



JUSTICE BEHIND BARS



Dangerous Prisoner (Sexual Offenders) Act (DPSOA) Orders

This factsheet provides general information regarding potential orders that may be made against prisoners under the DSPOA.

Can an order be made against you?

The Attorney-General *may* apply for an order against you under the DPSOA if you are a prisoner currently detained in custody and serving a term of imprisonment for a serious sexual offence. A serious sexual offence is an offence of a sexual nature:

- involving violence (which includes intimidation or threats); **or**
- against a child; **or**
- against a person, including a fictitious person represented to the prisoner as a real person, whom the prisoner believed to be a child under the age of 16 years.

What orders can be made?

The Attorney-General can apply to the court for the following orders:

- a continuing detention order (you remain in custody after your full time); or
- a supervision order (where you are released from custody on a number of conditions; similar to a strict type of parole)

When can these orders be made?

The Attorney-General can only start proceedings under the DPSOA against a prisoner convicted of a serious sexual offence who is in custody and still within the last 6 months of their full time release date.

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This factsheet is intended to provide legal information only and is not a substitute for legal advice.
PLS respectfully acknowledges the Aboriginal and Torres Strait Islander peoples as the traditional owners and custodians of this land and acknowledges their Elders, past, present and emerging.

Are these orders applied automatically?

DPSOA proceedings are **not** automatically started. The Attorney-General must apply for an order from the Supreme Court if they consider that you will pose a serious danger to the community if released at your full time date.

If an order is being sought by the Attorney-General, they will often arrange a psychiatric assessment to be completed approximately 18 months before your full-time release date. This report will help them make a decision about whether to start DPSOA proceedings.

How is an order made?

If the Attorney-General files proceedings, a Supreme Court process will begin. There are two hearings which will take place:-

- A preliminary where the Supreme Court will consider whether there are reasonable grounds for believing that you are a serious danger to the community in the absence of a DPSOA order on the basis of the preliminary psychiatrist assessment mentioned above; and
- A final hearing where the Supreme Court will consider the independent reports and evidence of a further two psychiatrists as to whether you pose a serious danger to the community in the absence of a DPSOA order.

If a Supreme Court judge considers the prisoner **poses a serious danger to the community** a DPSOA order will be made.

When considering whether or not you pose a serious danger to the community, the court will consider a number of factors outlined within the DPSOA.

However, those considerations are not exhaustive and the protection of the community is always paramount.

DPSOA and Parole

As DPSOA proceedings can only be brought in the last 6 months of your sentence, there is significant benefit to having a **parole application decided before this time**.

The parole board is required to consider the likelihood of a DPSOA application being brought against you, however, it is unclear how the potential for DPSOA orders actually impacts the parole board's decision making. Generally, the parole board make no reference to potential DPSOA proceedings in their decisions.

Where a DPSOA proceeding has been started against you and the Supreme Court has set down a preliminary hearing to decide if an Order should be imposed on you, the Parole Board cannot grant parole.

What steps should you take?

If at any time you receive notice that DPSOA proceedings are being started against you, contact Legal Aid Queensland immediately.

Legal Aid represent prisoners who are subject to DPSOA applications. Unfortunately, PLS are not able to assist with these matters.

You can contact LAQ on number 4 on the prison Arunta telephone system.