Arthy: All those issues are being worked through at the moment. I think there is a very strong focus on making sure that we have business continuity during the time because the Canberra Theatre is such an important part of the cultural experience here in Canberra. But all those questions are, in some ways, a little premature, given the state we are in at the moment, which is just purely looking at what are the best case options for the theatre in the future.

THE CHAIR: And given that this may be some years hence, what is being done in the interim, shorter term, just to make sure the facility as it is is kept up to speed?

Ms Elvin: There is significant ongoing investment by government in the existing facility to ensure that it can retain its status as the premier performing arts centre of the region now and I think, also taking into account what Ms Arthy just said, we will need to maintain continuity at least through the construction period of the new facility. Of course if it is decided that the new facility be added to the current suite of facilities then that investment will be important to ensure that the existing Canberra Theatre be retained and repurposed, which is something that we are looking at in the business case and looking at examples interstate for a model for that.

THE CHAIR: The theatre, as I understand, gets some of its revenue from own-source and then some from government. Is that right?

Ms Elvin: That is correct.

THE CHAIR: And it is about 50-50?

Ms Elvin: It would be higher than that for the Canberra Theatre Centre. It is about 50-50. I think it is 54-46 own-source as opposed to government revenue for the whole organisation. But given that the majority of own-source income actually comes from theatre activities, it is higher. I think in the annual report—

THE CHAIR: What is the figure for the theatre, do you know?

Ms Elvin: I am sorry?

THE CHAIR: For the Canberra Theatre specifically?

Ms Elvin: I think we actually provide that in the summary page in the annual report. Do you have our annual report there?

THE CHAIR: I do somewhere.

Ms Elvin: On page 46, the bottom right-hand side of that is a summary of infographics page about the Canberra Theatre Centre. As you see there, for the

Canberra Theatre Centre it is 74 per cent own source as opposed to 26 per cent government.

MR PETTERSSON: What would you be seeking to improve upon in the new facility?

Ms Elvin: There are probably two main areas. If we look at the existing Canberra Theatre, which was opened in 1965—and of course it opened at a stage when a lot of the major performing arts centres were going in internationally, like the Lincoln Centre—it predated virtually all the other performing art centres in Australia, the Sydney Opera House, the Adelaide Festival Centre, the Melbourne Arts Centre. It was good to predate them but I guess that it meant that it started to age first.

There are two main respects in which we are seeking improvements. One is the size of the auditorium which at about 1,200 seats can struggle in terms of making productions financially feasible, given that a lot of the costs involved in a production are fixed costs, regardless of how many seats you sell.

The second main issue that we would like to tackle is the technical constraints of the venue. You will be familiar, from attending performances there, that the proscenium arch over the stage is actually quite low. It has got that slight sort of letterbox look to it. In contemporary terms, it is considered a lot lower than other venues on the performing arts circuit. That tends to limit, technically, the productions that we can fit into the venue.

There are other issues like the size of the stage, the size of the wings, the heights of the fly tower, the back stage facilities, and that means that either productions have to be resized for the Canberra Theatre, which can be very expensive, or productions actually cannot tour to Canberra alone. It is really a combination of those two things: the auditorium size and the technical constraints of Canberra Theatre.

Having said all that, I should emphasize that one thing, of course, that we are looking at in the business case is whether we can repurpose that venue because there is certainly an argument that it has a viable ongoing life, perhaps as a flat floor venue. You might strip out the tiered seating and use it for things like contemporary music, cabaret and comedy.

We are currently looking at other models like the Enmore Theatre in Sydney or the Forum Theatre in Melbourne to see if those offer viable models for how we might repurpose that venue. I should say also it is in constant demand. We are constantly juggling dates for that venue. With dance schools, for example, we are heading into a very busy time of year and it can be quite difficult to accommodate all those uses. That could be a further continuing use for the existing facility.

MS ORR: Can I ask for an update on the proposed pop-up arts festival in Gungahlin please?

