



POST
SENTENCE
AUTHORITY

Annual report
2020/21



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 2021.

Yours sincerely

A handwritten signature in black ink, appearing to read "Michele Williams".

Michele Williams QC
Chair

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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, risk, 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**.



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

Our year at a glance

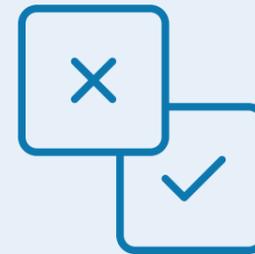
142

SERIOUS OFFENDERS

104 SERIOUS SEX OFFENDERS
17 SERIOUS VIOLENT OFFENDERS
21 SERIOUS SEX AND
VIOLENT OFFENDERS

182

SERIOUS OFFENDERS
HEARINGS



2,137 DECISIONS MADE
(30% INCREASE FROM 2019-20)

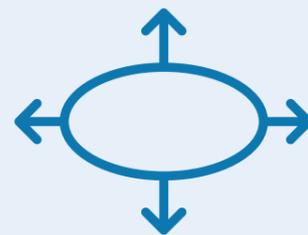


126 INTERVIEWS CONDUCTED
WITH 94 SERIOUS OFFENDERS
(83% INCREASE FROM 2019-20)

737

SPECIAL REPORTS FROM
CORRECTIONS VICTORIA

(45% INCREASE FROM 2019-20)



680 DIRECTIONS GIVEN
TO SERIOUS OFFENDERS



332 REVIEWED COORDINATED
SERVICES PLANS

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FORMAL WARNINGS ISSUED
TO SERIOUS OFFENDERS FOR
CONTRAVENING SUPERVISION
ORDER CONDITIONS

Message from the Chair, Michele Williams QC

It is my pleasure to present the Post Sentence Authority's 2020-21 annual report.

Having had the privilege of being Chair for more than two years, I have witnessed the Authority develop into a sophisticated and streamlined organisation. Over the past year, the Authority has embedded a comprehensive remote working model to support our ongoing operation. This required substantial effort, planning and coordination, and the Authority has embraced the use of online technology to ensure that it continues to support the protection of the community by monitoring serious offenders who are subject to the post sentence scheme.

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Michele Williams QC

Credit: Paul Jeffers, The Age

While the year brought unique challenges due to our remote operations, it was also an outstanding example of cohesion. The Authority maintained its hearing schedule without interruption and it reviewed significantly more reports concerning serious offenders than in previous years. At the same time, we were able to maintain an appropriate work life balance against our increasing workload.

Our commitment to continuous improvement saw the Authority issue its first notice to seek information about the cause of delays in delivering coordinated services to a serious offender, develop key performance indicators to help drive organisational performance, and produce practice guidelines to ensure consistency in our decision making. We embedded risk management practices, established a series of professional development seminars, and continued to work with our stakeholders to enhance the performance of the post sentence scheme and the delivery of coordinated services to offenders.

Highlights

The work of the Authority

As at 30 June 2021, there were 142 serious offenders subject to the post sentence scheme. Whilst the total number of offenders has remained consistent over the past few years, the number of serious violent offenders subject to post sentence supervision has been steadily increasing – with a 21% increase in the past year.

All offenders in the scheme are complex and present with several risk factors. This complexity requires intensive oversight by the Authority and effective delivery of coordinated services to ensure that the community is protected from the risks of reoffending.

To illustrate the intensity of our oversight during the year, I am pleased to report that the Authority convened 182 hearings and made 2,137 decisions in respect of the serious offenders within the scheme – a 30% increase in the number of decisions from the previous year. These decisions include the issuing of directions to serious offenders to support their management in the community or to contain escalating risk of reoffending, issuing formal warnings for offenders who contravened their supervision order conditions, and reviewing the delivery of treatment and rehabilitation services to ensure that services are coordinated and effectively target the specific risks that serious offenders present with.

The Authority also vastly increased the number of interviews that it conducts with serious offenders. Interviews are a critical tool that assists with offender monitoring. We interview offenders to discuss compliance, any escalation in risky behavior, and to conduct inquiries into alleged contraventions of supervision order conditions. We also use our interviews to encourage offenders to comply with their conditions and engage in the treatment and rehabilitation services that are offered to them, so that they can take positive steps toward addressing their offending behaviour. In 2020-21, the Authority conducted 126 interviews, representing a considerable increase from the previous year.

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The Authority's dedicated focus on ensuring that serious offenders receive coordinated services that address their specific risks of reoffending resulted in the Authority issuing a notice to the Department of Families Fairness and Housing (DFFH). The circumstances which led to the Authority taking this course of action is detailed in a case study in this report (see page 43).

The ability to issue a notice ensures that the Authority can promote accountability amongst the agencies involved in the delivery of coordinated service to serious offenders. I would like to acknowledge DFFH for the time and effort put into the response to the issues raised by the Authority and commend the efforts of all stakeholders involved in this matter for the expediency in which the concerns were resolved.

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I am also pleased to report that there continues to be a very low rate of serious reoffending amongst offenders subject to the post sentence scheme. In 2020-21, three serious offenders were convicted of further serious offending, representing around 2% of offenders in the scheme.

The Authority is often asked the question "What does success look like and how is it measured?" Success is measured by knowing the community was protected from further offending, and that the scheme has succeeded in re-integrating an offender into the community by lowering their risk of reoffending. The low rate of serious reoffending over the past year demonstrates this success and the effectiveness of the scheme.

Success is also evidenced in the revocation of an order or the non-renewal of an order. In 2020-21, the Courts revoked the orders for two offenders, and allowed eight orders to expire as the Courts were satisfied the offenders no longer posed an unacceptable risk to the community. This illustrates the success of the scheme in managing, and reducing, a serious offender's risk of reoffending down to a level where they can confidently reside in the community without supervision.

This is not the only marker of success for an offender. It has been pleasing to see many offenders progress on their order – with some who were previously resistant to attending treatment and rehabilitation, now meaningfully engaged in such services. For some offenders, this has had a significant impact on their ability to manage their risk of reoffending and the Authority has been able to endorse their transition from a restrictive type of accommodation to one that is less restrictive.

There are many variables that apply to establishing what success looks like for people on supervision and detention orders and while for many it is a slow process, it must also be one that allows for gains made by offenders, earlier than anticipated, to be recognised and acknowledged.

Serious violent offenders

As the number of serious violent offenders who are being made subject to post sentence orders continues to increase, the Authority has observed that most violent offenders have significant complexities which differentiates them from serious sex offenders. They have had almost no history of belonging to a functional community structure of any kind, with many having spent a significant period of their life in custody. They have lost connection to their families or prosocial supports and rely heavily on public housing for accommodation. They also have challenging personality traits, an antisocial disposition, ambivalence towards treatment and a history of non-compliance with orders, such as parole and community correctional orders.

As a result of these factors, serious violent offenders struggle to reside independently in the community and maintain compliance with their orders. They are over-represented in the reports that the Authority receives about offender behaviour, risk, and compliance, and the Authority applies an even more intensive approach when monitoring violent offenders to help prevent reoffending.

However, despite this complexity, there are limited accommodation options for serious violent offenders in the post sentence scheme. Unlike serious sex offenders, who can reside in a residential facility managed by Corrections Victoria, serious violent offenders are usually directed by the court to reside independently in the community when a supervision order is made.

There is no facility, like Corella Place, that can accommodate serious violent offenders and support them to safely and progressively transition to independent living in the community. In addition, if a serious violent offender residing in the community displays concerning behaviour that may suggest their risk of reoffending is escalating, the Authority does not have the option of directing that offender to reside in a residential facility and remain under close supervision. Instead, it must rely on other means to manage that offender's risk.

In the Authority's experience, the initial period when an offender is released from prison is a daunting time, and one when they are at greatest risk of returning to antisocial behaviour, or worse, recidivism. They have extremely high needs, and while overtime these can diminish, their risk remains particularly high in the first twelve months after release. The complexity of violent offenders, combined with limited accommodation, presents a significant challenge for the post sentence scheme. The Authority and other agencies involved in administering the scheme must ensure that serious violent offenders are monitored, managed, and engaged in appropriate services to ensure that the scheme continues to effectively support community protection.

