SUPREME COURT OF QUEENSLAND

CITATION:	*Attorney-General for the State of Queensland v Spoehr* [2020] QSC 248
PARTIES:	**ATTORNEY-GENERAL FOR THE STATE OF QUEENSLAND** (applicant) **v** **KYM SPOEHR** (respondent)
FILE NO:	BS No 8624 of 2015
DIVISION:	Trial Division
PROCEEDING:	Review of continuing detention order
ORIGINATING COURT:	Supreme Court at Brisbane
DELIVERED ON:	12 August 2020
DELIVERED AT:	Brisbane
HEARING DATE:	3 August 2020
JUDGE:	Applegarth J
ORDER:	**1. Pursuant to s 30 of the *Dangerous Prisoners (Sexual Offenders)* Act 2003 ("the Act"), the decision made on 18 December 2015, that the respondent is a serious danger to the community in the absence of a division 3 order, be affirmed.** **2. Pursuant to s 30(5) of the Act, the continuing detention order made on 16 July 2019 be rescinded.** **3. Pursuant to s 30(3)(b) of the Act, the respondent be released from custody by 9am on 13 August 2020 subject to a supervision order for a period of 5 years until 12 August 2025.**
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 was subject to a continuing detention order made under the *Dangerous Prisoners (Sexual Offenders) Act* 2003 after contravening a previously imposed supervision order – where expert forensic psychiatrists opine that the respondent's risk of sexual reoffending on a supervision order is low to moderate absent supervision – where the respondent opposes the making of a supervision order – whether the respondent poses an unacceptable risk of committing a serious sexual offence in the absence of a Division 3 order – whether the respondent should be released on a supervision

order

Dangerous Prisoners (Sexual Offenders) Act 2003 (Qld), s 13, s 30

Attorney-General (Qld) v Francis [2007] 1 Qd R 396; [2006] QCA 324, cited
Attorney-General for the State of Queensland v Robinson [2017] QSC 332, cited
Turnbull v Attorney-General (Qld) [2015] QCA 54, cited

COUNSEL: J B Rolls for the applicant
The respondent appeared for himself

SOLICITORS: Crown Law for the applicant
The respondent appeared for himself

[1] The respondent was aged 49 before he committed a serious offence. The offence was the violent rape of a 29 year old Japanese woman on Christmas Day in 2001. She was walking through the Noosa National Park in which the respondent was illegally camping. The respondent was sentenced to 14 years' imprisonment for seven counts of rape and other offences.

[2] A continuing detention order was made under the *Dangerous Prisoners (Sexual Offenders) Act* 2003 (Qld) on 18 December 2015.[1] In October 2017 the respondent was released from custody subject to a supervision order which was to remain in force until 16 October 2022. He became involved in conflicts with another resident at the Wacol Precinct in late 2018. An incident occurred on 19 December 2018, with a complaint that the respondent had hit the other resident with whom he was in dispute with a piece of timber. The respondent also failed to provide a urine sample that day, as requested. These acts led to contravention proceedings and the respondent was found to have contravened two provisions of his supervision order. On 16 July 2019 the supervision order made on 16 October 2017 was rescinded. The respondent was detained indefinitely for care, control and treatment.

[3] Since the respondent's return to custody, he has received treatment and medication which has improved his mental state and his behaviour.

[4] The Court is required by s 27 of the Act to review the continuing detention order made on 18 December 2015. On 3 August 2020 I conducted the review hearing and reserved my decision. The applicant submits that the evidence supports the making of a supervision order for five years. The respondent does not agree.

[5] The essential issue is whether the respondent still presents an unacceptable risk of committing a serious sexual offence in the absence of an order made under Division 3 of the Act, so as to justify the making of a supervision order.

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1 *Attorney-General for the State of Queensland v Spoehr* [2015] QSC 362.

