

SUPREME COURT OF QUEENSLAND

CITATION: *Attorney-General for the State of Queensland v BZC* [2026] QSC 218

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

FILE NO/S: BS []/19

DIVISION: Trial Division

PROCEEDING: Application

ORIGINATING COURT: Supreme Court of Queensland at Brisbane

DELIVERED ON: 18 September 2026

DELIVERED AT: Brisbane

HEARING DATES: 21 July 2026 and 7 September 2026

JUDGE: Copley J

ORDER: **Pursuant to s 22(2)(a) of the *Dangerous Prisoners (Sexual Offenders) Act 2003*, the supervision order made on 15 July 2025 is rescinded and the respondent is detained in custody for an indefinite term for control, care or treatment (continuing detention order).**

CATCHWORDS: CRIMINAL LAW – SENTENCE – SENTENCING ORDERS – ORDERS AND DECLARATIONS RELATING TO SERIOUS OR VIOLENT OFFENDERS OR DANGEROUS SEXUAL OFFENDERS – DANGEROUS SEXUAL OFFENDER – GENERALLY – where the respondent was released on a supervision order for a period of ten years pursuant to s 13(5) of the *Dangerous Prisoners (Sexual Offenders) Act 2003* (Qld) – where the respondent has contravened requirements of the supervision order – where the applicant applied for the supervision order to be rescinded and for the respondent to be detained in custody on a continuing detention order pursuant to s 22(2)(a) of the Act – where the respondent argued that the adequate protection of the community could, despite the contraventions, be ensured by the existing order as amended under s 22(7) of the Act – whether the respondent has satisfied the Court that the adequate protection of the community could, despite the contraventions, be ensured by the existing supervision order as amended – whether the supervision order made on 15 July

2025 should be rescinded and a continuing detention order should be made

Criminal Code (Qld), s 205A, s 359E

Dangerous Prisoners (Sexual Offenders) Act 2003 (Qld), s 13, s 20, s 21, s 22

Attorney-General for the State of Queensland v Nemo [2020] QSC 140

Attorney-General for the State of Queensland v Robinson [2020] QSC 287

Attorney-General (Qld) v Sands [2016] QSC 225

Kynuna v Attorney-General for the State of Queensland [2016] QCA 172

COUNSEL: J B Rolls for the applicant
J P Feely for the respondent on 21 July 2026
The respondent appeared on his own behalf on 7 September 2026

SOLICITORS: C E Christensen, Crown Solicitor for the applicant
Rawlings McShane Lawyers for the respondent on 21 July 2026
The respondent appeared on his own behalf on 7 September 2026

- [1] On 15 July 2025 the Court was satisfied pursuant to s 13(1) of the *Dangerous Prisoners (Sexual Offenders) Act 2003* (Qld) that the respondent was a serious danger to the community in the absence of a division 3 order. A division 3 order means a continuing detention order or a supervision order. The Court made an order for the respondent's release from custody on a supervision order for a period of ten years pursuant to s 13(5) of the Act because the Court was satisfied the adequate protection of the community could be reasonably and practicably managed by a supervision order which contained various requirements as required or permitted by s 16 of the Act.
- [2] On 16 October 2025 the applicant applied for the supervision order to be rescinded and for the respondent to be detained in custody on a continuing detention order pursuant to s 22(2)(a) of the Act. In the alternative, the applicant applied for the amendment of the supervision order and for the respondent to be subject to the amended requirements of the supervision order pursuant to s 22(7) of the Act. The respondent was detained in custody pending the Court's determination of this application.
- [3] The application was ultimately agitated on the bases that: the respondent breached requirements 10, 21, 22, 25, 29 and 40 of the supervision order; and that the respondent was not able to satisfy the Court that the adequate protection of the community could, despite the contraventions, be ensured by the existing supervision order as amended under s 22(7). The applicant's submission was that the Court should rescind the supervision order and make a continuing detention order.

- [4] Counsel for the respondent conceded the respondent had contravened the above-mentioned requirements of the supervision order. He submitted the Court should find the adequate protection of the community could be ensured with the respondent released on an amended supervision order.
- [5] In these circumstances the real issue in dispute is whether the adequate protection of the community can, despite the contraventions, be ensured by the existing supervision order as amended.
- [6] For the reasons set out below, the supervision order made on 15 July 2025 will be rescinded and a continuing detention order will be made.

