



Supreme Court New South Wales

Medium Neutral Citation:	State of New South Wales v Hardy [2021] NSWSC 323
Hearing dates:	30 March 2021
Date of orders:	01 April 2021
Decision date:	01 April 2021
Jurisdiction:	Common Law
Before:	Harrison J
Decision:	<p>(1) Order pursuant to s 24(5) of the Terrorism (High Risk) Offenders Act 2017,</p> <p>(a) appointing a qualified psychiatrist and a registered psychologist to conduct separate psychiatric and psychological examinations (as the case may be) of Christopher Bruce Hardy and to furnish reports to the Supreme Court on the results of those examinations by a date to be fixed by the Court; and</p> <p>(b) directing Christopher Bruce Hardy to attend those examinations.</p> <p>(2) Order pursuant to s 27 of the Act, that Christopher Bruce Hardy be subject to an Interim Supervision Order commencing on 29 April 2021.</p> <p>(3) Order pursuant to s 28(1) of the Act, that the Interim Supervision Order be for a period of 28 days.</p> <p>(4) Order pursuant to s 29(1) of the Act, that Christopher Bruce Hardy comply with the conditions set out in the schedule hereto for the duration of the order specified at order 3 above.</p> <p>(5) Stand over the proceedings before Bellew J on 8 April 2021.</p>
Catchwords:	HIGH RISK OFFENDERS – application for an Interim Supervision Order – whether proposed conditions are appropriate or should be modified
Legislation Cited:	<i>Terrorism (High Risk Offenders) Act 2017</i>

Category:	Procedural rulings
Parties:	State of New South Wales (Plaintiff) Christopher Hardy (Defendant)
Representation:	Counsel: S Dowling SC with S McGee (Plaintiff) E Ozen SC with A Chhabra (Defendant) Solicitors: Crown Solicitor's Office (Plaintiff) Legal Aid NSW (Defendant)
File Number(s):	2021/65800
Publication restriction:	Nil

JUDGMENT

- 1 **HIS HONOUR:** By amended summons filed in court on 30 March 2021, the State of New South Wales seeks orders against Christopher Bruce Hardy pursuant to the *Terrorism (High Risk) Offenders Act 2017*. For the purposes of the proceedings before me today, the State seeks only the following orders:
- (1) An order pursuant to s 24(5) of the *Terrorism (High Risk) Offenders Act 2017*,
 - (a) appointing a qualified psychiatrist and a registered psychologist to conduct separate psychiatric and psychological examinations (as the case may be) of the defendant and to furnish reports to the Supreme Court on the results of those examinations by a date to be fixed by the Court; and
 - (b) directing the defendant to attend those examinations.
 - (2) An order pursuant to s 27 of the Act, that the defendant be subject to an Interim Supervision Order commencing on the date of this order.
 - (3) An order pursuant to s 28(1) of the Act, that the Interim Supervision Order be for a period of 28 days.
 - (4) An order pursuant to s 29(1) of the Act, directing that the defendant comply with the conditions set out in the schedule to the amended summons for the duration of the order specified at order 3 above.

Background

- 2 Mr Hardy is 48 years old with no significant criminal history prior to his commission of several offences in March and May 2017 that gave rise to the original Extended Supervision Order.

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On 3 March 2017 staff arrived at the Charlestown parliamentary office of local (opposition) member for NSW State Parliament Ms Jodie Harrison. On opening the door, staff located two envelopes situated on the office entrance floor. Both envelopes were addressed as follows:

"To the Minister

You are in TREASON, you will be hung [*sic*] until you are dead

No Mercy, No Prisoners

You are scum."

