HOUSE OF ASSEMBLY

Tuesday, 26 February 2019

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 the parliament is assembled and the custodians of the sacred lands of our state.

Bills

ELECTORAL (PRISONER VOTING) AMENDMENT BILL

Conference

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (11:01): I move:

That the sitting of the house be continued during the conference with the Legislative Council on the bill.

Motion carried.

Parliament House Matters

CHAMBER PHOTOGRAPHY

The SPEAKER: Before I call Mr Clerk, I advise members that I have given permission for certain photographers to be in the chamber whilst the members for Cheltenham and Enfield are sworn in.

Members

MEMBERS, NEW

The SPEAKER (11:01): I have received the return of the writ issued by me for the election of members to serve in the districts of Enfield and Cheltenham in place of the Hon. J.R. Rau (resigned) and the Hon. J.W. Weatherill (resigned). Andrea Michaels and Joseph Karl Szakacs have been certified to be duly elected for the districts of Enfield and Cheltenham. I invite the members for Enfield and Cheltenham to come to the table and to take and subscribe the oath of allegiance.

Ms Andrea Michaels, to whom the oath of allegiance was administered by the Speaker, took her seat in the house as member for Enfield, in place of the Hon. J.R. Rau.

Mr Joseph Karl Szakacs, to whom the oath of allegiance was administered by the Speaker, took his seat in the house as member for Cheltenham, in place of the Hon. J.W. Weatherill.

Bills

SENTENCING (SUSPENDED AND COMMUNITY BASED CUSTODIAL SENTENCES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 February 2019.)

The Hon. S.C. MULLIGHAN (Lee) (11:06): I rise to speak today on the Sentencing (Suspended and Community Based Custodial Sentences) Amendment Bill. The bill, as introduced by the government, makes a number of changes to the way in which suspended sentences, home detention orders and intensive correction orders are made. The changes this bill will make, particularly in regard to paedophiles, have been sought by both the community and the opposition, and no doubt by members opposite. The bill seeks to make these changes by virtue of some relatively carefully selected and minor amendments to the Sentencing Act in particular.

Members would be aware that this is the third occasion in perhaps the last 18 or even 24 months that this place has had reason to seek amendments to these legislative instruments in

the face of what has been usually quite significant community concern about whether certain individuals are likely to avail themselves of abilities under current law to be released into the community after serving sentences, particularly for serious sexual offences, including those against children.

We have had a number of well-publicised incidents where concerns have been raised. Two individuals spring to mind—including, certainly, Mr Colin Humphrys. The issue at that point, if I recall correctly, was a person who may be unwilling or unable to control their sexual desires, the potential of that person being released into the community and the circumstances under which that release may occur. More recently, we also had the matter of Mr Vivian Deboo, who has not only been topical but has driven another look at the sentencing law to try to ensure community expectations around which members of the public, having been found guilty of certain sexual offences, are able to be released back into the community.

I think it is reasonable to say that attorneys-general, generally speaking, have quite a difficult job when it comes to amending the laws around the sentencing of criminals. Of course, there is the need to try to reflect the sentiment of the community and make sure that the community feels there is justice meted out by the courts and through the corrections system to those found guilty of these offences. I will not pretend to be as au fait with the public policy imperatives of sentencing law as perhaps the Attorney-General would be, but there is also the need to ensure that there are signals of deterrence sent in those sentences that are handed down.

There must also remain some capacity, where possible, for rehabilitation of offenders, where appropriate. More recently, and in those two matters I referred to earlier, we have had those issues surrounding community expectations of justice and community expectations around whether these certain individuals should be released back into the community ventilated and ventilated at great volume. Previously in this place, as I mentioned, we have been attempting to change or fix up elements of the Sentencing Act to try to better meet those community expectations.

Also, we have an Attorney-General, as a member of executive government, who has the sometimes unenviable task of trying to balance those community expectations, as reflected by the parliament, with a certain amount of freedom that the judiciary has, or expects to have, in determining how sentences are handed down for convicted offenders. Of course, the judiciary must use the laws passed by this place in delivering those sentences. We have a very complex and at times cumbersome Sentencing Act as a result of successive parliaments trying to amend the act to better reflect those community expectations.

In the Attorney's second reading explanation, she made reference to her predecessor's attempt to try to review the Sentencing Act and sentencing provisions to try to reduce some of that complexity and to try to make it more closely aligned with what are continually developing community standards and expectations around the sentences handed out to people convicted of crimes and to try to ensure that the parliament was making itself clearer, through the Sentencing Act, as to what the judiciary should be adhering to when sentencing these convicted criminals.

In finding that right balance between being prescriptive enough to best reflect the community's expectations in this regard, yet providing a necessary element of freedom for the judiciary—not for the convicted criminals—to best determine the most appropriate sentences, is that very difficult task that the Attorney-General has and attorneys-general before her have had. Here we are, making another attempt to try to get that balance right.

I am sure there are other instances which, if and when they are presented to this place, the Attorney and the rest of us may find, similarly, trying to navigate, complex and difficult, as we find ourselves here with this latest bill seeking to make amendments, not just to home detention orders, intensive correction orders and the circumstances around suspended sentences, but when it comes to this cohort of criminals for whom we are contemplating these circumstances, people who have been convicted of serious sexual offences, including against children, then it is a very, very difficult task.

We need only turn our mind back to the task that confronted this place and the Attorney last year when we were dealing with the legislative provisions surrounding the potential release of people

unwilling or unable to control their sexual instincts. As I said, it is not that particular matter with which we are dealing in regard to this bill but it does provide some context for how difficult it has been.

As the Attorney pointed out in her contribution to this place, there are a number of different amendments. The one that I would argue we should be most concerned about relates to the amendments being made to section 71 of the Sentencing Act, which refers to home detention orders, and what could be described as the potential for a difference of opinion between us in this place and the laws which we, over many years, have put in place with the capacity for the judiciary to release someone on a home detention order who has been convicted of this nature of crime and how, indeed, the judiciary then interprets the legislation and makes a decision about whether that person is to be released.

On my reading of the bill, we are principally concerned with subsections (2), (3) and (4) of this section. In particular, subsection (4) provides:

> (4) In deciding whether special reasons exist for the purposes of subsection (2)(b)(ii), the court must have regard to both of the following matters and only those matters:
>
> (a) whether the defendant's advanced age or infirmity means that the defendant no longer presents an appreciable risk to the safety of the community (whether as individuals or in general);
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> (b) whether the interest of the community as a whole would be better served by the defendant serving the sentence on home detention rather than in custody.

If you were paying undue close attention to me when reading out those two elements of the subsection, you might have noticed a slight hesitation because we might have expected, collectively, that there would be a conjunction between (a) and (b) to make it absolutely clear that both parts of the section are to be read together and considered together by the sentencing judge when sentencing an offender. We understand that may not have always been the case and that there may be some ambiguity in how section 71(4) may be read or interpreted in considering whether a home detention order is to be issued.

When we have the prospect of a convicted offender, such as Mr Vivian Deboo, applying for release into the community under, I understand, a home detention order, seeking to perhaps avail himself of that part of the Sentencing Act, that gives us rise to consider whether this element needs strengthening. Indeed, the Attorney has presented us with a bill seeking to strengthen that. My earlier comments reflect that tension, and the Attorney and other attorneys must always seek to mediate on the expectations of the community, and hence of the parliament, and the ability of the judiciary to make its own determinations when sentencing an offender, particularly in relation to either periods of incarceration, a suspended sentence or making use of a home detention order or an intensive correction order.

This small change to section 71 of the act (and this is not the only change in the bill, of course) seeks to clarify for those reading it, let alone relying on it in sentencing, that both elements within subsection (4) are to be applied—not one but both. I am advised that there is some conjecture as to whether the two different parts of subsection (4) may be deemed, if considered, to constitute both rather than both (a) and (b) together constituting both in the first part of subsection (4).

There has been a significant amount of discussion about the circumstances around previously Mr Colin Humphrys and now Mr Vivian Deboo and how appropriate it would be if either of those people were released into the community, which has led us to where we are today. The Attorney's second reading explanation made some reflection on whether the efforts of the former Labor government to review the Sentencing Act were sufficient.

You could probably expect me to return fire with some comment that this could have been done more expeditiously and that, although the Attorney made it clear that she was seeking to have at least these elements of the act reviewed, if not more broad elements of the act reviewed, in an effort to make it clearer and better meet community expectations, we could have been discussing this a bit earlier.

Time is potentially of the essence because Mr Vivian Deboo is seeking release into the community and, in doing so, is seeking to avail himself of elements of the Sentencing Act. Could it

have been done earlier? Of course, you would expect us to say, yes, we believe that it could have. However, without ventilating that part of the issue, here we are, now having to form a judgement about whether this small modification to this clause will be sufficient to give us the outcome that I am sure we collectively seek: to make it clearer, if not set the bar a little higher, for the judiciary in contemplating whether to release into the community not just Mr Vivian Deboo but a person in similar circumstances.

I would argue, as I am sure others in this place would, that there is no greater responsibility of government than to keep its citizens safe. There are few other things that can strike fear into the hearts of the community than contemplating whether somebody like Mr Vivian Deboo, who has been convicted of horrendous crimes, should be released into the community. If such a person should be released into the community then, very basically, why? Why should they be released into the community?

Of course, there is the argument that they have been given a period of incarceration in their sentencing, which presumably they are deemed to have sufficiently served, but should that enable somebody of this ilk and this offending the opportunity to be present in the community again? If they were released outside a correctional facility, under what circumstances might they be released? How does the law provide a framework not only to guide that decision-making but, importantly, to ensure that a government has the tools it needs to keep its community safe?

We are getting to elements of very, very fine judgement for the judiciary about whether a defendant's advanced age or infirmity means that they no longer present an appreciable risk to the safety of the community. That is a difficult judgement that a member of the judiciary will be faced with. It may be that, if an individual is no longer a young, fit, healthy, strapping individual and that they resemble somebody who is very frail or who needs significant assistance to go about their daily lives outside a Corrections facility, that sufficiently reduces the risk of that person reoffending, particularly the type of offence with which we are most concerned here.

But how do you know? How can you know? How can you make that judgement in a way that satisfies not only our own curiosities for that person's capabilities but also what we are all here to do in representing the community's concerns about this person's capacity to reoffend? There are a large number of other considerations, of course, that need to be made, including the capacity of the corrections system to continue to monitor or supervise in an appropriate manner the location and behaviour of somebody who is released under one of these orders but, in particular, the community into which they are released.

For example, for somebody who has been convicted of serious sexual offences against children, what is the locale of their place of residence? Is it within a concerning vicinity of a childcare centre, a primary school or some similar institution where this person released out of a Corrections facility finds themselves in proximity to the sorts of victims against whom he has previously been convicted of offending? That is of significant concern. It is not an element, of course, that this bill necessarily seeks to remedy. The bill seeks to remedy, amongst other things, the matters that I just spoke about. By making these small and slight amendments to this bill, there are concerns about whether it will sufficiently guide the judiciary and, hence, sufficiently protect the community from seeing these sorts of individuals released.

The judgement that the Attorney and her officers have had to make is a very difficult one, again, and it is about whether these changes will be enough compared with the other choice of perhaps coming up with a different change, or a different set of changes, which would allow the judiciary to operate with far, far less freedom and within far narrower strictures when contemplating the release of these individuals or, perhaps, even not being able to contemplate the release of these individuals.

I am sure those opposite me, including the Attorney and the members for Heysen and Kavel, who perhaps have a much deeper knowledge and understanding of the workings of the law and the principles behind it, could readily elocute a significant number of issues of principle and concern that would arise from that contention. However, here we are with a relatively small change in this regard to this relatively discrete but important clause within the bill.

The opposition filed some amendments, I am advised, as of this morning, which seek to provide some further certainty in relation to this clause. I am not sure whether the government intends to do the same. If they choose to do so, that might be something that we might discuss further during the committee stage of the bill. Make no mistake that this is of critical importance to the community. Getting this right is something that we all need to take with the utmost seriousness, as I know the Attorney does. She has publicly resolved and advised us previously that she has taken this matter away to work on with her officers to come up with a change that mediates that balance of interests between the community and the parliament and the interests of the judiciary in retaining some discretion about sentencing.

We look forward to having an earnest and genuine conversation with the Attorney as this bill progresses through this place, making sure that we are all collectively satisfied that we have the balance right in amending the Sentencing Act to ensure that people like Mr Vivian Deboo are not able to unjustly avail themselves of elements of this bill in order to seek release from a correctional facility. We look forward to discussing this further with the Attorney in the later stages of the bill.

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (11:30): I am very pleased to be able to rise and speak in support of the Sentencing (Suspended and Community Based Custodial Sentences) Amendment Bill. I think this is important work for the house to consider. It is necessary that there be an understanding of community expectations in relation to these matters. Home detention is, of course, a methodology of dealing with sentences and of dealing as well, on a separate basis, with people serving custodial sentences towards the end of their sentences identified by the chief executive of Corrections. That is a separate matter, as indeed is the Humphrys matter, which the member for Lee raised and which, as we eventually heard from him, is not relevant to the bill. The difference between a sentence and release on licence is significant.

I am moved to speak partly because the language around this is whether a home detention order is, as the member for Lee suggested, a release into the community or a different form of custodial sentence. I can understand why both approaches are taken, depending on how you look at the issue. However, it is important to reflect that when we were dealing with this legislation in 2016, after we had dealt with some amendments to the licensing legislation and the supervision orders legislation the previous year, the Labor Party very strongly put a case that home detention was not only of benefit to the system in the very last period of the custodial sentence.

At that stage, it was available to the chief executive of Corrections to provide a home detention in the last six months, or potentially a year, and only for prisoners who were not convicted of sex offences, terrorism or murder by dint of Corrections department policy. The former attorney-general, the former member for Enfield of blessed memory, argued very strongly that it was necessary to have a halfway house sentence available to judges as well, in between a full custodial sentence in a gaol and a suspended sentence.

The argument was put, probably in the parliament, and certainly in briefings to me as I had carriage as shadow minister for Corrections at the time, that in some cases a custodial sentence was being granted where home detention would be a better option and that some sentences, the attorney-general at the time argued, were being made suspended sentences in cases that were of a level that was more serious than community expectations would allow a suspended sentence to be.

The community expected that there be the retribution of a custodial sentence for a certain level of criminal behaviour. As the member for Lee describes, there is also a deterrent aspect of a custodial sentence, but potentially there were people in the judiciary who were choosing a suspended sentence rather than a custodial sentence because they did not believe that the scale of the crime warranted going to gaol. So we have rapidly significantly expanded the opportunity for judges to sentence criminals to a home detention sentence.

It is certainly worth reflecting, given the rhetoric and the politics that have been played over this matter over the last eight months, that the former member for Enfield, supported by his cabinet and the parliamentary Labor Party, argued very strongly for the view at that time that it should be in the court's discretion entirely the nature of the crime that would potentially attract a home detention.

I as the shadow minister for Corrections, and indeed the Liberal Party, through amendments that we moved in the Legislative Council (it may have been the House of Assembly as well), put the

point of view that for serious offences—sexual offences, rape, murder and terrorist offences—we did not believe there was any prospect that an appropriate sentence would be a home detention sentence. We sought to exclude from the legislation those sentences being available to a judge to determine as home detention sentences. The parliamentary Labor Party had a different view and voted and argued accordingly. They said it should be entirely up to the courts.

I agree with much of what the member for Lee said in his submission, that there is a tension and a challenge on many of these occasions. The Attorney-General and the courts want to have the opportunity for the courts to make their determinations. It is strange to be in this house now hearing members of the Labor Party advocating a position that is quite anathema to that which they put less than three years ago. The law that was enacted when they were in government does need improvement.

I congratulate the member for Bragg on doing the serious work over the last 11 months to ensure that we now have a bill in this house that will make the necessary improvements. It will ensure that the court has to be satisfied if a defendant's advanced age or infirmity means that they no longer present an appreciable risk to the community. The court must also be satisfied that the interests of the community would be better served by their serving their sentence on a home detention order rather than in custody. That is a very high bar. This needed tightening up. This needed to be dealt with appropriately and properly.

We have been here for only 11 months. It has not been an arduous, tortuous process that has taken years: it has been appropriately timely; nevertheless, it has taken the appropriate time to get the language of the legislation right. We are making the terminology consistent between the three sentencing regimes of home detention orders, intensive correction orders and suspended sentencing.

We are removing the inconsistencies in the precluding offences between the three sentencing regimes. Indeed, we will make intervention programs mandatory in relation to the intensive correction orders. The bill addresses operational issues for cumulative home detention orders and other correction orders and unexpired parole. The bill addresses loopholes where there are breaches of orders and it repeals sections 31 to 35 of the Sentencing Act, which are unnecessary, confusing and an opportunity for lawyers to have extended legal arguments that are not of benefit to the community.

This is an important bill. I commend the member for Bragg, the Attorney-General, for the way she has brought it to the chamber. I think the community expects that someone in the circumstances described by the member for Lee clearly, on face value—I think it will be a very high bar for such a person to even contemplate. We should be making laws at all times in the best interests of our community, noting that there are circumstances that have not yet happened where our laws will be put to the test. What we see now is that laws that were passed in 2016 and 2017 have been and are being put to the test, which potentially bring up issues that may not have been contemplated at the time by members of parliament.

What is worth noting, though, is that the sorts of circumstances in which sexual offenders might potentially apply for home detention were not of great concern three years ago when the Labor Party's point of view was to leave it all to the court. They have modified their point of view and they are entitled to do that. I am pleased that they have and I congratulate them on doing so. In supporting the bill, they can now bring that full circle and remedy those errors.

Ms LUETHEN (King) (11:39): I rise to support this sentencing bill because it is the most important job of government to keep its community safe. I put my hand up to serve and represent my community for this very reason, and every day I am driven by stories my constituents have told me and a clear message they gave me to make changes in this house to make our community safer.

I am so pleased that in the 11 months we have been in this house there have been a number of pieces of legislation that we have moved with the help of our Attorney-General to make our community safer. That is why this piece of legislation is so important. In my electorate, my constituents have told me they want harsher penalties and they want to be safe. There were a number of people who told me of their experiences as children where they were not safe. This is what they shared with me on their doorsteps when asking me to make the community safer.

This legislative change will revamp South Australia's home detention laws, and the changes will help my local community and the community across SA to restore their faith in the state's justice system. My number one priority in representing my electorate is keeping victims and the wider community safe from high-risk offenders. All these legislative changes flagged will bring South Australians closer to having a system they are able to rely on and one that they are able to trust.

The overhaul of the legislation, which allows some serious offenders the ability to serve gaol sentences at home, will be the first of a series of reforms this year as our state government focuses on community safety. We care deeply about our community, the people in it and their ability to grow up and reach their full potential. These legislative changes will particularly clarify access to home detention by serious sex offenders, ensuring there is no doubt about how these laws should be applied. This is most certainly the type of legislation which our community expects all members in this house to agree on and to move through with a speedy passage.

This legislative change will prevent defendants being sentenced for murder, serious sexual offences and terrorism-related offences from being given a home detention sentence. I feel community sentiment is clear. There are some criminals, some convicted criminals, who should not be entitled to consideration of home detention. Our community should not have to worry about the person living next door to them, next door to their schools or down the road. For us, this is fairly simple. Murderers, terrorists and serious sex offenders should not be eligible for home detention. To us, this is completely straightforward.

There is a huge amount of public frustration and public anger about some recent home detention sentences that have been handed out, and this is not something just in this 11 months that we have been working on. We have been working on this for a few years now, so it is our privilege to be able to support and move this legislation because it is what our community wants. Victims and the victims' families views and feelings and the position of the overall community in South Australia at large must be absolutely listened to. We only have to look at our papers from the last few months to see what our community feels about this type of legislation.

Home detention became available as a sentencing option following the commencement of the Statutes Amendment (Home Detention) Act in 2016. It amended the Criminal Law (Sentencing) Act 1988 to establish a home detention order as a sentencing option for a court imposing a sentence of imprisonment. The home detention amendment act removed a requirement for prisoners to have served at least 50 per cent of their non-parole period before becoming eligible for release on home detention and also removed a requirement that prisoners would be limited to spending a maximum period of 12 months on home detention under this scheme.

Since the amendments, the only legislative restriction on eligibility for home detention is that it is not available if the person is serving a sentence of indeterminate duration and has not had a non-parole period fixed. There is no legislative requirement for the offender to serve a minimum period of their court-ordered sentence in prison before they become eligible for release on home detention under this scheme. When we were in opposition we raised concerns about the use of home detention in sentencing and what impact this would have on community safety.

We care about the safety of every person in our community, which is why our bill addresses deficiencies with the home detention, intensive corrections and suspended sentencing processes in a comprehensive way. The bill will address the inconsistencies between home detention, intensive correction and suspended sentencing, fix various operational issues and repeal unnecessary provisions introduced by the Labor government into the sentencing process.

It was reported on the ABC news on 20 December 2018 that, since new laws came into effect in July 2014 to allow South Australian police to track serious sex offenders, there have been 24 convictions for breaches and a further 12 charges before the courts. Ten of the 30 criminals subjected to GPS monitoring have had their order suspended because they have been locked up again. One notorious child sex offender who had breached his paedophile restraining order more than 50 times in 16 years was one of the first to be fitted with a GPS tracking device. I feel community sentiment is absolutely abundantly clear, and there are some convicted criminals, like the ones I was just talking about, who should not be entitled to consideration of home detention. For us, it is that simple.

What we are doing is tightening up section 71 of the Sentencing Act by making it clear that, firstly, the court has to be satisfied that the defendant's advanced age or infirmity means they no longer present an appreciable risk to the community and, secondly, the interests of the community would be better served by the defendant serving the sentence on a home detention order rather than in custody. We are making the terminology consistent between the three sentencing regimes of home detention orders, intensive correction orders and suspended sentencing. While the intent is the same in the three, recent changes have not been replicated throughout.

We are removing the inconsistencies in the precluding offences between the three sentencing regimes. At present, for example, the legislation does not preclude a suspended sentence being given for a sexual offence, but home detention is precluded unless special reasons exist. The bill would make these regimes consistent and, to use the above example, close the loophole allowing sexual offenders to get suspended sentences in line with the home detention regime. We will address operational issues for cumulative home detention orders and ICOs and unexpired parole. Currently, it is possible for a court to order imprisonment to be cumulative upon serving home detention or intensive correction. This will be removed.

I am hoping we have made it very clear—as clear as possible—that this Marshall Liberal government and this parliament are saying that really dangerous offenders, people who have repeatedly or seriously hurt other people in our community, will not get home detention, which could put our community members at risk, and that these criminals will get harsher sentences in the future. Our community expectations on this issue are very clear. This bill deserves bipartisan support. This bill deserves safe passage through this house. I hope that this opposition sees sense, puts the safety of our community first and supports the bill because it is in the best interests of every South Australian. I commend the bill and thank the Attorney-General for bringing it to the house.

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (11:49): I rise to speak on the Sentencing (Suspended and Community Based Custodial Sentences) Amendment Bill 2019. I also commend the Attorney-General for addressing the concerns raised widely, in both the parliament and the media, in such a quick manner. The member for King made some outstanding points in her contribution, as did the member for Morialta. I was very interested to hear the member for Lee's contribution as well, because, across the board, we want to keep people as safe as possible in our community. That is the community expectation that sits before us as a parliament and as members of this place and it is something that that we are very focused on.

It is fair to say that the former government muddied the waters when it came to home detention sentencing for sex offenders. This critical area of the law, rather than reassuring the community of their safety, has led to confusion and concern. The member for Lee talked about previous iterations of this legislation that potentially created that position. The government's bill will repeal unnecessary provisions in the Sentencing Act introduced by the former Labor government. These provisions include taking matters 'into account' and have created the type of uncertainty that I was discussing a few moments before.

This government is committed to community safety and ensuring that, when a court is sentencing an offender, there are tight restrictions on home detention options. Again, that has been pointed out by members before me. We know that home detention does have its upside and does provide great opportunities to help with rehabilitation and help people serve their time and get back into and contribute to the community.

