



POST  
SENTENCE  
AUTHORITY

Annual report  
2019/20







POST  
SENTENCE  
AUTHORITY

The Hon Natalie Hutchins MP  
Minister for Corrections

Dear Minister

In accordance with the *Serious Offenders Act 2018*, I am pleased to present the Post Sentence Authority Annual Report for the year ending 30 June 2020.

Yours sincerely

Michele Williams QC  
Chair of the Post Sentence Authority

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# Introduction

The Post Sentence Authority is an independent statutory body which supports the protection of the community by monitoring and reviewing the compliance, risks, behaviour and treatment progress of serious offenders who are subject to ongoing supervision and detention under Victoria's post sentence scheme.

This annual report has been prepared in accordance with the reporting measures contained in section 316 of the *Serious Offenders Act 2018*. A list of the reporting measures is at Appendix 1.

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Members of the Post Sentence Authority (John Griffin PSM, absent).

# Our year in review

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# 142

SERIOUS OFFENDERS

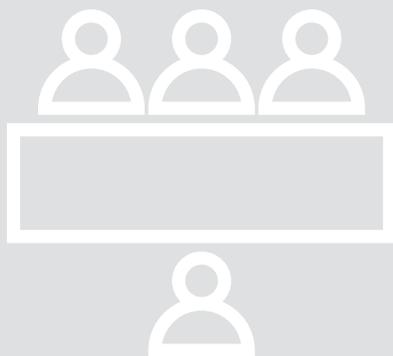
*126 SERIOUS SEX OFFENDERS  
14 SERIOUS VIOLENT OFFENDERS  
2 SERIOUS SEX AND  
VIOLENT OFFENDERS*

# 1,643

1,643 DECISIONS MADE

200 SERIOUS  
OFFENDER HEARINGS

*32% INCREASE FROM 2018-19*



510 SPECIAL  
REPORTS FROM  
CORRECTIONS VICTORIA

69 INTERVIEWS CONDUCTED  
WITH 50 SERIOUS OFFENDERS



355

7

REVIEWED COORDINATED  
SERVICES PLANS



287 DIRECTIONS GIVEN  
TO SERIOUS OFFENDERS

*8% INCREASE FROM 2018-19*

10

SUBMISSIONS FROM  
REGISTERED VICTIMS

16

FORMAL WARNINGS



Michele Williams QC

Credit: Paul Jeffers, *The Age*

## Message from the Chair

It is my pleasure to present the Post Sentence Authority 2019-20 Annual Report.

The Authority has been in operation since February 2018. I was appointed as Chair in March 2019 and while still a relatively young organisation, the past year has focussed on embedding practices and procedures that are robust and responsive to enable the Authority to discharge its duties under the *Serious Offenders Act 2018*.

During the past twelve months the Authority has embarked on a period of continuous improvement with a focus on reviewing practices and identifying more innovative ways to engage with the post sentence scheme. This has included the way in which the Authority approaches inquiries into alleged contraventions by offenders and developing a more inclusive and consultative process for victims of crime.

### COVID-19 and a new working environment

The onset of the Coronavirus has had a significant impact on all within our community. We are all working in a brave new world – one which requires us to adopt and adapt to new ways of working and communicating with one another.

On Monday 23rd March 2020, the Authority commenced working remotely. We had anticipated the need to modify our operations and spent the early weeks of March preparing for its inevitability. Our changed environment presented many and varied challenges and required significant coordination so that we could continue to execute our responsibilities.

Corrections Victoria and the Multi-Agency Panel demonstrated an exceptional ability to mobilise quickly and deliver a seamless transition to an online model without any compromise to meeting the objectives of the post sentence scheme.

Efforts made to ensure that, where possible, service delivery could continue through an online format was an extraordinary innovation which took extensive commitment and coordination by several agencies and service providers.

Offenders also responded positively, as they too sought to navigate our new way of working. This not only included meeting with the Authority via video conferencing, but maintaining their supervision and treatment commitments via an online format. It was pleasing to note that for some, participation in supervision increased.

### The work of the Authority

The last twelve months has seen the Authority focus on and improve our core work of rigorously monitoring offenders. This involved ensuring offender compliance with orders and overseeing the delivery of services identified by the Multi-Agency Panel.

While service delivery is focussed on treating and managing risk, it must also provide incentives and opportunities for serious offenders to demonstrate they are capable of meaningful co-existence within the community. This year eight offenders transitioned off their orders.

This includes four offenders whose orders were revoked by the Court after a review, where the courts were satisfied that the offenders no longer presented an unacceptable risk. This is an excellent demonstration of how adaptable the scheme is, which was not designed to punish offenders, but support their treatment and rehabilitation. It was also designed to allow for gains made by offenders, earlier than anticipated, to be recognised and acknowledged.

### Hearings

The conduct of Serious Offender Hearings has been one of our biggest transformations. This year saw the introduction of a formal “Inquiry process”. The inquiry process sits alongside a suite of other available interventions when offenders are suspected of contravening conditions on their orders.

Importantly, the inquiry process is not about punishment, it is about determining risk of harm and then acting quickly to protect the community. It is also about ensuring that serious offenders remain committed to rehabilitation, which in turn, reduces risk to the community.

The Authority convened 200 serious offender hearings over the past year which represents an increase of 32% from the previous year. Hearings are conducted with the Authority relying upon evidence-based material detailing treatment progress, behavioural incidents, contraventions or recommendations for transition to independent or supported accommodation. The latter, presenting one of the biggest challenges for the Authority.

### Transitioning offenders

Transitioning an offender from restrictive accommodation to less restrictive accommodation is rigorously scrutinized. This process is a crucial one as it recognises that reintegrating offenders to less restrictive accommodation must only occur when there is a clear demonstration of transition readiness, and that the proposed accommodation is suitable for the offender, given their specific risks of reoffending. The Authority considers the transition of serious offenders very carefully. We apply a rigorous approach, based on a very detailed analysis of information provided on the property concerned, to ensure that any risks can be mitigated. This may include if the residence is in proximity to schools, childcare centres or the victim.

The Authority considers the human rights of serious offender, but it balances those rights against the rights of the victim, who cannot be re-traumatised by having an offender living nearby. Consequently, decisions have been made whereby the Authority has refused to endorse a property as suitable because the victim lives in the same area, or where chance meetings cannot be safely guarded against. Similarly, properties have been deemed unsuitable because of its close proximity to schools or kindergartens.

Registered victims are provided with an opportunity to make a submission to the Authority about any concerns that they may have in relation to the property. Understandably, we have found the main issue for a victim is where the offender may live.

### Victim Submission Process

The Authority has worked closely with Victim Services to ensure that our processes for engaging registered victims is meaningful and informative. We are acutely aware of the need to balance the provision of information to victims with the care that is required to not further retraumatise them. Which is why we engaged in a pilot program with Victim Services to ensure that the processes we have in place are meaningful, respectful and provide victims of crime with an opportunity to be heard.

### Rivergum Residential Treatment Centre

One of the most positive innovations to be born out of the post sentence scheme has been the introduction of an Intensive Treatment and Supervision Condition.

It is unique in the scheme. Serious offenders who are subject to this condition must reside at Rivergum Residential Treatment Centre (Rivergum). Rivergum is a purpose-built 20 bed facility which delivers a two-year intensive treatment program for both sex offenders and violent offenders who have demonstrated a level of ambivalence towards rehabilitation and treatment but who are assessed as capable of participating in this intensive model.

For many of the residents the program has proved to be very challenging. Our engagement with the residents at Rivergum has revealed a mixed response. There are those who have genuinely engaged with the opportunities the program offers and seized the opportunity to make behaviour changes, and for others, it has been a more confronting environment to embrace as the program seeks to undo decades of entrenched antisocial behaviour.

## Emergency Detention Order

This year the Authority recommended that the Secretary of the Department of Justice and Community Safety consider making an application for an Emergency Detention Order (EDO). This was the first time the Authority made such a recommendation, but considered it necessary to protect the community from an offender whose risk of reoffending was escalating to a point where the Authority could no longer be certain that it could be successfully managed.

The EDO allowed for an imminent risk to be managed and provided Corrections Victoria with time to develop a management plan. It was comforting to see, that when put to the test, the post sentence scheme could quickly mobilise to avert an imminent risk to the community. The details of which can be found in a Case Study within this report.

## Serious Violent Offenders

The number of serious violent offenders placed on orders in the past 12 months increased from five to 14. Serious violent offenders present different challenges to sex offenders. They are a complex cohort with entrenched views and tend to be ambivalent towards rehabilitation and treatment. They are often from dysfunctional backgrounds, have themselves been exposed to violence or sexual abuse, engaged in drug and alcohol misuse and have been surrounded by negative peer influences.

Finding suitable accommodation for serious violent offenders is a significant challenge. Unlike serious sex offenders who have access to several purpose-built accommodation facilities, there are no such options for serious violent offenders.

Some have spent a decade or more in jail and have disconnected from any familial or pro-social support. Finding suitable and stable accommodation is scarce and presents a significant challenge for the scheme. While these offenders are strictly monitored by way of electronic monitoring, reporting, and supervision, many find it difficult to adapt, feel isolated and suffer anxiety.

The Authority is extremely conscious of the challenges this cohort present, and the need to safely facilitate their transition into the community.

## Accommodation

As I have just mentioned, a significant pressure point for the post sentence scheme is access to appropriate forensic and supported accommodation, and social housing for offenders.

This is a systemic issue that is not exclusive to the post sentence scheme. It highlights the pressure on the public housing system generally and the reluctance of some private rentals to approve accommodation to a person who has a criminal history.

As the scheme continues to evolve, and we look to more effective and innovative ways to maintain our commitment to community safety, the Authority will also be looking to ways in which this shortage can be addressed, particularly for serious violent offenders who need access to short term accommodation for the first three to six months of their order, which is the most confronting, challenging and high-risk time for them to navigate.

A sustained and coordinated approach to community protection by monitoring serious violent offenders requires a coordinated and collective response.

Success cannot be achieved without ongoing process improvement, robustness and responsiveness in decision making. We must be agile enough to continue to perform our functions without compromising community safety and be brave enough to acknowledge and act upon systemic issues.

We have an enormous obligation to our community to ensure we maintain this high standard, and we also have an obligation to the offenders we monitor to ensure that access to services and supports are available to provide them with the best possible opportunity to succeed. That is how we will protect our community.

As mentioned earlier, this scheme is not about punishment. It is a scheme designed with first and foremost a focus on community protection. This can only be achieved through monitoring and comprehensive service delivery. Those on our scheme, are not significant in number, but are significant in risk due to their presentation of co-morbidities and complex characteristics and come with a level of unpredictability. The Authority aims to mitigate that unpredictability as much as possible. I am delighted to present this report which documents our achievements thus far, and I am honoured to continue to lead the Authority in its challenging and important work.

### Acknowledgements

The post sentence scheme is resource intensive, and underpinned by several committed agencies, social services, faith-based or philanthropic organisations and individuals who are also committed to working with and helping to reintegrate offenders to make our community safer. I acknowledge you all and would like to thank you for the service you have given to support our vitally important work to protect the community.

I make special mention of our wonderful secretariat staff, led by Marco Boscaglia, who have demonstrated exceptional agility and patience to enable the Authority to novate to an online format, and who diligently liaise with Corrections Victoria to develop our caseloads and assist the Authority in performing its functions. I thank each of you for your tireless efforts and continued enthusiasm.

To my amazing Board members, I thank you for your commitment, dedication and capability to embrace the new technology, and our new way of working. I would particularly like to acknowledge my Deputy Chair – Stuart Ward who has been instrumental in helping the Authority shape the way we respond to the many and varied challenges the post sentence scheme presents and whose contribution I greatly value.

I would also like to acknowledge Bree Oliver, our former Chief Administrative Officer who was instrumental in establishing the Authority and helped lay the foundation upon which we work today. I would also like acknowledge two former Authority members, Angela Moran and Her Honour Jillian Crowe for their contribution over the past two years and wish them well in their future endeavours.

Finally, I thank the Hon. Ben Carroll MP for his support of the Authority and genuine commitment to addressing the needs and challenges of the Authority during his tenure as Minister for Corrections, and welcome the Hon. Natalie Hutchins MP with whom I look forward to working with.



Michele Williams QC

Chair



# Message from the Chief Administrative Officer

In 2019-20, the secretariat continued to provide critical operational, administrative and strategic support to the Authority's functions under the *Serious Offenders Act 2018*.

As the Authority embedded new practices to strengthen its approach to monitoring and reviewing serious offenders, the secretariat demonstrated its flexibility by adapting its procedures to ensure the Authority receives the support that is needed to deliver its priorities.

The secretariat amended its administrative and operational processes resulting in several improvements to support expeditious and thorough decision making. The secretariat now provides the Authority with a comprehensive summary of each serious offender listed for a hearing to complement the reports provided by Corrections Victoria, and it undertakes an analytical role to better support the Authority's interviews with serious offenders. It has also strengthened its listing practice to ensure that the Authority is able to review the delivery of coordinated services to serious offenders within four weeks of being in receipt of the relevant reports from Corrections Victoria.

During the year, the Authority significantly increased the frequency of its hearings to better support the effective monitoring of serious offenders in the post sentence scheme. Through careful and detailed planning, and a collaborative approach to working with our stakeholders in Corrections Victoria, the secretariat successfully supported the work of the Authority by:

- coordinating 200 serious offender hearings
- reviewing and assessing 510 Special Reports from Corrections Victoria, concerning the compliance, risk, behaviour and progress of serious offenders
- recording and administering 1,643 decisions of the Authority

The onset of the Coronavirus resulted in significant challenges. Through early and effective business continuity planning, the secretariat successfully implemented remote working arrangements and re-purposed the Authority's operating model to an online format. The secretariat worked closely with Corrections Victoria to ensure that the Authority's interviews with serious offenders could be maintained using video-conferencing technology. The secretariat was agile and proactive, and its hard work during this period ensured that the Authority could maintain its operations, and deliver its legislative functions, without any interruption.

