

Authorised Version

Serious Sex Offenders (Detention and Supervision) Amendment (Governance) Act 2017

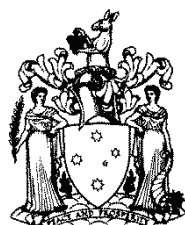
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Victoria

**Serious Sex Offenders (Detention and
Supervision) Amendment (Governance)
Act 2017[†]**

No. 57 of 2017

[Assented to 8 November 2017]

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purpose

The purpose of this Act is to amend the **Serious Sex Offenders (Detention and Supervision) Act 2009** and the **Corrections Act 1986**—

- (a) to establish the Post Sentence Authority and provide for its functions and powers; and

- (b) to abolish the Detention and Supervision Order Division of the Adult Parole Board; and
- (c) to provide for the coordination of services, including by panels, to—
 - (i) eligible offenders who are the subject of an application for a supervision order or a detention order; and
 - (ii) offenders who are subject to a supervision order or an interim supervision order; and
- (d) to provide for the sharing of information between relevant Departments and agencies; and
- (e) to provide for the transfer to the County Court or the Supreme Court of summary offences related to an offence of breach of a supervision order; and
- (f) to make consequential amendments to those Acts and to other Acts.

2 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.
- (2) If a provision of this Act does not come into operation before 1 September 2018, it comes into operation on that day.

3 Principal Act

In this Act, the **Serious Sex Offenders (Detention and Supervision) Act 2009** is called the Principal Act.

Part 2—Amendment of the Serious Sex Offenders (Detention and Supervision) Act 2009—Post Sentence Authority

4 Purposes and outline

- (1) For section 1(3)(g) of the Principal Act
substitute—

"(g) establishes the Post Sentence Authority and provides for its functions; and".

- (2) In section 1(3) of the Principal Act—

(a) in paragraph (h), for "orders." **substitute**
"orders; and";

(b) after paragraph (h) **insert—**

"(i) provides for the coordination of services to offenders in accordance with Part 13B.".

5 Definitions

In section 3 of the Principal Act—

- (a) **insert** the following definitions—

Authority means the Post Sentence Authority established by section 192C;

Chief Commissioner of Police means the Chief Commissioner of Police appointed under section 17 of the **Victoria Police Act 2013**;

coordinated services plan means a plan referred to in section 192ZI;

notice to attend means a notice served under section 192P(1) requiring a person to attend a meeting of the Authority;

notice to produce means a notice served under section 192P(1) requiring a person to produce a specified document or other thing to the Authority;

responsible agency means—

- (a) the Secretary;
- (b) the Secretary to the Department of Health and Human Services;
- (c) the Chief Commissioner of Police;
- (d) a prescribed person or body, if any;"

(b) the definition of *DSO division* is **repealed**.

6 Functions and powers of Adult Parole Board

Section 6 of the Principal Act is **repealed**.

7 Section 14 substituted

For section 14 of the Principal Act **substitute**—

"14 Copy of supervision order

If the court makes a supervision order, the Secretary must cause a copy of the order to be given as soon as practicable to—

- (a) the Authority; and
- (b) the Adult Parole Board if—
 - (i) at the time the order is made, the offender is serving a custodial sentence; or
 - (ii) the offender commences serving a custodial sentence before the expiry or revocation of the order."

8 Section 32 substituted

For section 32 of the Principal Act **substitute**—

"32 Copy of renewing order

If the court makes an order renewing a supervision order, the Secretary must cause a copy of the renewing order to be given as soon as practicable to—

- (a) the Authority; and
- (b) the Adult Parole Board if—
 - (i) at the time the renewing order is made, the offender is serving a custodial sentence; or
 - (ii) the offender commences serving a custodial sentence before the expiry or revocation of the renewed supervision order."

9 Section 43 substituted

For section 43 of the Principal Act **substitute**—

"43 Copy of detention order

If the Supreme Court makes a detention order, the Director of Public Prosecutions must cause a copy of the detention order to be given as soon as practicable to—

- (a) the Secretary; and
- (b) the Authority; and
- (c) the Adult Parole Board if—
 - (i) at the time the detention order is made, the offender is serving a custodial sentence; or

- (ii) the offender commences serving a custodial sentence before the expiry or revocation of the detention order."

10 Section 49 substituted

For section 49 of the Principal Act **substitute—**

"49 Copy of renewing order

If the Supreme Court makes an order renewing a detention order, the Director of Public Prosecutions must cause a copy of the renewing order to be given as soon as practicable to—

- (a) the Secretary; and
- (b) the Authority; and
- (c) the Adult Parole Board if—
 - (i) at the time the renewing order is made, the offender is serving a custodial sentence; or
 - (ii) the offender commences serving a custodial sentence before the expiry or revocation of the renewed detention order."

11 Section 60 substituted

For section 60 of the Principal Act **substitute—**

"60 Copy of interim order

- (1) If the court makes an interim supervision order, the Secretary must cause a copy of the interim supervision order to be given as soon as practicable to—
 - (a) the Authority; and

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- (b) the Adult Parole Board if—
 - (i) at the time the interim supervision order is made, the offender is serving a custodial sentence; or
 - (ii) the offender commences serving a custodial sentence before the expiry or revocation of the interim supervision order.
- (2) If the Supreme Court makes an interim detention order, the Director of Public Prosecutions must cause a copy of the interim detention order to be given as soon as practicable to—
 - (a) the Secretary; and
 - (b) the Authority; and
 - (c) the Adult Parole Board if—
 - (i) at the time the interim detention order is made, the offender is serving a custodial sentence; or
 - (ii) the offender commences serving a custodial sentence before the expiry or revocation of the interim detention order."

12 Additional information to be obtained by Secretary

After section 188(2)(a)(ii) of the Principal Act
insert—

- "(ia) a coordinated services plan in relation to the offender; or".

13 Sharing of information

- (1) In section 189(1)(a) of the Principal Act—
- (a) for "the use or disclosure is reasonably necessary" **substitute** "the relevant person believes on reasonable grounds it is necessary to use or disclose the information";
 - (b) in subparagraph (iii)(C) **omit** "or";
 - (c) after subparagraph (iii) **insert**—
 - "(iv) preparing and reviewing coordinated services plans;
 - (v) delivering services or providing for the delivery of services in accordance with coordinated services plans; or".
- (2) After section 189(1) of the Principal Act **insert**—
- "(1AA) A relevant person may use or disclose information given to the Authority that is not disclosed in a decision of the Authority or in any reasons given by the Authority for a decision of the Authority if—
- (a) the relevant person believes on reasonable grounds it is necessary to use or disclose the information for the administration of this Act; or
 - (b) the relevant person believes on reasonable grounds it is necessary to use or disclose the information for the preparation for, conduct of or participation in—
 - (i) a proceeding in any court; or
 - (ii) a proceeding before a tribunal; or
 - (iii) an inquest or investigation held by a coroner; or

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- (c) the relevant person believes on reasonable grounds it is necessary to use or disclose the information—
- (i) to reduce the risk of a person committing a relevant offence or violent offence; or
 - (ii) to lessen or prevent a threat to the life, health, safety or welfare of any person."
- (3) In section 189(1A) of the Principal Act, after "subsection (1)" **insert** "or (1AA)".
- (4) In section 189(3) of the Principal Act, after "notify the" **insert** "Authority or the".
- (5) In section 189(4) of the Principal Act, after paragraph (g) of the definition of *relevant person* **insert**—
- "(h) any member of the Authority or any employee assisting the Authority under section 192N to perform its functions; or
 - (i) any person who delivers services or advice to or on behalf of the Authority whether paid or unpaid; or
 - (j) a person or body from whom a responsible agency seeks or obtains advice; or
 - (ja) a person or body prescribed as a responsible agency under paragraph (d) of the definition of *responsible agency*; or".

