IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2013 1465

FINDING INTO DEATH WITHOUT INQUEST

Form 38 Rule 60(2)
Section 67 of the ***Coroners Act 2008***

I, JUDGE IAN L. GRAY, having investigated the death of SHARON DENISE SIERMANS

without holding an inquest:

find that the identity of the deceased was Sharon Denise Siermans

born on 22 August 1983

and the death occurred on 6 April 2013

at 211 Doveton Street, Ballarat, Victoria

from:

1 (a) BLUNT HEAD INJURIES

Pursuant to section 67(1) of the **Coroners Act 2008**, I make findings with respect to **the following circumstances**:

1. Sharon Denise Siermans was 29 years old when she died on 6 April 2013, from blunt head injuries when she was attacked by Jason John Dinsley in her home.

Background

2. Ms Siermans grew up in the Ballarat and Western Districts region and worked as a cleaner for a commercial cleaning firm before completing a nail technician course and setting up a small studio at her house.

3. Ms Siermans was a devoted and loving mother to her young son, who was four years old at the time of her death. She enjoyed a close and loving relationship with her parents and three older brothers. Ms Siermans also enjoyed a close friendship with her son's paternal grandmother, Anne Bruce. Ms Siermans had almost daily contact with her parents and Ms Bruce.

Events proximate to death

4. Ms Siermans had met Jason Dinsley through an online dating website. Ms Siermans and Mr Dinsley exchanged text messages over the period 11-19 January 2013. They met in person on 19 January 2013 and went back to her home in Ballarat. They did not have any further contact after 19 January 2013, until the early hours of 6 April 2013.

5. On Friday, 5 April 2013, Ms Siermans had lunch and spent the afternoon with Ms Bruce. They made arrangements to meet the next morning. After having dinner with her parents, Ms Siermans took her son home at around 7.45pm.

6. At around 2.00am on 6 April 2013, Dinsley awoke and decided to walk from his home at Sebastapol toward the Ballarat city centre. As he walked along Doveton Street, Dinsley recognised Ms Siermans' home from his January visit and became enraged at what he considered to be Ms Siermans' rejection of him. Dinsley returned the nearly three kilometres to his home to retrieve a weapon to hurt her with, selecting a cricket bat.

7. On returning to Ms Siermans' home sometime before 5.00am, Dinsley forced entry by removing glass louver panels and climbing in through the window. Ms Siermans, who had been woken by the noise, confronted Dinsley and they argued. Dinsley hit Ms Siermans over the head with the cricket bat, causing her to fall to the ground. Dinsley continued hitting Ms Siermans with the bat as she screamed and attempted to deflect the blows.

8. At some point during the attack, Ms Siermans' son awoke and witnessed some part of the attack, including Dinsley forcing Ms Siermans toward her bedroom.

9. Once in her bedroom, Dinsley attempted to rape Ms Siermans but was unable to get an erection. Dinsley was enraged at being unable to get an erection and further assaulted Ms Siermans, without the cricket bat. He then picked up the bat and again struck her head, repeatedly, with the bat. Dinsley then left Ms Siermans' house, taking her iPhone with him. Dinsley disposed of the louver window panes, cricket bat and his shoes.

10. Ms Siermans died from the multiple blunt head injuries and was discovered later that morning by Ms Bruce and her partner. Ms Siermans' son was also discovered in the home and told Ms Bruce, *"There was a big man come last night and he bashed mummy with a baseball bat. Mummy won't wake up and give me any breakfast".*[1]

[1] Coronial Inquest Brief – Summary of Circumstances

11. Victoria Police fully investigated the circumstances surrounding Ms Siermans' death. On 8 April 2013, Mr Dinsley was arrested and interviewed in relation to Ms Siermans' murder. He made full admissions in relation to Ms Siermans' murder and was subsequently charged with same. Mr Dinsley pleaded guilty to Ms Siermans' murder, aggravated burglary and attempted rape. On 20 December 2013, Mr Dinsley was sentenced to life imprisonment for Ms Siermans' murder, with a non-parole period of 32 years.

12. I note the following sentencing remarks of Justice Hollingworth:

"Murder is most serious offence known to our legal system and our community. And this is an extremely serious example of that offence.
Using a weapon which you had brought with you for the purpose of frightening or harming Ms Siermans, you engaged in a sustained, ferocious and cowardly attack on an unarmed, defenceless woman, in her own home, and in the middle of the night.
You may not have seen Aron on the night, but you were well aware that Ms Siermans had a young child, who lived with her; you were recklessly indifferent to whether or not he witnessed what you did to his mother, or found her body afterwards...
The aggravated burglary is also a serious one. In the early hours of the morning, you broke into the house of a woman, who you knew was living alone with a young child. You were armed with a weapon, which you intended to use to frighten Ms Siermans.
Furthermore, the fact that you committed these offences whilst on parole is an aggravating factor.
Before I consider your personal circumstances, I want to say something about the impact your actions have had on others.
Sharon Siermans was the youngest of the four children of Denise and John Siermans, and grew up in the Ballarat and Western Districts region.
After struggling academically at school, and being in the workforce for a few years, she seems to have found her true calling, when Aron was born, in May 2008. She was, by all accounts, a wonderful and devoted mother.
She was also a much-loved daughter, sister, aunty, granddaughter and friend, and her death has devastated so many people's lives. The manner of her death, and the fact that they had no chance to say goodbye to her, have been particularly distressing for those who loved her.
In murdering Ms Siermans, you not only deprived her of her most precious right, her right to life, but you also ended her family's dreams of sharing their lives and going through life's many milestones together."[2]