We know that is very important, but at the same time we must be conscious of ensuring that we protect our communities from people who have done the wrong thing and potentially have the opportunity to do the wrong thing again. It is something that we in this place are very conscious of. Again, I commend the Attorney for bringing this legislation forward very quickly. Bearing in mind that we have been in power for not even 12 months, she has moved to bring forward sensible legislation that will help keep our community safe. That is what we need to be focused on.

As the Attorney outlined in her second reading explanation, there are a number of ways an offender can serve their sentence at home. Home detention is available as a court-ordered sentence, as a condition of an intensive correction order or as a suspended sentence in certain circumstances. I think everyone in this house will agree that there is little benefit in genuinely aged or infirm offenders

entering our corrections system, particularly when the court finds the type of offending is not so serious that imprisonment is required.

I think we can all agree that older prisoners require more care and more expense. Where there are legitimate and well-considered reasons to sentence an aged or infirm person to home detention, as Correctional Services minister I can certainly see some benefit in that. That is what the Attorney-General has done with this legislative change. I think it is pointed out in section 71(4). I will talk more about that in a few moments' time.

We have the ability to house and care for older offenders within our current corrections system. The high dependency unit at Yatala and the specialised aged and infirm unit at Port Augusta Prison can facilitate the needs of older prisoners. I have been to these two prisons and had a look at the set-up and operations at both Yatala and Port Augusta Prison. May I say that the staff who work there and the set-up they have give very good care to people in those facilities. Port Augusta Prison has a dedicated facility that manages the needs of aged prisoners.

I want to make it clear that we have the ability to house and manage these people, as I have said. Where their type of offending is so serious that the court feels they are a risk to the community, they can be kept with appropriate health care, security and protection for our community. Those facilities do exist. That is a key point. Despite the former government's poor management of our prisons, we can do this and we can house these dangerous prisoners.

When I came into this portfolio one of the first things raised with me was that we would have more prisoners than prison beds by 2020, and that is why, in the last budget, we rolled out our Better Prisons Program. We were very intent on putting more prison beds into the public system, more prison beds into Yatala and more prison beds into the Women's Prison—170 more prison beds in Yatala and 40 more prison beds in the Women's Prison, a total of 210 extra beds into our public prison system. That will be very well received. We want to make sure that when we are putting these people into prison we have the right custodial environment to ensure they are being kept secure, that they are being looked after, of course, but also that we have a place to house them.

The current position in the law is that a home detention sentence can only be granted to a person who is being sentenced for a serious sexual offence if the court is satisfied that special reasons exist: namely, that by reason of the person being of advanced age or due to infirmity they no longer present a risk to the community and the interests of the community as a whole are better served by a home detention sentence.

As I mentioned a few moments ago, we are changing section 71 of the Sentencing Act, the section that deals with the special reasons test, such that an offender must be permanently infirm to be considered for a home detention order and that the court must be satisfied both of this infirmity and that there is no appreciable risk to the community. Currently, the test is one or the other, as argued in Deboo.

We can see, in the legislation put forward by the Attorney-General, that section 71 is one of the key focuses of what we are looking at here. Clause 7(4) provides:

> Section 71(4)—delete subsection (4) and substitute:
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> (4) The following provisions apply for the purposes of subsection (2)(b)(ii)(B):
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> (a) the court cannot be satisfied that special reasons exist for the purposes of subsection (2)(b)(ii)(B) unless the court is satisfied that—

as the member for King pointed out—

> (i) the defendant's advanced age or permanent infirmity means that the defendant no longer presents an appreciable risk to the safety of the community (whether as individuals or in general); and
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> (ii) the interests of the community as a whole would be better served by the defendant serving the sentence on home detention rather than in custody;

They are a couple of the key points. I am sure the intent with this was to make sure that, in the situation we are talking about, those people are kept locked up and our community is kept safe.

The member for Morialta, in his speech, made a couple of good points. I was in this place in 2016 when the then Labor government, now opposition, moved to give a lot more freedom to the courts to determine what was appropriate as far as home detention was concerned, and the member for Morialta made some very good points as well. I remember that at the time our side of parliament raised some very serious issues about the ability of people who had committed murder or serious sexual offences or other such serious crimes to be excluded from home detention. The government of the day, the Labor Party, pushed forward saying that, no, they wanted carte blanche for the courts to be able to decide who went on home detention and, really, pushing more people out into home detention.

It is a fine balance. We want to make sure that people are rehabilitated, that people who do the wrong thing at a criminal level pay their dues to society: as they say, you do the crime you do the time. We want to make sure that people do return what is owed to the community. At the same time, when and where possible we want to make sure that people have a chance to be rehabilitated, to get back out in the community and to contribute back to society as meaningful members of that society. There are some people who need to have a much closer watch kept on them, and that is exactly what this bill is intended to do.

I stress the point that I want to commend the Attorney-General for the work that she has done to make sure that we have corrected this legislation—legislation that was left a little bit loose by the previous government from a number of iterations that were rolled out—and that we keep the people who need to be kept in custody in that place.

I want to make sure that this parliament is aware that home detention as an alternative form of custodial sentence that can be ordered by the courts in the appropriate circumstances for a number of reasons. We know that the courts can do that and I can run through them: court-ordered home detention; release-ordered home detention, which is another form of home detention; extended supervision orders; intensive bail supervision; and intensive correction orders. They are just some of the others whereby home detention can be applied.

While the government is restricting the types of offenders who are eligible to serve their sentences on home detention, the proposed changes are in line with valid community concerns and expectations. Again, I stress the point that that is what this bill is here to do: it is to make sure that we understand home detention has its place, but these changes will keep people behind bars who need to be.

On a positive note, in my role as the Minister for Correctional Services, I am aware of a large number of offenders who do the right thing and successfully complete their sentences on home detention under strict monitoring by the Department for Correctional Services. I would like to take this opportunity to commend the Department for Correctional Services and the staff there who do an absolutely outstanding job when people are on home detention. We talk about electronic monitoring but there are a number of other methods and mechanisms at work to make sure that the net is there and that people know that if they have restrictions on where they can be and where they can go that they are enforced. The team does a very good job in making sure that people do the right thing.

While the community might rightly expect people like Mr Deboo and other sex offenders to serve their sentence in prison, home detention plays an important role in the overall suite of sentencing. However, in this case—and I refer back again to section 71 that the Attorney has outlined here—we know that the community expectations are there and that they are real, and we want to make sure that those community expectations are met. That is why the Attorney has brought in these amendments and that is why we are very supportive of them—to make sure that our community knows that people who do the wrong thing will be given the appropriate punishment.

People who operate in this space, in particular around sex offences, will be held to account, will be called to account and will receive the appropriate punishment. We do not want any loopholes. We do not want any of the confusion that has arisen with this piece of legislation in the past. The Attorney has put it forward and made it abundantly clear where the line is drawn, and we want to make sure that it is as clear as possible to make sure that the people who have done the wrong thing will be held accountable. With that, I commend this bill to the house and thank the Attorney for her marvellous work in bringing this matter to this parliament.

Ms STINSON (Badcoe) (12:03): I rise today to speak on the Sentencing (Suspended and Community Based Custodial Sentences) Amendment Bill. The catalyst for this bill, and of course for Labor's private members' bill, which was the Sentencing (Home Detention) Amendment Bill and which preceded this bill, was a bid by convicted paedophile Vivian Deboo, who last year applied to serve home detention instead of a period of time in custody.

Deboo pleaded guilty to multiple counts of indecent assault and gross indecency against two brothers in the 1990s. This crime has had an impact on my community. I have been in communication with Deboo's two victims and, of course, heard their harrowing account, as many of us have through the media. Deboo's actions and offending are sickening. The only place for Deboo and those like him is behind bars. That is the view of my community and many of those I work with as the shadow minister for child protection.

Last December, Deboo's application to serve his sentence at his home was denied and he was gaoled for more than six years. We are now awaiting the outcome of his appeal. Deboo's bid for home detention gained wide public awareness because of the brave actions of two victims, two brothers, who attended court wearing masks.

It was a novel but intelligent and well-planned approach by these victims to shine a light on Deboo's disgusting crimes, the horrible lifelong impacts of child sexual abuse, and of course to press for legislative change. I would like to take the opportunity to applaud their efforts in gaining the attention of the media and all of us here, and making sure that their message was heard loud and clear. The public's conscience needed to be shocked, and it was.

As a former court reporter myself, and as former chair of the Victim Support Service, I know the power of victims' voices, and this is a great example of when victims speak out in a very intelligent and well-planned way, as these brothers have, that they can move mountains, it can lead to us here contemplating new legislation and a light being shone on the absolutely heinous crimes of child sex offenders. After sentencing, one of the brothers said:

> My genuine hope is that this gives other survivors of this kind of abuse the empowerment to talk and to share their story.

He continued on, saying:

> We know the whole community's behind us, and I really felt like, walking in here today, win, lose or draw, we'd won.

I say to you: 'You have won.' The fact that we are here, that Labor put forward a private member's bill quite some months ago now addressing this issue, and that this bill has now been brought to the parliament, shows the power that those victims have and that all victims have to raise awareness about these issues and to press for change. Shockingly, the abuse against the two brothers was not isolated. In an earlier case, Deboo received a two-year non-parole period in 1996 for some of his crimes, but the victims to whom the current case applies did not come forward until around 2015.

Paedophiles are heinous criminals and, put simply, they do not deserve the option of court-ordered home detention. Labor has filed an amendment to toughen this bill in accordance with the wishes of communities like mine. There should not be exemptions for some child sex offenders, and in this bill, unfortunately, the Liberal rhetoric does not match what the bill actually says.

We just heard the Minister for Police talk about loopholes, and there is a pretty big loophole here in terms of the exemptions that might be available to ageing convicted paedophiles. There are other sex offenders in our judicial system who, too, will be seeking home detention instead of serving a gaol sentence. Try telling a victim that their abuser should not be locked up because they are too old. Victims are tormented for years and it is hard for them to understand why a convicted abuser should be allowed to continue to live in the comfort of their own home.

That is why we on this side are calling on the Marshall Liberal government to support Labor's amendment and allow swift passage of this legislation—to provide peace of mind not only for victims of sexual abuse but for our community in general, including my own community of Badcoe. There is certainly some urgency here, as May, I believe, is the next court date.

As shadow minister for child protection, I will be doing everything in my power to ensure that paedophiles feel the full force of the law and that they serve their sentences behind prison walls, which is where they deserve to be. It is in everyone's interest to ensure that this bill is passed with Labor's amendment, and I look forward to, and hope for, the support of the Liberal government in that.

Mr PEDERICK (Hammond) (12:08): I rise to support the Sentencing (Suspended and Community Based Custodial Sentences) Amendment Bill 2019. I truly do applaud the Attorney-General for bringing this legislation to this place within our first year of forming government. I heard the words from the opposition, but they had 16 years in government to fix this and did not.

We are doing this because concerns have been raised regarding the use of home detention in sentencing and what impact this has on community safety. With that, the Marshall Liberal government does take community safety very seriously, which is why our bill addresses deficiencies with the home detention, intensive corrections and suspended sentencing processes in a comprehensive way, rather than adopting the former Labor government's media-driven, bandaid approach.

The bill will address inconsistencies between home detention, intensive correction and suspended sentencing. It will also fix various operational issues and will repeal unnecessary provisions introduced by the Labor government into the sentencing process. In particular, we are tightening up section 71 of the Sentencing Act, an issue directly related to the Deboo matter. We will be making it clear through this part of the legislation that the court has to be satisfied that the defendant's advanced age or infirmity means they no longer present an appreciable risk to the community and that the interests of the community would be better served by them serving the sentence on a home detention order rather than in custody.

We will also be making the terminology consistent between the three sentencing regimes of home detention orders, intensive correction orders and suspended sentencing. While the intent is the same in the three, recent changes have not been replicated throughout. We will also be removing inconsistencies in the precluding offences between the three sentencing regimes. At present, for example, the legislation does not preclude a suspended sentence being given for a sexual offence, but home detention is precluded unless special reasons exist.

The bill would make these regimes consistent and, to use the above example, close the loophole, allowing sexual offenders to get suspended sentences in line with the home detention regime. The purpose and eligibility for intensive correction orders presuppose that intervention programs will be undertaken; however, imposing this condition under an intensive correction order is discretionary.

The bill will make undertaking intervention programs mandatory in these intensive correction orders and will also address operational issues for cumulative home detention orders, ICOs and unexpired parole. Currently, it is possible for a court to order imprisonment to be cumulative upon serving home detention or intensive correction, which will be removed. Further, where a fresh sentence has been ordered for a crime committed while a defendant has been out on parole, the bill will allow that the balance of the unexpired parole to be served on home detention or intensive correction, if appropriate, rather than returning to custody.

This legislation is partly about addressing loopholes where breaches of home detention orders and intensive correction orders have occurred and the consequences for a breach of a suspended sentence result in the offender having to serve the entire sentence. Conversely, when a home detention order or intensive correction order is breached, the offender is only required to serve the remainder of their sentence after discounting the total period spent in compliance with the terms of their order. Policy reasons exist for this difference, but courts have deemed the breach to occur at the point of determination rather than when the breach occurred. This could be magnified by continuing to breach conditions of the order while proceedings are underway. This will be addressed by the bill.

The bill repeals sections 31 to 35 of the Sentencing Act, which are unnecessary, confusing and could result in protracted legal argument. They purported to create a framework by which a court could take into account further offences in sentencing for a principal offence and receive a higher

penalty and have no conviction recorded for the lesser offences. Courts have discretion over the process, and there appears to be no benefit from these provisions.

I want to discuss some of the legislative history of home detention, intensive correction and suspended sentences schemes. In regard to home detention, this became available as a sentencing option following commencement of the Statutes Amendment (Home Detention) Act 2016, which I will refer to as the home detention amendment act, which commenced operation on 26 May 2016. It amended the Criminal Law (Sentencing) Act 1988 to establish a home detention order as a sentencing option for a court imposing a sentence of imprisonment.

The home detention amendment act amended the Correctional Services Act, which already made provision to enable the Chief Executive of the Department for Correctional Services to permit a prisoner to be released from prison to serve a portion of their sentence on home detention in certain circumstances. This is often referred to as back-end home detention, and the home detention amendment act removed a requirement for prisoners to have served at least 50 per cent of their non-parole period before becoming eligible for release on home detention. It also removed a requirement that prisoners would be limited to spending a maximum period of 12 months on home detention under this scheme.

Since these amendments came into play, the only legislative restriction on eligibility for back-end home detention is that it is not available if the person is serving a sentence of indeterminate duration and has not had a non-parole period fixed. There is no legislative requirement for the offender to serve a minimum period of their court-ordered sentence in prison before they become eligible for release on home detention under this scheme. There is also no legislative prohibition restricting offenders who have committed defined types or categories of offences from being administratively released by the Chief Executive of the Department for Correctional Services on to home detention, even in circumstances where the court has not been able to order home detention or where the court could have ordered home detention but considered it inappropriate to do so.

However, there are ministerial limitations which set out offence exclusions. The initial inclusion of home detention as a sentencing option in the Criminal Law (Sentencing) Act (the CLSA) in 2016 maintained wide judicial discretion as to the imposition of a home detention order. The court was prohibited from making a home detention order if the defendant was being sentenced to a period of imprisonment to be served cumulatively or concurrently with another term of imprisonment; however, there were no specific offences or offence categories precluding an offender from consideration.

The Sentencing Act repealed the CLSA and the provisions relating to home detention, as introduced by the home detention amendment act, generally, but made some fairly significant changes to them. These included restrictions based on but not identical to provisions that had been recently enacted to curtail the availability of suspended sentences based on offence type and categories. In addition, the Sentencing Act introduced specific offence exclusions and specified that a home detention order would not be available to defendants who were liable to serve a sentence of indeterminate duration for murder, treason, offences involving terrorist acts or other offences in respect of which an act expressly prohibits the reduction, mitigation or substitution of penalties.

The Sentencing Act specified that those being sentenced for a serious sexual offence could not receive a home detention sentence unless special reasons existed. It also made amendments to the provisions relating to the conditions of home detention, including a requirement for electronic monitoring and changes to the provision relating to the liberty to attend remunerated employment.

The Sentencing Act also introduced for the first time intensive correction orders. The Sentencing Act states that the purpose of an intensive correction order is to provide the court with an alternative sentencing option where it is imposing a sentence of two years or less and it considers there is a genuine risk that the defendant will reoffend if not provided with a suitable intervention program for rehabilitation purposes. As in the case of home detention, the court must first have concluded that a suspended sentence is not appropriate and also the court must find that there is good reason to permit the offender to serve their sentence in the community, albeit subject to intensive correction.

For the purpose of finding good reason, the legislation provides that the court may determine that, even though a custodial sentence is warranted and there is a moderate to high risk of reoffending, any rehabilitation achieved during the period that would be spent in prison is likely to be limited compared to the likely rehabilitative effect if the defendant was to spend that time in the community subject to intensive correction; hence, the focus is intended to be upon rehabilitation.

Unlike both suspended sentences and home detention orders, there are no legislative restrictions on the eligibility for an intensive correction order by reference to the type of offence committed. There is some argument then as to whether someone could be ineligible for a suspended sentence due to committing a precluding offence but still be considered to be eligible for an intensive correction order.

In regard to suspended sentences, the availability to order that a sentence of imprisonment be suspended was significantly amended in late 2013 and again in 2014 by the Criminal Law (Sentencing) (Suspended Sentences) Amendment Act 2013 and the Criminal Law (Sentencing) (Suspended Sentences) Amendment Act 2014.

The ability of the court to suspend a sentence of imprisonment was restricted by these two amending acts for the first time by setting out a range of offences for which a sentence may not be suspended at all, may not be suspended if the sentence is over a certain length and a range of offences whereby the sentence may not be suspended if the person has previously received a suspended sentence for an offence in the defined category.

There is also specific provision in the Sentencing Act for the court to require a home detention condition as part of a suspended sentence bond in circumstances where the decision of the court to suspend the sentence has been made on the ground that it would be unduly harsh for the offender to serve any time in prison by reason of ill health, disability or frailty. This provision was carried over from an identical provision existing in the CLSA and thus predates the provision specifically providing for home detention.

What we are doing with this legislation today is making sure that we keep our community safe and our children safe because what these sexual predators have done are truly horrendous crimes. I salute the bravery of people who have come forward to not only report these crimes but appear in court to tell their stories so that they can get convictions in place. They have had to live through the horror once and then had to live the horror again. However, unless they do that, we do not get the outcome of locking up these predators and making sure that we can keep our community safe.

When it is in place, our aim with this legislation is to have further safeguards to make sure that some of the most vulnerable people in our communities are kept safe and that some of the most terrible criminals are kept behind bars, where they should be. With those words, I support the bill.

Dr HARVEY (Newland) (12:24): I rise today to support the Sentencing (Suspended and Community Based Custodial Sentences) Amendment Bill 2019. I am sure that we are all aware of the serious concerns raised in relation to the use of home detention and how it may affect the safety of our communities. Ensuring the safety of South Australians is one of the most important roles that the government plays and it is one that the Marshall Liberal government takes very seriously.

Certainly, as a local member, members of the community frequently raise with me concerns about community safety and the importance, in their eyes, of seeing people who have committed crimes then having to meet adequate consequences as a result. As elected members, our role is to ensure that community expectations and, importantly, community confidence are maintained in our systems whilst at the same time ensuring that we are not overreaching into judicial discretion.

The bill comprehensively addresses deficiencies with the home detention, intensive corrections and suspended sentencing processes. It addresses these issues in a careful and considered manner. This is in stark contrast to the Labor Party's approach, which is driven mostly by media headlines. The bill tightens up the provision in section 71 of the Sentencing Act, which was the core issue in the Deboo matter, by specifying that not only must the court be satisfied that the defendant's age or infirmity is such that they no longer present a risk to the community but that it must also be satisfied that the interests of the community would be better served by the sentence being served on a home detention order, rather than as a custodial sentence.

As the Attorney-General outlined in her second reading explanation, as to whether the court must be satisfied that both or only one of those limbs had fallen under a cloud of uncertainty importantly, this bill removes any doubt that the court must be satisfied on both limbs. This is an important amendment, not simply for the reason that it makes clear a point of law but that, in doing so and in tidying up the law, it increases the confidence that South Australians have in our legal system.

Importantly, the bill removes inconsistencies between offences that are precluded from receiving home detention orders, intensive correction orders and suspended sentences. This is a common-sense amendment, which, again, aside from being a sensible change in the law itself, is a measure that increases public confidence in the way offenders are sentenced. As someone who has entered this place without a background in law—I often say to people that, in my previous life, if I had been dealing with lawyers then I was probably having a bad day—it is difficult for me and many others to understand how it came to be that a person convicted of a sexual offence is able to receive a suspended sentence but is precluded from receiving a home detention order.

The bill clears up this discrepancy by increasing consistency between the offences that are precluded from receiving a home detention order, an intensive correction order or a suspended sentence. For example, where an offender was previously able to receive a suspended sentence for a sexual offence but not a home detention order, they will now no longer be able to receive either. It is not difficult to see how a discrepancy such as this would erode a degree of public trust in our laws when uncovered. The fact that a person could be either imprisoned or released into the community but not given a home detention order, which would seem to a regular South Australian to be a more severe penalty than a suspended sentence, simply does not make sense.

I am pleased that the government is addressing this issue and I commend the Attorney-General for making this common-sense change. Similarly, an intensive correction order would suggest that intervention programs would be undertaken. However, the imposition of a condition requiring that intervention programs be undertaken as part of an intensive correction order is discretionary. The bill addresses this gap and makes the undertaking of an intervention program mandatory if an intensive correction order is made. An important factor in relation to public safety is ensuring that the public do indeed have confidence in the ability of our laws to keep our community safe.

This bill improves public safety and improves confidence in our laws. I congratulate the Attorney-General on this bill and particularly on her thorough and considered approach to this important area of law. I commend the bill to the house.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:29): I thank all members who have made a contribution to the debate in respect of the Sentencing (Suspended and Community Based Custodial Sentences) Amendment Bill 2019 for their very thoughtful consideration of the matters that have been raised and the ills that the bill proposes to address.

I make a couple of observations that I hope will put some perspective into what we are doing here in relation to the bill. Firstly, I do not promise that the bill is a panacea of absolute consideration of all matters to deal with sentencing. It is not. It is designed to address a number of deficiencies, which have been brought to our attention, in as comprehensive a way as we can to ensure that there is some consistency of approach.

There are a number of other aspects in relation to sentencing that are under consideration by the government, one of which is well known and that is the question of sentence discounting, on which I am expecting a report from Mr Brian Martin QC, former chief justice of the Northern Territory, who has been commissioned by the government to provide us with a review on that matter. For those of you who are new in the house, that relates to questions of significant percentage discount given to people who plead guilty early and also significant discounting available on sentences for those who help the police get someone else into custody, which is commonly called the supergrass provision, which means if you squeal on someone else you have a chance of getting some discount.

These things are a matter of continuous review. We need to do the best we can in here to make sure that we have a balance between respecting the separation of powers in the role of this parliament and the role of the judiciary, and the discretion that they have in relation to the application

of the laws that we make here and that they implement, together with community expectation and how we best protect the community.

Sentencing has always been a vexed issue as far as the public is concerned and it becomes particularly vexed when particular groups become victims themselves. How effective they might alone be in taking up the challenge depends upon their capacity to articulate their plight and the sympathy of media and other public outlets to support it. Let me say that in the time I have had anything to do with the legal world, which is largely in the last 35 years, I have seen the plight and pain of those who are victims of crime, particularly serious crime. They have a universally consistent position—that is, they are outraged at what has been done to them or the person they love.

They have different views on how the person or persons found guilty should be dealt with, and there is a varying degree of forgiveness that comes in that category, but there is no question that they are incensed by what has happened to them or members of their family. They want something done about it, in different variations, of course, as to the level of sentence that might apply to these people, but they want something done about it because they do not want other people to suffer in those circumstances, whether they be the families who have been victims in other famous cases or, more recently, in the Deboo case that has been referred to in this debate.

I expect the family of the little girl who was murdered in the 1950s on the West Coast, for which Maxwell Stuart was subsequently the last convicted person sentenced to hang in South Australia, was equally outraged, whether Mr Stuart was guilty or not. As it turned out, after a royal commission and, preceding that, trips to the Privy Council and appeals, his conviction was quashed. Nevertheless, he served some time in prison. The pain of loss experienced by people as a result of their little child being a victim is forever with them.

