

# SUPREME COURT OF QUEENSLAND

CITATION: *Attorney-General for the State of Queensland v Haynes*  
[2018] QSC 80

PARTIES: **ATTORNEY-GENERAL FOR THE STATE OF QUEENSLAND**  
(applicant)  
v  
**RAYMOND LESLIE HAYNES**  
(respondent)

FILE NO: BS 12032 of 2017

DIVISION: Trial Division

PROCEEDING: Application

DELIVERED ON: 9 April 2018, *ex tempore*

DELIVERED AT: Brisbane

HEARING DATE: 9 April 2018

JUDGE: Bowskill J

ORDER: **Supervision order made, as per the schedule to these reasons.**

CATCHWORDS: CRIMINAL LAW – SENTENCE – SENTENCING ORDERS – ORDERS AND DECLARATIONS RELATING TO SERIOUS OR VIOLENT OFFENDERS OR DANGEROUS SEXUAL OFFENDERS – DANGEROUS SEXUAL OFFENDER – GENERALLY – application for a supervision order under s 13(5)(b) of the *Dangerous Prisoners (Sexual Offenders Act 2003 (Qld)* – where the respondent has served a ten year sentence of imprisonment following convictions of rape of adult women not known to him on two separate occasions, both involving significant physical coercion – where there is evidence that he presents a high risk of committing a sexual offence involving violence if released without supervision – supervision order not opposed  
*Dangerous Prisoners (Sexual Offenders) Act 2003 (Qld)*

COUNSEL: J Tate for the applicant  
J Robson for the respondent

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

## Introduction

- [1] Raymond Leslie Haynes is approaching the full-time release date of a period of imprisonment imposed on him on 26 November 2009. He is due for release on 24 April 2018.
- [2] The Attorney-General applies for an order under section 13(5)(b) of the *Dangerous Prisoners (Sexual Offenders) Act* 2003 that the respondent be released from custody subject to a supervision order made under that Act. Although the application as filed also sought an order for indefinite detention under section 13(5)(a), that has not been pressed by the Attorney-General, it being accepted that release subject to a supervision order could provide the requisite adequate protection for the community.
- [3] The respondent does not contest the making of a supervision order, nor does he contest the period of time for which the Attorney-General submits the order should be in place, which is 10 years. In advance of the hearing this afternoon, he did, however, take issue with some of the conditions of the proposed order, but that has been resolved, including with the benefit of further discussions in conference with the psychiatrists before the hearing commenced.
- [4] Having considered the material on which the Attorney-General relies, for the following reasons I am satisfied it is appropriate to make a supervision order for a duration of 10 years, and I will address the issues in relation to some of the conditions in a moment.
- [5] An order may only be made under section 13(5) of the Act if the Court is satisfied the prisoner is a serious danger to the community in the absence of such an order. Under section 13(2) a prisoner is a serious danger to the community:

“If there is an unacceptable risk that the prisoner will commit a serious sexual offence:

  - (a) if the prisoner is released from custody; or
  - (b) if the prisoner is released from custody without a supervision order being made.”
- [6] As defined in the schedule to the Act, a “serious sexual offence” is an offence of a sexual nature involving violence, or against a child, or against a person, including a fictitious person, represented to the prisoner as a real person, whom the prisoner believed to be a child under the age of 16 years. In this case, given the respondent’s relevant criminal history, the particularly relevant part of the definition is an offence of a sexual nature involving violence rather than offending against a child.
- [7] Section 13(6) states that in deciding whether to make a continuing detention order, or a supervision order, the paramount consideration is the need to ensure adequate protection of the community. The Court must consider whether adequate protection of the community can be reasonably and practicably managed by a supervision order and whether the requirements of the supervision order, which are governed by section 16, can be reasonably and practicably managed by Corrective Services officers.
- [8] As I have already foreshadowed, it is not contended in this case that protection of the community warrants a continuing detention order. However, it is contended that

protection of the community calls for a supervision order; and that is conceded by the respondent.

### **Serious danger to the community**

[9] I am satisfied to the requisite high degree of probability, based on the evidence which has been placed before the Court, that the respondent is a serious danger to the community for the purposes of section 13(1).

[10] In forming that view, I have had regard to the following matters.