Ms Tyler: The pop-up festival, which was an election commitment in 2016, is funded for the first time in this 2018-19 budget. We have approached the process of the pop-ups in a slightly different way to ensure that there is legacy from the work that is

happening in both Gungahlin and Woden and it is not just a one-off festival once a year for the next three years.

We are just at the conclusion of a procurement process to outsource the delivery of the events in both Gungahlin and Woden. The way that we have approached that is to seek an organisation that can employ a community arts and cultural development officer who will be working in both Gungahlin and Woden to develop the community, along with the events that will take place.

What we are looking at is not just one event per year but a series of activities and events that can build the arts community within those town centres and provide a legacy for that work. There is an opportunity for artists who are living and working in those regions as well as artists from other parts of Canberra to work there but also opportunities to tie into existing community organisations and work that is already happening there.

The outcome of the procurement process is that we will be working with programs like mingle that is run by the Suburban Land Agency. There is some work that city services are doing around Woden and the experiment in the town square. There are lots of opportunities for us to tie into existing work and to get these community arts and culture development workers into those spaces and developing that space for the pop-ups.

We should have something on board very shortly and then those activities should commence as soon as the organisation has employed the relevant people to get into the community.

Mr Ramsay: And one of the key things out of that is obviously that arts play that key cultural development role but also community development role as arts reflect who we are as a community, working with that building of community in a more sustainable way. I think it adds an additional level of integrity into the arts themselves and therefore into the festivals. And then having some sort of heritage, ongoing footprint and whatever is in the area, I think, is a really key part of it.

MS ORR: Can you clarify for me whether it will be one festival event and then ongoing activities or how is it intended to work?

Ms Tyler: It depends on the organisation that comes on board and how they work through that process and their engagement with the community. Part of this is not about us saying that we will have one event at this particular time during the year but we want to make sure that the community is on board for that. The exact kind of rollout of what that event might look like, whether it is one event or multiples over the course of that year and how the activity surrounding events will happen, will come out when we get the program from the—

MS ORR: Is there any indication at this stage of how the community can get involved? Obviously the officer will be doing outreach to rally the troops but how can people whom we might not necessarily have on the radar get involved?

Ms Tyler: Part of this ongoing promotion through artsACT's channels as well as the

organisations that come on board to do this work is looking into the existing community organisations like community services in Gungahlin, community services and libraries, getting those people who are accessing those services on board as well. That opportunity to have someone in the community on a number of days per week to actually get the information out and build that process and do that work is a really important part of this.

MS ORR: You said the tender process has just closed.

Ms Tyler: It should be concluded shortly. We are just doing assessment at the moment.

MS ORR: Is before the end of the year realistic or early next year?

Ms Tyler: Really there should be an announcement about the successful organisation shortly and then, depending on existing staff within that organisation or whether or not they are recruiting, it will depend on when the person or people are up and running.

MS LE COUTEUR: This is for Gungahlin and Woden. I understand from what you are saying that you are anticipating one organisation doing both of them. Is that correct?

Ms Tyler: We have put the tender out for an organisation to do both. It could be a consortium; it could be one organisation. The assessment is underway at the moment. Until we have all of that assessment concluded, I am not sure what the outcome is in terms of whether it is one organisation or multiple.

MS LE COUTEUR: Given that you are anticipating that someone could be capable of working in both areas, I am wondering why it was felt that Gungahlin and Woden could have one set of people looking after them, because they are very different communities. There is a significant distance between them. I would have thought that one of the things that would make this work would be significant local knowledge, which would be difficult to have of the two different communities.

Ms Tyler: Having one organisation looking after both regions was more straightforward when it came to the funding that was available. Whether they employ two people, one for Woden and one for Gungahlin, or one person who works in both, a key to this will be their engagement in the existing organisations. I anticipate that they will be based in a space within those communities. So it is not that they will be based within their home organisation, wherever that may be; they will find a space within the region they are working in. We have spoken to the libraries about making space available within the libraries for them to work, those kinds of things. We are really looking at embedding these people within the communities, not having them there for just an hour a week or two hours a week. They will be located within those communities as much as possible.

