

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

FRYBERG J

No 5564 of 2010

ATTORNEY-GENERAL FOR THE STATE OF
QUEENSLAND

Applicant

and

THOMAS RICHARD TILTMAN

Respondent

BRISBANE

..DATE 13/06/2012

ORDER

HIS HONOUR: I have before me an application by Thomas Richard Tiltman for orders varying a supervision order made on 10 October 2010 under the Dangerous Prisoners (Sexual Offenders) Act 2003, in respect of him. Mr Tiltman has since the order was made been living in the Wacol precinct and has completed the order. He does not suggest that the situation which led to the making of the order has changed sufficiently to warrant a complete discharge of the order, and in particular it is not suggested that he has ceased to be a person who would present an unreasonable risk to the community were he released without any order at all.

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Mr Tiltman has, it seems, made some genuine efforts to reform his ways, and has done a considerable amount to effect his own rehabilitation. In particular, he has attended courses for sexual offenders, and passed those courses. He has also become an adherent of a Christian church and attends at least one church on a regular basis. He is given encouragement to attend that church by the officer of the Corrective Services Department who supervises him, but there have been problems which arise by reason of the fact that children also attend the Church.

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There have also been particular problems which have arisen in relation to administrative aspects of the supervision order in other respects. The church sometimes holds retreats, and these cost money. There have been delays in getting approval for overnight stays at these retreats. putting his money at risk, nonetheless, in the event there have been approvals

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eventually granted, and Mr Tiltman is content with a variation of that condition in relation to short-term accommodation to insert a requirement that the permission not be unreasonably withheld.

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Other difficulties have arisen in relation to his attendance at employment offices to try to seek work. These offices are often found in shopping centres, and the particular one which he wishes to visit is in a shopping centre. A restriction exists on the hours during which he can attend shopping centres. On the other hand, it ought to be possible for appointments to be made, and with some variation a clause has been fashioned which I understand meets his requirements and at the same time provides the security which the Department of Corrective Services requires.

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Another difficulty is in relation to testing for drugs and alcohol. It is unnecessary to go into the detail of that, but again by cooperation the applicant and the respondent have been able to work out a variation to the existing order which satisfies the requirements of both sides. There is no reason in this case to think that there has been any ill-will on either side, or any failure to act reasonably in all the circumstances.

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I will not go through all of the other conditions. It is the fact that the parties have agreed a form of order as a varied order, and they are to be commended for that. It is the fact that the existing order will be in force for ten years, and Mr

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Tiltman must realise that it is still fairly early days.

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Ordinarily the psychiatrists who have given evidence would not be comfortable with a major variation inside two years, but I think the form of order which the parties have agreed does accord with the evidence of Dr Grant and Dr Harden, and affords a level of protection for the public equal to the existing order.

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One may expect that as the years go by, if there is continued good behaviour and adherence to the order, conditions will loosen up. The Court is always here and available if an impasse is reached between Mr Tiltman and Corrective Services officers or the officer who is supervising him, and there is no reason of which I am aware why further applications for variation could not be made. However, one would not want to see Court applications as the norm. They are slow, expensive and tedious. Cooperation is by far the better approach, and the evidence so far is that Mr Tiltman realises that his supervising officer is there to help as well as to control, and with that sort of approach there is every reason to think that the order can be suitably carried out in the proposed amended form.

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In terms of the technical wording of it, I think the draft which I have been given probably needs a slight amendment in the opening sentence. Perhaps if it read something like, "It is ordered that the requirements of the supervision order made on 25 October 2010 be amended so that the order is in

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accordance with the schedule attached". That way the
advantage which is sought of having the complete order in one
document rather than an original order and a set of
amendments, can be achieved without, I think, any conflict
with the terms of section 19.

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I have initialled a rough draft. I ask that a clean copy be
brought in and I will initial that in due course. The
decision is by consent of both parties, but I have thought
that I should nonetheless apply an independent discretion and
apply my mind to the matter given the seriousness of the
issues which these sorts of applications raise.

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There will be an order in accordance with the draft which I
have initialled and placed with the papers, and I will initial
a clean copy when it is brought in.

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