Similarly, the Authority's members were resilient and responsive as they enthusiastically adapted to our new way of working.

The Authority is committed to working collaboratively with its stakeholders in the post sentence scheme and informing the community about how the scheme supports community protection. In 2019-20, the secretariat supported the Authority in developing its first communications strategy and it assisted in delivering several events. Notably, in November 2019, the Authority partnered with the Adult Parole Board and Deakin Law School to present to students, alumni and legal professionals about the post sentence scheme and the parole system. The Authority also presented to several stakeholders, including the judiciary, to discuss collaborative opportunities that will help to support the objectives of the post sentence scheme.

On behalf of the secretariat I thank the Authority's members for their collaboration throughout the year, as well as the departing members Angela Moran and Her Honour Jillian Crowe. The secretariat also reserves special thanks for the former Chief Administrative Officer, Bree Oliver, who played a vital role in establishing the Authority and building a cohesive secretariat.

I also thank my team for their hard work, commitment and collegiality. I am proud of our achievements and our ability to successfully navigate the unexpected challenges that emerged during the year.



**Marco Boscaglia**

Acting Chief Administrative Officer

# The Post Sentence Authority

## Our role

The Post Sentence Authority (the Authority) plays a leading role in the post sentence scheme. The Authority is responsible for monitoring serious offenders who are on post sentence orders, making decisions to manage the risks and behaviour of offenders, and providing independent oversight of the post sentence scheme.

Its functions are set out in the *Serious Offenders Act 2018*, which is the Act of the Victorian Parliament that establishes the Authority and the post sentence scheme.

The Authority's functions fall into three categories –

- monitoring offenders who are on a post sentence order
- making decisions to manage the risks and behaviour of offenders on a post sentence order
- providing independent oversight of the post sentence scheme.

In performing its functions, the Authority –

- exercises its power independently of government or any other agency
- gives paramount consideration to the safety and protection of the community.



### Monitoring offenders on a post sentence order

The Authority does not have day to day responsibility for the case management of serious offenders on a post sentence order – this is the responsibility of Corrections Victoria. Corrections Victoria reports regularly to the Authority about offenders and the Authority monitors the compliance, risks, behaviour and treatment progress of serious offenders in a responsive way (including outside normal business hours if necessary). If required, the Authority will ask for more detailed information and representatives of Corrections Victoria attend the Authority's hearings to give further information about case management responses and strategies to address escalating risk or concerning behaviour.

### Making decisions to manage offenders on a post sentence order

When a Court places a serious offender on a Supervision Order, it sets conditions with which the offender must comply. During the term of the Supervision Order, the Court can change the conditions.

In accordance with authorisation given to it by the Court, the Authority can make formal directions under the Supervision Order conditions. Serious offenders must comply with the Authority's directions and may be prosecuted if they don't.

The directions the Authority makes will give effect to the condition under which they are made, having regard to the current circumstances of the offender. The Authority can respond quickly, including outside normal business hours, to consider making directions to reflect changes in circumstances, escalation of risk, and the daily management of offenders.

Amongst other things, the Authority's directions may relate to where serious offenders must reside, their curfew hours, how they are accompanied in the community, where they can go, who they can have contact with and in what circumstances, supporting their treatment, whether they are electronically monitored to track their whereabouts or alcohol consumption, their access to and use of computers and the internet, and whether they can consume alcohol. Depending on the circumstances, Authority directions may ease the restrictions set by a condition to reflect their positive progress, or they may limit what the offender can do in response to an escalation of risk or poor behaviour.

In considering whether to make a direction, the Authority is assisted by extensive written reports from Corrections Victoria. If there is a registered victim, the Authority may request a written submission from the victim about a direction that the Authority proposes to give. It carefully considers all submissions from registered victims, and it aims to ensure that, to the extent possible, their views are considered as part of its decision making.

“There is no doubt that community safety must always come first, however we are obliged by law to consider human rights. Finding the path of least restriction, while limiting and balancing human rights can be a delicate proposition to navigate. When considering human rights, we are conscious that in considering the rights of an offender we do not impinge unnecessarily on the rights of others in our decision making. We are particularly conscious of this when it comes to transitioning offenders to and from less restrictive environments”.

Jeremy Cass, Full time member

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The Authority may speak directly to offenders about a proposed direction, or to explain a direction it has made.

The protection and safety of the community is always the paramount consideration for the Authority when it makes a direction. However, the Authority must also aim to ensure that its directions constitute the minimum interference with the offender’s liberty, privacy or freedom of movement, and that its directions reflect the gravity of the risk of the offender reoffending.

If there is an imminent risk of harm to the offender or the community, the Authority can, if it believes that the urgency of the situation warrants it, exercise its emergency legislative power to give directions that are not provided for by the conditions of a Supervision Order. An emergency direction is valid for 72 hours, within which an application may be made to the Court for a review of conditions.

The Authority can conduct an inquiry into whether a serious offender has contravened a condition of their order. When conducting an inquiry, the Authority will be informed by written reports from Corrections Victoria detailing the alleged contravention, and it will require the offender to attend a hearing so that it can explain the alleged contravention to them and give them the opportunity to respond. Depending on the seriousness of the contravention and the offender’s response to it, the Authority can take several actions. It can take no action, give a formal warning, vary directions, recommend that the offender be prosecuted for the contravention, or recommend that an application be made to Court for the offender to be made subject to a detention order.

## Independent oversight of the post sentence scheme

The Authority provides independent oversight of the post sentence scheme in two ways – by reviewing Coordinated Service Plans for serious offenders, and by reporting annually to the Victorian Parliament about the post sentence scheme.

To manage and reduce the risk of reoffending, and to facilitate the treatment and rehabilitation of serious offenders, the Department of Justice and Community Safety, the Department of Health and Human Services, and Victoria Police are required to jointly develop and commit to a plan for the delivery of services to address an offender's risk factors in a coordinated way. These responsible agencies must prepare a Coordinated Services Plan for each serious offender, updating each plan every six months.

The Authority independently reviews the Coordinated Services Plans for each offender every six months. The Authority's review focusses on whether the plans meet the statutory requirements, whether they identify the offender's risk factors and describe the services to be made available to address those risk factors, and whether the responsible agencies have agreed to deliver or facilitate the services. By reviewing successive plans, the Authority can monitor whether the identified services have been made available and delivered. If the Authority has concerns, it can require additional information from the responsible agencies, such as the availability of service provision and the timeliness of delivery.

## Key functions

The Authority has the following functions under the *Serious Offenders Act 2018*:

- Monitor compliance with and administer the conditions of supervision orders and interim supervision orders
- Give directions and instructions to an offender in accordance with any authorisation given to the Authority under a supervision order or an interim supervision order
- Make decisions to ensure the carrying into effect of the conditions of supervision orders and interim supervision orders
- Make recommendations to the Secretary in relation to applying to a court to review the conditions of supervision orders and interim supervision orders
- Review and monitor the progress of offenders on detention orders and interim detention orders
- Review and monitor the progress of offenders on emergency detention orders
- Review coordinated services plans for eligible offenders who are the subject of an application for a supervision order or a detention order
- Review coordinated services plans for offenders who are subject to a supervision order or an interim supervision order
- Review and monitor the progress of offenders on supervision orders and interim supervision orders
- Approve or disapprove change of name applications
- Report on the performance of functions and powers under the *Serious Offenders Act 2018*
- Any other function conferred on the Authority by or under the *Serious Offenders Act 2018* or any other Act

# The Post Sentence Scheme

Usually, when an offender has served a prison sentence for a serious crime, they are able to return to the community without restriction. They have served the sentence that the Court imposed for the crime on which they were convicted.

However, under Victoria's post sentence scheme, a Court may order that a serious sex offender or a serious violent offender be subject to a post sentence order when they complete their sentence and are released from prison.

The Court may make a post sentence order – a Supervision Order or a Detention Order – if it is satisfied that a serious sex offender or a serious violent offender is an unacceptable risk of committing a serious sex offence or a serious violence offence when they are released from prison and return to the community.

Supervision Orders require offenders to comply with strict conditions whilst living in the community. They are made by the County Court or Supreme Court for up to 15 years and are regularly reviewed. The Court can renew the order if satisfied that an offender remains an unacceptable risk of committing a serious sex offence or a serious violent offence.

Detention Orders require offenders to be detained in a prison, even though they are not serving a sentence of imprisonment. Detention Orders can only be made by the Supreme Court for a maximum period of three years and must be reviewed annually. They can be renewed if the Court determines this is necessary.

As at 30 June 2020, there were 142 serious offenders in the post sentence scheme who were subject to a post sentence order. Of these offenders, 126 are serious sex offenders, 14 are serious violent offenders and 2 are both a serious sex and serious violent offender.

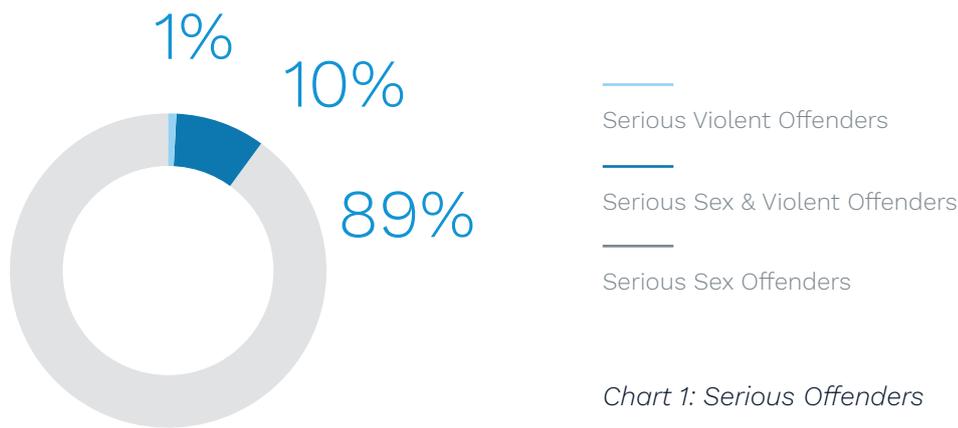


Chart 1: Serious Offenders

Implemented in 2005, the primary purpose of the post sentence scheme is to protect the community from serious offenders who pose an unacceptable risk of committing further serious offences. The scheme also facilitates the treatment and rehabilitation of serious offenders so that their risks of reoffending can be managed, with the aim that risks reduce to a level which means that offenders no longer need to be subject to a post sentence order.

A post sentence order is not a punishment. It is not an additional sentence for crimes for which an offender has already been sentenced. Post sentence orders are made to protect the community against future risks of reoffending. Orders can only be made if a Court accepts that an eligible serious offender who has served their sentence is an unacceptable risk of committing further serious offences in the future if the order is not made.

It is a carefully designed, comprehensive and coordinated scheme involving several government agencies undertaking important and complementary functions, including Corrections Victoria, the Courts, Victoria Police, the Department of Health and Human Services and several community service organisations.

Although a post sentence order is intended to reduce the risk of future serious offending, it cannot guarantee that outcome. Making a post sentence order means that the offender's risks will be closely monitored by several agencies, and that those agencies will work in a coordinated way to manage the offender's risks to avoid reoffending.

The Authority monitors offender compliance with the conditions of their orders, makes enforceable directions relating to the operation of the conditions, and reviews their treatment and rehabilitation progress. The Authority also provides independent oversight of the post sentence scheme.

Corrections Victoria case manage serious offenders who are subject to a post sentence order. This involves frequent engagement with offenders to supervise their behaviour under order conditions, assisting them to attend treatment and rehabilitation services, and supporting them to meet their treatment and case management pathway goals.

In addition, Corrections Victoria, the Department of Health and Human Services, and Victoria Police, come together to form a Multi-Agency Panel, to deliver comprehensive and coordinated treatment, rehabilitation and protective interventions to manage and reduce an offender's risk of reoffending.

# Operation of the scheme

## UNDER SENTENCE



### Prison

Serious offenders are sentenced by the Court to a term of imprisonment for a serious sex or violence offence.

All offenders who are serving a custodial sentence for a serious violence offence or a serious sex offence are notified at the start of their sentence that they may become subject to a Supervision Order or a Detention Order, due to the seriousness of their offending.

Serious offenders are provided with treatment and rehabilitation services throughout their prison sentence to address their offending behaviour.



### Assessment and application

Medical experts assess the risks of serious offenders as they approach the end of their prison sentence. The results of the assessment assist in determining if an application for a post-sentence order should be made.

The Secretary of the Department of Justice and Community Safety can make an application for a Supervision Order, and the Director of Public Prosecutions can make an application for a Detention Order.



### The courts

The County Court or Supreme Court determines whether a serious offender should be made subject to a Supervision Order.

The Supreme Court determines whether to make a Detention Order.

Courts can only make an order if satisfied that a serious offender poses an unacceptable risk of committing a further serious sex offence or violence offence.

Courts set order conditions and enable the Authority to make decisions on how to monitor the offender's risk in the community.

## POST SENTENCE



### Order commencement

The County Court or Supreme Court can make an offender subject to a Supervision Order for up to 15 years. Supervision Orders are reviewed regularly.

The Supreme Court can make Detention Orders for up to three years. Detention Orders are reviewed annually.

Interim orders can also be made for periods of up to three months.

Serious offenders subject to Supervision Orders must adhere to strict conditions. They can reside in a range of locations, including residential facilities, treatment facilities or private accommodation.

Offenders on Detention Orders are detained in a separate facility within a prison for the period of their order.



### Supervision and monitoring

All offenders subject to a post sentence order are case managed by Corrections Victoria.

The Authority reviews and monitors the compliance, risks, behaviour and treatment progress of serious offenders, based on case management information provided by Corrections Victoria.