13. In relation to his conviction on 4 July 2006 on two counts of rape, aggravated burglary, false imprisonment, robbery, intentionally cause injury and obtain financial advantage by deception (offences which occurred on 18 July 2005 when he was 22), Justice Hollingworth said the following:

"Your offending on that occasion was described as "violent, humiliating and degrading."[3] *For all of these offences, you were sentenced to a total effective sentence of 9 years' imprisonment, with a non-parole period* of 6 ½ years"[4]

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[2] R v Dinsley [2013] VSC 631 – 33-47
[3] R v Dinsley [2007] VSCA 31 - 17
[4] R v Dinsley [2013] VSC 631 - 68

14. The sentencing Judge went on to refer to the parole history as follows:

"You were released on parole on 14 August 2012, after serving just over 7 years of that sentence. Initially, you were compliant with your parole conditions, but you eventually relapsed into drug usage. You also started drinking heavily. On 25 March 2013, some 7 months after you had been released, the Parole Board was advised that you had tested positive to cannabis. Accordingly, you were ordered to appear before the Parole Board a fortnight later, after the Easter break, on the morning of Monday, 8 April 2013. When you failed to appear before the Board that morning, your parole was cancelled. You were arrested for these offences that same evening...
The fact that you committed these offences whilst on parole is an aggravating factor in sentencing you. Furthermore, unless there are exceptional circumstances, s 16(3B) of the Sentencing Act 1991 requires that the sentence I impose must be served cumulatively upon the reclaimed parole sentence which you are currently serving. It is not suggested that there are any exceptional circumstances in your case."[5]

15. Finally I note Justice Hollingworth reference to the murders of Ms Meagher and Ms Cafferkey in the following terms:

"Mention was made during the course of the plea to the recent, terrible, violent deaths of two other young women, Jill Meagher and Sara Cafferkey. In general terms, your offending is every bit as terrible as that of the men who killed those two women, although there were some additional aggravating features in those two cases. But your history of violent and sexual offending is not nearly as bad as Adrian Bayley and Steven Hunter, and needs to be reflected to some extent in the non-parole period which I propose to set."[6]

Medical investigation

16. On 7 April 2013, Dr Melissa Baker, Forensic Pathologist at the Victorian Institute of Forensic Medicine, conducted a post mortem examination of Ms Siermans. Dr Baker formulated the cause of death as *'blunt head injuries'*.[7] Ms Siermans was noted to have an incised injury to the neck and multiple bruises over her left shoulder and right and left limbs, some of the bruises were consistent with defence injuries. Dr Baker noted that the force required to cause the head injuries was extreme and that the head injuries would have been rapidly fatal. I accept Dr Baker's opinion as to the medical cause of death.

17. Toxicological analysis revealed the presence of an antidepressant medication and metabolites of marijuana.

Finding

18. I find that:

a. the identity of the deceased is Sharon Denise Siermans, born on 22 August 1983; and

[5] R v Dinsley [2013] VSC 631 - 71
[6] R v Dinsley [2013] VSC 631 - 82
[7] Autopsy report of Dr Baker, dated 21 October 2013.

b. Ms Siermans died on 6 April 2013 from blunt head injuries, in the circumstances described above. Her death was caused by Jason John Dinsley.

COMMENTS

Pursuant to section 67(3) of the **Coroners Act 2008**, I make the following comment(s) connected with the death:

19. Pursuant to section 52(2)(a) of the *Coroners Act 2008* ('the Act'), a coroner must hold an inquest where the coroner suspects that the death was the result of homicide. However, pursuant to section 52(3)(b) of the Act, a coroner is not required to hold an inquest where a person has been charged with an indictable offence in respect of the death. Section 71 of the Act provides that findings are not required if the coroner has decided not to hold an inquest because a person has been charged with an indictable offence in respect of the death and, based on that decision, the coroner considers that the making of the findings would be inappropriate in the circumstances. I consider that the making of findings is appropriate in these circumstances.

Purpose of a coronial investigation

20. The purpose of a coronial investigation into a reportable death is to ascertain, if possible, the identity of the deceased person, the cause of death and the circumstances in which the death occurred. In the context of a coronial investigation, it is the medical cause of death which is important (including the mode or mechanism of death) and the context or background and surrounding circumstances of the death sufficiently proximate and causally relevant to the death, but not all circumstances which might form part of a narrative culminating in the death.

21. The broader purpose of a coronial investigation is to contribute to the reduction of the number of preventable deaths through the findings of the investigation and the making of recommendations by coroners, generally referred to as the prevention role. Coroners are also empowered to comment on any matter connected with the death they have investigated, including matters of public health or safety and the administration of justice; and to make recommendations to any Minister or public statutory authority on any matter connected with the death, including public health or safety or the administration of justice. These are effectively the vehicles by which the prevention role may be advanced.