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Challenges

As mentioned in previous reports, a significant and emerging issue in the management of post sentence offenders is the availability of disability forensic accommodation.

There is an increasing demand for the Intensive Residential Treatment Program (IRTP) operated by the Disability Forensic Assessment and Treatment Service, which treats the offending behaviour of clients with an intellectual or cognitive disability. It is the only facility of its type in Victoria, and it is a 14-bed service. As clients can reside at the service for up to five years, placements are limited.

Due to the complexity and risk of the offenders that we monitor, some serious offenders are assessed as ineligible for this service. This results in offenders residing in other types accommodation that cannot address their complex needs as effectively as a specialised forensic disability service.

The Authority acknowledges that there is considerable pressure on Corrections Victoria and DFFH in sourcing appropriate accommodation and treatment services for serious offenders. However, as we observe an increase in the number of offenders presenting with multiple and complex needs who would benefit from a specialised disability forensic service, the Authority's expects this pressure to increase as the availability of disability forensic accommodation remains limited. Without this type of service an offender's progress can stagnate and their risks of reoffending may not be able to be appropriately managed.

Through reviewing the delivery of coordinated services to offenders, the Authority has also noticed a shortage of allied health workers in regional Victoria – particularly those who provide occupational therapy, speech therapy and psychological treatment. While this shortage is not unique to the post sentence scheme, it presents a challenge for serious offenders in accessing treatment and rehabilitation to address their risks and complex needs. This issue has been discussed with the Multi-Agency Panel who has acknowledged that a shortage exists, and the Authority understands that work is underway to address the shortages. The Authority will closely monitor this issue and the impact it has on offender progress.

Acknowledgements

This year the Authority said farewell to Peter Rose QC, Peter Martin OAM, and Paula Davey, whose inaugural membership brought important experience that helped establish the Authority's operations and processes. As founding members, I would like to acknowledge their commitment to the Authority, the community, and thank them for their insights and guidance as we formed the Authority.

Building on the strong foundation that was laid by our outgoing members, I would like to congratulate John Griffin on his reappointment and welcome Dr. David Curnow a full-time member and three new sessional members, Dr. Angela Williams, Ms. Meghan Butterfield and Ms. Katherine Byrne who bring a diversity of skills that is underpinned by strong experience in the criminal justice system.

I make special mention of our wonderful Secretariat staff, led by Marco Boscaglia, who have demonstrated exceptional resilience, patience, and stamina, which has enabled the Authority to function without issue through an online format and with an increased workload. Your commitment to your work and your diligence in coordinating our hearings has been flawless. I thank each of you for your tireless efforts and continued enthusiasm.

To my remarkable board members, I thank you for your commitment, diligence and capacity for robust decision making. I would particularly like to acknowledge my Deputy Chair – Stuart Ward who continues to be instrumental in helping shape the strategic direction of the Authority and the way we respond to the many and varied challenges the post sentence scheme presents. To Jeremy Cass, David Curnow and Carmel Arthur, I have greatly valued all of your contributions not only in hearings but from your work as chairs of our sub-committees.

I am pleased to recognise the diversity, experience and knowledge of the board members, all of whom bring extensive experience in the criminal justice system, including a forensic psychologist, a forensic physician, and lawyers. You all bring a remarkable depth to the Authority's decision making process.

I would also like to congratulate Carmel Arthur, who was recognised in the Queen's Birthday Honours List for her services to the law and awarded an Order of Australia Medal – a wonderful achievement.

The post sentence scheme is underpinned by a number of committed agencies, social services, and individuals who are also committed to community protection. 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 would like to acknowledge the Post Sentence Branch, the Courts, Corrections Victoria, the Multi-Agency Panel, Victoria Police and Victim Services, Support and Reform.

Finally, I thank the Hon. Natalie Hutchins MP for her support of the Authority, and I look forward to continuing to work with you to address the needs and challenges of the Authority as Minister for Corrections.



Michele Williams QC
Chair

Message from the Chief Administrative Officer

'This past year has represented a period of continual refinement and optimisation of the Post Sentence Authority's operations.'

As the practice of the Authority evolves the secretariat must ensure that it strengthens its operations to ensure that the Authority remains a high-performing organisation. Critically, the secretariat must ensure that its practices adequately support the Authority's members to monitor and review serious offenders by providing timely, accurate and comprehensive information about the behaviour, risk, treatment, compliance and progress of serious offenders subject to the post sentence scheme.

In 2020-21, the volume of offender material received by the Authority from Corrections Victoria substantially increased. The Authority received 737 Special Reports and 1,988 Incident Reports— both representing an approximate 45% increase on the previous year. These reports contained critical information about serious offenders. Each report was carefully reviewed and assessed by the secretariat and provided to the Authority members for consideration. The secretariat coordinated 183 hearings for the Authority, and it processed 2,137 decisions and 680 directions to serious offenders.

In response to the steadily increasing flow of information from Corrections Victoria, the secretariat worked with members of the Authority to introduce a third hearing day in April 2021. The Authority sits twice per week to consider the behaviour, risk and compliance of serious offenders, and on the third hearing day, it reviews the delivery of coordinated services by the Multi-Agency Panel. As always, the Authority remains available after hours to consider urgent offender matters that require its immediate attention.

This change has enabled the Authority to apply dedicated focus to two of its most critical functions:

- monitoring the compliance, risk, behaviour and progress of serious offenders
- reviewing the delivery of coordinated services to ensure that offenders are receiving services that help to reduce their risk of reoffending.

The move to a three-day hearing structure has also improved efficiency in the secretariat as it allows for more effective triage and scheduling practices, and a more even distribution of work across the week.

The secretariat has also made significant improvements to data management, improving the reliability of its holdings by strengthening its data capture processes. Moving forward, this will help the Authority to effectively forecast its expected work volumes and adjust its operating model, ensuring that the Authority is strategically positioned to respond to the demands of the post sentence scheme. In addition, the secretariat has commenced implementing the Office of the Victorian Information Commissioner's protective data security standards to ensure that the Authority's records are securely maintained and protected from data security risks.

The secretariat continues to operate under working from home arrangements – having only returned to the office in a limited capacity for brief periods during the year. In light of this, the secretariat improved its knowledge management practices by developing an online database of operational procedures and practices, and new learning and development materials, to support online collaboration and engagement. The secretariat has also updated its policies to reflect the procedural changes that were implemented during the year and it will continue to refine these policies alongside the evolving practice of the Authority.

Throughout the year, the secretariat has demonstrated patience, resilience, and an unwavering work ethic. I sincerely thank my team for their ongoing commitment to the important work of the Authority, and for maintaining a positive outlook when navigating the challenges that emerged during the year.

I would like to thank the Chair, Michele Williams QC, and members of the Authority for their support throughout the year. The secretariat and Authority members share a close relationship which has promoted a collaborative, flexible and positive workplace. During the year, this environment has encouraged a culture of improvement that has strengthened organisational performance.

I would also like to extend my thanks to Corrections Victoria, the Post Sentence Branch, the Community Correctional Service, and my colleagues in the Department of Justice and Community Safety.

The Authority's secretariat enjoys a close working relationship with Corrections Victoria. We work constructively together and share an open dialogue about critical issues impacting the effective operation of the post sentence scheme, and these discussions often lead to improvements in the way that we work. Representatives from the Post Sentence Branch and Community Correctional Service also attend the Authority hearings every week to provide the members with information about serious offenders. I sincerely thank all representatives that attended the hearings during the year.



Marco Boscaglia
Chief Administrative Officer

The Post Sentence Authority

Our role

The Authority is an independent statutory body that plays a critical and leading role in the post sentence scheme. It is responsible for monitoring serious offenders who are on post sentence orders, making decisions to manage their compliance, risk, behaviour and progress, and providing independent oversight to promote accountability in decision making within the post sentence scheme.

In performing these functions, the Authority gives paramount consideration to the safety and protection of the community.