Alleged contraventions of supervision order requirements

- [7] The respondent is [] years of age. On various dates over an eight month period in 1995 and 1996 he raped three women and attempted to rape a fourth woman. The respondent did not know any of the victims. On each occasion he was armed with a knife and made threats to kill the complainants. The first rape was committed when he was [] years of age. In November 1997 he was sentenced to a period of imprisonment which totalled 16 years. The Court of Appeal increased the period of imprisonment to 20 years.
- [8] When released on the supervision order the respondent resided in the []. He did not commit any serious sexual offences during the operation of the supervision order. He has not been charged with committing any such offences during the operation of the supervision order.
- [9] The requirements of the supervision order relevant to this application were as follows:
 - “10. You must not break the law by committing an indictable offence.
 - 21. You must not purchase, obtain, or have in your possession a computer, mobile phone or any other device that is able to access the internet without the prior written permission from a Corrective Services Officer.
 - 22. You must get written permission from a Corrective Services Officer before you are allowed to use a computer, phone or other device to access the internet.
 - 25. You are only allowed to own or have (even if you do not own it) one mobile phone. You must tell a Corrective Services Officer the details (make, model, phone number and service provider) about any mobile phone you own or have within 24 hours of when you get the phone.
 - 29. You are not allowed to take (for example, swallow, eat, inject, smoke or sniff) any illegal drugs. You are also not allowed to have with you or be in control of any illegal drugs.
 - 40. You must tell a Corrective Services Officer of any persons you have had ‘contact’ with within 24 hours of contacting them, including their name and the nature of the association.

‘Contact’ is defined as any communication or interaction with another person that is more than incidental to everyday tasks.

This includes: people who you have contacted through a known associate, as well as people who you spend time with, work with, make friends with, intend to pursue a relationship with and people you see or speak with regularly (including via social media or the internet).”

- [10] In September 2025 police investigations revealed a mobile phone number linked to social media accounts registered to the respondent. The phone number was not known to Corrective Services. The respondent had accessed the internet and contacted women using applications on this phone. From this it could be established that on 9 September 2025 a woman (TH) received a friend request on Facebook from a person using the respondent’s name. This woman knew the respondent was in custody but accepted the request and sought to establish the authenticity of the request. She satisfied herself she was communicating with the respondent and she contacted the police. Later, she received messages from a “[]” and formed the view it was the respondent attempting to contact her under another name. The police investigation established it was the respondent who had communicated with TH using his own name and the other name.
- [11] On 19 September 2025 Corrective Services officers visited the respondent’s residence. The respondent was found in possession of an internet capable gaming console. It was seized. Analysis of its contents revealed names in the device some of whom were known of by Corrective Services. The names of others, not known to Corrective Services, were also present in the device. The respondent had never informed Corrective Services officers that he had this device. An application made in mid-August 2025 for permission to have a console had been refused on 21 August 2025.
- [12] On 6 October 2025 the respondent was required to provide a urine sample in accordance with requirement 31 of the supervision order. The sample provided tested presumptively positive to Buprenorphine. On 8 October 2025 the presence of that drug was confirmed after pathological examination. The respondent had not been prescribed Buprenorphine.
- [13] On the same day the police were informed that a person, believed to be the respondent, had sent an email to a female Corrective Services employee four days earlier. The email attached two photographs of the employee and it referred to messages sent to her on Facebook. These messages conveyed that the sender wanted to catch up with her and to “kiss that cute smile”. She was sent a picture of her face and a picture of her upper chest/shoulder area. The Corrective Services employee made a complaint to the police. This conduct constituted the charge of stalking which the respondent pleaded guilty to in March 2026.
- [14] On 10 October 2025 the police searched the respondent’s accommodation and found a mobile phone. The respondent said it was not his. A forensic examination of the phone showed that it contained a number of photographs of the respondent in which he was naked. These photographs had been sent to women. When interviewed by the police on 21 November 2025 the respondent maintained the phone was not his phone. He denied it was registered to him. A subscriber check established the phone was registered to the respondent at an address at []. The occupant of that address informed the police she had not purchased or provided the phone or the SIM card to the respondent and had not given him permission to use her address. Further

examination of the phone showed it contained the registration details for a number of social media applications and email accounts in the names of the respondent, and others, such as []. It showed multiple contacts with some women through Messenger and text messages and it showed the respondent had requested sexual videos from one of the women. When interviewed again the respondent admitted he had possessed the phone in order to make a few phone calls and send some text messages.

