



QUESTION TIME
OF THE
LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY

HANSARD

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Tuesday, 28 November 2017

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Questions without notice
Land—block 24 city

MR COE: My question is to the Minister for Urban Renewal.

MS BERRY: Do you mean me?

MR COE: Yes. Minister, did the LDA file on block 24 section 65 adjacent to Glebe Park, that is, the block that was the subject of the Auditor-General's inquiry, go missing or did any documents from that file go missing and, if so, what efforts were made to find this file or these documents?

MS BERRY: I will have to take that question on notice. I do not have that information with me.

MADAM SPEAKER: Sorry, the question was to the Minister for Urban Renewal. The Minister for Housing and Suburban Development.

MS BERRY: That was why I answered. I was not sure.

MR COE: Minister, have you been briefed or informed in any way that documents have gone missing and, if so, what effort has been made to locate these documents?

MS BERRY: No, I have not been briefed on any documents that Mr Coe is referring to.

MS LAWDER: Minister, what security classification did the LDA file or missing documents on block 24 section 65 have, and have other files or secure documents gone missing from the LDA and/or City Renewal Authority?

MS BERRY: I will have to take that question on notice as well.

Gaming—complaints investigation

MS LE COUTEUR: My question is to the Minister for Regulatory Services and relates to the Gambling and Racing Commission's recent investigation into the case of Laurie Brown. What requirements are there for the Gambling and Racing Commission to consult with the complainant and provide a copy of their findings as part of the complaints investigation process?

MR RAMSAY: I thank Ms Le Couteur for the question. Noting that there is an active investigation, I will keep my comments general, in the knowledge that there are particular requirements all the way through. It is an involved process. Certainly one of the things that are important as part of it is making sure that there is procedural fairness. One of the things that the act requires as part of that procedural fairness for the GARC to follow is quite a clear staged process before arriving at a decision to take disciplinary action.

As part of that, what happens is that Access Canberra, acting on behalf of the

GARC, investigates the allegations and prepares an investigation report. The GARC will consider the investigation report. If it is satisfied that grounds for disciplinary action exist, it issues a proposed notice of a disciplinary action to the licensee. The act requires that the GARC give the licensee three weeks to respond to that notice. If it is satisfied that disciplinary action is warranted, the GARC then serves a notice of decision to take disciplinary action that sets out the basis for the decision and the proposed disciplinary action.

At each stage the GARC considers and, if appropriate, addresses any representations from the licensee in response to a notice or a letter and always gives it adequate time for response. Then, after considering any further representations from the licensee, and if it is considered appropriate, the GARC will issue the licensee with a reviewable decision notice saying that it is taking disciplinary action. That means that there are limits on the information that is available to be provided to a complainant, to ensure that the investigation is conducted in a manner that does not compromise the evidence or the avenues of inquiry to ensure that there is appropriate procedural fairness.

MS LE COUTEUR: Will Professor Brown, as the complainant, have standing as an effected person should Raiders Belconnen choose to appeal the GARC's decision to ACAT?

MR RAMSAY: It would not be appropriate for me to comment on the particular case that has been referred to given that it is a matter in relation to ACAT.

Ms Le Couteur: It's not a particular—

MADAM SPEAKER: Was there a point of order, Ms Le Couteur?

Ms Le Couteur: I will take out the words "Professor Brown" and replace them with "will the complainant". It is not a question about a particular case; it is a question about a class of people.

MR RAMSAY: Given that we are now taking it into the abstract, the decision in relation to standing in this matter is taken by ACAT or the court and not by the Assembly.

Environment, Planning and Sustainable Development Directorate—FOI requests

MS LAWDER: My question is to the Minister for Planning and Land Management. Minister, on 3 August, I made an FOI request to your directorate for documents relating to the Federal Golf Club's development proposal, the club's transfer to the Tradies-backed Canberra Community Clubs group, and the government's decision to hold community panel forums. On 29 August, your directorate provided documents from a similar request from 2015 and asked for further information. I replied on 6 September. On 19 September, I agreed to a significant reduction in the scope of the FOI. Now, more than 10 weeks later, the directorate has still not supplied the FOI-requested documents. Minister, why is your directorate failing to meet the deadlines set by the FOI legislation?

MR GENTLEMAN: I thank Ms Lawder for her question. I understand that the directorate has been working with Ms Lawder to refine the FOI requirements. I do not have anything in my brief in front of me, though. I will check with the directorate and come back to her with the time line for that.

MS LAWDER: Minister, will you now intervene and instruct your directorate to supply the documents without further delay; and if the delay is due to understaffing, will you adequately resource this division within the directorate?

MR GENTLEMAN: As I said, I understand that the time line is due to the amount of detail within the question, but I will come back to the Assembly with those details.