- 4 Inside each of the envelopes was material printed from the internet website www.peoplesmandate.iinet.net.au. This material included writings to the effect that the Commonwealth of Australia is a corporation, controlled by foreign corporations, a doctrine consistent with the beliefs of the Sovereign Citizen Movement.
- 5 A few months later, on 2 May 2017, at the request of Mr Hardy's landlord, police conducted a welfare check on him at his business premises. This search occurred in the context of a dispute between Mr Hardy and his landlord about mould, an issue with which Mr Hardy had become and remains obsessively fixated. In the course of that welfare check, and later warrant search and seizure action, some prohibited weapons were located at Mr Hardy's business premises including nun-chucks, a slingshot with ball bearings, a replica pistol, a large number of large decorative knives, long torches/batons and a 3D printer. There was in addition voluminous print and electronic material evincing anti-government sentiment (indicating a strong attachment to the Sovereign Citizen Movement) and the infliction of injury and death in military contexts, including manuals on how to make booby-traps and explosives.
- 6 Fingerprints on the envelopes located in March 2017 were subsequently linked to Mr Hardy. Mr Hardy was arrested, charged with the index offending (possessing an unregistered firearm; possessing prohibited weapons without a permit, and sending the document threatening death to Ms Harrison MP), and released on bail. In September 2017, after failing to appear at Court, Mr Hardy's bail was revoked.
- 7 In December 2017, while in custody awaiting the charges for the index offending to be finalised, Mr Hardy was served by NSW Police with Firearms and Weapons Prohibition Orders. Police attached to the Fixated Persons Investigations Unit also searched his residence where a commercial grade pressure cooker and a USB were observed. Later inquiries suggest the pressure cooker had been purchased by Mr Hardy in November 2016. In February 2017 he had accessed a video on YouTube entitled "See the difference between pipe bombs and pressure cooker bombs". Material seized on 3 May 2017 included printed instructions relating to creating an explosive device using a pressure cooker.
- 8 In February 2018, Mr Hardy pleaded guilty to offences relating to the threatening letter and the weapons and firearm possession, but later denied responsibility for sending the letter, a denial that he maintains. He received sentences totalling an aggregate of 16

months imprisonment, commencing on 19 September 2017, with a total non-parole period of 12 months. The day before Mr Hardy was due for release on parole on 19 September 2018, his statutory parole order was revoked by the State Parole Authority.

- 9 In October 2018 police executed a search warrant at Mr Hardy's residence. A USB and the 3D printer previously seen at Mr Hardy's business premises were seized. The USB contained 411 digital blueprints for the 3D printing and manufacture of 12 firearms and replica firearms, parts or non-firing ammunition. The blueprint material had been put onto the USB before Mr Hardy's initial arrest in May 2017 and corresponded with the contents of his desktop computer seized from his business premises in May 2017.
- 10 Expert examination of the 3D printer concluded it could produce physical parts from digital blueprints, although the device did not appear to have been used for any significant duration or to create any significant number of objects.
- 11 On a different 3D printer, but utilising the same principles of technology as the 3D printer seized from Mr Hardy's premises, police produced physical models from a selection of digital blueprints taken from the USB.
- 12 At a preliminary hearing for the original Extended Supervision Order application in December 2018, and again at the final hearing in April 2019, Mr Hardy was assessed by Button J as an eligible offender under the Act on the basis of the threatening envelopes sent by him in March 2017. His Honour considered that his conduct amounted to a statement advocating support for violent extremism, thus rendering him a "NSW terrorism activity offender" pursuant to s 10 of the Act.
- 13 On his release from custody on 31 January 2019, Mr Hardy was subject to an Interim Supervision Order following the completion of his original sentence on 18 January 2019 and his release on bail for the blueprint offences. His Honour imposed a two-year Extended Supervision Order with comprehensive conditions, commencing on 29 April 2019.
- 14 After multiple listings of the 2017 blueprint offences matter for contested hearing, Mr Hardy ultimately pleaded guilty in December 2020 to a representative count for possessing all 411 blueprints relating to 12 firearms and replica firearms. For the 2017 blueprint offence Mr Hardy is now serving a further sentence of 18 months imprisonment, to be served by way of Intensive Corrections Order, which incorporates a community work order. The sentence was imposed on 11 December 2020 and will expire on 10 June 2022.
- 15 Mr Hardy also remains subject to the Firearms Prohibition Order and Weapons Prohibition Order made on 22 November 2017. These orders have no time limit. In addition to prohibiting him from acquiring, possessing or using a firearm, prohibited weapon or firearm part or ammunition, these orders also provide for the search and seizure of him and premises and vehicles under his control, occupation or management.

Consideration

Sections 20 and 27 of the Act are in these terms:

20 Supreme Court may make extended supervision orders against eligible offenders if unacceptable risk

The Supreme Court may make an order for the supervision in the community of an eligible offender (called an "extended supervision order") if:

- (a) the offender is in custody or under supervision (or was in custody or under supervision at the time the original application for the order was filed):
 - (i) while serving a sentence of imprisonment for a NSW indictable offence, or
 - (ii) under an existing interim supervision order, extended supervision order, interim detention order or continuing detention order, and
- (b) an application for the order is made in accordance with this Part, and
- (c) the Supreme Court is satisfied that the offender is any of the following:
 - (i) a convicted NSW terrorist offender,
 - (ii) a convicted NSW underlying terrorism offender,
 - (iii) a convicted NSW terrorism activity offender, and
- (d) the Supreme Court is satisfied to a high degree of probability that the offender poses an unacceptable risk of committing a serious terrorism offence if not kept under supervision under the order.

