

SUPREME COURT OF QUEENSLAND

CITATION: *Attorney-General for the State of Queensland v Watkins*
[2026] QSC 112

PARTIES: **ATTORNEY-GENERAL FOR THE STATE OF
QUEENSLAND**
(applicant)
v
CHRISTOPHER COLIN WATKINS
(respondent)

FILE NO/S: BS No. 10338 of 2016

DIVISION: Trial Division

PROCEEDING: Application

ORIGINATING COURT: Supreme Court at Brisbane

DELIVERED ON: 15 June 2026

DELIVERED AT: Brisbane

HEARING DATE: 26 May 2026

JUDGE: Burns SJA

ORDER: **THE ORDERS OF THE COURT ARE THAT:**

- 1. Pursuant to s 30(1) of the *Dangerous Prisoners (Sexual Offenders) Act 2003 (Qld)* (“the Act”), the decision made by Brown J on 6 February 2017 that the respondent is a serious danger to the community in the absence of an order pursuant to Division 3 of Part 2 of the Act is affirmed.**
- 2. Pursuant to s 30(3)(a) of the Act, the respondent continue to be subject to the continuing detention order made on 6 February 2017.**

AND THE COURT DIRECTS THAT:

- 3. The applicant forthwith arrange for a copy of the reports of Dr Lars Madsen dated 23 January and 15 May 2026, the reports of Dr Jane Phillips dated 24 February and 14 May 2026, the report of Dr Ness McVie dated 6 March 2026 and the report of Dr Homa Mohammadsadeghi dated 1 May 2026, together with a copy of the transcript of the hearing of this application on 26 May 2026 and these reasons, to be provided to: (a) those charged with managing the respondent in continuing detention; (b) the psychiatrist assigned by the Prison Mental Health Service from time to time to treat the respondent; (c) the Inala Community Mental**

Health Service; and (d) the Office of the Chief Psychiatrist.

CATCHWORDS: CRIMINAL LAW – SENTENCE – SENTENCING ORDERS – ORDERS AND DECLARATIONS RELATING TO SERIOUS OR VIOLENT OFFENDERS OR DANGEROUS SEXUAL OFFENDERS – DANGEROUS SEXUAL OFFENDER – GENERALLY – annual review of a continuing detention order – where the respondent has a history of serious sexual offences – where the respondent was ordered to be detained in custody for an indefinite term for control, care or treatment pursuant to Division 3 of Part 2 of the *Dangerous Prisoners (Sexual Offenders) Act 2003* (Qld) – where that continuing detention order was subsequently reviewed six times and on each occasion affirmed – where there is evidence of improving engagement in psychological treatment and stabilisation of the respondent’s mental state on medication – whether the respondent is a serious danger to the community in the absence of an order pursuant to Division 3 of Part 2 of the *Dangerous Prisoners (Sexual Offenders) Act 2003* (Qld) – whether the adequate protection of the community can be ensured by the making of a supervision order

Dangerous Prisoners (Sexual Offenders) Act 2003 (Qld), s 13, s 16, s 27, s 29, s 30

Attorney-General v Francis [2007] 1 Qd R 396, cited
Attorney-General (Qld) v Watkins [2017] QSC 5, related
Attorney-General (Qld) v Watkins [2023] QSC 143, related
Attorney-General (Qld) v Watkins [2024] QSC 228, related
Van De Wetering v Attorney-General (Qld) [2024] QCA 222, cited
Watkins v Attorney-General (Qld) [2025] QCA 255, cited

COUNSEL: B H P Mumford for the applicant
 S B Robb KC, with T G Zwoerner, for the respondent

SOLICITORS: Crown Solicitor for the applicant
 Legal Aid Queensland for the respondent

- [1] This is the seventh periodic review of a continuing detention order made with respect to Mr Watkins on 6 February 2017 by Brown J (as her Honour then was) under the *Dangerous Prisoners (Sexual Offenders) Act 2003* (Qld).¹ The order has subsequently been reviewed and affirmed on each of the six previous reviews, most recently by Muir J on 18 October 2024.² An appeal was dismissed by the Court of Appeal on 12

¹ *Attorney-General (Qld) v Watkins* [2017] QSC 5.

² *Attorney-General (Qld) v Watkins* [2024] QSC 228.

