

# SUPREME COURT OF QUEENSLAND

CITATION: *Attorney-General for the State of Queensland v Barlow*  
[2019] QSC 190

PARTIES: **ATTORNEY-GENERAL FOR THE STATE OF QUEENSLAND**  
(applicant)  
v  
**PETER ANTHONY BARLOW**  
(respondent)

FILE NO: BS No 1508 of 2018

DIVISION: Trial Division

PROCEEDING: Application

DELIVERED ON: 24 June 2019, *ex tempore*

DELIVERED AT: Brisbane

HEARING DATE: 24 June 2019

JUDGE: Bowskill J

ORDER: **Pursuant to section 13 of the *Dangerous Prisoners (Sexual Offenders) Act 2003*, the respondent be released from custody subject to the requirements of a supervision order, the terms of which are attached 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  
*Dangerous Prisoners (Sexual Offenders) Act 2003 (Qld)*

COUNSEL: PM Clohessy for the applicant  
KE McMahon for the respondent

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

- [1] The Attorney-General has applied for an order under section 13 of the *Dangerous Prisoners (Sexual Offenders) Act* 2003 for Mr Barlow to either be detained in custody for an indefinite term for care, control or treatment, or released subject to a supervision order. The matter has come on before the Court on two previous occasions, on 11 March and 13 May 2019. It was adjourned on each of those occasions and the reasons for that were articulated in a decision published on 13 May 2019: see *Attorney-General for the State of Queensland v Barlow* [2019] QSC 121.
- [2] As articulated in that decision, the material before the Court is such as to satisfy the Court to the requisite high degree of probability that Mr Barlow is a serious danger to the community in the absence of a division 3 order for the purposes of section 13(1). The issue in this matter has been whether the Court could appropriately order that Mr Barlow be released from custody subject to a supervision order given the evidence about the level of support and assistance that he would require in the community. Due to concerted efforts on the part of Queensland Corrective Services and the Office of the Public Guardian, the Court can now conclude on the basis of the evidence, that that is appropriate, and that the risk posed by Mr Barlow can be adequately addressed if he is released subject to a supervision order.
- [3] The material demonstrates that there is appropriate supported accommodation available for Mr Barlow at a facility in Townsville. He has a bed available for him there if he is released today or tomorrow. Queensland Corrective Services have looked at that accommodation and regard it as suitable. The Office of the Public Guardian has similarly confirmed that it is suitable. And each of the three psychiatrists who have given evidence in this matter previously observed that it was suitable to his needs.
- [4] Mr Barlow has now got a National Disability Insurance Scheme plan in place, evidence of which is before the Court, which provides for funding for the support that Mr Barlow needs to be able to live in the community. Although that has taken some time to be prepared and put together, through the concerted efforts of those involved in this matter, that has now occurred and I am satisfied it is appropriate to make an order for the release of Mr Barlow, subject to a supervision order.
- [5] The terms of a proposed order have been provided to the Court. In terms of the duration of the order, the opinion of each of Dr McVie and Dr Sundin is that five years would be suitable. Dr Harden initially expressed the opinion that it should be for 10 years, but upon reflecting in relation to the evidence of the two other psychiatrists, considered it should be not less than five years, but possibly longer. On balance, I am persuaded by the views expressed by Dr McVie and Dr Sundin, and the principle that the order should be no more stringent than is required, and so I will make the order for a period of five years.
- [6] Some issues were raised in respect of other parts of the draft order, and I have addressed those in oral argument with the legal representatives today. It will be important for Queensland Corrective Services to take their time in explaining the order to Mr Barlow and, for that reason, given that it is now 2 o'clock, I will also order that the supervision order not take effect until 10 am tomorrow, 25 June 2019, to facilitate that.
- [7] So for the reasons previously articulated in the decision published on 13 May 2019, and taking into account the material now before the Court supporting the availability of appropriate accommodation and funded support for Mr Barlow, I am satisfied it is appropriate to make a supervision order in terms of the draft.

# Attachment

## SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane  
NUMBER: 1508/18

Applicant **ATTORNEY-GENERAL FOR THE STATE OF QUEENSLAND**

AND

Respondent **PETER ANTHONY BARLOW**

### SUPERVISION ORDER

Before: Justice Bowskill  
Date: 24 June 2019

Initiating document: Originating Application filed 13 February 2018

THE COURT is satisfied that Peter Anthony Barlow is a serious danger to the community in the absence of an order made under Division 3 of the *Dangerous Prisoners (Sexual Offenders) Act 2003*.

THE COURT ORDERS THAT Peter Anthony Barlow be released from custody subject to the requirements of this supervision order for 5 years, until 24/6/24. This order takes effect from 10 am on 25 June 2019.

#### **TO Peter Anthony Barlow:**

1. You are being released from custody on the condition that you obey the rules in this supervision order.

If you do not obey these rules, you may be taken back into custody.

2. You must obey the rules for the next 5 years.

#### **Reporting and supervision**

3. On the day you are released from custody, you must report to a corrective services officer at the Queensland Probation and Parole office closest to where you will live before 4 pm. You must tell the corrective services officer your name and the address where you will live.

4. After you are released from custody, you must report to a corrective services officer, and receive visits from a corrective services officer, when and where they tell you to.
5. For the whole time you are under this order, you will be supervised by a corrective services officer. This means you must obey any reasonable direction that a corrective services officer gives you about:
  - a) where you can live; and
  - b) rehabilitation, care or treatment programs; and
  - c) using drugs and alcohol; and
  - d) anything else, which is not directly inconsistent with this supervision order.
6. You must answer and tell the truth if a corrective services officer asks you about your activities, where you are, what you have been doing or what you are planning to do, and who you are spending time with.
7. If there is any change in your name, you must tell a corrective services officer at least two (2) business days before the change is going to happen.

