HOUSE OF ASSEMBLY

Tuesday, 29 May 2018

The SPEAKER (Hon. V.A. Tarzia) took the chair at 11:00 and read prayers.

The SPEAKER: Honourable members, I respectfully acknowledge the traditional owners of this land upon which this parliament is assembled and the custodians of the sacred lands of our state.

Parliamentary Procedure

STANDING ORDERS SUSPENSION

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:01): I move:

That standing orders be so far suspended so as to enable me to introduce a bill without notice forthwith.

An absolute majority of the whole number of members being present:

Motion carried.

Bills

SENTENCING (RELEASE ON LICENCE) AMENDMENT BILL

Introduction and First Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:02): Obtained leave and introduced a bill for an act to amend the Sentencing Act 2017. Read a first time.

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:03): I move:

That this bill be now read a second time.

I introduce this bill, which amends the Sentencing Act 2017, to strengthen the provisions relating to the release of convicted sex offenders who are incapable of controlling, or who are unwilling to control, their sexual instincts. Members will appreciate that amendments have been required as a result of the application for release on licence granted by the Supreme Court on 27 March this year. The Director of Public Prosecutions appealed that decision and the matter was heard on Wednesday 23 May. No decision has been delivered as yet, and there is no indication that the Full Court will deliver their decision this week, but the government needs to be prepared, and is therefore prepared for, the consequences of an unsuccessful appeal.

At the outset, let me be clear about the approach of this government when it comes to dealing with these types of issues. We will ensure that the community is protected. We will ensure that convicted offenders who are unable or unwilling to control their sexual instincts do not pose a risk to the community. We will ensure that sensible, thoughtful legislative solutions are introduced into the house. What we will not do is play political games, as the opposition leader did yesterday.

Labor is clearly still coming to terms with its election loss and the relevance-deprived former ministers are looking for media exposure whenever they can. The conduct of the opposition leader has been unconscionable. I can inform the house that on 27 March he wrote to me about the Humphrys matter and I replied by letter the next day. I advised him that I would be happy to work with him—

Mr KOUTSANTONIS: Point of order: this is a second reading explanation of the bill, not an attack on the Leader of the Opposition.

Members interjecting:

The SPEAKER Order! The Deputy Premier will be seated for a moment. I will listen carefully, but I am sure the Deputy Premier is going to give information that is relevant to the second reading

debate. The Deputy Premier will be heard in silence and, if she is not, I am quite happy to call members to order and warn them.

The Hon. V.A. CHAPMAN: In addition to writing to the opposition leader, I also caused a similar letter to be sent to the federal minister, Ms Ellis, and the state Minister for Child Protection, the member for Adelaide, all of whom had a direct interest in relation to the judgement of Justice Kelly delivered on 27 March, given the precinct which was identified for the purposes of release.

I advised him that I would be happy to work with him and other local members in relation to this matter. Then, on 21 May, a briefing was provided to the shadow minister, the Hon. Kyam Maher in another place. We heard nothing. The government heard nothing from these failed former Labor ministers about this matter until we saw the story in yesterday's *Advertiser*.

Mr Malinauskas: Check your emails.

The Hon. V.A. CHAPMAN: It was rank political opportunism. The former Labor government had 16 years to get its legislation right and it failed. The opposition leader interjects to say that I should check my emails. Let me just point this out—

Mr KOUTSANTONIS: Point of order, sir: second reading explanations are an explanation of the bill. This is a speech on the bill. This is appalling.

Members interjecting:

The SPEAKER Order! The opposition will not interject and the Deputy Premier will not respond to interjections. All remarks must be made through the Chair.

The Hon. V.A. CHAPMAN: As I say, the first the government had notice of this was in *The Advertiser* yesterday. I make this point: when the opposition leader checks his emails in respect of alleged advice to me as the Attorney-General, he will identify that in fact he sent the email to the Chief Executive of the Attorney-General's Department. I do not, as a matter of course, require any of the Attorney-General's Department, including the chief executive, to sit at their desk on Sunday night and read emails that might turn up from the opposition leader.

Nevertheless, it was ultimately located yesterday as advice from the chief executive's office that she had received the material which the opposition refers to and which they made a public claim to yesterday and, having identified it, then received a further draft bill—because clearly the one that had come from the opposition leader was not good enough—the Hon. Kyam Maher, as the shadow attorney-general for the opposition, sent me another one, which apparently was the correct one, yesterday afternoon. Both of them I have described as amateur, and I maintain that position.

Nevertheless, that is the type of tactic that the opposition leader is clearly employing in the attention deprivation state that he is in. The whole exercise was rank political opportunism and he should hang his head in shame. There is not a day goes by that—

Mr KOUTSANTONIS: Point of order: personal reflections.

The SPEAKER: What is the personal reflection?

Mr KOUTSANTONIS: Personal reflections on the Leader of the Opposition. It has nothing to do with the bill—nothing.

The SPEAKER: The member will be seated. If there is a personal reflection, if someone is to take issue with a personal reflection, it must be an individual member, but I will ask the Deputy Premier to perhaps address her remarks closer to the bill in question.

The Hon. V.A. CHAPMAN: This is a bill that is designed to fix up a piece of legislation that the opposition, then government, had introduced into this state. It was inadequate. It needed fixing. The former attorney-general did nothing, notwithstanding that he was given notice of this after the Schuster case in late 2016. The government did nothing, and people sit opposite in this chamber today who were in the government and had absolute opportunity to resolve this matter, and they did nothing.

South Australians will see through this late and sudden interest in changing the law to protect the community. The conduct of the Leader of the Opposition is disingenuous and unconscionable. It

is no wonder they were voted out of office. The amendments posed in the bill will ensure that those who have been and will be granted an order for indefinite detention to be released on licence into our communities, or to have their detention orders discharged, will have to reassure the court and relevant experts that they are suitable to be released.

The bill will contribute to the increased safety of the public and provide victims and the community at large with greater security and freedoms by minimising the risk of a sexual offender being released into the community and then reoffending. Section 57 of the existing Sentencing Act enables the Supreme Court to make an order that a person who has been convicted of a 'relevant offence' is to be detained in custody until a further order is made. A relevant offence is defined by reference to a number of offences of a sexual nature.

Before making such an order, the court must consider the reports of at least two legally qualified medical practitioners concerning the mental condition of the person, and whether they are incapable of controlling or unwilling to control their sexual instincts. A person is regarded as unwilling to control their sexual instincts if there is a significant risk that the person would, given an opportunity to commit a relevant offence, fail to exercise appropriate control of his or her sexual instincts.

In some cases, this may not be an immediate risk. However, we must be vigilant to those who will bide their time and potentially risk society in the future. The paramount consideration of the court when determining to make an order under section 57 must be the safety of the community. The court must then take relevant factors into consideration, including:

- the reports of the medical practitioners;
- any relevant evidence or representations that persons may wish to put to the court;
- any other report ordered by the court; and
- any other matter the court thinks relevant.

After an order for indefinite detention is made pursuant to section 57, the detained person or the Director of Public Prosecutions may apply to the court to discharge the detention order pursuant to section 58, or to be released from custody on licence pursuant to section 59.

Under the existing provisions within the Sentencing Act, in determining to release an offender, subject to an order of indefinite detention on licence, the paramount consideration of the court must be the safety of the community. The court must also then take the following factors into account:

- the reports of at least two qualified medical practitioners as to whether the person is incapable of controlling or unwilling to control his or her sexual instincts;
- any relevant evidence or representations that the person may desire to put to the court;
- any other report ordered by the court;
- evidence tendered to the court of the estimated cost directly related to the release of a person on licence;
- reports resulting from the periodic reviews on the progress of the person while detained (conducted by the Parole Board);
- a report of the Parole Board identifying the board's opinion on the effect the release on licence would have on the safety of the community, reporting on probable circumstances of the person if released on licence;
- the recommendation of the board as to whether the person should be released on licence; and
- any other matter the court thinks relevant.

In the past, the court has expressed the view that, despite the risks an offender might pose to the safety of the community, it was appropriate to release the offender into the community on licence as

the community could be adequately protected through a number of steps to be taken by the Department for Correctional Services and other agencies to manage those risks.

This bill amends the Sentencing Act to address concerns that have been raised about this approach. The reforms create a two-step process. Firstly, a detained person will need to satisfy the court that they are both capable of and willing to control their sexual instincts. It is a reversal of onus. If the court is so satisfied, the court can then consider whether they should be released on licence or have their indefinite detention order discharged, with the paramount consideration being the safety of the community in making that decision. This means that if the person cannot satisfy the court that they are both capable and willing to control their sexual instincts, then the court is unable to make an order to release the person on licence or to discharge their order of detention subject to one exception.

If the court is satisfied that the person no longer presents an appreciable risk to the safety of the community due to their advanced age or infirmity, the court can then consider whether they should be released on licence or have their indefinite detention order discharged, with the paramount consideration being the safety of the community in making that decision. I remind members that this concept in relation to advanced age or infirmity was a matter introduced into our sentencing laws by the former attorney-general, the member for Enfield.

As reassurance to the community, these amendments will apply to anyone currently detained whose application for release on licence or discharge of licence is yet to be made, or has been made but is not yet finalised. Significantly, the amendments will also allow for the Director of Public Prosecutions to apply to the Supreme Court to either cancel or confirm the release on licence of a person who the Supreme Court has authorised to be released on licence. If such an application was made by the DPP, the person subject to the licence would need to satisfy the Supreme Court that they are capable of controlling, and willing to control, their sexual instincts or that they no longer present an appreciable risk to the safety of the community due to their advanced age or infirmity.

If the court is so satisfied, the court can then consider whether they should confirm the release on licence, with the paramount consideration remaining the safety of the community in making that decision. If the court is not so satisfied, then the person's release on licence would be cancelled. The person would then be detained and be at liberty to apply at a later date, under these new provisions, for release on licence or discharge of their detention order. In other words, the new laws will apply to them. At present, where a person has been subject to licence conditions for a continuous period of three years, unless the DPP applies to the Supreme Court to order otherwise, there will be an automatic discharge of the detention order. That is set out in section 59(19) of the Sentencing Act.

This bill also removes that automatic discharge of a detention order. There is no reason to assume that just because a person has not breached a licence condition for three years they suddenly pose no or no significant risk to the community at the three-year mark. This is particularly so in cases where there has been very close supervision and conditions that would virtually prohibit a breach during the term of the licence.

When considering this bill, it must be noted that if an applicant were able to satisfy the test of being willing and capable of controlling their sexual instinct, one would assume they would be likely to always apply for a discharge of the order altogether, rather than release on licence. If such application were granted, the detainee would be released into the community without any preparation or supervision at all. To address the risk this may pose, a further amendment has been included to provide that, in these circumstances, the court may order that the discharge is not to take effect for such time as it considers necessary for the purpose of enabling the person to undergo a suitable prerelease program. This is reflected in the proposed new section 58(6) of the Sentencing Act.

This is an important bill and one that has had some of the best legal minds in the Attorney-General's Department consider it. I thank them for that consideration. It has been longstanding in the development of this bill and the number of drafts and those who have been consulted on it. It is proposed, given the advancing of this bill today, that further consultation will continue. I thank those members of the crossbench who have shown an interest in this matter as well. I ask them to consider giving this matter their support. Given public comments of the Leader of the Opposition, I hope that the opposition will also give favourable consideration to this bill.

In due consideration of those matters, firstly, I am confident that the bill will ensure the community is kept safe from offenders. But secondly, in light of the advance of the matter and with no foreseeable determination by the Full Court at least this sitting week, I indicate that the government is quite prepared to hold this matter over until tomorrow to enable the Leader of the Opposition and/or any of his advisers to peruse the model outlined in this bill and the comprehensive other areas of change that I have outlined. However, if he is happy to progress this bill today, we are ready to do it right now. I commend the bill to members. I table a copy of the explanation of clauses.

The SPEAKER: The leader. Are you going to adjourn?

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (11:20): No. Thank you, Mr Speaker. The opposition is willing to deal with the bill now, and I will be the lead speaker on behalf of the opposition.

The SPEAKER: I am advised that the suspension was only to read the second reading of the bill, not to bring on the debate.

Standing Orders Suspension

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:21): In light of the Leader of the Opposition's indication that he is prepared to debate the matter immediately, we welcome that. Therefore, I am happy to move a further suspension of standing orders to accommodate that. I move:

That standing orders be so far suspended as to enable the passage of the bill through all stages without delay.

An absolute majority of the whole number of members being present:

Motion carried.

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (11:22): Thank you, Speaker. This matter is of great public importance. This legislation—

The SPEAKER: Before I call the leader, just on a slight issue about what can be said in the second reading, if I may, leader? I anticipate that this issue will repeat and then I will call the leader back. I refer to the *House of Representatives Practice*, 4th edition, where it points out:

The second reading debate is primarily an opportunity to consider the principles of the bill and should not extend in detail to matters which can be discussed at the consideration in detail stage.

It goes on:

However, debate is not strictly limited to the contents of the bill and may include reasonable reference to:

- matters relevant to the bill;
- the necessity for the proposals;
- alternative means of achieving the bill's objectives;
- the recommendation of objectives of the same or similar nature; and
- reasons why the bill's progress should be supported or opposed.

That is to help members out. Over to the leader.

Mr MALINAUSKAS: This matter is of great public importance. This legislation is vitally important to prevent dangerous paedophiles, who are unwilling or unable to control their sexual instincts, from being released into the community. This legislation will make it substantially harder for people like notorious paedophile Colin Humphrys who would otherwise be released into the Bowden Brompton community, my community, unless prosecutors succeed in their appeal to the Full Court of the Supreme Court.

One of the worst sexual predators in the state's history, with a criminal history that spans five states and three decades, his history includes convictions for sexual offences, child abduction and dishonesty, including the 1991 kidnapping of a boy aged just nine years. After being released, he committed sexual offences against a 14 year old within 30 minutes of having met the young person.

That offending, I understand, continued for the next three years. His release is opposed by the Parole Board.

In 2009, Supreme Court Justice John Sulan refused to impose a non-parole period and ordered Humphrys be detained indefinitely as an uncontrollable sexual predator. In December 2013, Colin Humphrys applied for release on licence pursuant to section 24 of the act. That application was withdrawn by Mr Humphrys on the basis of unfavourable medical and Parole Board reports.

Dangerous paedophiles who are unwilling or unable to control their sexual instincts should not be released into the community. I was horrified by the potential release of Colin Humphrys into the community against the views of the Parole Board. It is clear that existing legislation is not adequate. As a leader within this parliament and as a local MP for the area that Colin Humphrys was to be released into, I had a responsibility to act—we had a responsibility to act. That is exactly what we have been doing over recent weeks, and announced yesterday. In fact, our leadership on this issue was announced to the government on Sunday evening. We will say more about that in a moment.

If the law allows the release of a dangerous paedophile like Colin Humphrys into the community against the wishes of the Parole Board, then the law clearly needs to change. We support the passage of the bill through the House of Assembly as a matter of urgency. However, we do reserve our rights to make amendments to strengthen the bill in the Legislative Council if required. We will work with the government to pass this important legislation. We are, indeed, very familiar with it. We will do it as a priority to ensure that children are kept safe from dangerous predators.

Yesterday, the opposition publicly announced its plans to introduce legislation to keep dangerous paedophiles, who are unwilling or unable to control their sexual instincts, in prison. We believe that now the government has also come to the realisation this is a matter of urgency and has introduced their own bill in the parliament and we will work with the government on that. We reserve the right to introduce our own legislation, but we are committed to working with the government on theirs.

We believed that this issue was a matter of urgency, given the impending decision of the Full Court of the Supreme Court as to whether Colin Humphrys would be released into the Bowden Brompton community against the recommendation of the Parole Board and despite the fact that he is unwilling or unable to control his sexual instincts. In less than 24 hours the Attorney-General went from labelling Labor's legislation as a political stunt to having legislation of her own.

She initially told ABC radio yesterday morning that introducing legislation before the determination of the Supreme Court was 'really just a publicity stunt'. However, by lunchtime yesterday she announced she had taken her own draft legislation to cabinet. Late yesterday, Ms Chapman said, 'I expect we'll be introducing it into the parliament in the morning.' This morning we received a copy of the government's proposed legislation. Somewhat less notice—

The Hon. V.A. Chapman interjecting:

The SPEAKER Order! The leader will be seated for just a moment, please. The Deputy Premier is called to order. I have given members some latitude. I will start calling them to order and warning them if they continue to interject. All speakers will be heard in silence.

Mr Mullighan interjecting:

The SPEAKER: The member for Lee is called to order. Leader.

Mr MALINAUSKAS: As I was saying, late yesterday the Attorney-General had changed her position by saying, 'I expect we'll be introducing it into the parliament in the morning.' I commend the Deputy Premier for coming around and doing so.

Members interjecting:

Mr MALINAUSKAS: Calm down. This morning we received a copy of the government's proposed legislation; somewhat less notice than what the Attorney-General was provided. While it is disappointing that the Deputy Premier's initial reaction to this important piece of legislation was to label it a 'publicity stunt', I welcome the Marshall Liberal government's decision to introduce their own bill and I am willing to work cooperatively with them.

The Attorney-General, in her remarks earlier, referred to the timing of emails and email addresses that were sent. We will have more to say about the email addresses of the Attorney-General published on her own website in two different places later on, but the government must now prioritise the passage of this bill as a matter of urgency.

Members interjecting:

The SPEAKER: Order!

Mr MALINAUSKAS: I am glad the Deputy Premier decided to change her view and introduce her own legislation. This legislation cannot be left sitting idle in the parliament. There is no higher priority than keeping our children safe, and I hope the government treats this legislation with the urgency it deserves.

Mr TEAGUE (Heysen) (11:30): I rise to support the bill, and I will speak briefly to the amendments proposed, which are the subject of the government's bill. The Sentencing (Release on Licence) Amendment Bill would amend the Sentencing Act 2017 in three important regards: firstly, in relation to the discharge of a detention order; secondly, in relation to the assessment necessary for release on licence; and, thirdly, in relation to the reconsideration of authorisations in relation to licences.

These are amendments to the act that should not be debated in an unnecessarily partisan manner. They ought to be substantially not controversial, and so I welcome the opposition bringing the matter on for debate and I welcome their support for the government's bill in principle. The key to the government's bill in this regard is that, while reversing the onus and requiring that the Supreme Court be satisfied as to the relevant matters, the government's bill leaves as the paramount requirement that the Supreme Court itself is satisfied of the necessary matters that are to be satisfied.

For example, an important difference between the government's bill and the private member's bill is that the private member's bill would impose that greater obligation upon the Parole Board, for example, to act as an inevitable gatekeeper. So I just bring to the attention of the house that the government's bill leaves the Supreme Court as the arbiter of these matters, informed, as it ought to be, by the provision of medical reports. It is for the Supreme Court to form the view ultimately as to whether those tests are met.

Importantly, also, the government's bill introduces a further proviso that again bears out the value of having a considered approach to the development of the legislation. This proviso is that the consideration of the subject's advanced age or other capacity ought also to be a consideration. I would encourage the opposition to consider that additional element. I just note in opening my remarks that I have made observations about how this ought not be a matter that is debated in an unnecessarily partisan way.

I hear the Leader of the Opposition's remarks about the notice that may have been given to the government about the introduction of the private member's bill. If it was Sunday or if it was in the media on Monday, there is no magic in a time frame of that nature. It is important in this regard that where the house can deal with matters of this nature, it ought do so in a way that is not based on ambush but, rather, on the proper opportunity for all sides to consider the merits of legislation in a timely way.

I will refer to one other specific matter that highlights the importance of proper consideration of an amendment to the Sentencing Act of this nature. The government's bill, having reversed the onus, actually has a thorough review of sections 58 and 59 and includes the repeal of section 59(19), which would, as is presently the case, automatically discharge a licence after three years.

It would appear that there may have been matters that have been overlooked in the haste with which the private member's bill has been drafted and brought to the parliament, again unnecessarily so, because it is revealed in what ought not be controversial consequential amendments to the act that have been properly the subject of consideration in the government's bill that they ought to remain uncontroversial. With that, I commend the bill to the house and commend an approach to legislation of this nature being done in a cooperative way and not based on ambush.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:36): I thank members, including the Leader of the Opposition, for their contributions to this matter and for the timely advance of the bill in the circumstances. The passage of the bill in this chamber will ensure the opportunity for deliberations to be undertaken in the other place.

I indicate on behalf of the government that in the event the Full Court determination is tabled and delivered prior to the debates in the Legislative Council, we will ensure that copies of that judgement are provided, appropriately, to the Leader of the Opposition and also, significantly, the person who has been briefed on this matter, that is, the Shadow Attorney-General, the Hon. Kyam Maher, not just because he is in the other place but because of his position and his attendance at briefings to date.

With that, I indicate that we appreciate the passage of the bill today. Advisers from the Attorney-General's Department are on their way—I understand that crossbenchers have had briefings in relation to the bill—and I am happy to make them available. There is one of two ways of doing it given that they have not arrived yet—

Mr Malinauskas: I thought you were ready to go.

The Hon. V.A. CHAPMAN: I am just saying—

The SPEAKER Order!

The Hon. V.A. CHAPMAN: —before you interject stupidly, Leader of the Opposition—

Members interjecting:

The SPEAKER Order!

The Hon. V.A. CHAPMAN: Here they are.

Members interjecting:

The SPEAKER: The Deputy Premier will be heard in silence.

Members interjecting:

The SPEAKER: The Deputy Premier is being provoked. The opposition will stop interjecting.

The Hon. V.A. CHAPMAN: The Leader of the Opposition, Mr Speaker—

Members interjecting:

The SPEAKER Order! The Deputy Premier will be heard in silence. I have given members more than enough latitude. I have attempted to also ensure that the leader was heard in silence. The Deputy Premier will be heard in silence.

Mr Malinauskas: You have all the gravitas in the house.

The SPEAKER: I do, leader, I do.

The Hon. V.A. CHAPMAN: Mr Speaker, as you may be aware, and I think it is evident to the house, the advisers are now present. I would ask that their attendance be respectfully acknowledged and that they not be ridiculed in relation to their prompt passage down here to the house, given the government's offer to the opposition to have 24 hours to consider the bill. However, they are here and we are ready to go into committee should any of the members of the house have any questions in relation to the bill.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Mr MALINAUSKAS: Can the Deputy Premier inform the house whether or not opposition by the Parole Board to someone's release would have a material impact in regard to the decision of the court under this proposed legislation?

The Hon. V.A. CHAPMAN: Yes, it would.

Mr MALINAUSKAS: If the Parole Board opposed the release of an offender, would that then in effect prohibit or enable the court to release such an offender?

The Hon. V.A. CHAPMAN: The Leader of the Opposition identifies whether the Parole Board's decision is or is not the ultimate arbiter of the effect of the release. If the Parole Board were to make no recommendation, or were to make a recommendation for release, or a recommendation that there should not be release (as they did in the case of Humphrys), those matters will be taken into account by the Supreme Court, which will be the ultimate arbiter of the matter. It would not be the determining factor. It is a matter that must be taken into consideration by the Supreme Court, together with the new addition of the Parole Board reports in respect of the conduct of the applicant during their incarceration.

Mr MALINAUSKAS: I do not believe the Deputy Premier understood my question entirely. The question was not about who would be the ultimate arbiter of someone's release but, rather, does the bill prevent an offender's release where it is opposed by the Parole Board? It is a simple yes or no proposition.

The Hon. V.A. CHAPMAN: No is what I answered to the first question. No.

Clause passed.

Clause 2 passed.

Clause 3.

Mr MULLIGHAN: I have a question in relation to clause 3(1)(1a)(b), relating to the provision that the Deputy Premier and Attorney-General made particular note of in her second reading contribution about:

> (b) the person no longer presents an appreciable risk to the safety of the community (whether as individuals or in general) due to the person's advanced age or infirmity.

Could the Deputy Premier, or her advisers perhaps, give us some information on how a court might assess what level of risk (and whether it is appreciable or not) that somebody of advanced age or infirmity might pose in these sorts of matters?

The Hon. V.A. CHAPMAN: Thank you for the question and I am happy to answer it. When the advanced age and infirmity clause was introduced into the legislation under the new sentencing law, a case of Judge Barrett of the District Court was referred to as an example. I cannot remember the name of the case, but I particularly recall the circumstances in relation to the judgement. The then attorney-general relied upon it for the purpose of illustrating why it was reasonable for a court to take into account if the defendant in those circumstances, once convicted, actually had a level of infirmity that would render them incapable, essentially, of acting to further exploit a child.

It surrounded a case where the defendant was convicted of sexual exploitation of a young girl over about four or five years, 40 years prior to the conviction. Unsurprisingly, the victim was now a mature age woman and the offender was a man, I think in his late 70s, early 80s or something of that order. Judge Barrett took into account the fact that his age was such that he was quite feeble in respect of his physical characteristics. In his judgement, he determined that this person would not be a risk and therefore suspended the sentence. This issue was fleshed out in this judgement to the extent of allowing, in the view of Judge Barrett, that this person should not be incarcerated at all.

I had some comments to make about that at the time because I felt that was an illustrative case that would not have passed the threshold, in my view. However, that is just my personal view and Judge Barrett had a different view. I raised questions with the then attorney about the reliance on that decision as the basis for this type of consideration to exempt somebody. I made the point at the time that, whilst I did not agree with his illustration and the case in that instance, his directions that he not take alcohol and all the things he required as a condition of his suspended sentence were not something that I endorsed.

What I did say was that, if they were no longer ambulant or had a medical condition which otherwise meant that they were physically unable either to walk or approach somebody, these were

factors that could reasonably be taken into account. We accepted that that would be a reason to say that this person is no longer a threat to the community and, therefore, that that ought to be taken into account.

As I understand it, at the time and even still today, there are a number of people incarcerated in South Australia's prisons who are in the category of being mature age and having been found guilty and sentenced in relation to child sexual offences. A number of those arose out of the change of legislation to enable prosecutions prior to 1982, which I think has been in effect for 10 years or so now, probably even more—it was fairly early this century that that law was changed. A cohort of convictions also arose out of the Mullighan inquiry, which the member would of course be familiar with as his own late father undertook that investigation on behalf of the people of South Australia.

There are a significant number of people in custody serving sentences who are rapidly approaching an age at which only a few of us would probably be very active. Therefore, I would expect there will be applications made to say that these people are no longer a threat and probably in need of aged-care services, and they move then to other accommodation. That is yet to happen. I have not had that application come before me at this stage, but I expect that the minister for corrections may well have that presented to him in due course to facilitate the deterioration, physically and possibly even mentally, of those in custody.

In respect of the mental deterioration, obviously I am not aware at this stage of any who are diagnosed with severe Alzheimer's or another such condition that might render them incapable of even forming an intention to prey on a young child or even have the desire to do so but, in any event, medical professionals will no doubt be the important feature of any application before a court to facilitate subparagraph (b).

Mr MULLIGHAN: I appreciate the Deputy Premier providing that background. The reason I ask is that, on my reading of the bill—and perhaps I have read it in a manner that does not give me the best understanding of how this law would potentially operate—in clause 3, particularly paragraph (1a), between subparagraph (a) and subparagraph (b) there seem to be three criteria from which the court could select one to make its decision on whether there is a release, or otherwise, of an offender. Those are: the criterion in subparagraph (a) regarding the control of sexual urges or otherwise and two criteria in subparagraph (b), namely, advanced age or infirmity—not advanced age and infirmity, but the separation of those two, which to my mind raises some concerns, particularly in the current context of the ill we are attempting to address in this bill.

If that is the case—that there are three criteria, only one of which is necessary because of the prescription between the subparagraphs of 'or' rather than 'and'—is it not the case that the court may make a decision to release someone purely on the basis of their advanced age while perhaps not paying sufficient regard to infirmity or sexual instinct?

The Hon. V.A. CHAPMAN: The provision expressly prohibits the release, unless one of two things applies: first, as identified in subparagraph (a) regarding the capacity to control sexual instincts. I do not think the member is asking anything in relation to that. I think it is pretty clear what we are talking about. There are obviously myriad things to be considered if that exception is there. The second exception is subparagraph (b) regarding advanced age or infirmity. I think the member is asking, 'Could there be a situation where the exemption would apply to someone who is not infirm but is of advanced age?' The answer to that is yes.

The reason that the former attorney-general gave, when we discussed this matter when it came into the legislation as the same clause, was that you can be advanced in age but not infirm. Advanced age may actually render you incapable still of forming intent and/or desiring to undertake some illegal conduct, and that is the effect. You still can be ambulant at a very advanced age. If you suffer some form of dementia with that, or Alzheimer's, then of course you might be living in a world of your own.

So the description of 'advanced age or infirmity' was provided because someone could be extremely old and still not be infirm in the sense of still having a mental capacity and/or physical capacity that would otherwise make them infirm. That is how I understood the position at the time we debated it at the introduction of this clause. It was not terribly controversial at the time; I do not think

anyone even raised any objection to it. If anything, I raised objection to it in the sense of being satisfied as to what cohort it would apply.

Probably, in practical terms, firstly at the time of the hearing of the matter, the court would have to be satisfied that it was in this category. It would probably have to be alerted to the applicant and his or her representatives, and/or information brought to the attention of the Department for Corrections via the head of the Corrections department to indicate that one of their prisoners was now in that category. That would trigger the need to have them assessed, as we do with those suffering a mental health incapacity, as to whether they should be transferred to an aged-care facility and, if so, where.

Mr MULLIGHAN: I appreciate that further detail from the Deputy Premier. My concern, particularly around the clause, is not so much its genesis in the formation of another bill some time ago but in its application to this particular circumstance and its application on an ongoing basis. I think the concept of advanced age is one that bears some further fleshing out, particularly if it can be adopted as a single criterion. There are those of us who might have different perceptions of what advanced age is, and courts may or may not have their own case law to date which helps them in how they might determine what constitutes advanced age.

The Deputy Premier made reference to the spent convictions legislation, for want of a better term. To bring back into consideration the pre-1982, I think it was, prosecutions and offences mean, as she has pointed out, that there are likely to be people potentially somewhere in the corrections system who, perhaps to somebody of my vintage, would be considered to be of advanced age but whose appearance and demeanour—let alone any other attributes—might, to the general community, give the impression that they pose less of a risk but whose lack of infirmity and continued intent and physical capacity means they may well be of risk.

My concern is that the way clause 3 is currently drafted, particularly between subparagraphs (a) and (b), that these are not three criteria that all need to be satisfied, that one individual one can be satisfied, will present a potential risk in the future.

The Hon. V.A. CHAPMAN: I suppose age is relative; my granddaughters think that at my age I am positively a fossil. However, the reality is that advanced age does not actually trigger the entitlement for release under the obligation in the first part of this clause.

Let me quickly explain. The test here is not just that they are old and therefore they can have an exemption: the test is that the court has to find that the person no longer presents an appreciable risk to the safety of the community. That is the matter being determined, and it can only be as a result of those two things. Those are the confines of the factors that can be relied upon when the court makes the determination of appreciable risk if the applicant is relying on subclause (1a)(b). I hope that allays any concern that an application before the court which simply records that the person is 102 is sufficient to be able to have exemption from the obligation that they cannot discharge the detention order.

That aspect of appreciable risk is the determinant made by the Supreme Court judge and in the envelope of the whole of the sentencing law, which maintains the obligation for safety of the community to be paramount. It is a double hit, so to speak, in relation to the assessment and it is done by a Supreme Court judge.

Mr MALINAUSKAS: I have a similar question to that of the member for Lee regarding a similar issue. It is fair to say that there is a degree of concern, in at least my mind, that the way the bill has been drafted leaves open the possibility that someone who is unable or unwilling to control their own sexual instincts could be released into the community because of their age. My question to the Attorney-General is simply: is there a circumstance where someone could be released even if they are unwilling or unable to control their own sexual instincts?

The Hon. V.A. CHAPMAN: I am tempted to say that that is exactly the same question as has been put. Essentially, they can only be released under subparagraph (b) if they satisfy the court that there is no appreciable risk. That is the thing that is being determined under the second paragraph, not the first. There are two circumstances in which the court can consider discharging this provision—and only two. The first, of course, is one which has been raised in the Humphrys case

and regarding which Justice Kelly decided, notwithstanding submissions that were put by a number of parties, that there was a reason that he should be able to.

What we are saying here is that that test is there to apply and would be exercised in the Humphrys case. In relation to the second option, which is that the court is satisfied, only if they were infirm or old could they apply to rely on that and, secondly, the judge would have to make that determination that there was no appreciable risk to the safety of the community. That is the decision that has to be made. You cannot go along there to say, which probably would be relevant to say, 'I am a fit and able 18 year old.' However, if you were an 18 year old who was in a wheelchair, who was, as a result of an accident, for example, paralysed and significantly disabled, then you would have an infirmity, even though you are not old. I hope that makes that clear.

Mr MALINAUSKAS: I think the answer to my question from the Attorney-General was yes, but, for the sake of clarity, I will continue to pursue the line of questioning because I think it is important that we get this on the record and clear. Would it be fair to say that if someone is of advanced age or has an infirmity, and if the court makes a determination that that is applicable and that leads to the fact that there is no longer an appreciable risk associated with that person, they could be released back into the community, even if they are unwilling or unable to control their sexual instincts?

The Hon. V.A. CHAPMAN: The answer to that is strictly yes. The reason why it is couched in a way that could not occur is that if someone had sexual instincts that they were still unable to suppress or deal with or treat, or consent to have treated, they would clearly continue to pose an appreciable risk for the purposes of the safety of the community. This is why it is important that if an application is made and there is a question mark around their capacity to control their sexual instincts, that is, you cannot even assess it—it may be because of the mental capacity or level of infirmity of the person—then there is no capacity to be able to identify that subparagraph (b) may be employed for the purposes of presenting to the court.

I remind the member, and all members if they have any concern about this, that the test is not whether you are infirm or old in your age, in the sense of advanced age. The test is, in the circumstances of that, whether there is an appreciable risk. That is the determinant that has to be made by the Supreme Court.

Mr MALINAUSKAS: We have now had it confirmed by the Attorney-General that someone who is unwilling and unable to control their sexual instincts could be released into the community under this legislation, albeit that they have would have to pass the test that the Attorney-General has outlined. My question is: what happens in the circumstances where things change?

For instance, if a court makes a determination that this said provision would apply to an individual offender, and they are unwilling and unable to control their sexual instincts but they are determined by the court to have no appreciable risk a result of age or infirmity, and then their personal circumstances change, that is, they have a recovery, or they get access to treatment that improves their physical mental condition, would that then render them—released in the community, unable and unwilling to control their sexual instincts—no longer a non-appreciable risk but, indeed, a very real risk?

The Hon. V.A. CHAPMAN: Let's look at the rapid recovery model. That is, somebody is identified as a serious—

Mr Koutsantonis: Or they faked it.

The Hon. V.A. CHAPMAN: Well, the member interjects that they faked it. I suppose that is possible—it is remote, but it is possible. The member for West Torrens could get a bit older, he might get a bit doddery and then fake his presentation, and then make a miraculous recovery. That is why it is important that there is the capacity in these cases for the DPP to apply to bring him back.

The CHAIR: The member for Lee has already had three questions on this clause. I will allow one more.