- [15] On 10 October 2025 the respondent was returned to custody. On 12 October 2025 the Court ordered the respondent be detained in custody until the final decision of the Court under s 22 of the Act.

Supervision order requirements contravened

- [16] A prerequisite to the relief the applicant has sought under s 22 requires the Court to be satisfied, on the balance of probabilities, that the respondent has contravened a requirement of the supervision order (s 22(1)). I proceed on the basis the onus is on the applicant to prove the respondent has contravened requirements of the supervision order.¹
- [17] At the commencement of the hearing Mr Feely, who then appeared for the respondent, conceded the Court could be satisfied the respondent had contravened requirements 10, 21, 22, 25, 29 and 40 of the supervision order. This concession recognised the reality of the respondent's situation. The respondent did not seek to retreat from this concession in the submissions he made after his lawyers were granted leave to withdraw.
- [18] On [] March 2026 the respondent pleaded guilty in the Magistrates Court to 10 charges of breaching the supervision order. Charges 3, 4, 8 and 11 related to the above mentioned breaches of requirements 21, 22 and 29. The respondent also pleaded guilty to two counts of stalking, contrary to s 359E(1) of the *Criminal Code*, and to one count of contravening an order about information necessary to access information stored electronically, contrary to s 205A of the *Criminal Code*. One stalking charge related to the respondent contacting TH through a Facebook account. The woman was very scared after receiving the respondent's messages. The other stalking charge related to him contacting the female Corrective Services employee via her work email. The officer feared for her safety. The convictions for the offences contained in the *Criminal Code* constituted breaches of requirement 10. Charge 12 concerned the breach of requirement 40.
- [19] In view of the convictions on [] March 2026 and counsel's concession, I am satisfied on the balance of probabilities the respondent contravened requirements 10, 21, 22, 25, 29 and 40 of the supervision order made on 15 July 2025.

The consequences of contravention

- [20] Section 22(2) to (7) provides:
- “(2) Unless the released prisoner satisfies the court, on the balance of probabilities, that the adequate protection of the community can, despite the contravention or likely contravention of the

¹ *Attorney-General (Qld) v Sands* [2016] QSC 225 at [4].

existing order, be ensured by the existing order as amended under subsection (7), the court must—

- (a) if the existing order is a supervision order, rescind it and make a continuing detention order; or
 - (b) if the existing order is an interim supervision order, rescind it and make an order that the released prisoner be detained in custody for the period stated in the order.
- (3) For the purpose of deciding whether to make a continuing detention order as mentioned in subsection (2)(a), the court may do any or all of the following—
- (a) act on any evidence before it or that was before the court when the existing order was made;
 - (b) make any order necessary to enable evidence of a kind mentioned in section 13(4) to be brought before it, including, for example, an order—
 - (i) in the nature of a risk assessment order, subject to the restriction under section 8(2); or
 - (ii) for the revision of a report about the released prisoner produced under section 8A;
 - (c) consider any further report or revised report in the nature of a report of a type mentioned in section 8A.
- (4) To remove any doubt, it is declared that the court need not make an order in the nature of a risk assessment order if the court is satisfied that the evidence otherwise available under subsection (3) is sufficient to make a decision under subsection (2)(a).
- (5) If the court makes an order in the nature of a risk assessment order, the psychiatrist or each psychiatrist examining the released prisoner must prepare a report about the released prisoner and, for that purpose, section 11 applies.
- (6) For applying section 11 to the preparation of the report—
- (a) section 11(2) applies with the necessary changes; and
 - (b) section 11(3) only applies to the extent that a report or information mentioned in the subsection has not previously been given to the psychiatrist.
- (7) If the released prisoner satisfies the court, on the balance of probabilities, that the adequate protection of the community can, despite the contravention or likely contravention of the existing order, be ensured by a supervision order or interim supervision order, the court—

- (a) must amend the existing order to include all of the requirements under section 16(1) if the order does not already include all of those requirements; and
- (b) may otherwise amend the existing order in a way the court considers appropriate—
 - (i) to ensure adequate protection of the community; or
 - (ii) for the prisoner’s rehabilitation or care or treatment.”