MS LE COUTEUR: You said it was going to tie in with the Woden experiment. Is that correct?

Ms Tyler: Yes. We have been talking to TCCS about how we can work with them to make sure that there is no duplication and that what is being offered is coordinated. There are ongoing discussions about that but until we have a successful organisation we cannot formalise any of that.

MS LE COUTEUR: Does that imply that the Woden part, at least, will be done in the six months of that experiment?

Ms Tyler: Some of the work may happen within that time frame but this is a three-year funding agreement that we are establishing, so it will be work happening over the next three years. It is not just a six-month period.

MS LE COUTEUR: So we stay tuned for further announcements?

Ms Tyler: Yes.

MR PETTERSSON: Could you give me an update on the implementation of recommendations from the Auditor-General's performance audit?

Ms Tyler: On public art? We have been working on the implementation of those recommendations. One of the key parts of that was a maintenance plan for our public artworks. We have received that recently from a specialist and we are now rolling that program of activities out. There are a number of recommendations that have been implemented already. We worked with the other directorates who were involved in that audit to get the ones that could be ticked off quickly done. We are also looking at the public art strategy which is one of the recommendations, looking at how we roll that out and what the key elements of that are. That is still in progress.

MR PETTERSSON: How was maintenance conducted before?

Ms Tyler: We have always had audits: people going to look at our artworks to make sure what condition they are in. When works were deteriorating or needed work then we would do that on an ad hoc basis depending on what was happening. But there is also routine maintenance that happens as part of the management of the public art collection. This new maintenance plan gives us a very clear program of activities that need to take place over the next couple of years so that we can plan for those activities and stage them. There are always things that happen with public artworks that are beyond our control. We need to factor that in as well.

MR PETTERSSON: In one of the other recommendations from that performance audit there was talk of consolidating art within control of the ACT government under one central body. Has there been any progress on that?

Ms Tyler: There has been a bit of progress on that in that there have been a range of works transferred to artsACT from Transport Canberra and City Services. We have had conversations with other directorates about that. Some of the works that are in other directorates are internal works, which are beyond the scope of the audit. So it is about key works as a part of the collection. There are some works around Canberra that are more integrated landscape elements rather than stand-alone public artworks, so we have been transferring those ones of significance into the artsACT collection.

That will be an ongoing body of work.

MS LE COUTEUR: Minister, in June you put out a press release about money: \$108,000 to “ensure Canberra’s live music scene continues to thrive”. Can you tell us more about what you are doing with that? What will be done with that money to ensure that it does thrive?

Ms Tyler: That funding has been provided to MusicACT. They have employed staff to undertake a program of activities around capacity building for the music industry in Canberra. They are working with APRA about workshops for music artists as well as music managers. They are looking at all-ages performances and at venue capacity. It is really about developing the sector to be able to promote and support live music in the ACT.

MusicACT is an organisation that has been around for a number of years. They have not had funding for programs like this before, so this is building on work that they were doing in an unfunded capacity through small amounts from APRA. This funding will allow MusicACT to leverage additional funding from other sources and work with the other music development offices from around the country on live music capacity building. They launched their program a couple of weeks ago. It has had really good responses from the music industry. There is a lot of support for these kinds of capacity-building programs within the arts sector.

MS LE COUTEUR: Looking a bit more broadly at capacity building, has there been any more progress in discussions with ANU about the H course? That would appear to be one of the bigger bits of capacity building in the ACT as far as music goes.

