

## Schedule 2 Offences<sup>1</sup>

1. An indictable offence that is alleged to have been committed by the accused:
  - (a) while on bail for another indictable offence; or
  - (b) while subject to a summons to answer to a charge for another indictable offence; or
  - (c) while at large awaiting trial for another indictable offence; or
  - (d) during the period of a community correction order made in respect of the accused for another indictable offence or while otherwise serving a sentence for another indictable offence; or
  - (e) while released under a parole order.
2. Manslaughter.
3. Child homicide.
4. Causing serious injury intentionally in circumstances of gross violence.<sup>2</sup>
5. Causing serious injury recklessly in circumstances of gross violence.<sup>3</sup>
6. Causing serious injury intentionally.<sup>4</sup>
7. Make threats to kill that are also a family violence offence.<sup>5</sup>
8. Stalking<sup>6</sup> and:
  - (a) the accused has been convicted or found guilty of this offence within the preceding 10 years or during which the accused used or threatened to use violence against any person; or
  - (b) the bail decision maker is satisfied that the accused on a separate occasion used or threatened to use violence against the person whom the accused is alleged to have stalked, regardless of whether the accused has been charged, convicted or found guilty.
9. Rape.<sup>7</sup>
10. Rape by compelling sexual penetration.<sup>8</sup>
11. Assault with intent to commit a sexual offence.<sup>9</sup>

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<sup>1</sup> This list has been prepared by the Judicial College of Victoria solely as a shorthand identification of the relevant offending. It does not duplicate the structure or substance of the legislative Schedule, which is the definitive authority to be relied upon.

<sup>2</sup> *Crimes Act 1958* (Vic) s 15A(1).

<sup>3</sup> *Ibid* s 15B(1).

<sup>4</sup> *Ibid* s 16.

<sup>5</sup> *Ibid* s 20.

<sup>6</sup> *Ibid* s 21A.

<sup>7</sup> *Ibid* s 38(1).

<sup>8</sup> *Ibid* s 39(1).

<sup>9</sup> *Ibid* s 42(1).

12. Abduction or detention for sexual purpose.<sup>10</sup>
13. Sexual penetration of a child under the age of 12.<sup>11</sup>
14. Sexual penetration of a child under the age of 16 – except where at the time of the alleged offence the child was 12 years of age or more and the accused was not more than 2 years older than the child.<sup>12</sup>
15. Persistent sexual abuse of a child under the age of 16.<sup>13</sup>
16. Abduction or detention of a child under the age of 16 for a sexual purpose.<sup>14</sup>
17. The following incest provisions (except where both people are aged 18 or older):
  - (a) Sexual penetration of a child or lineal descendant;<sup>15</sup>
  - (b) Sexual penetration of a step-child;<sup>16</sup>
  - (c) Sexual penetration of a parent, lineal ancestor or step-parent;<sup>17</sup>
  - (d) Sexual penetration of a sibling or half-sibling.<sup>18</sup>
18. Contravening a family violence intervention order or family violence safety notice<sup>19</sup> during which offending the accused is alleged to have used or threatened to use violence and:
  - (a) within the preceding 10 years the accused has been convicted or found guilty of an offence during which they used or threatened to use violence against any person; or
  - (b) the bail decision maker is satisfied that the accused on a separate occasion used or threatened to use violence against the person who is the subject of the order or notice, regardless of whether the accused has been charged, convicted or found guilty.
19. Persistent contravention of family violence notices and orders.<sup>20</sup>
20. Contravention of personal safety intervention order<sup>21</sup> during which offending the accused is alleged to have used or threatened to use violence and:
  - (a) within the preceding 10 years the accused has been convicted or found guilty of an offence during which they used or threatened to use violence against any person; or

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<sup>10</sup> Ibid s 47(1).

<sup>11</sup> Ibid s 49A(1).

<sup>12</sup> Ibid s 49B(1).

<sup>13</sup> Ibid s 49J(1).

<sup>14</sup> Ibid s 49P(1).

<sup>15</sup> Ibid s 50C(1).

<sup>16</sup> Ibid s 50D(1).

<sup>17</sup> Ibid s 50E(1).

<sup>18</sup> Ibid s 50F(1).

<sup>19</sup> *Family Violence Protection Act 2008* (Vic) ss 37–37A, 123–123A.