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Monitoring offenders on a post sentence order

The Authority receives highly detailed reports and information from Corrections Victoria regarding serious offenders on a daily basis. The Authority monitors this information in a responsive and proactive way (including outside normal business hours if necessary), and it builds a detailed understanding about the behaviour, risk, compliance, and progress of each serious offender in the post sentence scheme.

This knowledge informs the Authority when it is making decisions about monitoring and reviewing the risk of reoffending amongst serious offenders.

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. If required, the Authority will request 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. The Authority must also consider the human rights of offenders, and ensure that any direction that it gives to an offender does not unnecessarily interfere with the offender's liberty, privacy or freedom.

The Authority can also conduct inquiries into serious offenders who contravene a direction that has been given to them by the Authority, or a condition that has been set by a Court. The Authority considers the seriousness of the contravention and it takes appropriate action.

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 (CSPs) for serious offenders and 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 Families, Fairness and Housing, Department of Health, 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 CSP for each serious offender, updating each plan every six months.

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The Authority independently reviews the CSPs for each offender every six months. The Authority's review focusses on whether the plans meet 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 monitors whether the identified services have been made available and delivered. If the Authority has concerns, it can issue a notice and require additional information from the responsible agencies about the cause of delays or impediments to effective coordinated service 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
- Conduct inquiries into alleged contraventions of supervision order conditions
- 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 and acknowledgement of sex applications
- Report on the performance of functions and powers under the *Serious Offenders Act 2018*

Our members

Members of the Authority are appointed by Governor in Council on the recommendation of the Minister for Corrections. The *Serious Offenders Act 2018* (the Act) provides for the Authority to consist of up to ten members, including the Chair, Deputy Chair, up to three full-time members and up to five sessional members. Members can serve a maximum term of nine years.

The Chair and Deputy Chair of the Authority must be a judicial officer or a senior lawyer with at least 10 years' experience. Other members must be either a lawyer with at least 5 years' experience or have expertise and experience relevant to the Authority's functions.

The Authority is shaped and strengthened by the variety and depth of experience that the members hold. When discharging its functions under the Act, the Authority operates through a collective decision-making model in formal hearings. Panels of three members sit together to consider reports, interview offenders, and make decisions. The panels comprise the Chair or Deputy Chair, who must preside each hearing, a full-time member and a sessional member. A rotating roster of members allocated to hearings ensures that the panels are constantly changing and, as a consequence, that the Authority's decisions draw on the full range of the expertise and experience of its members.

The individual expertise of members complements that of other members and the diversity of experience is important to ensure robust discussions, through which better-informed and more nuanced decisions are made.

The Authority's inaugural members brought important experience that helped establish the Authority's operations and processes. Building on this strong foundation, the recruitment of four new members in 2020 and 2021 has further enhanced the collective experience available when deliberating on decisions and contributing to the important work led through the Authority's sub-committees.

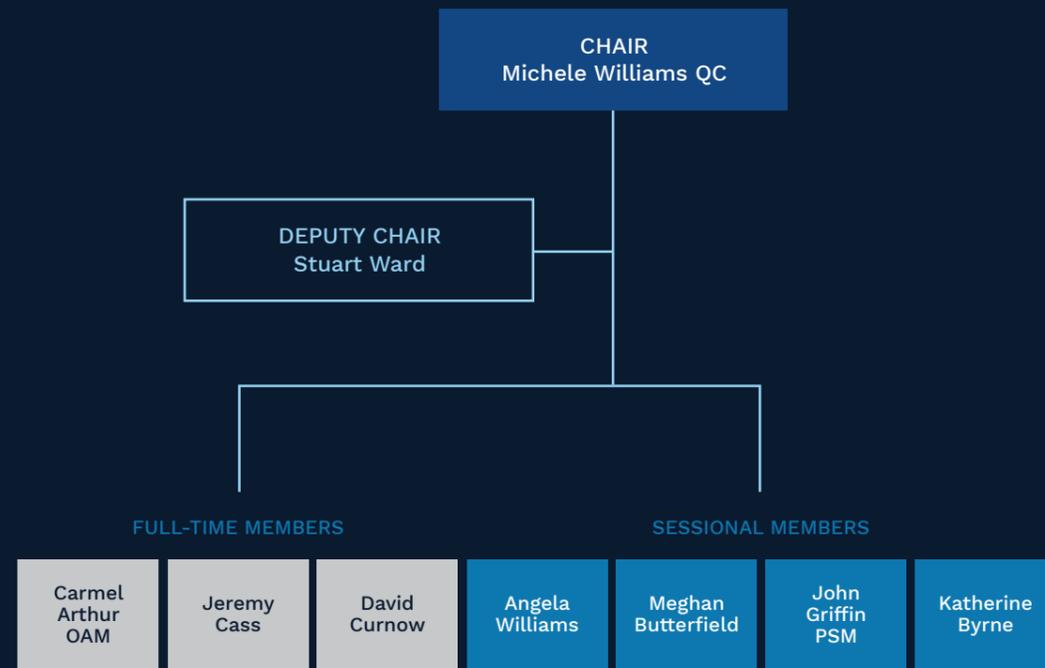
The current members have strong experience in the criminal justice system, whether that is as a legal practitioner (for prosecution or defence), as a victim of violent crime or an advocate for victims of sexual offending, as a forensic psychologist working with convicted prisoners, as a forensic physician with the Victorian Institute of Forensic Medicine, as senior administrators of prisons and community corrections, in Courts administration, and as former members and executive of the Adult Parole Board.

Importantly, members also bring other experience that is highly relevant to monitoring offenders who are subject to post sentence orders. For example, members draw on and share their considerable experience in working in disability services including engaging with the National Disability Insurance Scheme, providing professional services to victims of crime and offenders, and as members of the Mental Health Tribunal.

The Authority also benefits from the members experience at the highest levels of public administration, as members of Boards of public and not-for-profit organisations, as members of peak professional bodies, and in roles responsible for complex integrated service delivery.

The Authority is also proud to have gender equity in its membership and secretariat. As at 30 June 2021, the Authority was comprised of nine members and the majority of members are female.

Chart 1: Post Sentence Authority



Member profiles



Michele Williams QC

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

Michele was called to the bar in 1986 and practiced as a criminal barrister for thirty years. She appeared in all jurisdictions including the Supreme Court, County Court, and Magistrates Court, and was involved in defending and prosecuting major trials in Melbourne and all regional areas. Michele also appeared as Counsel Assisting the Medical Practitioners Board.

During her time at the bar, Michele took on several roles including List Secretary, member of the Young Barristers Association, member of the Criminal Bar Association, and in 2001 she was appointed the first female Chair of a list of barristers.

In 2002, Michele was appointed a Crown Prosecutor and for the next fifteen years appeared exclusively for the Crown, prosecuting some of Victoria's most serious crimes, including high-profile murder trials and some of the most serious sexual and violent offenders.

In 2005, Michele was appointed Queen's Counsel. In 2006, she was appointed a Senior Crown Prosecutor and in the same year appointed the first Head of the Specialist Sex Offences Unit at the Office of Public Prosecutions. In that role, she led around thirty solicitors and six Crown prosecutors in a dynamic and proactive team which introduced a more consistent and respectful approach in the prosecution of sex offences, and cultural changes which led to victims being more informed throughout the criminal trial process.

In 2008, Michele was a nominee for Female Lawyer of the Year. She was also appointed as the first Chair of the Therapeutic Treatment Board, which is responsible for providing advice on whether children who exhibit sexually abusive behaviours should be diverted from the criminal justice system to receive therapeutic and rehabilitative treatment.

Throughout her career Michele has played an active role in giving advice to solicitors, mentoring junior barristers and leading junior barristers at trial. She has taught in the Bar Readers' Course, delivered training to Victoria Police through the Detective Training School, and presented as a key note speaker at the Victorian Bar and interstate.

In 2016, Michele was a nominee for the Victorian Honour Role of Women and in 2017 Michele was inducted into the Hall of Fame as Legend of the Victorian Bar.

Michele is also a Council Member of the Victorian Chapter of the Australian Academy of Forensic Science, a multidisciplinary organisation, comprised of leaders in the field of law, science and medicine.

