

2019

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**REPORT: IMPLEMENTATION OF THE
LOOSE FILL ASBESTOS INSULATION ERADICATION SCHEME**

1 JANUARY 2019 – 30 JUNE 2019

**Presented by
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1. Overview

The ACT Government committed to providing regular reports on the activities of the Asbestos Response Taskforce in delivering the Loose Fill Asbestos Insulation Eradication (Scheme). This is the sixteenth in the series of reports tabled in the Legislative Assembly. The report assists the Assembly, members of the community and other interested parties in understanding and monitoring the work of the Taskforce (Taskforce) to eradicate loose fill asbestos from Canberra's residential housing stock.

Key achievements of the Taskforce during the January – June 2019 reporting period include:

- the safe demolition of 13 properties (11 affected and 2 impacted), bringing the total number of demolitions under the Taskforce program to 954¹ (948 affected and 6 impacted);
- the removal of 10 blocks from the Affected Residential Premises Register (Register), bringing the total number of deregistrations to 966;
- One First Right of Refusal (FROR) offer made to a former homeowner providing an opportunity to purchase their block following demolition and remediation;
- continuation of the public Sales Program, with 27 contracts exchanged on remediated blocks and 54 sales settled within the reporting period;
- the inclusion of an additional two properties as 'eligible impacted', bringing the total number of properties to 1,040 (1,023 affected and 17 eligible impacted);
- steady progress on the 55² 'complex properties' with five affected and two impacted properties demolished, bringing the total number of complex properties demolished to 34 (28 affected and 6 impacted);
- implementation of activities relating to the remaining privately-owned affected properties, including
 - supporting pathways to eradication; and
 - supporting community safety.

Recognising the retrospective nature of this report, key statistics **as at 31 July 2019**, are provided below:

- 979 affected properties demolished (953 by the Taskforce, 12 assisted private, 13 private demolitions and 1 surrendered to the Territory following demolition);
- 966 blocks had been deregistered;
- 632 FROR offers had been made;
- 866 remediated blocks had been offered for public sale;
- contracts for sale exchanged on 852 remediated blocks (47 FROR, 5 direct to an ACT Government Agency and 800 public sale); and
- sales settled on 836 blocks (46 FROR, 5 direct sale to an ACT Government Agency and 785 public sales).

¹ This figure includes: one affected property surrendered to the Territory following demolition and before deregistration

² This figure includes the two additional properties deemed 'eligible impacted' in January 2019.

2. Implementing the Scheme – Governance Arrangements

There has been a number of changes to Administrative Arrangements since the announcement on 28 October 2014 of the Loose Fill Asbestos Insulation Eradication Scheme (Scheme). Ministerial responsibility for the Scheme currently sits with the Minister for Employment and Workplace Safety, Ms Rachel Stephen-Smith MLA.

The Taskforce remains part of the Urban Renewal stream of the Environment, Planning and Sustainable Development Directorate (EPSDD) where it continues its work to realise the end goal of eradicating loose fill asbestos insulation from Canberra's streets and suburbs.

Under the Taskforce's governance framework, the Scheme is divided into four phases:

- Assistance;
- Buyback;
- Demolition; and
- Sales.

Progress during the first half of 2019 is reported against each of these phases as well as activity undertaken in relation to communications, finance, and governance.

3. Assistance Phase

The Assistance Phase work, undertaken primarily by the Taskforce's Personal Support Team (PST), continues with particular focus on:

