



STANDING COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM

**JEREMY HANSON MLA (CHAIR), MICHAEL PETTERSSON MLA (DEPUTY CHAIR), MARK PARTON MLA,
SUZANNE ORR MLA**

**Inquiry into referred 2016–17 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE**

Asked by MS LE COUTEUR:

In relation to:

1. How many complaints were received about compliance with building and planning approvals?
2. How many of these complaints:
 - a) Led to Access Canberra investigating the matter?
 - b) Led to remedial action being completed by a builder?
 - c) Led to a Stop Work Notice?
 - d) Led to a Rectification Order?
 - e) Led to accrual of demerit points?
 - f) Led to Access Canberra instigating legal or ACAT proceedings?
 - e) Led to other regulatory measures by Access Canberra against a builder?
 - f) Led to other regulatory measures by Access Canberra against a certifier?
3. How many complaints were received about the quality of construction work?
4. How many of these complaints:
 - a) Led to Access Canberra investigating the matter?
 - b) Led to remedial action being completed by a builder?
 - c) Led to a Stop Work Notice?
 - d) Led to a Rectification Order?
 - e) Led to accrual of demerit points?
 - f) Led to Access Canberra instigating legal or ACAT proceedings?
 - e) Led to other regulatory measures by Access Canberra against a builder?
 - f) Led to other regulatory measures by Access Canberra against a certifier?
5. Table 2 on page 273 of the CMTEDD Annual Report indicates that 40 demerit points were issue advise:
 - a) For what non-conformances were the demerit points issued?
 - b) How many licensees they were issued against?
6. Table 6 on page 274 of the CMTEDD Annual Report indicates that 1264 non-conformances were found for all residential energy ratings. Please advise:
 - a) What these non-conformances were made up of (e.g. new building work, sale of premises, lease of premises) and type of non-conformance (e.g. fraudulent rating, failure to publish rating in sales material)



LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

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- b) What regulatory activities (e.g. physical inspection) led to identification of these non-conformances?
- c) What action was taken to address these non-conformances?

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

1. 305 complaints related to planning laws were received for the 2016/17 year.
2.
 - a) All complaints received were investigated by the Building and Planning complaints team.
 - b) The information sought is not in a readily accessible format and would require the significant diversion of directorate resources, and so cannot be provided in the detail requested.
 - c) As above.
 - d) As above.
 - e) Access Canberra can advise that 42 audits led to 81 demerit points issued for 2016/17. Access Canberra had no data capture for complaints received that led to demerit point enforcement.
 - f) The information sought is not in a readily accessible format and would require the significant diversion of directorate resources, and so cannot be provided in the detail requested.
 - e) As above.
 - f) As above.
3. 220 complaints related to construction laws were received for the 2016/17 year.
4.
 - a) All complaints received were investigated by the Building and Planning complaints team.
 - b) The information sought is not in a readily accessible format and would require the significant diversion of directorate resources, and so cannot be provided in the detail requested
 - c) As above.
 - d) As above.
 - e) Access Canberra can advise that 6 audits led to 40 demerit points issued for 2016/17. Access Canberra had no data capture for complaints received that led to demerit point enforcement.
 - f) The information sought is not in a readily accessible format and would require the significant diversion of directorate resources, and so cannot be provided in the detail requested
 - e) As above.
 - f) As above.



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5.
 - a) The information sought is not in a readily accessible format and would require the significant diversion of directorate resources, and so cannot be provided in the detail requested.
 - b) As above.
6.
 - a) The non-conformances were failures to meet one or more of the 16 criteria audited for each of the Energy Efficiency Ratings submitted with Building Approvals (BA) as well as the Sale of Premises (SOP) paper audits. Any one audit can have multiple discrepancies or non-conformances across the audited criteria for each of the BA and SOP audits (i.e. conditioned floor areas, unconditioned floor areas, wall areas construction and insulation types, ceiling and roof type and insulation, orientations of walls, floor types).
 - b) These audits were administrative (paper) audits carried out in the office on BA lodged plans and EERs (BA audits), or conveyancing file and lodged/advertised EER in the case of SOP audits.
 - c) The non-conformances were addressed through engagement and education with the licensed building assessors and the issuing of 25 demerit points across 3 individual building assessors. The demerits were issued in relation to technical non-conformance with the requirements of the Code of Practice, as well as non-submission of EERs to the Construction Occupations Registrar.

Approved for circulation to the Standing Committee on Economic Development and Tourism

Signature:

Date: 27/11/17

By the Minister for Regulatory Services, Gordon Ramsay MLA

