

LEGISLATIVE COUNCIL

Thursday 24 October 2024

The PRESIDENT (The Hon. Benjamin Cameron Franklin) took the chair at 10:00.

The PRESIDENT read the prayers and acknowledged the Gadigal clan of the Eora nation and its Elders and thanked them for their custodianship of this land.

Bills

24-HOUR ECONOMY LEGISLATION AMENDMENT (VIBRANCY REFORMS) BILL 2024

Returned

The PRESIDENT: I report receipt of a message from the Legislative Assembly returning the bill with an amendment.

The Hon. JOHN GRAHAM: I move:

That consideration of the Legislative Assembly message in Committee be set down as an order of the day for a later hour of the sitting.

Motion agreed to.

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (STATE SIGNIFICANT DEVELOPMENT) BILL 2024

First Reading

Bill received from the Legislative Assembly, read a first time and ordered to be published on motion by the Hon. Penny Sharpe.

The Hon. PENNY SHARPE: According to standing order, I table a statement of public interest. I take this opportunity to pass on the condolences of the House to Percy Allan's family. Percy, who passed away in the past 24 hours, was the architect of the statement of public interest, so I thought it an appropriate time to acknowledge him. We will also mark his sad passing in other ways.

Statement of public interest tabled.

The Hon. PENNY SHARPE: I move:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Motion agreed to.

The Hon. PENNY SHARPE: I move:

That the second reading of the bill stand as an order of the day for a later hour of the sitting.

Motion agreed to.

Motions

COUNTRY PRESS NSW CONFERENCE AND AWARDS

The Hon. SARAH MITCHELL (10:04): I move:

- (1) That this House notes that:
 - (a) the Country Press NSW Annual Conference and Awards Presentation were held on Friday 18 October 2024 in Dubbo; and
 - (b) in attendance were the Hon. Sarah Mitchell, MLC; the Hon. Tara Moriarty, MLC; the Hon. Sam Farraway, MLC; the Hon. Stephen Lawrence, MLC; the Hon. Mark Coulton, MP; and Mr Jamie Chaffey.
- (2) That this House acknowledges the work of the Executive Council of Country Press NSW Inc., including President Lucie Peart, Deputy President Krista Schade, Vice-President Mark Griggs, Vice-President Lee O'Connor and immediate past president Garry Baker.

- (3) That this House congratulates Country Press NSW for ensuring access to independent news in rural and regional communities for over 124 years.

Motion agreed to.

Documents

RACING NSW AND NSW POLICE FORCE

Response

The Hon. MARK LATHAM (10:04): I move:

- (1) That this House notes that:
- (a) on Wednesday 7 August 2024, this House ordered the production of documents from Racing NSW relating to Racing NSW and the NSW Police Force;
 - (b) on Tuesday 3 September 2024, in response to the order of the House, Racing NSW asserted that it was not subject to the powers of the House under Standing Order 52 as "Racing NSW is not a government department or agency for the purposes of the Orders for Papers process"; and
 - (c) on Wednesday 25 September 2024, the House asserted its power to order the production of documents under Standing Order 52 directly from entities not subject to ministerial direction or control, rejected the view of Racing NSW, and reiterated the order for the production of documents from Racing NSW.
- (2) That this House further notes that, on Wednesday 16 October 2024, the Clerk received:
- (a) a return from Racing NSW providing documents as ordered by the House on Wednesday 25 September 2024, which included claims of privilege and personal information made under the provisions of Standing Order 52; and
 - (b) correspondence from Racing NSW stating that the documents were provided "voluntarily", and providing legal advice which examined the powers of the House to order the production of documents under Standing Order 52 which stated in its summary that:

The Legislative Council has such powers as are "reasonably necessary" for it to discharge its functions. Such powers of document production that it has are those reasonably necessary to enable the Council to scrutinise and supervise the executive government. However, Racing NSW does not form part of the executive government and is not subject to its direction or control. Moreover, the Legislative Council has not required an entity such as Racing NSW to produce documents to it at any time since its creation, more than 200 years ago. No judicial or conventional precedent supports the existence of the asserted power. A power to require the production of documents from Racing NSW is not reasonably necessary for the Legislative Council to discharge its functions, and thus the Council does not have that power.

- (3) That this House:
- (a) notes that the only established mechanism by which entities may lodge documents with the Clerk directly, or may make claims of privilege or personal information, is under Standing Order 52, in response to an order for the production of documents;
 - (b) notes that in recognition that certain entities are not subject to ministerial direction or control, but remain accountable to the House, standing orders 52 and 53 make provisions for direct communication between the Clerk and such entities, which have included to date Greyhound Racing NSW, the Greyhound Welfare and Integrity Commission, the Local Government Boundaries Commission, the Natural Resources Access Regulator, the Valuer-General, the Office of Transport Safety Investigations, the NSW Environment Protection Authority, the Independent Planning Commission and Racing NSW; and
 - (c) rejects the views expressed in the legal position provided by Racing NSW, noting in particular:
 - (i) in 1996, in *Egan v Willis & Cahill*, Priestly JA gave guidance, which was cited with approval by the majority in 1998 in *Egan v Willis*, on the boundaries of reasonable necessity and orders for papers which stated that:

In my opinion it is well within the boundaries of reasonable necessity that the Legislative Council have power to inform itself of any matter relevant to a subject on which the legislature has power to make laws. The common law as it operates in New South Wales today necessarily implies such a power, in my opinion, in the two parts ordinarily called parliament and the three part legislature. This seems to me to be a necessary implication in light of the very broad reach of the legislative power of the legislature and what seems to me to be the imperative need for both the Legislative Assembly and Legislative Council to have access (and ready access) to all facts and information which may be of help to them in considering three subjects: the way in which existing laws are operating; possible changes to existing laws; and the possible making of new laws.
 - (ii) for entities with reporting requirements such as those of Racing NSW under section 29 of the Thoroughbred Racing Act 1996, the majority in 1998 in *Egan v Willis* also cited with approval the 1997 judgment in *Lange v Australian Broadcasting Corporation* concerning the boundaries of the Government which found that:

... the conduct of the executive branch is not confined to Ministers and the public service. It includes the affairs of statutory authorities and public utilities which are obliged to report to the legislature or to a Minister who is responsible to the legislature.

- (iii) the advice of Mr Bret Walker, KC, tabled on 18 November 2015, concerning Standing Order 52 and independent entities which stated that:

In my opinion it follows from the nature of the Council as one of the Houses of Parliament, and from its scrutiny function, that the fashion for committing public administration to entities, groups or persons who are not subject to ministerial direction or control, is not capable of shrinking the scope of papers within the desirable grasp of the Council to compel production. It would be perverse to suppose that Parliament has enacted the existence and nature of such authorities in order to remove the public affairs for which they are responsible from Parliament's own scrutiny. At least, plain language or necessary intentment would be called for before reaching such a startling conclusion.

- (iv) the advice of the Crown Solicitor, dated 27 September 2024, received from the Independent Planning Commission on 11 October 2024, which stated in part, "I proceed on the basis that the House has power to compel an entity such as the Commission, not relevantly subject to ministerial direction or control, to produce documents under Standing Order 52 ...".

(4) That this House, accordingly:

- (a) rejects the statement by Racing NSW that the documents returned on Wednesday 16 October 2024 were provided voluntarily; and
- (b) notes receipt of the return from Racing NSW on Wednesday 16 October 2024 by the Clerk under Standing Order 52.

The House divided.

Ayes23
Noes14
Majority.....9

AYES

Barrett
Borsak
Boyd
Buckingham
Carter
Cohn
Faehrmann
Fang (teller)

Farlow
Higginson
Hurst
Latham
MacDonald
Maclaren-Jones
Martin
Merton

Mitchell
Munro
Rath (teller)
Roberts
Ruddick
Tudehope
Ward

NOES

Buttigieg
D'Adam
Donnelly
Graham
Houssos

Jackson
Lawrence
Mookhey
Moriarty
Murphy (teller)

Nanva (teller)
Primrose
Sharpe
Suvaal

PAIRS

Farraway

Kaine

Motion agreed to.

Motions

LOCAL GOVERNMENT COUNCILLORS

Dr AMANDA COHN (10:12): I move:

That this House acknowledges the following councillors, whose term of office ended on 14 September 2024, and their service to local government and to their communities:

- (a) Albury City Councillor Ashley Edwards;
- (b) Bega Valley Shire Councillor Cathy Griff;
- (c) Byron Shire Councillor Duncan Dey;
- (d) Burwood Councillor Ned Cutcher;
- (e) Eurobodalla Councillor Alison Worthington;
- (f) Hornsby Councillor Emma Heyde and Councillor Tania Salitra;

- (g) Inner West Councillor Justine Langford, Councillor Marghanita Da Cruz, Councillor Kobi Shetty and Councillor Dylan Griffiths;
- (h) Kiama Municipal Councillor Kathy Rice and Councillor Jodi Keast;
- (i) Lismore City Councillor Vanessa Ekins;
- (j) City of Newcastle Councillor John Mackenzie;
- (k) City of Parramatta Councillor Phil Bradley;
- (l) Randwick City Councillor Michael Olive, Councillor Rafaela Pandolfini and Councillor Kym Chapple;
- (m) Shoalhaven City Councillor Amanda Findley, Councillor Evan Christenson, Councillor Tonia Gray and Councillor Moo Dath;
- (n) City of Wollongong Councillor Cath Blakey and Councillor Mithra Cox; and
- (o) Woollahra Municipal Councillor Nicola Grieve.

Motion agreed to.

SHOP, DISTRIBUTIVE AND ALLIED EMPLOYEES' ASSOCIATION PINK RIBBON CHARITY BREAKFAST

The Hon. MARK BUTTIGIEG (10:13): I move:

- (1) That this House notes that:
 - (a) on 4 October 2024, the Shop, Distributive and Allied Employees' Association [SDA] held its seventh Pink Ribbon Charity Grand Final Breakfast raising money for the National Breast Cancer Foundation, a non-profit funding world-class breast cancer research project, and the Hon. Mark Buttigieg, MLC, was honoured to attend;
 - (b) held just days before the rugby league grand final, sports commentator and former NSW Women's Rugby League player Allana Ferguson was the special guest at the event, where she spoke about her career in the sports industry and her advocacy for women's rugby league;
 - (c) Kathy Linaris, a representative of the National Breast Cancer Foundation, generously told her own personal story of resilience as a breast cancer survivor, including the importance of early intervention and trusting yourself when you feel something is wrong in your body and the work of the foundation;
 - (d) many SDA councillors from different branches showed their support at the event, including:
 - (i) the Hon. Sophie Cotsis, MP;
 - (ii) the Hon. Tara Moriarty, MLC;
 - (iii) Dr Marjorie O'Neill, MP;
 - (iv) the Hon. Greg Donnelly, MLC;
 - (v) the Hon. Emily Suvaal, MLC,
 - (vi) Dr Daniel Mulino, MP, Federal member for Fraser;
 - (vii) Mr Dominic Ofner, General Secretary of NSW Labor;
 - (viii) Mr Thomas Costa, Assistant Secretary of Unions NSW; and
 - (ix) Mr Todd Pinkerton, Director of Campaigns and Strategy at Unions NSW.
 - (e) the United Services Union, REST Superannuation and Taylor and Scott Lawyers supported the event.
- (2) That this House acknowledges the SDA, particularly NSW Branch Secretary Treasurer Bernie Smith and Branch Assistant Secretary Felicity Smithson, for this important initiative raising money for the National Breast Cancer Foundation; Allana Ferguson for her support; and Kathy Linaris for telling her story.

Motion agreed to.

NSW ECUMENICAL COUNCIL FUNDRAISING EVENT

The Hon. MARK BUTTIGIEG (10:13): I move:

- (1) That this House notes that:
 - (a) on 10 May 2024, the NSW Ecumenical Council held its annual fundraising dinner in Redfern, and the Hon. Mark Buttigieg, MLC, was honoured to attend and make a speech representing the Minister for Small Business, Minister for Lands and Property, Minister for Multiculturalism, and Minister for Sport, the Hon. Stephen Kamper, MP;
 - (b) the dinner was held at the start of the Week of Prayer for Christianity Unity and brought together many leaders of Christian churches in the Anglican, Orthodox, Protestant and Roman Catholic traditions, as well as members of their communities;
 - (c) significantly, the dinner also celebrated 100 years of the Greek Orthodox Archdiocese of Australia; and

- (d) the Hellenic Lyceum dance group performed at the dinner, and there were engaging speeches from leaders and young members of different churches.
- (2) That this House acknowledges 100 years of the Greek Orthodox Archdiocese of Australia and the NSW Ecumenical Council for holding the successful event.

Motion agreed to.

Bills

RESIDENTIAL TENANCIES AMENDMENT BILL 2024

First Reading

Bill received from the Legislative Assembly, read a first time and ordered to be published on motion by the Hon. Penny Sharpe.

The Hon. PENNY SHARPE: According to standing order, I table a statement of public interest.

Statement of public interest tabled.

The Hon. PENNY SHARPE: I move:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Motion agreed to.

The Hon. PENNY SHARPE: I move:

That the second reading of the bill stand as an order of the day for a later hour of the sitting.

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. PENNY SHARPE: I postpone Government business notices of motions Nos 1 and 2 until a later hour of the sitting.

Matter of Public Importance

NORTH COAST MISSING PERSONS

The Hon. JEREMY BUCKINGHAM (10:30): I move:

That the following matter of public importance be discussed forthwith:

Unsolved murders on the North Coast

I speak initially to urgency. This matter of public importance is of the utmost urgency. Bringing to justice the perpetrators of the crimes that I have spoken about and that have been reported on in the press this week is a matter of the utmost urgency to the community of New South Wales. Delivering justice to the scores of women murdered on the North Coast is a matter of utmost urgency. Never before has the maxim "justice delayed is justice denied" been more applicable.

For decades, the victims of these egregious and horrendous acts have cried out from beyond the grave for justice and attention. Their families wake daily wondering what happened to their child, mother, aunt, sister, partner and friend, hoping for justice and some resolution. Their communities do too. They demand action, resources and most importantly time focused on these most terrible of matters. They demand—and I demand—an assurance that we, like them, will never forget their loved ones, never forget what happened to them and never rest until we have some justice. It is time that this House do exactly that.

Again, I thank the House and members who worked to ensure that last night the Standing Order 52 motion I moved relating to these matters was dealt with. But that was illustrative of the malaise and failure that, like a lamentable thread, runs through these murders and disappearances—a theme that appears again and again. It is a theme of failure to allocate the attention, resources and time to these crimes.

The Hon. Penny Sharpe: The Government does not oppose urgency. We can move on to the discussion.

The Hon. JEREMY BUCKINGHAM: I appreciate the commentary from the Leader of the Government. No-one told me that. If that is the fact, she could have told me that when I walked in. I appreciate getting the news from the Leader of the Government that it does not oppose urgency. The Opposition has not told me that it opposes urgency. I look forward to putting on record in the substantive matter of public importance discussion some of the

matters that, for too long, have not been brought to the attention of this House and the community of New South Wales.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:33): I thank the member. Sometimes it is hard to communicate. There is a lot going on every morning. To be clear, the Government does not oppose urgency in relation to this matter.

The PRESIDENT: The question is that the motion be agreed to.

Motion agreed to.

The Hon. JEREMY BUCKINGHAM (10:33): I thank the Leader of the Government, the Opposition and all members. It is time to give these matters the time and resources they deserve. On this matter of public importance, I raise the alarming, egregious, appalling number of unsolved murders that have been the subject of media commentary this week. I begin with what was the start of those matters for me. In 2017 I moved to Bellingen with my wife, Crystal, and bought a property adjacent to the Pine Creek State Forest. I went for a walk in that forest, and my wife and I had a discussion about it. It had a strange feeling. I asked my wife if anyone had ever gone missing in the forest and she said that they had. She brought to my attention the disappearance of a young woman in 2003, Rose Rain Howell, around the time I was ending my last tenure in Parliament.

I started researching what had happened to her and discovered, alarmingly, that there were three other disappearances in my small community of Bellingen, including Susan Kiely in 1989 and the murder of Ineka Hinkley just a kilometre or so down the road from where we lived. I thought it was strange that there were three murders in a small country town of less than 2,500 people, including an unsolved murder or coronial inquest that had found foul play and the likelihood that a murder had been involved. As I was a regional MP, I had an understanding of how to google news stories from various newspapers. I began doing some research, and it was incredibly alarming. Everywhere I googled and every paper I looked in from the late 1970s to the early 2000s, there was another unsolved homicide, another woman who went missing, another community group—like Action 4 Clarence—demanding justice, and another police officer saying, "We have a problem on our hands."

The list grew and grew until I had about 35 people on it. I thought that was outrageous, so I wrote to the police Minister at the time, Troy Grant. It was the last thing I did in my last term of Parliament. I got a reply in which he said that the matter had been referred to the unsolved homicide unit. That was that. But it stuck in my head. I kept looking at these matters; I kept talking about it. When the opportunity arose to come back to this place, I read a motion that listed the numbers of unsolved homicides and murders. More recently, I asked the NSW Police Force in a question on notice about any other matters that were not on my list and discovered, incredibly and alarmingly, that there were another 32, which brought the total to 67 unsolved homicides of women on the North Coast of New South Wales.

Some people might say, "That was the 1970s and 1980s, and that's what happened." But if we look at other jurisdictions around Australia with a similar demographic, and even a similar geography, such as the South Coast, there are not those numbers. In the whole of Tasmania, there were fewer than 10. The nature of the disappearances and unsolved homicides in those areas was very different. There were different age demographics and different modus operandi in terms of how those women had met their deaths. When we look at the North Coast cases, there is an alarming similarity. They were women going about their everyday lives—going home after the pub, going home after work, travelling to see their boyfriends, walking down the street, walking their dogs or coming home from school. They were abducted, raped, tortured, murdered and dumped somewhere remote that required local knowledge.

It happened again and again. The list is absolutely appalling. Look at the faces and the pure numbers of women—all of them unsolved homicides—with families, partners and communities that are demanding action. I call on the State Government to initiate a special commission of inquiry to investigate these matters and for the police to redouble their efforts as they have with the LGBTIQ+ gay hate crimes. There is a parallel and a scale of crime that we cannot ignore.

Some people have called me an alarmist because my view and the view of senior police like Detective Gary McEvoy from Coffs Harbour, who investigated these matters, is that they were and are linked. Some of these were individual incidents; there is no doubt about that. But many are linked, and there is a single perpetrator. It is impossible to think that there are 67 individual murderers in the area from the North Coast to the Tweed Heads who have escaped justice. Someone has done these things repeatedly. Criminologists and police have said that. This week I met with senior police who confirmed, through the information I had, that there had been a taskforce to investigate these matters collectively, Project Aletheia. The most senior police in the State told us that there were causal links in some of these matters.

It is distressing to me for the Premier to dismiss my call for a special commission of inquiry straightaway, when we have not thoroughly interrogated these matters. It has also been put to me that the families may not want these matters brought into the public because it is too difficult for them. There is not one family that I have spoken to that wants these matters swept under the carpet. They continue to hold vigils for these murdered and lost women on the North Coast and in the Clarence Valley. The mother of Rose Rain Howell continues to call for justice. This week I spoke to Gary Kiely, and he broke down. On his sister's birthday, he still writes to the Commissioner of Police to ask what happened. Historically, the police's levels of incompetence and failure in investigating these matters is absolutely appalling. In the case of Susan Kiely, at the coronial inquest 21 years after her disappearance, the police could not tender any written evidence to show that they had investigated the matter. There were no written reports and no statements. There was nothing. They had failed to keep the records. They have failed these women.

I put on record, and I ask the Government or anyone to say it is not the case that what we have before us is the worst serial killer in the nation's history getting away with it. Ivan Milat was convicted of seven murders, but there is someone on the North Coast who has murdered as many or more, and they are still among us, if they have not died or fled the country. The worst crime in our State's history is unresolved, and the Premier is saying no to a special commission of inquiry. The police and the police Minister told me we would just keep the Unsolved Homicide Unit on it, but it is stretched. It is looking at the gay hate crimes. It has crimes all over the State to look at. This needs a special taskforce, the focus of the Government and the resources of the community. In an age where we are trying to stamp out violence against women and violence in our community, we must hold the police to account for their failures in this area. We must do better. I am assured by the deputy commissioner that we are doing better, and I accept that, but we must acknowledge that this is an absolutely appalling anomaly.

There is every indication that someone operated, travelled and lived in that area, and they took women, destroyed their bodies and destroyed their lives. It is an appalling stain on our society that it has taken this long for the matter to come before this House and to the public's attention. It is appalling to most people because it is an unbelievable proposition. It is appalling that there is still scepticism about this when we can see and read about how these women died. Harmony Bryant, Lois Roberts, Margaret Cox, Lee Ellen Stace, Bronwyn Winfield, Susan Kiely, Lesley Waterhouse and Susan Isenhood were taken and murdered, and no-one was brought to account. The communities still talk about it every day. In Coffs Harbour there is talk everywhere of a serial killer among us. Bellingen, Taree, Grafton, Lismore and Bonny Hills are the same. The terrible murder of Harmony Bryant is one of the worst crimes in the history of the country, and it is unresolved. It does not get the attention it deserves.

I have asked the police indirectly and, more recently, through an order for papers under Standing Order 52, about how many people are on those taskforces. A taskforce sounds like it is people kicking down doors and taking names, but it is someone sitting behind a desk with no resources. A taskforce sounds like a big deal, but sometimes it is just a couple of people. We need to centralise the evidence and prioritise these investigations to get justice for those people. Just this week Gary Kiely asked me to do this for his sister, whose remains have never been found but who a coronial inquest clearly found is deceased and most likely the subject of foul play. It is incumbent upon us to stop sticking our heads in the sand on this issue. It is appalling and difficult, but these women and communities absolutely demand that we do something about it now.

We know that when it comes to these matters it is difficult and there is resistance. It is going to cost money and it is going to mean resources, but so what. It is only because of the campaign of Scott Johnson's family that we got the gay hate special commission of inquiry. It was a decades-long, resolute, indomitable campaign demanding justice for their brother and their son. It does not bring him back, but it makes sure it is less likely that happens in the future. It was only through their tireless work that that happened, and the communities of the North Coast demand it.

We have 25 to 30 unsolved homicides around Newcastle with a similar modus operandi, and we have 30 more in a tiny population on the North Coast. There is nothing like this on the South Coast, in Tasmania or in North Queensland. They have similar demographics and populations, but it is literally 1,000 per cent worse on the North Coast than anywhere else. Who knows—right now someone is either still actively murdering people or is sitting in a retirement home getting away with murder. That stops today. I will never give up until we get that special commission of inquiry and resources put into this matter.

Ms SUE HIGGINSON (10:48): On behalf of The Greens I contribute to discussion on this matter of public importance, and I thank the Hon. Jeremy Buckingham for bringing it on. It is a matter that he and I have had a number of discussions on since he was elected to this place last year. We have discussed the need for a special commission of inquiry. Frankly, I am very disappointed by the Premier's public dismissal of that request. However, I welcome the Premier's qualification that if the Parliament determines otherwise, there will be such an inquiry.

The 65 murdered or missing women between Newcastle and Byron Bay over a 30-year period between 1977 and 2009 are of grave concern to us. There are some 29 taskforces. That figure of 65 murdered or missing is not just a number; it represents at least 65 murdered or missing women from the north of the State over the past 40 years. Many of those women have disappeared without a trace, never to be seen or heard from again. Their stories are filled with tragedy and grief, and their loved ones have been left to languish in a cold and cruel limbo of constant suffering for years. Although the majority of the cases effectively have gone cold, some strike forces continue to investigate—but the level of effort is highly questionable. It is concerning that in each of these tragic and heartbreaking cases we can identify some, or many, or even complete failures in the investigations. I note that the victims are all women—some are First Nations women—and most of the police officers leading the investigations were men.

Narelle Cox is a young woman whose disappearance in 1977 has all but faded to the background for the NSW Police Force, yet remains front and centre for the family she left behind. On 20 July 1977, Narelle set off from Grafton in New South Wales with only her backpack and guitar, leaving a note for her family that said, "Gone to Noosa to see Faye. Be back on Monday." That was 46 years ago. Narelle has never been seen or heard from again. On Wednesday afternoon, when Narelle still had not returned home, her mum and sister reported her missing to the Grafton police station. Tragically, their report was not taken seriously. It took the police six weeks to take Narelle's disappearance seriously. In the anguish of the weeks, months and years that ensued, critical evidence is alleged to have gone missing and the family reported that they received little, if any, help from the police. The family offered credible leads that were widely reported, only to be dismissed. Narelle's case is still being investigated by one of the strike forces.

I knew one of these women. I knew Lois Martha Roberts, a beautiful First Nations woman. She was the daughter of Pastor Frank Roberts, a minister with the Church of Christ and an Aboriginal activist, and Muriel Roberts. She was the twin sister of the arts administrator and broadcaster Rhoda Roberts—an infamous and remarkable leader of our community—and the sister of Philip and Mark. Lois was brought up and educated in the Lismore region, in my home town. She trained as a hairdresser until, at age 20, she was seriously injured in a car accident and sustained permanent brain damage. She was rehabilitated sufficiently to care for herself and went on to live on her own near Lismore. She had two children.

I used to see Lois around the place. She was beautiful. I was a young mother and whenever I caught up with Lois we would chat and she would play with my little girl. My little girl and I loved her. My daughter would refer to Lois as the lady who wears the beautiful dresses. Lois dressed in polka-dot dresses with frills and wore gloves; she dressed like a beautiful 1950s Christian pastor's daughter. Lois disappeared. She was last seen hitchhiking from Nimbin. She could not drive because of her injury. We all hoped that she would reappear, but it was immediately concerning because Lois was so unlikely to disappear. She was very routine in the places she went and the things she did. I remember my little girl asking me, "Mum, where is Lois, my friend with the nice dress?"

Lois was found by bushwalkers months and months later in a bush grave in Whian Whian, up a fire trail. Her body was bound in electrical cord. The police believe Lois was held captive and kept alive for around ten days, during which time she was tortured and sexually abused before being killed. Her killer was never found. First Nations filmmaker Ivan Sen made a documentary on the brutal rape and murder and unfinished police matter called *A Sister's Love*. It was presented through Rhoda's love and pain. Rhoda said at the time of the documentary, in around 2007, that she remains angry about the police response in the weeks following her sister's disappearance. She believes if the case had been handled with more urgency, Lois could be alive. Lois was kept alive and tortured and raped brutally for 10 days.

Lois was the subject of another documentary, *Cold Justice*, by First Nations man Allan Clarke. He is an award-winning investigative journalist, producer and presenter whose most recent works have focused on unsolved Aboriginal deaths in regional New South Wales and the intersection between the Indigenous community and the judicial system. Allan's work has been phenomenal and in many cases has made up for police failures. *Cold Justice* detailed the three main theories surrounding Lois's death. The first is that she was killed by a man infatuated with her twin sister Rhoda. The second is that Lois was the victim of a serial killer who targeted women around the Northern Rivers in the late 1990s. The third is that Lois was murdered because she was about to expose a paedophile ring operating in Lismore. There are still no answers. To this day, many of us wonder about a witness the police brought from Melbourne to the coronial inquiry, who refused to make a statement to the coroner. Was he the killer?

Then there was the brutal murder of Simone Strobel. She was a backpacker—a schoolteacher from Germany who was camping in Lismore. In 2005 she was murdered after spending the night with her boyfriend and friends. No-one has been charged over her murder. I remember that we sat hanging onto the news. We were out in the streets searching for Simone. It took the police six days to find her body, which was literally 100 metres

from where she was last seen. Such cases make us wonder what the heck we can do when we report these incidents. What happened to Simone was agonising for all of us. The failures in the way these matters are treated are laid bare in the reports.

The memory of these brave young women and girls deserves the attention and the seriousness of the NSW Police Force. They deserve the attention of the Premier, and they deserve to be made a priority now. The families of these very real people, who have been through hell and back, deserve answers. For the families and the community, the pain is not just in losing friends, sisters, daughters and lovers, but also in the callousness and the complacency over decades of the NSW Police Force. I am not talking about all officers. The officers who crack these cases are held up as exceptional: the incredible police officer who did that work. We cannot have that. The standard—the norm—has to be that the police do not stop until they find answers. If more resources are needed, they should be given to the cops with noses that are sniffing for justice, the ones who want to bring justice to the forefront. We should give them the resources to get the job done.

I thank the House for the opportunity to discuss this matter of public importance. The women we are speaking about, and their loved ones, deserve justice. They deserve for their stories to be heard, and their families deserve to know what happened to them. If there are any rapists and killers still out there, they need to be brought to justice. It is not too late. It is never too late. The time is now. Let's bring it on.

The Hon. ROD ROBERTS (10:58): I thank the Hon. Jeremy Buckingham for bringing this matter of public importance. What has taken place is a tragedy. I place on record my sympathy and support for the remaining family members of these victims. I have never lost a family member under these circumstances, but I have sat opposite the family members who have. I have been close—but not to the extent of what they have suffered. What those families want and need is justice. As we make our speeches in Parliament today, we have to be mindful not to raise the expectations of these family members to a level that we cannot satisfy.

These matters go back a long way, and there may be reasons that mean the cases will never end with a prosecution. It could be that the offender, suspect or person of interest is now deceased, or they may already be serving a term of imprisonment somewhere. I am sure that the Hon. Jeremy Buckingham will support me in saying that we can give no guarantee that these matters will end with a prosecution. What this Parliament can guarantee is that the matters will be reviewed thoroughly and reinvestigated to a level of high competency. That is what we can offer, and that is what we can achieve.

The PRESIDENT: Order! According to sessional order, proceedings are now interrupted for questions.

Questions Without Notice

COST OF LIVING HUB WEBSITE

The Hon. DAMIEN TUDEHOPE (11:00): My question is directed to the Leader of the Government. The Cost of Living hub website states:

The Cost of Living hub is here to help you make the most of your money ... and access to trusted advice and support backed by the NSW Government.

Does the New South Wales Government stand by all of the advice provided by the Cost of Living hub to help the people of New South Wales, who are living through this cost-of-living crisis, to make the most of their money?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:01): I can see where this is going. It is very tricky. The question time committee has got together this morning and thought, "We've got her. We're going to ask her a question and follow up with a second one, and we have a gotcha right there." I am not quite sure what the second question will be, but I wait in anticipation.

The Hon. Daniel Mookhey: I do.

The Hon. PENNY SHARPE: The Treasurer might be able to answer; perhaps they should ask him. We are very familiar with the old one-two. The Cost of Living hub is extremely important. It gathers information from a range of different agencies and brings it together in one place so it is as easy as possible for people to access. I suspect, and I am willing to take it on notice, that there is an issue with the website that, not knowing every single part of it, I am unfamiliar with.

The Hon. Daniel Mookhey: I know it.

The Hon. PENNY SHARPE: It seems like the Treasurer knows it. I wish he could ask me a supplementary question. Cost of living is the biggest issue facing households and businesses across the State. It is something that the Government takes extremely seriously. We have hundreds of millions of dollars to support people through it. I stand by the information that is on the Cost of Living hub, but I make this point because I am

sure that a second question is coming: There may be an error. If there is an error, I thank the Opposition for raising it so that we can get it fixed. I thank the eagle eyes of Opposition staffers who are looking for the gotcha.

There are many different agencies and hundreds of programs. Service NSW has at least 70 programs. If there is something wrong, then I thank the Opposition for drawing it to my attention. They have not told us yet because they are waiting for their great second gotcha moment. Very hard-working public servants put the information on there, and occasionally things get updated that are not right. I look forward to the member telling us what the issue is so that we can resolve it as soon as possible.

The Hon. DAMIEN TUDEHOPE (11:03): I ask a supplementary question.

The Hon. Penny Sharpe: Are you going to tell me? Come on! Which one is it?

The Hon. DAMIEN TUDEHOPE: I am flattered by the consternation of the Leader of the Government. Is there a disclaimer on the Cost of Living hub website that qualifies the statement that its advice can be trusted and is backed by the New South Wales Government?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:04): There is a third one! Is this the Opposition's theme for today? I welcome the development of the question time committee as it begins to work through themes. It is good that the Opposition can stick to one thing and be continuous. I am not aware of the disclaimers that are on the website. I am happy to confirm that information prior to the end of question time. But I make the point that getting a gotcha moment in this House does not help one person in the State. All it does is let the Opposition say, "We got you."

The Ministers and every person in this Government are interested in making sure that errors that arise are fixed, that the information we provide is as good and simple as we can make it and that people can take advantage of the hundreds of millions of dollars of support that we are providing through our agencies to help people pay their bills and deal with the challenges they have in their lives as we work through this cost-of-living crisis. That is the serious part of this. We will fix any issues that the member wishes to tell us about as soon as possible. I will have to come back to the member to confirm the actual wording of the disclaimer on the Cost of Living hub and whether it is correct or not. I would not want to give the member incorrect information.

The Hon. WES FANG (11:05): I ask a second supplementary question.

The Hon. Daniel Mookhey: Point of order: I accept that members of a different party can ask a second supplementary question. However, Mr President, you have made the point that it is subject to your discretion.

The PRESIDENT: It is.

The Hon. Daniel Mookhey: It is open to you to provide further guidance to the House on whether this is still effectively the Opposition asking the question, which may be outside the spirit of what the House determined. I accept that a literal reading of the standing orders would lead to a different conclusion, but there is a reason the President has discretion. Every additional question the Opposition asks through this loophole comes at the expense of the crossbench. You should factor that into your deliberations on how you apply your discretion.

The Hon. Damien Tudehope: To the point of order: The Government was scandalised by the suggestion that I was prepared to make that concession earlier this week. They were on their high horse, saying I did not know the standing orders. The spirit that the Treasurer identifies did not seem to be known then. Until you have heard the question, Mr President, it is difficult for you to exercise your discretion. I suggest that the use of your discretion is dependent on what the second supplementary question is.

The Hon. Courtney Houssos: To the point of order: I feel compelled to make a contribution as someone who has form with this particular issue of second supplementary questions. My previous activity may have been a contributing factor to the House addressing a loophole.

The Hon. Damien Tudehope: You were a serial offender.

The Hon. Courtney Houssos: I was absolutely a serial offender. The purpose of the adoption of this standing order was to facilitate more questions from the crossbench and across the Chamber. The Leader of the Opposition made the case that you would need to hear the second supplementary question to exercise your discretion as President. I respectfully disagree with that. This is about the purpose of the standing order, which is to facilitate more questions from a broader range of members throughout question time rather than allowing a second supplementary question on a specific issue.

The PRESIDENT: I do not need to hear further on the point of order. There are two fundamental issues. The first, and less important one, is what the concept of discretion means. I fundamentally disagree with the

interpretation of the Leader of the Opposition. I can exercise my discretion to allow or not allow a question before or after it is asked, as I do with Government members asking supplementary questions. I use my discretion to not allow that, for example, before Government members even have the opportunity to ask. That is the first point.

Secondly, I understand and have some sympathy for the point that the Hon. Daniel Mookhey makes. However, my job as an independent chair of this place is to interpret the standing orders objectively and in a way so that everyone in this Chamber understands that I am being fair, balanced and unbiased. To that end, as I said the other day in having this discussion with the Hon. Damien Tudehope, I interpret the standing orders to say that a National Party member asking a supplementary question after a Liberal Party member is not inappropriate. If members want to reconsider that issue, they are welcome to do so, but they are not going to do so today. The Hon. Wes Fang has the call.

The Hon. WES FANG: I ask a second supplementary question. Noting her previous answer in relation to the Cost of Living hub, does the Minister still stand by all of the points and tips that are provided by that website?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:10): I think that is a repetition of the earlier question.

The Hon. Daniel Mookhey: Point of order: I could say that the point of order is tedious repetition in general, but I will make the specific point that the member has restated the first question, almost to the word.

The PRESIDENT: I uphold the point of order.

BROKEN HILL POWER SUPPLY

The Hon. STEPHEN LAWRENCE (11:10): My question without notice is addressed to the Minister for Energy. Will the Minister provide an update to the House with the latest information about the situation affecting energy supply in Broken Hill?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:11): I thank the member for his question. I take this opportunity to update the House about the situation in Broken Hill. Again, I acknowledge the difficulties that people in the Far West are facing and thank them for their patience as reliable power supply is restored to the region. The Premier is visiting Broken Hill today to see the emergency response and hear directly from the community. I inform the House that, after tripping on Monday evening, the large-scale generator supplying backup power to the region was restored by Tuesday evening and has been running since. Frustratingly—and people need to know this—the generator is not adequate to meet demand at all times of the day, particularly during the evening peak from 5.30 p.m. to 10.30 p.m.

During times of high demand, Essential Energy has been rotating power—sometimes called load shedding—between different areas for around two hours at a time. That occurred overnight, and I am advised that power was restored to all customers by 10.30 p.m. We are working with Essential Energy to ensure that households are given as much notice as possible of when load shedding will occur. Again, we ask people to be as patient as they can. This is going to be challenging. If people are able to reduce their electricity usage between 5.30 p.m. and 10.30 p.m., it makes a huge difference. This can be as simple as delaying putting the dishwasher on until the morning, not washing a load of clothes or adjusting the air conditioning. I emphasise that people should only make those adjustments if they are able. If people are in vulnerable circumstances, they do not need to do those things. But any little bit of effort goes a very long way and makes a huge difference in terms of stabilising the grid for everyone.

Transgrid has installed four more generators at Broken Hill to support the main large-scale generator. They have been connected and are expected to commence operating this evening. There are two more sets of generators on their way, which will be used if the large-scale generator goes down again. Essential Energy has also installed another set of generators at Pinnacles Place. The plan is that from tonight it will switch to using those generators to power the towns of Tibooburra, White Cliffs, Wilcannia and Menindee so that they are not reliant only on power coming from Broken Hill. This will take pressure off the generator in Broken Hill.

The Premier has declared an electricity supply emergency for the Far West under the Electricity Supply Act. The declaration allows me to give directions, if necessary, to respond to a supply situation—for example, if the large-scale generator goes down again. Directions could be made to preserve power for essential uses or to facilitate the delivery of equipment. Yesterday there was some conjecture in this place about whether the large-scale generator had been out of commission for a long time.

The latest information is that the large-scale generator has been out of commission since September 2024. There have been some generator outages, but the suggestion that the large-scale generator has been out of

commission for a year is incorrect. The Independent Pricing and Regulatory Tribunal [IPART] is doing its work over the coming weeks to investigate the circumstances of this energy supply outage. There are serious questions that need to be answered in relation to how the Far West was left without a backup source of supply. IPART has commenced that work. We look forward to the outcome. [*Time expired.*]

COST OF LIVING HUB WEBSITE

The Hon. SARAH MITCHELL (11:14): My question is directed to the Minister for Agriculture. The Cost of Living hub includes as part of its "trusted advice backed by the NSW Government" the following advice:

"Best before" means the quality of the item may decline after this date. So, give "best before" items a sniff test first rather than throwing them straight in the bin.

Why is the Government encouraging the people of New South Wales to eat food that, according to the Australia New Zealand Food Standards Code, may not retain the specific qualities advertised for the food when sold?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:14): I thank the member for this question. In terms of the content of the Cost of Living hub, I refer to answers given by the Leader of the Government. There are things that need to be addressed generally with that site. I am sure that is something that the Government is looking at. As the Minister for Agriculture, my job includes being responsible for food safety in New South Wales. There are rules and guidelines in place for how "best before" and "use by" food safety standards are to be followed in New South Wales. As I understand it, the hub provides people with advice on making their dollars go further and, by the sound of what has been detailed in the question, the advice provided is common sense. People are not stupid. They are able to make choices about the food they have in their cupboards and refrigerator—purchasing decisions, storage and cooking, and whether to dispose of a product or extend its use.

People make those decisions for commonsense reasons, including to manage their budget to get through this cost-of-living crisis. It is also about managing waste. I certainly encourage people to not waste food. A range of rules and guidelines is in place for use-by dates and best-before dates. In some cases, such as fresh food, they are around what can be sold in supermarkets. But in terms of people deciding what food they can use from their refrigerators, I imagine many people do what I do, which is to open the product and smell it. If it smells bad or spoiled, I will put it in the bin. If it smells okay, I will use my best judgement, as a person with common sense, whether to eat it or not. I am sure that is what other people across the State are doing.

Whatever people can do, especially during this cost-of-living crisis but at any time, to make their dollars go further and to make their fresh food and food purchases go further to feed themselves and their families is a good thing. It is smart. I am sure that households make those decisions all the time, but particularly when they are trying to make their wages go further. We certainly support them to do that. Again, I encourage people not to waste food. If it is still useable and edible, then go for it.

The Hon. SARAH MITCHELL (11:17): I ask a supplementary question. I thank the Minister for her answer. I support the "sniff test" but ask the Minister why it is that the best advice that the Government can come up with to put on the Cost of Living hub to assist struggling families in New South Wales is "Eat cake as long as it's not stale"?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:18): I thank the member for the question. But let's be real: It is a ridiculous question. That is not something I would normally say, because I take question time seriously. People use their common sense. I trust the people of New South Wales to make decisions, every day, about the food they put in their mouths. They stock their fridges and cupboards with food and make decisions about what is still okay to be eaten.

The food guidelines relate to the dates required for the sale of products in supermarkets and other places to protect consumers from food that can go bad—fresh food that should not be sold past a certain point. I trust the people of New South Wales to be able to make the right judgements about the food in their fridges that they might prepare for their families and themselves. I do not think the Government needs to be telling people what to do with food in their fridge.

In relation to the flippant comment of "Let them eat cake", this Government takes the cost-of-living situation that people are in exceptionally and extremely seriously. We are addressing that issue in this and every other question time, and in the decisions we make on a regular basis to support people in New South Wales through this period. The Government has put in place a whole range of measures to support people through this time. It sounds like this particular website is giving advice. I will be honest: I have not looked at the details of this website, but I will. It is giving advice, and I trust the people of New South Wales. [*Time expired.*]

The PRESIDENT: Order! There is too much audible chatter in the Chamber.

STEEL INDUSTRY

The Hon. TANIA MIHAILUK (11:20): My question is directed to the Treasurer. Given that NSW Labor has on many occasions stated its commitment to Australian steel, ensuring that Australian steel is used across publicly funded infrastructure projects across the State, will he initiate a dashboard to permit the public to monitor which infrastructure projects utilise Australian steel and the corresponding percentage to ensure that the New South Wales Government and any proponents contracted to provide such infrastructure remain committed to using Australian steel across all energy, renewables, transport and other infrastructure projects?

The Hon. DANIEL MOOKHEY (Treasurer) (11:21): I thank the Hon. Tania Mihailuk for her question. I note that, 20 minutes into question time, it is the first crossbench question. It is a very good question. The point made by the member is very important: Steel manufacturing is an important part of the New South Wales economy. Those in the Illawarra know full well how important it is that we have a thriving steel industry. In addition to that, those who have any familiarity with the BlueScope steel manufacturing plant would understand just how innovative that particular facility is in the global steel market.

The second point I make, as the Hon. Tania Mihailuk has quite rightly said, is that the Government is serious about using Australian steel in Australian infrastructure projects and New South Wales Government infrastructure projects. That is partly why the previous Parliament strove to ensure that, for example, in the renewable energy transition, there is a role for Australian steel. In addition, during the Parliament before that, in 2016, both sides of politics got together to make sure that BlueScope could get through the issues that were affecting it when it was suffering from a depression in global steel prices, which created real pressure on whether that facility could continue.