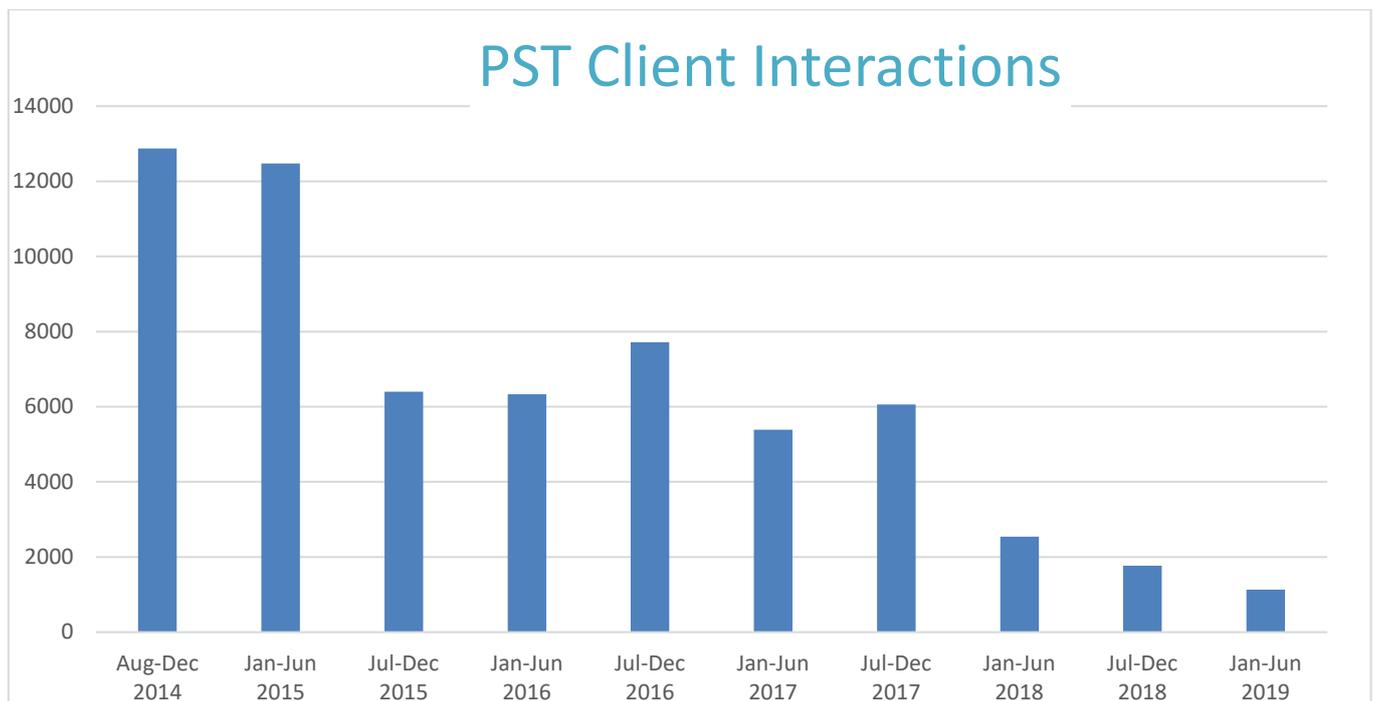
- providing information and support to homeowners and tenants who remain in their homes;
- contacting owners, tenants and landlords who have progressed through all phases of the Scheme to:
 - confirm their support and information needs are being met; and
 - assist them to connect to appropriate community services as needed;
- providing information and, if required, case coordination support for impacted clients within the complex properties project; and
- supporting owners considering their FROR offer to purchase their former property following demolition and remediation.

Table 1 and Figure 1 reports the interactions by PST from commencement of the Scheme. As predicted, the first half of the year saw a continuation of the steady decline in the number of interactions in comparison to the number seen in earlier time periods, reflecting the slowing down of Scheme activity. Interactions with remaining affected homeowners is expected to steadily increase in late 2019 as the date for closure of the Buyback Program on 30 June 2020 draws nearer.

Table 1: Client Relationship Management (CRM) System Interactions

	As at 31 December 2018	As at 30 June 2019	Interactions during the reporting period
CRM Interactions	61,571	62,702	1,131

Figure 1: Client Relationship Management System Interactions



Homeowner Support

Remaining Affected Properties - Pathways to Eradication

During the reporting period, the Taskforce focussed on understanding the individual circumstances of the 47 remaining affected property owners, and their barriers to progressing toward vacating their affected property and ultimately demolition. In particular the Taskforce wanted to ensure that homeowners understood their options outside of the Scheme, understanding that Scheme participation was not necessarily the best option for all circumstances.