The Authority can give directions to offenders to reduce or contain their risks of reoffending or allow offenders greater freedom to help support their rehabilitation. The Authority can also take compliance action if offenders contravene their conditions.

The Authority reviews Coordinated Services Plans to ensure that responsible agencies are delivering services to offenders that manage their risk of reoffending.

Offenders can be prosecuted for contravening order conditions and the courts can impose a prison sentence.



### Court review

The risks of serious offenders are routinely re-assessed by medical experts.

Orders are regularly reviewed by the Courts.

Based on the results of the assessments, Courts can renew orders if satisfied that a serious offender continues to pose an unacceptable risk.

Courts can revoke an order or allow an order to expire if satisfied that an offender no longer poses an unacceptable.

“We often talk about the comorbidities or complex nature of those on our orders. Reading the history of an offender, provides a level of insight into the world they lived in, particularly as children. I have been saddened to read how many have mirrored the abuse on their victims, the same abuse that they were subjected to as child. There is a shocking trajectory of violence and abuse against one generation being perpetrated upon the next.

We need to remain diligent and committed to identifying children at risk and provide them with a safe environment to thrive so that history does not repeat itself – because we see the results of some of those children who went unnoticed”.

Michele Williams QC, Chair

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## Eligible offenders

The post sentence scheme only applies to serious offenders. This means that only offenders who have been sentenced to imprisonment for a serious sex offence or a serious violence offence can be made subject to a post-sentence order. This approach ensures that the scheme can intensely focus on protecting the community from offenders who present with the highest risks of harm.

**Serious violence offences** include murder, manslaughter, child homicide, arson causing death, kidnapping, intentionally or recklessly causing serious injury.

**Serious sex offences** include rape, incest, possession or production of child abuse materials and serious crimes that involve sexual penetration, indecent assault or indecent acts.

As of 30 June 2020, there were 1,922 offenders serving a custodial sentence for a serious sex offence or a serious violence offence in Victoria who could be made subject to a Supervision Order, an Interim Supervision Order, a Detention Order or an Interim Detention Order upon their release from custody. In September 2018, the post sentence scheme expanded to allow serious violent offenders to be made subject to a post sentence order. This has resulted in an increase in the number of eligible offenders since 2017-18.

Not every offender serving a sentence for a serious sex offence or a serious violence offence will be subject to a post sentence order on their release from prison. Offenders are assessed to determine their risk of committing a further serious offence and the results of the assessment determines whether an application for an order will be lodged. It's up to the Court to determine whether an order is made.

## Assessments and applications

Serious offenders are provided with opportunities to engage with treatment and rehabilitation programs to help address their offending behaviour and reduce their risk of reoffending while they are still serving their sentence. As the end of their term of imprisonment or parole period approaches, all serious offenders are clinically assessed to determine their risk of reoffending in the community.

Independent risk assessments are commissioned by Corrections Victoria and conducted by medical experts using internationally tested, evidence-based, tools. The risk assessments address several matters including, criminal history, risks of reoffending, the likely nature of reoffending, and efforts made by the offender to address their offending behaviour.

The report will draw a conclusion on the offender's likely risk of reoffending. Based on this conclusion, an application may be made to a Court for a post sentence order.

The Secretary of the Department of Justice and Community Safety can make an application to the Supreme Court or the County Court for a Supervision Order or an Interim Supervision Order, or refer the matter to the Director of Public Prosecutions who can make an application to the Supreme Court for a Detention Order or an Interim Detention Order.

The independent risk assessment reports are relied on by the Courts to determine whether a serious offender should be made subject to an order. The reports contain detailed information about offender engagement in treatment and rehabilitation while in prison or on parole, the specific risks and circumstances that could lead to the offender committing a further serious offence, factors that may mitigate those risks, and the types of services and interventions that will be provided to support effective treatment and rehabilitation should the offender be placed on an order.

Serious offenders are usually legally represented at an application for a post sentence order. They may consent or contest the order. They can challenge the independent expert assessment report obtained by Corrections Victoria and obtain their own expert evidence regarding their risk of reoffending.

The Court decides whether to place the offender on a post sentence order after considering the evidence presented to it and hearing the submissions made by both parties. For an order to be made, the Court must be satisfied that a serious offender poses an unacceptable risk of further serious offending.

If serious offenders successfully engage in treatment whilst in prison, their risk of reoffending may reduce to a level where it is unlikely that they would pose an unacceptable risk to the community upon release. Applications for post sentence orders are unlikely to be made, or granted by the Courts, in these circumstances.

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Table 1: Eligible Offenders

CATEGORY	2017-18	2018-19	2019-20
Number of eligible offenders	1,037	1,856	1,922

*These figures represent the number of eligible offenders with a sentence expiry date within two years. The number of eligible offenders has increased due to the expansion of the post sentence scheme to serious violent offenders in September 2018.*

## Supervision Orders

If a Court is satisfied that a serious offender poses an unacceptable risk, it can make a Supervision Order or an Interim Supervision Order and impose strict conditions on the offender. Supervision Orders take effect the moment a serious offender's sentence expires. Offenders must comply with every condition on their order and contravening a condition is a criminal offence that can result in up to five years' imprisonment.

As of 30 June 2020, there were 121 serious offenders subject to a Supervision Order and 17 were subject to an Interim Supervision Orders.

In making a Supervision Order the courts are assisted by the independent expert assessment reports, undertaken while offenders are still serving their sentence, to design the order. The courts use the expert information to determine the length of the order and the specific conditions that will be imposed on the offender.

Supervision Orders are tailored to each offender and the conditions are designed to reduce their specific risks of reoffending. For example, if an offender's assessment report identifies that alcohol consumption contributed to their past offending, a court may impose a condition that prohibits them from using alcohol and require them to wear an electronic monitoring device that tracks alcohol use. Similarly, if an offender has a history of committing offences against children in public places, then a Court may impose conditions that prohibit the offender from remaining in proximity to schools, childcare centres and public parks.

Other conditions are designed to facilitate the delivery of treatment and rehabilitation services to help reduce an offender's risks of reoffending. These conditions can require offenders to attend rehabilitation and treatment services, offending behaviour programs and attend regular drug testing.

Supervision order conditions can relate to:

- where the offender must live
- times the offender must be at their residence (curfew)
- places or areas that offenders must not visit or be near (for example, parks, schools, or shopping centres)
- whether an offender must wear electronic monitoring devices to monitor their location or alcohol consumption
- drug or alcohol testing
- treatment and rehabilitation programs that an offender must attend
- prohibited behaviour (for example, accessing the internet)
- persons or classes of persons that offenders must not have contact with (for example, other convicted offenders)
- prohibited contact with victims or a victim's family
- the need for offenders to be accompanied when on designated outings in the community.

The Court can delegate powers to the Authority to enable it to give directions to an offender under the conditions of their order. The Authority can give directions to help manage and contain an offender's risks of reoffending (which may change over time), or to support their treatment if an offender is making positive progress toward their rehabilitation goals.

Offenders must comply with directions made by the Authority and contravening a direction is a criminal offence.

Table 2: Number of serious offenders subject to Supervision Orders and Interim Supervision Orders

<b>CATEGORY</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
Number of serious offenders subject to a Supervision Order as of 30 June	126	126	121
Number of serious offenders subject to an Interim Supervision Order as of 30 June	9	5	17

Table 3: Supervision Orders

<b>CATEGORY</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
Number of applications made for an interim supervision order	11	15	14
Number of interim supervision orders made by the courts	11	9	23
Number of applications made for a supervision order	12	10	22
Number of supervision orders made by the courts	16	11	29
Number of applications to renew a supervision order	21	13	16
Number of renewed supervision orders made by the courts	11	19	15
Number of supervision orders that were completed, or revoked by the Courts	9	11	8

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A further five Supervision Orders expired as a result of the death of the offender.

“The first three to six months following release from prison can be particularly difficult and stressful for offenders who have served a long sentence, with the risk that they will gravitate back to the lifestyle and associations that contributed to their offending.

A significant challenge facing serious violent offenders commencing a post sentence supervision order is that, unlike serious sex offenders, there is no facility for them to transition through before returning to live independently in the broader community.”

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**Stuart Ward, Deputy Chair**

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Corrections Victoria allocates a trained Specialist Case Manager (SCM) to every offender on a Supervision Order. The SCMs are the primary point of contact for offender. They meet with offenders frequently to deliver case management, and they work closely with them to monitor their behaviour and encourage progress toward treatment and rehabilitation goals. This may include treatment with a private psychologist, drug and alcohol rehabilitation, offence-specific treatment provided by expert clinicians, or medication for mental health and other illnesses.

SCMs monitor offender behaviour against the conditions in their orders. If offenders contravene a condition, they may be arrested and charged by Victoria Police, or brought to the attention of the Authority for action.

SCMs also help offenders manage their day-to-day lives and assist them with re-integrating into the community. For many offenders who have spent long periods in prison and do not have support networks in the community, this can be difficult. SCMs help offenders to establish positive support and pro-social networks, and engage with employment services and community service organisations that assist with everyday tasks such as grocery shopping and banking.

Corrections Victoria provide the Authority with regular reports about offender compliance with Supervision Order conditions, treatment progress, behaviour and any changes in risks of reoffending.

## Residential conditions

Supervision Orders set the requirements for where an offender can reside. Initially, an offender's place of residence will be determined by the Courts when a Supervision Order is being made. This decision considers the offender's behaviours, offending type and history, risk of reoffending, management needs and any disabilities or illnesses.

Before any decision is made, a thorough assessment of the proposed property or accommodation facility is undertaken by Corrections Victoria. An offender's residence must also provide for the level of supervision and management that the offender requires, and it must be compatible with the conditions of their order. For example, if a serious offender is prohibited from remaining in proximity to schools or playgrounds, then their place of residence must comply these conditions.

The Courts can also delegate power to the Authority to make decisions about an offender's residence once a Supervision Order is put in place. This allows the Authority to direct where serious offenders reside and enable offenders to transition to different types of accommodation during the term of their Supervision Order as their risks of reoffending and management needs change. It is not uncommon for an offender to move between various levels of restrictive to less restrictive accommodation or vice versa, as their risk of reoffending changes.

Corrections Victoria delivers case management to all serious offenders regardless of their residential arrangements.

### Residential facilities

Most serious sex offenders will initially reside at either Corella Place or Emu Creek (these facilities do not accommodate serious violent offenders). These are purpose-built residential facilities that are managed by Corrections Victoria. They provide accommodation for offenders whose risks cannot be safely managed in the broader community. As of 30 June 2020, 62 offenders were required to reside at residential facilities as a condition of their Supervision Order or as directed by the Authority.

Offenders are closely supervised in these facilities. They are case managed by Corrections Victoria and they are provided with access to treatment and rehabilitation services to help manage their risks of reoffending. Offenders who engage with services, make progress toward their treatment goals, and take positive steps towards addressing their own risks and behaviours, may transition out of a residential facility.

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Table 4: Offenders directed to reside at a Residential Facility

CATEGORY	2017-18	2018-19	2019-20
The number of offenders directed to reside at a residential facility imposed by the court	28	22	18
The number of offenders directed to reside at a residential facility imposed by the Authority	12	5	10

The staff at Corella Place and Emu Creek, as well as the SCMs, work closely with offenders daily to prepare them for a safe and structured transition back into the broader community through a staged process. This is known as a 'step-down' process, where an offender progressively works toward their rehabilitation goals to enable them to move to less restrictive accommodation and then transitioning to full independent living in the community.

This process can include permitting an offender to leave a residential facility on supervised outings and progressively working toward safely allowing unsupervised outings. Unsupervised outings will be allowed for short periods of time and may advance to overnight stays at a location that is approved as suitable by the Authority as a step toward transition to that property.

If an offender successfully completes their step-down transition process, Corrections Victoria may provide the Authority with a detailed report on the outcomes of the step-down process, along with a recommendation on whether the offender should transition to a less restrictive type of accommodation. Using powers delegated by the Courts, the Authority can give a direction to an offender so that they can transition from a residential facility to less restrictive accommodation.

The Authority will only make this decision if it is evident, through Corrections Victoria reports, that the offender has made positive progress toward their treatment and rehabilitation goals, and that their risks of reoffending can be managed without the close supervision that is offered by a residential facility. The Authority must be satisfied that the proposed accommodation is suitable and compatible with the specific conditions of the offender's Supervision Order.

The Authority can also direct that serious sex offenders, who are residing in less restrictive accommodation, must move back to a residential facility.

The Authority will usually make this decision when it becomes clear that an offender's risk of reoffending can no longer be safely managed unless they are residing in a residential facility. This approach ensures that the community is protected from any escalation in risks of reoffending. In addition, returning an offender to a residential facility means that they can be closely supervised and supported through their treatment pathway.

In 2019-20, there were 28 offenders who were directed to reside in a residential facility. Of these offenders 18 were directed by the Court and ten were directed by the Authority.

## Supported accommodation

Supported accommodation is a type of housing that provides a high level of care for serious offenders with specific needs. Offenders residing in supported accommodation require support with everyday living and have varying levels of need.

There are also several forensic supported residential facilities that provide specialised accommodation and specialist support to people with a disability who are at risk of or have had contact with the criminal justice system.

Supported accommodation facilities are managed by appropriately qualified staff who supervise residents twenty-four hours a day. Staff support all residents and help them to build independence. This includes working with residents to reduce and manage problematic behaviours using restrictive interventions and skill development.

## Independent living

A small number of serious offenders reside in the community in their own houses, private rental properties or social housing. Only offenders whose risks of reoffending can be safely managed in the community will reside in an independent living arrangement.

While living independently, serious offenders must still demonstrate full compliance with their Supervision Order conditions. Many offenders are required to wear an electronic monitoring device that tracks their movements, adhere to a curfew, submit to routine drug testing and attend treatment and rehabilitation services. They may also be prohibited from attending specified places or contacting specified persons.