22. It is not the Coroner's role to determine criminal or civil liability arising from the death under investigation.

23. Detective Leading Senior Constable Kyle Simpson from the Homicide Squad was the coroner's investigator and he prepared the coronial brief. This finding draws on the totality of the material, being the coronial brief, reports and other information provided to me throughout this investigation. In writing this finding, I do not purport to summarise all of the evidence, but refer to it only in such detail as appears warranted by its forensic significance and the interests of narrative clarity.

Request for an inquest to be held

24. On 30 November 2014, Ms Siermans' mother, Denise Siermans, requested an inquest into Ms Siermans' death, citing concerns regarding the parole reforms relating to serious offenders who reoffend while on parole.

25. At the time of murdering Ms Siermans, Dinsley was on parole. Justice Hollingworth's sentencing remarks in the matter of *R v Dinsley*[8] set out Dinsley's long history of offending. Dinsley had more than 140 convictions in Victoria and elsewhere, primarily for property and drug offences. He had been incarcerated for much of his adult life. On 4 July 2006, Dinsley was convicted of two counts of rape, aggravated burglary, false imprisonment, intentionally causing injury, robbery and obtaining financial advantage by deception. The convictions related to offences that occurred on 18 July 2005, whereby Dinsley forced a woman into a room at a residential hotel in St Kilda, then restrained, attacked and raped her. After raping the woman, Dinsley started to strangle her and demanded money. Dinsley was sentenced to nine years' imprisonment with a non-parole period of six and a half years. Dinsley was released on parole on 14 August 2012, having served just over seven years of the sentence. Initially compliant with the parole conditions, on 25 March 2013, the Adult Parole Board (APB) was advised that Dinsley had tested positive to cannabis and ordered him to appear before the (APB) on Monday, 8 April 2013. When Dinsley failed to appear before the APB that morning, his parole was cancelled. This was the same day Dinsley was arrested for Ms Siermans' murder.

26. On 13 January 2015, I made a decision to hold an inquest into Ms Siermans' death, limiting the scope to the reform of the Victorian Adult Parole System and seeking to hear evidence:

    a. on the replacement of the Victorian Intervention Screening Assessment Tool (VISAT);

    b. of Victoria Police's perspective, following the reforms; and

[8] R v Dinsley [2013] VSC 631.

c. regarding other opportunities for prevention, following the reforms.

27. I determined to hold the inquest into the death of Ms Siermans concurrently with the inquest into the death of Gillian Meagher,[9] as both deaths relate to the reform of the Victorian Adult Parole System. Then at the request of Ms Meagher's family, I determined not to hold an inquest into the death of Gillian Meagher. In doing so I took into account:

a. that I had explored the Victorian Adult Parole System issues in the 2013 inquest into the death of Margaret Burton[10] and, more recently, the inquest into the death of Sarah Cafferkey;[11] and

b. section 52(3)(b) of the *Coroners Act 2008.*

Further request in relation to the holding of an inquest

28. On 14 January 2015, the Court provided the following materials to Mrs Siermans:

a. the coronial brief;

b. a summary of the Parole Reform Act and Bills;

c. information from Corrections Victoria regarding reforms to the Victorian Adult Parole System; and

d. the 2013-2014 Victorian Adult Parole Board's Annual Report.

29. Having considered the materials, Mrs Siermans made a further request that an inquest not be held into Ms Siermans' death. Mrs Siermans advised the Court that she and Mr Siermans are satisfied that the Victorian Adult Parole System reforms sufficiently addressed their concerns regarding the circumstances surrounding Ms Siermans' death. On 20 January 2015, I determined not to hold an inquest in respect of Ms Siermans' death, pursuant to section 52(3)(b) of the *Coroners Act 2008.*

30. Although I determined not to hold an inquest into Ms Siermans' death, there are issues relevant to her death that warranted some further consideration in the coronial jurisdiction because they relate to matters of public health and safety[12] and prevention opportunities.[13] Dinsley's violent sexual offending history and the fact that he was on parole at the time he

[9] COR 2012 4072.
[10] COR 2009 3158.
[11] COR 2012 4886.
[12] Section 67(3) of the *Coroners Act 2008.*
[13] Section 1 of the *Coroners Act 2008.*

murdered Ms Siermans are relevant to matters of public health and safety and prevention opportunities.

31. The deaths of Ms Siermans, Ms Meagher and Ms Cafferkey all occurred between 27 September 2012 and 6 April 2013; a period of less than six and a half months. Each woman was killed by a man with a violent offending history. Two of the men were on parole at the time they killed these women[14] and one had recently completed his parole period.[15] As shown by these murders, each of these men continued to pose a risk to society, particularly to women. The reforms to Victoria's Adult Parole System, including the risk assessment and screening tools, therefore warrant consideration in this case.

