

THE SUPREME COURT OF WESTERN AUSTRALIA

MCS 13 of 2010

IN THE MATTER of Part 3 of the *Dangerous Sexual Offenders Act 2006*

DIRECTOR OF PUBLIC PROSECTIONS FOR WESTERN AUSTRALIA

Applicant

-and-

ALWYN WAYNE BROWN

Respondent

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SUPERVISION ORDER MADE BY THE HON JUSTICE MARTINO  
ON 15 OCTOBER 2015

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The Court having found pursuant to section 33 and section 7 of the *Dangerous Sexual Offenders Act 2006* that the Respondent remains a serious danger to the community, the Court rescinds the Continuing Detention Order made on 26 April 2013 and orders that the Respondent be the subject of a Supervision Order pursuant to section 33(2)(b) of the *Dangerous Sexual Offenders Act 2006*, for a period of five years from the date of this order, on the following conditions:

THE RESPONDENT must:

STANDARD CONDITIONS REQUIRED BY THE ACT

1. Report to a Community Corrections Officer at the place and within the time stated in Condition 10 and advise the officer of the person's current name and address; AWB
2. Report to and receive visits from, a Community Corrections Officer as directed by the court; AWB
3. Notify a Community Corrections Officer of every change of the person's name, place of residence, or place of employment at least 2 days before the change happens; AWB
4. Be under the supervision of a Community Corrections Officer, which includes, comply with any reasonable direction of the officer (including a direction for the purposes of section 19A or 19B); and AWB
5. Not leave, or stay out of the State of Western Australia without the permission of a Community Corrections Officer; and AWB
6. Not commit a sexual offence as defined in the *Evidence Act 1906* section 36A during the period of the Order; and AWB

7. Be subject to electronic monitoring under section 19A. *AWB*

### **ADDITIONAL CONDITIONS**

The following conditions incorporate the above standard conditions and are suggested to strengthen and add to the standard conditions required by the Act for the more effective management of the offender in the community.

#### **Residence**

8. Take up residence at [REDACTED] and spend each night at that address or at a different address only if such different address is approved in advance by a Community Corrections Officer (CCO) assigned to you; *AWB*
9. Not leave or remain out of the State of Western Australia without the permission of a Manager of the Department of Corrective Services and, if so permitted, abide by all conditions of such permission whilst absent from the state; *AWB*

#### **Reporting to a CCO and supervision by a CCO**

10. Report to a CCO at Central West metropolitan Adult Community Corrections, Level 2, 30 Moore Street, East Perth WA 6004, within normal business hours on the day of release from custody under this order, and thereupon advise the CCO of your current name and address; *AWB*
11. Be under the supervision of a CCO, and comply with the lawful orders and directions of a CCO; *AWB*
12. Report to, and receive visits from a CCO, at times and at places as directed by the CCO, such arrangements having regard to any employment commitments of you; *AWB*
13. Notify the CCO of any change of your name at least 2 business days before the change is due to happen; *AWB*
14. Not commence or change employment without the prior approval of the CCO; *AWB*

#### **Attendance at programs or treatment**

15. Consult and engage with any psychiatrist, psychologist, mentor, support service and/or support person nominated by a CCO, as directed by a CCO; *AWB*
16. Comply with the requirements of all programs designed to address your offending behaviour and/or risk of serious sexual re-offending, as directed by a CCO; *AWB*

#### **Reporting to WA Police**

17. Report to the Officer-in-Charge of the Sex Offender Management Squad (SOMS), Suite 1, 297 Hay Street, East Perth, WA 6004 and thereafter report to and receive visits from Police at times and at locations as directed by the Officer-in-Charge of the Sex Offender Management Squad or his/her delegate; (OR) *AWB*

18. Comply with all obligations imposed on you pursuant to the *Community Protection (Offender Reporting) Act 2004*;
19. If requested, permit Police Officers to enter and search your residence for the purpose of monitoring your compliance with your obligations under this order;
20. When requested, advise Police of the names of all of your internet service providers, all mobile or landline telephone services used by you and all internet user names or identities used by you.

#### Disclosure/Exchange of Information

21. Agree to the exchange of information between persons and agencies involved in the implementation and supervision of this order, including confidential information;
22. Allow the CCO, WA Police, or other person or agencies approved by the CCO, to interview any associates or potential associates and, where appropriate, to disclose to them confidential information including your offence history;

#### Restrictions on contact with Victims

23. Have no contact, directly or indirectly, with the victims of your sexual offending, unless such contact is conducted in accordance with agreements made through, or approved by, the Victim-Offender Mediation Unit of the Department of Corrective Services;
24. Unless contact with victims is permitted pursuant to the previous condition, you must immediately physically withdraw from any situation or immediate location in which contact is made with any victim of your sexual offending (including being in the immediate presence of any victim), without engaging in conversation with any victim whether by word or gesture, and must avert your gaze from such victim at all times;
25. Not breach any provision of, or commit any offence under, the *Restraining Orders Act 1997*;