#### ***The respondent's antecedents and criminal history***

[11] In terms of the respondent's antecedents and criminal history, the respondent is presently 39 years of age, his date of birth being 17 October 1979. According to Dr Beech's report prepared in March 2017, he was born in Gladstone and raised initially in Rockhampton. His parents separated when he was 17, and he has no knowledge of his father now, although he is in regular contact with his mother. He has limited or no contact with his siblings. His father is of Irish heritage, and his mother is an Aboriginal woman from the Port Augusta area of South Australia.

[12] Dr Arthur records in his February 2018 report that the respondent's contact with his mother stopped about 12 months prior to the report, as she had suffered a stroke and was unable to speak on the phone; and that the respondent had spoken to his father on the phone four months before that.

[13] The respondent reported to Dr Beech that his parents treated him reasonably well, but both drank too much and argued a lot. He struggled at school, leaving after year 10. He has completed courses in prison and is hopeful he will obtain a year 12 certificate in that context.

[14] He started drinking alcohol at age 16, and became involved with a bad peer group. According to Dr Arthur's report, that was somewhat earlier, at age 14. He left home at 17. He told Dr Beech he first went to prison when he was 20, for assault; he told Dr Timmins he went to prison when he was 18, for a period of 18 months, for assaulting his father. I note that the criminal history suggests that the respondent's first incarceration was actually later, when he was 21, and for a short time. He has also been a regular user of cannabis since high school, and has also engaged in some irregular use of other drugs, such as ice.

[15] Consistent with an observation made by Dr Beech about inconsistencies between what the respondent reported to him and what was contained in other, collateral material; the report of Dr Arthur reveals the respondent told him some different things – including that he was sent to an institution by his parents when he was about 13, where he was sexually abused by one of the “guards”. The records from sex offender programs completed in custody contain further inconsistent material, for example, a report from the respondent that he was raised from age 2 in a group home (see , for example, the summary of records in Dr Arthur's report at pages 18 to 21).

[16] The inconsistencies are also apparent when reading Dr Timmins' report. Dr Arthur describes the respondent as an “inconsistent historian” and says his uncorroborated history should be regarded with scepticism. Nevertheless, Dr Arthur says that “overall,

there appears to be a family history of domestic violence, substance abuse and criminality”.

- [17] The respondent has had a limited work history, but has worked as a tyre fitter, and a tree lopper.
- [18] He has been in three long-term relationships. He has a young adult daughter, 19 (perhaps now 20) years of age, from the first of these relationships. He has a son from his second relationship who, I understand, is now 16, and he has another son who I understand to be 10, from his third relationship, with whom he does not expect to have contact.
- [19] The respondent appears to have done well during his time in custody and has worked whilst in custody. He reported to Dr Beech of an offer of work from one of his mates where he has been at Lotus Glen. That work is said to involve fencing and mustering at Normanton, which the respondent realises would be better for him than going back to Rockhampton. The respondent has completed a number of courses, including the Ending Offending Course in 2010, for substance use, as well as the Preparatory Sexual Offender Program in 2013 and the High-Intensity Sexual Offender Program in 2015, as well as other courses, including literacy and vocational programs. He reported to Dr Beech that he now realised alcohol and drugs had been big factors in his offending, and that anger was a problem, which he had learned to manage and control. Dr Beech described a theme that came through the interview was of the respondent “settling in prison” and seeking a positive lifestyle by remaining abstinent and avoiding troublemaking influences.
- [20] To Dr Arthur, the respondent said his main goal on his release was to find work, expressing optimism about this, and also to stay out of jail.
- [21] Dr Beech recorded there were “jarring inconsistencies” between the respondent’s account to him about his background and what was found in the material. He also said he found his accounts of the offending lacked empathy.