Mr MULLIGHAN: Good on you; thank you, Chairman of Committees. Perhaps, given that it is my last question on this particular clause, the Attorney-General could spend some time providing some information to the house about how a court might determine that, quite separate to

subparagraph (a), a court might determine that a person presents no appreciable risk only on the basis of a person's advanced age, given that that is separate from the infirmity, which is specified separately in subparagraph (b).

In her earlier remarks, the Deputy Premier said that advanced age was relevant, and in previous discussions about previous bills there were considerations about whether a person was ambulant or not, i.e., whether they were infirm or otherwise. Now that we have established that those are two separate things—infirmity and age—how would a court go about the business of determining the level of risk and whether it is an appreciable risk solely due to somebody's advanced age?

The Hon. V.A. CHAPMAN: Because they may not be infirm but still frail. They may be impecunious—have no money—and have no capacity to move or go anywhere. They are examples in relation to age. Just as I have asked before in this house about how that would apply, that is the response we are given. I can see a situation where that could occur. You are advanced in age, you are sitting in an aged-care home, nobody comes to visit you, you have no capacity to go anywhere and you are financially alone, but age, I hate to tell the member, is something that brings with it frailty. You can still be determined not as infirm but as frail aged.

Mr PICTON: I think it is very important that we ask a number of questions on this subject because it is a very important issue. This is one of the areas in which there is a difference between what the opposition has proposed and what the government has proposed in its bill. Obviously, the first of those differences the leader has outlined. We would say that if the Parole Board says that you should not be released, you should not be released. The government leaves the door open that that could potentially happen. We say that if you show an unwillingness or inability to control your sexual urges, then you should not be released.

The government's bill has another option available. This other option is that if you are able to show that, because you are old or infirm, you are not a risk—even though you display an unwillingness, an inability, to control your sexual urges—then the Supreme Court will be able to release you. I am very concerned that this is going to lead to a loophole. Lawyers will absolutely test this legislation because, if you are detained under this section of the Sentencing Act, you have nothing but time to challenge every aspect of this legislation before the courts.

I think it is incumbent upon the Attorney to give a better explanation as to exactly what the requirements would be for demonstrating to the court how you would, on the basis of age alone, convince the court that you should be released even if you are unable to control your sexual urges. So, if you are old and unable to control your sexual urges, you are able to be released if you can say, 'Because I'm old it's not a risk, even though I'm unable to control it.'

Alternatively, as the member for West Torrens and the leader have outlined, there is a risk that people will be able to demonstrate before the court that they have an illness or infirmity, even though they are unable to control their sexual urges. They then may potentially recover from that. This legislation does not specify that it is a permanent infirmity or disability. It could be a temporary infirmity. My question is: can the Attorney better explain this, and can she explain why we need to have this section at all? Would the community not be safer if we just deleted this and kept the other section which, in my view, better protects the community?

The Hon. V.A. CHAPMAN: On the latter matter first, I think it is a reasonable question to ask because I asked the former attorney why we need this at all. Apart from referring to Judge Barrett's case, he pointed out that there was a cohort of people coming through the system who were mature age and very soon would need aged-care services. When I say 'soon', not imminent but it would occur, and therefore this was necessary for that purpose. Sure, that is a matter we can reconsider, and we can keep these people locked up until they just die rather than move them to an aged-care facility. That is not something I have addressed my mind to as a general matter.

The first question is in relation to if somebody fakes it, or they are temporarily infirm, get through the system and then develop a circumstance where they actually are capable of committing a further offence or posing an appreciable risk. Can I say to the member that the matters before a judge for consideration, obviously in relation to subparagraph (b), have to be on medical evidence, etc. There are a whole lot of other clauses that cover these matters, which include the provision of medical evidence.

I suppose that to some degree we have to rely, as we do on a daily basis, on the medical expertise as to whether someone is in a deteriorating health circumstance that is unlikely to turn around. That is the assessment they have to make for the purposes of presenting their medical opinion to be relied upon by a Supreme Court judge. We do that on a regular basis in relation to the identification.

I indicate to the member, and I hope it will be of some reassurance, that we are not just talking about a risk that may happen: it has to be an appreciable risk. That is the threshold that has to be identified for the purposes of disqualifying this option to be released. It does not have to be a strong case, just an appreciable risk. So it is not just a minor risk, not just an appreciable risk, but certainly not something that is going to be substantial for the purposes of allowing a release under those circumstances.

Yes, we may revisit as a parliament whether we have that clause at all in relation to older people who largely are in custody, or for it to be taken into account at the time of sentencing generally, but there are a number of other clauses in the sentencing law, now under the Sentencing Act, which I suppose wrap around this provision and I would ask that you take that into consideration. If you have any other concerns about that, I am happy for you to sit with someone in the Attorney-General's office and advise how exactly the process would be from the application all the way through—

Mr Mullighan: Actually in your office?

The Hon. V.A. CHAPMAN: —in the Attorney-General's Department—to go through that. The shadow attorney-general, of course, has had a briefing on these matters and was invited to go through that. He had a briefing on the Humphrys matter, as have, obviously, our crossbenchers as well. We are more than happy to go through that at some length with the member if there is a concern as to whether we should remove that from the legislation altogether.

Mr PICTON: Going back to the first part of the Attorney's answer, and specifically to why we have the aged-care requirement, she basically said that it is in relation to the need for potentially releasing people to an aged-care facility as people get old. She alluded to the large number of prisoners who are in elderly years. My question to her is: could you not already, under the existing legislation, declare an institution (i.e. an aged-care place) which had the appropriate safeguards under the Correctional Services Act as an institution without having to go down this path that is inherently different, which is releasing on licence?

If you had somebody who you believed was aged, but they were unable to control their sexual urges and potentially their inability to prey upon people, who needed a different type of accommodation that was secure, you could use existing legislation without this section to declare an institution under the Correctional Services Act and you would not need to do what is very different, which is releasing on licence into the community into what presumably would be a normal aged-care home where family members of our community would be as well. What would be the risks and safeguards applying to them in that situation?

The Hon. V.A. CHAPMAN: Although that is not under this act, I am happy to take the suggestion on board, but let me say that we have a number of people who are in secure aged care for different medical reasons and we also have people who are released from James Nash House in relation to aged care and it is a fine line between someone who moves from a disability or, in the James Nash House case, mental incompetence capacity to aged capacity; that is, they move from having a treatment approach based on one cohort to aged.

The disability to aged-care entitlements transfer at 65 to 70, which, in my view, is fairly young. Mr Humphrys, for example, is 66, but, frankly, as far as I know, he is still physically able to move around and is certainly not in the infirm or advanced age category. We would need to consider how they would be best addressed—not necessarily Mr Humphrys himself, because it may be appropriate that he simply remains in detention—when he and any others get to an advanced age as to whether they go into a different type of facility.

The member has been a member of cabinet, and as a former minister he would be aware of the case of Schuster in late 2016, where an application was made for his release. Under the previous administration, orders had been made to enable him to be released into secure facilities, which are

still being built. They are going to be very, very costly, but that was under the member's former government's administration.

Since coming into government, we have obviously been briefed on that matter. It has been in the public arena, so there is nothing secret about it. Mr Humphrys has sent a shiver up the spine of most South Australians in relation to the prospect of him being released. Mr Schuster is in a whole new world. Let's be realistic about this: we have dangerous people. A question would have to arise if they moved out of a secure prison facility and were in such a state that they could safely go into an aged-care facility, just like we currently have with a number of dementia patients, who, from time to time, are quite violent, which has nothing to do with any prison record but is caused by their own infirmity, particularly dementia. If they are a risk to themselves and others, they sometimes have to be kept secluded or in a separate facility within the agency.

That is similar to the situation where we have mental health patients who mature in age, go into aged care and need special care and security to protect themselves and other residents and sometimes staff. Yes, all these things have to be taken into account. We will give some thought to the suggestion that we build a facility for these people to avoid any of them going on licence, thank you. But let me say, in relation to this issue before us today, we want to make sure that these people do not get out.

Mr PICTON: Firstly, in relation to the Schuster case, I am not aware of the court making any determination on his release. I would hope that this legislation is going to be tough enough to prevent that from happening as well—not just in relation to the case that we are talking about. In relation to my question on release into aged-care facilities, the Attorney said, 'That's not about this act.' Well, actually, with respect, it is in this legislation under section 57(14)(b), which states that the person will be detained 'in such institution as the Minister for Correctional Services from time to time directs'.

So the minister could direct a particular institution, presumably with the proper safeguards, if that were the view, but of course it would have to be secure. This section that the Attorney is promoting in this bill would be inherently different, as it is a release on licence in the community, in a community aged-care facility, not under the control and directions of the minister for Corrections. Can the Attorney-General outline why it would not be appropriate to use the current section 57(14)(b) in such a circumstance, as opposed to releasing into the community, into community aged care?

The Hon. V.A. CHAPMAN: There are two things that the member is a bit confused about in relation to that question. As I say, I take into account the question of whether alternate facilities are a better way of providing the confinement of people in the category that we are dealing with in this legislation. That is an initiative we can have a look at—it is able to be considered—but, if it is going to be under a correctional facility, that is a matter that we would have to look at.

In relation to the Schuster case which the member has referred to, and with which he is familiar, that is exactly what is being applied in his case. The court has determined that he should be released, and the conditions of his licence include that he live in a secure, supervised facility—along with a lot of other things, too, but, for the purposes of this exercise, that he live in a property which is in a locked environment where there are three shifts a day of supervision.

Mr PICTON: So the court has decided that?

The Hon. V.A. CHAPMAN: The court has determined that he is to be released in those circumstances. As we speak, as the member should be aware because he was a minister in the government during the time when this was executed—

Mr PICTON: I was not aware that they had made any decision.

The Hon. V.A. CHAPMAN: I do not know what the member was told when he was in cabinet but, in any event, if he did not inquire or was not informed that is not my fault. Can I make this point—

Mr Malinauskas: Nothing ever is.

The Hon. V.A. CHAPMAN: I can take responsibility for a lot of things, Leader of the Opposition, but I am not taking responsibility for your former government—let me tell you that right now—because it had so many disasters and I am not about to absorb that mess.

Members interjecting:

The CHAIR: Order!

The Hon. V.A. CHAPMAN: What I will say to the member is that in the Schuster case a determination was made by the Supreme Court that he ought to be able to be released from prison on licence with certain conditions. Those conditions include that a secure facility is provided. It is still being built. Apparently the planning applications have taken some time. I have asked for the material on that to be collated, with a contemporary assessment about what on earth is going on in that case, and presented to the Supreme Court Chief Justice. I understand that has occurred.

If the member is not familiar with the circumstances that his previous government had responsibility for, then I cannot help that. Let me say that at the time that this early decision was made—and we are talking late 2016—I expressly had a discussion with the former attorney-general, (member for Enfield), as to whether it would be appropriate to bring this issue back into the parliament and consider how we might address it in relation to the then new sentencing law that was coming in.

For whatever reason, he and/or the cabinet—whether it was considered or not—elected not to do so. I cannot take responsibility for that, but what I do say is that we are here to fix it up today. As soon as the decision was made on 27 March by Justice Kelly, we on this side of the house, apart from making inquiry as to whether the DPP was going to appeal the matter, started working on this. Our new government started working on this, on this side of the house, and we have undertaken extensive work to ensure what frankly should have been done when the former government was on notice in 2013. They were on clearer notice but impending disaster potentially in late 2016, and they did nothing.

So, yes, we have acted and, yes, we will bring this matter to some conclusion to ensure that the public is protected. The previous government have gone—thank goodness—but they failed to do it and we will not take responsibility for that.

Mr KOUTSANTONIS: Can the Deputy Premier advise the house who would assist the court in making a determination that the person was of advanced age or had an infirmity?

The Hon. V.A. CHAPMAN: Under the proposed clauses, the medical evidence—the list I read out—two medical reports would have to be prepared by two different medical professionals for that purpose. I would expect that would be the most valuable information; however, the two other areas that I think would be significant would be, firstly, the ongoing assessment through Corrections. In particular, the Parole Board gets regular reports on prisoners, which are now required under this bill to be presented before an application is heard, together with the express opinion of the Parole Board, whether that is no recommendation, recommendation to reject or recommendation to approve.

Mr KOUTSANTONIS: Of the two medical reports to be presented to the court for its assistance, would the applicants seeking a licence for release have an opportunity to provide their own medical assessments?

The Hon. V.A. CHAPMAN: Yes, they can. They can present whatever they like, but the court has a list of things that it can seek. It also has, under the bill, as under the current act, the capacity to direct further information itself. They may say, 'I have before me two medical reports in relation to the alleged level of infirmity,' for example, 'but I'm not satisfied about that. I want to have a psychiatrist examine the defendant and provide me with a report'. Obviously, there are other areas, such as neurological assessments and the like, that come to mind, so the court has its own capacity as well to call for that evidence.

Mr KOUTSANTONIS: In a previous life, I happen to have had the privilege of being corrections minister—one of the roles I enjoyed the most, I have to say, as minister. It was my experience with my then chief executive, Mr Peter Severin, that everyone I met claimed to be innocent and everyone I met was ready for parole and everyone I met had a reason to leave prison, which is what they all say and what you would expect them to say.

My concern with the clause that the government is putting to us is that it really boils down to whether or not the infirmity or advanced age does prohibit someone from being able to act out

whatever fantasies or sexual urges they have. What I think the government is relying on is that that risk is mitigated by an infirmity or advanced age.

I do not think that anyone in this parliament, other than maybe the cabinet—and I suspect that even the cabinet would be divided on this—thinks that we should not make this watertight. I suspect that there are backbenchers who are looking at these clauses and hearing this debate and will think to themselves, 'Why don't we just change it so you can't use infirmity or advanced age as a reason to get a licence?'

Mr Cregan: We think it's been well drafted, Tom.

Mr KOUTSANTONIS: I'm sure you will all say that, but I suspect that there are some backbenchers who would think, 'Why are we even allowing the possibility of a loophole?' The reason I think this amendment has its issues is that it has been rushed in response to what the Leader of the Opposition has done.

The DEPUTY SPEAKER: Member for West Torrens, do you have a question?

Mr KOUTSANTONIS: I do, sir—I am fleshing it out to the house, providing the context the house deserves.

The DEPUTY SPEAKER: Could you ask the question, please, member for West Torrens.

Mr KOUTSANTONIS: I will get to my question soon. When you tell your agency publicly—because agencies do monitor the radios and the TV and see what their ministers are saying—and you say that you will not be rushed into making legislation, that it would be a publicity stunt, the agency responds and says, 'Oh, there's no rush here.' Then, of course, other actions intervene in the meantime, with perhaps the Premier or the Premier's media unit saying, 'We're getting killed on this. We need to act quickly,' so legislation is drafted.

I would have thought, given the debate we have heard today, that government members might be a bit concerned that a professional criminal, who has preyed on children their whole life, who has spent their entire life attempting to conceal their intent from people and loved ones—and they are very good at it (Justice Liddy being a fine example of someone who spent their entire life concealing their intent to get to kids); these people are experts at lying, experts at covering their tracks, and perhaps people of high intelligence who are motivated to get to kids—could somehow use infirmity or age, despite knowing that they cannot prove they do not have the sexual urges in place, to get out.

Is this clause really a government amendment to allow aged or infirm paedophiles out of gaol, or is it really an attempt to keep people who have an intent to commit crimes in gaol? I would say to the Deputy Premier that I think she can see the amendments coming to her at a million miles a hour in the other place: why not just do it now?

The Hon. V.A. CHAPMAN: The member for West Torrens alludes to what is some proposed amendment. I do not have it, but we offered an opportunity to consider it overnight if he wanted to present something. Nevertheless, the opposition, through the Leader of the Opposition, have indicated their willingness to allow the passage in this house. Should there be matters that are raised between the houses, we will always give them consideration.

So far, that speech in my view has not alluded to anything I would properly consider sensible enough to actually respond to, but I accept that he is genuinely concerned about how we might ensure the absolute safety of the community: I accept that. It is disappointing that he did not do anything about it in all the years he was sitting there in cabinet but, nevertheless, I accept that he would not in any way deliberately want to cause harm to people in the community, especially in his neighbouring district that the Leader of the Opposition represents and who has taken a more latent interest.

What I will respond to is this: in relation to the assertion—

Mr Malinauskas: No, no. You acknowledged that I wrote to you at the beginning.

The Hon. V.A. CHAPMAN: You only care about them when it's in your electorate!

Mr Malinauskas: It's another change of position.

The Hon. V.A. CHAPMAN: You only care about it in your electorate, of course. Nevertheless, you raised it at that time. You have been a minister. You have covered Corrections yourself and all these other things.

I put this to the member for West Torrens in response: the consideration of an appreciable risk test if aged and infirm is not a new feature. This is a part of the legislation introduced in the new sentencing reforms in the current act by the former Attorney-General. If we revisit that entirely, then there is a bigger picture aspect to that, and it is not one that we consider would be a matter that puts the community at risk.

If we were to be allowing this to be an administrative decision of, say, the head of Corrections—and it is no reflection on the current head of corrections, Mr Brown, who is doing an admirable job—

An honourable member: A good man.

The Hon. V.A. CHAPMAN: Indeed, a good man—when one looks to determinations such as this by someone other than a Supreme Court justice, then I would have some concerns, quite frankly. I think other pressures, as have been outlined, are matters that would press on a person who has administrative responsibility and not judicial independence.

I have raised this issue before, as the member knows, when it comes to a consideration by correctional services officers in the determination of whether someone might have home detention. The pressures of the fullness or otherwise or oversubscription of people who are in prisons might be a factor which would weigh on the mind of someone in that position and outweigh the appropriateness or otherwise in terms of whether someone should have home detention as part of their sentence.

That is an example of where there would be a concern if there were other pressures. What we have here is legislation which proposes to leave the Supreme Court as the arbiter in relation to this to severely restrict the capacity for release and to clearly place the onus on the applicant—that is, the person who has been convicted of a serious sexual offence in these circumstances—to put their case and to have to justify it and with a number of threshold steps to overcome.

I do not know that that helps the member for West Torrens, but then I do not really appreciate that his speech provided me with much other than to try to give him some reassurance and to consider that he would reasonably be concerned about the safety of the community. I think we all are. This model has had a number of iterations, notwithstanding his suggestion that this is hastily prepared, as I have indicated, and I do not want officers who have worked on this for a number of weeks now to be insulted by the suggestion that this is some kind of latent progress.

After this decision was made by Justice Kelly of the Supreme Court on 27 March, the immediate concern of the government was to identify whether the DPP was going to consider the matter and appeal. He did. That process has taken place. Meanwhile, the government have advanced the drafts and the models and the consideration of how we might deal with legislative reform. I think the last draft we had was the eighth draft. The brightest people the government can offer, including the Solicitor-General who argued the appeal on the state's behalf before the Full Court last week, were able to ensure that the best model was developed and other options were considered, including the three-year detention expiry rule to be abolished.

Clause passed.

Clause 4.

Mr MALINAUSKAS: I think this is probably the appropriate moment to ask a few questions of the Attorney-General on her thoroughly well-crafted legislation, according to her remarks. I trust the government has had the opportunity to contemplate the bill that the opposition and I had drafted and that the Attorney-General has had the chance to familiarise herself with the differences between the opposition's legislation and the government's legislation.

In this particular section, I think there is a distinction. I refer to the ability for an offender to reapply for release on licence where they have breached a condition, if they have already been released on licence. With your indulgence, Mr Chairman, I believe the opposition's bill had a clause

within it that prevented an offender from being able to apply to be released on licence for a period of seven years, if they had breached a condition of their release on licence. My question to the Attorney-General is: does the government's bill have any such restriction or provision?

The Hon. V.A. CHAPMAN: No, we do not have a time restriction. If there is a breach, they go back through the normal process and are supervised under the Parole Board.

Mr MALINAUSKAS: To be clear then, could there be a circumstance under the government's bill where an offender is released on licence into the community, breaches a condition of their licence, then subsequently is sent back to gaol, and then literally within a matter of weeks or months could reapply to be released on licence?

The Hon. V.A. CHAPMAN: All of the features under the current section 59 of the Sentencing Act still apply, so there is not a time limit, just as we have removed the three-year rule, which under subsection (19) is automatic after three years. Our provision adds to section 59, which sets out all the parameters of release on licence, including that the paramount consideration of the Supreme Court when determining an application, etc. must be to protect the safety of the community. That is all still there. That is unaltered; that remains. The bill which relates to this adds in this extra clause which detains the person and prohibits the release unless they are in those two circumstances which we have traversed in a previous clause.

The object here is that if for any reason somebody is at large—and let me give an example. I give this example because the Schuster case is already well known in the public forum. Where someone like this is on licence but under supervision, which is what was proposed in that case—

Mr Malinauskas: That was proposed in the Schuster case.

The Hon. V.A. CHAPMAN: Yes. If the person were to assault the supervisor, which is a possibility—I would hope not, but nevertheless that could occur—then that in itself may render them to have to come back through the system.

We could have a situation where they do not even have to be at large or have predated on a child. It could be a condition of their licence that they do something else: drink alcohol, get access to the internet, assault their supervisor, cause property damage, set fire to the house or these types of things. These are all conduct which may well trigger reinternment. The seven-year rule, in short, does not apply to the model that is there. All the provisions of proposed section 59 are there but, in addition to that, we insert the extra paragraph (1a) which adds to that provision.

Mr MALINAUSKAS: I appreciate the Attorney-General's frankness in her response. For the sake of the record I want to provide additional clarity. The government has confirmed, as I understand it, that there is now circumstance under this section where someone could be released on licence into the community, even if they are unwilling and unable to control their sexual instincts, could breach their licence conditions, go back to gaol, presumably still retain their inability to control or be willing to control their sexual instincts, and then can apply to be released again. My question to the Attorney is: can you confirm that that is indeed the case?

The Hon. V.A. CHAPMAN: I have answered that question many times.

Mr KOUTSANTONIS: My question to the Attorney is: why is subclause (1a)(b) in clause 4 necessary?

The Hon. V.A. CHAPMAN: It is the same answer to (1a)(b) of clause 3.

Mr KOUTSANTONIS: Did the minister have drafts of this legislation that allowed people who were not able to apply for a licence to be considered by the court due to their age or infirmity?

The Hon. V.A. CHAPMAN: Of the nine drafts—instead of the eight as I said before—there was, in the early draft, no reference to this, but that draft was put to the DPP and the DPP's office identified, obviously in relation to the operation of the rest of the act, the importance of having this provision in there.

Mr KOUTSANTONIS: Thank you very much for the clarification that subparagraph (b) is not the government's idea but is indeed the DPP's idea. Given that the DPP insists on the insertion of subparagraph (b), will the government consider removing subparagraph (b) so that the only

determinant for an application of licence be whether someone is capable of controlling and willing to control their sexual instincts?

The Hon. V.A. CHAPMAN: Although it is not entirely clear if the member for West Torrens is proposing to put an amendment to that effect, if he does, in general terms we would have a look at it. Let me make this absolutely clear: in the drafting of this legislation the government makes the ultimate decision about what is made. Of course we rely on getting advice from people such as the DPP, which is the agency responsible for the prosecution of these matters, and we value their advice.

We obviously take advice from other agencies as well, such as the Solicitor-General and parliamentary counsel, a whole team under Ms Joanna Martin, who is present here today, who admirably advise the government on proposals that are put for statutory reform and how they might sit lawfully, effectively and practically under the umbrella of the legislation that we are reforming. They frequently advise us, within the envelope of amendments, how that might sit with the principal act and highlight to us if there is any omission in the original drafting that would need to be taken into account.

I hope that the member for West Torrens was not being insulting in respect of commentary on the recommendations that are put and the need in a case such as this for there to be multiple drafts for consideration by the government and its advisers. We value that. We have taken some time to make sure that we get it right. This has to be considered reform. It has to be effective. I do not know why the former attorney-general did not act on this. Perhaps he thought it was a good idea and the cabinet said no. I do not know the answer to that. All I know is that it was not remedied and that we are remedying it. We are proud of that, because we want to protect the people of South Australia.

Mr PICTON: In relation to the Attorney-General's statement that the addition of (b) in both this section and, presumably, the previous section as well was on the recommendation from the Director of Public Prosecutions, can the Attorney outline when that recommendation was made, if the director made any other recommendations on this bill, whether the advice from the director could be tabled and who else the Attorney consulted with in the drafting of this bill?

The Hon. V.A. CHAPMAN: In relation to the provision of any copies of advice, we would have to take on notice whether that is appropriate or not. I assume that is in legal advice. Certainly, my understanding is that it was in the early drafts, because the DPP—who is currently on leave, incidentally, but at the time was here—was able to view the bill and make a contribution, so I am not aware whether there is anything else. Apparently, it is not here at the parliament for me to actually look and check if there were other areas of recommendation from him. The Solicitor-General has been very active in relation to advice on this matter and, as I say, is very familiar with the current legislation. He represented the state in relation to the Supreme Court Full Court appeal last week.

As I understand it, the Department for Correctional Services has viewed a copy of the draft bill as well at some stage during the course of the gestation of this, in one of the nine drafts. It is our intention, having tabled the bill, that we will send it out for further consultation again during the course of time that it takes before it is dealt with in the Legislative Council, for others to have a look at it and ensure that, as best as possible, obviously we take into account those views.

One of the aspects of considering the Full Court judgement—if and when that arrives—is that they, too, may have some helpful advice in relation to how these matters are best dealt with, particularly as the model we propose continues to provide a role of them to be the arbiter. In the ordinary course, we would then provide copies of the full final bill for their consideration. However, it is fair to say that, since becoming Attorney-General, I have had discussions with the Chief Justice and this topic has been included. To the best of my knowledge, he has not been provided with a copy of the final bill, but certainly we have had discussions with the judiciary in that regard.

Mr PICTON: Further to that question, I note in her reference to a previous answer she mentioned that the Schuster case has apparently been decided by the Supreme Court, which certainly was a surprise to me and I have been searching through Supreme Court records and judgements to try to find it, and I cannot find it. If that judgement has been made by the Supreme Court, as the Attorney outlines, then it must have been in the last couple of months, can she outline

whether the decision and judgement of the Supreme Court in that matter have led to her deliberations in this matter in this legislation to try to prevent releases such as that happening in the future?

The Hon. V.A. CHAPMAN: In relation to the first, that is, the Schuster case itself, it is still continuing before the Chief Justice.

Mr Picton: That is not what you said.

The Hon. V.A. CHAPMAN: Just let me say that a decision was made in respect of the hearing of that case and release on licence, of which the Chief Justice has adjourned until the consideration has been given to the capacity for the building of a facility that would satisfy what he has proposed.

Mr Picton: You said he decided.

The Hon. V.A. CHAPMAN: I am just saying to you that he has given his reasons for what he wants to happen, and the government of the day, which was your government, was then vested with the responsibility to go away and, presumably, build a facility, and that is apparently what is still happening. The capacity for him then ultimately to make the decision to say, 'Yes, I want him now released,' frankly relies on that being concluded or, for example, some other submission being put to him to vary that determination.

That is the way I understand the position; that is, he has indicated his decision to grant a licence conditional upon certain things. Those conditions precedent have not yet been met but are being pursued. As to how they advanced, I do not know the full picture, but I suspect that if the member asked some of his former colleagues they would get some advance on that.

My understanding of what has occurred is that a site has been identified, a model facility has been drafted, drawn up, developed, whatever, the security identified, but that there has been a hiccup with the planning applications; that is, as the property is owned by Renewal SA, a certain other planning process has to take place; that has been identified. That has been a factor in the delay of the determination on that, and I have asked for information surrounding that to be presented to the judge. To be clear on the second part of the question, can you repeat that?

Mr PICTON: I thank the Attorney for clarifying that the Supreme Court has not made a decision in the Schuster case. It was certainly my understanding that there had been no such decision. My understanding was even that the DPP had not yet made his submissions on what should happen in that case. It is at quite an early stage, from what I understand.

There is one case before the Full Court of the Supreme Court at the moment which has been in the public debate and which has led to parliament debate in this bill, but it is very important that we consider the potential of that other case, and potentially a whole range of other cases that we do not know about where applications might be made. Therefore, I ask the Attorney: has she sought advice in relation to the provisions of this bill and whether they would assist the DPP in objecting before the Supreme Court to the release of Mr Schuster?

Progress reported; committee to sit again.

Sitting suspended from 13:00 to 14:00.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Speaker—

Auditor-General—Consolidated Financial Report Review Supplementary Report May 2018
[Ordered to be published]

By the Attorney-General (Hon. V.A. Chapman)—

Regulations made under the following Acts—
Legal Practitioners—Fees

Rules made under the following Acts—
District Court—
Criminal—Amendment No. 6
Criminal—Supplementary—Amendment No. 5
Supreme Court—
Criminal—Amendment No. 6
Criminal—Supplementary—Amendment No. 5

By the Minister for Transport, Infrastructure and Local Government (Hon. S.K. Knoll)—

Outback Communities Authority—Annual Report 2016-17
Regulations made under the following Acts—
Harbors and Navigation—Fees
Marine Safety (Domestic Commercial Vessel) National Law (Application)—Fees
Motor Vehicles—
Fees
National Heavy Vehicles Registration Fees
Passenger Transport—Fees

Ministerial Statement

NATIONAL REDRESS SCHEME

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:01): I seek leave to make a ministerial statement.

Leave granted.

The Hon. V.A. CHAPMAN: Yesterday, the South Australian government confirmed support for and opted into the commonwealth's National Redress Scheme for victims of institutional child sexual abuse. For survivors of institutional abuse, this is an acknowledgement of the inexcusable crimes committed against them and a demonstration of support from the Liberal government, to provide financial compensation and emotional assistance.

The commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse recommended the establishment of a national redress scheme for survivors of institutional child sexual abuse in its Redress and Civil Litigation Report, released in September 2015. The Australian government is leading the development of the scheme in which states and non-government institutions are invited to participate. By opting into this scheme, the government commits government institutions and encourages private institutions to also opt in.

The scheme will be centrally administered by the federal Department of Social Services. Applicants found by DSS to be eligible for redress under the scheme will be entitled to a monetary payment of up to $150,000, counselling and psychological care consistent with minimum standards, and a direct personal response from the relevant responsible institution, consistent with minimum standards. State governments will also assume funder of last resort responsibilities, where jointly responsible institutions are unable to pay redress due to insolvency or having ceased operation, to ensure that all survivors are provided an opportunity to seek redress.

Practically, the scheme will go beyond the existing ex gratia program currently operating in South Australia, which followed the Mullighan Children in State Care inquiry and allowed for further counselling and support services. The current ex gratia program will continue to operate until the commencement of the National Redress Scheme in South Australia. The government will now pursue drafting referral legislation and work to develop the practical arrangements needed to implement the scheme in South Australia.

Finally, I urge Western Australia, as the last remaining state to opt into the scheme, to do so in the near future. May I say how proud I am to be part of a government that has finally addressed this situation for our children.

GRANDPARENTS FOR GRANDCHILDREN SA

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:04): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R. SANDERSON: I am pleased to advise the house that today I met with the Chief Executive Officer of Grandparents for Grandchildren, Peter Biber, and was able to advise him on behalf of the Marshall Liberal government—

Mr Bignell interjecting:

The SPEAKER Order! The member for Mawson is called to order.

Mr Malinauskas: The member for Badcoe will be congratulated.

The SPEAKER: The leader is called to order.

The Hon. R. SANDERSON: I was able to advise him on behalf of the Marshall Liberal government that budget funding of $369,000 over three years has been approved.

Mr Koutsantonis interjecting:

The SPEAKER: The member for West Torrens is called to order.

The Hon. R. SANDERSON: For weeks now, I have been advocating for Grandparents for Grandchildren to identify funding to support family members who care for children to prevent them from ending up in state care. There have been two aspects to this matter. Firstly, the house will recall that the Nyland royal commission recommendations were handed down in August 2016. Recommendation 116 is:

> Fund Connecting Foster Carers, or an appropriate alternative agency, to deliver an advocacy service with paid staff to support carers to access and exercise their rights.

The former government endorsed a KPMG recommendation for a single advocacy body. So on 12 December 2017 a tender was opened, and on 23 January 2018 the process had closed. The submissions for tender are confidential. However, it is well documented that Grandparents for Grandchildren were not successful, and they were notified by the Department for Child Protection on 9 May. On the second matter of recurring funding, on 17 May Mr Biber indicated that for many years Grandparents for Grandchildren—and I quote:

> …were invited to submit our requests/budgets for funding in the month of November and were advised of the outcome the following June. We received no such request last November or anytime since.

Mr Biber has indicated that the former government had already signalled there would be no further funding under a Labor government. On 2 May, Peter Biber wrote that his previous dealings with the former Labor government resulted in 'broken commitments and unfulfilled promises'. Grandparents for Grandchildren were repeatedly told, 'Wait for the new department, wait for the new CEO, wait for the tender process to begin and to close.'

A lack of communication during that tender period led Grandparents for Grandchildren to believe that they would be in receipt of ongoing funding as they had been previously regardless of the tender outcome. A decision was made to provide funding for relocation costs, which allowed the organisation to take on a larger office space with a five-year lease without a commitment of future funding to pay the rent. My department has been put under unacceptable financial pressure because of Labor's failure to manage child protection. My first responsibility is always to the children in my care. The best interests of the children and young people under my guardianship are at the heart of all decisions and policies implemented.

I have known Peter Biber for a long time, and I have been an advocate for many organisations in my four years as a shadow minister, and I plan to continue the advocacy role as a minister. I have worked with Peter and my ministerial colleagues through a process that has been measured, considered and respectful of all parties. Under a Marshall Liberal government, South Australians will see responsible decision-making with taxpayers' money.

This announcement has required my advocacy to find a solution where none existed. Grandparent carers in our community play a key role by providing financial, physical and emotional support, while maintaining secure attachments for their grandchildren. So $369,000 from the Marshall Liberal government over three years will make a difference to many. I am pleased that I have been able to deliver this as the Minister for Child Protection.

Members interjecting:

The SPEAKER Order!

SOUTHERN EXPRESSWAY

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:10): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.K. KNOLL: I rise today to talk about the measures that the state government is taking to tackle the longstanding issue of rock throwing on the Southern Expressway. This is not a new problem. It is not a problem that has cropped up in the last few days, weeks or even months. Unfortunately, this is a problem that has been going on for years. In recent months, there have been a number of rock-throwing incidents. These are horrific and unacceptable criminal acts that jeopardise the safety of motorists and put lives at risk. The new state government is committed to developing and delivering a solution.

To that end, the state government has been diligently getting on with the job for some time. The Department of Planning, Transport and Infrastructure has been working in conjunction with other agencies, such as SAPOL, to deliver the best long-term solution. DPTI and SAPOL met in April and again in May and will continue to meet monthly or as required. The two agencies have been working on a multifaceted solution. From a DPTI perspective, there are four measures that will be delivered to protect motorists in the community.

First of all, we will be upgrading existing CCTV cameras to improve visibility of incidents. Secondly, we will install mesh over areas of loose stones, with particularly problematic sites at Honeypot Road and Beach Road being addressed as a priority. Thirdly, there will be fencing and mesh installed to prevent access to loose stones. Finally, design work on the throw screens for bridges is underway, with the installation to commence towards the end of this year. I am advised that SAPOL has a strong focus on responding very quickly to any reports of rock throwing in the area and identifying and locating possible suspects.

The people of the southern suburbs and other motorists who use the Southern Expressway should take some comfort in the fact that the state government is getting on with delivering a solution to help keep them safe. While we are developing and delivering an engineering solution to a particular problem area, we cannot stop people from doing the wrong thing all the time. Ultimately, individuals need to take responsibility for their own actions. We will endeavour to deliver all these measures as soon as possible.

Mr Picton interjecting:

The SPEAKER: The member for Kaurna is called to order.

The Hon. S.K. KNOLL: Importantly, we now have a comprehensive solution that addresses the longstanding problem and, hopefully, these measures will go a long way to stamping out this reckless, dangerous behaviour.

The SPEAKER: Before I call for questions, I remind members that many of them are on warnings and that they have been called to order this morning. I would not like to see them depart the chamber. Do honourable members have any questions? The leader.

Question Time

POLICE PROTECTION VESTS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:13): My question is to the Minister for Police. Did the minister, his office or the government's media unit request SAPOL conduct a media conference on Sunday 20 May regarding stab-proof vests?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:13): Can I say that SAPOL make their own decisions as to when they hold press conferences. At that press conference, they made it very clear that they support our policy to deliver a trial of stab-proof vests, and I look forward to delivering on that commitment.

POLICE PROTECTION VESTS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:13): Supplementary: did the minister speak to the commissioner or any other SAPOL officers on Sunday 20 May requesting to hold a press conference in regard to stab-proof vests? A pretty simple question.

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:13): And I will give you a pretty simple answer: SAPOL make their own decisions as to what they say at press conferences.

Members interjecting:

The SPEAKER: Order! Is there a supplementary?

Mr MALINAUSKAS: There is a supplementary.

Members interjecting:

The SPEAKER: Leader, please be seated. Once members have ceased interjecting, I will call the leader for a supplementary. Leader.

POLICE PROTECTION VESTS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:14): Thank you, Mr Speaker. I note the Premier's desperation to get a question, but we just focus on—

Members interjecting:

The SPEAKER: The leader will be seated. I have given you latitude there. I'm sorry, but we will move on to the next question. Member for Flinders.

CHINA TRADE MISSION

Mr TRELOAR (Flinders) (14:14): My question is to the Premier. Will the Premier update the house on his recent trip to China and how South Australian businesses will benefit from the government's pro-trade policies?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:14): I thank the member for Flinders. He comes from an excellent electorate, one which is very much focused on exporting out of South Australia to other jurisdictions around the world to bring money into our state. I would like to commend him for his efforts in supporting the businesses in his electorate to make sure that we maximise the opportunities for international trade. I did make my first international trip as the Premier of South Australia recently, when I travelled to Shanghai for a mission which I think is absolutely critically important to our state.

When we look at the statistics of the performance of the previous government and as a state as a whole, we haven't done well in terms of our exports to China. It is of course the largest trading partner for our nation, but when we look at the last four years of exports from South Australia to China, it's gone down every single year for the last four years. In fact, our trendline over the last five years is the only state in Australia where our trendline is actually in negative territory—the only state in Australia. Tasmania is doing better. Queensland is doing better. Western Australia is doing better.

New South Wales is doing better and, of course, so is Victoria. We are at the bottom of the class in terms of the performance of trade with China.

But the good news is that there was a change of government on 17 March. We have a government with an ambition to actually grow our exports to China—and more than just talk about it, we are doing something about it. So it was great after the last—

Mr Malinauskas interjecting:

The Hon. S.S. MARSHALL: Sorry?

Mr Koutsantonis: You went to a footy game.

The Hon. S.S. MARSHALL: Well, that's just typical, isn't it? This really gives an insight, doesn't it, into the way that the opposition thinks about overseas trade missions: a trip to a footy club.

Members interjecting:

The SPEAKER Order!

The Hon. S.S. MARSHALL: That's what the Leader of the Opposition thinks because he comes from a party where that is the way that they think. Every overseas trip was a junket for them. Every single overseas trip was a junket for them, and that's why South Australia's trade was going backwards under their hopeless administration of our state. I am very proud to lead a government that is focused on growing exports, because we know on this side of the house that when you grow your exports you actually grow income here in South Australia, you grow jobs and you keep young people here in our state.

It was a very, very productive trip. I travelled to Shanghai and I met with Professor Chen, the vice mayor of Shanghai. I immediately discussed with him the establishment of a South Australian office, a stand-alone South Australian office, so that we could maximise the opportunities of this incredible market, one which had been neglected by those opposite. More than that, I did meet with Mr Allan Zeman, who flew from Hong Kong to attend the meeting. I note that he had a relationship with the former premier, and he spoke very positively about the relationship that he had with the former premier. He has done some work envisaging an opportunity for us in South Australia at Cleland park.

Yes, I did attend a football match. I went to see the Port Adelaide Football Club play the Gold Coast Suns, and they won: four points, no injuries. This was an excellent initiative by the Port Adelaide Football Club. I think that there is a growing opportunity for sport-led diplomacy and sport-led trade, and I would like to commend the people of the Port Adelaide Football Club for taking this risk. I think it is going to turn into a wonderful opportunity, not only for the club but for the people of South Australia. Also attending that match was Australia's ambassador to China, with Steve Ciobo, the federal Minister for Trade. It was a great opportunity, and I think there will be many positive outcomes from this visit for years to come.

POLICE MEDIA CONFERENCE

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:18): My question is to the Minister for Police. Why did the minister refuse to confirm or deny he had spoken with SAPOL in relation to the proposed media conference? At a media conference on 20 May, the police minister was asked, 'Did you or anyone else in the government that you know of have a discussion with the police today about this issue?' The minister said, 'I have discussions with police all the time.' The minister was asked today. The minister said, 'Yeah, I have discussions with police all the time.' The minister was asked, 'So you spoke to police?' The minister said, 'I have discussions with police all the time.' The minister was asked, 'No, specifically today?' The minister said, 'Yeah, I have discussions with police all the time.'

The Hon. V.A. CHAPMAN: Point of order.

The SPEAKER: Point of order. We will hear the point of order.

The Hon. V.A. CHAPMAN: This is a gross abuse of the privilege of leave and leave is withdrawn.

The SPEAKER: Leave is withdrawn for the explanation. Would you like to rephrase the question?

Mr MALINAUSKAS: With a variation on his words, can the minister explain why he refuses to confirm or deny that he asked police to do a media conference on 20 May?

The Hon. V.A. CHAPMAN: Point of order: that is not a statement; that is poor debate.

The SPEAKER: I think there was a question asked. Minister.

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:20): I can't believe that question is even being asked in that manner. It is an embarrassment. Anyway—

Members interjecting:

The Hon. C.L. WINGARD: I will give you the same answer that I gave you before.

Members interjecting:

The SPEAKER: Order! The minister will be heard in silence. Give him a go to answer.

The Hon. C.L. WINGARD: SAPOL made their own decision to have their own press conference. They agreed with our policy to trial light armoured vests and we will deliver on that policy.

NATIONAL RECONCILIATION WEEK

Mr DULUK (Waite) (14:21): My question is to the Premier. Will the Premier advise the house on the importance of Reconciliation Week and what events are taking place in South Australia to mark this occasion?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:21): I would like to thank the member for Waite for his question. I note that he has now been elected onto the Aboriginal Lands Parliamentary Standing Committee, a very important standing committee between the two houses of this parliament, and I wish him all the very best for that important opportunity. I myself have served on that body in the past and I really enjoyed my time on that parliamentary standing committee.

This is National Reconciliation Week and it's an opportunity for us to celebrate the unique culture and history of Aboriginal people in Australia. The National Reconciliation Week theme this year is 'Don't keep history a mystery: Learn. Share. Grow.' This should encourage all of us to learn more about Aboriginal culture and history, to share that knowledge and to grow as a nation.

I would like to put on the record my support of Reconciliation South Australia and the work that it does. I have served on that body for the previous eight years and then I found out that, as the Minister for Aboriginal Affairs and Reconciliation, I am not permitted to be on there, so they have kicked me off. It's outrageous after serving on there for eight years.

I have really enjoyed the work of all of the members of Reconciliation SA. I note that they were the ones who organised the Reconciliation Week Breakfast, which was held at the Adelaide Convention Centre on Monday morning this week. I really enjoyed that breakfast. There were plenty of young people at that breakfast. Many schools were represented. In particular, it was really heartening to hear during the breakfast a group of 29 Aboriginal and non-Aboriginal students, school staff and young mentors who shared their experiences of walking the Kokoda Track. I have not done this myself. I am not sure that I would be able to, especially after hearing just how difficult it was, but every one of the people who spoke about it talked about the learnings they had along the way.

In particular, I would like to acknowledge the contribution made that morning by Harry from Brighton High who wrote some poetry reflecting that journey and read it out to the group. It was a privilege to hear what he had to say.

I was also very pleased to learn this week that Adelaide city council were releasing their Stretch Reconciliation Action Plan and it is currently being not displayed but read by the member for Florey, who is a great advocate for reconciliation action plans. In the South Australian government at the moment, we have nine agencies that have reconciliation action plans. We have 15 departments, so I think we have still got quite some way to go. We are at the moment, I think,

finalising those reconciliation action plans for the Department of Treasury and also the Department for Education, so I look forward to those being delivered.

This entire week, as I stated, is Reconciliation Week. There are a huge number of activities, hundreds of activities, that occur right across many of the electorates represented by people here in this chamber.

Today, I attended a lunch, which was put on by the Don Dunstan Foundation, where Noel Pearson was providing a dialogue especially around job creation, which was, of course, a very interesting speech. He will be making the Lowitja O'Donoghue Oration tonight. I believe it is a sell-out, with over 700 people going.

I encourage everybody to make sure that they engage with Reconciliation Week; it is an important opportunity for us, and I commend all of the activities to the house.

NATIONAL RECONCILIATION WEEK

Ms BEDFORD (Florey) (14:25): Supplementary: can the Premier advise whether the government is looking into putting a RAP (Reconciliation Action Plan) here into Parliament House?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:25): I thank the member for Florey for her interest in reconciliation action plans. She raised this issue with me recently, and I have to say that I am very intrigued by the opportunity and whether it would be something that we could do here in the parliament, and I will be looking into this matter and coming back to her at the earliest opportunity.

POLICE AIR WING

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:25): My question is to the Minister for Police. Will the minister rule out the privatisation of SAPOL's fixed-wing aircraft?

The SPEAKER: Minister for Police.

Members interjecting:

The SPEAKER: The minister will be heard in silence.

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:25): I thank the leader for his question, and this is a very vexed question. Of course, he would have read the front page of the paper today, which outlines what has happened with the fixed-wing aircraft. What I will say is that, because this is part of a separate investigation, I won't make any further comment because it is being dealt with externally.

POLICE AIR WING

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:26): Supplementary question to the Minister for Police: has the minister sought any advice regarding the potential privatisation of fixed-wing aircraft within SAPOL?

The SPEAKER: Minister.

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:26): Thank you—

Members interjecting:

The SPEAKER Order! The minister will be heard in silence.

Members interjecting:

The SPEAKER Order! The minister.

Members interjecting:

The SPEAKER: The minister will be heard in silence.

The Hon. C.L. WINGARD: Thank you. The leader will have noticed from the front page of the paper today that this is an issue that is before ICAC. The answer to his abbreviated question is, no, we won't be, but he would have seen that this is currently before ICAC, so he knows that I cannot make any comment about matters before ICAC.

Mr Malinauskas: What are you saying?

The Hon. C.L. WINGARD: I answered the question, and I am saying that I can't go into any more depth because this is a matter that is before ICAC.

The SPEAKER: Is there a supplementary? No supplementary. The member for King.

CHILD PROTECTION

Ms LUETHEN (King) (14:27): My question is to the Attorney-General. Will the Attorney-General outline to the house the actions being taken to address the gap for victims of child sexual abuse receiving compensation and redress?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:27): I am very pleased to answer this question. I thank the member for her question because, in the heartfelt and very considered address she gave to this parliament highlighting her own personal experience as a child, it ought to have brought to the fore for every one of us the significance of the disgraceful circumstances that so many of our South Australians were left in as a result of the exploitation and abuse while in the care of institutions principally run by governments but also of our churches and some of our NGOs.

It may have been in the past, but it is a matter which cannot go unattended. It is true that the former state government acted to provide some redress to some of those victims subsequent to the Mullighan inquiry to which I referred earlier today. A cap was placed on that at $50,000 and, as Attorney-General, I am still processing some of those applications.

However, what we found on coming into office was that the former government had consistently refused to consider a federal redress scheme option to move to provide a comparative and acceptable level of compensation which the royal commission at the national level had identified and on which it had refused to come to the table. Our side of the house had determined that we would go to the table, and we did. I am pleased to say that I met in Sydney with other attorneys-general and the Hon. Mr Dan Tehan, the Minister for Social Services in the federal parliament, and a minister, of course, in the Turnbull government.

Whilst we were late coming to the table as a state, because the previous government had not acted in this space, we did. We went to the table. We indicated our commitment, and we immediately commenced negotiations to identify what were the risks to South Australia and what were the benefits to South Australia and how we might redress this disgraceful abandonment of responsibility for these people. I am pleased to say that that agreement now has been agreed to by the state government—namely, to draft the legislation, to enter the national scheme, to commit to that process.

In short, it proposes a national secretariat which will provide for the receipt and assessment of claims from across Australia from state and non-government agencies, and it will pay up to $180,000 as a redress payment. Any person in South Australia who has benefited under the state scheme will obviously not be able to receive both; that will be an amount that is debited against their entitlement. The state government—this state government—has committed to $146 million being paid into the account at SAicorp, where it will be held for application over the next 10 years for those claims.

We are proud of that. We are very proud of that, and it is time that this issue be resolved. South Australia has joined, and I will do everything I can in the next couple of weeks, before we get to Perth, to encourage Western Australia to sign up, as the last state standing.

HUMPHRYS, MR C.C.

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:31): My question is to the Minister for Police. What preparations has the minister put in place for the court-ordered release of sex predator Colin Humphrys?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:31): As we know, that is a matter that is being dealt with at the minute, and there is a bill before the house. There are matters in place as far as Corrections is concerned, but it is being dealt with here and also in the judicial system. The positions will be put in place as deemed fit when they are warranted.

Mr Koutsantonis: What was that? This is the state's police minister.

The SPEAKER: The member for West Torrens is warned.

The Hon. T.J. Whetstone interjecting:

The SPEAKER: The member for Chaffey is called to order.

HUMPHRYS, MR C.C.

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:31): My question is to the Minister for Police but also in his capacity potentially of corrections. Has the minister taken the time to discuss the court-ordered release of Colin Humphrys with the Correctional Services chief executive or the police commissioner?

The Hon. V.A. CHAPMAN: Point of order, Mr Speaker: clearly that is comment in relation to time. But in any event, can I say this: the Leader of the Opposition knows full well that this is a matter—

Mr Koutsantonis: This is a speech.

The SPEAKER: What is the point—

The Hon. V.A. Chapman: I am answering the question.

The SPEAKER: She is answering the question.

Mr Koutsantonis interjecting:

The Hon. V.A. CHAPMAN: You're on that side now, Tom; we're on this side. We get to answer the questions.

The SPEAKER: The Deputy Premier is answering the question. Is there a point of order, or are you answering?

Members interjecting:

The SPEAKER: The point of order is for commentary?

The Hon. V.A. CHAPMAN: In relation to these, yes.

The SPEAKER: In that case, would the leader like to rephrase the question, which might be answered by the Attorney?

Mr MALINAUSKAS: Sure. My question remains to the Minister for Police and the Minister for Correctional Services. Has the minister discussed the court-ordered release of Colin Humphrys with either the Corrections chief executive or the police commissioner?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:33): Thank you for the question.

Mr Malinauskas: I wasn't asking you. I was asking—

The Hon. V.A. CHAPMAN: Well, bad luck. You get to ask the questions; we get to answer them. Any one of us can answer the questions.

The SPEAKER: Could the Attorney please get on with answering the question?

The Hon. V.A. CHAPMAN: Thank you, Mr Speaker.

Members interjecting:

The SPEAKER: The Attorney will be heard.

Members interjecting:

The SPEAKER: The Deputy Premier will remain seated. It has been long a practice of the house—

Members interjecting:

The SPEAKER: Order! Members will cease interjecting. It has been a long-held practice of the house that another minister may answer a question. It is not a licence for opposition members to interject if they do not like who is answering the question. The Attorney will be heard in silence.

The Hon. V.A. CHAPMAN: It is with pleasure that I answer this question as Attorney-General, who not only has responsibility for dealing with the determination of Justice Kelly's decision on 27 March but who has also worked with the DPP in respect of the identified appeal before the Full Court, which was held last week, and providing the necessary instructions to the Solicitor-General to undertake that work and indeed in relation to the investigations in relation to the nine drafts of the legislative response to how we deal with those released on licence, which is now the subject of a bill before the house, so I won't make any direct comment in relation to that. In the course of this whole exercise, I have had briefings, including from Corrections, in relation to the licence arrangements.

The reason we have done that is to identify what would be set in place, what arrangements could take place and how long they would take to implement. As members would be aware, in this case Justice Kelly determined that she would publish in her judgement the whereabouts, by way of precinct, as to where the prisoner may be released on a licence to release.

Mr Mullighan interjecting:

The SPEAKER: The member for Lee is warned.

The Hon. V.A. CHAPMAN: That was identified in the judgement. In the course of that, a senior police officer and Mr Brown from Corrections have provided advice. For those who don't know, Mr Brown is the chief executive of the Corrections department. Furthermore, I have had other meetings with him generally in relation to the release of prisoners, including others who are under consideration for different reasons. Some of them are via parole.

Yes, we have ongoing negotiations with the police and the Department for Correctional Services, and indeed I have had a number of conversations with the Parole Board chair, in relation not just to the Humphrys case but to others, for the development of the legislative reform options, which are now before the parliament, and also to how we deal with persons who are the subject of those. The only public one at this stage is the matter of Humphrys and, for the reasons I have indicated previously—at least the member for Enfield will be aware of this, because from discussions this morning from the opposition it seems that most of the rest of the former cabinet didn't have a clue what was going on—in relation to the matter of Schuster. Yes, we do have ongoing discussions with these relevant authorities.

Furthermore, in the course of election commitments that we have made for the review of operational police matters which we promised, as a result of that I have had conversations with the police commissioner, who has provided his contribution in respect of that and indicated that he will consider whether he would like to have other matters considered in the terms of reference of that review. He has been provided with a copy of a draft and, of course, we will consult with him in relation to matters of the review itself and who should conduct the same.

POLICE STATION OPENING HOURS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:37): I will try one more time. My question is to the Minister for Police. Given the minister has now had two weeks to seek further advice, when will extended police station opening hours at Norwood, Henley Beach and Glenelg commence?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:38): I thank the leader for his question. We are having ongoing conversations and we will meet all of our commitments in our 100-day plan. We have set in place a 100-day plan. We will meet those commitments and we will meet all our election commitments. We are having conversations and we will deliver.

POLICE STATION OPENING HOURS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:38): Supplementary: has the police minister had any conversations with the police commissioner around potential time lines regarding the implementation of your policy?

Members interjecting:

The SPEAKER: The minister will be heard in silence.

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:38): Yes—

The Hon. T.J. Whetstone: Is that the best question you've got?

POLICE STATION OPENING HOURS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:38): Supplementary to the Minister for Police: could the police minister—

The Hon. D.G. Pisoni interjecting:

The SPEAKER: The member for Unley is called to order.

Mr MALINAUSKAS: —advise the house if there is a possibility of the police station opening hours being implemented before the end of this year?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:39): Yes, we will keep working with the police commissioner and we will come to a landing and we will deliver that commitment, as promised.

The SPEAKER: The member for Newland, who will be heard in silence.

PUBLIC TRANSPORT

Dr HARVEY (Newland) (14:39): My question is to the Minister for Transport, Infrastructure and Local Government—

Members interjecting:

The SPEAKER: The Premier is called to order. The Deputy Premier is called to order. The member for Port Adelaide is called to order.

The Hon. S.S. Marshall interjecting:

The SPEAKER: The Premier is warned.

Dr HARVEY: My question is to the Minister for Transport, Infrastructure and Local Government. Will the minister inform the house how the establishment of a South Australian public transport authority will benefit commuters?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:39): I thank the member for Newland for his question. As somebody in the outer suburbs of north-eastern Adelaide, he takes a very keen interest in these matters and is very keen to see public transport services increased and improved for his area of South Australia.

We took a very exciting and innovative policy to the state election around a South Australian public transport authority. I don't mind telling the house that this was a policy put together by the member for Unley in the lead-up to the election, and I am extremely proud to be able to deliver—

Mr Koutsantonis: Before you sacked him—

The SPEAKER: I did not sack him, member for West Torrens. You will not interject.

The Hon. S.K. KNOLL: —the member for Unley's commitment to South Australia. This is a policy which, at its very heart, gets back to why we need to have good and modern public transport services so that we can change towards having a system that is customer focused, a system that delivers efficient, effective and needed public transport systems that actually change, innovate and evolve along with the needs of commuters.

What we currently have in South Australia is a very old way of doing business for public transport. It needs to change. The conversations I have had since becoming the minister, and I know the conversations that the member for Unley had before the election, were all around reorienting the way we deliver this to maximise the benefit.

In South Australia, our public transport system does not provide the best service that it can for South Australians. In fact, we do not have the best rates of public transport use when we look at comparable cities in Australia and around the world. That is why reshaping this system into a South Australian public transport authority is a fantastic way to be able to reset the clock, look again at the assumptions that underpin our system and move forward with something that works better for more South Australians.

The previous government seemed to have—and when I say 'seemed to have' they definitely had—a fixation on trams. Essentially, it was trams or it was nothing. Trams can potentially be part of a considered solution for a public transport system, but they were asking the wrong question. The question they asked was, 'How do you deliver a tram network in Adelaide?' The questions that should have been asked but weren't are, 'How do we move the most amount of people in the most efficient way, delivering the best solution for the majority of South Australians? How do we make it about the customer as opposed to about the hard infrastructure that you put in the ground?'

That is why the former government's plan was not going to deliver for South Australia. It is why we rejected trams down to The Parade, and it is why we rejected trams in a whole series of areas—because it was the wrong question that was being asked. SAPTA is the best opportunity we have had in a generation to ask the right question, which is, 'How do we deliver better public transport services in South Australia?' That's a question we are going to answer over the coming months.

This is something we are going to take our time to get right because there is a world of opportunity out there. Public transport policy talks about high-capacity electric buses as a potential solution. There is a world of potential solutions for delivering public transport, some of them a lot less expensive and a lot more flexible than the plans the former government had on the table, and I look forward to exploring them over the coming year.

We have point-to-point transport and ride-share systems that might be able to be part of our public transport network. What we need is a government that stops thinking like it's 1950 and starts thinking like it is actually 2018. We need to look forward to the fact that in five to 10 years' time autonomous vehicles are going to be part of our public transport system, and we need a South Australian public transport authority that delivers on all those potential promises and delivers a better service for South Australians.

POLICE PROTECTION VESTS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:43): My question is to the Minister for Police. How many of the state's 4,700 officers will receive stab-proof vests under your trial?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:43): We will be trialling a smaller amount to trial the vests, as we said, in the rollout for the procurement of the vests. That will be determined between myself and the police commissioner as we go through the process. We have made it abundantly clear that we are trialling these vests before we buy them. We will be getting the right vests for the right locations and the right areas of South Australia. We will be trialling the vests and then we will be delivering the process. You guys didn't deliver them: we will.

Members interjecting:

The SPEAKER: Before I call the leader, the member for West Torrens is now on two warnings, the member for Lee is on two warnings, the deputy leader is on a warning. If they continue, they will be departing the chamber under sessional and standing orders.

POLICE PROTECTION VESTS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:44): My question is to the Minister for Police. Given the police minister has a policy of a trial for stab-proof vests, can he articulate how many vests he suspects will be used under that trial?

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The minister will be heard in silence. The Minister for Police.

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:45): I thank the leader for his question. That will be determined by the police commissioner and myself as we roll out the different vests that we decide, because what we are going to do is look at a few different vests to get the right vest for South Australia.

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: So we might try a few more of one or a few less of the other—

The Hon. S.S. Marshall interjecting:

The Hon. C.L. WINGARD: —just to explain it.

The SPEAKER: Premier!

The Hon. C.L. WINGARD: What I do want to put on the record and clarify is that on that side you trialled none.

POLICE PROTECTION VESTS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:45): Supplementary question: when is the trial starting?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:45): The trial has—there are already conversations about which vests we are going to get and how that's going to happen. It's being rolled out.

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. C.L. WINGARD: We are looking at the procurement process. You have to go one step at a time. So that's what's happening here. We are having a look at what are on option, what vests are on option.

Members interjecting:

The SPEAKER: I didn't trial any.

The Hon. C.L. WINGARD: After 16 years—

Members interjecting:

The SPEAKER: Order! Minister, please be seated.

The Hon. C.L. WINGARD: —you guys have trialled—

The SPEAKER: The minister will be seated. The minister is entitled to answer his question in silence.

Mr Malinauskas interjecting:

The SPEAKER: Leader, sit down. Minister.

The Hon. C.L. WINGARD: I will just complete my answer by explaining that, again, when you were in government you trialled none. We will be rolling out our process in due course. We are in charge of the process.

Members interjecting:

The SPEAKER: The member for Morphett.

Members interjecting:

The SPEAKER: Order! The leader is warned. The Premier is skating close to the edge today. The member for Morphett.

ENERGY STORAGE CONFERENCE

Mr PATTERSON (Morphett) (14:46): My question is to the Minister for Energy and Mining. Will the minister update the house on the recent Energy Storage Conference hosted in Adelaide?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:46): Thank you very much to the member for Morphett—another important question on energy. It gives me the opportunity to share with the house how very successful the Energy Storage Conference was in Adelaide last week. In fact, I am told that attendance was up 45 per cent on the same conference held in Sydney last year. So here, already, in South Australia we are starting to get runs on the board with regard to energy policy.

It was a great opportunity for the Marshall Liberal government's energy policy to be explained to the people who had come from all over Australia to hear about our orderly transition towards renewable energy—not the disorderly transition that all South Australians had become used to under the previous Labor government, not the mess, the chaos, the blackouts or the high prices. They came to hear about how we are going to put all that behind us, how we are going to deliver more affordable, more reliable and more environmentally responsible electricity for South Australia.

We were able to share with people about our $100 million home storage program and about our $50 million grid storage program. We were able to explain how, unlike the previous government, we are not going to rush into renewable energy without storage. We are going to allow that energy to be harnessed so that when it's not windy, and it's not sunny, that energy can still be used and very importantly dispatched on demand when consumers want it.

That was one of the greatest failings of the last government, the Labor government: they forgot about consumers—they forgot all about consumers. They just didn't care about consumers. We are going to make electricity available when consumers want to use it, and part of our plan is to continue with the Tesla virtual power plant.

The previous government made some commitments. They committed a $2 million grant, they committed a $30 million loan for phases 1 and 2 of that program, and we will honour those commitments, as we said we would right after the election. Right after the election we made it very clear that any commitments that the previous government had entered into we would honour, and that's exactly what we are doing.

Let me just make one important point here: the Tesla virtual power plant program was not the previous government's policy—it was not their idea—it was Tesla's idea. Tesla actually came to the government with their suggestion. Tesla wanted to work with the South Australian government—

Members interjecting:

The SPEAKER Order!

The Hon. D.C. VAN HOLST PELLEKAAN: —on their proposal. Let me tell you, Mr Speaker: Tesla is loving working with the South Australian government at the moment. They think it is fantastic

that we are getting on and doing that. They are pleased that their program is going to work in addition to our program announced before the election for another 40,000 home storage units across South Australia.

The conference was positive in many ways, but one of the ways it was very positive was also that Mr Sanjeev Gupta was able to speak at the conference. He is a person who has an enormous and very positive influence in South Australia at the moment. He was able to share with people at the conference his intentions not only for steel production and iron ore mining and many other things but also with regard to using cleaner and greener and more affordable energy for his business but also then being able to share it more broadly with South Australians.

One very interesting thing that came up at the conference—many people commented on this—is that only last week in the Australian *Financial Review* Mr Gupta made it very clear that his working relationship with Premier Marshall is much better than it was with premier Weatherill.

SOUTH-EAST WATER ALLOCATIONS

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:50): My question is to the Minister for Environment and Water. Will the minister advise the house what alternative science he will be using to reconsider water allocations in the South-East. The minister in an interview on the ABC North and West program on Friday 11 May said, and I quote, 'We will be looking at the alternative science' when considering water allocations to irrigators in the South-East. The minister then went on to say that he had, and I quote, 'a lack of confidence in the science' and that has led to this decision to put water allocation reductions 'on hold' pending an 'alternative science' review.

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:51): I thank the part-time shadow environment minister for her question. The Liberal Party has very significant concerns about the water allocation planning process that was undertaken in the South-East. We feel that that process has had a very adverse effect on the economic output of farms and farmers in the South-East region. This government is focused firmly on looking at ways to grow the productive components of our economy, not ways in which we put a handbrake on those components of the economy.

The science that was used in order to develop the water allocation plan reductions—and there are a series of reductions established over the coming years—will have a direct impact on the profitability and productivity of farms in the South-East, including, I might add, the critical Coonawarra district, which is such an important part of our state's export economy. We want to look at ways to grow our exports, not reduce them.

The Premier earlier made the statement that our exports to China had fallen over the last four years—year on year on year. It could very well be because of these anti-business, anti-export, anti-economic development policies of the previous Labor government. We have said very clearly, in consultation with farmers in the South-East, in discussions with the South East Natural Resources Management Board, that we need to take some time to step back from the decision, to find a way forward, where we can have confidence in the scientific approach, and to bring independent scientific advice to the table and bring together a series of experts from government, independent experts, and use science which the community can have confidence in.

When it comes to economic certainty, this government is about delivering that—economic certainty. We know that economic certainty is the best way to back business in our state. Our science—we are taking a big step back—

Members interjecting:

The SPEAKER Order!

The Hon. D.J. SPEIRS: —we are putting on hold those reductions, and we will move forward with independent science which the community in the South-East, the businesses in the South-East, the people we want to grow our economy, can have confidence in.

Mr KOUTSANTONIS: Point of order: the question was about alternative science.

The SPEAKER: Alternative science, yes. I think the minister is attempting to answer the question, and the information that he has provided so far is quite germane to that. Before I call the

next speaker, I will just find out what is happening. The clock is stopped. Members, I am advised that there has been some kind of fire in the building. I am advised that if we do need to evacuate, we will be advised to do so, but at the moment we do not need to do so. The fire brigade are on their way to inspect the issue.

Members interjecting:

The SPEAKER: Order! The deputy leader.

SOUTH-EAST WATER ALLOCATIONS

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:56): My question is again to the Minister for Environment and Water. Can the minister advise the house if he is having an alternative science review because he disagrees with the science-science that the water resource is under pressure and is deteriorating at the current extraction levels—

The Hon. D.G. Pisoni: It's the political science, doctor, the political science.

Dr CLOSE: That may well be the answer, but there is science-science that says that the water is under pressure. Does the minister disagree with—

Members interjecting:

The SPEAKER: Order!

Dr CLOSE: —real science and need alternative science?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:57): I have taken the opportunity not only since becoming the minister but during an extended period as shadow minister to speak to people on the ground in the South-East. I visited the South-East. I connected with that regional community, and I spoke to many stakeholders, particularly businesses, who felt that they had been unfairly treated and ignored by the Labor government because the Labor government, we know, doesn't really care about businesses in this state. They drove down our exports and they want to put a lever, a handbrake, on our economic development in this state.

Independent scientific advice has been sought by farmers in the South-East and presented to me, which was at odds with the science that was used to reach the water allocation plan reductions going forward. With that level of uncertainty in the mix, I didn't feel that it would be responsible for the government of the day to move forward with reductions in water allocations that would have a direct economic impact, in a negative sense, on the production of businesses—farmers, grape growers, wine producers—in the South-East.

When so much uncertainty is at play, why would government go ahead with these economically negative practices? So there is different science. Scientific evidence is on the table that quite clearly has an alternative viewpoint. As the minister, I have to look at those alternative views. The businesses in the South-East don't have confidence. If the deputy leader wants to take her elitist position, she can do that—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. SPEIRS: —ignoring people in the South-East, but I will focus on coming up with a middle ground, in consultation with businesses in the South-East, which I hope will deliver better economic growth there.

SOUTH-EAST WATER ALLOCATIONS

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:59): My question again is to the Minister for Environment and Water. Does the minister reject the expertise and advice from his own department that has assessed that there is an overallocation of water in the region and that there is a very high risk to the sustainable use of water into the future?

Members interjecting:

The SPEAKER: Order! Minister.

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:59): I have been presented independent scientific advice, separate from what my department has come up with, which says that these areas are not overallocated. I am not a scientist. I don't know what the answer is with this, so I am saying, 'Let's step back. Let's support business in the South-East and take advice.' That, in my case, has to be independent advice.

Businesses in this state want confidence that government is making decisions that are based on independent scientific advice. That is exactly what I am doing. I am backing the businesses in the South-East, I am backing the communities in the South-East, I am working with the NRM board in the South-East—and it's been great to be able to recently appoint Fiona Rasheed as the new chair of the NRM board in the South-East.

She is a farmer who understands the South-East community and who will work with me, alongside other members of that NRM board, to understand the water allocation situation to procure independent scientific advice and to go forward to create certainty for businesses in the South-East. I don't think that this is something the Labor Party should be dragging up—their antibusiness rhetoric. Because what I want to do is get certainty.

SOUTH-EAST WATER ALLOCATIONS

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (15:01): Supplementary question to the Minister for Environment and Water: can he confirm in his exploration of alternative science that he will be using qualified hydrologists and qualified environmental scientists and who they are?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (15:01): I have not begun a process of procuring independent scientific advice yet. I am sure that will include hydrology experts. That is an important part of the process, but the key is to have independent advice that the community can have confidence in. It is so important to get business confidence and certainty in government so that they feel that government has their back.

There is nothing worse than business and the private sector thinking they have to fight against the government. I have met with a number of farmers and wine producers in the South-East who have had to go out and procure scientific advice to fight the government. Rather than partnering with the government to grow our economy, we have a situation where people are in the ERD Court fighting against scientific advice that they do not have confidence in.

As the minister, I have to step back and I have to partner with our business community and say, 'How can we give you certainty so that you know that these water allocation cuts, if they do go ahead, are being done for legitimate scientific reasons and, if we don't go ahead, again, that will be backed up by science?' But the science I had been presented with to date had too much uncertainty around it. There are plenty of different scientific opinions out there: that is the nature of science.

I want to create a situation for the businesses, particularly in the South-East, which are such a key part of our economic recovery, that we have planned for this state. I know that the member for MacKillop and the member for Mount Gambier will back this decision. I look forward to working with them and their communities while we work towards having science that we can have confidence in around these water allocation plan reductions.

While the fire alert signal was sounding:

Mr MALINAUSKAS: Mr Speaker, obviously we are dealing with unusual circumstances. Question time is an important opportunity for both the government and the opposition, so I move:

That the sitting of the house be suspended until the ringing of the bells.