#### Criminal conduct

26. Not commit any sexual offence, as defined in the *Evidence Act 1906* section 36A;
27. Not commit any other criminal offence where the maximum penalty for which includes imprisonment, and which involves either violence, threats of violence, or the possession of weapons or offensive instruments;
28. Not commit an offence under s 202, s 203, s 204, s 204A, s 204B, s 217, s 218, s 219, s 220 or s 557K *Criminal Code 1913 (WA)*;
29. Not commit any offence under the *Classification (Publications, Films and Computer Games) Enforcement Act 1996*;
30. Not possess, consume or use any prohibited drugs or substances including, but not limited to, cannabis;

#### Curfew

31. Be subject to a curfew, pursuant to section 19B of the *Dangerous Sexual Offenders Act 2006*, such that you are to remain at and not leave your approved address as directed by a CCO from time to time; ANB
32. When subject to a curfew under this order, present yourself for inspection at the front door or curtilage of your approved address, or speak on the telephone, to any CCO or Police Officer or their agent monitoring your compliance with the curfew; ANB
33. When subject to a curfew under this order, you must ensure that all those people present in the residence, who may answer the telephone or door, are aware as to your obligations and request their assistance to comply with your obligations by alerting you to such attempts to contact you by persons monitoring your compliance with the curfew; ANB

#### Medications/Mental Health

34. Undergo medical testing or treatment, including anti-depressant medication or anti-libidinal treatment, for paraphilia's as directed by the CCO in consultation with any doctor, psychiatrist or endocrinologist; ANB
35. Attend any medical practitioner, psychologist, psychiatrist or counsellor as directed by the supervising CCO; ANB
36. Permit any medical practitioner, psychologist, psychiatrist or counsellor to disclose details of medical treatment and opinions relating to your level of risk of re-offending and compliance with treatment to the Department of Corrective Services; ANB
37. Undertake any medication regime in accordance with a medical practitioner's direction, and to comply with all testing to monitor your compliance with that treatment as directed by a CCO; ANB

#### Prevention of high-risk situations

38. Not associate with any person known by you to have committed a sexual offence, unless such association is authorised in advance by the CCO; ANB
39. Not possess, consume or use alcohol; ANB
40. Attend for, and submit to, urinalysis or other testing for alcohol or prohibited drugs as directed by the CCO or by a Police Officer including accompanying such persons to an appropriate location for such testing to take place; ANB
41. Not remain in the presence of females who are affected by alcohol, unless the identity of such person is approved in advance by the CCO; ANB
42. Not remain in the presence of any person affected by a prohibited drug; ANB
43. Not remain in any place where prohibited drugs are being consumed or, if such a place is your approved address, withdraw from that part of the residence in which any such consumption is taking place; ANB
44. Have no contact with any child under the age of 16 years, whether such contact is in person, in writing, by telephone or by electronic means, unless ANB

- (a) the contact is authorised in advance by the CCO and such contact is supervised at all times by an adult approved in advance by the CCO;
- (b) the contact is necessary to complete a commercial transaction and limited to the minimum contact required to complete the transaction, and another adult is present.

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('Contact' under this condition and the following two conditions means any form of interaction or communication whether by word, gesture, expression or touch and whether in person, in writing, by telephonic or electronic means, but does not include the bare minimum of interaction or communication.

- 45. Where any unsupervised contact with a child under the age of 16 years is initiated by the child, unless the contact is permitted under the condition immediately above, you must withdraw immediately from the presence of the child;
- 46. Provide details of any contact with a child under the age of 16 years both to your CCO and to the Police on the next occasion you report to that person or agency;
- 47. Report immediately to your CCO the formation of any domestic, romantic, sexual or otherwise intimate relationship by you with a person who has children under the age of 16 years in their care either full time or part time;
- 48. Not conduct computer searches for, nor collect in either electronic or permanent form, images of children, whether indecent or not, with the exception of images of your immediate family that are not indecent images;
- 49. Whilst in any public place, not be in present possession of any children's toy, game or confectionary capable of constituting an enticement to children, unless such possession is for a legitimate purpose;
- 50. Not form any domestic relationship with a person who has children under the age of 16 years in their care either full time or part time, unless authorised in advanced by the CCO;
- 51. Make full disclosure regarding your past offending and the current order to anyone with whom you commence a domestic, romantic, sexual or otherwise intimate relationship, which disclosure can be confirmed by a CCO or a Police Officer.

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THE HON JUSTICE MARTINO

*I have received a copy of this order. I have had explained to me and understand the effect of this Order and what may happen if I contravene it.*

Signed by the Respondent

  
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Alwyn Wayne Brown

In the presence of:  
Name and address:

Date:

