

# SUPREME COURT OF QUEENSLAND

CITATION: *Attorney-General for the State of Queensland v Hansen*  
[2011] QSC 123

PARTIES: **ATTORNEY-GENERAL FOR THE STATE OF  
QUEENSLAND**  
(applicant)

**v**

**CRAIG LYNDSAY HANSEN**  
(respondent)

FILE NO/S: No. 9941 of 2005

DIVISION: Trial Division

PROCEEDING: Application under the *Dangerous Prisoners (Sexual  
Offenders) Act 2003*

ORIGINATING  
COURT: Supreme Court

DELIVERED ON: 4 May 2011, ex tempore

DELIVERED AT: Brisbane

HEARING DATE: 4 May 2011

JUDGE: Dick A/J

ORDER: **Order for supervised release of Craig Lyndsay Hansen  
for a period of five years. That order will be on conditions  
in accordance with the draft proposed orders.**

CATCHWORDS: CRIMINAL LAW – JUDGMENT AND PUNISHMENT –  
SENTENCE – MISCELLANEOUS MATTERS – SEXUAL  
OFFENDERS – *Dangerous Prisoners (Sexual Offenders) Act*  
2003 (Qld) – respondent convicted of sexual offences against  
children – respondent contravened supervision order -  
application by Attorney-General to have the supervision  
order rescinded and the respondent detained indefinitely or  
alternatively amend the supervised order – whether  
respondent is a serious danger to the community – whether  
conditions of the supervision order are appropriate  
*Dangerous Prisoners (Sexual Offenders) Act 2003*

COUNSEL: T. Ryan for the applicant  
J. Allen for the respondent

SOLICITORS: Crown Solicitor for the applicant

## Legal Aid Queensland for the respondent

- [1] This is an application made pursuant to section 22A of the Dangerous Prisoners Sexual Offenders Act 2003, made on the grounds that the respondent has contravened the requirements of his supervision order made on the 6th of March 2006.
- [2] The application is to rescind the supervision order, or in the alternative to amend the supervision order and order that the respondent be subject to such amended conditions as this Court considers appropriate.
- [3] There is no argument in respect of the proof of the contravention.
- [4] However, the factual basis of the contravention should be mentioned. The applicant resided in the community between the 15th of March 2006 and the 5th of August 2010 when he was returned to custody following an allegation he had breached a condition of the order, namely a condition that required that he not establish and maintain a relationship with any woman who has any children under 16 years of age in her care permanently or from time to time.
- [5] He breached other conditions, including a condition that he not without reasonable excuse be within 200 metres of a school between 8 a.m. and 9.30 a.m. and 2.30 and 4.30 p.m. on school days and a condition that required him not to have any supervised or unsupervised care of children under 16 years, and a condition that required that he not establish contact with children under 16 years of age.
- [6] The contravention came about because during the 12 months before his return to custody, he formed a relationship with a woman who had a child aged 6 years.
- [7] He had met the woman while attending a life skills course.
- [8] He asserted he did not immediately know she had a child but he became aware of it at an early stage in the relationship.
- [9] The respondent was involved in giving the woman lifts to the shops in his car and he would sometimes pick her daughter up after school. That occurred on approximately six occasions.
- [10] There was an allegation that he tickled the child in an inappropriate way.
- [11] Eventually, a sexual relationship commenced between the respondent and the woman.
- [12] On the 30th of August 2010, he was convicted for an offence under section 43B of the Act for breaching the supervision order and sentenced to five months imprisonment to be released on parole on the 30th of October 2010.
- [13] His previous convictions in 1995 and 2004 related to sexual offences against children.