Two group events were held for these remaining property homeowners during the reporting period.

A *Facilitated Group Information Session* was held on 27 March 2019 where homeowners heard about the pathways followed by some former homeowners; had the opportunity to discuss options that may be suitable – both within the Scheme and privately; and talk about any barriers to moving forward. This event was run by an independent qualified facilitator and was attended by 22 participants from 14 households.

A *Collaborative Community and Industry Information Event* – a self-serve event hosted by Mr Chris Redmond, former Woden Community Service CEO, was also held on 16 May 2019. Community organisations and industry personnel were on-hand to share their expertise to assist homeowners on whatever pathway they may wish to take. Feedback from the host indicated that nine homeowners attended from seven of the remaining affected properties which are privately owned. Feedback also suggests some homeowners were progressing their detailed plans, while others were still considering all their options.

Taskforce Executive meetings have also been held to enable a better understanding of each homeowners' particular circumstances and to provide information about options suitable to them. To end June 2019, since commencement of the pathways to eradication work, 12 executive meetings with remaining affected homeowners had taken place.

Additionally, PST continued to work with affected and impacted household members who have chosen a later settlement date or who require additional support by providing personal support linkages to the community or information to assist them in navigating their options suited to their individual circumstances.

PST also continued work on closing cases for homeowners who no longer require assistance from the Taskforce and all aspects of the Scheme had been finalised. As at end of the reporting period, 1,152 cases had been closed. PST remain available should any of these homeowners, tenants or landlords seek further support.

Table 2: Relocation Assistance Grants and Stamp Duty Concessions

	As at 31 December 2018		As at 30 June 2019		Activity	
	Number	Value	Number	Value	Number	Value
Relocation Assistance Grants	1,094	\$12.25m	1,098	\$12.34m	4**	\$0.09m**
Stamp Duty Concessions*	675	\$16.50m	684	\$16.80m	9	\$0.30m

* The number and value of stamp duty concessions includes both Affected and Impacted properties.

** The number relates to packages paid in full. The value relates to relocation assistance grants paid in full and/ or part.

Land Rent

The Government extended the Land Rent Scheme in February 2016 to allow former owners, who meet the Scheme criteria, to use this option to assist them to return to their former block and neighbourhood.

Table 3: Land Rent applications and leases

	As at 31 December 2018	As at 30 June 2019	Progress Number
Land Rent Applications Lodged	5	0	0
Land Rent Applications Approved	5	0	0
Land Rent Leases Issued	3*	0	0

* This figure was incorrectly reported as '2' in the January – June 2018 and the July – December 2018 Half Yearly Reports. There was one additional Land Rent Lease issued in June 2018. There were no Land Rent Leases issued during the January – December 2019 reporting period. There were 2 other Land Rent Lease applications lodged and approved which did not proceed to settlement.

4. Buyback Phase

In January 2019, an additional two properties were deemed 'eligible impacted', resulting in an increase in the total number of affected and impacted properties to 1,040 (1,023 affected and 17 impacted).

The January – June 2019 reporting period saw six homeowners with extended settlements bring forward their settlement date, including one non-participant choosing to enter the Scheme. This resulted in six affected properties being surrendered during the reporting period.

One homeowner withdrew from the Scheme during the reporting period and demolished privately.

The Taskforce is aware of two other homeowners (one with an extended settlement and one non-participant) with plans to undertake a private demolition early in the second half of 2019.