27 Interim supervision order

The Supreme Court may make an order for the interim supervision of an eligible offender (called an "interim supervision order") if, in proceedings for an extended supervision order, it appears to the Court:

- (a) that the offender's current custody or supervision will expire before the proceedings are determined, and
- (b) that the matters alleged in the supporting documentation would, if proved, justify the making of an extended supervision order.

17 For the purposes of this preliminary hearing only, Mr Hardy does not contest the matters that the State is required by s 20 (a), (b) and (c) to prove before an Interim Supervision Order can be made. I am otherwise satisfied on the evidence before me that those matters have been established.

18 Furthermore, subject to me being satisfied of the matters to which s 27 refers, Mr Hardy does not oppose the making of the following orders:

- (1) An Interim Supervision Order pursuant to ss 27 and 28 of the Act for a period of 28 days commencing on 29 April 2021.
- (2) An order appointing a qualified psychiatrist and a registered psychologist to conduct separate psychiatric and psychological examinations of him and to furnish reports to the Court on the results of those examinations by a date to be fixed by the Court pursuant to s 24(5) of the Act.
- (3) An order directing Mr Hardy to attend those examinations.
- (4) An order that he comply with any conditions imposed under the Interim Supervision Order.

19 It is accepted that Mr Hardy's current supervision will expire before these proceedings are determined: s 27(a) of the Act. It remains for me to determine whether it appears that the matters alleged in the supporting documentation would, if proved, justify the

making of an extended supervision order: s 27(b) of the Act.

- 20 It has regrettably become an exceedingly onerous task in matters of this kind even to determine what is the supporting documentation upon which the State relies for the making of an Extended Supervision Order. In a fashion that appears now to be customary, the State has provided me with three volumes of what is described as a Preliminary Tender Bundle, in this case totalling 1,263 pages, including the written submissions in support. Precisely how one is expected meaningfully and fairly to assess all this material, even on a preliminary application and usually in a limited timeframe, is difficult to discern. It is a matter of some considerable assistance to the Court that those advising defendants in such matters, when appropriate, limit their opposition to the real issues in dispute. This is such a matter.
- 21 However, the supporting documentation to which the State wished to direct my attention was said to be all the three volumes of the material to which I have just referred. Unfortunately, not all this documentation was necessary reading for me to form the conclusions required for the disposition of this preliminary application.
- 22 It is not my task to predict the ultimate result in these proceedings. The material that I am asked to consider does not yet include any documentation or other evidence from Mr Hardy upon which he may seek to rely. I am required to proceed simply upon the assumption that the facts alleged by the State in the supporting documentation are capable of proof, not that they have been proved. The standard required is lower than that which will apply to the making of an Extended Supervision Order.
- 23 At least the following things, helpfully summarised in the State's submissions, emerge at this preliminary stage, from the documentation upon which the State relies.
- 24 By the time of the final hearing in April 2019, multiple risk assessment reports prepared by psychologists and psychiatrists were available. Those reports differed in their conclusions as to the level of risk Mr Hardy posed of committing a serious terrorism offence if not kept under supervision under an Extended Supervision Order. He was variously assessed as posing a low and high relevant risk.
- 25 Button J concluded that Mr Hardy's conduct in sending the letter did not itself amount to a "serious terrorism offence". Nevertheless, when considered together with the surrounding circumstances arising from the whole of the evidence (including "the alleged downloading of the blueprints for the manufacture of plastic firearms by a person in possession of a 3D printer"), his Honour was ultimately satisfied that Mr Hardy posed an unacceptable risk of committing a serious terrorism offence, as required by s 20(d) of the Act.
- 26 On sentence, Mr Hardy relied on unsworn statements from two people. One statement corroborated Mr Hardy's account that he had obtained the 3D printer by a "barter" with a school science teacher. The other statement partially corroborated Mr Hardy's account of an intention to make miniature firearms jewellery (described as "a line of

jewellery that included miniature firearms with flowers coming out of the barrel”). Mr Hardy’s account, and those of the statement makers, have yet to be given and tested as sworn evidence.

