



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON ECONOMY AND GENDER AND ECONOMIC EQUALITY
Ms Leanne Castley MLA (Chair), Ms Suzanne Orr MLA (Deputy Chair),
Mr Johnathan Davis MLA

Inquiry into Annual and Financial Reports 2020-2021 ANSWER TO QUESTION TAKEN ON NOTICE 3 March 2022

Asked by Peter Cain MLA on 3 March 2022: Emily Springett, Executive Branch Manager, Engagement, Compliance and COVID-19 Response, Access Canberra took on notice the following question(s):

[Ref: Hansard Uncorrected Proof Transcript 3 March 2022, Pages 69-70]

In relation to:

MR CAIN: Yes, thank you, Chair. There is also mention of a further 619 investigations through targeted compliance programs, is this a different category of targeting?

Ms Cheyne: 619 inspections, Mr Cain.

MR CAIN: Yes.

Ms Springett: Sorry, Mr Cain, we are just trying to find where that figure is referenced.

Ms Cheyne: It is on page 52, Ms Springett.

MR CAIN: 52, yes.

Ms Cheyne: The third paragraph down. So I think, Mr Cain, just while they are looking for it and they can correct me if I am wrong, but I believe the 4,500 figure relates to targeted compliance inspections regarding business compliance with the health directions, so again, those restrictions that are in place for businesses, but then there would be targeted compliance programs for other reasons outside the health restrictions as well, due to a particular type of business operation for example, or perhaps relating to a particular event.

MR CAIN: So what type of—what triggers those particular category of investigations?

Mr Pryce: So in a general sense, Mr Cain, as Ms Springett, sort of, outlined against our accountability commitment framework, it just—it is based on risk, data or complaint.

MR CAIN: All right. Okay. And what percentage—I mean, risk data complaint, do you have a breakdown of whether they are coming from the community via a complaint or your own risk or data analysis?

Ms Springett: We can definitely provide you with the number of COVID related complaints, as it related to business throughout the period. So we would be able to provide that. And then in terms of the proportion of inspections that we undertook and how it was determined, we would be able to provide that information as well.

MR CAIN: Thank you. And just to clarify, so these 619 are still COVID related to the health directions or are they more general ... (indistinct)... [2.11.44].

Ms Springett: They are more general in nature. And Mr Rynehart will elaborate on that one a bit further.

MR CAIN: Thank you.

THE CHAIR: You are on mute, Mr Rynehart.

Mr Rynehart: Sorry. It had to be me at some point, I am sorry. Yes, so that 619 sort of breaks down into COVID programmed activities and the general fair trading program. The way that we target those is under our accountability indicator, sorry accountability commitment which sets out a risk approach. But those 619, I believe, are more general programs that we undertook in the last financial year.

THE CHAIR: Excellent. And we might move on.

Ms Cheyne: Ms Castley, if it pleases the committee, or Mr Cain, we can provide that accountability commitment that guides that decision making, it is a publicly available document but we can provide that to the committee if it gives that further context.

THE CHAIR: Thank you, minister, that would be helpful. Ms Orr.

MINISTER CHEYNE: The answer to the Member's question is as follows:—

COVID-19 complaints received by Access Canberra are managed by the Access Canberra Complaints Management Team (CMT) and are triaged to the most appropriate agency for action as outlined in the [COVID-19 Public Health Emergency Response: Risk identification and treatment options by business sector](#).

For example, COVID-19 complaints relating to licenced venues (pubs, clubs, night clubs), gyms, gaming and gambling venues, strip club, brothels and escort agencies are managed by the Access Canberra COVID Compliance Team, and COVID-19 complaints relating to commercial and residential construction are managed by WorkSafe ACT.

In the 2020-2021 financial year, the CMT received a total of 1,880 COVID-19 related complaints via the online feedback and complaints form on the Access Canberra website. Due to how data was captured at that time, Access Canberra is unable to provide a breakdown as to how many of the 1,880 complaints received related to business, as this would require a manual process to re-check each complaint. An update to the complaint capture information occurred in August 2021.

However, when complaints were received, those relating to a business where Access Canberra was the most appropriate response agency under the *COVID-19 Public Health Emergency Response: Risk identification and treatment options by business sector*, these matters were referred to the Access Canberra COVID-19 Compliance Team. This team then assessed the complaint based on the level of harm and impact of the alleged conduct in accordance with the [ACT Public Health Directions](#) and the [Access Canberra Regulatory Investigation and Complaint Policy](#).

Those complaints relating to an individual breach to the Public Health Directions were provided to ACT Policing for assessment and action where appropriate.

How Access Canberra manages COVID-19 complaints

Access Canberra applies a risk-based approach is applied to ensure resources are targeted to where the risks of harm, unsafe practices or misconduct are the greatest as outlined in the Access Canberra [Accountability Commitment Policy – Regulatory compliance and enforcement](#) framework. This approach considers available resources to ensure appropriate regulatory actions are taken where the community is most at risk.

Factors considered when selecting to escalate matters for investigation and enforcement action include:

- Evidence of significant harm or detriment particularly where the conduct is ongoing or systemic.
- Blatant disregard for the law, or a pattern of deliberate non-compliance by a business that has the potential for substantial harm or detriment.
- If conducted is occurring at the time or happened in the past where no risk of harm is evident anymore.
- Enforcement action is likely to have a strategic educative and deterrent effect.

All complaints are recorded for intelligence purposes and some complaints are less likely to be escalated for further investigation due to the following factors:

- Isolated events involving limited harm and detriment; and/or
- Matters that are more effectively dealt with by another agency.

COVID-19 Compliance inspections are targeted in accordance with the Access Canberra [Regulatory Compliance and Enforcement Framework](#) and the [COVID-19 Public Health Emergency Response: Risk identification and treatment options by business sector](#), endorsed by the Chief Health Officer. This document informs compliance agencies' focus by providing an assigned inherent (COVID-19) risk rating by business type whilst supporting areas of focus for compliance.

Targeted COVID compliance inspections are also undertaken as restrictions change (either relaxing or strengthening), with a focus on industries impacted by those changes.

Fair trading and gaming inspections

Access Canberra applies a risk-based compliance approach to ensure resources are targeted to where the risks of harm, unsafe practices or misconduct are the greatest.

Access Canberra prioritises its actions based upon a range of factors including, but not limited to, conduct that causes harm or risk to life, health, or the environment, conduct that is systemic and is likely to have a detrimental effect on the community and/or the environment, and conduct that demonstrates a blatant disregard for the law.

The 619 inspections that were conducted through targeted compliance programs were part of a planned proactive compliance program. Industries targeted included liquor, security, controlled sports, major events, gaming venues, the casino and product safety.

Access Canberra utilises a range of intelligence and data to inform the 837 inspections conducted outside of proactive programs. Individual sources of intelligence against actions undertaken cannot be reconciled without an unreasonable diversion of resources.

Approved for circulation to the Standing Committee on Economy and Gender and Economic Equality

Signature: 

Date: 17/3/22

By the Minister for Business and Better Regulation, Tara Cheyne MLA