MR COE: Minister, is your directorate deliberately delaying the FOI process and were you informed that an FOI was lodged and who the person was who submitted the FOI?

MR GENTLEMAN: We are not informed about which person lodges an FOI. We are only informed whether it comes from the media or perhaps a Legislative Assembly member or somebody else. But names are not used. I am pretty confident that they are not directly trying to delay the answer.

Greyhound racing—protest rally

MR PARTON: My question is, I think, to the Minister for Transport and City Services, but I will be happy to take direction if it is not the right minister. On 24 November, organisers of the greyhound rally that was held yesterday were denied access to electricity in Civic Square. Why did the ACT government deny the greyhound industry rally access to electricity in Civic Square?

MS FITZHARRIS: I thank Mr Parton for the question. I will take the question on notice and endeavour to get a reply to him as soon as possible. I am not aware of the assumption that Mr Parton made in his question, but I will take the question on notice.

MR PARTON: Is the minister aware of any other denial of access to electricity for rallies in Civic Square?

MS FITZHARRIS: No, I am not aware.

MRS DUNNE: Minister, what actions will you take to ensure that community rallies in Civic Square will have access to electricity in future no matter whether they are for or against government policy?

MS FITZHARRIS: I understand that approvals sought by organisations, groups and individuals to hold public events are relevant to a number of different departments. The government always seeks to facilitate as speedily and as smoothly as possible approval for such events. Again, I will come back to the Assembly with any further information.

Economy—performance

MS CHEYNE: Chief Minister, the Australian Bureau of Statistics has recently released the final state accounts for 2016-17. What do these show about the state of our local economy?

MR BARR: I thank Ms Cheyne for the question. In what was a round of excellent releases from the Australian Bureau of Statistics in that week, I can advise the Assembly that the latest data on the ACT's economic growth confirms what Canberrans can see and feel: that our city is going from strength to strength.

In 2016-17, our city's real gross state product expanded by 4.6 per cent. This was the highest growth rate of any jurisdiction in Australia and well up on our prior projections. It was significantly higher than the territory's 10-year average growth rate of 3.2 per cent. It also comes on the back of an upwardly revised growth for the 2015-16 fiscal year, demonstrating that Canberra is undergoing a sustained economic expansion.

Importantly, the growth came from a diverse range of sectors that point to a continued broadening of the territory's economic base. The stand-out was professional, scientific and technical services, which grew by 34 per cent in the past year and contributed more than half of our total GSP growth. However, we have also seen strong growth in the IT and telecommunications sector, which grew by more than 11 per cent, along with an expansion of the construction, healthcare and social assistance sectors.

Strong and sustained growth is good for Canberra businesses because it creates more opportunities for them to expand. It benefits Canberra workers because it creates more good jobs. And it is good for our community as a whole because it supports the vibrancy and confidence that is making this city a place where people want to live and that people want to visit.

MS CHEYNE: Chief Minister, how is employment growth tracking throughout 2017, and what does this mean for local jobs?

MR BARR: Getting more Canberrans into good jobs, and keeping them in those jobs, is a top priority for the government. The latest employment data from the ABS shows that our unemployment rate, which now sits at 3.8 per cent, is the lowest of any jurisdiction in Australia. This has been achieved alongside a very high and rising level of workforce participation. Almost 20 jobs a day have been created in Canberra every day for the past 12 months, raising local employment by 6,700. With now over 222,100 Canberrans in work, we are experiencing an all-time historic high of employment in our city.

The majority of the new jobs created were full-time jobs: the kinds of good quality jobs that make supporting a family or buying a home possible. We have also seen a significant fall in the youth unemployment rate, which has shrunk by 2.4 percentage points over the past 12 months. Whilst there is always more work to do to get this number lower, the unemployment rate for young Canberrans is well below the national average and shows that our growing economy is creating jobs for people at every stage of their careers.

MR PETTERSSON: What are some of the factors contributing to the very strong

economic and employment growth that the ACT has seen throughout 2017?

MR BARR: Our city is growing in every way. That is supporting a strong and sustained expansion of our economy and our employment base. The latest census showed that our population is growing more rapidly than that of any other state or territory. More people are choosing to make Canberra their home. It has been a record year for tourism, with 2.6 million domestic visitors and over 221,000 international visitors visiting Canberra. Our education and research sector continues to grow significantly, with the ACT now being Australia's largest exporter of international education services on a per capita basis.