14 Guidelines for disclosure

After section 190(2)(a) of the Principal Act **insert**—

"(ab) the chairperson of the Authority; or".

15 New section 192B inserted

After section 192A of the Principal Act **insert—**

"192B Exemption from Freedom of Information Act 1982

- (1) The **Freedom of Information Act 1982** does not apply to a document of the Authority to the extent to which the document discloses information that relates to—
- (a) a victim or the victims of an offender, including any victim submission made under this Act; or
 - (b) a person in relation to the person being, or having been, an eligible offender or subject to a supervision order, a detention order or an interim order; or
 - (c) a proceeding under this Act that is or was before a court; or
 - (d) a decision of the Authority; or
 - (e) the decision-making processes of the Authority in relation to a particular matter; or
 - (f) an interim order, a detention order or a supervision order in respect of an offender and, in the case of a supervision order or an interim supervision order, any condition to which the order is subject; or
 - (g) any directions or instructions given under this Act to an offender; or

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- (h) the location, operation or administration of a residential facility or the management of offenders at a residential facility; or
 - (i) the management under the **Corrections Act 1986** of an offender subject to a detention order or an interim detention order; or
 - (j) the management of an offender subject to a supervision order or an interim supervision order; or
 - (k) any other information prohibited from disclosure under this Part, unless that information is permitted to be disclosed by a publication order made by a court under section 183.
- (2) Nothing in this section limits or affects the operation of Part IV of the **Freedom of Information Act 1982** in relation to documents of the Authority to which that Act applies.
- (3) In this section—
- document* has the same meaning as it has in the **Freedom of Information Act 1982**;
- document of the Authority* has the same meaning as *document of an agency* or *document of the agency* has in the **Freedom of Information Act 1982**."

16 New Parts 13A and 13B inserted

After Part 13 of the Principal Act **insert—**

**"Part 13A—Post Sentence
Authority**

Division 1—Establishment of Authority

192C Establishment of Post Sentence Authority

- (1) The Post Sentence Authority is established.
- (2) The Authority—
 - (a) is a body corporate with perpetual succession; and
 - (b) must have an official seal; and
 - (c) may sue and be sued in its corporate name; and
 - (d) may acquire, hold and dispose of real and personal property; and
 - (e) subject to this Act, may do and suffer all acts and things that a body corporate may by law do and suffer.
- (3) The official seal of the Authority must be kept as directed by the Authority and must not be used except as authorised by the Authority.
- (4) All courts must take judicial notice of the seal of the Authority affixed to a document and, until the contrary is proved, must presume that it was duly affixed.

192D Functions of Authority

- (1) The Authority has the following functions—
 - (a) to monitor compliance with and administer the conditions of a supervision order or an interim supervision order;
 - (b) to 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;
 - (c) to make decisions to ensure the carrying into effect of the conditions of supervision orders and interim supervision orders;
 - (d) to make recommendations to the Secretary in relation to applying to a court to review the conditions of supervision orders and interim supervision orders;
 - (e) to review and monitor the progress of offenders on detention orders and interim detention orders;
 - (f) to review coordinated services plans for eligible offenders who are the subject of an application for a supervision order or a detention order;
 - (g) to review coordinated services plans for offenders who are subject to a supervision order or an interim supervision order;
 - (h) to review and monitor the progress of offenders on supervision orders and interim supervision orders;

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- (i) to approve or disapprove change of name applications under section 176;
- (j) to report on the performance of functions and powers under this Act in its annual report under section 192ZC;
- (k) any other function conferred on the Authority by or under this Act or any other Act.

Example

In relation to paragraph (b), a supervision order may authorise the Authority to give directions relating to electronic monitoring.

- (2) The Authority—
 - (a) may inform itself in any manner it thinks fit; and
 - (b) is not bound by the rules of evidence.
- (3) The Authority is not bound by the rules of natural justice.

192E Powers of Authority

The Authority has all the powers necessary to perform its functions, including any power conferred on it by or under this Act or any other Act.

192F Membership of Authority

- (1) The Authority consists of not more than 10 persons appointed by the Governor in Council, on the recommendation of the Minister, being—
 - (a) a chairperson; and
 - (b) a deputy chairperson; and

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- (c) not more than 3 members (in addition to the chairperson and deputy chairperson) who are full-time members; and
 - (d) not more than 5 members who are sessional members.
- (2) A member appointed to the Authority must be a person who—
- (a) is or has been a judge of—
 - (i) the High Court; or
 - (ii) the Supreme Court or the equivalent court of another State or a Territory; or
 - (iii) the Federal Court; or
 - (iv) the Family Court; or
 - (v) the County Court or the equivalent court of another State or a Territory; or
 - (b) has been a magistrate of the Magistrates' Court or the equivalent court of another State or a Territory; or
 - (c) is an Australian lawyer of at least 5 years' experience; or
 - (d) is a community representative who has expertise and experience relevant to the functions of the Authority.

192G Chairperson and deputy chairperson of Authority

- (1) On the recommendation of the Minister, the Governor in Council must appoint one of the members referred to in section 192F(2)(a) to be chairperson of the Authority.

- (2) On the recommendation of the Minister, the Governor in Council must appoint one of the members referred to in section 192F(2)(a) to be deputy chairperson of the Authority.
- (3) If the chairperson is unable to perform the duties of office or is absent or the office of the chairperson is vacant, the deputy chairperson—
 - (a) must act as chairperson; and
 - (b) while acting has the functions, powers and duties of the chairperson.

192H Acting appointments

- (1) On the recommendation of the Minister, the Governor in Council may appoint a member of the Authority referred to in section 192F(2)(a) or a person who is qualified to be a member under those provisions to be acting chairperson of the Authority if—
 - (a) the chairperson and the deputy chairperson are unable to perform the duties of the chairperson; or
 - (b) the chairperson and the deputy chairperson are absent; or
 - (c) the office of the chairperson and deputy chairperson is vacant.
- (2) On the recommendation of the Minister, the Governor in Council may appoint a member of the Authority referred to in section 192F(2)(a) or a person who is qualified to be a member under those provisions to be acting deputy chairperson of the Authority if—

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- (a) the deputy chairperson is unable to perform the duties of the deputy chairperson; or
 - (b) the deputy chairperson is absent; or
 - (c) the office of the deputy chairperson is vacant.
- (3) On the recommendation of the Minister, the Governor in Council may appoint a member of the Authority referred to in section 192F(2) (including a sessional member) or a person who is qualified to be a member under that section to be an acting member of the Authority if—
- (a) a member is unable to perform the duties of member; or
 - (b) a member is absent; or
 - (c) an office of member is vacant.
- (4) A person appointed under this section to act has the functions, powers and duties of the chairperson, deputy chairperson or member, as the case requires, while acting.