Corrections Victoria works closely with offenders who are in independent living, helping them to establish pro-social support networks and supporting their engagement in treatment. Some offenders are employed, whilst Corrections Victoria supports other offenders to seek suitable employment.

If a serious offender who is living independently seriously contravenes their Supervision Order, or displays concerning behaviour which suggests that their risks of reoffending can no longer be safely managed in the community, the Authority may direct that the serious offender must reside in a more restrictive type of accommodation.

## Intensive treatment and supervision

Almost all Supervision Orders contain conditions that require serious offenders to attend treatment and rehabilitation. If an offender is assessed as requiring dedicated and specialised services to reduce their risk reoffending, the Courts can impose an 'intensive treatment and supervision condition'. The suitability of this condition must be reviewed by the courts every year.

Serious offenders who are subject to this condition must reside at Rivergum Residential Treatment Centre. Rivergum is a purpose-built facility that is managed by Corrections Victoria. It can accommodate up to 20 offenders and it is the only facility in the post sentence scheme managed by Corrections Victoria that co-locates serious sex offenders and serious violent offenders.

The facility is staffed by a multi-disciplinary team of highly qualified clinicians, case managers and coordinators who are responsible for the management, treatment and supervision of residents.

Offenders residing at Rivergum receive intensive treatment through a structured two-year program that addresses offending behaviour. Treatment is based on therapeutic principles and it has a strong focus on building collaborative relationships between treating staff and offenders, and holding offenders accountable for their actions. Offenders are encouraged to engage in treatment to reduce their risk of reoffending and to prepare for transition into the community.

The treatment approach recognises that behaviour change is challenging. To address this challenge, the Rivergum environment provides a mix of containment and intensive treatment that creates the right conditions to support behaviour change over time.

In 2019-20, the Secretary of the Department of Justice and Community Safety made three applications to the courts for an intensive treatment and supervision condition. As of 30 June 2020, five serious offenders were residing at Rivergum.

## Detention Orders

Serious offenders can also be made subject to Detention Orders and Interim Detention Orders. This type of order can only be made by the Supreme Court, and the court must be satisfied that the serious offender poses an unacceptable risk of harm that cannot be safely managed by the offender residing in the community under a Supervision Order. In 2019-20, three serious offenders were subject to a Detention Order and one was subject to an Interim Detention Order.

Offenders on Detention Orders are detained in self-contained units within the boundaries of a prison for the period of their order. The law requires that an offender held under a detention order must be treated in a way that is appropriate to their status as a person who is not under sentence, subject to reasonable requirements necessary to maintain the security and good order of the prison, and the safety of the offender and other prisoners.

This means that they may be permitted to wear their own clothes and undertake activities that are not otherwise available to prisoners who are still under sentence. They are also required to cook for themselves and maintain the accommodation that has been provided to them.

Only a small number of serious offenders have been made subject to a Detention Order since the commencement of the post sentence scheme. This reflects the high threshold that is required to satisfy a restriction of this nature.

In 2019-20, the Director of Public Prosecutions made 2 applications for a detention order and 1 interim detention order, of which, all applications were granted by the Supreme Court. The Supreme Court also renewed one Detention Order.

*Table 5: Number of serious offenders subject to Detention Orders and Interim Detention Orders*

<b>CATEGORY</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
Number of serious offenders subject to a Detention Orders as of 30 June	3	3	3
Number of serious offenders subject to an Interim Detention Orders as of 30 June	0	0	1

Table 6: Detention Orders

<b>CATEGORY</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
Number of applications made for an interim detention order	1	0	1
Number of interim detention orders made by the Supreme Court	1	0	1
Number of applications made for a detention order	2	0	2
Number of detention orders made by the Supreme Court	2	0	2
Number of detention orders renewed by the Supreme Court	0	2	1
Number of detention orders that were completed or revoked by the Supreme Court	1	0	0

“We are always mindful that the decisions we make take into consideration not only the impact on an offender, but the impact on the victims and the broader community. Ensuring conversations are robust and balance all of the elements of care and concern are front of mind in our decision making.”

Paula Davey, Sessional member

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## Offender monitoring

### Risks, behaviour and progress

Once a serious offender is made subject to a post sentence order, Corrections Victoria commences case managing the offender and reporting to the Authority. These highly detailed reports contain information about an offender’s compliance with order conditions, behaviour, changes in risks of reoffending, engagement in treatment and rehabilitation, and progress with case management.

Based on this information, the Authority builds a detailed understanding of the complexities of every serious offender in the post sentence scheme, including the gravity of their risk of reoffending. It frequently reviews their progress against their Supervision Order and rehabilitation goals, it monitors their behaviours, risks and compliance with order conditions, and it can take action to help protect the community from reoffending.

Using powers delegated to it by the Court, the Authority can give directions to an offender to manage an offender’s risks or behaviour. The Authority will make these decisions when, during the course of monitoring an offender, information presented to it by Corrections Victoria, suggests that an offender’s risk of reoffending is escalating, or they have commenced displaying concerning behaviour. This could include when an offending starts to exhibit behaviours that are similar to those that led to previous offending, a failure to engage or make positive progress in treatment, an ongoing lack of understanding or acknowledgment of their offending behaviour, or an ongoing failure to apply risk management strategies and other learnings from their treatment that will help to contain their risk of reoffending.

In these circumstances the Authority can give several different directions. It could restrict an offender from entering or remaining in proximity of certain locations, direct that an offender must attend for drug testing, require an offender to wear an electronic monitoring device to track their movement, or impose a curfew.

The Authority can also give directions to serious offenders to support their rehabilitation pathway and engagement with case management. For example, it can direct that an offender must attend certain treatment services or temporarily vary restrictions imposed on an offender by their Supervision Order conditions so that they can engage in services.

Similarly, if Corrections Victoria reports that an offender is making positive progress under their Supervision Order, then the Authority can give directions to an offender that will further support their treatment progress. In these circumstances, the Authority could give a direction to permit an offender on a day outing from a residential facility or allow internet access. These actions are usually taken when the Authority has received advice which indicates that such directions would support an offender's rehabilitation and not pose a risk to the safety of the community.

### Alleged contraventions of supervision orders

Serious offenders must comply with the conditions on their Supervision Orders. Failure to do so is a criminal offence that can result in up to five years' imprisonment.

Under the *Serious Offenders Act 2018*, the Authority has the power to conduct an inquiry where there is an allegation of a contravention. Allegations about a contravention are brought to the Authority's attention by Corrections Victoria.

The Authority conducts its inquiries at serious offender hearings. In nearly all circumstances, the offender who is alleged to have contravened their order will be requested to attend the hearing. This allows the Authority members who are conducting the inquiry to discuss the allegation and question the offender about the circumstances surrounding the contravention. The offender is also provided with an opportunity to respond to the allegation.

The Authority takes particular care during this process, ensuring that offenders understand the purpose of the inquiry and the nature of the allegation. If the Authority is satisfied that a contravention has occurred, it will seek the offender's explanation for the contravention and then determine the seriousness of that contravention and the action that it will take in response.

There are several factors that the Authority considers when it is determining seriousness. For example, the Authority reviews whether the contravention is a repeated contravention or represents a pattern of concerning behaviour by the offender. It looks at whether the contravention suggests an increase in the offender's risk of committing a serious offence, as well as whether the contravention suggests any risks to the safety of the community or threatens the safety of any person.

Common contraventions that are brought to the Authority's attention include offenders breaching their curfews, making threats to harm others, entering areas or locations that are prohibited by Supervision Order conditions, failing to attend treatment and rehabilitation and failing to provide a sample for drug testing.

The Post Sentence Authority recognises the importance of ensuring a fair balance between the rights of offenders, victims of crime and society. The Charter of Human Rights and Responsibilities Act 2006 provides an important framework to guide us in our decision making.”

John Griffin PSM, Sessional member

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Having regard for the seriousness of the contravention, the Authority can:

- take no action
- give a formal warning to the offender
- vary any directions given under any condition of the order
- recommend that the Secretary apply to the court to review the conditions of the order
- recommend that the Secretary refer the matter to the Director of Public Prosecutions to consider whether to apply for a detention order
- recommend that the Secretary commence a criminal proceeding against the offender in respect of the alleged contravention

In some instances, the Authority may not take any formal action as criminal proceedings may have already commenced against the offender for the contravention, or the Authority may elect to interview the offender to reinforce the importance of complying with their order conditions and discuss their overall rehabilitation progress.

Through inquiring into contraventions, the Authority seeks to protect the community from harm and encourage the offender to remain committed to their treatment and rehabilitation goals. These objectives align to both the primary and secondary purpose of the post sentence scheme.

## Case Study

The Authority received a written report from Corrections Victoria alleging that an offender who resided at a residential facility had, whilst on an accompanied outing, purchased prescription medication and consumed more than the prescribed dosage. It was alleged that his conduct had contravened a condition on his order prohibiting him from misusing drugs.

After testing the allegations with Corrections Victoria in a hearing, the Authority agreed to undertake an inquiry and arranged for the offender to attend a hearing for this purpose the next week.

At that hearing, the Authority explained its role in conducting an inquiry and took the offender through the allegation. He disputed that he had consumed multiple tablets on the outing, saying that he had taken the prescribed dose but put a number of tablets in his pocket to give to another person at the residential facility on his return, but had then discarded them because he was concerned he would be searched.

After considering the offender's response, the Authority concluded that he had contravened the condition by misusing drugs, irrespective of whether he had consumed multiple tablets as had been alleged or had intended to give them to another person for whom they were not prescribed.

After considering the seriousness of the contravention, the Authority gave the offender a formal warning. The Authority addressed the offender on the importance of him taking medication in accordance with the prescribed dose for his own wellbeing and to mitigate his risk of reoffending, and emphasised the serious health and legal implications if he supplies medication to persons to whom it has not been prescribed.

The Authority explained that the formal warning will be available to the Court if the offender is prosecuted for a similar contravention in the future, and that the Court will also be made aware of the formal warning when it next reviews his supervision order. The Authority also ensured that Corrections Victoria was aware of the seriousness of the offender's disclosure that he had intended to supply his prescribed medication to other residents at the residential facility.

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Table 7: Actions taken by the Authority for alleged contraventions

CATEGORY	2017-18	2018-19	2019-20
No action required	22	33	3
Formal warning issued to offender	7	28	16
Vary direction given	2	4	3
Recommend review of order conditions	0	0	0
Recommend consideration of detention order	0	0	0
Recommend criminal proceedings	1	0	0

The post sentence scheme now offers a range of approaches to respond to escalating risk, and these are being used effectively. Our role in directing and supporting the course taken can be challenging and demanding, but also meaningful and rewarding.”

Peter Rose QC, Sessional member

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## Electronic monitoring

Most serious offenders who are subject to a Supervision Order are required to wear an electronic monitoring device. In Victoria, there are two types of electronic monitoring: Global Position Systems (GPS) monitoring, which is used to track the location and movement of offenders, and continuous alcohol monitoring, which tracks alcohol consumption.

These devices transmit critical data to Corrections Victoria so that it can monitor an offender’s location and movements and their compliance with certain conditions of their order, such as adhering to curfew restrictions, not entering exclusion zones and abstaining from alcohol.

This data supports the monitoring and supervision of serious offenders in the post sentence scheme and it allows Corrections Victoria to identify when an offender has contravened their order. In some instances, electronic monitoring data can illustrate an early pattern or escalation of concerning behaviour by offenders, which enables Corrections Victoria to intervene to take quick action before a contravention occurs.

The reports that Corrections Victoria provide to the Authority about offender compliance, progress and risks are often informed by electronic monitoring data. The Authority uses this information when making decisions about serious offenders.

The courts can require serious offenders to wear an electronic monitoring device as a condition of a supervision order or an interim supervision order. The Authority can also impose this requirement by issuing a direction to an offender, but only when the courts have delegated the Authority this power.

In 2019-20, there were 130 offenders subject to either a supervision order or an interim supervision order who were required to comply with electronic monitoring by the courts or the Authority.

As at 30 June 2020, there were 113 offenders who were required to comply with electronic monitoring, this includes 67 offenders who were required to comply with electronic monitoring as a result of residing at a residential facility or at Rivergum Residential Treatment Centre.

## Victoria Police

Victoria Police has a vital role in the post sentence scheme. In 2015, a specialist team of police investigators, intelligence practitioners and specialist staff from Corrections Victoria was established. The team employs a strategic and collaborative approach to monitoring serious offenders in the post sentence scheme.

Victoria Police conduct routine checks on offenders and assist Corrections Victoria staff when an offender displays concerning behaviour that may suggest an escalation in their risk of reoffending. Combining Victoria Police with staff from Corrections Victoria enables swift action and early intervention to prevent offenders from contravening their Supervision Orders.

Victoria Police also has several powers under the *Serious Offenders Act 2018*, which further assist in the management of serious offenders.

A police officer may enter and search any premises, for the purpose of arresting an offender, if the officer reasonably suspects that an offender is present and that they have contravened the conditions of their supervision order or interim supervision order. Victoria Police did not use this power in 2019-20.

Police may also enter and search a premises occupied by an offender or where an offender is residing if they reasonably suspect that the entry is necessary to monitor the offender's compliance with a supervision order or an interim supervision order, or that the offender has displayed behaviour or conduct associated with an increased risk of the offender reoffending or contravening their order conditions. Victoria Police used this power on 10 occasions in 2019-20.

The police also have the power to apprehend and detain an offender for up to 72 hours. The police can use this power if there are reasonable grounds to suspect that there is an imminent risk that the offender will contravene a condition of their order. Victoria Police used this power on 2 occasions in 2019-20.

