

In the matter of
BARRY JOHN WATTS
(Applicant)

SECTION 193 CORRECTIVE SERVICES ACT 2006 (QLD)

PROCEEDING:	An application for a parole order
PUBLISHED ON:	14 October 2021
DELIVERED AT:	Brisbane
MEETING DATES:	The Board met to consider the application on 25 June 2021, 16 July 2021 and 13 October 2021.
SENIOR BOARD MEMBER:	Deputy President Peter Shields
DECISION DATE:	13 October 2021
DECISION:	The Board has decided to refuse to grant the application for a parole order.

It is considered that the application for a parole order is of considerable public interest, accordingly, reasons are published.

Application for a parole order

- [1] A prisoner may apply for a parole order under s.180 of the *Corrective Services Act 2006* (Qld) ('the Act'). After receiving a prisoner's application for a parole order, Parole Board Queensland ('the Board') must decide to grant the application or to refuse to grant the application.¹
- [2] The Board must decide the application within strict statutory time limits.²
- [3] If the Board refuses to grant the application, the Board must give the prisoner written reasons for the refusal and decide a period of time within which a further application for a parole order by the prisoner must not be made without the Board's consent.³
- [4] Upon the Board's refusal of a parole application, the period of time for which the prisoner is prohibited from making a further application for a parole order must not be more than, for prisoners serving a life sentence, twelve (12) months, and for all other prisoners, six (6) months.⁴
- [5] Section 188 of the Act mandates that after receiving a prisoner's application for a parole order, the Board must give the Chief Executive⁵ written notice of the application. Within seven (7) days after receiving the notice, the Chief Executive must give each eligible person in relation to the prisoner written notice of the application.
- [6] The term "eligible person" is defined in the dictionary to the Act contained in Schedule 4 with reference to s.320(1) of the Act. Section 320 identifies various persons who may be interested in a prisoner's application for parole such as the victim of the prisoner's crime, or if the victim is deceased, an immediate family member of the deceased.

The priority of the Board is protection of the community

- [7] In *Ripi v Parole Board Queensland*,⁶ Davis J stated that s.193 of the Act concerns the process for the making of a decision by the Board but it does not prescribe the considerations relevant to an application. However, s.242E of the Act provides as follows:

"242E Guidelines

The Minister may make guidelines about policies to help the parole board in performing its functions."

- [8] Guidelines have been made by the Minister. Section 1 of the Guidelines contains the guiding principles for considering parole. Section 1 provides as follows:

"SECTION 1 – GUIDING PRINCIPLES FOR PAROLE BOARD QUEENSLAND

- 1.1 Under section 242E of the *Corrective Services Act 2006* (the Act) the Minister may make guidelines about policies to assist Parole Board Queensland in performing its functions. In following these guidelines, care should be taken to ensure that decisions are made with regard to the merits of the particular prisoner's case.

- 1.2 When considering whether a prisoner should be granted a parole order, the highest priority for Parole Board Queensland should always be the safety of the community.
- 1.3 As noted by Mr Walter Sofronoff QC⁷ in the Queensland Parole System Review *'the only purpose of parole is to reintegrate a prisoner into the community before the end of a prison sentence to decrease the chance that the prisoner will ever reoffend. The only rationale for parole is to keep the community safe from crime'*. With due regard to this, Parole Board Queensland should consider whether there is an unacceptable risk to the community if the prisoner is released to parole; and whether the risk to the community would be greater if the prisoner does not spend a period of time on parole under supervision prior to the fulltime completion of their prison sentence."

[9] As further stated by Davis J in *Ripi*,⁸ the guiding principles articulated in s.1 of the Act are consistent with the purpose of the Act as stated in s.3(1):

"3 Purpose

- (1) The purpose of corrective services is community safety and crime prevention through the humane containment, supervision and rehabilitation of offenders."

[10] The Guidelines provided to the Board are no longer expressed in mandatory terms. The Guidelines are not "to be followed" but are "to help the Parole Board".⁹

[11] As prescribed by both the *Corrective Services Act*¹⁰ and the Guidelines,¹¹ the priority of the corrective services regime, including parole, is protection of the community.¹²

The present application

[12] On 7 February 1990, Barry (also known as 'Barrie') John Watts ('the applicant') was convicted by a jury of the offences of murder, rape and deprivation of liberty. The applicant was sentenced to imprisonment for life for the offence of murder, fifteen years' imprisonment for the offence of rape and three years' imprisonment for the offence of deprivation of liberty. Each sentence was ordered to be served concurrently.

[13] The applicant became eligible to apply for a parole order from 15 December 2000.

[14] On 10 November 2020, the applicant filed an application for parole ('the application').

[15] The application was received by the Board on 19 November 2020.¹³

[16] On 28 May 2021, the Chair of the Board directed that a request be forwarded to consultant psychiatrist Dr Josephine Sundin for an addendum psychiatric risk assessment. Dr Sundin had previously provided a psychiatric risk assessment in relation to the applicant's last application for a parole order. The date of that psychiatric risk assessment report is 18 February 2015.

- [17] On 7 June 2021, a direction was given by the Chair to list the application for 25 June 2021.
- [18] On 25 June 2021, the Board considered the application. At this meeting, the Board deferred the application to a date to be fixed to await the addendum psychiatric risk assessment of Dr Sundin.
- [19] On 16 July 2021, the Board met again to further consider the applicant's application for a parole order. At this meeting, the Board made a preliminary decision to not grant the application for a parole order.
- [20] On 21 July 2021, the written reasons¹⁴ for the preliminary decision to not grant the application for a parole order were provided to the applicant by Sentence Management staff.
- [21] On 4 August 2021, the applicant wrote to the Board requesting an extension of time until the first week of October to, "prepare for some extra submissions".¹⁵
- [22] On 4 August 2021, the Board wrote to the applicant advising him:
- "Your request for an extension has been approved to allow you until **06 October 2021** to respond to the Board's correspondence dated and provided to you on 21 July 2021."¹⁶
- [23] The reasons why the Board granted the applicant an extension of time include the detail contained in the written reasons for the preliminary decision to not grant the application for a parole order (27 pages) and the fact the applicant is not legally represented.
- [24] On 6 October 2021, the Board was advised in writing by Sentence Management staff:
- "Prisoner Barry Watts was seen today by Sentence Management and he advised that he will write a submission shortly to state that he has nothing further to add to his application at this time."¹⁷
- [25] On 12 October 2021, a two page submission¹⁸ was received by the Board from the Applicant. The submission refers to the difficulty the applicant has in obtaining counselling, presumably in the community, due to media coverage and the imposition of COVID-19 lockdowns. The applicant, in his submission, is critical of the addendum report of Dr Sundin in the following way:
- "I was surprised that Dr Sundin would make a [sic] addendum report without talking to me or via a tele-conference or a contact visit. So her report is 5 years old and out of date so she never got to hear anything about the changers [sic] that I have made for the better."¹⁹
- [26] The applicant's submission concludes with the applicant suggesting he be subject to an application under the *Dangerous Prisoners (Sexual Offenders) Act 2003*.

[27] On 13 October 2021, the Board met again to consider the application for a parole order. In relation to the applicant's submission received on 12 October 2021, the Board accepted the submission that due to the notoriety of the applicants offending it may be difficult for him to obtain counselling, accommodation or other necessary support in the community. The Board rejected the criticism of the addendum report of Dr Sundin for the following reasons:

- a. Upon being retained by the Board, Dr Sundin was sent a letter of instruction dated 28 May 2021,²⁰ which confirmed Dr Sundin was being provided with a copy of the Board's file, which included:
 - i. the applicant's application for a parole order and supporting documents which included:
 - a. the applicant's handwritten letter dated 10 November 2020;
 - b. Accommodation Review Request;
 - c. Personal letter from the Prisoner;
 - d. Re-integration Plan;
 - e. Support letter from the Salvation Army;
 - f. Certificates of Achievements/Qualifications; and
 - g. Release Booklet.
 - ii. The medico-legal report of Dr Jill Reddon dated 25 May 2019.
 - iii. The session summary of Dr Ursula Oertel of Mind Wise Psychology Services dated 1 May 2021, 5 April 2021, 1 March 2021, 2 January 2021, 3 December 2020, 2 November 2020 and 2 October 2020.
- b. The Board accepts that Dr Sundin is an expert in her field and accordingly it is was a matter for Dr Sundin as to how she went about the preparation of the addendum psychiatric risk assessment.