[21] The expression “adequate protection of the community” in s 22(2) and (7) is to be understood as a reference to the risk mentioned in s 13 of the Act, “that is, adequate protection of the community from the unacceptable risk that the [released prisoner] will commit a serious sexual offence”.²

[22] Section 13(2) of the Act provides:

- “(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—
- (a) if the prisoner is released from custody; or
 - (b) if the prisoner is released from custody without a supervision order being made.”

[23] Accordingly, the respondent must satisfy the Court, on the balance of probabilities, “his release back into the community on a supervision order provides ‘adequate protection of the community’ in the sense that he is an acceptable risk of not committing a serious sexual offence”.³ The risk is not the risk of a further contravention of the supervision order or the risk of the commission of offences generally. The expression “serious sexual offence” means an offence of a sexual nature whether committed in or outside Queensland involving violence, 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 child under the age of 16 years (Act sch 1).

[24] The proposed amendments to the supervision order involved three further requirements: a prohibition on harassing, stalking, following, monitoring or tracking any person whether personally, by use of any technology or by way of a third party; a prohibition on unsupervised contact with a child under 16 years; and, in the event of any repeated contact with the parent, guardian or carer of a child under 16, an obligation to inform that person of the supervision order and to inform a Corrective Services Officer of the details of the parent, guardian or carer.

[25] Contravention of the requirements of a supervision order may, depending on the nature of the contraventions, bear upon the assessment of the level of risk of a released prisoner committing a serious sexual offence.⁴

² *Kynuna v Attorney-General for the State of Queensland* [2016] QCA 172 at [60].

³ *Attorney General for the State of Queensland v Nemo* [2020] QSC 140 at [17].

⁴ *Attorney-General for the State of Queensland v Robinson* [2020] QSC 287 at [24]-[25]; *Attorney-General for the State of Queensland v Nemo* [2020] QSC 140 at [19]-[26].

Evidence relevant to whether the adequate protection of the community can be ensured

- [26] At the final hearing the applicant relied on affidavits which annexed reports prepared by Doctors Madsen, Phillips and Timmins, as well as affidavits from other witnesses. The doctors gave evidence at the hearing. The respondent did not tender any evidence at the hearing.

- [27] Dr Madsen was the respondent's treating psychologist during the time he was released on the supervision order. The respondent attended seven treatment sessions with Dr Madsen. After the respondent's return to custody Dr Madsen saw him once, in July 2026. In a report dated 14 October 2025 Dr Madsen said the respondent scored 32/40 on the Psychopathy Checklist-Revised (PCL-R). Dr Madsen wrote "the higher score indicates full psychopathy, highlighting traits like callousness (victim taunts) and impulsivity, which heighten recidivism risk and necessitate robust external controls in any future release plan".

- [28] Dr Madsen's evidence was that psychopathy was a personality disorder identified to be highly linked to the risk of recidivism and it was a condition which presented challenges to the ability to benefit from therapy. The pace of treatment is slower with persons with psychopathy. Dr Madsen's engagement with the respondent had not been of a sufficient length of time for therapy to progress very much with him. Treatment had focused on trauma processing, reintegration challenges, family dynamics, substance/offending reflection and concerns the respondent had for safety due to []. The respondent required ongoing treatment which could be undertaken in the community. A key consideration requiring focus in therapy was the respondent understanding his sexual offending was partly a maladaptive response to trauma he suffered early in his life. Another area of concern needing to be addressed was an issue to do with "child crossover offending". During the commission of the offences in 1995/6, the respondent had made statements about paedophilic interest. Dr Madsen said the respondent now had a very strong and apparent preoccupation with an eight year old step []. Dr Madsen said the respondent seemed motivated to continue treatment with him and had expressed remorse for the breaches of the requirements of the supervision order. He said the respondent recognised he needed to comply with the requirements of a supervision order in the future.

- [29] Psychiatric diagnoses of the respondent were provided by Doctors Phillips and Timmins, forensic psychiatrists, in risk assessment reports.