Table 8: Use of police powers

CATEGORY	2017-18	2018-19	2019-20
Use of powers for the purpose of arresting a serious offender	0	0	0
Use of powers of entry for the purpose of monitoring a serious offender	0	3	10
Use of powers to apprehend and detain a serious offender	2	7	2

## Emergency powers

The Authority can only give directions to offenders when a Court has delegated this power. However, in emergency situations, the Authority may give a direction to an offender that is inconsistent with, or not provided for, by the conditions of their order. A direction issued to an offender under these circumstances remains in place for up to 72 hours.

The Authority can only use this power if:

- there is an imminent risk of harm to the offender or to the community; or
- the offender's accommodation becomes unavailable

This power enables the Authority to quickly respond to urgent situations that require an immediate and extraordinary response. The Authority did not exercise its emergency power in 2019-20.

## Emergency Detention Orders

Offenders who are subject to a Supervision Order or an Interim Supervision Order can also be made subject to an Emergency Detention Order by the Supreme Court. These orders can only be made if the Court determines that an offender cannot be adequately supervised under their existing order and the offender poses an imminent risk of committing a serious offence.

In 2019-20, the Secretary of the Department of Justice and Community Safety made one application to the Supreme Court for an Emergency Detention Order, and that order was made.

## Prosecutions and findings of guilt

Criminal proceedings can be brought against offenders who contravene their order conditions or who commit further offences.

In 2019-20, the Director of Public Prosecutions commenced 40 prosecutions and the Secretary of the Department of Justice and Community Safety commenced three prosecutions. There were two offenders subject to a Supervision Order or an Interim Supervision Order who were found guilty or convicted of a serious sex offence or serious a violence offence, and 32 offenders convicted for contravening the conditions of their order.

# Coordinated Service Delivery

## Multi Agency Panel

Significant effort is made to deliver treatment and rehabilitation to serious offenders on post sentence orders. Almost all serious offenders have complex needs, with many experiencing combinations of mental illness, substance use issues, intellectual impairments, acquired brain injuries, physical disabilities and cognitive impairments. In addition, some serious offenders have low socio-economic backgrounds, experienced periods of homelessness, and some are also victims of sexual or violent crimes.

These complexities often contribute to an offender's risk of reoffending, and without comprehensive and coordinated support and management, they can prevent an offender's safe re-integration back to the community.

Addressing these complexities requires an integrated, multi-disciplinary and coordinated approach. Accordingly, a Multi-Agency Panel (MAP), consisting of representatives from the Department of Justice and Community Safety, the Department of Health and Human Services and Victoria Police, is responsible for coordinating the delivery of services to serious offenders under the post sentence scheme.

The MAP operates with a principle of 'shared responsibility' and each agency on the panel must provide reasonable assistance and support to each other, share information, and take steps to resolve any issues, including systemic issues, that arise in the delivery of services to serious offenders.

## Case Study

Late on a Friday afternoon, the Authority received information from Corrections Victorian about an offender at Corella Place. The offender's mental health had deteriorated and he was making threats with a knife to staff and other residents. To provide better care for the offender, Corrections Victoria transferred him to an acute mental health unit, and the Authority gave a Direction to support his transfer from Corella Place to the new unit.

He was released from the acute mental health unit 24 hours later, as he was not suitable for ongoing admission. He was discharged into the care of Victoria Police who were able to hold him using their emergency powers for no more than 72 hours.

Despite the efforts of Corrections Victoria to implement a management plan - the offender could not be safely managed at Corella Place due to his mental health issues. The Authority, Corrections Victoria and the Multi Agency Panel had four hours before the police holding powers expired to identify a solution whereby the offender could be safely and securely managed.

During this time the Authority received expert advice indicating that the offender posed an imminent risk of committing a serious violent offence. Corrections Victoria advised the Authority that there were no alternative secure accommodation options available, and that seeking an Emergency Detention Order was the best course of action.

With only a couple of hours remaining before the police holding powers expired, the Authority wrote to the Secretary of the Department of Justice and Community Safety to seek urgent consideration of an Emergency Detention Order, given the lack of other accommodations options and the offender's imminent risk of committing a serious violence offence.

Within a matter of hours, the Authority was advised that the Secretary of the Department of Justice and Community Safety applied to the Supreme Court for an Emergency Detention Order. Shortly after, the Supreme Court made the order.

The Emergency Detention Order allowed the offender to be held in a separate unit within a prison for seven days. During this time, Corrections Victoria developed a plan for managing the offender's risks of reoffending and it applied to the court to have an Intensive Treatment and Supervision Condition imposed on the offender's Supervision Order. This new condition was made by the Court, and when the Emergency Detention Order expired the offender commenced residing at Rivergum Residential Treatment Centre.

This case study illustrates how Emergency Detention Orders can be used to manage imminent risks of reoffending. It also highlights how several elements of the post sentence scheme can be used together to monitor and manage serious offenders. Each of these elements were introduced in response to the recommendations in the Harper Review and they have strengthened the post sentence scheme to further protect the community from risks of reoffending.

Table 9: Number of offenders subject to an order found guilty of an offence

<b>CATEGORY</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
Number of offenders subject to a detention order or an interim detention order who were found guilty or convicted of a serious sex offence or a serious violence offence	0	0	0
Number of offenders subject to a supervision order or an interim supervision order who were found guilty or convicted of a sex offence	4	5	2
Number of offenders subject to a supervision order or an interim supervision order who were found guilty or convicted of a violence offence	2	1	0
Number of offenders subject to a supervision order or an interim supervision order who were found guilty or convicted for contravening the conditions of their order	19	35	32

## Coordinated Services Plans

The MAP develops a Coordinated Services Plan (CSP) for every serious offender who is on a Supervision Order or an Interim Supervision Order. These plans articulate a framework for delivering coordinated treatment and rehabilitation, and they set out the specific services that will be delivered to an offender to support their management and assist with addressing their risks of reoffending. Each agency on the MAP commits to delivering services in a collaborative and coordinated manner as part of every CSP.

In developing the CSPs, the MAP is informed by the outcomes of the independent risk assessment reports, which are routinely prepared whilst an offender is subject to an order, the offender's criminal history, risk of re-offending, treatment readiness, and any complex needs or diagnoses. The MAP also considers any recommendations from expert clinicians or case managers who have assessed or worked with the offender.

This expertise informs the MAP's approach to coordinated service delivery, ensuring that the plans are specifically tailored to the individual risks and needs of each offender.

CSPs will outline a series of services that will be offered and delivered to an offender, and detail the offender's treatment readiness and capacity to engage. This could include drug or alcohol rehabilitation, offence-specific treatment, mental health supports, a strategy for obtaining stable and appropriate accommodation, as well as support with accessing National Disability Insurance Scheme funded services if the offender is eligible. CSPs also highlight the therapeutic alliance between Specialist Case Managers and offender, and the steps that will be taken to harness the value of peer role models and develop a pro-social support network.

The MAP reviews the CSP for each offender every six months. This ensures that the plans remain appropriately targeted to the offender's risks and needs, as these can change over time. The MAP sends every CSP to the Authority for review.

## Reviewing service delivery

The Authority reviews CSPs to ensure that the MAP has identified services that target and address the needs of each offender, and that a commitment has been made by all agencies on the MAP to deliver those services in a coordinated way. The delivery of services is then monitored and reviewed by the Authority over time.

The Authority examines each service delivery commitment and the specific risk or need that the service is seeking to address. It reviews the rationale for each service, timeframes for delivery, and whether services have been delivered in a coordinated and efficient way, as is intended by the plans.

The Authority also reviews CSPs in the context of the offender's commitment to engage with the services recommended, including whether there has been an authentic attempt to address their own risk of reoffending, and whether the offender is working toward transitioning to a less restrictive accommodation arrangement.

The wealth of information in CSPs provides a reference point for the Authority in discharging other functions. This helps to support the Authority's general monitoring of offender treatment progress and risk reduction.

“While the number of offenders on post sentence orders is relatively small, the risk that offenders will seriously harm innocent people is great. The link between unpredictability and risk taking is our greatest challenge. Ensuring offenders take responsibility for their own behaviour change and risk reduction by engaging in treatment and services available to them, requires a co-ordinated and sustained approach. That is why the co-ordinated services plans are such a vital pillar of the scheme.”

**Carmel Arthur, Full time member**

If the Authority identifies that services have not been delivered, or it discovers impediments to service delivery, it can call the MAP to account and seek further information on the steps being taken to resolve those issues by issuing a formal notice. The Authority works collaboratively with the MAP to resolve any issues that emerge which require immediate attention. This ensures that serious offenders can continue to receive comprehensive services that supports their rehabilitation.

The Authority convenes quarterly meetings with the MAP to discuss systemic issues impacting service delivery. In reviewing the delivery of coordinated services in 2019-20, the Authority has identified ongoing challenges in securing appropriate accommodation for serious offenders, including forensic and supported accommodation and social housing. Whilst this is not an issue that is exclusive to the post sentence scheme, it does highlight that there are pressures on the social housing system and collaborative and coordinated approach across government agencies is needed to ensure that housing for serious offenders can be secured.

The MAP submits CSPs to the Authority for review every six months, and the Authority aims to review each CSPs within four weeks from the date of receipt.

As a result of the collaborative effort between the Authority and the MAP, the Authority did not issue any notices in 2019-20.

Table 10: Number of coordinated services plans developed and reviewed

<b>CATEGORY</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
Number of CSPs developed for offenders subject to an application for an order	7	14	23
Number of CSPs developed for offenders subject to a supervision order or an interim supervision order	128	7	0
Number of CSPs reviewed by the MAP	0	314	304
Number of CSPs reviewed by the Authority	64	302	355

*The requirement for all offenders subject to an order to have a CSP came into effect in 2018. In 2017-18, the MAP developed CSPs for offenders who already had orders in place.*

# Collaboration and engagement

The Authority is committed to engaging the community to help raise awareness of the post sentence scheme and working collaboratively with its stakeholders.

## Engaging the community

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### Did the crime, not quite done the time?

In November 2019, the Post Sentence Authority partnered with the Adult Parole Board and Deakin Law School for an event called “Did the crime, not quite done the time”.

Michele Williams QC, Chair of the Authority, and His Honour Peter Couzens, Chairperson of the Adult Parole Board, delivered a presentation to illustrate how parole and post sentence are distinct, but complementary schemes, that both support the protection of the community.



*His Honour Peter Couzens, Chair of the Adult Parole Board, Michele Williams QC, Chair of the Post Sentence Authority, Professor Marilyn McMahon, Deputy Dean of Deakin Law School.*



This was illustrated through a mock scenario about a violent offender who is serving a sentence for a serious offence, is subsequently granted parole, and then at the conclusion of their sentence, found suitable for a supervision order.

The audience submitted questions using Slido, which generated a lively and robust discussion about both schemes.

The presentation was hosted by Professor Marilyn McMahon, Deputy Dean of Deakin Law School, at Deakin Downtown in Melbourne.

### Australian Academy of Forensic Sciences

In December 2019, Michele Williams QC, presented to the Victorian Chapter of the Australian Academy of Forensic Sciences on the key role and functions of the Authority. Presenting to members of the academy, the Chair illustrated the comprehensive nature of the post sentence scheme and how the functions and powers of the Authority help to protect the community.

This session also focused on the importance of rehabilitation and treatment in the context of risk mitigation to illustrate that the scheme whilst focused on community protection was committed to addressing the antecedent behaviour of offenders to reduce their propensity to reoffend.

## 12th Annual Criminal Law Conference hosted by Legalwise

The Post Sentence Authority was invited back to the Annual Legalwise Criminal Law Conference. Legalwise has been a provider of continuous professional development for Australia's legal profession for over 15 years. Taking place in March 2020, the conference shifted to an online format due to the impact of the Coronavirus.

Jeremy Cass, a full-time member of the Authority, delivered a virtual presentation to over 70 legal practitioners to help equip them with knowledge about the post sentence scheme and how supervision orders operate in practice.

## Working with our stakeholders

### Department of Justice and Community Safety

The Authority primarily engages with the Department of Justice and Community Safety through Corrections Victoria. The Authority's Chair, Deputy Chair and full-time members regularly meet with senior representatives from Corrections Victoria and maintain an open dialogue to help drive the objectives of the post sentence scheme. This approach ensures that any issues regarding the monitoring of serious offenders can be resolved efficiently and in the interest of supporting the protection of the community.

The Authority's secretariat works closely with Corrections Victoria's operational staff. This relationship ensures that the Authority receives constant updates and reports on the behaviour, risk, compliance and progress of serious offenders, enabling the Authority to administer its monitoring functions based on the most up to date information.

The Authority is also assisted by Corrections Victoria and community corrections officers who attend the Authority's serious offender hearing.

### Multi-Agency Panel

The Authority holds quarterly meetings with the MAP. In line with the Authority's responsibility for reviewing the delivery of coordinated services, these meetings provide an opportunity to discuss service delivery in the post sentence scheme, impediments to effective and efficient coordination, and solutions to any systemic issues that have been identified through the Authority's review of CSPs.

In 2019-20, these meetings also provided a forum to discuss the changing landscape in service delivery during the Coronavirus pandemic. Despite challenging circumstances, the MAP maintained service delivery to serious offenders, and where possible, services shifted to an online format.

### Victims Register

One of the purposes of Supervision Order conditions is to provide for the reasonable concerns of victims and their welfare and safety. When the Authority makes decisions that impact upon the operation of an offender's supervision order conditions, it invites a submission from the registered victims of that offender. The Authority works closely with the Department of Justice and Community Safety to make sure that victims are supported when they are making submissions.

This process provides registered victims with an opportunity to gain an understanding of the type of conditions which the offender must comply with whilst under a Supervision Order, and it enables them to give their views about the operation of those conditions to the Authority.

In 2019-20, the Authority received ten submission from registered victims. The Authority took every submission into careful consideration before making a decision in relation to the offender.