[28] In relation to whether or not an application could, or should, be made under the *Dangerous Prisoners (Sexual Offenders) Act 2003*, the Board accepts that is a matter for the Attorney-General, pursuant to section 5 of the aforementioned act.

[29] Ultimately, on 13 October 2021, the Board formed the view the application should be declined. The Board considered the applicant poses an unacceptable risk to the safety of the community if released to parole at this time. These are the reasons for that decision.

The applicant's offending

The abduction, rape and murder of a twelve year old girl on 27 November 1987

[30] As previously stated, on 7 February 1990, the applicant was convicted by a jury of the offences of murder, rape and deprivation of liberty. The facts of the Crown case against

the applicant were summarised by Demack J in the applicant's unsuccessful appeal against his convictions:²¹

"DEMACK J.: On 8 [sic] February 1990, Barrie John Watts (Watts) was found guilty of three offences committed upon a twelve year old girl. The offences were abduction, rape and murder. The trial occupied eight days...

...Valmae Beck (Beck) had also been charged with the same offences, and, in a separate trial, convicted...

...The facts which need to be stated for the purpose of this appeal are relatively brief. Four relevant ones were admitted at the trial:

1. the child died at Noosa on 27 November 1987 from multiple stab and incised wounds,
2. the child was born in Auckland on 16 December 1974,
3. Watts was in the Noosa area on 27 November 1987, and was at Pinaroo Park, Noosa, from approximately 5 p.m. until 5.25p.m. on that date,
4. the girl was abducted from Pinaroo Park on that day between 5.25 p.m. and 5.45 p.m.

Beck gave evidence that she and Watts abducted the girl from Pinaroo Park. She was driven to an isolated area. Watts raped her and killed her. It is not necessary to state the details, except to say that Beck's evidence included the commission of the offence of sodomy. This was rejected by the jury.

The girl's body was found on 3 December 1987, following an extensive search. In the course of their investigations the police were given information about a white Holden station wagon with Victorian registration plates. This was found to be registered in the name of Beck.

Eventually police inquiries led some officers to The Entrance, a town about one hundred miles north of Sydney. On 12 December Watts was interviewed there by police officers. He denied ever being in Noosa. He claimed to have recently travelled from Melbourne where he had lived for ten years. He was interrogated for some time, during which Beck was also interviewed separately. She gave a statement to the police. In it she admitted being at Pinaroo Park. This was shown to Watts, who denied he was involved in any way. Both Watts and Beck were arrested on other charges alleged to have been committed near Ipswich, and extradited."²²

[31] The circumstances of the offending by the applicant were described by the learned trial judge, Kelly J, as "absolutely abhorrent and the murder and rape in particular were

shocking and revolting crimes." It is necessary in this application to state the views expressed by the learned trial judge when he imposed his sentence upon the applicant:

"BY HIS HONOUR: Barrie John Watts, you have been convicted by the verdict of the jury of the offences of murder, rape and deprivation of liberty.

As I said some time ago when I was imposing sentence on your co-offender, Beck, the circumstances of these offences are absolutely abhorrent and the murder and rape in particular were shocking and revolting crimes. They show you to be a thoroughly evil man devoid of any sense of morality and it is obvious, in the interests of the community, that you be kept in prison for a very long time. Indeed, it is my opinion that you should never be released.

The sentence for murder is life imprisonment and, in my view, in your case the sentence should mean just that. I accordingly do recommend, as I am asked to do by the Crown Prosecutor, that you should never be released. Of course, the decision as to whether effect is to be given to that recommendation rests ultimately with the Governor in Council and I can do no more than make a recommendation. I would add that in the event that it is at some future time determined that you should be released from prison, this should not occur until you have reached such an advanced age that you are not likely to be any further menace to young girls or, for that matter, to anybody else.

For the offence of rape you are also liable to life imprisonment. The sentence that is imposed for that offence will, of course, be served concurrently with your life sentence but, in the circumstances, I consider that a heavy sentence is required. Beck was sentenced for her part in the commission of that offence to ten years' imprisonment. In your case I consider the proper sentence to be imprisonment for 15 years.

The offence of deprivation of liberty was, again, a bad instance of that offence and involved abduction of the girl for the purpose of the commission of rape. The maximum sentence that may be imposed for this offence is imprisonment for 3 years and, in my view, the circumstances call for the imposition of that maximum sentence which was in fact that which was imposed on Beck.

Accordingly, the sentences which I impose are: on count 1, imprisonment for 3 years; on count 3, imprisonment for 15 years; on count 4, imprisonment for life."

[32] The reference by Demack J to the "other charges alleged to have been committed near Ipswich" is a reference to a separate charge of assault occasioning bodily harm whilst in company and armed with an offensive weapon, which occurred on 11 November 1987.

The attempted abduction of a woman on 11 November 1987

- [33] On 4 April 1990, the applicant pleaded guilty in the District Court sitting at Ipswich to one count of assault occasioning bodily harm whilst in company and armed with an offensive weapon, which occurred on 11 November 1987. The plea of guilty was entered in circumstances where the learned judge, Howell DCJ, made a pre-trial ruling:²³

"... I rule that the Crown would be able to lead evidence that the accused by his acts or statements committed the assault with the intention of raping and/or killing to establish that this offence of assault with circumstances of aggravation was a planned offence and to rebut a submission or suggestion that this was a spur-of-the-moment offence."

- [34] The facts on which the applicant was sentenced for this offence, as set out by the prosecutor in the Crown's submission at the sentencing hearing, which was not challenged by the applicant's counsel, are as follows:²⁴

"...the complainant ... is employed at the Target Booval store. On 11 November 1987 at 5.23 p.m. she went to the underground carpark at the store. She went to her brown Toyota Corolla sedan. She unlocked the car door and sat in the car and locked the car door and put her handbag on the passenger seat. It was then that she started her car and began to reverse out, when a white Holden stationwagon pulled in next to her vehicle. She noticed there was a woman driving the car, and that is alleged to be Valmae Fay Beck, and there was a man in the back seat, which was this accused. She started to reverse out and this lady caught her attention by waving to her. She stopped her car and got out. I'm sorry, the prisoner Beck stopped her car and got out. She came over to the window of the complainant and said, "Do you know how to get to Blackstone?" The complainant started to give her directions. It was then that the accused Beck produced a Refidex. She started to point to directions on the Refidex and it was then that Beck turned to this accused and said, "My eyes are not too good. You better have a look." It was then that the male person came towards her rear door and she began to give directions to him. The accused then leaned through her driver's side window and turned the ignition off in the vehicle. He then pulled a knife on her and held it straight into the right side of her rib area. He said to her, "Get out of the car, you bitch." He opened the door and pulled her from the vehicle. At that time he still had the knife at her chest...

It was then that the complainant grabbed the blade of the knife and pulled it from his hand. During this time she was screaming. This accused said to Beck, "Keep her quiet.", and Beck then attempted to put her hand over the complainant's mouth. She kept struggling and it was then that the accused was dragging her away from her driver's side door towards the open door of the Holden stationwagon. There was a struggle in which this accused was attempting to drag her towards that vehicle. It was then that the complainant called out to a friend for help. This person came towards them, and during that time the accused was

still attempting to get her into the car. It was then Beck started up the Holden stationwagon and he jumped into the car and drove off."

- [35] The circumstances of the offending by the applicant was such that, in passing sentence on 4 April 1990, the learned sentencing judge would have ordered the sentence to be served cumulatively, if the law allowed it. His Honour remarked that such an intention ought to be drawn to the attention of the Board:²⁵

"HIS HONOUR: This offence is of such seriousness that the maximum penalty is called for. I unhesitatingly come to that conclusion. I might add that if the maximum penalty had been somewhat higher, I may well have seriously considered a higher penalty. The authorities may well consider that the maximum penalty of seven years for an offence of this nature could be looked at.