The index offending

[6] The respondent's 2001 index offending is summarised in the 2015 decision of Flanagan J to detain the respondent for an indefinite term under s 13(5)(a) of the Act.[2]

[7] In brief, the victim was a 29 year old Japanese woman, unknown to the respondent. While the victim was walking through the Noosa National Park on Christmas Day in 2001, she encountered the respondent and asked him for directions. The respondent purported to escort her to the park's main entrance. In doing so, and while the victim's back was turned, the respondent struck her over the head several times with a piece of wood which caused deep lacerations.

[8] The respondent then dragged the victim off the track to his camp site, tied her arms around her body, tied her body to a tree with rope, taped her mouth, and cut off her clothing with a knife. After shaving her pubic hair, he performed oral sex on her. During the course of the night, he had vaginal sex with her seven times, masturbated himself in front of her and forced her to masturbate him.

[9] Early the next morning, the respondent walked the victim to a beach and forced her to wash in the surf. He gave her some old clothing, walked her to the entrance of the park and released her.

Psychiatric assessments of risk

[10] The shocking circumstances of the respondent's sexual offences on Christmas Day, 2001 are clear. The triggers or causes of his offending that day are less clear. The respondent refers to how "something went wrong", to a "quasi-psychosis" and to a "mental anomaly". His states of mind on the day of the offending and since have been the subject of extensive consideration by forensic psychiatrists. They have been asked to diagnose his condition and to assess the current risk that he will commit a serious sexual offence if released into the community without a supervision order, and the reduced risk if he is released subject to a supervision order.

[11] As Dr Harden observed:

> "Unfortunately most approaches to risk assessment are limited with this man as he has committed one very serious sexual offence that has been detected and there is limited other information regarding his offence pathway."

[12] Dr Aboud also remarked about the uncertainties concerning risk. His oral evidence acknowledged that the actual chances of the offence pathway that occurred in 2001 being recreated are probably slim. That is partly based on the fact that the pathway did not occur prior to the index offence. It has not occurred since, notwithstanding that for many years the respondent has been in a highly contained environment. It did not reoccur when he was previously in the community on a supervision order. Instead, the respondent became angry and hit another resident of the Wacol Precinct with a piece of wood. Since then the respondent's condition has improved. Despite his frustrations with the system, he has not exhibited great anger or behaved badly since December 2018. Still, as Dr Aboud observes, a supervision order can provide

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2 *Attorney-General for the State of Queensland v Spoehr* [2015] QSC 362 at [15]-[18].

the requisite monitoring of any escalation in risk. It would provide the opportunity to intervene should the respondent not cope and become angry or otherwise be disposed to commit a sexual offence. This might arise due to some inter-personal conflict with a woman with whom he has an association or who he opportunistically encounters at a time when he is angry or disinhibited.

[13] A key problem in assessing the respondent's risk of committing a serious sexual offence is the absence of a satisfactory explanation from him about the triggers for his sexual offending in December 2001.

[14] Despite the passage of time, the respondent's age and greater maturity, and his improved behaviour and mental state as a result of altered medication, the respondent is still assessed to have at least a low to moderate risk of committing a further sexual offence.

[15] Dr Aboud considered that the respondent has a "severe and unusual personality pathology" which is best explained as a personality disorder. He diagnosed a mixed personality disorder with paranoid, schizotypal, narcissistic and anti-social traits. According to Dr Aboud, the respondent's personality pathology renders his mental health fragile when faced with psychosocial stress.

[16] Dr Aboud expressed the opinion that the respondent's unmodified risk would currently be below moderate in respect of sexual reoffending and above moderate in respect of general violent reoffending. Dr Aboud considered the risk of sexual reoffending would be moderate to low if the respondent were released to the community subject to a supervision order. Dr Aboud considered that a new supervision order should be for a term of five years.

[17] Dr Harden diagnosed the respondent as meeting the diagnostic criteria for "Personality Disorder not otherwise specified of a mixed type with paranoid and schizotypal elements". According to Dr Harden, the standard risk assessment instruments placed the respondent at a moderate risk of sexual offending following release, but that his risk could be "somewhere between low-moderate up to the moderate-high range".