- 27 According to those responsible for Mr Hardy’s supervision under the Intensive Corrections Order, upon the expiration of the existing Extended Supervision Order, Mr Hardy’s supervision will likely be suspended altogether, because of his “low” risk rating on the Level of Service Inventory – Revised assessment tool. That tool assesses an offender’s general risk of reoffending only.
- 28 Since the Extended Supervision Order was imposed in April 2019, Mr Hardy has complied with the attached conditions and the directions of those supervising him.
- 29 A risk assessment report by Forensic Psychologist Ahu Kocak dated 8 February 2021 prepared for the present proceedings concludes that Mr Hardy currently poses a “moderate” risk for violent extremist offending or activity. However, notwithstanding Mr Hardy’s compliance with the conditions, and some engagement with a THRO Psychologist, he remains unreceptive to interventions.
- 30 Also, favourably to him, Mr Hardy has not displayed any overt behaviours consistent with his previous anti-authority and violent extremist thinking during his extended supervision. However, he appears on one view to have maintained – and routinely voiced to those supervising him – strong beliefs of victimisation, persecution and individual personal grievance towards government authority, consistent with his previous thinking.
- 31 Simultaneously, Mr Hardy has continued to deny any past or current interest in the beliefs of the Sovereign Citizen Movement. He has also continued to deny that he has any mental health issues or criminogenic needs.
- 32 The risk assessment report author considered that there appears to be “no genuine or intrinsic change” from his assessed risk at the time the original Extended Supervision Order was made. According to the author, the explanation for any notable change in Mr Hardy’s risk profile since then is merely the effect of the restrictions imposed under the order.
- 33 This is consistent with the opinion of Mr Hardy’s treating psychologists, who consider that his overall risk profile has only declined because of the “containment effect of his conditions along with [his] current avoidant behaviours, rather than being reflective of intrinsic change to his primary indicators”.
- 34 Mr Hardy has a minor reported history of drug use. Until relatively recently there had been no clear or confident diagnosis of any mental health condition or disorder explaining or informing his conduct. However, various opinions have now been expressed about potential disorders, including pathological personality traits.
- 35 Mr Hardy was assessed by Dr Bench, a psychiatrist, in late 2020 and again in early 2021. Dr Bench reviewed the earlier expert reports and interviewed Mr Hardy on two occasions. He concluded “with a reasonable degree of medical certainty... Mr Hardy

was suffering from a psychotic illness, likely Delusional Disorder, at the time of the index offences". The diagnosis is consistent with observations made in earlier psychological assessments. Such disorder is characterised generally by decompensation to the point of psychosis during times of stress.

36 Dr Bench also raised a possible differential diagnosis of a mood disorder, such as Bipolar Disorder, manic with psychotic features. He also noted that whereas Mr Hardy "may well no longer hold such beliefs to delusional intensity... there [is] some degree of obsessiveness or overvalued ideas... likely based upon a vulnerable personality such as Schizotypal Personality Disorder". He observed that Mr Hardy "may well have some overvalued ideas [that have] persisted to the time of the second evaluation".

37 Dr Bench has recommended Mr Hardy be prescribed a low-dose anti-psychotic medication. He said "the goals of treatment would be to decrease any angst or anxiety provoked by [delusional beliefs, or magical thinking], thus causing there to be a lower chance of his acting on any such beliefs, as opposed to a complete resolution of the delusional beliefs". Mr Hardy has not yet commenced any anti-psychotic medication.

38 Having regard to the documentation upon which the State relies in support of the application, I am satisfied that it would, if proved, justify the making of an Extended Supervision Order.

39 Section 29 of the Act is as follows:

29 Conditions that may be imposed on extended or interim supervision order

(1) An extended supervision order or interim supervision order may direct an eligible offender to comply with such conditions as the Supreme Court considers appropriate, including (but not limited to) directions requiring the offender to do any one or more of the following...

(1A) Unless the Supreme Court orders differently (and without limiting the conditions that the Court may impose under subsection (1)), an extended supervision order or interim supervision order must include conditions requiring the eligible offender...

40 It follows that none of the conditions contained in either s 29(1) or (1A) is mandatory. The respective submissions from the parties in this case proceeded upon that uncontroversial basis.

41 The State has included a series of conditions for which it contends in the schedule to the amended summons. Mr Hardy agrees in large part with the proposed conditions but opposes some others. Mr Hardy's position is set forth in the written submissions of Mr Ozen of Senior Counsel. In my view, at least some of the modifications to the State's conditions proposed by Mr Hardy are appropriate and should be made on an interim basis.