STATEMENT OF ANDREW REAPER

32. As in the Gillian Meagher case, I received a helpful statement from Andrew Arthur Reaper, Deputy Commissioner, Offender Management, Corrections Victoria. He outlined in detail the correctional prison and parole history of Jason Dinsley. He noted at the outset that on 20 December 2013 Dinsley was sentenced to a total effective sentence of life imprisonment with a non-parole period of 32 years for his murder of Ms Siermans on 6 April 2013, plus 6 years concurrent imprisonment for attended rape and 5 years concurrent imprisonment for aggravated burglary.

33. Mr Reaper set out Dinsley's very lengthy criminal history. He described him as having "*multiple convictions for property theft, burglary, robbery and drug offences...*"[16] In relation to the most recent parole period, commencing 4 July 2006, Dinsley was sentenced to 9 years with a non-parole period of 6 years and 6 months for two counts of rape, aggravated burglary, false imprisonment, robbery, intentionally cause injury and obtain financial advantage by deception.[17]

34. Mr Reaper then set out in detail Dinsley's corrections and parole history. He was first released on adult parole on 26 May 2003. In 2005 he was sentenced to three months, aggregate, on theft burglary and drug charges and he was released on 12 May 2005. Dinsley was received back in to Corrections Victoria custody on 25 July 2005 charged with rape, aggravated

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[14] At the time he killed Ms Meagher, Adrian Ernest Bayley was on parole in relation to sexual offence convictions and on bail pending appeal in relation to recklessly causing serious injury. At the time he killed Ms Siermans, Jason John Dinsely was on parole for violent sexual offences; his parole was cancelled on the same day he was arrested for Ms Siermans' murder, in relation to parole violations unrelated to Ms Siermans' murder.

[15] Steven James Hunter had completed his parole on 30 October 2012, he killed Ms Cafferkey 11 days later, on 10 November 2012.

[16] Statement of Andrew Reaper, 23 February 2016, p 2

[17] Statement of Andrew Reaper, 23 February 2016, p 2

burglary, false imprisonment, robbery, intentionally cause injury and obtain financial advantage by deception. He was convicted of these offences on 4 July 2006 and sentenced to 9 years with a non-parole period of 6 years and 6 months. This was the imprisonment prior to the most recent parole.

35. While in custody during this term of imprisonment Dinsley was involved in a number of incidents involving drugs. During this period he participated in a Modular Management and Intervention Program (MMIP) – a group intervention designed to target sexual offending behaviour. A report on the program said:

"His participation in this program was described as satisfactory. A report from Sex Offenders Programs stated that after Dinsley's participation in the MMIOP he developed an increased level of insight into his offending and some 'limited' risk management strategies. However, those strategies had not been tested in the community. Accordingly, it was suggested that Dinsley would benefit from continues psychological support whilst on parole.
Whilst in prison Dinsley also participated in treatment programs for offending related to drug and alcohol abuse."[18]
Dinsley's earliest eligibility date (EED) was set at 23 January 2012 – that was the earliest date upon which he could have been released from prison on parole. In late 2011 and early 2012, a Parole Assessment and Advice was prepared. As in the Meagher and Cafferkey cases, the Parole Assessment Report prepared in this case comprised the results of a Victorian Interventions Screening Assessment Tool (VISAT), a Tier 1 Report, a Parole Assessment Summary and Environment Scan for sex offenders (E-Scan)."

36. Dinsley was assessed using the VISAT risk assessment tool, initially on 12 October 2010 and then again on 13 September 2012. Mr Reaper points out that:

"The initial assessment indicated Dinsley had a 'moderate' risk of general reoffending, however this was later manually overridden by senior staff to record a 'high' risk of reoffending."[19]

37. I note here the similarity between this and the Cafferkey case. In each case the VISAT tool appeared to have underrated the risk level for the person in question and it was necessary that it be overridden, in effect *corrected,* manually, by Corrections staff. These incidents appear to confirm the inadequacy of that tool which was in fact later replaced.

38. As Mr Reaper points out[20] the CCS submitted a Parole Assessment Summary to the APB on 7 December 2011 together with a VISAT report. CCS recommended Dinsley not be released on parole as he didn't have suitable accommodation and it was recommended that the APB request a further parole plan. The Parole Assessment Summary noted his extensive past criminal history and drug use and that he was *"a high risk of reoffending".*[21]

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[18] Statement of Andrew Reaper, 23 February 2016, p 5
[19] Statement of Andrew Reaper, 23 February 2016, p 6
[20] Statement of Andrew Reaper, 23 February 2016, p 7
[21] Statement of Andrew Reaper, 23 February 2016, p 7

39. A copy of the Parole Assessment Summary dated 6 November 2011 was attached to Mr Reaper's statement. In his statement he noted that the Parole Assessment Report provided to the APB now contains more detail regarding a prisoner's circumstances and assessments. This is in line with the evidence given by Mr Roderick Wise in the Cafferkey inquest.

40. I summarise here those parts of Mr Reaper's statement dealing with his release on parole and supervision on his most recent parole:

- *Dinsley was released on parole on 14 August 2012.*
- *On release from custody, CCS identified Dinsley as a sex offender and supervised him under the Specialist Case Management Model (SCMM).*
- *The SCMM is a specialist stream in CCS designed to response to the complexities associated with the management of high risk sex offenders.*
- *Dinsley was allocated to a Specialist Case Manager (SCM) as his case manager.*

Mr Reaper pointed out that difference of experience between officers managing different level of parolees. "*The SCM role sits at the higher end of the CCS case management structure.*"[22]

41. He noted that during the three month intensive parole period Dinsley was required to report twice weekly, undertake eight hours per week of community work and required to complete other programs to address his particular needs.