The member asked me a very specific question about a dashboard. Let me firstly explain that, in my capacity as Treasurer, I have a responsibility for the infrastructure Acts. I am working with Infrastructure NSW to establish standards of steel use that apply down the supply chain. As the Parliament knows, there have been issues with that. The Sydney Fish Market is a good example where there are really interesting questions to be asked about how far down the supply chain we go. The third point is that, as a result of that work, reform is happening in this space. We are open to the suggestions around dashboards, around additional public reporting and around providing more transparent information in annual reports in any way in which it is appropriate to benchmark it.

We have a construction industry partnership group with which we are testing questions like this, as I speak, with respect to not just steel but also other procurement requirements that we impose on New South Wales Government projects. We want to be confident that when the New South Wales Government is contracting with certain requirements, and taxpayers have funded that, it is actually being delivered, whether it be with respect to steel or to Indigenous employment, apprenticeship numbers or women in construction. That is a big challenge, so I am open to any suggestion that would enable us to increase transparency and to see whether we can do more.

BUILDING HOMES FOR NSW

The Hon. PETER PRIMROSE (11:24): My question without notice is addressed to the Minister for Housing. Will the Minister update the House on the work that the New South Wales Government is doing to roll out the Building Homes for NSW program and on potential barriers to building homes for people in need?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (11:24): I thank the honourable member for the question. Members know my enthusiasm for building public housing. What they may not know is that my enthusiasm is shared by the King of England. I was pleased to host His Majesty the King of England at one of our new builds in Glebe earlier this week.

The PRESIDENT: Order! The Clerk will stop the clock. I remind all members of the particularly pertinent point of order made yesterday by the Hon. Chris Rath about ensuring due respect for His Majesty. He is also the King of Australia, and that was the capacity in which he made his recent visit. The Minister has the call.

The Hon. ROSE JACKSON: I was pleased to welcome His Majesty King Charles III to public housing that the Government is building in Glebe. Quite genuinely, His Majesty had a real passion for not just the provision of affordable housing, which he spoke about fondly, but also the provision of sustainable building design and beautiful public homes that last. As a result of that visit, I was pleased to know that His Majesty was more enthusiastic about public housing than members opposite and shared the commitment.

All of us, but certainly members opposite, could learn a thing or two from the commitment of His Majesty to public housing. Someone else who could learn from the commitment of His Majesty to building public housing

is Senator Bridget McKenzie, who went on national radio earlier this week to genuinely pose the question, "Why should the Government be involved in building housing?" It was a straight-up attack on the literal existence of a public housing program by someone who is attempting to become part of the Government of this country.

The PRESIDENT: Order! The Hon. Scott Farlow will cease interjecting.

The Hon. ROSE JACKSON: Her question indicates the risk faced by these types of projects. Why should the Government be involved in building housing? I will tell Senator McKenzie why. It is because on the ground in New South Wales we recognise that we have a housing crisis, and it is the role of government to step in at times of crisis.

The PRESIDENT: Order! The Hon. Natasha Maclaren-Jones will cease interjecting.

The Hon. ROSE JACKSON: That is exactly what the community expects the Government to do, and that is exactly what the New South Wales Government has done with its \$6.6 billion program. It is not just Senator McKenzie. Once again, Michael Sukkar is running direct interference in the role of State government in the provision of housing and housing infrastructure. Real risks are on the horizon when it comes to the provision of housing by State governments with this kind of rhetoric consistently coming from the Federal Opposition. The New South Wales Government remains committed, along with the sovereign of this country, to the provision of housing, and yet we have risks on the horizon from a potential Federal government that does not share that passion.

The PRESIDENT: The level of interjections by Opposition members is way over the line, even though the Minister was being slightly incendiary. Members will cease interjecting.

NSW POLICE FORCE MANAGEMENT AND ADMINISTRATION

The Hon. ROD ROBERTS (11:28): My question is directed to the Minister for Agriculture, representing the Minister for Police and Counter-terrorism. I refer to an article published at 11.12 a.m. yesterday in *The Sydney Morning Herald* that reported on the NSW Police Force response to a concern for welfare that escalated into a siege in Coogee. The article reported:

During a search of the apartment, police allege they found two firearms and a ballistic vest.

Deputy Commissioner Dave Hudson, in a written response to a supplementary question following a recent budget estimates hearing, stated:

At this time, the NSW Police Force cannot provide a guarantee that all unaccounted for vests have been destroyed, nor can it guarantee that none of the unaccounted for vests are in the hands of the public.

Does the Minister know whether the New South Wales police can confirm that the ballistic vest that was seized yesterday is one of the missing 5,577 ballistic vests?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:29): I thank the member for his very important question, asked of me in my capacity representing the Minister for Police and Counter-terrorism. I am aware of yesterday's article and the situation, but I am not aware of the details of what police found, particularly in relation to missing vests. I am across that issue generally because it has been raised a number of times in this place. I will take the question on notice, seek an answer from the Minister for Police and Counter-terrorism, and then bring it back to the House.

COST OF LIVING HUB WEBSITE

The Hon. NATALIE WARD (11:30): My question is directed to the Minister for Roads. The Cost of Living hub of the New South Wales Government website advises:

Find someone going your way by searching online for carpool sites and rideshare apps. If you're the driver and willing to offer someone a lift, you can charge a fare per seat.

If a driver charges passengers a fare per seat, is the driver subject to the requirements of the point to point legislation, including the passenger levy, penalties for touting and licensing, and safety requirements?

The PRESIDENT: The Leader of the Government will remain silent.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:31): The first thing I recognise is that in New South Wales, especially in Sydney, given the cost of housing, people are under pressure. That is where any answer on a question like this has got to start. That is a result of inflation rising, as it is around the world, but also the high interest rates. We know that impacts on people across the country, but it impacts harder in New South Wales, hardest of all in Sydney, given the high cost of housing. The Government is tackling that head on. That is the number one priority: to take on that biggest cost of living impact, the cost of

housing, which was made far worse under the previous Government. They ignored the issue and ignored the challenge.

The Hon. Scott Farlow: It is worse under you. That is what happens when you bring in new people to the country in two years. Thanks, Albo.

The Hon. JOHN GRAHAM: I acknowledge that interjection. I would not be putting that case, given the member introduced the bill into this Chamber.

The Hon. Natalie Ward: Point of order: It is relevance. He is way out of line.

The PRESIDENT: I uphold the point of order. The Minister is being entirely irrelevant to the question. The Minister will come back to the question.

The Hon. JOHN GRAHAM: I apologise for being distracted by the interjection from the member who introduced that bill. That is the important backdrop to the question. Coming to the website, it is entirely appropriate for it to spell out not only a range of programs to help but also a series of tips for people to use to change their spending habits. Pick up any newspaper, and there will often be a financial advice column with exactly those sorts of commonsense suggestions.

The Hon. Wes Fang: Point of order: The shadow Minister has already taken a point of order regarding relevance, so I hate to do it again, but the question was quite specific. It was about the advice on the website and whether there would be any contraventions when following that advice. The Minister has gone nowhere near answering that part of the question. The question was very narrow. The Minister should answer the question. Mr President, I ask you to either direct him to do that or call him to order.

The PRESIDENT: It is not within my purview to instruct the Minister how to answer. The Minister is being directly relevant. The Minister has the call.

The Hon. JOHN GRAHAM: Those sorts of tips were on the previous Government's cost-of-living website and continue under this Government. Members will find that that sort of advice has been routinely issued by governments of any stripe in jurisdictions other than New South Wales. I want to make that—

The Hon. Sarah Mitchell: So now we care about other jurisdictions.

The Hon. JOHN GRAHAM: Yes, it is not unusual. I would expect the Government to continue to do so. Finally, turning to the very specific, technical issues that the shadow Minister has asked, I am happy to take those on notice and seek further information. It would be a surprise to me if the advice did cause a regulatory issue, but the shadow Minister is certainly entitled to ask. I will take it on notice.

The Hon. NATALIE WARD (11:34): I ask a supplementary question. Will the Minister elaborate on his point about the tips included on the site and the technical issue of whether there is a regulatory issue? Does the Minister stand by the advice on the hub that states, "To offer someone a lift, you can charge a fare per seat"?

The Hon. Penny Sharpe: Point of order: That is simply a restatement of the original question. It is not a supplementary question.

The Hon. Scott Farlow: To the point of order: The original question of the Hon. Natalie Ward specifically asked whether charging for a seat fell within the Government's point to point legislation. The supplementary question is asking whether the Minister actually stands by the advice.

The PRESIDENT: I do not uphold the point of order. The Minister has the call.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:35): The member may have missed the part where I said I would take it on notice. I will be clear that I am taking it on notice on behalf of the Minister for Transport, whose jurisdiction this is under. I have got no objection to a sensible question about how such advice interacts with a regulation. Should a government website be advertising both Government programs and general tips? I have got no problem with that, given that the cost of living is one of the most serious issues that the population of New South Wales faces. It surprises me that the Opposition is seeking to raise such questions. I do stand by the fact that such advice should be offered in the form of sensible tips and government programs. To me that does make sense, and you would find the same in any newspaper. I am happy to take the interaction with regulation on notice. The shadow Minister has asked about the Point to Point Transport Commissioner, but that matter is under the jurisdiction of the Minister for Transport.

The Hon. ROD ROBERTS (11:37): I ask a second supplementary question.

The Hon. John Graham: I should have sat down more quickly.

The Hon. ROD ROBERTS: I note that the Minister is taking some of the original question on notice, but he brought up regulatory issues, so I would like him to elucidate on whether a regulatory issue is raised by telling people to charge a fare in a private motor vehicle. Will they be breaching their agreement under the third-party insurance scheme, between private and business? Also, does encouraging somebody to do that cause a potential breach to a driver's comprehensive motor vehicle insurance policy? If so, I do not think that the Government should be giving that advice.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:38): I thank the honourable member for the question. As I indicated by interjection, perhaps I should have given a shorter answer to the previous question. It is a sensible question, but I do not want to give an answer on the fly because there are complex interactions. I am very happy to take the question on notice.

The PRESIDENT: Order! The Hon. Rod Roberts has asked a question; he will hear the answer.

The Hon. JOHN GRAHAM: I am very happy to take that question on notice. I will seek an answer from the Minister responsible and return to the House with further information.

The PRESIDENT: Before I call the Hon. Bob Nanva, I welcome to the Parliament students from Camden High School, who are participating in the Legal Studies and the Legislature program conducted by the Parliamentary Education team today. You are all very welcome.

PERCY ALLAN, AM

The Hon. BOB NANVA (11:38): My question without notice is addressed to the Treasurer. Will the Treasurer update the House about the passing of Percy Allan, AM?

The Hon. DANIEL MOOKHEY (Treasurer) (11:39): Last night the State lost one of its finest and longest serving public servants. Sadly, former long-time head of NSW Treasury Percy Allan passed away at the age of 78. Firstly, I acknowledge Percy's partner, Philippa Smith, who, like Percy, is a Member of the Order of Australia and is also an extraordinary person. Our condolences are with her today. Later there will be a more fitting and formal acknowledgement of the man who dedicated over 40 years of service to the people of New South Wales. Today I say a few brief words about his remarkable contribution and legacy, including for the Labor governments of Neville Wran and Bob Carr, as well as the Liberal governments led by Nick Greiner. Percy first entered politics in 1972 as Labor's candidate for the then safe Liberal seat of Wentworth, having been persuaded to run by the late John Mant. Neville Wran was his campaign manager.

In 1972 Australian Labor Party candidates did well under the Whitlam banner, and Percy's primary vote of 37 per cent was the equal highest ever scored by Labor in Wentworth. From that followed many years of service, reform and impact. Percy Allan played a key role in the introduction of the Independent Pricing and Regulatory Tribunal of New South Wales and the corporatisation of government agencies, setting a benchmark for State governments around Australia and internationally. To the chagrin of every Treasurer since he was the secretary, he also introduced the general accounting principles and budget reporting and financial statistic standards used in Australian Bureau of Statistics reporting. He was the original accounting god. For many years, Percy served dutifully under both sides of government at the highest level, including as the head of Treasury for nine years from 1984. Percy was a respected adviser to many Premiers, with some also counting on him as a valued friend. Today, like many others across the public service, they will be reflecting on their fond memories of Percy.

Outside of government, Percy continued to dedicate himself to the corporate world at companies like Boral. In addition, he was a prolific writer on economics and foreign affairs and was regularly published in mainstream and other media. He became a visiting professor at the Institute for Public Policy and Governance at the University of Technology Sydney and was prominent in the reform club, an eclectic collection of thinkers and advocates. There is much more to be said in acknowledging the work of Percy Allan. I know that members of this place worked with him on the introduction of the statement of public interest process that was adopted by the House in the previous Parliament. He has provided fair and fearless advice to many members across both sides of the Chamber. As Treasurer, I have had multiple interactions with him. On behalf of all of New South Wales, I thank Percy for his years of dedication to the New South Wales Parliament and to the people of New South Wales.

WHIAN WHIAN STATE CONSERVATION AREA

The Hon. JOHN RUDDICK (11:42): My question is directed to the Minister for the Environment. An official sign displayed in the Whian Whian State Conservation Area near Byron Bay declares that the campground is for the exclusive use of a particular Aboriginal group. Throughout history, there have been many episodes of governments treating people differently simply because of their ancestry. When we look back, we only see

negative consequences. Is the Government supportive of the unmistakable trend within the National Parks and Wildlife Service to ban almost everyone from certain national parks and conservation areas because they do not have the right family tree?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:42): I thank the member for his question. I fundamentally disagree with the premise of the question, but I provide the following information in relation to that particular campground and others. As the member notes, there is a sign in Rummery Park campground in the Whian Whian State Conservation Area that declares that part of the campground is for the exclusive use of the Widjabul Wia-bal people, the traditional owners in the area. The Widjabul Wia-bal people are the native title holders for the area. The State of New South Wales and the Widjabul Wia-bal people entered into an Indigenous land use agreement [ILUA].

As the member may be aware, an Indigenous land use agreement is a voluntary agreement between native title parties and other people or bodies about the use and management of areas of land and/or waters. While registered, ILUAs bind all native title holders to the terms of the agreement. ILUAs also operate as a contract between the parties. The ILUA documents the procedures and actions that New South Wales public land management agencies will undertake to preserve Widjabul Wia-bal cultural heritage, facilitate native title rights and interests, and support joint management of national parks. That includes the provision of cultural camping areas, which are not unusual and are incredibly important to native title owners. They do no-one else any harm.

The agreement was reached as part of a native title claim. A small area next to Rummery Park campground is a cultural camping area; however, the remainder of the Rummery Park campground remains available for all members of the public to use. That means that visitors can continue to book to camp there through the commercial booking system. It provides a benefit to all national park users and the broader community, while also fostering an appreciation of the legal rights of native title holders and an understanding of the deep cultural connection that the Widjabul Wia-bal people have to their lands.

These types of campgrounds exist, and the Government is proud to support them. They are part of the negotiations that are had with native title holders that allows practice of culture and understanding on country in a very small part of New South Wales. It does not impact on anyone else except the native title holders. It is part of the agreements with native title holders that come through the court system and native title laws. I understand that the member has an issue with it, but I make the point that the Government absolutely supports it. It is part of the process as we work through native title negotiations. The Government supports the right of native title holders to have a piece of public land on which they are able to practise and share their culture with their community and their families.

COST OF LIVING HUB WEBSITE

The Hon. SCOTT FARLOW (11:45): My question is directed to the Minister for Housing. The Cost of Living hub advises people who are struggling to make ends meet to "negotiate with your landlord. If you think there is a rent increase on the way, it may pay to speak to your agent or landlord and remind them why you're a good tenant." How many cases is the Minister aware of where a tenant sweet-talking a landlord about what a good tenant they are has resulted in lower rent? Is that realistic advice?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (11:46): I thank the honourable member for his question. I think it is great advice. What on earth is wrong with that proposition in an environment in which rent is a real issue for people? As the Minister for Roads said, the fundamental proposition is that there is a one-stop shop for cost-of-living advice in a cost-of-living crisis. That sounds like an excellent initiative, from my point of view. I welcome the opportunity to discuss a suite of residential tenancy reforms in the House later today. I welcome the support of the Opposition. I am not quite sure where Opposition members are up to with their amendments.

The Government has done an unbelievable amount of work to address the fundamental challenge that is central to the cost-of-living crisis—that is, the cost of housing. There has already been a suite of residential tenancy reviews, including things like the portable bond scheme. That is a direct contribution to cost-of-living relief as it allows people to transfer bond from one property to another so that they do not have to pay two bonds. The Government has invested heavily in building the social and affordable housing that people need to ensure that they have affordable housing. Some \$6.6 billion has been invested in social and affordable housing, let alone all of the changes to the planning system.

The Hon. Damien Tudehope: Is this on the cost-of-living website?

The Hon. ROSE JACKSON: I will give the member the website if he wants to look at it for these reforms. All of it is online. I welcome the googling efforts of those opposite. There is the \$6.6 billion Building Homes for NSW program and all of the planning reforms. There is all of that unbelievable work that I talk about week after week to address the fundamental issue of the cost of housing. On top of that, a website is created that provides people with practical tips. That sounds like a great—

The Hon. Wes Fang: Point of order: We are now over two minutes into the answer and the Minister has not addressed the core part of the question, which is about the advice on the website. I ask that the Minister be drawn back to that part of the question.

The PRESIDENT: The Hon. Wes Fang would have been quite right if he had taken the point of order five seconds earlier. The Minister was specifically talking about the website in the sentence that the member interrupted.

The Hon. ROSE JACKSON: As I was explaining, the Government's theory of change is to do the big things and do the small things. That is a commitment to ensure that, across the spectrum—

The Hon. Damien Tudehope: It's all talk, mate.

The Hon. ROSE JACKSON: All talk? A \$6.6 billion program ain't "talk", my friend.

The Hon. Jeremy Buckingham: Point of order: Mr President, you have had to rule again and again in this place that interjections are disorderly. It is impossible for me to hear whether the Minister is being relevant because all I can hear from the bleachers is guffawing, cajoling, interjections and calling out. I ask you to bring Opposition members to order and ask them to stop their incessant and annoying interjections.

The Hon. Natalie Ward: To the point of order: Most of the guffawing and laughing was by Minister Courtney Houssos. If there were serious answers given on this very serious matter, we would listen intently.

The PRESIDENT: I was not going to name the member. It is a bit rich—pots and kettles—coming from the Hon. Natalie Ward. However, the Hon. Natalie Ward's fundamental point is right. I uphold the point of order but with respect to members on both sides of the Chamber. The Minister has the call.

The Hon. Wes Fang: Point of order—

The Hon. Courtney Houssos: Sit.

The Hon. Wes Fang: Whilst the Minister mentioned the website as I was taking the first point of order, we are another 30 seconds into the question—

The Hon. Courtney Houssos: Just quit while you're behind, Wes.

The Hon. Wes Fang: —and she has diverted away from the website to other issues. Mr President, I ask you to direct her to come back to the substance of the question.

The PRESIDENT: The Minister is being directly relevant. The Minister has the call.

The Hon. Sarah Mitchell: Point of order: While I have been listening to question time, I have noticed that when the Hon. Wes Fang has taken a point of order, members opposite continually interject with derogatory remarks. He was told to sit down. Minister Houssos said, "Just quit while you're behind". It is very disrespectful to say that to a member in this place. I bring that to your attention because I do not believe that is acceptable behaviour.

The Hon. Courtney Houssos: Do you want me to respond to some of your interjections so they go in *Hansard*?

The PRESIDENT: Order! I am not thrilled that the Hon. Courtney Houssos interjected just as I was about to speak, but she is right. Members on both sides of the Chamber are interjecting. The Hon. Sarah Mitchell makes a fair point. Members who take a point of order are entitled to do so with the respect and silence of members in the Chamber. The Minister has the call.

The Hon. ROSE JACKSON: The implicit criticism in the question would be fair if the beginning and end of the Government's plan to confront the cost of housing was the recommendation contained in one page of one website, but that is simply not the case. That information sits alongside record investment in reforming the rental system and building more affordable housing. That is a comprehensive response, of which I am proud. *[Time expired.]*

The Hon. SCOTT FARLOW (11:52): I ask a supplementary question. Given the recommendation on the website, would the Minister provide the same advice to people who are in Department of Communities and Justice properties, who are subject to a yearly rental review if they are subject to market rent?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (11:52): Yes, I absolutely would. We are proud, as New South Wales Government landlords, to have exceptional circumstances and policies right across our range of rental products, whether people are living in affordable housing in partnership with community housing providers, in New South Wales public or social housing, or in market rent circumstances. The Government has said before that it aspires to be the best landlord in the State. As someone who is responsible for a substantial number of properties under New South Wales Government ownership and management, I say to other landlords that we are proud to have a collaborative relationship with our tenants when it comes to rent setting and maintenance. We are trying to move from a position of having a very poor relationship under the previous Government to being a government that sets the standard and represents best practice.

If private market landlords have a tenant who reaches out to them and says, "I am struggling with cost of living right now. Can we have a conversation about rent?" I say to them, "Please engage in that conversation in an open and constructive way." People are doing it tough right now. The Government is doing its bit. It is reforming the rental market, building more affordable housing and changing the planning system to bring more supply online. We also say to all tenants in the community that they should feel empowered to raise questions. Tenants have rights and the Government is trying to give them more rights to make sure that they are protected. Landlords should recognise that it is really tough right now and be willing and open to have those conversations. I am not at all ashamed or embarrassed to be part of a government that is looking at literally every single point in the constellation to try to make sure it is addressing those issues fundamentally. That is what good governments do. They do not shy away from their responsibilities; they try to work with the whole community to address the big issue at this time, which is cost of living.

SOUTH BY SOUTHWEST FESTIVAL

The Hon. ANTHONY D'ADAM (11:54): My question without notice is addressed to the Minister for the Arts. South by Southwest took place in Sydney last week. What role does the Minister see this event playing in the State's broader cultural and tourism landscape? How did South by Southwest support the screen and digital games sector in New South Wales?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:55): I thank the member for his question. I am happy to recommended the South by Southwest Festival to the House. South by Southwest in Austin, Texas, set the standard as the festival of festivals for creative professionals. In Sydney in 2023, the South by Southwest Festival clocked up nearly 100,000 unique attendees over seven days and seven nights.

The Hon. Sarah Mitchell: When was the first one?

The Hon. JOHN GRAHAM: The first Sydney festival was in 2023, as I reported to the Chamber previously. This year more than 1,000 events and activations occurred across Darling Harbour and Tech Central around Broadway, Ultimo and Chippendale. The reason the Government is so enthusiastic about the festival is that it aligns with the Government's arts, culture and creative industries policy, which is trying to drive the creative industries together. South by Southwest Sydney is a key plank in making that happen. That is why last week the Government launched the NSW Screen and Digital Games Strategy at the South by Southwest screen night.

The screen industry is facing a tough moment globally, but in Australia it stands to benefit from the Location Offset scheme introduced and boosted by the Federal Government. Half of screen production in Australia happens in New South Wales. The new screen strategy has new measures including a million-dollar pilot program to address skills shortages; a \$200,000 intellectual property option fund to pick up homegrown novels, non-fiction work and podcasts and turn them into screen productions; and continuing support for the Made in NSW and the Post, Digital and Visual Effects schemes that have been so important to supporting that sector.

It also focused on digital games, which is an area in which New South Wales has not been strong. It is a \$4.66 billion global industry, but we have just got a fraction of it in Australia and New South Wales. We want to tap in and grow our digital games sector. In Greater Sydney, those creative industries collectively account for nearly 10 per cent of the workforce. It is an incredible part of the State's economy that is growing twice as fast as the rest. With events like South by Southwest, and the new Screen and Digital Games Strategy, we want to grow that even more. The potential in these sectors is significant. We are strong now, but we stand to be even stronger.

NORTH COAST MISSING PERSONS

The Hon. JEREMY BUCKINGHAM (11:57): My question without notice is directed to the Hon. Rose Jackson, Minister for the North Coast. The North Coast of New South Wales has witnessed an alarming number of unsolved murders and disappearances over the past decades, affecting dozens of families, many of whom are still searching for answers. Given the gravity of the cases and calls for justice for victims, families and the wider community, what steps is the Minister responsible for the North Coast taking to make sure those tragic cases receive the attention and resources they urgently deserve?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (11:58): I thank the member for his question and place on record an acknowledgement on behalf of the Government, which has been echoed by other members to whom the issue has been addressed. I thank him for his efforts to draw the energy and attention of the Government to the issue on behalf of the community. It is a real example of how the tenacity and determination of a member of the crossbench can have an impact on drawing the attention of the Government. I am prepared to work alongside my colleagues and others, primarily police, who are leading for the Government in exploring the issue to make sure the attention and effort that the member rightly expects is given to these cases. I give him a commitment, publicly and on record, that alongside the Minister for Police and Counter-terrorism and others in government, we are working to ensure that the investigations that the community rightly wants are conducted as thoroughly and expeditiously as possible.

I echo comments made prior to question time by the Hon. Rod Roberts. The Government, and I as the Minister for the North Coast, need to be clear: The community's expectation should be that the Government takes this seriously and that we diligently, thoughtfully and methodically apply the resources of the police to investigate the matters. As the Minister for the North Coast, I am happy to lend my weight, energy and attention to making sure that happens. But the community also needs to be realistic about how challenging it may well be, considering many of the complexities of the matters, including the time since they occurred and perhaps the limited evidence that surrounds some of them. Unfortunately, that is the case in some of these instances.

We need to be realistic and manage the community's expectations about how challenging some of those efforts will be. That does not to remove the responsibility of the Government to make sure that when such issues are put on our radar, they are looked at in a way that acknowledges them. Historic discrimination or racism, or the fact that some of the victims were not the type of people who had the resources in their family unit to draw the attention of government at that time, should not mean the circumstances of their tragic passing do not get the focus in government they deserve. I am happy to work with the member and the Minister for Police and Counter-terrorism to make sure that the community can see that the Government is taking this seriously and undertaking those thorough investigations.

The PRESIDENT: I welcome to the gallery year 6 students from St Anthony's Primary School, including school captains, Geneva McDermott and Damien Deng; vice-captains, Mila Vella, Angela Mikhael and Bentley Herc; and school principal, Trish Reilly. You are all very welcome.

The Hon. PENNY SHARPE: Thank you to the schoolchildren who have just come in. The time for questions has expired. If members have further questions I suggest they place them on notice. That means that we will ask them in written form. Otherwise, they will have to wait for a couple of weeks until our next question time.

COST OF LIVING HUB WEBSITE

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (12:02): In relation to the question about carpooling, I inform the House that carpooling is not considered a passenger service under the Point to Point Transport (Taxis and Hire Vehicles) Act 2016. The regulations make it clear that an amount paid to the driver to reimburse actual costs associated with operating the vehicle, such as petrol costs, or a small gift provided to a driver for participation in a voluntary, non-profit carpooling scheme does not constitute consideration payable to the driver. If the person intends to run an ongoing business for a fare, they may need to be authorised or work for an authorised service provider under that Act.

Supplementary Questions for Written Answers

COST OF LIVING HUB WEBSITE

The Hon. NATALIE WARD (12:02): I also welcome the students to the gallery. This is what is called a written question. If we do not get the answer we want, we can put in a further question and the Government has to answer it in writing. My supplementary question for written answer is directed to the Minister for Roads. If, as advised on the New South Wales Government's Cost of Living hub, a driver offers someone a lift and charges a

"fare per seat", is the driver required to comply with the licensing safety and other rules of the point to point legislation, and what insurance requirements apply?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. DAMIEN TUDEHOPE: I move:

That the House take note of answers to questions.

COST OF LIVING HUB WEBSITE

The Hon. DAMIEN TUDEHOPE (12:03): I take note of answers given today on the Government's advice to the people of New South Wales on cost-of-living measures that may be available to them to meet the current crisis. The advice was created by the Government and the appalling Treasurer, who has contributed to the circumstances in which the people of New South Wales now find themselves. Every single economics commentator can point to the problem of the Government in contributing to high interest rates, which are currently being passed on to the people of New South Wales and are the primary cause of the cost-of-living pressures that beset the people of this State. The Treasurer, and the way he is beholden to the unions of this State and looks after his union mates, destroys any budget integrity. He blows it apart and then says, "We all have to pay for it."

Then he rubs salt into the wound by offering people advice about cost-of-living measure. First of all, he takes away their Active Kids rebates—kids in the gallery, that is you—which entitled them to play sport. He gets rid of the Creative Kids rebates. The Government cannot afford those. But the Treasurer gives people advice about how to make cost-of-living savings. That sort of advice includes, "Talk to your landlord about reducing your rent." The Treasurer is out of touch if he thinks that is a cost-of-living measure. He might be Lord Mookhey of Grasmere, who can sit in the second-most expensive house in Stanmore.

But when the people of Liverpool and others are struggling with their cost of living, they are not living in the second-most expensive house in Stanmore, being given advice about talking to their gracious landlords about dropping their rent. But it gets better. People should get rid of the use-by dates on your food—forget about those. The agriculture Minister says, "Apply the sniff test." It does not apply to Lord Mookhey, of course, but other people have to apply the sniff test to their food. The best thing the Treasurer can do for the cost of living is to get the budget under control.

PERCY ALLAN, AM

COST OF LIVING HUB WEBSITE

The Hon. MARK LATHAM (12:06): I take note of the excellent answer by the Treasurer paying tribute to Percy Allan. I first met Percy Allan in 1988. Then and thereafter he gave very sound economic advice to Bob Carr. Percy Allan—a colourful, interesting person—was rather unique in our public life in New South Wales because he dedicated his life to better public policy. That included his time as a fine secretary to the Treasury, through the Reform Club period that I was reminded of—which involved excellent debates, trying to develop better public policy across the board—to his interest in greyhound racing, where he was the Chair of Greyhound Racing NSW in a difficult period, to his more recent advocacy to this Chamber about statements of public interest and other matters. He was deeply dedicated to the welfare of the people of New South Wales. For sound and, at times, innovative economic policy, I pay tribute to him and his memory, and pass on my condolences to his partner, Philippa, and the Allan family.

In that context—perhaps Percy would want me to say this—how good is the government website? It encourages economic entrepreneurship, initiative and people getting off their backsides and doing things for themselves, creating a more self-reliant society. We only have to listen to the harping and complaints about people who have an innovative approach to earning a few more dollars by carpooling or trying to sort out their tenancy arrangements. The dead hand of an economic nanny state, advocated by those who used to support entrepreneurial spirit, initiative and economic freedom, is the reason we are being left behind by the Asian and Middle Eastern growth economies. Anyone listening to this debate in Doha, Abu Dhabi, Riyadh, Dubai, Singapore or Seoul—

The Hon. Wes Fang: There is nobody.

The Hon. MARK LATHAM: —would be ashamed of what the Hon. Wes Fang's Coalition has become, in terms of forgetting the principles of economic freedom. They would be laughing their heads off, thinking, "What are they doing in Australia?" The economic freedom in those growth economies has them roaring ahead of us. Our growth rates are low; our productivity is non-existent. Unfortunately, if this is the advocacy of the Coalition and if the Government was to ever accept it, we would become a society of brain-dead dullards who never do anything self-reliant and innovative for ourselves. We must soundly encourage the economic freedom

by which people become more self-reliant. I am sure the late, great Percy Allan would support me in saying the Government should distribute that website content to every household in the State under the banner of economic self-reliance and people doing more innovative, entrepreneurial things for themselves. That is the spirit we should be fostering in New South Wales.

COST OF LIVING HUB WEBSITE

BUILDING HOMES FOR NSW

The Hon. EMILY SUVAAL (12:09): I contribute to this take-note debate, noting that it was an interesting question time. We had a lot of questions about the minutiae of the Cost of Living hub. I commend the work of all Ministers to address the cost-of-living issues. There are two particular issues that I think are worth singling out. There was a question to the Minister for Housing. We know that housing is the biggest cost-of-living issue facing people in New South Wales right now. It is the biggest issue facing our State and our country. Every dollar that people in New South Wales can save is helpful to them. In the true cost-of-living crisis we find ourselves in, when families are really doing it tough, every dollar matters. Whether it is people trying to negotiate rent with their landlord or the record investment that the Minister talked about that has gone into housing and social housing, in particular, here in New South Wales, every bit helps. The Government is not just focused on the small stuff. Some of the little measures that can be taken by individuals are commendable, but the Government is doing the big stuff too.

I also address the question asked of the Minister for Agriculture. Food waste is not something that should be taken lightly. One of the biggest costs for households in this State is food and groceries. For those who are unaware, there is a distinct difference between a use-by date and a best-before date. Not everyone is aware that there is a difference between the two. That is particularly important for organisations like OzHarvest, which do a lot of work not only to reduce food waste but also to ensure that food that is still fine and can still be eaten goes to those people who are doing it tough and need it the most. If the best that Opposition members can add to the policy debate around cost of living is to come to the Chamber and scoff about sniff tests that make people's dollars go further, it does not bode well for them. For the people of New South Wales, ours is a government that cares deeply about cost-of-living issues and people doing it tough. We do not apologise for the innovative, entrepreneurial ideas that are on the website and the work we are doing in this space. [*Time expired.*]

COST OF LIVING HUB WEBSITE

The Hon. NATALIE WARD (12:12): I take note of the answers given today by Ministers when asked repeatedly about their responses to the cost-of-living crisis in New South Wales. The questions were not about minutiae; they were serious questions. The Opposition had to ask questions about the Government's website, when mums who are trying to provide for their families in a cost-of-living crisis know that the evidence shows that families are going without food. Foodbank and welfare groups have said that they have had increased demand for assistance this year. We know that grocery prices, fuel prices and energy prices are up. People are paying more and are then hearing frankly trite, insulting and patronising advice on the Government's website about how they can do better. When the Leader of the Government was asked if she stands by that website, she was almost dismissive of the question. It is a government website, paid for by taxpayer dollars, in an era when people are struggling to make ends meet. These are serious questions.

The Leader of the Government also indicated that hundreds of millions of dollars worth of support is available. That is clearly not the case. This website is an excuse for doing something, and it is quite insulting for somebody who is struggling and needs help to go to the website and be told to eat less, go meat-free, use food that is past its use-by date or carpool. There is no solid advice there, no support from the Government and no comprehensive response to the challenges people are facing. It is important that the Government does respond, because it has created those issues. It has chosen to take away substantial cost-of-living assistance in the Back to School vouchers. That was \$100 per child for going back to school, when people are paying for stationery, school bags and uniforms. Those things matter to families, and the website is dismissive of them. It is the Opposition's job to call that out, and it will continue to do so.

The Prime Minister bought a multimillion-dollar house with views in Copacabana while families face the challenge of their lives. We have a Prime Minister who has checked out and said, "I'm out of here. I'm going to take the big dollars and hop into my brand-new place." And the Treasurer himself is buying into it, saying, "Albo, see my agent. I've got a great agent. If you've got a lazy \$4 million or \$5 million to spend, here's my guy. He'll get you something nice." The Hon. Daniel Mookhey is doing the same thing.

The Hon. Daniel Mookhey: I'm happy to talk about your investment portfolio.

The Hon. NATALIE WARD: Opposition members are making sure that people are looked after in this State. It is not a laughing matter. It is a matter we take seriously. We will continue to hold the Government to account. Its website says one can charge a fare per seat. [*Time expired.*]

NSW POLICE FORCE MANAGEMENT AND ADMINISTRATION

PERCY ALLAN, AM

The Hon. ROD ROBERTS (12:15): I take note of the answer provided to my question by Minister Moriarty. Mr Assistant President, could you please call members to order so I can be heard?

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): Members will listen to the contribution of the Hon. Rod Roberts in silence.

The Hon. ROD ROBERTS: I have grave concerns that the men and women of the NSW Police Force and the people of New South Wales may be at serious risk. Let me explain why. It is a matter of public record that the NSW Police Force executive cannot account for 5,577 ballistic vests; they have simply disappeared. Almost \$8.5 million dollars worth of prohibited weapons are gone. Others have been focused on the police commissioner's gin purchases, but my central concern has always been those missing vests. Where are they? Who has them, and what do they plan to do with them? The police are unable to offer any assurances to this House. In evidence at the recent budget estimates, Deputy Commissioner David Hudson said:

At this time, the NSW Police Force cannot provide a guarantee that all unaccounted for vests have been destroyed, nor can it guarantee that none of the unaccounted for vests are in the hands of the public.

Just yesterday we had an alleged offender holed up in his apartment with two firearms and a ballistic vest in a 10-hour siege. With those weapons and a protective vest, that alleged offender is now on a level playing field with our police officers, and the physical risk to our officers and members of the public has grown exponentially. Our police are trained to engage an armed offender by aiming for the central mass. That is the biggest target offered by the offender's person and, most worryingly, the very part of the body which is protected by a ballistic vest. One can see why I am deeply concerned about the 5,577 missing vests.

Ballistic vests can only be obtained via a strict application process managed by the NSW Police Force. Permits to obtain them are only issued to employees of security firms and media organisations, and there are very strict storage requirements. Where did this alleged offender obtain his ballistic vest? Is it one of the missing police vests? We need to know. Further, why is this matter of missing ballistic vests not being taken more seriously by the Minns Government? How is this not a priority for the police Minister? Why is no-one being held to account for this monstrous mistake? All Premier Minns and the police Minister have offered is their ongoing support for the Commissioner of Police. The NSW Police Force has misplaced 5,577 ballistic vests. Why does the Commissioner of Police still maintain the confidence of this Government? What does she have to do to get sacked?

In passing, I also take note of the answer given by the Treasurer in relation to the passing of Percy Allan, AM. I met Percy when I first came in here. He introduced himself and hosted me at a lovely lunch at the Royal Automobile Club of Australia just down the road from here. He was a fine, upstanding public servant and a fine member of the community who did nothing other than wanting to advance democracy in this State.

BUILDING HOMES FOR NSW

The Hon. CAMERON MURPHY (12:19): I take note of the answer given by the Minister for Housing, the Hon. Rose Jackson. She spoke about the British monarch, who incidentally and coincidentally also happens to be the sovereign of Australia. I spoke about the monarch the other day and suggested that during his visit to Australia he should reflect on some of the things that are very important to this nation. He ought to consider apologising for things like our colonial past and the fact that—

The Hon. Chris Rath: Point of order: This is completely irrelevant to the take-note debate. The question that the Minister was asked, and her response, was about a social housing development in Glebe. It has nothing to do with where the honourable member is going in his contribution. I remind the honourable member to be respectful towards the monarch in his contribution, as the President ruled earlier today.

The Hon. CAMERON MURPHY: I ask that the clock be stopped.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): The Clerk will stop the clock.

The Hon. CAMERON MURPHY: To the point of order: Nothing I have said has been disparaging of the monarch; it is entirely relevant because I am talking about the Minister's answer. The member referred to the question that was asked of the Minister. The Minister spoke about the King's visit, and that is what I am talking about.

The Hon. Chris Rath: Further to the point of order: The member cannot take one word from the Minister's answer and run with that. The contribution has to be directly relevant to the Minister's answer, which was about a social housing development in Glebe. The member cannot just take the words "British monarch" or "King of Australia" and start a diatribe about the black-armband view of history, which is exactly where he was going.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): Order! I do not want this point of order to develop into a further take-note debate. I refer members to a ruling by the Hon. John Ajaka in 2019:

A member is in order as long as the contribution is relevant to the subject matter of the question asked and the answer given by the Minister.

Members will bear that in mind while making their contributions.

The Hon. CAMERON MURPHY: The King did a number of things while he was here, including a visit to an important housing development in New South Wales that will provide housing for the people who need it most. There are also things he did not do while he was here. He did not apologise for the colonial past—

The Hon. Wes Fang: Point of order—

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): The Clerk will stop the clock.

The Hon. Wes Fang: The member is now cavilling with your ruling, Mr Assistant President. You were quite clear about the substance of the question and the answer given by the Minister. The member is now traversing into matters that were not covered by either the question or the answer given by the Minister.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): I uphold the point of order. The Hon. Cameron Murphy will bear in mind the ruling I cited from the Hon. John Ajaka.

The Hon. CAMERON MURPHY: While I welcome that one aspect of the monarch's trip, housing is but a small part of the things that a monarch in this country should do. Opening a housing estate does not do much for the many people from our Indigenous communities who were adversely affected by the history of colonisation. The monarch did not apologise for the 270 years of slavery, which he could have done while he was opening the housing estate in Glebe.

The Hon. Chris Rath: Point of order—

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): I understand what the point of order will be; I am prescient on that point. Again, the Hon. Cameron Murphy will bear in mind the ruling of the Hon. John Ajaka.

The Hon. CAMERON MURPHY: In the little time I have left, I note that in this place I was fortunate enough not to have taken an oath of allegiance to the monarch. I do not think anyone in this country should have to do that.

The Hon. Chris Rath: Point of order: This is well and truly completely outside of the question and answer in the take-note debate.

The Hon. CAMERON MURPHY: On that note, he is no king of mine.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): On the point of order, I rule that the Hon. Cameron Murphy was out of order.

BUILDING HOMES FOR NSW COST OF LIVING HUB WEBSITE

The Hon. SCOTT FARLOW (12:24): Well, he is my king. I take note of answers given by the Minister for Housing and refer to the tour that the Minister for Housing took at Glebe with His Majesty King Charles III. I note that His Majesty has a longstanding history and commitment to not just the delivery of social housing but also the delivery of all housing. I reflect on the new town of Poundbury. The King is interested in building beautifully. The Minister reflected that the King had an interest in social housing "unlike members opposite".

I inform the Minister, who has obviously not been briefed, that that project was started under the former Coalition Government. That innovative project was undertaken by the Coalition Government with what was then the Prince's Trust, and is now the King's Trust, to deliver those 75 social housing properties in Glebe. The project was initiated by then housing Minister Melinda Pavey and then Premier Gladys Berejiklian. They were delivering more homes for the people of New South Wales, which, unfortunately, members opposite are failing to do. Of course, that development is something we can be very proud of.

I also note that the Minister decided to take aim at the Federal Coalition. This is a Minister who comes to the House and says that she has absolutely nothing to do with the Federal Government when it suits her. However, when it comes to attacking the Federal Opposition, she is ready to go. Last week the Minister told the House that the Federal Opposition would be taking money away from New South Wales. What have we seen in the intervening period? Peter Dutton and Michael Sukkar have come to the table with \$5 billion to get more homes moving more quickly across Australia. My friend Tom Forrest at the Urban Taskforce said:

The announcement by Peter Dutton and Michael Sukkar to fund \$5 Billion in housing related infrastructure is a giant step in the right direction.

Again, the Federal Coalition, just like the State Coalition, is delivering more homes for New South Wales. I also take note of the Minister's answers about the Cost of Living hub. She said that people who live in Department of Communities and Justice properties who are subject to the rent review should put forward the case that they are a good tenant. I have seen correspondence with some of those people where rent has been increased by 10 per cent in the Parramatta local government area. There is no opportunity for those people to put a case forward for why they are a good tenant. Instead, there is an opportunity to take the case to the tribunal. The correspondence notes that tribunal fees will apply.

STEEL INDUSTRY

The Hon. TANIA MIHAILUK (12:27): I take note of the Treasurer's answer to my question about Australian steel and the commitment Labor made while in opposition and in government to utilise Australian steel in publicly funded infrastructure projects across the State. I thank the Treasurer for his answer—it was actually a pretty good answer. I know the Treasurer has a longstanding interest in this area and has worked on Labor policy in relation to it in the past—both within the Labor Party structure and within the shadow ministry. I have proposed a dashboard for the public to be able to monitor when Australian steel is being used within infrastructure projects and at what percentage.

