

Queensland



**DANGEROUS PRISONERS  
(SEXUAL OFFENDERS)  
BILL 2003**



Queensland



**DANGEROUS PRISONERS (SEXUAL OFFENDERS) BILL 2003**

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**DICTIONARY**



**2003**

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**A BILL**

**FOR**

**An Act to provide for the continued detention of particular prisoners  
for their control, care or treatment, or for their supervised release, and  
for other purposes**

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<b>The Parliament of Queensland enacts—</b>	1
<b>PART 1—PRELIMINARY</b>	2
<b>1 Short title</b>	3
This Act may be cited as the <i>Dangerous Prisoners (Sexual Offenders) Act 2003</i> .	1
<b>2 Definitions</b>	2
The dictionary in the schedule defines particular words used in this Act.	3
<b>3 Objects of this Act</b>	4
The objects of this Act are—	5
(a) to provide for the continued detention in custody or supervised release of particular prisoners to ensure adequate protection of the community; and	6 7 8
(b) to provide continuing control, care or treatment of particular prisoners to facilitate their rehabilitation.	9 10
<b>4 Relationship with Bail Act</b>	11
The <i>Bail Act 1980</i> does not apply to a person detained under this Act.	12



**PART 2—CONTINUING DETENTION OR SUPERVISION**

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*Division 1—Application for orders*

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**5 Attorney-General may apply for orders**

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(1) The Attorney-General may apply to the court for an order or orders under section 8<sup>1</sup> and a division 3 order in relation to a prisoner.

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(2) The application must—

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(a) state the orders sought; and

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(b) be accompanied by any affidavits to be relied on by the Attorney-General for the purpose of seeking an order or orders under section 8; and

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(c) be made during the last 6 months of the prisoner’s period of imprisonment.

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(3) On the filing of the application, the registrar must record a return date for the matter to come before the court for a hearing (“**preliminary hearing**”) to decide whether the court is satisfied that there are reasonable grounds for believing the prisoner is a serious danger to the community in the absence of a division 3 order.

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(4) The return date for the preliminary hearing must be within 14 business days after the filing.

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(5) A copy of the application and any affidavit to be relied on by the Attorney-General must be given to the prisoner within 2 business days after the filing.

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(6) In this section—

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“**prisoner**” means a prisoner detained in custody who is serving a period of imprisonment for a serious sexual offence, or serving a period of imprisonment that includes a term of imprisonment for a serious sexual offence, whether the person was sentenced to the term or period of imprisonment before or after the commencement of this section.

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1 Section 8 (Preliminary hearing)

**6 Prisoner may file material in response**

(1) The prisoner may file affidavits to be relied on by the prisoner for the preliminary hearing.

(2) The prisoner must give a copy of the affidavits to the Attorney-General at least 3 business days before the day set down for the preliminary hearing.

**7 Contents of affidavit**

(1) An affidavit must be confined to the evidence the person making it could give if giving evidence orally.

(2) However, an affidavit for use in a preliminary hearing may contain statements based on information and belief if the person making it states the sources of the information and the grounds for the belief.

**8 Preliminary hearing**

(1) If the court is satisfied there are reasonable grounds for believing the prisoner is a serious danger to the community in the absence of a division 3 order, the court must set a date for the hearing of the application for a division 3 order.

(2) If the court is satisfied as required under subsection (1), it may make either or both of the following orders—

(a) an order that the prisoner undergo examinations by 2 psychiatrists named by the court who are to prepare independent reports (a “**risk assessment order**”);

(b) if the court is satisfied that the prisoner may be released from custody before the application is finally decided, an order that the prisoner be detained in custody for the period stated in the order (an “**interim detention order**”).

(3) If the prisoner is ordered to be detained in custody after the prisoner’s period of imprisonment ends, the person remains a prisoner, including for all purposes in relation to an application under this Act.