All of the signs suggest that there is much more to come in 2018 and beyond. Next year, Qatar Airways will launch flights to Canberra, which will bring even more international tourists to our city and make exporting services and products easier. Companies like Canberra Data Centres and CEA Technologies have recently signed major contracts worth hundreds of millions of dollars that will see their local operations continue to grow and see more local jobs created. The University of New South Wales Canberra is planning a new tertiary campus in the heart of the city, further bolstering Canberra's national and international education offerings. This year, 2017, has been a very strong year for Canberra on the economic front. On this side of the chamber we are particularly excited about our city's potential in 2018 and beyond.

Director of Public Prosecutions—resourcing

MR HANSON: My question is to the Attorney-General. It was reported in the *Canberra Times* recently that a DPP prosecutor appeared at the Supreme Court asking that nearly 30 cases be abandoned because “a chronic lack of resources meant it didn't have enough prosecutors to run the matters”. The court refused his or her request. Are there nearly 30 cases in the ACT that the DPP does not have enough resources to proceed on?

MR RAMSAY: My understanding is that the practice that has occurred for listing between the Supreme Court and the Magistrates Court has resulted in pressure not only for the DPP but also, I am advised, right across the legal profession. That has meant that there have been a number of matters set aside at this stage. As the member is well aware, we are working with the DPP in government consultations at the moment, and deliberations, in relation to the ongoing resourcing of the DPP.

Mr Hanson interjecting—

MADAM SPEAKER: A supplementary, Mr Hanson, not commentary, thank you.

MR HANSON: I was thinking out loud, Madam Speaker. Attorney-General, how can you guarantee that those 30 cases will be adequately prosecuted if they are forced to proceed without sufficient resources?

MR RAMSAY: I acknowledge the wisdom that happens when the member happens to think out loud. It is always a good thing when members opposite think before they speak and I do acknowledge that it happens. Wonderful times! I thank the member for his thinking and his speaking.

What it is that I can guarantee is that we have, as I say, a matter that is putting pressure not only on the DPP but right across the legal profession. Comments have also been made in terms of legal aid and the broader profession. What it is that we have looked at is that in those particular cases they are ensuring that they can be prosecuted but that they can be done in a way that is at no risk to the community.

MS LEE: Attorney, will you now reassess the funding given the real-world impact that the lack of resources has on 30 cases before the Supreme Court?

MR RAMSAY: I thank Ms Lee for the supplementary question. As I think I have said before, the government is indeed looking at and considering the resourcing of the DPP, along with all the priorities across the legal profession and the legal justice system, and our priorities right across government.

Education—school psychologists

MR WALL: My question is to the Minister for Education and Early Childhood Development. Minister, at the 2016 election the Labor Party promised to recruit 20 extra psychologists to work in our school system. So far, no extra psychologists have been recruited. The government has announced plans to recruit an additional five psychologists, at a cost of \$2.4 million. There is no funding in the budget to cover the 15 additional psychologists promised. Minister, does the government plan to recruit an additional 15 psychologists? If so, when will the additional psychologists be recruited?

MS BERRY: I thank Mr Wall for the question. The first five psychologists have been recruited and will begin at the start of the school year next year, in 2018. The following 15 psychologists will be recruited over the term.

MR WALL: Minister, how will the government fund the recruitment of these 15 additional psychologists?

MS BERRY: Through the normal processes, through the budget.

MRS JONES: How confident are you that the directorate will be able to fill all these positions, given we have some national shortages of people in these professions?

MS BERRY: I am very confident that the Education Directorate will be able to fill all of the positions.

Schools—Gungahlin

MR PETERSSON: My question is to the Minister for Education and Early Childhood Development. Can the minister update the Assembly on the new school being built in the north Gungahlin suburb of Taylor?

MS BERRY: Thank you for the question. The new school, currently under construction, in Taylor will be a preschool to year 6 school, catering for students in Taylor, Moncrieff and Jacka. I was very fortunate to be able to officially start the

construction, along with local members Michael Pettersson and Suzanne Orr, who joined me at the official sod turning a couple of weeks ago.

The engagement from the broader community has been great to see, and I am looking forward to seeing the local school community build around the new school, with parents, teachers and the student community. When the school opens in term 1 in 2019, it will cater for 88 preschool and 600 primary school students, increasing the capacity of public education in Gungahlin. This delivers on a previous election commitment delivering \$32 million for constructing the new school, which will include two playing fields at the site.

Schools are the central hubs in our communities, and more than just where our children are educated. The new primary school will be the first community facility provided in Taylor, and will be a central hub, with a school hall, oval and meeting rooms available for community use.

MR PETTERSSON: How will the design of this school support a great learning experience for children and provide a good place for teachers and support staff to work?