Uncertainties in the risk of reoffending

[18] One factor in the uncertainty concerning the level of risk has been noted. The respondent committed only one serious sexual offence, did so at the age of 49 and there is limited information about his "offence pathway". Another factor is the respondent's unusual personality pathology. He has no social network or structure to provide him with support in the community. His personality inclines him to adopt a reclusive, hermit-like lifestyle. He interacted well during the hearing on 3 August. He did not seek the assistance of a lawyer. Appearing for himself in this Court must have been a stressful experience. However, the respondent's ability to cope with such stress and his ability to behave well in recent months in the structured environment of prison do not necessarily provide a good indication of how he would cope with stresses and conflicts living in the community, with or without a supervision order.

[19] The fact that the respondent committed one serious sexual offence should not cause the risk of his committing a similar sexual offence to be overstated in circumstances

in which he has aged, matured and benefited from medication. He says that the medication he is now on has made the "world of difference" and that he "cannot afford" to go off it. Just as the risk of sexual reoffending should not be over-estimated in circumstances in which the chances of the offence pathway being recreated are small, nor should the risk be underestimated. This is because the respondent does not have a family or other support network in the community, would wish to lead an isolated life upon his release and, notwithstanding his commitment to continue medication, presents with an unusual personality pathology. The circumstances of his offending may be unlikely to be recreated. The respondent may not again live in bushland and deteriorate in his mental state such that he commits a serious sexual offence against an adult woman with whom he has an association or a woman who he encounters in such an isolated place. However, his pathology, lack of support and desire to live in isolation create a risk of sexual offending of such a kind.

Submissions

[20] The respondent opposes the making of a supervision order. After almost 20 years in custody or being subject to a supervision order, and now being appropriately medicated for his condition, he says that he wants to get his life back. He submits that a supervision order would be somewhat counterproductive.

[21] The applicant submits that despite the matters pointed to by the respondent, the difficulty of assessing the level of risk of his committing a serious sexual offence, his unusual personality and his lack of a structure or plan to provide him with support in the community mean that he is at least a low-moderate risk, and therefore an unacceptable risk, of committing a serious sexual offence. His risk may be higher than low and closer to moderate. The applicant submits that, having regard to the matters which must be considered under s 30, the Court ought to find that the respondent presents an unacceptable risk and is therefore a serious danger to the community in the absence of a supervision order.

[22] The applicant submits that although the respondent may be difficult to manage on a supervision order due to his "unusual personality pathology", a supervision order will afford him ongoing support and supervision and, on the evidence, will reduce his risk of sexual reoffending to low-moderate or low.

The statutory scheme

[23] The objects of the Act and its scheme are well-established and it is not necessary to quote the terms of s 30 and other provisions.

[24] On a review hearing, the Court must have regard to the required matters, which include those in s 13(4) of the Act.

[25] Like s 13 of the Act, s 30 involves a two stage process. The Court must first be satisfied, by acceptable cogent evidence and to a high degree of probability, that the previous decision that the prisoner is a serious danger to the community in the absence of a Division 3 order ought be affirmed.[3]

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[3] The Act, s 30(2).

[26] Next, if the decision is affirmed, the court has a discretion under s 30(3) to determine whether the respondent ought continue to be subject to a continuing detention order or be released from custody subject to a supervision order. The paramount consideration is the adequate protection of the community.[4] The Court must also consider whether adequate protection of the community can be reasonably and practicably managed by a supervision order, and whether the requirements of s 16 of the Act can reasonably and practicably be managed by corrective services officers.[5]

[27] If the Court declines to order continuing detention, then it must rescind the continuing detention order.[6]

[28] While there is a preference for a supervision order to be made over a continuing detention order,[7] a supervision order must be sufficient to provide adequate protection of the community. A supervision order need not be risk free, as that would be an impossible bar.[8]

[29] The mere fact that a respondent may, in the future, breach a supervision order in a fashion which may demonstrate an escalation of risk does not preclude a supervision order being made. The only relevant question is the risk of the respondent committing a serious sexual offence.[9]

Lack of plans for release without a supervision order

[30] The respondent chose to be self-represented and has not developed any plans about where to live, how to support himself financially, or the individuals or agencies from which he might seek support if he were to be released without a supervision order.