Ms Tyler: Yes. The H course is currently seeing through the students that are currently enrolled for that program. We have had conversations with the ANU about what that might look like into the future. I note that artsACT funding is generally not provided for activities for school students during school hours, so contribution to years 11 and 12 formal educational elements is not something that we are currently funding. We are looking at opportunities for development of emerging artists and whether those are for years 11 and 12 students or other emerging artists to develop their skills through the ANU. The programs we offer that we fund through the community outreach program at the ANU are doing those things. There is a music development program for years 7 to 12 students. There is a community rock program as well. We are interested in providing music opportunities to the broader community as well as to students who are currently accessing those services, but outside of school hours.

THE CHAIR: There is some money in the budget for some renovations of storage space and exhibition spaces at CMAG. Could you give me an update on the scope of that project and what is planned through that?

Ms Elvin: Yes. That has some funding in the current year’s budget. These are works that will allow us to expand our storage space. We have a growing collection of both visual arts and social history objects at Canberra Museum and Gallery and we have outgrown our current storage space. Obviously that starts to limit what we can collect, particularly in terms of larger items. That funding, which we will be using this

financial year and next financial year, will allow us to expand the current storage space and also to do some reconfiguration of the gallery areas. One thing we are looking at, for example, is a sort of window-type area where people can look into the storage space and get a sense of the whole business of collecting, storage, conservation and so forth.

THE CHAIR: Is there a reason why you store things on site as opposed to off site? You have got limited exhibition space. Have you looked at the option of storage off site?

Ms Elvin: We have certainly looked at those options and we have not pursued them, I think on cost grounds. Plus there is an issue about having immediate access to the collection on site as well.

Mr Ramsay: Ms Elvin was commenting on having that glass space to be able to look in. One of the clear advantages of having the storage on site is that it brings closeness for people to be able to see what is going on. Also, from an education point of view, if people want to be able to engage in research projects or other matters, having the things on site creates an additional possibility, which means that CMAG is able to broaden its role in relation to the broader community and the arts community as a whole.

Ms Elvin: I certainly echo the point that having the collection on site means that we can provide physical access, not just virtual access, for people who want to research the collection. We know that there are a lot of people who would like greater access to the collection, and by having it there on site we can facilitate that access.

MS ORR: How is stage 2 of the Belconnen Arts Centre progressing?

Ms Tyler: Stage 2 of Belconnen Arts Centre is progressing well at this stage. We are at the point where we have separated this part of the development of Belconnen Arts Centre stage 2 into two parts. There is phase 1, which is the final design process, and phase 2, which is the construction element. We are at 100 per cent design of stage 2 and we are now in the process of assessing the prices that have come back for the construction element. It was part of the original tender, but breaking the tender up into these two parts enables us to ensure that the final design and all the costing around that is as accurate as it can be, moving into that construction phase.

We expect that the site will be taken over by the construction company in the next couple of weeks and then construction will start, hopefully, all things going according to plan, in December. Site establishment is a key part of that in terms of them getting all their staff and people on site. We have been working very closely with Belconnen Arts Centre Incorporated to ensure that they are aware of the staging of the process and their programming, and how the construction will work within their program. They have got some really exciting things happening at the moment and they have been working really closely on what that program looks like while the construction is happening. Everything is going according to plan at this point.

MR PETTERSSON: How has construction next door affected the Canberra Theatre?

Ms Elvin: We are finding that the developers are model developers, if I can say that. There has been extraordinary focus from them on collaborating with us. We have very close engagement with them, which ranges from the head of the development project team attending board meetings on a number of occasions to talk at a more strategic level with the board, right through to daily contact on the ground.

That enabled us to work with them to avoid noise and vibration impacts on performances. As you are probably aware, we have come out of that very noisy stage—I am sure you are probably feeling the relief of this yourselves—and we are now more into the concrete pouring and structural form stage.

We were extremely grateful—in fact, my chair has written to the project developers to thank them—for that very close cooperation. We have also worked with them closely on things like navigation around the site so that theatre patrons can find their way around the site and into the Canberra Theatre Centre. So to date it has been a very positive relationship.

MR PETTERSSON: We have had instances in here of noise and vibration interrupting our activities. Were there any instances of that occurring?