MS BERRY: The new school in Taylor will be a modern facility that will be ready to meet the needs of students, teachers and support staff alike. The north Gungahlin P-6 school will have all the amenities our great schools need, with innovative learning spaces for students, a resource centre, school administration and canteen and out of hours school care facilities as well as outdoor learning and play areas. The school will also include specific facilities for music and curriculum enrichment programs including in the areas of science, technology, engineering, arts and mathematics to ensure that we are equipping our students for the best possible future.

There has been a lot of care and thought put into the design of the school that ensures that it will meet not only the challenges of the future but the needs of all students. For example, the new school will provide some non-gender specific facilities to ensure the inclusion of all students, seamless learning spaces and facilities for the inclusion of students with special needs.

I am confident that the new school will be the centre of the growing community in Taylor and provide a great learning experience for students.

MS CODY: Minister, how else is the government ensuring that children in the growth area of Gungahlin have access to education in the ACT's great public schools?

MS BERRY: Of course, everybody knows that Gungahlin is one of Australia's fastest growing regions. New schools like the north Gungahlin P-6 will provide greater access and capacity for our great public schools. The ACT government has continued to invest in existing Gungahlin schools to ensure that we meet the needs of students in the region. This year's budget included \$24 million for school expansions across Gungahlin, including works at Neville Bonner, Palmerston and the junior schools at Gold Creek and Harrison. \$250,000 has been allocated for early planning for the new school facilities in east Gungahlin. The upgrades at Neville Bonner, Harrison and the Palmerston preschool have all been completed this year, with the Amaroo upgrades

ready in time for the 2018 school year.

Planning for future growth in Gungahlin is an ongoing process, with new homes and families moving in each year and with the demand for services, roads, facilities and, of course, light rail coming through next year. The north Gungahlin school has been built for the future, with the potential to expand the school with an extra 44 preschool and 150 primary school places if required to meet demand.

I want to make sure that every child has the opportunity to go to one of our great public schools and that we are meeting the needs in Gungahlin as well as all across the city.

Community services—funding

MRS KIKKERT: My question is to Minister for Community Services and Social Inclusion. ACTCOSS president, Susan Helyar, has pointed out that growth in funding for the territory's social services providers has not come close to matching our 11 per cent growth in population. As a consequence, fully two thirds of the not-for-profit groups and community providers operating in the ACT are reporting that funding levels are insufficient to meet current demands for their services. At the same time, over the past five years average tax per household in the territory has jumped 28 per cent. Why has the government decided to allow funding for services that assist our most vulnerable Canberrans to decrease relative to both increasing population and increasing demand?

MS STEPHEN-SMITH: The community services sector provides a range of incredibly valuable services and supports not only for the most vulnerable people in our community but also community-wide. This leads to greater social inclusion across our community and greater recognition of people in need.

The resources we put into the community sector, in some ways, will never be enough to support that need. We know that there is always additional work that could be done. We are in constant conversation with the community sector about that. One way that we are doing this is through the ACT community services industry strategy, a 10-year strategy released last year, which identifies a range of pressures and opportunities across the sector, one of which is in relation to skilled workforce. I know that Ms Helyar has talked a lot about this issue in relation to both resourcing and other kinds of needs around training et cetera.

The strategy has identified the need for a skilled workforce to meet growing demand for services and provide more flexible and responsive client-centred care. Consequently a feature of the industry strategy is the development and implementation of a workforce plan, which we expect to be finalised quite soon. The plan will achieve two key outcomes of the strategy, including support for recruitment and retention of individuals with skills and abilities to meet future needs. It will also enhance the ability of the sector to employ professional and highly skilled staff and volunteers committed to meeting community services.

This is just one way we are working with the sector to meet its needs, which we understand are ongoing. We understand that we need to continually have the

conversation with ACTCOSS—as I did when I appeared at their AGM the other week—about where we can put our scarce resources.

MRS KIKKERT: Minister, with household tax rates in the territory at an all-time high, why are community providers being expected to provide more and more services without corresponding increases in funding?

MS STEPHEN-SMITH: I do not have the entire budget figures on me but I would suggest that we do continue to increase funding for the community sector. There are indexation arrangements built into most of our agreements. We continue to provide additional resources in each budget to various sectors of the community sector.

MR PARTON: Minister, what specific steps will the ACT government take to fix the growing disparity between the skyrocketing tax revenue and the stagnant funding for community service providers?

MS STEPHEN-SMITH: I thank Mr Parton for his supplementary question. Of course, government resources are limited. There is a tax base, and we need to make decisions about how we spend our resources across the community, including in the community sector. As I said in response to the previous question, we have continued to increase the resources that are available to the community sector. We do that in conversation with the community sector about priorities, and that is a conversation that we are continually engaged in.

Environment—Mugga, Isaacs and Tralee

MS LEE: My question is to the Minister for the Environment and Heritage. Minister, what work is being undertaken along the wildlife corridor linking Mugga, Isaacs reserve and Tralee; what is the purpose of that work; and who is undertaking the work?