### ***Criminal history***

- [22] Turning, then, to the respondent’s relevant criminal history. On 26 September 2005, the respondent was convicted on his plea of guilty of carnal knowledge of a girl under 12, and sentenced to imprisonment for six months. In fact, the material reveals the complainant was fourteen and a-half, and the respondent was 24 at the time, suggesting there may be an error in the verdict and judgment record, insofar as it refers to a girl under 12. The respondent had met the girl a week before the offence. The sentencing judge accepted that on the day of the offence she had gone to the respondent’s home and that she had initiated the sexual activity which took place and persisted in requesting that the respondent have sexual intercourse with her, despite the respondent initially refusing to do so. A sentence of six months actual imprisonment was imposed, in circumstances where the respondent was on remand for more serious offences at the time (see the sentencing remarks of Judge Britton SC, which are contained in annexure RHB5 to the affidavit of Ms Berry filed 15 November 2017). To Dr Beech, Dr Arthur and Dr Timmins, the respondent denied having sexual intercourse with the girl.
- [23] On 26 November 2009, the respondent was convicted, again on his plea of guilty, of the following offences. Firstly, on 16 January 2008, deprivation of liberty and two counts

of rape. He was sentenced to 10 years imprisonment on each of the rape convictions and a concurrent period of two and a-half years for the deprivation of liberty. Secondly, on 24 April 2008, an offence of sexual assault and a further count of rape. He was sentenced to 10 years for the rape and 12 months for the sexual assault.

- [24] Insofar as the 16 January 2008 offences are concerned, the factual circumstances as they appear in the sentencing remarks of Judge Searles, and the submissions before his Honour (which are in annexures RHB7 and 8 to Ms Berry's affidavit) are that on that night, the respondent followed a young woman, 19 years of age, across a bridge in Rockhampton as she was making her way home from work at about 10.30 pm. He did not know her. He started a conversation with her. As she started to walk faster in order to distance herself from the respondent, he grabbed her from behind and manhandled her across a four-lane highway into an adjacent park or garden area. This gave rise to the count of deprivation of liberty.
- [25] She pleaded with him not to hurt her. He forced her to perform oral sex on him. To avoid being hurt by the respondent, she sought his assurance that if she did that, he would let her go. He said he would. She then did perform oral sex, which is the first count of rape, and then, after that, the respondent threw her to the ground, pulled down her clothes and underwear and had sexual intercourse with her against her will. That was the second count of rape.
- [26] Afterwards, he asked her for her phone number, which she refused, and suggested meeting her the next day, which the sentencing judge described as an abject display of callousness and insensitivity. As he walked off, she ran in the opposite direction and sought help.
- [27] In relation to the April 2008 offences, these occurred during the day at a hotel in Rockhampton. The complainant had been playing poker machines and drinking. The respondent came up and sat beside her. At some point, he touched her on the top of her left leg and tried to put his hand up her skirt and then started kissing and licking her near the ear, this giving rise to the sexual assault charge. She resisted and told him she had a boyfriend. She got up and walked towards the ladies' toilets. The respondent followed her, grabbed her and dragged her towards the men's toilets. He pushed her into a cubicle, grabbed both of her wrists and stood behind her, bent her forwards and pinned her wrists to the top of the toilet, put his hand up her skirt, pulled her underwear to the side and then had sexual intercourse with her despite her telling him to stop.
- [28] The sentencing judge described his conduct as "cowardly thuggery on defenceless victims physically weaker than" himself, also describing the attacks as pre-meditated, callous and degrading. His Honour also recorded that the respondent said he had no memory of the incident, it seems referring to the first one in time, in January, as his brain was addled with alcohol. His Honour also said that he did not accept the respondent's pleas of guilty signified remorse, nor that he had demonstrated any insight.
- [29] I note that Dr Beech records the respondent denies that on the second occasion, in April, the sexual intercourse was non-consensual and says he pleaded guilty because he was going to jail anyway in relation to the January offences. He likewise denied this offending to Dr Arthur and Dr Timmins.

- [30] All of the terms of imprisonment imposed on this day were concurrent. The rape convictions carried with them declarations of convictions of serious violent offences, with the result that he was required to serve 80 per cent of the term imposed. His application or applications for parole were refused, and he will, upon his release, have served the whole of the terms of imprisonment imposed on him.
- [31] Prior to those 2005 convictions, the respondent had a significant criminal history, although none for sexual offending. He has a juvenile history commencing from when he was about 14, with property and dishonesty offences, and including offences of breaching orders such as bail undertakings and suspended sentences. Commencing in 2001, when he would have been aged about 21, he also has entries for offences of violence.
- [32] According to his criminal history, he was first imprisoned in early 2002 for offences of contravening a direction or requirement and using threatening words, as well as breaching a suspended sentence earlier imposed. There then followed a number of other entries, including for offences of violence, for which he has received a variety of orders, including actual terms of imprisonment and suspended terms of imprisonment, the latter of which were sometimes breached.

