

# SUPREME COURT OF QUEENSLAND

CITATION: *Attorney-General for the State of Queensland v Bridson*  
[2007] QSC 307

PARTIES: **ATTORNEY-GENERAL FOR THE STATE OF  
QUEENSLAND**  
**Applicant**

v

**WALTER FRANK BRIDSON**  
**Respondent**

FILE NO/S: BS 5452/07

DIVISION: Trial Division

PROCEEDING: Application

ORIGINATING  
COURT: Supreme Court

DELIVERED ON: 26 October 2007

DELIVERED AT: Brisbane

HEARING DATE: 12 October 2007

JUDGE: White J

ORDER: **Walter Frank Bridson be detained in custody for an  
indefinite term for control, care and treatment at the  
expiration of his imprisonment on 27 November 2007**

CATCHWORDS: *Dangerous Prisoners (Sexual Offenders) Act* (Qld), s 3,  
s 9AA, s 13(3), s 13(5), s 13(6)

CRIMINAL LAW - JURISDICTION, PRACTICE AND  
PROCEDURE - JUDGMENT AND PUNISHMENT -  
OTHER MATTERS - where the respondent has served a  
term of imprisonment for rape and other offences of a sexual  
nature - where the applicant sought a continuing detention  
order under s13(5) of the Dangerous Prisoners' (Sexual  
Offenders) Act 2003 - where the respondent has refused to  
take part in a sexual offender treatment program - where  
psychiatric evidence indicates the respondent will be a danger  
to the community unless he takes part in the sexual offender  
treatment program - whether continuing detention order  
appropriate

COUNSEL: Mr J Rolls for the applicant  
Mr C Heaton for the respondent

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

- [1] The respondent, Walter Frank Bridson, was sentenced to five and three years' imprisonment respectively in 1997 for house breaking and attempted indecent assault. In 1999 he was sentenced to five years' imprisonment to be served cumulatively on the expiration of that sentence for burglary and robbery with violence and declared to be convicted of a serious violent offence. His release date is 21 November 2007.
- [2] The Attorney-General seeks an order pursuant to s 13(5) of the *Dangerous Prisoners (Sexual Offenders) Act 2003* ("the Act") that Mr Bridson be detained in custody for an indefinite term for care, control or treatment.
- [3] On 19 July 2007 Fryberg J, being satisfied by the contents of a report prepared for the Attorney-General by Professor Barry Nurcombe that there were reasonable grounds for believing that Mr Bridson was a serious danger to the community in the absence of an order made under Division 3 of the Act, made orders pursuant to s 8(2)(a) that Mr Bridson undergo examination for risk assessment by two psychiatrists, Professor Basil James and Dr Michael Beech, who were then to prepare independent reports in accordance with s 11 of the Act.
- [4] The 2007 amendments to the Act inserted, *inter alia*, s 9AA which provides for notice of an application for Division 3 orders to be given to an eligible person who, for the purposes of the Act, is the victim of the sexual offence for which the prisoner is serving time in prison. By s 9AA(3) it is sufficient compliance with that obligation to give notice at the eligible person's last known address recorded in the eligible person's register. There is no eligible person's name recorded on the register in respect of the offence for which Mr Bridson is currently imprisoned and no eligible person has been given notice.
- [5] Although the application is couched in the alternative for an order under s 13(5)(b) that Mr Bridson be released on a supervision order, the Attorney-General presses for a continuing detention order. Mr C Heaton, who appeared for Mr Bridson, accepted that his client constituted, on the evidence, a serious danger to the community in the absence of an order under s 13 but contended that the risk could be managed in the community under a strict supervision order. An affidavit was tendered at the commencement of the hearing from Mr Bridson about his plans supported by an affidavit from his solicitor about the availability of accommodation. Neither was required for cross-examination.
- [6] Professor Barry Nurcombe, Professor Basil James and Dr Michael Beech gave oral evidence at the hearing – Professor Nurcombe and Dr Beech by telephone from Western Australia and New Zealand respectively.
- [7] The Attorney-General carries the onus of proving that Mr Bridson is a serious danger to the community in the absence of an order made under s 13(5). Before such an order may be made the court must be satisfied by acceptable, cogent evidence and to a high degree of probability that the evidence is of sufficient weight to justify the decision, s 13(3).