MR GENTLEMAN: I thank Ms Lee for her interest in the environment across the ACT. Of course our directorate does quite a bit of work across the ACT in ensuring the best environmental outcomes. My understanding is that that work is to do with the associated burns near the environmental centre at Symonston. We are looking at ensuring that we have the best outcomes for native species, native grasses, around that area. In relation to the detail on that, I will have to take that on notice and come back to the chamber.

MS LEE: Minister, has an EIS been prepared for that work and if not, why not?

MR GENTLEMAN: I will have to take that on notice.

MS LAWDER: What consultation has been undertaken with local leaseholders and others in the vicinity of Hume and dog trap gully?

MR GENTLEMAN: Again I will have to take that detail on notice.

Aboriginals and Torres Strait Islanders—education

MR MILLIGAN: My question is to the minister for education. Minister, in the last sitting in this place, you said in relation to Indigenous education that the government was now working with the community “to improve on all the work the ACT government has done within ACT schools over the last decade”. You then went on to blame the federal government’s funding cuts for your government’s failures.

Minister, your government has been in power in the ACT for the past 16 years, including six years when the Labor Party was in government federally. In those 16 years, your government’s failure in Indigenous education has been endemic, evidenced by failing NAPLAN results and continuing poor attendance and retention levels. Minister, why are you blaming someone else for your government’s failings in Indigenous education over the past 16 years?

MS BERRY: I thank the member for the long lecture before the question provided by the shadow minister opposite. That is—

Mr Wall: Get to the substance.

Opposition members interjecting—

MADAM SPEAKER: Minister, can you resume your seat. Mr Wall, it was a lengthy question and we are 15 seconds into the answer. The minister was not on her feet as long as the time Mr Milligan took to ask the question. I was rejoicing in the quiet question time. Perhaps we could return to that.

MS BERRY: The ACT government is working with the Aboriginal and Torres Strait Islander community to build on the great things that are already occurring in our schools around supporting Aboriginal and Torres Strait Islander students and families. We are also calling on the federal government to support us in the work that we are doing by committing to funding to the ACT and committing to further improving schools across the country.

If there is any issue with any government across Australia taking issue with anyone who is in charge at the federal level, we are not doing our job if we are not holding whoever it is to account when it means that our communities are going to miss out.

MR MILLIGAN: Minister, why did it take your government a decade to realise it needed to engage with the community on Indigenous education?

MS BERRY: It did not.

MR WALL: Minister, why do you continue to blame someone else for your government’s failings and why has it taken so long for the government to engage with the community, given that you have been failing in this space for over a decade?

MS BERRY: I have not and we did not.

Waste—green bins

MS CODY: My question is to the Minister for Transport and City Services. Can the

minister update the Assembly on the take-up rate for the government's green bins program in Weston Creek and Kambah?

MS FITZHARRIS: I thank Ms Cody very much for the question and her advocacy for this exciting initiative not only in her own electorate but also across the territory. As we know, residents of Weston Creek and Kambah were the first to receive green waste bins, in April this year. It has been approximately seven months since the first collection service. I am very pleased to say that the positive feedback we have received from residents in the pilot area has been terrific. The suburbs in Weston Creek and Kambah were chosen for the pilot region to give the ACT government a good sample size of residents in an established region of Canberra.

The response from residents in Weston Creek and Kambah has been fantastic. More than 8,000 green waste bins, representing an almost 50 per cent take-up rate, have been delivered to households in these suburbs. The pilot area collected a total of 860 tonnes of garden organic green waste between April and September this year, with this figure expected to increase now that the weather is warmer.

I am also pleased to inform the Assembly that exceptionally low contamination rates have been recorded during the pilot: less than one per cent. Nearly all residents involved are using the service in the way that is intended, depositing only lawn trimmings, garden cuttings and leaf litter in their green bins. This low contamination rate is testament to the excellent planning, execution and ongoing communication work of the Transport Canberra and City Services Directorate, and of course full credit should go to the residents of Weston Creek and Kambah.

This reinforces the importance of education and providing high quality information to the community as we roll out key waste reduction initiatives. It also bodes well as we continue to plan for the city-wide rollout of green bins.

MS CODY: Minister, can you update the Assembly on the planned city-wide rollout of the green bins?

MS FITZHARRIS: I am very happy to update the Assembly on the proposed city-wide rollout for green bins. I was very pleased to announce earlier this month, Madam Speaker, that in your electorate in Tuggeranong residents will be able to receive their green waste bins in January next year. Following the success of the Weston Creek and Kambah pilot, residents have been able to sign up for green waste collections from yesterday. The collections will start in January next year, with Belconnen collections to begin in September ahead of a territory-wide rollout in mid-2019.