Members interjecting:

The SPEAKER Order! It has been moved that the house be suspended until the ringing of the bells. Do I have a seconder for the motion? There is a seconder, so I will put the motion at once.

Motion negatived.

GOVERNMENT CONTRACTS

Ms BEDFORD (Florey) (15:04): My question is to the Minister for Industry and Skills. What will the government do to ensure local South Australian stationery suppliers have a fair opportunity to tender for government workplace and related products contracts? Many local suppliers, home-grown businesses supporting local people and jobs, are missing out on business because of procurement practices that treat them unfavourably, in particular by failing to meet their objective of recognition of local suppliers.

The Hon. D.G. PISONI (Unley—Minister for Industry and Skills) (15:05): I thank the member for Florey for her question and her interest in small business here in South Australia. Of course, this is not a new problem for South Australia. The previous Labor government was notorious for locking out small family businesses and smaller establishments here in South Australia from competing with larger businesses to use their products and their services, and particularly we saw that in the area of my colleague the Minister for Transport.

We saw it identified back in 2012. Remember the then government's response to the printer cartridge affair when public servants were favouring one particular supplier in order to get free watches or free gifts from the supplier? Of course, there is no such thing as a free gift. Someone always has to pay and in that case, of course, it was the taxpayers who were paying because the prices were inflated for those products.

Unfortunately, the then government's response was to bring in a very draconian contract that only provided for two very large contractors, neither of which had their head offices here in South Australia. We saw the group that acted as a buying group for all the newsagents here in South Australia locked out of schools here in South Australia and a significant impact on that business that saw a loss of jobs.

Fortunately, through the work of the member for Florey and others—and I think I played a role certainly in raising that issue publicly—that issue was fixed, but here we are back again with a new contract that was released not that long ago under the previous government and that again has seen small independent suppliers locked out of the system.

I am pleased to have met with KW Wholesale last week, who briefed me on the situation that they are in at the moment with government procurement of stationery. Of course, I thank the member for Florey for introducing them and setting up the appointment. I have asked the Industry Advocate for advice on this matter, not that I wasn't aware of the work that the Industry Advocate was doing. I meet with him on a regular basis. As a matter of fact, one of the first things we did within a few weeks of being elected was to meet and discuss how we could make more of the government procurement process—about $4 billion a year—available to small businesses here in South Australia.

We all know Ian Nightingale. He is passionate about South Australia. He has taken that challenge on and he is working diligently on this issue and a number of other issues that have been identified that have caused problems for small business here in South Australia. Member for Florey, I thank you for your question and I am very pleased to announce that we are on the case.

CHILD PROTECTION

Mr KOUTSANTONIS (West Torrens) (15:08): My question is to the Attorney-General. Does the Attorney-General stand by her comments from earlier today that the first the government had notice of the opposition's plans for proposed new laws aimed at keeping paedophiles in gaol were media reports in *The Advertiser* yesterday?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (15:08): I am happy to answer the question. The statement that I actually made in response to the opposition's claim that they had forwarded to me the draft bill was that that was not the case. They had not forwarded the draft bill to me on Sunday night and, indeed, I haven't had anything from the Leader of the Opposition.

What I have ascertained is that, in fact, notwithstanding that the shadow minister for Attorney-General matters for the opposition has no trouble getting in touch with my office or me, it seems that the opposition leader has trouble. What we did ascertain is that on Sunday night, when

he apparently claimed that he had sent it to me, in fact he had sent a draft bill to the Attorney-General's chief executive's office and, indeed, they received it and then forwarded it down to my office on the following day.

I would say to the opposition that if it would like to forward material to me I do have an email address, and to the Leader of the Opposition (or, indeed, any of those covering Attorney-General's matters—even the member for West Torrens if you stray into this area at any time), I am happy for you to have my mobile telephone number as well if you haven't got it already.

Certainly the former attorney-general had my telephone number and I had his, and we were able to successfully communicate, and I am pleased to say I am able to regularly communicate with the Hon. Kyam Maher and his office. In fact, the first I had notice of this bill as a consequence of this forwarding of the material was in fact from the Hon. Kyam Maher's office who forwarded it yesterday afternoon. In fact, he didn't forward to me what was forwarded the night before: he forwarded me draft 2, which indicated that there had been some amendments. When we went to look at what was forwarded to us, it had actually been changed. We were on to draft 2 at this point, which we are happy to receive and obviously consider, and it is as amateur as I said it was yesterday.

The SPEAKER: The member for West Torrens.

Members interjecting:

The SPEAKER Order!

CHILD PROTECTION

Mr KOUTSANTONIS (West Torrens) (15:11): My question is to the Deputy Premier. Is the Deputy Premier aware that her personal website had a parliamentary profile page directing that all correspondence be sent to agd@agd.sa.gov.au?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (15:11): Absolutely—

The Hon. S.S. Marshall interjecting:

The SPEAKER: The Attorney-General.

The Hon. S.S. Marshall: You are a fraud!

The SPEAKER Order!

The Hon. V.A. CHAPMAN: —and so—

The Hon. S.S. Marshall interjecting:

The SPEAKER: Premier!

The Hon. V.A. CHAPMAN: —when the opposition—

Members interjecting:

The SPEAKER Order!

The Hon. S.S. Marshall: Hopeless!

The SPEAKER: Premier!

The Hon. V.A. CHAPMAN: When the shadow attorney-general wants to communicate, he sends it to us, to our office, to the minister's office and we attend to it, but when the Leader of the Opposition wants to play too cute by half and try to say, 'Look, I sent it Sunday night to the Attorney-General,' and we check—let me tell you, Mr Speaker, I check everything. I checked my email, the parliamentary email, the front and back doors of my house. I checked the electorate office. I checked the Parliament House office just in case it had been left outside my door. I checked the minister's office. I asked everyone in my office, 'Have you received an email from the Leader of the Opposition last night?' No, absolutely nothing, and so we had reasonable belief that either it hadn't been delivered or the courier pigeon was still on its way.

TRANSPORT INFRASTRUCTURE

Mr KOUTSANTONIS (West Torrens) (15:12): My question is for the Minister for Transport and Infrastructure. Given the federal Department of Infrastructure, Regional Development and Cities confirmed in Senate estimates that just $10 million would be allocated for the Pym to Regency projects in 2019-20 and $20 million in 2021, does the minister stand by his promise that the project will be completed by 2020?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (15:13): To clarify, like I had to clarify the last time I had a question of this nature asked, the commitment that I gave and the question that was asked of me was, 'When will this project commence?' and commence construction, because what I would say is that the project has actually commenced, and that consultation in relation to the compulsory acquisitions for those adjoining landowners around the Regency to Pym projects has already begun.

However, the question I was asked was, 'When is this project going to kick off, in terms of construction phase?' At this stage, late 2019 is when the construction is slated to begin. Construction work will also continue into 2020. In terms of the final completion of this project, that is something that potentially could be longer than 2020, which is consistent with what I have been saying all along; and, in fact, it is an answer I gave two weeks ago if the member for West Torrens would like.

Construction is to start in 2019 and construction is to continue into 2020. When this project will be finally completed is still an open question, and as potentially those opposite may have remembered if somehow a piercing thought may have come through the collective amnesia that happened somewhere around March 2017, there are different ways to skin cats when it comes to delivering infrastructure projects.

As the design process is being finalised and as consultation is being undertaken with affected landowners, the construction profile of this project is still being worked out in its finest detail, but again what I can confirm is that in 2019 the construction phase of this project will begin, and it will continue on from there.

INFRASTRUCTURE FUNDING

Mr KOUTSANTONIS (West Torrens) (15:14): My question is to the Minster for Infrastructure. Given the minister has repeatedly spoken about his special relationship with the commonwealth government, why did the federal budget cut federal infrastructure grant funding to South Australia by 80 per cent?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (15:15): I would like to thank the member for West Torrens for his question and for how I can highlight the fact that his government did not do their job when it came to this. Let me tell you what has happened in the 10 weeks since we have come to government: $1.8 billion worth of new money into South Australia. That is what has come into South Australia: $1.8 billion of new money has come into South Australia.

Members interjecting:

The SPEAKER Order!

The Hon. S.K. KNOLL: Prior to us coming into government, zero dollars—

Members interjecting:

The SPEAKER Order!

The Hon. S.K. KNOLL: —after us coming into government and meeting with the federal government, $1.8 billion. Now, $1.8 billion is more than zero. In fact, it is infinitely more than zero, and that is what we have been able to deliver.

I look so very much forward to these projects being delivered and rolled out over the course of these next four years for work to continue on the north-south corridor, for us to actually deliver these very difficult technical stages and for those opposite to actually maybe, at one point in their lifetime, consider that $1.8 billion worth of new money into South Australia is good news.

VOCATIONAL EDUCATION AND TRAINING

Ms HABIB (Elder) (15:16): My question is to the Minister for Industry and Skills. Will the minister please outline to the house the benefits of the new subsidised training list?

The Hon. D.G. PISONI (Unley—Minister for Industry and Skills) (15:16): In a nutshell—but I will expand on the detail—jobs, jobs and opportunity for South Australians. The Marshall government's delivery on its election commitments to update the subsidised training list represents a significant boost to skills training here in South Australia. Fixing the subsidised training list is a key election commitment under the Skilling South Australia strategy to ensure transparency and accountability of government investment in skills and to increase funding contestability between TAFE SA and non-government training providers.

Around $20 million will be invested in new training activity for non-government training providers in 2018-19. This is an increase of around $5 million from the actual expenditure in the previous year. Critically, there are now more than 4,000 additional training positions in the entire system here in South Australia. Almost 250 courses will now be accessible to non-government training; that is an extra 1,700 training places. Just in case those opposite have missed it, of the 4,000 additional training places, 1,700 are in the non-government sector, which means 2,300 are in TAFE.

So we are seeing more opportunities in TAFE through the government dealing with the subsidised training list that has been neglected by the previous government for years and years, which has seen less choice and less opportunity for South Australians. It has also seen a dramatic decrease in the number of South Australians in apprenticeships and training in the last five years: around 25,500 in training in 2012, whilst the latest figures for 2017 are 15,500, a shocking indictment of the work of those opposite and the Deputy Leader of the Opposition in particular.

This new funding arrangement represents a 21 per cent increase in the courses open to contestability, covering defence, agriculture, health, construction and ICT. The number of new places accessible to non-government providers has increased by 34 per cent, to 6,750 places. This is in addition to the 12,570 places available through TAFE SA.

Two new qualifications will be added to the subsidised training list: Cert IV in Cyber Security and Cert III in Engineering—Composites Trade. The subsidised training list details the training courses that the government will subsidise in TAFE and non-government sector training providers from July to September of this year. The focus on the subsidised training list 4.0 has been on greater alignment to industry needs, more places in courses for non-government providers, greater engagement with stakeholders and improved transparency.

The list has been informed by workplace modelling undertaken by the Training and Skills Commission as well as industry feedback, which included an engagement process I instigated in April and May 2018 of more than 125 stakeholders through an online survey and facilitated workshops. In addition to the qualifications on the list, the government can, through a submission, subsidise any qualification or national skill set where there is a strong link to industry demand and real job opportunities in South Australia.

Over the coming months, the department will be developing the next steps to fixing the subsidised training in this commitment for my approval. This work will support the delivery of related election commitments, including the establishment of a skills industry council and a revitalised training and skills commission which will deliver a training priorities plan to inform future iterations of a subsidised training list. The subsidised training list will fund over 3,000 new training places in direct care qualifications. Of course, this is very important for the NDIS rollout. It is a very exciting time for training, opportunities and jobs here in South Australia.

Grievance Debate

AUSTRALIAN PROFESSIONAL FIREFIGHTERS FOUNDATION

Mr ODENWALDER (Elizabeth) (15:20): I rise to speak about the Australian Professional Firefighters Foundation and their charity ball that I was delighted to attend last Friday. The new rooms at the Convention Centre—which I have never visited before—are incredible, overlooking the River Torrens. It was the 19th year celebration of the Professional Firefighters Foundation. Next year is the

20th anniversary, of course. Maths is my strong point, unlike the Minister for Transport. I look forward to the 20th anniversary. They will have fireworks over the River Torrens and they assure me it is going to be a razzle-dazzle affair.

As I said, the firefighters foundation is 19 years old. All money raised goes to charity. The foundation has about 700 members, mostly firefighters, but they are drawn from other members of the community as well. The firefighters who are members donate directly from their pay packets each week and so far they have raised over $3 million, which has been spent in various ways around the state and the country.

I was invited by Greg Howard, who is a great bloke. He is the founding President of the Professional Firefighters Foundation. I was really happy to be sat at a table with the Deputy Chief Officer of the MFS, Michael Morgan; his wife, Colleen; and also Assistant Commissioner Noel Bamford and his partner, Margriet. Colleen Morgan and my wife, Anne, hit it off. Colleen was an expert on the fire service and waxed lyrical about women in firefighting and about the need for the MFS and fire services around the world—not just nationally—to increase their gender equity.

There are very low levels of women firefighters, not just in South Australia but as a pattern repeated across the world. I am pleased that under the leadership of people like Michael Morgan and, I think, under the direction of his wife, Colleen, they are taking very serious steps to address this matter. It was run admirably by Cathy Hann, the foundation administrator, who ran around all night making sure that everything ran very smoothly.

It was particularly pleasing to at last meet someone I had heard a lot about, a bloke called Billy Boyle, a 29-year veteran firefighter from Elizabeth. He brought along the whole Elizabeth group. In fact, Elizabeth was very well represented at the ball (I think they had two or three tables) and they are a great crew of people. Billy himself, as I said, is a 29-year veteran. He was saying that next year will probably be his last, or he is heading into his last year. He is an absolutely key member of the foundation and delivered quite a moving speech about Barry Luke later in the evening, who was made a life member of the organisation.

As I said, many MFS people, lots of people from Elizabeth and Adelaide Airport firefighters were there and I was really pleased to see Squad 52, fresh to firefighting. I think it was their first week of training, and they were dragged along to usher us all in. They were a fine body of people. As I said, they were mostly men, but they are working towards gender equity.

Over the years, the foundation has raised $3 million, which they have donated to various places around the state and country, but they have a special interest in the Women's and Children's Hospital: $55,000 went to the Women's and Children's Hospital to upgrade the parents' room in the Newland Ward, $55,000 to upgrade children's bathrooms and $30,000 for a kitchen upgrade.

There are lots of other things they contributed to: the Victorian bushfires in 2009, the foundation donated $200,000 to that effort; the Wangary fires $130,000; the Kangaroo Island fire (it does not say what year that was, but I assume it was a big one), $100,000—

The Hon. V.A. Chapman: How much?

Mr ODENWALDER: It was $100,000 from the foundation. They also do lots of—

The Hon. V.A. Chapman: The whole fire cost $20 million.

Mr ODENWALDER: Indeed, but this is a charitable organisation and I think the $100,000 was probably money well spent. Of course, they also donate to foundation members themselves in their times of need or illness; obviously, firefighters go through a lot during their work. They also fund and support many other fundraisers, such as Shake the Boot, the Bupa Challenge, and they are even part of supporting the Christmas pageant.

I am running out of time to say all the things I want to say, but I want to quickly mention the life membership given to Barry Luke, who has been a key member of the Firefighters Foundation and who is brother-in-law of the president, Greg Crossman. Barry Luke, a great man.

Time expired.

EML GAME CHANGER PROGRAM

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (15:25): It gives me great pleasure today to rise and speak about an important initiative undertaken in the Riverland community that is having a positive impact and creating future leaders in the region.

I recently had the honour of presenting completion certificates to the next generation of Riverland leaders participating in the inaugural EML Game Changer program hosted at the Berri Football Club. The Riverland has been fortunate enough to have fantastic community support for this program to enable the development of a new generation of leaders and to highlight the importance of what leadership means not only to sporting clubs but also what it means to have good and productive leadership in the community to generate good community spirit.

The Game Changer initiative was designed to assist the Riverland community by providing an innovative and interactive approach to the prevention of drugs, alcohol, domestic violence, mental health and suicide prevention as well as developing young community adults as the next generation of community leaders. Additionally, the program aims to prevent that urban drift, ensuring the future of our regional communities by raising the next generation of leaders in our community.

It is critically important not only to retain our youth here in South Australia but it is also really important that we retain our regional youth. It has a significant impact when we see our young leaders, our young hopefuls, drift away—that is what we call our 'urban drift'—to bigger and better things, never to return.

This program was launched in the Riverland in conjunction with partnerships with TAFE SA, the Outside the Locker Room program, the SANFL, the Riverland Football League and Regional Development Australia. The program, through local netball and footy clubs, takes an active, constructive approach in encouraging and assisting regional communities with the challenges faced by young adults.

I would like to thank Alex Flint, the regional development manager, who facilitated and did a lot of the legwork and travel backwards and forwards into the Riverland to make sure that this program was a success. I travelled to these meetings held around the Riverland, and what I saw was a group of youngsters who wanted to be part of prosperity. They were looking to be part of their community and to further enhance their leadership skills within their sporting groups.

From when I presented to them earlier on in the year to when I spoke recently with them and presented their certificates, it was like chalk and cheese. With the tuition and guidance of this program, there has been such a change in those young, wannabe leaders, and I was so buoyed by it that I decided to acknowledge this program today and the impact it has had on those young lives and the impact I think it will have on our region in business, in the community and in sporting areas of significance.

We all know that good leadership is hard to find, and good leadership is something that people aspire to. It is the attraction of those team players, those community people who are always looking for leadership within business and sports. It is about going to someone who is a confidante, a mentor, to ensure that if they have a social issue or aspire to be part of a sporting club, or seek to further their working careers or business skills, they have someone to talk to. Through this program, that is exactly what happened.

I am proud that my local sporting clubs have taken this initiative to support the next generation of community leaders. I am proud of our local young people who have accepted the challenge. They have stepped up to the plate and they are there to be counted. When I am out in my communities and see these young leaders, they now have the confidence to come and speak to me about their experience through this game-changer program. They also have the skill to come and talk about the issues that they want to talk about—issues at their sporting club or within their community club—and it is talking about their role as a leader in a regional community.

ADELAIDE ZERO PROJECT

Ms COOK (Hurtle Vale) (15:30): I want to talk today about the Adelaide Zero Project, which is heading towards a functional zero homelessness project, headed up by the Don Dunstan

Foundation in the Adelaide CBD. It has recently been released, and the idea is to get to zero functional homelessness by 2020. It has seen support from over 30 organisations, as well as from members on both sides of this house.

Historically, homelessness in Adelaide's CBD sits at an average of around 120 people per night, which is totally unacceptable. The concept of functional zero homelessness is a new approach to ending homelessness first pioneered by Community Solutions and successfully adopted both in the United States and internationally. It involves a coordinated, broad-based process for matching the needs for housing with available supply.

In achieving functional zero homelessness, the number of people sleeping rough in our community should be no greater than the average housing capacity. It is a dynamic solution to homelessness that enables organisations to better coordinate resources to quickly meet the needs of those sleeping rough. It is an exciting concept and an exciting opportunity for Adelaide, which has the opportunity to be the first city to achieve functional zero street homelessness outside North America. This is a fantastic community-focused solution that delivers with a real focus on the individual confronting street homelessness.

I was honoured to sign the memorandum of understanding between the state government and the Don Dunstan Foundation as the then parliamentary secretary for housing and urban development last year, alongside David Pearson of the Don Dunstan Foundation, Lord Mayor Martin Haese, Joe Formichella of Bendigo Bank, and Dame Louise Casey, Chair of the Advisory Committee for the Institute of Global Homelessness. In joining the select group of six vanguard cities across six continents, the Adelaide CBD is now a key part of the 'A place to call home' campaign, an initiative of the Institute of Global Homelessness, in setting ambitious but achievable goals in alleviating global homelessness.

I would like to thank everyone involved in this initiative—the Don Dunstan Foundation, as well as key partners Bendigo Bank, Flinders University, the University of Adelaide, the Aboriginal Sobriety Group, Baptist Care SA, AnglicareSA, Catherine House, Housing Choices South Australia, Hutt Street Centre, the Salvation Army, Neami National, Uniting Communities, Life Without Barriers, End Homelessness SA, OARS Community Transitions, St John's Youth Services, Community Sector Banking, Mercy Foundation, the Broadley Trust and Service to Youth Council. I am sorry if I have missed anybody. The people in these organisations are one of the few groups of workers I know who actually want to do themselves out of a job.

I would like to briefly also touch on the recent troubles in the sector around the Hutt Street Centre. I put on record my thanks to the Premier for stepping up last week and supporting the centre and the great work they do. Fraudulent information has been circulated around the east end of the city about Hutt Street and their clients, pointing to a dark underbelly, the dark underbelly of some in our community who are attacking the Hutt Street Centre for what can only be assumed is their own personal gain.

I want to echo a comment concerning this fraudulent Hutt Street Centre letter, which was sent last week to nearby residents, made by Shelter SA led by a formidable spokesperson, Dr Alice Clark. Shelter SA recently tweeted:

> The new race to the bottom, false claims about redevelopment, unrelated images and one of the worst cases of NIMBYISM we've ever seen—who is behind this campaign to incite fear and hatred towards our most vulnerable?

That is a good question. It really is incumbent on those opposite, particularly the Premier, to completely rule out that any Liberal Party member was involved in the fraudulent letter that was distributed in order to intimidate and incite local Adelaide city residents.

We have all seen comments from councillors Ann Moran and Alex Antic, both of whom have very strong Liberal Party affiliations. Councillor Moran is certainly on the record as having a desire to relocate the Hutt Street Centre. It really is time that the Premier shows big leadership, rules out any Liberal Party member involvement and distances himself from the comments and behaviour of people like councillors Moran and Antic. He must demonstrate to South Australians that the Liberal Party has clean hands in relation to this disgusting campaign.

With Alex Antic all but set to assume a place on the Senate ticket, I would advise him to start thinking in big, broad strokes. We need our federal representatives fighting for every South Australian, in particular the vulnerable. While all that some want to do is play in this game and point political fingers, I acknowledge that many in this place, certainly on this side and including the member for Adelaide and also the Minister for Human Services in the other place, are committed to eradicating homelessness. I am committed to help all over South Australia. I commend the great work of organisations like the Don Dunstan Foundation and ask that everyone sticks together to reduce homelessness.

STEAMRANGER HERITAGE RAILWAY

Mr TEAGUE (Heysen) (15:35): I rise today to speak about the SteamRanger Heritage Railway event hosted in Mount Barker on Sunday 28 May. For those of you who are not familiar with SteamRanger Heritage Railway, it operates a number of different heritage steam and diesel-hauled tourist trains through the three state electorates of Kavel, Heysen and Finniss between Mount Barker, where its main depot is located in the Adelaide Hills, up and over the crest of the southern Mount Lofty Ranges and down to beautiful Strathalbyn on the way through to Goolwa, Port Elliot and Victor Harbor. I am sure that many of us have memories of riding the train as children with our families.

The trains operate for up to 140 days a year. They are manned by volunteers from the Australian Railway Historical Society, which is also responsible for maintenance of the rail line and the heritage locomotives and carriages. The fundraiser I had the joy to attend on the weekend was to raise funds for the restoration of SteamRanger's 200 tonne-plus 520 class steam locomotive, the 520 *Sir Malcolm Barclay Harvey*. I encourage members to visit the depot to inspect it. It is located in the shed, and it really is quite an enormous locomotive of great significance.

The drawcard for the event on the weekend was watching South Australian champion strongman, Jordan 'Biggie' Steffens, attempt to move steam locomotive 621 with brute strength alone. It is the first time such an attempt had been undertaken in Australia since Grant Edwards' record-breaking attempt in New South Wales in 1996, so it was quite a significant occasion, and really quite significant and heartfelt congratulations should go to Jordan.

I encourage members to picture the scene. Jordan pulled the train out of the shed entirely by himself until the train fully emerged from the shed, to the great joy of all the admiring onlookers. This herculean effort was made to raise money for the railway, and I encourage members to consult my Facebook page, which marks the occasion. I had the great pleasure to meet Jordan and to congratulate him on his effort.

Steam locomotive 520, when it is restored, will be the largest non-articulated steam locomotive to operate in the Southern Hemisphere; however, it requires a significant investment. Approximately $150,000 is required to complete the construction of a tender and a general overhaul of the locomotive. The project started several years ago after a generous donation from a foundation member of the Australian Railway Historical Society, the late Dean Harvey OAM. The locomotive also achieved worldwide fame after it became the first Australian character in the Thomas the Tank Engine franchise, appearing in the film *Thomas and Friends: The Great Race*.

It is fitting that this event fell not only in South Australia's History Festival, which runs from 28 April to 31 May, but also in National Volunteer Week. I take the opportunity to thank the fantastic group of volunteers who work tirelessly to keep the railway operating, and I commend their future events to all members.

WHEELS IN MOTION

Ms BETTISON (Ramsay) (15:40): I rise today to talk about Wheels in Motion. Wheels in Motion is a volunteer mentor learn to drive program for people who have barriers to getting their licence. This can include things like having no access to a vehicle, having no family support, financial hardship or having English as a second language. When talking about the costs of getting a driver's licence, people involved in this industry have told me it can cost more than $4,000 if you look at the number of lessons required and the cost of privately run lessons. This is simply out of reach for many vulnerable people in our community, and Wheels in Motion provides a fantastic alternative.

Wheels in Motion is coordinated across the local government areas of the City of Salisbury and the City of Playford and operates from the Twelve25 Salisbury Youth Enterprise Centre and the Bagster Road Community Centre. Fifteen volunteer mentor drivers donate 55 hours of mentor-supported driving each week using three vehicles to teach some of the most vulnerable in our community to get their licence.

As I am sure you can appreciate, obtaining a driver's licence is a significant enabler to employment participation. Volunteer drivers report that many of their students go on to further study or employment opportunities, opportunities that open up by simply having a driver's licence. The program proactively supports people who were previously in the justice system, were under guardianship when under 18 or are isolated refugees without support mechanisms. Many of the volunteer mentor drivers are bilingual to reduce barriers to participation, and three have gone on to become licensed driving instructors who continue to volunteer some time every week to the program.

The program is a fantastic opportunity for both the learners and the volunteer mentor drivers. This program is a true collaboration with many partner organisations, including the soon to be unfunded Northern Connections, the Rotary clubs of Playford, Elizabeth and Salisbury, the Australian Refugee Association and InComPro Inc. In-kind support is provided by Peter Page Holden and the RAA. Whilst initially focused on young people aged between 16 and 25 years, Wheels in Motion has now expanded, with the Bagster Road Community Centre service helping adults 26 years of age and above.

All participants in Wheels in Motion are required to attend a six-hour specially developed road safety course utilising a representative from SAPOL and a presentation from an accident victim. This gives all participants the opportunity to be educated about safe and responsible driving principles from the very beginning of their journey as a licensed driver. Not only has Wheels in Motion assisted hundreds of vulnerable people in the northern suburbs since its inception six years ago but it has stimulated other programs across the state. By sharing intellectual property and systems, Wheels in Motion has helped to establish Geared to Drive, a YMCA-auspiced model.

Wheels in Motion also has two cars operating in Port Pirie, Port Augusta and Whyalla. A Wheels in Motion in Gawler is about to launch shortly, and start-up groups have formed in the Barossa and Port Adelaide. Having just celebrated National Volunteer Week, it is a fitting time for me to recognise the fantastic achievements of Wheels in Motion, a program that continues to grow from strength to strength.

As the local member of parliament for the Salisbury area, I am incredibly proud that the Wheels in Motion program, which began right in my home patch of Salisbury, has now expanded across the state. Well done to all the individual organisations that have contributed to this fantastic volunteer program that is helping vulnerable people to upskill and improve their lives in the most practical of ways.

It was very interesting this morning, when I was listening to the ABC, to hear that Business SA has just made a submission to a federal Senate committee. They were talking about one of the barriers more vulnerable people in regional areas face to get their driver's licence. If you are listening, Nigel McBride, we have a program developed in Salisbury. We might auspice it to you—I will take that on notice. There is an opportunity here.

I can say to the Marshall Liberal government: why is it that Business SA had to go to a Senate inquiry to talk about this barrier? If we are all about jobs, jobs, jobs here, note that this is one of the things that stops people from getting employment. So let's get on board and support people in Wheels in Motion and extend it into regional areas.

NEWLAND ELECTORATE

Dr HARVEY (Newland) (15:46): I am very pleased to rise today to talk about the Tea Tree Gully Toy Library that I had the pleasure of visiting the other day, along with the Minister for Education (member for Morialta), the member for King and also the Mayor of the City of Tea Tree Gully. We are very pleased to follow up on our commitment, made at the last election, for $100,000 over the next four years to support this important local community service. I would really like to acknowledge the work that the local toy library performs, particularly the coordinator Lyn Turner, who has worked

there for a number of years now and also coordinates quite a large number of volunteers who commit so much time to make sure that local kids have access to important toys, books and all kinds of things.

I can certainly say that, as a parent myself, toy libraries really are very important. My mum spent more than 20 years volunteering in one. Often you never know which toys kids are going to be interested in. You can spend a lot of money on one, and they might only be interested in it for a couple of days and then very quickly move on. Obviously, a toy library is the opportunity to borrow things and then return them, if the kids are interested in them or not. They also have some high-value educational toys that are very difficult to come by, can be quite expensive and also may only be good for a small amount of time. So they really do present a great local service, and I am very pleased, as part of the government, to deliver on our commitment to increase their funding allocation and give them some longer term certainty.

The other day I was also very pleased to have the opportunity to visit, along with the member for King, the Modbury branch of Meals on Wheels. It was great to go along and meet a number of their volunteers as they were preparing, early on, for their delivery for that particular day. There are about 146 different volunteers, I believe, through that branch, and they deliver on average around 115 meals. The Modbury branch is responsible for a lot of the north-eastern suburbs, particularly my electorate in the metropolitan part but also a small number of other suburbs in other electorates.

They also have a recently updated and renovated facility that is looking very good now. I would also like to acknowledge a very important milestone coming up for Meals on Wheels: I believe they are about to very soon—in fact, this week—deliver their 50-millionth meal, which I believe will be delivered by His Excellency the Governor. Meals on Wheels in South Australia deliver about 1.5 million meals each year and it is very exciting and a wonderful achievement for them to be able to reach that important milestone.

Obviously, providing food to people who may find it difficult to obtain through other means is such an important service. They also provide company and someone who regularly checks in to see how people are going. There are many stories where someone was in trouble and had fallen over and the Meals on Wheels volunteer was the person who found them and was able to help them out, so it is a wonderful service. I was very pleased to be able to visit our local branch just recently.

A number of weeks ago, I also was fortunate to attend the Tea Tree Gully District Cricket Club's annual awards night, which was a fantastic night. They have had a very successful season, becoming premiers of division 1. I would like to congratulate team captain, Matt Weaver; coach, Peter Sleep; and president, Peter Cronin, on a wonderful season. I would also like to congratulate the many volunteers and other supporters who make this club such a successful one.

Bills

SENTENCING (RELEASE ON LICENCE) AMENDMENT BILL

Committee Stage

In committee (resumed on motion).

Clause 4.

The Hon. V.A. CHAPMAN: In response to the supplementary question asked just before the luncheon adjournment, if I could paraphrase, I think the inquiry was in relation to whether there is any protection proposed under the bill to deal with any pending applications or new applications. The question was asked in consideration of amendment to section 59 on the release on licence.

Could I invite the member to view clause 10, which sets out the transitional provisions relating to this bill and, in particular, proposed clause 3(2), which essentially deals with any release on licence and the status of any applications that were made under previous law, the current law or section 24 of a repealed act in subparagraphs that deal with applications that were made but had not been concluded at the commencement of the act. I hope that will provide some comfort to the member for Kaurna.

Mr MULLIGHAN: I have a question on clause 4, again subclause (1a)(b), phrased in the same way that these sections were phrased in clause 3. I realise I exhausted my opportunities to

ask questions on that particular clause, but, fortunately, the opportunity arises on clauses worded essentially the same in clause 4. I would like to go back to subparagraph (b), Attorney, and that is again on this issue of advanced age.

I think that the last question I asked you was about how a court might make a determination regarding an individual's advanced age and you said that there may be some circumstances related to that individual's age that were relevant to a court and I think, engagingly, you used 'impecuniousness' as one of those attributes, which may be the case. However, on my very swift reading of the Sentencing Act today, and I am happy to be corrected, my understanding is that it more specifies medical issues or reports for individuals who might qualify for release under licence relevant to these sections of the Sentencing Act.

I am sorry to give you such a long preamble, but how is it envisaged that a court might make a determination with specific relevance to that applicant's age and about whether they are appropriate or otherwise to be released into the community? Is there a set number of attributes or elements?

The Hon. V.A. CHAPMAN: Well, I would not say that there is an exhaustive list of elements, but what I would say is this: the whole of this legislation works on the application being made by the defendant, that is, the party who has been convicted, and they have to prove to the satisfaction of the court these elements, not the other way around. To do so, the member is quite right: it is very likely that the principal evidence, as I said earlier, would rely on medical evidence to support that, and, of course, that is coupled with the right of the court itself to call for other evidence and reports once it entertains an application of this nature.

I do not see that as any different from any other application before a court, frankly, upon which it has to make decisions every day. That relates to compensation applications of various different forms where the judicial officer has to rely on for the purposes of their assessment medical evidence and reports, sometimes with and without cross-examination, and very often competing evidence that comes into them.

They have to make determinations on questions of fact and then the applicability of that for the purposes of identifying this. What is important here, though, as I repeat, is that it is the applicant, that is, the convicted party, who has the burden of proof to establish this on the balance of probability before a Supreme Court judge, not the DPP, in making that application.

Mr MULLIGHAN: Attorney, my reading of the section 59(1) of the Sentencing Act is:

> The Supreme Court may, on application by the DPP or the person, authorise the release on licence of a person detained in custody under this Division.

So it is not solely an application by the defendant, for want of a better term—or, perhaps, let us call them the applicant, the person who is currently detained in custody—but it can also be by the DPP.

I think you are probably gaining an understanding of what my concern is here. Either side of what is usually an adversarial courtroom arrangement, the DPP or the prosecution or the defendant or the applicant, can make application for release under this section. The circumstance in which we find ourselves at the moment is that the court has availed itself of the room available to it in the legislation that has been provided by this place to release someone on licence, and we are, I hope, seeking to constrict a court's ability to do that sufficiently.

My concern is that when we are considering a clause solely relating to age and there is obviously an existing discretion of the court, there does not seem to be any comfort that the bill can provide that a court would not avail itself of the opportunity to release a convicted paedophile who is unwilling or unable to control their sexual urges into the community because solely they qualify on the basis of age.

I will wrap up my comment very quickly, but I guess it relates also to the point you made about the large number of increasingly elderly people in our corrections system. The DPP may be incentivised, perhaps on behalf of the Department for Correctional Services, to want to make such applications from time to time, as some of these offenders get on in years.

The Hon. V.A. CHAPMAN: I note the member for Lee's concerns. Let me hopefully allay them as follows. Firstly, the member is quite correct in that a release on licence application can be made by the DPP or the person; that is under 59(1). On the basis that the bill passes, the new (1a), which is what we are actually discussing now in terms of adding it, requires that they cannot be released unless the person—not the DPP but the person—satisfies the court. This is where the qualification comes in. Even if the DPP were to apply, the person has to satisfy the court in relation to utilising these options. I hope that is of some comfort, given the fact that this is not just a question of the DPP going along and saying, 'I am making an application here.'