- [8] A prisoner is a serious danger to the community  
 "... 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." s 13(2)

A serious sexual offence is defined in the schedule to the Act as  
 "... an offence of a sexual nature, whether committed in Queensland or outside Queensland –

- (a) involving violence; or
- (b) against children."

- [9] The objects of the Act set out in s 3 are to provide for the continued detention in custody or supervised release of prisoners who are a serious danger to the community to ensure the adequate protection of the community and to provide for their continuing control, care or treatment to facilitate their rehabilitation.
- [10] The legislative object to protect the community is restated in s 13(6)  
 "In deciding whether to make an order under subsection (5)(a) or (b), the paramount consideration is to be the need to ensure adequate protection of the community."
- [11] Bearing in mind the serious interference with a prisoner's entitlement to be released after serving the term or period of imprisonment lawfully imposed upon him if a Division 3 order is made, the legislature mandates the court deciding whether such an order should be made to have regard to a number of matters set out in s 13(4). They are
- "(a) the reports prepared by the psychiatrists under section 11 and the extent to which the prisoner cooperated in the examinations by the psychiatrists;
  - (b) any other medical, psychiatric, psychological or other assessment relating to the prisoner;
  - (c) information indicating whether or not there is a propensity on the part of the prisoner to commit serious sexual offences in the future;
  - (d) whether or not there is any pattern of offending behaviour on the part of the prisoner;
  - (e) efforts by the prisoner to address the cause or causes of the prisoner's offending behaviour, including whether the prisoner participated in rehabilitation programs;
  - (f) whether or not the prisoner's participation in rehabilitation programs has had a positive effect on the prisoner;
  - (g) the prisoner's antecedents and criminal history;

- (h) the risk that the prisoner will commit another serious sexual offence if released into the community;
- (i) the need to protect members of the community from that risk;
- (j) any other relevant matter.”

Detailed reasons must be given for making a Division 3 order, s 17.

### **Mr Bridson’s antecedents and criminal history**

#### *Antecedents*

- [12] This summary of Mr Bridson’s antecedents is taken from his reported accounts to psychiatrists and psychologists who have assessed him after interview. There are some differences in detail but overall there is consistency in the accounts. Mr Bridson was born on 14 April 1962 and is now 45 years old. He spent his early years in Bowen and then went to Ingham with his family. He is the sixth of eight children. He recalled that his father was physically abusive to his mother who became alcohol dependent. She separated from him when Mr Bridson was six years and formed a relationship with a man who was cruel and abusive to him and violent to his mother when she was drunk. He did not fare well educationally, receiving regular physical punishment at school for infraction of rules. He expressed some distress that his mother had not protected him from violence at home. His nearer in age siblings were not similarly abused.
- [13] He was “kicked out” of home before he was 14 years and left school in grade 10 when he was 14. He had a wide variety of labouring jobs, for example as a deckhand on a trawler, concreter and meatworker.
- [14] Mr Bridson denied being the victim of sexual abuse during his developmental years. He engaged in a number of normal heterosexual relationships from the age of 16 years (although he had sexual experience from 14 years) and had many other casual sexual relationships from time to time. A son who is now aged 19 years was born to one of his girlfriends. He visited Mr Bridson in prison occasionally. Mr Bridson maintains contact with his 78 year old mother who lives in Cairns and who is not in good health and continues to be alcohol dependent.
- [15] From an early age, Mr Bridson engaged in “binge” drinking and smoking marijuana but he is not said to be alcohol/marijuana dependent and has abstained in prison. He has participated in Alcoholics Anonymous programmes in Townsville between 1991 and 1993. Alcohol and marijuana have played a significant part in Mr Bridson’s relevant offending behaviour and Professor James concluded that the history obtained from him and collateral information fulfilled the diagnostic criteria (DSMIV) for Substance (Alcohol and Cannabis) Abuse Disorder.

#### *Criminal history*

- [16] Particulars of Mr Bridson’s criminal history are to be found as exhibits to affidavits filed on behalf of the Attorney-General. He was convicted of a number of break

and enter offences as a juvenile in the 1970s and other offences in the early 1980s including being convicted as an adult of breaking and entering a dwelling house with intent in the night in 1983.