I would have been of the view that this sentence should be cumulative on any other term or terms of imprisonment you are currently serving. The law as I understand it does not permit me to make a fixed term cumulative on a life term. The most I can do is to request that it be drawn to the attention of the parole authorities if and when there is ever any application for parole by yourself. The parole authorities should clearly understand that if I could have imposed a cumulative term I would have.

You are sentenced to seven years' imprisonment."

- [36] The Board noted the aforementioned sentence of imprisonment expired on 3 April 1997.

Suitability of the applicant for a parole order

- [37] As previously stated, s.242E of the Act states the Minister may make guidelines about policies to help the Board in performing its functions. Section 2 of the Ministerial Guidelines relates to 'Suitability' and states:

- 2.1 When deciding the level of risk that a prisoner may pose to the community, Parole Board Queensland should have regard to all relevant factors, including but not limited to, the following–
- a) the prisoner's criminal history and any patterns of offending;
 - b) the likelihood of the prisoner committing further offences;
 - c) whether there are any other circumstances that are likely to increase the risk the prisoner presents to the community (including any of the factors set out in section 5.1 of these guidelines);
 - d) whether the prisoner has been convicted of a serious sexual offence or serious violent offence or any of the offences listed in section 234 (7) of the Act;

- e) the recommendation for parole, parole eligibility date, or any recommendation or comments of the sentencing court;
- f) the prisoner's cooperation with the authorities both in securing the conviction of others and preservation of good order within prison;
- g) any medical, psychological, behavioural or risk assessment report relevant to the prisoner's application for parole;
- h) any submissions made to Parole Board Queensland by an eligible person registered on the Queensland Corrective Services (QCS) Victims Register;
- i) the prisoner's compliance with any other previous grant of parole or leave of absence;
- j) whether the prisoner has access to supports or services that may reduce the risk the prisoner presents to the community; and
- k) recommended rehabilitation programs or interventions and the prisoner's progress in addressing the recommendations."

[38] The Board has considered each of the relevant factors listed in section 2.1 of the Ministerial Guidelines, as detailed below.

The prisoner's criminal history and patterns of offending

[39] The Board has had regard to the applicant's four (4) page Australian criminal history. The Board noted the offending has spanned the jurisdictions of Queensland, Victoria, Western Australia and New South Wales.

[40] The applicant's criminal history demonstrates a consistent pattern of break and enter offences, dishonesty offences and escaping from legal custody, before the applicant's offending escalated to the violent offences of assault occasioning bodily harm whilst in company and armed with an offensive weapon, deprivation of liberty, rape and murder in 1987, for which the applicant was convicted and sentenced in 1990.

[41] The Board noted there are twenty-seven (27) occasions in which the applicant has been convicted and sentenced. This comprises convictions for fifty-eight (58) offences. The applicant has been sentenced on fifteen (15) separate occasions to terms of imprisonment.

[42] The Board noted that the applicant was wanted on a bench warrant issued in the Supreme Court of Western Australia on 9 October 1987 for the offences of breaking and entering with intent and robbery whilst armed and in company.

[43] The Board has been provided with a precis of the evidence for the outstanding offences and notes the following alleged facts of these further offences. It is alleged the applicant knew of the existence of firearms in a dwelling house because he had previously broken

into that property with another person. Three persons, not including the applicant, then broke into the dwelling house and stole a number of firearms and ammunition. The applicant and the other three persons familiarised themselves with the firearms including by discharging the firearms in the bush. On 19 June 1987, two of the persons, not including the applicant, wearing balaclavas and gloves and armed with firearms, committed a robbery of a bank. One other person had driven the two persons to the bank where the robbery occurred. After the armed robbery, these three persons travelled to a pre-arranged location where the applicant was waiting. The applicant then drove the three persons to a bush area where the balaclavas and gloves were burnt. The three persons and the applicant then went back to the applicant's house where the money obtained from the robbery was divided.

- [44] The applicant was required to appear before the Supreme Court of Western Australia on 5 October 1987 but failed to do so. His Honour Judge Pidgeon gave leave for the issue of a bench warrant for the applicant's arrest.
- [45] The Board noted the offences of assault occasioning bodily harm whilst in company and armed with an offensive weapon committed on 11 November 1987, and the offences of murder, rape and deprivation of liberty committed on 27 November 1987 were committed whilst the applicant was a fugitive, after failing to appear in the Supreme Court of Western Australia on 5 October 1987.

Whether there are any other circumstances that are likely to increase the risk that the prisoner presents to the community (including any of the factors set out in s.5.1 of the Ministerial Guidelines)

- [46] Section 5 of the Ministerial Guidelines relates to parole orders. The wording of s.5.1 of the Ministerial Guidelines is unambiguous and lists relevant factors the Board should have regard to when considering releasing a prisoner to parole:

"Release to Parole

- 5.1 When considering releasing a prisoner to parole, Parole Board Queensland should have regard to all relevant factors, including but not limited to the following–
- a) Length of time spent in custody during the current period of imprisonment;
 - b) Length of time spent in a low security environment or residential accommodation;
 - c) Any negative institutional behaviour such as assaults and altercations committed against correctional centre staff, and any other behaviour that may pose a risk to the security and good order of a correctional centre or community safety;
 - d) intelligence information received from State and Commonwealth agencies;

- e) length of time spent undertaking a work order or performing community service;
- f) any conditions of the parole order intended to enhance supervision of the prisoner and compliance with the order;
- g) appropriate transitional, residential and release plans; and
- h) genuine efforts to undertake available rehabilitation opportunities."

- [47] Relevant to the factors listed in s.5.1 of the Ministerial Guidelines, the applicant has been in custody since he was first arrested on 12 December 1987. The applicant has maintained a high security classification, which was last reviewed on 28 June 2021. The applicant progressed to residential accommodation on 23 May 2014 at Wolston Correctional Centre. The applicant has not incurred any incidents or breaches within the past two years and the applicant's case notes indicate he demonstrates positive custodial behaviour and has done so for a consistent period of time.
- [48] Further, the applicant has maintained custodial employment since 2014 within the kitchen at Wolston Correctional Centre. A recent prison employment case report dated 21 November 2020 indicates the applicant has worked in the kitchen for many years and has proven to be a good employee, loyal and honest in his work ethic.²⁶
- [49] The Board has had regard to the contents of the application by the applicant for a parole order, as well as the documents enclosed to his application including: residential accommodation nomination letter from Acting Assistant Commissioner, Security and Male Custody; personal letter from the applicant; letter from Dr Ursula Oertel dated 09 December 2020; letter regarding financial counselling support offered by Prisoners' Legal Service dated 15 April 2014; reintegration plan; support letter by the Salvation Army; a copy of the applicant's completed certificates of achievements and qualifications; and the applicant's release handbook.²⁷ Further, the Board had regard to the prisoner's submission to the Board dated 31 May 2021 and his New Future Plan.²⁸
- [50] The Board noted and took into account that the applicant has completed the following programs, interventions and assessments: Stress Management completed in 1991; Cognitive Skills Program completed in 1998; Substance Abuse Core Program completed in 2000; STATIC-99 and STABLE-2000 assessments completed in 2008; Getting Started: Preparatory Program completed in 2008; Transitions Program Modules completed in 2014.
- [51] For the reasons explained in this decision, the Board decided there are no conditions of a parole order, including electronic monitoring (GPS) conditions, which could enhance the supervision of the applicant and/or ensure the applicant complies with the parole order, which would render the risk posed by the prisoner to be acceptable.

Whether the prisoner has been convicted of a serious sexual offence or serious violent offence or any of the offences listed in s.234(7) of the Act

- [52] The applicant was convicted of the serious sexual offence of rape and the serious violent offences of assault occasioning bodily harm whilst in company and armed with an offensive weapon and murder.

The recommendation for parole, parole eligibility date, or any recommendation or comments of the sentencing court

- [53] The learned sentencing judge for the index offences of murder, rape and deprivation of liberty recommended the applicant never be released from prison. The Board notes the applicant has served the entirety of the sentence imposed for the rape and deprivation of liberty. The applicant is currently serving the sentence of life imprisonment imposed for the offence of murder.

The prisoner's cooperation with the authorities both in securing the conviction of others and preservation of good order in prison

- [54] There is no material before the Board to indicate the applicant has cooperated with the authorities in any way. It is accepted by the Board that the applicant has been of good behaviour in custody with no recent negative incidents and positive case notes.