December 2025,³ and an application for an extension of time within which to seek special leave to appeal to the High Court of Australia was refused on 9 April 2026.⁴

- [2] Mr Watkins, now 56, conceded through his counsel that the evidence is sufficient to affirm the decision that he remains a serious danger to the community in the absence of a Division 3 order.⁵ That concession was properly made; the psychiatric evidence on the point is all one way. However, Mr Watkins did not concede he should continue to be subject to the continuing detention order. Instead, at the conclusion of the evidence at the hearing, his senior counsel – Ms Robb KC – maintained the submission on instructions that the adequate protection of the community could be reasonably and practicably managed by a supervision order,⁶ although she candidly accepted that the evidence on this review was not such as would lead me to make that order. For the reasons that follow, I am satisfied that the adequate protection of the community cannot presently be ensured by a supervision order; the continuing detention order must continue in force.
- [3] The applicable principles are not in dispute and were set out by Muir J and by the Court of Appeal.⁷ In short, the court may affirm the decision only on acceptable, cogent evidence and to a high degree of probability that the evidence is of sufficient weight to do so: s 30(2). If it does, the court must choose between continued detention and release on a supervision order, the paramount consideration being the adequate protection of the community: s 30(3) and (4). A supervision order is to be preferred if it will ensure that protection, and the Attorney-General bears the onus of demonstrating that continuing detention is necessary.⁸ The adequacy of a supervision order is assessed having regard to the statutory scheme for dealing with contraventions, including return to custody under s 22.⁹

Background and the evidence on this review

- [4] The background is fully set out in the earlier decisions, most recently in the reasons of Muir J, which I adopt.¹⁰ It is enough to record that Mr Watkins was convicted of the rape at knifepoint of an adult woman in 1990 and, while on parole, of the abduction and rape of a 10-year-old girl in 1998. He has been in custody continuously since 1998 and subject to the continuing detention order since his sentences expired in 2017. His diagnoses are complex and not entirely settled – in particular, whether he meets the criteria for schizophrenia – but include paedophilia (non-exclusive), psychopathy, an antisocial personality disorder with borderline traits and a probable substance use disorder against a background of persistent psychotic or quasi-psychotic symptoms.

³ *Watkins v Attorney-General (Qld)* [2025] QCA 255.

⁴ [2026] HCADisp 90.

⁵ *Respondent's Outline of Submissions on the Seventh Review of his Continued Detention under the DPSOA*, 25 May 2026, par 3.

⁶ A draft supervision order was in evidence: Exhibit 1.

⁷ *Attorney-General (Qld) v Watkins* [2024] QSC 228, [5]–[8]; *Watkins v Attorney-General (Qld)* [2025] QCA 255, [7]–[9], [45], [57].

⁸ *Attorney-General v Francis* [2007] 1 Qd R 396, [39].

⁹ *Van De Wetering v Attorney-General (Qld)* [2024] QCA 222, [46]–[48], [68].

¹⁰ *Attorney-General (Qld) v Watkins* [2024] QSC 228, [9] ff.

- [5] The two reporting psychiatrists, Dr Ness McVie and Dr Jane Phillips, assessed Mr Watkins' unmodified risk of serious sexual reoffending as high (Dr McVie) or moderate to high (Dr Phillips), and each considered that a supervision order would reduce that risk only to a limited extent, leaving it moderate to high.¹¹ Dr Phillips, who saw Mr Watkins on 28 January 2026 when he was acutely unwell and terminated the interview, considered that, as he then presented, he could not be safely managed in the community, and recommended further inpatient assessment to clarify the diagnosis. Dr McVie expressed the opinion that Mr Watkins should demonstrate a longer period of stability in custody – ideally six months free of misconduct – before any release, while accepting that an entirely incident-free period might be too high a bar.
- [6] Mr Watkins' treating psychiatrist, Dr Homa Mohammadsadeghi, gave evidence that his mental state, acutely disturbed earlier in the year, had stabilised by April 2026 following the commencement of a depot antipsychotic medication, that he is tolerating it well, and that his condition is not treatment-resistant. His psychologist, Dr Lars Madsen, has treated Mr Watkins for close to ten years and said in evidence that the period since January of this year has been the most consistent and constructive period of therapeutic engagement by Mr Watkins which he has seen.¹²
- [7] Ms Emma Wildermoth, of the High-Risk Offender Management Unit, gave evidence that Mr Watkins' custodial record since the last review continues to include various behavioural incidents, self-harm and time on safety orders and intensive management plans, although his overall behaviour has markedly improved and the majority of entries concern threats, property damage and offensive behaviour rather than actual violence, and this was consistent with Dr Madsen's evidence of the limited incidence of actual physical violence over his history.¹³
- [8] Having regard to all of the evidence, I am satisfied to the requisite high degree of probability that Mr Watkins remains a serious danger to the community in the absence of a Division 3 order. The concession to that effect was properly made by his counsel.