[31] A possible avenue for the respondent may have been to approach a sympathetic group or individual who might be able to offer him separate, detached accommodation on a semi-rural block. Such an arrangement would allow the respondent to engage with a general practitioner, obtain a mental health plan and some form of cognitive behavioural therapy or other treatment, if appropriate, while living in a semi-rural area. The respondent previously had access to a disability support pension. It is unfortunate that an application for a similar pension has not been progressed by him or on his behalf. At the hearing he had no plan about how and where to live in isolation. He lacks supports to assist with problem solving and to counsel him in the event his life becomes unstable, as it did in 2001.

[32] It would be extremely unfortunate if the respondent, having resigned himself to being released on a supervision order, was denied the opportunity of unsupervised release simply because these aspects of his case were not addressed due to his decision to not seek legal assistance.

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4 The Act, s 30(4)(a).
5 The Act, s 30(4)(b).
6 The Act, s 30(5).
7 *Attorney-General v Francis* [2007] 1 Qd R 396; [2006] QCA 324 at [39].
8 *Attorney-General v Francis* [2007] 1 Qd R 396; [2006] QCA 324 at [39].
9 *Turnbull v Attorney-General (Qld)* [2015] QCA 54 at [36]; *Attorney-General for the State of Queensland v Robinson* [2017] QSC 332 at [62].

[33] Had the respondent satisfactorily addressed those matters and developed a realistic relapse prevention plan, the case for his release into an appropriately supportive environment without a supervision order would have been much stronger. The fact that the respondent, choosing to act for himself, did not develop plans of that kind is critical to my assessment of risk in the absence of a supervision order.

Does the respondent still present an unacceptable risk of committing a serious sexual offence in the absence of a supervision order?

[34] The risk of the respondent committing a serious sexual offence nearly 20 years after the serious sexual offences for which he was sentenced arises because his offending in 2001 was violent and prolonged, and the triggers for it remain contentious and uncertain. That uncertainty makes the level of risk somewhat uncertain.

[35] On one view, the triggers for the respondent's 2001 offending were his unusual personality type and the circumstances which existed at the time. As Dr Harden observes, it is possible to see his offending in 2001 as "either a product of his unusual lifestyle, itinerancy, isolation and particular beliefs about feral creatures in the national park, or alternatively to see these elements as being part of a very organised sexual offence." On one account of events the respondent did not plan a violent sexual assault on a stranger. On this version, the immediate trigger for his offending was anger directed at a different individual who he believed had wronged him over money or some such matter, and the respondent displaced his anger from that male towards the victim of his sustained, sexual violence after he encountered her. The theory that his anger was suddenly redirected to his victim and that there was no planning appears inconsistent with items that the respondent was carrying in a bag at the time. The respondent, in his submissions, rejected the suggestion that he had a "rape kit" in his bag at the time. I did not find his explanation for having these items particularly convincing.

[36] Ultimately, it is unnecessary, and probably impossible, to decide between what may appear to be two stark alternatives in relation to the respondent's offending pathway. If the attack was not a premeditated, organised plan to physically overwhelm a victim, take her to a secluded site and immobilise her using duct tape and, instead, began with displaced anger, then the offence pathway is still a troubling one. If the original attack began as somehow venting the anger that he felt against a particular individual towards an entirely different, unrelated individual, then it quickly became "more predatory and controlling and it became a more sexualised offence".[10] As Dr Aboud stated in his oral evidence, the offence the respondent committed was not driven by "one sole emotion".[11]

[37] I have had regard to the various matters to which I must have regard in s 30, which reflect the matters which are considered under s 13 in deciding whether to make a Division 3 order.

