

DANTE ARTHURS — PAROLE

1194. Hon MICHAEL MISCHIN to the Leader of the House representing the Attorney General:

I refer to parts (4) and (5) of the Attorney General's answer to my question without notice 1145 of 20 November 2018, regarding the child murderer Dante Arthurs.

- (1) Is the Attorney General saying that his repeated remarks in the past that he will not release certain prisoners, made in advance of any reports from the Prisoners Review Board being received or considered, have exposed any subsequent rejection of release on parole to legal challenge on the basis of prejudgement?
- (2) When did the Attorney General first become aware of this risk?
- (3) Will the passage of the Sentence Administration Amendment (Multiple Murderers) Bill 2018, among other things, protect the Attorney General from the risk of legal challenge to parole decisions he makes adverse to a prisoner who later alleges prejudgement?
- (4) How does the Attorney General propose to address the problem of his creating two classes of victim—namely, survivors and secondary victims of murder who have their trauma reduced for three years at the discretion of the Attorney General under the bill and those who do not?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

- (1) No, the Attorney General has made and will continue to make all parole decisions fairly and on their merits.
- (2) The Attorney General has long been aware of the risk of legal challenge that arises from a statutory decision-maker not following the formal process.
- (3) The proposed scheme introduced by the Sentence Administration Amendment (Multiple Murderers) Bill 2018 includes provision that a designated prisoner subject to a ministerial direction has restricted grounds for seeking review. An affected prisoner may only review the making of a ministerial direction on the basis of jurisdictional error, which statutorily cannot be excluded. The bill does not alter the current operation of the parole decision-making process outside the proposed ministerial direction scheme.
- (4) The Attorney General recognises the trauma that victims of crime suffer, which is magnified in a whole number of horrendous crimes. The McGowan government went to the election seeking a specific mandate for serial killers and mass murders and, as such, the bill is confined to this group of murders.