(4) If the court sets a date for the hearing of the application for a division 3 order but the prisoner is released from custody before the application is finally decided, for all purposes in relation to deciding the application this Act continues to apply to the person as if the person were a prisoner.

**9 What a risk assessment order authorises**

A risk assessment order authorises the examination of the prisoner by 2  
2 psychiatrists, named in the risk assessment order, who must examine the 3  
prisoner and prepare a report as required under section 11. 4

**10 Discontinuing application for division 3 order**

(1) The Attorney-General, at any time after applying for a division 3 6  
order, may discontinue the application by giving to the registrar and the 7  
prisoner a notice of discontinuance. 8

(2) The application is taken to be dismissed by the court when the notice 9  
is given to the registrar. 10

(3) If the prisoner has been ordered to be detained under an interim 11  
detention order, the Attorney-General must apply immediately to the court 12  
for rescission of the order. 13

*Division 2—Psychiatric examinations***11 Preparation of psychiatric report**

(1) Each psychiatrist examining the prisoner must prepare a report under 16  
this section. 17

(2) The report must indicate— 18

(a) the psychiatrist's assessment of the level of risk that the prisoner 19  
will commit another serious sexual offence— 20

(i) if released from custody; or 21

(ii) if released from custody without a supervision order being 22  
made; and 23

(b) the reasons for the psychiatrist's assessment. 24

(3) For the purposes of preparing the report, the chief executive must 25  
give each psychiatrist any medical, psychiatric, prison or other relevant 26  
report or information in relation to the prisoner in the chief executive's 27  
possession or to which the chief executive has, or may be given, access. 28

(4) A person in possession of a report or information mentioned in 29  
subsection (3) must give a copy of the report or the information to the chief 30  
executive if asked by the chief executive. 31

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- (5) Subsection (4) authorises and requires the person to give the report or information despite any other law to the contrary or any duty of confidentiality attaching to the report. 1  
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- (6) If a person required to give a report or information under subsection (4) refuses to give the report or information, the chief executive may apply to the court for an order requiring the person to give the report or information to the chief executive. 4  
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- (7) A person giving a report or information under subsection (4) or (6) is not liable, civilly, criminally or under an administrative process, for giving the report or information. 8  
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10
- (8) Each psychiatrist must have regard to each report or the information given to the psychiatrist under subsection (3). 11  
12
- (9) Each psychiatrist must prepare a report even if the prisoner does not cooperate, or does not cooperate fully, in the examination. 13  
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## **12 Psychiatric reports to be given to the Attorney-General and the prisoner** 15 16

- (1) Each psychiatrist must give a copy of the psychiatrist's report to the Attorney-General within 7 days after finalising the report. 17  
18
- (2) The Attorney-General must give a copy of each report to the prisoner on the next business day after the Attorney-General receives the report. 19  
20

## *Division 3—Orders* 21

### **13 Division 3 orders** 22

- (1) This section applies if, on the hearing of an application for a division 3 order, the court is satisfied the prisoner is a serious danger to the community in the absence of a division 3 order (a “**serious danger to the community**”). 23  
24  
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26
- (2) A prisoner is a serious danger to the community as mentioned in subsection (1) if there is an unacceptable risk that the prisoner will commit a serious sexual offence— 27  
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29
- (a) if the prisoner is released from custody; or 30
  - (b) if the prisoner is released from custody without a supervision order being made. 31  
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- (3) On hearing the application, the court may decide that it is satisfied as required under subsection (1) only if it is satisfied—
- (a) by acceptable, cogent evidence; and
  - (b) to a high degree of probability;
- that the evidence is of sufficient weight to justify the decision.
- (4) In deciding whether a prisoner is a serious danger to the community as mentioned in subsection (1), the court must have regard to the following—
- (a) the reports prepared by the psychiatrists under section 11<sup>2</sup> and the extent to which the prisoner cooperated in the examinations by the psychiatrists;
  - (b) any other medical, psychiatric, psychological or other assessment relating to the prisoner;
  - (c) information indicating whether or not there is a propensity on the part of the prisoner to commit serious sexual offences in the future;
  - (d) whether or not there is any pattern of offending behaviour on the part of the prisoner;
  - (e) efforts by the prisoner to address the cause or causes of the prisoner’s offending behaviour, including whether the prisoner participated in rehabilitation programs;
  - (f) whether or not the prisoner’s participation in rehabilitation programs has had a positive effect on the prisoner;
  - (g) the prisoner’s antecedents and criminal history;
  - (h) the risk that the prisoner will commit another serious sexual offence if released into the community;
  - (i) the need to protect members of the community from that risk;
  - (j) any other relevant matter.
- (5) If the court is satisfied as required under subsection (1), the court may order—
- (a) that the prisoner be detained in custody for an indefinite term for control, care or treatment (“**continuing detention order**”); or