[38] The respondent has a criminal history dating back to 1968 for minor offences including some property offences. There was one offence of wilful exposure in Western Australia in 1980. That act was directed towards a woman who had upset the respondent.

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10 Dr Aboud transcript 3 August 2020 1-16 ll 1-2.

11 Ibid 1-15 l 48.

[39] As Justice Flanagan observed in 2015, from a consideration of the respondent's criminal history and the psychiatric evidence, the index offending appears to be a one-off occurrence, committed in 2001. The material does not reveal any "pattern of offending behaviour".[12] The evidence does not suggest an underlying paraphilia.

[40] One cannot be certain about the triggers that led to the sustained rapes which occurred in December 2001. Despite the fact that the respondent reached the age of 49 before committing a serious sexual offence, his diagnosed personality disorder and the enduring uncertainty as to the triggers of his 2001 offending, together with the violent and protracted nature of that offending, creates a real risk that the respondent will commit another sexual offence. For the reasons already given, that risk should not be overstated, but nor should it be minimised. The evidence, including the expert psychiatric evidence, leads to the conclusion that the uncertain risk is at least low-moderate. It could probably be classified as moderate in the absence of a supervision order or the provision, by other means, of the support and supervision that a supervision order may provide.

[41] Despite the respondent's age of 68, his maturity, and his commitment to medication which has helped to control bad behaviour and improve his mental health, the risk of a serious sexual offence exists. This is largely due to the respondent's unusual personality and largely unexplained serious sexual offending in 2001. The risk is at least low-moderate in circumstances in which the respondent has no visitors or friends. He has no support network. He has no-one, not even a landlord or a flatmate, to help him work through bouts of anger or frustration, or to monitor any decline in his mental health and ensure that he obtains professional help during such an episode.

[42] The respondent may be entitled to a disability support pension. He successfully applied for one in early 2001 when, as now, he had little or no social support to help him through difficult events in his life. There is no evidence or suggestion that the respondent had engaged with social welfare authorities or non-government organisations in advance of the hearing about the financial or other support that would be available to him upon release.

[43] Care is required not to frame the issue as whether release on a supervision order or release without a supervision order would be most beneficial to the respondent's welfare, and therefore his rehabilitation into the community. The ultimate issue is not whether the respondent would be better off with a supervision order, having weighed the advantages and disadvantages to him of being subject to a supervision order against the advantages and disadvantages to him of not being subject to a supervision order. The ultimate issue is not whether he would obtain additional support and supervision from a supervision order than if left to his own devices. The issue is whether a supervision order should be made because, in its absence, he presents an unacceptable risk of committing a serious sexual offence.

[44] The present alternative to a supervision order, on the evidence placed before me, is the release of the respondent into the community without supervision and without any real plan about where to live or sources of support. The respondent does have certain things in his favour. During his recent detention his need for appropriate medication has been addressed and he has an apparent commitment to maintaining

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12 [2015] QSC 362 at [94].

that medication. He has an abiding interest in science and inventions. He is aged 68, is well behaved and has recently managed to better control anger and frustrations at being detained in custody long after the end date of his sentence and at being confined to a kind of custody in a residential precinct for sex offenders. It is possible that with the factors that are in the respondent's favour, access to government support and his well-entrenched coping strategy of seeking isolation, he will find a place to live and some support through a GP mental health plan or some other service. However, the absence of an existing support network to assist him upon his release, or even a basic plan to establish a support network, elevates the risk of his committing a serious sexual offence. That risk may become elevated if there is a marked decline in his mental state, instability in his life and he is unable to cope with adversities and manage relationships with landlords, neighbours, social workers and others.