192I Terms and conditions of office

- (1) A member of the Authority holds office—
- (a) subject to subsections (3) and (4), for a term not exceeding 5 years specified in the member's instrument of appointment; and
 - (b) subject to this Act, on the terms and conditions specified in the member's instrument of appointment.

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- (2) Subject to this Act, a member is entitled to be paid remuneration, allowances and expenses determined by the Governor in Council and specified in the member's instrument of appointment.
- (3) A member is eligible for reappointment.
- (4) A member may hold office for a maximum of 9 years, whether appointed for one or more terms and whether or not those terms are consecutive.
- (5) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a member of the Authority in respect of the office of member.
- (6) If a person was, immediately before becoming a member of the Authority, an officer within the meaning of the **State Superannuation Act 1988**, the member continues, subject to that Act, to be an officer within the meaning of that Act.

192J Chairing of meetings

- (1) The chairperson is to preside at meetings of the Authority at which the chairperson is present.
- (2) In the absence of the chairperson, the deputy chairperson is to preside at meetings of the Authority at which the deputy chairperson is present.
- (3) In the absence of the chairperson and the deputy chairperson, the member appointed as acting chairperson or acting deputy chairperson is to preside at meetings of the Authority at which that member is present.

192K Meetings

- (1) The Authority is to meet at the times and places that are fixed by the chairperson.
- (2) The following questions which may arise before the Authority are to be decided by the person presiding at a meeting of the Authority—
 - (a) whether a question is a question of fact or of law;
 - (b) any question determined to be a question of law.
- (3) A question is not to be decided at a meeting of the Authority unless the following members are present—
 - (a) the chairperson, deputy chairperson, acting chairperson or acting deputy chairperson; and
 - (b) at least 2 other members of the Authority.
- (4) The decision of a majority of the members present at a meeting of the Authority on a question arising at the meeting (other than a question which under subsection (2) is to be decided by the person presiding at the meeting alone) is the decision of the Authority on that matter.
- (5) If there is an equality of votes on a question arising at a meeting of the Authority, the person presiding at the meeting has a second or casting vote.

192L Validity of acts or decisions of Authority

An act or a decision of the Authority is not invalid merely because of—

- (a) a vacancy in the office of a member; or
- (b) a defect or irregularity in the appointment of a member.

192M Vacancies, resignations and removal from office

- (1) The office of a member of the Authority becomes vacant if—
 - (a) the member's term expires; or
 - (b) the member is removed from office under subsection (2); or
 - (c) the member resigns by written notice of resignation delivered to the Minister or the Governor in Council.
- (2) Subject to subsection (3), on the recommendation of the Minister, the Governor in Council may remove a member from office.
- (3) The Minister must not make a recommendation under subsection (2) unless the Minister is of the opinion that the member—
 - (a) is an insolvent under administration; or
 - (b) has ceased to be eligible for appointment; or
 - (c) is convicted of an offence, the commission of which makes the person unsuitable to be a member; or
 - (d) has failed to disclose a conflict of interest; or

- (e) is unable to perform the functions and duties of the office for any reason; or
 - (f) is or has been engaging in improper conduct; or
 - (g) neglects the member's duty as a member; or
 - (h) is otherwise unfit to hold office.
- (4) A vacancy in the office of a member may be filled by appointment in accordance with this Part.

192N Employees and contractors

- (1) The Authority may enter into agreements or arrangements for the use of the services of any employee of a public entity within the meaning of the **Public Administration Act 2004** or a public service body within the meaning of that Act to assist the Authority to perform its functions.
- (2) The Secretary must provide any employees of the Department and any other assistance to the Authority that is necessary to assist the Authority to perform its functions.
- (3) An employee provided under this section to assist the Authority to perform its functions is subject to the directions of the Authority in performing those functions.
- (4) The Authority may engage contractors and agents to assist the Authority to perform its functions.

192O Member may act on behalf of Authority

- (1) If the Authority has heard and determined a matter, a member of the Authority may sign and issue all necessary orders and documents

relating to that matter on behalf of the Authority.

- (2) An order or a document signed under subsection (1) has effect as if it were signed by all the members of the Authority.

Division 2—Notices to produce or attend

192P Power of Authority to compel production of documents and other things or attendance of witnesses

- (1) For the purposes of performing its functions in relation to managing offenders who are subject to an order under this Act, the Authority may serve written notice on a person requiring the person—
- (a) to produce a specified document or other thing to the Authority before a specified time and in the specified manner; or
 - (b) to attend a meeting of the Authority at a specified time and place to produce a specified document or other thing; or
 - (c) to attend a meeting of the Authority at a specified time and place, and from then on from day to day until excused, to give evidence; or
 - (d) to attend a meeting of the Authority at a specified time and place, and from then on from day to day until excused, to give evidence and to produce a specified document or other thing.
- (2) A notice under subsection (1)—
- (a) must be in the prescribed form (if any); and

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- (b) must contain the following information—
 - (i) a statement outlining the provisions of section 192Y;
 - (ii) examples of what may constitute a reasonable excuse for failing to comply with the notice;
 - (iii) how the person may object to the notice;
 - (iv) any other prescribed information; and
- (c) must be served in accordance with section 192S.

192Q Person may dispute notice to produce or notice to attend

- (1) A person on whom a notice to produce or a notice to attend is served may make a claim to the Authority that—
 - (a) the person has or will have a reasonable excuse for failing to comply with the notice; or
 - (b) in the case of a notice under section 192P(1)(a), (b) or (d), that a document or other thing specified in the notice is not relevant to the subject matter of the meeting.
- (2) Without limiting what may be a reasonable excuse for the purposes of subsection (1)(a), it is a reasonable excuse for a person to fail to comply with a notice by refusing to give information to the Authority if the information—

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- (a) in the case of a natural person, might tend to incriminate the person or make the person liable to a penalty; or
- (b) is the subject of parliamentary privilege; or
- (c) is the subject of legal professional privilege or client legal privilege; or
- (d) is the subject of public interest immunity; or
- (e) is prohibited from disclosure by a court order; or
- (f) is prohibited from disclosure by a provision of another enactment that specifically applies to the giving of information or the production of documents or other things to the Authority.

192R Variation or revocation of notice to produce or notice to attend

- (1) By further notice served on a person, the Authority may vary or revoke a notice served on that person under section 192P—
 - (a) on the Authority's own initiative; or
 - (b) if the Authority is satisfied that the person's claim under section 192Q is made out.
- (2) A notice varying or revoking a notice to produce or a notice to attend must be served in accordance with section 192S.