42 The State's proposed Condition 3 says that Mr Hardy must follow all reasonable directions of his enforcement officer. Mr Hardy proposes an alternative formulation in these terms:

"3. The defendant must submit to the supervision and guidance of any enforcement officer responsible for the supervision of the offender for the time being and obey all reasonable directions of an enforcement officer (including in respect of providing a schedule of movements *consisting of a broad outline of the defendant's expected movements during the period intended to be covered*)."

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The State is content with that proposed form of Condition 3 apart from the italicised words. However, Mr Hardy also proposes that Condition 3 should stand alone and that the State's proposed Conditions 6 – 9 inclusive should be deleted. In my opinion, the State's concerns and the purposes to be served are adequately met by the imposition of Condition 3 as follows:

“3. The defendant must submit to the supervision and guidance of any enforcement officer responsible for the supervision of the offender for the time being and obey all reasonable directions of an enforcement officer (including in respect of providing a schedule of movements).”

44 The State's proposed Conditions 6 – 9 inclusive should be deleted. They are adequately covered by the form of Condition 3 that I intend to impose.

45 Condition 5 requires Mr Hardy to wear electronic monitoring equipment. Mr Hardy currently wears such a device as a condition imposed by Button J. In my opinion, it is oppressive, invasive and disproportionate to the concerns expressed about Mr Hardy's current risks. I propose to delete that condition.

46 Condition 12 currently requires Mr Hardy to be confined to his residential premises between the hours of 9pm and 6am. There is agreement that this should be amended to 10pm and 6am.

47 Finally, Condition 66 is currently in these terms:

“The defendant must agree to his treatment and service providers and healthcare practitioners sharing information, including reports on his progress, and information he has told them, with one another and with his enforcement officer.”

48 As Mr Hardy has submitted, this condition amounts to him being required to waive the confidentiality that would ordinarily otherwise attach to any communication between him and his healthcare providers. I am unable to accept that it is either appropriate or necessary. Indeed, on one view it is potentially entirely counterproductive to the extent that it might lead a person in Mr Hardy's position, who was in need of sensitive and confidential care, to refrain from seeking such treatment because of understandable concerns about privacy. I am not satisfied that any such condition should be imposed in this case.

Orders

49 In the circumstances I will make the following orders:

- (1) Order pursuant to s 24(5) of the *Terrorism (High Risk) Offenders Act 2017*,
- (2) (a) appointing a qualified psychiatrist and a registered psychologist to conduct separate psychiatric and psychological examinations (as the case may be) of Christopher Bruce Hardy and to furnish reports to the Supreme Court on the results of those examinations by a date to be fixed by the Court; and
- (3) (b) directing Christopher Bruce Hardy to attend those examinations.
- (4) Order pursuant to s 27 of the Act, that Christopher Bruce Hardy be subject to an Interim Supervision Order commencing on 29 April 2021.
- (5)

Order pursuant to s 28(1) of the Act, that the Interim Supervision Order be for a period of 28 days.

- (6) Order pursuant to s 29(1) of the Act, that Christopher Bruce Hardy comply with the conditions set out in the schedule hereto for the duration of the order specified at order 3 above.
- (7) Stand over the proceedings before Bellew J on 8 April 2021.

SCHEDULE A
CONDITIONS OF SUPERVISION
CHRISTOPHER BRUCE HARDY

In these conditions:

“CSNSW” means Corrective Services NSW.

“Defendant” means Christopher Bruce Hardy, the defendant in these proceedings and the subject of the order.

“Digital blueprint” has the same meaning as in the Weapons Prohibition Act 1998 (NSW) and means any type of digital (or electronic) reproduction of a technical drawing of the design of an object.

“Electronic identity” means each of the following:

- (a) an email address,
- (b) a user name or other identity allowing access to an instant messaging service,
- (c) a user name or other identity allowing access to a chat room or social media on the internet,
- (d) any other user name or other identity allowing access to the internet or an electronic communication service.

“EO” means Enforcement Officer, that is, any Corrective Services Office or Police Officer supervising the defendant under the order.

“Extremist material” means:

- (1) material that a reasonable person would understand to be:
 - (a) directly or indirectly encouraging, glorifying, promoting or condoning terrorist acts; or
 - (b) seeking support for, or justifying, the carrying out of terrorist acts; or
- (2) material that a reasonable person would understand or suspect to be produced or distributed by a terrorist organisation.

“Garment search” means a search of any article of clothing worn by the defendant or in the defendant's possession, where the article of clothing is touched or removed from the person's body.