### County Court and Supreme Court

The County Court and Supreme Court play a critical role in the post sentence scheme. They are responsible for making Supervision Orders and Detention Orders when satisfied that a serious offender poses an unacceptable risk. The courts are also responsible for setting the conditions that offenders must comply with when residing in the community and delegating powers to the Authority to allow it to give directions to serious offenders in relation to the conditions on their orders.

In September 2019, Michele Williams QC presented to the County Court and Supreme Court to talk about the complementary nature of the functions of the courts and the Authority within the post sentence scheme. A further presentation was delivered to the Supreme Court in late 2019, with associates and court registry staff in attendance.

These engagements provided an opportunity to discuss how the Authority and the Courts can continue to work collaboratively to align the expectations set by the Courts when making Supervision Orders, with the ways in which the Authority monitors offenders and administers conditions.

### Forensic Intervention Services

Forensic Intervention Services is a specialist program area of Corrections Victoria that is dedicated to making the Victorian community safer by reducing reoffending. It develops treatment pathways for offenders and delivers programs to address criminal behaviour and encourage positive change. Forensic Intervention Services delivers services to most serious offenders in the post sentence scheme, helping offenders to make treatment gains and positive progress whilst under an order. The Authority is regularly informed about treatment progress for individual offenders through reports from Corrections Victoria, and advice Forensic Intervention Services assists the Authority in making monitoring decisions about offenders.

In November 2019, Simone Shaw, Clinical Director of Forensic Intervention Services presented to the Authority about measuring the success of serious offender intervention programs that aim to reduce the risk of re-offending.

### Adult Parole Board

The Authority has a close working relationship with the Adult Parole Board. In November 2019, Dr David Curnow, a full-time member of the Adult Parole Board presented to the Authority about violence intervention programs for high-risk, violent, male offenders. This presentation provided the Authority with information about how interventions can help offenders to understand and acknowledge their offending behaviour, and assist with managing of reoffending.

# Organisational Structure

## The Post Sentence Authority

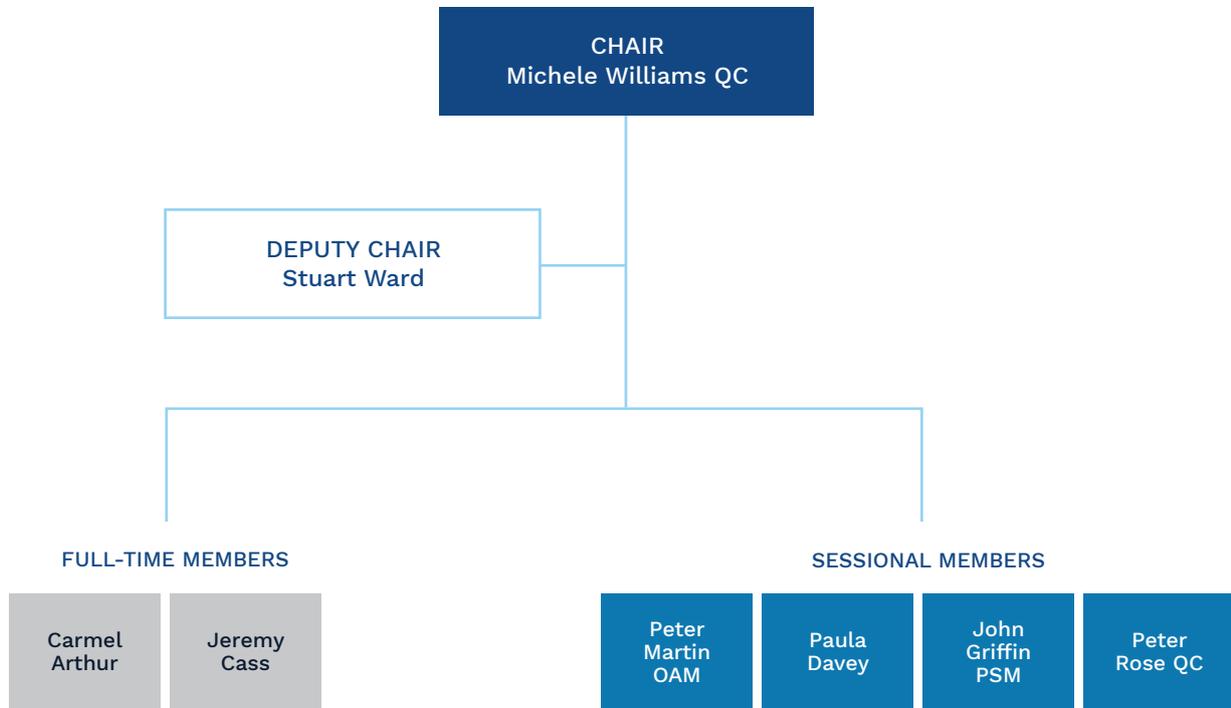
The *Serious Offenders Act 2018* provides for the membership of the Authority to include a Chair, Deputy Chair, up to three full-time members and up to five sessional members.

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Members are appointed by the Governor in Council on the recommendation of the Minister for Corrections. Appointments can be made for up to five years and members can be reappointed and serve a maximum term of nine years.

As at 30 June 2020, the Authority was comprised of eight members.

Chart 2: Post Sentence Authority structure





### Michele Williams QC

*Michele Williams QC was appointed as Chair on 27 March 2019.*

Michele signed the Bar Roll in 1986 and has over 30 years' experience as a criminal barrister, where she prosecuted some of the most serious sexual and violent offenders including numerous high-profile murder trials.

She was appointed a Crown Prosecutor in 2002 and appointed Queens Counsel in 2005. In 2006, Michele was appointed a Senior Crown Prosecutor and in that same year appointed the first Head of the Specialist Sex Offences Unit at the Office of Public Prosecutions. In that role, she led approximately 30 solicitors and six Crown Prosecutors in a dynamic and proactive team which introduced a more consistent approach to the prosecution of sex offences, and cultural changes which led to victims being more informed throughout the criminal justice system.

In 2007, Michele was appointed as the first Chair of the Therapeutic Treatment Board, which is responsible for providing advice on whether children who exhibit sexual abusive behaviours should receive therapeutic treatment.

Throughout her career, Michele has played an active role in mentoring junior barristers and teaching through the Victorian Bar Readers' Course.

Michele brings a unique understanding and a depth of experience to the work of the Authority.



### Stuart Ward

*Stuart Ward was appointed as Deputy Chair on 30 June 2019.*

Stuart is a skilled senior executive and senior government lawyer with over 30 years' experience in criminal law, legal management and statutory decision making.

Having spent 10 years with the Office of Public Prosecutions (OPP) as a specialist prosecutor in his early legal career, he returned to the OPP in 2007 to take up a new role of Legal Practice Manager, in which he had executive responsibility for preparing and running all serious criminal prosecutions and appeals in Victoria. He also had executive responsibility for the Victims Strategy and Services directorate, which provided support to victims of crime going through the prosecution process.

He served as Solicitor for Public Prosecutions for a year in 2008-9 with overall responsibility for the Office of Public Prosecutions.

In 2014, Stuart joined the Adult Parole Board as Chief Administrative Officer and was instrumental in reforming and modernising the Board and the parole system in Victoria. During his time with the Board, he oversaw the Board's involvement in the transition of its post sentence jurisdiction to the Post Sentence Authority.

Stuart has also held statutory decision-making appointments with the Business Licensing Authority, where he served as Deputy Chairperson from 1999 to 2007, and with the Motor Car Traders' Claims Committee, as Chairperson from 2001 to 2007.

Stuart brings a valuable blend of experience and knowledge to the Authority.



### Carmel Arthur

*Carmel Arthur was appointed as a full-time member on 27 February 2018.*

Carmel has a diverse background and extensive experience in strategic planning, integrated service delivery, and systems thinking in both the public and private sector. She has vast experience in the criminal justice system which has included working with the Courts, Corrections Victoria and Victoria Police. Carmel has great personal insight and a unique comprehension of the operation of the criminal justice system. She is not only a victim of crime but has also worked with many victims of crime and brings a wide perspective and breadth of experience from across the victim support system.

She advocates for better treatment of victims and their families through the criminal justice systems, and is particularly conscious of the need to keep the community engaged and informed about the justice system. She is also committed to finding the balance between delivering a safer community and supporting the treatment and rehabilitation of offenders through the use of effective and evidence based means by ensuring offenders take responsibility for their own risk reduction, through building the necessary human and social capital required to live a meaningful life in the community. Carmel is a founding member of the Sentencing Advisory Council, is on the Board of the Pennington Institute and held the role of community member on the Adult Parole Board for nine years before her term expired in 2017.

Carmel is the Chair of the Authority’s Strategy and Engagement Subcommittee.

### Jeremy Cass

*Jeremy Cass was appointed as a full-time member on 3 April 2018.*

Jeremy has strong experience in criminal law and was admitted as a barrister and solicitor to the Supreme Court of Victoria in 2003. He became a Law Institute of Victoria Accredited Criminal Law Specialist in 2008 and an Accredited Specialist in Children’s Law in 2012.

Since commencing his legal career, Jeremy has worked at Victoria Legal Aid and held various senior leadership roles including as Program Manager Youth Crime, Program Manager, Appeals and Strategic Litigation, Senior Advocate Higher Court Appeals and Acting Executive Director of Criminal Law Services. At Victoria Legal Aid, Jeremy led a team of appellate specialists who conducted case work and merits assessments for appeal cases; he was regularly briefed to appear as counsel in the Supreme Court of Victoria – Court of Appeal. Jeremy also had programmatic responsibility for the state-wide delivery of quality appellate criminal law services at Victorian Legal Aid.

Jeremy is also an adjunct lecturer in law at La Trobe University Law School and brings vast experience and expertise to the role.

Jeremy is the Chair of the Authority’s Risk and Audit Subcommittee.



### Peter Rose QC

*Peter Rose QC was appointed as a sessional member on 27 February 2018.*

Peter is a barrister with extensive experience in criminal law. He signed the Bar Roll in March 1977 and was appointed Queen's Counsel in 2001.

Until recently, Peter was a Senior Crown Prosecutor for the State of Victoria for 10 years. As a prosecutor Peter was responsible for matters under the *Serious Sex Offenders (Detention and Supervision) Act 2009*, and he regularly represented the Director of Public Prosecutions in applications for detention orders and appearances in relation to breaches of supervision orders referred to the Director. Prior to becoming a Senior Crown Prosecutor, Peter spent some 30 years at the Bar practising criminal, common and administrative law.

Peter also practised in aviation law and brings a wealth of expertise and knowledge to the Authority.



### John Griffin PSM

*John Griffin PSM was appointed as a sessional member on 20 March 2018.*

John has been a member of the Victorian Mental Health Tribunal since 2011 and the Director of the Board of the Sentencing Advisory Council since February 2012.

John has vast experience in the justice sector and has worked as the Executive Director – Courts and Tribunals, Chief Executive Officer of CORE (the Public Correctional Enterprise) and Victorian Director of Prisons. Prior to his move to Victoria in 1988, John held the position of Deputy Director, Probation and Parole in the Department of Corrective Services in New South Wales.

John has worked across a diverse range of portfolios. He has extensive involvement in community, educational and government advisory boards and committees. This has included being a board member of Children's Rights International and former Chairman of the Victorian Association for the Care and Resettlement of Offenders.

John was also recognised in the Australia Day Awards in 2002 with the Public Service Medal and in 2003 with the Centenary Medal for services to the justice system.



### Paula Davey

*Paula Davey was appointed as a sessional member on 20 March 2018.*

Paula has extensive experience as a councillor and community worker, receiving the Prime Minister's Centenary Medal for outstanding service in 2001.

Paula shares her time between professional and volunteer roles across a broad range of industry and community organisations. These include serving on the Mental Health Tribunal, Victorian Board of the Medical Board of Australia, Victorian Law Foundation and the Bendigo Community Bank Board. Paula has also served as Chairman of the Country Women's Association Advisory Board, and Chair of the Kew High School Council.



### Peter Martin OAM

*Peter Martin OAM was appointed as a sessional member on 27 February 2018.*

Peter had a long career as a secondary school teacher and principal in number of rural locations. He has extensive experience on a range of community advisory committees, reference groups, ethics committees, boards of management, professional associations and regulatory bodies.

His appointments have involved community roles in education, health, aged care, emergency services, public transport and criminal justice. He has been a long-standing advocate for rural involvement in policy development, implementation and regulation in these fields.

His current activities include roles in the Australasian College for Infection Prevention and Control, the Royal Australasian College of Physicians, the Australian Medical Council, Medicines Australia, his local Lions Club and his local hospital.

He was a Bail Justice for many years and a community member of the Victorian firearms regulatory body where he gained his early experience in the criminal justice system.

“I think it is admirable that members of the Post Sentence Authority are drawn from a range of professions with a variety of life experiences. This ensures that not only is there legal expertise but that there is considerable life experience reflective of the broader community. This provides a broad base from which decisions can be made regarding protection of the community and rehabilitation of offenders.”

**Peter Martin OAM, Sessional member**

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## Secretariat

The Department of Justice and Community Safety provides a secretariat to assist the Authority. The secretariat is led by a Chief Administrative Officer and it is subject to the directions of the Authority. As at 30 June 2020, there were 12 full-time equivalent public sector employees in the secretariat.

The secretariat is comprised of three work streams: Operations, Strategy and Development and Administration and Department Liaison.

The Operations team is responsible for reviewing, assessing and presenting information to the Authority to inform its decision making about serious offenders. It coordinates the serious offender hearings and it manages the Authority’s information sources and records. The Operations team record and communicate the Authority’s decisions to its key stakeholders and it is the Authority’s primary interface with Corrections Victoria and the Victims Register.

The Strategy and Development team supports strategic planning and project delivery. It provides advice on emerging policy issues and contributes to the development of operational policy. It is also responsible for supporting the Authority’s communications, stakeholder engagement activities, data and operational reporting.