Any medical, psychological, behavioural or risk assessment reports relevant to the prisoner's application for parole

- [55] The Board has had regard to numerous psychological, psychiatric and risk assessment reports relevant to the applicant's application for a parole order.

Report of Michael John, clinical psychologist, dated 6 January 1997

- [56] On 6 January 1997, a psychological report was prepared by clinical psychologist Michael John for the purpose of assessing the suitability of the applicant for low security. The report was based on interviews conducted between the author and the applicant on 10 December 1996 and 13 December 1996, in addition to the content of his Sentence Management file and other relevant files. In the conclusion of the report, the author opines:²⁹

"Conclusion

19. Mr Watts can be believed when he makes it plain he is sick of being imprisoned and is now seeking to minimise the term of his sentence for Murder/Rape by offering a confession for his part in the offence. However, in revising his account of events he also by implication acknowledges he has lied in the past. My impression is that Mr Watts is most probably an effective manufacturer of stories, particularly in matters of self-interest or self-protection where this aim will legitimise his narrative rendering and enable him to present in a sincere and compelling manner.

20. I am not convinced at this time that the killing of the girl who happened to be riding past can be reasonably understood as an impulsive act on Mr Watts' part to chronic marital tension. In my mind the account that he has given raises the question of premeditated sexual sadism. As above, the inmate states he has never before been violent or a sex offender. One is left to now question this assertion and to also consider the possible sexual proclivities of his former wife. Access to Court Reports and testimony from the trial plus Psychological Reports on the former wife would be required to effectively pursue an understanding of the crime.

21. Until such time as a clear understanding of the offence is obtained, and Mr Watts genuinely addresses his actions in respect to the offence, little headway can be made in this man's rehabilitation. Further to this, Mr Watts is an habitual thief and holds the misguided belief that he was once a person of integrity in this regard. In actuality such a perspective, that a person can be a respectable thief, is unequivocally a sociopathic belief. Over the course of his entire adult life Mr Watts has repeatedly stolen from others, and this life style of an habitual criminal has resulted in the violent Murder of a girl. There is therefore a compelling need for Mr Watts to genuinely address and reconstruct certain fundamental beliefs upon which his self-identify [sic] is based. Until this self reconstruction work is effected Mr Watts will remain an habitual criminal and therefore a danger to society."

Report of Dr Christopher John Alroe, consultant psychiatrist, dated 29 October 1999

[57] On 29 October 1999, a one-page report was prepared by Dr Christopher John Alroe for the consideration of the applicant for low and open classification. In the report the author stated:

"...Although he has had no formal treatment for mental illness outside jail he has been treated with the antidepressant Cipramil whilst in jail. He spent most of his life in Western Australia and via the family is heavily connected with the health professions including having a brother who is a doctor. There is no family history of criminality or mental illness.

At the time of my last assessment of him I found that there was no evidence of any kind of mental disturbance which should prove an impediment to the granting of low and open status and I would tend to support this decision."³⁰

Sexual Offending Program Assessment Form – Version 2.4, dated 19 February 2008

[58] The Board noted the contents of the Sexual Offending Program Assessment dated 19 February 2008, which incorporates the STATIC-99 and STABLE-2000 assessments.³¹

Sexual Offending Programs – Individual Intervention Plan – Version 1.0, dated 6 March 2008

[59] The Board noted the content of the Sexual Offending Programs – Individual Intervention Plan, dated 6 March 2008.³²

Report of Dr Lars Bang Madsen, forensic clinical psychologist, dated 22 July 2011

- [60] On 22 July 2011, a psychological report was prepared by Dr Lars Bang Madsen, forensic clinical psychologist. The report was prepared after instruction from the Assistant Manager, Offender Development of Wolston Correctional Centre. Specifically, the assessment was requested to address the following areas: Sexual Offender Risk Assessment; treatment needs; and likelihood of engagement in treatment.³³
- [61] In order for the report to be prepared, the applicant was interviewed on five occasions at Wolston Correctional Centre on 8 February 2011, 17 February 2011, 16 March 2011, 23 March 2011 and 30 March 2011. The author of the report interviewed the applicant for a total of eight and a half hours. The author was also provided with numerous documents, which are outlined in the report.³⁴
- [62] The applicant also completed the following psychometric assessments assessing various aspects of his functioning, namely: International Personality Disorders Examination (IPDE); Psychopathy Checklist Revised (PCL-R); STATIC 99R; Sexual Risk Violence 20 (SVR 20); and Structured Assessment of Risk and Need (SARN).³⁵
- [63] The author of the report recorded, "Mr Watts's offending is notable for the apparent planning involved and the degree of physical and sexual violence inflicted upon the victim." The report states:³⁶

"46. When questioned specifically about the victim Mr Watts reported:

46.1 *"Killing the child was bad...Bad Thinking...I thought at the time wouldn't it be good if she just got up and ran away...but something had to happen to stop Val tormenting me. When we had the girl it was like she had to die because someone had to die...Although I had to kill someone - I wanted it to be done with less pain - so I strangled her and then stabbed her...Val was going to stab her regardless."*

- [64] After having the applicant complete a variety of psychometric tools and tests to evaluate various aspects of his personality, attitudes and other factors related to risk of offending, the author of the report provided the following diagnoses:

"65. DIAGNOSTIC IMPRESSIONS

66. With respect to clinical considerations and based on Mr Watts' self-report, available collateral information, and analysis of all relevant psychometric assessment, he currently meets the criteria for the following Diagnostic Statistical Manual of Mental Disorders (DSM IV-TR) diagnoses:

AXIS II:	Antisocial Personality Disorder Schizoid Personality Disorder" ³⁷
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- [65] The author, under the heading of "psychopathy" stated the following:³⁸

"73. PSYCHOPATHY*73.1 Psychopathy Checklist Revised (PCL-R)*

74. Psychopathy is a condition marked by interpersonal (for example, grandiosity, pathological lying, manipulativeness), affective (for example, shallow emotions, lack of empathy, guilt or remorse) and behavioural traits (for example, impulsivity, persistent violation of social norms). Psychopathy is an important construct because it is consistently related to recidivism as well as other outcomes of concern, such as violation of parole or probation conditions, and treatment compliance.
75. Mr Watts was evaluated with Psychopathy Checklist - Revised (PCL-R). This assessment was scored on basis of collateral, self-reported information and presentation within interview. Mr Watts scored 33 (prorated) on the PCL-R. The threshold for a diagnosis of Psychopath is 30, and indicates that Mr Watts can be considered to be a psychopath."

[66] Before giving his opinion as to the risk the applicant may pose in the future, if released on a parole order, the author reported the following under the heading, "Formulation of Offending Behaviours":³⁹

- "132. The index offence occurred in the context wherein Mr Watts and VB [Valmae Beck] were on the run from police in Western Australia. During this time he described a shared obsessional 'fantasy' of raping and murdering a young female child. Mr Watts claimed that it was VB that instigated this discussion due to her perception that he was sexually interested in young children. This type of protracted interaction in combination with his interpersonal attributes, the antisocial attitudes and values described above, would have peaked his deviant interest whilst also elevating his psychological preparedness to engage in a sexually violent manner. The interpersonal contextual factor where both parties were colluding with each other and actively collaborating in firstly planning, and then creating the opportunity to abduct, rape and murder a child, would have further elevated the likelihood of Mr Watts acting on these fantasies and impulses. Finally, the situational factor, such as the isolated location and there being only a single vulnerable victim, would have contributed to further removing any barriers to offending in this situation.
133. It is particularly notable that the murder of the victim was part of a desired and planned experience, and not an impulsive attempt to dispose of a victim or subdue a witness.

