

SUPREME COURT OF QUEENSLAND

CITATION: *Attorney-General for the State of Queensland v Possum*
[2018] QSC 268

PARTIES: **ATTORNEY-GENERAL FOR THE STATE OF QUEENSLAND**
(applicant)
v
DANRICK DALE WILLIAM POSSUM
(respondent)

FILE NO: BS 5893 of 2018

DIVISION: Trial Division

PROCEEDING: Application

DELIVERED ON: 22 October 2018, *ex tempore*

DELIVERED AT: Brisbane

HEARING DATE: 22 October 2018

JUDGE: Bowskill J

ORDER: **Supervision order made, as per the schedule 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 – where the respondent is due to be released from custody after serving a three and a half year term of imprisonment for offences including deprivation of liberty and attempted rape of a child – where the making of an order for his release subject to a supervision order under the *Dangerous Prisoners (Sexual Offenders) Act* 2003 not opposed
Dangerous Prisoners (Sexual Offenders) Act 2003 (Qld)

COUNSEL: J Tate for the applicant
K Bryson for the respondent

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

[1] Mr Possum is a young Aboriginal man, presently 23 years of age. He is currently serving a three and a half year term of imprisonment for offences including,

relevantly, deprivation of liberty and attempted rape of an eight-year-old girl. He is due to be released, having served the whole of that sentence, on 7 November 2018.

- [2] The Attorney-General applies for an order under section 13(5)(b) of the *Dangerous Prisoners (Sexual Offenders) Act* 2003 that Mr Possum be released from custody subject to a supervision order made under the Act. The alternative order sought in the application, being one for indefinite detention, is not pressed, as the Attorney-General accepts that release subject to a supervision order could provide adequate protection for the community.

- [3] The respondent, Mr Possum, does not contest the making of a supervision order, and the parties largely agreed on the terms of the proposed supervision order. Having considered the material on which the Attorney-General relies, for the following reasons, I am satisfied it is appropriate to make a supervision order for a duration of 10 years. I have declined to include some of the proposed orders for reasons I will explain shortly.

- [4] An order may only be made under section 13(5) of the Act if the court is satisfied the prisoner is a serious danger to the community in the absence of such an order. Under section 13(2), a prisoner is a serious danger to the community:
 - “if there is an unacceptable risk that the prisoner will commit a serious sexual offence –
 - (a) if the prisoner is released from custody; or
 - (b) if the prisoner is released from custody without a supervision order being made.”

- [5] As defined in the Act, a “serious sexual offence” includes an offence of a sexual nature involving violence or against a child.

- [6] I am satisfied to the requisite high degree of probability, based on the evidence which has been placed before the court, that Mr Possum is a serious danger to the community for the purposes of section 13(1).

- [7] In forming that view, I have had regard to the following matters.

- [8] Mr Possum is, as I have said, a young Aboriginal man, currently 23 years of age. He was born in Cairns, and lived in his early years in Kowanyama. His mother suffered from alcohol dependency, including prior to his birth. His father also had a drinking problem, was reportedly violent and largely absent. Mr Possum was removed from his family and placed in foster care from a young age. He moved

around a number of different homes from the age of eight. As discussed further below, he has been diagnosed as suffering foetal alcohol syndrome.

[9] As summarised by Dr Moyle, one of the psychiatrists who has seen Mr Possum, at paragraph 64 of his report dated 5 November 2017, Mr Possum was eventually placed with an indigenous family in Chillagoe who were more consistent and supportive, and with whom he stayed from 10 until 17, when he returned to Kowanyama. However, during this time, he was repeatedly disciplined at school for wagging with friends, smoking gunja and nicotine, suspended on multiple occasions, and expelled on one occasion. He did not pass subjects at school, and Dr Moyle describes him as under-educated.