Madam Speaker, as you know and as a fellow member for Brindabella knows, this is the perfect time of the year for the service to start for Tuggeranong residents: I know Mr Gentleman has already registered his interest, which is terrific. Your gardens are flourishing. Garden prunings are growing. Grass clippings and weeds need to be disposed of, particularly over the summer period. We have had 6,000 Tuggeranong residents already express their interest in receiving a green bin and now these residents can register to take advantage of this great service.

Weston Creek and Kambah residents can still opt in for a green bin. A one-off registration fee of \$50 is required, with eligible concession cardholders exempt from payment. Every Canberran who wants a green bin will have one by the middle of 2019. This means that we will complete the delivery of our 2016 election commitment a full year ahead of schedule.

MS ORR: Minister, what waste management and environmental benefits will the full rollout of green bins provide to the ACT?

MS FITZHARRIS: There are many benefits to having access to a green waste bin that will save the community time and money. Alongside being convenient for residents, there are a number of waste management benefits associated with residents having a green bin that helps to divert garden waste that is currently going to landfill. Garden waste that is sent to landfill generates methane greenhouse gases as it decomposes underground. The impact of methane is considered to be more than 25 times more damaging to the atmosphere than carbon dioxide.

The rollout of green bins has seen very low levels of contaminated green waste being diverted to landfill, as I mentioned earlier. The full rollout will continue to reduce the low contamination rates that have been recorded throughout the pilot. Another great environmental benefit is that Corkhill Brothers process green waste into high quality products, such as compost for the community and businesses to use on their own gardens.

ACT Health—FOI requests

MRS DUNNE: My question is to the Minister for Health and Wellbeing. The ACT open government website has not published any ACT Health FOI requests since November 25, 2015. What is the reason that there have been no ACT Health FOI requests published for the past two years? The answer is not that there have been no FOIs.

MS FITZHARRIS: I thank Mrs Dunne for asking her question and answering part of it. Indeed, I believe that is the case. There have certainly been a number of FOIs. I was not aware of that. I will ask the directorate and provide an answer to the Assembly as soon as I can.

MRS DUNNE: When the minister is seeking information, could she ensure that in future ACT Health is complying with the ACT government's FOI policy?

MS FITZHARRIS: Yes, of course.

MR COE: Minister, will you ensure that any missing ACT Health FOI requests will be published by the end of this year?

MS FITZHARRIS: I will certainly speak to ACT Health. I hope that there is a simple explanation, and I certainly intend to be able to provide, on the open access website, that information.

Municipal services—road repairs

MRS JONES: My question is to the Minister for Transport and City Services. I refer to the Auditor-General's report on maintenance of selected road infrastructure. The Auditor-General said:

Aging road assets and budget limitations have resulted in a backlog of road pavement repairs. Reducing this backlog will likely take years and is best guided by a long-term strategy.

Why has the ACT government allowed a backlog of road pavement repairs to develop, with the backlog increasing by 400 per cent since 2010-11?

MS FITZHARRIS: I note that this was addressed in the government's response to the Auditor-General's report, and previously in the annual reports hearings just a couple of weeks ago. It is certainly the case that we welcomed the Auditor-General's report. As I indicated in annual reports hearings and in the government's response, we have agreed with all the recommendations in the Auditor-General's report and we are seeking to change a number of policy and planning processes. We will endeavour to continue to invest in the maintenance and upgrade of our road network.

MRS JONES: Minister, why had the government failed to develop a plan to address this backlog of road pavement repairs previous to that report?

MS FITZHARRIS: I can speak to what we are doing now, and we are indeed developing our plans.

MR MILLIGAN: Minister, why is Roads ACT unable to ensure that existing assets are being managed and maintained efficiently and effectively and that they fully support the delivery of services?

MS FITZHARRIS: I am not sure I fully understood what the last part of that question was. Roads ACT are indeed making sure that we can manage now and into the future a very extensive road network.

Crime—legislation

MS ORR: My question is to the Attorney-General. How is the government supporting police, prosecutors and courts with legislation to deal with the threat of criminal gang violence?

MR RAMSAY: The government takes criminal gang violence very seriously. We are strongly committed to responding to these gangs' criminal activities in ways that are evidence-based, including lessons learned from other jurisdictions. We also work closely with ACT Policing to ensure that the responses that we develop are forming a practical toolkit of measures genuinely effective in deterring, disrupting and prosecuting gang-related violence and other criminal activity.