134. RISK STATEMENT

135. Mr Watts displays evidence of several historical risk factors including, having a history of violent offences, an unrelated and stranger victim. In addition, he has historically displayed problems in a variety of dynamic domains, including general self regulation, socio-affective management and pro-offending attitudes. He is psychopathic, likely sadistic and sexually deviant, has minimal insight into his offending, and has only been able to describe a limited number of strategies and interventions to assist with moderating his risk of future offending. Indeed it is noteworthy that he was ejected from the sex offender treatment program due to his apparent sexual arousal to another offender's description of their offending. This behaviour demonstrates a high degree of sexual compulsivity, likely deviant sexual interest and general poor self regulation and decision-making. Together such a process can be described as *offence paralleling* behaviour (i.e. behaviour that is functionally similar to the behavioural sequences involved in previous offences). Or put another way, Mr Watts appears to continue to engage in behaviour that mirrors a process likely involved in his offence some 20 years ago.
136. On the positive side Mr Watts has not re-offended violently within prison. This displays some capacity for restraint, albeit within highly controlled circumstances and the immediate application of consequences. He also has a limited history of sexual offending. Finally, it also needs to be borne in mind that Mr Watts's age (58 years) does serve as a protective factor to future offending. Over time if he remains offence-free his evaluated risk would reduce.
137. When considering historical factors alone, Mr Watts' recidivism risk would be considered MODERATE-HIGH. When considering his personality (i.e. Antisocial Personality Disorder and Psychopathic), present dynamic characteristics (callousness and empathy deficits, sadistic and sexual deviant), continued strong identification with the criminal culture, being a treatment dropout and having no specific therapeutic intervention for sexual offending behaviour or violence, it is my opinion that MODERATE-HIGH accurately represents the risk that he poses of sexual violence.
138. Mr Watts' risk of a sexual offence does not appear imminent though rather represents a chronic concern in specific contexts with a range of co-occurring psychological and emotional states. Moreover his risk would be elevated through association with specific individuals (i.e. friendships, intimate partners, neighbours) who also possess antisocial traits and violent dispositions. Finally, it is important to note that Mr Watts's risk of

sexual offence relates partly to broader temperamental dispositions and attitudes that he possesses. As such, his risk of engaging in general criminal and antisocial behaviour, is considered HIGH and would be a more imminent concern should he be released.

139. If he re-offends sexually the harm caused to the victim is likely to be high including potentially life threatening."

[67] Dr Lars Madsen concluded his report by giving his opinion regarding the treatment of the applicant and issues of responsivity. He opined:⁴⁰

"145. In short, taking into consideration the length of time Mr Watts has been incarcerated, the apparent limited offence specific therapeutic interventions (both individual and group) that he was successfully completed, his recent removal from a treatment program due to his behaviour, his presentation within this assessment, and diagnosis of Psychopathy, prognosis as to whether Mr Watts will benefit from any intervention is highly doubtful. I therefore question the long-term value of therapeutic work in terms of actually reducing his risk. Put simply, Mr Watts's risk of a sexual violence is likely to remain chronically high, and I am sceptical that this can be reduced by the completion of the identified treatment targets above."

Report of Dr Josephine Sundin, consultant psychiatrist, dated 18 February 2015

[68] In 2015 the applicant was referred by the then Queensland Parole Board to consultant psychiatrist Dr Josephine Sundin for the purpose of a psychiatric risk assessment. Dr Sundin interviewed the applicant at the Wolston Correctional Centre on 30 January 2015 for a two-hour period. Dr Sundin subsequently provided a Psychiatric Risk Assessment dated 18 February 2015 to the President, Queensland Parole Board.

[69] In relation to the conviction for the offence of assault occasioning bodily harm whilst in company and armed with an offensive weapon committed on 11 November 1987, Dr Sundin recalls what she was told by the applicant under the sub-heading, "Interview with Mr Watts":⁴¹

"He notes that he was charged with assault and possession of a weapon in relation to an offence which occurred two weeks prior to the murder of Sian Kingi. In describing that offence, he initially stated that he had used a knife to cut the handbag shoulder off a woman he encountered in a car park. He initially presented this as an attempt to steal an ID, but then subsequently described this as a practice attempt at an abduction; one of two practice abduction attempts that occurred in the fortnight prior to the index offence."

[70] In relation to the Index Offences, Dr Sundin reported:⁴²

"Index Offences

With regard to the index offence, Mr Watts stated of the victim: *"I don't know why I killed her. It was way out of my league."*

Initially he denied that he had ever had sexual fantasies involving prepubescent or pubescent females, but then acknowledged that in the past he has looked at girls in school uniforms and had sexual thoughts in relation to these girls.

Mr Watts believed that his misperception of his capacities contributed to his index offence: *"I believed I was better than I was. I believed I was ten foot tall and bulletproof. I believed I could get away with murder I suppose. That was my mindset."*

Mr Watts went on to say that his *"brazen, smart"* self-assessment had been enhanced by his apparent capacity to walk away from a number of arrests that had been made of him by the Tactical Response Group in Perth, Western Australia.

Mr Watts characterises himself as still perplexed as to why he killed Ms Kingi. He stated: *"I didn't know how to kill someone."* He went on to say that he felt driven to commit the offence at Ms Beck's urging: *"I felt that I had to do it. I didn't want to be a failure to her. I feared that she would leave. Greed made me stay. She made money grow in trees."*

Mr Watts went on to say that in raping and killing Ms Kingi he thinks it is possible that:

"I was trying to take back control of my life. I was trying to reassert my dominance over Val. Killing someone would give me dominance over Valmae. I was with her because I hated her. I knew she had cheated on me while I was in jail. I went along with her plans including to get married because she made me a lot of money."

Mr Watts went on to say that he had hoped that in killing Ms Kingi that he hoped that he would make Ms Beck *"more submissive"*. He stated: *"It would shut her up. It would stop her nagging. It would prove I was a real man. I wanted to prove to her that she was the one, the only."*

Mr Watts initially asserted that he and Ms Beck had only begun to talk about the possible abduction and murder of a child two weeks prior to the index offence occurring. However, he also described two *"failed attempts"*; when in the company of Ms Beck he sought to abduct alternate victims. These included a nurse in Ipswich and the woman whose handbag strap he cut in the Booval Shopping Centre.

Interestingly, after using the term *"failed attempts"*, Mr Watts then went on to disagree that he had been planning or considering abduction and murder for some time.

At this point he went on to once again assert Ms Beck's primary responsibility for the offence: *"I can't help but blame her. I wouldn't have done it with anyone else. She was always accusing me of cheating. I never did it, but then I went and did it right in front of her. I do not understand how I let myself do that. I didn't know how to kill (i.e., Ms Kingi). I hoped she would run away."*

I note that this set of statements was inconsistent with Mr Watts' description to me of the offence wherein he describes chatting with Ms Kingi, tricking her into helping him search for his lost dog and then rendering her unconscious first with a belt strap and then stabbing her in order to effect her murder."

[71] In relation to the applicant's mental state examination at the interview, Dr Sundin reported:⁴³

"He sought to present himself in a positive light describing himself as not a criminal now and disinclined to undertake any future sex offender treatment programmes "cos I don't want to hear about others offending; it offensive to me".

Mr Watts was quite glib and at ease throughout the interview. I note that his self reports were dominated by minimisation of his responsibility for his offences, a perception of himself as Valmae Beck's victim, a continued assertion that he was subordinate and passive to the more dominant Ms Beck and perplexity as to why he had offended as he had an index offence.

I further note that he was unfazed when challenged over the inconsistencies in the account he related and would easily move to an alternate story which was easily re-worked. *(This is consistent with his past history of deceptive and manipulative behaviour and commission of fraudulent offences for personal gain).*

Whilst I note that Mr Watts describes himself as remorseful and regretful for his offences against Ms Kingi, he showed no affective response, continued to project blame on to his co-accused and generally gave the impression of only a superficial level of appreciating the ramifications of his offending. *(In fairness to Mr Watts, I note that it is now some years since he committed the offences and time may have influenced his feelings of remorse or capacity for expression therein).*

His mood was neither anxious nor depressed. His executive cognitive functions were intact. His attention and concentration was adequate to the course of a two-hour interview. His short and long term memory appeared intact. His IQ appeared in the average range.

His insight and judgment for day-to-day events within the prison appears intact.

His insight into himself however is reduced, although I do note that he was able to partially reflect upon his drives to dominate and subordinate Ms Beck and hinted at pre-existing sexual fantasies involving adolescent females. I note that he quickly recanted this material upon further exploration. Finally, I note that he demonstrated a lack of realistic long term goals and had very little appreciation of the challenges that he would face if released from prison."