Table 4: Participation in the Scheme as at 30 June 2019

	Affected Properties	Eligible Impacted Properties	Total
Number of Properties	1,023	17	1,040
Participating in the Scheme	994	15	1,009
Not Participating in the Scheme	29	2	31

Voluntary Buyback Program

Table 5: Voluntary Buyback Program Offers and Settlements

	As at 31 December 2018		As at 30 June 2019		Progress	
	Affected	Eligible Impacted	Affected	Eligible Impacted	Affected	Eligible Impacted
Offers Accepted	977	14	977	15	0	1
Settlements	946	14	952	14	6	0

As at 30 June 2019, owners of 24 affected properties remained in the Buyback phase of the Scheme:

- 24 contracts exchanged but not settled:
 - 1 with a planned settlement date in 2019; and
 - 23 others with planned settlements in June 2020.

The Taskforce anticipates a number of these may also choose to bring forward their settlements in the lead up to the closing of the Buyback Program on 30 June 2020.

5. Demolition Phase

With the bulk of demolitions completed for standard single dwelling properties, the focus remained on progressing the demolition of complex properties. During the reporting period, 13 demolitions were completed (11 affected and 2 impacted) by the Taskforce. An additional two properties were demolished during the January – June 2019 reporting period (one privately and one surrendered to the Territory following demolition).

The Taskforce continues to undertake the demolition of standard single dwellings as they become available. Where possible, these properties continue to be grouped together in order to gain demolition efficiencies. A key focus of the demolition phase is continuing the intensive work required to progress the demolition of complex properties. The wide range of types of complex properties has required a tailored solution and process for each, with the Taskforce working with a wide range of stakeholder to progress each property.

WorkSafe ACT and Infrastructure Finance and Capital Works (IFCW) continue to play vital roles to ensure demolitions are undertaken safely and efficiently. Reflecting the decreasing number of demolitions being undertaken and length of packages of work, only one active certification audit was undertaken during the reporting period.

Table 6 shows the number of demolitions and deregistrations undertaken during the January – June 2019 period. As at 30 June 2019, approximately 94% of affected properties had been removed from the Register.

Table 6: Demolition and Deregistration Activity

	As at 31 December 2018		As at 30 June 2019		Progress	
	Affected	Eligible Impacted	Affected	Eligible Impacted	Affected	Eligible Impacted
Demolished	960	4	973³	6	13⁴	2
- Taskforce	936	4	947	6	11	2
- Assisted Private	12	*	12	*	0	*
- Self-Funded	12	*	13	*	1	*
Deregistered	956	*	966	*	10	*
- Taskforce	932	*	941	*	9	*
- Assisted Private	12	*	12	*	0	*
- Self-Funded	12	*	13	*	1	*

* Not relevant for Eligible Impacted Properties

³ The total number of demolitions undertaken as at 30 June 2019 also includes one affected property surrendered to the Territory following demolition and prior to deregistration. This one property is not reflected in the breakdown in demolition categories.

⁴ The total number of demolitions undertaken as at 30 June 2019 also includes one affected property surrendered to the Territory following demolition and prior to deregistration. This one property is not reflected in the breakdown in demolition categories.

Complex Properties

Focus during the January – June 2019 reporting period continued on progressing the demolition of complex properties owned by the Territory. During the reporting period a total of 7 complex properties were demolished:

- 3 affected and 1 impacted Dual Occupancy Unit Titled properties (DOUT);
- 2 Strings (1 affected and 1 impacted); and
- 1 affected shared garage property.

With more than half of the 55 complex properties now demolished (34 as at the end of this reporting period), work in late 2019 will focus on completing demolition of the remaining available Duplex and String properties and preparing for the demolition of Multi-Unit Complexes. This includes preparing for the subsequent rebuild of these units and involves significant consultation with each complex's Owners Corporation.