[10] As Dr Moyle says in his supplementary report dated 18 October 2018, at page 3, the documented history in relation to Mr Possum:

“... paints the picture of a young man who was subject to profound degrees of neglect of his needs, pain, suffering, medical ill health, and failing to thrive that would impair the formation of a meaningful attachment to his fellow human beings. That alone would lead to the absence of empathetic concern for others and impulse driven behaviour unrestrained by normal moral reasoning and inhibitions. Foetal alcohol syndrome probably predisposed him to having difficulties in behaviour and cognition, including intellect, from the start, even before neglect in childhood. This beginning to life is well known to cause significant damage to brain development and, in particular, the connections between the frontal lobe and the other lobes through the white matter circuits. This often leads to impulsive behaviours, poorly considered actions, when the impulse that occurs in some part of the brain is not modified by the front part of the brain using reason and calming of arousal. This seems to have been the pattern of Mr Possum’s childhood, exacerbated or brought out when using substances.”

[11] Mr Possum has a juvenile criminal history, which starts in 2010 when he was aged about 14. It includes convictions of common assault, drug possession and burglary and stealing. The first conviction is for an assault on 11 February 2010. The victim was a 14 year old girl who Mr Possum had asked to go underneath a church building with him, apparently to have sex. He was aged 14 as well. When she refused, he struck her.

[12] On 21 September 2012, he was convicted of two further charges of common assault and assault occasioning bodily harm, offences which were committed in April 2012 when he was 16. The two charges of assault arose in circumstances where there was a running group jogging in Mareeba early in the morning. There

were two girls aged 12 and 16 in the group. They ran past Mr Possum and he called out to them. He then started running behind them. When the younger girl turned to face him, she fell over. Mr Possum stood over her before she kicked out at him and got to her feet. He then walked away. Mr Possum was wearing a shirt, but was naked from the waist down. The assault occasioning bodily harm occurred on the same day after the encounter with the girls. (I pause there to note that although the criminal history annexed to Mr Fuller's affidavit, filed 4 June 2018, at page 210 indicates these offences were on different days, other material, including the police brief and statement of facts, indicates it was the same day, 19 April 2012.) On this day, an adult female was also jogging. As she approached Mr Possum, she observed him to be naked from the waist down. He grabbed her by the upper body and tried to drag her across the road. She struggled and was able to get away. He chased her and grabbed her hair from behind, and dragged her by the hair across the road. Chunks of her hair were pulled out. He eventually ran away and was pursued by the complainant's husband and others in the fitness group. He apparently made full admissions to the police when interviewed, said his actions were unprovoked and could not give any reason for his behaviour, saying he had consumed a large amount of alcohol and cannabis the previous evening. (See the statement of facts at page 3 of Mr Fuller's affidavit).

- [13] Mr Possum's adult criminal history commenced when he was 17 in 2013. Prior to the offending that has brought him within the scope of the Dangerous Prisoners Act, his offending included convictions for assault or obstruct police and possessing alcohol in a restricted area in 2013; trespass, public nuisance and, again, possessing alcohol in a restricted area, and, on a separate occasion, being intoxicated in a public place in 2014; and another conviction for possessing alcohol in a restricted area in 2015. For each of those convictions, Mr Possum was fined.

- [14] On 7 July 2016 in the Cairns District Court, Mr Possum was convicted of a large number of offences, including deprivation of liberty and attempted rape on 8 May 2015, two counts of assault occasioning bodily harm on 23 August and 7 September 2014, a number of charges of serious assault on police on various dates in August 2013 and August 2014, and a number of summary charges, including burglary, assault, assault or obstruct police, public nuisance, wilful damage and breach of bail, committed on various dates in 2013, 2014 and 2015. On the most serious charges, deprivation of liberty and attempted rape, Mr Possum was sentenced to three and a half years' imprisonment. Various other concurrent terms were imposed. He had already served 427 days in custody from 8 May 2015, and he was eligible for parole on 7 September 2016.