This is a very painful exercise and so we here have to try to address the balance, as I have said. Working with the previous government in the development of the Sentencing Act 2017, which is now the statutory tablet to apply in these cases, three new themes came through. Forget about Maxwell Stuart's era. We had been through eras of capital punishment, and that no longer applies in South Australia. We have contemporised different forms of sentence.

The introduction of community service orders was quite pioneering 30 or 40 years ago, but fast-forward to 2016 and we are dealing with three new paradigms. These were important, and we supported the former government in dealing with those. One was to put in the statute a primary obligation ensuring that public safety was the paramount consideration. That was not the word that was used, but it was expressed in the new law, which was quite new, as follows: 'The primary purpose,' as it is described, 'for sentencing a defendant for an offence is to protect the safety of the community (whether as individuals or in general)'. Public safety had been a consideration, but this was the first time it was to be at the level of a primary purpose.

Another provision in the act complements that but remains as 'Secondary sentencing purposes'. Some are new, and they include the following:

(1) The secondary purposes for sentencing a defendant for an offence are as follows:

(a) to ensure that the defendant—

(i) is punished by the offending behaviour; and

(ii) is held accountable to the community for the offending behaviour;

(b) to publicly denounce the offending behaviour;

This was a new expression ensuring that there was punishment but also that there was a level of accountability to the community, generally. The act goes on to provide in section 4(1):

(c) to publicly recognise the harm done to the community and to any victim of the offending behaviour;

(d) to deter the defendant and others in the community from committing offences;

(e) to promote the rehabilitation of the defendant.

Paragraphs (d) and (e) have been around for a long time, but (c) was to 'recognise the harm'. This really just put in statutory form what had already developed as a practice, and that was to hear from

the victim through a certain statement, sometimes in writing, sometimes orally and sometimes through a representative, before sentence was passed. This was a statutory, contemporary assessment of what are really important principles, but all of them had to sit behind the primary purpose given to number one, which was public safety.

The second point about this new set of laws is in regard to the procedural obligations. They are also now set out in the act, largely in division 2, and they include that the prosecutor has to provide the particulars of the victim's injury. Again, this had been developed by practice. It is not to include the disclosure of this information if the victim does not consent to that, or is of an age where they do not consent to that, but it is an important statutory imposition.

The victim impact statements, which I have referred to, can be made either orally or in writing. There is the codification by the obligation to consider community impact statements, and I remind members of this. That can be done either directly or via the prosecutor or the Commissioner for Victim's Rights, who may, if they think fit, provide the sentencing court with (a) a written statement of the effect of the offence for people living or working in a certain location, which is described as a neighbourhood impact statement; or (b) a written statement about the effect of the offence on the community generally, namely, a social impact statement.

I remind members of the existence of that and its importance because it was recognised that this should be in the law, that this should be in the statute. It is available, and it is to be applied. There are also provisions for pre-sentence reports to find out particulars of the defendant themselves, their physical or mental condition, personal circumstances, history, etc.; expert evidence, which obviously can include a psychiatric medical practitioner's evidence, for example; and a number of other aspects that are set down and very clearly identified to be taken into consideration by the sentencing court. The parliament at that stage—it was only a couple of years ago—made it very clear in the statute what the sentencing purposes were to be and what principles were to apply.

The third thing it did, with our blessing as the opposition at the time, was enable an enactment of new types of sentencing. There was provision to be able to make findings in respect of a charge and not record a conviction but, if we go straight to where there is a conviction, it set out what the court's options were. It maintained the right to fine and imprison; they are obvious. It maintained the right to have a suspended sentence; that is, a term of imprisonment is suspended on the basis that you do or do not do certain things. If you breach that and it is a breach of the law, then you have to serve the sentence for that particular breach in addition to your original sentence.

It added a new area of home detention. As other speakers have said, this was not without controversy. We, the then opposition, took the view that there were certain people who should be excluded from even having that right. We made that clear in the debate, and various amendments were made. We accepted the then government's view that, in circumstances where someone may be in a very serious state of frailty—aged and infirm, which was the sort of language we used in the suspended sentence laws—there may be cases that would warrant home detention as an appropriate alternative sentencing option.

I remember being here in this parliament and being quite critical of the then attorney for the example he used, which was historical sexual abuse against a nine year old; nevertheless, I did accept that there may be circumstances where that might apply. They introduced a second new type of sentencing, which was the intensive correction order. This followed on from Victoria, which had recently introduced this new option where there needed to be a capacity not to be in a detention facility.

You could be living at home, but there was an obligation to participate in certain activities, usually some rehabilitation program or training, and you were under constant supervision, with or without bracelets and those sorts of things. The reality is that there was a very strong commitment and involvement, usually by a Correctional Services officer, to make sure that was being complied with. There was other capacity to deal with things such as when a prison term, or even a community custodial situation, is not appropriate at all. Options such as a fine, bond, community service, etc. are then available.

I think it was appropriate that the then government sat down with all the players, including the opposition, and worked through how we would bring forward the then 1988 law to contemporary

standards. I commended them for that, and I think we are better for it overall. However, in the transfer and development of these, some mistakes were made in the drafting. As I said before, the DPP brought a number of these to our attention, and I thanked him for that. Having highlighted that, we obviously set about to try to remedy some of this.

Some of the issues in this bill relate to matters raised by the DPP last year. They were not seen as necessarily urgent, but we accumulated them for the purposes of trying to have some resolution of what became more public cases of access to home detention, or at least the attempt to seek home detention. We are here because we need to address deficiencies. I think these are fairly comprehensive. They do not deal with all sentencing issues, as I say. For example, we have not dealt with back-end home detention, which is a common description for the capacity of a chief executive in the Corrections department to release a person from custody to a home detention circumstance.

However, there are ministerial directions in place to ensure that this is not exploited or abused. One very significant case, which occurred only in the last year or so, involved a judge of the Supreme Court refusing to grant home detention and ordering a significant period of imprisonment. It was met with an executive decision of the chief executive of Corrections six weeks into the sentence, after which he then released the prisoner. The Supreme Court's response to that was, understandably, outrage and very severe commentary.

I have discussed this matter with the Minister for Correctional Services and Minister for Police, as he is, and I am certainly confident in ensuring that we do not have any exploitation or abuse in those circumstances. I think most members would understand the reason for having the capacity to do that, but it is important for all the reasons set out in the Sentencing Act that we recognise the community's expectation and confidence in us to ensure it is maintained by the judicial system, the corrections system and the police. These are all areas of security in which the public need to feel confident, and I think they mostly do. It is our job, and in particular my job as the first law officer of the state, to ensure that is maintained.

That said, we consulted a number of people on the bill. As some information has come in with a copy of the bill, which we brought to the parliament as quickly as the parliament resumed, it is appropriate that we are now debating it, but, contemporaneous with that, it has been sent out to what I would call the 'usual suspects' in relation to stakeholders. It is significant that we have received some of their responses, and I think it is important that I indicate to the parliament what they have been.

Firstly, our DPP, who has worked with us throughout, has made a couple of observations but otherwise indicates support for the bill. Typical of the Commonwealth DPP, Australia's federal prosecution service, they have given me a fairly wordy response, but it is helpful. It does not necessarily relate to federal offences but, as members might be aware, significant overlap applies in relation to terrorist offences, so we need to be apprised of their view on a number of those matters.

SAPOL also provided a submission. I value the work of SAPOL and thank them for their submission. In addition to setting out issues of what, as I say, we have described as the back-end home detention, which they cover in this submission—obviously we are already aware that needs to be monitored in that sense—they also made comment in relation to the exceptions for 'young love', as we have described it, or the 'Romeo and Juliet' clauses, to deal with home detention being available for people in those categories. Otherwise, they have generally indicated their support for both the government's intent and the terms of the bill.

Bronwyn Killmier, our relatively newly appointed Commissioner for Victims' Rights, who has been working very closely with the government and giving advice on a number of matters, has indicated her support, confirming that high-risk offenders should not have access to home-based custodial sentences for all the reasons that are obvious. She points out a very important issue, which I bring to the attention of the house. I think I have before, but it is something we are still working on.

We as a government are committed to ensuring that victims are kept informed of the progress of cases. One of the practical problems is that when somebody is arrested for an offence, the police know about that person. They are charged and then they are handed over to the court system, and the police may or may not be participatory in the management of that person. It may be transferred

to the DPP from the police prosecution, and so a different cohort of people is managing that and it is a different group of people who then need to be in touch with the victims. Then, of course, they go into corrections, if they are in custody as a result of the sentence, and it is another cohort of people who need to keep in touch with the victims.

As can be seen, we committed to ensuring that there be some improvement in the notification to victims, whatever government instrumentality is in charge of the defendant, so that if they are coming up for trial, coming up for bail applications, coming up for sentencing or coming up for parole, all the way through that process the victims are kept informed.

The commissioner has certainly conveyed to the government her view that we should have an opt-out system rather than an opt-in system; that is, victims are advised all the way through this process unless they indicate that they no longer wish to have anything to do with the matter and they do not want to be informed of anything further. I think there is some benefit. What we are trying to do at this stage is work out the transition places and pursue that, because she is absolutely right and the government is supportive of the concept of trying to keep our victims in the loop.

The unsurprising response in the negative to this legislation is, firstly, from the Chief Justice of the Supreme Court, who takes the view—and I respect it; we do not agree with it, but we respect it—that the restrictions in relation to sentencing that are placed in this bill are both unnecessary and undesirable and that they interfere with sentencing discretion. Whilst it is an entirely predictable response from the Chief Justice, it has been taken into account. In this instance, it has not been followed because we feel that there is an obligation on the parliament to place some restrictions.

Similarly, perhaps not quite as forcefully, the Chief Magistrate, who also has to deal with a number of these matters, has raised some observations more than any objection. As usual, with her happy disposition she is always prepared to discuss matters further. I thank her for her advice. She has raised some smaller matters.

The Legal Services Commission, which I suppose is the largest criminal defence organisation in the state, has got back to us to again express the view that reducing available sentencing options for any offence, even if they are very serious, is not serving the interests of justice. They take the view that these restrictions should not be advanced. They have made some comment in relation to mandatory sentencing. For anyone who reads the submissions, I want it to be absolutely clear that the bill has nothing do with mandatory sentencing at all: it is to do with access to the alternative sentencing options, not the sentencing, in the first instance, of the length of imprisonment.

The one which we do not have, and which I am expecting to receive, is from the Department for Correctional Services, which has a very important role in dealing with prisoners who are convicted into custody and which may or may not be managing the ultimate release of those persons into home detention or community-based sentencing at some time during the course of that person's incarceration. If we have that information, I will make sure that it is made available to the opposition before we conclude the debate on this matter in another place, if the bill is passed this week. I will make sure that that has been given, but I expect that they will not have any objection to the bill. Nevertheless, as I say, I think it is important that we have that made available.

In any event, there is a diversity of views. There is nothing exceptional or of any great surprise about what has been presented. If I hear from the Law Society or the Bar Association, I expect their view will be closer to that of the Chief Justice rather than to other agencies, but the government has made it very clear in its statements. I think, in fairness, the opposition has also made it very clear that they want some statutory restriction in relation to home detention availability. Whilst on this side of the house we might quip about them being a bit Johnny-come-lately in supporting some restriction in that, they have and it is important that we work as cooperatively as we can in relation to that.

Finally, I would like to raise the issue of no exceptions. One of the foreshadowed amendments of the opposition is to cut out home detention in circumstances where someone is convicted of a serious sexual offence, but then in the next breath they say, 'We want to accommodate the young love and we want to allow that to be an exception.' Let me just say that for every law there is there are always exceptions, and there are usually very good arguments for them, but it is not

really appropriate to come in and say, 'We want this to be blanket, but instead of the rules that you want we want to actually give an exception for young love in this category.'

Let me tell you why and give an example. Everyone expects that if there was a consensual sexual relationship between a 17 year old and a 15 year old we are not expecting to grab the 17 year old by the scruff of the neck and throw them in prison. I think everyone understands that. But what if the 17 year old viciously rapes the 15 year old? It is a clear criminal offence. Sure, it is less than three years difference in age and they are both still teenagers, but it is not conduct that is acceptable. We do have to allow there to be discretion in relation to some of these matters. There will always be exceptions, but it does seem a little odd that in this instance we are going to blanket the obligation under this amendment and not the other. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 12:59 to 14:00.

RESIDENTIAL PARKS (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

Petitions

SERVICE SA MODBURY

Ms BEDFORD (Florey): Presented a petition signed by 100 residents of South Australia requesting the house to urge the government not to proceed with the proposed closure of the Service SA Modbury Branch, announced as a cost-saving measure in the 2018-19 state budget.

KANGAROO ISLAND SEAPORT

Mr BASHAM (Finniss): Presented a petition signed by 551 residents of South Australia requesting the house to urge the government to direct and assist Kangaroo Island Plantation Timber's proposed KI seaport at Smith Bay to a more suitable location that will better serve Kangaroo Island, its people and the visitors who prize this special part of the world.

Parliamentary Procedure

ANSWERS TABLED

The SPEAKER: I direct that the written answers to questions be distributed and printed in *Hansard*.

PAPERS

The following papers were laid on the table:

By the Speaker—

Auditor-General—Report on the Adelaide Oval redevelopment pursuant to section 9 of the Adelaide Oval Redevelopment and Management Act 2011 for the designated period 1 July 2018 to 31 December 2018 Report 2 of 2019
[Ordered to be published]
Local Government Annual Reports—Burnside, City of Annual Report 2017-18

By the Premier (Hon. S.S. Marshall)—

Aboriginal Lands Trust—Annual Report 2017-18

By the Minister for Energy and Mining (Hon. D.C. van Holst Pellekaan)—

Regulations made under the following Acts—
National Electricity (South Australia)—Civil Penalties
National Energy Retail Law (South Australia)—Civil Penalties

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

Regulations made under the following Acts—
Road Traffic—
Electric Personal Transporters
Road Rules—Electric Personal Transporters

Ministerial Statement

MINISTERIAL STATEMENTS

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:05): I seek leave to make a ministerial statement.

The SPEAKER: Leave is sought. Is leave granted? There being a dissent, leave is not granted.

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:07): I seek leave to make a ministerial statement.

The SPEAKER: Leave is sought. Is leave granted? As there was a dissenting voice, leave is not granted.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Yes, I heard it. To the new members, this does not always happen.

Members interjecting:

The SPEAKER: The member for West Torrens is called to order, as is the member for Waite.

Question Time

HIBBERT REVIEW

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:07): Thank you, Mr Speaker. My question is to the Premier. Why was the Hibbert inquiry, investigating a cluster of nine deaths of SA Ambulance patients, commissioned?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:08): The government decided to commission this report because there were a heightened number of adverse incidents reported between August and December last year.

SA AMBULANCE SERVICE

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:08): My question is to the Premier. Why did the Premier wait almost three months to inform the public about the cluster of nine deaths that occurred of SA Ambulance patients last year?

Members interjecting:

The SPEAKER: Members on my right, I am trying to listen to the question. The Premier has the call.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:08): Thank you very much, sir. The final report was received by the Minister for Health, I think, late last week. We took it to cabinet on Monday and released the contents of the report soon thereafter.

SA AMBULANCE SERVICE

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:08): My question is to the Premier. When was the Premier first informed about the 17 adverse incidents and the cluster of nine deaths within SA Ambulance?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:09): I don't have an exact date with me at the moment, but the reality is that I have very regular catch-ups with the Minister for Health. There are a large number of issues that the Minister for Health and Wellbeing is working through—most of those, of course, he inherited from the previous government—and that's exactly and precisely why this report was commissioned from the independent expert, Associate Professor Peter Hibbert. Let's be very clear—

The Hon. V.A. Chapman interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: Let's be very clear on what we are talking about here, because—

Members interjecting:

The SPEAKER: The Premier has the call.

The Hon. S.S. MARSHALL: —those opposite might like to actually reflect on their own performance when they were in government. Last calendar year, there were 12 adverse incidents that have been confirmed. In 2015, there were 28. Now—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —it begs the question, in that year—there were 12 last calendar year that were reported. I don't know whether you have had a chance to read the report yet—

The SPEAKER: I haven't, but I will.

The Hon. S.S. MARSHALL: —but we made it very clear on Monday, when we released the report, that there were 17 incidents that were investigated. Sixteen were reported and 12 are confirmed adverse incidents for the whole of last year. That's what the report contains. I am comparing those 12 adverse incidents last calendar year with the 28 in 2015. Yes, there were a heightened number of reports made last year, and that's exactly why the government commissioned this report.

It begs the question of whether or not there was a similar report commissioned, received and then made transparently clear to the people of South Australia back in 2015. I have been looking around the office: nothing. It would be very interesting to know whether any of those opposite knew about the seriously heightened level of adverse incidents reported back under their watch and whether they have some investigation that they have been keeping hidden from the people of South Australia.

The Hon. A. KOUTSANTONIS: Point of order, sir.

The SPEAKER: Premier, please resume your seat. There is a point of order.

The Hon. A. KOUTSANTONIS: This is clearly debate, sir.

The SPEAKER: The point of order is for debate. I have allowed the Premier some preamble. I ask him to come back to the substance of the question. No, the Premier has concluded his answer. Excellent.

Before I move to the member for Heysen and then the member for Kaurna, I call the following members to order: the member for Kaurna, the member for Badcoe, the Leader of the Opposition, the member for Playford, the Deputy Premier and the Minister for Industry. Member for Heysen.

DOMESTIC VIOLENCE

Mr TEAGUE (Heysen) (14:11): My question is to the Attorney-General. Will the Attorney-General provide an update on the recently commenced strangulation laws?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:11): It is with pleasure that I do so. For those unaware, as at 31 January this year, it is a criminal offence in South

Australia to strangle someone. Nationally, the domestic violence data is alarming. Results for 2017-18 show that women more frequently experience physical assault perpetrated by men than other women, at 71.1 per cent. Consistent with national data on violence against women, the perpetrator of the violence was more commonly someone known to the woman, rather than a stranger. Further, the known perpetrator was most frequently an intimate partner, and the location was most commonly a residential property that was generally the victim's home. Around one in five female victims of physical assault lived with the perpetrator.

Evidence also alarmingly linked strangulation to being a precursor for homicide and being a signifier of domestic abuse, often unable to be prosecuted properly without a stand-alone offence. In passing the domestic violence reforms through this very parliament last year, the government took a strong stance on perpetrators of domestic violence and showed them that this government and our communities absolutely do not stand for violence in the home.

In working for this legislation, over 700 people from the general public provided feedback. These comments were overwhelmingly supportive of an offence of strangulation, with many respondents citing their own personal horrific experiences. Since the end of January, when this law came into effect, I have been notified of three separate charges laid against potential perpetrators of strangulation, with one being charged the very next day after the laws were commenced.

I am incredibly pleased to see South Australia Police using this offence and thank them for their assistance in developing the laws. As a government, we believe domestic violence is utterly unacceptable in any form, and these new laws will go one step further in protecting vulnerable people and will ensure that those who do the wrong thing will face the full force of the law.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome today year 11 students from Concordia College, who are hosted by the Minister for Industry and Skills. Welcome to parliament.

Question Time

HIBBERT REVIEW

Mr PICTON (Kaurna) (14:14): My question is to the Premier. Why was there no public announcement in December that the government had commissioned an inquiry into a cluster of nine deaths?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:14): Why was there no public announcement regarding the manifold problems that existed—

The Hon. L.W.K. Bignell: We ask the questions, mate. We ask the questions. Answer the question.

The SPEAKER: The member for Mawson is called to order. The Premier has the call.

The Hon. S.S. MARSHALL: —under the previous government? The reality was that this government acted swiftly to commission an independent report. We have now received that and we have released it. I'm not going to be lectured by those opposite regarding transparency—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —to address an issue.

The Hon. J.A.W. Gardner interjecting:

The SPEAKER: The Minister for Education is called to order.

The Hon. S.S. MARSHALL: This is an issue that we inherited from the previous government. They should hang their heads in shame.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: They should hang their heads in shame. The hopeless health system that we received—

The SPEAKER: Could the Premier please resume his seat for one moment. The member for West Torrens has a point of order.

The Hon. A. KOUTSANTONIS: Point of order: the Premier is talking about the former Labor government—

The SPEAKER: The point of order is?

The Hon. A. KOUTSANTONIS: The point of order is relevance.

The SPEAKER: The point of order is for relevance/debate. There was a question—

Mr Pederick: Yes, they were irrelevant. They were irrelevant.

The SPEAKER: The member for Hammond is called to order. I suppose there is a question about the timing of the announcement. I will allow the Premier some background and then I expect him to get to the substance of the question. The Premier has the call.

The Hon. S.S. MARSHALL: The substance of the question is about the announcement proactively to the people of South Australia as to whether or not a government investigation was underway. Now, of course, we as the government reflected on the precedent set by those opposite in their previous 16 years of government. We couldn't find any evidence whatsoever of proactive disclosure. In fact, we couldn't find any evidence that they had conducted an investigation into their hopeless mismanagement of the health system in South Australia, but we rejected the precedent.

We commissioned the independent report and now we have published the report, accepted the 14 recommendations and we are getting on with fixing the hopeless situation that we inherited from those opposite, most notably the Leader of the Opposition, who was of course the previous minister for health in South Australia.

HIBBERT REVIEW

Mr PICTON (Kaurna) (14:16): My question is to the Premier. Were any of the families of the nine deceased given the opportunity to give evidence to the Hibbert inquiry?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:16): My understanding and what I have been advised is that the South Australian Ambulance Service has made contact with all families associated with the reports that were—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —the subject of this report and they have sought the relevant information. We haven't stood in the way of any information that Associate Professor Peter Hibbert has sought.

The Hon. A. KOUTSANTONIS: Point of order, sir: the question was whether the families were given the opportunity to give evidence.

The SPEAKER: Yes, I have the question. The point of order is again for?

The Hon. A. KOUTSANTONIS: Debate, sir.

The SPEAKER: I have the point of order about whether any families were given the opportunity to give evidence—

Members interjecting:

The SPEAKER: Could the Premier and the member for West Torrens cease interjecting.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: I'm going to ask someone to leave very shortly. I have the question. I have allowed the Premier some time.

The Hon. S.S. MARSHALL: I've answered the question.

The SPEAKER: He's finished his answer. The member for Kaurna and then the member for Narungga, who has been patiently waiting.

HIBBERT REVIEW

Mr PICTON (Kaurna) (14:17): My question is again to the Premier. Why weren't all the families of the nine deceased given the opportunity to provide evidence while the inquiry was underway?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:17): My understanding and the advice that I have received is that all families have been contacted by the South Australian Ambulance Service where possible, although I'm also aware that there may have been one or two people whose families were not able to be contacted as part of this investigation.

Members interjecting:

The SPEAKER: The question has been answered. The member for Narungga has the call.

ELECTRICITY INTERCONNECTOR

Mr ELLIS (Narungga) (14:18): My question is to the Minister for Energy and Mining. Can the minister please update the house on the energy industry's views on the planned interconnection with New South Wales?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:18): Thank you very much—

Mr Boyer interjecting:

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

The Hon. D.C. VAN HOLST PELLEKAAN: Thank you very much, sir, and thank you to the member for Narungga—

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: —a very, very strong advocate for his community.

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: A very strong advocate for his community—

Ms Hildyard: A very, very strong advocate, yes, he is.

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

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: They don't want to hear about energy, sir. That is the topic. They don't want to—

The SPEAKER: They can't wait.

The Hon. D.C. VAN HOLST PELLEKAAN: They don't want to know anything about that.

The SPEAKER: Let's get on with it.

The Hon. D.C. VAN HOLST PELLEKAAN: Industry views about the interconnector? We received two weeks ago a terrific report from ElectraNet, in partnership with TransGrid, that said that the South Australia-New South Wales interconnector would be outstanding for South Australians, with a $66 per year average household saving on their electricity bills. The response was very positive. There was another report, one after the other after the other, supporting this policy, which of course the Marshall then opposition took to the last election. It was overwhelmingly supported by the people of South Australia.