Table 7: Complex Properties Progress

	Properties			Demolished As at 31 December 2018		Demolished As at 30 June 2019		Progress	
	TOTAL	Affected	Eligible Impacted	Affected	Eligible Impacted	Affected	Eligible Impacted	Affected	Eligible Impacted
Duplex	7	6	1	4	1	4	1	0	0
Dual Occupancy Not Unit-Titled	8	8	0	8	0	8	0	0	0
Shared Garages	3	3	0	2	0	3	0	1	0
Dual Occupancy Unit-Titled	10	9	1	5	0	8	1	3	1
Strings	15	7	8	4	3	5	4	1	1
Unit Complexes	12	5	7	0	0	0	0	0	0
TOTAL	55	38	17	23	4	28	6	5	2

Of the 21 complex properties remaining:

- 2 affected Duplex properties are owned by the Territory;
- 1 affected DOUT property is owned by the Territory;
- 6 (2 affected and 4 impacted) are String properties, three of which are owned by the Territory; and
- 12 (5 affected and 7 impacted) are Unit Complexes, 10 of which are owned by the Territory and 2 eligible impacted are not participating.

6. Sales Phase

The Taskforce continues to deliver the Sales Program that triggers the rebuild of affected communities and assists in minimising the overall cost of the Scheme. As at the end of the reporting period, 852 contracts for sale had been exchanged and 836 settlements completed, including 47 FROR contracts exchanged and five sales to ACT Government Agencies.

As at 30 June 2019, a total of 632 offers had been made to former owners holding a FROR with one offer being made during the reporting period. This FROR take up rate remains at just under 8%. The FROR continues to provide an opportunity for former owners to repurchase their block in an off-market transaction in order to return to their former community.

As at 30 June 2019, a total of 866 blocks had been taken to market, 66 blocks remained for sale Over the Counter (OTC) with six under offer. The average price for properties remaining OTC was approximately \$641,410.

With the bulk of the Sales Program now been completed, and the sales agent contract ending on 1 January 2019, remaining sales stock was transferred in-house and managed by the Taskforce. Sales activity will be rolled out through 2019 on a much smaller scale as blocks become available. OTC blocks will be actively marketed and a range of sales strategies and auction events will be explored during 2019 around the best way to market the remaining properties available for sale.

Table 8: First Right of Refusal and Public Sales

	As at 31 December 2018	As at 30 June 2019	Progress
Sales – FROR ⁵			
- Offers Sent	631 ⁶	632	1
- Offers Accepted	93	93	0
- Acceptances Withdrawn	36	36	0
- Offers Declined	258	259	1
- Offers Forfeited	278	278	0
- Sold (exchanged)	45	47	2
- Sold (settled)	45	46	1
Sales – Public Sale			
- Offered for Sale	866	866	0
- Sold (exchanged)	775	800	27*
- Sold (settled)	731	785	54
Sales - Government			
- Contracts exchanged	5	5	0
- Contracts settled	5	5	0

* Two of the exchanges reported up to 31 December 2018 period were rescinded in April 2019 and June 2019.

⁵ At any given time, a number of FROR offers may still be under consideration by former homeowners. For this reason, the offer status figures shown in Table 8 do not always total the number of offers sent.

⁶ This number was incorrectly reported at the Half Yearly Report No.15, as 633. This figure has been amended above to reflect the correct figure as at 31 December 2018, which was 631.

7. Financial Impact

The estimated net cash cost of the Scheme as at the end of June 2019 remains at \$289 million (excluding contingency). This estimate will continue to be through the ACT Government Budget and mid-year review.

Table 9: Buyback Program Expenditure (based on settlement for affected and eligible impacted)

	As at 31 December 2018			As at 30 June 2019		
	No.	Total Cost	Average	No.	Total Cost	Average
Properties Settled	960	\$686,939,661	\$715,559	966	\$692,513,968	\$716,888

Table 10: Demolition Expenditure (based on demolitions contracted to-date, including contract variations)

	As at 31 December 2018			As at 30 June 2019		
	No.	Total Cost	Average	No.	Total Cost	Average
Properties Demolished or Under Contract for Demolition*	946	\$84,538,831	\$89,365	960	\$86,989,939	\$90,615

* Demolition expenditure includes Asbestos Removal and Demolition costs only. These figures exclude the costs incurred by Government in disposing of affected properties, undertaking pre-demolition asbestos assessments and post demolition soil validations. The cost of individual demolitions is influenced by several variables including the property's location, construction type, size (including the size of footings), number of additional structures, block access, slope of the block, and amount and spread of asbestos present. Individual demolition costs can vary significantly from the average.