Whether the community can be adequately protected by a supervision order

- [9] The critical question on this review is whether the adequate protection of the community can presently be managed by a supervision order. As already touched on (at [2]), and for the following reasons, it cannot.
- [10] *First*, both reporting psychiatrists assess Mr Watkins' risk under a supervision order as remaining moderate to high. After all, he does have a history of absconding as well as, at times, rapid emotional dysregulation particularly in the context of interpersonal conflicts, and the capacity of corrective services to practicably manage Mr Watkins in the community must presently be considered highly doubtful.
- [11] *Second*, the improvement in Mr Watkins' response to treatment, although genuine, is still relatively recent. The depot antipsychotic medication is plainly a positive step,

¹¹ Transcript, 26 May 2026, 1-47; 1-59 to 1-60.

¹² Transcript, 26 May 2026, 1-67.

¹³ Transcript, 26 May 2026, 1-64 to 1-65.

but the improvement in his therapeutic engagement and behaviour has only been demonstrated within a secure setting, in which he retains the fallback of self-isolation; it has not been tested in the more open and demanding environment of the Wacol Precinct.¹⁴

- [12] *Third*, the planning for the transition of Mr Watkins' complex mental health treatment needs from the Prison Mental Health Service to a community service is not yet sufficiently developed to give me confidence that they could be met immediately upon release.
- [13] Bearing in mind that the paramount consideration is the protection of the community, and that the Attorney-General bears the onus of demonstrating that continuing detention is necessary, I am satisfied that the onus has been discharged. Mr Watkins must continue to be subject to the continuing detention order.

Next steps

- [14] I add this.
- [15] For much of the long history of this proceeding the court has been presented with a rather bleak picture. However, after the emergence of encouraging signs by the time of the fifth (Cooper J) and sixth (Muir J) reviews, there is now considerable cause for hope. Mr Watkins' engagement in treatment and the stabilisation of his mental state on depot medication may only be of short duration but, if it can be sustained, he may finally be within measurable distance of release on supervision.
- [16] To that end, it will be important that Mr Watkins continues to receive treatment from Dr Mohammadsadeghi and Dr Madsen, that he complies with the depot medication regime and that his behaviour continues to improve. It will also be important that the planning for his transition to community mental health care be progressed now, rather than deferred until a supervision order is actually made. In that regard, I endorse as entirely sensible the suggestion, made at the hearing, that the Inala Community Mental Health Service be invited to future stakeholder meetings.
- [17] As Cooper J observed at the fifth review,¹⁵ and Muir J endorsed, the goal of Mr Watkins' continued detention must be his eventual release under supervision, and the work necessary to achieve that transition should be underway. While his continued detention is presently necessary, it must not become an end in itself.

Orders

- [18] Pursuant to s 30(1) of the Act, the decision made on 6 February 2017 will be affirmed and, pursuant to s 30(3)(a), Mr Watkins will continue to be subject to the continuing

¹⁴ I have not treated the present availability of a single room at the Precinct as a matter bearing on this decision. The absence of suitable single-room accommodation was a concern at the review before Muir J, but I am not releasing Mr Watkins on supervision, and there can be no guarantee that such accommodation will be available when his release next comes to be considered. The adequacy of the accommodation can be assessed at that time.

¹⁵ *Attorney-General (Qld) v Watkins* [2023] QSC 143, [76]–[78].

detention order.

- [19] To assist transition to supervision if, at a subsequent periodic review, such an order is considered appropriate, directions will be made for a copy of the key medical reports along with the transcript of the hearing and these reasons to be provided to those charged with managing Mr Watkins in detention, the Inala Community Mental Health Service and the Office of the Chief Psychiatrist.