The Labor Party previously had a commitment to use something like 90 per cent Australian steel in publicly funded infrastructure projects across the State. I am not sure if that commitment still stands. In the past, the Labor Party has proposed ideas like having a specific advocate for the steel industry in New South Wales. I think there may be an easier way to monitor the use of Australian steel. Perhaps there could be a particular fund. It will obviously not go down to every tiny, minute project value, but there could be a particular value used. For example, you could consider having some sort of a dashboard for every project worth \$100 million and above. My issue with this is not so much about rail, as I know where the Labor Party sits in relation to rail infrastructure. It has always had a fairly firm commitment on that. My concerns are mostly about renewable projects and transmission lines, because I think that is what most of the Government's future building will be focused on.

When the Federal Minister for Climate Change and Energy, Chris Bowen, announced the Illawarra offshore wind farm—the fourth offshore wind zone for Australia—and shortly afterwards met with BlueScope, he would not make a commitment that Australian steel would necessarily be used to build the offshore wind farms. There lies the problem. There is no particular commitment from the Federal Government. I remind the New South Wales Labor Government of its longstanding commitment to utilisation of Australian steel. I know the passion that Paul Scully, Ryan Park and others from the Illawarra region have for that. Two-thirds of steel is manufactured in New South Wales. This is a great opportunity to continue to use Australian steel in New South Wales. [*Time expired.*]

WHIAN WHIAN STATE CONSERVATION AREA

The Hon. STEPHEN LAWRENCE (12:30): I take note of the answer given by the Minister for the Environment regarding the way that an Indigenous land use agreement has been implemented in a State forest in the Byron Bay area. The question was an interesting one and was prefaced with a reference to laws based on heritage. I take it that the Hon. John Ruddick was referring to laws based on race. I understood the member to be suggesting that the way that the Indigenous land use agreement has been implemented in that area has, effectively, resulted in a racist law or regulation. It raises interesting questions about the interaction between libertarian principles and group or communal rights.

It is true that most legal interests attract to the individual in modern western countries. However, that is not entirely the case in our legal system. Certainly, it is not the case with respect to native title. It is important to point out that the foundation of native title lies in the recognition by our judicial system of pre-existing group rights—rights that existed before the settlement in 1788. To suggest that the implementation of an Indigenous land use agreement has the nature of a law, regulation or edict based on heritage is to fundamentally misunderstand the nature of the legal interest. In the Mabo case, the High Court made clear that giving effect to contemporary notions of justice and equity in a way that did not cause a fracture to the skeleton of our common law legal system was necessary to recognise group rights that exist.

I was reminded of my time practising as a lawyer in the Pacific. I worked on a few land cases and often dealt with representatives of tribes who acted as fiduciaries for the broader tribal group and as trustees for members of that group. If the Libertarian Party spread to the Pacific, it would be interesting to see how it would explain the libertarian idea that there is no such thing as a group or communal interest and that any such suggestion is a law or regulation based on heritage or race. I suspect that would be met with a complete lack of understanding. We need to broaden our understanding. We should not mischaracterise— [*Time expired.*]

PUBLIC SERVICE WORKPLACE PRESENCE

The Hon. RACHEL MERTON (12:33): I take note of the answer of the Leader of the Government, representing the Premier, to my question on notice No. 2757 relating to the Premier's call for New South Wales public servants to work in the office for at least three days a week. I asked for details on the time frame, reporting, updates, status and guidelines, but there is absolutely nothing. It is an empty headline. It is meaningless. The mandate was touted as a way to bring public servants back to the office to foster teamwork, improve collaboration and strengthen connections. I have heard that New South Wales public servants want to return to the office. They want team building. Young employees want to learn from more senior public servants.

Government agencies, the Department of Customer Service and Treasury report being roped into the policy with vague guidelines that leave employees in limbo. There is also pushback coming from the unions. The Public Service Association is reporting objections about office space shortages and noise disruptions. The unions have demanded meetings to sit down and talk about the issues at the end of the month. The call for New South Wales public servants to return to the office was a meaningless, false and empty talkback headline. The Government has a duty to act on this. Who is leading New South Wales?

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. DANIEL MOOKHEY (Treasurer) (12:35): I thank all members for their active participation in question time today. It was a bold decision by the Leader of the Opposition to launch his attacks on the Government by applying forensic scrutiny to a Service NSW website, particularly in the wake of yesterday's revelations about actions of Service NSW that, in large part, took place under his watch. I wish that the Leader of the Opposition, when he was a Minister, was as diligent about ensuring that Service NSW followed the law as he is about scrutinising a website today. If we take at face value the Leader of the Opposition's claim that he really cares about cost-of-living pressures—

The Hon. Wes Fang: Point of order—

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): Order! The Clerk will stop the clock.

The Hon. Wes Fang: The Minister should be responding to the take-note debate. Making reflections on the member is not taking note of answers. If the Minister wants to reflect on the member, he should do so by way of substantive motion rather than during the take-note debate.

The Hon. Cameron Murphy: To the point of order: It is perfectly clear that the Treasurer is responding to the way that the debate was conducted and to matters that the member raised in that debate. His response has nothing to do with a personal attack that should be made by way of substantive motion. The Treasurer's remarks are entirely in order.

The Hon. Wes Fang: Further to the point of order: I commend the Deputy Government Whip for his attempt. However, the Treasurer was not reflecting on the member's question or on the answer given but on the member himself. That is not part of the take-note debate, and I contend that it is out of order.

The Hon. Stephen Lawrence: To the point of order: It is spurious to suggest that reflecting on the way that a member carried out their ministerial duties is necessarily a reflection on the member in a way not permitted by the standing orders.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): If there had been a reflection on the member, I would uphold the point of order. The Minister is commenting on Service NSW and on the answers to questions that have been asked today. There is no point of order. The Minister has the call.

The Hon. DANIEL MOOKHEY: If the Leader of the Opposition was sincere about his care for the people of New South Wales who are dealing with the cost of living, then he would have ensured that the agency followed the law when he was the Minister. For the member to launch his attack on Service NSW in the wake of yesterday's revelations invites the House to reflect on Service NSW in general. It also provides the Leader of the Opposition the opportunity to reflect on his role in presiding over those events. I accept that the member says he had nothing to do with it. The member characterised the website in a patronising manner but did not take the

opportunity to apologise for what took place during the eight years of his watch. He could have, and it would have been much easier if he had, because his questions would have been far more serious.

The Hon. Wes Fang: Point of order—

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): Order! The Clerk will stop the clock.

The Hon. Wes Fang: The Treasurer has traversed, yet again, into reflecting on the member rather than answers given today or contributions made in the take-note debate.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): I have heard enough on the point of order. There is no point of order.

The Hon. DANIEL MOOKHEY: In terms of the content that I heard in the take-note debate, the sincerity of the Opposition's claims that it cares about the impact of the cost-of-living crisis on New South Wales families would hold more weight if it were not pledged towards reinstating a wages cap on everyone who works for the New South Wales Government. I would also place more weight on the Opposition's arguments if it were not committed to continued privatisation of State assets, the consequences of which we are seeing right now in Broken Hill.

I make that point because question time today could have been a forum for a much more serious debate about the cost-of-living crisis, but it was not. Instead, it ended up being a weird critique of a website rather than a substantial debate about what we could be doing better as a government and what the alternative policies are. When the Opposition has alternative policies, the Government will debate them. We look forward to it. Until then, the Government will allow the Opposition to persist in wasting the time of the House with weird questions. Other questions were very good, including that posed by the Hon. Tania Mihailuk.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): The question is that the motion be agreed to.

Motion agreed to.

Written Answers to Supplementary Questions

WORK HEALTH AND SAFETY

In reply to **the Hon. NATALIE WARD** (23 October 2024).

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism)—The Minister provided the following response:

I am advised:

The Deputy Secretary of the then Regional and Outer Metropolitan Division initially alerted the Minister for Regional Transport and Roads office and the Minister for Roads office on the day of the incident (12 December 2023). The Deputy Secretary provided a verbal briefing to the office of the Minister for Regional Transport and Roads later on 12 December 2023, and he also provided further briefings to the Minister's Chief of Staff following each Incident Management Team meeting.

ROSEHILL RACECOURSE

In reply to **the Hon. MARK LATHAM** (23 October 2024).

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage)—The Minister provided the following response:

I am advised:

Premier's Memorandum M2015-05 Publication of Ministerial Diaries and Release of Overseas Travel Information requires Ministers to publish summaries of scheduled meetings with stakeholders, external organisations, individuals and third-party lobbyists.

Disclosures are available on the NSW Government website at: <https://www.nsw.gov.au/departments-and-agencies/the-cabinet-office/access-to-information/ministers-diary-disclosures>

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): I shall now leave the chair. The House will resume at 2.00 p.m.

Matter of Public Importance

NORTH COAST MISSING PERSONS

Discussion resumed from an earlier hour.

The Hon. ROD ROBERTS (14:02): I will continue from where I left off, which was managing the expectations of the poor victims' families. I will certainly not say—and I do not think anybody else in this House will say—"Leave it with us. We'll get this solved." What we should say is that we will put all efforts into having another look and reinvestigating these matters. What the Hon. Jeremy Buckingham has brought to our attention is unique. I can guarantee that if we did a similar search on the South Coast, we would not have similar figures. If we searched in a radius of 400 kilometres around the Wagga area, we would not have similar numbers. If we did the same thing in Tamworth in a 400-kilometre radius, we would not have these numbers. That is very unusual. These cases occurred right in the middle of my policing career, and I had no idea this was happening. I was a senior instructor in the detectives training course—not that I should or would know everything.

To take that further, yesterday I spoke to a former homicide squad detective, who was assigned to one of the taskforces. I will not mention his name at this point. I will not use the language he used in exclamation because of the many unsolved murders on the North Coast. He was involved in one of the taskforces and had no idea of the extent. Unfortunately, members of the public get their impression of criminal investigation from watching *CSI: Crime Scene Investigation*. Let me tell them, it is nothing like that. We are going back to the '70s and '80s when there were no computers. Everything was done on manual typewriters with carbon paper, and manually indexed filing cards and running sheets. The old detectives will know what I am talking about. It was physical paper. That is how things were done. We did not have computer databases.

I heard the Hon. Jeremy Buckingham call for a special commission of inquiry, but before we go that far, we need a complete overview of all those taskforces. There have been 27 different taskforces inquiring into those murders. I can guarantee that in the early days, not one of the detectives was talking to the other because there was no capacity for that. I am not suggesting that a taskforce should inquire into every single one of these disappearances or murders. I am suggesting we need to have one overarching review of all the taskforces to look for common areas, similarities and areas of consistency that would never have been within the scope of investigations before. There was no capacity to do that. I am not defending the cops back in the day because there was some bad policing—there is no dispute about that. The Hon. Jeremy Buckingham and I sat down with Dave Hudson the other day, and he is the first one to say, "We buggered this up. We've made big mistakes", and no doubt they have. I am not pointing the finger at anyone. That gets us nowhere. We need to move forward and try to give victims' families some form of closure, if we can.

The first stage is to have an overarching taskforce using today's technologies and computer databases going back over each of the cases with analysts, trying to find certain consistencies that establish a pattern. I know Ministers will say we do not have the resources. I am the first one to admit that. Members may recall that three or four years ago, I said we would be in this spot today. But we must think outside the square. The Texas Attorney General's cold case unit uses retired detectives. I notice the presence of the Treasurer in the House. Do not tell me there is no budget. The police are 2½ thousand cops under strength. That wages budget should be sitting there—well, it is not because they bloody misused it for other stuff. But wages to pay 2½ thousand cops each year have not been disbursed. I am not suggesting that we re-employ retired detectives. Plenty of cops will volunteer. I know the Hon. Jeremy Buckingham has received phone calls from retired homicide detectives offering their assistance. We must think outside the square.

What we are doing at the moment is not working. The current Minister has come up with no new ideas. We perhaps should consider this. It is done overseas. It can be voluntary. We will not give them guns and badges and turn them out onto the street again. We will put them in an office to review all the information that already has been gathered. The next thing we should do is reinvigorate the rewards. I am looking through the records of rewards. One goes back to 1986 for the disappearance of Lesley Waterhouse, and the reward was \$50,000. Unfortunately, \$50,000 does not buy a second-hand motor vehicle these days. There is another reward of \$100,000 from June 2006. They need to be readvertised and republished. There is no expense for the Government because rewards are paid only if the information leads to a conviction. Let us reinvigorate, start again and update the \$50,000 to \$1 million, in line with all rewards. There is no great concern. If there is no conviction, the money is not spent. The Treasurer should not panic because there is no trap in it.

It is unfortunate that Minister Sharpe is speaking after me. I do not mean that in a derogatory sense, but I can predict what she will tell us. She will say, "Everybody relax. These are still active cases." I have not seen the Minister's notes and she certainly would not tell me, but I am sure she will say, "Don't worry. They're all active cases." We have a few solicitors and barristers in the House. They will know that the vast majority of indictable crimes have no statute of limitations period. Regardless of everything we may know, after 10 years we do not say, "We haven't solved it. We'll put it through the shredder." They are all active cases. I ask honourable members not to let the Minister mislead them by creating the impression the cases are all active.

The Hon. Penny Sharpe: I haven't said anything yet.

The Hon. ROD ROBERTS: I am not saying you would, but "active" simply means there is a file. It does not mean that there are people kicking arse and taking names, as we used to say in the old days. It does not mean that they are shaking suspects upside down and falling on what comes out of their pockets. It does not mean they are reinterviewing witnesses. It does not mean they are gathering forensic evidence. It does not mean they are doing anything physical to advance that case. It just means that the case is active. We want to see some proactive policing and not just be told, "The cases are active." There are a few things to be done, and it is incumbent upon this Government to do them.

The other day I went with the Hon. Jeremy Buckingham and two of his staff members to the Minister's office. He is much nicer and more polite than I am. How I got through the door I will never know, but I was invited in. I sat there mute for the entire time. The Minister's attitude was deplorable. All she was worried about was restricting the scope of the Hon. Jeremy Buckingham's SO 52 motion that passed last night. Then she had the temerity to say to him, "Have you spoken to any of the families? The families might not want this brought up again." Show me a family member that does not want somebody convicted or arrested and charged for the murder of one of their loved ones! What she said was plain woeful, but, being the smart operator that he is, the Hon. Jeremy Buckingham said, "Yes, I have. I have spoken to a number of the family members, and they want me to go 100 miles an hour, full steam ahead."

Members should not worry about the arse-covering exercise that the Minister engaged in the other day because Mr Buckingham spoke to the Premier yesterday, and he tells me that the Premier is quite open. He has not committed to anything yet, but he is open and engaging, which is very different to the resistance shown by the Minister. Something needs to be done. It cannot be swept under the carpet, as the gay hate crimes were in the past. We need a review and a reinvestigation.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:10): There are 65 murdered or missing people in this State for whom there has been no justice. Behind every one of those people is a life lost and a family in complete distress, and that distress does not get any better as the years pass. The families just want to know what happened to the very special people in their lives. It is one of the worst forms of torture to have someone missing, not know where they are and feel as though everything possible is not being done to find them.

It is similar when someone has been murdered—under any circumstances it is a terrible thing; someone has lost their life—and it remains unresolved. Members would know that I worked on the gay hate crimes issue for a long time. I have worked with families, partners, friends and colleagues who just want to have the confidence that everything that can be done has been done. I think that is really what people are asking for. Members of the Government feel deep sympathy and concern for those families, and we approach the issue from that perspective.

There has been a lot of discussion in the House this week about the Unsolved Homicide Team. The Government acknowledges the important work that the team does. Sometimes resolving homicides is easy, but solving homicides referred to the Unsolved Homicide Team is not. It requires very experienced, skilled and dedicated people, who work with great compassion, diligence and professionalism to help bring perpetrators to justice and provide closure to the families and friends of victims. The officers in that team never rest when it comes to finding answers for the families. It is a tough gig.

I do not think that anyone in this place is being critical of them, but I recognise the importance of the work they do. The team was small when it was formed in 2004 but has grown to three inspectors, seven detective sergeants, 29 detective constables and a further 25 officers working on unsolved homicides as part of Task Force Atlas. While the size of the team is significant, we cannot underestimate how big its job is. I understand that the team has a caseload of over 800 matters, which the officers are continually working through. They monitor, assess, re-prioritise and reinvestigate whenever new information comes to light.

It has been noted today that a number of separate strike forces have been created to investigate all of these matters. Personally, it strikes me as extraordinary that these cases have not come together until now. It has taken far too long but work is underway. The Police Force has recently been looking at how investigations occur in overseas jurisdictions. I cannot tell members what they have learnt from that, but I can say that those police are coming back in relation to it. That work is ongoing.

I also provide an update on bringing all the data together. That is where the big gap is. I acknowledge the experience of the Hon. Rod Roberts with carbon paper, phones and no-one talking to anyone else. That was not through anyone's fault; we just did not have the technology back then. The good news is that we have much better technology now. There is Strike Force Alethia, which commenced in January 2023 and enables what is called an "eagle.i" strike force to be created for the purpose of storing an electronic record of all the physical records in a secure and searchable format for ongoing future reference. It was created to provide the central point for the storage and management of all unidentified bodies and human remains and long-term missing persons case

information that was previously held across four different strike forces and 16 other strike forces under the Strike Force Alethia banner. That is good progress, and the police are working carefully on fixing up and reimagining with the tools we now have and going back into the problems of the past.

I also recognise the work of the team at the NSW Police Missing Persons Registry. The vast majority of missing people are found. Of the over 11,000 people reported missing annually, the vast majority of people are found within a couple of days. However, that is not the case for the issue being discussed today, and it should worry all of us that we are not finding a way to work through that. There are rewards in place, but whether they need to be higher is another matter. I accept that \$50,000 was much more valuable 30 years ago. The Government is working on that.

I also acknowledge the active work that police are doing on cases. I think the Hon. Rod Roberts was trying to pre-emptively verbalise me earlier, but he did not know what I was going to say. As we speak, police in Bowraville are continuing work on the very difficult case there. It is a tough gig but there has been some progress. The Government takes very seriously the issues that have been raised by the Hon. Jeremy Buckingham and others, and the opportunity to generate some publicity should not be missed. There are people out there right now who know things. There are people who know people who have done the wrong thing. There are people who are suspicious about Uncle Bob or Fred and they think, "Gee, I wonder what has happened." We call on people to work with us. If you know something, say something. Tell us or report it to Crime Stoppers. Every single one of those 65 lives was precious and every single one of them matters. The Government will continue to do the work, and work with members, to support the impacted families and friends and try to get them some closure.

The Hon. NATALIE WARD (14:18): I speak on behalf of the Opposition to add its support to this matter of public importance, and I thank the member for bringing it to the House. The Hon. Rod Roberts made a comment about there being a lot of lawyers in this place. As my husband says about sport, "Too much sport is never enough", so too many lawyers can only be a good thing. There are a few of us. I call us recovering lawyers. I acknowledge the importance of having those analytical skills, but we must acknowledge the perspective that the Hon. Rod Roberts brings to this place. He has been in the policing arena. He knows what it is like to deal with those issues day to day and understands the commitment of the Police Force. I am happy to support that.

This place has an important role in raising awareness on matters that may not have had attention for some time. Members have a responsibility to do that. I sat on both of the gay hate crimes inquiries and saw the great work that was done. The police stepped up and went to Bowraville for the Bowraville inquiry. I have seen the work that can be done to raise awareness. I have seen the incredible and powerful work that can be brought to bear by the actions of members in this place, which is why the Opposition commends the matter of public importance.

In my spare time, sadly—I cannot believe I am putting this on record—I am an avid follower of unsolved crimes and police and forensics shows, notably because I like the idea of chipping away at something, looking at the forensics and getting there in the end through detailed, applied, thorough work. We have seen that with the developments in psychological profiling and DNA profiling. We should not give up on unsolved crimes. Those people can no longer speak for themselves. Those families will never get closure. We can contribute with the provision of rewards and the progress of forensics. There are ways that we can start to chip away at these things, and we will see developments. That is what we should be doing for those families. That said, we should be mindful and responsible to not give false hope to those families that there may be a conclusion. Sometimes there may not be. We should be careful in our lauding of ourselves in this work and be mindful that there are families for whom this will raise issues and tragedies. We must work with them.

I note that we will not give up on them. I acknowledge the police. Some police, forensics people, detectives and investigators have given their lifetimes to investigative work. I thank them for their passion and commitment and for never giving up. As I said, it might just be a file, but they go back over it, start again, make inquiries, interview and do all of the detailed forensic steps. That takes a long time. It matters to people, so I thank them for their commitment to investigate every avenue. I thank the Hon. Jeremy Buckingham for bringing the matter of public importance to the House. I look forward to seeing what can be brought to bear. The Opposition supports the initiatives that are being taken in this place. The Opposition sends its best wishes to the police in their endeavours and sends its condolences to the families.

The Hon. EMILY SUVAAL (14:22): I express my utmost sympathy and sorrow for those affected by long-term unsolved cases as they continue to endure the not knowing. It is an unimaginable position for anyone to be in, and I am mindful of that as I deliver my remarks. I was deeply moved, as I imagine many members in this place were, by the reporting this week and seeing the faces of the mostly female victims of unsolved cases in New South Wales, particularly across the North Coast. My thoughts are with their friends, families, communities and colleagues. I cannot imagine the void that has been left. I cannot imagine the sorrow, the anger, the grief, the

heartache, the questions and the enduring pain in the not knowing. Those harms should never have been caused, and I am sorry for what those people have been through as a result.

As I associate myself with the matter of public importance, I join with the many members who talked about the important work that our police do. Working as a detective or an officer in the unsolved homicide squad would be extraordinarily challenging work. I thank all of the frontline workers, detectives and sergeants who work in those teams for the work that they are doing on an ongoing basis. It is critically important for us in this State. As we discuss the homicides on the North Coast, I highlight the ongoing work of Strike Force Ancud on the shocking Bowraville murders. That strike force is focused on the murders of three children that occurred in the Bowraville area in 1990 and 1991. I acknowledge the victims of those crimes: Colleen Walker-Craig, Evelyn Greenup and Clinton Speedy-Duroux. Their families have never stopped fighting for justice for those children.

Those murders were originally investigated separately, before being linked by Strike Force Ancud detectives from the Homicide Squad Unsolved Homicide Team. A man was charged on separate occasions over two of the children's murders and acquitted in court. The NSW Police Force will not rest until justice is served. Just this week the homicide squad is in Bowraville re-appealing for information into the horrific murders of those children. As Homicide Squad Commander Detective Superintendent Danny Doherty said, "The passage of time has not diminished our resolve in this case." The homicide squad's presence in Bowraville this week is a testament to its ongoing commitment to the investigation. I hope, as many others do, that the re-appeal can uncover new insights and ultimately move closer to justice, whatever that is for those families.

Further, a \$1 million reward for information that leads to the arrest and conviction of the person or persons responsible for the murder of each of the children remains in place, as well as for information that leads to the location and recovery of Colleen's remains. In closing, I reiterate some of the comments made by the Leader of the Government. I appeal to members, observers and anyone watching who has any information to come forward. Someone must know something. Anyone with any information about any unsolved homicide should contact Crime Stoppers.

The Hon. JEREMY BUCKINGHAM (14:27): In reply: I thank all honourable members for their contributions and for taking the time to discuss this matter of public importance. There is an enormous amount of business that the House has to deal with, and it is all very important. It is a sign that the Government and all parties are taking the matter seriously. I thank Ms Sue Higginson for her beautiful and passionate contribution regarding the late Lois Roberts, who was a friend of hers, and for highlighting that so many of the murdered and missing people are First Nations people. I especially thank the Hon. Rod Roberts for his contribution and guidance on the issue. He is a former detective sergeant, so he knows what he is talking about. He has been of enormous assistance to me in focusing the issue and my attention. I put on record that the Hon. Rod Roberts and I acknowledge that this police work is incredibly difficult. Is there a worse or harder job than that? I do not think so. It must be one of the hardest things to do.

The key point is that Detective Superintendent Danny Doherty and his team are redoubling their efforts in the area. They are in Bowraville, reinvestigating and talking to people. Those appeals and rewards are in the paper. The community and the families welcome it. No-one is saying, "Don't do this." They are saying, "Bring it on." It has a moderating effect on people's behaviour. If people are thinking, "I can get away with it," there is no way they can, because we are paying attention. Without looking at the dates associated with the crimes, there has been a suggestion that they were all back in the never-never of the 1970s and 1980s, but some of the crimes were only 15 years ago, and it is not even a comprehensive or complete list. We are talking about crimes that happened this century, not that long ago.

As the Hon. Rod Roberts said, it is about allocation of resources. I would say that, in terms of crime, we should wage war on violence and domestic violence, which creates intergenerational trauma, rather than on drugs. I would say that the criminalisation of drugs has been a misallocation of resources. The Hon. Rod Roberts may not agree, so we might diverge there, but a lot of people on the North Coast certainly agree with me. We just do not know what we do not know. We never foresaw the advent of DNA technology, which cracked open so many cases.

As the Leader of the Government has said, if we can consolidate that information, build those resources, create a new strike force and bring in new people and expertise, we just do not know what we will learn down the track with the advent of more powerful computers and artificial intelligence. I refer to the contribution of the Deputy Leader of the Opposition. We really need to work with a group of people. Xanthe Mallett, a forensic criminologist from the University of Newcastle, is of the view that there is a pattern and clear links between the crimes, and that they should be reassessed in a holistic way to get to the bottom of them. I thank the Deputy Leader of the Opposition for her contribution.

I thank the Hon. Emily Suvaal for putting on record that people will not just give up. The police do not give up, and we are not giving up. I do not know if honourable members ran into Helen Cooper in front of Parliament House yesterday. She is the sister of Elaine Johnson and a friend of Kerry Joel, who disappeared from the South Coast in similar circumstances 40 years ago. She has never given up. She was out the front of Parliament House, protesting, "What happened to my sister?" She still travels the State to set up billboards in shopping centres and places like that, seeking information about what happened to her sister. That shows the tenacity of some people. There are detectives and communities who run registers, keep databases, maintain Facebook pages and never give up.

It would be remiss of me not to acknowledge the work of Kate Kachor, one of many crusading journalists who have been raising this issue in particular. I acknowledge her work in drawing back the veil on some of the deaths on the North Coast through her amazing series called *Dirty Little Secrets*. She was there yesterday, not giving up, working away as she has for decades for justice for these people. I again thank all honourable members for their contributions. I appreciate the time allocated for the debate. There is more work to do. It is the beginning of a discussion that I will continue to have with the Government, working with all members to look at how best we can go forward and resource this. I accept that we will not find all the perpetrators and that some cases may remain unsolved, but some might not. If we are going to solve some of these cases and stop such things happening into the future, we need to give them the time, attention and resources they demand. I commend the matter of public importance to the House.

Discussion concluded.

Bills

HEALTH INSURANCE LEVIES AMENDMENT BILL 2024

Second Reading Debate

Debate resumed from 22 October 2024.

The Hon. AILEEN MacDONALD (14:35): I resume my contribution to debate on the Health Insurance Levies Amendment Bill 2024. Before I address the broader flaws of the bill, I feel compelled to respond to my colleague from The Greens, Ms Abigail Boyd. She gave us quite the Robin Hood fantasy, but I think we need to be brought back to reality. Ms Abigail Boyd seems to think the bill is some sort of Robin Hood act, taking from greedy insurers to give back to the public. What she forgets is that Robin Hood did not rob from the poor to give to the government, but that is exactly what the bill does.

It is a joke to believe this additional levy will be absorbed by the insurers. It will not. It will be passed on to hardworking Australian families from day one. What is Ms Abigail Boyd's solution? She suggests families can "shop around" for better insurance deals. Perhaps that is possible for someone living in the city, but for those of us in rural and regional New South Wales, that is not how the real world works. Families in Armidale, Inverell and Moree do not have the luxury of shopping around for health care. We rely on private insurance to avoid being left on public waiting lists for months.

Then there is her misleading comparison to the United States. Let's not be ridiculous. Nobody is suggesting we adopt a healthcare model that requires a second mortgage just to have surgery. Painting our private health system as some kind of American nightmare shows how far removed the member is from the real struggles of Australian families. We are not America, and we do not need scare tactics imported from across the Pacific. Ms Abigail Boyd says that private health insurance is a rort. I challenge her to tell that to the families in rural and regional New South Wales who rely on the private health funds to access health care in a timely manner. They are not wealthy elites; they are everyday Australians doing their best to provide for their families.

While Ms Abigail Boyd spins her Robin Hood tale, the reality is that the bill will make life harder for ordinary people. It is time we stopped entertaining those fantasies and started dealing with the real consequences the bill will have for the people of New South Wales. And let us not forget the real culprit: the Minns Labor Government, which is a deceptive government trying to break its promise to not raise taxes. It is trying to bring in a levy which is essentially a health tax.

The Treasurer can spin it as a cost recovery measure all he likes, but I am calling it what it really is: a health tax. It is not just any tax; it is a tax that will increase the levy on private health insurance by 85 per cent. What will we get for it? We will get 70,000 people forced out of private health insurance, which is 70,000 more people flooding into our already overburdened public hospitals. That means longer waiting lists, more overworked healthcare staff and, ultimately, more suffering for patients. This Government is pretending that insurers can simply absorb those costs. But anyone with basic economic sense knows that those costs will be passed straight

on to policyholders. We are not talking about the wealthy; we are talking about families struggling under the weight of rising living costs.

The Government would have us believe this is just like what happened under Mike Baird in 2013. But there is a key difference. The levy increase then was 45 per cent. Now it is 85 per cent and we are in the middle of a cost-of-living crisis. People are already struggling to make ends meet, and this Government thinks it is the perfect time to raise taxes on health care. Let us not be mistaken about the consequences of the bill. People will drop out of private health care and wait longer for surgeries. They will be forced to wait longer for the care they need, and some may even die waiting. That is not just an inconvenience; it is dangerous.

The bill is a gamble with people's lives. Instead of fixing the real issues in our health system, the Government is betting on this tax to cover its budget shortfall. But that is a bet that the people of New South Wales cannot afford to lose. Let us be clear: This is not just a broken promise; it is a betrayal of the families who rely on private health insurance to avoid being stuck on long waiting lists, a betrayal of the voters who believed this Government when it promised no new taxes and a betrayal of the trust that people place in government to protect them, not make life harder. I urge this House to reject the bill before it does irreparable damage to our healthcare system and the families we represent.

The Hon. MARK LATHAM (14:41): I oppose the Health Insurance Levies Amendment Bill 2024 on several fronts. The first, and most financially responsible, is that I will not support any revenue grabs by this Government until it gets serious once again about expenditure cuts. The budget is in crisis. There is too much debt and deficit, but the soft, easy way of doing things is to raise revenue instead of the real task of bringing down expenditure. At a time of a cost-of-living crisis, when the Government has so many demands on it by citizens, organisations, lobby groups and the like for further expenditure, there is no solution to the budget deficit unless this Government has an expenditure review process that brings down outlays.

On the substance of the matter, I have a bit of history in how to deal with private health insurance from time in Canberra. I have a white flag to raise, in some respects, and a few lessons for the Government in how Labor Party members might handle this. There are things they might not want to hear, but they are certainly verified and franked in history. The Minns Government has a problem with its health budget, so it is trying to dramatically increase charges for a private room in a public hospital. Government members know they have no legislative power to force the issue, so instead, through this bill, they threaten to increase the compulsory ambulance levy imposed on private health insurers and their members in New South Wales—all four million of them. It is not about a fair go for public hospitals, efficiency or good public policy. Rather, it is an attempt to tax New South Wales residents who have private health insurance.

Interestingly, it also represents a fiscal transfer from the Federal Labor Government to the New South Wales Government, given that the private health insurance rebate—a \$7 billion subsidy on premiums designed to drive higher public health insurance participation—is still in place in Canberra. I can remember a few attempts to get rid of that rebate. Back in the day, we were all in on trying to get rid of the private health insurance rebate in Canberra. There were a couple of memorable attempts, and much more discussion and agitation behind the scenes.

The Hon. Daniel Mookhey: Didn't you lead one?

The Hon. MARK LATHAM: I am coming to it. You don't need to get agitated. You will sit there and take the history lesson, young man, and understand what has gone on. Perhaps the most memorable attempt was on the day of Cathy Freeman's 400-metre race at the Sydney Olympics in 2000. Kim Beazley announced that Labor would just abolish the whole private health insurance rebate and hide it under the great and glorious run of our Olympic athlete. How did that go? We lost in 2001. The next attempt in 2004 was perhaps cleverer and more nuanced. Stephen Duckett and Julia Gillard brought to me the idea that we would have Medicare Gold. We would make the oldies eligible for Federal payments for private hospital beds and make private insurance less necessary. The Medicare Gold scheme would help to pay for itself by dropping the level of the private health insurance rebate. That was the arrangement. The Treasurer nods and indicates that he went doorknocking in favour of the policy. How did that go? We lost then as well.

The Hon. Penny Sharpe: I was knocking on doors for you too.

The Hon. MARK LATHAM: Good on you. I am sure you will never do it again. Your days of having to wear out your shoe leather on my behalf are well passed. All that is established in history as well. But what I am saying about the private health insurance rebate is that there was an up-front, and then a more covert, attempt to get rid of the thing, or at least weaken it. It all failed and the subsequent Labor governments—Rudd, Gillard and Albanese—have kept it. The lesson is that people like it; they vote for it. It is embedded, with a sense of equilibrium, into the resourcing of the health system.

The four million people with private health insurance in New South Wales already pay for the right to have treatment in public hospitals in the form of their State and Federal taxes. I could not have said that 20 years ago, but we have to learn from history and understand the equilibrium and the broad resourcing—public and private—that we have for a viable health system. In effect, public hospital charges constitute those people paying twice. Nevertheless, in order to improve hospital access generally, private health funds have traditionally made a significant contribution. In New South Wales alone, in the last financial year, NIB kicked in \$37.4 million. Another irony is that when the Whitlam Government started Medicare in the form of Medibank in 1973-74, it deliberately limited private health insurance funding to private settings. Since then the States have tried to make an artform of getting their members to pay twice.

Members will not read this in *The Daily Telegraph*, but I think the New South Wales Government has a sense of how blatantly unfair that is for those who are privately insured. As mentioned, the Government lacks the legal right to force the insurers to pay more for a hospital room, so it has its own covert, nuanced plan to do it through the ambulance levy. This is an attempt to increase the private health insurance costs to members from \$1.77 to \$3.77 per annum. The increase, if approved by this House under the bill, will increase premiums for the average family by about \$156 per annum. That's equivalent to a 4.1 per cent increase, in the middle of a cost-of-living crisis. If the Government is serious about dealing with the cost-of-living issues in New South Wales, it would cut expenditure. It would not slug middle-class families doing it tough with their family budget by an amount of \$156 per annum. The Government would do better to tackle massive inefficiencies, such as ambulance ramping, and support private health insurance affordability.

Access to the private healthcare system can only reduce the enormous cost and pressure on public hospitals. That is the equilibrium I mentioned earlier. Not without self-interest, the funds themselves estimate that an increase of this magnitude will drive a lot of people out of private health insurance, reducing the overall citizen contribution to the health system. These are big figures. There are four million people in New South Wales with private health insurance. I am advised that in the Federal seat of Macarthur, near where I live in south-west Sydney, nearly 17,000 extra people have come into the private health insurance system in the past three years. These are Federal electorates but we know the State equivalents.

In the seat of Chifley, which is based in Mount Druitt and is pretty working class, it is 15,000. In Hunter, where Labor's Fitzgibbon family produced a very fine, recently retired executive of NIB, there are 8,500 extra people. In Parramatta it is nearly 7,000. Those are big numbers that a government traditionally finds hard to ignore but, in this case, the Minns Government will add to the cost-of-living crisis for those four million people in New South Wales and will slow or even reverse the rate of private health insurance take-up. People like it for the obvious reasons of the faster, more direct and more comfortable care that it makes possible to achieve in private hospitals and privately funded public beds.

Coming to the fiscal realities of why the Government is doing this, my position, supported by other members, is that we will not support revenue increases until such time as the Government gets serious about cost savings. The Treasurer inherited a fiscal crisis brought on by a former Government notorious for giving up on cost savings. The last two Perrottet and Kean budgets made 362 policy changes involving expenditure, but only three of those involved cost savings. At the end of the Coalition's 12 years, less than 1 per cent of the policy changes in their budgets were cost savings. I do not know what the finance Minister at the time was doing. He was probably reading all of that legal advice about transaction charges and sorting out other matters in the Liberal Party.

The Hon. Damien Tudehope: I'd like to see a copy of it, I have to tell you.

The Hon. Daniel Mookhey: You had years to read it.

The Hon. MARK LATHAM: I have sparked a side debate that is of some interest, but let us get back to the budget analysis here. Labor's first budget, it has to be said, was a refreshing change. I give full credit to the new finance Minister and Treasurer for reversing the pattern of Keanism. Among its 179 policy changes, 33 per cent—a huge increase on the Kean period—60, were actual savings, netting the Government \$6 billion. Unfortunately, that was one of those one-hit wonders. It was up there with Patrick Hernandez and others who only had one hit. I hope the Hon. Daniel Mookhey does not end up in that category and he comes surging back in the next budget with cost savings and renewed enthusiasm. If he needs any help, he knows that the Hon. John Ruddick is always here, although that advice is perhaps too extreme. I will chip in as best I can with some ideas about savings of tens of billions of dollars across the forward estimates. We are always here to help; the Treasurer knows that.

He should not wave the white flag and surrender to the easiest and most indulgent form of budgeting, which is tax-and-spend. In the most recent 2024-25 budget, among the 109 policy changes, there was only one that was a cost saving, and that is a generous concession. That was the transfer of responsibilities from the

wretched, failed Public Service Commission to the Premier's Department. It was not much of a saving, but I will give it to them. The new Labor Government started with a burst, and it looked like it was going to have a string of hits like ABBA, The Beatles, The Rolling Stones—

The Hon. Daniel Mookhey: Taylor.

The Hon. MARK LATHAM: —and other favourites of the Treasurer, but it has turned out to be a one-hit wonder. The Government needs to get back to cost savings and not go down the path of upsetting the equilibrium between public and private health insurance in this State. It needs to learn the lesson that that is not wise policy and that driving private health insurance out of the system or even diminishing it has never been achieved in substance. It is here to stay. It should be acknowledged by the Parliament, and this bill should be rejected.

The Hon. SCOTT FARLOW (14:52): I contribute to debate on the Health Insurance Levies Amendment Bill 2024. Unlike the Treasurer or the Leader of the Government, I have been pretty consistent. I was out there doorknocking against the Hon. Mark Latham and such policies in 2004. I support the comments of the Hon. Damien Tudehope and other members of the Coalition in opposing Mookhey's mega tax. Again, in a cost-of-living crisis, this Government's answer is to go after all of the people who have made provision for their own private health insurance with a \$78-a-year tax on individuals or a \$156-a-year tax on families. In the middle of a cost-of-living crisis, one would think that that would be the Government's last resort, but it is its first instinct. We always appreciate the Hon. Mark Latham's fine work as a Labor historian and, as he has revealed, tearing private health insurance apart is in Labor's DNA.

During the Government members' contributions, particularly the Hon. Cameron Murphy's, we heard the loathing of people taking out private health insurance. The result of this policy will be that 70,000 fewer people in this State will have private health insurance. As the Hon. Damien Tudehope outlined, people will be making decisions and logging on to the Cost of Living hub, and the advice they will receive is that if they are in a cost-of-living crunch, the first thing they should do is get rid of private health insurance. What does that mean for the taxpayers of New South Wales? That means they are going to be paying more.

The Hon. Daniel Mookhey and members opposite like to talk about the big private health insurance companies, and that is fine. We on this side of the Chamber have no great love for private health insurers or the like, but we do have a great love for those who take out private health insurance and make their own provisions for their health care. That is exactly who will be slugged by this Government, because this is not a means of recovering costs from private health insurance companies; it is a means of recovering costs from those who hold private health insurance policies. This will be a levy on their accounts. It will be a \$156 increase or a \$78 increase for all of those across New South Wales who hold private health insurance.

When she was alive, my grandmother was a pensioner, and she used to always hold onto her private health insurance. I remember she would sit down every month with a piece of notepaper and write down her pension amount and all of her costs. Every month she would write down the amount for MBF—it may be BUPA now, I think—and she would work backwards from there. If the cost of her private health insurance went up, the money would have to come from somewhere else. That would mean that maybe the silverside would have to last another day or that she would have honey on her toast instead of a slice of meat. Those are the sorts of decisions that people across the community are going to be making because of the members opposite and their tax on private health insurance.

We have heard their debates about the silvertails. As the Hon. Mark Latham said, four million people across New South Wales have private health insurance. There are four million people who have made the decision to provide for and secure their families in their hour of greatest need by having private health insurance. That is not just in Liberal Party or National Party seats; it is in Labor seats as well. I invite the Treasurer to knock on some doors in Riverstone and sell his policy, because 73,907 people in the electorate of Riverstone have a private health insurance policy and, thanks to the Hon. Daniel Mookhey, Chris Minns and the entire Labor Party, those people will all be paying \$156 more.

The Hon. DANIEL MOOKHEY (Treasurer) (14:56): In reply: I thank all members who made a contribution to the second reading debate, including the Hon. Damien Tudehope, Ms Abigail Boyd, the Hon. Cameron Murphy, the Hon. Chris Rath, the Hon. John Ruddick, the Hon. Susan Carter, Dr Amanda Cohn, the Hon. Aileen MacDonald, the Hon. Mark Latham and the Hon. Scott Farlow. I listened very carefully to the contributions made by all the members. It was a spirited and fascinating debate. I will address some of the points made throughout the debate, and I might do so thematically.

I listened very carefully to the contributions of all of the Coalition speakers, and I have separated out the rather generous character reflections that were made and focused on the substance of what was being said. Listening to all of the members, one would think that somehow, tomorrow, we are abolishing private health

insurance, that it will all be over and everyone's policy will be cancelled. Apparently that is what the Government is doing as it introduces legislation to ask that people simply pay their bills. But if that is true today, then it was also true in 2013 when Mike Baird introduced the same legislation. Mike Baird introduced exactly the same law, but I think it would be quite a surprise for him to hear that he is somehow a radical socialist with an ideological vendetta against private health and that he was pursuing socialism when he introduced the exact same bill with the exact same clauses, word for word, back in 2013.

I am sure it would be a surprise to the Leader of the Liberal Party, Mark Speakman, that he was voting for socialism in our time when he voted for it in 2013. When the Hon. Natasha Maclaren-Jones voted for the exact same bill in this House, I am sure she would be surprised to learn that, apparently, she was embracing the secret plan to abolish private health funds that was introduced by that radical Treasurer, Mike Baird. Somehow, I do not think it was true then, and I do not think it is necessarily true now.

That brings me to the second point. Opposition members have said that the bill will have a devastating impact on policyholders. I point out two facts. Since the private health funds stopped paying the correct bed rate to the New South Wales Government, they have also cut the amount of benefits they provide to their members. Miraculously, that happened to coincide with an explosion in their profits. I argue that those things might be related. When the health funds stopped paying the bed rates, they did not cut premiums for their members; they hiked them. Just last week, the funds launched a campaign to hike premiums by another 6.6 per cent. Throughout this debate, I have not heard the Opposition take a position on that campaign.