Table 11: Sales Program Revenue (based on exchanged contracts)

Sales	As at 31 December 2018		As at 30 June 2019		Activity Progress	
	Number	Value	Number	Value	Number	Value
FROR	45	\$36,436,700	47	\$37,396,700	2	\$960,000
Public Sale	775	\$504,450,751	800	\$520,331,251	27*	\$17,289,500
- Auction	358	\$263,336,250	358	\$263,336,250	0	\$0
- By Negotiation	42	\$24,857,300	42	\$24,857,300	0	\$0
- Over the Counter	375	\$216,257,201	400	\$232,137,701	27*	\$17,289,500
Sale to Government	5	\$2,340,000	5	\$2,340,000	0	\$0

* Two of the exchanges reported up to 31 December 2018 period were rescinded in April 2019 and June 2019.

8. Community Information and Engagement

The Taskforce continues to keep the community informed of planned works in their area, with letters delivered to neighbours when a contract is awarded for demolition and when a property is deregistered.

Table 13 below shows the progress of activity during in the first half of 2019.

Table 13: Correspondence with Neighbours

	As at 31 December 2018	As at 30 June 2019	Activity
Contract Award Letters	7,921	8,150	229
Deregistration Letters	9,009	9,110	101

Notes:

- Figures reflect Demolition Communications Process commenced in March 2016.
- Contract Award and Deregistration Letters represent the two communications sent directly by the Taskforce. The full Communications Process with neighbours also includes a letter issued by ACT Property Group upon acquisition of the affected or impacted property, and demolition timing letters issued by the head contractor.

Targeted engagement, including doorknocking and meetings, continued for neighbours closely associated with complex properties. The January - June 2019 reporting period the Taskforce engaged with just 23 neighbours in relation to planned activity of nearby complex properties. This reducing activity is reflective of the progress made on demolition and resolution of most of the complexities associated with the complex properties.

During this reporting period, the Community and Expert Reference Group (CERG), commenced a community consultation program, known as the '*Mr Fluffy Legacy Project*' to determine how the legacies of 50 years of Mr Fluffy in Canberra homes might be acknowledged. The idea of some form of legacy to mark the impact of Mr Fluffy on the Canberra community has been raised regularly since commencement of the Scheme.

This consultation process, led by independent engagement experts, RPS Manidis Roberts Pty Ltd, has engaged with the community in a number of ways including online through a dedicated engagement website, attendance at drop-in sessions or by sending a letter or email to the working group.

On completion of the consultation process, CERG will provide recommendations to government to consider the most appropriate ways to recognise the Mr Fluffy legacy.

Remaining Affected Properties – Supporting Community Safety

While continuing its work to achieve the end of goal of eradicating loose fill asbestos insulation from Canberra's residential properties, the Taskforce sought to balance the needs of homeowners with community safety.

Several approaches were identified that would contribute to improving community safety in relation to remaining residential properties affected by loose fill asbestos insulation, which include:

- increased awareness – particularly for tradespeople and care workers; and
- improved enforcement action for Asbestos Management Plans (AMPs).

During the January – June 2019 a newsletter article, aimed at increasing awareness of the danger of loose fill asbestos insulation, was provided to a list of peak bodies whose membership includes tradespeople, care workers and property managers. By the end of this reporting period the newsletter article had been provided to participating peak bodies and unions which, once distributed, had a potential reach to more than 20,000 members. Key awareness messages were also provided for inclusion in training sessions for apprentices studying at the Canberra Institute of Technology as well as staff and students at the University of Canberra.