- [15] Mr Possum has never been granted parole. He will ultimately have served the whole of his sentence when he reaches the full time release date on 7 November 2018.
- [16] It is the convictions of deprivation of liberty and attempted rape on 8 May 2015 which have resulted in Mr Possum being the subject of this application. The victim was an eight year old girl, a cousin of Mr Possum's who lived at Kowanyama. The victim was playing with friends inside a house when she was approached by Mr Possum. It was at night, and one of the children had turned the lights off. He grabbed her and took her into another bedroom and closed and locked the door. The child was struggling to break free from his grip and started to scream for help. He placed a hand over her mouth to stop her. Mr Possum then removed his shorts and exposed his genitals to the child. Adults who were at the house came to help and tried to get into the room. Mr Possum then released the child, unlocked the door, and the child ran away. The defendant was arrested that night. The following afternoon, he participated in an interview and told police he had consumed a large quantity of alcohol prior to the events. He made extensive admissions to police, including saying to police that he wanted to have sex with the child and if he had not been disturbed by others, he would have gone further, taking both their clothes off, and as he apparently said, "put my wiggly in her hole". He was also recorded as telling police he had sexual urges on a daily basis and was unable to control these urges on this occasion, as he had consumed too much alcohol. (See the affidavit of Mr Fuller at pages 364-5, the police brief and 371-2 of the schedule of facts on sentence.)
- [17] His alcohol reading on the night of the event was .256: as Dr Moyle says, "a very severe level of intoxication".
- [18] That is the only instance of sexual offending in his criminal history, although the convictions of assault and assault occasioning bodily harm committed in Mareeba in April 2012 are described as "likely sexually-related offences" by Dr Moyle at paragraph 65, who also observes at paragraph 73 that his offending from 2010 onwards has been worsening in intensity.
- [19] Whilst Mr Possum has been in custody, he has engaged in sexual offending programs. From 28 September to 16 November 2016 he participated in the Getting Started: Preparatory Program. On a positive note, the completion report describes Mr Possum "demonstrating increasing insight into his sexual offending behaviour", accepting "increasing responsibility" for that behaviour, and demonstrating general empathy for others and his victims. However, the report also records that Mr Possum demonstrated inconsistent commitment to change and a fluctuating willingness to participate in future sexual offending programs. (See the affidavit of Ms McFarlane filed 4 June 2018 at page 144.) This report

records the following, disclosed by Mr Possum about his offending against the eight year old girl:

“He described the lead-up to his offending, explaining that he was experiencing grief and anger relating to his cousin brother’s passing. He noted he tried to cope by staying busy with work, however, this was not enough and he resorted to alcohol use to feel “better”. He recalled going to the pub to drink alcohol, and after having a fight with his brother he felt “wild and sad”, thinking that they should not be fighting. He returned to the house where family members were and felt “horny” and experienced “stupid thoughts”. He then attempted to have sex with a girl who was “underage”. He stated he entered her bedroom with the intention of having sexual intercourse, however desisted when she said no. He stated it was wrong because of her age. He also reported he felt that no one cared about him or his cousin brother and those pervasive thoughts, coupled with his unmanaged mental health diagnosis at the time, led him to attempting suicide. [Mr Possum] explained he had been on an involuntary treatment order while in custody, and had just successfully completed the order.”

(See the affidavit of Ms McFarlane at page 145.)

- [20] Mr Possum has also substantially participated in the Indigenous Sexual Offending Program. He had a few false starts, beginning the program and then failing to attend (the circumstances being outlined in the affidavit of Ms McKinnon filed on 4 June 2018), but he has now almost completed the program. In the material filed with the court, it is recorded that he had done about 267 hours of treatment. Mr Possum has informed me today that he has just two days, or two sessions left, on Tuesday and Thursday of this week, to complete the program. I will record that counsel for Mr Possum, Ms Bryson, has informed the court that there may be some issue about him being able to complete the program if he is transferred from where he is currently, in Lotus Glen correctional facility, to the Townsville correctional facility. But it obviously would be far preferable if Mr Possum was enabled to complete that program.
- [21] A progress report dated 26 September 2018 is in evidence which says that his participation and motivation has continued to fluctuate, with his main motivation being to get out of prison. But on a positive note, the report records that Mr Possum’s insight into his sexual offending has increased throughout the program, as has his openness and honesty when exploring the offence. The progress report includes some pragmatic recommendations for robust support services to be provided for Mr Possum on his release to assist him with risk management and protective strategies, including in relation to employment, learning skills around