- [30] Dr Phillips was of the opinion that the respondent met the criteria for a diagnosis of sexual sadism disorder. Dr Timmins' opinion was he most likely met the criteria for that disorder. Dr Phillips said he had an antisocial personality disorder and had narcissistic personality traits. Dr Timmins said there was evidence of both an antisocial personality disorder and a narcissistic personality disorder. Each considered he possibly had a fetish related to women's underwear.

- [31] Recurrent and intense sexual arousal from the physical and psychological suffering of another person manifested by fantasies, urges or behaviors over a period of at least six months constituted the criteria for a sexual sadism disorder. An antisocial personality disorder and a narcissistic personality disorder involved, among other matters, lack of empathy and a sense of entitlement. The respondent's scores on the

PCL-R, performed by Dr Madsen in October 2025, caused both doctors to opine that the respondent met the criteria for a diagnosis of psychopathy.

[32] The respondent did not challenge the diagnoses of sexual sadism, psychopathy, antisocial personality disorder and narcissistic personality disorder.

[33] In a report dated 25 June 2026 Dr Timmins said:

“In summary, I am of the opinion that Mr BZC will be at a **HIGH** risk of re-offending in a sexual manner without a Supervision order in place.

Potential victims could include adult females and potentially adult males given the custodial incidents. Although he has not offended against under-age females his recent behaviour is concerning. He has the potential for planned predatory rapes and sexual assaults driven by sadistic rape fantasies. He is likely to cause significant harm to the victim with the use of a weapon to overpower and subdue them, use of serious physical violence and threats to intimidate, manipulate and control. There is a serious risk of psychological and physical harm to the victim.

At this stage, given his recent behaviour in the community which indicates a conscious subverting of Order conditions, his poor insight, his inability to progress and contribute to managing his risk of sexual re-offending, in addition to the difficulties that QCS face with managing him on a Supervision order (largely due to his psychopathic personality and sexual deviance), I do not believe a Supervision order will significantly decrease his risk of sexual reoffending.

His behaviour has proven that even with a heavy reliance on the procedural restrictions of the order, Mr BZC has not contributed to managing his risk, in fact he seemed to have actively subverted the Order conditions to not comply.

Going forwards, Mr BZC needs further treatment in order to see how he engages with intensive one on one individual psychological sessions. It is recommended that given Dr Madsen has already had several sessions with Mr BZC, he continues with these sessions. Mr BZC’s progress and risk can be assessed after a period of 18 or so months.”

[34] Dr Timmins said sexual sadism and antisocial and narcissistic personality disorders each raised the risk of sexual recidivism. She said that during her interview with the respondent on 20 May 2026, he was “defensive and certainly not transparent when it comes to his thoughts and behaviour”. Dr Timmins said the diagnosis of psychopathy increased the risk of sexual offending and was a condition that adversely affected a person’s ability to benefit from psychological treatment. The possible fetish about female underwear arose because the respondent had asserted to other doctors that he had masturbated to women’s underwear, however, he denied having done so to Doctors Timmins and Phillips.