Ms Elvin: I think we managed to avoid them because we provided schedules in advance of performances.

MR PETTERSSON: We should have done that.

Ms Elvin: I am actually thinking that perhaps they rescheduled works which may have impacted on you. But certainly we felt they managed around our performance times very well. It particularly affected the Courtyard Studio which, of course, is the closest venue to the works. But we had also put in place soundproofing, which also helped with the situation.

Mr Ramsay: The other dynamics have been around the parking in the area as well. There have been some excellent initiatives from the company about how patrons were informed about parking limitations and what might be able to happen with that.

Ms Elvin: Yes. I just checked yesterday, and we do not seem to be experiencing complaints from patrons about car parking, which is good. There is just one exception, which I will come to. As you are aware from where you are parking, that is new space that has been opened up behind the Playhouse. We are finding that patrons are accessing that.

We campaigned for better marking of the steps down from that car parking, and that has been improved as you will see as well as the lighting over it. So we are finding that patrons are welcoming that car parking. Plus we provide on the Canberra Theatre's website lots of information about other car parking options and public transport options in the city.

The one area where I have recently been approached about car parking is in terms of disability car parking. Obviously with the higher level car park you are navigating steps to come down. You can get down on a ramp but it takes longer. So that is

something I will be looking into and consulting with my colleagues in the parking area to see whether there is a possibility to create any more disabled car parking at level so people do not have to negotiate a level change to get to the Canberra Theatre Centre.

It has been pointed out, for example, that there is a sort of dirt area just below that carpark where the steps descend. It may be possible to create some additional spaces there, so I will be looking into that.

MS LE COUTEUR: Your annual report list of achievements mentions the Kingston arts precinct. Do you have that? I thought it had gone to the SLA?

Ms Arthy: It is a joint project. SLA has the lead, but because we essentially own the policy side of things it is a joint project. We can attempt to answer your questions or we can take them on notice and refer them to the SLA.

Mr Ramsay: You ask the questions and we will tell you whether they are here or not.

MS LE COUTEUR: What I am after is a progress report as to what is happening. Not much is happening visibly on the ground, but what is happening in terms of policy of what is going to be happening there?

Ms Arthy: At the broader levels negotiations are underway with a successful tenderer at the moment, Geocon. SLA is leading those. If there are any specific questions around that we can refer them to the SLA.

MS LE COUTEUR: The obvious one there is when you expect the contract to be signed. It has been a while?

Ms Arthy: That is an SLA one. Sorry, I cannot answer that one. Our responsibility is working with the arts organisations. So far we have been talking to them fairly regularly. We have now asked the arts organisations who intend to go into the precinct to confirm their functional requirements because we are at that stage of negotiations. So far that process is going well. Is there anything else we need to add?

Ms Tyler: Not really. In fact, we have a meeting with those organisations tomorrow to talk about those next steps. It is talking about management models for the precinct and whether or not over the time that the tender has taken their function or work requirements have changed in any way to ensure that what is delivered at the end of the process is exactly what they need moving into that.

We will continue to work with them on those issues and make sure they are informed about all of the processes from now until construction and ensure that all their needs are met along the way.

MS LE COUTEUR: I realise that this may be too early, but you talk about management models. Have you anything in mind? Will it largely be led by the arts organisations or by Geocon or by what?

Ms Tyler: We are still working through the finer detail of that. We are working with

Property Group in ACT government around the distinction between what is facilities management and precinct management, to ensure the precinct management covers elements like marketing and programming and ensure that there are events and activities happening at all times so visitors and Canberrans alike can be engaged in the activities of those organisations.

The management model is looking through both of those details around how the property will be managed in terms of repairs and maintenance and all of those kinds of elements but also how the programming and marketing will happen.

We are still in those early stages, and the organisations that are moving to Kingston will be part of that conversation, in terms of what will work best for them. But Geocon does not have any responsibility in terms of the ongoing management of the arts precinct.