The government's approach is a combination of four key response areas: Taskforce Nemesis, legislative reform, intelligence and the confiscation of criminal assets. The government has committed significant funds to Taskforce Nemesis to enhance its

investigative and intelligence capabilities, including forensic accounting experts. The government's focus has been to ensure that ACT Policing has the resources and tools necessary to do its job.

We are confident that, through Taskforce Nemesis and its whole range of enforcement tools, ACT Policing is well equipped and will continue to keep this community safe. Our legislative response this year included introducing a specific new drive-by shooting offence and better powers for police to establish and hold crime scenes quickly so that investigations—

Ms Lawder: A point of order Madam Speaker: I understand that standing order 59 relates to anticipating discussion. Tomorrow we have a notice on the notice paper relating to this matter. I am unsure why we have a question anticipating that discussion.

MADAM SPEAKER: I think this point of order has been raised before. A number of times the Leader of the Opposition has asked questions anticipating private members' business. If we were to take every anticipation as being out of order, there would be very limited discussion and questions. So there is no point of order.

Mr Steel: On the point of order: my understanding is that it does not apply to question time; it applies to other proceedings.

MADAM SPEAKER: Thank you for your assistance Mr Steel!

MR RAMSAY: These changes will give Taskforce Nemesis further practical tools to investigate and enforce the law. We will not be stopping there: we will continue to examine options and bring them before the Assembly to add further tools to assist our law enforcement officials to combat the activity of criminal gangs in the ACT.

MS ORR: Attorney-General, has the confiscation of criminal assets legislation in the ACT been used successfully against organised crime?

MR RAMSAY: I thank Ms Orr for the supplementary. Yes, indeed, an important element of disrupting criminal gangs is to target their finances and to take the profit out of crime. To this end the government has significantly invested in resourcing the criminal assets investigation team within Taskforce Nemesis to focus hard on confiscation of criminal assets. Taskforce Nemesis works closely with the Director of Public Prosecutions to confiscate the assets of OMCG members and together they have had excellent results.

During the 2016-17 financial year tainted interests in six residential properties were forfeited to the territory, with a total value of \$1.1 million. \$720,000 in cash, vehicles and other property was also forfeited. A further \$1.8 million worth of real estate, cash, vehicles and other property was restrained. That work is ongoing. As was reported in the *Canberra Times* a fortnight ago, nearly \$400,000 was seized very recently as the result of a drug trafficking case.

The government will continue to use every available method to let serious organised crime gangs know that our community does not tolerate their criminal behaviour. We

will continue to disrupt the illegal activities of criminal gangs to ensure that they are unable to profit from wreaking havoc on community order and public safety.

MR STEEL: Attorney-General, what are the core values that shape the government's approach to legislation that targets organised crime?

MR RAMSAY: I thank Mr Steel for the supplementary. We know that if there were a simple solution—like a hammer—that would solve the problem of criminal gang activity, we would have found it and used it by now.

Mr Hanson interjecting—

MR RAMSAY: What we are doing is providing a suite of tools for a variety of scenarios that give the police and the courts a range of agile and practical tools to deter and disrupt this kind of criminal activity and protect our community. Importantly, our measures must continue to be compliant with the ACT's commitment to being a human rights jurisdiction, adhering to values including the right to privacy, equality, freedom of association and freedom of movement.

Mr Hanson interjecting—

Ms Cody: A point of order, Madam Speaker.

MADAM SPEAKER: A point of order.

Ms Cody: I was very interested in the Attorney-General's answer but I could not hear him over Mr Hanson.

MADAM SPEAKER: Mr Hanson, some silence for the remainder of the attorney's answer, please.

MR RAMSAY: We must strike a balance to ensure that ACT citizens are not exposed to unreasonable infringements of their privacy and that any limitations on human rights are proportionate. That is why anti-consorting laws are always problematic. We know from the experience of other Australian jurisdictions that these laws are disproportionately used against vulnerable people, including Aboriginal and Torres Strait Islander people, young people and people experiencing homelessness.

This view is supported by the 2016 New South Wales Ombudsman's report on the New South Wales anti-consorting law, which found that these laws have the potential to criminalise associations that include normal, everyday interactions between people who are otherwise unrelated to criminal activity. We must instead focus on solutions that are evidence based and do not further disadvantage vulnerable people in our society.

ACT Policing—criminal investigations

MR STEEL: Minister, what action is ACT Policing taking to combat criminal gangs?

MR GENTLEMAN: I thank Mr Steel for his question and his interest in community

safety right across the ACT. Disrupting and dismantling the serious and organised criminal operations of criminal gangs continues to be a key operational priority for ACT Policing. The ongoing dedicated action by ACT Policing in this space is an essential pillar of the ACT government's response to the activities of criminal gangs.