maintaining healthy relationships and conflict management, substance abuse services to support his plans of abstinence, supporting him to engage in culturally meaningful practices and activities, including hunting and fishing, as well as attending men's groups and talking to family support to address feelings of social rejection, loneliness and adverse effects of removal from country. (See also the further affidavit of Ms McKinnon filed 17 October 2018.)

- [22] For the purposes of this proceeding, Mr Possum has been interviewed by three psychiatrists: Dr Moyle in September 2017, and, more recently, Dr Beech in July 2018 and Dr Arthur in August 2018.

- [23] Dr Moyle referred, in his report, to a head injury suffered by Mr Possum when he was a child, and the foetal alcohol syndrome, and says that these two things, if confirmed, would have left him cognitively impaired, with a vulnerability to impulsivity and mood dyscontrol (at paragraph 65). Dr Moyle also refers to a possible diagnosis in or around 2011 of schizophrenia, on the basis of Mr Possum's report of hallucinations and hearing voices (at paragraph 66). Dr Moyle diagnoses Mr Possum as suffering probable foetal alcohol organic brain syndrome with cognitive impairment; alcohol, marijuana and tobacco dependency; psychosis, possibly organic, chronic; marked antisocial personality disorder; and limited survival skills outside a structured environment such as jail (at paragraph 73).

- [24] Dr Moyle says Mr Possum needs a slow and steady graded learning on how to survive in society if he is not going to be at high risk of reoffending sexually (at paragraph 77).

- [25] On the various actuarial scales, Dr Moyle says Mr Possum represents a high risk of sexually reoffending, and indeed violent offending. Applying clinical judgment tools, Dr Moyle says Mr Possum rates a serious high risk of violence that includes sexual violence (at paragraph 88). Dr Moyle recommends specialised attention be given to Mr Possum in order to address the impacts of the birth-induced damage to his brain from foetal alcohol syndrome, as well as the possible brain damage from the injury when he was a child, and suggests a neuropsychological evaluation would be helpful (at paragraph 88).

- [26] On the specific instruments dealing with risks of sexual violence, Mr Possum also sadly rates as high risk. Intoxication is a significant risk factor for Mr Possum. As Dr Moyle says at paragraph 90:

“It is going to be very important to monitor [Mr Possum] for drug and alcohol use, closely initially, with supervisors ready to intervene and get

him safely into custody, if there is a risk of lapsing into drug and alcohol abuse.”

[27] Dr Moyle also says at paragraph 91:

“Ideally, he should stay away from where children are gathering, but also locations where people get intoxicated socially and should choose a different peer group, and this may take some time to develop.”

[28] Dr Moyle concludes that he is at high risk of reoffending, as measured clinically (at paragraph 92). His report contains substantial recommendations for management planning, for Mr Possum.

[29] The solicitor for the Attorney-General did engage a clinical neuropsychologist, Dr Sarah Russell, to prepare an assessment of Mr Possum. Mr Possum refused to participate in that assessment. Nevertheless, Dr Russell did provide a report based on the documentary materials provided to her and I refer to the affidavit of Dr Russell filed 3 October 2018. By reference to this material, Dr Russell confirms that Mr Possum was diagnosed with foetal alcohol syndrome in 2004. She also confirms that there is a record of Mr Possum suffering a mild traumatic brain injury in 2001 when he was 6 years old, following a fall from a swing. As Dr Russell says:

“Whilst most children with a MTBI recover well and do not experience any lasting cognitive impairment, Mr Possum may have had some lasting effects as he already had a vulnerable brain due to the Fetal Alcohol Syndrome and other neurodevelopmental issues such as childhood neglect and exposure to trauma noted in his history.”