- [17] The first significant relevant offence(s) for this application was in 1984. Mr Bridson was convicted of entering a dwelling house with intent and assault occasioning bodily harm committed on 30 July 1984. He was sentenced to imprisonment for two and a half years on the break and enter offence and two years for the assault, cumulative on each other. The circumstances of that offending behaviour are relevant to this inquiry. Mr Bridson removed electric light bulbs and smashed electric switches to the apartment of a 25 year old single woman whom he did not know. He secreted himself in the apartment carrying a bludgeon. He wore socks on his hands to avoid leaving fingerprints. Judge Ambrose (as his Honour then was) in sentencing Mr Bridson in the District Court at Cairns on 16 November 1984 concluded that Mr Bridson had ample opportunity to leave the apartment when he saw the victim driving in to her home. This was relevant if the purpose of the break and enter was only to obtain money. However, Mr Bridson hid in another room and, as the victim searched her apartment, attacked her when she found him. The sentencing judge described the act as follows
- “You slowly, deliberately, and without – on the evidence – any excuse, used the bludgeon on the girl in an attempt to beat her into unconsciousness. It seems to me to be the merest good fortune that she was not killed or permanently injured. This must have had a serious effect on that girl for the rest of her life.”
- [18] Alcohol had been consumed by Mr Bridson and he maintained complete amnesia about the offence. He was convicted after a jury trial. The reports prepared for sentence and for parole make clear that Mr Bridson was seen as having psychological or psychiatric problems. The sentencing judge recommended that during his period of incarceration Mr Bridson be assessed “psychiatrically and psychologically and medically and that [he] receive such counselling and advice and treatment as the prison authorities think appropriate ...”
- [19] Dr Wilfred Richards, a psychiatrist, in a report dated 8 July 1985 diagnosed Mr Bridson as having a Personality Disorder characterised by poor impulse control with a moderate amount of alcohol and periods of complete amnesia with large quantities. In his view, alcohol control for Mr Bridson was essential since “his two amnesic episodes involve women and one of them was associated with aggression”.
- [20] The next relevant offence, rape, was committed on 16 October 1987. He was sentenced to seven years’ imprisonment by Kneipp J in the Supreme Court in Townsville on 25 February 1988. Mr Bridson gained entry to a house through a closed window and armed with a knife assaulted a young woman, terrorising her with the knife and subjecting her to what the sentencing judge described as gross indignities which were of a sexual nature and rape. She was left with minor physical injuries such as scratch marks to the face, neck and wrists. The sentencing judge noted that there were no mitigating circumstances and that the plea of guilty had come late with the complainant having the ordeal of giving evidence in committal proceedings. Mr Bridson reported that at the time he did not think he was doing wrong because he was drunk but expressed some recognition of the effect his acts had upon the victim.

