

# SUPREME COURT OF QUEENSLAND

CITATION: *Attorney-General for the State of Queensland v Currie* [2017] QSC 104

PARTIES: **ATTORNEY-GENERAL FOR THE STATE OF QUEENSLAND**  
(applicant)  
v  
**ASHLEY JASON CURRIE**  
(respondent)

FILE NO/S: SC No 12305 of 2008

DIVISION: Trial Division

PROCEEDING: Application

DELIVERED EX TEMPORE ON: 27 March 2017

DELIVERED AT: Brisbane

HEARING DATE: 27 March 2017

JUDGES: Holmes CJ

ORDER: **Delivered ex tempore on 27 March 2012:**

- 1. Release the respondent from custody subject to the requirements of the supervision order made by Byrne SJA on 5 May 2009, as amended by Dick A/J on 14 October 2011.**
- 2. Amend the requirements of the supervision order made by Byrne SJA on 5 May 2009, as amended by Dick A/J on 14 October 2011 to insert the following amendments:**
  - 40. notify the supervising Corrective Services officer in writing of the name, address and telephone number of the one and only general medical practice he proposes to attend for any medical treatment or advice concerning his health; and**
  - 41. not attend any general medical practice other than that notified in accordance with condition 40 above without the approval of a Corrective Services officer, except that he may attend the emergency department of a hospital for emergency treatment.**

CATCHWORDS: CRIMINAL LAW – SENTENCE – SENTENCING ORDERS – ORDERS AND DECLARATIONS RELATING TO SERIOUS OR VIOLENT OFFENDERS OR DANGEROUS SEXUAL OFFENDERS – DANGEROUS SEXUAL OFFENDER – GENERALLY – Where the respondent returned to custody on reasonable suspicion of having

contravened a supervision order – whether the respondent had contravened the supervision order – whether, if the respondent is released, adequate protection of the community can be ensured for the purposes of s 22(a) of the Dangerous Prisoners (Sexual Offenders) Act 2003 (Qld) by the existing supervision order as appropriately amended.

COUNSEL: J Tate for the applicant  
C L Morgan for the respondent

SOLICITORS: Crown Solicitor for the applicant  
Legal Aid Queensland for the respondent

- [1] **HOLMES CJ:** The respondent has been the subject of a supervision order under the *Dangerous Prisoners (Sexual Offenders) Act 2003*. That order was made in 2009 by his Honour Justice Byrne: see *Attorney-General for the State of Queensland v Currie* [2009] QSC 112. In his reasons, his Honour describes the relevant offence: the respondent broke into a house and raped an intellectually retarded woman who lived there. Prior to that offending he had a significant history of offences of dishonesty.
- [2] Justice Byrne identified two major sources of risk: that the respondent would not take antipsychotic medication necessary to control his mental state and that he would use alcohol or illicit drugs, which had played a part in his sexual offending. Accordingly, condition (xxxiii) and condition (xxiv) of the order were that he abstain from illicit drugs for the duration of the order which was for 10 years, until 22 May 2019, and take prescribed drugs as directed by a medical practitioner. The order was amended in 2011 to include further conditions, one of which was that he abstain from using intoxicating inhalants such as petrol, glue, paint or solvents.
- [3] In December 2016, the respondent was admitted to hospital having taken an overdose of medications: tramadol, a pain medication and olanzapine, an antipsychotic drug. It is admitted that this was a failure to take his prescribed drugs as directed by a medical practitioner and thus amounts to a contravention of condition (xxiv) of the supervision order. I am satisfied that the contravention has occurred.
- [4] The respondent has breached the order a number of times previously by using cannabis, inhaling petrol and abusing alcohol. The issue is whether, notwithstanding the current contravention, I can be satisfied on the balance of probabilities that the adequate protection of the community can be ensured by his release on the existing supervision order with certain amendments.
- [5] In this regard, Dr Sundin, who has provided reports in respect of the respondent for many years, has given her opinion. Her diagnosis is that he suffers from schizoaffective disorder, bipolar type, polysubstance abuse disorder, anti-social personality disorder and a borderline to low IQ. Dr Sundin has made some suggestions as to how further contraventions of this type might be avoided: by specifying only that his regular general practitioner or his nominated locum prescribe

medication; that his antipsychotic be delivered as a depot medication, that is by injection with slow release; and that his day-to-day medication be delivered in what is called a Webster-pak, a sealed pack with blister compartments designed to help the individual take medication correctly. Of those suggestions, plainly the second and third are matters for consideration by his doctor and are not such as would be the subject of a supervision order condition.

- [6] It is to be noted that while the respondent has, on five previous occasions, contravened his supervision order, the contraventions have involved misuse of substances, including failing to take his prescription medication in the way directed by his doctor. He has not committed any offence of a sexual or violent nature. The risk posed by contraventions of the kind which I am presently concerned appear to be primarily to himself, but there is of course the larger concern for supervision of him to ensure that he does not act impulsively to offend and also for his rehabilitation.
- [7] I am satisfied that amendments to the order are appropriate. I have discussed with counsel the proposed amendments, which would entail requirements that the respondent notify his supervising corrective services officer in writing of the details of the single general medical practice he will be attending and not attend any other general medical practice. Those terms are set out in more detail in the draft supervision order with which I am provided. And I think I have said that I'm satisfied that those amendments will ensure, to the greatest degree possible, adequate protection of the community. Accordingly I will make the order as per the draft.