[45] If the respondent had even a basic plan to find suitable accommodation in some fairly isolated place at which he was unlikely to come into conflict with others, and some basic strategies to cope with adversities and conflicts, then the risk of his committing a serious sexual offence might be reduced to an acceptable level. However, based upon the evidence placed before me, these things simply do not exist at the present time.

[46] A supervision order carries certain benefits in the form of support and supervision, ideally administered by case managers who are familiar with the respondent's background and the substantial diagnoses and assessments undertaken in respect of his personality and conditions. A supervision order has the potential to provide both support and an appropriate level of supervision if a workable relationship develops between the respondent and a case manager in whom he can repose some trust.

[47] On the other hand, the making of a supervision order may prove counterproductive and less effective in terms of rehabilitation than making no supervision order at all. This is more likely to be the case if the authorities do not approach its administration with a desire to not repeat the mistakes of the past. They should follow the considered advice of Dr Harden, Dr Aboud and others. I will return to that topic.

[48] I conclude that the respondent's current lack of supports in the community and his current lack of a plan to address his accommodation, medical and psychiatric needs means that he is at least a low-moderate risk of committing a serious sexual offence in the absence of a supervision order. The risk is that he will commit a serious sexual offence in broadly similar circumstances to the offences committed in 2001, or will commit a serious sexual offence against a woman with whom he develops an association which is fractured due to a bout of anger or whatever conditions precipitated his 2001 offending.

[49] In the circumstances, the respondent presents an unacceptable risk of committing a serious sexual offence in the absence of a supervision order.

Duration and form of order

[50] It is unfortunate that the respondent did not prepare better for the review hearing, including by obtaining legal aid to represent him or to at least advise him about the need to develop a support network and suitably-detailed plans about what he would

do if released without a supervision order. This is particularly unfortunate since the minimum period for a supervision order is five years.[13]

[51] The form of supervision order is not contentious. Originally proposed conditions 39 and 40 should be removed in the light of the oral evidence of Dr Harden and Dr Aboud.

Expert recommendations

[52] This Court does not have power to direct the authorities who supervise the respondent about the accommodation in which he should reside or other aspects of his support and supervision. If such a power existed then I would have made directions reflecting the considered recommendations made by Dr Harden, Dr Aboud and others.

[53] The applicant has obtained extensive expert opinions about the respondent's complex personality, his history and his needs. One would expect the authorities to obtain an ongoing return on that investment by implementing recommendations from those experts. More generally, one would expect the authorities to learn lessons based on past experience and to avoid repeating mistakes in the management of the respondent under a supervision order.

[54] Having reflected on the matter, I have decided to make a supervision order on the assumption that the authorities, in seeking to achieve the objects of the Act of community protection and rehabilitation, will act upon the considered recommendations of experts.

[55] In retrospect, it is unfortunate that the respondent, with suitable assistance from legal representatives and input from the authorities, did not develop a plan for his release. The omission or oversight of the respondent to do so should not be seen as a reason to not engage the respondent in plans for his accommodation and other forms of support under a supervision order.

[56] A starting point for the authorities in deciding how to best supervise and support the respondent is to come to terms with his unusual personality and to accept the following important observation by Dr Harden:

> "It is notable that he has usually coped in life by isolating himself and restricting the amount of time where he has to be with other people. This appears to be a lifelong coping strategy of regulating the amount of contact he has with others. He [h]as previously found close contact with other people stressful, partly because he is inherently suspicious of others and worries that they might mean him ill."

[57] The respondent's supervision and support should also recognise, as Dr Harden observes, that the respondent "struggles to form interpersonal relationships and struggles to engage with psychological treatment practitioners. He has previously engaged with only one psychologist and she has since moved to another country". One would expect the authorities to ensure that the respondent's coping mechanism of isolating himself and avoiding the difficulties which he has encountered during

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13 The Act, s 13A(3).

most of his adult life with interpersonal relationships requires him to be accommodated in relative isolation. The respondent accumulated only a minor criminal history during the first 49 years of his life because he was able to largely isolate himself as a form of coping. He managed to set up a camp for about four or five years in a national park and only a few people knew that he was living there.