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.



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 a legal member of the Mental Health Tribunal.

Jeremy is the Chair of the Authority's Practice Subcommittee.



Carmel Arthur OAM

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 Penington Institute and held the role of community member on the Adult Parole Board for nine years before her term expired in 2017.

Carmel was recognized for her services to the law, having been conferred with an Order of Australia Medal in the 2021 Queen's Birthday Honours List.

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



Dr David Curnow

Dr David Curnow was appointed as a full-time member on 20 October 2020.

David was registered as a psychologist in 1998 and received his specialist title of Forensic Psychologist in 2000. In 2011 he was awarded his PhD in Psychology.

David worked for state and federal government, private and research agencies. Within the Department of Justice and Community Safety he has held a range of senior clinical and operational roles across prison and community corrections locations. David was a co-author of the Violence Intervention Program used in Victoria and sat as an inaugural member of the Interventions Assessment Committee.

In private practice David has delivered psychological treatment to a diverse client group, training to clinicians and corporate groups and has provided reports to courts on criminal, civil, and family law matters. He is a supervisor for the Forensic College in addition to holding a variety of positions on regional, state and national executives of the Australian Psychological Society.

David was appointed to the Adult Parole Board of Victoria in May 2014 as a full-time member and was reappointed in 2019. At the Parole Board he chaired the Stakeholder subcommittee and the Risk and Audit subcommittee, in addition to developing the professional development and induction program for the Board Members.

David currently is a member of the Standards Australia committee reviewing the Fraud and Corruption Control Standard (AS8001). He has presented research at over 20 national and international conferences and provided lectures in Forensic Psychology to the University of South Australia, LaTrobe University, Federation University and Swinburne University.



John Griffin PSM

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

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 been a member of the Victorian Mental Health Tribunal since 2011, and a Director of the Board of the Sentencing Advisory Council between 2011 and 2021.

John has worked across a diverse range of portfolios and has had extensive involvement in community, educational and government advisory Boards and Committees. This includes being a board member of Children's Rights International, an advisor to the Cambodian and Papuan New Guinea Governments on criminal justice reforms; President of a TAFE Council, and a former Chairman of the Victorian Association for the Care and Resettlement of Offenders (VACRO).

John's contributions to the criminal justice system and the community have been recognised by the awarding of the Public Service Medal in 2002 and the Centenary Medal in 2003.



Dr Angela Williams

Dr Angela Williams was appointed as a sessional member on 20 October 2020.

Dr Angela Williams is a Consultant Forensic Physician with the Victorian Institute of Forensic Medicine and Senior Lecturer for Monash University, and has enjoyed a career in Clinical Forensic Medicine for over 20 years. She has provided forensic medical services to many adult and child victims of sexual, physical and family violence as well as having examined alleged offenders. This includes the preparation of medicolegal reports and the provision of evidence in Coronial, Criminal and Children's courts.

As an expert in her field, Dr Williams has worked in advisory roles to the Australian Defence Force, the Australian Football League and Ambulance Victoria regarding the recognition and prevention of interpersonal violence. She has delivered international programs on behalf of DFAT and AusAID and has been a consultant to the Victorian Forensic Paediatric Medical Service.

Dr Williams' qualifications include a Masters in Forensic Medicine, Bachelor of Laws, an MBA and a Masters in Public Health/Health Management. She holds Fellowships with the Faculty of Forensic and Legal Medicine (UK) and the Faculty of Clinical Forensic Medicine (RCPA) for which she is the Chair.

Dr Williams further Board roles include ESTA, Eastern Health, and Vice President for Oz Child, a child welfare agency. She sits on the Victorian Civil and Administrative Tribunal and the Football Victoria Tribunal.



Katherine Byrne

Katherine Byrne was appointed as a sessional member on 10 March 2021.

Kate began her diverse career in administrative Court roles before being admitted to practice as a Barrister and Solicitor of the Supreme Court of Victoria in 2001. Kate initially practiced family law and child protection with Victoria Legal Aid, and the then Department of Human Services.

In 2011, Kate joined the Department of Justice and Community Safety as General Manager of Community Services in the Loddon Mallee region where she had responsibility for leading crime prevention, victim services, consumer affairs and sheriff operations. She then went on to lead a team of clinicians that delivered offender behaviour programs to clients in prisons and the community.

In 2016, Kate joined the Department of Justice in NSW as the Director of Community Corrections (Sydney South West) where she had management responsibility for over 250 community corrections staff, and responsibility for the supervision of offenders subject to Extended Supervision Orders.

Kate is currently the Chief Operating Officer of Access Australia Group, a not-for-profit organisation and NDIS provider, leading a team of over 200 staff and volunteers working to enhance training and employment opportunities for people with disadvantage and disability including mental health illness.



Meghan Butterfield

Meghan was appointed as a sessional member on 10 March 2021.

Meghan is a lawyer with 24 years' experience across a range of fields.

Meghan was admitted to practice as a Barrister and Solicitor of the Supreme Court of Victoria in 1997. Since becoming a lawyer, Meghan's primary area of practice has been in acting for survivors of sexual assault. She has also practiced in several other areas, including criminal law, general personal injuries and asbestos litigation.

In 2000, she joined the Springvale-Monash Legal Service (SMLS) where she managed the SMLS South Eastern Centre Against Sexual Assault (SECASA) Joint Legal Service - a specialist sexual assault clinic. Meghan was also an adjunct lecturer at Monash University Law Faculty, where she trained and supervised law students and junior lawyers in clinical practice. With a strong commitment to the education of law students and representing victims, Meghan authored the chapter on victims' rights in the 'Lawyers Practice Manual' for 14 years.

In 2018, Meghan was appointed as a legal member on the Victorian Mental Health Tribunal where she has gained significant experience as a member of a Tribunal that is required to navigate difficult questions under a complex legal framework.

Meghan has recently undertaken her Master of Laws, focusing on human rights and health law.

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 require a serious sex offender or a serious violent offender to 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 2021, there were 142 serious offenders subject to a post sentence order. Of these offenders, 104 are serious sex offenders, 17 are serious violent offenders and 21 are both a serious sex and serious violent offender.

In 2019-20, the Authority reported that two offenders were considered both a serious sex and serious violent offender. The increase in the number of serious sex and serious violent offenders in 2020-21 is attributed to a refinement in the way that serious offenders are counted. Under the revised approach, serious offenders are considered to be a serious sex and serious violent offender if a Court has determined them to be an unacceptable risk of committing both a serious sex offence and a serious violence offence.

Chart 2: Serious offenders

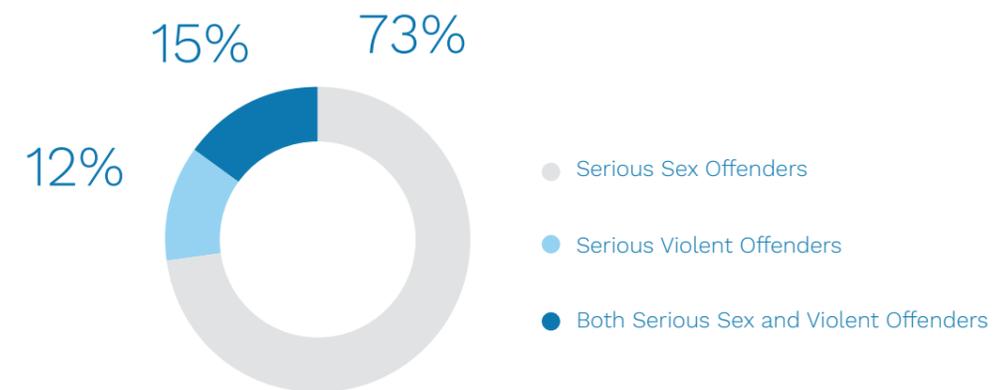


Table 1: Serious offenders in the post sentence scheme

CATEGORY	17-18	18-19	19-20	20-21
Number of serious violent offenders subject to a post sentence order as at 30 June	N/A	5	14	17
Number of serious sex offenders subject to a post sentence order as at 30 June	138	128	126	104
Number of serious sex and violent offenders subject to a post sentence order as at 30 June	N/A	1	2	21
Total number of serious offenders subject to a post sentence order as at 30 June	138	134	142	142

The primary purpose of the scheme is to protect the Victorian 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 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 is satisfied 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 Families, Fairness and Housing, and several community service organisations.