I take the shadow Treasurer at face value when he says that he cares. I have had the job of shadow Treasurer. I have sat in the same seat and railed against the former Government's legislation. However, when I did that, I also committed to repeal that legislation. I have not heard the shadow Treasurer make the same commitment. If he is true to his word and believes that this is really the end—and he is not a passive player; he is the alternative economic manager of the State—the Hon. Damien Tudehope should make a commitment that if he is to become the next Treasurer of New South Wales, he will repeal this legislation. He will cut the bed rate and he will say to the private health funds, "You are entitled to this money back. The public will subsidise your profits, and presumably you will pass it on to your members."

But amidst all the outrage from the member, we have not heard him make that commitment. If he was sincere in his purpose, he would absolutely say that under a Tudehope financial administration, this policy would go. Over the next two years, I look forward to seeing whether that becomes the policy position he intends to take to the people of New South Wales. I remind the House that the fundamental issue is this: These four big funds reached an agreement with Mike Baird that they would pay to use New South Wales public hospitals—that they would pay \$872, now \$928, per night, even though it cost taxpayers \$1,075. The agreement Mike Baird reached with those funds meant their members were able to access public hospitals with a 17 per cent subsidy from the public. Those funds each walked away from that agreement, year after year, from 2019 onwards.

When he was the finance Minister, the shadow Treasurer turned a blind eye to that. I leave it to him to explain why he allowed the funds to walk away, when he was in a position of responsibility. That is for him to explain. Nevertheless, we find ourselves in a situation where it is not fair and appropriate for the public to continue to subsidise the health funds. The legislation simply enforces Mike Baird's agreement in exactly the way Mike Baird proposed in 2013. I only ask the House to re-adopt the exact position it took a decade ago when the legislation was presented by those opposite and supported by the Labor Party at that time. The position is the same. The only thing that has changed in the intervening 10 years is the Liberal Party.

The issue is the same. The policy is the same. The problem is the same. The difference is that the Liberal Party has now decided, remarkably, to back the big four health insurers over private health policyholders and over the New South Wales public health system. That is a position that the Opposition is entitled to take. I was looking forward to a more sophisticated argument for that position, rather than the talking points of the lobby group that is promoting the interests of the big four firms; but each to their own. The Opposition is on the side of the big four funds and their lobbyists; the Government is on the side of private health fund policyholders, public health and New South Wales dollars. That is the choice before the House. I commend the bill to the House.

The PRESIDENT: The question is that this bill be now read a second time.

The House divided.

Ayes	21
Noes	17
Majority.....	4

AYES

Borsak
Boyd
Buckingham
Buttigieg
Cohn
D'Adam
Donnelly

Fachrmann
Graham
Higginson
Houssos
Hurst
Jackson
Lawrence

Mookhey
Moriarty
Murphy (teller)
Nanva (teller)
Primrose
Sharpe
Suvaal

NOES

Barrett
Carter
Fang (teller)
Farlow
Farraway
Latham

MacDonald
Maclaren-Jones
Martin
Merton
Mihailuk
Mitchell

Munro
Rath (teller)
Roberts
Ruddick
Tudehope

PAIRS

Kaine

Ward

Motion agreed to.

In Committee

The CHAIR (The Hon. Rod Roberts): There being no objection, the Committee will deal with the bill as a whole. I have two sheets of amendments: Opposition amendments Nos 1 to 3 on sheet c2024-219B and Greens amendments Nos 1 and 2 on sheet c2024-215. The two sheets of amendments do not conflict with each other.

The Hon. DAMIEN TUDEHOPE (15:12): By leave: I move Opposition amendments Nos 1 to 3 on sheet c2024-219B in globo:

No. 1 Exempt organisations

Page 3, Schedule 1[1], lines 6 and 7. Omit all words on the lines. Insert instead—

- (a) for an exempt organisation—\$1.77, or
- (b) otherwise—
 - (i) the base rate declared by the regulations under Schedule 3, clause 9, or
 - (ii) if no base rate is declared—\$3.27.

No. 2 Exempt organisations

Page 3, Schedule 1[1]. Insert after line 7—

exempt organisation means an organisation that is declared to be an exempt organisation by the Minister by order published in the Gazette.

No. 3 Exempt organisations

Page 3, Schedule 1. Insert after line 18—

[3A] Section 4(2A)

Insert after section 4(2)—

- (2A) The Minister must declare an organisation to be an exempt organisation if the Minister is satisfied—
 - (a) a scale of fees under the *Health Services Act 1997*, section 69 specifies a fee for the use of a single room in a public hospital, and
 - (b) the organisation will pay the fee when a single room is used by a contributor to a health benefits fund conducted by the organisation in the person's capacity as a contributor.

These amendments are quite simple in nature and should be supported by the Government. The bill has been primarily drafted to ensure that private health insurers pay the gazetted single room rate and that they provide policies to ensure that private patients who are admitted to a public hospital and occupy a single room pay the

gazetted rate. In his second reading speech the Treasurer acknowledged that 44 out of 53 private health insurance funds have already agreed to pay the full \$928 gazetted single room rate. Those funds are doing the right thing, so why does the Treasurer want to extract a levy from their policyholders? This could potentially cause an increase in the premiums payable by those policyholders.

These amendments would exempt private health funds that are already paying the gazetted room rate from paying the increasing levy. Surely the Treasurer does not want the members of these funds, which are often industry-related funds, paying extra premiums when their fund is already paying the gazetted rate. It would be astonishing if the Treasurer did not see that this is inconsistent with his position. If he wants to look back and identify the position taken by Mike Baird—

The Hon. Daniel Mookhey: He didn't put it in.

The Hon. DAMIEN TUDEHOPE: So the inconsistency is only because Mike Baird did not do it! But as a matter of principle, the Treasurer would not want the members of a fund to pay increased premiums by virtue of the fact that their fund managers are already paying the additional rate. These simple amendments are designed to create an exemption for funds that the Treasurer would describe as "the good guys". Our position is that it would be incomprehensible to not give these funds an exempt status for any increased levy payable by them. The increased levy would only be payable by funds which cannot reach an agreement with the Government to pay the gazetted rate.

The Hon. DANIEL MOOKHEY (Treasurer) (15:17): The Government appreciates the fact that 44 funds pay the rate. Four of those funds decided to resume paying the rate after the Government had the opportunity to engage with them. They are predominately not-for-profit funds which have consistently paid the rate throughout, despite the disadvantage they have suffered as a result of the big four not paying the rate, and then going to the marketplace with an unfair advantage. We will continue to engage with these funds and with peak councils to ensure that the funds continue to do the right thing with the support from the Government.

The Government would have liked to engage constructively with the Opposition on this problem. We met with the shadow Treasurer, the shadow Minister for Health and the shadow Minister for Regional Health a week ago. I enjoyed that meeting. I made reference to it in the House last week that it was a relatively constructive meeting, but the Opposition did not raise the amendments with us, and so we are not in a position to either provide advice to the Parliament on whether the amendments are in accordance with the law or to seek proper advice to that effect. This is very disappointing.

The Hon. Damien Tudehope: Let's adjourn it.

The Hon. DANIEL MOOKHEY: I hear the interjection from the shadow Treasurer that we should just adjourn it. Apparently, whenever the shadow Treasurer cannot get his amendments in or he cannot pick up the phone and negotiate with the Government, it is the job of the Parliament to give him more time. The Liberal Party ran that argument with the NSW Electoral Commission when it came to missing the deadline for candidate nominations. Opposition members are running it again today when it comes to amendments to this bill. I say to the shadow Treasurer, "I have had your job. Do your job properly." When I was in his position, seeking an outcome with the government, and I had the opportunity to meet with the Treasurer or Ministers, I took it seriously. Whenever I had the opportunity to speak with the government, I did, and then I would bring amendments to this House. I gave the government reasonable notice, so it could be in a position to advise both the opposition and the Parliament about whether or not the amendments were permissible and legal.

The shadow Treasurer knows that we have an obligation to ensure the Crown obeys the law at all times. That is why we have these forms of interaction. That is why I sought Opposition members a week ago to meet with them, to provide them with a briefing, to facilitate that dialogue. I am not suggesting for a second that the shadow Treasurer is ill-motivated in moving the amendments, but if he is serious about the Government engaging with him—as we would have liked to have done on this particular issue—then he should reciprocate the courtesies that members of the Government have extended to him.

Ms ABIGAIL BOYD (15:20): These amendments have come directly from Private Healthcare Australia [PHA], which explains why they have come in at the last minute. I received an email last night from the PHA suggesting that I move the amendments. That is how I know they have come straight from PHA. PHA described the speech I gave on Tuesday as "entertaining". That is nice. I enjoy that. But PHA seems to think that I was under some misapprehension about what this legislation does. It wrote that my speech seemed to imply that I was "of the view that the levy increase would only apply to a few of the funds".

Let me make it very clear: As a lawyer—and someone who can read—I understand that is not the case. Unlike the misinformation that is being put out by PHA, I also know that this is not about what is in this bill. In its legislation brief, PHA states, "This bill is simple legislation that increases the tax on private health insurance.

There are no other aspects to the legislation." That is a pretty odd thing to say. It is incredibly misleading to suggest that this is not about the failure of private health insurers to pay their bills. This is not about a levy. This is about debt collection. As I said on Tuesday night, the idea that nine of the 54—I keep getting the numbers wrong.

The Hon. Daniel Mookhey: It is 53.

Ms ABIGAIL BOYD: Thank you. That is right, nine of the 53 are not paying what has been agreed in relation to the bed rate, while the other 44 are. There is nothing else we can do to get those insurers to pay what they owe. That is why this legislation has been introduced, in exactly the same circumstances it was introduced by the former Treasurer, Mike Baird, in 2013. PHA knows that. For it to say in its brief, "There is no other aspect to this legislation," and to try to imply that this bill is something that it is not, is very misleading. The PHA states, "This legislation will increase the cost of private health insurance," citing a likely 4.4 per cent increase in premiums. The average health insurance premium increase over the past 10 years has been 4.1 per cent, and we know that the insurers applied for a six-point-something per cent increase for this year.

PHA implies that if the insurers do not come to the table and pay what they have agreed to pay, and this legislation does kick in, then insurers will have to increase their premiums—we can dispute that—but their profiteering efforts to increase premiums by 6-odd per cent would not have that impact, or at least they are not concerned about it. That is a very strange position to put and, again, really misleading. PHA claims that the premium increase will force people out of private health insurance.

I have heard the Opposition basically repeat those talking points. It is disappointing that we have not had a nuanced, or at least sensible, discussion about what is actually happening here. The Hon. Mark Latham mentioned that NIB's net profit went up 67.4 per cent last year. The idea that private health insurers will increase premiums if they are required to pay the bed rate because of this bill coming into effect, rather than adjusting their bottom line—their profits and shareholder dividends—is quite extraordinary as well. This is a debt collection exercise, not a tax.

The Hon. Damien Tudehope: You don't understand APRA.

Ms ABIGAIL BOYD: I acknowledge the Hon. Damien Tudehope's interjection. As someone who spent 20 years being involved in the regulation of banks and insurance companies, I have had a lot to do with APRA. I acknowledge the interjection and find it amusing. Finally, I would like to talk about the information that was sent to me. I asked for the analysis, the so-called "modelling", on the impact of health insurers paying this levy. What I did not see was the impact of those nine health insurers paying what they owe the State. Where is the modelling for that? I do not understand why we are in this position. I suspect it is because the PHA does not want the bill to go through. Coming back to the amendments—

The Hon. Damien Tudehope: That would be good.

Ms ABIGAIL BOYD: Sure, but I note that the amendments were raised in the same letter that the PHA wrote all of these other things to me. If we were talking about this being a levy rather than a debt collection exercise, on face value, these amendments may make some logical sense. However, when we understand—as I know the Opposition leader does—that this particular form of debt collection exercise has been done because of constitutional limitations, the idea that these amendments can be chucked in last minute and potentially break the bill by making it unconstitutional, is not something that The Greens can support. Knowing the context does not improve the situation. They are designed to make the bill no longer effective.

I acknowledge that there is a conversation going on across the table between the Hon. Damien Tudehope and the Treasurer about who should be seeking legal advice about these matters. The Opposition wants to somehow put the onus back on the Government to get legal advice on amendments that PHA wants put through, using the Opposition as its mouthpiece. As somebody who does get some amendments put through in this place, I spend a lot of time talking with the Government, over a long period, in order to ensure that the amendments that I put up are not going to be unconstitutional. The Greens will not be supporting the amendments.

The Hon. DAMIEN TUDEHOPE (15:28): It appears the Government's position is that it cannot support the amendments because it did not get time to get advice on them. I acknowledge that the Government consulted the Opposition in relation to the bill about a week ago. I appreciated that opportunity. But apparently the Government has not had time to sufficiently analyse this proposal. Any Treasurer worth two bob in this business would have foreseen these amendments. He acknowledged that 44 insurers are paying their bills.

Why did he not ask the question, "Why would we penalise them again when they're doing their job?" Is that not a question for the Government officials in the gallery? Why did they not ask the Treasurer, "Should we make them an exempt organisation?" The Treasurer has said the Government has not had enough time to consider

the amendments. He should do his job. The Treasurer should have seen the amendments coming because he acknowledged that the problem existed because they were already paying exactly the gazetted rate they were required to pay.

The Treasurer has said he is mystified by the Opposition's approach. He said he has not had time to get advice and that is the reason he cannot support the amendments. That does not wash, because if the Treasurer was doing his job he would have said, "I want to make sure that this is right. What are the possible contingencies that may arise? What about those poor insurance companies that are already paying the rate?" "Should we tax them again?" That is the first question the Treasurer should have asked. It is a reflection on the Treasurer's ability if he says, "I have never asked that question."

The Hon. DANIEL MOOKHEY (Treasurer) (15:30): I enjoyed that contribution. I take it as a compliment. The Leader of the Opposition ascribes to me a great deal of omnipotence that I will know and will think through exactly his amendments before he does and then be in a position to provide advice. That is the first point. What I found most amusing about his contribution is that I am being told it is my job to anticipate his needs before he knows them—and any Treasurer worth his salt would—and I fail in my job if I fail to do so. Those comments came from a former finance Minister who yesterday was running a Sergeant Schultz defence about merchant fees when he was getting legal advice. We were listening to him saying, "I know nothing about whether I read the advice that was given. I don't know if I read it. I don't recall." That is exactly how he was doing his job.

I return to the substance of the point, which is simple. The Government wants to engage with 44 funds. It is not a dereliction of duty to suggest that this is the only solution that is possible to solve that problem. In fact, the Government is working with those funds to see what other solutions are possible. I can tell members who the Government is not working with, which is the most telling part about this debate on the amendments: The Opposition's amendments, word for word, are written and authorised by a lobbyist.

That was not disclosed by the Leader of the Opposition when he moved the amendments. That is pretty stunning. I remember when I was in opposition that we did not simply pick up any lobby group's amendments and move them. The Leader of the Opposition did not disclose that fact when he moved the amendments. The Committee is entitled to know that the Leader of the Opposition moved the exact amendments of this lobby group. I think the Committee would be entitled to take that fact into consideration in its deliberations.

I thank Ms Abigail Boyd for drawing that to the attention of the Committee. I was not aware of that, because I am not getting correspondence from this particular organisation. I am pleased that Ms Abigail Boyd is paying diligent attention to what that group is saying. It is an example of what a good member does in this place, and it is a lesson for the shadow Treasurer about how he could do his job.

The Hon. DAMIEN TUDEHOPE (15:33): I cannot let that go.

The CHAIR (The Hon. Rod Roberts): Before the Hon. Damien Tudehope continues, I remind all members that the purpose of the Committee of the Whole is to address the amendments that are before the Committee. That comment is not a reflection on the Hon. Damien Tudehope or the Treasurer. I do not want to stifle debate, but earlier both members strayed off topic. We have a long day in front of us. We have a lot of bills to deal with. Let us concentrate on the amendments before the Committee.

The Hon. DAMIEN TUDEHOPE: The Treasurer's new argument for rejecting the bill is not directed at the substance or the benefit of the amendment. It is directed at someone putting a proposition to the Opposition that the amendments are worthwhile, and therefore the Committee cannot accept them. That is the Treasurer's new argument.

The Hon. Daniel Mookhey: The lobbyists—the paid lobbyists.

The Hon. DAMIEN TUDEHOPE: His new argument is it is the lobbyists on behalf of Private Healthcare Australia [PHA]. Opposition members examine amendments on the basis that they are capable of being supported. What we put to the Treasurer is that these are sensible amendments that would solve the problem. But he says, "We're going outside to negotiate on a different level. I cannot tell you what that negotiation is, but the Government will not accept the Opposition's amendments."

The Treasurer's solution is to acknowledge that the Opposition's amendments acknowledge that those who are already paying the gazetted rate will not have their members subjected to an increased fee. If the PHA or the nurses' union made the proposal, the Opposition would consider it on the basis that it is a good proposition. The hypocrisy of this is that every single amendment the former Opposition moved when the Coalition was in Government was virtually dictated and written for them by Sussex Street. The former Opposition said to the former Government, "These are our original thoughts."

The former Government should have known that Sussex Street was writing those amendments, but the former Opposition did not disclose that about every single amendment it moved. It is a tragedy for this place when the Treasurer says he rejects the amendments, not on substance, but because of some ridiculous reason that a lobbyist suggested the amendments. That is the rationale the Treasurer has just put to this Committee. It is an appalling reflection on him that he did not assess the amendments on their merits but because of where they came from.

Dr AMANDA COHN (15:36): As The Greens spokesperson for health, including mental health, I join in debate to add to the excellent contribution to debate already made by my colleague Ms Abigail Boyd. I will address some of the catastrophising from the Opposition in moving the amendments. Purportedly the amendments are about patients or families who cannot afford medical care, but the Leader of the Opposition said the quiet part out loud in this debate, which was "those poor insurance companies". It is very clear who the Opposition is representing and who the Opposition is moving the amendments on behalf of. It is not patients and families. It is the private health care lobby.

I want to add to the debate about who is contacting us. I also received correspondence from PHA, but what is far more relevant is who I have not received correspondence from. As The Greens spokesperson for health, I talk to key stakeholders in the health sector every day. That includes clinicians, expert medical colleagues, people living with chronic complex illness, lobby groups for those particular illnesses, carers, health workers and the unions, and not a single one of those people has contacted me in opposition to this bill. The only stakeholder that has contacted me about the bill is Private Healthcare Australia, and it is really important to note that.

The Hon. MARK LATHAM (15:37): I support the amendments because they seem fair and reasonable. In terms of where they come from, the so-called lobby group represents four million private health insurance holders in New South Wales. They are not exactly Graham Richardson, who went to several meetings with the Premier and others, wheeling himself around for nefarious purposes. Four million people in coverage is pretty significant. Quite frankly, I would have thought the Chamber would feel sorry for the modern Liberal Party and its paucity of resources. It does not have enough resources to get local government nominations in, let alone sort out amendments. The Liberal Party does not have the resources to successfully vet candidates in Pittwater and other places. We have to feel sorry for them. The Treasurer has them down on the mat with his foot on their throat. Just give them a break and go easy.

The CHAIR (The Hon. Rod Roberts): The Hon. Damien Tudehope has moved Opposition amendments Nos 1 to 3 on sheet c2024-219B. The question is that the amendments be agreed to.

The Committee divided.

Ayes17
Noes20
Majority.....3

AYES

Barrett
Carter
Fang (teller)
Farlow
Farraway
Franklin

Latham
MacDonald
Maclaren-Jones
Martin
Merton
Mihailuk

Munro
Rath (teller)
Ruddick
Tudehope
Ward

NOES

Borsak
Boyd
Buttigieg
Cohn
D'Adam
Donnelly
Faehrmann

Graham
Higginson
Houssos
Hurst
Jackson
Lawrence
Mookhey

Moriarty
Murphy (teller)
Nanva (teller)
Primrose
Sharpe
Suvaal

PAIRS

Mitchell

Kaine

Amendments negatived.

Ms ABIGAIL BOYD (15:45): By leave: I move The Greens amendments Nos 1 and 2 on sheet c2024-215 in globo.

No. 1 Contributions to single room rates

Page 3, Schedule 1. Insert after line 18—

[3A] Section 20

Insert after section 19—

20 Data on contributions towards cost of stays in public hospitals

- (1) The Chief Commissioner must publish on a government website a report for each year that sets out the following information for the year—
 - (a) the total number of days that persons who are contributors to health benefit funds stay in single rooms at public hospitals in their capacity as contributors,
 - (b) the total cost of the stays,
 - (c) the percentage of the cost of the stays that is paid for by the health benefit funds to which the persons are contributors,
 - (d) other information prescribed by the regulations.
 - (2) The Secretary of the Ministry of Health must give information to the Chief Commissioner for the purposes of publishing a report under this section.
 - (3) The Chief Commissioner may direct the following persons to give information to the Chief Commissioner for the purposes of publishing a report under this section—
 - (a) a person who carries on the business in New South Wales of providing health benefits to contributors,
 - (b) a person prescribed by the regulations.
 - (4) The direction may specify—
 - (a) the information that must be given, and
 - (b) the time, form and way in which the information must be given.
 - (5) A person given a direction must comply with the direction.
- Maximum penalty for subsection (5)—10,000 penalty units.

No. 2 Date for making regulations

Page 3, Schedule 1[4], proposed clause 9(3), lines 27 and 28. Omit all words on the lines.

I will deal with the first amendment. A lot of the consultation on the bill has been done behind closed doors and that is one reason lobby organisations have been able to put out so much misinformation and not be held accountable for the amount of money that the private health insurers are failing to pay in public hospital fees. Before the bill came to the House, I did not know that some private health insurers are paying an amount decided by themselves. Some are paying the full amount asked for by the Government and some just choose not to. That was a revelation to me and that kind of information should not be kept from the public again.

Ideally what the bill will do is get those rogue health insurers not doing the right thing to come to the table and agree to pay the full amount for a public bed. If that happens, the threat implicit in the bill will not need to be implemented. But what happens if they walk away from that agreement again? Will the Government have to threaten them to get them to pay what they agreed to pay and what the public health system has asked them to pay? I do not want to see that happen so I think there needs to be a detailed provision covering that.

The first amendment proposes that data on contributions towards cost of stays in public hospitals be published so we can all see the number of privately insured patients staying in single rooms at public hospitals, the total cost of those stays to the public system, the percentage of the total cost paid by the private health insurers and any other information prescribed by the regulations from time to time. In doing that, we would know exactly how much each of the 44 insurers have been paying and for how long, because there has been a process of getting various insurers at various times to pay the right amount. Hopefully the naming and shaming aspect will encourage those that have not been paying to pay their fair share.

It will also allow the other health insurers to see how hard done by they are when they are the ones doing the right thing while the other, larger health insurers are not. The big four insurers are making record profits, raising premiums, cutting their services and then not paying what is owed to the public purse, while the smaller insurers are doing the right thing. Having that information available is important. The reason for the first

amendment is so that there is full transparency and accountability over the process so that we do not get into that situation again, particularly if we end up with a less courageous Treasurer who does not want to take on the private health insurers because of the ridiculous information that gets put out by Private Healthcare Australia. The Parliament needs to be able to see that the fees are not being paid so that it can pressure the Treasurer to bring those health insurers back to the table and make them pay the amount that the public is owed.

I understand that in 2013 the idea was that a regulation-making power would be put in place and that the threat of that would be sufficient to make private insurers come to the table. That is in fact what happened. That was why there was only a year-long power to make that regulation. We have seen what happens as soon as that regulation-making power goes away: Private health insurers decide for themselves how much they want to pay towards the bill that is being levied on them. The effect of the second amendment is to say that the regulation-making power will continue so that further down the track, when there is perhaps a less brave Treasurer, we have all of the data in front of us and can see that certain insurers are not paying. There will be a regulation-making power that the Treasurer can use to make sure that we are never again in a situation where private health insurance companies are stealing from the people of New South Wales and not paying simply because there is nothing in place to make them pay. I commend the amendments to the Committee.

The Hon. DANIEL MOOKHEY (Treasurer) (15:52): At first instance, I say that I very much appreciate the engagement and conversations that I have had with Ms Abigail Boyd over the past two weeks and since the bill was introduced. I have had those conversations with other members of Parliament as well. I acknowledge that, by lodging the amendments, Ms Abigail Boyd has given the Government the opportunity to properly test and seek advice on what is being proposed. The second point is that the Government will support the amendments. The Government has listened closely to the arguments that have been made by Ms Abigail Boyd. They are very reasonable. The Parliament should have access to the information. There should be transparency, accountability and reporting.

The Government is pleased to be in a position to engage with The Greens to be able to provide feedback about what would be effective, practical and proportionate in terms of accountability. I once again acknowledge the constructive engagement of Ms Abigail Boyd—and, let us be honest, Angus too. That is with respect to the data transparency aspect. With respect to the second amendment, which is the regulation-making power, I well and truly say that the Government is in no position to oppose the amendment, namely because, to Ms Abigail Boyd's point, the Government has watched how a temporary power has been applied for a time and then later withdrawn. Having listened to the concerns, it is a reasonable suggestion for the Parliament to adopt. The Government supports the amendments.

The Hon. DAMIEN TUDEHOPE (15:53): It is an astonishing thing: Ms Abigail Boyd has not disclosed that Private Healthcare Australia [PHA] supports the amendments as well. It is astonishing that Ms Abigail Boyd has moved amendments that are supported by PHA.

The Hon. Daniel Mookhey: Let me reconsider my position.

The Hon. DAMIEN TUDEHOPE: No. The Treasurer should reject the amendments on that basis, because that is the basis on which he rejected the previous amendments. The Greens did not disclose that PHA supported the amendments. It is an astonishing thing. I have the briefing note as well. It is a new standard from the Treasurer. When The Greens move amendments that are supported by PHA, members opposite will back them on the basis that they do not tell them. If the Opposition moves amendments that are supported by PHA, that is a different thing because the Opposition is apparently being sneaky and not telling anyone.

If the standard applies across the board, I would have thought that once it was disclosed that PHA is supportive of the amendments, the Treasurer would have immediately said that, in those circumstances, the Government cannot support the amendments. PHA's position is that it wants more transparency. PHA says that there is no transparency in relation to the occupation of rooms in hospitals and the like. It is quite in favour of having a much more transparent system. I have got it; Ms Abigail Boyd has got it. In those circumstances, I indicate that the Opposition supports the amendments.

Ms ABIGAIL BOYD (15:55): That was very funny. As opposed to having received a proposed amendment and then agreeing to move it as my own, I put up amendments that Private Healthcare Australia looked at and said, "They are actually quite clever." It is a lesson on how to get both sides of the Chamber to agree to amendments. It is a golden moment. I am pleased that The Greens are able to provide that learning opportunity to the shadow Treasurer. Let us sing kumbaya and pass the amendments.

The CHAIR (The Hon. Rod Roberts): Ms Abigail Boyd has moved The Greens amendments Nos 1 and 2 on sheet c2024-215. The question is that the amendments be agreed to.

Amendments agreed to.

The CHAIR (The Hon. Rod Roberts): The question is that the bill as amended be agreed to.

Motion agreed to.

The Hon. DANIEL MOOKHEY: I move:

That the Chair do now leave the chair and report the bill to the House with amendments.

Motion agreed to.

Adoption of Report

The Hon. DANIEL MOOKHEY: On behalf of the Hon. Courtney Houssos: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. DANIEL MOOKHEY: On behalf of the Hon. Courtney Houssos: I move:

That this bill be now read a third time.

Motion agreed to.

Personal Explanation

MINISTER FOR REGIONAL TRANSPORT AND ROADS

The Hon. SAM FARRAWAY (15:59): By leave: I wish to make a personal explanation. Earlier in the Legislative Assembly, the Hon. Jenny Aitchison, the Minister for Regional Transport and Roads and member for Maitland, made an accusation during question time that I had "slipped out" of question time and that I was in Orange at the Australian National Field Days, campaigning while Parliament was sitting. I want it made very clear that I have been here all day. I am here right now. I am seeking that the Leader of the Government of this place reach out to the Minister. I would like to see an apology in the Legislative Assembly.

Leave withdrawn.

Bills

PREVENTION OF CRUELTY TO ANIMALS AMENDMENT (PUPPY FARMING) BILL 2024

First Reading

Bill introduced, read a first time and ordered to be published on motion by the Hon. Tara Moriarty.

The Hon. TARA MORIARTY: According to standing order, I table a statement of public interest.

Statement of public interest tabled.

Second Reading Speech

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (16:03): I move:

That this bill be now read a second time.

I introduce a bill to amend the Prevention of Cruelty to Animals Act 1979, known as POCTAA, to address puppy farming in New South Wales. As members know, animal welfare is an issue that resonates deeply with the people of New South Wales. The bill seeks to address community concerns by increasing transparency and oversight, strengthening breeding regulations and ultimately protecting the wellbeing of dogs across the State. The New South Wales Government takes animal welfare extremely seriously. The introduction of the bill demonstrates the Government's commitment to modernising animal welfare and delivering its election commitment to ban puppy farming.

Puppy farming is characterised by intensive breeding for commercial purposes with little regard for the dog's physical or mental needs. Those practices have no place in New South Wales. That is why we are implementing a robust framework of regulations and enforcement mechanisms to distinguish ethical breeders from puppy farms. National data indicates that roughly seven in every 10 households have a companion animal, with dogs by far being the most prevalent. They are beloved members of our families and provide essential services within our community. However, the dark reality for some dogs is that they are bred in premises focused primarily on profit, often at the expense of their health and wellbeing.

It is clear that puppy farming is an issue of substantial concern to many in the community and industry. The 2022 New South Wales parliamentary inquiry into puppy farming received more than 900 submissions and over 6,000 responses to an online questionnaire. Of those respondents, 86 per cent wanted puppy farming banned. That reflects the growing public demand for robust ethical breeding practices. The bill has been developed through extensive consultation with the community, industry and other peak bodies, as well as several parliamentary inquiries, to ensure that we reinforce the regulatory framework with practical, clear and simple provisions.

Our approach is direct and builds on the existing regulatory framework within the Prevention of Cruelty to Animals Act 1979. Strong legislative controls proportionate to managing animal welfare risks are critical for success. The bill balances regulatory burdens on breeders and stakeholders by requiring compliance through sensible and realistic animal welfare standards. All breeders in New South Wales, regardless of the scale of their operations, must comply with the Prevention of Cruelty to Animals Act 1979. They must take reasonable care, control and supervision of animals, such as taking reasonable steps to alleviate pain and provide the animal veterinary treatment where appropriate.

Those operating a business that breeds dogs and cats for fee and reward must also comply with the *Animal Welfare Code of Practice: Breeding Dogs and Cats*, or the breeding code, that outlines requirements for animal housing, management and health. However, as I have discovered while being the Minister responsible for delivery, breeding animals is in some ways the wild west of the sector in New South Wales. Currently, there are no specific restrictions on the number of fertile female adult dogs that a breeder may have, the number of litters a female may produce in her lifetime or the staffing ratios required on premises to ensure proper care.

There is also no mandatory registration scheme for dog breeders, meaning there is insufficient data on the size and scale of dog breeding in New South Wales. Those gaps in the regulatory framework limit enforcement activities and reduce the Government's ability to promote and ensure responsible breeding practices and adherence to relevant codes of practice and standards by all those involved in breeding. The provisions established in the bill are a sound starting point. They set minimum standards for all, improving breeding practices across New South Wales, providing transparency and greater accountability. The provisions were directly informed by previous consultation and recent targeted stakeholder engagement to ensure that they are practical, effective and fit for purpose.

The Government acknowledges that the legislative landscape, industry practices and animal welfare science are ever evolving. To maintain the bill's effectiveness over time, a review process will be conducted as soon as possible after six years from the date of assent, being approximately five years from the date of commencement of the substantive provisions of the bill on 1 December 2025. The review will assess whether the policy objectives of the bill, and specifically part 2AA, remain valid and that the provisions remain appropriate for securing those objectives.

The bill amends the Prevention of Cruelty to Animals Act 1979 in three key areas. First, it introduces provisions to better track and trace unethical breeders and identify the source of puppies. That will enhance the ability of potential buyers to identify and verify breeders, helping to eliminate harmful practices. Second, the bill sets clear animal welfare requirements for dog breeders, including a maximum cap of 20 female adult dogs per premise, being female dogs that are over the age of six months and that have not been rendered permanently infertile. It also establishes lifetime litter limits and minimum staff-to-dog ratios. To ensure there are no adverse animal welfare outcomes in implementing these new provisions, special circumstances will apply to support certain breeders to reduce their number of female adult dogs via an exemption over 10 years.

Finally, the bill mandates that all dog breeders must comply with the breeding code from 1 December 2029 onwards. This will create a more robust regulatory framework that promotes improved animal welfare outcomes for dogs and their breeders, not just those breeding for fee or reward. These provisions deliver on the Government's promise to modernise animal welfare in New South Wales to benefit the community, the sector and the State's many dogs.

I now turn my attention to the specific provisions of the bill. The bill will introduce mandatory breeder identification. Anyone breeding dogs—whether regular breeders, occasional breeders or those with accidental litters—will be required to obtain a breeder identification number, known as a BIN. For organisations who have custody of seized or surrendered dogs, and where one of those dogs becomes pregnant accidentally, their rehoming organisation number, known as a RON, will be accepted in lieu of a BIN in order to avoid unnecessary red tape. Mandating the use of these identification numbers creates a near-universal traceability scheme within New South Wales that will enable the ability to trace individual dogs back to their original breeders regardless of their current ownership. This transparency will help eliminate unethical breeders and provide consumers with confidence that their new family member has been raised in a humane and caring environment by a registered breeder.

The new mandatory provision leverages existing infrastructure of the NSW Pet Registry. There are over 19,000 companion animal breeders who have voluntarily registered for a BIN, and over 100 organisations with a RON. Whilst the application for a BIN will continue to remain free, changes will be made to the existing processes to support the new identification requirements, including seeking additional information such as the total number of dogs and dog premises the applicant is responsible for. These processes are designed to be as straightforward as possible and will provide transparency and oversight to strengthen compliance and effectiveness. Individual breeders or organisations currently holding a voluntary BIN will be required to reapply and update their details by 1 December 2025 in order to comply with the bill. Otherwise, their unique identification number will be cancelled. This initiative will commence on 1 December 2025. The bill acknowledges the importance of genuine working dogs in the community. Farmers breeding working dogs for the purposes of working on the land on which they were bred will be exempt from obtaining a BIN whilst they remain on that land.

The bill will mandate greater identification for the sale or transfer of dogs, including when they are transferred or given away. The bill will require any advertisement of dogs born after 1 December 2025 to include both the microchip number and the breeder's BIN or, in the case of a rehoming organisation where the identity of the breeder is not known, a RON. Previously, only one of these numbers was required to be displayed. To account for circumstances where an advertisement is not made, this information must be provided to the purchaser before or at the time of sale. Dogs must be identified in accordance with the Companion Animals Act 1998 or, for retired racing greyhounds, the greyhound racing rules under the Greyhound Racing Act 2017.

The bill recognises there are circumstances where identification, through the insertion of a microchip, may cause harm to an animal. For dogs being sold under eight weeks of age, the microchip number of the female parent dog is to be included in sale documentation to avoid any adverse welfare outcomes. These requirements will give buyers greater information to make wise choices. Buyers will be able to search the NSW Pet Registry online to validate the authenticity of information being supplied. They will be able to check that the microchip number reflects the details of the dog being sold and if the breeder identification number is active or has been suspended or cancelled. These actions will support the greater monitoring of dogs being sold or transferred and reinforce ethical practices. This provision will commence on 1 December 2025.

The bill will also mandate that any person who manages or controls dog premises must not keep more than the maximum number of female adult dogs. New South Wales is adopting the toughest stance nationally with this provision, setting a maximum cap of 20 female dogs over the age of six months at any premises. This is the central element that delivers on the Government's election commitment. To continue essential services and specific animal welfare functions, exemptions will apply to New South Wales Government sector agencies such as police and corrections, those breeding assistance dogs as defined under the Companion Animals Act 1998 and approved charitable organisations carrying out compliance and enforcement functions under POCTAA, or those issued with a RON for the purpose of rehoming surrendered or seized animals. Premises used to temporarily keep or care for dogs, such as at dog shows, like the Royal Easter Show, and dogs rendered permanently infertile will also be exempted. This is a significant step forward for New South Wales.

The Government recognises the need to allow certain breeders to scale down their business operations in a controlled manner and will introduce transitional provisions. These provisions will avoid situations where potentially healthy animals, unable to be rehomed prior to commencement, are euthanised. Firstly, while the maximum number of female adult dogs will commence on assent, the bill will provide an exemption until 1 December 2025 for breeders with more than 20 female adult dogs, so long as they do not keep any additional female adult dogs above the number that were kept on their dog premises immediately before the assent to the bill. Secondly, the bill will provide a limited grandfathering exemption to the maximum number of female adult dogs to allow certain persons to keep more than 20 female adult dogs on dog premises until 1 December 2025. This exemption allows a person with existing dogs or an existing development consent for dog premises to continue to operate for a period of time.

This limited grandfathering exemption will commence on 1 December 2025, and it will be conditional. Exemption holders and any staff member must not have a conviction for an animal cruelty offence. The number of female adult dogs on the premises cannot exceed the number of female adult dogs on the premises as at 24 October 2024 permitted under development consent or nominated by the departmental chief executive. No more than 50 female adult dogs can be kept on any premises after 1 December 2026. Exemption holders and any staff member must comply with the breeding code, and exemption holders must provide an annual breeding report. Finally, in the event of an exemption holder's death or circumstances where they become mentally incapacitated and unable to comply with the required conditions, the legislation will enable circumstances for another individual to apply for a continuation of the limited grandfathering exemption.

The bill will also set out lifetime breeding limits for female dogs by specifying a cap on the maximum number of pregnancies and types of births a female dog may have in the dog's lifetime. The maximum number of

deliveries for a female dog will be set at five different births. Given the increased animal welfare risks of caesarean deliveries, no female dog will be able to have any further births once the dog has had a third caesarean delivery. This provision is not just about numbers; it is about the welfare and dignity of the animals. Female dogs should not be treated as breeding machines. They deserve to live healthy, fulfilling lives, and this provision ensures that they are not subjected to excessive reproductive demands. Breeders will be required, within 14 days after the birth, to keep appropriate records such as the date of birth and whether the birth was by caesarean or another method of delivery. This provision will commence on 1 December 2025.

The bill will also establish a minimum number of staff members for dog premises. A ratio of at least one staff member for every 20 dogs over the age of 12 weeks will be mandated, to provide proper and sufficient care, such as food and water on the premises. In recognition of the role played by the female parent, a litter of puppies that are 12 weeks old or younger will be counted as one dog. In a situation where dog premises used for breeding have more than 20 dogs in total, the staffing requirement is to be rounded up to the nearest whole number. For example, a dog premises that has 18 dogs over 12 weeks of age plus four litters of dogs under 12 weeks of age would result in a staffing ratio of one to one, which is then required to be rounded up to the nearest whole number, being two staff members required on those dog premises. Staff members can be working full-time or part-time, either employed or as volunteers. They can be the owner or manager of the dog premises or a family member.

Recognising the human health benefits, assistance animals within the meaning of the Companion Animals Act 1998 will be exempt. This provision is essential for addressing key welfare concerns associated with puppy farming, where dogs are often kept in overcrowded and understaffed conditions. It reflects the reality that one person could not possibly meet the daily welfare requirements of more than 20 dogs on their own. This provision will also commence on 1 December 2025.

The bill will also require any person allocated a unique breeder identification number, such as the BIN or RON, to comply with the code of practice for breeding dogs and cats. Any person owning, managing or controlling dog premises must take all reasonable steps to ensure all staff members comply with the breeding code. This mandate reflects a significant commitment to the demand of the community and the industry for a more robust regulatory framework that promotes enhanced animal welfare outcomes for all breeders, regardless of whether they operate for a fee or reward. By establishing these standards, the legislation aims to ensure that every dog is bred in an environment that prioritises their health and wellbeing.

The bill recognises there are several existing statutory arrangements already in place. To avoid duplication, the bill will not apply to racing greyhounds where they are owned and kept in relation to greyhound racing or by a registered greyhound racing industry participant. Sufficient controls for breeding will continue to be achieved through the Greyhound Welfare and Integrity Commission under the Greyhound Racing Act 2017. It also will not apply to animal research activities where they have been expressly approved and fall under an animal research authority that is conducted in accordance with the directions of an animal care and ethics committee under the Animal Research Act 1985.

The Government will implement substantial penalty offences for individuals or organisations that breach the provisions of the bill. These penalties are designed to deter illegal and unethical breeding practices by providing strong incentives to comply. Maximum penalties will range from eight penalty units, which is \$880, for individuals breaching the requirement to notify certain changes or events, to 1,000 penalty units, which is \$110,000, two years imprisonment or both for an individual—and 5,000 penalty units, which is \$550,000, for a corporation—for breaching the cap on the maximum number of female adult dogs. Penalty notice offences will range from \$500 for an individual and \$2,500 for a corporation, for failing to keep a record of a litter birth, to \$1,000 for individuals and \$5,000 for a corporation for breaching information requirements when dogs are for sale.

The bill will also introduce consequential amendments to the Companion Animals Act 1998 and supporting regulation to achieve the policy intention of the Government's bill. These changes include but are not limited to new requirements for breeder identification registration, including prescribing the allocation, refusal, suspension or cancellation of breeder identification numbers; notification arrangements for registered breeders where their name or address changes or if they have been convicted of an animal cruelty offence or are subject to a disqualification order; new requirements for breeder or rehoming organisation information; new requirements to apply the exemption to the maximum number of female adult dogs; consequential penalty offence provisions; and consequential transition provisions to cancel existing BINs related to dog breeders on 1 December 2025, unless cancelled earlier.

The Government wants to encourage the people of New South Wales to buy from reputable dog breeders or adopt from our pounds and shelters that are currently bursting at the seams. The ultimate goal of the Government's bill is to eliminate unethical breeding operations and puppy farms operating in the shadows. These provisions will provide the people of New South Wales with the guardrails and knowledge to own dogs that have

been raised and bred within the appropriate animal welfare standards. The Prevention of Cruelty to Animals Amendment (Puppy Farming) Bill 2024 is a testament to our commitment to animal welfare and ethical breeding practices. It addresses the critical gaps in our current regulatory framework and aligns with the expectations of the community. These provisions are fair, simple and clear, and they create the necessary guardrails for breeders, buyers and owners, for the welfare of our beloved dogs.

By passing this bill, we take a significant step towards tackling puppy farming in New South Wales, ensuring that dogs are bred in humane conditions and safeguarding their welfare for the future. This bill represents this Government's strong resolve to improve animal welfare, and this bill delivers on an election commitment. People in New South Wales have created acceptable breeding operations. For this reason, it is time to ban puppy farming. There are very strong views across New South Wales about this. This is an issue that has been debated for way too long in the State. If the bill passes, with the support of this Parliament, it will be a significant change for consumers who are making decisions about the pets they purchase and will mean significantly better outcomes for dogs and animal welfare in New South Wales. I commend the bill to the House.

Debate adjourned.

ENERGY AMENDMENT (LONG DURATION STORAGE AND INVESTMENT) BILL 2024

First Reading

Bill introduced, read a first time and ordered to be published on motion by the Hon. Penny Sharpe.