One of the very interesting things about this report—and it is linked closely to industry response—is how much this interconnector will increase the capacity of South Australia to generate electricity from renewable sources. It is very, very important. In fact, in their integrated system plan, AEMO said that South Australia would see up to an 80 per cent renewable energy generation after this interconnector is put together.

It is beyond doubt that this interconnector, when built, will deliver cheaper, more reliable and cleaner energy for South Australia. If you are opposed to the interconnector, you obviously don't want cheaper, cleaner and more reliable electricity. Of course, the Labor Party's energy spokesman was not in that category a year, two years or three years ago. He was not in that category. He supported it back then but, of course, as soon as we announced it in opposition as an election commitment the Labor Party's energy spokesman all of a sudden was vehemently opposed to the interconnector. Why was he so opposed to the interconnector?

The Hon. A. KOUTSANTONIS: Point of order, sir: this is debate. My views are not important to the—

The SPEAKER: I have the point of order. It may be appropriate to sometimes contrast the actions of a former government with the current government, but I will be listening very carefully to ensure that the minister replies to the substance of the question.

The Hon. D.C. VAN HOLST PELLEKAAN: He jumped in a millisecond too soon. Why was—

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: —the Labor Party's energy spokesman so opposed to the interconnector? Well, he said it was because it was bad for industry. He said that it was bad for generators. Of course, we are going to have gas generation in South Australia for a long time and it will be very important for us.

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: The energy spokesman from the Labor Party said that the interconnector would be bad because it was bad for industry.

The Hon. A. KOUTSANTONIS: The minister has no responsibility to the house—

The SPEAKER: I have the point of order. As I said, member for West Torrens, it may be appropriate for ministers to also contrast and compare the current government's policies to ones in recent times. Thank you.

The Hon. D.C. VAN HOLST PELLEKAAN: Mr Speaker, the question was about the energy industry. The member opposite says it would be bad for industry, but let me just tell you that the organisation that represents the industry, the Australian Energy Council, in their own newsletter has said, and I quote:

> ElectraNet has worked very hard to address submissions it received in response to the Project Assessment Draft Report.

They also said:

> The analysis is significantly more robust.

Also:

In addition, ElectraNet has included an increased number of sensitivities to demonstrate that stakeholders' concerns would not jeopardise the viability of the proposed solution.

The Hon. S.C. MULLIGHAN: Point of order: if this is publicly available—

The SPEAKER: There is a point of order, minister.

The Hon. D.C. VAN HOLST PELLEKAAN: Can I have some more time?

The SPEAKER: I may grant you that. The point of order?

The Hon. S.C. MULLIGHAN: Assuming it's orderly for you to give that.

The SPEAKER: The point of order?

The Hon. S.C. MULLIGHAN: If this is publicly available information, as cited by the minister, released in a newsletter, why is it being reread to the house?

The SPEAKER: That is not a point of order. Ministers are able to refer to certain facts that are in the public domain. However, if they are reading line by line and word for word the whole time, that is different. Many ministers, when I was a backbencher, read and looked at documents that were in the public domain. If these bogus points of order continue, you will be removed. The minister has the call.

The Hon. D.C. VAN HOLST PELLEKAAN: Thank you, sir. So, again:

Previously we expressed reservations about the transparency of the justification for this interconnector, but the Australian Energy Council is pleased to note that this has much improved in this second stage.

Those opposite are the only ones who don't want cheaper, cleaner and more reliable electricity.

The SPEAKER: The minister has concluded his answer. The member for Kaurna has the call.

HIBBERT REVIEW

Mr PICTON (Kaurna) (14:23): My question is to the Premier. Were front-line ambulance officers afforded the opportunity to provide evidence to the Hibbert inquiry, and were they offered natural justice?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:23): I will take that question on notice, because I am not going to rely on the information provided by the member for Kaurna, but I will make a—

Members interjecting:

The Hon. S.S. MARSHALL: Well, the inference in the question, that they weren't allowed to have input—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: I will take that question on notice and come back to the house.

The SPEAKER: The question was in order. Member for Kaurna.

SA AMBULANCE SERVICE

Mr PICTON (Kaurna) (14:24): Thank you, sir, for your ruling. My question is to the Premier. When was the State Coroner first advised of the cluster of nine deaths of SA Ambulance patients late last year?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:24): I am advised that the protocol regarding any death has been followed. I don't think there's any suggestion that SAPOL wasn't advised as per the protocol.

Members interjecting:

The Hon. S.S. MARSHALL: SAPOL is informed on behalf of the Coroner, is my understanding, certainly with the information that I have received and contained in the report.

SA AMBULANCE SERVICE

Mr PICTON (Kaurna) (14:24): A supplementary question: when was SAPOL informed to inform the Coroner of these nine patient deaths late last year?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:25): I don't have that information. All of these incidents didn't occur on the same date, so I presume that they were informed when they triggered the requirement of the protocol to make that report.

BIOSECURITY MANAGEMENT

Mr PEDERICK (Hammond) (14:25): My question is to the Minister for Primary Industries and Regional Development. Can the minister inform the house how the state government is strengthening our protection against fruit fly and any threats against our biosecurity?

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (14:25): I thank the member for Hammond for his very important question. It is a very important question, particularly for South Australia's reputation not only to be fruit fly free but to have the area of freedom status internationally into our export markets. It gives South Australia the market advantage that no other mainland state has in the country.

In December 2018, there were seven male flies detected in the Loxton area in the Riverland, and that triggered a Queensland fruit fly outbreak. That meant that we had to despatch 50 biosecurity staff to the Loxton Research Centre, to the control centre, and deploy people on the ground to undertake a hygiene exercise, as well as administering the organic baits.

What we had seen previously, under the former government, was a status quo. The quarantine stations and the biosecurity staff were being used as human rubbish bins. What that meant was that people would declare their fruit at the border, inside the quarantine area, and it was putting the region at risk. We have seen now an outbreak and so this government has actually taken a hard-line approach to it. What we are seeing now is that we have a zero tolerance approach.

The Hon. L.W.K. Bignell interjecting:

The SPEAKER: The member for Mawson is warned.

The Hon. T.J. WHETSTONE: We have turned the trucks around at the borders. If those trucks are noncompliant, carrying loose pieces of fruit in empty bins, they will be turned around. The zero tolerance approach has also meant that we are now handing out on-the-spot fines. We will not have our biosecurity officers used as human rubbish bins. Now people are being fined for bringing fruit into the quarantine area. The policy that has been initiated since 4 January is working.

On 22 and 23 December, 285 vehicles were found to be carrying fruit—over half a tonne of fruit. They were fined. In the first week of February, there were 36 fines. To compare, that is 285 down to 36. If we look at the current week, we are now down to 25 fines. What it's showing is that this government is getting on with protecting the horticultural sector in South Australia. By way of example, we are the first state to sign up to the federal fruit fly initiative program. It's about a national approach. It's about every state working together to deal with the Queensland fruit fly.

The Queensland fruit fly is one of the most insidious insects on the planet. It is putting a huge amount of pressure on the South Australian borders. We have just announced the sterile insect technology. Those flies are bred at the Port Augusta facility. We are now implementing the land release of those sterile insects.

That means that every week we are releasing two million flies into the exclusion zone and they are being released by land. Initially, it was going to be release by plane, but we are customising where those flies are to be released. It is also important to note that the program will run for nine weeks, so two million flies a week over nine weeks. Those sterile flies will be both male and female. The males will fire blanks and the females will be non-conceptive. What it's showing is that we are doing everything we can as a government to make sure that we can actually address the outbreak

of Queensland fruit fly. It is of national importance that South Australia be the leader in dealing with Queensland fruit fly—hashtag #RegionsMatter.

SA AMBULANCE SERVICE

Mr PICTON (Kaurna) (14:29): My question is to the Premier. Can the Premier assure the house that all statutory obligations under section 28 of the Coroners Act were fulfilled in relation to the cluster of nine deaths?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:29): I certainly haven't received any advice that that hasn't been the case. In fact, we have just received a report: we have made it very clear and transparent to the people of South Australia. The report was commissioned. We have released that report. I can't see anything in that report which suggests that our statutory obligations have not been followed.

What I do see in this document is a very concerted effort to deal with a spike in adverse incident reporting within the South Australian Ambulance Service, and I would like to commend the leadership within government and within the South Australian Ambulance Service for commissioning this report. I want to commend the paramedics and the ambulance officers who worked with the—

Mr Malinauskas interjecting:

The SPEAKER: Leader!

The Hon. S.S. MARSHALL: —independent auditor to look at the protocols that were in place, the incidents, and to come up with a plan to address this situation.

As I said, this is not a new situation. I cited previously 2015, when 28 adverse incidents were confirmed in that calendar year—a very significantly heightened number over what occurred last year—but, unlike 2015, this is now a government which doesn't want to hide those adverse findings. In fact, what we want to do is expose them to light. What we want to do is work with people within the health system to make sure that we can minimise any adverse incidents within our health system, and that's precisely what we are doing.

Since coming into government we have had a large number of issues to deal with in regard to the health system, mainly due to the hopeless mismanagement of the Transforming Health project which existed within government. It has put a huge amount of stress and strain on our emergency departments in South Australia. What we are doing, though, is working through all the issues that we inherited in a way which we believe will make sure that we very much develop the very best health system in Australia and do that as quickly as possible.

HIBBERT REVIEW

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:32): A supplementary question to the Premier: can the Premier clarify who exactly commissioned the inquiry, the Hibbert review? Was it the Premier, was it the health minister, or was it the SA Ambulance Service independently of the minister?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:32): The South Australian Ambulance Service isn't independent of the government: it is the government. So we, the government, commissioned that report. As to who specifically initiated it, I can find out precisely the name of the person who made the suggestion. The clear benefit to the people of South Australia—

Mr Malinauskas interjecting:

The SPEAKER: The leader is warned.

The Hon. S.S. MARSHALL: The clear—

Mr Malinauskas interjecting:

The SPEAKER: The Leader of the Opposition is warned.

The Hon. S.S. MARSHALL: Nobody is claiming credit. What we are doing—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —is we are taking responsibility, unlike those opposite who had 16 years. Let me tell you a little bit about the system that we inherited, with emergency departments ranked by the Australian health institute—

Mr Malinauskas: It's got worse since you've been in charge.

The SPEAKER: Order!

The Hon. S.S. MARSHALL: Well, I'm not here to respond to interjections, but I think it is important to point out that the Australian Institute of Health and Welfare actually publish reports each year on the performance of emergency departments in hospitals right across South Australia. There are hundreds and hundreds of hospitals across Australia, and they are ranked in terms of their clearance for emergency departments. How did South Australia fare last financial year, of which nine of those 12 months were under the previous government? Let me tell you: we finished worst, or last, second to last, third to last and fourth to last. The Royal Adelaide Hospital was the worst in the country, the Modbury was the second worst in the country, the Lyell McEwin was the third worst in the country—

Ms Bedford interjecting:

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

The Hon. S.S. MARSHALL: —and the Flinders Medical Centre was the fourth worst. That's what we inherited from those opposite, yet they come in here and throw accusations around about how we haven't fixed the mess that we inherited from them so promptly.

The issues associated with the emergency departments were caused unequivocally by the failure of Transforming Health—the closure of hospital beds right across the system driving more and more patients to stretched emergency departments. I'm sorry that all those problems can't be fixed overnight, but what I am telling you is that we are working diligently every single day to undo the mess that was created by those opposite.

COUNTRY FIRE SERVICE

Mr BASHAM (Finniss) (14:34): My question is to the Minister for Emergency Services. Can the minister update the house on the status of the government's CFS Project Renew and how it is providing better services to the community?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:34): I thank the member for Finniss for that question and note that he has a focus on better services. Better services: that is a commitment we took to the election. The Marshall Liberal government is here to deliver better services.

Mr Malinauskas: How's that going?

The Hon. C.L. WINGARD: It's going far better than you ever delivered, my friend—far better than you ever did.

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: The Premier has just gone through the mess that we were left in. Across every portfolio along the front bench here—

Mr Odenwalder interjecting:

The SPEAKER: The member for Elizabeth is called to order and warned.

The Hon. C.L. WINGARD: —we are all experiencing it, and we are here to deliver better services. Say it with me: better services—that is what we're here to do. That's why I'm very proud that one of the first commitments we made was Project Renew, $5 million into the CFS to upgrade

facilities for our emergency services, for our CFS operators. They don't like it on that side because they left them in a state of disrepair.

Across the state, wherever we go to the CFS centres, they are in a state of disrepair. We said, 'Let's put money into improving these centres.' This is where volunteers go to give better services to our state. They don't want to hear about it on that side of the house, but over here we care about our volunteers and we want to deliver better services. I'm proud to say that we have delivered kitchen upgrades and station extensions.

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: We have removed asbestos and put in new blinds, insulation, generators and roofing. We have done the painting. Can I give you one example, Mr Speaker? I was in the electorate of Newland just last week with a very good member. After 12 years of neglect from the Labor side of government, they wanted improved facilities. I tell you what: they are through the roof.

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: We rocked up at the Tea Tree Gully CFS. The member for Newland was treated like a rock star. They loved having him there. They saved him a park out front and welcomed him in. I tell you what: they thought he was an absolutely outstanding member. He advocated so hard to improve their facilities because they are a hardworking CFS station. He was one of the first to get Project Renew to deliver nearly $10,000 for a new floor. The floor in this place was in disrepair. Now they have fixed it up and put carpets throughout their control rooms. It was a beautiful floor, wasn't it? They kept the monogram of the CFS on the floor.

It was absolutely outstanding, but he didn't stop there. He is now helping them push for a new shed that they need to expand their facilities, and $30,000 is coming their way for a new shed. The member for Newland is working tirelessly to get better services in his area. What I can say about this CFS station as well and the wonderful volunteers they have there—and they are outstanding people—is that they actually have a waiting list of volunteers.

That's why we want to make sure that people who come along and join this CFS station have the facilities they need. We want to make sure that they can help deliver for our community as they do so well. Our volunteers do such a marvellous job. We want to make sure that they have the facilities they need. I commend the member for Newland and the work he has done in his community. There are a number of others. We will keep delivering for our volunteers because our volunteers do such an outstanding job for our community. We want to make sure that they have the resources they need.

It has been a pleasure over the past few months to go out and visit these CFS stations, shake hands with the people there, thank them for the great work they do and commend them for what they give back to our state of South Australia. They know and we know that we will work with them and keep working with them, giving them the facilities they need so that they can keep providing better services for South Australia. We are very bullish about that on this side of the house. We will keep working hard every day. It is what we are about on this side of the house. We will make sure that we keep delivering better services and better results for South Australia.

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: I am very proud to do that in my emergency services sector, and I know that everyone across this side of the house will keep delivering for South Australia, in particular better services.

The SPEAKER: Before I call the member for Kaurna, I must intervene. I warn for a first time the member for Reynell and the member for Elizabeth. I call to order and warn for a first time the

member for Waite. The member for Mawson is warned for a second time, and the member for Hurtle Vale is also called to order and warned a first time. The member for Kaurna.

HIBBERT REVIEW

Mr PICTON (Kaurna) (14:39): My question is to the Premier. What are the costs and time frames for the implementation of the Hibbert inquiry recommendations?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:39): I don't have those details with me. As you know, we only received the report in cabinet on Monday. We released it a matter of hours later. We know that there have already been some significant changes within the South Australian Ambulance Service since this report was originally instigated. We know that the South Australian Ambulance officers and paramedics worked with the auditor because they wanted to make sure that they could be providing the very best service possible in South Australia.

I don't think anybody wants to see any adverse incidents reported or investigated, so we are very pleased with the way that there has been a very cooperative relationship to make sure that we can address each one of those issues. There are 14 recommendations in the final report. The South Australian Ambulance Service accepts all 14 of those. The government, more broadly, accepts all 14 and now we will work on each of those to make sure that we can provide the very best service possible.

SA AMBULANCE SERVICE

Mr PICTON (Kaurna) (14:40): My question is to the Premier. Has the Premier met with the families of the victims involved in the cluster of nine deaths? If not, will he meet with them?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:40): As I previously advised, I have been advised that the South Australian Ambulance Service has been in contact with most of the families they can get hold of. I haven't met with them to date.

Ms Stinson: You're the Premier.

The SPEAKER: The member for Badcoe is warned. The member for Kaurna, then the member for Flinders.

HIBBERT REVIEW

Mr PICTON (Kaurna) (14:41): My question is to the Premier. What commitment has the Premier made to the families of the 17 patients to keep them up to date on progress against the recommendations from the inquiry?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:41): As I have just said, we published the report proactively. We weren't under any pressure to do so. I have pointed out that the previous government clearly didn't either commission or publish any reports. By contrast, we are not sweeping this issue under the carpet. We are shining a light on it because we want to actually fix the problems that we inherited from those opposite. We are already doing everything we possibly can to alleviate some of the added stress that has been brought on the system by the massive closure of hospital beds across South Australia.

You would note, sir, before Christmas we stopped the sale of the Repat hospital. The reason for bringing that up is because that allowed us to keep open 20 beds which were slated for closure down at the Repat. By keeping them open, it alleviated another stress that was going to be wrought against the Flinders Medical Centre emergency department. Since then, we have opened a further 20 beds at the Repat site, alleviating pressure on the Flinders Medical Centre and, ultimately, the emergency department.

We have opened the psychiatric intensive care beds, the 10 beds that remained closed when the new Royal Adelaide Hospital was opened by those opposite, and they are providing some increased capacity at the new Royal Adelaide Hospital. We have committed to providing 10 new forensic beds to be based on the Glenside campus as soon as possible, certainly before winter this year.

On the weekend, we announced the criteria-led discharge protocol which, again, we think will lead to easing the pressure on our emergency departments that we inherited from those opposite.

Far be it that we have been sitting on our hands. We have requested an independent report that has been published so that the families can read it. We have accepted the 14 recommendations and we will proactively make sure that we work through that list.

EYRE PENINSULA RAIL NETWORK

Mr TRELOAR (Flinders) (14:43): My question is to the Minister for Transport, Infrastructure and Local Government. Can the minister update the house on the future of the Eyre Peninsula rail network?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:43): I thank the member for Flinders very much for this question. I did try to update the house on this a little bit earlier, especially considering there are some out there who are saying that, in relation to the Eyre Peninsula rail line closing, this government was asked to put money into upgrading the rail line, which is not true, but also that this would lead to increased costs for grain growers, and that is certainly something that hasn't been put to me. In fact, it's the opposite. It's a fact that the road transport has now improved to the point where it's taking 70 per cent of the existing grain task around Eyre Peninsula because it provides a better cost solution.

To update the house, to give facts to the house, so that some of those who are a little bit angry can be availed of some facts, Viterra has today announced that it will not be extending its contract with Genesee & Wyoming Australia past 31 May 2019, that date being chosen because of the more limited harvest this year and the lower than usual grain task.

First and foremost, this is a commercial decision by Viterra and GWA. The economic viability of this rail network has been in doubt for a long period of time. The condition of the rail infrastructure and the restrictions it places on operations have added to the costs of doing business for Viterra such that it is simply no longer efficient to move the grain by rail.

It is important to keep in mind that this very aged network is only capable of low axle loads. In the coming months, Viterra will make investments to support the transition to road transport only. We understand also that GWA has advised its employees today. We have welcomed the openness with which Viterra and GWA have kept us informed throughout the discussions.

Again, it should be noted that some 60 to 70 per cent of the grain is currently already hauled by road on Eyre Peninsula. We have been informed that the closure of the rail will lead to roughly 50 extra trucks a day in and around Port Lincoln. We are very mindful of what this might mean for residents and have been exploring a number of options with the commonwealth government. To date, we have had very productive discussions with the commonwealth and we are confident that we are close to delivering a solution. We also look forward to engaging with the Port Lincoln council and the other councils on Eyre Peninsula as we refine options going forward about what the solution will entail.

HIBBERT REVIEW

Mr PICTON (Kaurna) (14:45): My question is for the Premier. Can the Premier confirm for the house what the health minister has just told the other place, that the Hibbert inquiry was commissioned by the South Australian Ambulance Service before the minister was briefed in December?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:46): I thank the member for his question. Of course, my answer was not in any way, shape or form inconsistent with the—

Members interjecting:

The SPEAKER: Order! The member for Badcoe is on two warnings. The member for Kaurna is warned. The Premier has the call.

The Hon. S.S. MARSHALL: Thank you, Mr Speaker. As I was saying, my answer that was provided to this house is completely consistent with that provided by the Minister for Health and Wellbeing in the other place. The reality is that the South Australian Ambulance Service is part of the

government. The government commissioned the report proactively. When it was provided to the cabinet, it was immediately released.

The reality is that we have done everything we can to shine a light on a problem that we inherited from the previous government. If you read the report when you get a chance, sir, you will see many times throughout the report it talks about the culture that existed, which was a massive focus on KPIs rather than on clinical outcomes. That has been recognised by the South Australian Ambulance Service, so I commend officers and the leadership within the South Australian Ambulance Service for proactively seeking to improve their performance.

The Hon. T.J. Whetstone interjecting:

The SPEAKER: The Minister for Primary Industries is called to order.

SA AMBULANCE SERVICE

Mr PICTON (Kaurna) (14:47): My question is to the Premier. What compensation will the Premier be providing to the family members of the nine victims of the cluster of deaths?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:47): Let's be quite clear: at this stage there has only been a referral to the Coroner, and we will see what the findings are that come back from the Coroner.

CITY SKATE PARK

Mr DULUK (Waite) (14:47): My question is to the Minister for Transport, Infrastructure and Local Government. Can the minister update the house on the city skate park?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:48): I can indeed. I note, member for Waite, your deep and abiding interest in skating and—

Members interjecting:

The SPEAKER: The minister will resume his seat for one moment. The member for Badcoe can leave for half an hour under 137A. Thank you.

The honourable member for Badcoe having withdrawn from the chamber:

An honourable member interjecting:

The SPEAKER: Yes, I will deal with them, too, don't worry—I am saving it up. Minister.

The Hon. S.K. KNOLL: As I was just saying, the member for Waite has a deep and abiding interest in the skating community right across South Australia. I would like to take—

Ms Hildyard interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: There are obviously members opposite who haven't apprised themselves of recent history. Back in 2013, it was first discovered that the city skate park on North Terrace was going to be demolished. At that point, a rally was held. At that rally, there was the Liberal member for Adelaide and there was the Labor candidate for Adelaide, Jo Chapley. Hang on. No, that's right; it is David O'Loughlin—it is hard to keep track. At that point, both member and candidate made a commitment to the South Australian people—

Mr Boyer interjecting:

The SPEAKER: The member for Wright is warned.

The Hon. S.K. KNOLL: —that they would fix and find a new location for the city skate park. We fast-forward to March 2014 and Labor won the election and formed government. There was an intervening four-year period where nothing happened—where absolutely nothing happened. Now, we fast-forward to March 2018, March 17—a very happy day. The Liberal government is elected here in South Australia, and what happens is that the members opposite discover that we don't have

a city skate park, and then they start to get out there in the community and fight for a skate park that they failed to deliver for five years.

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: Well, guess what, Mr Speaker?

The Hon. C.L. Wingard interjecting:

The SPEAKER: The Minister for Police is called to order.

The Hon. S.K. KNOLL: We didn't need to wait five years to get the job done. We have been working diligently with the Adelaide city council—

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: —and we were able on Monday to announce that we now have a location for a new city skate park here in Adelaide. It is something that the member for Adelaide and I have been discussing for many, many months as very strong advocates—

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: —because this was a commitment that we made, and herein lies the difference.

Mr Brown interjecting:

The SPEAKER: Member for Playford!

The Hon. S.K. KNOLL: When South Australians voted in their Liberal government—

The Hon. S.C. Mullighan interjecting:

The SPEAKER: The member for Lee is warned.

The Hon. S.K. KNOLL: —they knew that they were going to get their election commitments delivered, unlike what happened previously, and that is precisely what we have done.

Ms Hildyard interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: The member for Reynell may put a few things on Twitter and decide that she is helping somebody, but a tweet isn't going to deliver a city skate park: dollars on the table will.

Members interjecting:

The SPEAKER: Yes. Minister, please resume your seat. Point of order?