<sup>20</sup> Ibid s 125A(1).

<sup>21</sup> *Personal Safety Intervention Orders Act 2010* (Vic) s 100.

- (b) the bail decision maker is satisfied that the accused on a separate occasion used or threatened to use violence against the person who is the subject of the order or notice, regardless of whether the accused has been charged, convicted or found guilty.
21. Kidnapping.<sup>22</sup>
  22. Discharging a firearm reckless to safety of a police officer or a protective services officer) in circumstances where the offender's conduct is alleged to have created a risk to the physical safety of the victim or to any member of the public.<sup>23</sup>
  23. Armed robbery.<sup>24</sup>
  24. Aggravated burglary.<sup>25</sup>
  25. Home invasion.<sup>26</sup>
  26. Carjacking.<sup>27</sup>
  27. Arson causing death.<sup>28</sup>
  28. Intentionally exposing an emergency worker, a custodial officer or a youth justice custodial worker to risk by driving.<sup>29</sup>
  29. Aggravated offence of intentionally exposing an emergency worker, a custodial officer or a youth justice custodial worker to risk by driving.<sup>30</sup>
  30. Recklessly exposing an emergency worker, a custodial officer or a youth justice custodial worker to risk by driving.<sup>31</sup>
  31. Aggravated offence of recklessly exposing an emergency worker, a custodial officer or a youth justice custodial worker to risk by driving.<sup>32</sup>
  32. Damaging an emergency service vehicle.<sup>33</sup>
  33. Culpable driving causing death.<sup>34</sup>
  34. Dangerous driving causing death or serious injury.<sup>35</sup>
  35. Dangerous or negligent driving while pursued by police.<sup>36</sup>

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<sup>22</sup> *Crimes Act 1958* (Vic) s 63A.

<sup>23</sup> *Ibid* s 31C.

<sup>24</sup> *Ibid* s 75A(1).

<sup>25</sup> *Ibid* s 77.

<sup>26</sup> *Ibid* s 77A.

<sup>27</sup> *Ibid* s 79.

<sup>28</sup> *Ibid* s 197A.

<sup>29</sup> *Ibid* s 317AC.

<sup>30</sup> *Ibid* s 317AD.

<sup>31</sup> *Ibid* s 317AE.

<sup>32</sup> *Ibid* s 317AF.

<sup>33</sup> *Ibid* s 317AG.

<sup>34</sup> *Ibid* s 318(1).

<sup>35</sup> *Ibid* ss 319(1)–(1A).

36. Any indictable offence during which the accused, or any person involved in the commission of the offence, is alleged to have used or threatened to use a firearm, offensive weapon, or explosive as defined by section 77 of the *Crimes Act 1958*.
37. Trafficking in a drug or drugs of dependence to a child.<sup>37</sup>
38. Trafficking in a drug of dependence.<sup>38</sup>
39. Cultivation of narcotic plants.<sup>39</sup>
40. Conspiring to commit an offence referred to in [36]–[38].<sup>40</sup>
41. Any of the following Commonwealth offences:
  - (a) Trafficking or manufacturing commercial and/or marketable quantities of controlled drugs.<sup>41</sup>
  - (b) Cultivating or selling commercial and/or marketable quantities of controlled plants.<sup>42</sup>
  - (c) Pre-trafficking commercial quantities of controlled precursors.<sup>43</sup>
  - (d) Importing and exporting commercial quantities of border controlled drugs or plants.<sup>44</sup>
  - (e) Importing and exporting marketable quantities of border controlled drugs or plants.<sup>45</sup>
  - (f) Possessing commercial quantities of unlawfully imported border controlled drugs or plants.<sup>46</sup>
  - (g) Possessing marketable quantities of unlawfully imported border controlled drugs or plants.<sup>47</sup>
  - (h) Possessing commercial quantities of border controlled drugs or plants reasonably suspected of having been unlawfully imported.<sup>48</sup>
  - (i) Possessing marketable quantities of border controlled drugs or plants reasonably suspected of having been unlawfully imported.<sup>49</sup>
  - (j) Importing and exporting commercial quantities of border controlled precursors.<sup>50</sup>

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<sup>36</sup> Ibid s 319AA(1).

<sup>37</sup> *Drugs, Poisons and Controlled Substances Act 1981* (Vic) s 71AB (“*DPSCA-1*”).