MS LE COUTEUR: What are the rental arrangements likely to be, particularly bearing in mind that while these organisations receive some ACT government funding, you are, in effect, a stakeholder in the rent payments?

Ms Tyler: Yes, that is part of this management model that we are still working through. There is a range of different rental arrangements for organisations that are flagged to move to Kingston. Some are in ACT Property Group facilities and some are in ArtsACT facilities and there are different arrangements in place for those. We will be working through the implications of those arrangements in a new facility. But there have not been any decisions made at this point.

THE CHAIR: Minister, I note that you have recently announced the minister's creative council.

Mr Ramsay: Indeed.

THE CHAIR: I think there are eleven members on it. The selection process for who is going to go on that, did you put out expressions of interest, or how was that process undertaken?

Mr Ramsay: It was an extensive process not only in the selection itself but there was obviously some substantial consultation with the sector over the past 12 months or so in terms of coming up with the model of the minister's creative council.

Before we even went to expressions of interest there was certainly a lot of work that was done across the arts sector as to how it is that people might see the purpose, the terms of reference. There were a number of workshops, and Ms Tyler might be able to fill you in a little bit about that important background.

In terms of the selection process itself, people were invited to put in an expression of interest. That was publicised across the arts sector through media release, through social media out through the arts communities. Some 87 applicants put in an expression of interest. We then worked with a panel to reduce those to an interview process. There was an interview process with that and then the selection out of that. So it was a multiple staged process and a pretty vigorous process in terms of both the

time but also the sector involvement with that.

It was very pleasing to see not only the number of people who were involved in putting in an expression of interest but the breadth of people across the arts sector. Obviously for a council like this it is really important to get not only the right individuals but the right mix of people to work together on that. It is important to make sure that we have people who come from the breadth of the arts sector. There are so many different parts of the arts community here in the ACT and it is important to draw all of those together.

Given that its core role is the provision of strategic advice and guidance and feedback and to be that conduit between me and the broader arts community, it was certainly very important for us to have a good range of people on that. I think the 11 people who have been selected are excellent. Not only individually do they bring excellent skills, excellent background and excellent connectivity, but they will form a very good collaborative model.

I have no doubt the feedback they will be giving me at times will be solid, it will be frank. There will be times when, clearly, their view and the existing government view do not necessarily coincide, but one of the important parts we have picked up along the way is the ability to draw in that breadth of response from across the art sector.

THE CHAIR: Have you posed questions to them that you want answered or are you just letting them freestyle?

Mr Ramsay: It certainly will not be freestyle. They have terms of reference. There are some initial pieces of work for them to do but, as has been the case with the other advisory councils I have—the ministerial advisory council on the ageing, and the vets advisory council, the equivalent bodies—one of the early pieces of work the council needs to do is to work with me to think through what are the core priorities that they bring.

We are not wanting to establish a task group and then for me to say, “Here are three things for you to do. Go away and do them.” One of the important pieces of work they are doing is guiding the areas in which they believe advice should be provided and with the conduit they have into the arts community hearing back from them as to what it is they believe needs to be fed back. I know they will be working very closely with ArtsACT as part of that work.

One of the key things we did as part of the selection process was to talk very clearly with the applicants about the difference between strategic advice and taking over a core policy role. Obviously ArtsACT is the body that has within government that core policy role, but there is a very particular place for a ministerial advisory body, such as the minister’s creative council, to provide strategic advice on how it is we may be able to foster, develop, and enhance the arts sector.

THE CHAIR: Is there dedicated secretariat support to the council?

Ms Tyler: ArtsACT will provide secretariat support.

THE CHAIR: Are you going to do that within your existing funding?

Ms Tyler: Yes.

Mr Ramsay: In the knowledge that over the past 12 months artsACT has been providing excellent secretariat support for the national gathering of ministers we hosted in Canberra. There is some sense of relief and delight across artsACT from the work they have been doing in that and being able to move into the minister's creative council support.