- [35] Dr Timmins said that while the respondent was on the supervision order there was little to suggest that he had managed his sexual preoccupation appropriately. She said the respondent had obtained a second phone. He had accessed social media and email. He used these mechanisms to engage in sexual conversations and videos. He had done these things despite the requirements of the supervision order and potentially placed himself on a pathway to sexual offence charges in the future. His behaviour suggested he had not learnt very much from the programs he had completed prior to release on the supervision order. Also, having had only seven psychological sessions in the community with Dr Madsen, the respondent was only at the point of establishing a therapeutic alliance with that practitioner. Although he had not committed any sexual offences, his behaviour in the community, including the stalking, was indicative of sexual preoccupation, misrepresenting his activities and subverting conditions of the order. Dr Timmins said treatment by Dr Madsen could potentially reduce the level of risk the respondent currently posed. However, much would depend on whether the respondent engaged in a transparent and truthful way with Dr Madsen and how much insight the respondent develops into the factors contributing to the risk he poses.
- [36] Dr Timmins said that the respondent's behaviour on the supervision order altered his level of risk in an upwards trajectory. Dr Timmins did not believe that release on an amended supervision order would significantly decrease his risk of sexually offending because the respondent's performance on the supervision order had involved deception, the withholding of information and the active undermining of the order. If required to grade the level of risk of sexual offending on an amended supervision order she said she would characterise it as just below high.
- [37] In assessing the level of risk posed by the respondent, Dr Timmins took into account the offences he had been convicted of, even those convictions for sexual offences which were subsequently set aside. She said a risk assessment involved taking into account all of the subject's behaviours, including what he was "alleged" to have done.
- [38] With respect to the diagnosis of sexual sadism, in her report dated 14 April 2026 Dr Phillips said the respondent had acted on the fantasies associated with this disorder in the past. She went on to report:
- "Mr BZC claims that he no longer experiences 'rape fantasies', has a high libido or uses sex as coping, and claimed these had been in remission for 15 years. However, I consider Mr BZC to be a highly unreliable historian, and there remains a potential that these are ongoing, and Mr BZC is being guarded. Of note, his contact with multiple women whilst in the community, including engaging in 'phone sex' and exchange of sexualised videos indicates a likelihood of increased sexual preoccupation which he did not disclose to either QCS or his treating psychologist."
- [39] In her report, Dr Phillips said the respondent's risk of sexual and violent reoffending fell in the high range if released without a supervision order. The risk was higher than when she last assessed him on 6 May 2025 because it was now clear that he met the criteria for psychopathy. She said the combination of sexual sadism, psychopathy and potential for additional sexual deviance further escalated the risk of sexual offending. The diagnosis of psychopathy also increased the risk of physical violence. Dr Phillips' report stated:

“It is a significant concern that Mr BZC has further demonstrated his willingness and ability to be deceptive and manipulative and has managed to contravene the supervision order in multiple ways whilst on the most stringent monitoring available in the community, i.e. Stage 1 curfews with escorted movements by QCS. He has demonstrated his willingness and ability to contravene the order and not disclose important risk related information to those providing supervision and treatment. He has consistently presented as displaying positive impression management and to be manipulative, and I consider his self-report to be highly unreliable. Despite Mr BZC’s claims that he would comply with all the conditions of the supervision order if released at his next court appearance, I have little confidence in this. I consider it likely that he would again attempt to gain access to unapproved devices and make unapproved contact with women. He may use illicit substances and is unlikely to be honest in his disclosures about substance use, unapproved contacts or unapproved devices in the future.

His motivation for stalking the 2 adult women whilst on the supervision order is currently poorly understood. He is guarded in relation to this, and his self-report is considered unreliable. This significantly limits the ability to accurately assess the likelihood of further stalking of the victims, or his risk of physical or sexual violence towards these victims. Despite his denials, given the email to the female QCS officer included a statement that he ‘want to kiss that cute smile of yours’, it is reasonably likely that there was a sexual motivation to this contact. The obvious concern, given his history of serial rape, Sexual Sadism and Psychopathy, is that this may have represented predatory stalking driven by deviant sexual interest, in preparation for a sexual offence. However, given his guardedness, this was not able to be adequately assessed. It appears reasonably likely that Mr BZC was gaining pleasure from causing both stalking victims fear and gaining a sense of power and control by being able to inflict such fear upon them. It is a concern that he had poor insight into the stalking; poor victim empathy; and a sense of entitlement to contact the victims.

...

The victim of future offending would likely be an adult female stranger. The sexual offending may occur whilst armed with a knife and involve threats to kill and include oral, vaginal or anal rape. The offending may involve making superficial cuts to the victims.

...

It is acknowledged that there may be some reduction in Mr BZC’s level of risk of serious sexual offending due to the restrictions of a supervision order. However, it is my opinion that any reduction in risk from a supervision order would currently only be relatively minor, given Mr BZC’s demonstrated willingness to be deceptive, manipulative and contravene the conditions of the supervision order. I had significant reservations as to whether Mr BZC was being honest

during my assessment, and I consider his self-report in relation to risk related information to be unreliable. This would, in my opinion, significantly limit the HROMU's ability to practicably manage the risk of serious sexual offending in the community. I consider that if Mr BZC were to be released on a supervision order, that his risk of serious sexual re-offending would remain moderate to high."