- [72] After referring to risk assessments including the Hare Psychopathy Rating Scale and the Violence Risk Appraisal Guide (VRAG), Dr Sundin provided her diagnosis of the applicant and recommendations as to whether the applicant was suitable for release on a parole order as follows:⁴⁴

"Section D: Diagnosis

In my opinion, Mr Watts clearly meets the DSM-V diagnostic criteria for Anti-Social Personality Disorder. Additionally, he meets sufficient criteria to attract a label of Psychopath.

It also seems highly likely that he meets the diagnostic criteria for Sexual Sadism. Although he was evasive on this issue, there were strong elements on his presentation and within his history to suggest that he has had recurrent and intense sexual arousal driven by fantasies involving the psychological suffering of others. The diagnosis is supported by not only his index offence but his report of fantasies of dominating Ms Beck into submission and his admission in engaging in preparatory behaviour into earlier practice attempts at abduction of females whom he probably intended to treat similarly to Ms Kingi. It is supported by the assessments undertaken on Ms Beck.

Section E: Recommendations

If one solely considered the risk of violent re-offending from a purely statistical perspective and in the context of Mr Watts' current age of 61; there is only a very small chance that he would commit a future murder.

However, when one incorporates the findings of Psychopathy and Paraphilia in the form of probably Sexual Sadism, the potential for future sexual recidivism escalates dramatically.

Clearly of concern is Mr Watts continued minimisation of the seriousness of his offence and his ongoing proclivity for seeking to place the blame onto his co-accused despite acknowledging on interview that he was at least in part driven by his desire to dominate Ms Beck.

Whilst I acknowledge that Mr Watts has a good institutional record, has engaged in programmes as recommended for him and has maintained

employment without significant breaches in the last seven years; I am not convinced that he is currently a suitable person for parole.

In my opinion Mr Watts represents an unacceptable risk to the safety of the general community.

His ongoing cognitive distortions, lack of appreciation of the great difficulties inherent upon release into the community after a prolonged period of institutionalisation and his lack of a realistic relapse prevention plan all bode poorly for one's confidence as to how well he could be managed in the community.

Further, I note his past history of escape from custody and an itinerant lifestyle, I think there is a good chance if Mr Watts was released even on highly specified terms of parole that he would seek to escape the legal jurisdiction of Queensland."

Medico-legal report of Dr Jill Reddan, dated 25 May 2019

[73] The Board has noted the content of a report by Dr Jill Reddan dated 25 May 2019,⁴⁵ which was provided by the applicant's solicitors in accordance with the applicant's instructions. The report is a medico-legal report prepared in relation to a civil claim the applicant has against the State of Victoria.⁴⁶

Addendum Report of Dr Sundin dated 6 July 2021

[74] As previously stated, the Chair requested an addendum risk assessment of the applicant from Dr Sundin. As part of this risk assessment, the Chair sought Dr Sundin's opinion on the following:

1. Having diagnosed the prisoner as meeting the DSM-V diagnostic criteria for Anti-Social Personality Disorder, Psychopathy and Sexual Sadism, is each a diagnosis for life?
2. Having diagnosed the prisoner as meeting the DSM-V diagnostic criteria for Anti-Social Personality Disorder, Psychopathy and Sexual Sadism, is there any treatment which is likely to significantly reduce the applicant's risk to the safety of the general community to an acceptable level?

[75] In her addendum report dated 6 July 2021 ('the addendum report'), Dr Sundin provided the Board with the following advice:⁴⁷

"Both Antisocial Personality Disorder and Psychopathy are considered to be lifelong conditions. The personality characteristics are more enduring than the behavioural characteristics of the conditions. With maturation comes reduced impulsivity and reduction in the aggressive behaviours seen in these disorders.

There may be a lessening or less overt manifestation of the emotional/affective facets of the personality disturbance. Difficulties arise around the general lack of confidence that can be placed on self-

reporting in individuals who meet diagnostic criteria for Psychopathy. Such persons are likely to engage in positive impression management, minimisation of their offending behaviour, projection of responsibility for the offending behaviour onto others, and demonstrate an enthusiasm for treatment and engagement with treatment when it is in their best interests; for example around the time of parole applications.

It is likely that as Mr Watts has aged, that there has been an overall reduction in the severity of his personality disturbance. However, he is an in [sic] extraordinarily rare group of individuals who have very high psychopathy scores and long term information on the outcomes of such individuals is thus difficult to obtain.

In general, the research shows that the recidivism rate in individuals with high psychopathy scores is much higher than individuals with lower psychopathy scores."

[76] After referencing five separate, but relevant, studies, Dr Sundin states:⁴⁸

"I have cited these studies as in my assessment in 2015 and in the report undertaken by Dr Madsen in 2011, Mr Watts had a high Psychopathy score and was noted by each assessor to be an unreliable self-reporter. Dr Reddan in her report for Carroll and O'Dea in 2019 also noted the presence of internal inconsistencies in the report supplied by Mr Watts to her.

These observations in an individual with a confirmed diagnosis of Psychopathy lead me to a high level of uncertainty as to any reliability the Parole Board could place on Mr Watts' self-report should he be released into the community, even with a high level of parole supervision."

[77] Dr Sundin further states:⁴⁹

"Sexual sadism is itself a rare paraphilia. This again means that finding detailed studies on the long term outcome in individuals with this diagnosis is extremely difficult.

As a general comment, sexual paraphilias are considered to be life long, but are likely to lessen in the intensity of their expression as an individual ages and their libido wanes. That is most relevant for individuals with coercive rape fantasies. There is less evidence for this reduction in paraphilic fixation in those who meet diagnostic criteria for Paedophilia, which itself appears to be a more enduring disorder.

It is possible that Mr Watts' coercive sexual arousal fantasies have diminished with the passage of time, but it is unlikely that any examiner will achieve reliable information from Mr Watts with regard to the presence or absence of these deviant arousal fantasies given

that it is clearly in his best interests to not acknowledge the presence of such thoughts.

Finally, I note that in his most recent QCS pre-parole interview (07 January 2021) that there were flags raised by interviewers.

I note for example in the second paragraph, Page 6 of that report that the interviewer writes:

"When asked about the sexual offending he said, 'She was there, it was rape and murder, you don't just kill people, you rape and murder them, it wasn't something I'd ever done before but that's what people did, they raped and murdered'.

He reported that he had felt bad for what he had done, it was not in his DNA and he knew he crossed the line... The author notes the prisoner made no comment as to remorse for his actions, rather expressed concern for his own wellbeing and being caught."

When asked by the interview [sic] to provide his version of the offences, Mr Watts again appeared to make detailed reference to the highly disturbed nature of his relationship with his co-offender whom he characterised as *"controlling, manipulative and someone who was a very jealous person."* *"When questioned as to what he was thinking at the time, the prisoner commented that he felt like if he killed someone it might make her stop, shut her up, she was taking his life away from him. The author interjected at this point asking him if he blamed Val for the offending, he reported previously he had, but not anymore, he takes responsibility for it now."*

The author of that document noted that prior to the index offending that Mr Watts was already institutionalised, having been incarcerated from a young age and having committed offences throughout Australia.

The author noted that Mr Watts *"often attempted to distinguish his crimes from one another in an attempt to portray that prior to the index offending he was a petty criminal, reporting that he mainly broke into houses and stole, he displayed little remorse for any of his past offending."*

By contrast to Mr Watts' apparent minimisation of his past criminal history, he had been for many years: *"living a lawless and pro-criminal life" with a "propensity for criminal behaviour beyond the index offending and a deeply ingrained pro-criminal lifestyle."*

The observations that I have flagged from that January 2021 assessment are relevant in that they appear to indicate an ongoing psychopathic propensity; including pathological lying, projection of responsibility, reduced or absent empathy and rejection of responsibility onto others.

In my opinion, it is significant and indicative of the persistence of his psychopathic personality traits that such responses were elicited as recently as January 2021."

[78] Dr Sundin concluded her report by opining:⁵⁰

"Conclusion

Therefore, to precis, I would advise the Board that psychopathy is considered to be a lifelong construct. Whereas individuals who do not meet criteria for Psychopathy but do meet criteria for Antisocial Personality Disorder can show some remission of their personality disturbance with the passage of time, this is less a feature of Psychopathy.