Although a post sentence order is intended to reduce 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 help reduce the risk of reoffending.

The Authority monitors offender compliance with the conditions of their orders, makes formal 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 all 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 Families, Fairness and Housing, Department of Health, and Victoria Police come together to form a Multi-Agency Panel (MAP) that is responsible for delivering coordinated treatment and rehabilitation services to manage and reduce an offender's risk of reoffending.

The Authority monitors the performance of the MAP by reviewing the delivery of coordinated services, and it regularly meets with the MAP to discuss any impediments to effective service delivery.

Eligible offenders

A post sentence order can only be applied to offenders who have been sentenced to imprisonment for a serious sex offence or a serious violence offence¹. This approach ensures that the post sentence scheme can intensely focus on protecting the community from offenders who present with the highest risks of harm.

Serious sex offences include, but are not limited to:

- Rape
- Incest
- Sexual penetration of a child under the age of 16
- Possessing, producing, distributing or accessing child abuse material
- Grooming

Serious violence offences include, but are not limited to:

- Murder
- Manslaughter
- Recklessly causing serious injury
- Kidnapping
- Arson causing death

As at 30 June 2021, there were 1,760 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.

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 helps to determine whether an application for an order will be lodged. It's up to the Court to decide whether an order is made.

Table 2: Eligible Offenders

CATEGORY	17-18	18-19	19-20	20-21
Number of eligible offenders	1,037	1,856	1,922	1,760

* In September 2018, the scope of the post sentence scheme expanded to include serious violent offenders. This resulted in a significant increase in the number of eligible offenders between 2017-18 and 2018-19.

1. See Appendix 2 and 3 for a full list of serious sex offences and serious violence offences.

The scheme at a glance

UNDER SENTENCE



PRISON



Offenders are convicted of committing a serious sex offence or a serious violence offence and serve a term of imprisonment.

Serious offenders are notified at the commencement of their sentence that they may become subject to a supervision order or a detention order upon release, due to the seriousness of their offending.

Whilst in prison, serious offenders are provided with opportunities to engage in treatment and rehabilitation services to address their offending behaviour.

ASSESSMENT AND APPLICATION



As the end of their sentence approaches, independent medical experts assess serious offenders to determine their risk of reoffending. The results of the assessment help to inform whether an application for an order will 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.

Applications are only made for offenders who have a very high risk of reoffending.

THE COURTS



The County Court or the Supreme Court determine whether an offender should be subject to a supervision order upon their release from prison.

Only the Supreme Court can determine whether to make a detention order.

Courts can only make an order if satisfied that the offender poses an unacceptable risk of committing a further serious sex offence or a serious violence offence when released from prison. This decision is informed by evidence presented in court and the outcomes of the independent risk assessments.

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

POST SENTENCE



ORDER COMMENCEMENT



Offenders can be made subject to a supervision order for up to 15 years. The orders are reviewed by the court regularly.

Detention orders can be made for up to three years, and they must be reviewed annually.

Serious offenders subject to supervision orders must adhere to very strict conditions. They can reside in a variety of locations, including residential facilities (sex offenders only), treatment facilities, supported accommodation, or in private accommodation.

Serious offenders on detention orders are detained in a separate unit within a prison for the period of their order.

SUPERVISION AND MONITORING



Corrections Victoria provides case management to all offenders on a post sentence order.

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

The Authority gives directions to offenders to help manage their risks of reoffending and to support rehabilitation. It also conducts inquiries into alleged contraventions.

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

The Authority reviews the delivery of coordinated services to serious offenders to ensure that they receive appropriate services that support their rehabilitation.

COURT REVIEW



The risk of reoffending for each offender is routinely assessed by medical experts.

Based on the results of the assessments, as well as detailed information about the offender's overall progress and compliance with their order, the Courts can renew orders if satisfied that an offender continues to pose an unacceptable risk.

Courts can also revoke orders, or decide to not renew them, if they determine that an offender no longer poses an unacceptable risk.

If an order is revoked, or the offender completes the term of their order, they are able to reside in the community without monitoring or supervision.

Risk assessments and applications

All eligible offenders are provided with opportunities to engage in treatment, rehabilitation, and offending behaviour programs to help address their risk of reoffending while they are still serving their sentence.

As the end of their term of imprisonment or parole period approaches, all eligible 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 (registered psychiatrists or psychologists) using internationally tested, evidence-based, tools. The risk assessments are comprehensive and include detailed information on the:

- Likelihood of the offender committing a further serious sex offence or serious violence offence
- Nature of any future reoffending, if it were to occur
- Factors that may increase or decrease the offender's risk of reoffending
- Efforts made by the offender to address the cause of their offending, including any participation in rehabilitation or treatment programs
- Offender's offending and behavioural history
- Relevant social and health history (for example, mental health, intimate partner relationships, family history, education)
- Types of services and interventions needed to address risk factors and overall risk of reoffending, should the offender be placed on an order.

The risk assessments 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 assessments are relied on by the Courts to determine if a serious offender presents as an 'unacceptable risk' of committing a further serious offence. Serious offenders can be legally represented in Court, and they may consent or contest the order. They can challenge the independent risk 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. A decision to impose an order can also be appealed by the offender.

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.

Supervision orders

If a Court decides to make an offender subject to a supervision order or an interim supervision order, it will impose strict conditions on the offender. 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 at 30 June 2021, there were 128 serious offenders subject to a supervision order and ten were subject to an interim supervision order.

When making a supervision order, the courts use the information contained in the independent risk assessment, and other information presented in court, to set the length of the order and apply conditions.

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 risk assessment 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, then a Court may impose conditions that prohibit the offender from remaining in proximity to schools, childcare centres and public parks.

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 3: Number of serious offenders subject to supervision orders and interim supervision orders

CATEGORY	17-18	18-19	19-20	20-21
Number of serious offenders subject to a supervision order as at 30 June	126	126	121	128
Number of serious offenders subject to an interim supervision order as at 30 June	9	5	17	10

Table 4: Number of supervision order applications

CATEGORY	17-18	18-19	19-20	20-21
Number of applications made for an interim supervision order	11	15	14	21
Number of applications made for a supervision order	12	10	22	16
Number of applications to renew a supervision order	21	13	16	13

Table 5: Number of supervision orders made

CATEGORY	17-18	18-19	19-20	20-21
Number of interim supervision orders made by the courts	11	9	23	25
Number of supervision orders made by the courts	16	11	29	18

Table 6: Number of renewed, completed or revoked orders

CATEGORY	17-18	18-19	19-20	20-21
Number of renewed supervision orders made by the courts	11	19	15	21
Number of supervision orders that were completed, or revoked by the Courts	9	11	8	10*

* One additional supervision order expired due to the death of the offender.

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 offenders. 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

Serious offenders who are subject to supervision orders are not under sentence and therefore they must reside in the community. Initially, an offender's place of residence will be determined by the Courts when a supervision order is 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 risk assessment of the proposed property or accommodation facility is undertaken by Corrections Victoria. An offender's residence must 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 it enables offenders to transition to different types of accommodation during the term of their order as their risks of reoffending and management needs change.

In 2020-21, there were 38 offenders who were directed to reside in a residential facility. Of these offenders 27 were directed by the Court and 11 were directed by the Authority.

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 serious sex offenders whose risks cannot be safely managed in the broader community.

As at 30 June 2021, 51 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 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.

The staff at Corella Place and Emu Creek, as well as the SCMs, work closely with offenders 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, such as supported accommodation or aged care, and then potentially transitioning to independent living in the community.