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2 Section 11 (Preparation of psychiatric report)

(b) that the prisoner be released subject to the conditions it considers appropriate that are stated in the order (“ <b>supervision order</b> ”).	1 2
(6) In deciding whether to make an order under subsection (5)(a) or (b), the paramount consideration is to be the need to ensure adequate protection of the community.	3 4 5
(7) The Attorney-General has the onus of proving that a prisoner is a serious danger to the community as mentioned in subsection (1).	6 7
<b>14 Effect of continuing detention order</b>	8
(1) A continuing detention order has effect in accordance with its terms—	9 10
(a) on the order being made or at the end of the prisoner’s period of imprisonment, whichever is the later; and	11 12
(b) until rescinded by the court’s order.	13
(2) A person subject to a continuing detention order remains a prisoner.	14
<b>15 Effect of supervision order</b>	15
A supervision order has effect in accordance with its terms—	16
(a) on the order being made or at the end of the prisoner’s period of imprisonment, whichever is the later; and	17 18
(b) for the period stated in the order.	19
<b>16 Conditions for supervised release</b>	20
(1) If the court makes a supervision order against a prisoner, the order must contain requirements that the prisoner—	21 22
(a) report to a corrective services officer at the place, and within the time, stated in the order and advise the officer of the prisoner’s current name and address; and	23 24 25
(b) report to, and receive visits from, a corrective services officer as directed by the court; and	26 27
(c) notify a corrective services officer of every change of the prisoner’s name, place of residence or employment at least 2 business days before the change happens; and	28 29 30

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(d)	be under the supervision of a corrective services officer; and	1
(e)	not leave or stay out of Queensland without the permission of a corrective services officer; and	2 3
(f)	not commit an offence of a sexual nature during the period of the order.	4 5
(2)	The supervision order may contain any other order the court thinks appropriate—	6 7
(a)	to ensure adequate protection of the community; or	8
	<i>Examples for paragraph (a)—</i>	9
1.	That the prisoner not knowingly reside with a convicted sex offender.	10
2.	That the prisoner must not, without reasonable excuse, be within 200 m of a school.	11 12
(b)	for the prisoner’s rehabilitation or care or treatment.	13
<b>17</b>	<b>Court to give reasons</b>	14
(1)	If a court makes a continuing detention order or a supervision order, it must give detailed reasons for making the order.	15 16
(2)	The reasons must be given at the time the order is made.	17
	<b><i>Division 4—Amendment of supervision orders</i></b>	18
<b>18</b>	<b>Application for amendment</b>	19
(1)	An application under this division must be made by—	20
(a)	a prisoner released under a supervision order (“ <b>released prisoner</b> ”); or	21 22
(b)	the chief executive with the Attorney-General’s consent.	23
(2)	Notice of an application made by the released prisoner must be given by the released prisoner to the Attorney-General and the chief executive.	24 25
(3)	Notice of an application made by the chief executive must be given to the released prisoner.	26 27