Sexual sadism is also a likely lifelong paraphilia but one that is less likely to be expressed with the aging process and waning libido.

...

Finally, I note from the material supplied by the Board that Mr Watts has only a limited and inadequate post-prison release plan. He has not provided a suitable post-release address, and he has an absence of prosocial supports within the community.

Taken globally, these are all factors which strongly indicate to me that he would not be a suitable person to be safely managed under Board imposed high intensity supervision conditions."

Any submissions made to Parole Board Queensland by an eligible person registered on the Queensland Corrective Services (QCS) Victims Register

[79] The Board has read and had regard to the submissions to the Board and enclosures provided by the eligible persons who are registered on the Queensland Corrective Services (QCS) Victims Register. The submissions are well made, dignified and speak of the unimaginable tragedy they continue to bravely live with.

[80] The Board understands the distress to the eligible persons that comes with the extensive media reportage of this application for a parole order.

Recommended rehabilitation programs or interventions and the prisoner's progress in addressing the recommendations

[81] The applicant participated in the specialised assessment for sexual offending program on 19 February 2008. The applicant was assessed as having high needs in relation to his sexual offending. As a result of the assessments, the prisoner was recommended to complete the following programs: Getting Started: Preparatory Program for Sexual Offending; Crossroads: High Intensity Sexual Offending Program; and Transitions: Pre-release Program.

- [82] The applicant successfully completed the Getting Started: Preparatory Program for Sexual Offending on 4 February 2008. Further, the applicant completed the Stress Management Program on 2 May 1991, the Cognitive Skills Program on 30 October 1998 and the Substance Abuse Core Program in October 2000.
- [83] The applicant was most recently referred to Mind Wise Psychology Services by the Offender Intervention Unit, Queensland Corrective Services. The reported psychological intervention with the applicant has entailed a cognitive and behavioural model approach targeting his dynamic risk factors and criminogenic needs to reduce his risk of offending.⁵¹
- [84] The Board has had regard to the content of the session reports prepared by Dr Oertel, dated 2 October 2020,⁵² 2 November 2020,⁵³ 3 December 2020,⁵⁴ 2 January 2021,⁵⁵ 1 March 2021,⁵⁶ 5 April 2021,⁵⁷ 1 May 2021⁵⁸ and 3 June 2021.⁵⁹
- [85] In correspondence received by the Board on 8 June 2021, the applicant enclosed his New Future Plan, which he had completed within sessions with the psychologist.⁶⁰ The Board has considered the contents of the New Future Plan.

Whether the prisoner has access to supports or services that may reduce the risk the prisoner presents to the community

- [86] The Board has had regard to the applicant's New Future Plan.
- [87] The Board has taken into account and accepted the opinion of Dr Sundin in her addendum psychiatric report that "Mr Watts has only a limited and inadequate post-prison release plan. He has not provided a suitable post-release address, and he has an absence of prosocial supports in the community."
- [88] The applicant's lack of post-release plans, including appropriate accommodation and the identification of supports, both pro-social community supports and professional services, are of concern to the Board, particularly due to the applicant's diagnoses of psychopathy and sexual sadism, which Dr Sundin notes are "lifelong constructs".

The likelihood of the prisoner committing further offences

- [89] When regard is had to the applicant's criminal history, the circumstances of the offences committed on 11 November 1987 and 26 November 1987, the content of the reports of Michael John, Dr Lars Bang Madsen and Dr Josephine Sundin, the Board considers that if the applicant was granted a parole order there is a likelihood of the applicant committing further offences.

Discussion

- [90] In forming its view regarding the applicant's unsuitability for a parole order, the Board has satisfied itself that it has considered the relevant factors listed in section 2.1 of the Ministerial Guidelines. The Board has fully considered all material relevant to the consideration of these factors.

- [91] The Board has disregarded any irrelevant considerations. As noted above in this decision, the Board has taken into account the submissions made by eligible persons who are registered in the Victims Register. The Board has also received a large number of independent submissions from interested individuals who do not fall under the definition of "eligible persons" as defined in the Act. The Board has also received a petition to keep the applicant in prison by requesting the Board to refuse the applicant a parole order. To be clear, the content of the independent submissions and petition were not taken into account by the Board in making its decision as they are irrelevant to the Board's central task of determining the risk that the prisoner poses to the community and whether the prisoner is suitable for release on a parole order. The Board has made its decision in relation to this application on the merits of the applicant's application.
- [92] The Board has satisfied itself that it has had regard to all relevant considerations and accompanying evidence before the Board in coming to its decision, including factors favourable to the applicant's application for a parole order. In addition to the factors favourable to the applicant already discussed above in this decision, namely his positive case notes regarding his custodial behaviour, his progression to residential accommodation, good custodial employment history and his completion of various custodial programs, the applicant has also completed a large number of Adult Education Vocational Education and Training ('AEVET') courses. It would be fair to describe the applicant as a compliant prisoner with acceptable custodial behaviour.
- [93] The Board must consider these positive factors in the context of the applicant's criminal history, the circumstances and seriousness of the offences, the remarks and recommendations of the learned sentencing judge when his Honour imposed his sentence for the murder offence, as well as the contents of the numerous psychiatric and psychological reports made available before the Board. Ultimately, the Board is to determine whether the prisoner presents a risk to the community of further offending and whether this risk is unacceptably high. Further, the Board must decide whether the applicant's risk cannot be sufficiently mitigated by imposing the conditions that the Board is entitled to impose to reduce the risk of the applicant causing further offences and by having regard to supports and services in the community that may reduce the risk that the applicant poses to the community.
- [94] In considering the applicant's risk to the community, the Board noted that the applicant is currently serving a life sentence imposed on 7 February 1990. The applicant has served almost thirty-four (34) years in prison for crimes described by the learned sentencing judge as "absolutely abhorrent and the murder and rape in particular were shocking and revolting crimes."
- [95] The applicant has been refused parole on two previous occasions, in 2009 and 2015, on the basis that his risk to the community was unacceptably high at those times.
- [96] This is the first application before the Parole Board Queensland as his previous applications were considered prior to the establishment of the current Board. There is no evidence to indicate whether the previous parole boards had access to the transcript of the sentencing proceedings dated 4 April 1990 from the District Court sitting at Ipswich,

the contents of which are relevant considerations to which this Board has given consideration.

- [97] Nor is there evidence that the previous parole boards had the precis of the offences the applicant allegedly committed in Western Australia in 1987, prior to him fleeing the jurisdiction and committing the attempted abduction of a woman in Ipswich on 11 November 1987 and the abduction, rape and murder of a twelve year old girl in Noosa on 27 November 1987.
- [98] The applicant is a self-confessed career criminal. There is no suggestion by the applicant in any of his interviews with the psychologists and psychiatrists that he committed the offences on 11 November 1987 and 27 November 1987 because of any addiction to dangerous drugs nor was he under the influence of drugs or alcohol at the time of the offending. Further, no factors were taken into account in mitigation by the learned sentencing judge regarding the offence of murder. It is clear from the applicant's own comments, in his interviews with the psychologists and psychiatrists, that he deliberately committed crimes, including the abduction, rape and the murder of a twelve year old girl, because he wanted to commit these crimes.
- [99] The reasons for the applicant's abduction, rape and murder of a twelve year old girl may be found in the expert opinion of forensic psychiatrist Dr Josephine Sundin. That is, the applicant meets the DSM-V diagnostic criteria for Anti-Social Personality Disorder, Psychopathy and Sexual Sadism, which also informs the Board regarding his risk to the community and his risk of re-offending, particularly serious re-offending.
- [100] There is some dichotomy between the applicant and his co-accused's version of the offences, as detailed by the decision of the Court of Appeal in her unsuccessful appeal against her conviction for murder.⁶¹ These differences relate to who devised the plan to abduct and rape a woman and why. The Board does not need to decide which particular version of the offending is the true account.
- [101] The applicant, as recently as 7 January 2021 in his pre-parole interview, as described by Dr Sundin in her addendum report:

"appeared to make detailed reference to the highly disturbed nature of his relationship with his co-offender whom he characterised as "controlling, manipulative and someone who was a very jealous person." "When questioned as to what he was thinking at the time, the prisoner commented that he felt like if he killed someone it might make her stop, shut her up, she was taking his life away from him. The author interjected at this point asking him if he blamed Val for the offending, he reported previously he had, but not anymore, he takes responsibility for it now." (emphasis added).