This process can include permitting an offender to leave a residential facility on an unsupervised outing. Unsupervised outings are usually allowed for short periods of time, and may advance to overnight stays at a property that is approved as suitable by the Authority as a step toward a full 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 process, along with a recommendation on whether the offender should transition to a less restrictive type of accommodation. Using the 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 in the community without the close supervision that is offered by a residential facility. The Authority must be also satisfied that the proposed accommodation is suitable and compatible with the specific conditions of the offender's supervision order.

Accommodation services

There are several accommodation services for serious offenders who are not suited to a residential facility because their risk of reoffending does not require the constant supervision that is provided by such a facility, or because their complex needs require a different type of service.

Both serious sex offenders and serious violent offenders can reside in supported accommodation, which is a type of housing that provides a high level of care for individuals with specific needs. These facilities are managed by trained staff who supervise residents twenty-four hours a day and provide support with everyday living. Some serious offenders reside in these arrangements on a long-term basis.

Offenders with more complex needs can reside in forensic residential programs. The Department of Families, Fairness and Housing' operates the Disability Forensic Assessment and Treatment Service (DFATS), which provides assessment, treatment, support and residential services for people with intellectual and cognitive disabilities who display high risk anti-social behaviour, and who are involved, or at risk of being involved, in the criminal justice system. DFATS operates an Intensive Residential Treatment Program and a Long-Term Residential Program which provide treatment to clients with intellectual disabilities.

Offenders with more severe mental illnesses are sometimes referred to secure extended care units (SECUs). These facilities are located within hospital settings and provide medium to long-term inpatient treatment and rehabilitation for people who have severe symptoms of mental illness or disorder. Offenders can also reside in Thomas Embling Hospital, which is a secure forensic mental health hospital.



Corella Place

Independent living

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

Offenders must still demonstrate full compliance with their supervision order conditions while living independently. 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, and Corrections Victoria supports other offenders to seek suitable employment.

If a serious sex offender who is living independently contravenes a condition of 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 offender must reside in a more restrictive type of accommodation. Typically, this results in serious sex offenders being returned to 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.

This is not an option for serious violent offenders as residential facilities in the post sentence scheme do not accommodate violent offenders. Instead, the Authority can take other forms of action, such as issuing a direction to help contain and manage an offender's risk of reoffending (for example, setting a curfew), issuing the offender with a formal warning, or recommending that the Secretary of the Department of Justice and Community Safety apply to a court for more stringent conditions to be imposed on the offender.

Case Study

In November 2020, a serious violent offender was released from prison and placed under a supervision order by the Supreme Court. Whilst the offender had completed a significant sentence, the Court determined that they posed an unacceptable risk of committing further serious violent offences upon release.

The Court imposed several conditions on the offender to help manage their risk of reoffending. He was required to wear two forms of electronic monitoring, one to track his whereabouts, and the other to detect the consumption of alcohol. He was required to participate in treatment and rehabilitation programs, attend routine drug testing, and he was prohibited from contacting co-offenders or victims from any previous crimes.

The Court ordered him to reside in a private rental property in the community and also granted the Authority the power to direct that the offender reside in alternate locations. Accommodation options for serious violent offenders are not as extensive as they are for serious sex offenders, who can be placed in a residential facility like Corella Place where they can be closely monitored prior to stepping down into community accommodation. As no such facility exists for serious violent offenders, they are usually ordered by the Courts to reside in independent accommodation directly from prison - as was the case for this offender.

Serious violent offenders in the post sentence scheme have typically served a long term of imprisonment and can be at their highest risk of reoffending the moment they are released. They have few (if any) prosocial connections and they require assistance in sourcing appropriate accommodation. They can be volatile, unpredictable, vulnerable to substance abuse and return to antisocial behaviour very quickly.

In this case, the offender contravened their supervision order by way of illicit drug use only a few days after being released from prison. The offender was sentenced to one-month imprisonment for the offence. The Authority interviewed the offender upon his release from custody and reminded him of his obligations to comply with his supervision order. A few days later, the offender used illicit drugs again. He was arrested by Victoria Police and sentenced to two months in prison.

Whilst the offender was in prison, Corrections Victoria explored alternate accommodation options for the offender in light of advice from an expert clinician who recommended that a rehabilitative, supportive, and immersive environment was required to rehabilitate the offender. Unfortunately, the offender was deemed ineligible for other accommodation services, such as supported accommodation, due to their general non-compliance and attitude, and their intellectual functioning meant that they were not suited to the treatment model offered at Rivergum Residential Treatment Centre.

Whilst the Authority remained deeply concerned about the offender's ongoing presentation, ability to comply with order conditions, and willingness to live a pro-social life, there was no other option but for the offender to return to their private rental property upon release from prison as no other suitable accommodation option was identified.

Given the offender's repeated failure to comply with their order, additional conditions were imposed to help manage their risk of reoffending. These included the introduction of a strict curfew, and requiring him to be accompanied whenever he left his property.

Intensive treatment and supervision conditions

Almost all supervision orders contain conditions that require serious offenders to attend treatment and rehabilitation. However, if an offender is assessed as being particularly complex, they may require dedicated and specialised services to manage and reduce their risk of reoffending. In these circumstances, the Secretary of the Department of Justice and Community Safety can seek an 'intensive treatment and supervision condition' on an offender's supervision order. The Courts determine whether the condition should be imposed.

Serious offenders who are subject to this condition must reside at Rivergum Residential Treatment Centre (Rivergum) – a purpose-built facility that is managed by Corrections Victoria. Rivergum 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.

Rivergum provides a secure but non-punitive therapeutic environment with a strong focus on treatment intervention and rehabilitation. Treatment is delivered through a structured two-year program that addresses offending behaviour, and offenders also have access to mental health and drug and alcohol services. The treatment model 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.

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

In 2020-21, the Secretary of the Department of Justice and Community Safety made eight applications for an intensive treatment and supervision condition. Two of these applications were to extend the period of the condition for offenders already residing at Rivergum. In total, as at 30 June 2021, there were eight serious offenders residing at Rivergum.



Rivergum Residential Treatment Centre

Coordinated Services Plans

Every serious offender who is on a supervision order or an interim supervision order has a dedicated Coordinated Services Plans (CSPs). The CSPs set out a series of services that are planned to be delivered to an offender to support their management and address their specific risks of reoffending.

CSPs are developed by the Multi-Agency Panel (MAP), which consists of senior executives from the Department of Justice and Community Safety, Department of Families, Fairness and Housing, Department of Health and Victoria Police. The MAP operates under a principle of 'shared responsibility', and as part of each CSP, the individual agencies on the MAP commit to delivering services in a coordinated way, provide assistance and support to each other, share information and take steps to resolve any issues impacting the delivery of services to offenders.

In developing a CSP for an offender, the MAP is informed by independent risk assessments which provide detailed information about an offender's criminal and behaviour history, risk of re-offending, health history, treatment readiness, and any complex needs or diagnoses.

The MAP also considers 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 CSPs are specifically tailored to the individual risks and needs of each offender.

CSPs commonly include strategies for engaging offenders in offence specific and behaviour change treatment programs, obtaining stable and appropriate accommodation, providing mental health supports and drug or alcohol treatment, and supporting access to the National Disability Insurance Scheme. CSPs also include strategies for helping offenders to build pro-social support networks and, where possible, gaining meaningful employment.

Table 7: Coordinated Services Plans

CATEGORY	17-18	18-19	19-20	20-21
Number of CSPs developed for offenders subject to an application for an order	7	14	23	23
Number of CSPs developed for offenders subject to a supervision order or an interim supervision order	128	7	0	0
Number of CSPs reviewed by the MAP	0	314	304	333
Number of CSPs reviewed by the Authority	64	302	355	322

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. CSPs are now developed for offenders when they become subject to an application for an order.

The MAP develops a CSP for an offender when they become subject to an application for a supervision order. This ensures that the delivery of coordinated services can commence as soon as the order is made. The MAP then updates the CSP every six months (at a minimum) to ensure that they remain appropriately targeted to the offender's risks and needs, as these can change over time. The MAP must send every CSP to the Authority for review.