<b>19</b>	<b>Amendment of conditions of supervision order</b>	1
	(1) The court may, on application, amend the conditions of a supervision order if the court is satisfied that—	2 3
	(a) the released prisoner is not able to comply with the conditions of the order because of a change in the released prisoner's circumstances; or	4 5 6
	(b) an amendment of the conditions is necessary or desirable for any other reason.	7 8
	(2) The court may amend the conditions if it is satisfied that—	9
	(a) the conditions, as amended, are sufficient to ensure adequate protection of the community; and	10 11
	(b) it is reasonable to make the amendment in all the circumstances.	12
	 <i>Division 5—Contravention of supervision order</i>	 13
<b>20</b>	<b>Summons or warrant for released prisoner suspected of contravening a supervision order</b>	14 15
	(1) This section applies if a police officer or corrective services officer reasonably suspects a released prisoner is likely to contravene, is contravening, or has contravened, a condition of the released prisoner's supervision order.	16 17 18 19
	(2) The officer may, by a complaint to a magistrate, apply for—	20
	(a) a summons requiring the released prisoner to appear before the Supreme Court; or	21 22
	(b) a warrant for the arrest of the released prisoner directed to all police officers and corrective services officers to arrest the released prisoner and bring the released prisoner before the Supreme Court to be dealt with according to law.	23 24 25 26
	(3) The magistrate must issue the summons or warrant, in the approved form, if the magistrate is satisfied the grounds for issuing the summons or warrant exist.	27 28 29
	(4) However, the warrant may be issued only if—	30
	(a) the complaint is under oath; and	31



- (b) the magistrate is satisfied the released prisoner would not appear in answer to a summons. 1  
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- (5) Further, the magistrate may refuse to issue the warrant if the magistrate considers it would be unjust to issue the warrant. 3  
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- (6) The summons or warrant may state the suspected contravention in general terms. 5  
6
- 21 Contravention of supervision order** 7
- (1) This section applies if a released prisoner is brought before the court under a summons or warrant issued under section 20.<sup>3</sup> 8  
9
- (2) The Attorney-General may apply to the court for a further order under section 22. 10  
11
- (3) The application must state the order sought. 12
- 22 Court may make further order** 13
- If the court is satisfied, on the balance of probabilities, that the released prisoner is likely to contravene, is contravening, or has contravened, the supervision order, the court may— 14  
15  
16
- (a) make a continuing detention order, if satisfied as required under section 13(1);<sup>4</sup> or 17  
18
- (b) amend the conditions of the supervision order; or 19
- (c) make any other order the court considers appropriate to achieve compliance with the supervision order or that is necessary to ensure adequate protection of the community. 20  
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3 Section 20 (Summons or warrant for released prisoner suspected of contravening a supervision order)

4 Section 13 (Division 3 orders)

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***Division 6—Return to custody of released prisoner***

**23 Application of division**

This division applies if, after being released from custody under a supervision order, a released prisoner is sentenced to a term or period of imprisonment for any offence, other than an offence of a sexual nature.

**24 Period in custody not counted**

(1) The released prisoner's supervision order is suspended for any period the released prisoner is detained in custody on remand or serving the term of imprisonment.

(2) The period for which the released prisoner's supervision order has effect as stated in the order is extended by any period the released prisoner is detained in custody.

***Division 7—Disclosure provisions***

**25 Duty to disclose**

(1) This section applies to an application for a division 3 order.

(2) The Attorney-General's duty to disclose evidence or things in the Attorney-General's possession is the same duty to disclose the prosecution has in a criminal proceeding.

(3) The Attorney-General must disclose the evidence or things at least 7 days before the application is heard.

(4) If the Attorney-General can not comply with the time requirement because the thing to be disclosed was not in the Attorney-General's possession in sufficient time, including, for example, because the thing did not exist at the time, the Attorney-General must disclose the thing as soon as practicable after it comes into the Attorney-General's possession.

**PART 3—ANNUAL REVIEWS****26 Purpose of this part**

The purpose of this part is to ensure that a prisoner's continued detention under a continuing detention order is subject to regular review.

