



Department of Justice and Community Safety

Secretary

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Our ref: EBC ID 23112108
Your ref: COR 2021 000345

State Coroner Judge John Cain
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

Dear Judge Cain

I refer to your findings and recommendations made on 14 September 2023 regarding the death of Mr Joshua Tovey, who tragically died on or about 18 January 2021, as a result of stab wounds inflicted by his brother, Mr Jesse Tovey (Mr Tovey). Mr Tovey was subject to a Community Correction Order (**CCO**) from 9 September 2020, supervised by Community Correctional Services (**CCS**) at the time of this incident.

Recommendation 1

Corrections Victoria

To improve processes related to the administration of justice, I recommend that Corrections Victoria review case management policies relating specifically to managing non-compliance for CCO offenders and the procedures for contravention action.

The policies should provide greater clarity to assist a case manager in determining when a risk to the community has become too high. Such guidance could provide additional assistance to CCS practitioners in better using their discretion to commence contravention action when appropriate. This guidance should also be based on MARAM risk assessments in situations where the offender has contact with an intimate partner or family members in the community.

While this recommendation has been directed to Corrections Victoria, in July 2021, the central oversight functions of CCS were transferred from Corrections Victoria to Justice Services, another business unit within the Department of Justice and Community Safety (**department**), in order to strengthen the alignment and connection of these functions with the delivery of frontline CCS, which are the responsibility of Justice Services.

This recommendation is accepted. Justice Services provides front line staff with practice guidance regarding responding to risk escalation, managing non-compliance and initiating contravention proceedings. Justice Services will review practice guidance issued to CCS to identify opportunity for greater clarity when considering contravention action in response to significant risk escalation, in conjunction with strengthened instruction for senior officer oversight expectations.

This will inform Justice Services' continued work to implement the recommendations stemming from the Royal Commission into Family Violence and the MARAM framework. With respect to the management of CCO non-compliance, this relates to the MARAM framework extending to:

- The use of family violence risk assessment tools;
- Sharing and receiving relevant risk information with external agencies or law enforcement; and
- Including relevant information in contravention of CCO hearings before the court, to ensure perpetrators subject to CCOs remain in view and are held accountable.

Recommendation 2

Attorney-General and Secretary, Department of Justice and Community Safety

To improve processes related to the administration of justice, I recommend that the Attorney-General and the Secretary of the Department of Justice and Community Safety review funding for the Magistrates' Court of Victoria so the Magistrates' Court is funded to expand fast-track contravention hearings for breaches of a CCO state-wide. Fast-track approaches should be a standard practice across Magistrates' Courts in Victoria. The ability of a specialised court list to efficiently deal with CCO contravention proceedings involving family violence offending could reduce the time between a contravention of a CCO and proceedings being listed in court thereby reducing the risk of harm or serious injury.

This recommendation is accepted in-principle. Having effective practice guidance to support front line decision making about contravention action is critical and this extends to efficiently dealing with CCO contraventions. The court referred to the previous pilot of fast-tracked CCO contraventions in its findings. The department's experience in this pilot highlighted that any expansion of this process would require additional investment and resourcing to ensure it could be effectively delivered by CCS and supported by the courts. Any expansion of this nature will necessarily be subject to Government budget decision making processes and its consideration in the context of other Government priorities.

Nonetheless, the department will lead an examination of whether there are opportunities to deliver prioritisation of high risk CCO contraventions, in consultation with Court Services Victoria.

Should you require any further information, please do not hesitate to contact Jenny Roberts, Executive Director, Community Operations and Parole, Department of Justice and Community Safety, [REDACTED]

Yours sincerely



Kate Houghton PSM
Secretary

13/12/2023