42. Dinsley attended drug/alcohol counselling with Ballarat Community Health. On 30 October 2012, the counsellor from that service advised that Dinsley had "*made some great progress since being released.*"[23]

43. In relation to the Maintaining Change Program, the case manager was advised on 20 September 2012 that Dinsley had been placed on a waiting list for the program. He remained on that list for seven months when he was on parole and there was no indication of when he would be able to enter the program. This delay was clearly unsatisfactory. I note there was also a delay in relation to Stephen Hunter commencing on that program[24].

44. Dinsley completed intensive parole on 14 November 2012. He then reported weekly.

45. Early in 2013, problems began to arise. Dinsley tested positive for cannabinoids in drug tests in February, March and April 2013.

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[22] Statement of Andrew Reaper, 23 February 2016, p 8
[23] Statement of Andrew Reaper, 23 February 2016, p 9
[24] See finding in Sarah Cafferkey – COR 2012 4886

46. Mr Reaper's concluding paragraphs are as follows:-

"On 25 March 2013, a Special Report was submitted to the APB dealing with Dinsley's escalation of risk, ongoing drug use and lack of stable accommodation. CCS recommended that the APB should require Dinsley to attend on the APB to 'show cause', as to why he should remain in the community.
The APB considered this report on 28 March 2013 and indicated that it would interview Dinsley via videolink on 8 April 2013. Dinsley was advised of this requirement on 2 April 2013 and agreed to attend. He was further reminded of this when he attended for supervision on 4 April 2013.
On 6 April 2013, Dinsley murdered Ms Siermans.
On 8 April 2013, Dinsley did not attend as scheduled for his meeting with the APB. As a result, the APB cancelled his parole. On the same day Victoria Police also apprehended Dinsley in relation to the murder of Ms Siermans."[25]

PUBLIC HEALTH AND SAFETY AND PREVENTION OPPORTUNITIES

Victorian Parole System reviews and reforms

47. In 2011, following a spate of murders committed by parolees in Victoria in the period July 2008 – November 2010, the Office of Correctional Services Review (OCSR) undertook a number of reviews into the management of parolees and other offenders,[26] including a *'Review of parolee reoffending by way of murder'* by the OCSR and Professor James Ogloff ('Professor Ogloff's Report'). My finding into the death of Margaret Burton[27], dated 2 October 2014, considers these reviews and the issues of parolee management and pre-parole assessment of prisoners and supervision of parolees.

48. Corrections Victoria incorporated the outcomes and findings of these reviews, including Professor Ogloff's Report findings, and produced them in a report entitled *"Consolidated Responses to Reviews of Offenders Charged with Murder"* (the Consolidated Response Report). In 2013, Corrections Victoria published a redacted copy of the Consolidated Response Report and Professor Ogloff's Report on their website.[28]

49. In May 2013, former High Court Judge Ian Callinan was engaged to conduct a review of the effectiveness of the Victorian APB. The *'Review of the Parole System in Victoria'*[29] ('the Callinan Review') was released in July 2013 and covered the APB's operations, including

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[25] Statement of Andrew Reaper, 23 February 2016, p 13
[26] Professor James Ogloff and the OCSR's *'Review of parolee reoffending by way of murder'*, report dated 2 September 2011; an intensive case-management audit for existing violent offenders on parole, which focused on offenders classified as Serious Violent Offenders (a new classification introduced for persons convicted of murder, manslaughter or other serious assaultive offences); a Victoria Police review of four persons who came to the attention of police between the time they commenced parole and were arrested for murder; and the Sentencing Advisory Council's (SAC) *'Review of the Adult Parole System'*.
[27] COR 2009 3158
[28] http://www.corrections.vic.gov.au/utility/publications+manuals+and+statistics/consolidated+response+to+reviews+of+offenders+charged+with+murder
[29] Ian Callinan AC, July 2013.

construct and membership, the legislative framework and options for increased transparency in APB decision making. The Callinan Review recommended 23 measures, to improve the APB's operations.

50. Since 2012, the State of Victoria has made significant reforms to the Adult Parole System, both legislatively and through policy amendment. The following amending statutes, which reformed the Adult Parole System, have commenced since 2013:

    a. The *Corrections Amendment Act 2013* commenced on 30 April 2013. This Act, among other reforms, clarified the APB's power to cancel parole in the case of offending that occurred partially within the parole period and replaced the information sharing regime applicable to the APB, Corrections Victoria and Victoria Police.

    b. The *Justice Legislation Amendment (Cancellation of Parole and Other Matter) Act 2013* commenced on 20 May 2013. This Act provided for cancellation of parole in circumstances where a prisoner is charged with or convicted of certain offences while on parole. It also provided for automatic cancellation of parole in cases where a prisoner released on parole for a sexual offence or serious violent offence has, while on parole, been convicted of a sexual or violent offence during the parole period, among other provisions.