“Material” includes:

any written or printed material;

any picture, painting or drawing;

any carving, sculpture, statue or figure;

any photograph, film, video recording or other object or thing from which an image may be reproduced;

any computer data or the computer record or system containing the data; and

(6) any other material or object on which an image or representation is recorded or from which an image or representation may be reproduced.

“NSWPF” means NSW Police Force.

“Order” means the interim supervision order or extended supervision order under the Terrorism (High Risk Offenders) Act 2017 (NSW) to which the defendant is subject.

“Pat-down search” means a search of a person where the person's clothed body is touched.

“Serious offence” means an offence that is punishable by imprisonment for a term of 5 years or more.

“Terrorist act” has the same meaning as in Part 5.3 of the Criminal Code (Cth) and means an action or threat of action where:

(1) The action:

- (a) causes serious harm that is physical harm to a person;
- (b) causes serious damage to property;
- (c) causes a person's death;
- (d) endangers a person's life, other than the life of the person taking the action;
- (e) creates a serious risk to the health or safety of the public or a section of the public; or
- (f) seriously interferes with, seriously disrupts, or destroys, an electronic system including, but not limited to:
 - i. an information system;
 - ii. a telecommunications system;
 - iii. a financial system;
 - iv. a system used for the delivery of essential government services;

- v. a system used for, or by, an essential public utility; and
 - vi. a system used for, or by, a transport system; and
- (2) the action is done or the threat is made with the intention of advancing a political, religious or ideological cause;
- (3) the action is done or the threat is made with the intention of:
- (a) coercing, or influencing by intimidation, the government of the Commonwealth or a State, Territory or foreign country, or of part of a State, Territory or foreign country; or
 - (b) intimidating the public or a section of the public; and
- (4) the action is not advocacy, protest, dissent or industrial action that is not intended to cause serious harm to a person, cause a person's death, endanger the life of a person, or create a serious risk to the health and safety of the public.

“Terrorist organisation” has the same meaning as it has in Division 102.1 of Part 5.3 of the Criminal Code (Cth) and means an organisation that is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act and includes but is not limited to Islamic State / ISIS and Jabhat al Nusra.

Part A: Reporting and Monitoring Obligations

Monitoring and Reporting

1. The defendant must accept the supervision of NSWPF and CSNSW until the end of the Order.
2. The defendant must report to his EO as reasonably directed.
3. The defendant must submit to the supervision and guidance of any enforcement officer responsible for the supervision of the offender for the time being and obey all reasonable directions of an enforcement officer (including in respect of providing a schedule of movements).
4. The defendant must be available for interview at such times and places as his EO (or the officer's nominee) may from time to time direct.

Electronic Monitoring

5. [Deleted]

Schedule of Movements

6. [Deleted]
7. [Deleted]
8. [Deleted]
- 9 [Deleted]

Part B: Accommodation

10. The defendant must live at an address approved by his EO and must notify his EO of any intention to change his address or living arrangements.
11. [Not made]
12. The defendant must be at his approved address between 10pm and 6am unless other arrangements are approved by his EO.
13. The defendant must allow his EO to visit him at his approved address at any time and, for that purpose, to enter the premises at that address.
14. The defendant must notify his EO as soon as practicable in advance of any guest who proposes to stay overnight at his residence.

Part C: Place and travel restrictions

15. The defendant must not leave New South Wales except with the approval of the Commissioner for Corrective Services.
16. The defendant must surrender any passports held by the defendant to his EO.
17. The defendant must not frequent or visit any place or district specified by his EO.
18. In addition to and without limiting any of conditions 15 to 17 listed above, the defendant must not go, without the prior approval of his EO, to any internet cafes, libraries, or other businesses which provide access to internet devices, either for payment or for no charge (other than employment agencies).
19. In addition to and without limiting any of conditions 15 to 17 listed above, the defendant must not go within 500m of Sydney and Bankstown Airports and Sydney Cove Passenger Terminal as indicated in the maps annexed to this schedule, or any point of departure for an international destination, except for the purpose of reporting to his EO as directed, attending upon a Community Corrections office in accordance with his approved schedule or as directed, or attending upon other government services in accordance with his approved schedule or as directed.

Part D: Employment, finance and education

20. The defendant must not start any job, volunteer work or educational course without the approval of his EO.
21. The defendant must notify an EO of any intention to change the defendant's employment if practicable before the change occurs and otherwise at his next interview with an EO.
22. The defendant must provide any information relating to his financial affairs, including income and expenditure, if directed by his EO.
23. The defendant must not sign any legal instrument that gives the defendant control of any money or assets of another person or organisation, without notifying his EO.