[30] Dr Russell refers to a further incident in 2014, when Mr Possum was admitted to hospital after being found hanging on his knees with a soaker hose around his neck which, it is apparent from other material, was a suicide attempt. She suggests he may have sustained hypoxic and anoxic brain injury in this event, due to lack of oxygen supply to the brain, which can also cause cognitive problems. Dr Russell concludes that:

“Overall, from a neuropsychological perspective, there is compelling evidence to suggest that Mr Possum has significant cognitive impairment due to the range of insults on brain development documented in his medical history. These include the known impact of Fetal Alcohol Syndrome on intellectual and executive functioning, as identified in the results of cognitive screening completed by Dr Moyle, and his reported behavioural issues such as impulsivity and disinhibition. This cognitive

impairment is likely to be further compounded by one, or possibly two, brain injuries and other factors including his mental health issues and schizophrenia diagnosis and substance misuse.”

- [31] In his report dated 2 August 2018, Dr Beech expresses the opinion, by reference to Mr Possum’s history and the application of the various actuarial instruments, that Mr Possum is at least a moderate to high risk of reoffending if released into the community without a supervision order. Dr Beech says it is difficult to know whether there is a significant paraphilia, noting that he thinks the sexual offence involving the eight year old girl:

“[i]s more likely to reflect his intoxication and the sexual preoccupation, and willingness to assault any female given the opportunity when he is in that state, rather than a specific paraphilia towards children.” (at page 16)

- [32] Dr Beech considers a supervision order would reduce the risk posed by Mr Possum substantially. He says the conditions should be focused on abstinence, continued psychiatric and mental health services treatment and further counselling. He says a home assessment about Kowanyama should be made before Mr Possum is returned there. He says he would not place a specific embargo on general contact with children but does not think that Mr Possum should have unsupervised contact with a child. As Dr Beech says: “In my opinion, this issue is much about substance use, poor social integration and immaturity.”
- [33] In relation to Kowanyama, Mr Possum told Dr Arthur that he did not intend to return there as he felt he should give his victim some space and wanted to avoid antisocial peers. He expressed a wish to move to Chillagoe and a wish to return to labouring work on cattle stations. To both Dr Beech and Dr Arthur, Mr Possum was able to identify drinking alcohol and smoking dope as risk factors for him and an intention not to do that, when he is released.
- [34] In his report dated 3 September 2018, Dr Arthur gives Mr Possum the following diagnoses: chronic paranoid schizophrenia currently in remission, foetal alcohol syndrome, poly-substance abuse (alcohol and cannabis) currently in remission in a controlled environment, antisocial personality disorder and mild intellectual disability (at paragraph 203).
- [35] On the basis of application of the various actuarial risk assessment instruments and clinical assessment tools, Dr Arthur considers Mr Possum’s unmodified risk of sexual reoffending is high, with indicators of increasing risk being a return to substance use, negative mood states such as loneliness, rejection or grief, sexual

preoccupation as indicated by increased use of pornography, adoption of an itinerant lifestyle, association with antisocial peers and non-compliance psychiatric treatment (at paragraph 222).

- [36] Consistently with Dr Moyle and Dr Beech, Dr Arthur also identifies abstinence from drugs and alcohol as important from a risk management perspective, as well as reducing opportunities for victim access. In that regard, like Dr Beech, Dr Arthur says that whilst there is no indication Mr Possum has a deviant sexual interest in children, with the reality that he offended against an eight year old girl, he should not have unsupervised contact with female children under 16 (at paragraph 226).

