



# QUEENSLAND COUNCIL FOR CIVIL LIBERTIES

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*Watching Them While They're Watching You*

11 December 2018

## **MEDIA RELEASE BY TERRY O'GORMAN VICE-PRESIDENT, QUEENSLAND COUNCIL FOR CIVIL LIBERTIES**

The Civil Liberties Council today called on Corrective Services Minister Mark Ryan to immediately fix significant problems with the Dangerous Prisoner regime.

Civil Liberties Council Vice-President said that a highly critical Queensland Supreme Court Judgment by Justice Applegarth released today shed much needed light on a fundamental failure of the Dangerous Prisoner Jail Treatment and Rehabilitation Program.

In the case of *Queensland Attorney-General v FJA*<sup>1</sup>, Justice Applegarth made the following unusual and highly critical comments:-

- At paragraph [3]: Unfortunately, and despite the fact that the Respondent (prisoner) has been in custody since June 2017 (when his parole was suspended), he has not been approached to undertake a Sexual Offender Treatment Program.
- At paragraph [4]: I remarked at the hearing on 26 November 2018 that it was completely unsatisfactory that the Respondent (prisoner) had not been offered a place on the HISOP (a rehabilitation program for serious sexual offenders) long ago, and that it was simply not acceptable for this Court to order his continuing detention so as to undergo treatment ...
- At paragraph [119]: It is unfortunate, to say the least, that the Respondent was not offered and did not undertake sex offender programs in the second half of 2017 and throughout 2018. If he had completed them satisfactorily, he might have been paroled in 2018 or subject to a supervision order in late 2018. Instead he must be detained in custody for treatment he should have received during his term of imprisonment.

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<sup>1</sup> See Judgment [2018] QSC 291

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- At paragraph [122]: If the system had offered the Respondent a much needed HISOP place over the last 18 months and he had completed the program satisfactorily, he probably would have been released in late 2018 on a supervision order. The system having failed the Respondent and the community<sup>2</sup> in this way, regrettably he must be detained in custody for treatment.

Mr O’Gorman said that Justice Applegarth’s Judgment was delivered on 6 December 2018 but has only been published today.

“Criticism such as the system (has) failed the Respondent (prisoner) and the community are strong words coming from a Supreme Court Judge and cannot be ignored by the Corrective Services Minister”, Mr O’Gorman said.

“The problems caused by Corrective Services’ failure to devote sufficient money to prisoner rehabilitation programs for sexual offenders are not restricted to this case”, Mr O’Gorman said.

“As a criminal defence lawyer, I can say the problem is widespread. Sexual offenders liable to come under the Dangerous Prisoner regime frequently are not offered rehabilitation programs until close to their full time sentence often causing them to be kept in prison long beyond their proper release date”, Mr O’Gorman said.

Mr O’Gorman said that with ballooning prisoner numbers, Corrective Services’ failure to devote proper resources to rehabilitation programs, especially for sexual offenders, results in miscarriages of justice to prisoners being kept in jail beyond their Court ordered release date and is a problem for community safety as well.

**Mr O’Gorman can be contacted during business hours on 07 3034 0000  
or after hours on 0418 787182**

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<sup>2</sup> All underlined points of emphasis are my points of emphasis and the underlining does not appear in the original Judgment.