#### ***Participation in rehabilitation programs***

- [33] The material shows the respondent has participated in a number of sex offender programs whilst in custody. These are recorded and referred to in the psychiatrists' reports, which I will refer to in a moment.

#### ***Psychiatrists' reports and opinions***

- [34] The Court has had the benefit of reports from three psychiatrists: Dr Beech, whose report was prepared prior to the application being made, and Drs Arthur and Timmins, whose reports were prepared by order of the Court under section 8 of the Act.
- [35] Dr Beech interviewed the respondent on 10 February 2017 and prepared a report dated 29 March 2017. In the summary and opinion section of his report, Dr Beech said the following:

“Raymond Haynes is a 38-year-old single man who is coming to the end of his sentence following his conviction in 2009. The offences had occurred in 2008, relatively soon after his release from custody. They involve the rape of two women over two episodes. The first occurred late at night while the second occurred during daytime hours at a hotel. Both appear to have occurred while Mr Haynes was intoxicated, and angry with his former partner. The nature of the offences indicates a significant degree of sexual entitlement and the probability that he had displaced some of his anger onto the victims. He had earlier in 2005 been convicted on a charge of unlawful carnal knowledge. Mr Haynes, at the age of 24 years, had succumbed to the entreaties of a 14-year-old girl whom he had befriended. There is a significant earlier history of general criminal offending and breaches of supervised release. This had been preceded by juvenile delinquency. He gives a history of significant substance misuse.

In my opinion Mr Haynes has an Anti-Social Personality Disorder and a Substance Misuse Disorder (which is now in remission in custody). I do not think he has any specific paraphilia.

The antecedents to his offending are difficult to clarify because Mr Haynes now gives a history of a relatively settled childhood whereas earlier reports noted significant domestic conflict and disruption, separation, and placements out of home. He had learning difficulties and by the time he was 16 or 17-years -old, he had begun to associate with delinquents, which led to criminal activity and the commencement of drug and alcohol use. He has been able to form adult relationships, but again the details are inconsistent. In my opinion, the sexual offending represented a sense of entitlement, problems with substance use, difficulties managing emotions especially anger, and an unsettled restless lifestyle associated with a predilection for violence. He has, though, in custody settled. He has been able to gain employment there and maintain it. He has moved to the residential section. There is no indication of ongoing behavioural problems or significant emotional instability. He has though, limited community supports and his plans are somewhat up in the air. In custody he has completed a number of programs, particularly a High Intensity Sexual Offender Program. He made some gains through the program, but these days, at interviews with me and with Dr Sundin earlier, he does not seem to have maintained much of those gains. There is a limited sense of victim empathy. He has a somewhat shallow understanding of the factors that led to the offending. Importantly, in my opinion, he now completely denies his guilt in relation to the unlawful carnal knowledge conviction and the second episode of rape. To be fair though, Mr Haynes acknowledges the role of alcohol in his offending and has committed himself to abstinence. He has put some thought to the future although there is nothing concrete in place that he can point to.”

- [36] Dr Beech assessed the respondent using a number of instruments. On the Static-99R, which relates to unchangeable factors, the respondent’s score placed him in the group of offenders seen to be at a significantly above-average risk of further offending. On the Risk for Sexual Violence Protocol, which measures dynamic factors, he had a number of positive ratings, and on the HARE Psychopathy Checklist, his score borders on psychopathy. Dr Beech said that:

“Mr Haynes’ most serious convictions are for rape. They occurred in 2008 over a relatively discreet period of time. It is notable though that the offences occurred in two episodes involving two victims. Significant physical coercion was used and at the time, and now, there is very little evidence of empathy for the victims. Indeed, with the passage of time, he now denies his guilt for the second rape offence. The offences occurred on the background of general criminality, substance misuse, and a restless lifestyle. His domestic and personal circumstances are unclear. In my opinion, he is still at an age where the risk of further sexual offending against women is high notwithstanding evidence that he has settled in custody. He has few community supports, relatively vague plans for his release, and his commitment to abstinence and a prosocial lifestyle is yet to be tested.

