

FACT SHEET

Dangerous Criminals and High Risk Offenders Amendment Bill 2025

This Bill makes several amendments to the *Dangerous Criminals and High Risk Offenders Act 2021* (the Act) in relation to the making and operation of High Risk Offender (HRO) orders. HRO orders provide for post-sentence supervision of serious sex and violence offenders in the community for up to five years, making the offender subject to various conditions.

Inclusion of attempted crimes as serious offences

The Bill expands the definition of 'serious offence' in section 3 of the Act to include a conviction for attempting to commit a serious offence (being a crime that is listed in Schedule 1). This means that where an offender has been convicted for attempting one of these crimes, they may be considered eligible for an HRO order application by the Director of Public Prosecutions (DPP).

This amendment addresses the current gap where, for example, a person could be considered eligible for an HRO order on the basis of having been convicted of murder but not on the basis of having been convicted of attempted murder, where the intent to commit a violent act may be indistinguishable regardless of the outcome.

While the amendment slightly broadens the range of offenders who may be considered for an HRO order, it remains at the discretion of the DPP to decide whether to apply for an order in relation to any particular offender based on their individual circumstances and risk profile.

Limited period of detention to facilitate arrangements for an HRO order

The Bill amends section 35 of the Act to provide that, when making an HRO order, the Supreme Court may order that the offender is detained for a period of not more than 7 days beyond the day on which they would cease to be in custody, if the Court is satisfied that such a period of time is required to make arrangements to give effect to the conditions imposed under the HRO order. Related amendments concerning the issue of a warrant of committal are also included to ensure that any extended period of detention is properly authorised.

These amendments mirror the existing provisions in section 37 of the Act that apply to interim HRO orders. Like section 37, the amendments are designed to facilitate the successful release from custody of persons subject to HRO orders, so as to avoid a lack of suitable arrangements leading to a breach of conditions.

It is important to note that this limited extension of the detention period may only be granted where the Court considers it is necessary. It does not occur by default.

Clarification regarding operational period of HRO orders

The Bill amends section 39 of the Act to explicitly confirm that, in contrast to an interim HRO order, the operational period of an HRO order is not extended when

that order is suspended for a period. This is not a change of policy, but rather confirms the policy intent when the Act was originally passed by the Parliament and is being made for the removal of doubt. It reflects the distinction between HRO orders (which may be made for a period of up to 5 years) and interim HRO orders (which can normally only be made for a maximum period of 6 months).

Inclusion of additional offences relating to children and young persons as serious offences

The Bill also expands the list of serious offences within Schedule 1 to the Act to include 18 additional offences relating to children and young persons. This will enable an offender who has been convicted of one or more of these offences to be considered for a risk assessment by the high risk offenders assessment committee and for the DPP to apply for an HRO order in relation to such offenders.

This change delivers on the Government's commitment to ensure that child sexual offenders can be assessed for the risk that they pose to the community and the need for monitoring through an HRO order.

As with the proposed expansion to the definition of serious offence, this amendment will broaden the range of offenders who may potentially be made subject to an HRO order. However, whether a risk assessment is undertaken in relation to a particular offender will remain for determination by the risk assessment committee. Similarly, whether an application for an HRO order is ultimately made in relation to a particular offender will remain at the discretion of the DPP.