- [37] In submissions on his behalf, Mr Possum accepts that the evidence before the court is capable of supporting a finding that he is a serious danger to the community, in the absence of a division 3 order and that the evidence supports the making of a supervision order.

- [38] Having had regard to all of the material, I accept that that is so and find that there is an unacceptable risk that Mr Possum will commit a serious sexual offence if released from custody without supervision; therefore, that he is a serious danger to the community.

- [39] I am conscious of his very young age and the fact that he has been convicted of only one sexual offence. I also observe that given his exposure to alcohol prior to his birth, leading to foetal alcohol syndrome, as well as a further brain injury when aged six, and the neglect and deprivation he has suffered in his life, Mr Possum sadly has had almost insurmountable hurdles placed in the way of him enjoying the life many of us take for granted. It would have taken a miracle for him to avoid intersection with the criminal justice system and now, the Dangerous Prisoners regime. Our society has to take some of the responsibility for that. However, the material does support the conclusion that, given his history and current circumstances, release from custody without supervision would not ensure adequate protection of the community, from the risk of Mr Possum committing a further serious sexual offence. It is therefore appropriate, consistent with that being the paramount consideration under section 13(6), that a supervision order be made.

- [40] Each of the psychiatrists make pragmatic recommendations for Mr Possum's clinical care and treatment, whilst subject to a supervision order, with particular account to be taken of his cognitive deficits, as a result of the cumulative effects of the deprivations he has suffered. Since rehabilitation is one of the main objects of the supervisory regime under the Dangerous Prisoners Act, the court anticipates that particular attention will be paid by those with responsibility for structuring

Mr Possum's supervision and treatment regime to the contents of each of the psychiatrist's reports, to ensure that Mr Possum has the best opportunity of successfully complying with the order.

- [41] In terms of the duration of the order, I note that section 13A(3) provides for a minimum period of five years. Although Dr Beech initially recommended that the order be in place for that period, ultimately, all three psychiatrists agree the order should be in place for ten years. As Dr Moyle says at page 4 of his supplementary report, "[t]here is no sign in the first 23 years of life of significant improvement outside of an institutional setting and abstinence from drugs and alcohol" and "given the deficits he has, there will be a prolonged period of adaptation into pro-social life, even in the Aboriginal communities he wishes to live".
- [42] Dr Beech in his supplementary report of 5 October 2018 likewise says the order should be for 10 years, although acknowledging that this is a vexed question, given that he is a young man with only a single conviction for a relevant sexual offence. Dr Beech similarly says, that given Mr Possum's most significant risk factor is a return to substance use, he will require close supervision to support him to maintain abstinence. Dr Arthur's opinion, as recorded in his supplementary report dated 12 October 2018, is to the same effect in terms of duration of the order.
- [43] I have canvassed with the legal representative for the Attorney General and Mr Possum, some changes that I propose to the draft order which has been put forward by the Attorney General. Those changes are:
- (a) To reword condition 23 so that it reads "not consume alcohol or take any illicit drugs for the duration of this order".
 - (b) To add a new condition after 24 which reads "not visit hotels, pubs or nightclubs licensed to supply or serve alcohol without the prior written permission of a corrective services officer".
 - (c) In what was numbered 26, that will be renumbered, replace the word, "drugs", with the word, "medicine".
 - (d) In what was number 30, reword that condition so that it reads as follows:

"Not establish or maintain any supervised or unsupervised contact with children under 16 years of age, except with prior written approval of a corrective services officer. Queensland Corrective Services may disclose information pertaining to the offender to

guardians or caregivers and external agencies (i.e. Department of Child Safety) in the interests of ensuring the safety of the children.”¹

- (e) In what was numbered 31, delete the second sentence, which commences, “The offender shall” and finishes with the words, “has occurred”, on the basis that this repeats condition 20.
- (f) Delete conditions 32, 33, 35 and 36 as they are numbered in the proposed draft. These conditions had proposed requiring that Mr Possum not access school or childcare centres, premises where there may be a play area or childminding area, shopping centres and not joining or affiliating or attending premises of clubs where there may be child membership or child participation. In my view, those conditions go beyond what is necessary or appropriate to adequately protect the community from the risk posed by Mr Possum. The risk posed by Mr Possum on my review of the material is one that is primarily related to intoxication and his inability to regulate his behaviour, given the many other challenges that he faces, if he is intoxicated either by alcohol or drugs.