The Administration and Department Liaison team supports corporate governance, risk management, business continuity planning, occupational health and safety, and human resources. It ensures that the Authority’s administrative procedures are consistent with the policies of the Department of Justice and Community Safety, and it manages the Authority information communications technology environment.

## Serious offender hearings

The Authority discharges its functions through formal hearings that are presided over by the Chair or Deputy Chair, with a quorum of three members. These hearings take place twice per week, at a minimum.

The Authority frequently convenes hearings out-of-session, and it is available to hear matters 24 hours a day, seven days a week. This ensures that the Authority can respond to any urgent matters regarding serious offenders that require its immediate attention.

## Freedom of Information

The Authority is subject to the *Freedom of Information Act 1982* which allows the public a right of access to certain documents held by the Authority.

The Authority did not receive any Freedom of Information requests in 2019-20. Information about how to make a Freedom of Information request can be found at [www.foicommissioner.vic.gov.au](http://www.foicommissioner.vic.gov.au).

## Protected Disclosures

The *Protected Disclosure Act 2012* encourages and assists people in making disclosures of improper conduct by public officers and public bodies. The Authority encourages employees and members of the public to report known or suspected incidents of corrupt or improper conduct. Information about how to make a disclosure about the conduct of the Authority or its officers (and relevant contact details) is available on the Department of Justice and Regulation website at [www.justice.vic.gov.au](http://www.justice.vic.gov.au).

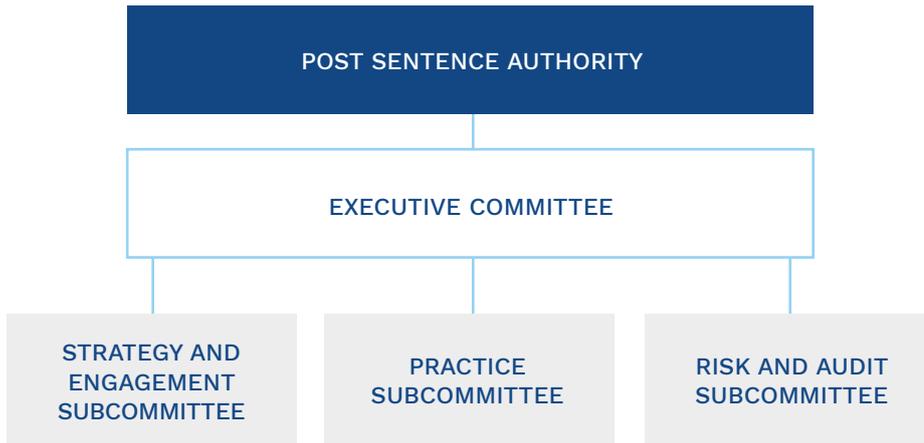
## Governance

The Authority's governance structure was adopted in 2018 and it is subject to ongoing review and refinement. The full membership of the Authority convenes quarterly meetings to oversee effective administration and consider reports from the Chief Administrative Officer on strategy, risk, finance, and general operations.

An Executive Committee, comprised of the Chair, Deputy Chair, full-time members and the Chief Administrative Officer, is convened monthly to provide executive management and drive the delivery of strategic objectives.

Three subcommittees have been established: Practice, Risk and Audit, and Strategy and Engagement, with each chaired by a full-time member. The subcommittees are responsible for delivering projects under key focus areas. The subcommittees report to the Executive Committee.

Chart 3: Governance structure



## Financial management

The Authority's financial statements and report of operations have been consolidated into the Department of Justice and Community Safety's annual report, pursuant to a determination by the Minister for Finance under section 53(1)(b) of the *Financial Management Act 1994*.

### Attestation for financial management compliance

I, Marco Boscaglia, certify that the Post Sentence Authority, has no Material Compliance Deficiency with respect to the applicable Standing Directions under the *Financial Management Act 1994* and Instructions.



Marco Boscaglia

Acting Chief Administrative Officer

## Glossary

Assessment Report	A report conducted by a medical expert in respect of a serious offender, in accordance with section 269 of the <i>Serious Offenders Act 2018</i> . The report must set out several factors, including the medical expert's assessment of the risk that the offender may commit another serious sex offence or serious violence offence, or both, if the offender is released into the community and is not subject to a detention order or a supervision order.
Conditions	Conditions are set by the courts when making Supervision Orders and Interim Supervision Orders. Serious offenders must comply with all conditions of their orders and failure to do so is a criminal offence.
Contravention	An action or behaviour by a serious offender that contravenes a condition of their post sentence order.
Coordinated Services Plans (CSPs)	Coordinated Services Plans (CSPs) articulate a framework for delivering coordinated treatment and rehabilitation to serious offenders and set out the specific services that will be delivered to support their management and assist with addressing risks of reoffending. CSPs are developed by the Multi-Agency Panel and the participating responsible agencies commit to providing the services identified in the plan. CSPs are reviewed by the Post Sentence Authority.
Corella Place	A purpose-built residential facility for serious sex offenders managed by Corrections Victoria.
Detention Order	An order made under section 62, 73, 107 or 108 of the <i>Serious Offenders Act 2018</i> which commits a serious offender to detention in a separate accommodation unit within a prison for the period of the order. Detention Orders can only be made by the Supreme Court for up to three years, and they are reviewed annually.
Directions	Under Part 11 of the <i>Serious Offenders Act 2018</i> , the Authority may give directions to serious offenders subject to a Supervision Order to reduce or contain their risk of reoffending or to allow offenders greater freedom in recognition or support of treatment progress. Serious offenders must comply with the Authority's directions, and failure to do so is a criminal offence.
Electronic Monitoring	Electronic Monitoring refers to a system that can track and monitor serious offenders. There are two types of electronic monitoring in Victoria - Global Position Systems (GPS) monitoring, which is used to track the location and movement of offenders, and continuous alcohol monitoring, which tracks alcohol consumption. Both systems operate through an ankle device which must be worn by the offender.

Emergency Detention Order	An order made under section 89 or 120 of the <i>Serious Offenders Act 2018</i> , which commits an offender to detention in a separate accommodation unit within a prison for a maximum period of seven days.
Emu Creek	A purpose-built residential facility for serious sex offenders managed by Corrections Victoria.
Harper Review	The Complex Adult Victorian Sex Offender Management Review Panel, led by the Honourable Justice Harper AM, which provided advice on the management of serious sex offenders in the post sentence scheme.
Inquiry	An inquiry into an alleged contravention of a Supervision Order, by the Post Sentence Authority, under section 170 of the <i>Serious Offenders Act 2018</i> . If the Authority is satisfied that a serious contravention has occurred, it can determine the seriousness of the contravention and then take appropriate action.
Intensive Treatment and Supervision Condition	A condition on a supervision order imposed under section 32 of the <i>Serious Offenders Act 2018</i> by a court. The condition requires an offender to reside at a residential treatment facility.
Interim Detention Order	An order made under section 76 or 122 of the <i>Serious Offenders Act 2018</i> . An interim detention order may be made by the Supreme Court pending the outcome of an application for a detention order. An interim detention order must not exceed 4 months duration, unless the Supreme Court is satisfied that exceptional circumstances exist.
Interim Supervision Order	An order made under section 47 or 122 of the <i>Serious Offenders Act 2018</i> . An interim supervision order may be made in respect of an eligible offender if the court is satisfied that an application for a supervision order has commenced but not determined. An interim supervision order must not exceed 4 months duration, unless the court is satisfied that exceptional circumstances exist.
Multi-Agency Panel (MAP)	The Multi-Agency Panel (MAP) is made up of representatives from the Department of Justice and Community Safety, the Department of Health and Human Services and Victoria Police. It is responsible for developing Coordinated Services Plans and coordinating the delivery of services to serious offenders under the post sentence scheme.

Parole	When a court sentences an offender to prison, it may set a non-parole period. An initial, non-parole period must always be served in prison. When a prisoner has served the non-parole period of their sentence, they may apply for parole. The Adult Parole Board can determine whether the prisoner can serve the parole period of their sentence in the community subject to conditions and under supervision. While on parole, a prisoner is still under sentence and their parole may be cancelled, requiring them to return to prison to complete their sentence.
Post Sentence Authority	The Post Sentence Authority is established under section 290 of the <i>Serious Offenders Act 2018</i> . It is an independent statutory body which supports the protection of the community by monitoring and reviewing the compliance, risks, behaviour and treatment progress of serious offenders who are made subject to ongoing supervision and detention by the courts, under Victoria's post sentence scheme.
Post Sentence Order	An interim supervision order, a supervision order, an interim detention order, or a detention order.
Post Sentence Scheme	The Post Sentence Scheme provides for the ongoing supervision or detention of serious offenders who are determined by the courts to be an unacceptable risk of committing further serious sex offences, serious violence offences, or both, when they complete their sentence. The scheme provides for enhanced protection of the community and it facilitates the treatment and rehabilitation of serious offenders.
Residential facility	A premises appointed under section 178 of the <i>Serious Offenders Act 2018</i> to provide accommodation, supervision, and case management to serious offenders subject to supervision orders and interim supervision orders.
Rivergum Residential Treatment Centre	A residential treatment facility that delivers intensive treatment and interventions for up to 20 serious sex offenders or serious violent offenders subject to Supervision Orders or Interim Supervision Orders.
Secretary	The Secretary of the Department of Justice and Community Safety.
Serious offender	A person who is subject to an interim supervision order, a supervision order, an interim detention order, or a detention order.

Serious Offender Hearings	A meeting of the Post Sentence Authority convened under section 298 of Serious Offenders Act 2018 to monitor and review the progress, risks, behaviours and compliance of serious offenders.
Serious sex offences	An offence referred to in Schedule 1 of the Serious Offenders Act 2018. Offences include, but are not limited to, rape, incest, possession or production of child abuse materials and serious crimes that involve sexual penetration, indecent assault or indecent acts.
Serious violence offences	An offence referred to in Schedule 2 of the Serious Offenders Act 2018. Offences include, but are not limited to, murder, manslaughter, child homicide, arson causing death, kidnapping, intentionally or recklessly causing serious injury.
Social Housing	Social housing is short and long-term rental housing that is owned and run by the government or not-for-profit agencies.
Specialist Case Manager (SCM)	Specialist Case Managers (SCMs) are the primary point of contact for serious offenders. They meet with offenders frequently to deliver case management, and they work closely with offenders to monitor their behaviour and encourage progress toward treatment and rehabilitation goals.
Supervision Order	An order made under section 14, 24 or 62 or 108 of the Act and includes any extension of the order.
Unacceptable risk	In considering an application for a post sentence order, a court must be satisfied that an eligible serious offender poses an unacceptable risk of committing a serious sex offence, a serious violence offence, or both, if the post sentence order is not made.
Victim Submission	A submission received from a registered victim by the Post Sentence Authority that sets out their views about a direction that may be given to a serious offender.
Victims Register	A service that can give victims information about offenders, including information that relates to the post sentence scheme.

## Appendix 1 – Reporting measures

Before 30 September in each year the Post Sentence Authority must give the Minister for Corrections a report relating to the 12 months ending 30 June in that year concerning the operation of the *Serious Offenders Act 2018*.

The report must include:

- a. details of the number of eligible offenders serving a custodial sentence during the period; and
- b. details of the number of applications made for a detention order, an interim detention order and the renewal of a detention order during the period; and
- c. details of the number of applications made for an emergency detention order during the period; and
- d. details of the number of applications made for a supervision order, an interim supervision order and the renewal of a supervision order during the period; and
- e. details of the number of applications made for the imposition of an intensive treatment and supervision condition on a supervision order or an interim supervision order during the period; and
- f. details of the number of offenders in respect of whom a supervision order or an interim supervision order was made that was subject to an intensive treatment and supervision condition that has been revoked during the period; and
- g. details of the number of offenders in respect of whom a detention order or an interim detention order was made during the period; and
- h. details of the number of offenders in respect of whom an emergency detention order was made during the period; and
- i. details of the number of offenders in respect of whom a supervision order or an interim supervision order was made during the period; and
- j. details of the number of offenders subject to a detention order or an interim detention order who were found guilty or convicted of a serious sex offence or a serious violence offence during the period; and
- k. details of the number of offenders subject to a supervision order or an interim supervision order who were found guilty or convicted of a serious sex offence, a serious violence
- l. details of any contraventions of conditions of a supervision order or an interim supervision order by offenders and the actions taken by the Authority in respect of those contraventions during the period; and
- m. the number of prosecutions commenced by the Secretary, the DPP or Victoria Police for an offence against section 169 during the period; and
- n. details of the number of offenders directed to reside at a residential facility including the number of offenders directed to reside at a residential facility—
  - i. As a condition of an order imposed by the court under section 34(1) during the period; and
  - ii. By the Authority under section 35(4) during the period; and
- o. details of the number of offenders in respect of whom an emergency power was exercised under Part 11 during the period; and
- p. details of the number of offenders who were required to comply with electronic monitoring under a supervision order or an interim supervision order during the period; and
- q. details of the exercise of powers of entry under sections 163 and 229 reported to the Authority during the period; and
- r. details of the exercise of powers under Division 1 of Part 12 reported to the Authority during the period; and

- s. details of the number of detention orders, supervision orders, interim supervision orders and interim detention orders completed or revoked during the period; and
- t. the activities of the Authority during the period; and
- u. in relation to the activities of responsible agencies, the following details—
  - i. the number of coordinated services plans developed and agreed to for eligible offenders in respect of whom an application for an order is made under section 13 or 61;
  - ii. the number of coordinated services plans developed and agreed to for offenders subject to a supervision order or an interim supervision order;
  - iii. the number of reviews conducted of coordinated services plans
  - iv. the number of notices issued to responsible agencies in relation to coordinated services plans under section 334 and the number of responses provided
- v. any other prescribed matter