The Hon. PENNY SHARPE: According to standing order, I table a statement of public interest.

Statement of public interest tabled.

Second Reading Speech

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (16:28): I move:

That this bill be now read a second time.

I am pleased to introduce the Energy Amendment (Long Duration Storage and Investment) Bill 2024. This bill is committed to ensuring the New South Wales electricity system continues its important transition to renewable energy. Critical to that is the delivery of more long-duration storage. Over the next 10 years, three of New South Wales's four remaining coal-fired power stations are expected to retire as we move towards a net zero future. We do not want coal-fired power stations to be open any longer than needed, and we are working hard to replace them through a mix of wind and solar generation and firming in batteries. But, as so many people like to point out, the wind does not always blow and the sun does not always shine. That is why we need storage, particularly long-duration storage. That is critical to avoiding high prices and reliability impacts for New South Wales.

Currently the National Electricity Market has just over three gigawatts of utility-scale storage. The energy market operator's Integrated System Plan shows the national market will need at least 15 gigawatts of additional utility-scale storage by 2030. That is a more than 600 per cent increase in capacity in the next six years. The New South Wales Government has a comprehensive framework to support long-duration storage through the Electricity Infrastructure Roadmap. We are fortunate that in New South Wales that remains a multi-party commitment.

The road map is all about paving the way for a cleaner, greener future, and storage is central to that. We have had strong success with the Consumer Trustee's road map tenders to date. Those tenders will continue to be run regularly to get more long-duration storage into the market and encourage more suppliers to enter the space. We are adding to the State's framework with the establishment of the Energy Security Corporation, which will be funded with \$1 billion to invest in critical energy storage and other projects. I thank members for supporting the passage of the legislation establishing the corporation earlier this year.

The Government recently carried out a review into the long-duration storage needs for New South Wales, which included extensive consultation with industry and other stakeholders. I am very grateful for all the very considered submissions received and discussions held as part of that consultation process. In New South Wales, long-duration storage has been defined as capacity that can be dispatched for at least eight hours. I am pleased to say the Government has decided to retain the eight-hour duration requirement for long-duration storage, as well as the minimum objective of 16 gigawatt hours of long-duration storage to be constructed by 2030.

Through this bill, the Government is proposing to establish a new long-duration storage infrastructure objective of an additional 12 gigawatt hours by 2034. That additional objective will provide a clear signal for investors and demonstrates that New South Wales is committed to supporting more long-duration storage over

the long term. We know many of these projects are complex and have long lead times. We are committed to supporting this important sector; we are in it for the long haul.

The Government is also in the process of implementing the Electricity Infrastructure Roadmap, the State's plan for more low-cost, reliable renewable energy. Last year we commissioned the Electricity Supply and Reliability Check Up to kick the tyres on the State's energy policies. That check-up delivered a set of recommendations, the vast majority of which the Government accepted and is delivering. As we progress with the implementation of both the road map and the check-up recommendations, legislative changes will be required.

Accordingly, in addition to establishing the long-duration storage objective for 2034, the bill proposes a range of amendments that will strengthen consideration of social and economic benefits when reviewing the Renewable Energy Sector Board's plans; clarify the application of the maximum capital cost for renewable energy zone network infrastructure projects; provide for adjustment payments at the end of a network project's authorisation; clarify that the Australian Energy Regulator maintains its jurisdiction in respect of national electricity laws and rules, including where modified by the New South Wales Electricity Infrastructure Investment Regulation 2021; update competition authorisations; and enable the Treasurer to direct payments be made from the Energy Administration Account to the Consolidated Fund in certain circumstances. The amendments in the bill support investment certainty and improve implementation for the Electricity Infrastructure Roadmap.

The bill amends two pieces of legislation: the Electricity Infrastructure Investment Act 2020, which I will refer to as the EII Act, and the Energy and Utilities Administration Act 1987, which I will refer to as the EUA Act. Some amendments to the EII Act in the bill also modify the National Electricity (NSW) Law. I will address each schedule to the bill individually. I turn first to schedule 1 to the bill, which contains the amendments to the EII Act. The bill includes amendments relating to the Renewable Energy Sector Board plan.

The Renewable Energy Sector Board was established to prepare a plan for the New South Wales renewable energy sector, including helping local workers and industries in New South Wales reap the economic benefits of the energy transition. It consists of important groups of representatives, including industry, manufacturers and unions—all groups which have a strong interest in the energy transition. The amendments in the bill will ensure the board's plan can better maximise the use of local goods, services and workers, and will improve the functioning of the board.

The amendments in the bill will require an additional consideration: specifically, that the regulator is satisfied the plan promotes social and economic benefits for the New South Wales community and economy before it recommends the board's plan to the Minister. That is in addition to the existing requirements. Further amendments provide a process for the board to amend its plan for the New South Wales renewable energy sector and for the Minister to make changes to the proposed amended plan.

Under the EII Act, on authorisation of a renewable energy zone network infrastructure project, the Consumer Trustee must set a maximum amount for the prudent, efficient and reasonable capital costs for development and construction of the project. The purpose of the maximum amount is to act as a consumer protection against significant capital cost increases between the authorisation and the initial revenue determination. The EII Act can currently be interpreted as requiring the regulator to apply that maximum capital cost amount to the initial revenue determination as well as all future revenue determinations and remakes of revenue determinations. That is problematic because of the way the maximum capital cost is calculated and because it could, even where cost changes are justified and prudent, leave a project which is partially or completely constructed with no revenue to recover capital or operating costs. That could also expose the Government to financial costs.

The proposed amendments reduce those risks and provide legislative certainty to network operators, while retaining consumer protections by maintaining the maximum amount's application to the first revenue determination. Additionally, the current legislation requires the Consumer Trustee to keep the maximum capital cost amount confidential and only share it with the Australian Energy Regulator. That ensures the network operator is providing accurate cost estimates and working to minimise costs. The proposed amendments will require the Consumer Trustee to provide written notice of the maximum capital cost amount to the Minister upon authorisation of a renewable energy zone network infrastructure project.

The proposed amendments also give the Minister discretion to disclose the maximum capital cost amount to other persons via a ministerial disclosure notice. In practice, recipients will likely include the Treasurer and senior Government officials. Those parties need that information to assess the financial risk associated with projects and to manage contracts with network operators. A ministerial disclosure notice may contain conditions to ensure the maximum capital cost amount is only shared with people who need to know, without compromising the commercial sensitivity of the number. The maximum capital cost will not be disclosed to the network operator for the project.

As I have said, the bill makes amendments relating to long-duration storage. The EII Act sets an ongoing objective for long-duration storage infrastructure to meet the reliability standard. The EII Act also sets a minimum objective for long-duration storage infrastructure by 31 December 2029. The bill introduces a new 2034 minimum objective for the construction of 28 gigawatt hours of long-duration storage infrastructure by 31 December 2033. That new objective will require construction of at least a further 12 gigawatt hours of storage.

The new minimum objective is intended to provide greater policy certainty for investors through a clear, long-term signal. It will enable the Consumer Trustee to commence tenders for long-duration storage infrastructure in the 2030s, which includes projects which cannot be constructed by 31 December 2029. The new 2034 minimum objective is expressed in gigawatt hours of electricity stored rather than gigawatts of capacity, so the Consumer Trustee has flexibility to choose the projects which have the greatest financial value to consumers. For example, the 12 gigawatt hours could be delivered by a 1.5-gigawatt project which can dispatch for a minimum of eight hours, or it could be met by a 500-megawatt project which can be dispatched for 24 hours.

The amendments to enable end-of-term payments will provide for reconciliation payments between the scheme financial vehicle and a network operator, once that network operator is no longer subject to an authorisation or direction for a network infrastructure project. Currently the EII Act does not expressly provide that the determined payment to or from the network operator can be made after the authorisation or direction for a network infrastructure project has ceased to have effect. The proposed amendments will provide for the regulator to determine if a network operator is entitled to a different amount than what has been paid after the authorisation or direction for a network infrastructure project has ceased to have effect. The amendments also allow a reconciliation payment between the scheme financial vehicle and the network operator if an overpayment or underpayment has been made.

The next set of amendments will provide for access scheme functions under the EII Act to be exceptions to part IV of the Commonwealth's Competition and Consumer Act 2010. The EII Act already authorises certain activities in relation to the operation of the Commonwealth Act. The new authorised activities relate to the exercising of functions regarding administering and allocating access rights in an access scheme, including functions exercised by EII Act entities such as the infrastructure planner, Consumer Trustee and any administrator of an access scheme. Those amendments have been proposed out of an abundance of caution. That is to ensure the infrastructure planner and others can deliver and administer access schemes with confidence. The amendment does not apply to those holding, or applying or competing to hold, access rights such as generation and storage proponents.

The application of the Commonwealth Act is imperative to prevent anti-competitive behaviour in tendering for or holding access rights. Amendments are included in the bill that seek to implement an appropriate compliance framework regarding modified National Electricity Rules under the EII Act. The EII Act enables regulations to be made to modify the application of the National Electricity (NSW) Law and the National Electricity Rules in New South Wales for certain purposes. The amendments in the bill seek to ensure that the variety of regulatory and enforcement provisions contained in the National Electricity (NSW) Law apply to modified rules, and to ensure that the Australian Energy Regulator is able to undertake monitoring, investigation and compliance functions as a regulator in respect of modified rules.

The amendments also seek to introduce a new head of power to allow modified rules to prescribe specific civil penalty provisions, as well as the civil penalty amounts that each provision attracts. The amendments will also provide that the Australian Energy Regulator has functions to monitor and investigate the infrastructure planner's compliance with any functions in relation to modified rules. The amendments will also provide that the Australian Energy Regulator may disclose to the Minister information given to the regulator in connection with its functions under the National Electricity (NSW) Law or National Electricity Rules.

The amendments to the EUA Act will enable the Treasurer to direct payments from the Energy Administration Account to the Consolidated Fund, to repay amounts that were originally appropriated from the Consolidated Fund, subject to the concurrence of the Minister responsible for administering the EUA Act and the EII Act. The Energy Administration Account is managed by EnergyCo and is used to fund early works on renewable energy zones and other critical transmission projects before costs can be recovered from consumers. These amendments provide a legislated pathway to enable repayments to be made from the Energy Administration Account to the Consolidated Fund.

The requirement for concurrence of the Minister administering the EUA Act and EII Act ensures that payments do not inadvertently put the delivery of the Electricity Infrastructure Roadmap at risk. I will be keeping an eye on this, Treasurer! The amendments limit the payments that may be directed by the Treasurer to funds that were originally paid from the Consolidated Fund into the Energy Administration Account. This is an important bill that sets a new objective for long-duration storage, which is something that New South Wales is going to need more of in the future. I commend the bill to the House.

Debate adjourned.

24-HOUR ECONOMY LEGISLATION AMENDMENT (VIBRANCY REFORMS) BILL 2024

In Committee

Consideration of the Legislative Assembly amendment.

Schedule of amendment referred to in message of 23 October 2024

No. 1 **Removal of prohibition on live entertainment—Environmental Planning and Assessment Act 1979**

Page 18, Schedule 5.1, proposed clause 1A(2), line 24. Insert "or (4)" after "(g)".

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (16:44): I move:

That the Committee agree to the Legislative Assembly amendment.

The amendment proposed by the other House is a very minor Government amendment. It was proposed in the spirit of providing absolute clarity about what the Parliament is doing for venues. We have been upfront that we are turning off those "no entertainment" clauses. For some venues, compliance with a plan of management is a condition of a development consent. Those clauses may be contained in the plan of management. This amendment clarifies that any relevant provision of the plan of management for a hotel, club or small bar that prohibits live entertainment will also cease to have effect as if it sat in the DA itself. The other requirements of a plan of management, including security, soundproofing, closed windows or doors and other matters, would remain intact. This amendment provides clarity about the original intention of Parliament. I commend the amendment to the Committee.

The CHAIR (The Hon. Rod Roberts): The question is that the Committee agree to the Legislative Assembly amendment.

Motion agreed to.

The Hon. JOHN GRAHAM: I move:

That the Chair do now leave the chair and report that the Committee has agreed to the Legislative Assembly amendment.

Motion agreed to.

Adoption of Report

The Hon. JOHN GRAHAM: I move:

That the report be adopted.

Motion agreed to.

Messages

The Hon. JOHN GRAHAM: I move:

That a message be forwarded to the Legislative Assembly advising it that the Legislative Council agrees to the Assembly's amendment.

Motion agreed to.

RESIDENTIAL TENANCIES AMENDMENT BILL 2024

Second Reading Speech

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (16:47): On behalf of the Hon. Penny Sharpe: I move:

That this bill be now read a second time.

Today the Government is delivering on our commitments to the community and making historic change. When we say we are going to do something, we do it. This is an important moment to reflect and to show our commitment to the people of New South Wales. During the 2023 election campaign, the community made their voices heard loudly and clearly. The campaign took place against the backdrop of escalating rents and record low vacancy rates. People were genuinely angry and frustrated with the rental market and were desperate to find safe and secure places to live. It was against that backdrop that NSW Labor made a clear commitment to champion change for renters.

We heard the community when they told us that the rental market was unfair and that it was broken. They expected the Government to step in and create a system that is compassionate and human, and understands that for many the choice is either renting or some form of homelessness. These changes to the rental laws of New South Wales deliver stability and fairness to renters. They have been a long time coming—too long, in my view. These changes are not the end of the Government's conversation with renters. We are honouring our commitment and compact we made with the people of New South Wales during the last election, but our work to fix the housing and rental crisis is ongoing. We will continue to examine every opportunity and do everything we can to create a housing system that is fair for all. This is my message to every single renter in New South Wales: The New South Wales Government has your back. We care about you and your families and your pets, and we want to make these historic changes to help you lead dignified lives and live in dignified homes. Access to safe, affordable, comfortable housing is a fundamental right, and everyone deserves dignity and respect.

The housing and rental crisis is real. It has touched every single corner of our State. Every suburb, every city, every town is feeling the impact of profound housing unaffordability. It is no longer restricted to dinner party conversations in certain suburbs of inner Sydney. Right across our city and our regions, people are struggling in a rental system that is unaffordable and unstable. They feel desperate and hopeless. They feel like there is no way out. This sense of despair, in my view, is deeply dangerous because there are fundamental concepts on which our social cohesion and stability rest—concepts such as "If you work hard, you will get ahead. You will get a fair go." People are told, "If you put in the effort, if you work hard, you and your family can have a stable life and a stable place to live." But our rental market is such that that fundamental premise of social stability and cohesion is being challenged. That is a dangerous thing and a reason why the Government is acting.

The Government knows that unfair rental laws are delivering this instability. Under those laws, a tenant can be evicted for any reason, at any time; charged hidden fees for paying rent or for invasive background checks; forced to pay two bonds at the same time, leaving them thousands of dollars out of pocket for up to months on end; receive multiple rent increases in a single year; or struggle to find a property that allows pets because they do not want to give up their beloved family dog or cat. When a tenant experiences a dodgy landlord or real estate agent, there are limited ways to report that and to take action. Tenants cannot check if the rent they are being charged is fair and proportionate for the area. The Government is taking steps today to change those unfair laws.

There are millions of renters in our State. In some parts of Sydney there are now more renters than home owners. Those millions of people have a reasonable expectation that the rental market will provide them with safe and secure housing. The reality of our modern housing system is that renting is now a major form of tenure for millions of people, for a long period of time. Renting is no longer just for low-income people, or students and young people who are just starting out on their journey up the housing ladder. Many families with children are renting for long periods of time, and they have an expectation of some stability in that form of tenure. They expect to be able to live close to their place of work. When they enrol their kids in school and connect to a community, they expect that they will not be forced to move out for absolutely no reason.

Confronting the housing crisis is a complicated and, at times, expensive process. Obviously, I want to assure the community that the Government is up for that challenge. The changes in this bill are relatively low-cost and straightforward, but they are extremely important steps to take for the millions of renters in this State. I would be shocked if any member of this Parliament had not heard a story of someone desperately struggling to find a place to live. It is a subject which dominates our emails, phone calls and messages. People are desperately posting messages to community Facebook pages or local area groups seeking advice and help—messages such as, "I've been evicted. I don't have anywhere to go. Can someone take care of my dog? I have to move, and I don't want to give it up. Can someone mind it for a little while?" and "Me and my kids have just been issued an eviction notice. We have three weeks to move out. We can't find anywhere to go."

Similar stories are being told every day. They are compelling and they are real. Those people are the driving force for why this Government has taken this step. The fundamental purpose of this bill is to ban unfair, no-grounds evictions in this State. It is a long-overdue reform. No-grounds evictions are not fair and today we will rule them out. If you are a tenant and you do the right thing—you pay your rent and you keep the place clean—the threat of eviction, for any reason at any time, should not be hanging over your head. There are not a lot of renters in this Parliament. That is a reality. I do not know if there are any renters in this Chamber. There may be a few. The rest of us, who have the privilege and luxury of home ownership, can only imagine what it feels like to enrol your kids in school, to enrol them in a local sporting group, to get involved in your local community, to regularly go to your favourite local café where the barista knows your name, all the while knowing that at any time, for no reason, you could receive an eviction letter in the mail and have to move. That is the deeply unfair reality for millions of families in this State.

Of course, home owners should be entitled to evict a tenant on reasonable grounds—if they are selling the property or wanting to move back into the property themselves, if they are moving a member of their family into

the property, if the tenant is not paying the rent or has damaged the property. In those situations, it is a no-brainer. The reasonable grounds for eviction are clear. They are well understood. They have been negotiated in incredible detail over some period of time. I am prepared to admit that it has taken time to compile that list, but the Government wanted to get it right. It is only fair that an eviction of someone from the place that they live, the security of their home, be on reasonable grounds, and that is a fundamental change we are making.

Through this bill, we are also limiting rent increases to once a year. It is really tough in the rental market right now. The Government knows that. We accept that it is really hard for renters to find an affordable place to live. It is hard for mortgage owners too. We accept that. Mortgages are going up. Interest rates are going up. It is tough out there. The bill provides renters with a little bit of security and clarity, knowing they will only be subject to a rent increase once a year. We are also banning the charging of fees on rent payments. When a rent is set, that should be the amount it costs a tenant to rent that property. It is completely unreasonable for tenants to be given no option other than to pay their rent plus hidden fees and charges. Tenants should be able to make payment of their rent without additional fees being charged. Again, it is not complicated. These are straightforward and reasonable changes.

The bill will also ban the charging of fees for tenant background checks. The cost-of-living crisis is real. It is a significant impost to ask people who are going through the stress of trying to find a place to rent, when they are joining queues of 50 people to view properties, to also fork out for a background check. So we are banning that. Through the bill, we are introducing portable bonds, which is incredibly important. We are also establishing a rental taskforce. We now have the NSW Rental Commissioner in place. These are significant but straightforward changes.

The bill also seeks to make it easier for renters to have a pet. This change is really important and recognises the changing dynamic of the housing market. Landlords will no longer be able to list a property as "No pets allowed". Tenants will have the right to request to keep a pet at the premises. Not every pet will be suitable for every property; we get that. It is straightforward and obvious. The Government will be working with the RSPCA and the NSW Chief Veterinary Officer to establish clear guidelines to allow tenants and landlords to understand the dynamics that might, for example, make a very, very large dog unsuitable for a very, very small studio apartment. Again, it is straightforward. Fundamentally, we must have a system where a tenant can make a reasonable request to keep a pet at a rental property and, if it is refused, reasons need to be provided. That is what is in this bill.

This bill and its reforms are about fairness and recognising that renters are humans—families; parents; kids who want to keep going to the same school as their friends; elderly people who, for a variety of reasons, might have been excluded from the market; people going through divorce. Under the current law, renters can receive an eviction notice for no reason. They might be unable to find a place to live. Those people are living in tents, in cars and in caravans because the rental market has failed them.

There is no suggestion that the bill in and of itself is a silver bullet or an answer to the struggles that millions of people are having in the housing market in New South Wales. There is much more work to do. We have to build more affordable rentals. We have to implement reforms and deliver the social and affordable housing that sits alongside a functional rental market. But this bill is a significant step to make sure that our rental market is delivering the stability and the security that millions of people need. I particularly emphasise one other reason that the changes to no-grounds evictions are so important. Because of how the current rental market works, the possibility of being evicted for any reason at any time has a significant chilling effect on the ability of a tenant to raise very reasonable complaints about repairs and maintenance.

Time and again I have heard about tenants living in completely unacceptable conditions—broken windows, mould, inadequate security systems, unsafe ceilings, floors with holes in them—and thought, "Why doesn't the tenant raise these issues? It is not acceptable for a landlord to keep a property maintained in such a way." The reason the tenant does not raise them is that they fear an eviction notice will come their way the minute they do. It may not be a reasonable fear—they could have a great landlord who would never do that—but the lack of security of tenure means that they are petrified of raising legitimate concerns.

They do not want to be branded as a troublemaker just for asking, "Please can you fix the oven?" or "Please can you fix the window?" or "Please can you fix the back gate?" They do not raise those concerns because they are worried about being evicted. Abolishing no-grounds eviction is not just an important fairness measure; it is an important safety measure because it allows tenants to exercise their rights to a safe home that meets minimum standards without the fear of eviction. That is an important change. Tenants should feel comfortable when requesting much-needed repairs or raising concerns about the safety of their home without the threat of a no-grounds eviction hanging over their head.

The bill is a comprehensive suite of reforms that has been made possible by a Labor Government that heard the voices of renters during the last election campaign, gave a commitment to delivering the reforms and did the work to get them right. We have consulted widely and deeply to deliver a bill that meets the commitment that we gave to the community for greater housing security. If implemented, the bill will provide a major step for millions of people in this State towards a more secure, safe and stable place to live.

Many renters in New South Wales are young people. I say this to them: Do not give up on Sydney, and do not give up on New South Wales. We know it is hard, especially in Sydney. Young people are putting off having babies and starting a family because they are worried about job security. They are thinking, "Is Sydney the place for me?" I believe that it is the place for them. I ask them to not give up on our city or our State because this Government hears them and wants them here. We want to provide stability in the rental market and make this city and this State a better place to live, to start that family and to start that business. We know that there is a way to go on that journey, but this bill is a down payment on our commitment to the next generation that this city and this State is the place for them and we want them here.

I seek leave to have the remainder of my second reading speech incorporated in *Hansard*.

Leave granted.

The changes in this bill will benefit renters and landlords.

Unfortunately, it is all too common for renters and landlords to be pitted against one another. But it does not have to be that way.

A better and fairer rental market benefits everyone.

Clarity and certainty in the laws that apply to renting, and the ability for everyone to have a stable home, will only strengthen our communities.

It may not be possible to please everyone, but we have listened to what people have told us. We have delivered a bill that gets the balance right.

I will now turn to an outline of the key elements of the bill.

The Act already sets out a range of reasons for which a landlord can end a lease – for example, if the renter has breached the lease, or if the landlord has sold the home with vacant possession.

However, currently a landlord can also end a periodic lease or a fixed term lease once that fixed term ends, without giving any reason. This is known as a "no grounds" eviction.

This bill will significantly improve the lives of many renters in New South Wales by making sure there is a valid and justifiable reason for ending any lease.

It will ensure that if a property continues to be offered on the rental market, a renter who is doing the right thing will be able to stay.

It will provide stability to renters while ensuring that landlords who need to regain possession of their property are able to do so.

Importantly, the bill will end no-grounds evictions for both fixed term and periodic leases.

The bill replaces sections 84 and 85 of the Residential Tenancies Act with new grounds for termination.

The new termination grounds in sections 87E to 87M are as follows:

- the property will be offered for sale with vacant possession,
- the property will no longer be used as rented residential premises for at least 12 months,
- the landlord or a member of their family will live in the property for at least six months,
- the property will undergo significant renovation or repair that requires the property to be vacant and the works are planned to commence within two months,
- the property will be demolished and the works are planned to commence within two months,
- the tenancy is part of an employee or caretaker agreement that has ended,
- the property is purpose-built student accommodation and the renter is no longer a student,
- the renter is no longer eligible for a subsidised affordable accommodation program or for transitional housing, and
- the property is part of a key worker housing program and is needed to house a key worker.

These grounds were developed in response to feedback received through extensive consultation and will ensure landlords who genuinely need to end a lease and regain possession of their property are able to do so.

It should be noted that this bill does not remove a landlord's ability to evict a renter who has breached their tenancy agreement.

Landlords will still be able to end a tenancy if a renter does not pay their rent, seriously damages the property, uses the premises for an illegal activity or seriously or persistently threatens or abuses the landlord, their agent or contractors.

The new grounds recognise that landlords may wish to use a property for a different purpose for a period of time, prepare it for sale, renovate the property or house a family member.

The Government recognises that these are all legitimate reasons for a landlord to end a tenancy.

Some of the grounds have specific requirements built into them to ensure that tenants are not being evicted unnecessarily.

For example, if a landlord is terminating on the basis that the property will undergo renovation or repair works, the works must be planned to commence within two months of the termination.

This will prevent tenants being evicted for a renovation that may be planned to commence in 12 months' time.

Further, this ground cannot be used when the landlord is subject to an order from Fair Trading or the tribunal to fix damage or disrepair caused by a breach of the landlord's obligation to maintain the premises in a reasonable state of repair.

This will prevent a landlord deliberately allowing a property to fall into disrepair and then evicting the renter.

For the vast majority of landlords, the new grounds in the bill will be seen as reasonable and sensible.

The Government maintains that the new grounds could only be viewed as problematic by the minority of landlords and agents who do not want to do the right thing.

We have always strived to balance the needs of landlords with the rights of renters to have a secure home. The bill before the House achieves that balance.

Along with the new termination grounds, the bill also introduces a range of supporting measures which will guard against misuse of the termination provisions and give the community confidence that the laws are being adhered to.

Exclusion periods will apply for each termination ground. This is a period after the termination within which the property cannot be relet on the tenancy market, and penalties will apply for a breach.

The aim of the exclusion period is to deter misuse of the termination grounds. For example, the exclusion period will prevent a landlord from simply terminating a tenancy under the guise of moving into the property themselves, only to put it back on the rental market soon after.

The exclusion periods are different for each ground and reflect the period within which the property would not be expected to be back on the tenancy market if the termination for that ground was genuine.

For example, if the termination is on the basis that the property is being prepared for sale, it will not be able to be relet for six months.

To protect agents from unknowingly breaching an exclusion period, section 87 also requires landlords to tell agents about a tenancy exclusion period applying to a premises.

It also specifies that an agent will not be in breach of an exclusion period requirement if they were not aware, and could not reasonably have found out, that an exclusion period was in place.

The Government recognises that the landlord's circumstances may change. For example, they may not be able to sell the property, or planned renovation work may not be able to proceed for circumstances beyond the landlord's control.

In these situations the landlord can apply to the secretary for an exemption from the reletting exclusion period. The secretary will assess whether the landlord is genuinely unable to proceed with the plans that led to the termination and can grant an exemption that will enable the property to be relet.

Evidence will be required to guard against the misuse of termination grounds. The new section 85 allows the regulations to require supporting documents or information that must accompany a termination notice.

The requirement to provide evidence will deter landlords or agents from using a termination ground that is not genuine, and will provide renters with confidence that the termination provisions are being used appropriately.

Offence provisions will also guard against misuse of termination grounds.

Section 85 makes it an offence to provide false or misleading documents or information when giving a termination notice.

Section 86 also makes it an offence to give a termination notice on a ground that is not genuine.

It will be a defence if the landlord or agent could not have known that a ground for giving a termination notice was not genuine, or that the supporting information was false or misleading.

Significant penalties apply for these offences: 100 penalty units—or \$11,000—for an individual and 650 penalty units—or \$71,500—for businesses.

Along with the new grounds for termination, the bill provides for an extension of the existing notice periods for termination of fixed term leases, while retaining the 90-day notice period that currently applies to periodic leases.

For all of the new termination grounds, the notice period for terminating a fixed term lease is 60 days if the lease is for six months or less and 90 days if it is for longer than six months.

These longer notice periods will provide renters with much needed additional time to find a new home.

However, we have listened to feedback highlighting that longer notice periods for renters are only useful if the renter does not have to pay double rent for an extended period.

Currently, if a renter under a fixed term lease finds a new home, this does not change their liability to pay rent until the end of the fixed term.

If they make use of the longer notice period and secure a tenancy in a new home early in the notice period, this could leave them paying double rent for a longer period.

They could break their lease but this risks paying a break fee and possibly receiving a bad reference.

For this reason, the bill proposes at section 110 that a renter under a fixed term agreement who has received a termination notice may give the landlord an "early exit notice" that allows them to leave the tenancy with 14 days' notice.

The renter who leaves after the 14 days has elapsed is not liable to pay rent after that time.

The changes to end no-grounds terminations will apply to all rental agreements, including those that commenced before the changes come into effect. This will ensure that all renters are able to benefit from these new protections.

The reforms to end no-grounds terminations are sensible and they are balanced.

Limiting the reasons for evictions to these grounds will improve certainty for renters and provide them with confidence to raise problems with their landlord without fear of a no-grounds eviction.

At the same time, the changes acknowledge that the property is a financial investment for the landlord and that changing financial or life circumstances may mean that the landlord needs to change how the property is used.

I now turn to the changes in the bill to make it easier for renters to keep a pet.

Currently in New South Wales, landlords can refuse permission for any pet in a rental property, unless it is an assistance animal such as a guide dog.

The landlord does not have to justify or give any reason for their refusal and a renter who keeps a pet at a property without the landlord's approval may be in breach of their lease.

The Government recognises that pets provide profound emotional and psychological benefits, with studies consistently showing that pet ownership can reduce stress, combat loneliness and promote overall mental health.

We know pets form part of the modern family.

A recent analysis by *The Sydney Morning Herald* found that of Greater Sydney's 34 local council areas, 16 have more dogs than children aged under 15 years.

The same analysis showed cats outnumbered children in the City of Sydney and the Inner West, while Woollahra has 1.1 cats per child.

In a world where many face isolation, including in rental settings, changes that support the keeping of pets in rental homes will foster a greater sense of belonging and wellbeing for renters.

We went to the election promising to make it easier for renters to keep pets in a rental home.

Consistent with our broad reform agenda, the reforms in this bill relating to pets are sensible and balanced.

Our approach values the rights of renters to make their property into a home while also recognising a landlord's right to manage their investment.

Schedule 1 [9] inserts a new division 8 which relates to the keeping of pets.

Section 73B provides that renters who have entered into a residential tenancy agreement are still required to seek a landlord's consent to keep a pet in their home, other than for an assistance animal.

A consistent process for applying for this consent from the landlord is set out in sections 73C and 73D.

The application for consent must be made in the form approved by the Secretary of the Department of Customer Service. This is to provide a simple process for renters and to ensure they are not sharing more information than necessary.

The application must also be made jointly by all co-tenants as keeping an animal will likely impact everyone living at the premises.

The landlord's response to the request must also be in a form approved by the secretary. This means less guesswork for landlords and agents and digestible information for renters.

Section 73D outlines the landlord's obligation to respond to an application within 21 days.

They must either grant consent, with or without conditions attached, or refuse consent on one or more of the prescribed grounds for refusal.

The 21-day time frame provides adequate time for the landlord's consideration and response. If a landlord does not respond within the 21-day time frame, consent is automatically assumed. This is necessary to prevent renters from being left in limbo or waiting too long for a response.

If consent is refused, the landlord must provide the reasons for refusal and outline why the landlord considers that the ground for refusal applies.

This will provide transparency for the renter and support an application for dispute resolution between the parties if required.

If the consent is granted subject to reasonable conditions, the landlord is required to include these conditions in their response, which would then form part of the terms of the residential tenancy agreement if accepted by the renter.

The Government understands that some landlords may have genuine reasons to refuse a pet.

Section 73F lists the reasons for which the landlord may refuse a renter's request to keep a pet. These reasons are that:

- keeping the animal would result in an unreasonable number of animals being kept at the premises,
- the premises are unsuitable for keeping the animal because the fencing is not appropriate, there is insufficient open space or the nature of the premises means the animal could not be kept humanely,
- keeping the animal is likely to cause damage that would cost more to repair than the amount of the rental bond,

- the landlord lives in the premises and does not want to live with the pet,
- keeping the pet would break another law, a local council order, a strata scheme by-law or community rule, or
- the tenant has not agreed to a reasonable condition imposed by the landlord.

The bill allows further detail on the grounds for refusal to be provided in the regulations, including by clarifying or defining terms used in the grounds.

To provide flexibility for different situations, section 73E also allows a landlord to consent to a pet subject to reasonable conditions.

Section 73E specifies some conditions that are considered reasonable, for example, requiring an animal to stay outside if it is the kind of animal not normally kept inside, such as a chicken.

Other conditions that would be reasonable to include are conditions that require the renter, at the end of the tenancy, to undertake professional carpet cleaning if it is reasonable for the type of animal and the premises, and have the property fumigated if the animal is a mammal.

Section 73G provides an avenue for a renter to appeal to the tribunal against a landlord's refusal to give permission to keep a pet.

The renter can appeal if they believe the landlord's reason for refusing consent is not applicable to their case or the conditions the landlord has proposed are unreasonable.

The tribunal must dismiss a renter's appeal if satisfied that the grounds for refusal are applicable or the conditions are reasonable.

Alternatively, if the tribunal is not satisfied that the grounds for refusal are applicable, the tribunal must make an order allowing the renter to keep the animal and may make the order subject to conditions.

If the tribunal considers a condition proposed by the landlord is unreasonable the tribunal can remove, vary or substitute a condition.

As with the changes to end no-grounds evictions, the changes to the rules about keeping pets will apply to all tenancy agreements, including those entered into before the changes commence.

Any consent to keep a pet that is already in place will not need to be applied for again but will become a consent under the new laws.

The changes I have outlined will make it easier for renters to keep pets in their homes. They are balanced reforms which recognise the interests of both landlords and renters and provide simple commonsense reasons for refusing a pet.

By making it easier for renters to keep pets, we recognise the many benefits that pets bring and that pets can help renters to turn their house into a home.

I now turn to the remaining provisions in the bill which will make renting in New South Wales fairer, simpler and more affordable.

Currently, under sections 41 and 42 of the Act, a landlord is prohibited from increasing rent more than once in 12 months if a renter has a periodic lease or a fixed term lease of two years or more.

However, this protection does not apply to fixed term leases of less than two years, or when there is a change in the type of lease.

This means that in some scenarios, a landlord could increase the rent several times in 12 months.

We think it is unfair for renters to be subjected to frequent rental increases.

Predictability and certainty is important so that households and families can plan ahead and know what their costs will be.

To address this, the bill will broaden the protection against rent increasing more than once in a 12 month period to all types of leases, including fixed-term leases of less than two years.

Successive leases between the same parties will be treated as a single agreement, so that as long as one renter remains the same in successive leases the rent will not be able to be increased more than once in 12 months.

These changes will align New South Wales laws with the National Cabinet's Better Deal for Renters Agreement.

The changes will apply to all leases except those fixed term leases of less than two years which are already in effect.

These leases will be allowed to run until their term is expired, but all new fixed term leases will be subject to the rent increase protection.

In another reform that will save renters money, the bill will ensure that renters can pay their rent conveniently and without additional cost.

The Act currently requires landlords to offer renters a payment method that is free and "reasonably available".

While this requirement should be uncontroversial, we have heard time and time again that renters are offered inconvenient payment methods as the only free way to pay their rent.

It is not practical or fair to ask renters to find time each rent cycle to visit their post office or an agent's office during work hours when other free alternatives are available.

Complaints to Fair Trading indicate that offering these inconvenient methods means renters are forced into paying their rent using more convenient options that incur a fee, such as through a rental app.

These methods often streamline administration for agents but at a cost to the renter, such as an administration fee.

When paying rent via an app, a renter may also be required to provide more of their personal information than they would otherwise agree to give.

It also undermines the prohibition on landlords and real estate agents requiring renters to use a particular service or business. Schedule 1 [3] to the bill moves this prohibition from clause 5 of the regulation into the Act to provide clarity about this requirement.

The bill requires a landlord to offer renters the choice of using electronic bank transfer and Centrepay to pay their rent.

The landlord is also required to ensure they enable the payment by whatever method is chosen by the renter.

This section also prohibits a landlord from charging any fees or passing on costs incurred by the landlord or the landlord's agent to the tenant.

Consistent with the current Act, the bill does not prevent landlords from accepting other forms of payment for rent such as cash, cheque, or payment through an app—so long as the renter and landlord both agree for rent to be paid this way.

The method of payment may not be changed without agreement from both parties.

The bill increases the penalty for breach of the requirement to offer a free method of payment.

The penalty has been increased as NSW Fair Trading has found that the existing penalty is not significant enough to prevent agents from restricting renters' ability to choose a genuinely free and convenient rent payment method.

The final reform will clarify that tenants cannot be asked to pay for background checks.

The Act currently prohibits a landlord, agent or other person from requiring or accepting payments from a renter, other than a holding fee, rent, a rental bond, and an amount to cover any fee payable for registration of a tenancy agreement.

Despite this provision, Fair Trading has heard several complaints about renters being asked or encouraged to pay for background checks.

We know that renting and moving are already costly endeavours, and renters should not be burdened with additional, unnecessary expenses.

The bill will clarify that the prohibition on being asked to pay for background checks applies to all prospective renters regardless of whether they eventually enter into a residential tenancy agreement. A breach of this provision will be an offence.

Finally, the bill will appoint the NSW Rental Commissioner as a permanent member of the Rental Bond Board.

This aligns with the commissioner's role in advising the Government on rental issues and working with both Government and community to protect renters and rebalance the rental market.

This bill is a significant step forward in implementing the Minns Labor Government's commitment to creating a modern, fair rental system in New South Wales.

Over the past 18 months, the Government has taken significant steps to provide greater balance in the rental market.

We appointed the State's first Rental Commissioner in Ms Trina Jones, who is a tireless advocate for renters.

We passed legislation to close a loophole and put a stop to solicited rent bidding as well as lay the groundwork for the nation's first Portable Rental Bond Scheme.

The scheme will be a game changer for renters who will be able to save thousands of dollars by transferring their bond between rental properties.

We have invested \$8.4 million in a new Rental Taskforce as part of this year's budget with inspectors and support teams to help renters and act on serious breaches of rental laws.

We launched a new, free Rent Check website to make it easier for renters to check whether the rent they are being asked for is fair.

The reforms in the bill before the House are the most important building blocks for improving the lives of the more than 2.2 million people across the State who rent.

They will also provide clarity and certainty for everyone, and help renters create stable homes.

I would like to thank all the members of the community who participated in the consultation on these reforms, and all stakeholders representing renters, landlords, agents and others who provided input and advice to help the Government develop these reforms.

Their insights, contributions and collaboration give me confidence that together we can improve the rental system for both renters and landlords.

In the months to come, I look forward to bringing further bills to this Parliament to implement the remainder of our commitments and continue this important work.

I commend the bill to the House.

Second Reading Debate

The Hon. SCOTT FARLOW (17:03): I lead for the Opposition in debate on the Residential Tenancies Amendment Bill 2024. I acknowledge the shadow Minister in the other place, Tim James, the member for Willoughby. I foreshadow that the Opposition will move one amendment during the Committee stage. We are conscious that the reforms have taken a long time to come—far too long—under Labor, and this bill fails to address the most fundamental issue in the rental market, the shortage of housing supply. During Labor's 18 months in power, rents in Greater Sydney have increased by more than 13 per cent. The proportion of rental housing accessible to a median-income earner in New South Wales has dropped from 35 per cent in 2022-23 to 28 per cent

in 2023-24. By contrast, the Liberal-Nationals Government achieved a record high proportion of 48 per cent in 2020-21.

New South Wales renters have been let down by a government that has delayed delivering the bulk of its rental reform commitments. While the bill introduces several provisions designed to offer clarity and protection to tenants, it does nothing to address the most significant issue facing the rental market today, and that is supply. The bill does nothing to alleviate the pressures caused by supply constraints. The one million renting households in New South Wales deserve and expect better from the Minns Labor Government. The Parliament has heard that there are around 30,000 no-grounds evictions each year. Most evictions—about 60 per cent—are made with valid grounds. Property owners do not evict for no reason; it costs them financially to evict a tenant. Having been both a tenant and a landlord, I can appreciate that. About 3 per cent of the market is affected by no-grounds evictions yet the bill introduces a significant shift in tenancy laws by abolishing no-grounds evictions for both fixed-term and periodic leases.

Under the bill property owners will be required to provide a prescribed reason for terminating a tenancy. The prescribed grounds include a breach of the tenancy agreement; sale of the premises; significant renovation, repairs or demolition; the tenant no longer being eligible, such as in affordable housing schemes, student accommodation or key worker accommodation; the premises no longer being used as rented residential premises; the property owner or their family wishing to reside at the premises; or the premises having been tied to employment and the employment being terminated.

While the changes provide tenants with greater security, they introduce new complexities for property investors, who rely on flexibility to manage their assets. Limiting the ability of property owners to terminate tenancies could disincentivise investment in the rental market, particularly when we desperately need more rental housing stock. We have already seen the same issues arise in other jurisdictions where similar policies have been introduced. Without a careful balance, we risk worsening the rental crisis rather than alleviating it. For those reasons and more, the Opposition will move to amend the bill to uphold what is a fixed-term tenancy, to reflect certainty of contract and to recognise private property rights. A fixed-term tenancy is a contract between two parties, entering into it with eyes wide open and with clarity and certainty. They have agreed on terms, including a time frame, and a legislated, prescribed reason should not be a strict legal obligation to end such a mutually binding contract.

Moving on, the bill introduces limitations on rent increases, mandating that rent can only be increased once every 12 months for both fixed-term and periodic leases. While that provides predictability for tenants, it does not solve the core issue of affordability. Rent prices are rising because demand outstrips supply and unless the Government makes a concerted effort to increase housing stock, rents will continue to climb. On the demand side, we have seen the role that immigration has played in terms of increasing demand in our rental market in particular. In that sense the bill offers a temporary fix to a long-term problem that can only be solved by addressing supply shortages.

The bill also includes provisions on pet ownership, allowing tenants to request permission to keep pets, with property owners required to respond within 21 days. While allowing pets can improve tenants' quality of life, we must ensure that the new rules do not place an undue burden on property owners. Property maintenance and suitability for pet ownership are concerns, especially where strata by-laws or other regulations apply. Overall, through the feedback from stakeholders, a reasonable balance has been found on pets in rentals but it has taken a long time. The issue was the subject of deep, wide and successful consultation over two years ago, when the Coalition was in government. It was only that we lost government and could not act on the need for reform. I thank the RSPCA for its input on these provisions.

Another aspect of the bill is the provision to enable a rental bond rollover scheme, which seeks to ease the financial strain on tenants moving from one property to another. While the Opposition supports the initiative in principle, we remain cautious about the practical implementation of such a scheme and wait to see the detail of this long-promised reform. It is taking too long. The bill also introduces reforms, which are broadly supported across the Parliament, aimed at reducing financial burdens on tenants. It mandates that tenants must have access to at least one fee-free method of paying rent, such as through bank transfer or Centrepay, ensuring that tenants are not penalised with additional costs just for making basic rent payments.