He may on release continue to maintain abstinence. His plans to move to north Queensland may be fruitful, and he may find employment there.”

- [37] Dr Beech goes on to outline some predictions for what may occur, culminating in expressing the view that the risk in the respondent’s case is moderately high, although it will continue to lessen with the passage of time.
- [38] Dr Beech expressed a view that the risk would be significantly modified by a supervision order, noting that it was also important that the respondent undergo a sexual offender maintenance program in the community.
- [39] In a supplementary report dated 4 April 2018, Dr Beech expressed the view that five years would not be a sufficient period of supervision for the respondent. He reiterates that, consistently with the views of the other psychiatrists, the respondent has significant psychopathic traits, a significant history of violence and problematic antecedents to his offending. He is at high risk, and that static risk will not abate for many years. He is relatively young, and there are a number of dynamic factors that elevate his risk of reoffending. Although he had completed sex offender programs in custody, he has not been able to maintain the gains from those programs, and Dr Beech expresses the view that 10 years is a more appropriate period.
- [40] Dr Ken Arthur interviewed the respondent on 2 February 2018 and prepared a report with the same date. Dr Arthur says the respondent fulfils the criteria for antisocial personality disorder and that he has a number of psychopathic personality traits. He also diagnoses alcohol and cannabis misuse disorder and a possible learning disorder. Despite inconsistencies in the respondent’s reporting, including in relation to the relevant sexual offences, Dr Arthur says that it does not appear the respondent suffers from paraphilia. He says, at page 29 of his report:
- “The index offences appear to have been impulsive and driven in part by a need for sexual gratification but also as a response to negative emotions such as frustration and anger. Whatever the reasons, prisoner Haynes now utilises denial, minimisation and displacement of blame in order to avoid responsibility for his actions.”
- [41] In terms of the risk assessment instruments, Dr Arthur’s analysis is very similar to Dr Beech’s. In terms of the Static-99R, subject to corroboration of one of the factors, which is whether he had actually lived with a partner for two years, Dr Arthur would place him in the above-average risk or the well above-average risk of sexual recidivism. Like Dr Beech, Dr Arthur’s analysis on the HARE psychopathy checklist places the respondent above average for the male criminal population but below the cut off for a diagnosis of psychopathic personality disorder. On the Risk for Sexual Violence Protocol, Dr Arthur also rated him positively in respect of a number of the dynamic factors.
- [42] Dr Arthur identifies a risk scenario at paragraph 256 of his report in terms that if the respondent does reoffend, it will be likely to involve violent sexual assault and will have a high risk of physical and emotional harm to the victim. He says that imminence is difficult to predict, as there have only been two incidents of sexual assault, excluding the offence of carnal knowledge, the first of which occurred in the months of release from jail and the other a few months later. Further, in summarising the risk assessment in terms of the respondent, Dr Arthur says, at paragraphs 262 to 266 of his report:

“I believe prisoner Haynes represents an unmodified moderate – high risk for further sexual violence. This is likely to lessen with age.

A supervision order would lower this risk. Prisoner Haynes should remain abstinent from all drugs of abuse, including alcohol. Such an order would ensure compliance and provide regular monitoring with urine drug screens and breath analysis.

Monitoring of his movements in the community would ensure that he avoided licensed premises. Prisoner Haynes’ social interactions should be scrutinised, particularly his intimate relationships as these are a potential source of conflict and frustration.

Prisoner Haynes would benefit from psychological interventions aimed at increasing of his levels of self-awareness, challenging his distorted attitudes/denial and provide ongoing self-regulatory techniques.

Regular employment and prosocial pastimes such as sport should be encouraged and facilitated.”