The Hon. A. KOUTSANTONIS: The minister is talking about members opposite—

The SPEAKER: Yes, I uphold the point of order and ask the minister to come to the substance of the question, please.

The Hon. S.K. KNOLL: So I would like to also congratulate the Adelaide city council that did go on a consultation process to help find the best new home for this park. I think that the location at Gladys Elphick is the perfect location because it has good access to public transport—

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: —it has good access to facilities around that area and the Karen Rolton Oval, and it also has very strong connectivity—

Ms Hildyard interjecting:

The SPEAKER: The member for Reynell is on two warnings.

The Hon. S.K. KNOLL: —to the rest of the city.

The Hon. S.S. Marshall: And if you break a leg, you can hop over the road to the Royal Adelaide.

The Hon. S.K. KNOLL: The Premier makes a point that I think is quite valid. This is a great location. What is going to happen is that there is going to be a period where we now talk again to the skating community about not only now having decided where the location is but also what sort of skate park it is that they want.

The South Australian government, the Liberal state South Australian government, has put $3 million on the table to make sure that this finally gets done. Talk is cheap, but here we are on this side of the house delivering on yet another commitment that we took to the South Australian election, and the skating community, who have had words and empty rhetoric and rallies that lead to nowhere for the past 12 months, will finally now have the outcome that they so richly deserve.

GOYDER HIGHWAY

The Hon. G.G. BROCK (Frome) (14:52): My question is to the Minister for Transport and Infrastructure. Can the minister please advise when the people from the Department of Planning, Transport and Infrastructure will visit the Goyder Highway section of road between Crystal Brook and Gulnare and inspect this road with me, as requested by myself on 31 July 2018? With your leave, Mr Speaker, and that of the house, can I please explain further?

Leave granted.

The Hon. G.G. BROCK: I responded to the minister's request to my correspondence on 10 April last year, which was received from the minister on 25 July, where the minister stated that the election commitment from this government to reinstate the eight regional roads previously reduced to 100 km/h was going through a systematic review of country roads. I responded that I disagreed with the department's analysis of this road, and their reasons, and asked for an on-site inspection of that road with the department.

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:53): Well, I wasn't part of the cabinet that reduced those eight speed limits—

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: —but we are the ones who are going to put them back.

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: We are the ones who are going to put them back. We are getting much closer day by day to finalising that report and being able to make that known about how it is that we are going to put these speed limits back up to 110 km/h, and we are committed to getting it done.

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: All in good time. But can I say that, in terms of inspecting the road—

The Hon. T.J. Whetstone interjecting:

The SPEAKER: The Minister for Primary Industries, please!

Members interjecting:

The SPEAKER: The member for Lee, and the member for Kaurna!

The Hon. S.K. KNOLL: —the department—

The SPEAKER: Sorry, crossfire!

The Hon. S.K. KNOLL: —inspects regional roads under our care and control on a fortnightly basis. We keep an active and physical watch on all of our roads, every single fortnight, to make sure that we are assessing the condition, especially where we see spot issues which can be fixed very quickly and which helps to stop further and quicker deterioration later on.

This Liberal government has a commitment to regional roads that is unmatched by those opposite and those previous. We have put on the table projects in regional South Australia that those opposite could only have dreamed of: the Joy Baluch Bridge, $200 million to fix a longstanding problem in the member for Stuart's electorate; the duplication in the bypass at Port Wakefield, which I know is something that the people of Port Wakefield had been desperately asking for for a long time—

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: —and the Penola bypass, which those opposite, those grinches opposite, wouldn't accept federal government money for, is finally being delivered. I hear cries of 'get on and do it quicker'. Well, can I tell you that getting it done by a government that has put the money on the table is infinitely quicker than those who refuse to do anything. I think that maybe a little bit of self-reflection is in order from time to time. We are committed to getting this done, and I think that, over the course of this year—

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: —regional South Australians, who have been desperately waiting for a change of government for 16 years, will see the whites of our eyes and the money that we are willing to invest in regional roads over and above that which has already been invested. As the member for Frome will see, we are committed to making sure that regional roads, especially in the Mid North, are looked after. We will be able to demonstrate to regional South Australians that a change of government is good to keep people alive on our regional roads.

The SPEAKER: The member for West Torrens is warned for interjecting.

SA AMBULANCE SERVICE

Mr PICTON (Kaurna) (14:56): My question is to the Premier. Will the Premier, on behalf of the government, apologise to the families of the victims of the cluster of nine deaths?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:56): We regret any adverse incident in our entire health system. The reality is that it's a disaster, a tragedy, when anything like this occurs. That's why we have taken proactive steps to address the issues that we inherited when we came to government with regard to the overcrowding at the emergency departments. I am happy to go through them, because some opposite say that they haven't heard what we have said, but—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —we kept beds open at the Repat. In fact, we have opened an additional 20 beds here in South Australia.

Mr Pederick interjecting:

The SPEAKER: The member for Hammond is warned.

The Hon. S.S. MARSHALL: We have opened 10 new psychiatric intensive care unit beds at the Royal Adelaide Hospital. They had remained closed under the previous government, who hadn't signed off on the hospital in accordance with the original specifications. We are opening

another 10 forensic mental health beds on the Glenside campus, and we have changed protocols by working with clinicians. This is the big difference when there is a change in government. We go back, we look at what has occurred in the past and we decide how we can do this better.

What we have decided to do is actually listen to the clinicians who exist within our health system in South Australia. Can I say that we have been delighted with the suggestions that have been coming forward. Where possible, we implement them as quickly as possible. Have we solved all the problems that we inherited from those opposite? No. I don't want to overpromise and then underdeliver, but I can tell you one thing: we are working as diligently as we possibly can. It's a pity we didn't have a very clear picture of the size of the mess that we were going to inherit.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: Since coming to government, sir, I remind you and I remind this house that we have put an additional $900 million worth of new money back into the budget in South Australia. We have had to do that because our health system was under enormous pressure when we came to government. The former government had foreshadowed and projected—and in fact included into their budget—brutal cuts to our health system at a time when this would have absolutely put the people of South Australia in a perilous situation. By contrast—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —we have reinvested in our health system in South Australia. There is plenty more to come. The Minister for Health and Wellbeing is working very diligently. We have new board structures about to be rolled out, and the chairs of all those boards have been appointed. Importantly, we are seeing a massive return of control to regional South Australia, going from one centralised health bureaucracy in the centre of the city controlling all country hospitals in this state to six separate country local health networks.

An honourable member interjecting:

The Hon. S.S. MARSHALL: I think it's six, isn't it? Did somebody say seven? Sorry. So six local health networks in country SA. We believe this is the right decision because we will have decision-makers closer to the action in those regional communities, making sure that we can keep the health of people living right across this state as a major priority.

The SPEAKER: The member for Kaurna and the member for Playford are warned, and the member for West Torrens is warned for a second and final time. Member for Kaurna.

HOSPITAL BEDS

Mr PICTON (Kaurna) (14:59): My question is to the Premier. What consideration was given to the SA Ambulance nine-death cluster when the government in December closed 25 beds at Hampstead, 16 beds at Flinders and 20 beds at the Women's and Children's Hospital?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:59): I think—

Mr Malinauskas: Open some beds and close more somewhere else.

The SPEAKER: The Leader of the Opposition is warned for a second time.

The Hon. S.S. MARSHALL: It's surprising that the member for Kaurna, who previously worked as a key adviser to the minister implementing Transforming Health and the health system in South Australia, doesn't understand the way that it works.

Members interjecting:

The Hon. S.S. MARSHALL: Look at them move away from Transforming Health. It wasn't that long ago that they were spending hundreds—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —of thousands of dollars, maybe millions of dollars, promoting Transforming Health.

The SPEAKER: Could the Premier please resume his seat.

Members interjecting:

The SPEAKER: The member for West Torrens.

The Hon. A. KOUTSANTONIS: Point of order: sir, the Premier just informed the house that the member for Kaurna used to be employed by the former minister for health, the Hon. Jack Snelling, That is not true.

The SPEAKER: I will go back through the *Hansard*.

The Hon. S.K. Knoll interjecting:

The SPEAKER: Yes, that is right. Is there a point of order? What was the point of order? In any event, member for West Torrens, if I can help, I'm not sure if that is even relevant to the question that was asked.

The Hon. A. KOUTSANTONIS: It's all relevant, sir. Informing the house—

Members interjecting:

The SPEAKER: Order! I will be listening carefully to ensure that the Premier answers the substance of the question. The Premier has the call.

The Hon. S.S. MARSHALL: I seem to remember sitting in this chamber when the former member for Kaurna, the Hon. John Hill, talked about the Generational Health Review—

Mr Brown: You said Transforming Health.

The Hon. S.S. MARSHALL: —which was done by—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —Mr Menadue and which basically—

Mr Brown: Don't mislead the parliament.

The SPEAKER: Order! The Premier has the call and the member for Playford can leave for half an hour.

The honourable member for Playford having withdrawn from the chamber:

The Hon. S.S. MARSHALL: —was the forerunner to the ultimately named Transforming Health. I'm not sure—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —whether he wants to get away from that minister as well, but it's a pretty messy situation. It's a situation that we inherited from those opposite.

SA AMBULANCE SERVICE

Mr PICTON (Kaurna) (15:01): My question is to the Premier. What additional funding and resources will the Premier provide to the Coroner to fast-track consideration of the nine patient deaths from adverse incidents?

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:02): We haven't received any request from the Coroner for additional resources, but that moment of quiet reminded me what the previous question was, which was actually about hospital beds. What I was trying to convey to this house is that it is—

Mr Picton: Are you going to answer this question? Answer this question.

The Hon. S.S. MARSHALL: Well, I just did.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: I just said we haven't received any request. I'm making it very clear, sir, that we haven't received any requests for additional resources from the Coroner, but I would like to inform the house on the previous question, which was really regarding hospital beds, and remind the member for Kaurna that it's actually not the government that decides about which beds are open and which beds are closed. These are decisions that are handled by the local health network.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: The incidents that are referred to in this report don't deal with individual beds. It deals with incidents that have occurred mainly when ambulance officers and paramedics have been out visiting a patient and there has been a misdiagnosis of the condition which hasn't had them transported into the hospital. It has nothing to do with the number of hospital beds open or closed at the Women's and Children's Hospital.

The SPEAKER: The member for Elder and then the 20th question for the opposition today. Member for Elder.

WASTE MANAGEMENT

Mrs POWER (Elder) (15:03): My question is to the Minister for Environment and Water. Can the minister update the house on the consultation recently completed regarding the single-use plastics discussion paper?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (15:03): Thank you—

Members interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. D.J. SPEIRS: Thank you, Mr Speaker and I thank the member for Elder for her question. It's always good to be able to update this house on the government's approach to waste management. Of course, after 16 years of Labor, we are all involved in waste management policy.

However, specifically, I want to talk about the state government's approach to single-use plastics and our consultation that we initiated earlier this year to seek the views of South Australians, whether that's households, community organisations or businesses, into potentially a phase-out of some single-use plastics, which the government wants to take a serious look at. It is very disappointing that the opposition have had a very lukewarm approach to this policy direction. Their lack of contribution to the public debate when this was announced was exceptionally disappointing.

This is certainly something that the South Australian community has an interest in. There has been an increasing gathering of opinion and views on this. You regularly see it on social media and you see documentaries and current affairs shows covering the environmental impact of single-use plastics on a regular basis. We see countries across the world, not just Western countries but developing countries as well, taking a stance to look at reductions in single-use plastics.

Earlier this year, the government released a discussion paper called 'Turning the tide on single-use plastic products' to discuss with South Australians what direction we should head in with this policy. At the same time and in parallel, we are reviewing the container deposit legislation (CDL) to see if that is fit for purpose and able to meet the needs of our current waste management strategy for the state. Those two bodies of work are ongoing.

In particular, I want to update the house on the outcomes of the consultation in terms of how much interaction there has been. We had 3,226 survey responses. This was one of the most significant surveys the state government has undertaken since the YourSAy website was established

several years ago, coming in at the fourth highest engagement the state government has done through that electronic platform. There are clearly a very significant number of people keen to have their say on this matter.

Of the survey responses, 98.9 per cent of completed surveys answered yes to the question, 'Do you consider single-use plastic products are causing environmental problems?' and 96 per cent of people who started the survey actually went through to completion of the survey, which is a particularly high level of engagement.

We have received over 100 written submissions, which have now been provided to Green Industries SA, the organisation formerly known as Zero Waste SA, which is embedded within my portfolio. We will now have an opportunity to go away, dig into those results and provide an analysis back to South Australians and to members of this house so that we can understand a policy direction going forward.

There is absolutely no doubt that South Australians want action from the government on this front, and there is a real interest in government leading the way. There are already plenty of things happening in the community. We know this is an area that will create jobs and trigger investment from the private sector, and it is incredibly important for government to send a market signal along those lines.

One day last week, I was able to head down to an organisation called Peakfresh, which has just invested substantially in creating compostable bags—the first to be manufactured in Australia. It is a great example of a South Australian company investing as a result of this market signal.

The SPEAKER: The minister's time has expired. The Leader of the Opposition.

SA AMBULANCE SERVICE

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (15:08): Thank you very much, Mr Speaker. My question is to the Premier. Premier, who in your government accepts responsibility for the cluster of nine deaths in SA Ambulance late last year?

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:08): Unlike the previous government, we do take responsibility for any adverse incidents within our health system. The entire cabinet takes responsibility and we work through the issues in a diligent way.

The Hon. A. KOUTSANTONIS: Point of order: throughout the 20 questions we have asked the Premier today, the Premier has been referring to a document marked 'cabinet'. He has been referring to it and quoting from it. I ask that he hand it to you for you to have a look at and see if it has been referenced in a debate, and I ask whether that cabinet document and all relating attachments be tabled to the house.

Members interjecting:

The SPEAKER: There is a point of order. The member for West Torrens would be well aware that members can refer to documents; if they are reading documents, that would be different. I will have a look at the footage and take up the issue with the Premier, but I don't believe that the Premier was reading word for word or line for line from any document. But if it is a document that does require tabling, I will come back to the house.

The Hon. A. KOUTSANTONIS: Further point of order: there is a long precedent in the House of Representatives—

The SPEAKER: Yes.

The Hon. A. KOUTSANTONIS: —and the House of Assembly that if ministers quote or use cabinet documents in the House of Assembly—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —they must be tabled.

The SPEAKER: The member for West Torrens is making a whole heap of assumptions here. I will investigate those assumptions and, if the document does require tabling, I will come back to the house. Thank you.

Grievance Debate

SA AMBULANCE SERVICE

Mr PICTON (Kaurna) (15:09): Yesterday, we saw revealed a very startling report into what has happened in our SA Ambulance Service over the past few months. From October to December last year, there were 17 adverse incidents in our health system that involved nine patient deaths that were investigated. We found out today that it was not actually the government, but SA Ambulance, of its own volition, that asked Associate Professor Peter Hibbert to inquire into those deaths, and the minister and the Premier were only told afterwards. That report has now been released.

What we have learnt is that the minister and, we believe, the Premier were informed of this matter back in December. That is up to three months ago. The public of South Australia was not informed of this very serious patient issue in South Australia and they were not informed of what this could mean for their ambulance services here in South Australia. This is very different from the test that we had from the government when they were in opposition. Stephen Wade, as the health minister, went out time and time again and said that he would deliver transparency and he would make sure that if there were errors in the health system he would report them immediately.

Just before the election, in fact, we had an incident at Lyell McEwin Hospital, where the government released within four days an issue that had happened in respect of the cleaning of bottles. Stephen Wade came out and said that that was an outrage. He said there was a 'culture of cover-up' happening in the health system because how dare it take four days for the public to be informed of a health issue, a safety issue, in our hospital system.

What happens with him? He is in government now and it is perfectly fine for him to hold on to information for three months about very serious issues that have happened in our ambulance services, issues that potentially led to the deaths of nine patients. Nothing could be more serious, yet the Premier and the health minister think that it is perfectly fine for them to sit on that information and not tell the public of South Australia. What else do they know that they are not telling the public? What else has been happening that they are not revealing to the public that we might only find out months or years down the track, or maybe even never?

This is a complete change from their previous perspective on supposed transparency, a complete change by Stephen Wade and the Premier's own definition that it looks exactly like a culture of cover-up—something he used to complain about. I am particularly concerned about the fact that the families were not informed of this matter. Neither the health minister nor the Premier sought to meet with the families. Today, it is very fuzzy as to whether all the families have been briefed on this matter. In fact, the Premier and the health minister seem to be suggesting that there are some families that have not been contacted.

Why were they not contacted back in December when the health minister was first informed of this matter? When the health minister was informed—and potentially the Premier as well, although he could not quite remember—about these serious patient issues, why were the families of this cluster of nine patient deaths not told about the circumstances of what happened to them? Why were they not also asked to be involved in the review, to provide evidence, to provide their circumstances, to have an opportunity to be heard? Clearly, that has not happened. The Premier has been unable to explain how that happened. I think that is a very serious error that the government has made.

The other thing the government did upon being told of this matter back in December is they decided to cut resources from the health system, instead of saying, 'Wow, we have been presented with this information, which shows a very serious issue in our health system. We need to make sure that the health system has the resources to address this issue.' While they were being provided this information, we had cuts to beds at Hampstead, we had cuts to beds at the Women's and Children's Hospital and we had cuts to beds at Flinders Medical Centre.

What that has led to now is an even more serious situation happening this month. February is usually a quiet time in the hospital system, but this month has been remarkable. Our doctors,

nurses and paramedics are calling for urgent action and the government's only response is to close beds, privatise SA Pathology and close community health services. They are not fixing the health service as they said they would. They are cutting it, they are closing it, they are privatising it and they should hang their heads in shame.

SA AMBULANCE SERVICE

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:14): I rise to put some facts on the table in regard to the matter just raised by the member for Kaurna. Let me start by saying that any death is sad at the very least and any avoidable death seems like a tragedy, and the government is doing everything it can to find out exactly what has happened in this matter. I should also declare a personal interest as my brother is a paramedic and has been for about 15 years now, so when it comes to these sorts of issues not only do I feel for and care for anybody who has passed away in our health system but I also have a close connection and feel for the paramedics.

A minute ago, the shadow health minister tried to suggest that for some reason the government is covering up on this issue. Nothing could be further from the truth. The Minister for Health received this report, I believe, on Wednesday of last week. He brought it to cabinet the following Monday—that is an extraordinary pace in the cabinet process, as people know—and the report was released publicly later that Monday. So there is no cover-up whatsoever here.

In fact, it is interesting to note the comments by Mr Phil Palmer from the Ambulance Employees Association, who said on radio, in response to the question about why information was not provided more quickly:

> No…the process of getting an independent report, an expert…is not something to be done quick.

He probably meant to say that slightly differently. He went on to say:

> We would probably be critical of the ambulance service and the government if they started announcing things before they really knew what it was all about. A kneejerk reaction and overreactions only harm the practitioners…

I am sure that Mr Palmer also had very much in his mind that it could potentially harm future patients as well. So there is no cover-up. The information very quickly went to cabinet within days. The same day it went to cabinet the report was released in full to the public, and the Ambulance Employees Association representative actually said that it was best to wait for that report before sharing that information.

Professor Hibbert has done everything that he possibly can to look into this issue on behalf of the government and all people connected to this matter. The review found that there were 17 adverse incidents between October and December and, of those, nine resulted in death. All nine deaths have been referred to the Coroner.

The government has accepted all the report's recommendations. As I said, the government received the report last Wednesday and released it in full on Monday, five days later. The review's primary recommendation is that the South Australian Ambulance Service develops a cohesive, quality and safe care strategy. The report highlights deep-seated problems that have developed over many years.

In that ABC radio interview, Mr Phil Palmer from the Ambulance Employees Association made it very clear that he and his colleagues had been warning the previous government of the risks associated with this issue for years and years. He made it very clear that he felt that those warnings fell on deaf ears when he gave them to the previous government. That can be contrasted with the current government which, as the Premier said in question time today, is shining a light on this issue, getting to the bottom of this issue and doing everything possible to make information public to fix things and make them better.

The report does not say that ramping was the direct cause of these incidents. Ramping does have an indirect impact, potentially affecting the decision-making of crews. Ramping has been allowed to fester under the previous government for many years, and that is completely unacceptable.

We in the Marshall Liberal government are working to make ramping a thing of the past. Patient safety must be at the forefront of everything that we do in health. Very importantly, looking forward, Professor Hibbert has agreed to continue to work with the South Australian Ambulance Service to develop a work plan to implement changes in the best interests of patients, the Ambulance Service and other health professionals.

SCHOOL ZONING

The Hon. A. KOUTSANTONIS (West Torrens) (15:19): Last week, the Marshall government—without any warning, without any consultation, without any notice—ripped the heart out of the western and south-western suburbs. You cannot imagine the hurt and pain that parents feel knowing that the plans that they had made and the future that they had planned for the most important thing they hold dear in their lives—their children—have been completely ripped out of their hands by a government that I think played a stupid undergraduate game of politics, thinking that they could just deny the people of the western and south-western suburbs access to two of the most prestigious and sought-after public schools in South Australia.

I am a lucky beneficiary of an education at Adelaide High School. The reason I went to Adelaide High School is that I was born in the western suburbs and grew up in the western suburbs, and Adelaide High School is as close to the western suburbs as any other institution could be. It is of, from and part of our community and our culture. I cannot tell you the number of people I meet in my electorate who have grown up in the area, bought a home in the area and aspire to send their children to a school that they went to. Why? Because it is a great community. That is the great thing about public education: we have schools that people really want to try to get their children into because of the quality of the education.

The member for Badcoe and I have been inundated by parents and children who are concerned about this decision. We have also been inundated by people who have seen the property values of their homes dramatically decreased. I met with a family who made a decision to buy a home in Torrensville. It is the largest investment of their lives. They made a decision that they would buy in Torrensville, where property prices were dramatically increasing, because they like the area, they like the amenity of the suburb and the schools zoned for that suburb were Adelaide Botanic and Adelaide High School.

These two parents were scientists. The largest investment they have made is in their schools and in their homes, and the reason they want a public education for their children is that they believe in public education. Just imagine the hurt that family felt that night when this minister so callously decided to rip them out of the zone without warning, then, to add insult to injury, began to invest millions of dollars, unannounced, in other schools to increase their capacity for their policy decision to have year 7 in high school but did no such thing for the people of the western suburbs. It is heartbreaking.

The thing about the Liberal Party is that, in this undergraduate move where they think that the only victims are in Labor seats, what they do not realise and have not yet contemplated is the innate sense of fairness that South Australians have in their DNA. No South Australian I have spoken to, whether they are affected or unaffected, thinks that the decision made by the Premier, his education minister and every member of the government is fair, nor do they think it is equitable, nor do they think, quite frankly, it passes the pub test.

In fact, any right-minded South Australian, when hearing of this decision, knows what it is: it is blatant politicking. The people of South Australia will not put up with it. I say to the people who are not affected, who are zoned for Norwood Morialta, who are zoned for Brighton, who are zoned for Unley High School, who are zoned for Henley High: if they can do it to us, they can do it to you. If they can just change the zone with a stroke of a pen without any consultation, there is nothing stopping them from doing it to other communities.

This is a policy disaster for the government. This policy disaster was done on the run because of their policy and poor planning to put year 7 into high school. They did not budget for it. They did not plan for it. They have co-opted money that the Minister for Education and I put into the budget for a massive upgrade of our schools and they have taken that money to implement their policies.

But it does not go quite far enough because they cannot deny what we already announced to families on upgrades to schools, so they are simply changing the zones.

On Sunday 3 March at 9.30am at Thebarton car park, South Australians will march to Adelaide High School to do two things: to show our protest about how unfair this is and to show the proximity to the suburbs that have been excluded. The member for Badcoe and I are just the beginning of this campaign. We are not running this campaign. Parents are, families are, the kids are, and the government will pay for this decision.

GOOLWA PIPICO

Mr BASHAM (Finniss) (15:25): I rise to talk about a visit last Friday by the Minister for Primary Industries and Regional Development to the town of Port Elliot. He was invited to come down to meet people, following a significant investment by the government through the Regional Growth Fund into a business called Goolwa PipiCo. Goolwa PipiCo is a business that has operated since 2014. It was established in 2014 by four families coming together and deciding that there was a real need to transform the pipi industry, which was very much a bait industry, into something that was much more valuable, namely, for human consumption in the restaurant trade and households generally.