**27 Review—periodic**

(1) If the court makes a continuing detention order, the court must review the order at the end of 1 year after the order first has effect and afterwards at intervals of not more than 1 year after the last review was made while the prisoner continues to be subject to the order.

(2) The Attorney-General must make any application that is required to be made to cause the reviews mentioned in subsection (1) to be carried out.

**28 Review—application by prisoner**

(1) The prisoner may apply to the court for the prisoner's continuing detention order to be reviewed at any time after the court makes its first review under section 27(1) if the court gives leave to apply on the ground that there are exceptional circumstances that relate to the prisoner.

(2) The registrar must immediately forward a copy of the application to the Attorney-General.

(3) As soon as practicable after the making of the application, the court must give directions to enable the application to be heard.

(4) Subject to any directions given by the court, the application must be heard as soon as practicable after the application is made.

**29 Psychiatric reports to be prepared for review**

(1) Unless the court otherwise orders at the hearing of any application under this Act, for the purposes of a review under section 27 or 28, the chief executive must arrange for the prisoner to be examined by 2 psychiatrists.

- (2) For subsection (1) and the purposes of a review, sections 11 and 12<sup>5</sup> apply with necessary changes. 1  
2
- (3) Subsection (1) authorises examinations of the prisoner by the 2 psychiatrists. 3  
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- 30 Review hearing** 5
- (1) This section applies if, on the hearing of a review under section 27 or 28 and having regard to the matters mentioned in section 13(4),<sup>6</sup> the court affirms a decision that the prisoner is a serious danger to the community in the absence of a division 3 order. 6  
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- (2) On the hearing of the review, the court may affirm the decision only if it is satisfied— 10  
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- (a) by acceptable, cogent evidence; and 12
- (b) to a high degree of probability; 13
- that the evidence is of sufficient weight to affirm the decision. 14
- (3) On affirming the decision, the court may order that the prisoner— 15
- (a) continue to be subject to the continuing detention order; or 16
- (b) be released subject to a supervision order. 17
- (4) In deciding whether to make an order under subsection (3)(a) or (b), the paramount consideration is to be the need to ensure adequate protection of the community. 18  
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- (5) If the court does not make the order under subsection (3)(a), the court must rescind the continuing detention order. 21  
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5 Sections 11 (Preparation of psychiatric report) and 12 (Psychiatric reports to be given to Attorney-General and the prisoner)

6 Section 13 (Division 3 orders)

**PART 4—APPEALS****31 Appeals**

The Attorney-General or a prisoner in relation to whom a decision under this Act has been made may appeal against the decision.

**32 Time for appeal**

(1) An appeal must be started within 1 month after the decision is made (the “**appeal period**”).

(2) On application, the Court of Appeal may extend the appeal period.

**33 Starting appeal**

(1) A person starts an appeal by filing a notice of appeal with the registrar.

(2) The notice must—

(a) be signed by the person or the person’s lawyer; and

(b) state, briefly and precisely, the grounds of the appeal.

(3) If the notice is not filed in the appeal period, the person must also file with the registrar a notice of application for extension of time for filing the notice.

**34 Registrar to give respondent copies of particular documents**

The registrar must give to the respondent to an appeal copies of any of the following documents filed with the registrar for the appeal—

(a) the notice of appeal;

(b) a notice of application for extension of time for filing a notice mentioned in paragraph (a).

**35 Abandoning applications for extensions**

(1) This section applies to an applicant for extension of time within which to appeal.