It is possible that an application could be made by them. I would see that as highly unlikely. To the best of my knowledge, it has not happened to date. Perhaps the former attorney might be able to advise us if he is aware of any occasions when the DPP has gone in and applied for somebody to be released based on the fact that they are all cured in terms of their sexual urges and/or they are really old and infirm, but I have not heard of any of those cases.

In any event, this addition is to constrict the application capacity by way of its implementation. As I think I made clear in the opening, but I will repeat it, there is a process of conviction; sentence; consideration, at the conclusion, of whether there is any extension as an extended supervision order; and capacity to be released on licence. There is a process, as we move through that, and this bill is intended to act in a constricting way, to use the member for Lee's language, at the point of application for release on licence. That is when as a result of this bill it is going to become extremely difficult for that to occur, except in those very limited circumstances. But the onus remains on the convicted person to do that.

Mr MULLIGHAN: I thank the Attorney for that further advice. I do appreciate the advice the Attorney provides in that the onus is on the person to satisfy the court. However, without labouring the point, I suspect your suspicions are probably correct: perhaps an application is yet to be made by the DPP for a release on licence, but none of us can speak with complete authority on that without doing some thorough research. On the basis that for whatever reason the DPP availed themselves of the opportunity under the act to make an application for a release on licence, then I would put to you that the court would feel a level of comfort about the worthiness, for want of a better term, of the application, given that it is coming from the DPP; it is not coming from the person.

That criterion—age alone—in that circumstance becomes, I would submit, more readily persuasive to the court and hence provides an opportunity for people satisfying that condition in that clause to be released. As we discussed before the break, if the application of this clause can be made without the application of new subparagraph (a) about the control of sexual urges, willing or otherwise, then I put to you that that creates a greater risk in this bill than I suspect all of us might be comfortable with.

The Hon. V.A. CHAPMAN: If I could try to complete that as briefly as I can. First of all, in relation to the 'age alone' argument as being the basis for the exemption to facilitate being released on licence, age alone does not do anything. Age alone does not give you the right to have licence to be released exercised. The trigger that allows that to happen is that there has been a demonstrated proof that there is no appreciable risk to society. That is where I think the misunderstanding arises by a number who have raised questions here about the release being lax, I suppose, or being available to people who are old who will simply line up and say, 'I'm old, so I really should be given a chance.'

If that were the intention of parliament when the former attorney raised this concept in the current legislation several years ago, then we would have had a date—everyone over 100 is automatically able to be exempted—if age alone were the concept. The reality is that there has to be a feature of one or other or both of those items as being relevant to the applicant before they can apply and then prove there is no appreciable risk. It is not correct to say that there is a bald age qualification for access.

In relation to the DPP applying, the only circumstance I can envisage the DPP applying, and there may be others, would be a circumstance where an application had been made, it had been rejected and it then came to the DPP's attention that there was significant evidence that had been omitted in the consideration and that for the fair assessment of the matter they would seek to apply

back to the Supreme Court to have that revisited. That would be a circumstance where I could imagine that would be the case.

In fact, it is almost the direct reverse of what was raised this morning, by the member for West Torrens I think, of someone who was faking it and managed to make their way through the system, pull the wool over some doctor's eyes, convince the court and then later be found playing golf at Kooyonga.

Mr Koutsantonis interjecting:

The Hon. V.A. CHAPMAN: I am just making the point, though—I think it is in your electorate actually, but nevertheless—

Mr Koutsantonis: Not anymore.

The Hon. V.A. CHAPMAN: Not anymore—well, there you go. In any event, there could be a circumstance, but I just urge members to appreciate here that, whilst advanced age or infirmity is a factor that must be present before you can make the application, you still have to make the application and demonstrate to the judge hearing the application that there is no appreciable risk. That is the hurdle that we see as being almost insurmountable, and rightly so, because on all the advice we have had this is the best model to progress. Even both the draft bills that have now come to light in relation to the private member's bill attempted to deal with it at that end, but obviously there are deficiencies in the other one, as we see it.

I will say this again: if there is a genuine concern about how we might make that more watertight, if that is necessary, then we are happy to take further advice on this between the houses, as I said this morning.

Mr KOUTSANTONIS: I move:

Page 3, lines 16 to 18—Delete subparagraph (b)

Just to briefly give the committee some—

The Hon. V.A. Chapman: Can we have a look at it?

Mr KOUTSANTONIS: Yes, it is being circulated.

The Hon. V.A. Chapman: Well, I haven't got it yet.

Mr KOUTSANTONIS: All it is is simply a deletion of subparagraph (b).

The Hon. V.A. Chapman: In clause 4 or 3 or both?

Mr KOUTSANTONIS: In 4.

The Hon. V.A. Chapman: Only in 4?

Mr KOUTSANTONIS: We cannot in 3, unless you agree to it; then we will go back. I have heard what the Deputy Premier has had to say and I can see that she is attempting to do the right thing, but the part the opposition is most concerned about is the Attorney's concession to the house that a sexual predator who cannot control their sexual urges may still be released if they are able to demonstrate in court that they are either of advanced age or that they have an infirmity that makes it unlikely that they will be able to offend. The opposition views this as a loophole that deserves tightening.

I do not believe it is the Attorney's intent to introduce legislation that allows the release of infirm or aged paedophiles who have absolutely no intention of stopping their pursuit of young prey. I have heard what the Attorney-General said when she told the house that, yes, someone who was unable or unwilling to control their sexual instincts could still be released, and I think it is important that the opposition moves this amendment, first, to signal our intent. Secondly, we are all here for the same reason; we all want the same outcome. No-one in this parliament believes that someone who is unwilling or incapable of controlling their sexual instincts to harm or prey upon children should be released on licence.

Our amendment makes it completely clear that age and infirmity should not be a consideration. It should be entirely on the ability of this person to no longer have these instincts or urges, and give maximum scope to a court to keep these people behind bars.

The Hon. V.A. CHAPMAN: In respect of the amendment, I indicate that we will give it consideration and obtain advice on it. I think there would have to be significant correction to other aspects of the bill if we go down this line, probably including repealing the provisions that the former attorney put in the act. Nevertheless, we will have a look at it because it would probably create another inconsistency if we were to remove it for this purpose and not for others. In any event, we will give it some consideration.

For today, of course, we will not be supporting it, but note that you may wish to reintroduce it in another place. We will keep you posted as to our view on it.

The committee divided on the amendment:

Ayes 18
Noes..... 24
Majority..... 6

AYES

Bedford, F.E.	Bettison, Z.L.	Bignell, L.W.K.
Boyer, B.I.	Brown, M.E.	Close, S.E.
Cook, N.F.	Gee, J.P.	Hildyard, K.A.
Hughes, E.J.	Koutsantonis, A. (teller)	Malinauskas, P.
Mullighan, S.C.	Odenwalder, L.K.	Piccolo, A.
Picton, C.J.	Stinson, J.M.	Wortley, D.

NOES

Basham, D.K.B.	Bell, T.S.	Brock, G.G.
Chapman, V.A.	Cowdrey, M.J.	Cregan, D.
Duluk, S.	Ellis, F.J.	Habib, C.
Harvey, R.M. (teller)	Knoll, S.K.	Luethen, P.
Marshall, S.S.	McBride, N.	Murray, S.
Patterson, S.J.R.	Pisoni, D.G.	Sanderson, R.
Speirs, D.J.	Tarzia, V.A.	Teague, J.B.
van Holst Pellekaan, D.C.	Whetstone, T.J.	Wingard, C.L.

PAIRS

Rau, J.R.	Pederick, A.S.	Weatherill, J.W.
Gardner, J.A.W.		

Amendment thus negatived; clause passed.

Clause 5.

Mr PICTON: I asked the Deputy Premier a question before the lunch break. She may well have answered it in the few minutes that I was not here at the start of this debate.

The Hon. V.A. Chapman: The member for Lee took notes.

Mr PICTON: Did he? Excellent. I am sure he will pass them on and we will check them.

Mr Mullighan interjecting:

Mr PICTON: He was noting all the conversations. Can the Attorney give me a brief summary of that? Also, in the couple of hours since we last discussed this, has she been able to obtain any

advice on the subject of whether she can provide the house with the advice on the amendments recommended by the Director of Public Prosecutions?

The Hon. V.A. CHAPMAN: The answer to the latter question, first, is no. In relation to the first question, please see page 4 of the bill, proposed section 3(2)(a), (b) and (c).

Mr PICTON: I appreciate the Attorney's brevity, but just to confirm: is the Attorney saying that those sections of the bill satisfy her that they will be applicable and will provide the government comfort in the case of an application to be made in a case such as the Schuster case, and we would not need to come back here again?

The Hon. V.A. CHAPMAN: Correct; except that I am advised that, specifically for Schuster, you would need to go to clause 11 under schedule 2. I am advised that it depends on when this legislation passes: if it passes before the final determination, when the conditions are set, or after. Two separate sections apply. Does that make sense?

Mr PICTON: Not quite.

The Hon. V.A. CHAPMAN: Okay; in short, Schuster is still before the Supreme Court. The Chief Justice has indicated what he is proposing in relation to licence. He has to take into account cost and things of that nature. He has outlined what he thinks is appropriate. The bill, for reasons I have explained, is somewhat delayed or truncated because of the planning identification problem of Renewal SA being the owner—that is not a reflection on them, but just to introduce a different process. So it has not been built yet, but if the determination just passes pre, then I think clause 11 applies. If this passes post the final decision of Schuster, clause 10 applies. That is the way I understand it.

Mr PICTON: So either way?

The Hon. V.A. CHAPMAN: Correct.

Mr KOUTSANTONIS: In terms of the amendment 'Court may obtain reports', are there any reports into a prisoner that a court may not have access to?

The Hon. V.A. CHAPMAN: Can you repeat the question?

Mr KOUTSANTONIS: Are there any reports into the conduct of a prisoner, whether it be their medical health, their mental health, or any other aspect of their well being, that a court may not inquire into?

The Hon. V.A. CHAPMAN: In relation to an application for licence, release on licence?

Mr KOUTSANTONIS: Yes.

The Hon. V.A. CHAPMAN: I am trying to think about what they may not have access to in relation to the primary reports on medications taken or conditions prior to them entering prison, for example. That is possible. They may not have access to them because they would not have been treated for those conditions necessarily during prison. Bear in mind that, in the event of an application, two medical reports are presented and the Parole Board assessments during incarceration are presented, as is the Parole Board's recommendation, etc., as per the general applications. There is also the catch-all that says it can be any other reports called for by the courts. Should they be alerted during the course of the submissions put that there may be some other forensic or medical information that would assist them, then of course they have the capacity to call for it.

Mr KOUTSANTONIS: I hate starting a question with 'if', but if a prisoner made an application for release on licence and did not submit medical reports, could they still be considered for an application for a licence to be released?

The Hon. V.A. CHAPMAN: I think I have previously outlined what the conditions precedent are, and there are two medical reports required. That is the first on the list. There is no exemption to that. They have to produce that evidence. Remember that the release on licence is considering whether there is a paramount concern established as to the risk to the safety of the community based on the fact that they are unable or unwilling to control their sexual instincts. That is a medical matter,

so it is unsurprising that that is on the list. It is mandatory in the sense that the application would fail for not complying with section 1.

Mr KOUTSANTONIS: Is the Deputy Premier telling the opposition that a justice hearing this matter cannot disregard the medical advice before them and, if the medical advice is not provided to the court, cannot issue a licence for release?

The Hon. V.A. CHAPMAN: Under the current act, the Sentencing Act, section 59(1) states that, as we were discussing before, the Supreme Court may hear, on application by whom, etc. Subsection (2) provides:

> The Supreme Court must, before determining an application under this section for the release on licence of a person detained in custody under this Division, direct that at least 2 legally qualified medical practitioners (to be nominated by the prescribed authority for the purpose)—

sometimes that is the AMA or others, as you know—

> inquire into the mental condition of the person and report to the Court on whether the person is incapable of controlling, or unwilling to control, the person's sexual instincts.

So the judicial party hearing this is prohibited from progressing without directing that that happen.

The CHAIR: Member for West Torrens, last question.

Mr KOUTSANTONIS: Yes. Thank you very much for your indulgence, sir. Again, I hate starting a question with 'if', but if an applicant were to submit themselves to these two examinations but not cooperate, and the examinations were presented to the court—the statutory function of the reports has been fulfilled, but the prisoner, or the applicant, had not cooperated in any way—could the court still hear the application and grant licence?

The Hon. V.A. CHAPMAN: I would say no, and the reason for that is that if the prisoner either refused to attend—which is probably the more likely—or attended but refused to answer any questions, or issued some expletives to the nominated psychiatrist and refused to cooperate generally, then in those circumstances I would expect the report to say that they were unable to complete the assessment and therefore unable to make the determination, therefore the application would fail.

Mr MULLIGHAN: To pick up on the point that the member for West Torrens raises with regard to clause 5, on my reading of the Sentencing Act the court must obtain those reports into the applicant's mental health from at least two practitioners, and the court may or may not also seek other reports. But the intent of the bill, as it relates to clauses 3 and 4, is not to impose the findings of those medical practitioners on the court in making a determination about the application, is it? The medical practitioners could find that the applicant is unwilling or unable to control their sexual urges, but that does not bind the court into making a particular type of determination with regard to that applicant.

The Hon. V.A. CHAPMAN: In short, the court must order that this be presented before them. If the report turns out, for whatever reason, to say that the convicted person is either unable to be assessed or remains in that category of being unable or unwilling to control their sexual urges, that would result in the failure of the application for release on licence.

Again, we are not talking about lining up the medical reports to identify whether or not they are unwilling. In the first instance, they are presumed that. The application is to prove that they are now cured and/or willing to control their urges. That onus is on the convicted person. So a convicted person who does not cooperate, and who renders the process of a medical assessment unassessable, faces the prospect of the failure of their application.

Mr MULLIGHAN: I appreciate that. I was not framing my question about an applicant who is unable to be assessed. My question was more about an applicant who is assessed by medical practitioners and is found by those medical practitioners to be unwilling or unable to control their sexual urges, and hence those reports are submitted to the court. Even in receipt of those reports, the operation of the preceding two clauses still enables that court to release that person on licence by virtue of subclause (1a)(b).

The Hon. V.A. CHAPMAN: The arbiter in this matter is the court. That is clearly the model we are proposing. There are mandatory obligations on that court on hearing an application to do certain things, and it has discretionary powers to order other things in that list. The arbiter, however, is the court, not the Parole Board, not the medical practitioners and not any other person who prepares a report. The arbiter is the court. The mandatory consideration of the court is that they are obliged to consider and make a determination. As I understand it, the opposition put forward the proposition that essentially the arbiter in these matters should be the Parole Board, saying that unless the Parole Board agrees it cannot proceed.

We do not agree with that model. I am not sure that even the Parole Board does, but I will speak to Ms Nelson about that between the houses now that we know that that is what is in the opposition's proposal. It would seem unusual. I will tell you why it seems particularly unusual: even when the former government proposed changes to the law in relation to persons with life sentences, they determined—having given up, by cabinet decision, their executive power to hold people in custody—that the Parole Board should not be the sole arbiter of decisions in relation to release.

The former government proposed, and we supported it, that if the recommendation of the Parole Board were to release then that would occur, subject to the appeal that could be made by various parties, such as the victims of crime commissioner, the DPP and, I think, the police commissioner, although it might be corrections—one or the other. There are several who can apply to a person who is appointed. That position is held by the Hon. David Bleby, a former judge of the Supreme Court, and that is the process we have.

This government considers that this matter, where we are dealing with persons who have demonstrated both illegal behaviour towards children and an incapacity to control their own instincts, needs to have a very clear determination. We would not leave it as something that is mandatory in respect of the Parole Board because, of course, the Parole Board does not always make a decision in relation to recommendations. They sometimes say, 'We don't put a recommendation,' or sometimes they say, 'We strongly oppose it,' as they did in the Humphrys case, or sometimes they say, 'We support it.'

Even if they indicated that they supported it, we value their consideration because they usually get to see the offender, plus the reports they have had updated through the course of the incarceration. They have the capacity to closely examine the behaviour of the prisoner while incarcerated and, presumably, in the experience they have, to make some assessment in relation to the offender when they come in to be questioned by the Parole Board.

I do not know whether the members have ever sat in on a parole hearing, but it is quite illuminating. If you have not, I recommend that you do so because I think every member of the house should see how the operations of our government work. The Parole Board's job is a very special one. It is a difficult one, obviously. I have sat through an interview involving the apparent rehabilitation of someone who had seriously assaulted their former spouse and even burned her house down. When asked about whether that was something they felt was inappropriate now, after some years of incarceration, they clearly indicated that they thought it was appropriate to do so and that they would do it again if they had the chance.

It is important for that process to take place and for the Parole Board to have an opportunity to make those assessments and then present a recommendation to whatever body is considering what may be of assistance in the ultimate determination of the release of that prisoner on parole or otherwise. They play an important role, but they are not the arbiter of everything; therefore, under our model, it is important that the judicial arm is the final determinant.

Mr MULLIGHAN: That was illuminating context about the Parole Board, but of course my question was nothing to do with the Parole Board. It was about medical practitioners; nonetheless, we can pursue that in further detail shortly. I just want to be absolutely clear. The court must seek and receive reports from two medical practitioners, and those reports, either or both of them, can find that the applicant cannot control their urges, but the court is still able to find that that person should be released on licence.

The Hon. V.A. CHAPMAN: Yes, they could, but of course that is not the only thing they are bound to take into consideration because there is a whole list there.

Mr PICTON: In relation to clause 5, which I think we are still on, and requesting reports from the Parole Board, which the Attorney went into some detail about, I would say that I have also sat in on a Parole Board meeting and it was very enlightening. Frances Nelson QC runs a very tight ship, and you do not want to be on the wrong side of her.

My understanding of the reading of this clause is that it is up to the court to decide whether or not they would like to request a report from the Parole Board. I am wondering whether, given the serious nature of the matter, the potential decision the court would have to make and the seriousness parliament is putting into this, we should in fact be saying that the court should have to seek that report from the Parole Board in those instances.

The Hon. V.A. CHAPMAN: I would ask the member to look at the current section 59(4)(c), which requires the court to do just that. They have to ask for the report and must take 'the following matters into consideration', which includes medical practitioners. The section then goes on to take into account the opinion, if expressed, of the Parole Board.

In the Humphrys case, the Parole Board made it very clear to Justice Kelly that, in their view, Mr Humphrys should not be released. They obviously found him to be quite in a state and that, in their view, he was 'manipulative', to use the public word of Ms Nelson, the Parole Board chair, which is probably the first thing that alerts some surprise as to the judgement.

Her Honour then takes into account and balances other matters. Those matters, of course, are all before the Full Court and the Full Court may or may not have a different view about that. Two things surprised me—and I am sure others—about that decision, and one is that nobody that I could see on the evidence before them had applied a request or presented a recommendation that he should be released. The judge made that decision based on her assessment of social opportunities and others, and I paraphrase now her judgement. That was the first surprise then.

The second surprising thing, to me at least, is that Her Honour named the precinct, the geographical area, within which she proposed that he be released, which is not a common practice in my understanding. The former government released a number of life sentence prisoners, for example, out into the community over the last 18 months or so since the member for Light was the minister for corrections. We dealt with the review in relation to life-sentence matters, that is, people convicted of murder, and a whole lot of people have been let out and they are presumably living quite successfully in the community at places which have not been made public.

There may need to be a bigger debate ultimately on whether these matters should be made public. The school of thought is that, by making it public, everyone knows who they are and therefore ought to be able to keep an eye out for him or her. If they are going to do that, frankly, they ought to be publishing a more recent photograph, because this bloke now is 66 years of age and I cannot imagine that he would look the same as the photographs in the paper every day. How the people of Bowden and Brompton are able to identify this person is beyond me.

Nevertheless, that is a bigger debate I think we need to have ultimately as to whether that is something in the public interest or whether the alarm and concern that it might raise, perhaps unnecessarily, for people may outweigh that, but we will have that debate another day.

Mr PICTON: Given that, and I think the Attorney is basically saying that she was surprised that the court made this decision in light of a very strong recommendation from the Parole Board, and also given the high respect that she places in the Parole Board and its work, and she went through some detail about how the members get to understand the behaviour of prisoners within the corrections system, would it not be prudent to insert a provision in the bill where we can quite definitively say as a parliament that if the Parole Board does not believe that somebody should be released then you do not pass that gate to be able to be considered before the court?

That, of course, leaves open for the court the overall determination, but it is a prerequisite that you would not be opposed by the Parole Board before getting to that final consideration by the court given that the Parole Board, as you outlined, would be the most likely source of up-to-date information in terms of that person's behaviour in the corrections system?

The Hon. V.A. CHAPMAN: In relation to the Parole Board and its valuable contribution, can I say that, as I have indicated (and we will consult with Ms Nelson as to her view on this), and let us

be quite clear, as valuable as that is it only and can only relate to the conduct of the prisoner and the presentation that they give within the parameters of understanding their compliance while they are incarcerated, etc.

That is a very valuable piece of information to have. I would have thought that, if we were prioritising value, the medical evidence will be absolutely critical here because that is really a prerequisite to be able to establish a change to the otherwise position, and that is that they are unwilling and unable to control their sexual urges, and that will require somebody to be able to make that assessment. As good as the Parole Board is, they are not competent to do that, clearly. They are not all psychiatrists.

However, the Humphrys case illustrated to us that the situation needed to be tightened. Irrespective of what the Full Court do in that regard on that particular case, it highlighted a situation where we felt there were weaknesses which, if they had not been applied with sufficient consideration, could result in a situation of someone like Mr Humphrys being released and into a known area.

Whatever the Full Court do—they may grant the appeal; they may identify that the appeal will stand but that there is an aspect in relation to the disclosure of the geographical area which needs to be revisited, so they could send the matter back to the applicant judge who heard the matter, Justice Kelly; and/or they could dismiss the appeal—we as a government felt that situation should be tightened. That is why we have imposed a whole lot more things that have to be taken into account and we have made it harder—doubly—by making the applicant prove it rather than the other way round.

Clause passed.

Clause 6.

Mr KOUTSANTONIS: With your indulgence, given that the minister quoted from schedule 2 earlier, I understand, proposed section 1(8)(e) of schedule 2 says—and this relates to a previous answer the Attorney gave me:

> The Supreme Court must also take the following matters into consideration when determining an application under this clause…

And we talked about the medical practitioners' reports. Proposed subsection (8)(e) says 'any other matter that the Court thinks relevant'. I believe in the independence of our courts as much as anyone else, but that does alarm me slightly—that any other relevant matter the court thinks fit to consider can often be things that are not prescribed—

The Hon. V.A. Chapman interjecting:

Mr KOUTSANTONIS: Exactly, yes. The opposition's concern—or my concern in particular—is that some other matter may, despite an applicant not having met the required criteria through medical reports or being aged or infirm, constitute some other relevant matter due to which this person would be released, which could be an additional one that the court decides to legislate for itself, for example, in its reasoning. Yes, it is open to appeal and, yes, there would be great risk for the court in terms of appeal, I am assuming, if it did so, but is 'any other matter that the Court thinks relevant' absolutely necessary when we are dealing with something as delicate as a licence for release for someone who cannot control their sexual urges?

The Hon. V.A. CHAPMAN: Can I just say that (e) is in addition to all the other matters. It is not something where they can simply ignore all the rest and just say, 'Well, I'll just take into account what I've read in the newspaper.' That is not the way it works. This is a common addition in relation to factors to be taken into account. In the Sentencing Act itself, you will see it is often referred to—of all the things to be taken into account, such as age, antecedents, etc., and other things that may be relevant.

I have not personally seen any abuse of that or any criticism of it, and nobody at this stage has raised it as a concern, but the acute mind of the member for West Torrens might have some information that would persuade me to consider it or get some further investigation on it. But I just hope I am reassuring you by saying that this does not mean that a court can do whatever it thinks is

relevant and then ignore all the rest. It is to catch all in terms of anything else that might come to their attention, only once they have determined that it is relevant—to add to that obligation of consideration not detract from it.

Mr KOUTSANTONIS: I accept the member's explanation. It has just been my experience over 20 years that every time a cabinet or a minister or a department devises an amendment to try to attempt to do something, usually the opposite ends up happening.

The Hon. V.A. Chapman: It's already there.

Mr KOUTSANTONIS: I understand it is already there. We are talking about inquiries by medical practitioners now and the amendment. In terms of the inquiries by medical practitioners, the Deputy Premier spoke earlier about prescribed lists, either from the AMA or other recognised bodies. Can an applicant obtain a medical practitioner's report submitted to the court by people other than those previously approved by the courts, that is, another medical practitioner who is not necessarily licensed in South Australia, or a medical practitioner who might not be practising any longer, or a medical practitioner who is now an academic and doing studies into known sex offenders? Is there any limitation to applicants on who can submit a medical report by a practitioner?

The Hon. V.A. CHAPMAN: No, we do not limit them to do that. I am advised, incidentally, that the prescribed authority at the moment is the head of Forensic Science SA, who provides the nominated names for the purposes of medical reports in this area. In any event, obviously it is a reputable agency. It has to be independent, and they obviously have a list of people who can provide neurological or psychiatric references. If anything, we have a shortage of them in South Australia and sometimes have to call on people from interstate.

Of course, we do not stop people from applying to put matters before a judge. A court would consider that, but this is an independent identification, assessment and presentation. Bear in mind, of the cohort of applicants who come up for this release on licence, it would be extremely unusual that they would have the financial wherewithal themselves to actually pay for anything in relation to that. It could happen, I suppose, but largely these people are in an impecunious state because they have been in custody for a very long time. Nevertheless, we do not prohibit them from presenting that. If the courts say, 'It is irrelevant and we are not interested in taking that into account,' or, 'This is a mate of yours, or a relative—they are not independent,' that is a matter for the court.

Mr KOUTSANTONIS: What is the cost and who bears the cost for an application for licence when medical reports are sought? Is it the Department for Correctional Services? Is it the AGD? Is it out of the general Consolidated Account? Is it budgeted for per year? Does the government have a current budget in place for the number of applications to be put in place? Is any of the cost borne by the applicant and is there a fee for the applicant to seek a forensic examination by a medical practitioner approved by the forensic group that you choose?

The Hon. V.A. CHAPMAN: Usually, there is a capped fee, which is probably one of the reasons why there is such a shortage of people available to do these reports, because they require assessment, sometimes reviewing a whole of material interview of the party, etc. But, largely, that is funded, those two, by the taxpayer. The member for West Torrens, you have probably signed authorities in the past for budget allocations for these.

I am happy to identify what it is, but I did meet with Forensic Science SA head, Mr Chris Pearman, just recently and we went through a number of budgeting pressures he had. One of the areas of responsibility is allocation of these people. Whether it happens through the Legal Services Commission or via Forensic Science SA, I imagine if they are employed—and I think there is one neuropathologist who was employed—they may or may not be useful in these cases, I do not know, but we can get that information between the houses. I have a correction, I am sorry: Mr Pearman is head of Forensic Science SA, not the Forensic Mental Health Service. They are a different party. They are the ones who nominate them.

Mr KOUTSANTONIS: So forensic mental health?

The Hon. V.A. CHAPMAN: The Forensic Mental Health Service do the nominations as the prescribed authority, not Forensic Science SA.

Mr KOUTSANTONIS: How do you get on that list? Is it a tender per year?

The Hon. V.A. CHAPMAN: We can find that out for you.

Mr PICTON: I note when we were discussing the Parole Board, the Attorney referenced the medical reports as being of superior value and even referred to them as a prerequisite. Given that she holds them in such high value, and going further to the previous questions from the member for Lee, is that not a reason why we should be increasing the value of them in this legislation, and I would argue to the point of saying that you would need a positive check from the medical reports to be able to successfully apply for this licence and to limit, in that regard, the possibility that a court might decide that somebody should be released even if there are two reports saying that this person is unwilling to do that and the court could replace those medical practitioners' opinions with their own opinion?

The Hon. V.A. CHAPMAN: That is exactly what we have done: tightened those provisions and made it mandatory to call for these two reports. That is exactly what we have done with this bill.

Mr PICTON: But it is still up to the court to determine that. There is not a gate that has to be passed. As I understand it from this legislation, there is still the possibility that there could be reports made that are not glowing about the applicant and that do raise some risk, but the court could replace the medical practitioner's opinion with their own opinion and decide that on the court's own judgement, weighing up all the evidence, this person is able to control their sexual instincts in this matter and should be released.

The Hon. V.A. CHAPMAN: The further tightening in the bill is that now they cannot be released unless they prove that they are willing and able to control their instincts—we keep starting from this premise—or that there is an appreciable risk to the safety of the community that must arise out of one and/or two physical circumstances.

Let's be clear: our model requires that a judge makes the decision. We have tightened what he or she has to take into account for the purposes of considering that. It is now much tighter than what applied when Justice Kelly heard this matter. As I see it, if you are going to let a judge make the decision, they have to have the list of things they have to take into account and then make that decision.

If you want the Parole Board to make that decision—we do not; the opposition may—we think that they have a valuable input, but we do not think they should be the arbiter. If you want one or two doctors to make the decision, that is fine, but we do not support that. We say that a judge should make this decision. That is what they are there for, that is what they are equipped to do and they have to take that into account. We think the level of medical evidence and the Parole Board is so serious that we are making it mandatory, firstly, that that information be obtained and that it be given consideration—not optional, not think about it, must do it.

Mr PICTON: In relation to those medical reports, I am wondering if the Attorney could outline for the committee, perhaps with the benefit of her advisers, what level of scrutiny the medical practitioner applies as part of those investigations. Do they just meet the person once? Do they have to meet them several times? Do they have to meet them over the course of months or a year? Do they consult with family members? Do they consult case records? What is meant by obtaining that report from the medical practitioner and how thorough is it?

The Hon. V.A. CHAPMAN: I will provide the detail of that between the houses. As with professionals, of course, usually there is a requirement to interview the party. Sometimes that can be done by video link and it may require more than one or two interviews. Nevertheless, we will get the detail of that between the houses.

Mr MULLIGHAN: I want to pick up on the points and some of the responses made in the questions from the members for West Torrens and Kaurna. We have established that either the DPP or the person can apply. It is not incumbent on the person to apply.

It can be very useful, I think we have all agreed, that Parole Board report. The Parole Board report, as the Attorney has informed the committee in the case currently causing this consternation (the Humphrys case), can recommend against release into the community. There must already be—and this is not a new provision of this bill—the provision of two medical reports. Those two medical

reports could both also find that the person cannot or is unwilling to control their sexual urges, and the court is still open to releasing this person into the community.

I prefaced one of my questions before saying that we are here discussing this bill because we have had the Supreme Court exercise a discretion within the bounds of the legislation.

The Hon. V.A. Chapman: Previous legislation.

Mr MULLIGHAN: Previous legislation—current legislation. I think what we are now establishing is that the amended legislation via this bill will provide a similar if not almost identical discretion to the court to make these same decisions to the risk of the community.

The Hon. V.A. CHAPMAN: No, I do not accept that contention because I do not accept that it is a question. It was not a question. That is what you assert; we do not agree with it. We think we are significantly tightening it, and we have had the best legal minds in the state working on it to do just that.

Mr MULLIGHAN: I am sorry that I did not end my comment with a question mark. I will try to do so now. In any of the nine drafts or in any of the discussions or consideration about how this issue is best addressed, has there been any consideration to ensure that there is a threshold or series of thresholds imposed prior to the court exercising its discretion in these matters?

The Hon. V.A. CHAPMAN: That is exactly what has been considered and that is why there are significant amendments by way of thresholds of obligation of what is to be considered and the complete reversal of onus—they do not get let out unless they can establish themselves that that hurdle has been overcome—so that is exactly what we have done.

Mr MULLIGHAN: With all due respect, Deputy Premier, would you not agree that that is not true?

The Hon. V.A. CHAPMAN: No, I do not agree.

Mr MULLIGHAN: Because the hurdle that you continually refer to is the requirement that the person can satisfy the court that they can control their sexual urges when, as we have found out in the course of questioning about these clauses, that is simply not the case in this bill. A person can be approved for release on licence by a court merely by being old.

The Hon. V.A. CHAPMAN: That is not right. I keep saying to you that is not the way we read it. I will put it on the record: that is not right.

Clause passed.

Clause 7.

Mr KOUTSANTONIS: Picking up where the member for Lee just finished off, the Deputy Premier just told the house that she does not accept the opposition's assertion that an application can be made simply on the basis of age or infirmity. The Deputy Premier told the committee that she would consider amendments between the houses on this matter.

What I do not understand is if the Deputy Premier, and I take her word for it when she says she will consider the amendments between the houses, just told the committee, 'No, the opposition is wrong on this matter about the position of age or infirmity, but we will consider the amendments in the upper house,' I cannot reconcile those two statements. Either the Deputy Premier is right and the amendments are flawed or the Deputy Premier is giving earnest consideration to our amendments between the houses and will accept them.

I think the point the member for Lee is making is a very valid one that the opposition has been talking about. What we are concerned about is that the only test that the court should be considering is whether an applicant for a licence to release into the community can control their sexual urges and is no longer a predator. I would ask the Deputy Premier to explain the contrast in her two answers and her assurance to the committee that she will (1) consider the amendments we have moved and (2) her most recent answer to the member for Lee.

The Hon. V.A. CHAPMAN: As indicated, we do not agree with that assertion. The incorrect repetition of what we allegedly said was that they can apply: what we said was that they cannot be released based on age or infirmity.

Mr KOUTSANTONIS: That is not what the amendment says.

The Hon. V.A. Chapman: Read it again.

Mr KOUTSANTONIS: I will:

Release on licence…

(a) the person is both capable of controlling and willing to control the person's sexual instincts; or

(b) the person no longer presents an appreciable risk to the safety of the community (whether as individuals or in general) due to the person's advanced age or infirmity.

It is not 'and': it is 'or'.

The Hon. V.A. Chapman interjecting:

Mr KOUTSANTONIS: Exactly; we have been through this. What I do not understand is the minister's comments to the committee that she will consider our amendments between the houses—which I thought was very generous of her, to consider those amendments—but her last two statements say the exact opposite, that she is not taking our amendments seriously and that she thinks there is no error in the legislation. She needs to explain the difference.

The Hon. V.A. CHAPMAN: Yet again I do not agree with those assertions. We have the principal discussion about whether we allow for appreciable risk based on advanced age or infirmity to be removed from the act altogether—that is the Rau proposal—which is in the legislation as we speak, that is a matter that we will consider.

Mr Mullighan interjecting:

The Hon. V.A. CHAPMAN: Absolutely, notwithstanding the rather poor example he gave, and I recounted this morning why I did not accept Judge Barrett's decision. Nevertheless, we will review whether it is appropriate to leave it in at all. We will do that, but that does not mean I agree with the rest of your assertion, because you continue to fail to read out, in your own mind, and I understand this, that the tightened clause requires a reverse. You continue to read (a) and (b) without reading the first part of proposed (1a).