<sup>38</sup> Ibid s 71AC. See also *Drugs, Poisons and Controlled Substances Act 1981* (Vic) s 71(1) (“*DPCSA-2*”), later amended by *Poisons and Controlled Substances (Amendment) Act 2001*.

<sup>39</sup> *DPSCA-1* s 72B; *DSCPA-2* s 72(1).

<sup>40</sup> *DPSCA-1* s 79(1); *DSPCA-2* s 79(1).

<sup>41</sup> *Criminal Code Act 1995* (Cth) ss 302.2–302.3, 305.3–305.4.

<sup>42</sup> Ibid ss 303.4–303.5, 304.1–304.2.

<sup>43</sup> Ibid s 306.2.

<sup>44</sup> Ibid s 307.1.

<sup>45</sup> Ibid s 307.2.

<sup>46</sup> Ibid s 307.5.

<sup>47</sup> Ibid s 307.6.

<sup>48</sup> Ibid s 307.8.

<sup>49</sup> Ibid s 307.9.

<sup>50</sup> Ibid s 307.11.

- (k) Supplying marketable quantities of controlled drugs to children for trafficking.<sup>51</sup>
- (l) Supplying controlled drugs to children for trafficking.<sup>52</sup>
- (m) Procuring children for trafficking marketable quantities of controlled drugs.<sup>53</sup>
- (n) Procuring children for trafficking controlled drugs.<sup>54</sup>
- (o) Procuring children for pre-trafficking marketable quantities of controlled precursors.<sup>55</sup>
- (p) Procuring children for pre-trafficking controlled precursors.<sup>56</sup>
- (q) Procuring children for importing or exporting marketable quantities of border controlled drugs or plants.<sup>57</sup>
- (r) Procuring children for importing or exporting border controlled drugs or plants.<sup>58</sup>
- (s) Procuring children for importing or exporting marketable quantities of border controlled precursors.<sup>59</sup>
- (t) Procuring children for importing or exporting border controlled precursors.<sup>60</sup>
- (u) The assembling of two or more with the intent to import, smuggle, prevent the seizure of, or to rescue after seizure, a commercial or traffickable quantity of narcotic goods.<sup>61</sup>
- (v) Being the master of a ship or the pilot of an aircraft and intentionally using that vessel, or allowing it to be used, in smuggling, importing or exporting a commercial or traffickable quantity of narcotic goods.<sup>62</sup>

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<sup>51</sup> *Ibid* s 309.3.

<sup>52</sup> *Ibid* s 309.4.

<sup>53</sup> *Ibid* s 309.7.

<sup>54</sup> *Ibid* s 309.8.

<sup>55</sup> *Ibid* s 309.10.

<sup>56</sup> *Ibid* s 309.11.

<sup>57</sup> *Ibid* s 309.12.

<sup>58</sup> *Ibid* s 309.13.

<sup>59</sup> *Ibid* s 309.14.

<sup>60</sup> *Ibid* s 309.15.

<sup>61</sup> *Customs Act 1901* (Cth) s 231(1) ("*Customs Act*"), later amended by the *Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures) Act 2005* (Cth).

<sup>62</sup> *Customs Act* s 233A.

- (w) Possessing a commercial or trafficable quantity of narcotic goods on board a ship or aircraft, bringing or importing a commercial or traffickable quantity of narcotic goods into Australia, possessing or conveying a commercial or trafficable quantity of narcotic goods that have been unlawfully imported, or are reasonably suspected of having been unlawfully imported, into Australia, or failing to disclose to an officer on demand any knowledge concerning the importation or intended importation, or bringing or intended bringing of such a commercial or trafficable quantity of narcotic goods.<sup>63</sup>
42. An indictable offence that is alleged to have been committed while the accused is the subject of a supervision order, or interim supervision order, within the meaning of the *Serious Offenders Act 2018* (Vic).
43. An indictable offence, and the accused, at any time during the proceeding with respect to bail, is the subject of a supervision order, or interim supervision order, within the meaning of the *Serious Offenders Act 2018* (Vic).
44. An offence against the *Bail Act 1977* (Vic).
45. Conspiring to commit, inciting or attempting to commit an offence in this Schedule.

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<sup>63</sup> Ibid s 233B(1).