192S Service of notice to produce or notice to attend

- (1) Subject to subsection (2), a notice to produce or notice to attend, or a notice varying or revoking a notice to produce or notice to

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attend, must be served at a reasonable time, being not less than 7 days before the date on which the person is required to attend or otherwise comply with the notice.

- (2) The Authority may serve a notice to attend requiring immediate attendance by a person if—
- (a) the Authority considers on reasonable grounds that a delay in the person's attendance is likely to result in—
 - (i) evidence being lost or destroyed; or
 - (ii) the commission of an offence, the continuation of a commission of an offence or an attempt to commit an offence; or
 - (iii) the person on whom the notice is served absconding or otherwise evading attendance; or
 - (iv) serious prejudice to the conduct of the meeting to which the notice relates; or
 - (b) the person on whom the notice is served consents to immediate attendance.
- (3) A notice to produce or notice to attend may be served—
- (a) by serving a copy of the notice on the person personally; or
 - (b) by sending a copy of the notice by prepaid ordinary post addressed to the person at the person's last known residential address; or

- (c) if the person—
 - (i) has facilities for the reception of documents in a document exchange; and
 - (ii) consents to accepting personal service of documents by delivery to those facilities in the document exchange—
 - by delivering a copy of the notice addressed to the person into those facilities; or
- (d) if the person consents to documents being served electronically, by sending the notice by means of electronic communication in accordance with the **Electronic Transactions (Victoria) Act 2000**.

192T Powers in relation to documents and other things produced

- (1) The Authority, a member of the Authority or an employee assisting the Authority under section 192N to perform its functions authorised by the Authority may—
 - (a) inspect any document or other thing produced to the Authority under a notice to produce; and
 - (b) retain the document or other thing for as long as is reasonably necessary for the purposes of this Act; and
 - (c) copy any document or other thing produced to the Authority necessary for the purposes of this Act.

- (2) If the retention of a document or other thing under subsection (1) ceases to be reasonably necessary for the purposes of this Act, the Authority, at the request of a person who appears to be entitled to the document or other thing, must cause the document or other thing to be returned to the person unless it has been given to another person or body under this Act.

192U Power to compel attendance or production does not affect power of Authority to direct or instruct offenders

The power of the Authority under section 192P to issue a notice to produce or a notice to attend does not affect or limit the power of the Authority—

- (a) to give to an offender who is subject to a supervision order a direction under section 119 or 120(2) or an instruction under section 121; or
- (b) to require an offender to attend a meeting under section 124; or
- (c) to require an offender to attend before the Authority under section 161(2) for the purposes of an inquiry under section 161 into an alleged breach of a supervision order under section 160; or
- (d) to require information under section 192ZE; or
- (e) to require a responsible agency to provide further information to the Authority in relation to a coordinated services plan under section 192ZL.

192V Appearance by audio visual link

- (1) If the Authority requires a person to attend a meeting of the Authority, the Authority, on its own initiative or at the request of the person, may direct the person to appear before the meeting by audio visual link from a place (the *remote point*) other than the place where the meeting is to be held.
- (2) The Authority must not make a direction under subsection (1) unless it is satisfied that both the place where the meeting of the Authority is to be held and the remote point are equipped with facilities that—
 - (a) enable all the members of the Authority attending the meeting to see and hear the person required to attend; and
 - (b) enable the person required to attend to see and hear all the members of the Authority attending the meeting.
- (3) The Authority, at any time in the course of a meeting, may vary or revoke a direction given under subsection (1), either on its own initiative or at the request of the person required to attend the meeting.
- (4) A person who, in accordance with a direction given under subsection (1), appears before a meeting of the Authority by audio visual link is taken to have attended the meeting of the Authority.

192W Notice to attend served on person serving custodial sentence or in custody on remand

- (1) If a notice to attend a meeting of the Authority is served on a person who is in prison or a police gaol, the Authority may give a written direction to the Governor of

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the prison or the officer in charge of the gaol
(as the case may be) that, as required by the
notice—

- (a) the person be brought to a place
equipped with facilities to enable the
person to appear before the Authority
by audio visual link; or
 - (b) the person be brought before the
Authority.
- (2) A direction under subsection (1) must be in
the prescribed form (if any).

**192X Power to take evidence on oath or
affirmation**

- (1) The Authority may require a person
attending a meeting of the Authority in
accordance with a notice to attend to give
evidence or answer questions on oath or
affirmation.
- (2) For the purposes of subsection (1) and
subject to subsection (3), an oath or
affirmation must be administered to a
person by—
- (a) a member of the Authority; or
 - (b) an employee who is—
 - (i) assisting the Authority under
section 192N to perform its
functions; and
 - (ii) authorised to administer the oath
or affirmation by the Authority.
- (3) In the case of an oath to be sworn or an
affirmation to be made by a person who is
appearing before the Authority by audio
visual link, the oath or affirmation may be
administered—

- (a) by means of the audio visual link, in nearly as practicable the same way as if the person were physically attending the meeting of the Authority; or
- (b) at the direction of, and on behalf of, the Authority at the remote point by a person authorised by the Authority.

Note

See section 192V in relation to *remote point*.

192Y Offence to fail to comply with a notice to produce or attend

A person who is duly served with a notice to produce or notice to attend must not, without reasonable excuse, refuse or fail to comply with the notice.

Penalty: 30 penalty units or imprisonment for 3 months.

192Z Offence to fail to take oath, make affirmation or answer question

- (1) A person who is duly served with a notice to attend a meeting of the Authority under section 192P(1)(b), (c) or (d) must not, without reasonable excuse—
 - (a) refuse or fail to take an oath or make an affirmation when required to do so; or
 - (b) refuse or fail to answer a question that the person is required to answer by the Authority.

Penalty: 30 penalty units or imprisonment for 3 months.

- (2) A person does not commit an offence against subsection (1) unless, before the person is required to take the oath or make the affirmation or answer the question, the

Authority informs the person that refusal or failure to do so without reasonable excuse is an offence.

Divisions 3—Miscellaneous matters

192ZA Protection of participants at Authority meeting

- (1) A member of the Authority has, in respect of the performance of the member's functions as member at a meeting of the Authority, the same protection and immunity as a judge of the Supreme Court has in the performance of the judge's duties as judge.
- (2) An employee assisting the Authority under section 192N to perform its functions or a contractor or an agent engaged by the Authority under that section has, in the performance of the person's functions at a meeting of the Authority, the same protection and immunity as a judge of the Supreme Court has in the performance of the judge's duties as judge.
- (3) A person legally representing another person at a meeting of the Authority has the same protection and immunity as an Australian legal practitioner has in representing a party in a proceeding in the Supreme Court.
- (4) A person who gives information or evidence, or produces a document or other thing, at a meeting of the Authority has the same protection and immunity as a witness has in a proceeding in the Supreme Court.

192ZB Immunity of member of Authority

- (1) A member of the Authority is not personally liable for anything done or omitted to be done in good faith—

- (a) in the exercise of a power or the performance of a function under this Act or the regulations; or
 - (b) in the reasonable belief that the act or omission was in the exercise of a power or the performance of a function under this Act or the regulations.
- (2) Any liability resulting from an act or omission that would, but for subsection (1), attach to the member of the Authority attaches instead to the Authority.