I do not know whether that is because you do not understand it or will not take any advice on it or whether you are just plain incapable of understanding, member for West Torrens. Whatever the case is, if I cannot convince you that there is a way forward with this and that it is a significant tightening that, on all the advice we have had, we think is necessary then, as I have said before, when Mr Maher comes along to get his briefing—I think he was actually given one during the lunch adjournment today, and he seemed to understand—there is not much more I can do. You have made your point 100 times. We do not agree with you. That is the position.

Mr KOUTSANTONIS: Not quite 100 times but, as the member for Lee said, we are getting there. I think the personal reflections speak volumes about the member for Bragg rather than about me. I refer her to *Hansard* and her own answers to this committee.

I take this parliament pretty seriously. This parliament is now in the committee stage and the committee stage is the opportunity for members to seek answers from ministers, and those answers are required by parliamentary practice and procedure to be accurate to the best knowledge of the member. We have contradictory statements from the minister, which she claims are not contradictory.

That is fine. I am not proposing a privileges committee. I am not proposing that she has misled us. What I am saying is that her own answers to this committee have been that a person can be released into the community, on the basis of their age and infirmity, who cannot control their sexual urges or will not control the sexual urges. It is on *Hansard*.

I suppose it is easier to try to attack me personally rather than to accept what the minister herself has said. The question is: between the houses, while the minister has said she will consider

our amendments, can the minister please provide an answer to the committee as to why she said previously that an applicant may be released who cannot control their urges and reconcile that with the last answer she gave me just now?

The Hon. V.A. CHAPMAN: Well, I have done that.

Mr PICTON: My question is in relation to the parties and section 63. My understanding is that the current legislation is strict in terms of the parties, being the applicant and the DPP. I view that as a bit of an awkward position for the DPP, because it is not necessarily a prosecution with the DPP.

The Hon. V.A. Chapman: Who do you recommend?

Mr PICTON: Well, I am getting to that—don't cut to the chase.

Mr Duluk: Are you asking a question or making a statement?

Mr PICTON: I'm asking a question.

Mr Mullighan: Oh, you're here, are you?

Mr PICTON: You are here. Come to the front bench, Sam.

Members interjecting:

The CHAIR: Order! Member for Kaurna, back to the question, please.

Mr PICTON: I am so sorry; I was distracted by the member for Waite, who I think will do an excellent job on the front bench.

An honourable member: The member in waiting.

Mr PICTON: The member in waiting.

Mr Duluk interjecting:

The CHAIR: Order! The member for Kaurna will be heard—question.

Mr PICTON: Thank you. It is a serious question. The current parties are the DPP, who, essentially, is the Crown's representative in that matter. The DPP obviously needs to act with a certain independence, as per his or her statute and laws in this place. Of course that means that there is not necessarily a view for the government or the Attorney-General to have a say in an application that might be made. I wonder whether there might be a situation where the DPP's view on a matter does not necessarily correlate with the Attorney's view, the government's view or the Solicitor-General's view, and whether this section, in limiting the parties to the applicant and the DPP, would necessarily prevent the Attorney or the Solicitor-General from making an application as to the government's view on a particular case.

The Hon. V.A. CHAPMAN: No, only the DPP or the person who is relevant are the parties. As the member well knows, there is authority for the fact that the DPP can be directed in certain circumstances, and we had that determined by the Full Court under the stewardship, I think, by majority decision of Justice Vanstone and another and Doyle J. dissenting, is my recollection. It was about 15 years ago. There is the power to do that, but the parties are the applicant and the DPP.

Mr PICTON: So in a situation where the DPP has given a view—for instance, they may want to release a particular person—and the Attorney was of a view that there was a public interest that the government not support that, would the Attorney therefore direct the DPP to oppose a release under this section?

The Hon. V.A. CHAPMAN: That is technically possible, but obviously I cannot make any judgement on whether I as Attorney-General, or anyone else in the future, would direct a DPP to do something or to abstain from doing something, but there is authority for it to be done. It is rarely exercised.

Mr Koutsantonis: Once.

The Hon. V.A. CHAPMAN: Well, no, once in your time here, member for West Torrens, but we have not had a Director of Public Prosecutions historically. Prior to that, we had a different role, where there was no director of public prosecutions position, so you had a Crown prosecutor, but they were not a statutory body that enjoyed the protection of legislation, which provides for independence. The principles behind that of course are well known. You can look at the act if you want to get an update on that. There is a power of direction that is rarely exercised, and I could not make a judgement as to under what circumstances I or any future Attorney would do that.

Mr PICTON: In relation to this section as well, the limitation in terms of the parties I would have thought limits the ability for any potential victims to have their say in relation to whether an offender should be released. I wonder whether the Attorney thinks that it should be reasonable that those victims should be able to provide a statement to the court on their view as to whether a release should happen, or the circumstances of a release, and would the Attorney consider a change to this section, if necessary, to allow that?

The Hon. V.A. CHAPMAN: The victims of crime commissioner has certain statutory powers to present arguments. They do not get consulted, for example, on plea bargaining, but there are aspects in relation to a victim's position on matters that they can present. Under the DPP Act, the DPP has certain obligations to inform victims and/or survivors, and sometimes it can be the spouse of a deceased victim in an offence. There are avenues for that to occur in relation to specifically these applications, though they are not listed here. I will look at the general act in that regard, but the Sentencing Act does make extensive provision for victims to be taken into account in sentencing.

Mr MULLIGHAN: In the circumstance that the DPP is the applicant for a person's release, and presumably the person, for want of a better term, falls in behind the DPP in making that application rather than opposing that application, who opposes such an application?

The Hon. V.A. CHAPMAN: An application can be made to a court to which there is no objection. Perhaps even a greater reason why it is important for the judge to make the decision is that he or she, as the judge, still has to consider all the matters which are before them as prescribed in the act, and which we are trying to tighten. It is not a matter of saying, 'Here comes the DPP. He's made an application,' and the prisoner is sitting on a video link saying, 'Yes, that's a pretty good idea. I'm happy to get out of here.' Obviously, the obligation is still there to consider all those matters.

Mr MULLIGHAN: Given that the DPP is a party under section 63, and I think you mentioned that the DPP is away at the moment—

The Hon. V.A. Chapman: Apparently, he is back today, I was told during the lunch break.

Mr MULLIGHAN: He miscalculated that leave, didn't he? Did the DPP advise the Attorney whether additional provisions or further tightening needs to be made in this bill to restrict the discretion of the court?

The Hon. V.A. CHAPMAN: That is the matter about which I indicated earlier this morning I am making an inquiry.

Clause passed.

Clause 8 passed.

Clause 9.

Mr PICTON: Obviously the appeal is ongoing before the Full Court, and while this has all been quite rushed—and I have not gone through the detail—is there any tightening of the provisions in relation to appeals in the future that the Attorney is considering, whether they be in terms of the length of time that would be needed for appeals or the evidence that would be needed for appeals in the future?

The Hon. V.A. CHAPMAN: In short, the answer is no because we are not proposing to abolish or remove the appeal power. We see it as an important check on the determination of a single judge or justice. So we are not anticipating any change in that regard.

Clause passed.

Clause 10.

Mr MULLIGHAN: I guess the application of this is critical. In proposed part 3(1), (a), (b), and (c) set out those different matters to which this bill will apply. There are ones which have not been made but are to be made after it commences—that is pretty obvious. There are those where the application has been made but not finalised before this commences—that will be caught. Proposed part 3(1)(c) states:

> an application under section 23A of the repealed Act for the discharge of an order for detention under section 23…where the application was made but not finalised...

My question is: could you just talk the house through how new subparagraph (c) is envisaged to apply—that is, to what is it to apply?

The Hon. V.A. CHAPMAN: Proposed part 3(1)(c), like the Schuster case, applies to any applications made but not completed at the time of the passage of this bill.

Mr MULLIGHAN: Has there been any consideration of further retrospectivity in the application of this bill?

The Hon. V.A. CHAPMAN: This whole question of capturing those cases that are either pending, on appeal and/or to come are all important to us, and that is why there has been extensive work done in relation to these schedules, both under a section 58 application and under section 59, which is also referred to here in the transitional provisions, and obviously for the reasons in relation to an alternate scenario under schedule 2.

The reason for that is that the new Sentencing Act we are actually amending in this bill has only just come into effect. It was passed some time ago. It has come in in two tranches, from memory. It started 30 April, my adviser says—she would know; it is very recent. We passed it some time ago, but obviously there needed to be matters put in place to ensure that it was being activated. So the old sentencing law, which was repealed some time ago but effective from the end of April—the applications can be pending under those, which is why you see frequently in this transitional clause current applications and those under the former act.

Mr MULLIGHAN: Now that I cast my mind prospectively forward to clause 11, this may well be captured in that. I am happy to ask the question when we come to clause 11, but my understanding is that, after the commencement of the schedules, there is the opportunity, on application by the DPP, to cancel the release on licence of a person that is currently out in the community.

The Hon. V.A. CHAPMAN: Yes, to apply back to the Supreme Court to do just that.

Mr PICTON: Obviously this transitional provision is in relation to try to capture those cases that are currently before the courts or are in the process of applications being made. I wonder if the Attorney—and I presume she has been briefed in relation to this over the past couple of weeks—could give the house some information in terms of how many cases are currently before the courts, how many applications have been made that are not currently before the courts, or how many applications we are expecting to come in the near future.

The Hon. V.A. CHAPMAN: I can provide that information as best we can, between houses. We do not have it here before. But I know I have to deal with a number of applications on an almost daily basis—to authorise applications to be made for extended supervision orders and continued detention. A number of these cases are in that category.

It is fair to say we have a significant cohort of people in our prison system who could apply for release on licence. Sometimes it is a bit like the fact that life sentence people can apply for parole if they are past their parole period, which is now a mandatory 20 years. Some of our prisoners do not ever apply because they know they will never get out, but they would never get through even the Parole Board at this stage; von Einem springs to mind.

In relation to this category, where we have a cohort, my recollection from reading somewhere is that we have something like 27 in custody who at some stage or another may be eligible to apply. Whether they ever do or not is another matter. For the reasons I indicated earlier today, there are quite a significant number of people in custody who are serving terms of imprisonment for serious

sexual offences, and we need to get this legislation in place and right to make sure that we protect the community in those circumstances.

Mr KOUTSANTONIS: Out of that answer, on indulgence Mr Chairman, can the Attorney inform the house about who is eligible to apply for release on licence? Is it only people who have served their head sentence or can people, before they have completed their head sentence, apply for release on licence?

The Hon. V.A. CHAPMAN: The people who are eligible to apply have to have completed their sentence and be the subject of an order of detention, not the ones who have completed their sentence and there is no justification for keeping them in; they do not apply. If an order for detention has been made that goes past the period of their time, then they may apply for release on licence. We are going to make a very hard for them to get it if they are in that category.

Mr KOUTSANTONIS: Can the Deputy Premier advise whether there is anything in her amendments that puts a requirement on the court, the DPP or the government to inform victims of the impending release of a perpetrator on licence? Are there automatic conditions put in place to stay away from past victims, or the use of the internet, or access to certain magazines? I know when I was involved in Corrections certain magazines were withdrawn from certain offenders' view so they could not excite themselves with certain images. Are there also restrictions put in place? The question I want answered most is: are victims informed of the impending licence and conditions and how is that notice given to those victims?

The Hon. V.A. CHAPMAN: There are provisions for obligatory notice to victims in the course of both sentencing and release. One of the difficulties that arises is if the victim is not known to the DPP. Recently, in the case that has been the subject of discussion today (the Humphrys case), a person came forward and contacted *The Advertiser* and said, 'Look, I was a victim many years ago of this man, Mr Humphrys,' and obviously expressed his view about what he thought, 'and nobody has ever spoken to me'. As became evident, he had never come forward to identify him. He was a child at the time, and, for whatever reason at the time, his mother did not see it as appropriate to expose her child to publicity or anything else and therefore had not made any effort to register for the purposes of getting information, and they were interstate.

The person now comes forward as an adult and says, 'Well, I'm okay now, and I have sorted my life out and I now want to have my say.' It was unfortunate that he went to the press because that is a fairly bruising experience. Nevertheless, I have met the young person and his partner. Now that he is known to us, obviously the relevant authorities will be able to keep him informed. So there is a process but the victims and/or their families need to be known to the DPP's office to be able to maintain the information on it.

The second matter is the restrictions, but we would have to come back to you on that. Frequently, in the orders I have seen in relation to these, and I suppose it is similar to parole and other circumstances where someone is actually released from custody, there are conditions: stay away from the victims and do not have access to the internet. I do not know about magazines; I suppose it is a bit old fashioned these days; nevertheless, images online are obviously accessible. I have seen orders such as the prohibition on having any electronic communication tool that has any access to the internet, as an example.

Mr KOUTSANTONIS: That is a perfectly reasonable answer for people who have not identified themselves, but I imagine Mr Humphrys is in prison because he was charged successfully with victims who came forward and provided evidence.

The Hon. V.A. CHAPMAN: They have been kept informed.

Mr KOUTSANTONIS: Good. I would like to know what the process is for that. Is there a statutory process or is it a voluntary process that the government is undertaking?

The Hon. V.A. CHAPMAN: I will get back to you with that.

Mr KOUTSANTONIS: Good, I am glad you will get back to us on that. I would also like to know how those victims are informed about the conditions. My final question to the Attorney is: if someone who is granted release on licence under your new proposed legislation has breached their

licence conditions, is there a limit on how soon they can reapply for a licence again, or are they prohibited from applying for release on licence again, or is there a time frame between when they have breached conditions, are apprehended, recommitted, and can apply again for another licence for release?

The Hon. V.A. CHAPMAN: In relation to a time period which is to expire, as I understand it, from an unsuccessful application to being able to apply again is six months. In relation to a breach, that of course triggers the capacity for them to be brought back into custody.

Mr KOUTSANTONIS: How soon can you apply again after the breach?

The Hon. V.A. CHAPMAN: I would have to come back to you on that. It would be in the principal act. It is not something that we are dealing with today in the bill, but I will check on that for you.

Mr PICTON: Further to the question and answer in relation to victims and consultation with victims, I am wondering whether the Attorney can outline what the consultation process is with victims in terms of the location for release, whether the victims get a say in terms of being able to prohibit certain locations for an inevitable release of a prisoner on licence, and whether that process is a legislative one or just a practice that happens.

The Hon. V.A. CHAPMAN: At present the law provides for the victims to have a say, to present their position.

Mr Koutsantonis interjecting:

The Hon. V.A. CHAPMAN: Sorry, I am addressing this to the member for Kaurna. It is not something which they can direct and say, 'I don't want them to move into my electorate or my area or my street,' but they are matters to be taken into account, if they elect to present something of course. What was the other question?

Mr PICTON: In relation to that, the Attorney was outlining that she is receiving lots of applications and that a lot of orders come before her. How is that being tracked within the government in terms of being able to identify that these premises and locations that would be identified, presumably either by the government side or by the applicant themselves, are appropriate and meet community standards?

The Hon. V.A. CHAPMAN: In relation to the geographical location of residences that they are to attend upon release, I suppose if one were to identify where the files would be, I expect that Corrections, because they have a significant role in this, would probably have the best resource as to where they might currently be living—not just under the release of licence for these cases but in relation to others who are on parole and under conditions or on bail, or where there has been an extended supervision order for someone who has completed their sentence but there is a supervision provision for which Corrections are providing supervision services.

The ones I have to deal with as Attorney-General are those where there is an application for instructions to be given to seek an extension of supervision or detention post sentence. I think that is the total of the category that comes to me. Basically, I then give instruction to either the DPP or the Crown Solicitor's Office to act on that. Is there a map somewhere with little dots where they all are in South Australia? I do not know that. I will make some inquiry as to where they are.

Certainly, other than in this case of Humphrys, I am not aware of any case where a detail has been released in the judge's determination as to where they are going to be released. As I say, that seems to be a fairly new initiative, and I think we need to have a broader discussion about whether that is something that is appropriate or not and, if it is, whether we are going to have such requirements as recent photographs of the person released.

The CHAIR: Last question, member for Kaurna.

Mr PICTON: That is a shame. In relation to the location of the proposed release, say, for instance, person X was released in suburb Y. For whatever reason, a year down the track or however long, there was an issue with that house and the person needed to move somewhere else. I wonder if you can tell us what the process is in terms of getting approval for another location in those circumstances. Is that something that has to go back to the Supreme Court? Is that something that

goes back to the Parole Board to determine, or to the Attorney-General or the DPP, and does the consultation then need to occur again with the victims after that process has been interrupted with the new location?

The Hon. V.A. CHAPMAN: Depending on the condition, they will need to go back. Conditions such as remaining in the state of South Australia are obviously the type that usually go back to the determining body. There would be some, of course, that are able to be managed by Corrections. I would mostly expect that the location/residence would need some determination by the independent arbiter but, if you can give me an example, I will take it on notice and follow it up. Generally, these things are delegated down for the smaller matters as to the particulars, whether it is home detention or the conditions on licence, but we are talking about a pretty serious category here. Most of it, I would expect, would need to go back to the judge.

Clause passed.

Clause 11.

Mr PICTON: I understand that the Attorney is going to take that matter on notice, but can I ask her, when she does so, to please clarify the situations in which victims would be consulted about those as well. She outlined that it may be that some of them are determined, as she said, by a low-level person in the Corrections department, or it may go all the way up to the court. I would be particularly worried if some of these matters were not legislated for future moves and we could see moves happening without consultation with victims. Specifically, can the Attorney provide some detail in relation to the victim consultation under all levels of approval for a move after a person has been released on licence?

The Hon. V.A. CHAPMAN: There would be myriad options. We cannot answer all of them, but we will certainly endeavour to get you some explanation of how that works. I am also advised that in relation to conditions set, after a release on licence has been considered by the court, largely they are under the general management of the Parole Board. It is just that in the unusual case of Humphrys, my recollection is that Justice Kelly had actually made a determination that it would be within the Bowden Brompton area which all became public anyway, and it caused some alarm generally in the community.

Having announced that, if it goes back to anyone, I would think something like that would have to go back to Justice Kelly because it is part of a judgement, unless it is overturned or that portion of it is overturned, and the Full Court would send it back for further consideration. On the day-to-day conditions, they are set and supervised by the Parole Board, I understand.

Mr PICTON: In relation to the disclosure of that location, I acknowledge that the Attorney has said that it is something she will consider further in terms of whether that was a good idea for that to be disclosed or not. Potentially, though, is there not a risk that if this is being debated or discussed in open court, then somebody could go along—a journalist or other person—and disseminate that information in the community anyway, whether or not the judge has decided that information would be public? Therefore, does that mean that the deliberations by the court in relation to location are restricted to closed court discussions at the moment or are they in open court?

The Hon. V.A. CHAPMAN: The courts are open. It is still the discretion of the judicial officer to determine what is allowed to be published, and that frequently happens. Permission could be given for them to publish but the detail usually is not. As I said, that was the unusual aspect of the Humphrys case, that that particular information was made available. Whether an application was made to suppress the particular area or location, I do not know the particulars of that. But, as I said, we are in a new era now. If we are going to have these publications of geographical location of release, then I think we need to have the debate.

Mr MULLIGHAN: My reading is that schedule 2 mirrors what is included in section 59 of the act. Was there any consideration given in the various drafts to further tightening these provisions as it related to those already out in the community who could be the subject of these determinations by the court?

The Hon. V.A. CHAPMAN: What consideration was given was how we deal with people who are already released in the community and the capacity for the DPP to apply to bring them back before the courts and for the new tests to apply. That is what the purpose of this is.

Mr PICTON: Further to that, has the Attorney had discussions with the DPP about whether there are cases that he views, if this schedule was passed, he would bring before the court in relation to people who have already been released?

The Hon. V.A. CHAPMAN: No.

Clause passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (17:45): I move:

That this bill be now read a third time.

Mr KOUTSANTONIS (West Torrens) (17:45): The opposition is pleased that the government came to its senses and introduced this legislation today. I have to say that I was horrified to read the media reports of what the Deputy Premier had said to the people of South Australia yesterday. I have to say that it was a confused response. It was a response that gave no clarity to the people of South Australia about what the government's intentions were.

It was left to the opposition to lead, and the Leader of the Opposition did just that. He immediately gave notice that we would be moving a suspension of standing orders today to introduce legislation forthwith to keep this man behind bars. This man should not be released into the public. This man is someone who has shown no willingness to reform. We believe that it is unsafe to have this man in the community.

I think that what the Deputy Premier has learned today is a very cold, hard lesson in politics. Often people say that politics and good policy do not coincide. I disagree. I think that good policy is good politics. I think that there is not a person in this chamber who did not think that the government should walk in here today and introduce legislation to make sure that we tightened up the ability of this man to get a licence to be released. I do not think that there is a politician in here who agrees with the decision of the court to release this person. But that is on appeal, and I am pleased that the DPP has taken it upon himself to do so. That is, I think, a wise decision.

What I do not understand is why the government told the people of South Australia yesterday that the legislation was a publicity stunt yesterday but is good policy today. I submit to the house that it was good policy yesterday and it is good policy today, not a publicity stunt. What I suspect has happened is that backbenchers and other cabinet ministers were horrified at the Deputy Premier's performance on radio and in the media on this issue. They were horrified that the government were being portrayed as an organisation leading this state that was uncaring about this person's imminent release into the community. They were uncaring and not ready to lead by example and have legislation ready to go.

We have learnt today that there were nine drafts of this legislation. I am not sure whether those nine drafts were from the time of coming into office or whether they included drafts considered by the previous government.

Mr Duluk: This is the third reading, not the second reading, Tom.

Mr KOUTSANTONIS: That's right. I think the government's realisation that they needed to act is a little bit humiliating for the Deputy Premier. But I think she has also risen to the occasion and submitted and relented to pressure from backbenchers. I can only imagine the horror on backbenchers' faces when they saw the paper yesterday—that the government had been outmanoeuvred and outfought and was, quite frankly, out of touch with the views and aspirations of ordinary South Australians. But it took the Leader of the Opposition to prod the government into action.

Let's face it, this government is becoming renowned for being missing in action. Journalists are talking about it. We have certainly noticed that the government was not exactly light of foot in making announcements. It is certainly not setting the agenda. It is certainly not giving the state direction. It seems that all its energy and focus were put into the election campaign and that the next four years can just somehow take care of themselves. Unfortunately, politics abhors a vacuum, and that vacuum has been created not by the opposition but by the government.

Mr Picton: 'It's time.'

Mr KOUTSANTONIS: It's not time yet, but it will be soon. I can imagine the cabinet discussion on Monday morning because if I were still in the cabinet and I woke up to that front page, that our Attorney-General had been outsmarted, outfoxed and outmanoeuvred by the opposition, I would not have been very happy. I can only imagine the views of the backbenchers.

Alas, backbenchers' emails are exempt from FOI. Backbenchers' SMSs are exempt from FOI. If backbenchers were to relay to me some of the stories that they perhaps relayed to the Attorney-General via their constituents, that the government was somehow going to sit on their hands while this person was going to get out of gaol on licence, and that the opposition was leading the agenda, I would love to know what some of those emails said. I bet that the people of Newland would have been horrified to know that the government was not acting. The constituents of Colton would have been outraged. What would the constituents in Heysen have thought about this, let alone the constituents of Elder, that the government was not acting?

I have seen in my 20 years of parliament many second reading explanations. Most of the second reading explanations are matter-of-fact. Most second reading explanations come into the parliament and they talk about the bill, about the government's policy, its agenda and why it wants to introduce this legislation or amendment. Generally, the second reading explanation is inserted into *Hansard* without reading because it is just matter-of-fact. This morning's second reading contribution by the Deputy Premier was that of an Attorney-General under extreme pressure—pressure because they had been forced into this position.

Mr DULUK: Point of order: I think the member for West Torrens is straying. He is not even talking about the bill. He is reflecting on the Deputy Premier, not on the substance of the third reading.

The DEPUTY SPEAKER: Yes. Another point of order?

Mr PICTON: Point of order: this is entirely consistent with what the Speaker ruled in relation to the Deputy Premier's speech from this morning.

Mr DULUK: The Speaker this morning ruled in relation to second reading speeches, not the third reading.

The DEPUTY SPEAKER: I ask the member for West Torrens to continue his speech and consider that it is the third reading speech and should pertain to the bill.

Mr KOUTSANTONIS: Again, the office has risen you up to elevated heights, sir. Thank you very much again for your wisdom. I really do appreciate your guidance here because, given the Deputy Premier's—

The DEPUTY SPEAKER: Just as long as you take it on board, member for West Torrens.

Mr KOUTSANTONIS: I will, sir. I have to say that you are one of the most respected members of the government. Your community has overwhelmingly endorsed you to be in this place, I think by a ratio of nearly seven out of 10, which is a remarkable feat for anyone. The closest I got to that was in Torrensville one election, when nearly 7½ out of 10 people voted for me, which was excellent.

The DEPUTY SPEAKER: As I said, member for West Torrens, back to the remarks.

Mr Duluk: That's because they had never met you.

Mr KOUTSANTONIS: No, they had met me. I grew up with them; they knew me. This legislation is not only timely and urgent but, most importantly and regrettably, forced on the government. What concerns me the most about the way this legislation was introduced and the

manner in which was introduced goes to the decision-making processes of the cabinet. It goes to the fundamental core of this new government.

Are they proactive or reactive? Reactive governments are dangerous. Reactive governments are lazy. Reactive governments get themselves in lots of trouble. Proactive governments that anticipate debate, anticipate issues, seize the agenda and use the bully pulpit for the purposes of the state and, of course, the advancement of their own agenda, are by far much better governments.

Confidence is everything because confidence begets confidence. I think anyone who has followed this debate would know quite clearly that the government has been dragged to this position kicking and screaming by the Leader of the Opposition, which is a matter of concern in itself because we expect good government, no matter who is in office. We expect ministers in the cabinet to be responsive to the needs of the public and in this area, on this issue, you would struggle to find any reasonable South Australian who would not support tightening up this very legislation.

Some of these amendments go a long way to doing that, but why did it take so long? Why did it take the front page of *The Advertiser*? *The Advertiser* and Nigel Hunt can take some credit for this. Indeed, today's editorial in the paper calls on us as a parliament, on behalf of the people of South Australia, to work together constructively, which is why I was heartened by the Attorney-General telling us in committee that she would consider our amendments between the houses, but then I was concerned straight afterwards when she dismissed our amendments as unnecessary.

I think it is pretty fair to say that these amendments are coming to the government at a hundred miles an hour in the upper house. I would struggle to think that any reasonable member of the Legislative Council would not think it appropriate to tighten up this legislation. I would struggle to think of any member of the upper house who probably would not agree to the amendments that we moved today. Indeed, I think if there was a moment of clarity from members opposite, perhaps even they would admit that they should probably have supported these amendments.

What will they tell their constituents if they are forced into a position to accept these amendments if the other place does make these final amendments? What will they say to their constituents about the Attorney-General's confession to the parliament that, indeed, someone who cannot control their sexual urges can be released under amendments moved by the government today—

Mr Brown: Who refuses to control them.

Mr KOUTSANTONIS: —or someone who refuses to control them. You might remark that this amending bill—I did not pose the question as I thought it was a bit too cheeky during the name and title of the bill—perhaps would have been better framed, as others have coined it, as a bill to enact amendments to allow aged and infirmed paedophiles to be released into the community, which is not the intent of the parliament.

The Hon. V.A. Chapman: John Rau would not be impressed with that.

Mr KOUTSANTONIS: It is very hard to impress the former attorney-general. He is a man of taste and distinction and I have always found it very difficult to impress him. I think the government are coming to the realisation that sitting back and hoping no-one notices that they are in government does not work as a strategy. Hope is not a strategy.

Mr DULUK: Point of order: once again the member for West Torrens is straying from your wise counsel. I would urge him to listen to you more closely.

The DEPUTY SPEAKER: Member for West Torrens, I have been guided to the *House of Representatives Practice*, which states that the scope of debate in the third reading is more restricted, being limited to the contents of the bill.

Mr KOUTSANTONIS: Sir, I agree with you—

The DEPUTY SPEAKER: Good.

Mr KOUTSANTONIS: —but every house is the master of its own destiny, sir, and given the remarks—

The DEPUTY SPEAKER: Indeed, but I am asking you to come back to the bill.

Mr KOUTSANTONIS: Yes, sir, and I will, sir, but I just point out that, given the Deputy Premier's second reading speech—

The Hon. V.A. Chapman: Don't defy the rules.

Mr KOUTSANTONIS: I am not defying them.

The Hon. V.A. Chapman: You are.

Mr KOUTSANTONIS: I am not defying them. Given the Deputy Premier's second reading speech for these amendments and the Speaker's ruling during points of order moved identical to the—

The Hon. V.A. CHAPMAN: Point of order: the member for West Torrens continues to defy your ruling. You have clearly pointed out to him that this is not the second reading speech. This is the third reading speech and, unless he directs his comments to the bill itself, I would ask you to rule him out of order or follow the process in relation to—

The DEPUTY SPEAKER: The point of order is taken, Attorney-General, and I have asked the member for West Torrens repeatedly to confine his comments as the third reading speech to the bill.

Mr KOUTSANTONIS: Thank you again, sir, for your wisdom. As you would know, I was unsuccessful in moving an amendment to the bill and I think I can flag that the opposition will be taking this up with the crossbenchers in the Legislative Council. There may be other amendments to this that the opposition has not flagged yet. My concern is with the wording of the bill. I also point out to the house that I will be issuing FOIs immediately after this seeking the draft—

The Hon. V.A. Chapman: Is that some sort of threat?

Mr KOUTSANTONIS: No, I am just informing the house. It is courteous.

The Hon. V.A. Chapman interjecting:

Mr KOUTSANTONIS: My mother always told me that to be courteous is better than to be—

Mr Picton interjecting:

Mr KOUTSANTONIS: I am a generous man. We have concerns about the wording of subparagraph (b) in clause 4, which provides:

> (b) the person no longer presents an appreciable risk to the safety of the community (whether as individuals or in general) due to the person's advanced age or infirmity.

I seek leave to continue my remarks.

The Hon. V.A. CHAPMAN: Point of order, Mr Speaker: we have had that debate. He is reflecting on a vote of the house, and I would ask you to draw his remarks back. In the meantime, we will no doubt hear his erudite contribution to the bill at 7.30pm.

Mr TRELOAR: Attorney, I appreciate your point of order. The bells have now rung, so we will break for dinner and resume at 7.30pm.

Sitting suspended from 18:00 to 19:30.

Mr KOUTSANTONIS: It gives me great pleasure to continue after the dinner break my remarks in the third reading debate about the passage of legislation destined for the Legislative Council in relation to convicted paedophiles being released on licence.

As I was saying in my early remarks, the opposition intended to move some amendments to make very clear that we believed that in the debate during committee stage, through the explanations given to us by the Attorney-General, it was made very clear to us that there are scenarios that the Attorney envisages that would allow a sex offender who was in effect unrepentant and unwilling to do anything to constrain their urges or sexual tendencies towards preying on young children to be released on licence because of their age or infirmity.

The opposition also raised questions in the committee stage about whether there are alternatives to release on licence, such as prescribed locations being declared by the minister, which I think the member for Kaurna will expand on in his third reading contribution, and about whether or not there could be more investment into aged-care facilities or some sort of facility that would be able to deal with these people without having to release them into the community.

We also raised a number of questions—and I think valid questions—about the notification standards that were in place for victims. The Attorney quite rightly pointed out to us in the committee stage that it is very difficult for undeclared victims to be notified, which I think is a perfectly reasonable thing for the Attorney to say. We cannot expect the Attorney or the government to be informing people who have not made reports. Indeed, Mr Humphrys has been convicted, and I would expect only the people whose testimony was the basis of that conviction to be the ones who are notified, unless any fresh proceedings are put in place by the DPP to further charge Mr Humphrys after other people have come forward.

I note the Attorney-General mentioned one specific case of a member of the public coming forward to the Attorney, claiming that Mr Humphrys had assaulted them. I am sure that the DPP has been informed by the Attorney of those accusations, as it is a requirement for a public officer to inform the appropriate officials of any offence.

The Hon. V.A. Chapman interjecting:

Mr KOUTSANTONIS: Sorry. The Deputy Premier says she read it in the paper. In her remarks to the parliament, I thought she said she had been made aware by the member personally. If that is not the case, I am sure she will correct the record, or if I have got it wrong I apologise. But it seems to me that I am sure that this fresh revelation that the Attorney has raised in the parliament will probably sharpen the mind of the DPP for further charges to be laid against Mr Humphrys, which may of course again engage another important trial to keep this man behind bars.

Importantly, it cannot be forgotten that we are all in this place, as you say daily in our prayers, for the betterment of the people of this state. This legislation is very important, and it is important because it goes fundamentally to the safety of our community. I am the father of two daughters. I can think of nothing more horrific that could occur to them than to be sexually assaulted by a predator. I can tell you that it crosses my mind daily: where they are, who they are with, are they alone with someone who might have some sort of terrible plan for my children? You have to trust people in the end and make sure that systems are in place that the government sets to keep our children safe.

Without being hysterical about this, there is nothing more important than keeping our children safe because they are ultimately innocent. The right every South Australian has is to grow up in a community safe from predators, safe from molestation, safe from having their childhood and their life ruined by these predators. You can see what it has done to adults in their testimony. I hope that the legislation that the Attorney has introduced does that. Again, we will be moving amendments in the other place. I pose this question to the house: if no amendments are passed in the upper house and the government's legislation passes unamended, what happens if this person is still released on licence?

Mr MULLIGHAN (Lee) (19:35): I commend the Attorney for bringing this bill to the house. This is a critical bill, particularly right now, because we are seeing the potential release into the community of not only a convicted sex offender and paedophile but somebody to be released into the community who cannot control, or is unwilling to control, their sexual desires and hence is, perhaps on any layperson's assessment, likely to offend.

I commend the Attorney, but in part it is done somewhat grudgingly because I think the bill being brought to the house is being done under those circumstances as well: somewhat grudgingly. I think it was on 27 March, when the decision was made by the Supreme Court to release Colin Humphrys into the community, that we were told by the Attorney—or at least the media was told by the Attorney—that it would be prudent to wait to see whether the DPP would exercise its discretion and appeal against the Supreme Court's ruling.

Of course, we had to wait with bated breath to see whether the DPP would do that and there did not seem to be any countenance from the Deputy Premier to exercise her legal right and discretion to direct the DPP to do so. Happily, it seemed the DPP's concerns about this matter aligned

with both the Labor opposition's and the community's and not necessarily with the Attorney-General's, and that appeal was lodged.

The Hon. V.A. CHAPMAN: Point of order: as has been previously pointed out in this debate on third reading speeches, the commentary is to be confined to the bill, not as per a second reading speech. There are much more confined rules in relation to third reading speeches. The member for West Torrens departed from that notwithstanding, but I would ask, given some opening statements that have been made by the member for Lee, that he understand what the rules are and the rules for the third reading speech to be confined to comments in relation to the bill be brought to his attention.

The SPEAKER: I will listen carefully. Member for Lee.

Mr MULLIGHAN: I thank the deputy leader for her forbearance. Not only had the DPP then lodged an appeal but, when further commentary was made in the media about this matter, we were then told that no legislation should be brought before the house because it would be most prudent to wait until a decision was made by the Full Court of the Supreme Court so that the parliament could understand the reasons within that decision by the Full Court.