An additional reform prohibits landlords and agents from charging tenants for background checks during the application process. It eliminates unnecessary financial hurdles for prospective renters and promotes a more equitable system where tenants are not burdened with extra fees. Together, those measures offer practical solutions to ease financial pressures on tenants and improve the overall fairness of the rental market. We have consulted widely with stakeholders across the rental and housing sectors, including with the Tenants' Union and other tenants' groups, the Real Estate Institute of New South Wales, the Property Council, the Student Accommodation Council, the Property Investors Council of Australia, the Property Owners Association of NSW and the Property

Investment Professionals of Australia. The shadow building Minister has also engaged with many stakeholders, particularly on the tenants' side of the market, through two select committees of the Legislative Assembly in the past year. He thanks all stakeholders who have been engaged in the process.

I refer to particular concerns that stakeholders have raised. The Student Accommodation Council highlighted challenges faced in fixed-term leases, especially given its alignment with academic schedules. The council is seeking a carve-out that recognises the unique nature of purpose-built student accommodation. That is a sensible proposition because purpose-built student accommodation is different in many ways. It serves a big strategic sector and is worthy of a targeted legislative approach. As I consider the scope of the bill, I reiterate that housing supply is the key driver of the rental crisis. There is the demand aspect to consider as well.

The Opposition remains committed to tackling the issue with a focus on supply-side reforms. In the lead-up to the last election, the Opposition outlined several initiatives aimed at addressing rental pressures, including moving to a reasonable-grounds model for evictions during periodic leases, extending notice periods for the end of fixed-term leases from 30 to 45 days and introducing a new, optional standard lease agreement for three- and five-year terms to promote longer term leasing—something that should be explored and incentivised in policy terms. I encourage the Government to take up that initiative. The Opposition also proposed a rental bond rollover scheme and strengthened privacy protections around tenants' information.

Additionally, the Opposition acted to prohibit solicited rent bidding, implemented the First Home Buyer Choice initiative and committed to planning reforms to increase housing supply. Had those measures been fully implemented and maintained, they would have delivered real change to the housing and rental market. Unlike those opposite, the Coalition would not have needed nearly two years to act. Its policies—for instance, the longer term lease models, which are used well and widely in Europe—would have benefited both property owners and tenants, yet the Minns Labor Government has missed that particular opportunity in the legislation before us today.

Lastly, it is concerning that the Minns Labor Government has failed to stand up to the Albanese Government to address immigration and inflationary pressures affecting New South Wales. As the Premier stated, 37 per cent of the 500,000 migrants coming into Australia settle in New South Wales. I should clarify that is 500,000 each year, with one million over the past two years. That adds further strain to an already struggling housing market. There is a net population growth of more than 15,000 people per month, which is why so many people are struggling in the rental market today. Despite the increase in population, the number of rental properties available in New South Wales is declining. Data from the Rental Bond Board shows that, as of 28 February 2024, there were 969,441 rental bonds held, which had decreased to 968,274 by 31 August 2024. It highlights a worrying trend. An increasing population alongside a decreasing number of available rental properties is placing further pressure on an already tight housing market. That is why getting the balance of reforms right is important. It is a delicate balance.

I thank the Minister for Building, the Minister for Housing and their teams for their efforts in crafting the bill and for engaging with the shadow Minister, the member for Willoughby, and his team. I thank all stakeholders who engaged on the bill, including those that I listed. I take the opportunity to acknowledge former Minister Victor Dominello, who did so much in this space, together with then Premier Dominic Perrottet and former Minister Kevin Anderson and his team. They worked hard to improve the rental market and, in many instances, laid the groundwork for the reforms before us today. I commend the bill to the House.

The Hon. EMMA HURST (17:13): On behalf of the Animal Justice Party, I speak in debate on the Residential Tenancies Amendment Bill 2024. I note from the outset that the bill introduces important and long overdue reforms regarding no-grounds evictions. All renters deserve the right to safe, secure and stable accommodation. Nobody should have to live under the fear that they may be kicked out of their home at any time, for any reason. No-grounds evictions have been the status quo in New South Wales for far too long, and I am glad to see this Government is finally fulfilling its election commitment in that regard. However, when it comes to the Government's other, equally important, election commitment to ensure that people with animals are able to secure rental accommodation, the bill represents a shocking failure.

It is clear that Labor has failed to uphold its election commitment to ensure that people with animals can enter the rental market. It is deeply disappointing, particularly for people with animals who are attempting to leave violence, for people with animals who are experiencing homelessness and for the overrun pounds and shelters that have seen a dramatic increase in the number of animals surrendered, with one of the primary causes being the inability to find rental accommodation with animals. The bill will do nothing to help those groups. In fact, it will likely make the situation worse.

I understand that the agreement was that to get no-grounds evictions through, the issue of companion animals in rentals was sacrificed. It always feels like the animal issues are the ones sacrificed. However, it has huge effects outside of failing base-level animal welfare. It fails to recognise the bond that humans have with

animals. It fails to recognise that an elderly person living alone may avoid loneliness because of animal companionship. It fails to recognise that children who grow up in violent or neglectful homes often find friendship and stability in an animal. It fails to recognise that animals are valued in society in so many ways and that, by watering down reforms to make New South Wales an easier place to rent with animals, the Government has failed both humans and animals.

This Parliament has felt like a lonely place in fighting on behalf of people trying to leave violence and pushing to help create laws that will address the pound and rehoming crisis that was clearly identified in the recent upper House inquiry into pounds. I am sorry to all those who will be affected by the failure to introduce reforms in that space. I want them to know that the Animal Justice Party fought hard for genuine reforms. My team has worked around the clock to try to get somewhere with this. Unfortunately, the Labor Government has not come on board with the important amendments to the bill to ensure that it works and, in failing to do so, has ignored domestic violence survivors, those in the rehoming space and the many organisations that have fought for proper reforms in the space for so long.

Finding a rental property that allows animals is almost impossible because New South Wales tenancy laws give landlords complete power to refuse to allow tenants to have animals at their rental property. As I said, it is preventing victim-survivors of domestic violence from leaving violent situations because they cannot find rental housing for them and their animal companions. It is leading to people becoming houseless because they would rather sleep rough or couch surf than be separated from their animal family member. It is stopping people from adopting or fostering animals from overrun animal rescue groups. It is causing animals to be abandoned and surrendered, who are in turn ending up on kill lists in council pounds. The bill was meant to fix that massive problem but, sadly, the legislation before us is so weak that it will do nothing to help those vulnerable people and animals.

Importantly, 70 per cent of people delay leaving violent situations because they cannot find accommodation with their animals. I have spoken about that a lot in this House, and there was support across this Chamber for recognising that animals are used in coercive control. Victim-survivors will not leave animals behind because the safety of their animals will become a huge risk. Over the past few years, there have been many stories of animals being killed and survivors being told that it was their fault for leaving. I have heard more of those stories than I dare to think about. I share one of those stories now. I spoke with the friend of a woman who was killed by domestic violence recently. She had a small dog. She had attempted to leave violence in the past, but it was already so difficult to do with limited resources and the control that her abusive partner had. Add to that a nearly impossible rental market, with no rentals allowing pets, and she simply could not leave. Her dog was killed a few weeks before she was killed.

It is a hard day for me, being a survivor of domestic violence, to see members of this place turn their backs on those trying to leave violence and find rental accommodation. The failure of the legislation to open the door for people means that more people will die in violent homes and more animals will become victims of violence. I do not say this lightly, but it is why we have pushed so hard for so long to get the bill right. There are no words, other than to say that for each future victim that is killed, I will bring their story to Parliament until the laws are changed properly. I will not let it end here, because we simply cannot.

I explain why the bill is so problematic. I have repeatedly said that the key to successful legislative reform in the space is to ensure that having animals in rentals becomes the default and not the exception. The way to achieve that is to follow the model adopted by the Labor Government in Victoria, which places the onus on the landlord—the person with the power and resources—to apply to the tribunal if they do not want to allow an animal in their rental property. Otherwise, the animal will be allowed by default. The model has been successful in Victoria and is supported by the majority of people in New South Wales: A survey of 23,000 people conducted by the former Coalition Government showed that 83 per cent wanted to follow the Victorian model. That support was from not just tenants or even the general public; the survey showed even the majority of landlords also supported the approach.

It is not just Victoria that has got it right; most other States and Territories follow that model, which is robust and protects tenants and people trying to leave violence. So why are we choosing to follow the law in Queensland, where we know and have seen that these laws have monumentally failed? Why has the New South Wales Government chosen to implement a model that fails to protect the most vulnerable? Rather than following the model that places the onus on landlords, the New South Wales Government has introduced a bill that gives enormous latitude to landlords to refuse to allow animals in rentals, without any requirement to prove their reasons are valid or accurate. The model puts the onus entirely on the vulnerable tenant to apply to the tribunal if they want to challenge the landlord's decision.

Reasons for refusal are so broad—they include aspects such as the amount of so-called open space or the number of animals being too high. How many animals is too many animals? To some people, two cats may be

considered too many animals. It could be argued that my apartment does not have adequate open space. It is ludicrous to think that an unqualified member of the public can make those calls on animal welfare matters, or that a guideline that is not yet written—so this House has no idea what it contains—can fix any of this. We are voting blindly on promises that have already been broken. The bill also gives incredibly broad powers for a landlord to impose conditions on the keeping of animals in rentals, including that the animal must be kept outside and that the tenant must pay for carpets to be professionally cleaned or to have the premises professionally fumigated, regardless of whether any damage has actually been caused.

How did we end up with a bill that so completely misses the mark? Over the past weeks and months, key stakeholders such as the Tenants' Union of NSW, the RSPCA, the Animal Welfare League, the Cat Protection Society of NSW and Lucy's Project have engaged with the New South Wales Government in good faith over a draft "animals in rentals" bill, which is drastically different to the one before the House today. I was also briefed on the draft bill by Minister Chanthivong and the Rental Commissioner. While not perfect, it seemed to be going in the right direction. Then, all of a sudden, a bill that looks entirely different is introduced to the Parliament. That version of the bill has not been subject to any genuine consultation. It does not have support from the animal protection or tenants' rights sectors or from the public, who will be furious when they realise that they have been duped about Labor's election commitment on animals in rentals.

I remind members of the House that almost 70 per cent of Australian households share their homes with an animal. That is an enormous number of people who currently find it incredibly difficult to access rental housing. They will continue to do so after the bill passes because of the incredibly weak reforms put forward by the Labor Government. Ending no-grounds evictions will not help them either. The changes to the law will be meaningless to them because it is still going to remain virtually impossible for them to find rental housing with animals in the first place. In States like Victoria, where laws have been introduced that place the onus on the landlord, I am told there has been an entire culture shift around having animals in rentals. It has become much easier to rent with animals. That means that, when people are trying to enter the rental market, there is no longer a bias against those who already have animals. There is no point preferring someone without an animal because that person may easily apply to have an animal at any point in the tenancy. The right to have an animal in a rental is well and truly enshrined in those States.

There has been some suggestion from the Government that we can deal with the issue in the next tranche of reforms by ensuring that having an animal does not need to be declared in a rental application. Such suggestions show a complete failure to understand the situation and how it would relate to the reforms on the table. Omitting the requirement to disclose an animal on a rental application would only be a positive reform if the legislation was following the Victorian model. Under the model the New South Wales Government is proposing, potential tenants could apply for the rental and not declare any animals but would then have to apply to have the animal once they get the rental.

They would then need to wait 21 days for approval, before spending three months at the tribunal attempting to fight any one of the very vague reasons landlords can choose to refuse an animal, which are open to interpretation. If the tenant has the animal in the property during any of that time, they are of course in breach of their lease. If they are refused after all that time, they then have to break their rental agreement and start the process again at another rental, which is probably not the sort of financial situation most people are in during a cost-of-living crisis or if they are leaving violence. It simply does not work.

The bill is an enormous disappointment from the New South Wales Government and a betrayal of its election commitment. I foreshadow that I will move a series of amendments to try to fix the bill at the Committee stage. I understand that one smaller amendment will be agreed to, and I thank the Government and Opposition for working with me and my team on that amendment. However, I also understand that the Government and the Opposition will vote against most of the very important amendments designed to ensure that the bill works and protects people trying to leave violence. I therefore cannot support the bill in good conscience and will continue to fight to ensure that rentals in New South Wales one day become genuinely companion animal friendly. I will continue to call on the Government to fulfil its election commitment to the people of New South Wales and to people with animals who are trying to flee violence.

Ms ABIGAIL BOYD (17:29): On behalf of The Greens, I support the Residential Tenancies Amendment Bill 2024. At long last, we are pleased to finally see the end of no-grounds evictions in New South Wales. That reform does most of the heavy lifting in this bill. I acknowledge my colleague the member for Newtown, Jenny Leong, who is in the gallery for the debate. I remember the first time I met Jenny at a Greens State delegate committee meeting—I know that the members of the House love it when I talk about Greens procedures! She was putting on a workshop for members about rental reforms in 2016. I recall a list of 10 things that she and her office had worked up into a policy initiative. Ending no-grounds evictions was one of the main things, as well as finally

getting some form of equality between owners and tenants when it comes to pets in rentals. I will talk a bit more about that later. The point is that these reforms have been Greens policy for a long time.

We have worked with stakeholders to try to push for reforms for a very long time. As is the case for a lot of the reforms that we put forward, we get told that we are being radical or socialist or whatever it happens to be, but those reforms then find their way into major party policy. It is a bit of a bittersweet moment to see it being adopted today. It is a really important reform and we thoroughly celebrate its arrival. That excitement is coloured by our knowledge of the deep sadness and frustration of the countless people who, in the meantime, have had their lives up-ended, their connections to community shattered and their financial wellbeing thrown into disarray as a result of predatory and unfair actions of landlords, which were undertaken under the protection of the law for so many years when it could have been changed a long time ago.

The unfair power dynamic has resulted in more than 28,000 renters in New South Wales being booted from their homes every year without a reason. For many others, the looming threat is sufficient to prevent them from requesting basic maintenance or repairs. That results in people living in squalid conditions, in mould-ridden homes, in properties that fail to meet accessibility requirements and in countless other inappropriate and dangerous circumstances. This reform will help deliver some small measure of security and stability to the tenants of this State, who have, for too long, been denied the dignity and safety they deserve.

The bill also requires landlords to offer tenants a free and convenient way to pay rent; limits the frequency of rent increases for all lease types to no more than one every 12 months; appoints the NSW Rental Commissioner to the Rental Bond Board; and clarifies that limits apply to the amounts a prospective tenant can be required to pay before a residential tenancy agreement begins. We are happy to support those reforms. I put on record again my gratitude to my colleague Jenny Leong, who led for The Greens in negotiating our position with the Government. I will not repeat the incredibly fair and well-reasoned comments she made about the bill in the other place. Through those negotiations, we successfully inserted a statutory review into the provisions of the Act, to ensure that the policy objectives remain valid. It is a clear and important admission that the process of reform to make the rental market a bit more fair is far from over.

Unfortunately, amendments put forward by The Greens that were not supported by the Government include closing clear loopholes identified by the Tenants' Union and others with regard to the ban on no-grounds evictions. Those amendments put forward by my colleague, and not agreed to by the Government or Opposition, included ensuring that there was a hard deadline for the implementation of the reforms. We also sought to introduce provisions for compensation for tenants. The bill makes provision for penalties for landlords that game the system and fudge certain evidence, but the bill has no scope for compensation to tenants, who are the ones who will suffer at the hands of a dodgy landlord. That leaves us in the unenviable position of the State potentially profiting off the misery of tenants.

Importantly, The Greens also sought to require a landlord, when seeking to evict a tenant, to provide evidence backing up their assertion of the reasonableness of their decision to evict. As the bill is currently drafted, one could easily imagine a situation where a landlord claims that they are going to sell the property or move their family in, or uses any of the other justifications provided to them under the legislation. Then, when the tenant has been successfully evicted, they can "change their mind" or say their circumstances have changed. All of a sudden, they are readvertising the tenancy, probably at an even more inflated rate. Unfortunately, we were unsuccessful with that amendment as well, but I acknowledge the Minister's response in the other place that the intention is that some evidence be provided and that there are compensation pathways available through NSW Civil and Administrative Tribunal for those renters with the wherewithal and resources to pursue them.

We also moved amendments that would have removed the inclusion of the proposed sale of a residential premises as a specific ground for termination. That position has consistently been Greens policy, based as it is on the simple principle that a house is a home and not simply a rent-accruing investment to be liquidated whenever it suits the owner. But, more technically, it is unclear at what stage the sale of a property is so-called "proposed". The Greens moved a bill that would have made that exclusion clear, and the provisions of that bill were thoroughly interrogated through a parliamentary inquiry. In its submission to the inquiry, Shelter NSW was adamant that the preparation for sale, as opposed to the actual sale, is not good enough to evict a household of any type, highlighting existing provisions in the Act that enable termination if vacant possession is required at the time of sale. Shelter NSW went on to explain that evicting tenants on the basis of an intended sale:

... reduces the utilisation of existing housing stock, results in unnecessary forced moves (as the property may be sold to a residential investor who would have happily retained the tenants), and opens more possibilities for fraudulent terminations.

The inconvenience to a landlord or selling agent of having to navigate home viewings and interior decorations around the incumbent household must not win out over the inconvenience to the incumbent household of being evicted (potentially into homelessness).

The Greens agree with that analysis. We share its position that a ground that does not require actual sale and the premises to be vacant will be prone to abuse and should not be included in the bill. I note that the Minister in her second reading speech did not focus much on the pets in rentals aspect of the bill. That is proportionate to the impact that that part of the bill will have. I share wholeheartedly the concerns expressed by the Hon. Emma Hurst about the way in which this Government appears to have turned its back, again, on people fleeing domestic and family violence. It would make such a monumental difference.

Similar to the stories that the Hon. Emma Hurst said she had heard, my office hears from women fleeing domestic violence on a daily basis. We hear a number of stories about people being unable to flee an abusive relationship because they have a pet they want to protect and they cannot find a rental. Given that so many refuges and emergency accommodation settings will not take pets either, the result is that those women, their children and their pets are living in abusive relationships far longer than they should have to. As we know, from the story the honourable member told but also from the news, a number of women who have pets are killed before they make it out of the home, and we know or can reasonably suspect that their pets were a contributing factor. It is not a rare thing and the statistics back that up. That is why Domestic Violence NSW, Lucy's Project and a bunch of other very credible, reputable, well-researched advocacy bodies have been calling on this Government not only to act far more quickly but to act in a way that is much more courageous.

I understand that there was some compromise made within the Labor Party to introduce this legislation and, again, I am very pleased to see that we finally have legislation to ban no-grounds evictions. But to call this anything approaching the fulfillment of an election commitment to allow pets in rentals is misleading in the extreme, because it does not do that. Again, I share the views of my colleague that people will find that out pretty quickly. When they find a new property and want to have their pet in that property, and when they have read the headlines that Labor has provided this great new reform that allows pets to be more easily kept in rentals, they will be sorely disappointed. It is an incredible shame that there was an opportunity to make such a significant difference to victim-survivors of domestic violence and it has not been taken.

It is an incredible shame that, similar to what we saw with the previous Coalition Government at times, we are presented with a bill that has both good and bad in it and we are asked to accept the bad to get the good. I live in hope that the Labor Government will make good on all of its commitments. So I ask that it does not let this one drop and that, when we pass the bill—as I hope we do—work begins immediately on preparing a new piece of legislation that will do what is required to create a level playing field between owners and tenants when it comes to the keeping of animals. It is literally a matter of life and death.

I will not beg the Government, but I plead with it not to drop this now. Put another piece of legislation together. It has majority support in this House. We have already passed legislation in this House that will create that. The Government does not need to worry about it not passing. If Labor wants to do it, it will pass. Please do it. I end by saying again that, despite all those comments about the pets in rentals part, I am very pleased. The Greens are delighted that one of our policy positions has finally made its way into a bill that will be accepted. That is very good news for renters across our State. I congratulate the Minister on bringing that part of the bill. We support the bill.

The Hon. JOHN RUDDICK (17:39): The Libertarian Party stridently opposes the Residential Tenancies Amendment Bill 2024. I am sure the intention of the bill is one of compassion, but the road to hell is paved with good intentions. I am in disbelief that the Liberal Party has signalled its support for the bill. We just heard from The Greens, and they are claiming credit for it. I think they should claim credit for it. As I said, I am in disbelief that the Liberal Party, the party of free market capitalism, supports the bill. This bill is a case study in dumb government. We are in a housing and rental crisis, and what does the Government do? It declares war on individuals who have scrimped, saved and invested, and it prevents them from expanding the housing stock.

This bill seeks to erode private property rights. It makes property investment less attractive, and it will reduce the housing stock, not insignificantly. It will mean that there will be fewer properties to rent, and basic economics tells us that decreased supply equals increased prices. People with the capacity to invest will simply find alternate investment opportunities. Many will move their investment funds offshore. Some who already own investment properties will choose not to lease their property but to use a service like Airbnb. A recent Sydney University paper was unequivocal:

The international research on the impact of these rentals is clear: when landlords "host" tourists rather than residents, housing supply is depleted, rents rise ...

This is a lose-lose bill from the Minister for Better Regulation and Fair Trading—an oxymoron if ever there was one. When the great Bob Hawke was Prime Minister—a Labor Prime Minister—he had a Minister for deregulation. And who was that Minister? It was Bob Hawke himself. He was not just the Prime Minister; he was also the Minister for deregulation. That is how important deregulation was in the good old days of the 1980s,

when even a party founded by socialists had come to see the power of getting government out of our lives. Now we have governments all around this country—Liberal and Labor—with the titles like the Minister for better regulation. A Minister for better regulation must wake up in the morning and think, "How can I add a little bit of red tape, suppress entrepreneurialism and help people?"

The only school of economics that has stood the test of time and resulted in human prosperity and happiness is not the misery of socialism or the bog of Keynesianism; it is the Austrian school of economics. The Austrian school of economics championed the supply-side theory of economics which, in summary, says that if we have policies that let those who produce and invest do their best, then everyone benefits. Its detractors deride it as trickle-down economics, which is a slur as it implies that only a tiny bit of wealth flows to the ambitious poor. Supply-side economics significantly grows the economic pie, lifts all and opens opportunity for those who want to get ahead. The bottom line is that nothing else works.

I will make a few remarks on the details of this bill. Banning no-grounds evictions is a shocking disincentive to expanding the housing supply. A property owner must own their property, but this bill means their property rights are being eroded. Regarding pets, most landlords are fine for tenants to have a dog or cat but, if some are not, that is their prerogative. That is another disincentive to property investment. If there is a dispute, the tenant now has greater access to complain at a tribunal, which again means that a lot of investors will say, "I can't be bothered; I will just invest in the stock market."

Perhaps worst of all is the restriction on rent increases to once a year. It was parliaments like this that inflicted inflation on the people with the global warming and COVID hysterias and all of the associated spending. What happens if inflation keeps rising? Again, this is a disincentive to investment. Price control is a form of socialism. There is no example in history of price controls having a positive impact, but there are endless examples of price controls causing long-term misery. In summary, the Libertarian Party not only opposes this bill, but it causes us distress, as we know the harm it will cause.

The Hon. ROD ROBERTS (17:43): I make a contribution to debate on the Residential Tenancies Amendment Bill 2024. From the outset, I say that I understand the need for tenants' rights. Not only do I understand it, but I also actually support it. Most members may by now be aware that, after my years in the cops, I became a licensed real estate agent for 10 years. Not only was I a licensed agent but I also held the licence for a particular agency. Apart from me and my 10 years experience, after her 25 years in the police, my wife was a property manager for 12 years. We have had extensive lived experience—the buzzword in this building—in terms of both property management and selling properties for people. Of course, I declare—and it is on my pecuniary interest form—that I own a number of rental properties.

The Hon. Chris Rath: Why?

The Hon. ROD ROBERTS: I acknowledge that interjection. It is good timing because, when I sat down with the Minister three days ago, I told him that I have just sold my most expensive rental property. Contracts have been exchanged and settlement is on 14 November. Do you know why? It is because I am getting out of it, just as the Hon. John Ruddick alluded to. It is a substantial property, and I have been able to get a fixed interest rate of 5.5 per cent with that money.

The Hon. Damien Tudehope: I wouldn't buy a share portfolio, mate.

The Hon. ROD ROBERTS: I might come to you for some advice, but I will stay away from Transurban, just in case. Let us get back to it. A balance needs to be struck. I listened to the Minister, and what she said was right; we need more housing. But let us be completely honest. Whether it is Labor or the Coalition who are in charge, government will never build the houses required. The Minister half-admitted that herself. The Federal scheme is not going to happen. Government and the community rely on private landlords. Whether the Minister likes it or not, that is the reality. The Government is not going to build them. If the Government could build the houses, it would put private landlords out of business and we would not be arguing this issue today. Society needs private landlords, and they need to be encouraged.

I acknowledge that there are shonky landlords. I also acknowledge there are some extremely bad tenants, but we cannot tar everybody with the same brush. We need to strike a balance. Some parts of the bill do strike a balance; some of the parts certainly do not. I direct my comments tonight to one section of the bill that I think is particularly problematic. That is new section 87E (3). In a nutshell, new section 87E says that if someone owns a property that they wish to sell with vacant possession, they must give the tenant the appropriate notice to terminate the agreement at the time. I have no problem with that. We must give tenants adequate notice. That, in itself, is not an issue. The issue comes from new section 87E (3), which says that if someone tries to sell a property but for some reason does not sell it, they cannot re-enter a tenancy agreement for that property for a period of six months unless they get the approval of the secretary of the department.

Let us look at why that is problematic. A lot of members may not have had the extensive real estate career that I have had, but all have bought and sold homes. As a real estate salesperson, I can guarantee you that I know the first question that each and every member would ask if I took them to a home. They would ask, "How long has it been on the market for?" Everybody knows that the longer a home is on the market, the more its price will deteriorate in terms of offers. Why is an auction campaign only 28 days? If the best price is going to come in six months, why does the auction campaign not run for six months? It runs for 28 days because people know whether they will sell the property for the money they expect within 28 days. That is when there is the most interest—when it is fresh on the market. The longer a property sits there, the staler it gets and the less chance someone has of getting their money. A sale process is relatively quick. However, the legislation says that if it does not sell, the owner has to wait six months to re-lease the property unless they go cap in hand to the secretary of Fair Trading and say, "Please, sir, can I re-lease my property?"

I propose an amendment that the Hon. Taylor Martin will move on my behalf during the Committee stage to change that period from six months to three months. That is still a reasonable amount of time, but it is a more balanced approach. The average Sydney rental price for a home at the moment is \$1,000. If a landlord puts their tenant out of the property to sell it under the "Roberts scheme" of three months, they will be \$12,000 out of pocket if the property does not sell. It would be much easier to reduce the term from six months—which would cost the landlord about \$24,000—to three months. A landlord will know within four to six weeks whether the property will sell or not. If it does not sell at the end of three months, they should be able to put it back on the rental market.

The landlord also has mortgage problems to meet—the bank will not give them a holiday. Is it not in the interest of renters to get houses back into the rental market sooner rather than later? That is the major problem with the bill. According to Domain, at the moment a Sydney home is on the market for an average of 32 days before it sells. That is the average sale time. Why, then, would we restrict an owner from re-leasing their property for six months? As I said, an agent will tell the vendor 28 days. Domain states it takes 32 days. In that time, the seller will know. If they are not going to get an offer, they should put it back on the rental market and get tenants back into the property. My good friend the Hon. Taylor Martin will speak further to the amendment in the Committee stage, but that is the main issue.

The Minister told me, "I'm going to insist that the secretary turns this around quicker." Where is that assurance in the legislation? There is nothing governing how long it will take the secretary to respond. All members know how well the Minns Government is doing with the public service. The Premier said, "All the public servants should get back to work." All the public servants said, "Bugger that, we're staying at home." Who knows who is going to process these requests and how long it will take. For every day it takes, it costs the landlord money and keeps a rental property off the market. The whole idea is to get those properties back on the market in the first place.

This is just another example of the slow socialist march of the Labor left eroding people's property rights. Let us consider landlords. This is not a game of Monopoly with the little guy in the top hat and tails smoking a dirty big Havana. These are mum-and-dad workers who risk it all by borrowing extra money, usually against equity in their own home. They run the risk because they want to save for their future so that they are not a burden on society. That is all they are trying to do. The average landlord—and landlady, for that matter—owns one property and one property only. That is the average. We need to encourage landlords. We need to keep them in the market. We also need to strike a sensible balance between tenants' rights and landlords' rights—that is a given. I completely understand that. However, this bill misses the mark.

The Hon. TANIA MIHAILUK (17:53): The Hon. Rod Roberts has put the position of the conservative crossbench very eloquently. I certainly agree with his words today. I find the Residential Tenancies Amendment Bill 2024 interesting because I used to sit in the shadow Cabinet, where there was quite a bit of division over the issue of residential tenancies. I understand and appreciate why the Labor Party has pursued this policy. It is probably in the party's electoral interest to pursue this, when one considers where Labor gets its votes from and the electorates that it is trying to bring back to the fold. I understand to a degree where Labor is coming from. Labor wants to win back the inner city and inner west electorates that it has lost to The Greens and Independents. The issue of tenants' rights plays a big role in those electorates, where people have made a conscious decision to rent. I would argue that they are not renting because of affordability, but rather because they want to live in those communities at any cost.

There is a push coming from the left of the Labor Party. For a number of years, the left has pushed the idea of ending no-grounds evictions and allowing for more and more tenancy rights at the expense of mum-and-dad investors. Those investors are who we should think about. There are no evil, nasty landlords out there. Rather, there are mum-and-dad investors who have been encouraged for many years to invest in a property and subsequently lease it on the rental market. I echo the words of the Hon. John Ruddick: I am very surprised that the Liberal position is to agree with this legislation. The Opposition has foreshadowed one or two minor

amendments, but one should consider electorates that the Liberals are trying to win back: in East Hills, for example, the number of households renting is only 28 per cent; in Riverstone, it is only 28 per cent; in Camden, it is 22 per cent; and in Terrigal, it is 17 per cent. Looking closely at the demographics, those are the electorates that are more likely to contain mum-and-dad investors.

I appreciate that some work has probably been done to water down the legislation from its original form. The bill is not entirely bad. However, it will potentially drive away mum-and-dad investors, which the Labor Party never originally encouraged. The Labor Party has never wanted mum-and-dad investors. It does not want its voters to be aspirational. That is not its mantra. I am not surprised that the Labor Party is pursuing this legislation, but I am surprised that the Liberal Party has not been stronger in its opposition. In fact, the Liberal Party has essentially rolled over on this bill and is only proposing minor amendments that will do very little.

I remind members that not everything is about the inner city or the inner west; it is also about trying to help people get into the market and finding ways of encouraging home ownership. I do not think this legislation will necessarily lead to a mass exodus of mums and dads getting rid of their investments. Even if they did get rid of their investments, others would buy them. In any event, it will not be a young family, a young nurse or a young teacher who could afford to enter the housing market; those people will not purchase the properties that supposedly will be offloaded as a result of this legislation. But the legislation will cause more angst and division.

I think there will be more applications to the NSW Civil and Administrative Tribunal [NCAT] as a result of the bill. For a number of years NCAT has had to deal with more and more disputes. People will always find a loophole for no-grounds evictions. If a landlord really wants to evict someone, they will find a loophole because loopholes still exist in this legislation. It will be difficult for NCAT to ultimately determine that a tenant has the right to stay, particularly if the landlord argues on hardship grounds.

The bill is bit of a beat-up. For a number of years the Labor Party has dealt with pressure from Labor left and the inner-city branches. The pressure is certainly not coming from the Labor branches in south-west Sydney or Western Sydney. The old Labor policy documents for the annual State conferences show which branches and which unions have constantly pushed for this sort of motion. It is not hard to figure it out. It is always the left-wing areas of the inner city and the hard left. It was definitely not coming from the broader Western Sydney or regional branches of the Labor Party. We know where this is being pushed. It is part of the mantra of trying to take on The Greens and Independents in the city.

I say to the Labor Party that it is a waste of time, because The Greens and the Independents are always going to get the vote of the inner city. We are making it very hard for the mums and dads of East Hills, Georges River, Central Coast and south-west Sydney, who definitely aspire to having an investment property. It is ultimately a bad decision for both major political parties to pursue this. As I said, the bill is not as bad as the initial proposal. I heard that in the past it was going to be a lot tougher, and it has certainly been watered down. I suspect that was due to Chris Minns entering the debate, because I know what his true position on this is. Good on him for stepping in to try to fix up this legislation.

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (18:00): On behalf of the Hon. Penny Sharpe: In reply: I thank the following members for their contribution to the debate: the Hon. Scott Farlow, the Hon. Emma Hurst, the Hon. Rod Roberts, Ms Abigail Boyd, the Hon. John Ruddick and the Hon. Tania Mihailuk. I will not address the issues that have been foreshadowed for discussion in Committee of the Whole. This is not about politics. We just think that renters are doing it really tough. I feel like that case has been compellingly made by the wave of correspondence that all members must surely have received. We want to make people's lives a little bit easier, and that is the entire motivating factor behind this bill.

I will be very clear that there is absolutely no evidence that the removal of no-grounds evictions has an impact on investor behaviour. That has never been borne out. A couple of jurisdictions in Australia have already removed forms of no-grounds evictions. We are not the first movers. Since the removal of no-grounds evictions in Victoria, investor lending as a proportion of total lending is up by 24 per cent. In South Australia it is up 12 per cent and in Queensland it is up 18 per cent. The facts clearly show that there is absolutely no evidence that these reforms are going to impact investor behaviour. That claim has been proven to be incorrect by the fact that we have seen that pattern in the other jurisdictions that have already made these changes.

Even when an investor might choose to no longer hold onto a property, the house still exists. It is not as though the house is removed from the market. Perhaps it is bought by another investor, but hopefully it is bought by a first home buyer. That would be an awesome outcome. Nonetheless, the house still exists. The obvious question for the ideological position that giving tenants more rights has a negative impact on investor willingness to enter the property market is where does that position end? The Hon. Rod Roberts spoke about balance, and I accept that that is the nature of the conversation we are having.

However, the obvious conclusion to the line of ideological thinking used by the Hon. John Ruddick is that tenants should have absolutely no rights, as if to say, "Forget signing a contract because it does not matter. Landlords can evict you at any time for any reason. It does not matter if there is mould or rats, because any rights that the tenant might have would inhibit investor behaviour." That line of thinking is clearly out of kilter with the reality of people living in the housing market in New South Wales. We have to have balance. The Government's position is that the balance is not right. We want to do more to make sure that tenants are able to have stability and security in their homes. We think that this bill is a positive step towards delivering that. I will address the issues that have been raised by the Hon. Emma Hurst and the Hon. Rod Roberts, during debate on amendments in the Committee of the Whole. I commend the bill to the House.

The PRESIDENT: The question is that this bill be now read a second time.

Motion agreed to.

In Committee

The CHAIR (The Hon. Rod Roberts): There being no objection, the Committee will deal with the bill as a whole. There are seven sheets of amendments: Independent amendment of the Hon. Rod Roberts on sheet c2024-216A; Opposition amendment on sheet c2024-220A; Animal Justice Party amendments on sheet c2024-214B; Animal Justice Party amendments on sheet c2024-225A; Animal Justice Party amendments on sheet c2024-197E; Animal Justice Party amendments on sheet c2024-223A; and Animal Justice Party amendments on sheet c2024-224A.

The Hon. TAYLOR MARTIN (18:08): On behalf of the Hon. Rod Roberts: I move Independent amendment No. 1 on sheet c2024-216A:

No. 1 Proposed sale of premises

Page 11, Schedule 1[12], proposed section 87E(3), line 14. Omit "6 months". Insert instead "3 months".

This is a very simple amendment relating to properties where a termination notice has been issued and the landlord intends to sell the property with vacant possession. The bill proposes that a time frame of six months must pass before an owner can re-enter an agreement to lease the property without the written approval of the secretary of the department. An owner would have to submit a formal request to the politburo, the central planning committee, and say, "Please, comrade, may I have your permission to lease my property out, which you have banned me from doing without your permission, so that I may try to cover the mortgage repayments in this period." It is absolutely absurd.

This amendment will change that wait period to just three months, from the originally proposed six months. Here is the kicker: It will get the small number of properties that it would apply to back onto the rental market sooner. Three months is more than enough time for a landlord to make a genuine attempt to sell the property and receive offers or go through the auction process, and if a landlord has not received an acceptable offer in that period, then it is in everyone's interest that the property is once again listed for rental, without any further red tape. I commend the amendment to the Committee.

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (18:10): The Government does not support the amendment. I understand what the Hon. Rod Roberts is trying to achieve. However, fundamentally, the six-month exclusion period is necessary to ensure that the landlord who is using this reasonable ground to evict a tenant genuinely intends to sell the property and that it is not simply a means of removing the tenant. This is the way to strike a balance between a landlord with a genuine intention and who is making a genuine effort to sell a property and one who is using the listed reasonable ground to evict the tenant but has no intention of selling the property. The exclusion period makes it really difficult for landlords to try to circumvent the obvious intention of this legislation by claiming that they have a reasonable ground to evict when, in fact, they unfortunately do not.

Provision is made for a landlord to appeal to the secretary in circumstances where there was a genuine intention to sell the property but something has happened or the sale fell through. The Minister has provided assurances that the appeal process, despite the colourful language that has been used by the Hon. Taylor Martin to describe it, is going to be relatively straightforward and simple. I provide that assurance to the Committee. The Government recognises there may be instances where that appeal to the secretary will be necessary. Again, the Minister has assured that it will be a straightforward, quick process. Ultimately, the exclusion period of six months is the same as applies in Victoria and Queensland, and it is necessary to ensure that the reasonable grounds that are introduced for eviction are only used in genuine circumstances where the landlord is intending to sell, and not as a way to circumvent this legislation and evict tenants for a reason that is not genuine or reasonable.

The Hon. SCOTT FARLOW (18:12): I speak in support of the amendment moved by the Hon. Taylor Martin on behalf of the Hon. Rod Roberts. The amendment proposes to reduce the waiting period from six months to three months. That strikes an adequate balance to address the disincentive that the Minister has rightly outlined but also the reality that people are sometimes not able to sell their property and do want to put it back on the market. It is an onerous step for a landlord to have to seek the secretary's approval to enter into a new residential tenancy agreement. While the existing six-month period was designed to prevent landlords from terminating tenancies unfairly and re-letting the property immediately, this amendment provides a compromise. It is common sense.

The amendment acknowledges that six months may be too long in some circumstances, particularly for landlords who have valid reasons for re-letting their properties sooner. Reducing the waiting period to three months maintains a safeguard against unfair termination but offers greater flexibility to property owners and, as the Hon. Taylor Martin has also outlined, can increase rental supply and get more properties on the rental market. The Hon. Rod Roberts previously referred to his circumstances in selling a property. I was in a similar circumstance last year. We found that interest rates were too high and so looked at selling our rental property. We were in a position where that might not have been successful. For a landlord with mounting mortgage interest payments and no tenant, it is crucial to get the property back on the market and get another tenant in. The amendment provides a sensible compromise. The Coalition supports the amendment.

The CHAIR (The Hon. Rod Roberts): The Hon. Taylor Martin has moved Independent amendment No. 1 on sheet c2024-216A on behalf of the Hon. Rod Roberts. The question is that the amendment be agreed to.

The Committee divided.

Ayes18
Noes20
Majority.....2

AYES

Barrett	Latham (teller)	Mitchell
Borsak	MacDonald	Munro
Carter	Maclaren-Jones	Rath
Fang	Martin (teller)	Ruddick
Farlow	Merton	Tudehope
Franklin	Mihailuk	Ward

NOES

Boyd	Graham	Moriarty
Buckingham	Higginson	Murphy (teller)
Buttigieg	Houssos	Nanva (teller)
Cohn	Hurst	Primrose
D'Adam	Jackson	Sharpe
Donnelly	Lawrence	Suvaal
Faehrmann	Mookhey	

PAIRS

Farraway

Kaine

Amendment negatived.

The CHAIR (The Hon. Rod Roberts): For the convenience of members, one more amendment will be considered now. There may be a division. I ask members to stay close so it can be done relatively quickly.

The Hon. SCOTT FARLOW (18:22): I move Opposition amendment No. 1 on sheet c2024-220A.

No. 1 **Fixed term tenancies**

Page 10, Schedule 1[12]. Insert after line 3—

87BA End of fixed term tenancy

- (1) A landlord may give a termination notice on the ground of the end of a fixed term of a fixed term agreement.
- (2) The termination date must be—

- (a) on or after the end of the agreement, and
- (b) at least 30 days after the notice is given.

This amendment seeks to provide clarity and certainty for both landlords and tenants at the end of a fixed-term tenancy. It introduces a clear process that allows landlords to give a termination notice when a fixed-term agreement reaches its end. That respects the contractual nature of a fixed-term agreement, where both parties entered into the agreement with a clear understanding of its length. The notice period of at least 30 days provides adequate time for tenants to make alternative arrangements, ensuring fairness while also maintaining the landlord's right to regain possession of their property at the end of the fixed term. By including that provision, the Opposition is balancing tenant protection with the legitimate rights of landlords to manage their property investments.

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (18:23): The Government does not support Opposition amendment No. 1 on sheet c2024-220A. This amendment would mean that the end of a fixed-term agreement would be a de facto no-grounds eviction. The majority of leases in New South Wales are fixed term so restricting the application of no-grounds evictions to periodic leases only would leave a significant number of renters without the protection they need. Further, 30 days is not an adequate amount of time to make other arrangements in the current rental market. The Government believes that all lease types should be treated equally and the provisions should apply across both periodic and fixed-term leases.

The CHAIR (The Hon. Rod Roberts): The Hon. Scott Farlow has moved Opposition amendment No. 1 on sheet c2024-220A. The question is that the amendment be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The Committee divided.

Ayes18
Noes20
Majority.....2

AYES

Barrett	Latham	Mitchell
Borsak	MacDonald	Munro
Carter	Maclaren-Jones	Rath (teller)
Fang (teller)	Martin	Ruddick
Farlow	Merton	Tudehope
Franklin	Mihailuk	Ward

NOES

Boyd	Graham	Moriarty
Buckingham	Higginson	Murphy (teller)
Buttigieg	Houssos	Nanva (teller)
Cohn	Hurst	Primrose
D'Adam	Jackson	Sharpe
Donnelly	Lawrence	Suvaal
Faehrmann	Mookhey	

PAIRS

Farraway

Kaine

Amendment negatived.

The CHAIR (The Hon. Rod Roberts): I shall now leave the chair. The Committee will resume at 8.00 p.m.

The Hon. EMMA HURST (20:02): By leave: I move Animal Justice Party amendments Nos 1 and 2 on sheet c2024-214B in globo:

No. 1 **Keeping pets**

Page 5, Schedule 1[9], proposed section 73A, line 20. Omit all words on the line.

No. 2 **Keeping pets**

Pages 5–8, Schedule 1[9], proposed sections 73D–73G, line 37 on page 5 to line 13 on page 8. Omit all words on the lines. Insert instead—

73D Landlords must not unreasonably refuse consent

- (1) A landlord must not unreasonably refuse consent.
- (2) The landlord is taken to have given consent unless, within 14 days after the application is made, the landlord applies to the Tribunal under section 73E.

73E Applications to refuse consent

A landlord may apply to the Tribunal for an order that it is reasonable for the landlord to refuse consent.

73F Tribunal orders—keeping animals

- (1) On application under section 73E, the Tribunal may make an order that—
 - (a) the tenant is permitted to keep the animal on the residential premises, or
 - (b) it is reasonable for the landlord to refuse consent.
- (2) In determining an application under section 73E, the Tribunal may consider the following matters—
 - (a) the species of animal the tenant proposes to keep on the residential premises,
 - (b) the character and nature of the residential premises,
 - (c) a matter prescribed by the regulations for this subsection,
 - (d) another matter the Tribunal considers relevant.