192ZC Annual report

- (1) Before 30 September in each year the Authority must give to the Minister a report relating to the 12 months ending on 30 June in that year and concerning the operation of this Act during that period, including—
- (a) details of the number of eligible offenders serving a custodial sentence; and
 - (b) details of the number of applications made for a detention order, an interim detention order and the renewal of detention orders; and
 - (c) details of the number of applications made for a supervision order, an interim supervision order and the renewal of supervision orders; and
 - (d) details of the number of offenders in respect of whom a detention order or interim detention order was made; and
 - (e) details of the number of offenders in respect of whom a supervision order or an interim supervision order was made; and

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- (f) details of the number of offenders subject to a detention order or an interim detention order who were found guilty or convicted of a relevant offence or a violent offence; and
- (g) details of the number of offenders subject to a supervision order or an interim supervision order who were found guilty or convicted of a relevant offence, a violent offence or an offence against section 160; and
- (h) details of any breaches of conditions of a supervision order or an interim supervision order by offenders and the actions taken by the Authority in respect of those breaches; and
- (i) the number of prosecutions commenced by the Secretary, the Director of Public Prosecutions or Victoria Police for an offence against section 160; and
- (j) details of the number of offenders directed to reside in a residential facility including the number of offenders directed to reside in a residential facility—
 - (i) as a condition of an order imposed by the court under section 17(1)(a); and
 - (ii) by the Authority under section 20(1)(b); and
- (k) details of the number of offenders in respect of whom an emergency power was exercised under Part 10; and

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- (l) details of the number of offenders who were required to comply with electronic monitoring under a supervision order or an interim supervision order; and
- (m) details of the exercise of powers of entry under sections 158C and 171A reported to the Authority during the period; and
- (n) details of the exercise of powers under Division 3 of Part 11 reported to the Authority during the period; and
- (o) details of the number of detention orders, supervision orders and interim orders completed or revoked during the period; and
- (p) the activities of the Authority during the period; and
- (q) in relation to the activities of responsible agencies, the following details—
 - (i) the number of coordinated services plans developed and agreed for eligible offenders in respect of whom an application for an order is made under section 7 or 33;
 - (ii) the number of coordinated services plans developed and agreed 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 192ZL and the number of responses provided;
 - (r) any other prescribed matter.
- (2) The Minister must cause the Authority's annual report to be laid before the Legislative Council and the Legislative Assembly before the end of the fourteenth sitting day of the Legislative Council or the Legislative Assembly after the annual report has been received by the Minister.

192ZD Other reports

- (1) When required by the Minister, the Authority must give to the Minister a report and recommendations concerning a person who, at the time of the report, is the subject of a detention order or an interim detention order or a supervision order or an interim supervision order.
- (2) When required by the Minister, the Authority must give to the Minister a report on a matter stated in the requirement and relating to the activities of the Authority or the operation of this Act.

192ZE Information to be provided to Authority

- (1) For the purposes of preparing its annual report under section 192ZC, the Authority may require any information specified in the requirement to be provided to it by—
- (a) a responsible agency; and
 - (b) the Director of Public Prosecutions; and
 - (c) other relevant Departments or agencies.

- (2) An entity referred to in subsection (1)(a), (b) or (c) must provide to the Authority information specified in a requirement under subsection (1).

Part 13B—Cooperation and coordination between responsible agencies

192ZF Application of Part

This Part applies in addition to any other function or power of a responsible agency under this Act.

192ZG Responsible agency must act in accordance with principle of shared responsibility

In the delivery of services to—

- (a) an eligible offender who is the subject of an application for a supervision order or a detention order; or
- (b) an offender who is subject to a supervision order or an interim supervision order—

a responsible agency must—

- (c) provide reasonable assistance and support to another responsible agency; and
- (d) share information, including for the purposes of reporting, in accordance with this Act; and
- (e) identify and take steps to resolve any issues, including systemic issues, relating to the delivery of those services.

192ZH Responsible agencies must establish panel

For the purpose of performing their functions under this Part, responsible agencies must jointly establish one, or more than one, panel.

192ZI Responsible agencies to agree on coordinated services plan for each offender

Responsible agencies must develop and agree to a coordinated services plan in respect of—

- (a) an eligible offender who is the subject of an application for a supervision order or a detention order; and
- (b) an offender who is subject to a supervision order or an interim supervision order.

192ZJ Content of coordinated services plan

- (1) A coordinated services plan in relation to an eligible offender who is the subject of an application for a supervision order or a detention order must set out the services that will be made available to the offender if a supervision order or an interim supervision order is made.
- (2) A coordinated services plan in respect of an offender who is subject to a supervision order or an interim supervision order must set out—
 - (a) the matters referred to in section 10(2); and
 - (b) identified risk factors relevant to the offender; and

- (c) a description of the services that will be made available to the offender in order to address the factors referred to in paragraph (b); and
- (d) agreement by the responsible agencies to deliver, or provide for the delivery of, the services referred to in paragraph (c); and
- (e) the prescribed matters, if any.

192ZK Responsible agencies to give copy of plan to Authority

Responsible agencies must give to the Authority a copy of a coordinated services plan—

- (a) in relation to an eligible offender, as soon as practicable after an application for a supervision order or a detention order is made; and
- (b) in relation to an offender who is subject to a supervision order or an interim supervision order, as soon as practicable after the order has been made.

192ZL Authority to review coordinated services plans

- (1) The Authority must review a coordinated services plan received under section 192ZK or 192ZM.
- (2) The Authority may serve written notice on a responsible agency requesting information in relation to a coordinated services plan.
- (3) A responsible agency must comply with a notice served on it under subsection (2).

- (4) This section does not limit the power of the Authority to serve a notice under section 192P.

192ZM Responsible agencies to review and report on coordinated services plan

- (1) Responsible agencies must review each coordinated services plan not later than 6 months after the plan was agreed or last reviewed (whichever is the later) and—
- (a) confirm the plan; or
 - (b) revise the plan; or
 - (c) revoke the plan if the offender is no longer subject to a supervision order or an interim supervision order.
- (2) As soon as practicable after each review conducted under subsection (1), responsible agencies must give to the Authority—
- (a) if the coordinated services plan was confirmed or revised, a copy of the confirmed or revised plan; or
 - (b) notice that the coordinated services plan has been revoked.

192ZN Expiry of plan

A coordinated services plan expires on the earlier of—

- (a) in the case of an eligible offender who is the subject of an application for a supervision order or a detention order, the determination of the application; or
- (b) its revocation under section 192ZM.

192ZO Responsible agency may seek services or advice

In performing its functions under this Part, a responsible agency may seek the services or advice of any person or body.

192ZP Delegation

- (1) In the performance of its functions under this Part, a responsible agency may, by instrument, delegate any function or power of the responsible agency under this Part, other than this power of delegation, to—
 - (a) an employee, or class of employees, in the office or body of which the responsible agency is or has the functions of a public service body Head (within the meaning of the **Public Administration Act 2004**); or
 - (b) in the case of a responsible agency that is prescribed under paragraph (d) of the definition of *responsible agency* in section 3, an employee, or class of employees, of the responsible agency.
- (2) This section does not limit section 196.

192ZQ Legal rights not affected

The Parliament does not intend by this Part—

- (a) to create in any person any legal right or give rise to any civil cause of action; or
- (b) to affect in any way the interpretation of any Act or law in force in Victoria."

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17 Service of documents

- (1) In section 193(1) of the Principal Act,
for "A document" **substitute** "Subject to
section 192S, a document".
- (2) After section 193(1)(c) of the Principal Act
insert—
 - "(ca) in the case of the Authority, by sending it by
post to the chairperson of the Authority; or".

Part 3—Summary offences related to offence of breaching a supervision order

18 New sections 172AB and 172AC inserted

After section 172A of the Principal Act **insert**—

"172AB Transfer of proceeding for related summary offence

(1) In this section—

related offences has the same meaning as in
the **Criminal Procedure Act 2009**.

(2) Subject to subsection (3), if the Magistrates' Court transfers a proceeding by order under section 172A, it must order that all proceedings in respect of charges against the offender for summary offences that are related offences are transferred to the court that made the supervision order.

(3) The Magistrates' Court may order that a proceeding for a summary offence referred to in subsection (2) is not transferred under this section if the offender and the prosecutor in the proceeding for the offence against section 160 agree.

(4) For the purposes of this section, the Magistrates' Court may be constituted by a proper officer of the court.

(5) An order under this section must be in the prescribed form.

172AC Hearing and determination of related summary offence by Supreme Court or County Court

(1) If an offender is before the Supreme Court or the County Court for an offence against section 160, the court may hear and determine a charge for a summary offence

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- transferred under section 172AB before sentencing or otherwise dealing with the offender.
- (2) If all charges for an offence against section 160 against an offender before the Supreme Court or the County Court have been discontinued, the court may hear and determine a charge for a summary offence transferred under section 172AB.
 - (3) The court must hear and determine a charge for a summary offence without a jury and in accordance with Part 3.3 of the **Criminal Procedure Act 2009**, as far as practicable.
 - (4) Without affecting the admissibility of any evidence which might be given apart from this subsection, on the hearing of a charge against an offender for a summary offence transferred under section 172AB, the court may admit as evidence in relation to the charge evidence given during a trial or summary hearing of the offender in respect of the offence against section 160.
 - (5) A party may adduce further evidence only with the leave of the court.
 - (6) If the court considers it appropriate to do so, the court may transfer a proceeding for a summary offence transferred under section 172AB back to the Magistrates' Court for hearing and determination.

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- (7) The court may impose any sentence in respect of a summary offence that could be imposed by the Magistrates' Court.

Note

Rights of appeal in relation to summary offences heard and determined under section 172AC are found in the **Criminal Procedure Act 2009** by virtue of the definition of *original jurisdiction* in that Act."

19 Issue of warrant to arrest on failure to comply with bail or summons

In section 172B of the Principal Act, after "172A" insert "or 172AB".

Part 4—Transitional provisions and consequential and other amendments to the Principal Act

Division 1—Consequential and other amendments

20 References to "Adult Parole Board" in Parts 2, 4 and 5 of the Principal Act

In the Principal Act, for "Adult Parole Board"
substitute "Authority" in the following sections—

- (a) section 16(2)(ac), (b), (c), (e),(f), (g) and (h);
- (b) section 26(2);
- (c) section 27;
- (d) section 62;
- (e) section 68(1)(a);
- (f) section 72(1)(c);
- (g) section 78(1).

21 Suggested conditions

- (1) In section 17(1)(n) of the Principal Act, for
"Adult Parole Board" **substitute** "Authority".
- (2) In section 17(1A)(a) and (b) of the Principal Act,
for "the Board" **substitute** "the Authority".
- (3) In the note at the foot of section 17(1A) of the
Principal Act, for "Adult Parole Board" **substitute**
"Authority".

22 Other discretionary conditions

In examples 1, 3 and 5 at the foot of section 19
of the Principal Act, for "Adult Parole Board"
substitute "Authority".

23 Section 20 amended

- (1) In the heading to section 20 of the Principal Act, for "**Adult Parole Board**" substitute "**Authority**".
- (2) In section 20 of the Principal Act, for "Adult Parole Board" (wherever occurring) substitute "Authority".
- (3) In section 20 of the Principal Act, for "the Board" (wherever occurring) substitute "the Authority".
- (4) In examples 1 and 2 at the foot of section 20(1) of the Principal Act, for "Adult Parole Board" substitute "Authority".

24 Section 114 amended

- (1) In the heading to section 114 of the Principal Act, for "**Adult Parole Board**" substitute "**Authority**".
- (2) In section 114 of the Principal Act, for "Adult Parole Board" substitute "Authority".

25 Heading to Division 2 of Part 10 amended

For the heading to Division 2 of Part 10 of the Principal Act substitute—

"Division 2—Authority may give directions or instructions to offender".

26 Section 118 repealed

Section 118 of the Principal Act is **repealed**.

27 References to "Adult Parole Board" in Part 10

- (1) In the Principal Act, for "**Adult Parole Board**" substitute "**Authority**" in the heading to each of the following sections—
 - (a) section 119;
 - (b) section 125;

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(c) section 127;

(d) section 128;

(e) section 130.

(2) In the Principal Act, for "Adult Parole Board"
substitute "Authority" in the following sections—

(a) section 119 (where twice occurring);

(b) section 120 (wherever occurring);

(c) section 121;

(d) section 122;

(e) section 123(1) and (3);

(f) section 125;

(g) section 126(1), (2), (4), (6) and (7)
(wherever occurring);

(h) section 127(1), (2) and (3) (wherever
occurring);

(i) section 128 (where twice occurring);

(j) section 129(1) and (2) (wherever occurring);

(k) section 130(1), (2), (3) and (4)
(wherever occurring);

(l) section 131(1) and (2);

(m) section 132(1) and (2);

(n) section 134(2);

(o) section 136(2)(b);

(p) section 137(1)(d);

(q) section 138(b);

(r) section 139(1)(b);

(s) section 149(2);

(t) section 151(b);

(u) section 158EA;

(v) section 158EC.

28 Section 124 amended

(1) In the heading to section 124 of the Principal Act, for "**Adult Parole Board**" **substitute** "**Authority**".

(2) In section 124(1) of the Principal Act—

(a) for "Adult Parole Board" **substitute** "Authority";

(b) for "the Board" (where twice occurring) **substitute** "the Authority".

(3) In section 124(2), (4) and (5) of the Principal Act, for "Adult Parole Board" (wherever occurring) **substitute** "Authority".