- [102] The Board noted that the applicant has provided differing accounts of his role in the offence over time, in which he has placed differing levels of blame on his co-offender and diminished his responsibility for the offences. This is consistent with the applicant's minimisation of his previous offending in which he describes his lengthy history of serious property offences as being petty crimes. Dr Sundin opined that, due to his confirmed

diagnosis of Psychopathy, there is a "high level of uncertainty as to any reliability the Parole Board could place on Mr Watts' self-report ...".

- [103] Further, Dr Sundin notes that the applicant's comments appear to "indicate an ongoing psychopathic propensity; including pathological lying, projection of responsibility, reduced or absent empathy and rejection of responsibility onto others."
- [104] As is stated in the addendum report by Dr Sundin, "I would advise the Board that psychopathy is considered to be a lifelong construct. Whereas individuals who do not meet criteria for Psychopathy but do meet criteria for Antisocial Personality Disorder can show some remission of their personality disturbance with the passage of time, this is less a feature of Psychopathy." (emphasis added). The Board accepts Dr Sundin's opinion that the applicant's psychopathy is a lifelong condition.
- [105] In relation to the applicant's diagnosis of sexual sadism, Dr Sundin in her addendum report stated, "Sexual sadism is also a likely lifelong paraphilia but one that is less likely to be expressed with the aging process and waning libido." (emphasis added). In considering this opinion, the Board also had regard to the applicant's age at the time of this parole application.
- [106] It is clear from the expert opinion of Dr Sundin that the applicant suffers psychopathy and sexual sadism, both of which are conditions that will affect the prisoner for his life. Therefore, the learned sentencing judge's comments in 1990 accord with Dr Sundin's diagnosis of the applicant, when his Honour stated:

"...I would add that in the event that it is at some future time determined that you should be released from prison, this should not occur until you have reached such an advanced age that you are not likely to be any further menace to young girls or, for that matter, to anybody else..."

- [107] Due to the seriousness of the applicant's offending, his diagnoses of psychopathy and sexual sadism, and his limited release plans, the Board has formed the view that the applicant's risk to the community is unacceptably high at this time.

Decision

- [108] The Board is not persuaded that the positive features of the applicant's application are sufficient to release him onto a parole order at this time. Given the factors outlined above, the Board is not satisfied the risk the applicant poses to the community can be sufficiently mitigated at this time by way of imposing any conditions that the Board is entitled to impose.
- [109] The Board considers there to be an unacceptable risk to the community if the applicant is released on a parole order.
- [110] The Board has decided to refuse to grant the application for a parole order.
- [111] Having refused to grant the application, as previously explained in [3] and [4] of these reasons, the Board must decide a period of time within which a further application for a

parole order by the applicant must not be made without the Board's consent, but that period of time cannot be more than 12 months.⁶²

[112] The application was received by the Board on 19 November 2020. Due to the current and temporary backlog of outstanding applications for a parole order, the Board did not first consider the application until 25 June 2021. The applicant was entitled by s.193(3)(b) of the Act to have the matter first considered by the Board no later than 120 days from when the Board received the application, namely by 19 March 2021. The Board has therefore considered, as it should, whether the period of time within which the applicant cannot make a further application for a parole order should be abridged to take into account the Board's delay in first considering the application.

[113] The Board has decided the applicant must not make a further application for a parole order, except with the Board's consent, for a period of 12 months.

[114] In coming to this decision the Board has formed the view, after considering all of the material and in particular the expert opinion of Dr Sundin, that there is, likely, nothing the applicant could do within the next 12 months which would sufficiently mitigate the applicant's risk to the community.

¹ *Corrective Services Act 2006 (Qld)*, s.193(1)

² Section 193(3).

³ Section 193(5).

⁴ Section (5A).

⁵ *Public Service Act 2008 (Qld)*, s 10.

⁶ [2018] QSC 205, at [36] – [38].

⁷ As his Honour then was.

⁸ [2018] QSC 205, at [38].

⁹ Before the 2017 amendments to the Act, the Ministerial Guidelines were in quite different terms to s.242E. Section 227 (now repealed) authorised the making of guidelines about policy "to be followed by the Queensland board". The guidelines mandated the express consideration of the factor identified in guideline 1.3. As per Davis J in *Ripi v Parole Board Queensland*, *supra*, at [42] – [44], referencing *Johnston v The Central and Northern Queensland Regional Parole Board* [2018] QSC 54 at [70] and *Maycock v Queensland Parole Board* [2015] 1 Qd R 408. His Honour also referred to the judgments of *Smoker v Pharmacy Restructuring Authority* (1994) 52 FCR 287 and *Minister for Human Services and Health v Haddad* (1995) 58 FCR 378.

¹⁰ Section 3 of the Act.

¹¹ Guideline 1.2.

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- ¹² *Ripi, supra*, at [44].
- ¹³ The Board accepts that the consideration of the application is outside the strict statutory time limits mandated by s.193(3) of the Act. The applicant has not sought relief provided for by s.22(2) of the *Judicial Review Act 1991* (Qld) by way of filing an application in relation to failure to make a decision.
- ¹⁴ Parole Board Record Book, at 336 – 365.
- ¹⁵ *Ibid*, at 366.
- ¹⁶ *Ibid*, at 368.
- ¹⁷ *Ibid*, at 370.
- ¹⁸ *Ibid*, at 371 – 372.
- ¹⁹ *Ibid*.
- ²⁰ *Ibid*, at 270 – 272.
- ²¹ *R v Watts* [1992] 1 Qd R 214, at 216 *et seq*.
- ²² *Ibid*.
- ²³ Parole Board Record Book, at 307.
- ²⁴ *Ibid*, at 304 *et seq*.
- ²⁵ In the District Court at Ipswich before Judge Howell on 4 April 1990 (unreported). These sentencing remarks are contained in the Parole Board Record Book, at 318.
- ²⁶ Parole Board Record Book, at 221.
- ²⁷ *Ibid*, at 119 – 208.
- ²⁸ *Ibid*, at 229 – 243.
- ²⁹ *Ibid*, at 71 – 79.
- ³⁰ *Ibid*, at 80.
- ³¹ *Ibid*, at 36 – 53.
- ³² *Ibid*, at 32 – 35.
- ³³ *Ibid*, at 298.
- ³⁴ *Ibid*, at 297.
- ³⁵ *Ibid*, at 296 – 297.
- ³⁶ *Ibid*, at 291.
- ³⁷ *Ibid*, at 287.
- ³⁸ *Ibid*, at 286.
- ³⁹ *Ibid*, at 276 – 277.
- ⁴⁰ *Ibid*, at 274.
- ⁴¹ *Ibid*, at 92.
- ⁴² *Ibid*, at 91 – 92.
- ⁴³ *Ibid*, at 88 – 89.
- ⁴⁴ *Ibid*, at 86 – 87.
- ⁴⁵ *Ibid*, at 104 – 120.
- ⁴⁶ The Board notes the content of the report of Dr Reddan is at odds with the information contained at paragraph [30] of the report of Dr Lars Bang Madsen dated 22 July 2011.

⁴⁷ Parole Board Record Book, at 332 – 333.

⁴⁸ *Ibid*, at 330.

⁴⁹ *Ibid*, at 328 – 330.

⁵⁰ *Ibid*, at 327 – 328.

⁵¹ *Ibid*, at 206.

⁵² *Ibid*, at 54 – 55.

⁵³ *Ibid*, at 56 – 57.

⁵⁴ *Ibid*, at 58 – 59.

⁵⁵ *Ibid*, at 60 – 61.

⁵⁶ *Ibid*, 62 – 63.

⁵⁷ *Ibid*, at 64 – 65.

⁵⁸ *Ibid*, at 66 – 67.

⁵⁹ *Ibid*, at 244 – 245.

⁶⁰ *Ibid*, at 229 – 243.

⁶¹ *R v Beck* [1990] 1 Qd R 30, which is contained in the Parole Board Record Book at 246 – 269.

⁶² *Corrective Services Act 2006* (Qld), sections 193(5) and 193(5A).