As I have done before in this chamber, I would like to commend the efforts of the Chief Police Officer and her officers and staff, who work tirelessly to protect the Canberra community. While Canberra remains a very safe city to live in, we are not immune to the presence and activities of criminal gangs, including those who travel from interstate.

Led by the dedicated Taskforce Nemesis in response to recent incidents of gun violence linked to criminal gangs, ACT Policing has reinvigorated high visibility targeting and proactive patrols around known criminal gang premises. Taskforce Nemesis was bolstered in August 2016 when the ACT government committed an additional \$6.4 million in funding over four years. This additional funding was to increase Taskforce Nemesis by eight additional staff to boost its investigation, intelligence and confiscation of assets capabilities and also to provide a range of physical and electronic capabilities for ACT Policing.

Through Taskforce Nemesis, ACT Policing cooperates closely with its state and territory counterparts and relevant commonwealth agencies. This is not a problem unique to the ACT. Commonwealth efforts have resulted in two ACT-based OMCG members being subjected to visa cancellation under the Australian Border Force led Project Ravelin. The government continues to work with ACT Policing to ensure that police have the necessary tools at their disposal to effectively deal with serious and organised crime entities and, wherever possible, to confiscate their criminal assets and put offenders before the courts.

MR STEEL: Minister, how do recently introduced legislative reforms from the ACT government assist ACT Policing's actions to combat criminal gangs?

MR GENTLEMAN: I thank Mr Steel for the supplementary question. I continue to talk with the CPO about practical legislative and operational measures to address serious and organised crime in order to keep Canberra a safe and secure community. As a result of these discussions, ACT Policing identified that specific powers to secure a crime scene to protect evidence while a warrant was sought would be beneficial to their ability to gather sufficient evidence to prosecute suspected offences. In addition to these powers, the creation of specific offences to address drive-by shootings will subject this dangerous behaviour to a serious penalty, even if it cannot be shown that a particular individual was the target of the shooting.

The government is also committed to the introduction of legislation to establish an anti-fortification scheme in the ACT. Fortifications are, of course, structures designed to stop or hinder uninvited entry to premises. They may provide criminal gangs with time to vacate premises, delay police entry and frustrate the execution of search warrants through the destruction of evidence. Laws allowing police to apply for an order which requires fortifications to be removed or modified may therefore assist police to effectively target serious and organised crime.

The ACT government will continue to work closely with ACT Policing to ensure that any decisions on law reform and resourcing are informed by best available evidence on the local and national picture on criminal gangs. There is no simple legislative solution to address organised crime. The government is obliged to assess both the operational effectiveness and the human rights compatibility of proposed legislation. We will continue to do the hard work to strike the right balance in giving police effective powers to address crime without diminishing the values and freedoms we hold dear in our community.

MS CHEYNE: Minister, could you please update the Assembly on the recent successes of Taskforce Nemesis, which is targeting criminal gangs?

MR GENTLEMAN: I thank Ms Cheyne for her supplementary question and her interest in safety across the ACT. Between 1 July 2016 and 7 November 2017, ACT Policing charged 28 criminal gang members with 84 offences.

Opposition members interjecting—

MR GENTLEMAN: I thought Mr Hanson might like to listen to these statistics. They are quite important. It has executed 56 search warrants. It has attended 12 shooting incidents, with two people shot receiving non-life threatening injuries, attended 13 arson incidents, some of which also involved shooting, and prepared for and monitored nine criminal gang motorcycle runs. In a recent success on 1 November this year search warrants were executed which resulted in two automatic rifles being seized, one live hand grenade being seized, one pump action shotgun seized, two double-barrelled sawn-off shotguns seized and two self-loading .22 calibre rifles, one with a silencer attached, seized.

Mrs Jones: Why are you so pleased about this?

MR GENTLEMAN: Yes, I am talking about it because it is important that the community and the opposition understand the work the police are doing—

Opposition members interjecting—

MADAM SPEAKER: Resume your seat please. Stop the clock. Members of the opposition, the minister has been subject to your interjections the entire time he has been on his feet. Can we at least get to the last 44 seconds in some level of silence in appreciation of the standing orders.

MR GENTLEMAN: Thank you Madam Speaker. They are doing the hard work on the ground and we really do appreciate their work. As I have said, search warrants executed resulted in two automatic rifles seized, live hand grenades seized, a pump-action shotgun seized, two double-barrelled sawn-off shotguns seized, two self-loading .22 rifles seized, one bullet-proof vest seized, a large quantity of various ammunition for the above firearms seized and a 24-year-old man arrested and a 24-year-old man summonsed to appear in court at a later date.

Mr Barr: It is about the 50-minute mark when the attention starts to drop on that side of the chamber. I ask that all further questions be placed on the notice paper.