(2) The applicant, at any time after filing the application, may abandon it by giving to the registrar a notice of abandonment of application. 1 2

(3) The application is taken to be refused by the Court of Appeal when the notice of abandonment is given to the registrar. 3 4

(4) However, if the court considers it necessary in the interests of justice, the Court of Appeal may set aside the abandonment and reinstate the application. 5 6 7

### **36 Abandoning appeal** 8

(1) An appellant, at any time after starting an appeal, may abandon it by giving to the registrar a notice of abandonment of appeal. 9 10

(2) The appeal is taken to be dismissed by the Court of Appeal when the notice is given to the registrar. 11 12

(3) However, if the Court of Appeal considers it necessary in the interests of justice, the Court of Appeal may set aside the abandonment and reinstate the appeal. 13 14 15

### **37 Lawyer acting for prisoner** 16

(1) A lawyer acting for a prisoner in an appeal must— 17

(a) give written notice that the lawyer acts for the prisoner to the registrar; and 18 19

(b) give a copy of the notice to the other party to the appeal. 20

(2) The notice must state the lawyer's— 21

(a) address for service; and 22

(b) telephone and facsimile number; and 23

(c) email address, if any. 24

(3) The lawyer must comply with subsection (1)— 25

(a) no later than 14 days before the day the appeal is set down for hearing (the “**hearing day**”); or 26 27

(b) if the hearing day is sooner than the 14 days, as soon as possible. 28

(4) A lawyer acting for a prisoner who files a notice of appeal is taken to continue acting for the prisoner until the earliest of the following happens— 29 30 31

(a) the lawyer gives a notice to the registrar under section 38(1);	1
(b) the lawyer is given the Court of Appeal's leave to withdraw from acting for the prisoner under section 38(2).	2 3
<b>38 Lawyer withdrawing from acting for prisoner</b>	4
<b>(1)</b> A lawyer who is no longer instructed to act for a prisoner in an appeal may withdraw from acting for the prisoner in the appeal by—	5 6
(a) as soon as possible after becoming aware that the lawyer is no longer instructed to act, giving the registrar written notice that the lawyer no longer acts for the prisoner; and	7 8 9
(b) at the same time, giving a copy of the notice to each of the following persons at the person's address that is last known to the lawyer—	10 11 12
(i) the other party to the appeal;	13
(ii) the prisoner.	14
<b>(2)</b> A lawyer who wants to withdraw from acting for a prisoner in an appeal, other than because the lawyer is no longer instructed to act for the prisoner, may withdraw by—	15 16 17
(a) giving written notice to the registrar that the lawyer intends seeking the Court of Appeal's leave to withdraw from acting for the prisoner in the appeal; and	18 19 20
(b) giving a copy of the notice to—	21
(i) the other party to the appeal; and	22
(ii) the prisoner; and	23
(c) obtaining the Court of Appeal's leave to withdraw from acting for the prisoner in the proceeding.	24 25
<b>(3)</b> The lawyer must give the notice or copy mentioned in subsection (2)—	26 27
(a) no later than 14 days before the hearing day; or	28
(b) if the hearing day is sooner than the 14 days, as soon as possible.	29

**39 Application for leave to be present**

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If a prisoner indicates on the notice of appeal that the prisoner wants to be present at the hearing of the appeal, the notice is taken also to be an application for leave to be present at the appeal.

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4**40 Prisoner detained in custody**

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(1) This section applies to an appeal if the prisoner is not legally represented and is detained in custody.

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(2) The person in charge of the place where the prisoner is detained in custody must give to the registrar written notice that the prisoner is detained in custody at that place.

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(3) The registrar may ask the Court of Appeal for directions about the appeal, including, for example, about the prisoner's attendance at the appeal.

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13**41 Stay of operation of decision**

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(1) An appeal does not stay the operation of the decision.

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(2) However, if the prisoner may be released from custody before the appeal is finally decided, the Court of Appeal, a judge of appeal or the court may order that the prisoner be detained in custody for the period stated in the order.

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(3) If the prisoner is ordered to be detained in custody after the prisoner's period of imprisonment ends, the person remains a prisoner.

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21**42 Court's power to order re-arrest on appeal by Attorney-General**

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(1) This section applies if an order is made under section 41(2) for the detention of a prisoner.

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(2) The Court of Appeal, the judge of appeal or the court may, when the order is made or afterwards, issue a warrant for the prisoner's apprehension and committal into custody.

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27**43 Court of Appeal's powers on appeal**

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(1) An appeal is by way of rehearing.

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(2) The Court of Appeal—

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| (a) has all the powers and duties of the court that made the decision appealed from; and   | 1<br>2 |
| (b) may draw inferences of fact, not inconsistent with the findings of the court; and  | 3<br>4 |
| (c) may, on special grounds, receive further evidence as to questions of fact, either orally in court, by affidavit or in another way. | 5<br>6 |

## PART 5—GENERAL 7

### 44 Hearings on the papers 8

(1) The court may decide whether it is satisfied as required under section 8(1) or 18<sup>7</sup> entirely or partly from a consideration of the documents filed, without the prisoner or witnesses appearing or the prisoner consenting to, or being heard on, the matter being decided in that way. 9  
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(2) In making its decision, the court may receive in evidence the following documents— 13  
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- |   |                      |
|---|----------------------|
| (a) the prisoner's antecedents and criminal history;  | 15                   |
| (b) anything relevant to the issue contained in the certified transcription of, or any medical, psychiatric, psychological or other report tendered in, any proceeding against the prisoner for a serious sexual offence. | 16<br>17<br>18<br>19 |

### 45 Other hearings 20

(1) This section applies to the following applications— 21

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|---|----|
| (a) an application for a division 3 order;                            | 22 |
| (b) an application for review under section 27 or 28; <sup>8</sup>    | 23 |
| (c) an application for a further order under section 22. <sup>9</sup> | 24 |

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7 Section 8 (Preliminary hearing) or 18 (Application for amendment)

8 Section 27 (Review—periodic) or 28 (Review—application by prisoner)

9 Section 22 (Court may make further order)

(2) Subject to the admissibility of the evidence, before the court makes a decision or order on the hearing of an application it must—	1 2
(a) hear evidence called by the Attorney-General; and	3
(b) hear evidence given or called by the prisoner, if the prisoner elects to give or call evidence.	4 5
(3) Subject to subsection (4), ordinary rules of evidence apply to evidence given or called under subsection (2).	6 7
(4) In making its decision, the court may receive in evidence the following documents—	8 9
(a) the prisoner’s antecedents and criminal history;	10
(b) anything relevant to the issue contained in the certified transcription of, or any medical, psychiatric, psychological or other report tendered in, any proceeding against the prisoner for a serious sexual offence.	11 12 13 14
(5) In this section—	15
“certified transcription” means a certified transcription under the <i>Recording of Evidence Act 1962</i> , section 10(2).	16 17
<b>46 Court may give directions</b>	18
The court may give directions in relation to the conduct of a proceeding under this Act on its own initiative or on an application.	19 20
<b>47 Service on a prisoner</b>	21
(1) If a document is required under this Act to be given to a prisoner detained in custody, the document is taken to have been given to the prisoner if the document is given to the person in charge of the place where the prisoner is detained in custody.	22 23 24 25
(2) If, under subsection (1), a document is given to the person in charge, the person in charge must give the document to the prisoner without undue delay.	26 27 28
<b>48 Service or filing by a prisoner</b>	29
(1) If a prisoner detained in custody is unrepresented and is required under this Act to give or file a document, the prisoner may give the	30 31

document to the person in charge of the place where the prisoner is detained in custody.	1 2
(2) The person in charge must give or file the document without undue delay.	3 4
<b>49 Appearance at hearings</b>	5
The prisoner is entitled to appear at a hearing under section 13, 21, 27 or 28. <sup>10</sup>	6 7
<b>50 Order for detention taken to be a warrant for Corrective Services Act</b>	8 9
An order of the court or the Court of Appeal under this Act that a prisoner be detained in custody for the period stated in the order is taken to be a warrant committing the prisoner into custody for the <i>Corrective Services Act 2000</i> .	10 11 12 13
<b>51 Post-prison community based release</b>	14
A prisoner subject to a continuing detention order, an interim detention order or an order under section 41(2) <sup>11</sup> is not eligible for post-prison community based release under the <i>Corrective Services Act 2000</i> , chapter 5.	15 16 17 18
<b>52 Approved forms</b>	19
The chief executive of the department within which this Act is administered may approve forms for use under this Act.	20 21
<b>53 Regulation-making power</b>	22
The Governor in Council may make regulations under this Act.	23