As his victim was an eight year old girl, conditions 30 and 31, as they were numbered in the draft, prohibiting contact with children under 16 is appropriate. But in my view, the material demonstrates no basis for those additional conditions I have referred to, referring to schools, childcare centres et cetera and shopping centres. Mr Possum has no diagnosed paraphilia. On the basis of the material, the choice of victim was opportunistic, again driven by intoxication. Even the 2012 offending was on a public street, whilst heavily intoxicated. The conditions of a supervision order should not be more restrictive than is supported by the particular circumstances of a given case.

- (g) I will however, leave in what was numbered condition 34, which refers to not visiting public parks without the prior written approval of a corrective services officer as that condition is relevant to the risk posed in relation to

¹ In the form of the order as it was ultimately made by me (which appears in the schedule to these reasons), the second sentence of this condition was removed, and replaced as a separate condition, applying to both the condition that the respondent “not establish or maintain any supervised or unsupervised contact with children under 16 years of age except without prior written approval of a Corrective Services officer” and the condition requiring the respondent to “advise a Corrective Services officer of any repeated contact with a parent of a child under the age of 16”. See conditions 32-34 of the schedule below.

drinking alcohol, given the anecdotal, I accept, evidence of that activity in some public parks.²

- [44] Subject to those changes, I am satisfied it is appropriate to make a supervision order in terms of the draft proposed by the Attorney General and agreed to by the respondent, Mr Possum.

² Although, in the order as made, this condition has been placed with the other conditions relating to alcohol, under the heading “alcohol and other substances”: see condition 26 of the schedule below.

SCHEDULE

SUPERVISION ORDER

THE COURT, being satisfied that there are reasonable grounds for believing that the respondent, Danrick Dale William Possum, 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 Act), ORDERS THAT:

1. The respondent be subject to the following requirements until 7 November 2028:

The respondent must:

General terms

1. report to a Corrective Services officer at the Queensland Corrective Services Probation and Parole Office closest to his place of residence between 9am and 4pm on the day of release from custody and at that time advise the officer of his current name and address;
2. report to, and receive visits from, a Corrective Services officer at such times and at such frequency as determined by Queensland Corrective Services;
3. notify a Corrective Services officer of every change of his name, place of residence or employment at least two business days before the change happens;
4. be under the supervision of a Corrective Services officer for the duration of this order;
5. comply with a curfew direction or monitoring direction;
6. comply with any reasonable direction under section 16B of the Act given to him;
7. comply with every reasonable direction of a Corrective Services officer that is not directly inconsistent with a requirement of this order;
8. not leave or stay out of Queensland without the permission of a Corrective Services officer;
9. not commit an offence of a sexual nature during the period of the order;
10. not commit an indictable offence during the period of the order;

Employment

11. seek permission and obtain approval from a Corrective Services officer prior to entering into an employment agreement or engaging in volunteer work or paid or unpaid employment;

12. notify a Corrective Services officer of the nature of his employment, or offers of employment, the hours of work each day, the name of his employer and the address of the premises where he is or will be employed at least two days prior to commencement or any change;

Residence

13. reside at a place within the State of Queensland as approved by a Corrective Services officer by way of a suitability assessment and obtain written approval prior to any change of residence;
14. if this accommodation is of a temporary or contingency nature, comply with any regulations or rules in place at this accommodation and demonstrate reasonable efforts to secure alternative, viable long term accommodation to be assessed for suitability by Queensland Corrective Services;
15. not reside at a place by way of short term accommodation, including overnight stays, without the permission of a Corrective Services officer;