- [40] In her evidence Dr Phillips said the reference to release on a supervision order was a reference to the order the respondent had been released on. In assessing the respondent's risk of reoffending absent a supervision order Dr Phillips said factors of particular relevance were his history of sexual offending and the diagnoses of sexual sadism and psychopathy. Dr Phillips said that if the respondent was to be released on a supervision order with the amendments proposed he would still present a moderate to high risk of sexual reoffending because the effectiveness of the order to reduce risk would depend on the respondent's compliance with conditions. She said she had "concerns" about whether he would comply. Psychopathy and the deception and non-compliance on the supervision order and the breaching of requirements, as well as the previous breaches of parole, combined to cause her concern that the respondent would not comply with an amended supervision order.
- [41] In assessing risk Dr Phillips said she did not presume the respondent had committed any sexual offences which had resulted in successful appeals against convictions for those offences. She said she put "little weight" on the allegations which led to the charges where verdicts of acquittal were entered. She said she only had regard to those allegations when assessing the range of likely future victims of any sexual offending and in the administration of the Static-99R test which required charges of sexual offending to be considered irrespective of the outcome of the charges.
- [42] Dr Phillips said treatment with Dr Madsen was likely to be slow given the respondent's psychopathy. She considered it unlikely significant gains would be made in a period as short as six months. She thought 12 to 24 months would be more likely to be required to produce sufficient gains to reduce the level of risk the respondent poses.

Respondent's submissions

- [43] Counsel for the respondent submitted the Court could be satisfied on the balance of probabilities the adequate protection of the community could, despite the admitted contraventions of the existing order, be ensured by release on the existing order as amended by the imposition of the additional requirements referred to at paragraph [24] above.
- [44] The respondent's counsel relied primarily on the following matters, considered in combination, to demonstrate the adequate protection of the community could be ensured by the amendment of the supervision order: the respondent's willingness to comply with the amended order; his present engagement with and willingness to continue to engage with Dr Madsen; the absence of any convictions since 1996 for sexual offences; that while on the supervision order the respondent had not been charged with any serious sexual offences or any sexual offences; the respondent's pursuit of tertiary studies in custody; Dr Phillips' evidence the risk of sexual reoffending if released on the supervision order as amended could be as low as a moderate risk; and, in assessing risk the psychiatrists focused partly on two matters

of marginal significance – an underwear fetish and the respondent’s perceived obsession with his non-biological []. In his oral submissions, made after counsel and solicitors ceased acting for him, the respondent reiterated many of the points made by his then counsel.

Why a continuing detention order will be made

- [45] The respondent has not shown on the balance of probabilities that the adequate protection of the community can be ensured by the existing supervision order or as amended by the imposition of the proposed additional conditions. The risk of him committing a serious sexual offence is unacceptable, even were he to be released on an amended supervision order.

- [46] Willingness to comply with an amended supervision order is a relevant matter to consider because the effectiveness of the order depends to a considerable extent on the released prisoner’s willingness to comply with its requirements. The acting manager of the High Risk Offender Management Unit (HROMU) deposed that “for a supervision order to be effective, there is a requirement for the respondent to comply with the order requirements, meaningfully engage in the case management and treatment processes, and make truthful disclosures to supervising staff and treating professionals”. The current asserted willingness to comply does not significantly advance the respondent’s case that the Court should be satisfied on the balance of probabilities the adequate protection of the community can be ensured with his release on an amended supervision order because the respondent’s non-compliance on the supervision order went beyond mere failure to comply. He engaged in some conduct in defiance of requirements 21, 22, 25 and 40 of the order, such as obtaining a phone and utilising it to maintain secret contact with women.

- [47] I do not proceed on the basis there was any reluctance on the respondent’s part to participate in the therapy provided by Dr Madsen. However, a related and much more relevant consideration concerns the progress of that therapy and what participation in it is likely to yield. The evidence which I accept is that it has not progressed very far and has a considerable way to go. It is the case the respondent has not committed any sexual offences against women since 1996 and has not been charged with such offences. However, he has had little exposure to women since 1996. He was on parole for 11 months in 2010 to 2011 and for about one month in February to March 2015. He was on the supervision order from 15 July to 10 October 2025. Counsel’s argument might have had more force had there been a substantial period of compliance with the requirements of the supervision order. A matter of more significance is what may be made of the conduct the respondent engaged in during the short period in which he was released on the supervision order.