Reviewing service delivery

The Authority reviews CSPs to ensure that the MAP is meeting its obligation to deliver coordinated services to serious offenders. Each CSP is carefully assessed to establish whether an effective strategy is in place to deliver services that target an offender's specific treatment needs and risks of reoffending. The Authority then monitors the implementation of the CSP and the delivery of services over time. The Authority receives updated CSPs every six months, and each update is reviewed to ensure that previous commitments have been delivered.

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 by the offender to address their own risk of reoffending, and whether they are working toward transitioning to a less restrictive accommodation arrangement. The wealth of information in CSPs also 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.

If the Authority identifies that agreed services have not been delivered, or that the MAP is not taking effective action to resolve impediments to service delivery, it can call the MAP to account and issue it with a notice. By issuing a notice, the Authority can seek further information on the status of service delivery and encourage the agencies to resolve service delivery issues so that offenders continue to receive coordinated services that address their risks.

The Authority is also committed to working constructively with the MAP. Before it takes action by issuing a notice, the Authority engages with the MAP to understand the impediments to coordinated service delivery and discuss potential solutions. Notices are only issued when the Authority hold serious concerns about service delivery delays or failures, or where it identifies that agencies on the MAP are not upholding the principle of 'shared responsibility'.

In 2020-21, the Authority issued one notice on the Department of Families, Fairness and Housing in relation to delays in admitting a serious offender to a forensic disability accommodation service. The circumstances leading up to the issuing of the notice are illustrated in the below case study.

Case Study

The Authority had been closely monitoring the delivery of coordinated services to a serious offender via their CSP. He was initially reluctant to engage in treatment and was the subject of several incidents that were threatening to impede progress on his order.

As a result, Corrections Victoria sought expert advice on effective treatment pathways. The advice recommended that the offender should be relocated to the DFATS - Intensive Residential Treatment Program (IRTP), so that their risks and treatment needs could be more appropriately managed.

The MAP put a plan in place to transition him to the IRTP in July 2020 and this was reported to the Authority via the offender's CSP.

Through ongoing monitoring of the offender's progress and implementation of CSP, the Authority noted that the offender's admission to the IRTP had been delayed. Subsequently, the Authority was advised that the offender was no longer considered 'suitable' for the service, and that another patient on the program's waitlist was given a higher priority.

As a result, the offender remained in a residential facility that was unable to deliver him with appropriate treatment that could address his risks of reoffending.

The Authority engaged the MAP to advise of its concerns about the lack of progress in admitting the offender to the IRTP, and that it intended to issue DFFH with a notice to seek information about how assessments are conducted to confirm the suitability and priority of serious offenders for the IRTP. Shortly after this consultation took place, DFFH confirmed that a vacancy had become available, and the offender would be admitted. Whilst the Authority had now received confirmation that the offender would be able to reside at the IRTP it still issued a notice to DFFH to seek information about the cause of delay and the assessment process. If the offender had not been accepted into the program it was unlikely that he would receive effective treatment that would address his needs and risks of reoffending.

The suitability of serious offenders for the IRTP, and the availability of the beds within the program, continues to be a key topic of discussion between the Authority and the MAP.

The ability to issue a notice helps the Authority to promote accountability in coordinated service delivery. It enables the Authority to question whether more can be done to deliver an outcome that supports community safety and the effective delivery of treatment and rehabilitation.

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, upon an application from the Director of Public Prosecutions. To make a detention order, the Court must be satisfied that the serious offender poses an unacceptable risk that cannot be safely managed by the offender being subject to a supervision order.

Detention orders can be made for up to three years and they must be reviewed by the Supreme Court annually. 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.

As at 30 June 2021, three serious offenders were subject to a detention order and one was subject to an interim detention order. The total number of offenders under detention orders has remained consistent since the commencement of the Authority in 2018.

The Authority receives monthly update reports on offenders subject to detention orders, and it reviews their behaviour, risk and progress twice per year. As part of this review, the Authority interviews the offenders and reinforces the importance of remaining engaged in treatment and rehabilitation services.

Serious offenders on detention orders are detained in separate, 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.

Serious offenders on detention orders 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 required to cook for themselves, and clean and maintain the accommodation that has been provided to them.

In 2020-21, the Director of Public Prosecutions made four applications for a detention order and one application for an interim detention order.

Table 8: Number of offenders subject to a detention order

CATEGORY	17-18	18-19	19-20	20-21
Number of serious offenders subject to a detention order as at 30 June	3	3	3	3
Number of serious offenders subject to an interim detention order as at 30 June	0	0	1	1

Table 9: Number of applications for detention orders

CATEGORY	17-18	18-19	19-20	20-21
Number of applications made for an interim detention order	1	0	1	1
Number of interim detention orders made by the Supreme Court	1	0	1	2
Number of applications made for a detention order	2	0	2	2
Number of detention orders made by the Supreme Court	2	0	2	0
Number of detention orders renewed by the Supreme Court	0	2	1	2
Number of detention orders that were completed or revoked by the Supreme Court	1	0	0	1*

* One detention order was revoked as a result of the death of the offender.

Offender monitoring

Directions to serious offenders

The Authority receives highly detailed reports about every serious offender under the post sentence scheme.

These reports contain information about an offender's compliance with their order conditions, behaviour, changes in risks of reoffending, engagement in treatment and rehabilitation services, and overall progress toward case management goals.

The Authority uses this information to build a comprehensive understanding about the complexities of every serious offender, as well as the gravity of their risk of reoffending. It frequently reviews their progress against their 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 the powers delegated to it by the court, the Authority can help to monitor and manage risks of reoffending by giving directions to offenders. 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 offender 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 taking an unsupervised outing from a residential facility or allow supervised 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.

Inquiries into alleged contraventions of supervision order conditions

Ensuring that serious offenders comply with the conditions of their supervision order is a crucial element of the post sentence scheme. Under the *Serious Offenders Act 2018*, the Authority has the power to conduct an inquiry where there is an allegation that a serious offender has contravened the conditions of their supervision order. Allegations about contraventions are reported to the Authority by Corrections Victoria, and the Authority first determines whether the allegation warrants an inquiry.

The Authority conducts its inquiries at serious offender hearings where offenders who are subject to the allegation are required to attend for an interview. At the hearing, the Authority considers the allegation and questions the offender about the circumstances. Offenders must be provided an opportunity to respond to the allegation and explain their alleged actions.

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, failing to provide a sample for drug testing, and using internet capable devices.

If the Authority is satisfied that a contravention has occurred, it must then determine the seriousness of the contravention and the action that it will take in response.

There are several factors that are considered when determining the seriousness of a contravention, including whether the conduct:

- creates a risk to the safety of the community
- is a repeated contravention of a condition
- increases the risk of the offender committing a serious sex offence or serious violence offence
- is preparatory to the commission of a serious offence
- threatens the safety of a person
- seriously compromises the treatment or rehabilitation of an offender.

Table 10: Authority actions in response to contraventions

CATEGORY	17-18	18-19	19-20	20-21
No action required	22	33	3	0
Formal warning issued to offender	7	28	16	12
Vary directions given	2	4	3	0
Recommend a review of order conditions	0	0	0	0
Recommend consideration of a detention order	0	0	0	0
Recommended the commencement of criminal proceedings	1	0	0	0

Depending on 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 offenders to remain committed to their treatment and rehabilitation goals. These objectives align to both the primary and secondary purpose of the post sentence scheme.

Electronic monitoring

Most serious offenders on a supervision orders are required to wear an electronic monitoring device. 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 use.

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 and take 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 2020-21, there were 116 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. Of those offenders, 59 were required to wear an electronic monitoring device as a result of residing at a residential facility or at Rivergum Residential Treatment Centre.

Police Powers

Victoria Police and Corrections Victoria maintain a specialist team of police officers, intelligence practitioners and specialist staff to support the monitoring of serious offenders.

Police officers 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.

Victoria Police also has several powers under the *Serious Offenders Act 2018* to further assist with managing risks of reoffending and maintain offender compliance with supervision order conditions.

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 2020-21.

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 33 occasions in 2020-21.

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 one occasion in 2020-21.

Table 11: Use of police powers

CATEGORY	17-18	18-19	19-20	20-21
Use of powers for the purpose of arresting a serious offender	0	0	0	0
Use of powers of entry for the purpose of monitoring a serious offender	0	3	10	33
Use of powers to apprehend and detain a serious offender	2	7	2	1

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

and because of the urgency of the situation the Authority believes on reasonable grounds that it is not practicable to make an application to court for a variation of order conditions.

This power enables the Authority to quickly respond to urgent situations that require an immediate and extraordinary response. In 2020-21, the Authority considered using its emergency powers but ultimately decided not to.

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 2020-21, the Secretary of the Department of Justice and Community Safety did not make any applications for an emergency detention order.

Prosecutions and findings of guilt

Criminal proceedings can be brought against offenders who contravene their supervision order conditions or who commit further offences. If found guilty of contravening their order, offenders can receive a prison sentence of up to five years.

In 2020-21, the Director of Public Prosecutions commenced 48 prosecutions and the Secretary of the Department of Justice and Community Safety commenced one prosecution.

Three offenders were found guilty of committing a serious sex offence or a serious violence offence, and 31 offenders were found guilty or convicted for contravening the conditions of their supervision orders.

Over the past four years the rate of serious reoffending amongst offenders in the post sentence scheme has remained consistently low. The preventative nature of the post sentence scheme, and the comprehensive monitoring tools that are in place, are likely to result in offenders being prosecuted for contravening their supervision orders conditions to prevent their behaviour escalating to serious offending. Whilst 31 offenders were found guilty or convicted for contravening their conditions, these offences do not meet the threshold of 'serious offending' under the *Serious Offenders Act 2018*. Many of these contraventions relate to possessing internet capable devices, breaching curfew hours, using prohibited drugs, consuming alcohol or gambling when prohibited.

Table 12: Prosecutions and findings of guilt

CATEGORY	17-18	18-19	19-20	20-21
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	0
Number of offenders subject to a supervision order or an interim supervision order who were found guilty or convicted of a serious sex offence	4	5	2	3
Number of offenders subject to a supervision order or an interim supervision order who were found guilty or convicted of a serious violence offence	2	1	0	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	31

Collaboration and engagement

The members of the Authority regularly engage the community to promote the important role of the post sentence scheme in supporting community protection. The Authority meets with key stakeholder regularly to drive the objectives of the scheme, promote continuous improvement, and identify solutions to emerging challenges.

Guest lectures

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In 2020-21, members of the Authority delivered several guest lectures to law students at Melbourne University and Monash University. Members presented on the operation and objectives of the post sentence scheme, the role and functions of the Authority, how the Authority contributes to community protection, and procedural fairness from the perspective of victims of crime.

Presentation to Caraniche

Caraniche is a key service provider in the post sentence scheme. It provides psychological and specialist forensic alcohol and drug services to serious offenders who are subject to the supervision orders. In 2020-21, members of the Authority met with Caraniche to discuss the important role that both organisations play in ensuring that serious offenders receive appropriate treatment and rehabilitation services that will help to address their risks of reoffending.

Victoria Police

In October 2021, representatives from the Serious Offender Specialist Response Unit and the Joint Anti Child Exploitation team presented to the Authority on their approach to policing serious offenders on post sentence orders, and the way that sex offenders can make virtual connections with children through social media and gaming platforms.

SCRAM Systems

SCRAM Systems provides electronic monitoring devices that track alcohol use. Several offenders in the post sentence scheme wear a SCRAM device to help Corrections Victoria and the Authority monitor compliance against supervision order conditions that prohibit the use of alcohol.

In June 2021, the Director of SCRAM Systems for the Asia Pacific region met with members of the Authority to talk about the effectiveness and reliability of the SCRAM system. This session provided Authority members with useful information that will support their work to monitor offender compliance with supervision order conditions that prohibit the use of alcohol.

Corrections Victoria

The Authority maintains a close and constructive relationship with 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 regular 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.

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.

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Organisational structure

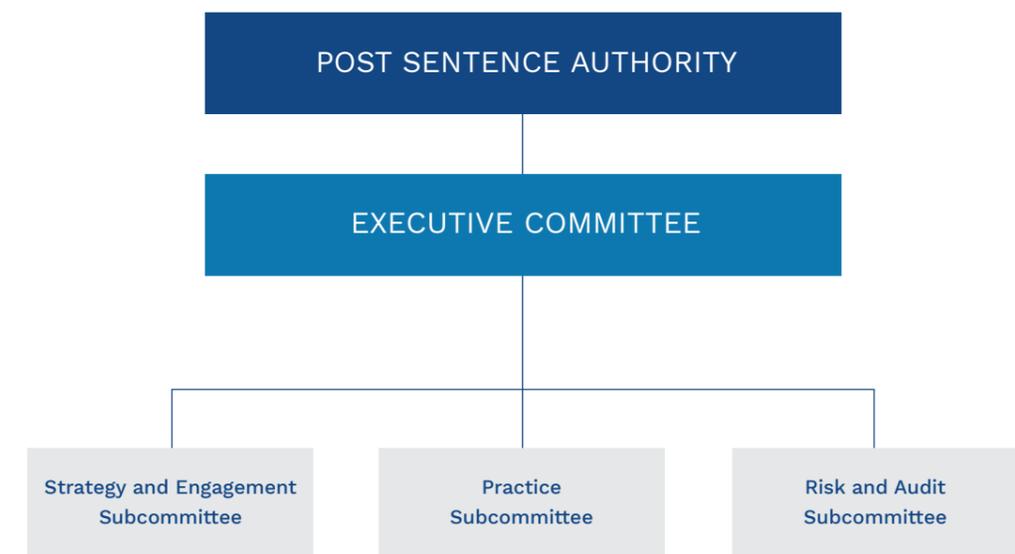
The full membership of the Authority convenes quarterly meetings to oversee effective administration and consider reports from the Chief Administrative Officer on strategy, risk, finance, and general operations.

An Executive Committee, comprised of the Chair, Deputy Chair, full-time members and the Chief Administrative Officer, convenes regularly to provide executive management and drive the delivery of the Authority's objectives.

Three subcommittees have been established, each chaired by a full-time member. The subcommittees are responsible for key projects and report to the Executive Committee on project delivery.

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Chart 3: Governance structure



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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 three times per week, at a minimum.

The Authority also 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.

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 2021, there were 11 full-time equivalent employees in the secretariat.

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

The Operations team are responsible for reviewing, assessing and presenting information to the Authority to inform its decision making about post sentence 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, communications, 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.

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.foicommisioner.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 Community Safety's website at www.justice.vic.gov.au.

Financial management

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

In addition, the Authority was granted a full exemption from the Standing Directions for the 2017-18 compliance year and successive compliance years. As part of the approval of the exemption, the Authority operated under an alternate governance process and reports under the DJCS Portfolio Entity Financial Management Compliance Framework 2020.

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 violent 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

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—
- section 272.8(1) or (2) (sexual intercourse with child outside Australia);
 - section 272.11(1) (persistent sexual abuse of child outside Australia);
 - section 272.12(1) or (2) (sexual intercourse with young person outside Australia—defendant in position of trust or authority);
 - section 272.13(1) or (2) (sexual activity (other than sexual intercourse) with young person outside Australia—defendant in position of trust or authority);
 - section 272.14(1) (procuring child to engage in sexual activity outside Australia);
 - section 272.15(1) (“grooming” child to engage in sexual activity outside Australia);
 - section 272.18(1) (benefiting from offence against this Division);
 - section 272.19(1) (encouraging offence against this Division);
 - 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—
- section 474.19(1) (using a carriage service for child pornography material);
 - section 474.20(1) (possessing, controlling, producing, supplying or obtaining child pornography material for use through a carriage service);
 - section 474.22(1) (using a carriage service for child abuse material);
 - section 474.23(1) (possessing, controlling, producing, supplying or obtaining child abuse material through a carriage service);
 - 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);
 - section 474.25B(1) (aggravated offence—child with mental impairment or under care, supervision or authority of defendant);
 - section 474.26 (using a carriage service to procure person under 16 years of age);
 - section 474.27 (using a carriage service to “groom” person under 16 years of age);
 - 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

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.

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