(4) After section 124(4) of the Principal Act **insert**—

"(4A) For the purposes of subsection (4), the Authority must be satisfied that both the place where the meeting of the Authority is to be held and the place where the offender is are equipped with facilities that—

(a) if the offender is present by audio visual link—

(i) enable all the members of the Authority attending the meeting to see and hear the offender; and

(ii) enable the offender to see and hear all the members of the Authority attending the meeting; or

(b) if the offender is present by audio link, that—

(i) enable all the members of the Authority attending the meeting to hear the offender; and

- (ii) enable the offender to hear all the members of the Authority attending the meeting."

29 Section 158E amended

- (1) In the heading to section 158E of the Principal Act, for "**DSO division of Adult Parole Board**" substitute "**Authority**".
- (2) In section 158E(2) of the Principal Act, for "DSO division of the Adult Parole Board" substitute "**Authority**".

30 Section 161 amended

- (1) In the heading to section 161 of the Principal Act, for "**Adult Parole Board**" substitute "**Authority**".
- (2) In section 161 of the Principal Act—
- (a) in subsections (1), (2), (3), (4), (5) and (6), for "Adult Parole Board" substitute "**Authority**";
- (b) in subsections (1), (3) and (6), for "the Board" (wherever occurring) substitute "**the Authority**".

31 Seriousness of breach

In section 162(1) of the Principal Act, for "Adult Parole Board" substitute "**Authority**".

32 Section 163 amended

- (1) In the heading to section 163 of the Principal Act, for "**Adult Parole Board**" substitute "**Authority**".
- (2) In section 163 of the Principal Act—
- (a) for "Adult Parole Board" substitute "**Authority**";
- (b) for "the Board" substitute "**the Authority**".

33 Notice to Secretary

In section 169(2) of the Principal Act, for "Adult Parole Board" **substitute** "Authority".

34 Section 171C amended

(1) In the heading to section 171C of the Principal Act, for "**DSO division of Adult Parole Board**" **substitute** "Authority".

(2) In section 171C(2) of the Principal Act, for "DSO division of the Adult Parole Board" **substitute** "Authority".

35 Proceedings for offence

Section 172(8) of the Principal Act is **repealed**.

36 Applications for change of name by or on behalf of an offender

In section 175(2) and (3) of the Principal Act, for "Adult Parole Board" **substitute** "Authority".

37 Section 176 amended

(1) In the heading to section 176 of the Principal Act, for "**Adult Parole Board**" **substitute** "**Authority**".

(2) In section 176(1) and (2) of the Principal Act, for "Adult Parole Board" (wherever occurring) **substitute** "Authority".

38 Approval to be notified in writing

In section 177 of the Principal Act, for "Adult Parole Board" (wherever occurring) **substitute** "Authority".

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39 Registration of change of name

In section 178 of the Principal Act—

- (a) in subsection (1)(b), for "Adult Parole Board" **substitute** "Authority";
- (b) in subsection (2), for "secretary of the Adult Parole Board" **substitute** "chairperson of the Authority".

40 Registrar may correct Register

In section 179(b) of the Principal Act, for "Adult Parole Board" **substitute** "Authority".

41 Notice to Secretary

In section 181 of the Principal Act, for "Adult Parole Board" **substitute** "Authority".

42 Period of detention order—statute law revision

In section 40 of the Principal Act, for "(4)" (where first occurring) **substitute** "(3A)".

Division 2—Transitional provisions

43 New section 199B inserted

After section 199A of the Principal Act **insert**—

"199B Transitional provisions—Serious Sex Offenders (Detention and Supervision) Amendment (Governance) Act 2017

Schedule 4 has effect."

44 New Schedule 4 inserted

After Schedule 3 to the Principal Act insert—

"Schedule 4—Transitional provisions for Serious Sex Offenders (Detention and Supervision) Amendment (Governance) Act 2017

1 Definitions

In this Schedule—

commencement day means the day on which section 64A of the **Corrections Act 1986** is repealed;

DSO division means the Detention and Supervision Order division of the Adult Parole Board established under section 64A of the **Corrections Act 1986** as in force immediately before its repeal.

2 General transitional provisions

- (1) Unless the contrary intention appears, this Schedule does not affect or take away from the **Interpretation of Legislation Act 1984**.
- (2) If a repealed or amended provision of this Act continues to apply by force of this Schedule, the following provisions also continue to apply in relation to the provision—
 - (a) any other repealed or amended provisions necessary to give effect to that continued provision; and
 - (b) any regulations made for the purposes of that continued provision.

3 Decisions of DSO division and Adult Parole Board under this Act

- (1) On and from the commencement day, a decision made at a meeting of the DSO division before the commencement day is taken to be a decision made at a meeting of the Authority.
- (2) Without limiting subclause (1), on and from the commencement day, a decision made at a meeting of the Adult Parole Board exercising its functions under this Act before the commencement day is taken to be a decision made at a meeting of the Authority.

4 Functions and powers of DSO division

On and from the commencement day, an exercise of the Adult Parole Board's functions and powers by the DSO division under this Act or the **Corrections Act 1986** or by the Board under this Act before the commencement day is taken to be an exercise of the functions and powers of the Authority.

5 Directions given by DSO division

On and from the commencement day, a direction given by the DSO division or the Adult Parole Board under section 119 or 120 before the commencement day is taken to be a direction given by the Authority under the relevant section.

6 Instructions given by DSO division

On and from the commencement day, an instruction given by the DSO division or the Adult Parole Board under section 121 before the commencement day is taken to be an instruction given by the Authority under that section.

7 References to DSO division

- (1) A reference in any Act (other than this Act), subordinate instrument, agreement, instrument, deed or other document to the DSO division (by whatever name described), the DSO Division of the Adult Parole Board or the Adult Parole Board exercising its functions under this Act is to be construed as a reference to the Authority—
 - (a) so far as the reference relates to any period on and from the commencement day; and
 - (b) if not inconsistent with the subject matter.
- (2) A reference in an order made by a court under this Act to the DSO division (by whatever name described), the DSO Division of the Adult Parole Board or the Adult Parole Board exercising its functions under this Act is to be construed as a reference to the Authority—
 - (a) so far as the reference relates to any period on and from the commencement day; and
 - (b) if not inconsistent with the subject matter.

8 Transitional provisions relating to the Adult Parole Board functions under this Act

On and from the commencement day—

- (a) all rights, assets, debts, liabilities and obligations of the Adult Parole Board existing immediately before the commencement day in relation to the functions of the DSO division under

this Act or the Adult Parole Board under this Act become the rights, assets, liabilities and obligations of the Authority; and

- (b) the Authority is substituted for the Adult Parole Board as a party in any proceeding, contract, agreement, arrangement, lease, licence or permit commenced or made by, against or in relation to the Board in relation to the functions of the DSO division under this Act or the Adult Parole Board under this Act; and
- (c) the Authority may continue and complete any other continuing matter or thing commenced by, against or in relation to the Adult Parole Board in relation to the functions of the DSO division under this Act or the Adult Parole Board under this Act.

9 Transfer of records, information and documents

All information, documents, reports and records in the possession or control of the Adult Parole Board immediately before the commencement day, whether held under this Act, any other Act or otherwise, in relation to the functions of the DSO division or the Adult Parole Board under this Act—

- (a) are transferred to the custody of the Authority on the commencement day; and
- (b) are taken to be information, documents, reports and records in the possession or control of the Authority on and from the commencement day.