- [43] In the supplementary report, which is annexed to the affidavit of Ms Berry filed by leave today, Dr Arthur expressed a view about the length of term of any such order.<sup>1</sup> Dr Arthur confirms that he considers the respondent’s unmodified risk of sexual recidivism as moderate to high. He expresses the view that a supervision order would lower this risk.
- [44] In terms of what the duration of an order should be, he refers to a number of factors in paragraph 6 which support a supervision order longer than the minimum of five years, including the following: that despite engaging in the sexual offender programs, the respondent continues to display avoidant coping strategies such as denial, minimisation and projection of blame in relation to his offending, such that he may benefit from a longer period of supervision to ensure that any new coping strategies are concretised and tested; secondly, that substance use has been a significant part of the respondent’s life, and he will require time to develop a lifestyle that does not involve drugs and alcohol; thirdly, that future relationships are likely to be a source of negative emotional states and will require monitoring and psychological supervision, and a longer order would increase the chance of that support being available to him; and, fourthly, that he’s still a young man, and his biological sex drive is unlikely to change significantly in five years’ time. Accordingly, Dr Arthur suggests a supervision of 10 years would be appropriate.
- [45] Thirdly, Dr Timmins provided a report under section 8 of the Act. Dr Timmins interviewed the respondent on 12 January 2018 and prepared a report dated 12 February 2018. She also diagnoses anti-social personality order with elements of psychopathy, noting the score again is just below that of psychopathy, as well as poly-substance abuse by reference to alcohol and marijuana. She also identifies methamphetamine abuse.
- [46] Dr Timmins agreed with Dr Beech’s assessment that it appears the respondent has not been able to consolidate and retain the learning from the courses he has completed,

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<sup>1</sup> I note that the report of Dr Arthur which is annexed to Ms Berry’s report as RHB4 is actually dated 2 February 2018, but this must be an error. It was received by Crown Law on 3 April 2018.

suggesting reasons for this could be a low IQ or, more likely, pertaining to his anti-social personality disorder. Of concern, says Dr Timmins, is not only the respondent's minimisation of his offending and denial but also the violence present in both the sexual and general offending that he consistently displays.

- [47] On the basis of various risk assessment instruments, Dr Timmins also scores the respondent as being on the border of psychopathy and as at a high risk of violence and a high risk of sexual reoffending. She concludes:

“I am of the opinion that Mr Haynes' risk of sexual reoffending is **HIGH** if released into the community without a supervision order in place.

He is likely to return to general offending, which will probably include violent offending but also the risk of sexual offending behaviour especially if intoxicated with substances and/or if he feels angry with a partner. This situation coupled with his level of entitlement and lack of empathy to his victims means he could offend in a sexual manner. There would be a physical and psychological coercion involved in the offending and a high degree of harm to the victim. He may feel rejected by a partner and seek out revenge, however could displace his anger onto female strangers. His offending is more likely to be opportunistic than planned and predatory over a long time.

....

His risk may be modified by a community supervision order under the Dangerous Prisoner (Sex Offender) Act 2003. He would most likely fall into a Moderate risk category.

If released, Mr Haynes will require appropriate stable accommodation, suitable employment, abstinence from substance use, ongoing treatment for his sexual offending and intervention for his violence and substance use. He should engage in pro-social activities with friendship groups. He should have limited contact with his brothers given he has identified them as a bad influence on him. He has identified more appropriate family members who could provide support to him.

His sexual offending treatment should include one-on-one psychological therapy as well as a Sexual Offending Maintenance Program.

He should engage in one-on-one psychological therapy to improve his skills around management of emotions, stress, anger and the effect his childhood may have had on his cognitions.”

- [48] In a supplementary report provided by Dr Timmins dated 4 April 2018, she also expresses the view that a longer-term community order would be appropriate, recommending a term of approximately 10 years. The factors that Dr Timmins identifies as supporting this are set out at page 2 of her report, which I will incorporate by reference here without setting them out in detail. They reflect the matters that I have already referred to by reference to Dr Arthur and Dr Beech's material. Dr Timmins says that, given all of those factors, it is likely to take a significant period of time for the respondent to manage himself such that his risk will decrease enough to consider ceasing a supervision order.

### ***Findings***

- [49] The assessments undertaken by and the opinions expressed by the psychiatrists consistently support a finding to the requisite high degree of probability that the respondent is a serious danger to the community if released in the absence of a supervision order. On the basis of the opinion evidence of the psychiatrists, I am satisfied that there is an unacceptable risk that the respondent will commit a serious sexual offence, being a sexual offence involving violence, if released unsupervised. On the evidence before the Court, I am satisfied the risk that the respondent will commit another serious sexual offence if released into the community unsupervised is high and that there is a need to protect members of the community from that risk. It follows that I am also satisfied on the basis of the evidence that adequate protection of the community can be reasonably and practicably managed by a supervision order.

### ***Supervision order***

- [50] The requirements for such an order are set out in section 16 of the Act. The parties are agreed on the terms of an appropriate order, including as to the duration of it. I note that, as I alluded to at the outset, prior to the hearing commencing, there were some respects in which there were issues raised on behalf of the respondent.
- [51] The first of those related to condition number 15, which formerly had provided that the respondent not commit an indictable offence during the period of the order. In order to avoid inadvertent and not directly relevant conduct resulting in a contravention proceeding, that is agreed to be amended so that it says “not commit an indictable offence involving violence against another person during the period of the order”.
- [52] The second related to the condition previously included prohibiting the respondent from visiting public parks. That is no longer sought by the Attorney, it being accepted it is not a relevant matter in this case, including by reference to updated opinion expressed by the psychiatrists, so that has been removed.
- [53] The third related to the condition dealing with monitoring contact with children under 16, which had been raised as an issue on behalf of the respondent, given his hopes to make or rekindle contact with his sons, but that condition remains in the form it previously was, with the agreement of the respondent, in circumstances where the son he expects to have contact with is, in fact, 16 years of age, and his younger son, who I understand is in New Zealand, he does not expect to have contact with.
- [54] Having regard to the draft proposed, I am satisfied it contains the requirements in section 16. I am also satisfied that the duration of 10 years is appropriate, given the matters outlined by each of the psychiatrists to which I have referred. Once again, the protection of the community is the paramount consideration in terms of the form of the supervision order. I note that there is no suggestion in the evidence that the requirements of the proposed order cannot be reasonably and practicably managed by Corrective Services.
- [55] In all the circumstances, and noting the cooperative approach that has been taken by the respondent in this matter, I am satisfied it is appropriate to, and therefore propose to, make an order in terms of the draft which was handed up by counsel for the Attorney-General at the commencement of this hearing, a copy of which will be set out as an annexure to these reasons when they are published.



SCHEDULE  
**SUPERVISION ORDER**

Before: Justice Bowskill

Date: 9 April 2018

Initiating document: Originating Application filed 15 November 2017 (CFI 1)

THE COURT, being satisfied to the requisite standard that the respondent, Raymond Leslie Haynes, is a serious danger to the community in the absence of an order pursuant to Division 3 of the *Dangerous Prisoners (Sexual Offenders) Act 2003*, ORDERS THAT:

1. The respondent be subject to the following conditions until 24 April 2028:

The respondent must:

**Statutory Requirements**

1. report to a Corrective Services officer at the Queensland Corrective Services Probation and Parole Office closest to his place of residence between 9am and 4pm on the day of his release from custody and at that time advise the officer of his current name and address;
2. report to, and receive visits from, a Corrective Services officer at such times and at such frequency as determined by Queensland Corrective Services;
3. notify a Corrective Services officer of every change of his name, place of residence or employment at least two business days before the change occurs;
4. be under the supervision of a Corrective Services officer;
5. comply with a curfew direction or monitoring direction;
6. comply with any reasonable direction under section 16B of the Act given to him;
7. comply with every reasonable direction of a Corrective Services officer that is not directly inconsistent with a requirement of the order;
8. not leave or stay out of Queensland without the permission of a Corrective Services officer;
9. not commit an offence of a sexual nature during the period of the order;

**Employment**

10. seek permission and obtain approval from a Corrective Services officer prior to entering into an employment agreement or engaging in volunteer work or paid or

unpaid employment;

11. notify an authorised Corrective Services officer of the nature of his employment, or offers of employment, the hours of work each day, the name of his employer and the address of the premises where he is or will be employed at least two days prior to commencement or any change;

### **Accommodation**

12. reside at a place within the State of Queensland as approved by a Corrective Services officer by way of a suitability assessment and obtain written approval prior to any change of residence;
13. if this accommodation is of a temporary or contingency nature, comply with any regulations or rules in place at this accommodation and demonstrate reasonable efforts to secure alternative, viable long term accommodation to be assessed for suitability by Queensland Corrective Services;
14. not reside at a place by way of short term accommodation including overnight stays without the permission of a Corrective Services officer;