The Hoad family is one of the families that has been operating in the fishery since the 1960s. They are one of the families making up PipiCo. They have done a lot of cockling over the years. They go raking for cockles on the beach on the sea side of the Coorong, harvesting the pipis, and then they bring them back to the factory at Port Elliot for processing. Harvesting has not been done just by this family for many years. It goes back many more years than that.

The custodians of that area, the Ngarrindjeri people, have been harvesting cockles in this region for thousands of years. The exciting thing is that they continue to be part of the project going forward. The Ngarrindjeri people and PipiCo have joined in a partnership and are working together to develop markets and to harvest in order to bring products into the new factory, which is being expanded thanks to this investment.

Currently, about 400 tonnes of pipis/cockles are harvested every year. At the moment, there are about 30 employees. This investment of $489,335, which we have been able to provide through the Regional Growth Fund, is going to make a huge difference. It is going to allow for the factory to expand, to be able to operate more consistently all year round and employ people on a permanent basis. They are looking to have eight full-time jobs out of this expansion which will enable the business to operate all year round in a more stable way.

They are also looking to bring in some of the processing that is currently done elsewhere. At the moment, they have two lines that are processed offsite. One of them is for a sashimi product made with their cockles, which is sent to Sydney for processing and then brought back to South Australia for distribution. They are hoping to bring that back to Port Elliot due to the factory expansion, which will enable the business to have full control of the line. There is another line that is processed in Adelaide and they hope to bring that back to the Port Elliot facility as well.

It was great to spend Friday with the minister and some key people within the business. Roger Edwards is the chair of the organisation, and he is very thrilled to have this sort of investment. Tom Robinson is another partner in the business who has been working hard in putting forward the submission. Uncle Derek Walker and many others from the Ngarrindjeri community were there as well.

To have them there to celebrate this community action was fantastic. It was great to see them investing in this business. It was also nice that they were able to put on a paella with their products. It was cooked by Billy Dohnt of BillyDohnt Does. It was a great day—and we had the pleasure of the company of the Alexandrina mayor, Keith Parkes, and the CEO, Glenn Rappensberg—so thanks very much.

SERVICE SA

Ms BEDFORD (Florey) (15:30): I rise to speak about another unfair decision. Last year, the residents of the north-eastern suburbs were shocked to hear a proposal had been made and

accepted by the Minister for Transport, Infrastructure and Local Government to close not only their local branch of Service SA in Modbury but also the branches at Prospect and Mitcham—an apparently poorly thought-out cost-cutting exercise.

There seems little logic behind what surely must have been jottings on the back of an envelope because no-one seems to know exactly what impact this will have and what savings will be made versus what it will cost, for instance, in lost prepaid rent and how hundreds of thousands of transactions will be undertaken in the future.

Let's take a look at some of the impacts. Longer travel and waiting times: it will take nearly an hour to get to Elizabeth or Tranmere by bus. In the case of Tranmere, sir, in your electorate, it will be two buses. By car, it will take around 20 minutes. The already long queues at Tranmere (which I am sure you are aware of, sir), which already serves 85,000 customers, and at Elizabeth, the state's busiest office, which already serves 141,700 customers, will swell with Modbury's displaced customers.

Prospect's 105,000 customers will have to go to the city—already serving 74,000 customers—or Tranmere. Again, I know that you know, sir, that Tranmere is already looking after their own 85,000 customers and will have to cater for the Modbury spillover, too. Clearly, this is a recipe for disaster. The same is true for Mitcham. Those customers will have to go to the city or Marion, which is already servicing 117,000 customers. That is the rub—the loss of Service SA offices is a disservice to the people of the state.

Not all people have the ability, for a number of reasons, to access online services. If the online services already available are not being utilised, it is because we know people are attending offices in growing numbers to do their business in person. How will acceptance and use of online services be increased? I am hearing that the service online is not up to scratch, and the increasing traffic in the call centre will have its own unique issues—or, rather, issues similar to those already experienced by the long-suffering public who use Centrelink's call centres.

My own experience last night with Service SA was that I spent nearly an hour not even listening to good music or music of any variety. I eventually had to hang up before I could get my business done by the call centre, which closed at 6 o'clock, apparently not servicing many customers up to that time. What thought has been given to the staff in the Modbury, Prospect and Mitcham offices? They deliver an amazing service under very difficult circumstances.

I have witnessed the diligent work of staff at Modbury many times and, more recently, on visits to Tranmere, Prospect and Elizabeth. They provide the person-to-person service so valued by the community. The electors and residents of Newland, King, Florey and Wright in the north-east are not happy that this policy was not canvassed prior to the last election—not even 12 months ago. It was not part of any policy offered for their consideration prior to them deciding their vote. They have made it very clear that they do not accept this measure and will not forget this senseless course of action.

It is a transfer of cost to the individual, who will have to travel further and wait longer to pay the government money. There is no way that closing these offices will improve services. It would take some time for that day to come. As we were told at this year's service at St Peter's Cathedral, we must remember the little people, for we are also called to serve them. Those who are caught up in this period of transition to the online world will be disadvantaged by this move, just as they are by the withdrawal of things like bank services. I do not want to see parliament sink to that level, where we are not models of best practice, where we do not ensure everyone has access to services. Young people will feel the weight of this decision, too, for it will impact on their ability to access their learner's permit and P-plates.

Let's look at the logic. Again, we see there is little logic and no sense at all in these proposed closures, unless it is the sinister prelude to the withdrawal of more services. As I said earlier, the people of Newland, King, Florey and Wright have been treated poorly—the closure of Holden Hill courthouse, reduction in the Holden Hill police station opening hours, reprioritisation of the expansion of the Modbury Interchange car park to name a few. Residents in the seat of Adelaide will also remember, as will the electors of Waite and Elder.

We must not neglect the calls of the residents. They are not convinced that this is a plan to deliver better services and will not forgive such a callous decision where demand is not given priority. The people of the north-east will not accept this continuing neglect. They have signed a petition in their thousands, and they are right behind my attempts to give petitions more weight in the parliamentary process.

They want a say more often in what happens to them, not only once every four years on election day. I am looking forward to seeing them at our next rally on Wednesday 13 March at Modbury and again here in this place on Wednesday 20 March, when the private member's bill on petitions is going to be moved. Their resolve must be matched by our willingness to address their concerns, and I urge this government to give people and Service SA officers the extra time needed for the transition to digital business and take their proposal for better services to the next election process, for if we can see we can have better services there will not be any problem.

Mr BROWN: Point of order, Mr Speaker: I draw your attention to the state of the house.

The SPEAKER: There is no quorum present; please ring the bells.

A quorum having been formed:

VACCINE DEVELOPMENT

Dr HARVEY (Newland) (15:36): Today, I would like to talk about some recent local success in an area dear to my heart—that is, science. There is often a narrative in South Australia, and indeed Australia as a whole, that we are very good at basic fundamental research and discovering things but not as good at commercialising that research into something that can be produced and sold. To a certain extent, this is true, and there is work for us to do in this area.

It is worth noting that, on the state government's part, the Marshall government's Research, Commercialisation and Startup Fund will help address some of this issue and provide a local leg-up to projects reaching the early commercialisation phase. However, it is also worth noting that there are some great examples of where local research has successfully—and certainly in the case of medical research and not exclusively—made its way from the lab bench to the clinic.

A particular example I would like to talk about today has gained some local media attention and comes from my former workplace in the Research Centre for Infectious Diseases at the University of Adelaide under the leadership of Professor James Paton. This project has progressed to quite an advanced stage in the design of a new vaccine to protect against pneumococcal disease. Pneumococcal disease is responsible for more than one million deaths in children under five around the world.

Pneumonia, which is one of the leading diseases caused by this pathogen, is a leading cause of death in children worldwide. However, in addition to that, this bug is also responsible for very serious invasive diseases that can kill very quickly, and it is also responsible for the socially and economically debilitating condition otitis media, which is also known as ear infections. In Australia, this is particularly a concern in Indigenous Australian communities.

Currently, there are two vaccines used within Australia. There is a 23-valent or 23-type vaccine that is used in elderly people, and then there is a 13-valent vaccine used for children. These are effective for those types that are included in the vaccine, and these tend to be the most common types. But, given that there are almost 100 different types of this bug, the future will very likely require a vaccine that is able to cover all types of this bacterium. The project I am describing here today is working on a vaccine that would or could in the end protect against all types of pneumococcus.

This work started off at the fundamental stage looking at components on the surface of this bug that are present in all types of the bug and testing for their ability to protect against pneumococcal disease in in vivo models of disease. In concert with work looking at producing a vaccine that would protect against all strains of the flu, a similar kind of technology looked at using gamma irradiation to inactivate these bugs and then using that as a whole cell vaccine, which was then tested for the ability to provide protection in in vivo models of disease.

As a consequence, almost 18 months ago, Adelaide-based GPN Vaccines Proprietary Limited was created to develop this whole cell vaccine. The current chairman and CEO of that

company is Dr Tim Hirst. Much of this work to this point was supported by a linkage grant from the Australian Research Council and, later, a development grant from the National Health and Medical Research Council, as well as early commercialisation funding from the state government and some seed capital from angel investors.

More recently, though, through a series A capital raise, GPN Vaccines successfully raised $1.1 million from Australian and overseas investors, which will support pre-clinical work looking at toxicity as well as how to scale up a clinical-grade state for the manufacture of this vaccine. This is a critical first step before further capital raising and likely other funding is required to support phase 1 human clinical trials to look at the safety and, basically, the ability to provide protection in humans.

This is one of many examples where Adelaide-based research is making exciting discoveries that drive investment from interstate and overseas into South Australia, by both leveraging funding from the federal government in the early stages and also, significantly, from private sources. State government support is playing an important role in helping to leverage such funding.

Success such as this does a great deal to generate local research jobs in the short term and many more downstream high-skill opportunities for South Australians into the future as projects progress. Importantly, this demonstrates to students studying science in South Australia that there is a future for us, a career in science in South Australia, and that students studying science here for a career can indeed have a very real impact and address problems that impact millions of people around the world.

Personal Explanation

DOMESTIC VIOLENCE

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (15:41): I seek leave to make a personal explanation.

Leave granted.

The Hon. V.A. CHAPMAN: Today, in question time, I advised the house that there had been three separate charges laid against potential perpetrators of strangulation, which became an offence as at 31 January this year. I am advised that in fact there have been 37, not three, as of today. Again, I confer my even greater appreciation to SAPOL for acting on these matters.

Bills

SENTENCING (SUSPENDED AND COMMUNITY BASED CUSTODIAL SENTENCES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (15:42): I was referring to the opposition's foreshadowed amendment, which persists in attempting to amend section 71 even further (and differently, really) than the government's proposed tightening of the application of this home detention position. With that, they had added to it an acknowledgement that there is an exception that needs to be taken into account, namely, that those who are engaged in young love—usually young teenagers—will, under the government's model, have some protection and be able to be considered differently if there is a three-year age gap between them.

However, clearly there are circumstances in which the conduct of even one of these young people could be reprehensible and would need to not attract the exception that otherwise would apply. Obviously, we can canvass that in committee, but it is something that just highlights how inappropriate that amendment could be.

There is a foreshadowed third amendment, which arises in relation to a matter raised in a case pending before the court, as to what law should apply in sentencing. It is now under review. It seems to be a proposed amendment dealing with a possible interpretation that may come from a case that is currently before the courts. In relation to that, I would like to say that I think it is important that, if there is a matter that needs to be dealt with arising out of court determinations, obviously the parliament needs to be prepared to act on that. At the moment, it is a hypothetical.

I am advised that, in relation to an attempt to progress an amendment in the form that is proposed, which I accept, even without hearing submissions from the opposition, is likely to be presented on a bona fide basis of attempting to avert a potential difficulty, what would be better is that we ask the Solicitor-General between the houses to consider whether such an amendment to deal with a possible problem can be validly made and not just create another problem. If it is the case, then I would undertake to bring that matter back before the parliament in the Legislative Council. We do not want to hold up this legislation, nor do I want to quell the enthusiasm of the opposition if they come up with a bright idea.

I think I know what they are trying to achieve here. I think it is premature. I think it is a matter that still needs to be investigated. I undertake to refer this particular amendment and the issue generally to the Solicitor-General between the houses, but in the meantime, for obvious reasons, we would not support the amendment going through at this point, particularly if it is going to be ultra vires.

Several members mentioned the victims in the Deboo case. I have made public statements and statements in here about the courageous contribution that one of the victims in particular has made as a result of him making public statements and being available for consultation, not only to members of the opposition but to me and another member of the government, to try to make sure that we are doing the best we can.

I think it is an exceptional circumstance, but a very welcome circumstance, when victims of such acts of perpetrated violence and exploitation of children are able to grow up to be fully functioning decent human beings who have successful lives and have partners and families of their own. We see victims who, especially as children, have been victimised, but they are able to reach past that and become significant contributing members of our community. It is a delight to see because, I have to say, it is the exception.

Whilst that is the case, I want to place on record the government's and my appreciation in particular for his full and frank discussions and for making himself available to ensure that his and his brother's circumstances are front and centre in our considerations as legislators. That has been valued. I have appreciated his public endorsement that it is important to get these things right and that therefore a comprehensive assessment, which has now identified some inconsistencies that we are now attempting to remedy, is the way to go. We certainly feel that is the case and therefore some careful consideration has been undertaken.

Nevertheless, I place on the record that, although a lot of water has gone under the bridge on this matter, there will be more circumstances where we need to address something fairly expeditiously, or where we have highlighted an inefficiency, or where that exposes another weakness. From time to time, as a parliament we will need to convene and be available to accommodate that.

For what it is worth, there were occasions outside of the house, when we were in opposition, when the then government, and particularly the attorney-general, came to us to say that there had been a decision in the High Court or some such forum that had challenged the validity of what we had done previously, there had been a national royal commission recommending X and we needed to act quickly, or someone was to be released from custody, so he needed to be able to action some statutory reform quickly. We accepted responsibility as the opposition to be available, to be briefed immediately and then to support the quick passage of legislation.

I do not think for one moment that just by being a new government, or being on top of this issue, there will not be occasions in the future when we need to act, and we have a responsibility to the public to do so. In any event, can I just say, in the course of this debate, that I am very proud that we have been able to act to deal with the National Redress Scheme, the abolition of the three-year time limit, to ensure that we give those who have been victims in cases such as this, which have been the catalyst for this legislation, an opportunity to seek some financial compensation. Other matters, of course, we will take up in due course.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. S.C. MULLIGHAN: With regard to clause 1, the Attorney made reference to some of the bodies and organisations that had provided the government and her some advice or views about the bill. My question is: which other stakeholders were consulted and what was their feedback to the bill, other than the ones she has already referenced in her closing contribution on the second reading?

The Hon. V.A. CHAPMAN: The agencies that I referred to during the second reading are government agencies and almost exclusively state, except for the Commonwealth DPP. I was advised during the luncheon adjournment that a submission has been received from the Law Society of South Australia, dated 25 February. This is not a government instrumentality, so it is consistent with our usual practice. I think you will find this will probably already be online, but I am happy to make sure a copy of it is made available. I have not even read it yet, but I understand and am advised that, in short, it raises a number of observations and goes through those. During the course of this, at least between the houses, I will make sure a copy of that is available.

In addition to the ones who have not yet provided a response, there are the Victim Support Service SA, the South Australian Bar Association, the Aboriginal Legal Rights Movement and the Women Lawyers Association. Except for the South Australian Bar Association, I think they are all entities of the government. I am pretty sure the Aboriginal Legal Rights Movement would make their submission available to you, if they make one at all. Whilst it is not usual practice to provide government agencies' advice on these matters, I have given an indication of who has supported it and who has not, but should any others come in between the houses, I propose that that information be conveyed to the shadow minister.

The Hon. S.C. MULLIGHAN: I appreciate that. As a result of the responses that are being provided to the Attorney and to the government, does the government intend filing or making any amendments to the bill either here or in the other place?

The Hon. V.A. CHAPMAN: As to what the Department for Correctional Services may say about the intensive supervision orders—we are yet to receive their submission—there may be something in that regard, but again, whatever that submission or proposal is, I would undertake to have that immediately conveyed to the shadow attorney.

The Hon. S.C. MULLIGHAN: My last question on this clause is: regardless of or despite any stakeholder feedback, are there any other amendments the government will be pursuing either here or in the other place?

The Hon. V.A. CHAPMAN: The only other matter that is under consideration is whether the legislation still requires a transitional clause or clauses, and that relates to the home detention end. As the member may appreciate, when the act went through, when the 2016 bill was debated, we transplanted the suspension of sentencing regime under a new system. We have identified inconsistencies between that and home detention, and we now need to look at whether there needs to be a transitional clause in relation to those suspended sentence modifications. It is not a new law or any change: it really is to just ensure the transition. But we are still getting advice on that.

Clause passed.

Clause 2.

The Hon. S.C. MULLIGHAN: The Attorney anticipates my next line of questioning, which was about commencement and what the government is considering in terms of commencement and whether there needs to be transitional provisions. The Attorney just indicated that there needs to be some consideration of that. Perhaps not only for my benefit but for the benefit of others interested in this matter, could the Attorney shed some light on what needs to be considered and how that may influence what the government decides to do with commencement and transitional provisions?

The Hon. V.A. CHAPMAN: As the member may know, Legislative Services assist the Attorney-General's Department to prepare the policy and give advice on these matters. I think some

discussions are currently happening with parliamentary counsel, or there have been, as you can imagine, because they have been dealing with this bill that was tabled the week before last. It seems as though transitional provisions are being considered at the moment, but we do not have anything to present at this point. The Attorney-General's Department, but largely Legislative Services and parliamentary counsel, are attending to that.

The Hon. S.C. MULLIGHAN: Are there particular parts of the bill or particular matters that the bill seeks to address which are the subject of those transitional considerations?

The Hon. V.A. CHAPMAN: They relate to clauses 13, 14 and 15 of the bill. Hopefully, this assists: I am advised that in relation to those clauses you will see that there is deleting in respect of the case of a bond with a home detention condition. This relates to suspended sentences, as I said earlier. We are looking at trying to make sure that anyone already on a suspended sentence subject to these terms is not removed from the act with no transition. That is the purpose of this clause.

The Hon. S.C. MULLIGHAN: I seek some further information in regard to that from the Attorney, on clauses 13, 14 and 15. On my very brief reading of it, clause 13 appears to refer to offences involving acts of terrorism and murder, including conspiracy to murder, aiding and abetting, counselling and procuring the commission of a murder, and clause 14 goes into a long list of offences. I may have this confused in my own mind, which is probable, but is it more about the transitional provision of how it affects someone who has been sentenced rather than the offences themselves?

The Hon. V.A. CHAPMAN: I have just been provided with a substituted final draft of the bill. Instead of clauses 13, 14 and 15 (and this may be why there is some confusion), it is clauses 15, 16 and 17 on page 15 of the final bill. Does that make it a little clearer? It is similar, but I was reading the wrong clauses. Clause 15 is the same:

Section 106(2)(b)—delete "except in the case of a bond with a home detention condition,"

The problem here, potentially, which may need the attraction of a transitional clause, is that if somebody is already out there on a suspended sentence with this condition, and it gets deleted, we are going to leave them vulnerable and not covered. Obviously, we do want them covered.

Clause passed.

Clause 3 passed.

Clause 4.

The Hon. S.C. MULLIGHAN: I am advised that, with regard to clause 4, 'Repeal of Part 2 Division 2 Subdivision 3', the Director of Public Prosecutions, or the Office of the Director of Public Prosecutions, requested these amendments and that the courts have expressed some concern about the provisions of the act. Is the Attorney able to confirm whether that is the case and provide a brief explanation of those views and how the Attorney is mediating them?

The Hon. V.A. CHAPMAN: Firstly, in respect of the Chief Justice, he just gave a sentence and it was pretty clear: 'Leave us alone. We will make the decisions.' I paraphrase that of course. The Chief Magistrate's statement on this issue was that a repeal of part 2, division 2, subdivision 3 will reduce uncertainty. I take that as support.

Clause passed.

Clause 5.

The Hon. S.C. MULLIGHAN: With regard to the amendment of section 52, interpretation and application, I understand that this updates or improves the definition of a terrorist act to be consistent with commonwealth legislation. Can I ask the Attorney how the need for this particular amendment came about? Was it drawn to her attention by the commonwealth government, given that this bill seems to deal with sexual offences, although not exclusively?

The Hon. V.A. CHAPMAN: I do not recall it being drawn to our attention by the commonwealth but, in the submission they have given us, they agree that it is to be included. As I said in the second reading contribution, I think that most of these were brought to our attention by the state DPP. But, as you might appreciate, and as I think I have mentioned, aspects of the terrorism

legislation, which applies at both commonwealth and state level, obviously need to be consistent. From time to time, we have to tidy it up, which is what is included. I further advise that it picks up any consequential amendments in the commonwealth law as well.

Clause passed.

Clause 6.

The Hon. S.C. MULLIGHAN: With regard to clause 6, my understanding is that this updates the definition of a terrorist act to make it consistent with commonwealth legislation. Again, was this suggested by the DPP, parliamentary counsel or the federal government?

The Hon. V.A. CHAPMAN: I understand that this was picked up by parliamentary counsel, but the Commonwealth DPP was consulted with the draft of the bill. As I understand it, that is acceptable.

The Hon. S.C. MULLIGHAN: Other than parliamentary counsel's eye for fine detail, has anything led the DPP in the earlier instance when I asked a question, or now parliamentary counsel, to suggest that this definition be updated? For example, are we at some risk of imminent prosecutions under this element and it needs to be updated?

The Hon. V.A. CHAPMAN: I am advised no, and certainly not that I am aware of. Obviously, I get regular briefings. There has only been one significant case before the courts, which I think is on appeal at the moment on sentence, for the woman who was in custody for being a member of a terrorist organisation. I am pretty sure it is under appeal. In any event, no, I am not aware of any prosecutions that are pending or imminent.

The Hon. S.C. MULLIGHAN: Just to provide some context to my next question, I ask these questions because the bill mainly deals with other types of offences but seeks to amend this particular definition rather than any other definitions or terminology that need to be updated. Are there other matters that have been raised by the DPP, the commonwealth government or parliamentary counsel that are going to need attention later in a subsequent amendment of the Sentencing Act that we are not addressing here?

The Hon. V.A. CHAPMAN: Not that I am aware of. As I have said previously, there is, for example, the deletion of sections of the Sentencing Act that are surplus to requirements according to the advice we have had. I referred to those in the second reading. There are whole sections of the Sentencing Act that do not add any value to the actual regime.

But what has occurred here is not just how to deal with serious sexual offenders in relation to access to community-based options. Each of these areas has been considered. Clearly, the brief was to make sure that we identify what is to happen in relation to someone who claims to have special reasons as to why they should be considered to have access in matters of sexual offending, but these areas are not to be amended in ignorance of the fact that they are within a broader regime. So, if there are other matters that are brought to our attention, especially if something we are doing in relation to one area affects another, then obviously that needs to be attended to. I expect parliamentary counsel to bring that to our attention.

That has been relatively minor, from my reading of the bill and from what I have been briefed on and what I have received in correspondence, principally from our own state DPP, as to potential deficiencies and/or identified areas of risk. As I said, some of those were during 2018—not urgent, not pressed to us as being urgent—but sometimes, as I am advised, these sorts of things can be amended in an attorney-general's general bill to mop up things. But in this instance we were looking at community-based alternative sentencing, so the opportunity is to fix it up while we are there.

Clause passed.

Clause 7.

The Hon. S.C. MULLIGHAN: On behalf of Mr Picton, I move:

Amendment No 1 [Picton–1]—

Page 3, after line 16—Insert:

(a1) Section 71(2)(b)—after subparagraph (i) insert:

(ia) for a serious sexual offence where the victim is a child, or the offence is committed in the course of, or in circumstances involving, the sexual exploitation or abuse of a child, other than a prescribed serious sexual offence; or

(a2) Section 71(2)(b)(ii)—after 'offence' insert:

(other than a serious sexual offence to which subparagraph (ia) applies)

Before making some brief remarks about these amendments, I can foreshadow that if the first amendment is not successful, then I will not be proceeding with the second amendment, as I am advised that it is a consequential amendment the first one.