As you can imagine, given the delay between 27 March and when the DPP made it public that they would be appealing, and then the further delay between the DPP making that appeal, it being heard in the court, and I think, if I have my dates correct, on 13 May, that case being concluded before the Full Court of the Supreme Court, we are still awaiting a judgement. Over that period of more than two months now, we have growing consternation throughout the community in South Australia but particularly in the community of Bowden where this offender was set to be released following the original decision by Justice Kelly. At each stage, we had been told by the Attorney-General that the parliament had time and that we would be best off waiting. What changed? I am pleased to say that the member for Croydon, the local member, raised this—

The Hon. V.A. CHAPMAN: Again, we have no direct attention to the bill. This commentary is just a repeat, a regurgitation of what has previously been asserted, a rewriting of history; nevertheless, the rules are very clear—

Members interjecting:

The Hon. V.A. CHAPMAN: No, it's not debate.

Mr Mullighan: It is a third reading debate.

The SPEAKER: Order! I will listen to the point of order.

The Hon. V.A. CHAPMAN: It is not debate. It is the third reading of the bill and the rules have been pointed out. If the preceding speaker wants to spend their 20 minutes doing a third reading speech, they are perfectly entitled to do so, but the rules require that in the third reading contribution they stick to the contents of the bill. Clearly, another five minutes has passed and we still do not have any attention to the construction of the bill.

The SPEAKER: I am sure that the member for Lee is returning to the substance of the bill. Again, I will listen attentively.

Mr MULLIGHAN: Finally, we had some agitation of this issue and a commitment that a bill be brought before the house, which is terrific news. We are told, of course, that a bill had been in the workings for many, many weeks, presumably since 27 March. In the committee stage, we were told that there were no less than nine versions of the bill before we got to the six pages that this bill constitutes before us here—nine versions and six pages.

What we learnt during the committee stage was that large sections of the bill, if not all of it, except for perhaps the cover page and the first half of page 2, which is a table of contents, have been copied either from existing legislation or from other sources. I am drawing the attention of the Attorney and the house, in particular, to schedule 2, which constitutes two pages of the six pages. Really, what we are down to is the construction of clauses 3 and 4. In questioning, I sought very specifically to make clear to the Attorney what the parliament is attempting to do here.

We have had a situation where the Supreme Court has exercised its discretion to release a convicted offender out into the community against the advice, according to the Attorney-General, of

the Parole Board. What we have learnt through the questions raised in the committee stage is that a person who is incapable of controlling or unwilling to control their own sexual instincts under the bill will be able to be released into the community. They will be able to be released into the community so long as they satisfy only one of two other tests in the bill: one is that they are old and the other is that they are infirm.

The test for their age or infirmity, being reason to release them into the community, is that their age or their infirmity means that they no longer present an appreciable risk. Under questioning, the Attorney admitted that the bill, which has been in process for many weeks and which has seen nine drafts, the vast majority of which has been copied from exiting legislation, means that these people can still be released into the community. So does the bill and its clauses seek to remedy the problem that we have before us in the case of Colin Humphrys?

The Attorney has made very clear what her view is, that is, that these matters should be determined by the discretion of the Supreme Court and the Supreme Court only. That discretion should not be fettered in any way by a report from the Parole Board and it should not be fettered in any way by the advice from medical practitioners—bearing in mind that it may be a case like Colin Humphrys, or indeed, of course, given we are discussing Colin Humphrys, where the advice from the Parole Board is that they should not be released—that they should not be released because they are unwilling or unable to control their sexual desires.

What we are left with is a law that does not sufficiently constrict the discretion of the Supreme Court, and so the decision that was made in the case of Colin Humphrys by Justice Kelly can presumably be made again. This ninth draft—or perhaps it is the 10th, I am not sure if there were nine preceding and this is subsequent—of how the government proposes to address this has little constriction or little bearing on how these people will be treated in the future.

When we asked the Attorney why subparagraph (b) in clauses 3 and 4—and, as we saw later on, in schedule 2—were included, the explanation was that this was consistent with the discussions we had in the redrafting of the Sentencing Act, which was passed by this parliament sometime last year—sometime last year, in the absence of the context of a convicted paedophile who is unwilling or unable to control their sexual desires being released into the community of Bowden.

I guess in one respect it is not unreasonable for the Attorney to rely on a former debate and a former interpretation of what is sufficient constriction of judicial discretion in this regard by looking to the past and how this parliament has done it. However, this parliament, as those of us who have been lucky enough to be members of it in the past and those of us who have recently joined the parliament would realise, passes dozens if not hundreds of laws each session. The reason for this is that there is a need or changing community standards, or changing practices somewhere in the community are invoking a type of behaviour not previously countenanced by this parliament that needs to be addressed.

What we are seeing here is behaviour by the Supreme Court that clearly has not been previously countenanced. That is what needs to be addressed. If there is insufficient constriction of the court's discretion, if the court can receive a report from the Parole Board and put it to one side and deem that its own judgement is better, if a court can receive reports from medical practitioners—who also have the capacity to seek further advice beyond their own expertise in compiling reports for the benefit of the Supreme Court report they have to produce—and if those reports can also find similar to the Parole Board that a person should not be released, if that court can then make a decision that that person should be released, clearly this bill is not sufficiently addressing the ill we are seeking to address.

That is particularly the case because, despite the Attorney initially telling me under questioning that only the person can be an applicant for release under licence, we know from the existing Sentencing Act that the DPP can make that application as well. Surely the mere fact that the DPP is making an application on behalf of a person is somewhat persuasive to the court. If the DPP is putting to a court that in their view this person should be eligible for release, from the outset that will influence the court.

Because the DPP is entitled to be an applicant in this process then, strangely, in the court's consideration of that application there is essentially nobody to oppose that application. What person, when an application has been made for their release by the DPP, is going to oppose their own release in the DPP's application? Of course they would not. So, the court is only left with one or two parties to a hearing advocating for the release of a person under licence and with no-one else, essentially, to oppose that release. Of course that will be persuasive to the court.

The opposition did, I think, what is reasonable in this bill and determined, after hearing from the Attorney, how many opportunities there are, for the person, for the DPP or for the person's legal representation, to make a compelling case that they should be released, despite the fact that they are unwilling or unable to control their sexual desires, that the other part of the clause, which determines whether the court will exercise that discretion, being their age or infirmity, should be removed, so it solely comes down to their sexual urge.

I do not know whether it was just out of wanting to seek some further and better advice, but the Attorney took another view. I think that is regrettable, but hopefully that is fixed up between the houses. I hope that the other place is able to sharpen up this bill and make sure that the court does not have that range of discretion, because it is not only conceivable that somebody would seek to take advantage of that court's discretion: that court's discretion has already been taken advantage of. A decision has already been made by the Supreme Court to release under licence somebody who is unwilling or unable to control their sexual desires, and that, quite frankly, is not good enough when we are seeking to amend the Sentencing Act to ensure that this does not occur again.

I began my comments by congratulating the Attorney-General on bringing forward this bill. I would also say that I am pleased that she answered the questions that were put to her during the committee stage in what I feel was a forthcoming and genuine manner. It was certainly an about-face from her introductory comments, but what I am concerned about is what she told me, the member for Croydon (the Leader of the Opposition), the member for West Torrens and the member for Kaurna, and that is again that what she has claimed publicly—and I noticed even as recently as this afternoon in a Twitter post, as well as in this chamber—that people who are unwilling or unable to control their sexual desires will not be able to be released due to the passage of this bill. That is frankly wrong. It is completely wrong, and it needs to be clear in the minds of all members that that is not what this bill does. This bill provides a much broader discretion to the court.

In principle, on general matters, I think I would probably align my views with the Deputy Premier and Attorney-General that it is usually important to provide the judiciary with a sufficient discretion to take into account as broad a range of matters as comes before it in making decisions. I think both the former attorney-general and the current Attorney-General and those before them and those on both sides of the chamber have usually made comments to that effect and I think, as a principle—

The Hon. V.A. Chapman interjecting:

Mr MULLIGHAN: That is right—maybe not all, but most. That is a fair principle. But there are times when, unfortunately, the decisions that are made in the exercise of that discretion, which is provided to the judiciary within legislation, is exercised in a manner that is inconsistent with community expectations, and that is usually the driver for change in legislation. That is what we have in this matter here that is to be addressed and countenanced in this bill.

I do not propose to make any further comments except to say that I hope that some of whatever was contained in the previous eight or nine drafts, which I hope showed a more fulsome and robust constriction of the discretion of the court in determining these matters, might find its way back into the final piece of law that is passed by this parliament, and that it might find its voice, not necessarily here, but in the other place. As it stands, this bill does not address what has been promised to the people of South Australia and, most importantly, does not address the case of Colin Humphrys, as has been most recently decided in the decision of Justice Kelly.

The SPEAKER: Before I call the next speaker, I would like to refer to the *House of Representatives Practice,* 6th edition, which talks about members' obligations under the third reading and final passage, where it states:

The scope of debate [during this stage] is more restricted than at the second reading stage, being limited to the contents of the bill—that is, the matters contained in the clauses and schedules of the bill. It is not in order to re-open or repeat debate on matters discussed on the motion for the second reading or during the detail stage, and it has been held that the debate on the motion for the third reading is limited to the bill as agreed to by the House to that stage. Clauses may not be referred to in detail in the third reading debate, nor may matters already decided during the detail stage be alluded to.

I just remind members of that.

The Hon. V.A. Chapman: That's for your benefit, Chris.

The SPEAKER: No, it is for the benefit of all members, Deputy Premier. The leader.

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (19:56): I will try to stay as close to it as I can. Thank you, Mr Speaker. Let me again place on the record my applause for the Deputy Premier moving quickly to introduce this bill into parliament. Clearly, the opposition's support for the overall objective of this legislation is on the record previously. The opposition has been very keen to invite the government to work with the opposition to achieve the important objective of keeping Mr Humphrys in gaol for so long as he is unwilling and unable to demonstrate his capacity to control his sexual instincts.

I was very clear early yesterday morning in stating my appetite and desire to work with the government on legislative reform to achieve that objective. Largely, the government's bill does that, and that is why the opposition has elected to work with the government's bill rather than with our own bill, which we would have otherwise introduced into the parliament today. However, I was disappointed when the Deputy Premier and Attorney-General neglected to take up that sincere hand of bipartisanship yesterday morning when she initially indicated on ABC radio that they would not—

The Hon. V.A. CHAPMAN: Point of order: I can appreciate that the Leader of the Opposition is new in this house. Twice you have read out the directions in relation to third reading speeches. The preliminary is over. We do not mind a couple of introductory sentences, but let us get back to the bill as per the requirements.

The SPEAKER: I think the leader is coming back to the bill shortly.

Mr MALINAUSKAS: Thank you, Mr Speaker. Indeed, I was, because there was a lack of clarity in regard to the government's intentions as a result of the remarks they have made on the public record. Nevertheless, the opposition acknowledges the rapid change in position that the government has had and applauds it.

In regard to the bill that we have that is presumably being sent to the Legislative Council, the opposition remains somewhat concerned around some deficiencies within the bill. My particular concern is that there remains potential for an offender to be released on licence even if they have not demonstrated an absolute ability that they are both willing and able to control their sexual instincts.

The concern particularly relates to the fact that there appears to be an opening within the bill as it currently stands for a court to determine that an offender who is unwilling and unable to control their sexual instincts could be released on licence, provided they demonstrate that there is no appreciable risk as a result of their age or infirmity. We do not believe that is a particularly practical or, indeed, overly safe version of the bill. The opposition has already indicated our appetite to amend that particular section. I hope that subsequent changes are made between the houses or, indeed, in the Legislative Council.

The other concerns that we have about the bill relate to the role of the Parole Board in such matters. The government has indicated again on the record that there is a circumstance where the Parole Board could advise against the release of an offender on licence and then the court order their release. That seems to be somewhat illogical. If the Parole Board, with all the expertise available to it, makes a determination that it would not be safe for someone to be released on licence, then, for the life of me, why would we want a court releasing them on licence?

This is not about circumventing the court's absolute position as the ultimate arbiter on such matters. The court would still have the ability to preclude someone from being released into the community even if the Parole Board were silent on the issue or supportive of someone's release.

This is about ensuring that a court does not release someone when the Parole Board is of the view that that should not occur in the interests of community safety. Again, this is an issue that we hope the government changes its position on over the next 24 hours, as quickly as it has changed its position on this bill already in the last 24 hours. I draw great confidence from the wisdom of the Deputy Premier, the Attorney-General, to change the position of the government on such matters out of the example of it changing its position on such matters in the last 24 hours.

Finally, the opposition and I remain concerned about the prospect of repeat applicants, offenders, seeking to be released on licence. The circumstance of an offender who is released on licence can in many regards be construed as an extraordinary privilege in the context of what they have done previously to warrant an indeterminate sentence and then subsequently a release on licence. We think it is reasonable that someone in such a circumstance, who was released on licence and then breaches one of the conditions attached to their licence, should then be reincarcerated and prohibited from making such an application to be released again for some time. That would strike me as an eminently reasonable position.

However, the principal concern relates to this question of someone being released into the community who is unwilling or unable to control their sexual urges. We think that should be a fundamental elementary test that is applied and passed in every instance that an offender gets released on licence. We would encourage the government to consider that position over the next 24 hours or the period that we have before us or before the matter is dealt with in the Legislative Council.

The Attorney-General has indicated that there are other email addresses apart from the ones that have been publicised on her own website—both in the parliament and indeed on her own administered website.

The Hon. V.A. Chapman interjecting:

The SPEAKER: Yes, please bring it back to the bill, Leader of the Opposition.

Mr MALINAUSKAS: I was just making the point, Mr Speaker, that we will communicate—

The Hon. V.A. CHAPMAN: Point of order: the Leader of the Opposition has 13 minutes. I am sure he can fill it up with some useful contribution on the bill without repeating things in breach of the orders.

The SPEAKER: Relevance; yes, please bring it back to the bill.

Mr MALINAUSKAS: I am simply pointing out, Mr Speaker, that we will be corresponding with the Attorney-General by any means that she desires, even ones that go beyond what she publicises on her own website. The bill, though, in its essence probably goes to the principal objective and concern that we have. Ever since the news of Mr Humphrys' release into the community was made public, it is fair to say that I, probably more than any other member in this place, have had a number of representations made to me from members of the community.

In my capacity as the member for Croydon, I have had a lot of people within the community contact me concerned about the prospect of Mr Humphrys being released into the community. Indeed, I myself am a resident within the Bowden Brompton area. I myself, with my wife, am raising young children in the area and note that there are a lot of great playgrounds, a lot of great childcare centres and a number of different schools within the Bowden Brompton area—within itself, not within the vicinity of it but in the area itself. It strikes me and the community generally that the proposition that Mr Humphrys could be released into our community, with so many great facilities, young families and so many services provided to children in that area, as being somewhat absurd.

I have felt an obligation here to act on a number of different levels: an obligation to act as a leader within this parliament, an obligation to act as the local MP and local resident and also an obligation to act as a father concerned for the safety of his children and the community generally. This is a concern that I am sure every member within this place would share. I do not think any member in this place would feel comfortable with the prospect of a repeat sex offender, the likes of Mr Humphrys, being released into their community.

This bill hopefully goes a long way to addressing the collective concern that we all share. The bill, we believe, largely goes a long way forward to achieving that objective and realising a safe community, which is a principal and paramount obligation of everyone in this place, particularly the government. Despite our concerns, we look forward to the swift passage of the bill in this place. My sincere desire to work with the Attorney and the government on this matter is maintained.

I have every confidence that, if the government is keen to work with us rather than to make political pointscoring the name of the game, which was alluded to earlier in the day, it is fair to say we can achieve that objective and do a good thing for community safety in this state.

Mr PICTON (Kaurna) (20:07): I rise to speak on the third reading debate on this very important piece of legislation, the Sentencing (Release on Licence) Amendment Bill 2018, the second piece of legislation this parliament has dealt with. As other members have said in the third reading debate, the opposition will be supporting this bill, although we hold some reservations, which we have outlined in the debate so far, in terms of our concern about some of the drafting of this bill and that it might not meet the objectives that the parliament and certainly we on this side are trying to achieve with this bill.

Of course, this bill has followed the very concerning case of Mr Humphrys' release on licence, where we have seen the Supreme Court make a decision in terms of Mr Humphrys being released into the Bowden Brompton area, despite the fact that the court was presented with evidence that he is not capable of controlling, or unwilling to control, his sexual desires. Also, that the Parole Board was adamant in their view, as was the DPP, that he should not be released because he is a risk to the public.

Despite that, the Supreme Court, or a single justice at this point in time, has decided that he should be released, and that is now being appealed in the Full Court of the Supreme Court. I am sure everybody in this parliament hopes that the DPP is successful in overturning the decision of the Supreme Court and ensuring that somebody who has committed some very serious acts and serious crimes and has shown no willingness to control their behaviour is not released.

These are very serious powers that any parliament should contemplate because what we are talking about here is the power of detaining somebody after the end of their sentence for committing a crime. Mr Humphry's sentence for his crimes has finished but he is on continuing detention because of his inability to control himself and his sexual predator behaviour in the community—something very serious obviously but I think it is important and something the community who sent us here, only recently, a couple of months ago on election day, expect our parliament to take action on to protect their communities, and to protect in particular our most vulnerable members of the community, our children.

I am very glad and delighted that this parliament is now debating this bill. As has been discussed, there was another version of this bill that the Leader of the Opposition and the Hon. Kyam Maher had drafted as well that we released, but we are delighted that the Attorney has today introduced her version of this bill into the parliament. However, there are some concerns that we have. There are some particular concerns where we see some deficiencies in what has been presented in this bill that we have elaborated on during the committee stage of the debate, and we see that our bill was superior in a number of regards.

Firstly, in terms of the Parole Board, as has been discussed in the debate already, and as the Attorney herself has outlined, the Parole Board do a very difficult job and in my view they do it on the whole quite well. I certainly would not want to be on the Parole Board having to decide lots of the tricky things that they have to decide. They are certainly one of the closest bodies in touch with analysing the behaviour of criminals in our justice system, in our corrections system, and understanding their abilities and their capacity for rehabilitation and to control their behaviour in the future.

So I think it is very serious when we see a recommendation from the Parole Board that an offender who has been detained under this regime not be released from an institution. Not only should the court take that seriously but that should be enough to prevent that application from being considered by the court to begin with. If the Parole Board have a view that somebody is so serious or so unwilling or so unable to control themselves then that is something that should rule them out of

contention from being considered by the court for release. That is something that we have put in our bill. Unfortunately that is not something in this bill that we are debating right now.

I hope that is something that the government will consider adding in to the legislation between here and the other place. If that is not the case, then I am sure that that might be something that the other place might consider in terms of adding as an additional amendment to ensure that there is an added level of security because, if we do not have that, then it raises the possibility of somebody who is detained under this regime, who the Parole Board adamantly says should not be released, is released by the court. That is exactly what happened in the Humphrys case and it is exactly what we do not want to see repeated in the future.

The second matter where we see a significant issue with what has been proposed by the government is in relation to clause 3 of the bill, which amends section 58 in terms of (1a)(b) and also clause 4, which amends section 59(1a)(b) where this bill creates what I regard as a loophole. We have been very firm that we believe that if a person is not capable of controlling or is unwilling to control their sexual instincts then that should disqualify them from consideration for release under the Sentencing Act.

What this bill does is create a separate category, where a person can still be unwilling or not capable of controlling their sexual behaviour yet no longer present an appreciable risk to the safety of the community, whether as an individual or in general, due to their advanced age or infirmity. That means that there is a way for a person not to have to prove their ability to control their sexual instincts if they can show that they are so old that they are not a risk or they are so infirm that they are not a risk. It is an ability to get around that earlier measure, but we think that earlier measure should be the predominant one. That is the one the courts should decide on.

We should not have another avenue where people can consider it. We know, and we have seen this time and time again, that, as tight as we try to make this, there will be people—and, as I have said previously, these people have nothing but time on their hands—who will try to challenge this and get through every possible loophole. I am very concerned that we are creating a loophole that will see people released whom the community at large and, I am sure, this parliament would not want to see released into our community. Again, we hope that the government consider amendments to this section between here and the other place. They have said that they have a willingness to do that.

They have a willingness to consider it, although there was some concern, in some of the statements made during the committee stage, that maybe they do not. I hope that they do. I hope that they see the light in terms of addressing this section of it. We know through the debate and the committee stage that this section was added in one of the nine drafts created through the Attorney-General's office after recommendations from the Director of Public Prosecutions himself. We are not sure of the circumstances of that advice. We are not sure what other recommendations or advice the DPP made to the Attorney-General. We have asked for that and, hopefully, that will be coming between the houses.

I think it is very important that we see the full context of that advice as to why this section should be added when, in our view, it adds an additional layer of risk in an area where we want to have very clear, very firm laws that do not create risk. We also asked the Attorney-General why such a provision should be in there. One of the answers was that it relates to people who have become old—and, obviously, many of these people will be in that category—and whom the government or one of its agencies might want to establish in aged care rather than in a corrections institution. I think that creates a number of concerns, queries and points of contention in the future as well.

Firstly, as I outlined, there is an ability for the government to declare an institution, whether it be an aged-care institution, that has appropriate safeguards around it, where that person could be managed within their existing detention order in a secure setting without being released into the community. It sounds like that has not been contemplated: this section has been contemplated instead. I hope that the government, if that is really their concern in this regard, will contemplate other options for placing those people rather than placing them into the community.

The other risk of placing these people into community aged-care facilities is the risk it will create in those facilities. We know the risk of elder abuse. We know the risk of damage that can

occur in aged-care facilities. We do not want to see this exacerbated by some of these very serious offenders being put from gaol straight into a community aged-care setting just because they are of an advanced age under the definition of this bill. I think it would concern a lot of members of the community if we were to start seeing applications made to the Supreme Court along those lines. I think that is another reason why the government should review their position in regard to that section and consider taking it out.

Of course, there is no detail about how they would manage these aged-care residents, how they would protect the safety of other aged-care residents if these offenders were being released. We have no details as to how many people in that category they are concerned about or whether or not those sorts of people currently have applications before the court or are in the process of making applications before a court.

Another question I asked was in terms of how many applications had been made, and that is another thing that had to be taken on notice to be provided between the houses. This is an area that is full of significant risk. It is an area where we seek clarification between the houses to make sure that we can provide the community with the certainty that they require.

There is another very significant element that is missing from here that was part of our bill that we presented publicly and that we are going to present here in relation to repeat offenders. We have a strong view that people who breach the orders under which they have been released into the community under this section of the Sentencing Act do not deserve second chance after second chance after second chance. That needs to be timed.

We need to have a process whereby people who are given a second chance under this section—hopefully, a much strengthened section—do not breach the orders under which they have been released into the community, and if they do so, that they do not get another chance to breach those orders once again. That was something we included in our bill. It has not been included in this bill before the house, and we hope again that that is something the government will consider closely before it is debated in the other place to ensure that the community has a lot more confidence in regard to the future.

I think a number of other matters that I raised questions about before the committee stage are quite important. One involves the appearance of people before the court. At the moment, the act is very clear in that it is the applicant and the DPP. I think there are a number of issues there; one is: if the DPP does not have a view that is necessarily supported by the government or the community, what ability does the government have to make a separate set of views before the court? There is none in this bill and the Attorney sees no reason to instigate that.

Interestingly, she referred to the powers of the Attorney-General to direct the Director of Public Prosecutions, which I thought was interesting. I thought that was something the Attorney had generally spoken against, but apparently that is something she might be willing to countenance in the future in relation to this bill. That is something we will have to monitor in the future.

Another important issue is in relation to how this bill is going to affect both the current case that we are talking about and other cases that we know are out there or are soon to be looming before the courts. There was discussion at the committee stage in regard to the case of Mr Gavin Schuster, who is a very serious offender, somebody who had almost been released previously. As the Attorney said, he has an application before the Supreme Court at the moment, but it has been adjourned and has not been decided on by the Supreme Court.

The Attorney has assured the house that this bill will cover that case and I hope that it does. I hope that this means that Mr Schuster will not be released. I also hope that there has been sufficient work done by the Attorney and her office across those nine drafts to make sure that other cases they know the details of that are looming before the courts—and the Attorney said that something like 27 people are detained under this section, so there are a regular number of applications made.

I hope that a lens has been put over this legislation in regard to those future cases coming before the courts to make sure that this legislation is going to be able to deal with them and that we are going to hopefully not have the sorts of loopholes that I feel we might have again in the future. I think that that is very important for the future as well.

Another very important issue that needs some debate and discussion is in relation to the location that people are released into, if they are to be released by the Supreme Court. We had a discussion, briefly, about one of the issues with the most recent case, the Humphrys case, where the court decided to make public the location in which the person was to be released, which is obviously a bit controversial. It does provide some level of certainty for the community—but obviously with a limited amount of information to act on that information—to provide themselves with any comfort.

We are very keen to prosecute to make sure that victims have as much say in this matter as possible to ensure that, when the locations are determined, victims are consulted and, if locations have to change from time to time in the future, that victims are also consulted at that point of time. I asked in detail about what the procedures are when locations have to change in the future. If somebody is released and their housing situation cannot last for whatever reason, what process do they go through to change that? Is it to the Parole Board? Is it back to the Supreme Court? There was not quite a clarity of answer. Hopefully, that is something that can be clarified between the houses as well.

I hope that we are making sure that victims are consulted, not just in the initial location of the person but also, should they have to move in the future, to make sure that the victims are consulted. I think that is a very reasonable thing to do. In what would be a horrible situation—to be a victim of such a crime—the least that we can do is consult the victims in that situation. This bill deals with some of the worst offending people we have in this state.

It is a serious bill and it involves some very significant powers and significant oversight of our courts. I hope that we make sure it is as robust as possible to ensure that we do not see some of the people we are talking about released into our community—people who are unwilling and unable to ensure that they can control their sexual instincts in the future. I hope that the Attorney-General and the government consider very closely our amendments between the houses because I think that they will strengthen the bill and strengthen the safety of our community.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (20:27): There being no other speakers, I indicate that I appreciate the contribution of members of the house. I ask that they give favourable consideration to this bill. If they do not, then so be it. Although mixed messages have been received in relation to their commitment to the advancement of protection of the community in light of the case that has been detailed—

Mr PICTON: Point of order, Mr Speaker: if this is a third reading speech, as I suspect it is, surely the Attorney has to abide by the same standard as everybody else?

The SPEAKER: Deputy Premier, please keep your remarks to the restricted form of the third reading.

The Hon. V.A. CHAPMAN: I thank members for their contribution and look forward to the passage of this bill. As indicated, answers and consideration of one amendment that was presented will be given our due consideration between the houses.

Bill read a third time and passed.

SUPPLY BILL 2018

Supply Grievances

Adjourned debate on motion to note grievances.

(Continued from 17 May 2018.)

Mr MULLIGHAN (Lee) (20:29): How is it that I find myself speaking once again on the Supply Bill?

The Hon. V.A. CHAPMAN: Point of order on a point of clarification: as I understand it, the Supply Bill was concluded at the last sitting of the parliament on the basis of second reading contributions that were identified at the time. I am not sure whether the Opposition Whip has had a change of heart in that regard. My understanding was that we were to conclude the matter at 6pm

on the last sitting day in relation to this bill and move into committee. If that situation has been changed, I invite the opposition to indicate that there has been some change in that arrangement.

Mr MULLIGHAN: I am happy to indulge the—

The SPEAKER: One moment, member for Lee. There is provision for a grievance debate, which I believe we have started.

The Hon. V.A. CHAPMAN: I have no doubt there is, Mr Speaker. I just want some clarification about whether the previous understanding was to conclude that and move straight to committee when the parliament resumed.

Mr MULLIGHAN: No.

The Hon. V.A. CHAPMAN: No? Okay.

The SPEAKER: On to the grievance, member for Lee.

Mr MULLIGHAN: Thank you, Mr Speaker. I have searched high and low, yet it appears before me: Order of the Day No. 1, Supply Bill (No 1), that the house note grievances. Perhaps the Attorney-General might want to divert her attention to the business of the house. Given that it is a grievance, I will take the opportunity to talk a little off topic from the Supply Bill and grieve—not literally—about a subject with which I have some familiarity, albeit relatively brief compared with some other people in this chamber, and that is the work I was privileged enough to undertake as both a minister and the member for Lee over the last four years.

I am gaining an appreciation that there are some members, particularly those opposite, who find themselves newly installed as cabinet ministers and who are coming to terms with the demands of the job. It is an extremely demanding job. Some jobs are more demanding than others, depending on portfolio allocations. I found myself in the situation where I was certainly not expecting to be a member of the cabinet, let alone in this portfolio. I was certainly hoping that in my first term in parliament I would be able to serve and work very hard as the member for Lee, and I have spoken in my Address in Reply speech about some of my work as member for Lee.

I was very lucky to have some role in the superintendence of the transport and infrastructure portfolios, and later on in the housing and urban development portfolios, and I am very pleased that we were able to advance quite considerably the cause of some key imperatives for the state of South Australia in those areas. I was also very proud and very privileged to work with some of the highest calibre public servants and ministerial staff—and I should also say electorate staff—in the time of that four years.

Of course, it is a matter of public record that there was a change in chief executive not long after I became minister. We were very lucky to secure the services of an individual who had not only been the chief executive of Infrastructure Australia but was also the former chair of the National Transport Commission.

The Hon. V.A. Chapman: And a key witness in the royal commission into unions.

Mr MULLIGHAN: I note that the Deputy Premier not only continues to interject against standing orders but also continues to denigrate the character of that individual, which is more a reflection on her, I should say, than a reflection on the individual in question. It was terrific to work with Michael Deegan as the chief executive. He fundamentally reformed the department.

At one stage, we held recognition ceremonies for people who were longstanding public servants. I attended the first one, and of those people who had worked for the department, with a headcount in the order of 3,200 full-time equivalent positions, I think at one of those ceremonies more than 400 had served the public for more than 30 years. Indeed, as the day went on, there was even a gentleman who had worked for the Public Service for 58 years and was still working for the department. It was incredible. It was great to recognise their contributions, ongoing as many of them were, and also great to see some change and reform in the department to align it more with a sophisticated Public Service agency.

Much to the chagrin of the member for Schubert, who finds himself with a tissue-thin deal from the federal government for an alleged $1.8 billion that is yet to eventuate, and of course is not

going to eventuate over the next four years, it was terrific to secure $2.5 billion of road funding, which of course came into the forward estimates nearly immediately. We see the fruits of those negotiations, the substantial works—the Torrens to Torrens, Darlington and Northern Connector—underway.

Those agreements would not have been possible without the hard work of the chief operating officer, Paul Gelston; Don Hogben; those staff who had been responsible for many years proving up those projects and putting compelling cases to the federal government to get those projects funded and, of course, the people who make the services run. Whether it is in rail operations, road operations in the traffic management centre, managing access to outback roads or making sure that we have the right infrastructure in the Walkley Heights facility of the department, the reach of the transport department is further, I would say, than that of any other agency within government.

Everybody uses transport services or assets every single day in South Australia. Fortunately, people do not have to go to hospital every day. Fortunately, people do not have to visit a police station or be attended to by police. Not even schoolchildren go to school every day, of course, with weekends and holiday periods, but everybody uses transport. It is an important area and I take my hat off to those staff in the department.

I was very lucky also to work with some of the best ministerial staff in government at the time and I cannot thank enough my chief of staff, John Bistrovic; my personal assistant, Sandra Swalling; Gary Hough, who I spent more hours with in a car than probably he cared to, but I was fortunate enough to; as well as the number of advisers I worked with over the time: Connie Blefari, Ben Rillo, David Wilkins, Jonathan Schombergk, John Atkinson, Manny Chrisan, Mathew Leyson and Vince Puopolo, who was also a ministerial liaison officer. I am sure, as many members opposite who are also ministers are realising, for many people who contact government or who contact ministers seeking assistance, ministerial liaison officers can make the world go around for them, and I was very blessed to have several people come in from the department to assist me.

I think one of the most thankless jobs when working for a minister is that of media adviser, or press secretary as it used to be called, and I was very fortunate to have Pat Cronin, who started out with me, but latterly Rebecca Brice, who is one of the most assiduous workers I have ever come across. It is a dreadful job at times having to field inquiries nearly 24 hours a day, seven days a week, and throughout weekends and to wake up increasingly cranky ministers, especially ministers with young children who have kept them up all night, and ask them to go on Bevan and Abraham at 7 o'clock in the morning, yet she did so time and time again, which was of great assistance to me.

Of course, I was blessed to have a wonderful electorate office. Karen Abineri, who started out working for me, first started serving the member for Lee and the member for Lee's successors in 1979. She brought all her wealth of experience and contacts within the community to my benefit, which was a huge help. Understandably, Karen chose to retire after such a long period of service, and I was fortunate to be assisted by Kyall Smith, also a constituent, and Pauline Mannix, who has worked in electorate offices for nearly 50 years—if she works a day in July, then she will tick up the 50 for her work in state and federal electorate offices—and Shan Fowler.

I will leave my last thankyous to, most latterly, my campaign manager, John Atkinson, who ran one of the best campaigns that I think has ever been run. Despite the hardest effort from any Liberal candidate who ran at the last election and the resources that were thrown at the seat of Lee, I am very pleased to say that we got a swing to us.

However, none of that would have been possible if it were not for the extraordinary forbearance—not necessarily of this chamber which, of course, gives me a lot—of my wife, Antonia, and our two young boys, Benjamin and Isaac, who we were very blessed to welcome into the world during the last four years while I was a minister. They give me a wonderful reason not only to jump out of bed in the morning with a heart full of happiness but to continue working hard to be a good father and husband and I thank them for their assistance.

Ms COOK (Hurtle Vale) (20:40): Today, I rise to speak on this Supply Bill as a grievance. I know that everyone on this side of the house will agree that it is really only Labor that will stand up for South Australia against relentless negativity and cuts, not just from the federal Liberal government but now we are going to see it from the state government, too.

Since Tony Abbott took office in 2013, South Australia has been in the Liberal Party's crosshairs, treated with contempt or disinterest from the Liberal Party's then North Shore cabinet. This was evident from the disgusting comments by the then defence minister that he 'wouldn't trust the ASC to build a canoe'. With this groupthink of the federal cabinet, it is little wonder that the Liberal Party did a secret deal with the Japanese government to construct the Future Submarine program, a decision that was only later overturned in the death throes of Tony Abbott's prime ministership in the hunt for critical caucus votes.

While the accession of Malcolm Turnbull to The Lodge in 2015 may have instilled in South Australians real optimism that the vicious attacks on our state from the Liberal Party might cease, we quickly learned just how wrong we were. As minister Malcolm Turnbull abandoned Labor's plan to deliver high-speed fibre internet to every premises and instead opted for a fibre-to-the-node, copper-to-the-house policy, the prime minister was lambasted for this policy position, and rightly so. Next, we were told that every South Australian would have access to the NBN by the end of 2016. Now, as Prime Minister, Malcolm Turnbull has crab walked away from his past commitments, roasted the NBN project as a mistake from the get-go and blamed the former federal Labor government for all his woes as minister. Honestly, you cannot make this up.