The design had also commenced during this reporting period of posters to display in training rooms at the Master Builders' Association, where approximately 10,000 people attend courses each year. Completion of design and printing is expected to occur early in the July – December 2019 reporting period.

Under the *Dangerous Substances (General) Regulation 2004* homeowners that choose to remain in, or allow others to reside in, a property affected by loose fill asbestos insulation, are required to have an Asbestos Contamination Report (commonly known as an AMP) prepared and lodged with WorkSafe ACT. This requirement came into force in February 2016.

As at the end of December 2018, WorkSafe ACT records indicated that of the 45 properties required to have an AMP in place:

- 27 were fully compliant;
- 1 partially compliant (an assessment had been done, but the works required by that assessment had not been completed); and
- 17 were not compliant (with 6 of these having never been).

The January – June 2019 reporting period saw an improvement in these statistics with the number of properties required to have an AMP in place reduced to 39 and the status of these were:

- 27 were fully compliant;
- 1 partially compliant (an assessment had been done, but the works required by that assessment had not been completed); and
- 11 were not compliant (with 6 of these having never been).

WorkSafe ACT continue to monitor compliance and liaise with affected property owners and have advised that the owners of an additional five properties are in the process of obtaining an AMP for their affected property.

9. Scheme Governance

The Eradication Scheme Steering Committee (ESSC) provides high level oversight of the Taskforce activities with a particular focus on ensuring good governance remains in place through to the conclusion of the Scheme.

ESSC monitors the key milestone progress and performance and provides a platform to monitor the effectiveness of risks and controls.

ESSC meets face to face bi-monthly and reports out of session on alternate months. During the reporting period, ESSC met twice. One meeting was cancelled as the required quorum was not met.

The Taskforce internal assurance initiatives, are monitored by the Environment Planning and Sustainable Development Audit Committee. This committee provides independent assistance and advice to the Taskforce on risk, control and accountability responsibilities.

10. Conclusion

During the reporting period, the Taskforce has:

- commenced intensive information and engagement activities to support the homeowners of privately owned remaining affected properties enabling them to further explore pathways to eradication suited to their individual circumstances;
- commenced work on supporting community safety by increasing awareness for tradespeople, care workers and property managers of the dangers of loose fill asbestos insulation;
- safely demolished eleven affected and two impacted properties, including seven with additional complexities;
- progressed the demolition of Shared Garages, DOUT and String complex properties;
- continued to roll out the sales of remediated blocks through FROR and Public Sales processes;
- continued to close cases for homeowners, tenants and landlords who no longer require assistance; and
- continued to provide support to homeowners, including non-participants, and the community.

The second half of 2019 is expected to see:

- meeting with homeowners of remaining affected properties to assist them in exploring all their options and identify individual pathways to eradication;
- continued provision of individual case management, targeted communications, personalised support and assistance to ensure those impacted by the Mr Fluffy legacy can access the support as needed;
- finalisation of options for managing any affected properties that remain privately owned beyond 30 June 2020;
- provision of information to homeowners of remaining affected properties about managing their Mr Fluffy property beyond 30 June 2020 when the Buyback Program closes;
- continued assistance to homeowners choosing to manage their property privately through the provision of information and connection to industry and community agencies to enable them to make informed decisions suited to their individual circumstances;
- supporting community safety by fostering constructive relationships with peak bodies for tradespeople, care workers and property managers to keep them fully informed and assist them to educate their members about Mr Fluffy;
- work progressed on addressing the challenges associated with demolition of affected and impacted properties within unit complexes, including the rebuild of units;
- continued roll out of a safe demolition program as properties become available;
- continued progress of the final phase of the Scheme through the FROR and Public Sales processes;
- consistent communication and engagement with neighbours of affected properties;
- a continuation of CERG's work on the *Mr Fluffy Legacy Project*; and
- continuation of internal assurance initiatives to ensure the current high levels of performance and accountability are maintained.