24. The defendant must not sign any lease, mortgage, contract for sale for goods or services above the value of \$500, hire agreement, power of attorney, deed, or any instrument relating to obtaining any credit, opening of any account held at a bank, credit union, building society or similar institution, without prior approval of his EO.

25. The defendant must not transfer money or money's worth to another person over the value of \$500, whether by cash, cheque or electronic transfer, without the permission of his EO.

26. The defendant must not transfer any funds outside Australia without the written permission of his EO.

27. The defendant must not form any corporation, partnership, unincorporated association, register any business names or operate a business without notifying his EO.

Part E: Drugs and alcohol

28. The defendant must not use prohibited drugs or obtain drugs unlawfully or abuse drugs lawfully obtained.

29. The defendant must submit to testing for drugs as directed by his EO.

Part F: Non-association

30. The defendant must not associate, contact or communicate with any persons specified by the EO.

31. Without limiting condition 30, the defendant must not associate with or otherwise affiliate with any persons or with any organisations advocating support for engaging in any terrorist acts or violent extremism.

32. The defendant must inform his EO of the identity of any person with whom he does, or is likely to, regularly associate.

33. The defendant must obtain written permission from his EO prior to joining or affiliating with any club or organisation, including any internet or mobile-based social networking service.

34. The defendant must not engage in any act, or attempt to influence others to engage in any act, that would provide support for or promote extremist ideologies or acts of violence.

Part G: Weapons

35. The defendant must not possess or use any of the following:

a. a firearm, firearm part or ammunition within the meaning of s. 4 of the Firearms Act 1996;

b. a prohibited weapon within the meaning of the Weapons Prohibition Act 1998,

- c. a spear gun;
- d. without his EO's approval, any article or device, not being such a firearm, that is designed or intended as a defence or anti- personnel spray and that is capable of discharging by any means:
 - i any irritant matter in liquid, powder, gas or chemical form or any dense smoke; or
 - ii any substance capable of causing bodily harm.
- e. any explosive substance intended, by the person having custody of the thing, to be used in an explosive device;
- f. a fuse capable of use with an explosive or a detonator, or a detonator, where the item is intended by the person having custody of the thing, to be used as a fuse or detonator for an explosive device, as the case may be;
- g. a knife without reasonable excuse;
- h. any other implement made or adapted for use for causing injury to a person;
- i. anything intended, by the person having custody of the thing, to be used to injure or menace a person or damage property;
- j. a laser pointer; or
- k. a digital blueprint for the manufacture of a prohibited weapon on a 3D printer or on an electronic milling machine.

36. The defendant must not manufacture any of the articles or devices listed in condition 35 above.

Part H: Vehicles

37. The defendant must not, without the approval of his EO, purchase, hire or drive any vehicle:

- a. exceeding a gross vehicle mass of 3 tonnes; or
- b. the lawful driving or operation of which requires the driver or operator to have a licence class of Light Rigid, Medium-Rigid, Heavy-Rigid, Heavy Combination or Multi-Combination within the meaning of cl. 5(1)(c) of the Road Transport (Driver Licensing) Regulation 2017 (NSW).

38. The defendant must tell his EO of the colour, make, model and registration of any vehicle registered to the defendant or that the defendant intends to drive.

39. The defendant must notify his EO prior to applying for a driver's licence.

Part I: Access to the internet and other electronic communication

40. The defendant must obey any reasonable direction by an enforcement officer about communication, internet access and use of electronic devices (including, but not limited to, approval of devices used, method of communication, access to internet and restrictions on deleting information).
41. The defendant must give his EO a list of all devices, services and applications he uses to communicate with or to access the internet and advise his EO of any change to this list immediately. This includes phones, tablet devices, data storage devices or computers.
42. The defendant must only use an electronic device which has the ability to access the internet after the device has been disclosed to his EO, and the device has been seen and approved for use by his EO.
43. The defendant must provide the details of telephone numbers, service provider account numbers, email addresses or other user names as well as any passwords, pin codes, and pass codes used by the defendant and the nature and details of the internet connection, as directed.
44. The defendant must provide his EO with all passwords, pin codes, pass codes used to access all electronic devices, electronic applications, all emails and all internet or electronic based communication platforms of any kind.
45. The defendant must provide any code or encryption used to receive or send any form of electronic data or any form of electronic communication in any form.
46. The defendant must not use any coded or encrypted messaging application or service.
47. The defendant must not access, join and/or connect to any social networking service or application without the prior approval of his EO, including but not limited to, use of internet-based email, instant messaging services, online community services and other telecommunications-based services including text and voice services.
48. The defendant must provide consent for his EO (or any other person requested by his EO) to remotely inspect any internet account used by the defendant, including any internet service provider account, email accounts and social media accounts, in monitoring compliance with this Order.
49. The defendant must not delete or alter any applications, email, text message, any electronic message, call history, any data, internet search, internet or application search history, any application chat or communication history from his phone, computer, tablet or any other electronic device without the prior consent of his EO.
50. The defendant must provide consent for his telephone provider and internet service provider to share information about his accounts with his EO.

