

# SUPREME COURT OF QUEENSLAND

CITATION: *Attorney-General for the State of Queensland v Fisher* [2018] QSC 85

PARTIES: **ATTORNEY-GENERAL FOR THE STATE OF QUEENSLAND**  
(applicant)  
**v**  
**TRAVEN LEE FISHER**  
(respondent)

FILE NO/S: SC 5070 of 2007

DIVISION: Trial Division

PROCEEDING: Application

ORIGINATING COURT: Supreme Court, Brisbane – 15 February 2018

DELIVERED EX TEMPORE ON: 15 February 2018

DELIVERED AT: Brisbane

HEARING DATE: 15 February 2018

JUDGE: Boddice J

ORDERS: **Delivered ex tempore 15 February 2018:**

- 1. The application for a Division 4A Order be set for final hearing on 9 April, 2018.**
- 2. Pursuant to s 19D(1) and s 8(2)(a) of the Act, the respondent undergo examinations by two psychiatrists named by this Honourable Court, being Dr E McVie and Dr K Arthur, who are to prepare independent reports, which are to be prepared in accordance with s 19D(1)(f) and s 11 of the Act.**
- 3. Pursuant to s 39PB(3) of the Evidence Act 1977, Dr S Harden, Dr E McVie and Dr K Arthur give oral evidence to the court other than by audio visual link or audio link.**

CATCHWORDS: CRIMINAL LAW – SENTENCE – SENTENCING ORDERS – ORDERS AND DECLARATIONS RELATING TO SERIOUS OR VIOLENT OFFENDERS OR DANGEROUS SEXUAL OFFENDERS – DANGEROUS SEXUAL OFFENDER – GENERALLY – where an application is made for an order that two psychiatrists assess the respondent, who is subject to a supervision order pursuant to the *Dangerous Prisoners (Sexual Offenders) Act* – where the respondent has a history of sexual offences – where the respondent has threatened or been violent towards female

partners in the past – where the respondent has insecurity and poor coping mechanisms – where the respondent has contravened the supervision order on multiple occasions – whether the supervision order ought to be extended – where the respondent has psychopathic personality traits – where the respondent has a history of polysubstance abuse – where the respondent is a serious danger to the community in the absence of a further supervision order being imposed

COUNSEL: *Dangerous Prisoners (Sexual Offenders) Act 2003 (Qld)*  
J Rolls for the applicant  
J Fenton for the respondent  
SOLICITORS GR Cooper, Solicitor for the Crown for the applicant  
A W Bale & Son for the respondent

HIS HONOUR: The Attorney-General for the State of Queensland seeks orders pursuant to section 19D and section 8 of the Dangerous Prisoners (Sexual Offenders) Act 2003 in respect of the respondent, Traven Lee Fisher. The effect of the order  
5 sought by the applicant is for the respondent to be subject to assessment by two psychiatrists for determination as to whether there should be the extension of an existing supervision order made pursuant to the Act.

The application is made in the following circumstances. The respondent was born on  
10 12 March 1983. He is presently 34 years of age. He has a criminal history which includes relevant sexual offences. On 2 November 2007, this Court made orders, having been satisfied that the respondent was a serious danger to the community, in the absence of an order under the Act, that the respondent be subject to a supervision order until 22 November 2017.

15 The respondent's approach to that supervision order has been somewhat chequered, and there have been a number of occasions when the respondent has been dealt with for contraventions of that order. He has been held in custody for periods during determination of those proceedings.

20 The Act provides a scheme for the Attorney-General to make application for one extension to such a supervision order. The Act requires that application be made in a period prior to the lapsing of the original order. It also requires the Court be satisfied it is appropriate to have the respondent assessed again for the purpose of determining  
25 whether a further supervision order should be made pursuant to part 4A of the Act.

For the purpose of the application, the applicant has had the respondent examined by  
30 Dr Scott Harden, psychiatrist. Dr Harden has previously interviewed the respondent in 2009 and 2015. He has interviewed the respondent further in 2017. Dr Harden has undertaken a number of risk assessments, using appropriate tools. Dr Harden has noted in his report the respondent's past performance, as well as his past criminal history.

35 Dr Harden considers the respondent has a number of difficulties associated with his past history. He notes the respondent has threatened or been violent towards female partners in the past. He also notes the respondent has insecurity and poor coping

mechanisms. Whilst Dr Harden observed there had been significant improvement in the respondent's level of personality functioning whilst subject to the present order, there remains significant difficulties.

5 Dr Harden opined that the respondent has antisocial personality disorder. He also has a number of psychopathic personality traits. They, however, as he has matured, have become less prominent. The respondent has a history of polysubstance abuse.

10 Dr Harden considered, having regard to the matters in his assessment, as well as the results of the risk assessment tools, that the respondent presents a future risk of sexual reoffending which is moderate. That risk, if it arose, would be in an impulsive and opportunistic way. Accordingly, the respondent's victims would be hard to predict and they may include actual sexual violence to that victim. Dr Harden considered that a supervision order would lower the risk of sexual recidivism to the  
15 low/moderate range.

Having regard to Dr Harden's opinion, I am satisfied it is appropriate to make the order sought by the applicant. I note the respondent does not oppose the making of the order to commence the process for determination as to whether a further  
20 supervision order should be made in the present case.

In order to make the order at the present stage of the proceedings, all that the Court must be satisfied of is that there are reasonable grounds for believing the respondent prisoner is a serious danger to the community. That is, that there is an unacceptable  
25 risk the prisoner will commit a serious sexual offence in the future, absent such an order.

Having considered all of the material, I am satisfied there are reasonable grounds for believing the prisoner is a serious danger to the community in the absence of such an  
30 order.

I make orders in terms of the draft which I initial and place with the papers.

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