- [21] Dr Richards reported to the Townsville Regional Community Corrections Board on Mr Bridson's application for work release in respect of that imprisonment. He noted that following domestic disharmony Mr Bridson got drunk and committed rape. Dr Richards noted that apart from problem drinking  
 "... a further dimension of Bridson's personality disorder is now apparent – an ambivalence to the 'good' women in his life, and a tendency to get drunk and take out his hostility elsewhere if reproved or deflated."
- [22] In the mid-1990s Mr Bridson was convicted of a number of offences which need not be detailed. Of more seriousness was his conviction in early 1996 of assault occasioning bodily harm for which he was sentenced to 12 months imprisonment and ordered to pay compensation. The victim was a 31 year old woman who was walking with her dog when Mr Bridson approached her, threw his arms around her throat and forced her to the ground. As Mr Bridson was lying on top of her she screamed for assistance. A nearby man intervened and detained Mr Bridson until the police arrived. He declined to be interviewed and could offer no explanation for his attack.
- [23] In mid 1997 Mr Bridson was convicted of behaving in a disorderly manner on licensed premises, possessing a dangerous drug and was fined. On 27 November 1997 Mr Bridson was sentenced to five years' imprisonment for entering a dwelling house with intent and three years for attempted indecent assault to be served concurrently. These offences occurred on 15 July 1997, two weeks after the offences for which he is presently in custody. The complainant and Mr Bridson, who had been drinking together in a hotel, returned to the complainant's home with a friend who left later. Mr Bridson appeared to fall asleep on a couch and the complainant went to bed. She was awoken by Mr Bridson holding a knife to her throat. He demanded that she remove her pants. In the ensuing struggle, the complainant was cut on her thumb by the knife and bled profusely. Mr Bridson said that he would kill her. The complainant panicked but was able to escape.
- [24] Mr Bridson was convicted on 8 June 1999 of the offence of entering a dwelling in the night and robbery with violence committed on 2 July 1997. He initially claimed to have little or no recall of the circumstances of this offence because he had been drinking rum and smoking marijuana although later appeared to have good recall. The complainant victim had gone to bed after she had settled her young daughter for the night. At about 5.40am she was awoken by Mr Bridson with his hand over her mouth and a knife at her throat. He demanded drugs and the woman gave him a small quantity of marijuana. He also demanded money which she gave him. He tied the complainant's wrists to the back of the bed whilst she was face down and told her to "spread her legs" at which point she began to scream. Mr Bridson threatened her with the knife, she stopped screaming and he left. When sentencing Mr Bridson to five years' imprisonment, Pack DCJ said there was a degree of planning and purpose associated with the offences, that there was no remorse and made a declaration of a serious violent offence having been committed. That sentence was to be served at the expiration of the sentence he was then serving.

### **Prison conduct and courses undertaken**

- [25] Mr Bridson has had only minor good conduct breaches whilst incarcerated. He has been employed and has performed well. He sustained a serious injury to his throat when assaulted by another prisoner. He has completed a number of courses whilst in custody, namely, Cognitive Skills Core Program in 2004; and Substance Abuse – Prevention and Management Relapse and Anger Management courses in 2005. He has also completed a number of courses to assist in his reintegration into the community. He has refused to participate in sex offender courses despite being recommended to do so and having been given opportunities to do so.

### **Psychological and psychiatric assessments other than s 11 reports**

- [26] Mr Bridson has been the subject of numerous assessments whilst incarcerated which are in the extensive materials filed by the Attorney-General. I propose to make particular reference only to some of them. The views expressed over many years are consistent.

#### *Professor James*

- [27] Professor James provided a pre-sentence report for Queensland Corrections dated 18 April 1999 prior to Mr Bridson's sentence for the offences committed on 2 July 1997 (by then he had been sentenced for the 15 July offences). Professor James noted no cognitive impairment and average intelligence. Although Mr Bridson was said not to be alcohol or drug dependent it was after consuming significant quantities of alcohol and, sometimes, marijuana, that he committed serious offences against women. Professor James observed
- “Given this disastrous potential for alcohol in his case, he fails to abstain ... Mr Bridson seemed rather less concerned about his drinking that I would have expected.”

#### *Ms Gail O’Kane*

- [28] Ms Gail O’Kane, a psychologist, also provided a pre-sentence report. After a detailed analysis of the background facts and her interview with Mr Bridson she concluded
- “Despite numerous prison sentences, his cycle of similar offending patterns has not diminished, suggesting that incarceration is not a deterrent to his offending behaviours. Moreover, his current recalcitrant attitude to programs which have the potential to bring about cognitive changes and develop personal/interpersonal skills and his demonstrated lack of will to abstain from and accept personal responsibility for his substance abuses which are major contributing factors to his offending behaviours indicate high risk factors for future offending behaviours. The fact that he is also an untreated sex offender from previous offences exacerbates that risk to women. It is the opinion of the writer that Walter Bridson could pose a significant risk if returned untreated to the community. Alternatively, a custodial sentence would mean that Walter Bridson does have access to treatment programs if he so chooses, but also that the risk to the community could be diminished.”

*Mr David Starkey*

- [29] Mr David Starkey, a psychologist, proposed preparing a psychological report in October 2001 to assist in the decision whether to grant Mr Bridson remissions on the sentence he was then serving. Mr Bridson declined to be interviewed or to participate in psychological testing. He regarded it as a waste of time because he had a cumulative sentence (his current sentence) yet to serve. The limited tests that he did permit Mr Starkey to administer demonstrated no organic brain dysfunction but raised some questions about executive brain function which were unable to be pursued because of his refusal to engage in other testing.