Serious Sex Offenders (Detention and Supervision) Amendment
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Part 4—Transitional provisions and consequential and other amendments to
the Principal Act

10 Actions not determined

If the Adult Parole Board has received a request or is required to take an action under any provision of this Act, but, on the commencement day, has not determined or finalised the request or action, on and from the commencement day, the Authority may determine or finalise the request or action."

Part 5—Consequential amendments to other Acts

45 Corrections Act 1986

- (1) In section 3(1) of the **Corrections Act 1986** insert the following definition—

Post Sentence Authority means the Post Sentence Authority established by section 192C of the **Serious Sex Offenders (Detention and Supervision) Act 2009**;
- (2) In section 30A(2AA)(ba) of the **Corrections Act 1986**, for "Adult Parole Board" substitute "Post Sentence Authority".
- (3) In section 64(2) and (3)(i) of the **Corrections Act 1986**, for "sections 64A and 74AAB" substitute "section 74AAB".
- (4) Section 64A of the **Corrections Act 1986** is **repealed**.
- (5) In section 66(1) of the **Corrections Act 1986**, for "sections 64A and 74AAB" substitute "section 74AAB".
- (6) In section 66(5) of the **Corrections Act 1986** omit ", 64A".
- (7) Section 69(1)(ac) of the **Corrections Act 1986** is **repealed**.
- (8) Section 70(2) of the **Corrections Act 1986** is **repealed**.
- (9) In section 72 of the **Corrections Act 1986**—
 - (a) subsection (1)(bf) is **repealed**;
 - (b) in subsection (4A) for "report—" substitute "report is serving a sentence of imprisonment.";

Serious Sex Offenders (Detention and Supervision) Amendment
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Part 5—Consequential amendments to other Acts

- (c) in subsection (4A), paragraphs (a) and (b) are **repealed**;
 - (d) in subsection (5) **omit "the Serious Sex Offenders (Detention and Supervision) Act 2009 or"**.
- (10) Section 73(3) of the **Corrections Act 1986** is **repealed**.
- (11) In sections 104F, 104J(1)(b), 104K(3), 104L and 104M(1)(b) of the **Corrections Act 1986**, for "Adult Parole Board" **substitute** "Post Sentence Authority".
- (12) In section 104ZX of the **Corrections Act 1986**—
- (a) after paragraph (ba) of the definition of *relevant person* **insert**—
 - "(bb) a member of the Post Sentence Authority or an employee assisting the Authority under section 192N of the **Serious Sex Offenders (Detention and Supervision) Act 2009** to perform the Authority's functions;
 - (bc) any person who delivers services or advice to or on behalf of the Post Sentence Authority;
 - (bd) a person or body prescribed as a responsible agency under paragraph (d) of the definition of *responsible agency* in section 3 of the **Serious Sex Offenders (Detention and Supervision) Act 2009**";
 - (b) after paragraph (d) of the definition of *personal or confidential information* **insert**—
 - "(da) information given to the Post Sentence Authority that is not disclosed in a decision of the Authority or in any

reasons given by the Authority for a decision of the Authority;".

46 Criminal Organisations Control Act 2012

- (1) In section 3(1) of the **Criminal Organisations Control Act 2012** insert the following definition—

Post Sentence Authority means the Post Sentence Authority established by section 192C of the **Serious Sex Offenders (Detention and Supervision) Act 2009**;".

- (2) After section 124A(4)(e)(ii) of the **Criminal Organisations Control Act 2012** insert—

"(ia) the Post Sentence Authority; or".

47 Criminal Procedure Act 2009

In section 3 of the **Criminal Procedure Act 2009**, in the definition of *original jurisdiction*—

(a) in paragraph (e), after "1991;" insert "and";

(b) after paragraph (e) insert—

"(f) a proceeding for a related offence that is a summary offence heard under section 172AC of the **Serious Sex Offenders (Detention and Supervision) Act 2009**;".

48 Disability Act 2006

- (1) In section 3(1) of the **Disability Act 2006** insert the following definition—

Post Sentence Authority means the Post Sentence Authority established by section 192C of the **Serious Sex Offenders (Detention and Supervision) Act 2009**;".

(2) In section 152(4) of the **Disability Act 2006**—

(a) in paragraph (a) **omit** "or (2)(e)";

(b) after paragraph (a) **insert**—

"(ab) in the case of an order specified in subsection (2)(e), the Post Sentence Authority; and".

49 Health Records Act 2001

In section 3(1) of the **Health Records Act 2001**, after paragraph (k) of the definition of *law enforcement agency* **insert**—

"(ka) the Post Sentence Authority established by section 192C of the **Serious Sex Offenders (Detention and Supervision) Act 2009**; or".

50 Privacy and Data Protection Act 2014

In section 3 of the **Privacy and Data Protection Act 2014**, in the definition of *law enforcement agency*, after paragraph (l) **insert**—

"(la) the Post Sentence Authority established by section 192C of the **Serious Sex Offenders (Detention and Supervision) Act 2009**; or".

51 Public Prosecutions Act 1994

After section 22(1)(ab)(ii) of the **Public Prosecutions Act 1994** **insert**—

"(iii) a summary offence which has been transferred to the Supreme Court or the County Court under section 172AB of the **Serious Sex Offenders (Detention and Supervision) Act 2009**;

- (iv) a summary offence which is to be heard and determined by the Supreme Court or the County Court under section 172AC of the **Serious Sex Offenders (Detention and Supervision) Act 2009**;"

52 Sentencing Act 1991

- (1) In section 3(1) of the **Sentencing Act 1991** insert the following definition—

Post Sentence Authority means the Post Sentence Authority established by section 192C of the **Serious Sex Offenders (Detention and Supervision) Act 2009**;"

- (2) In section 5(2BA)(a), (2BB)(b), (2BD)(a) and (2BE)(b) of the **Sentencing Act 1991**, for "Adult Parole Board" substitute "Post Sentence Authority".
- (3) In section 160 of the **Sentencing Act 1991** (where secondly occurring), for "160" substitute "160A".

53 Victims' Charter Act 2006

- (1) In section 3(1) of the **Victims' Charter Act 2006** insert the following definition—

Post Sentence Authority means the Post Sentence Authority established by section 192C of the **Serious Sex Offenders (Detention and Supervision) Act 2009**;"

- (2) In section 17(4) of the **Victims' Charter Act 2006**, for "Adult Parole Board" substitute "Post Sentence Authority".

Part 6—Repeal of amending Act

54 Repeal of amending Act

This Act is **repealed** on 1 September 2019.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

[†] *Minister's second reading speech—*

Legislative Assembly: 23 August 2017

Legislative Council: 21 September 2017

The long title for the Bill for this Act was "A Bill for an Act to amend the **Serious Sex Offenders (Detention and Supervision) Act 2009** and the **Corrections Act 1986**, to consequentially amend other Acts and for other purposes."