Part J: Search and seizure

51. If the EO reasonably believes that a search (of the type referred to in subparagraphs e to h below) is necessary:

- a. for the safety and welfare of residents or staff or persons present at the defendant's approved address;
- b. the welfare or safety of any member of the public or any other person;
- c. to monitor the defendant's compliance with this order; or
- d. because the EO reasonably suspects the defendant of behaviour or conduct associated with an increased risk of the defendant committing a serious offence;

then the EO may direct, and the defendant must submit to:

- e. search and inspection of any part of, or any thing in, the defendant's approved address;
- f. search and inspection of any part of, or any thing in, any vehicle owned, hired by or under the control of the defendant;
- g. search and inspection of any part of, or any thing in, any storage facility, including a garage, locker or commercial facility owned, hired by or under the control of the defendant; and/or
- h. search and examination of his person.

52. For the purposes of the condition above:

- a. a search of the defendant means a garment search or a pat-down search; and
- b. to the extent practicable, a pat-down search will be conducted by a EO of the same sex as the defendant, or by an Officer of NSWPF or CSNSW of the same sex as the defendant under the direction of the EO.

53. During a search carried out pursuant to condition 51 above, the defendant must allow the EO (or any other person requested by the EO) to seize anything found, whether in the defendant's possession or not, which the EO reasonably suspects will compromise:

- a. the safety of residents or of staff at the defendant's approved address;
- b. the welfare or safety of any member of the public or any other person; or
- c. the defendant's compliance with this order; or
- d. which the EO reasonably suspects relates to behaviour or conduct associated with an increased risk of the defendant committing a serious offence.

54. The defendant must allow his EO, or another person the EO arranges, to search any phone, tablet device, data storage device or computer that he may use.

55. The defendant must not attempt to destroy or interfere with any object that is the subject of a search or seizure, carried out pursuant to conditions 51-54 above.

Part K: Access to violent and extremist material

56. The defendant must not purchase, possess, access, obtain, view, participate in or listen to:

- a. material which is classified as Refused Classification or material which, if classified, would be classified as Refused Classification;
- b. extremist material; or
- c. other material as directed by his EO for reasons related to concerns regarding violence; or for reasons related to his risk of committing a serious terrorism offence.

Part L: Personal details and appearance

57. The defendant must not change his name from "Christopher Hardy" or use any name other than "Christopher Hardy" or "Chris Hardy", without notifying his EO.

58. The defendant must not use any alias, log-in name, or a name other than "Christopher Hardy" or "Chris Hardy" or use any email address other than those known to his EO, on any internet site (including social networking sites), any online communication applications or any third party sites or applications that require the user to have a user identification name or log-in email.

59. The defendant must not significantly change his appearance without the approval of his EO.

60. The defendant must let EO photograph him, dressed, within one week of the commencement of these conditions and following any significant change to his appearance.

61. If the defendant changes the details of any current form of identification or obtains further forms of identification, he must provide his EO with such details.

Part M: Medical intervention and treatment

62. The defendant must notify his EO of the identity and address of any health care practitioner that he consults.

63. The defendant must attend, upon the direction of his EO, any psychological and psychiatric assessments or counselling, therapy sessions, disengagement services, support and treatment programs the subject of the direction, including for the purposes of a Mental Health Care Plan or Community Treatment Order.

64. The defendant must take all medications that are prescribed to him by his medical practitioners for the purposes of treating any identified mental health condition or psychological or psychiatric illness or symptom.

65. The defendant must notify his EO immediately if he ceases to take any medication referred to in the above condition.

66. [Deleted]

67. The defendant must agree to any information being shared between those persons and agencies that are involved in his supervision including, but not limited to, his EO, NSWPF and CSNSW.

Amendments

01 April 2021 - Special condition 4 amended

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Decision last updated: 01 April 2021