

# SUPREME COURT OF QUEENSLAND

CITATION: *Attorney-General for the State of Queensland v Speechley*  
[2013] QSC 22

PARTIES: **ATTORNEY-GENERAL FOR THE STATE OF  
QUEENSLAND  
(applicant)**  
**v**  
**TYRONE JAMES SPEECHLEY  
(respondent)**

FILE NO: BS14118 of 2009

DIVISION: Trial Division

PROCEEDING: Contravention proceeding

DELIVERED ON: 18 February 2013

DELIVERED AT: Brisbane

HEARING DATE: 18 February 2013

JUDGE: Mullins J

ORDER: **The Court being satisfied to the requisite standard that the respondent, Tyrone James Speechley, has contravened requirements of the supervision order made by Justice A Lyons on 9 April 2010 and as amended by Justice Applegarth on 29 April 2011 ORDERS THAT:**

**1. The respondent, Tyrone James Speechley, be released from custody on or before 4:00pm on 20 February 2013 and continue to be subject to the supervision order made by Justice A Lyons on 9 April 2010 and as amended by Justice Applegarth on 29 April 2011.**

CATCHWORDS: CRIMINAL LAW – SENTENCE – SENTENCING ORDERS – ORDERS AND DECLARATIONS RELATING TO SERIOUS OR VIOLENT OFFENDERS OR DANGEROUS SEXUAL OFFENDERS – DANGEROUS SEXUAL OFFENDER – GENERALLY - application under s 22 of the *Dangerous Prisoner (Sexual Offenders) Act 2003* – where the respondent breached a supervision order by committing an indictable offence – where breach of the requirements of the supervision order is likely to precede any sexual reoffending – whether adequate protection of the community can be ensured by the existing supervision order despite contravention

*Dangerous Prisoners (Sexual Offenders) Act 2003, s 22*

COUNSEL: B H P Mumford for the applicant 1  
T A Ryan for the respondent

SOLICITORS: G R Cooper, Crown Solicitor for the applicant  
Legal Aid Queensland for the respondent

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HER HONOUR: This is a contravention proceeding under section 22 of the Dangerous Prisoners (Sexual Offenders) Act 2003 (the Act).

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The respondent was released from custody on 22 April 2010 under a supervision order made under the Act by her Honour Justice A Lyons on 9 April 2010. That order was to be in force until 22 April 2017.

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The respondent was returned to custody in July 2010 for breaching the curfew or monitoring direction. His Honour Justice Applegarth was satisfied that the respondent had contravened that requirement of the supervision order, but on 4 October 2010 released him from custody to be subject to the same supervision order.

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The respondent was returned to custody again in December 2010 for a breach of the curfew or monitoring direction. The matter came before his Honour Justice Applegarth on 29 April 2011, who was satisfied that the breach had occurred and released the respondent again from custody subject to the same supervision order with some small amendments.

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When the respondent was released from custody on 29 April 2011 he was unable to propose any suitable accommodation and was housed by Corrective Services in contingency accommodation at the Wacol precinct and then was relocated from the Wacol precinct to Toowoomba.

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Although the respondent's girlfriend spent some time with him at Toowoomba, after she returned to North Queensland he committed the offence which resulted in his being returned to custody in January 2012.

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The offence was an attempted robbery of an adult shop which the respondent had observed had no security cameras. He was not under the influence of alcohol or any illicit substance at the time he attempted to commit this offence. He had no money and had been unable to obtain food vouchers and was motivated by robbery.

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It is of concern that the method of committing the robbery was similar to the sexual offences that had been committed by the respondent in January 2006 and April 2007. Each of his victims was a woman whom he assaulted. The attempted robbery in Toowoomba, however, did not have any sexual element. When the woman cried out, the respondent ran from the shop. He was identified as the offender as a result of fingerprints left in the shop.

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He pleaded guilty to the offence and was sentenced in the District Court on 11 October 2012 to a term of imprisonment of three years with a parole release dated fixed at 21 December 2012. If the respondent is released on the supervision order again, he will also be subject to supervision under the parole release order.

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The respondent admits that he contravened a requirement of the supervision order by the commission of the offence of attempted robbery, as under the supervision order he was required not to commit an indictable offence during the currency of the supervision order.

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The respondent has been assessed by psychiatrists Dr Grant and Dr Beech for the purpose of this contravention proceeding.

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Dr Grant diagnoses the respondent as having alcohol and cannabis abuse and dependence that is currently in remission and an antisocial personality disorder, but not psychopathic. Dr Grant notes that the respondent's personality shows traits of immaturity, impulsivity, ready use of violence to solve conflicts, inter-personal instability, dishonesty, sexual promiscuity, negative attitudes to women and irresponsibility.

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It should be noted that the respondent is currently 25 years old and the psychiatric evidence is to the effect that some of the personality traits such as impulsivity and immaturity should be positively affected by the respondent's ageing and assistance with counselling to modify his behaviour to prevent his acting without thinking about the consequences.

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Dr Grant considers that the respondent's risk of sexual reoffending is at least moderate and would be high if alcohol and drugs were involved.

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Dr Grant's assessment of risk for future reoffending is affected by the circumstances in which the respondent will

find himself when released from prison. Social instability and inter-personal difficulties would add to the risk. It is critical that the respondent does not return to alcohol and substance abuse.

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Although Dr Beech has previously supported the respondent's release from custody under a supervision order he was not as positive about the respondent's prospects in the light of the current contravention of the supervision order, which had the respondent committing an offence in similar circumstances to the sexual assaults that he had committed in 2006 and 2007, although without the influence of alcohol or cannabis.

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It was apparent, however, from Dr Beech's oral evidence that Dr Beech's concern is that there is not a risk of imminent sexual reoffending, if the respondent were released on a supervision order, but there is a risk of inability to comply with the supervision order in some respects, such as with the curfew, because of the nature of the respondent's personality disorder and immaturity. Dr Beech considers that the respondent's poor response to supervision is a poor prognostic factor for his long-term compliance with the supervision order.

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The terms of the supervision order are such that it is likely that any breach by the respondent of the conditions addressing his risk factors such as alcohol and substance abuse would be brought to the attention of the Corrective Services in a relatively short period, which would have the effect of

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stopping the respondent's behaviour from escalating into sexual reoffending.

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It is proposed that the respondent be returned to Townsville so that on release under the supervision order he would be located in the first place in the Townsville precinct before being transitioned into accommodation that complies with the suitability requirements of Corrective Services.

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The respondent is amenable to continuing with counselling from a psychologist. He has a relationship with a woman who has provided an affidavit of support of the respondent in this proceeding, although counsel for the respondent informs the Court that this woman is not willing to have the respondent reside with her in the first instance. It has been a period of over 12 months that they have been separated as a result of the respondent being in custody and it is sensible that there is some reacquainting and development in their relationship to see whether it should develop to a common residence.

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Dr Grant considers that the terms of the existing supervision order as modified by the order of Justice Applegarth are adequate to address the risks of sexual reoffending.

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After considering the evidence from both psychiatrists and the other evidence that has been put before the Court for the purpose of this contravention proceeding, I am satisfied that the respondent has been able to discharge the onus that rests upon him to satisfy the Court on the balance of probabilities

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that the adequate protection of the community can, despite the admitted contravention of the supervision order, be ensured by the existing supervision order continuing to operate.

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The protection for the community is that the terms of the supervision order are such that any breach of the supervision order is likely to come to the attention of the Corrective Services in such a time frame that will alert the development of circumstances that increases the risk of violent sexual reoffending, but before reoffending occurs.

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I therefore make an order in terms of the amended draft, initialled by me and placed with the file.

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