MR PETTERSSON: Could you tell me a bit more about the Aboriginal and Torres Strait Islander arts action plan?

Ms Tyler: The Aboriginal and Torres Strait Islander arts action plan was developed after extensive consultation with the Aboriginal and Torres Strait Islander communities here in Canberra. The action plan sets out some key priorities for all of artsACT in that time. One of those is around recruiting an Aboriginal and Torres Strait Islander arts officer, which is funded in this 2018-19 budget. Recruitment is underway for that person at the moment.

We are working with the Aboriginal and Torres Strait Islander arts network, which we established, on the priorities of the action plan. Its members have met a number of times to work out the principles on which we would like to do the work we are undertaking to ensure that the community is working closely with us on this. We are very much working with the principles that are outlined in the Aboriginal and Torres Strait Islander agreement around self-determination and ensuring that those communities have a say in how the funding that we have for this program of work is done in a way that suits those communities.

We have taken our time to ensure that that is done sensitively and to ensure that the outcomes and the programs we implement are what the community are after. We have never approached this in a way where we are saying, "We're going to implement this program and this is what we're going to do." Having a dedicated Aboriginal and Torres Strait Islander arts officer is a key part of that. That was one of the key things we heard throughout the consultation we did. Having that person on board to support the rest of artsACT through this work and to be the liaison point with the community is a really important part of that.

We are also going to be working across the economic development division and other parts of the ACT government with that person to ensure that the programs we are offering and delivering through artsACT connect with other ACT government initiatives. There are programs with VisitCanberra and work with EventsACT. We have had connections with Justice and Community Safety and with ACT Health, just to name two. It is really about ensuring that these programs are connecting as much as possible and leveraging the funding we have, and then the networks and relationships we are building to ensure that the outcomes are what the community need.

MR PETTERSSON: Is the ATSI arts network a large group? Is that a formal group?

Ms Tyler: It is a working group of artsACT. It is not a ministerially appointed council

by any stretch; it is a working group. There are six members of that group. They are Jilda Andrews, Adrian Brown, Tina Brown, Samantha Faulkner, Dale Huddleston and Jenni Martiniello. There are Ngunnawal representatives in that network and there are people who have diverse arts practices, from visual arts to performance arts, and connections into other parts of the community. Dale Huddleston, for example, works at Gugan Gulwan and has links to the Burrunjū Art Gallery at Yarramundi Reach. That network is providing us with advice.

Mr Ramsay: One of the appointees to the minister's creative council is Jilda Andrews from that network as well.

Ms Tyler: We wanted to ensure that the work the creative council is doing is linked into the work that that network is providing us advice on, to ensure that there is continuing information between those two bodies.

MS LE COUTEUR: On page 80 of the annual report you talk about finalising the arts funding plan, including developing a new model for arts organisation funding, in consultation with the sector. Can you tell us more about how that is going and what it will be?

Ms Tyler: The first element of the arts funding plan that was released earlier this year was our arts activities funding. We have just announced the successful recipients of the first round of arts activities funding for \$5,000 to \$50,000. The changes we made in arts activities funding were the first point of our funding plan and were in direct response to feedback we heard from the arts community.

We have had really great feedback from artists about the changes that we have made to those funding programs in terms of flexibility. The way we are providing feedback to artists who are applying for funding has provided greater opportunity for those artists to apply for things that they might not have before. Also if they are not successful with their first-round application they can get feedback from us and apply again. One of the restrictions around our project funding was that we had one round per year. If you were not successful in that round, you had to wait for the next round. That flexibility in providing feedback has been a really key part of that.

Another element of the funding plan is sector capacity building. The MusicACT funding is part of that capacity-building work that we are doing. We have also provided funding to Ainslie and Gorman arts centres to provide one-on-one support for individual artists and groups of artists who are applying for funding. That is around project development. That program of capacity building is under way. We are about to start a program for organisational capacity building. That is around strategic planning, governance, risk management and those kinds of things. We are in a procurement process for that at the moment. That is another element of capacity building with the sector.