I made some comments earlier that, in bringing this bill to this place, the Attorney is seeking to strike a delicate balance in ensuring that we are amending this act to try to tighten up those provisions that the community and, as a result, this parliament are concerned are not tight enough in guiding the judiciary about making decisions on releasing certain types of offenders on home detention orders.

In the Attorney's initial second reading contribution, she made it clear that there has been some consideration by her and the government about whether there should be a clause in this bill that would prevent the release of certain types of offenders on home detention or whether the parliament should be asked instead to tighten the existing provisions which still provide some discretion for the judiciary to allow somebody to be let out of a correctional facility under a home detention order.

Our first amendment makes it clear that, on this side, we think there are certain types of offenders who should not be let out on home detention orders and that those offenders are those who have been found guilty of sexual crimes, particularly against children. As the Attorney has set out in her subsequent second reading contribution, there has been some effort by parliamentary counsel, and now via the amendments that we have tabled here, to try to carefully navigate the need to ensure that those people are not released on home detention yet to make allowances for what are colloquially called the 'young love' provisions or the Romeo and Juliet provisions for those people who may not be adults and who may have been found guilty, strictly speaking, of a sexual offence, albeit one that is consenting, as the Attorney pointed out before the lunch break.

Amendment No. 1 seeks to do that to ensure that these particular offenders are not able to access a home detention order. I think we have received the message loud and clear from the community that there is an expectation that this category of offender, if I can put it like that, is not released and that access to a home detention order is denied to them. Notwithstanding that, obviously we must ensure that we do not unwittingly capture those people for whom we would make an exception.

As the Attorney said just before the lunch break in her subsequent second reading contribution, this is certainly one area of the law where we are constantly having to navigate this difficult terrain of making sure that we are doing our best to provide the legislative instruments to keep behind bars those people who the community expects to be incarcerated, but we are not inadvertently incarcerating those people to whom the community would feel some sense of leniency, given the circumstances of their offending. This amendment, we believe and we are advised by parliamentary counsel, strikes that right balance.

The Hon. V.A. CHAPMAN: I think I have outlined in the second reading and the final rebuttal the government's position in relation to this. We have taken advice. The bill, as we have currently presented it, in relation to those who are convicted of serious sexual offences and have special reasons clearly needs to be tightened. We accepted that and we think we have done that. To exclude it and then have a Romeo and Juliet exception is not a model that we think is appropriate. For those reasons, amendment No. 1 is opposed.

The Hon. S.C. MULLIGHAN: I find the position of the government regrettable with respect to the amendment. As I said, the community expectation about how the parliament makes laws governing the release of these people has been made absolutely clear, particularly over the period of the last six months or so. As a result, there has been a public call to action, for want of a better

expression, that we need to be getting on with and changing the laws which would allow a court, the judiciary, to release someone on a home detention order.

We are not convinced that relying on the slight modification that exists in the government bill to section 71 of the current act will be sufficient. I would have thought—and perhaps I read this in a way that is inconsistent with the approach of some in the judiciary—section 71(2)(a) should be guidance enough. It provides:

> (a) a home detention order must not be made if the court considers that the making of such an order would, or may, affect public confidence in the administration of justice;

I would put it to this place that the public confidence in the administration of justice would be, if anything, eroded if someone like Mr Vivian Deboo were able to navigate this act or even this act subsequent to the passage of the government's bill and successfully apply for release. That is an unacceptable outcome, and that is why the opposition has placed this amendment before the house seeking support for it. I would encourage all members to give serious consideration to the concerns that the community continues to express about this category of offenders and whether they are able to be released into the community.

The committee divided on the amendment:

Ayes 18
Noes 25
Majority..... 7

AYES

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

NOES

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

Amendment thus negatived.

The Hon. S.C. MULLIGHAN: My first question is: how did the Attorney form the judgement that, on balance, as she has reflected in her second reading speech, the government has decided not to prohibit certain sorts of offenders being able to access home detention orders?

The Hon. V.A. CHAPMAN: Firstly, when we went to the then government to present an argument for certain offenders being excluded completely, one of the things that was persuasive was that both the Legal Services Commission and the former attorney, the former member for Enfield, pointed out to us that there were a number of pre-2003 historical cases in relation to sexual abuse and exploitation.

I do not think the member was a member of parliament at the time, but Mr Atkinson was the then attorney-general, and he and the then government presented a case to the parliament that a number of historical allegations of abuse and charges in relation to those ought to be able to be

prosecuted, even though they were outside a certain time limit. It brought about a significant number of cases that were then proceeded with. There was a bit of a balloon moving through the system, and it resulted in a number of men of fairly mature age being convicted and coming through the system. They were in custody and they were getting a lot older, and there was this question of how they were going to be accommodated.

Not contemporaneous with that but at the same time, there was discussion about the establishment of an inquiry into child abuse against children in institutional care. Indeed, the member's father was appointed to ultimately undertake a royal commission to that effect. So we had a second group of people, ultimately, of those who were able to identify their perpetrator, able to have the capacity to take action. That also resulted in a number of prosecutions, some of them successful, from which there was a consequential incarceration of offenders.

I think that at the time, certainly confirmed by the then attorney-general, the former member for Enfield, this was an issue that needed to be managed, so when the 2016 bill, which was the forerunner to the legislation we are currently looking to amend—that is, the Sentencing Act 2017 as it became—came before the parliament there was a provision for people who were basically no longer a risk and were so old or infirm that they were no longer able to be a problem. I am paraphrasing, but that was the assertion.

As I said earlier, the then attorney used an example of an historical case involving Justice Barrett, where somebody was allowed home detention. I cannot remember the name of the case, but I personally took enormous offence to it. I did not think there could be any worse case or example of where somebody should be allowed to qualify for exemption on the basis of age. There were not even any restrictions placed on him in relation to the consumption of alcohol. I remember reading the sentencing remarks that suggested that nothing was going to stop him having a drink anyway. I was offended by the whole process, to be honest, and I said so at the time.

The attorney-general said that there could be other cases where somebody has had a stroke or is bedridden and is still alive, obviously, but is not in a position to be able to access a child or child pornography and cause any further problem. I think there is a case for that and I think that is something that has to be considered. Leaving persons in this category in an institution, especially if there is a cohort of them, potentially could place a considerable burden on Corrections—I think this was the general thrust of the case—which really does not have the extensive facilities for this to be dealt with.

Is there a more convenient or better facility with better trained people to be able to manage someone who is invalided, mentally unwell or who has had a stroke or has dementia than a prison? I think the answer to that is probably, yes, we do have facilities that are better able to manage and supervise such persons.

The other thing that was persuasive of the consideration of this, notwithstanding the front-page agitation arising out of the public disquiet of the Deboo case, was the very passage that the member just read out. The provision in section 71 that is already there, which this bill does not touch or in any way diminish, provides a direction to the court that an order must not be made if the court considers that the making of such an order would or may affect public confidence in the administration of justice. That provision remains. It is not 'think about it' or 'take it into account' or 'have regard for it': it is 'must' not make an order in those circumstances.

It is quite consistent not only in complying with that but in the Deboo case the judiciary have actually done just that. They made a decision ordering that he have a near seven-year imprisonment term with no home detention, no suspended order and no release on the basis of an intensive supervision order. They made a decision that he be in custody, in prison and in a cell for that period of time and subject to a non-parole period.

I would suggest to the member that not only is that consistent with what is a sensible approach to take but that even the Deboo case is a demonstration of how the law has worked. Sure, there is another aspect that is currently under review, subject to an appeal of an aspect of that case. We are yet to see a determination in that regard.

However, as I have made abundantly clear in the past, the DPP's position is very clear as to what he is progressing in relation to that case. The government's position is very clear. I suggest that everything the court has done to date in dealing with that case, and indeed others—there have been other notorious cases out there. I have 19 cases under my watch at the moment dealing with people who, for whatever reason, have been assessed and may be assessed again in the future on the question of whether they are unable or unwilling to control their sexual urges, instincts or conduct. They are difficult matters, but, so far, I think the public can be confident in the court's administration of these matters.

They have done the right thing, in my personal view, and I think that there would not be too many people out there—if there are, I have not heard from them—suggesting that in some way Mr Deboo in his case, or in any of the others who have had notoriety, has in some way been dealt with unfairly. I have not had one single citizen ring me up to say, 'I think it's unfair. He shouldn't have got a near seven-year prison term'. If there are, let me know, but they would probably get fairly short shrift from me. I think the court system has worked, and it has complied with the law that we have already directed them to do. I think it needs to be tightened; the DPP agrees and that is why we are here.

The Hon. S.C. MULLIGHAN: With regard to clause 7 of the bill, and in particular the new subsection (4), which is included at the bottom of page 3 and the top of page 4, what submissions will a court seek to satisfy itself of (i) and (ii), the first two subparagraphs of the bill on page 4?

The Hon. V.A. CHAPMAN: Are we talking about clause 7(4)(a)(i) and (ii)?

The Hon. S.C. MULLIGHAN: Yes.

The Hon. V.A. CHAPMAN: I cannot answer what the courts will seek. What is necessary on these applications is for counsel to present and satisfy the court in relation to these matters on those two points. It will be a matter for the court to make that determination. Obviously, even without the tightening, but under the current section 71, the court was clearly not satisfied in the Deboo case and ordered that he go into custody.

The Hon. S.C. MULLIGHAN: I guess a subsection of the second question is: will it be up to counsel, both prosecuting and defending, to make the submissions to the court? The court will not require either the prosecution or the defendant, or indeed perhaps even the Department for Correctional Services, to furnish professional submissions to the court about the defendant's status with regard to age or infirmity about whether the community would be better served by them being outside prison rather than in?

The Hon. V.A. CHAPMAN: Perhaps I will just explain for the benefit of other members, because I am sure the member actually understands this, having grown up in a legal family. We have an adversarial system. This is not an inquisitorial approach. A case is presented on behalf of the applicant. If we use the Deboo case, Mr Deboo and/or his counsel can present evidence to the court to satisfy the court in relation to these. That evidence and submissions that might go with it may include expert evidence. In fact, I think anyone looking at this, even someone not legally trained, would have to expect that there would be some independent evidence—that is, of a medical practitioner—to identify the permanent infirmity that will be required, or even infirmity under the current act.

Obviously, we are raising the bar by this legislation for that to be satisfied because, unless the applicant was a medically qualified person—which I do not think would happen very often, but it may—there would have to be sufficient evidence for the court to be satisfied on the balance of probability with these two requirements. I expect that medical evidence would need to be presented as well as an antecedent report, which is covered in other parts of the Sentencing Act, in relation to their behaviour while they are being held in custody, for example. These are the sorts of things that are brought into effect. I suspect that, in relation to infirmity, the court would not be persuaded to do anything unless they had medical evidence to support that.

However, this should be seen to be quite a different matter from something like a Colin Humphrys application for release on licence, which is not a sentencing issue at all. That is an entirely different matter. In that case, there is a statutory requirement for two forensic psychiatrists—or medical practitioners, but they are forensic psychiatrists—to be nominated in the process by

Dr Nambiar, to get the reports, etc. That is a different process and that all relates to somebody who has already been convicted, who has had breaches, who is in custody and under some form of continuing detention and they are applying to be released on licence. That is an entirely different process.

I do not know that the public fully appreciate some of the differences of these. They usually see in the paper or hear somebody on the radio saying that some manipulative monster is out there and has done horrible things to children and needs to be put into custody. Obviously, from the public's point of view, they do not care whether they have just been arrested and it is a bail application, whether they are in custody and they are awaiting sentence, whether they are applying for parole or whether they are someone who is seeking a licence. They do not really care about all that; they just want to know that they are safe and that somebody who is going to cause them or their children harm is not going to be around them.

The Hon. S.C. MULLIGHAN: I appreciate the Attorney reaffirming the practice of the courts in terms of receiving what is, I assume, part of the process of sentencing submissions in regard to a court making these determinations. I am pleased to say that no such submissions were required in the legal family to which the Attorney makes reference. I can assure her the justice was more inquisitorial, rather than adversarial in that respect.

My last question is in regard to the current section 71(2)(a) that I read earlier and that the Attorney referred to, which provides:

> (a) a home detention order must not be made if the court considers that the making of such an order would, or may, affect public confidence in the administration of justice;

For the non-legal layperson like myself, could the Attorney provide some advice on how the court furnishes itself with such information in reaching a judgement about whether public confidence may be affected?

The Hon. V.A. CHAPMAN: I think that is quite a good question. The fact is that the court would have to be satisfied. I would expect that, in this instance, submissions would be made, most likely from the DPP, on circumstances that prevailed that would affect public confidence and the detail of the evidence for that may come from the Commissioner for Victims' Rights, for example.

I think I read out earlier that there is the capacity for the prosecution or the Commissioner for Victims' Rights to make submissions on community orders—that is, instead of just the victim impact, the community impact both as a neighbourhood or as a community generally. There is a whole section in the legislation that allows for that, so I would expect the carriage of the burden of proof in this regard would come from the prosecutor and/or the Commissioner for Victims' Rights if he or she, that is in the latter, should determine that they should make a submission in that regard, but they have the capacity to.

The Hon. S.C. MULLIGHAN: Chair, I want to formally withdraw my second amendment.

The CHAIR: No, I do not think you do. What we will do is just not move it and let it fall by the wayside.

Clause passed.

Clause 8 passed.

Clause 9.

The Hon. S.C. MULLIGHAN: Similar to my earlier questions about the source of the amendment of the definition of an 'act of terrorism', can the Attorney outline how the need for this amendment in clause 9 was arrived at. Was it suggested by the commonwealth, the DPP or by parliamentary counsel?

The Hon. V.A. CHAPMAN: I am advised, by parliamentary counsel. In relation to terrorism, I think that the member will be very familiar with the fact that we have had a lot of legislation go through this parliament, usually as part of a complementary arrangement with the national parliament, to deal with acts of terrorism and their applicability, enforcement and prosecution. Not unlike other areas of federal mutual interest, we have a model that enables the amendment of our

laws which, largely, are to ensure some consistency with the commonwealth, and that applies around the country.

As I understand it, it is not quite like company law where any state can pull out, for example, and say, 'We don't want to be part of the federal system anymore. We don't care about the national companies law. We are going to go it alone.' There are probably lots of other financial reasons that disincentivise us from doing that. Some of these structures vary a bit, but largely, when it comes to acts of criminal sanction, where there is criminal sanction, we try as best as we can to be consistent with both the process and the definition of consistency and, where possible, similar penalties and/or available sentencing options.

It would be easier for me to give you an example in the reverse—for example, in relation to prisoner voting. We have an idea, which is a little bit stagnant at the minute, where we think that certain people should not get the vote in state parliament, and we think that the period of imprisonment should include people who are on home detention. They do not have the commonwealth home detention, so they do not apply. The same person who might be in custody in a South Australian prison would not be able to vote in a federal election under their laws.

However, if somebody were on home detention in South Australia, they could not vote in South Australia but they could vote in the federal election. So there are instances where we do not have consistency, but we try to do the best we can on matters of terrorism, the management of radicalisation of youth, on containing cells and prohibiting people from associating in outlawed organisations, etc.

The Hon. S.C. MULLIGHAN: Again, I ask because this bill has its genesis in community concern about perpetrators, convicted child sex offenders amongst others. It seeks to tighten up areas of the law to better define what access they have to certain types of release, if indeed they have access to any form of release. Were there any other areas of the Sentencing Act that were flagged by the commonwealth, the state Director of Public Prosecutions or parliamentary counsel as needing attention but that, other than terrorism, are not in this bill?

The Hon. V.A. CHAPMAN: I think I said initially in response to the previous question that it came from parliamentary counsel. If I had not made that clear, I do now. It is repeated elsewhere in the bill again to deal with this question of home detention as it applies to a terrorist act. I mentioned in my second reading contribution that a whole section was removed. I am just going to find it in the bill for you. I am sure that it was first brought to my attention by the DPP. It was the repeal of sections 31 to 35 of the Sentencing Act for being unnecessary. It is in clause 4, so we have already dealt with it.

In clause 4, in answer to other areas, the matter that was brought to my attention by the DPP was to repeal all those sections that he said were completely unnecessary. If there are any more and we are able to find them, I will raise them. I know that there were two or three letters of correspondence outlining aspects as this bill came into effect. Some areas were potentially shaping up to be a problem and needed to be tidied up, but either they were not urgent at the time or they were matters that had not yet been identified as a problem.

The Hon. S.C. MULLIGHAN: I tried to make it clear that I was referring to matters that are not dealt with in this bill, not other issues that are being attended to in the course of the bill. Have other matters been drawn to your attention that we are not dealing with in this bill but that we will need to deal with in the Sentencing Act and several others at some point in the future?

The Hon. V.A. CHAPMAN: None have been raised in relation to the Sentencing Act and this question of home detention. There are some other matters that have been raised. In fact, one example that I think I mentioned was the whole question of discounting in relation to sentencing for both early guilty pleas and providing assistance to the police in the prosecution of other persons. Those sorts of things are there. There is another area in relation to serious repeat offenders, which I know I have had some briefings on.

So there are issues; there is major indictable reform, for example, and we are about to have a look at how we manage that. That is procedure legislation but it relates to the prosecution of major indictable matters, not specifically sentencing. I think I would be a very lucky Attorney-General to get through a term of office, however short lived that might be, without having to come back into this

parliament to deal with something about sentencing on a number of occasions. As expeditiously as possible, we will deal with them to manage those matters.

In an ancillary but not exactly related matter, because it does not relate to sentencing but to the licence issue I referred to in relation to Mr Humphrys' case, I have given notice of intended legislative amendment to deal with psychologists' reports and I have made public statements on that. Again, it is not directly related to sentencing but it does relate to this whole question of ensuring that we have a legal structure that gives confidence to the public in the administration of justice and protects the community generally.

Clause passed.

Clause 10.

The Hon. S.C. MULLIGHAN: My question relates to clause 10 and the amendment of section 81. Why has the Attorney-General not seen fit to include what special reasons are in the intensive correction orders regime, similar to those found in the home detention orders regime?

The Hon. V.A. CHAPMAN: The only reason that has not been addressed here is that, as I said earlier, we are still awaiting any proposed recommendations from the corrections department as to recommendations they may have as to how we deal with these. Remember that it is Corrections who manage these cases. I think I said earlier that intensive correction orders came from Victoria, but they are called intensive correction orders in New South Wales. In fact, they are called something else in Victoria. I was reading an article about them this morning. They are called community corrections orders in Victoria. The member for Light looks up with interest because I know these were discussions with him at the time he was the minister for corrections.

Those other jurisdictions have had a chance to have it operating in their state for some time and it is brand new here for us. My understanding is that we do not have any immediate data on this yet—it is not easy to extract—but we are trying to get some data together. I think either you or the shadow attorney had sought some information as to numbers of people who may have been prosecuted and may have wanted access to this particular form of sentencing, so we are still working on that. In any event, there have been intensive correction orders made and we are yet to find out whether they have been very effective. I suppose we may not even know that.

Say there were 20 or 30 orders made during the last nine months; as I said, I have no idea how many have been made, but apparently it is more than one in the operational sense. There is a considerable number of hurdles or thresholds one has to get over to be able to access it, but let's hope it has been successful. The recommendations on the interstate programs for this are quite glowing to the extent of dealing largely with the Indigenous persons who are incarcerated. Apparently it has been a worthy option for them. Anyway, that is a matter that we will have a look at. In the meantime, that is the agency that looks after these and we are waiting for their advice on any regulatory arrangement for what 'special reasons' will be defined as.

The Hon. S.C. MULLIGHAN: With regard to the lack of a special reasons regime, for want of a better term, in the intensive correction order section of the act, even as amended, would that leave open any possibility that a child sex offender could be released under an intensive correction order rather than a home detention order?

The Hon. V.A. CHAPMAN: For an intensive correction order to be available, the non-parole period has to be for a period of two years or less, so we are not talking about the serious end. Obviously, somebody like Mr Deboo would not be eligible because it is for offending at the lower end. It has to be someone who is recommended by Corrections. They have to get through the report as somebody who is suitable from their perspective.

Our expectation, particularly given the current ministerial directions that applied under the previous government, is that someone who was involved in sexual predation of children would not qualify for that purpose. I hear what you are saying. We just do not have a final definition yet until we have heard from Corrections.

The Hon. S.C. MULLIGHAN: It is concerning. My reading of section 81 of the current act is that the court has imposed a sentence of imprisonment on a defendant of a term that is two years—

The Hon. V.A. Chapman: Or less.

The Hon. S.C. MULLIGHAN: —or less. So the total sentence does not necessarily need to be less than two years. For example, the sentence could be longer than two years, with only the term of imprisonment less than two years. It would be up to the Department for Correctional Services rather than this place or even a court to contemplate whether an intensive correction order was desired for that person. So, conceivably, somebody who has received a sentence for a serious sexual offence could have an intensive correction order made available to them and effectively be released into the community under the conditions of that order; that is correct, is it not?

The Hon. V.A. CHAPMAN: I think when the member reads section 81 currently in the Sentencing Act 2017, I suppose this is one of the aspects that happens when you are just looking at a bill—

The Hon. S.C. Mullighan: No, I have the act.

The Hon. V.A. CHAPMAN: You have the act there? Section 81(1)(a) sets out 'on a defendant of a term that is 2 years or less'. I think I have referred to parole before—it is actual sentence rather than parole. It states that the court considers that the sentence should not be suspended and that 'the court determines that there is good reason for the defendant to serve the sentence in the community while subject to intensive correction'.

For the purposes of subsection (1)(c), which is the determination of serving the sentence in the community, it points out:

> …the court may determine that, even though a custodial sentence is warranted and there is a moderate to high risk of the defendant re-offending, any rehabilitation achieved during the period that would be spent in prison is likely to be limited compared to the likely rehabilitative effect if the defendant were instead to spend that period in the community while subject to intensive correction.

There are further provisions that relate to the concurrent sentences of others. Further, subsection (3)(b) provides:

> (b) an intensive correction order should not be made if the court is not satisfied that adequate resources exist for the proper monitoring of the defendant while subject to an intensive correction order by a community corrections officer.

So there are quite a few thresholds that have to apply before you even get a chance to have this as an option for a judge to consider. I am advised that the principle relating to this is not something that would lend itself to anyone who was involved in either the sexual exploitation of children or, indeed, acts such as the collection of pornography, using children for the purposes of preparing photographs, etc.

Clause passed.

Clause 11 passed.

Clause 12.

The Hon. S.C. MULLIGHAN: Can the Attorney explain the difference between the existing necessary medical treatment provision and the proposed urgent medical treatment provision and the genesis of that change?

The Hon. V.A. CHAPMAN: The purpose of this is to make sure that we have a matching up with the home detention order provisions so that they are all the same. I think I actually explained—it may have just been on radio—that what happened with the dispute we had in the parliament over the conditions upon when a person should be able to leave the premises when they are on a home detention order was quite a robust one here in the parliament. I think that it was again within the envelope of some very considerable public interest in how these new home detention orders were going to work.

Some people listening on the Leon Byner show took the view that home detention was just code for having hotel accommodation and a holiday—come and go as you felt like—across to those who took a very different view about there being significant rehabilitative opportunity, but even within that parameter that there would have to be very good reason to leave the house and that it was an

at-home prison as distinct from just somewhere you could just live and come and go and do what you liked with or without an ankle bracelet on with terms and conditions.

When we were negotiating some of these matters, issues like attending for medical treatment were considered (not necessarily to go off to a yoga class or whatever) or attending for study purposes, attending for the purpose of employment, as well as special circumstances, like attending a family funeral and the like. These were the sorts of things we had to look at and were discussed as being a reasonable process that should be able to apply under the supervision of Correctional Services officers that could have a little bit of flexibility in them but that the intent had to be fairly clear.

When you set up a whole lot of extra rules for something and you do not touch others, you end up with inconsistent things, and that is exactly what this is trying to do: to have consistency with the home detention order for medical treatment purposes.