- [48] The acceptability or otherwise of risk is a matter the Court must determine or assess for itself. Opinions provided by psychiatrists do not conclude the issue about whether the relevant risk is unacceptable. Opinions about the level of risk may nevertheless be relevant to the assessment of whether the risk is unacceptable and about whether adequate protection can be ensured. However, the weight to be accorded to any such opinions is a matter for the Court to determine. Dr Phillips’ opinion regarding the level of risk posed by the respondent should he be released on an amended supervision order was the more persuasive because in arriving at her opinion, Dr Phillips did not presume the respondent had committed sexual offences where convictions had been set aside. Her opinion was the risk ranged from moderate to high. She identified the

likely victims as women who would be strangers to the respondent. I accept Dr Phillips' evidence about the level of risk and which section of the community is at risk.

- [49] I cannot be satisfied on the balance of probabilities the adequate protection of the community can be ensured by the existing order as amended with the inclusion of the first proposed additional requirement, having regard to the four matters set out below.
- [50] First, the diagnoses made concerning the respondent and the impact those conditions have on his behaviour or likely behaviour.
- [51] I accept the evidence the diagnoses of sexual sadism disorder, the antisocial personality disorder and the psychopathy all operate to increase the risk of sexual offending. I accept the evidence that the sexual offending would likely involve planned rapes and sexual assaults and would be likely to cause significant harm to any victim. I accept the evidence the personality disorders encourage a sense of entitlement and lack of empathy. Since July 2025 when the respondent was released on the supervision order the position has changed for the worse, in that the respondent now meets the criteria for a diagnosis of psychopathy, a condition which heightens impulsivity and callousness.
- [52] Second, some aspects of the behaviour the respondent engaged in while in the community under the supervision order.
- [53] The respondent set about establishing or attempting to establish relationships with women. Apart from a requirement not to contact or try to contact victims of sexual offences for which he had been convicted, the supervision order did not prohibit him from forming relationships with women. Yet he went about doing so in ways designed to conceal the facts of his interactions with women from Corrective Services Officers. The concealment of these endeavours is clearly highly relevant to whether the community can be adequately protected from at least the moderate risk the respondent poses.
- [54] Third, the opinions of Doctors Timmins and Phillips about the significance of that behaviour.
- [55] As to this, Dr Timmins said the respondent's conduct in secretively, and in defiance of the requirements of the supervision order, engaging in sexual conversations and videos with women online put him on a pathway to further sexual offences. Dr Phillips regarded the stalking of the two women as reasonably likely to be explicable on the basis he gained pleasure from instilling fear and gained power and control by being able to instil fear. She was concerned this behaviour was preparatory to a sexual offence. As already mentioned, Dr Phillips regarded adult women as the likely victims. The second and third proposed additional requirements are not relevant to the adequate protection of women.
- [56] Fourth, the opinions of both forensic psychiatrists that further therapy with Dr Madsen was necessary and that the therapy was not likely to produce significant gains in under 12 months.
- [57] I have not had regard to the matters the respondent's counsel characterised as having marginal significance because the evidence does not establish either has any

significance to the issue of the adequate protection of the community. Dr Phillips' evidence was that there may have been a fetish about women's underwear but there was insufficient evidence to diagnose a paraphilia involving underwear. The possibility of the fetish added "only a small amount, if any", to the risk he posed. In her evidence, Dr Timmins said she could not say whether the respondent had a fetish, it was a possibility, but she did not know what effect the possibility had on his overall risk of sexual offending. Dr Phillips said there was insufficient evidence to diagnose paedophilia. Ignoring what she characterised as "unusual and intense" behaviour towards his step [], she maintained the risk of serious sexual offences in relation to adults while on a supervision order would remain moderate to high. Dr Timmins regarded a paedophilic disorder as a possibility which she could neither confirm nor deny.

Order

[58] The order of the Court is:

Pursuant to s 22(2)(a) of the *Dangerous Prisoners (Sexual Offenders) Act 2003*, the supervision order made on 15 July 2025 is rescinded and the respondent is detained in custody for an indefinite term for control, care or treatment (continuing detention order).