Requests for information

16. respond truthfully to enquiries by a Corrective Services officer about his activities, whereabouts and movements generally;

Contact with victims

17. not have any direct or indirect contact with a victim of his sexual offences;

Disclosure of plans and associates

18. disclose to a Corrective Services officer the name of each person with whom he associates and respond truthfully to requests for information from a Corrective Services officer about the nature of the association, address of the associate if known, the activities undertaken and whether the associate has knowledge of his prior offending behaviour;
19. discuss with a Corrective Services officer a schedule of his planned and proposed activities on a weekly basis or as otherwise directed;
20. if directed by a Corrective Services officer, make complete disclosure of the terms of this order and the nature of his past offences to any person as nominated by the Corrective Services officer, who may contact such persons to verify that full disclosure has occurred;
21. notify a Corrective Services officer of all personal relationships entered into by him;

Motor vehicles

22. notify a Corrective Services officer of the make, model, colour and registration number of any vehicle owned by or generally driven by him, whether hired or otherwise obtained for his use;

Alcohol & other substances

23. not consume alcohol or take any illicit drugs for the duration of this order;
24. submit to any form of drug and alcohol testing including both random urinalysis and breath testing as directed by a Corrective Services officer;
25. not visit pubs, hotels or nightclubs licensed to supply or serve alcohol without the prior written permission of a Corrective Services officer;
26. not visit public parks without the prior written permission of a Corrective Services officer;
27. disclose to a Corrective Services officer all prescription and over the counter medication that he obtains;
28. take prescribed medicine as directed by a medical practitioner and disclose details of all prescribed medication as requested to a Corrective Services officer;

Treatment

29. attend upon and submit to assessment, treatment, and/or medical testing by a psychiatrist, psychologist, social worker, counsellor or other mental health professional as directed by a Corrective Services officer at a frequency and duration which shall be recommended by the treating intervention specialist;
30. permit any medical, psychiatrist, psychologist, social worker, counsellor or other mental health professional to disclose details of treatment, intervention and opinions relating to level of risk of re-offending and compliance with this order to Queensland Corrective Services if such a request is made for the purposes of updating or amending the supervision order and/or ensuring compliance with this order;
31. attend any program, course, psychologist, social worker or counsellor, in a group or individual capacity, as directed by a Corrective Services officer in consultation with treating medical, psychiatric, psychological or other mental health practitioners where appropriate;

Contact with children

32. not establish or maintain any supervised or unsupervised contact with children under 16 years of age except with prior written approval of a Corrective Services officer;
33. advise a Corrective Services officer of any repeated contact with a parent of a child under the age of 16;
34. in relation to conditions 32 and 33, Queensland Corrective Services may disclose information pertaining to the respondent to guardians or caregivers and external

agencies (i.e. Department of Child Safety) in the interests of ensuring the safety of any children;

Technology, telephones and devices

35. obtain the prior written approval of a Corrective Services officer before accessing a computer or the internet;
36. notify a Corrective Services officer of any computer or other device connected to the internet that he regularly uses or has used;
37. supply to a Corrective Services officer any password or other access code known to him to permit access to such computer or other device or content accessible through such computer or other device and allow any device where the internet is accessible to be randomly examined using a data exploitation tool to extract digital information or any other recognised forensic examination process;
38. supply to a Corrective Services officer details of any email address, instant messaging service, chat rooms, or social networking sites including user names and passwords;
39. allow any other device including a telephone to be randomly examined. If applicable, account details and/or phone bills are to be provided upon request of a Corrective Services officer;
40. advise a Corrective Services officer of the make, model and phone number of any mobile phone owned, possessed or regularly utilised by him within 24 hours of connection or commencement of use and this includes reporting any changes to mobile phone details;
41. except with prior written approval from a Corrective Services officer, not own, possess or regularly utilise more than one mobile phone.