These amendments are somewhat different from the other Animal Justice Party amendments to the bill. They seek to highlight what is fundamentally wrong with the bill as drafted. The bill was supposed to make New South Wales more animal friendly for renters. That was the focus of discussions with the Government over the past year and a half. Until recently, we were on track to make that happen. As I explained in my contribution to the second reading debate, I was briefed on a very different version of the bill.

Everything we have heard from stakeholders supports an approach where there is a presumed consent for animals unless the landlord seeks tribunal approval to reasonably refuse consent. That is the system used in Victoria and the system that other States are adopting. It is the only way to truly make sure the rental system is set up to protect those with animals who attempt to leave violence and enter the rental market—something which is nearly impossible to do at the moment. It is the only way to ensure that the huge number of families and individuals who rent can offer a secure home for a companion animal for life. We have seen that it works in Victoria, which can proudly declare itself in a better place for renters and animals.

The bill has backflipped on that approach. Rather than requiring a landlord to seek tribunal approval, the bill puts the onus on the tenant to go to the tribunal to challenge a landlord's refusal. Let me be clear: Tenants are already the disempowered side in that dynamic. To further saddle tenants with the time, expense and administrative burden of going through a tribunal completely misses the point that it is the tenants who are struggling to find secure and safe rental accommodation. That struggle directly leads to people being forced out of accommodation and sleeping rough, abandoning their animals to pounds and shelters that are already over capacity or, in the worst-case scenario, making the impossible decision to euthanise their animals or stay in violent situations that could risk both human and animal lives.

Many issues in our State are connected to the cost-of-living crisis. How can we possibly justify an approach that fails to alleviate the costs of finding rental accommodation that allows a person to live with their animals? The market is competitive, tenants are pitted against each other and, ultimately, tenants with animals experience systemic discrimination. I previously introduced a bill that sought to address the problem and follow the model used in Victoria.

The amendments draw on elements of that bill in an attempt to restore the bill currently before the Committee to an approach that is truly renter friendly—the approach that was originally agreed on by the Government and supported by tenants, the general public and the majority of landlords in the Coalition's public consultation. Sections regarding conditional consent and grounds for refusal are removed and replaced by a simple process whereby landlords must not unreasonably refuse consent unless they seek approval from a tribunal. Ultimately, the amendments champion renters and animals. They are the real solution that the people of New South Wales deserve.

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (20:06): The Government will not support the amendments, although I do not doubt the conviction and genuine concern of the Hon. Emma Hurst in moving them. The Government has decided not to adopt the approach that the member outlined, based on work that has been done over a long time—and the bill has been a long time coming—to land on the Government's approach and the consultation that informed it. The Government's hope is that the bill will entitle tenants to request a pet. There are no more "no pets allowed" provisions or blanket prohibitions on pets. Tenants are entitled to request a pet.

Work will be done to develop guidelines with the RSPCA and the chief vet. I note the Hon. Emma Hurst's comments that the guidelines are as yet undeveloped and that she does not have confidence in them. I reassure members that the Government wants robust guidelines developed with those organisations. The Government's hope is that disputation between tenants and landlords about whether a pet is reasonable or suitable will be limited and that those guidelines will help guide both tenants and landlords to agreement as much as possible.

Ultimately, disputes have to end up somewhere, and they will end up at the NSW Civil and Administrative Tribunal [NCAT]. People are entitled to request a pet. There is a process to guide decision-making, and then there is ultimately dispute resolution at NCAT. The Hon. Emma Hurst is correct in saying that the process of getting to NCAT that she outlined and the one that the Government is supporting are different. There are different processes to get there.

I reassure the Hon. Emma Hurst that, through the development of the guidelines, the Government wants to create a situation where those kinds of disputes are limited so that the question about how to get to NCAT is less relevant because fewer people are going to NCAT. No-one wants multiple parties ending up at NCAT. The Government does not support the amendments, but I understand why the Hon. Emma Hurst has moved them. I reassure her that the Government's intention is to limit disputation, provide clear guidelines and support tenants—who are now entitled to request a pet—to discuss with their landlord what is suitable and, hopefully, land agreeable outcomes as much as possible.

Ms ABIGAIL BOYD (20:09): The Greens support the amendments put forward by the Animal Justice Party for many of the reasons that we mentioned in our contribution to the second reading debate in this place and that my colleague the member for Newtown put forward in the other place. I put on record that the form of the Residential Tenancies Amendment (Animals in Residential Premises) Bill 2024 that the Hon. Emma Hurst put forward in this place, which was agreed to, was the best practice model that we hoped we would get when Labor members finally sought to implement their election commitment. That approach is backed by Domestic Violence NSW, the Cat Protection Society of NSW, the Tenants' Union of NSW, the Animal Welfare League, Sydney Dogs and Cats Home, Companion Animal Network Australia, Lucy's Project and so many other organisations.

What excited us about the approach proposed in the Residential Tenancies Amendment (Animals in Residential Premises) Bill 2024 was the attitude change. That is what we have seen in Victoria: an attitude change where a renter having companion animals and pets in their house becomes the default. There will be circumstances where it is not possible, but those circumstances should be the same as for the owner of the property. The Greens' position is that the ideal situation would be a renter living in a place that they can call their home and treat as their home, because they are paying for that privilege. They are not there because of some sort of benevolent gesture of the landlord; they are there because they are paying for it. If they pay for it, they should be able to call that place their home.

I appreciate what the Minister is saying, but it is just not the same as being in a position where landlords know there is a default expectation that their tenants will be able to keep animals, just like anyone who owns their home can, unless there is some reason that the landlord needs to go to the NSW Civil and Administrative Tribunal to say why not. It is really disappointing that we have missed the opportunity to take advantage of a scheme that would have led to more landlords expecting that would be the case. There are a lot of points along the scale from The Greens' ideal position of people being able to treat a home as entirely their own to the other end of the scale, where landlords can do whatever they like. There are a lot of points in between where legislation could be drafted.

The legislation that had previously been put forward by the Animal Justice Party in this place was further towards tenants' rights approach. The Government's approach incrementally pushes us forward but still very much backs in the attitude that a landlord is the one who is really in control. As The Greens said during the second reading debate, the practical impact is that people who are fleeing domestic and family violence will not be able to assume that they can get into a property where they can keep their pet. That is a massive problem. The Greens support the amendments and thank the member for moving them.

The Hon. SCOTT FARLOW (20:13): For similar reasons to those given by the Government, the Opposition will not support the amendments as outlined. It is about striking a balance. We very much think that the bill is an incremental step in terms of pets in rentals. We want to encourage pets in rentals, but we need there to be adequate safeguards in place. We think the amendments will take away from that. We are all about making sure that there is more accessibility and availability when it comes to rentals, and we do not want to disincentivise anyone from being part of the rental market.

The CHAIR (The Hon. Rod Roberts): The Hon. Emma Hurst has moved Animal Justice Party amendments Nos 1 and 2 on sheet c2024-214B. The question is that the amendments be agreed to.

The Committee divided.

Ayes6
Noes28
Majority.....22

AYES

Boyd (teller)
Buckingham

Cohn
Faehrmann

Higginson
Hurst (teller)

NOES

Barrett
Borsak
Carter
D'Adam
Donnelly
Fang
Farlow
Franklin
Graham
Houssos

Jackson
Latham
Lawrence
MacDonald
Maclaren-Jones
Martin
Merton
Mitchell
Mookhey

Moriarty
Munro
Murphy
Nanva (teller)
Primrose
Rath (teller)
Sharpe
Suvaal
Tudehope

Amendments negatived.

The Hon. EMMA HURST (20:21): By leave: I move Animal Justice Party amendments Nos 1 and 2 on sheet c2024-225A in globo:

No. 1 Conditions of consent

Page 6, Schedule 1[9], proposed section 73E(2)(c), lines 30–32. Omit all words on the lines.

No. 2 Certain conditions of consent require approval of Tribunal

Page 6, Schedule 1[9], proposed section 73E. Insert after line 33—

(2A) A landlord may give consent subject to a condition other than a condition in subsection (1) if—

- (a) the condition is not an unreasonable condition, and
- (b) the Tribunal approves the consent being given subject to the condition.

(2B) If the landlord makes an application to the Tribunal for approval, the landlord must give written notice to the tenant of the application as soon as is reasonably practicable.

(2C) The Tribunal must—

- (a) give approval if the Tribunal considers the condition to be reasonable in the circumstances, or
- (b) refuse to give approval if the Tribunal considers the condition to be unreasonable in the circumstances.

The amendments seek to clarify the conditions a landlord can impose when consenting to a tenant living with an animal. The current new section 73E (2) (c) would allow a landlord to include a condition that relates only to keeping the animal at the premises and is reasonable to the type of animal and premises. The purpose of this provision is not clear, and it seems to grant concerningly wide discretion to a landlord to impose conditions and restrictions on a tenant living with an animal. Effectively, the section acts as a catch-all provision that undermines the very purpose of allowing only prescribed conditions to be imposed. Further, the section is unnecessary given new section 73E (2) (d), which already allows the regulations to prescribe other reasonable conditions. Accordingly, the first amendment on the sheet seeks to remove the problematic section.

The second amendment on the sheet offers an alternative, to provide a clearer pathway for both tenants and landlords. It proposes that where a landlord wishes to impose a condition outside the scope of the section, they can do so but only with approval from the tribunal. We consider this a totally reasonable approach. Certain conditions are prescribed as reasonable by the bill. If the landlord wishes to impose a condition outside those parameters, they should seek approval from the tribunal in order to ensure that we avoid inappropriate conditions that could not be foreseen during the drafting of the bill. I cannot understand why members would not support this amendment. In our experience, landlords can and do impose prohibitive restrictions when allowed to do so. Allowing landlords to impose whatever conditions they choose effectively weakens any effort towards ensuring an animal-friendly rental market.

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (20:24): The Government does not support the amendments. We have provided deliberately wide discretion because there is a wide range of pets that tenants may consider. Of course there are regular cats and dogs, but there are also people who prefer less common pets such as reptiles, birds and crustaceans, which is not one I would have thought of. That wide variety of animals means that a wide variety of conditions may be appropriate to keeping those animals, and we cannot predict them all. The discretion is intended to reflect that. The intention is that agreement about conditions will be up for negotiation between the tenant and the landlord.

We feel that requiring the landlord to go to the tribunal to gain approval for conditions would clog up the tribunal. A tenant will still be able to dispute a refusal at the tribunal where consent has been given subject to a condition that they believe is unreasonable. If consent is conditional on an unreasonable condition, the tenant has the option to go to the tribunal to resolve that. But we do not want to limit the discretion in circumstances where we want to encourage negotiation about the potential for keeping a wide variety of pets in different housing types. As I reiterated before, there will be guidelines for those negotiations, and we feel that is the appropriate way to manage the issue. The Government will not support the amendments.

The Hon. SCOTT FARLOW (20:26): For reasons similar to the Government, the Opposition will oppose the amendments. The Minister makes a good point with respect to the variety of pets and not wanting to restrict that. There are different kinds of properties as well. There is the variance of apartments and maybe acreage, for instance. Someone might be keeping a horse at one. We need conditions that are suitable not only to the animal but also to the property. For that reason, we think that the legislation strikes the balance correctly.

Ms ABIGAIL BOYD (20:26): The Greens will support the amendments.

The CHAIR (The Hon. Rod Roberts): The Hon. Emma Hurst has moved Animal Justice Party amendments Nos 1 and 2 on sheet c2024-225A. The question is that the amendments be agreed to.

Amendments negatived.

The Hon. EMMA HURST (20:27): By leave: I move Animal Justice Party amendments Nos 1 to 3 on sheet c2024-197E in globo:

No. 1 Keeping animal for temporary period

Page 5, Schedule 1[9], proposed section 73B. Insert after line 26—

- (2A) A tenant does not need the landlord's consent to keep an animal at residential premises for a period of less than 3 months.

No. 2 Period for landlord's response

Page 6, Schedule 1[9], proposed section 73D(1)(b), line 1. Omit "21 days". Insert instead "14 days".

No. 3 Supporting documents

Page 6, Schedule 1[9], proposed section 73D. Insert after line 11—

- (3A) The response must also include, or be accompanied by, any relevant supporting documents or information. The first amendment relates to the keeping of animals for a temporary period. In my contribution to the second reading debate, I spoke a lot about making sure that this legislation works to protect people leaving violence and about the fact that the legislation fails to consider any feedback received by domestic violence groups and animal welfare groups. The amendment would go a long way towards improving accessibility of accommodation for a significant number of people, particularly those in crisis, who may be leaving violence or at risk of homelessness. The amendment would simply enable people needing immediate short-term accommodation to stay with their animals. In this case, "short-term" is a period of less than three months. For people in crisis, the importance of being able to stay with their animals cannot be overstated. As I said in the second reading debate, 70 per cent of people who are trying to leave violent situations cannot find accommodation with their animals, so they stay in those situations. The risk of those people and their animals being killed remains high.

Animals are often the only source of stability, comfort or support, to the extent where they are family. People simply will not leave their animals there to be used as a form of violence and coercive control when people cannot access quick or secure rental accommodation, given this bill does nothing to actually fix that problem anymore. As I said, the original version of this bill did help people to leave domestic violence situations. The changes in this bill are a massive slap in the face for people who are trying to leave violent situations with their animals. It can prove fatal for people trying to leave those situations. This amendment would allow somebody in one of those emergency situations to stay with a friend or family member and take their animals with them without actually threatening that friend or family member's own tenancy where they are renting.

Lucy's Project, an organisation dedicated to assisting people with animals who are experiencing domestic and family violence, has emailed MPs in this place detailing just how important this issue is. For someone with an animal who is seeking to stay less than three months, the process of seeking consent under this bill is clearly too onerous and uncertain. Somebody who is leaving an urgent and violent situation cannot wait 21 days and sit around in limbo with a friend who is trying to seek approval from a landlord. Of course, if it went to the tribunal, we would be talking about waiting another three months. That could be the window of time in which someone loses their life. This amendment would simply ensure that people have a flexible, immediate option. It would also allow tenants to allow friends and family with animals to stay for very short periods and would ensure that short-term visitors are not unfairly subject to the same approval process as permanent residents under the bill.

Amendment No. 2 seeks to reduce the period for a landlord's response from 21 days to 14 days. Tenants may seek consent for an animal in a variety of circumstances, including when the animal needs to come into their care with little notice or short wait times. An example is where a tenant is taking over care of an animal from a family member or friend who has passed away or can no longer look after the animal, and 21 days is not a reasonable amount of time to keep both an animal and a carer in limbo. A lot of those animals will obviously end up in the overfilled pound system. They will end up in overfilled shelters because of this insecurity and the administrative delays. Other jurisdictions give 14 days to the landlord to respond. That is the case in Victoria, the Australian Capital Territory and the Northern Territory. It is working very well in those areas, as 14 days is sufficient time for a landlord to assess an attendance request and would align with the bill's supposed intent to make renting more animal friendly. Therefore, 14 days is far more appropriate and achieves a fairer balance between the needs of renters, animals and landlords.

Amendment No. 3 is in regard to supporting documents. Again, it is a straightforward amendment. It seeks to ensure that a tenant will have access to any supporting documentation or information that informs a landlord's decision to provide conditional consent or refuse consent. At the moment this is entirely missing from the bill, and it is a major oversight. This is a simple matter of fair process. At the moment, a landlord only has to give a reason, without grounds for why that refusal applies. That reason could be extremely vague or cursory. The amendment seeks to ensure that, where there is some supporting documentation for that decision, it is provided to the tenant. That means that a tenant can properly understand why a decision was made, which may then influence their decision about whether or not they want to challenge that refusal before going to the tribunal. Without a tenant being given all of the information, they are more likely to go to a tribunal, so we are clogging up the tribunal process by giving landlords the out of being able to refuse consent without giving supporting documentation on many of those reasons.

We need to fully inform tenants of the landlord's reasons for the decision. Where it is unclear, the tenant may be more likely to challenge. At the moment the reasons are already so vague and open to interpretation that many cases are likely to go to the tribunal. Providing the right information from the start is an obvious and much-needed amendment to rectify this. It ensures that landlords have considered the reasons behind the refusal properly and that tenants do not apply to the tribunal in cases where the landlord has a genuine reason for refusing consent. It will also go some way to ensuring that conditional consent or refusals are grounded in legitimate reasons rather than having this whole tick-a-box system that a lot of organisations working in this space are obviously concerned will be the case.

I thank RSPCA NSW for approaching us with the need for amendment No. 1, which is specifically to protect people trying to leave violence. I know that was something that came up when a lot of the domestic violence organisations and animal protection organisations were distressed about the fact that this bill was not going to do anything to change things in that space. That was raised with my office as a potential amendment to at least make sure that something was done to protect those people and animals. I thank RSPCA NSW and the other organisations that came to us with those amendments.

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (20:36): The Government does not support the amendments. For amendment No. 1, the same considerations essentially apply for the three-month period more broadly, which are that a landlord is not able to unreasonably, for no reason or as a

blanket rule exclude pets, but tenants do have to make a request if they wish to keep a pet on the property. That is a system that is fair and balanced. Tenants can of course apply to have pets for a shorter period of time.

In the circumstance that the mover of the amendments has described, where someone escaping a violent situation wants to move into a property where someone else is the head tenant, of course the tenant can say to the landlord, "I have a friend who is escaping a dangerous situation coming to stay with me for a short period of time. They will be here for a few months. They have a pet." The landlord may well be motivated to agree in those circumstances where it is explained. We would hope that those kinds of situations would be captured by what we have clearly and repeatedly emphasised is our preference for dialogue and understanding between landlords and tenants.

The Government does not support amendment No. 2 in relation to the change of time frames. One reason is that, again, the Government wants to provide maximum opportunity for dialogue and negotiation. That is why we feel that 21 days is preferable to 14 days. The shorter time period may lead landlords to feel as though they should perhaps refuse consent because they have not had the opportunity for conversations about what might be reasonable in the circumstances or for different agreements to be landed on between the tenant and the landlord. The Government's strong preference, through discussions we have already had around the use of wide discretion on conditions and the time period, is to provide a really optimum environment for dialogue, mutual agreement and not ending up in the tribunal. That is why we feel that 21 days is preferable.

Finally, compiling supporting documentation is not necessarily going to be straightforward. The landlord is already required to provide an explanation and justification of their reasons. Let us speak realistically: Most of the time, the disagreements to which these kinds of circumstances refer are likely to be someone trying to keep a completely unsuitably sized pet in a house where the landlord does not think it is going to work. In those circumstances, it is relatively straightforward. Perhaps it is a very small apartment or a studio, and someone wants to keep a very large dog there, and the landlord does not feel that will work—that would be relatively straightforward.

Requirements around supporting documentation are burdensome and time consuming for everyone. The process is intended to be straightforward and informed by the guidelines. There is time and wide discretion for negotiation and conditions when the justification is provided. Most of the time it is likely to be straightforward. If the tenant does not agree with the justification—if they do not feel it is fair—the point of the Government's proposal is that the tenant has the right to take the dispute to the tribunal to be resolved. For those reasons, the Government does not support this suite of amendments.

The Hon. SCOTT FARLOW (20:39): The Opposition opposes the amendments moved by the Hon. Emma Hurst. The suitability of a type of pet to an apartment does not typically change dependent on the time that pet will be there, so we oppose the three-month period. It is also important that the owner of the property is aware of a pet being on the premises, so the Opposition does not support removing the requirement for consent from the landlord if the pet is only there for a certain period. The 21-day time frame proposed is adequate, as outlined by the Minister. To the Minister's point about tribunals, the only way supporting information would be used would be in taking an application to the tribunal. One would think the tribunal would be able to get that information itself as the matter comes before it. For those reasons, the Opposition does not support the amendments.

Ms ABIGAIL BOYD (20:41): On behalf of The Greens, I indicate that we support the amendments. Again, I thank the Hon. Emma Hurst for moving them. It is quite extraordinary and a little heartbreaking to hear that there is no support for the amendments, particularly amendment No. 1. The situation set out by the member was very clear. A person who is renting may have a friend or family member who needs to flee a horrendous situation and would like to come to stay, but they have a pet. There should be an exemption for those circumstances. The Minister suggested that the renter could just have a conversation with their landlord. I am fortunate to no longer be a renter, but the last time I rented, my landlord owned several properties and I could never contact him directly; it was always through the agency.

I will not go on a tangent with the bizarre stories I could tell—I found workmen in my property because the landlord was storing things in my attic for his other properties. Many random things happened. The point is that if I needed to ask the landlord a question or raise a complaint, I had to go through the agent. The agent would then have a process to contact the landlord and perhaps get back to me in 14 or 21 days. That was a landlord who only had a handful of properties. A huge number of rental properties in New South Wales are owned by large corporate players with their own bureaucratic administrative procedures. It is not possible to just call someone.

There is a fiction about the stereotypical landlord as a friendly old lady sitting by the phone waiting for a tenant to call for permission to help their friend who needs to sleep on the couch for a few days with their cat. That is not based on the real world. In the real world, refusing to accept this very basic exception that could

potentially save lives is incredibly disappointing. I know that some members of the Labor Party wanted this legislation to go much further. It is upsetting that we could not agree on provisions for pets in rentals that would make a material difference to people fleeing domestic violence. I hope members who are in favour of that logical reform take note of this debate and push within their party to make that change. It is increasingly upsetting to listen to this debate and for these very reasonable amendments to not be agreed to.

The CHAIR (The Hon. Rod Roberts): The Hon. Emma Hurst has moved Animal Justice Party amendments Nos 1 to 3 on sheet c2024-197E. The question is that the amendments be agreed to.

Amendments negatived.

The Hon. EMMA HURST (20:45): I move Animal Justice Party amendment No. 4 on sheet c2024-197E:

No. 4 **Applications and responses to Secretary**

Page 6, Schedule 1[9], proposed section 73D. Insert after line 11—

- (3B) The landlord or landlord's agent must give a copy of the following to the Secretary as soon as practicable after the response is given to the tenant—
 - (a) the application,
 - (b) the response,
 - (c) the supporting documents or information given with the response.
- (3C) The Secretary must publish, on a government website, annual reports for each year showing the following—
 - (a) the number of applications made for consent,
 - (b) the number of applications for which consent was given,
 - (c) the number of times each of the reasonable conditions was made part of the consent,
 - (d) the number of applications for which consent was refused,
 - (e) the number of times each of the grounds for refusal was used as a basis for the refusal,
 - (f) other matters prescribed by the regulations.

I move this amendment on its own because once the stakeholders involved in this space—domestic violence groups and animal protection organisations—discovered that the bill had essentially been gutted in its intent and turned against the vulnerable people it was initially designed to protect, they had grave concerns. The Government told those groups to not worry because it would conduct a five-year statutory review. That is disingenuous if there is no data to assess in the review. My colleague Mr Alex Greenwich, the member for Sydney, successfully moved an amendment to collect data about no-grounds evictions. That was a great amendment, and it had the Government's support. Once the legislation passes, we will be able to look at its effect on no-grounds evictions and identify anything that needs to be changed.

However, there is currently no data being collected about the pets in rentals section of the bill. There will be no way to assess the effects. The amendment simply introduces a requirement for the relevant government agency to collect data. It is very simple. Data will be collected on how many applications for animals were given consent, how many were given conditional consent and how many were refused. Those are yes or no questions. It is very basic and would take someone about five seconds on a computer system. It would not be onerous at all and could be implemented in a very simply proforma way. It is merely an accountability measure so that we can see how many people are successful in their applications to rent with an animal and, where an application is refused, the reasons for that refusal.

At the moment, that data is not available. We are reliant on evidence gathered by non-government organisations, public surveys and stakeholder evidence in inquiries. That evidence all points to the conclusion that people are struggling to find animal-friendly rental accommodation, which is why the amendment is so important. The Government claims that the bill will help people to rent with animals. I have doubts about that. Nothing would make me happier than to be proven wrong, but I suspect that the Government does not want this amendment to pass because the data would show that the bill has failed and should be revisited. That is not a good reason to reject an amendment to gather data. In order to have transparent government, Government members need to be open to the review and collection of data to assess if the legislation is working as they say it will.

A genuine review using real data is the only way to see if the bill is working to protect the people of New South Wales. It is not about putting up a bill to tick a box and say that something has been done while knowing that the bill will fail and trying to ensure that failure is not exposed and hoping that the evidence disappears. We need to monitor this space to understand how this will or will not help people with animals. I remind members that a significant percentage of all renters in New South Wales want to have animals. A

significant percentage of people are also renting, and we need to make sure that the data is collected over time so we can assess what is going on and what needs to change in the future.

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (20:49): The Government does not support this amendment. I assure the Hon. Emma Hurst that the Government is under no illusions that, with her continued advocacy, this issue is not going away. That is not the reason the Government is not supporting this amendment. There are over 900,000 tenancies in New South Wales. Requiring this data to be provided to Fair Trading is inconsistent with the fact that landlords and agents are not currently required to submit tenancy agreements or condition reports to NSW Fair Trading. That very basic tenancy information is not currently reported to Fair Trading. Given the number of tenancies, I am advised that due to the number of tenancies this requirement would be quite onerous and unreasonable. That is why the Government is not supporting this amendment. We recognise that the member's advocacy on this point will continue. We are trying to make the system as straightforward as possible.

The Hon. SCOTT FARLOW (20:51): Similar to the Government, the Opposition will not support this amendment. The legislation largely governs the interaction between tenants and landlords. Inserting a requirement for landlords to inform NSW Fair Trading about all of these conditions would be overly onerous on those parties and NSW Fair Trading. It would require a lot of extra resourcing. As such, we do not support this amendment.

Ms ABIGAIL BOYD (20:51): The Greens support this amendment. This is quite extraordinary. If anyone was paying attention to the Legislative Assembly inquiry on The Greens' no-grounds eviction bill, they would have seen the Liberal members pushing for more data relating to tenancies. Effectively, we have over two million people in rentals in New South Wales. Why would we not want more data? I note that members have spoken about this being an onerous obligation. We know how easy it is now to submit a whole bunch of things electronically. It is not 20 or 30 years ago. The Government could streamline this process and make it easy for landlords to provide data. It is really vital. If we are serious about homelessness and the housing crisis, then we want all the data that we can possibly gather.

We need data to work out if the changes we are making to correct the housing market are actually working. By not supporting this amendment, the Government is making it clear that it knows this part of the bill is doing nothing to improve the rights of renters when it comes to pets. It would not be hard to implement this requirement. Everybody wants more data, including the Rental Commissioner, NSW Fair Trading, tenants and housing advocates. I call on the Government to start thinking smarter and more holistically when it comes to dealing with the housing crisis. Anyone who knows anything about developing good policy knows that we cannot do it without good data. The Greens support this excellent amendment.

The CHAIR (The Hon. Rod Roberts): The Hon. Emma Hurst has moved Animal Justice Party amendment No. 4 on sheet c2024-197E. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. EMMA HURST (20:54): By leave: I move Animal Justice Party amendments Nos 5 and 6 on sheet c2024-197E in globo:

No. 5 Cleaning of carpets and fumigation

Page 6, Schedule 1[9], proposed section 73E(2)(b)(i) and (ii), lines 27–29. Omit all words on the lines. Insert instead—

- (i) if reasonable for the species of animal and the premises and necessary because of the condition of carpets caused by the animal—to have the carpets cleaned, and
- (ii) for a mammal, if necessary because of the condition of the premises caused by the mammal—to have the premises fumigated,

No. 6 Fencing

Page 7, Schedule 1[9], proposed section 73F(1)(b)(i), line 8. Insert "and cannot be reasonably remedied" after "appropriate".

Amendment No. 5 relates to the cleaning of carpets and fumigation, which are conditions that a landlord can impose when giving consent for an animal. The proposed section currently allows a landlord to make tenants pay for professional cleaning of a premises if they have kept any animal inside the premises during their tenancy. If the animal is a mammal, the tenant would also have to pay for professional fumigation.

Imposing those requirements and the associated financial burden on tenants with any animal or mammal inside is a complete overreach. It does not take into consideration circumstances where an animal may be kept inside and therefore is extremely unlikely to be exposed to anything that would justify fumigation. The problem with the way these clauses are currently drafted is that we will see a situation where this becomes a line on every

tenancy agreement form. We will not see a form that will only sometimes have that. The problem is that it is set out in the first place. The proposed professional cleaning and fumigation conditions would act as a financial penalty on those with certain animals.

This is unjustifiable and would effectively fit the very definition of an unreasonable condition in the bill. Furthermore, landlords are already protected by existing provisions in the Residential Tenancies Act that ensure that tenants must leave premises in a clean and undamaged state. Whether cleaning or fumigation is required should be considered on a case-by-case basis depending on variable factors, such as the conditions and nature of the premises, the species of the animal and the manner in which the animal is kept at the property. Most importantly, it should depend on whether or not there is evidence at the end of a tenancy that the carpets and the premises are in fact damaged or unclean on account of an animal.

That is exactly what this amendment seeks to do. It will not remove the requirement for a tenant to clean or fumigate. All this amendment does is insert the need for evidence to show that these things are required. A decision would be made at the end of a tenancy as to whether or not cleaning or fumigation is required, rather than requiring every tenant pay for very expensive professional cleaning and fumigation services in all situations, even if the place is absolutely pristine. If there is no evidence of a concern, then there is no reason for claiming these unreasonable requirements.

Amendment No. 6 is a simple amendment which seeks to qualify the excuse of inappropriate fencing as a ground for refusing consent for an animal. Allowing a landlord to refuse consent on the ground that the fencing is not appropriate is too subjective and broad. The amendment seeks to qualify the proposed ground to circumstances where the fencing is not appropriate and cannot be reasonably remedied. Without this amendment, landlords may be encouraged to leave fences in a less-than-secure condition as a permanent ground for refusing animals. There could be many cases where a tenant is more than happy to rectify the property, which would allow this reason for refusal to be remedied very easily. It also may not be relevant to many of the animals that do not require fencing—for example, if a tenant has an indoor cat. This is a very reasonable amendment, and it would not make any sense for anyone to reject it.

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (20:58): The Government does not support the amendments. On the issue of the requirement around professional carpet cleaning, we have already talked about how giving landlords the opportunity to impose conditions is intended to give them the tools that they need to have the confidence to agree to the tenant keeping pets. We want people to have access to pets and for landlords to be able to use the conditions to give them the confidence that it will work for them and for the tenant. As I have already outlined, if a condition is unreasonable, if the landlord is trying to require something that clearly is not justified by the pet request, the tenant has the opportunity to challenge that. All we are doing is being really clear about what some of those conditions might be.

The Government does not support the amendment relating to fencing because it introduces a real level of uncertainty. Whether or not there is an existing fence that is suitable is a question of fact that is clear to all. The question is not whether or not there could possibly be a fence. We provided 21 days and the opportunity for negotiation to accommodate the circumstances the Hon. Emma Hurst spoke about. The tenant may say, "I would actually be happy to pay for the fence", and then there could be a discussion and a negotiation about that. But whether or not a fence is there is a question of fact. The potential for upgrading fences or changing fences can be discussed and negotiated. We would welcome that. But we cannot introduce a level of uncertainty about a hypothetical fence at this point in the discussion. The Government does not support that amendment.

The Hon. SCOTT FARLOW (21:01): The Opposition does not support the amendments. It is about getting the balance right. We think the balance is fairly struck with respect to giving property owners comfort in terms of the remediation of their property following a pet being part of the occupancy with the tenant. With respect to the fence point, the Minister is quite right that the amendment opens up the potential for much dispute. It is a question of fact whether a fence is in place or not. I know from my own personal experience with having to put a fence in place to accommodate a pet on a property we own that it is not a cheap process. The amendment would create a lot of inconsistency in the market and landlords would be concerned about having the responsibility to establish a fence. The Opposition does not support the amendments.

Ms ABIGAIL BOYD (21:01): The Greens supports these incredibly reasonable amendments. I do not remember the exact words the Hon. Emma Hurst used, but they were along the lines of "Who could possibly reject such reasonable amendments?" Unfortunately, it seems that is where we are at. In relation to the cleaning of carpets and fumigation, I do not know how the provision of the bill that these amendments seek to amend made it into the bill in the first place. I have not used the term "brain fart" in this place for quite a while, but it seems that somebody had a brain fart when they put such an incredibly landlord-friendly provision into the bill. It flips the way that other elements of this Act work.

Usually, legislation addresses the actual damage caused or the actual actions that have been taken or not taken by a tenant, whereas that provision in the bill asks for speculation about possible damage that might occur. It is an incredibly anti-tenant provision. I would love to have been a fly on the wall when it was being put in the bill to understand what it was a compromise in relation to, because it is quite extraordinary. Of course people should not have to fumigate the property or get the carpet cleaned if, for example, they kept their dog outside in a large backyard. There are so many circumstances in which it would be a completely inappropriate and onerous burden on a tenant to require them to have the property fumigated.

I am really impressed with the restraint shown by the Hon. Emma Hurst in putting this amendment in such an incredibly reasonable way, instead of just seeking to gut the provision from the bill. The Greens support both of these amendments. The idea that, during a cost-of-living crisis, tenants should be expected to pay even more than they already are is extraordinary. This provision being buried in this way is also extraordinary. The Hon. Emma Hurst has given the Government a "get out of jail free" card on this but it is choosing not to take it.

The Hon. SCOTT FARLOW (21:04): To clarify, with respect to amendment No. 5, Ms Abigail Boyd outlined that it would be unreasonable to have to fumigate a property for an animal that was never kept inside. I note that the provision in the bill is for an animal that is kept inside a residential premises.

The CHAIR (The Hon. Rod Roberts): The Hon. Emma Hurst has moved Animal Justice Party amendments Nos 5 and 6 on sheet c2024-197E. The question is that the amendments be agreed to.

Amendments negatived.

The Hon. EMMA HURST (21:05): I move Animal Justice Party amendment No. 7 on sheet c2024-197E:

No. 7 **Consent remains in force**

Page 8, Schedule 1[9]. Insert after line 18—

731 Effect of consent

- (1) A consent continues in force while the tenant resides in the residential premises for the lifetime of the animal despite any change in the following—
 - (a) the landlord,
 - (b) the landlord's agent,
 - (c) the residential tenancy agreement.
- (2) This section is a term of every residential tenancy agreement.

I understand that the Government and the Opposition intend to support this amendment. In short, the amendment seeks to address the continuation of consent when an animal is already living in a residential premises. There are many situations where a person may be living with their animal and circumstances out of their control change—for example, the property is sold to a new landlord, the landlord changes agents or they are transferred to a new rental agreement. The amendment, which is modelled on a similar provision in South Australia, seeks to create security for people in those situations by allowing for consent to continue for the lifetime of the animal.

As the bill currently stands, if someone has consent for an animal and they remain in the same premises but some outside factor changes, such as a change in landlord, the tenant is automatically in breach for having the animal. They must reapply to have the animal, which they already have in their care, and wait up to 21 days for a response. If they are refused, they may have to go to the tribunal, which could take months, all while they are still in breach. Shockingly, under the no-grounds eviction section of the bill, they could be forced out of their tenancy within 14 days because of the breach, which occurred outside of their control, while still having to wait 21 days to get approval for the animal. That is a major oversight and it will not work in practice.

Many of the problems in the bill are caused by the fact that the current version has been dramatically changed because it was not initially consulted on, and those problems will become obvious once it is being enforced. Tenants will be forced out of their homes or will not be able to adopt animals because they cannot confirm they have secure housing for the lifetime of the animal. Even if tenants have done the right thing and obtained permission for the animal in the first place, at any point in time they could be deemed in breach and be forced to get rid of the animal or forced out of their own home. The amendment helps keep animals out of pounds and shelters, meaning that fewer are euthanised on account of rental accommodation insecurity. I thank the Government and the Opposition for supporting this amendment to fix this oversight.

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (21:08): The Hon. Emma Hurst is correct that the Government will be supporting the amendment. She is also right that it is not reasonable that a tenant would have to re-request permission for a pet if, for example, their landlord changes. If it has been

agreed that a pet is suitable for a property and the property does not change and the pet does not change, just the fact that the landlord has changed is not a reason that the agreement should come to an end. For those reasons, this is a reasonable amendment and the Government is happy to support it.

The Hon. SCOTT FARLOW (21:09): I confirm that the Opposition is supporting the amendment moved by the Hon. Emma Hurst. It is a reasonable amendment and it enjoys the support of the Committee.

The CHAIR (The Hon. Rod Roberts): The Hon. Emma Hurst has moved Animal Justice Party amendment No. 7 on sheet c2024-197E. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. EMMA HURST (21:09): By leave: I move Animal Justice Party amendments Nos 1 to 3 on sheet c2024-223A in globo:

No. 1 Species of animal

Page 6, Schedule 1[9], proposed section 73E(2)(a), line 21. Omit "type". Insert instead "species".

No. 2 Species of animal

Page 6, Schedule 1[9], proposed section 73E(2)(b)(i), line 27. Omit "type". Insert instead "species".

No. 3 Species of animal

Page 6, Schedule 1[9], proposed section 73E(2)(c)(ii), line 32. Omit "type". Insert instead "species".

In the first instance, it is important to understand that the amendments do not change the species of animal to which the bill applies. The amendments simply seek to replace the reference to "type of animal" with a reference to "species of animal" at the three places it appears in proposed section 73E (2). The phrase "type of animal" is vague. It would allow subjective interpretations of the provision and create uncertainty as to the animals covered by it. It also allows for discrimination against certain breeds of animals, particularly certain breeds of dogs and cats, against which a landlord might be prejudiced. That is a concern when the effect of proposed section 73E (2) is to determine what conditions are reasonable. In proposed section 73E (2) (a), a misinterpretation of the phrase "type of animal" could mean a tenant is forced to keep all kinds of animals permanently outside, regardless of whether it is appropriate or fair, or whether it will impact an animal's health or wellbeing.

I note that the predominant animal legislation in New South Wales, the Protection of Cruelty to Animals Act, also uses the term species in a comparable section. The term species offers an objective classification, which would provide greater certainty for tenants and landlords alike. It would also prevent unjust discrimination based on breed stereotypes. To give an example, a greyhound that has been used as a racing dog could be said to be typically housed outside, but in domestic settings that is absolutely not the case. Here the type of dog is being unfairly discriminated against, and that will simply cause an increase in applications to the tribunal. The word "species" is much clearer and will avoid doubt created by the current terminology in the bill, for both tenants and landlords, and reduce the number of cases going to the tribunal due to disputes caused by the unclear terminology.

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (21:12): The Government will not support the amendments. The advice from Parliamentary Counsel and others suggests that the word "type" is more accessible English. More scientific language like species is often more difficult for people to understand. The word "type" is used in Queensland and Victoria in residential tenancy legislation regarding pets and has been demonstrated to be effective for that purpose within those legal frameworks. Our advice is that "type" is clearer, plainer and more easily understood. Therefore, we will not support the amendments.

The Hon. SCOTT FARLOW (21:12): Likewise, the Opposition will not support the amendments. I note the comments of the Minister in that regard. In terms of using the word "type", there may be cases where "species" would be appropriate. A certain type of dog might be appropriate, so to change the terminology to species could further limit the number of pets that could be kept at a property because of the scope that would be taken in if we were to change the terminology as proposed by the Hon. Emma Hurst.

Ms ABIGAIL BOYD (21:13): The Greens support the amendments for all the great reasons the honourable member laid out when she moved them. They are eminently sensible amendments that could have been made to the legislation to improve it before it got passed tonight. It is a shame that it will not happen. I again thank the member for bringing these amendments. I also thank all of our amazing stakeholders and advocates who have contacted the office of the member for Newtown. We will continue to fight for reforms to our laws that will actually allow people to keep pets in rentals and that will finally take significant action to address the homelessness crisis and the domestic violence crisis in our State.

The CHAIR (The Hon. Rod Roberts): The Hon. Emma Hurst has moved Animal Justice Party amendments Nos 1 to 3 on sheet c2024-223A. The question is that the amendments be agreed to.

Amendments negatived.

The Hon. EMMA HURST (21:15): By leave: I move Animal Justice Party amendments Nos 1 to 4 on sheet c2024-224A in globo:

No. 1 Certain grounds for refusal require approval of Tribunal

Page 7, Schedule 1[9], proposed section 73F(1)(a), lines 4 and 5. Omit all words on the lines.

No. 2 Certain grounds for refusal require approval of Tribunal

Page 7, Schedule 1[9], proposed section 73F(1)(b)(ii), line 9. Omit all words on the line.

No. 3 Certain grounds for refusal require approval of Tribunal

Page 7, Schedule 1[9], proposed section 73F(1)(c), lines 12–14. Omit all words on the lines.

No. 4 Certain grounds for refusal require approval of Tribunal

Page 7, Schedule 1[9], proposed section 73F. Insert after line 25—

- (1A) A landlord must apply to the Tribunal for approval if seeking to refuse to give consent on one or more of the following grounds—
 - (a) keeping the animal at the residential premises would result in an unreasonable number of animals being kept at the premises,
 - (b) there is insufficient open space,
 - (c) keeping the animal at the residential premises is likely to cause damage that would cost more to reasonably repair than the amount of the rental bond for the premises,
 - (d) another ground not specified in this section.
- (1B) If the landlord makes an application to the Tribunal for approval, the landlord must give written notice to the tenant about—
 - (a) the application as soon as is reasonably practicable, and
 - (b) the decision of the Tribunal as soon as is reasonably practicable after the landlord is informed of the decision.
- (1C) The Tribunal must—
 - (a) give approval if the Tribunal considers the ground to be reasonable in the circumstances, or
 - (b) refuse to give approval and order the landlord to give consent to the tenant if the Tribunal considers the ground to be unreasonable in the circumstances.

I move amendments Nos 1 to 4, which are regarding requiring tribunal approval for certain grounds for refusal. These amendments seek to ensure that any particular subjective grounds for refusing consent for an animal must be approved by the tribunal. The bill currently provides grounds on which a landlord can refuse consent for an animal. Some of these grounds make sense, but some are clearly too subjective. These amendments focus on three grounds for refusal: those that relate to an unreasonable number of animals, insufficient open space and where an animal would likely cause more damage than the amount covered by the rental bond. It is important to understand that the amendments do not eliminate these grounds. Rather, they create a mechanism for a landlord to rely on the grounds by seeking approval from the tribunal.

Amendments Nos 1, 2 and 3 remove the grounds as written while amendment No. 4 reinstates these grounds in the context of going to the tribunal. The mechanism to allow a landlord to go to the tribunal is not punitive. It is merely proposed to be required in cases where there is legitimate need for independent consideration of whether a ground for approval applies. In terms of an unreasonable number of animals, this is without parameters. A landlord could refuse as few as two animals to be kept on a premises. I can only assume that the provision is intended to prevent animal hoarding situations, which is actually a responsibility already covered, and more appropriately covered, by enforcement agencies under the Prevention of Cruelty to Animals Act. If the number of animals is used as a ground for refusing consent, it is more equitable for this to be determined by a tribunal. Leaving it in the hands of the landlord unjustly leaves tenants powerless.