- [14] In 1995, the complainant was the daughter of the woman with whom he was living and he was convicted at the same time of indecent treatment of three other girls aged between eight and 14.
- [15] In 2004 he was convicted of offences relating to touching and kissing the private parts of a four year old girl while she was left in his care and touching in an indecent way, two other girls aged eight and 10 who were strangers to him but whom he met at the park where he had taken the first child.
- [16] Pursuant to section 22(2) of the Act, the onus is on the respondent to satisfy the Court on the balance of probabilities that the adequate protection of the community can, despite the contravention, be ensured by his release pursuant to the existing supervision order as appropriately amended.
- [17] The order may be amended in a way that the Court considers appropriate to ensure the adequate protection of the community or for the respondent's rehabilitation or care or treatment, see section 22(7) of the Act.
- [18] The supervision order may also be amended pursuant to section 22(7) to reduce the period of the order.
- [19] Discussion has taken place concerning the appropriate conditions.
- [20] Two of the conditions remain contentious. I will deal first with the matters that have been agreed.
- [21] Conditions 1, 2 and 3 are agreed.
- [22] Condition 4 will be amended to read: "Notify an authorised Corrective Services officer for every change of the prisoner's name, place of residence or employment at least two business days before the change occurs."
- [23] Conditions 5, 6, 7, 8 remain the same.
- [24] Condition 9 will read: "Notify the authorised Corrective Services officer of the nature of his employment or offers of employment and the name of his employer at least two days prior to the commencement of any change."
- [25] Conditions 10, 11, 12, 13 and 14 remain the same.
- [26] Condition 15 is deleted.
- [27] Conditions 16, 17, 18 remain the same.
- [28] Condition 19 will read: "Discuss with an authorised Corrective Services officer his planned and proposed activity on a weekly basis or as otherwise directed."
- [29] Twenty is deleted.
- [30] Conditions 21 and 22 remain the same.
- [31] Condition 23 is deleted.
- [32] Conditions 24, 25, 26 remain the same.

- [33] Condition 27 will read: "Take prescribed drugs only as directed by a medical practitioner and et cetera."
- [34] Twenty-eight remains the same.
- [35] Twenty-nine is a contentious matter and I have come to the view that having heard the evidence of each of the medical practitioners and having heard the submissions, the condition should not only require that he not have supervised or unsupervised contact with children under 16 except with prior approval, but further, if he is directed to do so, he should disclose such terms of the order as he is required to do.
- [36] Condition 29 will now read: "He not have any supervised or unsupervised contact with children under 16 years of age except with the prior written approval of an authorised Corrective Services officer and if directed to do so by the authorised Corrective Services officer, he is required to disclose such terms of the order or other information to the parent guardian or care giver of any such child if/or any such contact shall take place." The words following "before any such contact take place" is to be deleted from the order.
- [37] In respect of paragraph 30, this is also contentious. I consider that in light of the amended paragraph 29, paragraph 30 is unnecessary and is problematical in its present wording. I do think that the protection of the community is covered adequately by condition 29, so condition 30 is deleted.
- [38] Condition 31 remains intact.
- [39] Condition 32 in a sense repeats 31, so it is deleted.
- [40] Conditions 33, 34, 35, 36, 37, 38 remain the same and 39 is deleted.
- [41] This takes me to the question of the length of time of the order.
- [42] Professor Nurcombe provided an affidavit which was sworn on the 22nd of November 2010 and filed on the 25th of November 2010.
- [43] Paragraph 44 of Professor Nurcombe's affidavit says, "If Mr Hansen is released from prison he should continue on the existing supervision order. Consideration should be given to the reduction of the term of supervision from 20 to 10 years."
- [44] He gave evidence on the point and he said, in effect, that first of all, a 20 year condition is exceptional.
- [45] Secondly, he said that such an order may not only be unnecessary for the protection of the community but it may have negative consequences because the prospect of the 20 year order has the potential to cause the respondent to become depressed and if he becomes depressed, it may be counter-productive and increase the risk of him re-offending.
- [46] Dr Harden was also in favour of a 10 year order rather than 20 on the basis that there is an inability to predict beyond that range in any event.
- [47] I have come to the view that based on the evidence of the doctors and their reasoning, the order should continue and that paragraph 2 of the order should now

read: "The respondent be subject to the following conditions until 6th of March 2016."

- [48] The order for supervised release will be amended in the terms in which I have indicated and when the draft document is supplied, it will be initialled by me and be placed with the order for supervision.