The Hon. S.C. MULLIGHAN: So it is urgent in the home detention regime, is it?

The Hon. V.A. CHAPMAN: Yes.

The Hon. S.C. MULLIGHAN: Who currently makes the determination as to whether something is necessary and who will make the determination in the future under the 'urgent definition?

The Hon. V.A. CHAPMAN: My advice is that that would be the Corrections officer. That can arise in different circumstances: it could be during the morning visit, for example, or by telephoning in. There are lots of different ways in which these operate. Each person who is on home detention has a Corrections person assigned to them. Obviously, there is a degree of reporting in and those sorts of things. If they have a bracelet on, they are obviously electronically monitored as well, so you can see if they leave the premises or remove their ankle bracelet or whatever. So, essentially, it is the Corrections officer.

Obviously, they are not going to know whether somebody who is grabbing their chest and writhing on the ground has had a heart attack or whether they are just faking it, but in those circumstances I assume that the correctional officer would call in a medical attendant and have them assessed by an ambulance officer or someone of that nature, and they would make the assessment about whether they need to have hospital treatment or whatever other intervention is required. It is hard for me to give a description of the entire gamut of what would occur here, but I expect there are prisoners who, for example, have pre-existing conditions. There might be an asthmatic without their appropriate medication or puffer or something else.

There may be medical treatment for known conditions, across to people who have an accident in the household—for example, someone who has put their finger in the electric switch or cut their finger off. I am just throwing it open. The Correctional Services officer is the gatekeeper, I suppose, for making that assessment.

The Hon. S.C. MULLIGHAN: Subsequent to a necessary—or, in the future, urgent—medical or dental treatment being sought by somebody who is the subject of one of these orders, is it the current practice that the prisoner, for want of a better term, is required to furnish to their Corrections officer some evidence that they have attended their medical or dental centre?

The Hon. V.A. CHAPMAN: Perhaps I will just use an example again. Somebody calls and they are having a heart attack, or thinks that they are having a heart attack. They call the ambulance, the ambulance comes and they are taken to hospital. Is that in breach? Possibly. If in fact it was not urgent at all and they were just faking it, and it was established that they were faking it, they would be subject to a breach notice, and of course there are repercussions from that process. That is as I am advised.

Clause passed.

Clause 13 passed.

Clause 14.

The Hon. S.C. MULLIGHAN: My understanding is that clause 14 seeks to amend section 96. It currently deals with the suspension of imprisonment and also a defendant entering into a bond arrangement. Why has the Attorney-General not seen fit to include what special reasons are in the suspended sentence regime, similar to those found in the home detention orders regime?

The Hon. V.A. CHAPMAN: I think I mentioned earlier that, in the progression of legislation to accommodate new forms of sentencing, having moved from capital punishment, there was the era of the development of community service orders. This was quite a boon in the 1980s to enable people to have the option in sentencing not to be imprisoned or even to have got through all the qualifications of a suspension of a prison order and then enter into a bond. The bond might be to keep away from certain people, not leave the state or attend the local RSL and do the lawnmowing every Sunday. A whole lot of conditions can be set to deal with that order of sentencing.

This is very much at the low end of the range and these are not people who are in the category of getting a suspended sentence through the rest of the Sentencing Act, so this is really the end of the pencil. They are not getting a prison term. They are very much at the minor offence level.

Clause passed.

Clause 15.

The Hon. S.C. MULLIGHAN: As I understand it, clause 15 seeks to amend section 106 of the current act relating to supervision in the community. I am advised that the deletion contained within this clause in the bill is because there are concerns that a bond with a home detention condition could be a loophole for an offender to receive home detention who would not otherwise be eligible. Can the Attorney confirm whether that is, indeed, correct?

The Hon. V.A. CHAPMAN: In response to your question, I am advised that, no, that is not the case.

The Hon. S.C. MULLIGHAN: Who brought the Attorney's attention to the matters being dealt with in this particular amendment to the bill? Was it the DPP, the courts or parliamentary counsel?

The Hon. V.A. CHAPMAN: Clauses 15, 16 and 17 are consequential on clause 14, which is the amendment to section 96, which we have just discussed. It relates to section 96(7), which is to delete subsection (7). I mentioned earlier that clauses 15, 16 and 17 are in the category where we might need to have a transitional clause.

The Hon. S.C. MULLIGHAN: If the contention in my first question, that this may have currently presented a loophole, is incorrect, I assume that the Attorney can advise me that the said loophole has never been exploited.

The Hon. V.A. CHAPMAN: I am advised that my adviser is the one who raised the potential of the reference I just gave you to clause 14(2), which is the deletion of the subsection (7) provision and that, consequentially, we may need to have the transitional clause, which is referred to in the clause 15 circumstance, that is, when you have removed the bond. If you have somebody who is under a bond and on home detention, if we get rid of the provision they are suddenly not covered. If we have to fix that, we will. My learned adviser here was the brilliant mind that brought it to my attention.

The Hon. S.C. MULLIGHAN: She has the gratitude of the house, I am sure. Could you perhaps advise how you might deal with that transitional issue when you seek to remedy it?

The Hon. V.A. CHAPMAN: I am advised that the Acts Interpretation Act, at first understanding, is expected to cover it. If it does not, which is what we were talking to parliamentary counsel about and which I referred to earlier in the committee, then we are going to be looking at the transitional clause. As soon as we have that available, one way or the other, we will undertake to provide that to the shadow attorney and to you, if you wish to have a copy. I am just assuming, at this stage, that the shadow attorney is going to want to have to consider that in the other place.

The Hon. S.C. MULLIGHAN: So is it the intention that we may be able to deal with it when this is upstairs?

The Hon. V.A. CHAPMAN: Yes.

Clause passed.

Clauses 16 and 17 passed.

Schedule 1.

The Hon. S.C. MULLIGHAN: On behalf of Mr Picton, I move:

Amendment No 3 [Picton–1]—

Page 16, lines 26 to 28 [Schedule 1, Part 2, clause 3(1)]—

Delete 'the offence for which the defendant is being sentenced was committed before or after that commencement.' and substitute:

—

(a) the offence for which the defendant is being sentenced was committed before or after that commencement; or

(b) the defendant is being sentenced at first instance or on an appeal against sentence.

We are advised that, if successful, this amendment would seek to put it beyond any doubt that these provisions would apply to any appeals currently on foot. That is the purpose of the opposition's amendment.

The Hon. V.A. CHAPMAN: I will be brief. I think, as indicated in the second reading, we understand the objective in relation to these amendments. There is clear legal authority that if you are going to make a prescription in legislation—that it is to have retrospective effect, for example—it has to be very clear and the intent of the legislature has to be clear. It is a pretty complex area and, as I indicated, I will be asking the Solicitor-General to have a look at how we might best address this or whether in fact the whole aspect of this is premature in seeking to bind via this manner.

I am not anti the approach to the ill that I think is trying to be cured here. It is the subject, to some degree, and one of the grounds of appeal in the Deboo case listed in May, so it is not as though we do not have some time to deal with this. It may be in other cases, but that is the only one that I am aware of. I am not critical of the attempt to try to resolve this, but let's just make sure that we get it right. If it is necessary to put it into legislation, then we will have the advice from the Solicitor-General on that matter. Obviously, we have only just had the amendments today, so I need to get some advice on that.

The Hon. S.C. MULLIGHAN: Again, as I expressed with the previous amendment, which the opposition moved seeking to put beyond doubt which offenders would be denied the opportunity to access a home detention order, I am a little disappointed that we are in the position where, rather than the Attorney being willing to contemplate and support this amendment, she advises that she will seek further advice from the Solicitor-General. As members on both sides have previously contributed in the second reading debate, in some respects time is of the essence in this bill.

The Hon. V.A. Chapman interjecting:

The Hon. S.C. MULLIGHAN: Yes, these are urgent matters and we are seeking to act with urgency. It would be even more regrettable to find that not only has the government not supported the opposition's amendment, which sought to ensure that convicted child sex offenders are not released on a home detention order, but that now this provision cannot be dealt with in a timely manner either and is not supported by the government.

The committee divided on the amendment:

Ayes 17
Noes 24
Majority 7

AYES

Bettison, Z.L.	Bignell, L.W.K.	Boyer, B.I.
Brown, M.E. (teller)	Close, S.E.	Cook, N.F.

AYES

Gee, J.P.	Hildyard, K.A.	Koutsantonis, A.
Malinauskas, P.	Michaels, A.	Mullighan, S.C.
Odenwalder, L.K.	Piccolo, A.	Picton, C.J.
Szakacs, J.K.	Wortley, D.	

NOES

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

Amendment thus negatived.

The Hon. S.C. MULLIGHAN: My understanding is that clause 1 of the schedule, amongst other things, clarifies that employment must be approved by a Community Corrections officer as well as allowing a person serving under a home detention order to attend assessment and treatment of physical or mental health, an intervention program, education and so forth. Does the Attorney-General envisage that in the event that, having been released under a home detention order, a child sex offender could attend remunerated employment?

The Hon. V.A. CHAPMAN: This comes to the question of release on home detention under the Corrections Act because, obviously, this is why there is a related amendment to the Corrections Act. I did address, I hope comprehensively, that home detention occurs as a result of the chief executive of Corrections authorising that to occur. However, it is subject to a ministerial direction, and I highlighted a recent case where there had been very severe criticism. I am advised by the Minister for Correctional Services that there is no intention to release or relax that ministerial direction.

In the longer term, we need to look at how we deal with back-end home detention, as they call it. Here, it is simply to be in the same language as applies to the home detention order provisions under the Sentencing Act generally so that we have the same definition. Specifically, in answer to your question, the Correctional Services officer has to approve whether it is employment and at what time and on what conditions they are there.

One thing we canvassed in the debate was what if you said that you worked at a local bar for 20 hours a day. That clearly was not the intention of the legislation. It was to ensure that there is a very clear understanding that, except for the purposes of travelling to and from their workplace (and we discussed this at length) and having sufficient time to do so, there would be a very strict curfew in relation to leaving the property for the purpose of attending employment.

The Hon. S.C. MULLIGHAN: The situation that we find ourselves in is that it is still possible, regardless of the tightening of the other elements of the act that we have traversed so far, that a court may choose to release a convicted child sex offender on a home detention order on the basis that if somebody is released on home detention then such an offender can access remunerated employment if approved by the department.

The Hon. V.A. CHAPMAN: No, this area has nothing to do with court-ordered home detention: it is what we call the back-end home detention provisions, which are in the Correctional Services Act. Apart from dealing with consistency in relation to employment when it does occur—and it does occur, but not for sex offenders because we have ministerial directions in place—it ensures that there is a consistency in language as to who is the authorised officer and what they are

to approve. This Correctional Services Act home detention has nothing to do with court-ordered home detention.

The Hon. S.C. MULLIGHAN: Is the Attorney telling us that home detention under the Correctional Services Act cannot be accessed, including under these terms, by somebody who has been convicted of a child sex offence?

The Hon. V.A. CHAPMAN: At the moment, under ministerial direction, that is the case.

The Hon. S.C. MULLIGHAN: Is that solely because of a ministerial direction? It does not find its voice anywhere legislatively or via regulation?

The Hon. V.A. CHAPMAN: It is a power of the chief executive of Corrections. It is not a new power: it has been there for some time. In the course of discussing what courts do—and we have looked at the whole question of suspended sentences, home detention and intensive supervision orders by courts, all of which have a level of not being in custody—it has been identified that, far away from sentencing law over in the Correctional Services Act, there is another power, which has been there for years, to release a prisoner on home detention but for the fact that there is a ministerial direction, which I understand is continued from a time when the previous government was in power.

The statutory power of the chief executive has not been interfered with other than being subject to a ministerial direction. I referred to one case where there had been criticism of the chief executive allowing the release of a prisoner, I think after six weeks of being in custody, when an application for a suspended sentence had been refused by the court. That obviously brought some attention to this issue of back-end home detention. I suppose it is another body of work we can have a look at if, in fact, there was any reason to suggest that there would be any abuse or exploitation of it. At present, there is a ministerial direction in place and an indication from the minister for corrections that he has no intention of changing that.

The Hon. S.C. MULLIGHAN: Perhaps between the houses, could the Attorney provide to the parliament a copy of the ministerial direction precluding that category of offender and indeed any other offenders if it goes so far?

The Hon. V.A. CHAPMAN: That would be fine.

Schedule passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (17:39): I move:

That this bill be now read a third time.

In thanking the member for Lee and other members who have contributed to the debate, I want to say a special thankyou to Ms Tania Macrae, who has been present to support the advice to the committee through what has required fairly urgent attention to the comprehensive review and work done to prepare this bill. The work is continuing, in addition to providing a copy of the Law Society submission and a copy of the ministerial direction sought by the member for Lee. I think that was all. If there is anything else that comes in in relation to an amendment for a transition clause, all those things will be immediately provided to the shadow minister so that we can progress this matter to the other place for their consideration as expeditiously as possible.

The Hon. S.C. MULLIGHAN (Lee) (17:41): I will make a brief third reading contribution. I pass on my appreciation to the Attorney, particularly for her cooperation and her endeavour in seeking to answer the questions that the opposition put to her and the government about the various intentions and proposed operations of the clauses within their bill.

I will register once more that the opposition is very disappointed that the government has not supported the three amendments which sought to do two things. One was to put beyond any doubt the category of offender that has most recently agitated the concerns of the community about the potential for those types of people to be released, in particular in regard to Vivian Deboo. The

opposition's amendment sought to put that beyond the discretion of the court to ensure that these offenders are not released under a home detention order. It has not been supported by the government, and I think that is regrettable.

It was also the case with the consequential amendment No. 2 which we moved. But the third amendment was to ensure that the application of our amendment and the bill would apply not just to prospective matters but matters that are currently being considered on appeal, which is very directly targeted to the matter concerning Mr Vivian Deboo.

Without those amendments, this parliament will be putting a tremendous amount of faith in the very slight amendments to section 71 of the existing act having the constraining effect on the courts so as not to release these child sex offenders into the community under a home detention order. It is a significant risk in the opposition's view that we are relying on a conjunction between two subparagraphs within a clause to provide that better clarity to the judiciary. I will leave my comments there. No doubt the arguments of the opposition, let alone the government, will be reventilated in the other place.

Bill read a third time and passed.

Ministerial Statement

PARLIAMENTARY PRIVILEGE

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (17:43): I table a copy of a ministerial statement relating to parliamentary privilege made earlier today in another place by my colleague the Minister for Human Services.

At 17:45 the house adjourned until Wednesday 27 February 2019 at 10:30.

Answers to Questions

SOUTH AUSTRALIAN FORESTRY COUNCIL

327 Mr HUGHES (Giles) (4 September 2018). What has been done so far to honour the government's election commitment to establish the South Australian Forestry Council?

1. When will the council be established?
2. Who has been consulted in establishing the council?
3. Who is going to be on the council?
4. What criteria will be used to appoint members?

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development): The South Australian government is committed to the delivery of our election policy and is currently working to establish the South Australian Forestry Council in 2018. Further advice on the membership will be advised when the council is announced.

Further advice—18 December 2018:

On 13 December 2018 I announced the membership of the Forest Industry Advisory Council of South Australia:

Wendy Fennell (Chair), Mark Rogers, Laurie Hein, Jill Stone, Ian McDonnell, Linda Sewell, Ian Tyson, Tammy Auld, Martin Crevatin, Peter Badenoch and Emma Daly.

KANGAROO ISLAND SEAPORT

512 The Hon. L.W.K. BIGNELL (Mawson) (5 December 2018). The Smith Bay Timber and Woodchip Export Seaport Proposal environmental impact statement has been sent back for revision:

The timber/woodchip export seaport concept has changed markedly since it was first announced. What were the reasons for the rejection of the EIS proposal?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning): I have been advised of the following—

The environmental impact statement has not been rejected.

As part of the major development assessment process, it is standard practice that applicants submit a draft document (in this instance an environmental impact statement) for an agency adequacy check prior to release for public consultation.

The adequacy check determines if the guidelines have been met to an adequate standard, and sufficient information included, to be released for public comment/feedback.

Following this agency adequacy check, it was identified that more information needed to be included in the environmental impact statement prior to its release for formal public and agency consultation.

The proponent (Kangaroo Island Plantation Timbers) has subsequently amended and resubmitted its environmental impact statement to government for a further check. The next step in the process involves determining whether these amendments are satisfactory, and if so, the following step will be the formal release of the document for agency and public consultation.

KANGAROO ISLAND SEAPORT

513 The Hon. L.W.K. BIGNELL (Mawson) (5 December 2018). With regards to the Smith Bay Timber and Woodchip Export Seaport Proposal's Environmental Impact Statement Revision Process, will government agencies and scientists be involved in this revision process?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning): I have been advised of the following—

The draft environmental impact statement underwent an agency adequacy check where it was determined, by the relevant agencies, that extra information was required in the environmental impact statement prior to its release for public consultation.

Following this feedback, the proponent (Kangaroo Island Plantation Timbers) has had multiple meetings with the relevant government agencies to discuss the extra information required.

The environmental impact statement has subsequently been amended by the proponent and has been resubmitted to government for a further check. The next step in the process involves determining whether these amendments are satisfactory, and if so, the following step will be the formal release of the document for agency and public consultation.

A thorough whole of government assessment process will now be undertaken of the proposal, including consideration of matters raised during the consultation process.

Ultimately the decision will be one for cabinet.

KANGAROO ISLAND SEAPORT

514 The Hon. L.W.K. BIGNELL (Mawson) (5 December 2018). With regard to the IUCN (International Union for Conservation of Nature) Important Marine Mammals Areas—the task force will be visiting Australian sites including Kangaroo Island and Smith Bay in 2020. Is the government aware that this task force will be in the area to identify and designate significant sites?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning): I have been advised of the following—

The government is aware that the International Union for Conservation of Nature Important Mammals Area Task Force will be coming to Australia in 2020 to identify areas of interest for consideration as an Important Marine Mammals Area.

The guidelines require the proponent to identify the impacts of the construction and operation of the proposed facility on the marine environment and the marine species and macro algal habitats that use and rely on that environment. The guidelines also require the proponent to undertake detailed risk assessment and identify mitigation measures for such impacts. The Department for Environment and Water were consulted during the preparation of the guidelines.

Additionally, the proposal at Smith Bay also requires assessment and approval under the Commonwealth Environment Protection and Biodiversity Conservation Act as the proposed action has been identified as likely to have a significant impact on several matters protected by that act, including the southern right whale.

The guidelines set by the then Development Assessment Commission also includes requirements from the Commonwealth in relation to this matter.

The environmental impact statement prepared by the proponent must address all of these issues.

The draft environmental impact statement underwent an agency adequacy check where it was determined, by the relevant agencies, that extra information was required in the environmental impact statement prior to its release for public consultation.

Following this feedback, the proponent (Kangaroo Island Plantation Timbers) has had multiple meetings with the relevant government agencies to discuss the extra information required.

The environmental impact statement has subsequently been amended by the proponent and has been resubmitted to government for a further check. The next step in the process involves determining whether these amendments are satisfactory, and if so, the following step will be the formal release of the document for agency and public consultation.

KANGAROO ISLAND SEAPORT

515 The Hon. L.W.K. BIGNELL (Mawson) (5 December 2018). As complete details regarding the spraying regimes used during the history of the Kangaroo Island plantations are not available, should woodchips be allowed to be stockpiled on the edge of Smith Bay given the potential for toxic leachate to enter the waters of the bay with possible fatal consequences for marine life?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning): I have been advised of the following—

A proposal by Kangaroo Island Plantation Timbers Ltd (KIPT) to establish a deepwater port facility and associated facilities at Smith Bay was declared a major development by my predecessor in February 2017.

The then minister made this declaration having formed the view that the proposal met the two criteria for a major development as prescribed under section 46 of the Development Act 1993. Firstly, the proposal had major economic and environmental implications. Secondly, the declaration was appropriate and necessary for the proper assessment of the proposal.

The next step in the process was for Kangaroo Island Plantation Timbers to lodge a formal development application and supporting documentation with the Department of Planning, Transport and Infrastructure (DPTI). DPTI then, in consultation with government agencies, and including the commonwealth environment department, provided advice to the then Development Assessment Commission who independently set the level of assessment required and formal guidelines to apply to that assessment.

Guidelines for an environmental impact statement level of assessment were prescribed and released in June 2017.

Kangaroo Island Plantation Timbers then worked on preparing a draft environmental impact statement in response to the guidelines set and lodged this with DPTI for an adequacy check review. It was determined, in discussion with relevant agencies, that extra information was required in the environmental impact statement prior to its release for public consultation.

The environmental impact statement has subsequently been amended by the proponent. It has been resubmitted to government for a further check. The next step in the process involves determining whether these

amendments are satisfactory, and if so, the following step will be the formal release of the document for agency and public consultation.

As the member would be aware, making a decision to declare the proposed development does not imply support or otherwise for the project. It does however trigger a comprehensive, robust whole of government assessment of the proposal, with the final decision at the state level to be made by the Governor on advice of Executive Council.'

OVERLAND TRAIN SERVICE

532 Ms BEDFORD (Florey) (12 February 2018). How were the needs of people who aren't able to fly or drive (bus or car) to Melbourne from Adelaide, or vice versa, considered in the decision to discontinue state government funding for the *Overland* train service? Are the ongoing impacts of this decision on interstate family or business travel or tourism known to the minister, and were they taken into consideration prior to funding being cut?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning): I have been advised the following—

Over the past 10 years, patronage on the *Overland* train service has declined by almost 60 per cent.

Total Patronage:

- 2007—46,553
- 2017—18,737

While the decision not to extend the funding agreement could potentially have an impact on the personal circumstances of a small number of passengers, an extension to the current funding agreement could not be justified given the declining passenger numbers.

Greater benefits can be delivered to a greater number of regional communities through investment of state government funding in other areas of the transport network, such as through the Regional Roads Infrastructure Fund.

With regards to business travellers, the *Overland* service only operates twice per week in each direction. Hence the frequency and transit time does not compare favourably with air travel for business customers. With regular alternate transport options available for tourists, the impact on these groups was also considered to be limited.

I am nevertheless pleased to note that the Victorian government is continuing to provide funding for The *Overland*. This is in line with the significantly higher number of passengers using the service in Victoria.

PARK-AND-RIDE FACILITIES

In reply to **Mr BOYER (Wright)** (4 December 2018).

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning): I have been provided with the following advice—

The electronic parking availability sign on Smart Road at Modbury for the Tea Tree Plaza park and ride is managed on behalf of the Department of Planning, Transport and Infrastructure by Wilsons Parking.

Wilsons Parking have advised that the sign has not been turned off but experienced intermittent issues in October 2018 due to power outages and data connection outages. However, the sign has been fully operational from mid-October to mid-January.

Advice received indicates that from 11am on 16 January 2019, the sign has been out of order and technicians are working to diagnose the fault at the earliest possible time.

Following the identification of the components needed, the department will source either a replacement sign or new componentry to ensure a long-term solution that enhances the reliability of the sign.

ADELAIDE OVAL HOTEL DEVELOPMENT

In reply to **the Hon. S.C. MULLIGHAN (Lee)** (6 December 2018).

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

An estimated 120 full-time equivalent jobs will be created once operational.

Estimates Replies

OVERLAND TRAIN SERVICE

In reply to **the Hon. A. KOUTSANTONIS (West Torrens)** (27 September 2018). (Estimates Committee A)

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning): I have given careful consideration to the funding arrangement between the South Australian government and Great Southern Rail regarding the provision of the *Overland* services, and particularly the value of this funding in providing benefits for regional South Australia.

In challenging fiscal times, the South Australian government needs to carefully prioritise its funding to maximise benefits for all South Australians.

Unfortunately, due to the relatively low passenger levels for the service, particularly within regional South Australia, and availability of other transport options for these regional communities such as coach services, the state government has come to the difficult conclusion that an extension to the current funding agreement is unable to be justified when assessed against other funding priorities.

I will take this opportunity to commend Great Southern Rail in their provision of this service in providing connectivity opportunities for tourists and the regional community of South Australia.

In regard to contingency, it is inappropriate for me to respond to a matter for the Department of Treasury and Finance.