Organisational funding is one of the more complicated elements of the funding plan, and something that we need to make sure we get right. There have not been changes to that organisational funding for quite a number of years. There is a process that we are undergoing at the moment for further consultation with arts organisations on what that program will look like.

We had a workshop with the CBR Innovation Network in October that talked about some of the principles and challenges around that funding and looked at different ways of approaching how we develop that funding program. We will be working very closely not only with our organisations that are currently funded but also with organisations that do not currently receive funding from artsACT, to ensure that when we do go out with this next program of arts funding we can make sure that organisations, funded and not funded alike, have every chance to apply and be successful in that round. There is a lot more work to be done in that space.

THE CHAIR: Could you give me an update on the grant funding for arts residencies? How many applications have you received and how many grants have been allocated?

Ms Tyler: The arts residencies funding that artsACT provides has been delivered through the key arts organisations that have a residence attached to them at the moment. There are five organisations that have a residence attached to the facilities: Strathnairn, Glassworks, Gorman House, Watson and Megalo. Last year we asked those organisations to focus their residencies on Aboriginal and Torres Strait Islander artists. This year we are having a focus on inclusion in the arts. The funding is provided to those organisations and they then seek applications from artists in their field to have a residency with Canberra. Part of that is around making sure that there are connections to Canberra-based artists within that program of work. So they are not just coming here, doing their work and then going back to their home; it is about increasing the capacity of the local arts sector. That is why residencies are really important.

THE CHAIR: You listed five organisations. Is that right? How many residencies do they have each, or does it vary?

Ms Tyler: The residency programs delivered by those organisations vary. With the funding that is provided from artsACT, I will have to confirm how many artists were—

THE CHAIR: Could you do that on notice: how many residencies each organisation is providing for what? That would be interesting.

Ms Tyler: Of course.

MS LE COUTEUR: Have you been doing any work on entertainment precincts? The concept is that an entertainment precinct is designated, so there will be different issues as far as noise in particular is concerned. We have had problems over the years in the ACT and other places with loud noise not always being compatible with people living next door—about music.

Ms Arthy: I think the answer is no from us. But the question is probably more for the City Renewal Authority in terms of the city and the work they are doing here, and for EPSDD.

Ms Tyler: There is some ongoing work as a response to the urban sounds paper that

was done a little while ago. ArtsACT are involved in a cross-government working group on that urban sounds program, which is looking at some of those sound issues. It does sit outside of artsACT's immediate responsibilities but we are working with our colleagues across government.

MS LE COUTEUR: Hopefully you are encouraging them to do more.

Ms Tyler: Of course.

MS LE COUTEUR: I think this one will have a different answer. You have been doing upgrade works to the various centres that you run, Gorman House and Watson et cetera. Are you putting in any energy efficiency improvements when you do these?

Ms Tyler: I do not have the specific detail on that, but, yes, some of those projects have included sustainability and energy efficiency elements. We can provide further detail on what those are if you would—

MS LE COUTEUR: Great. I think—correct me if I am wrong—you run five of these small arts facilities.

Ms Tyler: ArtsACT has 13 arts facilities. There are five that were specifically allocated funding in the last budget for upgrades.

MS LE COUTEUR: Yes, those are the ones I mean. I am not expecting you to—

Ms Tyler: Gorman House and Strathnairn are—

MS LE COUTEUR: Yes, that is how I got the five. Strathnairn was one, Watson was one, and I will have to look at your annual report to find the others.

Ms Tyler: We can provide some further detail on those energy efficiency things that we have done across our facilities.

MS LE COUTEUR: Great, thank you.

THE CHAIR: Thanks very much, minister and officials, for attending today. We have five days to get you questions. You then have five days to respond, and I think that there were a couple taken on notice during the hearing. The secretary will know that and be in touch with the DLO. Thanks very much.

The committee adjourned at 12.24 pm.