We know that South Australia sustained $5.5 billion in cuts under the Liberals' infamous 2014-15 federal budget, a measure that state Labor stood up to while in office, fighting these unfair federal cuts to South Australian services. These cuts included over $650 million ripped out of South Australian hospitals and over $330 million ripped out of South Australian schools, but we do not need to go back that far to see just how heartless the Liberal Party has been to South Australia: Prime Minister Malcolm Turnbull committed to ripping $210 million out of South Australian schools just last year.

I am proud of and acknowledge the really good work of the member for Port Adelaide who, as minister, stood up to these relentless attacks on the South Australian education system. We know that those opposite want to go harder. We know that Malcolm Turnbull, in lockstep with the Premier, wants to rip $557 million in GST revenue out from South Australia, as signalled in the federal government's Productivity Commission report. It is only because of the good work of people like the member for Cheltenham, the former premier, that Malcolm Turnbull's half a billion dollar cut to South Australia has currently been stalled.

However, while South Australia has been the victim of federal Liberal cuts for nearly five years now, affecting everything from health and education to critical public infrastructure and transport funding, it is the mismanagement of the River Murray and the blatant water theft by New South Wales that have most revealed the true extent of the Liberals' disdain for South Australia. While New South Wales irrigators and public servants were busy undermining their own water laws and subverting the intention of the Murray-Darling Basin Plan, South Australian farmers and irrigators were yet again left short-changed by another indifferent Liberal government.

When state Labor—

Members interjecting:

Ms COOK: Shh! When state Labor in office called for an urgent COAG judicial inquiry into the water theft—

Members interjecting:

Ms COOK: —shh, Adrian!—South Australian Liberal Senator Anne Ruston instead backed in the New South Wales government to investigate itself. It is still unclear why this happened and why she trusts the New South Wales government enough to investigate and report on their own water theft—

Members interjecting:

The DEPUTY SPEAKER: Order! The member will be heard in silence.

Ms COOK: —thank you for your protection—instead of standing up for South Australia. But what is not unclear is that the federal Liberal government has once again been caught out targeting South Australia. It is a government prepared to let petty partisan politics override the strong federalist

principles of the Murray-Darling Basin Plan. The latest insult from the federal Liberal government came on budget night this past May—

Members interjecting:

The DEPUTY SPEAKER: The member for Hurtle Vale, take a seat please. Members, please extend some courtesy to the member for Hurtle Vale.

Ms COOK: Thank you, Deputy Speaker. The latest insult from the federal Liberal government came on budget night this past May, when the $1.8 billion cash injection into South Australian road and rail projects, much hyped by those opposite, was put off into the never-never, beyond 2022 and outside the forward estimates. Even as late as this afternoon, the Minister for Transport called this new money and defended his federal mates.

The Liberal Party in Canberra are treating South Australians like mugs. With this abdication of leadership, Malcolm Turnbull and Scott Morrison are saying to South Australians, 'Vote for me this federal election, and vote for me at the next federal election, and then and only then will we talk about South Australia getting its fair share of infrastructure funding.' Indeed, South Australian infrastructure grant funding is projected to sit at just 2 per cent of the national infrastructure spend, despite the state being home to 7 per cent of the national population and facing unique public transportation and infrastructure challenges not seen in other major cities.

While the Prime Minister might like a good selfie on the train or tram, his cut to the electrification of the Gawler line, together with the federal government's failure to invest a single dollar in the Adelaide tram network, a position that is sure to be parroted by his state colleagues, makes it clear that the Liberal Party have failed South Australia when it comes to crucial transport infrastructure.

While those opposite are pressing on with their $1.8 billion infrastructure investment talking points, no doubt forwarded to them by Christopher Pyne's office, South Australians are already waking up to the truth. In the wake of the federal budget in May, the South Australian Chamber of Mines and Energy, the South Australian Freight Council, the RAA and the Civil Contractors Federation joined forces to describe this budget as 'misleading, untimely and inauspicious for South Australia'.

Now, of course, we have the recent election of the South Australian Marshall Liberal government. While I have congratulated those opposite on their electoral success—and I genuinely wish them well over the next four years and look forward to working with them—the early signs do not fill me with confidence. Firstly, there is the Premier's post-election abandonment of Labor's Virtual Power Plant program, an initiative that sees 50,000 South Australian homes fitted with batteries and solar systems, a truly game-changing program that will help drive down power prices, increase South Australia's renewable energy mix and maintain South Australia's excellent relationship with Tesla while advertising ourselves to the world.

I am heartened that the Premier has recently been rolled by the member for Stuart and has since been forced to backflip on this knee-jerk response to cut the program, but it is disappointing that the Premier was forced back to the table kicking and screaming by his minister. It is these cascading early failures by those opposite that concern me.

While South Australians have become accustomed to the federal Liberal Government talking down to them, it is the state Liberal government's inability to provide the certainty and the reliability of a stable cabinet government that has me even more concerned. Those opposite said they were ready. They said it was their turn. Yet all we have seen in the weeks and months since 17 March is a government on training wheels, lurching from one debacle to the next.

In my own portfolio, we have the decision of the minister and the Premier to undertake the audit into Housing SA stock, with the awarding of the audit going to the Australian Housing and Urban Research Institute. We are still waiting for answers to why this contract was awarded without going to tender as well as on the issue of the minister becoming aware of the behaviour of one of the members of the organisation's board. Then there are some small failures of leadership that have disappointed many South Australians who placed their goodwill and their vote in the South Australian Liberal Party.

We have seen issues with the member for Adelaide and the golf frolicking and with Grandparents for Grandchildren. I am heartened now that that has been reversed. There has been the member for Gibson's failure to attend our very important southern suburbs community forum. And who can forget 'doughnutgate'? Saturday mornings for many people and their trips to Krispy Kreme will never be the same again.

The member for Schubert has continually failed to meet his self-imposed deadlines for the North Terrace tram extension, with the minister recently revealing the third delay in as many months. If the minister cannot manage those deadlines concerning a project that was nearly finished when he took office, what hope is there that the Marshall government will truly move South Australia forward?

Only Labor can be counted on to stand up for South Australia, both here and in Canberra. We have a clear, positive, progressive vision for South Australia. We are unwavering on this and it benefits every South Australian. We will work with the community, not at them. We will develop strong, positive policies to bear ahead of the next election in 2022. Until then, I will be working hard every day to ensure that we see a majority Labor government elected both here in South Australia and federally because one thing is painfully clear to us on this side of the house: only Labor fights and governs in the interests of all South Australians.

Mr BIGNELL (Mawson) (20:50): I bring to the attention of the house that there is no minister in the chamber at the moment.

The DEPUTY SPEAKER: The Clerk informs me that there is no need to be at this point of the debate, member for Mawson.

Mr BIGNELL: Thank you, sir. I rise tonight to wish the government well in looking after the people of South Australia over the next four years. I look back at the five years that I had as a minister and the work we did across the portfolio areas that I had responsibility for, and we saw some incredible growth there. Tourism went from $4.9 billion a year to $6.6 billion a year and there is still one quarter to come in, which will be the March quarter, to work out where we finally ended up.

We did some amazing things by working with the private sector and tourism operators right throughout South Australia, as well as with airline operators and tourism operators from right around the world. It was terrific to have responsibility for that area—one of the fastest growing sectors in the South Australia economy and, as I said, now worth at least $6.6 billion to the state. More importantly, it is an area that put 5,400 extra jobs into the South Australian economy, taking it up to 38,700 people employed in the tourism sector. Those figures are probably even higher than that. Unfortunately, because of some cutbacks from the federal government and the Australian Bureau of Statistics, there is a real lag, so the latest figures we have are to 30 June 2016.

In the area of recreation and sport, we spent an extra $146 million in the 18 months up until 17 March, and there is still some of that money to be rolled out. I have spoken to a lot of sporting organisations in my area and they are very nervous about money that was committed by our government. It is there, it is in the budget, but they are really worried that they are not going to get that money. I know he has a few other things in this plate at the moment, but it would be good if the minister could actually get across that and work with the fantastic team down at the Office for Recreation and Sport. They are a terrific group of people. They are not a really big organisation, but they sit within the DPTI department and get a lot of support from DPTI.

To everyone in the Office for Recreation and Sport, I thank them for the great contribution they make. They are out and about in our community, right around the state, and we have to remember that this is a state with one million square kilometres. It is a huge area to get around. For any new members of parliament, I remind you that the officers at the Office for Recreation and Sport will come and sit down with your clubs and work through their aspirations and they can help them fill in the forms for applications. They want to see this money out to the clubs.

Sometimes, what we see is the same clubs getting lots of money because they were successful once and they know how to do it. There are a lot of clubs out there that have never applied for grants, so I really encourage local MPs to get out and talk to them. That $146 million was a record amount of money to be spent pretty much in grassroots sports. I think one of the things I am most proud of is the money that we put into women's sport: $24 million to build or upgrade change facilities

for girls and women because they were getting changed behind bushes, in cars, in offices and in other places that were inappropriate. They deserve the same standard of facilities as the boys and the blokes have enjoyed for years.

I was down in the member for Lee's electorate early on, making an announcement about change rooms at Jubilee Reserve. It was a fantastic day. In my own electorate, Dudley United Netball Club received $200,000 to build new change facilities. They were the first announced and they were also the first built. It was a great pleasure to be in Penneshaw last September to open those change rooms. I congratulate everyone involved in the club who succeeded in that grant, and also in getting a new netball court, which will be opened in the next few weeks. I was down there a few weeks ago and it was terrific to see the progress being made on that court—the only court of its type anywhere in South Australia. Congratulations to everyone at Dudley United.

In the area of agriculture, food, fisheries and forest, there have also been some great advancements over the past four years. We now know that food and wine is worth $19.97 billion to the South Australian economy. Again, one in five working South Australians is employed in that area. We unashamedly helped businesses, either individual businesses or sectors, from time to time. I know the new government say they are not going to pick winners, but sometimes you just have to; you have to pick regions that you need to be winners and the Riverland is the great example of that.

We got the money for the South Australian River Murray Sustainability program, which has absolutely transformed businesses there, and I want to congratulate all the people at PIRSA who worked so hard on the SARMS program. It has seen people grow blueberries on a mass scale for the first time ever in the Riverland. It is seeing people save even more water to ensure that those flows are returned to the mighty River Murray. We were already the most efficient users of water anywhere along the Murray-Darling system. To see even stronger efficiencies gained by these changes is a credit to all those people in the Riverland and the Murraylands who came up with ideas on how they could save water and also be more productive and make more money. To everyone in PIRSA involved in that program, I say thank you.

We have an amazing team in PIRSA, including the biosecurity team. Without biosecurity you have nothing. To everyone there who works on the fruit fly program, who works on keeping a lid on outbreaks like the Khapra beetle—of which we had an outbreak on Kangaroo Island two years ago—and the work that was done with the Russian aphid, these people spring into action, they are all over it and they have contacts right around the world who help them. There are few jurisdictions in the world that can claim to be phylloxera free, fruit fly free and where it is illegal to grow GM crops. I think we have a very proud history in South Australia.

Again, and I have said this before, if we look at the carpet in here there are no submarines, there are no cars and there are no mines. The images we see in this carpet are of wheat and grapes. They are so important to the economy of South Australia. Whether you live in rural South Australia or you live in the city, you depend on the farming community—you depend on regional South Australia.

Another area where I am a bit concerned about the new government and their claim not to pick winners is the assistance that we have given to cellar doors around South Australia. Adelaide is the great wine capital of Australia. We are a part of a network of 10 winegrowing cities around the world and we are very proud to be Australia's representative in that elite group of cities. If we are going to be in that group we need to have world-class facilities. We have given grants of up to $25,000 to wineries right across our 18 wine regions in South Australia. My understanding is that that program is going to stop, along with a lot of other assistance we would give industry. The minimum contribution by a winery was at least dollar for dollar. I know one place that took our $25,000 and invested over $900,000 of their own money.

We made contributions to the Cube at d'Arenberg. The Osborn family at d'Arenberg spent $13 million of their own money. We wrote a cheque for $2 million to help them out, but that money did not just go to the Osborn family and to d'Arenberg wines; it went to an entire region. What we are seeing in McLaren Vale are record numbers of visitors. Every other cellar door in the area, all the hotels and the B&Bs are reporting a boom in the number of visitors because of the Cube, which the member for Cheltenham, as premier, and I opened in December last year.

The guarantee that the Osborn family had to sign up to was that they were going to employ at least 58 more staff, and those people are there. Chester Osborn has told me that the cost of employing 58 more people is basically about $2 million a year, so we may have helped them with a cheque for the first year, but the Cube is going to be there and the visitors are going to keep coming and those 58 people, and more, will continue to be employed there.

As I said at the outset of this speech, I wish the government all the very best for the next four years. I guess it is a little like a child you are handing over to someone else to look after: you hope that child continues to grow and prosper. When that happens our whole state prospers, and they are really important areas for us: agriculture, food, fisheries, forests, tourism, recreation, sport and racing.

They are all very important portfolios for South Australia and I wish the relevant ministers all the very best in working with a great public servant team and also with the terrific people in industry, the individuals who help make this state so great, who bring so many dollars into our state and who employ tens of thousands of South Australians.

Motion carried.

Committee Stage

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr MULLIGHAN: I will perhaps make my introductory remarks until the advisers are seated.

The Hon. V.A. Chapman: Ask your question.

Mr MULLIGHAN: Thank you, member for Bragg. I was provided with a briefing by the Treasurer's office, with Treasury staff attending, which mainly related to clause 3. Subclause (1) of clause 3 provides that the sum of $6,631,000,000 be appropriated for the purposes of supply for the government. In the briefing, I was advised that the department did not anticipate that any of that $6 billion would need to be raised for the Consolidated Account, that it was anticipated that the state's own-source revenues and other grants and other receipts would be sufficient on a month-by-month basis to enable the Consolidated Account to be furnished with the $6,631,000,000 in total.

In asking my question, can I first confirm that that is the advice from the department, that none of this $6.631 billion will need to be raised on the financial markets? In the event that the advice provided to me is correct, does that mean that the revenues expected to come into government from those various sources will be sufficient or is there an outstanding positive balance in the Consolidated Account which will provide some assistance in meeting that funding requirement?

The Hon. V.A. CHAPMAN: In short, the expectation is, as I understand it and am advised, there are cash reserves and funds from which those funds could be drawn in expected revenue in that time. There would not be the need to borrow funds to support the financing for the Supply Bill payment.

Mr Mullighan: Sorry, there would not be?

The Hon. V.A. CHAPMAN: Not be, no.

Mr MULLIGHAN: To what extent are cash balances available in the Consolidated Account as anticipated at 30 June 2018 to effectively give the Consolidated Account a head start in meeting that $6.631 billion funding requirement?

The Hon. V.A. CHAPMAN: You are asking the balance of moneys in cash reserves as at 30 June?

Mr MULLIGHAN: Anticipated at 30 June.

The Hon. V.A. CHAPMAN: We cannot provide that information at this point. Obviously we are still in May. Is there something else you can identify?

Mr MULLIGHAN: Sure. I just want to be clear on that. If an estimate of the cash reserves within the Consolidated Account cannot be estimated now—

The Hon. V.A. Chapman: As at 30 June, it can't be estimated.

Mr MULLIGHAN: Yes, that's right, because that will be the end of and the foreshadowing of the beginning of the financial year for which money is being supplied to the government to continue its operations. So there is no estimate the department has about the level of cash balance in order to inform its advice to me that they will not need to go to the financial markets to raise funds for the purposes of this bill?

The Hon. V.A. CHAPMAN: I think the shadow treasurer is at cross-purposes here. It is not an indication that whatever is in the fund as at 30 June is the fund that is necessary and available for the five months of supporting—

Mr Mullighan: No, that's not what I said at all—you're misrepresenting my question.

The Hon. V.A. CHAPMAN: The indication at this stage is that we don't know at this time what the total cash reserves will be as at 30 June 2018.

Mr Mullighan: Yes, we established that in your previous answer.

The Hon. V.A. CHAPMAN: Well, you can get cranky if you like. I am trying to—

Mr Mullighan: I'm not cranky; you're just being needlessly repetitive.

The Hon. V.A. CHAPMAN: —give some information to the house that there is income, as you would appreciate, coming in and out of government funds from various sources, which will support the provision of the funds of the $6.631 billion over that five months. Let's be clear, first, that the funds in reserve, as at 30 June 2018, will not provide illumination as to how all that money is going to be paid over the next five months.

Mr MULLIGHAN: The Deputy Premier either mistakenly or deliberately has misinterpreted my question. My question was quite simply interpreted and specific.

The Hon. V.A. Chapman: Well, ask it again.

Mr MULLIGHAN: I will have to because this will be the third time I have had to ask it, and it is that, if the advice from the department and reiterated by the Deputy Premier is that moneys will not need to be raised on the financial markets in order to supply the $6.631 billion, and because the Deputy Premier has advised me tonight that in part that is because there will be cash reserves in the Consolidated Account to count towards that $6.631—

The Hon. V.A. Chapman: And other funds.

Mr MULLIGHAN: And other areas?

The Hon. V.A. Chapman: And other funds.

Mr MULLIGHAN: And other funds. Well, what is the estimate that will contribute towards the $6.631 billion that will be left in the Consolidated Account and, based on the Deputy Premier's advice, contrary to what the bill is saying, that funds will be drawn from other sources, what are those other sources and how much is estimated to be drawn from them?

The Hon. V.A. CHAPMAN: Well, the original question was—

Mr Mullighan: Oh, you know what the original question was now, do you?

The Hon. V.A. CHAPMAN: No, the original question, when you stood up and made your first speech, shadow treasurer, was: is it expected that there will be funds available for the purposes of servicing the $6.631 billion over the five-month period as per the Supply Bill from the cash reserves of the government and, in particular, whether it will be necessary for the government to borrow moneys during that time.

Mr Mullighan: I said 'Consolidated Account'.

The Hon. V.A. CHAPMAN: Look, are you listening?

Mr Mullighan: There are different things, you see.

The Hon. V.A. CHAPMAN: Are you listening?

The CHAIR: Member for Lee.

The Hon. V.A. CHAPMAN: As you have been advised, the purpose of having this bill is to ensure that, post 30 June 2018—

Mr Mullighan: Yes. I don't need a lecture on the purpose of the bill.

The Hon. V.A. CHAPMAN: I am answering the question, okay?

Mr Mullighan: It doesn't seem that you are, that's the problem.

The Hon. V.A. CHAPMAN: After 30 June, in the absence of there being a Supply Bill of this nature, there will be no capacity to draw funds from the state's reserve to pay the public sector, etc. Last year, for the first time in the 16 years that I have been here, the then government decided that they would seek from the parliament a five-month period of estimated expenditure to aggregate the total amount that would be required. That was an unusual situation.

Mr MULLIGHAN: Point of order: could you please draw the attention of the member for Bragg to the substance of the question and entreat her to address her remarks to the substance of the question rather than regale us with some pointless history lesson.

The CHAIR: So the point of order is relevance?

Mr MULLIGHAN: Yes.

The CHAIR: Member for Lee, you have asked the question; the Deputy Premier is answering the question.

The Hon. V.A. CHAPMAN: This established precedent of a five-month period, allegedly at the time to ensure that there would be no shortfall if there was some delay in the passage of the Appropriation Bill, is the same basis upon which this is presented to the parliament today. Obviously, on a daily basis there is a change in the total funds in the Consolidated Account that are in cash reserves for the purpose of drawing on.

I presume the shadow minister is asking us to provide an estimate of the balance of moneys in the Consolidated Account in cash reserves as at 30 June 2018, and I have explained to him that that is not an answer that is available as we discuss this today. That is the information I have. If there is a further question on what the $6.631 billion in funds will be used for, please identify what it is specifically.

The CHAIR: Member for Lee, this will be your last question.

Mr MULLIGHAN: Yes, I know. I have just been invited to ask an additional question beyond the three that the standing orders provide. Just so we are clear, the advice provided to me thus far by the department and now you is that the Consolidated Account will be able to furnish the full $6.631 billion. None of it will need to be raised on the financial markets. The reason is that the mix of revenues coming into government, as well as the anticipated reserves within the Consolidated Account, will provide a sufficient source of funds combined.

My question very specifically was that in order for that estimate to be made, that we will not need to go to market to raise any of the $6.631 billion. Clearly the department must have some estimate, firm or otherwise, about what the balance of the Consolidated Account will be at the end or indeed the beginning of the next financial year—either 30 June 2018 or 1 July 2018—so that they can provide that advice to me and to the house that they will not need to go to market. If they have an estimate, what is that estimate?

The Hon. V.A. CHAPMAN: As explained, we do not have an estimate of what will be in the Consolidated Account as at 30 June 2018. I think that where the shadow treasurer is confused in respect of this is the Consolidated Account receives revenue and the government receives revenue on a continuous basis. To be able to answer, the reliance on funds and income (without having to go to borrowings in the five months) assumes, obviously, the estimated income of the government during that five-month period. If the shadow treasurer is seeking any further clarification as to assurance as to the income stream during that period, together with any combined reserve, I am happy to get that answer from the advisers who are here. Is that what you want to know?

Mr MULLIGHAN: I have exhausted my questions.

Mr PICTON: I hope to furnish some more information than the shadow treasurer has been able to. As I understand it, subclause (3) is essentially proposing to move funding between agencies on the basis of changes to those agencies and the government arrangements. Does the department have an estimate on how many agencies are affected by changes in their functions and duties outlined in subclause (3)?

The Hon. V.A. CHAPMAN: Under the machinery of government changes, which I as a member of cabinet know are progressing, hopefully to be all effective as at 1 July, there is a change of the structures of departments and the allocation of some units and agencies that occurs at the request of cabinet. Essentially, irrespective of where they go or change as at 30 June or 1 July, the funds that they had allocated to them will continue as per the previous financial year. For example, as the Attorney-General, I have SafeWork SA committed to me as a unit within the Attorney-General's Department. I am rather pleased to note that under our machinery of government changes it is going to transfer to the Treasury office. Good luck with that!

In respect of that, as of 1 July it is expected that that agency will be under the responsibility of the Treasurer. Whatever allocation that unit would have received in the preceding financial year, it will receive for the next five months a similar amount. That is as I understand the process of how that works. I have a nodding of support from my trusty adviser here on that matter.

Mr PICTON: But do you have an estimate?

The Hon. V.A. CHAPMAN: We do not have an estimate of them. Another structural change in relation to education and child protection is that matters that were under the former DCSI are now realigned into the Department of Human Services and the Department for Education and a separate unit in relation to child protection. So there are some very substantial changes like that and then there are smaller units that are just moving from one to another. I do not have an exact number. I am sure that ultimately that will be made clearer, but, as you can imagine, there are a number of agencies transferring as of 1 July.

Mr PICTON: Thank you to the Deputy Premier. I understand, as she is outlining, that not all those changes have necessarily happened yet. However, the government is asking the parliament to approve this on a certain basis of those changes happening. I think it would be reasonable, and I hope she would be able to take on notice, to provide the parliament between the houses with a list of those agencies and what the effective changes to those agencies are in terms of the Supply Bill.

The Hon. V.A. CHAPMAN: I am certainly happy to try to advise that, but I just want to assure the member for Kaurna and other members listening in to this important committee stage that the allocation of funds for these units and/or departments is no greater or less than what they have received in the 2017-18 financial year. They will continue to have the same allocation. New initiatives and election promises of the government, etc. are not funded under this Supply Bill. They do not have the funding yet until they are debated through the normal processes, which of course is expected in September this year.

Mr PICTON: So you will take that on notice?

The Hon. V.A. CHAPMAN: I am happy to identify at least those that have traversed and been approved for the purposes of that approval process. I expect, if it is available, there will be a list of others that are expected to be transferred or in the process of a machinery of government change. If that is able to be disclosed, we will arrange for that list to be made available.

Clause passed.

Title passed.

Bill reported without amendment.

The CHAIR: I might just advise the house that that is the first time the Supply Bill has been into committee since 1992.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (21:20): I move:

That this bill be now read a third time.

I wish to indicate how pleased I am that the Supply Bill is about to pass through this house. I want to thank with considerable praise the representatives from the Department of Treasury, who were here for most of the day waiting for this matter to be brought on. We appreciate their valuable time and patience in waiting for these penetrating questions. In expressing our gratitude to them, there may be a couple of matters that they may follow up to contain that information. If members are not able to read gazettal changes, we will see if we can help them with that information in the machinery of government.

I indicate to the two members who contributed to the committee on this matter, one of whom is the shadow treasurer, that, in addition to providing information about bills and the availability of government briefings, I would like them to be aware that if extra information is required it can be requested at the briefing and, where possible, a representative is present from the minister's office who can make a note of those and provide that information.

Mr Mullighan: Then we are left with nothing for this evening.

The Hon. V.A. CHAPMAN: Yes, as the shadow minister points out, it left them nothing to ask tonight. I know that they are only a short time out of government, but in terms of spending money and wasting people's valuable time—just sitting here waiting for a case, when every day I have presentations to me for things like police officers wasting time sitting around in courtrooms waiting for their cases to come on for them to give evidence—we are concerned about the expense of valued people in our public sector waiting for matters to come on. It is quite reasonable to ask for the information that has been sought. We are not suggesting that at all. I am just encouraging members that if at the time of their briefings they either do not have time to ask questions or seek further information, we are more than happy to provide that where it is available.

Bill read a third time and passed.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION (INVESTIGATION POWERS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 10 May 2018.)

The DEPUTY SPEAKER: Member for Kaurna, are you the lead speaker?

Mr PICTON (Kaurna) (21:24): I am the lead speaker, but I promise that I will not be using the unlimited time available to me.

Mr Mullighan: Shame!

Mr PICTON: That's right. I have listened to the lesson from the Deputy Premier and her concern about the use of public sector resources waiting in this house.

Mr Mullighan: Wasting the time of the parliament.

Mr PICTON: That's right. This is the first bill on which I will be representing for the Hon. Kyam Maher from the other place. During my whole period in parliament, we have had the arrangement of the former attorney, the member for Enfield, and the current Attorney, the member for Bragg, in heated debates and often very, very long debates in this house on many of the attorney's bills.

Sadly, that will not be repeated in this house with our shadow attorney-general in the other place. I will do my best as the health spokesperson to represent him, but I think it is fair to point out at this point in time as we begin this debate that in a large number of those cases it will be our shadow attorney-general who will be going through the bill in some detail in the other place. Obviously, the

government has the numbers here, and we understand and appreciate that, and there will be significant in-detail scrutiny of Attorney bills in the other place.

With that as a beginning, I rise to speak on this important Independent Commissioner Against Corruption (Investigation Powers) Amendment Bill and indicate that Labor does not oppose it but that we will continue to consult on the nature and effect of the bill to see if there are any ways in which it can be improved. The bill amends the Independent Commissioner Against Corruption Act 2012 (the ICAC Act) and enables the Independent Commissioner Against Corruption to investigate matters raising potential issues of serious or systemic misconduct and maladministration in public administration in public.

In the past, members on our side of the chamber have had concerns about public hearings and certainly have had concerns about the impact those hearings would have on public servants who would get their names tarnished through such hearings, particularly those people who were innocently named and then found to have no cause to answer. We have had the time to consult, review and reflect on our position on this bill and others. That is the process we are undertaking across the board, as we conduct a listening process after the election and look to review our policy areas in a number of ways, and we are willing to look at matters like this and other matters as well with fresh eyes.

However, it is important to note that as this bill progresses through this chamber—and we of course understand that the government has the numbers here—and we will be seeking to do that quite swiftly, and then proceeds to the other place for deliberation, we will continue to consult on this bill. That is a process being led by our shadow attorney-general, Kyam Maher MLC, at the moment. He is consulting widely and having a wide range of discussions about the bill and will be considering the operations and implications of the scheme that it proposes. With those few words, I once again indicate that the opposition will not be opposing the bill at this stage in this chamber but that we will be continuing to consult on it before it gets to the other place.

Mr TEAGUE (Heysen) (21:28): I rise this evening to commend the bill to the house. The Independent Commissioner Against Corruption (Investigative Powers) Amendment Bill 2018 achieves two primary outcomes. Those outcomes are, firstly and importantly, that it fulfils yet another of the Marshall government's election commitments to give the ICAC commissioner the discretion to hold public inquiries in cases that involve potential maladministration or misconduct in public administration—so another election commitment met.

Secondly and importantly, and I will step through this in my subsequent remarks, it clarifies the commissioner's powers by setting out those powers within a new schedule to the act, thereby enumerating them within the act rather than by reference to the Ombudsman Act or the Royal Commissions Act and therefore powers by reference. Mr Deputy Speaker, I should indicate that I am the lead speaker on the debate. I do not intend to occupy the entire evening.

The DEPUTY SPEAKER: Thank you, member for Heysen. The floor is all yours.

Mr TEAGUE: As members on this side are conscious of, in amending the Independent Commissioner Against Corruption Act 2012 we are dealing with circumstances that are evolving. This legislation is relatively new to this state, and the focus should always remain on the need to ensure that we monitor the work of the independent commissioner. We are aware that we are dealing with circumstances that are novel and evolving. That is exactly what the work of the bill is intended to achieve.

Relevantly, it comes against the most recent backdrop of the Oakden inquiry, which is a painful recent memory for all of us in this state. It provides an immediate context in which the bill comes before this house. Not only is it a key example of an inquiry by the independent commissioner that may well have served the state better should there have been capacity for public hearings to occur but it has also brought the public's focus onto the merits of public hearings for inquiries of that nature. If I may say, it has enlivened the proactivity of the commissioner in seeking to make recommendations to government about how the commissioner can exercise his duties more effectively in the discharge of his role as independent commissioner.

I say again, and I wish to stress this, that it is my hope that the ability that is conferred upon the commissioner by this legislation, by this new schedule 3A to the act, to report on matters of maladministration or misconduct in public office will be used wisely. Like all members, I am sure, I am concerned that, if that is not the case, then clearly there is the potential for such public disclosure to be used by the media, for example, to harm the reputations of the subjects of such inquiries. We are very conscious that this conferral of additional powers involves the important exercise of the discretion of the commissioner.

It is important, too, in this regard that the bill is targeted at those functions of the independent commissioner that relate to inquiries into maladministration and misconduct in public office and not in relation to inquiries dealing with findings of corruption. That is for the important reason that, in relation to corruption investigations, it is the function of the independent commissioner to report to the Director of Public Prosecutions and it is for the director to determine, in those circumstances, whether or not to press any relevant charges.

So the powers in relation to public hearings are thereby appropriately confined and focused upon those inquiries into maladministration and misconduct in public office. As I have indicated, we are fortunate in this state to have had a diligent and proactive commissioner who has taken proactive steps to advocate in favour of transparency across the board in relation to the activities of the commission. I will highlight two areas in which the commissioner has been proactive. The first is in relation to the provision of briefings.

The commissioner has been proactive immediately upon the election of the new government in providing, and offering to provide, briefings in relation to the workings of the commission and has done so by briefings to the Premier and the Deputy Premier. He has offered briefings to cabinet ministers and senior officials with a view to ensuring maximum transparency in relation to the activities and outcomes of the commission's work. That is one example, one branch, of the advocacy and proactivity of the commissioner in terms of seeking avenues for further transparency of the commission's work. The other is very much the subject of the bill, and that is the increasing transparency in relation to hearings of the commission.

We are fortunate to have a diligent and proactive commissioner and, indeed, the government has consulted with the commissioner in relation to the shape of the increased powers and discretion of the commissioner to conduct public hearings and, in that sense, has embraced the commissioner's advocacy for those important additional powers. I refer to the remarks of the commissioner in this regard. Again, I am conscious here of the importance of continuing to assess the operation of the new legislation. The constant review of powers of this kind is most important and we should continue to adopt that disposition as this legislation and the activities of the commission evolve with a view to future reform.

The bill will achieve a number of practical outcomes. We are doing this in one important practical way because in the course of the Oakden inquiry a great deal of time and legal argument were spent as the result of the considerable uncertainty regarding the commissioner's powers as they exist under the 2012 act prior to the introduction of this bill. As I have indicated, the powers of the commission to date rely in part upon borrowing powers from other legislation, and there is no reason for that to occur.

We should not, four or 4½ years down the track, be in a position in this state where the important work of the independent commission is in any way conducted in circumstances of uncertainty as to the scope of the power of the commission to carry on its work. In terms of the Oakden inquiry that I referred to earlier, as well as the Gillman inquiry, and the acquisition of diesel generators by the former government, we have seen examples of the desirability for more clarity around the powers of the commission.

I have listened with interest, and I welcome the opposition's support of the bill that is before the house presently, as well as its reconsideration of its view, post election, about this matter. It is important to note that the opposition has an unenviable, indeed invidious, record on this matter in evolving circumstances. Labor does not have a good record in this regard. It is a matter of record that the former government was adverse to—indeed afraid of—transparency and accountability and resisted attempts that this side of the house made in opposition to advance the cause of the transparency of the commission.

We recognise, in bringing this bill to the house, that we have obligations to the South Australian public, and we are committed as a new government to governing openly and transparently. The bill is an integral part of, and speaks loudly to, that commitment to transparency and accountability across government. That is consistent with a suite of other legislation that is on its way to the house. This is a matter that will be consistent, going forward, in this new government.

I have said throughout my remarks this evening on a number of occasions that we are dealing with an evolving legislative environment—indeed, an evolving process of review in terms of the work of the independent commission. Importantly, this bill provides, at its core, for the exercise of important discretions by the commissioner. It should come as no surprise to members that those are important discretions to be exercised in the public interest by the commissioner.

The bill sets out the grounds on which the commissioner may make determinations, but I stress the importance of the discretion that is placed very much in the hands of the commissioner by dint of this new bill and the introduction of the new schedule 3A by clause 15 of the bill. The powers that are contained in schedule 3A—and I commend an appraisal of the new structure to all members—now make the scope of the powers that are afforded to the discretion of the commissioner readily available and readily interpretable within the bounds of this one act.

Importantly, the introduction of schedule 3A, which is very much the focus of my remarks this evening, allows the commissioner to determine, at the commissioner's discretion, whether or not it is in the public interest to conduct public hearings. It is important to note that, within the exercise of that discretion, the commissioner retains a discretion to carve out matters that ought to be heard in confidence and so there ought to be nothing startling about the new schedule 3A and the discretion that is conferred upon the commissioner by dint of the bill.

The important, if one will, take-home message that I would leave with members of this house is that, by conferring what are incremental and evolving additional powers upon the commission and the commissioner and by conferring the discretion that the bill confers upon the commissioner, the government is very much concerned to ensure that this state enjoys a process of oversight in the interests of all South Australians that has a maximum of transparency and accountability, while at the same time ensuring that these very wideranging powers are monitored by parliament and considered very carefully in the evolving environment in which they are granted.

In concluding my remarks, I make the important observation that at all times in these matters there are two bodies that are charged with oversight of the commissioner in the exercise of these new powers. Those are, firstly, the Supreme Court, to which applications may be made in circumstances of controversy—that is right and proper—and, secondly, this parliament.

In commending this bill to the house, I again stress the importance of ongoing vigilance and ongoing monitoring of the circumstances in which the independent commission conducts its work, the evolving environment in which that occurs and the need for this parliament to do all it can to ensure that we have an environment of increasing accountability and transparency. With those remarks, I commend the bill to the house.

Debate adjourned on motion of Mr Pederick.

At 21:49 the house adjourned until Wednesday 30 May 2018 at 10:30.