    c. The *Corrections Amendment (Breach of Parole) Act 2013* commenced on 1 July 2014. This Act made it an offence for a prisoner to breach a prescribed term or condition of their parole order without reasonable cause and permits their arrest and detention in such circumstances.

    d. The *Corrections Amendment (Parole Reform) Act 2013* commenced on 20 November 2013. This Act reformed the APB's composition, allowing retired Judges of superior courts of other jurisdictions to be appointed to the APB. It expanded the class of eligibility for members to be appointed chairperson and amended the deputy chairperson and maximum terms of office provisions. This Act also required registered victims to be notified before the release of a prisoner on parole and specified the safety and protection of the community is to be the paramount consideration in all parole board decisions.

    e. The *Corrections Legislation Amendment Act 2014* commenced on 1 September 2014. This Act reformed the parole system, among other amendments:

i. to empower Victoria Police and the Director of Public Prosecutions to charge for Corrections Act and regulations offences;

ii. by providing an explicit power to direct parolees to undertake drug and alcohol screens;

iii. by clarifying circumstances for disclosure of information held by the APB; and

iv. by creating a new offence of failing to comply with electronic monitoring while on parole.

f. The *Corrections Amendment (Parole) Act 2014* commenced on 2 April 2014, amending the *Corrections Act* regarding conditions for making a parole order for Julian Knight.

g. The *Justice Legislation Amendment (Discovery Disclosure and Other Matters) Act 2014* amended the *Corrections Amendment (Breach of Parole) Act 2013*, to clarify the powers of police when arresting and investigating parolees for breach of parole.

h. The *Corrections Amendment (Further Parole Reform) Act 2014* commenced on 1 July 2014. This Act made reforms including:

i. identifying a category of Serious Violent Offenders and Sexual Offenders (SVOSOs) for whom a new two-tiered process for parole grants apply under a new SVOSO Parole Division. The first tier is an ordinary Division of the APB. If parole is granted by the ordinary Division of the APB, the SVOSO Parole Division (the second tier) ultimately decides whether to grant parole;

ii. creating automatic cancellation of parole whereby a prisoner receives another prison sentence while on parole (excluding wholly suspended sentences);

iii. providing that, if parole is cancelled and the prisoner is convicted of a further offence punishable by imprisonment committed during the parole period, the APB must not make a parole order again in respect of that prisoner until at least half of their remaining parole period has been served; and

iv. additional parole-related amendments to clarify provisions dealing with the procedure and process of Board meetings.

51. In addition to the above amendments:

a. risk assessment and identification of treatment programs now occurs from the start of a prisoner's sentence;

b. all prisoners are now required to apply for parole (previously, the APB could automatically consider a prisoner for parole when their non-parole period expired);

c. intelligence functions have been, and continue to be, strengthened and risk assessment and case management processes are being enhanced; and

d. the APB has increased resources, modernisation and refinement of operations and governance arrangements.

New risk assessment tool

52. Since I handed down my finding into the death of Margaret Burton, Corrections Victoria has replaced the VISAT with the 'Level of Service – Risk Needs and Responsivity' ('LS/RNR') for assessing offenders' general risk of re-offending. This change was in line with the Callinan Review recommendations and advice received regarding the risk assessment tool's appropriateness. The LS/RNR was implemented in early 2015, with associated IT changes and Corrections Victoria staff training. In the period prior to the LS/RNR's introduction, Corrections Victoria refined the VISAT's use and operation, to ensure that all serious violent offenders were also assessed by the Violence Risk Scale to determine their risk of re-offending.

Further procedural changes

53. In addition to the abovementioned changes to the parole system, the following procedural changes have occurred:

a. A dedicated Community Correctional Services ('CCS') Parole Stream now provides a specialist response to the assessment and supervision of SVOSOs on parole and includes:

i. Principal Practitioners to oversee, train and mentor staff managing parolees;

ii. Senior Parole Officer and Parole Officer roles to case manage parolees (with Senior Parole Officers managing the highest risk parolees); and

iii. enhanced central governance with the establishment of a Central Parole Unit, providing oversight and analysis of the parole systems' operation;

b. Recruitments to new and upgraded roles within the CCS;

c. A new case management model was introduced to manage parolees using differentiated approaches according to their offence profiles and assessed re-offending risk;

d. A comprehensive Parole Suitability Assessment report now informs the APB's decision to release prisoners on parole. Where possible, this report is completed by the prisoner's Parole Stream case manager for continuity of case management from prison to community;

e. New regulations have set out a new, consolidated and clear structure for parole conditions, including mandatory terms and conditions and additional, optional terms and conditions, which strengthen supervision, movement and residence conditions for parolees.

54. All existing parole orders were reviewed and, where appropriate, reissued to reflect the new suite of mandatory terms and conditions.

OTHER RESPONSES TO THE REFORMS

55. I set out below extracts from my finding in Sarah Cafferkey in which I covered in detail a number of reports outlining, and commenting on, responses to the reforms of the parole system.