The same applies to questions about insufficient open space or where an animal is likely to cause damage greater than the amount covered by the rental bond itself. In each of those scenarios, the assessment is highly subjective and more appropriate to be left in the hands of an independent decision-maker. As drafted, the amendment would also allow a landlord to seek approval from the tribunal to refuse consent based on another ground outside of those listed in the exemption. In this way, the amendment seeks a sensible approach to ensure

that animal-friendly rentals are provided in a sustainable and flexible way. This is a fair and measured approach. It does not seek to reverse the onus entirely; it does not favour either landlords or tenants.

While amendment No. 4 is a significant compromise on what the Animal Justice Party, renters, the public, domestic violence services, animal protection organisations and, according to the Coalition's research, even landlords want and expect from the bill, I thought that a hybrid model will at least make it somewhat easier than the current status quo of what has been put in the bill towards fulfilling Labor's own election commitment. But it will also see that we take some steps forward in this space. I was hopeful that the Government may see this compromise position as a possible way forward. As the bill currently stands, people are either no better off or, in some ways, worse off than the current situation with companion animals in rentals. This hybrid model could change the culture in this space and go some way towards helping people secure rentals with animals. It seeks to find that fair balance.

Obviously, my position is to elevate tenants, because I see them as often the more vulnerable group. The Government's position is clearly to elevate landlords and agents, the more powerful group. These amendments are a compromise. They would see both tenants and landlords on a fairer playing field. They would not elevate tenants above landlords or agents. They are also a compromise on the Government's bill, which will elevate landlords and agents too far and make tenants entirely powerless in a situation where they are trying to rent with animals. The amendments would ensure that both groups are somewhat empowered. If Labor is the party for the people, it will agree to the amendments rather than the current model in the bill, which overly empowers landlords and agents.

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (21:20): The Government does not support the amendments. It wants the process to be straightforward, simple, quick and well understood where possible. A hybrid model like the one contained in the amendments does not serve that purpose. I understand where the Hon. Emma Hurst is coming from. I implore her to see that, while she is disappointed—and I recognise that—the bill is progress. The tenant is now entitled to request a pet. There is no more blanket "no pets allowed". The landlord is only entitled to refuse the request on reasonable grounds, which are outlined.

If there is disputation as to potentially subjective terms or whether something is reasonable, that dispute is to be resolved at the NSW Civil and Administrative Tribunal [NCAT]. It is a straightforward process that empowers tenants to make a request. Landlords must justify their refusal. There are a lot of provisions to encourage negotiation to come to a mutual agreement. If a landlord refuses the request, reasons must be provided. If the tenant thinks that is unfair or that some of the terms have not been reasonably interpreted by the landlord, the NCAT will resolve that. The principles of independent dispute resolution, of encouraging negotiation and of an entitlement to request a pet are all in the bill. I know that the Hon. Emma Hurst is disappointed, but progress has been made to create a simple, straightforward system that provides a more meaningful pathway for tenants to have pets.

The Hon. SCOTT FARLOW (21:21): The Opposition does not support the amendments. We should be seeking to keep things out of the NSW Civil and Administrative Tribunal as much as possible. The amendments are a tribunal-first approach and would make the system more unworkable for landlords, for tenants and for the tribunal. There are many matters already before the tribunal. It is overworked enough. Going through a consent such as the one contained in the amendments would make the system unworkable and would be overly onerous on tenants, landlords and the tribunal. The Opposition does not support the amendments.

Ms ABIGAIL BOYD (21:22): The Greens support the amendments. There was a comment that the process within the bill around pets in rentals is straightforward, simple and quick. There is nothing in the bill that meets that test for a tenant who has been denied a pet. It is already possible for a tenant to ask their landlord to be able to have a pet. The amendments would simply put that common and regular practice into law. The idea that the amendments make things less clear does not check out.

The Greens moved amendments in the lower House to shift the onus to the landlord to take the denial of a pet to the NSW Civil and Administrative Tribunal, because landlords have more resources than tenants do. The Greens support any shift of onus to the landlord rather than the tenant. Those amendments were rejected in the lower House. The Hon. Emma Hurst has moved amendments that seek to find the middle ground and find a better balance between the interests of landlords and tenants. It is disappointing that Labor cannot even support that compromise position. It would have just made the bill go from being—I think when I first read it I described it as "meh" when it came to pets in rentals.

The Hon. Wes Fang: How are they going to spell that in *Hansard*?

Ms ABIGAIL BOYD: M-E-H, for *Hansard*. The bill could have been just that little bit better. The argument that we often hear on a Thursday night in this place—"We're not making any amendments because

we've already sent the lower House home"—cannot even be made. We are able to make these amendments. These ones are eminently sensible. We have lost such an opportunity for the bill to have made a real, meaningful difference, rather than just taking the status quo when it comes to pets in rentals and putting it into law. It is incredibly disappointing that Labor could not even support these amendments.

The CHAIR (The Hon. Rod Roberts): Ms Emma Hurst has moved amendments Nos 1 to 4 on Animal Justice Party sheet c2024-224A. The question is that the amendments be agreed to.

Amendments negatived.

The CHAIR (The Hon. Rod Roberts): The question is that the bill as amended be agreed to.

Motion agreed to.

The Hon. ROSE JACKSON: I move:

That the Chair do now leave the chair and report the bill to the House with amendments.

Motion agreed to.

Adoption of Report

The Hon. ROSE JACKSON: On behalf of the Hon. Penny Sharpe: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. ROSE JACKSON: On behalf of the Hon. Penny Sharpe: I move:

That this bill be now read a third time.

Motion agreed to.

JUSTICE LEGISLATION AMENDMENT (CHILDREN) BILL 2024

First Reading

Bill introduced, read a first time and ordered to be published on motion by the Hon. John Graham.

The Hon. JOHN GRAHAM: According to standing order, I table a statement of public interest.

Statement of public interest tabled.

Second Reading Speech

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (21:28): I move:

That this bill be now read a second time.

The New South Wales Government is pleased to introduce the Justice Legislation Amendment (Children) Bill 2024. The bill will introduce several miscellaneous amendments to correct a minor error in an uncommenced amendment to the Child Protection (Working with Children) Act 2012, and to ensure clarity and transparency in the decision-making of the Children's Court and sentencing statistics. Regularly reviewing and updating legislation is an important mechanism to ensure that laws remain fit for purpose and keep pace with developments in the community and the legal system. Miscellaneous bills are a sensible and practical way to introduce amendments to multiple Acts in order to achieve that. I now turn to the detail of the bill.

Schedule 1 to the bill will amend the Child Protection (Working with Children) Act 2012 to correct a minor error in an uncommenced amendment to the Act. The amendment will clarify that, for proposed section 36C (1) of the Child Protection (Working with Children) Act 2012, a relevant person must notify the Children's Guardian of the commencement of proceedings, a conviction or a finding of guilt against the relevant person of a prescribed criminal offence outside of Australia in certain circumstances.

Schedules 2 and 3 to the bill will amend the Children (Criminal Proceedings) Act 1987 and the Children (Community Service Orders) Act 1987 to clarify the actions that the Children's Court may take in response to breaches of certain court orders, such as good behaviour bonds. The Children's Court has jurisdiction under section 41 (4) of the Children (Criminal Proceedings) Act to hear and determine breaches of good behaviour bonds, probation and youth justice conference outcome plans. It also has jurisdiction to hear applications to revoke children's community service orders under sections 21A and 22 of the Children (Community Service Orders) Act.

In relation to breaches of good behaviour bonds, probation orders or outcome plans, section 41 (4) of the Children (Criminal Proceedings) Act provides that the court may deal with the person "in any manner in which the person could have been dealt with by the Children's Court in relation to the offence", effectively limiting the court's powers to the penalties contained in section 33 of that Act. In relation to applications to revoke children's community service orders, sections 21A and 22 of the Children (Community Service Orders) Act provide that the court may either:

- (a) revoke the order, or
- (b) revoke the order and deal with the person ... in any manner in which the person could have been dealt with for that offence by the court had the order not been made.

That similarly limits the court's powers to the penalties contained in section 33 of the Children (Criminal Proceedings) Act. In the decision of *R v Kai*, the President of the Children's Court held that the court did not have the power to take no action in respect of a breach of bond due to the terms of section 41 (4) of the Children (Criminal Proceedings) Act. The charge was instead dismissed under section 33 (1) (a). The president noted that the imposition of the penalty would not reflect the objective seriousness of the offence on the child's record and would contribute to misleading sentencing statistics. Prior to that decision, it was assumed that the Children's Court was empowered to take no action in respect of a breach of bond. Kai has disrupted that common practice and has caused uncertainty and diminished transparency in the Children's Court sentencing process.

Schedules 2 and 3 will amend the Children (Criminal Proceedings) Act and the Children (Community Service Orders) Act to give the Children's Court express power to take no action, to vary or revoke conditions, to impose further conditions and to revoke an order in response to breaches of bond, probation orders and community service orders. It will also give the Children's Court the power to take no action or to revoke an order releasing a person on condition that the person complies with an outcome plan if the court finds the person breached the outcome plan. The amendments bring the children's breach process in line with the adult model in section 108C (5) of the Crimes (Administration of Sentences) Act 1999. The amendments will address the uncertainty and allow the prior common practice of the Children's Court in respect of breaches of court orders to continue unimpeded. The bill is an important part of the Government's ongoing work to regularly review and update legislation to ensure that it continues to meet its objectives. I commend the bill to the House.

Debate adjourned.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO 2) 2024

First Reading

Bill introduced, read a first time and ordered to be published on motion by the Hon. John Graham.

The Hon. JOHN GRAHAM: According to standing order, I table a statement of public interest.

Statement of public interest tabled.

Second Reading Speech

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (21:34): I move:

That this bill be now read a second time.

The Statute Law (Miscellaneous Provisions) Bill (No 2) 2024 continues the Statute Law Revision Program which has been in place for 40 years. I am sure members would be very familiar with the program, given statute law bills have featured in most sessions of Parliament since 1984. Statute law bills are an effective method for making minor policy changes. They are also significant in maintaining the quality of the New South Wales statute book. Schedule 1 to the bill contains policy changes of a minor and uncontroversial nature. The schedule gives effect to proposals that are too inconsequential to warrant the introduction of a separate amending bill. The schedule contains amendments to 16 Acts and one regulation. The schedule makes an amendment to the Community Land Management Act to ensure that the correct standards are referred to for the auditing of accounts and financial statements. Schedule 1 also makes an amendment to the Superannuation Act, removing redundant references to the repealed Maintenance Act. The schedule also includes amendments to update certain references to departments, Ministers and other office holders to reflect machinery of government changes.

Schedule 2 to the bill deals with matters of pure statute law revision, consisting of minor technical changes to legislation that the Parliamentary Counsel considers are appropriate for inclusion in the bill. Schedule 2 includes amendments to correct typographical errors, correct provision numbering and omit redundant provisions. Schedule 3 to the bill removes references to the Government Printer across the statute book. While the Government Printer was closed in 1989, references to the Government Printer remain across the statute book. The

schedule ensures any references to the Government Printer are updated to reflect the functions that have been taken over by the Parliamentary Counsel's Office, including publishing the *Government Gazette* and publishing on the NSW Legislation website. I thank the Parliamentary Counsel's Office for its good work.

Schedule 4 to the bill removes references to the Impounding Act. The Act was replaced by the Public Spaces (Unattended Property) Act. The schedule contains amendments to 11 Acts and regulations to ensure the correct legislation and provisions are referred to across the statute book. Schedule 5 to the bill repeals redundant legislation and provisions. For example, the Appropriation Acts since 2018 were only required for their respective financial year and no longer serve any purpose. Accordingly, the schedule will repeal the Appropriation Acts and Appropriation (Parliament) Acts made under previous governments from 2018 to 2022. The schedule will also repeal previous statute law Acts from 2019 to 2023 that have since fully commenced. Schedule 6 contains general savings provisions, transitional provisions and other provisions. That includes a provision allowing for regulations to be made that are of a savings or transitional nature.

I hope members will appreciate the uncontroversial nature of the provisions contained in the bill. However, if any amendment causes concern or requires clarification, it should be brought to the attention of the Government. If necessary, in the first instance, I will arrange for Government staff to provide additional information on the matters that are provided. If any particular matter of concern cannot be resolved and is likely to delay the passage of the bill, the Government is prepared to consider withdrawing the matter from the bill, as has often been the case. Withdrawn proposals can also be dealt with in a second bill using the procedure for splitting bills in the Legislative Council, which can be dealt with in each of the Houses in the same way as an ordinary bill. I reiterate that I encourage members to bring any of their concerns to the Government. I commend the bill to the House.

Debate adjourned.

FINES AMENDMENT (PARKING FINES) BILL 2024

Second Reading Debate

Debate resumed from 26 September 2024.

The Hon. DAMIEN TUDEHOPE (21:38): On behalf of the Opposition I contribute to debate on the Fines Amendment (Parking Fines) Bill 2024, which responds to concerns from members of the public who have received parking fines sometime after the alleged offence was committed. The concern about any fine received sometime after an alleged offence is easily understandable, whether it is a parking fine, speeding fine or any other kind of fine. Curiously, the bill addresses only parking fines. We are hearing nothing from the Minister about surprise speeding fines arriving in the mail weeks or months after the alleged offence occurred. The bill even explicitly excludes from its operation parking fines issued by police.

Revenue NSW administers parking fines for several local councils under agreements. The Minister could easily have administratively changed the terms of those agreements to implement the on-the-spot notice requirements contained in the bill. It is surprising that the bill is necessary at all. The bill seeks to return to a last-century paper-based system rather than explore twenty-first century digital solutions to the problem, such as real-time emails or text messages to the registered owner of the vehicle that a parking fine has been issued to. On the bill, Local Government NSW President Councillor Darriea Turley commented that local councils' "greatest concern is the very real risk to the safety and wellbeing of compliance officers." She added:

This decision will put rangers right back in harm's way ... Councils' primary responsibility remains the safety and wellbeing of their staff. One of the main reasons many councils introduced ticketless fines was to reduce the incidence of verbal and physical abuse of employees.

Councils that adopted ticketless enforcement and vehicle-mounted camera technology have reported a reduction in these incidents as a result.

The other concern raised by Councillor Turley relates to councils' significant investment in new technology to issue infringements:

Many hundreds of thousands of dollars have been invested by councils across NSW on technology, cars, cameras and software.

With ongoing cost-shifting and the current financial climate affecting councils' ability to provide the services and facilities their communities deserve, these parking reforms would significantly impact council budgets.

Unsurprisingly, Councillor Turley also pointed to the double standards involved in the New South Wales Government imposing on-the-spot paper fine notification while continuing to issue ticketless fines itself, including for offences identified through cameras that look inside a vehicle to see if a driver is using a mobile phone or wearing a seatbelt, with no prior warning given. This week the Government has further legislated for ticketless speeding fines based on the use of point to point cameras. The United Services Union also slammed the Labor

Government for its failure to give due weight to the real threat to the welfare of its members who work as parking inspectors. General Secretary Graeme Kelly commented:

Removing ticketless parking fines will take rangers back to the bad old days where they suffered broken jaws, black eyes and daily abuse for simply doing their job ...

The NSW government will be responsible for every assault suffered by a parking ranger from now on ...

Everytime a parking inspector is punched, spat on or abused they'll be able to thank the NSW government for making a difficult situation even more dangerous ...

We've had council rangers who've been put in comas, had their jaws broken, been spat on and abused with the most foul mouthed tirades.

Only a few months ago a man who ran down into a parking ranger in Enmore putting him in a coma for two weeks and leaving him with life changing brain and spinal injuries ...

Parking rangers have a tough job and like every other worker in this state they deserve to go home each day, not end up in a coma in hospital.

The Minister effectively brushed aside those concerns by referring to the fact that parking inspectors, as council law enforcement officers, are included in those covered by the provisions for the aggravating factors in sentencing under the Crimes (Sentencing Procedure) Act 1999. A possible longer sentence, however, does not directly protect a parking inspector at risk from enraged, entitled drivers about to be issued with a parking ticket.

The bill also contains a provision that puts the onus on a parking inspector to assess a risk of imminent assault from a disgruntled driver about to be issued a ticket and, while retreating to safety, to attempt to capture images justifying the decision to avoid risk. The United Service Union insists that "ticketless parking allows rangers to avoid dangerous situations", not record them. The United Services Union has spoken to the Government about linking council fines to the car registration system so that drivers could get a text message within minutes of getting a fine so they could gather evidence if they wanted to challenge the fine, as I proposed earlier in this contribution. Mr Kelly hits the nail on the head with this insightful comment:

Parking inspectors have a tough job, people love to hate them, and now the state government is looking for a sugar hit to bump up its popularity and is picking on them too and putting them in danger, it's disgraceful.

The Government is choosing to ignore the well-articulated concerns of both local government and the relevant union. I urge the Minister to begin work on modern digital solutions, as proposed by the United Services Union—more friends of ours. Notwithstanding those observations, the Opposition acknowledges the Government is ultimately responsible for the design of its fines system and will not oppose the bill.

Ms ABIGAIL BOYD (21:46): On behalf of The Greens I indicate that we will not oppose the Fines Amendment (Parking Fines) Bill 2024. It has been an interesting bill for The Greens to form a position on because, as has already been elucidated in this debate, there are two groups of interests and two different principles we are grappling to balance here. On one hand, there is the issue of procedural fairness when someone issued with a fine does not know for some time that they have been fined. If those people had gotten that piece of paper on their dashboard, they would have known that they committed a parking infringement, wondered what had gone on, taken a look and perhaps taken a photo of the sign they were parked under. They could then arm themselves to contest the fine in an informed and timely manner.

I tried to park in Newtown on a Saturday morning about three weeks ago as I was taking my eldest daughter to a birthday party. Maybe we do not have such complicated signs on the Central Coast, but I was trying to find a parking spot, and there were five or six different signs telling me when I could and could not park. Sometimes it was 1P, sometimes it was 2P, and sometimes it was a clearway. Sometimes it was one thing between certain times on a Saturday morning, but at other times it was something else and sometimes one would override the other. I found myself having to do a very complicated equation in my head to work out if I was allowed to park there and for how long. It is not always simple, and if I had received a parking ticket, I would have liked to take a photo of that sign and say, "How on earth could anybody have worked this out? I thought I was doing the right thing." I would have been armed and able to contest the fine.

However, if I received an email three weeks down the track, trying to contest that parking fine would have been really hard. I was not driving my car; I was driving my partner's car, so the email would have gone to him. We both would have wondered who was driving and what I was doing. I say that from the perspective of someone who has a full-time job and is in a position to pay the fine without penalty fines accruing against me and perhaps being sent to jail. Unfortunately, that is something that does actually happen in our society because people cannot afford it. We are trying to balance that procedural fairness issue with the valid concerns of parking inspectors who find that they are increasingly subjected to abuse, leading to the genuine feeling that they are not safe in these situations.

There is never an excuse to be abusive to someone who is doing their job. However, people are finding, particularly in a cost-of-living crisis, that getting a fine could be the difference between feeding their children that week or paying the fine and therefore not being subject to penalty fines. Those are the decisions that some people are grappling with. I do not think that applies to everybody. There are some incredibly entitled people who are not very nice and who also like to abuse parking inspectors—it is not always people who might have any reasonable excuse for that behaviour.

However, there are increasing reports of inspectors feeling actually or potentially unsafe. The bill tries to strike the right balance. My office and I have had a lot of discussions with the United Services Union on this matter. We have had a lot of discussions with the Minister. I thank the Minister, who is always incredibly forthcoming with great briefings—timely advance briefings—for me and my office so that we can ask all the questions we need to of the Minister and the department to really understand the ins and outs of each piece of legislation.

The bill strikes the right balance between two competing interests, which is not easy. From my discussions with the Minister, I believe that there is a real willingness to see what the effect of the legislation is. If it is not workable for parking inspectors, measures might be put in place to alleviate any problems. I note that the Parliament has a regulation-making power. There are procedures for parking inspectors to say, "I didn't put that paper ticket on the car because I felt unsafe." At the moment those procedures seem quite straightforward, but I know there is concern that parking inspectors will feel that they cannot validly say that they feel unsafe in the circumstances.

The Greens understand that regulations will flesh out that process and give certainty and assurance to people who are trying to go about their daily lives and work without being abused. On that basis, and with the assurance that the United Services Union will be consulted in due course about that regulation, as one would expect—and knowing that the House has the power to disallow a regulation that has not met the proper standards—The Greens are very happy to support the bill.

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (21:52): In reply: I thank members for their contributions to debate on the Fines Amendment (Parking Fines) Bill 2024. My remarks will be brief, given the hour. I thank Ms Abigail Boyd for her comments. The Government does seek to engage and explain what it is trying to accomplish, and it does believe that it has struck the right balance in the bill. The bill introduces practical reforms to the current parking fine system to create a fairer, more accountable process that meets community expectations in New South Wales.

Over the course of the year I have raised concerns with councils about the use of ticketless fines. The response from a number of councils indicated that without legislation, the current processes would not change. I commend the councils that are now leaving on-the-spot notifications and those that have advised that they will start to do so. I will not outline the extensive consultation process the Government has undertaken, but I thank Revenue NSW for all the work it has done on that, particularly the consultation across government and with local government.

I briefly address some of the concerns raised by the Leader of the Opposition in his contribution. These rules will not apply to New South Wales Government cameras. There is a really big difference in both the gravity and the risk to the public regarding speeding fines when compared with parking fines. Parking for 30 minutes over the parking limit and speeding in a school zone are two very different situations. We are also taking about a moving vehicle versus a stationary vehicle. It should also be noted when it comes to parking fines that a level of judgement is applied by the parking officer, whereas with fixed speed and red light cameras no judgment is applied; rather, there is a scientific basis to detection. As I have said repeatedly, our Government has proudly ended the secret speeding fines the previous Government introduced and now we are seeking to end secret parking fines.

Given the hour, in relation to protections for individual parking officers who feel unsafe when issuing a parking fine, I direct members to my second reading speech, in which I spoke about that at length. In relation to the new technology adopted by some councils, much of that technology can be used to meet the image requirements contained in this bill. That technology can supplement the issuing of an on-the-spot notification. The adoption of the measures outlined in this bill should not be costly. They are practical and commonsense changes that we believe will restore procedural fairness to the parking fine system in New South Wales.

This bill is the culmination of many months of work. It has been a bit of a Team Houssos project. I acknowledge the efforts of my staff in driving and executing this project after I came to them with concerns raised with me about the unfairness of not providing drivers with an immediate notification if they receive a parking fine. Especially, I place on record my personal thanks and gratitude to Nageb, Liam, Laura and Harriet

for all of their work. They have toiled many late nights and weekends to make this idea a law. Finally, and with the indulgence of the House, I thank my husband, George, for his wise counsel, astute political antenna and practical and commonsense approach. I also thank him for his unending support not only on this issue but also in the sacrifices he makes every day, like the families of so many members, to allow me to make the most of this incredible privilege. With that, I commend this excellent bill to the House.

The PRESIDENT: The question is that this bill be now read a second time.

Motion agreed to.

Third Reading

The Hon. COURTNEY HOUSSOS: I move:

That this bill be now read a third time.

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. COURTNEY HOUSSOS: I move:

That this House do now adjourn.

MINISTERIAL CONFLICTS OF INTEREST

The Hon. MARK LATHAM (21:57): Yesterday I attended a fascinating seminar in the parliamentary theatre where Chief Commissioner of the Independent Commission Against Corruption John Hatzistergos updated MPs on probity information relating to conflicts of interest. This is topical given the striking findings of ICAC in Operation Keppel, otherwise known as the Berejiklian-Maguire matter. It needs to be understood that conflicts of interest are not necessarily financial. Mr Hatzistergos pointed out that Daryl Maguire was entitled to advocate for funding of the Riverina Conservatorium of Music and the Australian Clay Target Association, and that the Liberal-Nationals Government could have delivered it problem-free if Gladys Berejiklian had declared a conflict of interest due to her close personal relationship with Mr Maguire. Neither of them benefited financially from the government grants.

So what was the interest for which a conflict should have been declared and the former Premier was found to have engaged in corrupt conduct? One of the chief commissioner's slides stated that the Berejiklian offence was maintaining or advancing a close personal relationship through the granting of funds. I suppose the test was whether Daryl and Gladys would have been rejoicing at how effectively they had worked together as a team to secure the grants. Their relationship was strengthened by the Government's actions in Wagga Wagga. Neither of the lovers received a financial benefit, and it was not even necessarily judged to be favouritism for Maguire's electorate. As the Supreme Court found in *Berejiklian v Independent Commission Against Corruption*, it was not even the actual exercise of the public duty that was the problem. It was "the potential to influence the performance of her public duty".

What ICAC and the Supreme Court are saying is that MPs should not put themselves in a position where their undeclared close personal relationship with another person has the potential to influence the performance of their public duty. Why then did the Premier, Chris Minns, do exactly that four months after the ICAC ruling on Berejiklian? When his good mate, Labor ally and family friend Steve McMahon asked for a meeting to advance the sale of Rosehill racecourse, he should have said, "No. I have a conflict of interest with you, given the closeness of our relationship. I should meet with the chair and CEO of the Australian Turf Club instead."

At that meeting the Premier should have ensured that the Planning secretary was present given the years of work and advance planning she had put into the Camelia-Rosehill Place Strategy with which the Australian Turf Club [ATC] had been cooperating. Instead, the Premier met with McMahon and listed it as a meet and greet. He then asked the Cabinet Office to assist McMahon with even the barest of information, given that the ATC had only embarked on this sale four days earlier. This was a sore point, with chief of staff James Cullen at the Rosehill committee hearing on Monday realising the probity mistake that he and Mr Minns had made.

Ultimately, under detailed questioning, Mr Cullen had to concede that the outcome of the meeting on 30 October was to get Cabinet Office advice to assist McMahon, and the Premier agreed with that course of action. I have previously told the House that the Premier's multiple breaches of ICAC guidelines on direct dealings are a significant concern. Things were done so incredibly quickly in the mad dash to help the Premier's friend. In evidence given to the Rosehill committee, the Planning secretary, Kiersten Fishburn, said that she only found out

accidentally about the sale of Rosehill the night before the Premier's big media event at the racetrack itself on 7 December. Imagine that.

The main government official dealing with urban development and housing supply had no involvement in the proposal. She was kept in the dark about its public announcement despite having worked hard on the Camelia-Rosehill Place Strategy, which was now being made redundant by the Premier without ever telling her. Meanwhile, on 20 November, Steve McMahon was working on a press release for Chris Minns announcing the full sale of Rosehill. At various hearings, I raised the impropriety of this with Simon Draper, who was the author of the disastrous hole in the ground at Barangaroo. It is a sign of the ethical decay of the Minns Government that the head of the Premier's Department was oblivious to this problem, especially in light of the ICAC decision on Berejiklian.

Here is the test: On the night of 7 December, after the triumphant announcement of Rosehill, did Minns and McMahon have every right and reason to get together and say, "After 25 years working together as mates in politics, we've got a really big project up and running"? Is it a vision thing for the Premier in his remaking of Sydney, and confirmation for Steve McMahon that he is a can-do man in racing administration? He is surely the next CEO of the ATC or, dare I say it, the next Peter V'landys running the whole thing. On that night they did have reason to celebrate. Their close personal relationship had been strengthened in the exercise of the Premier's public duties. Did the Premier's actions have the potential to maintain or further his relationship with Steve McMahon? Objectively, one would have to say yes indeed.

AUSTRALIAN LABOR PARTY AND THE GREENS

The Hon. ANTHONY D'ADAM (22:02): On the weekend, Jacqui Scruby was elected in the Pittwater by-election. This has resulted in the largest crossbench in the Legislative Assembly in over a century. This is a symptom of a broader trend. Electoral support for major parties is in decline. The party system is fragmenting, and voters are more comfortable with voting for bespoke parties that speak to their personal priorities and values. Our political system is moving from a big-tent Fordist model to a post-Fordist model defined by pluralism, political pastiche and alliance-based politics. Our political system has traditionally been dominated by two parties that are broad churches—one of the broad right and one of the broad left.

Labor has historically been the major party of the left. It is why I joined it. I am not a tribalist. I do not support the Labor Party like someone supports a football team. For me, loyalty should not be attached to a brand but rather to the content and values of an organisation. A party is an instrument. Labor governments are a means to achieve progressive social change. The election of Labor government must never be an end in itself. That is why I am concerned by Labor's increasingly hostile rhetoric towards The Greens. The rhetoric is harmful to achieving progressive change in this country and counterproductive as it undermines our party's appeal to the progressive voters that we need to win government.

In its attacks on The Greens, Labor is using arguments that delegitimise the assumptions underpinning progressive ideas. By using a narrative of impracticality against The Greens, Labor closes off the possibility of returning to the ideas articulated by The Greens, which often have origins in the work of allied civil society organisations and unions, driving the public narrative to the right. When public spokespeople use the moniker "The Greens political party", they infer that The Greens are cynical political actors like everyone else, delegitimising all political actors and communicating to the electorate that all parties and politics are self-serving and pragmatic.

Labor and The Greens are two branches of the same social democratic tree, both rooted in an aspiration for a society grounded in equality and social justice. Although our origins are in different social movements—Labor in the trade union movement and The Greens in the environmental movement—our core values are closely aligned. In the 1950s, the Labor Party experienced a traumatic split that kept it in opposition federally for two decades. Over the past 30 years, a quiet split has occurred in the Labor Party. The party's left used to be the engine of policy innovation, but over this period that role has been progressively closed down by a leadership that has insisted on message discipline and exercising greater control over preselection outcomes.

In the absence of a voice articulated within the party, progressive voices have been incrementally forced out. Progressive activists and the voters they speak for have found new homes in The Greens and other left parties. The party now increasingly speaks for a narrower, more conservative segment of the electorate. By denying its parliamentary representatives the latitude to speak to the aspirations of more progressive voters and act with greater autonomy, the party is contributing to the growth of political alternatives on our left that eat away at our primary vote. That division of the progressive vote has real and adverse consequences.

We only need to look at the recent result of the Canada Bay Council election where the division in the progressive forces led to the election of a Liberal mayor and delivered control of the council to a conservative

majority despite a majority of voters casting their votes for progressive candidates. A nasty competitive dynamic operating in the inner city is partially responsible for the emergence of Labor's cultural hostility towards The Greens. However, the nature of the relationship should be shaped by something other than competition, such as looking for opportunities for cooperation. If we are interested in progressive policy outcomes, we need to work to build cooperation between progressive parties of the left and not undermine the capacity to forge this cooperation with increasingly hostile rhetoric.

The recently re-elected Labor-Greens coalition in the Australian Capital Territory is an example of an alternative model of cooperative relations; its longevity is a testament to its success. If members look at the dynamics in this Chamber, they will realise that most issues divide along a broadly left-right binary. As I look at who we share the division benches with, a broad progressive alliance exists, not on all issues but on most. Labor should reflect on that. Our success in this Chamber results from our great capacity to engage in alliance politics. We should lean into that. As Labor's primary vote continues to fall, and when we speak for less than a third of all voters, asserting the right to govern alone becomes increasingly difficult to sustain. Instead of fighting The Greens, Labor should look to make them a partner in our project of forging progressive government.

AISECS MATESHIP CUP

EPPING BY-ELECTION

The Hon. DAMIEN TUDEHOPE (22:07): On 12 October 2024, I returned to the cricket field. We are about to see the Indian Test team visit Australia, but before the Indian Test team takes up the cudgels against the Australian cricket team, a much more important cricket game took place at Bressington Park, Homebush, on 12 October 2024; that is the 2024 edition of the AISECS Mateship Cup. For those who want to know what AISECS stands for, it is the Australian-Indian Sports Educational and Cultural Society. The game turned into a roaring success as people from all walks of life came together to celebrate the ever-growing relationship and intertwining cultures of two incredible nations, Australia and India, as well as enjoy an exciting cricket match played between the Minister XI and the High Commissioner XI.

Echoing the sentiment of sport having the power to unite nations and transcend boundaries, the event was a true celebration of unity, diversity and friendship; soft diplomacy through culture exchange and bilateral cooperation; and the growing bond between two nations. The Mateship Cup is organised by Mr Gurnam Singh, founder of the Australian-Indian Sports Educational and Cultural Society, and Multicultural Ambassador for Cricket Australia. This unique initiative has continued to play a key role in promoting and strengthening bilateral ties between Australia and India across various sectors, such as sports, education and culture.

I am sure everyone is desperate to find out how the game went. The Minister's XI was headed by the Hon. Stephen Kamper and included notable cricketers such as Senator Dave Sharma and the member for Parramatta, Donna Davis, as well as sporting identities from the Indian community and Ryde Mayor Roy Maggio as wicketkeeper. Councillor Sameer Pandey from Parramatta City Council also took to the field along with Tim Thomas, Gurnam Singh, Gaurav Raina, Cal McGuirk, Sachin Saxena, Tanisha Reddy and Kuhu Nanda. The High Commissioner's XI was well-stocked with young cricketers, who bowled very quickly in the circumstances. I had the opportunity to play for the Minister's XI. It was my first game of cricket in about 30 years.

The Hon. Cameron Murphy: And you bowled like John Howard?

The Hon. DAMIEN TUDEHOPE: I would be happy to reflect on my performance—but I will leave it for another time. It was a great afternoon. One of the highlights of the day was Steve Kamper attempting to run someone out. He ran in to pick up the ball, threw it at the stumps and the exertion left him lying on the ground almost comatose. He bats quite well, though. He is not a bad cricketer; I was surprised by his ability. He certainly has all the gear. He turned out with pads, caps and all sorts of stuff. In any event, the Minister's XI won. They had not won on the past two occasions. Kamper had some impressive bowlers of his own to challenge the High Commissioner's XI. It was a great day. We had a fantastic time because it was an event as much as a cricket game. There were lots of other people who participated in the event. The editor of *Indian Link*, Pawan Luthra, gave commentary throughout the day. It was a fantastic cultural event.

I will use the last 23 seconds of my time to reflect on the outcome of the Epping by-election. We have already had a reflection on the outcome of the Pittwater by-election. The wonderful Ms Monica Tudehope was elected as the member for Epping. She is of enormous talent and comes from fantastic stock—she takes after her mother. She will be a great contributor to the Parliament. [*Time expired.*]

NUCLEAR POWER

The Hon. TAYLOR MARTIN (22:12): There has been a real shift in the arguments used against nuclear power in Australia over previous decades. For a very long time, the main argument against nuclear technology in

Australia was that it was not needed because there was so much coal and gas that it was just unnecessary. Hence why the Federal ban on nuclear power was able to pass late one night in the Senate—well over 20 years ago now—on the voices, as a Greens amendment, with no argument and no division, during the Howard years. The other long-held argument against nuclear power during the '80s and '90s was that nuclear power was unsafe and not environmentally friendly in relation to the storage of the waste. But in fact, it is the only source of large-scale, emissions-free energy where the totality of the waste is held onto. We know where all of it is and it is safe and secure. It is not released. It is not diluted into the environment. It is encased and stored while it rapidly loses radioactivity over time.

Those arguments against nuclear have been completely refuted. In fact, the environmental argument for nuclear power is now one which aids the case to implement a system that will see us build our first reactor for power in Australia. In Europe, nuclear power currently provides approximately 20 per cent of electricity generated and 43 per cent of low-carbon generation. Further, nuclear power as a low-carbon energy source has avoided about 74 billion tonnes of carbon dioxide emissions over the past 50 years, which is nearly two years' worth of total global energy-related emissions. In the United States, the Biden administration's Secretary of Energy, Jennifer Granholm, has said that the continued deployment of nuclear energy is essential to confronting climate change.

In 2023, nuclear reactors around the world helped avoid 2.1 billion tonnes of carbon dioxide emissions from equivalent coal generation. That is more than the annual emissions of almost every individual country, with only China, the United States and India having higher national CO₂ emissions. A study in 2013 found that the employment of nuclear power globally has prevented an estimated 1.84 million deaths related to air pollution and 64 gigatonnes of greenhouse gas emissions that would otherwise have resulted from burning fossil fuels.

When launching the 2023-24 GenCost report earlier this year, the Federal Minister for Climate Change and Energy, Chris Bowen, and the Minister for Industry and Science, Ed Husic, said the cost of power from small modular nuclear reactors would be up to eight times more expensive than firmed large-scale wind and solar. Energy realists, who have always been technology agnostic, have for some time considered those figures to be fundamentally flawed for several reasons, including GenCost severely underestimating the life spans and running times of nuclear generators compared with what has been demonstrated overseas. I was, therefore, pleased to see a report in the *Australian Financial Review* yesterday that the CSIRO says it is prepared to reconsider its previous estimate that nuclear power would cost up to twice as much as that generated by firmed renewables. A statement from the CSIRO said:

After the GenCost 23-24 report was released, nuclear proponents have clarified they will seek to achieve longer capital recovery periods, closer to the operational life, by using public financing. The GenCost project team may give this proposal consideration in future releases.

This is a very important concession, and I look forward to more realistic figures forming assumptions in future GenCost reports. They have to compare apples with apples. Previous cost estimates did not take into account the exceptionally long life of nuclear power and instead used incorrect assumptions in order to try to compare with renewable projects with far shorter life spans. In fact, the CEO of the Australian Energy Market Operator this week said publicly:

... while nuclear would be too slow to help with the energy transition, it should not be ruled out in the longer term when the demand for emissions-free power would continue to rise.

In other words, if we all want to charge our electric vehicles overnight in decades to come, we will need reliable baseload power available every single night, and we cannot rely on the weather to provide that. The old argument that nuclear power is dangerous has been demolished and the argument around environmental concerns has turned around 180 degrees. Nuclear is now seen as environmentally beneficial, so opponents now oppose it on cost and time to deliver. It is only a matter of time before those arguments are also proven to be wrong or outdated here in Australia.

BOWEL CANCER

The Hon. EMILY SUVAAL (22:18): "Never too young"—that is the message of Bowel Cancer Australia's advocacy agenda, which seeks to improve care and outcomes for younger people diagnosed with bowel cancer. Bowel cancer is the deadliest cancer for those aged between 25 to 44 and is the seventh underlying cause of death overall for that age category. On 3 September I attended the Enkindle Hope Fundraiser organised by Set in September the Label with my parliamentary colleague from the other place Minister Jihad Dib. I know Matt Cross, the member for Davidson, wanted to be there on the night, and he was certainly acknowledged.

Set in September the Label is a non-profit charitable organisation created to raise awareness and essential funds for bowel cancer research. It was founded in memory of a beautiful woman, Afroz Awan, who was diagnosed with stage four bowel cancer at 33 years old. Tragically, just three months and two weeks after her

diagnosis, Afroz passed away at the age of only 34, leaving behind a beautiful 10-month-old son and a grieving family. In the words of her family:

She was a mother, wife, daughter, sister, khala and friend to so many. Her presence is missed every single moment, every single day.

The name "Afroz" means to illuminate and brighten, and the family's aim is for the organisation to bring light and hope to those affected by bowel cancer. Afroz's sisters, Mehroz and Seemab, are the driving force behind the organisation, along with a village of amazing volunteers and committee members. Their aim is to raise awareness and raise funds for research into bowel cancer so that others may have access to more modern treatment. The sisters were devastated that when Afroz was diagnosed the only therapy option available for her was over 15 years old due to a lack of research in the space. It is their connection to their beautiful sister in the afterlife through their faith that helps them grieve her loss and honour her enduring legacy.

The event evening was one of joy, sadness and hope. Attendees included young bowel cancer survivors, their families and also the families of those that had lost their struggles with bowel cancer. Most compelling was the lived experience panel, a group of young women who shared their experience of diagnosis and, in some cases, living with stage 4 bowel cancer. Those young women all had one thing in common and that is they were initially dismissed by a health professional regarding their symptoms. That is unacceptable. Bowel cancer is not an old person's disease. In fact, one in nine Australians who are diagnosed are under the age of 50. People born from 1990 onwards have double the risk of developing colon cancer and quadruple the chance of developing rectal cancer compared with people born in 1950.

In the case of Kate from Victoria, who was diagnosed with bowel cancer while she was pregnant with her first child, so dismissed was she regarding her symptoms that she ultimately presented to an emergency department and refused to leave until they ran basic tests. She had a mass the size of a softball in her abdomen that was ultimately effectively removed by quite radical surgery, which involved removing her entire uterus with baby intact and then reimplanting it. She and her baby survived but her outcome could have been so different. Nina, a paediatric nurse from South Australia who was diagnosed initially with stage 3 bowel cancer at the age of 41, recounted that she had symptoms for about two years. She was a busy working mum with school-age children, a shiftworker and all the rest. After initially receiving surgery, six months of chemo and an all clear, in June 2021 Nina was told her cancer was back as stage 4.

She has since endured dozens of procedures including hyperthermic intraperitoneal chemotherapy surgery during which her abdominal cancers were removed and her insides packed with heated chemotherapy drugs. She now uses a colostomy bag. Her outcome is uncertain and she lives her life in three-month cycles. I commend her for her ongoing work and her advocacy in raising awareness about young-onset bowel cancer. Finally, Jess Kidd, a journalist with the ABC, shared her story on the night as well. Her only symptom was low iron. Free bowel cancer screening is now available for those aged between 44 and 49 but is on an opt-in basis. Again, I thank Mehroz, Seemab, Kate, Nina and Jessica. It is an honour to speak of their advocacy in this place.

PITTWATER BY-ELECTION

The Hon. WES FANG (22:23): I speak on a topic similar to that of the Hon. Anthony D'Adam. Before I start my contribution I will reflect on his, noting that, in part, he was advocating for a more collaborative approach between the Labor Party and The Greens—the left-aligned parties. That is something you have to do when you do not show up for the fight. I reflect on my time working on the Pittwater by-election. Even though I am not a member of the Liberal Party, I knew there was the potential that the Coalition might lose the seat so I was happy to put up my hand to support our Coalition partner to try to retain it. However, there was no opposition from the Labor Party but there was a teal candidate. The Hon. Anthony D'Adam is right: The Labor Party will have to form alliances with left-aligned parties when it does not show up for the fight.

Not one Labor candidate ran in any of those three by-elections. Members can draw their own conclusions from that, but Labor will have to find alliances with others when it does not show up and fight. Outwardly it was a reasonably friendly campaign, but scratching the surface a little bit and looking closer at the way the teals were campaigning revealed it to be particularly dirty. This was especially so with the claim that Georgia Ryburn was not a local. I congratulate Jacqui Scruby on her election win, but there is no doubt that any personal attacks on somebody who has demonstrated to be a hard worker for that community, given her time as deputy mayor, is quite disappointing and probably did not need to happen.

The other thing that struck me when I was working on that election was the "say and do anything to win" mentality the teals had towards voters as they were walking into polling booths. I have no skin in the game, but I will make it a bit of my job now to hold Jacqui Scruby to account for all the election promises that I heard her make. She says she will be able to deliver as an Independent in the other place, and the list was long and expensive. Those voters will quickly realise that a single teal in the other place—in the same way as the teals in the Federal

Parliament—will not really deliver anything by way of investment, jobs or infrastructure funding for their electorate.

The last thing that I reflect on is that, when all else failed, the message seemed to be "use your vote strategically". I say to the voters of Pittwater, I appreciate that there were difficulties that led to the by-election occurring. But in reality, if they were to be strategic, there was only one way for that electorate to get the infrastructure that was promised by the candidates. That would have been best delivered by Georgia Ryburn. She did an amazing job in the circumstances. I trust that she will run somewhere again, because she was a fantastic candidate and well represented our Coalition partner. I congratulate Jacqui Scruby.

The DEPUTY PRESIDENT (The Hon. Emma Hurst): The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 22:28 until Tuesday 12 November 2024 at 12:30.