## Appendix 2 – Serious sex offences

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1. An offence against a provision of Subdivisions (8A) to (8FA) of Division 1 of Part I of the *Crimes Act 1958* that involves sexual penetration.
  2. An offence against section 40(1) (sexual assault), or section 41(1) (sexual assault by compelling sexual touching), of the *Crimes Act 1958*.
  3. An offence against section 42(1) (assault with intent to commit a sexual offence), or section 43(1) (threat to commit a sexual offence), of the *Crimes Act 1958*.
  4. An offence against section 44(1) of the *Crimes Act 1958* (procuring sexual act by threat).
  5. An offence against section 44(3) of the *Crimes Act 1958* (incest by sexual penetration of a parent, step-parent or lineal ancestor) as in force immediately before the commencement of section 16 of the *Crimes Amendment (Sexual Offences) Act 2016*, if the offender was convicted and sentenced to imprisonment for that offence before that commencement.
  6. An offence against section 44(4) of the *Crimes Act 1958* (incest by sexual penetration of a sibling or half-sibling) as in force immediately before the commencement of section 16 of the *Crimes Amendment (Sexual Offences) Act 2016*, if the offender was convicted and sentenced to imprisonment for that offence before that commencement.
  7. An offence against section 45(1) of the *Crimes Act 1958* (procuring sexual act by fraud).
  8. An offence against section 46(1) of the *Crimes Act 1958* (administration of an intoxicating substance for a sexual purpose).
  9. An offence against section 47(1) of the *Crimes Act 1958* (abduction or detention for a sexual purpose).
  - 9A An offence against section 48 of the *Crimes Act 1958* (sexual activity directed at another person).
  10. An offence against section 49D(1) of the *Crimes Act 1958* (sexual assault of a child under the age of 16).
  11. An offence against section 49E(1) of the *Crimes Act 1958* (sexual assault of a child aged 16 or 17 under care, supervision or authority).
  12. An offence against section 49F(1) of the *Crimes Act 1958* (sexual activity in the presence of a child under the age of 16).
  13. An offence against section 49G(1) of the *Crimes Act 1958* (sexual activity in the presence of a child aged 16 or 17 under care, supervision or authority).
  14. An offence against section 49H(1) of the *Crimes Act 1958* (causing a child under the age of 16 to be present during sexual activity).
  15. An offence against section 49I(1) of the *Crimes Act 1958* (causing a child aged 16 or 17 under care, supervision or authority to be present during sexual activity).
  16. An offence against section 49J(1) of the *Crimes Act 1958* (persistent sexual abuse of a child under the age of 16).
  17. An offence against section 49K(1) of the *Crimes Act 1958* (encouraging a child under the age of 16 to engage in, or be involved in, sexual activity).
  18. An offence against section 49L(1) of the *Crimes Act 1958* (encouraging a child aged 16 or 17 under care, supervision or authority to engage in, or be involved in, sexual activity).
  19. An offence against section 49M(1) of the *Crimes Act 1958* (grooming for sexual conduct with a child under the age of 16).
  20. An offence against section 49N(1) of the *Crimes Act 1958* (loitering near schools etc. by sexual offender).
  21. An offence against section 49P(1) of the *Crimes Act 1958* (abduction or detention of a child under the age of 16 for a sexual purpose).
  22. An offence against section 49Q(1) of the *Crimes Act 1958* (causing or allowing a sexual performance involving a child).

23. An offence against section 49R(1) of the *Crimes Act 1958* (inviting or offering a sexual performance involving a child).
24. An offence against section 49S(1) of the *Crimes Act 1958* (facilitating a sexual offence against a child).
25. An offence against section 51B(1) of the *Crimes Act 1958* (involving a child in the production of child abuse material).
26. An offence against section 51C(1) of the *Crimes Act 1958* (producing child abuse material).
27. An offence against section 51D(1) of the *Crimes Act 1958* (distributing child abuse material).
28. An offence against section 51E(1) of the *Crimes Act 1958* (administering a website used to deal with child abuse material).
29. An offence against section 51F(1) of the *Crimes Act 1958* (encouraging use of a website to deal with child abuse material).
30. An offence against section 51G(1) of the *Crimes Act 1958* (possession of child abuse material).
31. An offence against section 51H(1) of the *Crimes Act 1958* (accessing child abuse material).
32. An offence against section 51I(1) of the *Crimes Act 1958* (assisting a person to avoid apprehension).
33. An offence against section 52C(1) of the *Crimes Act 1958* (sexual assault of a person with a cognitive impairment or mental illness).
34. An offence against section 52D(1) of the *Crimes Act 1958* (sexual activity in the presence of a person with a cognitive impairment or mental illness).
35. An offence against section 52E(1) of the *Crimes Act 1958* (causing a person with a cognitive impairment or mental illness to be present during sexual activity).
36. An offence against section 53B(1) of the *Crimes Act 1958* (using force, threat etc. to cause another person to provide commercial sexual services).
37. An offence against section 53C(1) of the *Crimes Act 1958* (causing another person to provide commercial sexual services in circumstances involving sexual servitude).
38. An offence against section 53D(1) of the *Crimes Act 1958* (conducting a business in circumstances involving sexual servitude).
39. An offence against section 53E(1) of the *Crimes Act 1958* (aggravated sexual servitude).
40. An offence against section 53F(1) of the *Crimes Act 1958* (deceptive recruiting for commercial sexual services).
41. An offence against section 53G(1) of the *Crimes Act 1958* (aggravated deceptive recruiting for commercial sexual services).
42. An offence against section 54A(1) of the *Crimes Act 1958* (bestiality).
43. An offence against section 60B(2) of the *Crimes Act 1958* (loitering near schools etc.) inserted in the *Crimes Act 1958* on 21 December 1993 by section 10 of the Crimes (Amendment) Act 1993 and repealed by section 16 of the Crimes Amendment (Sexual Offences) Act 2016.
44. An offence against section 76 of the *Crimes Act 1958* (burglary) where the offender entered a building or part of a building as a trespasser with intent to commit an offence against a provision of Subdivisions (8A) to (8FA) of Division 1 of Part I of the *Crimes Act 1958*.
45. An offence against section 77 of the *Crimes Act 1958* (aggravated burglary) in circumstances where the offender entered a building or part of a building as a trespasser with intent to commit an offence against a provision of Subdivisions (8A) to (8FA) of Division 1 of Part I of the *Crimes Act 1958*.

46. An offence against section 77A of the *Crimes Act 1958* (home invasion) where the offender entered a home as a trespasser with intent to commit an offence against a provision of Subdivisions (8A) to (8FA) of Division 1 of Part I of the *Crimes Act 1958*.
47. An offence against section 77B of the *Crimes Act 1958* (aggravated home invasion) where the offender entered a home as a trespasser with intent to commit an offence against a provision of Subdivisions (8A) to (8FA) of Division 1 of Part I of the *Crimes Act 1958*.
48. An offence against section 5(1) of the *Sex Work Act 1994* (causing or inducing a child to take part in sex work).
49. An offence against section 6(1) of the *Sex Work Act 1994* (obtaining payment for sexual services provided by a child).
50. An offence against section 7(1) of the *Sex Work Act 1994* (agreement for provision of sexual services by a child).
51. An offence against section 11(1) of the *Sex Work Act 1994* (allowing a child to take part in sex work).
52. An offence against a provision of an Act amended or repealed before the commencement of this Act of which the necessary elements at the time it was committed consisted of elements that constitute any of the offences referred to in items 1 to 51.
- 52A An offence against section 38A of the *Crimes Act 1958* (compelling sexual penetration) as in force immediately before the commencement of section 4 of the *Crimes Amendment (Sexual Offences and Other Matters) Act 2014*.
- 52B An offence against section 39 of the *Crimes Act 1958* (indecent assault) as in force immediately before the commencement of section 4 of the *Crimes Amendment (Sexual Offences and Other Matters) Act 2014*.
- 52C An offence against section 40 of the *Crimes Act 1958* (assault with intent to rape) as in force immediately before the commencement of section 4 of the *Crimes Amendment (Sexual Offences and Other Matters) Act 2014*.
53. Without limiting item 52, an offence referred to in paragraph (ab), (ac), (b), (c), (ca), (d) or (e) of clause 1 of Schedule 1 to the *Sentencing Act 1991*.
54. Without limiting item 52 or 53, an offence referred to in paragraphs (dab) to (dar) of clause 1 of Schedule 1 to the *Sentencing Act 1991* that involves sexual penetration.
- 54A Without limiting item 52, 53 or 54, an offence referred to in paragraph (daq) of clause 1 of Schedule 1 to the *Sentencing Act 1991*.
55. Without limiting item 52, 53 or 54, an offence referred to in paragraphs (iv) to (xviii) of clause 1(a) of Schedule 1 to the *Sentencing Act 1991*, as in force immediately before its substitution.
56. An offence against section 50BA, 50BB, 50DA or 50DB of the *Crimes Act 1914* of the Commonwealth (offences involving sexual intercourse outside Australia with a child under the age of 16) as in force immediately before the commencement of item 1 of Part 1 of Schedule 1 to the *Crimes Legislation Amendment (Sexual Offences Against Children) Act 2010* of the Commonwealth, if the offender was convicted and sentenced for the offence before that commencement.
57. An offence against section 50BC or 50BD of the *Crimes Act 1914* of the Commonwealth, as in force immediately before the commencement of item 1 of Part 1 of Schedule 1 to the *Crimes Legislation Amendment (Sexual Offences Against Children) Act 2010* of the Commonwealth, if the offender was convicted and sentenced for the offence before that commencement.
58. An offence against section 270.3, 270.5, 270.6, 270.6A or 270.7 of the Criminal Code of the Commonwealth.
59. An offence against section 271.4 (trafficking in children) or section 271.7 (domestic trafficking in children) of the Criminal Code of the Commonwealth in circumstances where the purpose of the exploitation is to provide sexual services within the meaning of that section.

60. An offence against any of the following sections of the Criminal Code of the Commonwealth—
- a. section 272.8(1) or (2) (sexual intercourse with child outside Australia);
  - b. section 272.11(1) (persistent sexual abuse of child outside Australia);
  - c. section 272.12(1) or (2) (sexual intercourse with young person outside Australia—defendant in position of trust or authority);
  - d. section 272.13(1) or (2) (sexual activity (other than sexual intercourse) with young person outside Australia—defendant in position of trust or authority);
  - e. section 272.14(1) (procuring child to engage in sexual activity outside Australia);
  - f. section 272.15(1) (“grooming” child to engage in sexual activity outside Australia);
  - g. section 272.18(1) (benefiting from offence against this Division);
  - h. section 272.19(1) (encouraging offence against this Division);
  - i. section 272.20(1) or (2) (preparing for or planning an offence against this Division).
61. An offence against any of the following sections of the Criminal Code of the Commonwealth—
- a. section 474.19(1) (using a carriage service for child pornography material);
  - b. section 474.20(1) (possessing, controlling, producing, supplying or obtaining child pornography material for use through a carriage service);
  - c. section 474.22(1) (using a carriage service for child abuse material);
  - d. section 474.23(1) (possessing, controlling, producing, supplying or obtaining child abuse material through a carriage service);
  - e. section 474.24A(1) (aggravated offence—offence involving conduct on 3 or more occasions and 2 or more people); for sexual activity with person under 16 years of age);
  - f. section 474.25B(1) (aggravated offence—child with mental impairment or under care, supervision or authority of defendant);
  - g. section 474.26 (using a carriage service to procure person under 16 years of age);
  - h. section 474.27 (using a carriage service to “groom” person under 16 years of age);
  - i. section 474.27A(1) (using a carriage service to transmit indecent communication to person under 16 years of age).
62. An offence against section 233BAB of the Customs Act 1901 of the Commonwealth involving items of child pornography or of child abuse material.
63. An offence that, at the time it was committed, was an offence referred to in this Schedule.
64. An offence that is a previous corresponding enactment of an offence referred to in item 55
65. An offence an element of which is an intention to commit an offence of a kind referred to in this Schedule.
66. An offence of conspiracy to commit, incitement to commit or attempting to commit an offence referred to in this Schedule.
67. Any other offence, whether committed in Victoria or elsewhere, the necessary elements of which consist of elements that constitute an offence of a kind referred to in this Schedule.

## Appendix 3 – Serious violence offences

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1. Murder.
2. Manslaughter (except for an offence against section 318(1) of the *Crimes Act 1958* (culpable driving causing death)).
3. An offence against any of the following sections of the *Crimes Act 1958*—
  - (a) section 5A (child homicide);(b) section 9AD (defensive homicide), inserted by section 6 of the *Crimes (Homicide) Act 2005*, as in force immediately before the commencement of section 3(3) of the *Crimes Amendment (Abolition of Defensive Homicide) Act 2014*, if the offender was convicted and sentenced to imprisonment for that offence before that commencement;
  - (c) section 15A (causing serious injury intentionally in circumstances of gross violence);
  - (d) section 15B (causing serious injury recklessly in circumstances of gross violence);
  - (e) section 16 (causing serious injury intentionally);
  - (f) section 17 (causing serious injury recklessly);
  - (g) section 63A (kidnapping);
  - (h) section 197A (arson causing death).
4. An offence at common law of kidnapping.
5. An offence that, at the time it was committed, was an offence referred to in this Schedule.
6. An offence an element of which is an intention to commit an offence of a kind referred to in this Schedule.
7. An offence of conspiracy to commit, incitement to commit or attempting to commit an offence referred to in this Schedule.
8. An offence, whether committed in Victoria or elsewhere, the necessary elements of which consist of elements that constitute an offence of a kind referred to in this Schedule.

Authorised and published by the Post Sentence Authority  
Level 13, 50 Franklin Street, Melbourne, Victoria, 3000

September 2020

ISSN 2209-749X (Online)

ISSN 2209-7481 (Print)



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