#### **No offences**

8. You must not commit any offence of a sexual nature.
9. You must not commit an indictable offence.

#### **Where you must live**

10. You must live at a place in Queensland approved by a corrective services officer. You must obey any rules that apply to people who live there.
11. You cannot live at another address unless, before you move to the other address, you have written permission from a corrective services officer to live at another place.

This also means you cannot stay overnight, or for a few days, or for a few weeks, at another place, without first obtaining permission from a corrective services officer.

12. You must not leave or stay out of Queensland unless you have the written permission of a corrective services officer.

#### **Curfew direction**

13. A corrective services officer may tell you to stay at a specific place (for example, where you live) for a specific period of time. This is called a curfew direction. You must obey a curfew direction.

#### **Monitoring direction**

14. A corrective services officer may tell you to:
- a) wear a device which tracks your location; and/or
  - b) install a device or equipment at the place you live, which will monitor if you are there.

This is called a monitoring direction. You must obey a monitoring direction.

### **Employment**

15. You must ask permission and get approval from a corrective services officer immediately for any employment or volunteer work.
16. Before you can get permission, you must tell a corrective services officer:
- a) what the job is;
  - b) who you will be working for;
  - c) the address(es) where you will be working; and
  - d) what hours you will work each day.

### **Motor vehicles**

17. You must immediately tell a corrective services officer the details of any vehicle you own, borrow or hire. This includes:
- a) the make;
  - b) the model;
  - c) the colour; and
  - d) the registration number.

### **Mobile phone**

18. You cannot have more than one (1) mobile phone unless a corrective services officer gives you permission.
19. You must tell a corrective services officer the details of your mobile phone within 24 hours of you first getting the phone. This includes:
- a) the make;
  - b) the model;
  - c) the phone number; and
  - d) the service provider.

20. You must give a corrective services officer all passwords and passcodes for your mobile phone, and allow them to examine the phone when they ask.
21. You must give a corrective services officer the account number and/or bill if they ask.
22. You must tell a corrective services officer if you get a new phone or new phone number.

### **Computers and internet**

23. You have to get permission from a corrective services officer before you are allowed to use a computer or other device to access the internet.
24. You must give a corrective services officer any password or other access code you know for the computer or other device, and allow a corrective services officer to examine the computer or other device when they ask.
25. You must give a corrective services officer the details, including user names and passwords, of any email address, instant messaging service, chat rooms, or social networking sites that you use.

### **No contact with any victim**

26. You must not contact or communicate with, or try to contact or communicate with, in any way (including by asking someone else to do this for you) any victim(s) of a sexual offence committed by you.

“Contact” means communicating with them in person, by telephone, on social media, or in any other way.

### **Alcohol and drugs condition**

27. You are not allowed to drink alcohol.
28. You are not allowed to take, use or possess any illegal drugs.
29. You must take part in any alcohol or drug test required by a corrective services officer, or a police officer, by providing a sample of your breath, saliva, urine or blood when required to do so.
30. You are not allowed to go to any businesses which are licensed to supply or serve alcohol, unless you have written permission from a corrective services officer.

### **Medicine condition**

31. You must tell a corrective services officer about any medicine that a doctor prescribes for you, and any over the counter medication that you obtain.
32. You must take prescribed medicine only as directed by a doctor.

### **Treatment condition**

33. You must obey any direction a corrective services officer gives you about seeing a doctor, psychiatrist, psychologist, social worker or other counsellor.
34. You must obey any direction a corrective services officer gives you about participating in any treatment or rehabilitation program.
35. You must allow information about you and your treatment or participation in a program to be provided to a corrective services officer.

### **Disclosing activities and associates**

36. Each week or as directed, you must discuss your plans for that week with a corrective services officer.
37. You must tell a corrective services officer the name and address of any person you associate with.

“Associate with” includes: spend time with, make friends with, see or speak to (including by using social media or the internet) regularly.

38. If directed by a corrective services officer, you must tell any person you associate with about:
  - a) this supervision order; and
  - b) your offence history.

A corrective services officer may contact your associates to verify you have told them.

### **Contact with children**

39. You are not allowed to have any supervised or unsupervised contact with children under 16 years of age, unless you have written permission from a corrective services officer before the contact.

“Contact” means communicating with them in person, by telephone, on social media, or in any other way.

40. If you have any repeated contact with a parent, guardian or carer of a child under the age of 16, you must immediately:
  - a) tell the person(s) about this supervision order; and
  - b) tell the person(s) about your offences; and
  - c) tell a corrective services officer the details of the person(s).

Queensland Corrective Services may contact these people to verify the disclosure has occurred.

41. Queensland Corrective Services may disclose information about you, and this supervision order, to any parent, guardian or caregivers that you are in contact with, and also an external agency (such as the Department of Child Safety).
42. You must not:
  - a) be within 100 metres of any school or childcare centre;
  - b) be in a place where there is a dedicated children's play area or child minding area;
  - c) go to a public park;
  - d) go to a shopping centre;
  - e) join, or participate in any way in the activities of, any club or organisation in which children are involved; or
  - f) visit or attend a caravan park.

unless you get written approval from a corrective services officer before you do this.