Victorian Adult Parole Board Annual Reports

56. The Annual Report of the Adult Parole Board for 2014/15 (Annual Report 2014/15) sets out details of the operations of the APB since the implementation of reforms flowing from changes to the Corrections Act by way of the Corrections Amendment Act 2013 and the Justice Legislation Amendment (Cancellation of Parole and other matters) Act 2013. These are changes are also referred to in the evidence given by Assistant Commissioner Fontana.

57. The Annual Report 2014/15 highlights the creation of the SVOSO division. This "Second Tier" Division was commenced on 1 July 2014. The two tiered approach would have applied to the consideration of Hunter's parole were it in existence at the time. It is clearly a positive development. I note that in the year 2014/15 the Division considered 750 matters. The two tiered system assures that there will be "an extra layer" of consideration in respect of all SVOSO decisions.

58. The Annual Report 2014/15 provides a summary of highlights. One of the features of the modernisation of the APB has been full digitisation of its files. This was completed late in 2014. I note that all APB hearings are conducted electronically. I note the reference to improvements to roster arrangements leading to a reduced caseload at meetings. This clearly enables members of the APB to give greater and more detailed consideration to cases, many of which are complex.

59. The Annual Report 2014/15contains an outline of the legislative framework within which parole is considered and granted including a statement of the purpose and principles underlying parole. I note that "*The purpose of parole is to provide a structured, supervised and supported transition back into the community for offenders who have served the non-parole period of their sentence and are approaching the end of their prison sentence, under conditions that are designed to minimise their risk of reoffending. Parole cannot completely eliminate the risk of reoffending.*"[30] I accept the importance of each of these propositions. Coupled with them is the emphasis under the amended legislation on community safety – community safety is the paramount consideration applicable when parole is being considered and granted. I note also that from a historical point of view, as far back as 1957 when legislation was introduced to create the parole system in Victoria, community protection was a key consideration. It has now been elevated to a position of absolute paramountcy. The message could not be more emphatic.

60. In relation to Serious Violent Offenders I note that according to the Annual Report 2014/15, 38.8% of parole orders granted in 2014/15 (a total of 520) related to serious violent or sexual offenders. Clearly the creation of the two tiered approach to be applied to these offenders is a mechanism to strengthen community protection by the imposition of a second level of consideration of each of these applications for parole.

61. It is early days in the implementation of the reforms referred to, but they certainly constitute significant and entirely positive changes from a risk assessment and management point of view. It would not be appropriate for me to comment further on the matter and time will tell whether these measures have had the desired effect. However I should note in this context an unintended consequence of one of the changes – the requirement that a prisoner make his or her application for parole before they will be considered for parole. An investigation by the Victorian Ombudsman, Deborah Glass in 2015 found, according to the report "*a growing number of prisoners choosing not to apply for parole upon eligibility in favour of completing their maximum sentence and leave on straight release without the watchful eye of authorities.*" In her report released in September, Ms Glass said "*This is also not consistent with the intent of any parole system and means that many prisoners are simply being warehoused, leaving prison without the reasons behind their offending and risk of reoffending being addressed.*"[31]

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[30] Adult Parole Board of Victoria Annual Report 2014-15, p17

[31] Victorian Ombudsman Report – Investigation into the rehabilitation and reintegration of prisoners in Victoria, September 2015

62. The APB 2013/14 Annual Report considered the Victorian Adult Parole System reforms and provided data to support their effectiveness. The following examples are contained in the 2013/14 Annual Report:

a. a 36 percent fall in the number of parole orders made;

b. a decline in the number of parole cancellations;

c. an increase in the ratio between numbers of cancellations and parole orders made (from 45 cancellations/100 parole orders to 58 cancellations/100 parole orders);

d. an increase in the number of APB meetings and increased scrutiny of each case (225 unscheduled meetings were convened in 2013-2013, to consider urgent matters); and

e. an increase in APB staff numbers, from 23 to 32.

63. The Annual Report 2014/15 highlights the central message of the reforms – "*The Board makes decisions with the safety and protection of the community as the paramount consideration.*"[32]

Victoria Auditor-General's Report – Administration of Parole, February 2016

64. In February 2016 the Victoria Auditor-General reported on the 'Administration of Parole'. In the opening comments the Auditor-General referred to the Callinan Review, and the finding including that the "APB required reform, that there was insufficient information sharing between agencies and that the case loads of Community Corrections Officers were to high." This case has borne out each of those propositions very strongly. In its summary of findings, the Auditor-General's report contains the following:-

"*DJR now has a requirement that all serious violent or sexual offenders are screened and undertake programs in prison, when required. However, it does not monitor how many serious violent offenders have not completed the required offending behaviour programs OBP by their earliest eligibility date for parole. The APB is unlikely to grant a prisoner parole unless they have completed all required OBPs. DJR has targets for the provision of OBPs, however, it is achieving these less than half the time....*
Information sharing between agencies has improved and there are now clear protocols for communication around breaches of parole. However, information sharing between DJR and community-based service providers and clinicians could be improved. Service providers and clinicians do not always have access to information such as detailed assessments and clinical information collected in prison, which inhibits their ability to support parolees. Parole officers also do not always receive appropriate information form service providers and clinicians, which hinders their ability to properly supervise parolees and inform the APB.
DJR now provides OBPs to parolees in the community as well as in prison. However, there is no evidence that DJR monitors wait times for OBPs in the community or that risk or