### **Indictable offences**

15. not commit an indictable offence involving violence against another person during the period of the order;

### **Activities and associates**

16. respond truthfully to enquiries by a Corrective Services officer about his activities, whereabouts and movements generally;
17. not have any direct or indirect contact with a victim of his sexual offences;
18. disclose to a Corrective Services officer the name of each person with whom he associates and respond truthfully to requests for information from a Corrective Services Officer about the nature of the association, address of the associate if known, the activities undertaken and whether the associate has knowledge of his prior offending behaviour;
19. notify a Corrective Services officer of any intimate relationships entered into by the respondent and discuss details of his intimate relationships with a Corrective Services officer upon request;
20. submit to and discuss with a Corrective Services officer a schedule of his planned and proposed activities on a weekly basis or as otherwise directed;
21. if directed by a Corrective Services officer, make complete disclosure of the terms of this supervision order and the nature of his past offences to any person as nominated by a Corrective Services officer, who may contact such persons to verify that full disclosure has occurred;

### **Motor Vehicles**

22. notify a Corrective Services officer of the make, model, colour and registration number of any vehicle owned by or generally driven by him, whether hired or otherwise obtained for his use;

### **Alcohol and Drugs**

23. abstain from the consumption of alcohol and illicit drugs for the duration of this order;
24. submit to any form of drug and alcohol testing including both random urinalysis and breath testing as directed by a Corrective Services officer;
25. disclose to a Corrective Services officer all prescription and over the counter medication that he obtains;
26. not visit premises licensed to supply or serve alcohol, without the prior written permission of a Corrective Services Officer;

### **Medical and Treatment**

27. attend upon and submit to assessment, treatment, and/or medical testing by a psychiatrist, psychologist, social worker, counsellor or other mental health professional as directed by a Corrective Services officer at a frequency and duration which shall be recommended by the treating intervention specialist;
28. permit any medical, psychiatrist, psychologist, social worker, counsellor or other mental health professional to disclose details of treatment, intervention and opinions relating to level of risk of re-offending and compliance with this order to Queensland Corrective Services if such a request is made for the purposes of updating or amending the supervision order and/or ensuring compliance with this order;
29. attend any program, course, psychologist, social worker or counsellor, in a group or individual capacity, as directed by a Corrective Services officer in consultation with treating medical, psychiatric, psychological or other mental health practitioners where appropriate;
30. must develop a risk management plan in consultation with a treating psychologist or psychiatrist and discuss it as directed with a Corrective Services Officer;

### **Contact with Children**

31. not establish or maintain any supervised or unsupervised contact, including undertaking any care of children under 16 years of age, except with prior written approval by a Corrective Services officer. The respondent is required to fully disclose the terms of the order and nature of offences to the guardians and caregivers before any such contact can take place; Queensland Corrective

Services may disclose information pertaining to the offender to guardians or caregivers and external agencies (i.e. Department of Child Safety) in the interests of ensuring the safety of the children;

32. advise a Corrective Services officer of any repeated contact with a parent of a child under the age of 16. The offender shall, if directed by a Corrective Services officer, make complete disclosure of the terms of this supervision order and the nature of his past offences to any person as nominated by a Corrective Services officer who may contact such persons to verify that full disclosure has occurred;
33. not join, affiliate with, attend on the premises of or attend at the activities carried on by any club or organisation in respect of which there are reasonable grounds for believing there is either child membership or child participation without the prior written approval of a Corrective Services officer;

### **Technology and Devices**

34. notify a Corrective Services officer of any computer or other device connected to the internet that he regularly uses or has used;
35. supply to a Corrective Services officer any password or other access code known to him to permit access to such computer or other device or content accessible through such computer or other device and allow any device where the internet is accessible to be randomly examined using a data exploitation tool to extract digital information or any other recognised forensic examination process;
36. supply to a Corrective Services officer details of any email address, instant messaging service, chat rooms, or social networking sites including user names and passwords;
37. allow any other device including a telephone or camera to be randomly examined. If applicable, account details and/or telephone bills are to be provided upon request of a Corrective Services officer; and
38. advise a Corrective Services officer of the make, model and telephone number of any mobile telephone owned, possessed or regularly utilised by him within 24 hours of connection or commencement of use, and this includes reporting any changes to mobile telephone details.