[58] That the respondent does not cope well when forced into interpersonal relationships is exemplified by his inability to cope with living in close company with other sexual offenders at the residential precinct at Wacol. Following his return to custody he has kept largely to himself, immersed in science, inventions and other matters which interest him.

[59] Dr Aboud insightfully observed that the key to the respondent's success in respect of community supervision "will be the ability of his case manager and psychologist to engage him, and his capacity to trust them". There have been occasions in the past when he has been able to trust psychologists and others concerned with his rehabilitation. Dr Harden has noted the respondent's past struggles to engage with psychological treatment practitioners, but recommends that in the long-term individual psychologically informed management will be required for the respondent because of his complex and unusual personality and coping style.

[60] Another key to the respondent's success under a supervision order will be to ensure access to proper medication. Those with the responsibility for his medical treatment should consider the recommendation contained at page 14 of Dr Aboud's report dated 30 June 2020 as well as Dr Harden's comments on that recommendation, as recorded at page 10 of the transcript from the 3 August 2020 hearing.

[61] As to the respondent's accommodation under a supervision order, it would be a perverse and unintended outcome if the supervision order was managed in a way that unnecessarily recreated the circumstances that led to the contraventions that occurred in December 2018. A critical recommendation by Dr Harden and by Dr Aboud concerns the respondent's accommodation.

[62] The recommendations cannot be clearer. Dr Aboud advised that an important consideration was providing the respondent with "non-shared accommodation, given his long standing isolative nature". Dr Harden advised:

> "He would be better managed in a placement by himself in the community as he finds living with others stressful and irritating."

[63] While it may be expected that following the making of a supervision order the respondent will transition to short-term, contingency accommodation at the Wacol Precinct, the advice of the experts is that this does not provide a long-term answer to the respondent's complex and unusual personality, which he manages by isolating himself from the stresses of interpersonal relationships. The authorities charged with administering the respondent's supervision order should ensure that a case manager develops an early plan with the respondent, in conjunction with Centrelink, for his accommodation away from the precinct, and that the respondent develops a positive therapeutic relationship with a general practitioner and a skilled counsellor who can help him. The plan should include the continuation and refinement of the medication which has proven to be a success in reducing the respondent's anger and improving his ability to cope with stressful situations.

[64] If the supervision order is not managed as Dr Harden and Aboud recommend, then it is likely to be counterproductive. The Court's intention is that the supervision order provides both supervision and support of the kind which the respondent has unfortunately been unable to arrange for himself prior to the review hearing.

[65] The respondent's unusual and complex personality may call for an unusual and complex approach to the management of his supervision order.

[66] The Court is obliged to include certain conditions in a supervision order. This is so even if those conditions are ill-adapted to an individual respondent's circumstances and are likely to prove counterproductive in terms of community protection and rehabilitation. Many conditions vest substantial discretion in the authorities as to accommodation, support and supervision. For many individuals who are subject to a supervision order, fairly standard administrative practices and approaches to accommodation may be appropriate. The respondent's complex and unusual personality suggests that an individualised and possibly unusual approach is required to the management of his supervision order. That management should be informed by the expert recommendations of Dr Harden and Dr Aboud. Implementation of those recommendations is likely to reduce the risk of contraventions and conflicts, aid the respondent's rehabilitation, and thereby further reduce the relatively small risk that he will commit another serious sexual offence.

[67] In summary, the authorities should heed the considered advice of experts that the respondent should be rapidly transitioned away from shared accommodation. The respondent should not reside too long at accommodation at the Wacol Precinct in the close company of paedophiles and other sex offenders. That risks repetition of previous conflicts. That outcome should be avoided in the interests of community safety, and in pursuing the Act's purpose of rehabilitation.