[32] Annual Report of the Adult Parole Board 2014-2015, p 4

therapeutic timing are considered when prioritising access to programs for parolees in the community."[33]

65. Under the heading 'Adult Parole Board Operations', the report contains the following:

"The Parole System Reform Program (PSRP) has improved the operations of the APB. Both the reviews of the parole system by the Sentencing Advisory Council (SAC) and former High Court Justice Ian Callinan, found that the case load of the APB was very high, with little time to consider individual cases. There are now more board members, and each board member considers fewer cases on average per sitting day. As of 31 December 2015, there are 39 members of the board, including four full-time members and a full-time chairperson. This is a large increased from 2011-12 when there were 24 members, only one of whom worked full-time. Case loads have subsequently dropped from an average of 55 matters considered per meeting day in 2011-12 to 33 in 2014-15. APB members reported significant improvements in the time they have available to consider each case."[34]

66. Other relevant comments made in the Auditor-General's report were as follows:

"In the day-to-day operation of the APB, the parole suitability assessment PSA) is the most important document. It is the primary source of information APB members use to determine suitability for parole. It is therefore critical that parole officers – who are responsible for completing PSAs – are able to access comprehensive information themselves, have clear guidance on how to correctly complete PSAs and fill them out in line with this guidance and on time...
Current PSAs are a significant improvement on the previous system used to inform th APB about prisoners. Information was often outdated and not always available when needed, and files were held in hard copy rather than electronically. However, some issues remain – in compiling PSAs, parole officers have to consult at least six different databases to gather information. This is inefficient and onerous and increases the risk of missing information."[35]

Response by Victoria Police to the Reforms to the Parole System as recommended in the Ogloff and Callinan Reports

67. The evidence was contained in a statement made by Assistant Commissioner of Victoria Police, Stephen Fontana.[36]

68. In his statement AC Fontana outlined the response by Victoria Police to the legislative and policy reforms of the parole system undertaken since Ms Cafferkey's death in November 2012, in particular in relation to the sharing of information about offenders release on a parole order between Victoria Police, the Adult Parole Board, and Corrections Victoria. AC Fontana summarised the history of the reforms and the police response to them.

SUMMARY AND CONCLUSIONS

69. Having regard to the escalation of risk in February and March 2013, it was understandable that the APB required Dinsley to *"show cause as to why he should remain on in the community"*. However the question arises whether there was sufficient rigor in the response to

[33] Victorian Auditor-General's Report – Administration of Parole, February 2016, p x-xi
[34] Victorian Auditor-General's Report – Administration of Parole, February 2016, p 8
[35] Victorian Auditor-General's Report – Administration of Parole, February 2016, p 10-11
[36] Exhibit 10 – Inquest into the death of Sarah Cafferkey COR 2012 4886

the risk escalation. The information available to consider is contained the statement of Mr Reaper. Given his position and noting that he made the statement in his professional capacity I presume that he had access to all relevant CCS and APB files.

70. Noting the APB's consideration of the CCS recommendation on 28 March 2013, and its decision to interview Dinsley on 8 April 2013 it is reasonable to ask whether within that timeframe Dinsley was becoming, or had in fact become, an unacceptable risk to the safety of the community, in particular to the safety of women given his history of sexual offences. It is not surprising that he failed to attend the scheduled meeting on 8 April 2013 - he had already killed Ms Siermans two days earlier.

71. The assessment I make is that the approach taken by the CCS and the APB lack the urgency needed to match the escalation of Dinsley's risk. The CCS considered it necessary to submit a "Special Report" to the APB. It did so on the basis of "escalation of risk, ongoing drug use and lack of stable accommodation". Given this man's background and in particular his history of serious sexual offending, the response to that report should arguably have been an immediate cancellation of his parole and a reconsideration of him when he was back in custody. I appreciate of course that it's easy to make this comment with the benefit of hindsight but I infer from the information in Mr Reaper's statement that Dinsley had become, or was becoming an increasing risk within the community. In those circumstances the response required urgency and rigor. It is difficult to understand why the course of action was undertaken as it was however I make no further comment on it in the absence of additional evidence. It may well be that the course of action was that routinely taken by the APB in circumstances such as these.

72. Ms Siermans' death was preventable. It could have been prevented if the APB response of 28 March 2013 had been to cancel Dinsley's parole and issue a warrant for his immediate arrest.

73. As a consequence of the reforms to the parole system, it is not necessary for me to make recommendations arising from my investigation of Sharon Siermans' death.

Pursuant to rule 64(3) of the **Coroners Court Rules 2009**, I order that this finding be published on the internet.

I convey my sincere condolences to Ms Siermans' son and her family and friends on her tragic death in 2013.

I direct that a copy of this finding be provided to the following:

John and Denise Siermans, Senior next of kin

DLSC Kyle Simpson, Coroner's Investigator

Victorian Government Solicitors Office on behalf of Corrections Victoria

Officer of Correctional Services Review, Ms Emma Catford

Signature:

JUDGE IAN L. GRAY

Date: 25/5/16