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10 Section 13 (Division 3 orders), 21 (Contravention of supervision order), 27 (Review—periodic) or 28 (Review—application by prisoner)

11 Section 41 (Stay of operation of decision)

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**PART 6—AMENDMENT OF CORRECTIVE SERVICES ACT 2000** 1  
2

**54 Act amended in pt 6** 3

This part amends the *Corrective Services Act 2000*. 4

**55 Amendment of s 15 (Medical examination or treatment)** 5

(1) Section 15(3) to (6)— 6

*renumber* as section 15(4) to (7). 7

(2) Section 15— 8

*insert*— 9

‘(3) A prisoner must submit to examinations by 2 psychiatrists as required— 10  
11

(a) under a risk assessment order under the *Dangerous Prisoners (Sexual Offenders) Act 2003*, section 8(2)(a); or 12  
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(b) by the chief executive if the chief executive must arrange for the examinations under section 33 of that Act.<sup>12</sup>’ 14  
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12 *Dangerous Prisoners (Sexual Offenders) Act 2003*, section 8 (Preliminary hearing) or 33 (Starting appeal)

<b>SCHEDULE</b>	1
<b>DICTIONARY</b>	2
section 2	3
<b>“appeal period”</b> see section 32(1).	4
<b>“chief executive”</b> means the chief executive (corrective services).	5
<b>“continuing detention order”</b> see section 13(5)(a).	6
<b>“corrective services officer”</b> see the <i>Corrective Services Act 2000</i> , schedule 3.	7 8
<b>“court”</b> means the trial division of the Supreme Court.	9
<b>“criminal history”</b> means criminal history prepared by the commissioner of the police service.	10 11
<b>“division 3 order”</b> means—	12
(a) a continuing detention order; or	13
(b) a supervision order.	14
<b>“hearing day”</b> see section 37(3)(a).	15
<b>“interim detention order”</b> see section 8(2)(b).	16
<b>“period of imprisonment”</b> see the <i>Penalties and Sentences Act 1992</i> , section 4.	17 18
<b>“preliminary hearing”</b> see section 5(3).	19
<b>“prisoner”</b> means a prisoner within the meaning of the <i>Corrective Services Act 2000</i> .	20 21
<b>“psychiatrist”</b> means a person registered as a specialist registrant under the <i>Medical Practitioners Registration Act 2001</i> in the specialty of psychiatry.	22 23 24
<b>“reasonably suspects”</b> means suspects on grounds that are reasonable in all the circumstances of the case.	25 26
<b>“registrar”</b> means the registrar of the court.	27
<b>“released prisoner”</b> see section 18(1)(a).	28

## SCHEDULE (continued)

“ <b>risk assessment order</b> ” means an order made under section 8(2)(a).	1
“ <b>serious danger to the community</b> ” see section 13(1).	2
“ <b>serious sexual offence</b> ” means an offence of a sexual nature, whether committed in Queensland or outside Queensland—	3 4
(a) involving violence; or	5
(b) against children.	6
“ <b>supervised release</b> ” means release from custody under a supervision order.	7 8
“ <b>supervision order</b> ” see section 13(5)(b).	9
“ <b>term of imprisonment</b> ” see the <i>Penalties and Sentences Act 1992</i> , section 4.	10 11
“ <b>violence</b> ” includes the following—	12
(a) intimidation;	13
(b) threats.	14