

Agreement in Principle

Mr DAVID BORGER (Granville—Minister for Housing, Minister for Western Sydney, and Minister Assisting the Minister for Transport) [11.09 a.m.]: I move:

That this bill be now agreed to in principle.

I am pleased to seek approval to amend the Housing Act 2001 to enable the Director General of the Department of Human Services or their delegate, on the recommendation of the Commissioner of Police New South Wales, to relocate registrable persons to alternative residential premises. This bill amends the Housing Act 2001 to enable the lease of the registrable person to be terminated by the Director General of the Department of Human Services or their delegate, and to require Housing New South Wales to make available alternative accommodation for the relocated registrable person. Tenants obviously have the right to quiet enjoyment of their home and an expectation to live in a community where their individual safety is not threatened or compromised by vigilante-style reactions to the presence of registrable persons. As has been demonstrated over the past week, this difficult situation affects us all—whether we are a tenant of public housing or a private resident. The social and moral issues this challenging situation has raised in the community simply cannot be ignored.

In order to protect the safety of other residents or the registrable person, or to maintain the quiet enjoyment of neighbourhoods, the Director General of the Department of Human Services, on the recommendation of the Commissioner of Police New South Wales, requires the discretion to terminate the lease of a registrable person and move them to more appropriate alternative accommodation. Such accommodation may be temporary or permanent. Housing New South Wales will retain an obligation to find alternative accommodation for the registrable person for the term of the lease. It is in no-one's interest for a registrable person to be wandering around the main streets of suburbs of Sydney and other cities and towns throughout New South Wales; nor is it appropriate for registrable persons to be sleeping in parks or under bridges. If that were the case, the police cannot and will not know their whereabouts. It is important that the police know the locality of registrable persons to ensure the safety of our children. The alternative accommodation will be subject to compliance by the registrable person with the terms and conditions under which alternative premises are made available.

Simply put, if an offender is on the Child Protection Register, the New South Wales Government will now have the right to move that tenant to alternative accommodation, whether that be in the private rental market or within the social housing system, and only in instances where there is a threat of physical harm or injury to that person or neighbours in the locality. In these circumstances the Department of Human Services considers that it is appropriate to seek an amendment to legislation other than to the Residential Tenancies Act 1987 to enable Housing NSW, on the recommendation of the Commissioner of Police, New South Wales Police Force, to act quickly to move a registrable person. To resolve these difficult situations, this bill gives the Director General of the Department of Human Services or their delegate the power to terminate the lease of a registrable person who is living in public housing on the recommendation of the Commissioner of Police.

The commissioner will be able to make such a recommendation in situations where he considers the presence of the person is creating a risk to their own safety or the safety of others in the community. Once a lease is terminated the registrable person must vacate the property. If they refuse to do so they can be removed by police. It is envisaged that this power will be used rarely, but it is important for this option to be available in situations of rapidly escalating public concern. In the case of Dennis Ferguson, who has been housed in a location that is, as I am advised, 500 metres from one school and 700 metres from another, no suitable provisions are applicable in the Residential Tenancies Act 1987 to enable Housing NSW to seek an immediate eviction order to move him against his will to alternative accommodation.

The current situation at this present dwelling is untenable for local residents who may rally and threaten his safety and, indeed, the safety of other people within a housing complex or the rest of the local community. This has been evident over the past difficult week. With the heightened attention this case has brought to the community over the past week also comes safety considerations for the individual concerned, as well as the other tenants in the complex and the community at large. As the Prime Minister has said, we are a nation of laws. We need laws to get us through this difficult situation and to provide some remedy. The New South Wales Government wants to ensure that everyone has a right to the quiet enjoyment of his or her home. It is intended that the operation of these provisions applies irrespective of the nature of the tenancy term—whether it is an existing fixed-term tenancy or a weekly or periodic tenancy.

No compensation shall be payable under any circumstances and neither the recommendation of the Commissioner of Police New South Wales nor the decision of the Director General of the Department of Human Services or their delegate will be subject to appeal or review. The amendments to the Housing Act 2001 will provide that the termination provisions of the Residential Tenancies Act 1987 do not apply to the termination of lease of the registrable person. It is intended that the new powers of the director general be delegated to the Chief Executive of Housing NSW. It should be noted that the accommodation of registered or serious sex

offenders in private housing or community housing is not intended to be affected by the proposed amendments. I commend the Housing NSW staff, who have a tough job in assessing the housing needs of vulnerable people in our society. It is not an easy job. Sometimes they are faced with balancing both the social and morale dilemma when offering assistance. Housing NSW is a housing provider of last resort and with that comes certain obligations. I commend this bill to the House.