*Ms Donna Turnbull*

- [30] Ms Donna Turnbull, a psychologist, administered two psychometric tests, the Static-99 and the Stable-2000 to assist in identifying Mr Bridson's risk of sexual re-offending and his response to available treatment and reported on 24 January 2006. Some factual responses by Mr Bridson are not consistent with those recorded by the recent psychiatric reports and may have affected the results but both tests placed Mr Bridson in the "high" risk level range but at the bottom of that risk level.

- [31] Mr Bridson's identification of alcohol as an explanation for his criminally violent conduct rather than any other underlying cause is noted and described as a "refuge" by Ms Turnbull. This is consistent with observations by the later reporting psychiatrists. Ms Turnbull noted

"Based on this assessment, offender Bridson has high needs in relation to his sexual offending and he reports that he is currently, ready, willing and able to undertake a sexual offending program at Lotus Glen CC only, however, the prisoner would firstly benefit from participating in the Getting Started: Preparatory Program to address the following responsivity issues:

- Fluctuating levels of motivation to undertake a SOP
- The assessor considers that the offender be in the pre-contemplation stage of change
- Unwillingness to locate elsewhere to complete the program
- And partial denial of past and current sexual offences, as he states that he has no recollection of these offences taking place.
- Minimisation of offences through severe drug and alcohol problems."

Ms Turnbull recommended that should Mr Bridson participate successfully in the preparatory program he would be considered suitable to undertake the High Intensity Sexual Offending Program and thereafter the Staying on Track: Sexual Offending Maintenance Program.

*Professor Barry Nurcombe*

- [32] Professor Barry Nurcombe was retained by the Crown Solicitor to provide a psychiatric report to advise the Serious Sexual Offenders Review Committee about the prospects of successfully applying for an order under the Act. His report is dated 8 September 2007. Professor Nurcombe set out Mr Bridson's background and criminal history together with a brief analysis of a number of psychiatric and psychological reports which had been prepared about him from 1984 through to 2004. Professor Nurcombe noted the programs which had been completed by Mr Bridson and that he had been accepted in the past into sex offender treatment programs but had refused to participate, ostensibly because it involved transfer to another facility.
- [33] Professor Nurcombe discerned a pattern in Mr Bridson's offending. He concluded that when Mr Bridson was in a close personal relationship in the course of which his partner rejected him, he would drink alcohol and smoke marijuana, and whilst intoxicated would break and enter the premises of a woman. He showed a capacity for planning the offence. He dealt violently with the woman often employing a weapon. After the crimes Mr Bridson had not resisted investigating police but claimed to have no knowledge of the offence(s). Professor Nurcombe noted that the frequency and seriousness of the offences had increased prior to his present incarceration and noted the possibility that violence could escalate to life threatening levels.
- [34] In his opinion, after Mr Bridson's release from prison an episode of rape would be likely to occur only if Mr Bridson was exposed to the vicissitudes of an intimate personal relationship but that "[n]evertheless, the risk of sexual violence is chronic". This risk could only be likely to be reduced if Mr Bridson underwent appropriate treatment.
- [35] Whilst Professor Nurcombe accepted Mr Bridson's claim of amnesia he suggested it was more than likely that Mr Bridson had suppressed his memory of the offences "because they are inconsistent with his image of himself, and because, if he were to confront what he had done, he would be highly disturbed by its psychological implications".
- [36] Professor Nurcombe administered a number of risk assessment tests to Mr Bridson. The results were
- Psychopathy Checklist – Revised: Obtained a rating of 24/40 which he described as "a little below the cut-off point for the diagnosis of psychopathic personality (30/40)."
  - HCR-20 – the results indicated a moderate to high risk of violent re-offending.
  - Sexual Violence Risk – 20, the results indicated that the risk of sexual re-offending is high.
  - Violence Risk Appraisal Guide – returned a result of high risk of future violence.
  - Sex Offender Risk Appraisal Guide – result of a high risk of sexual re-offending.
  - Status-99 revised (2003) – placed Mr Bridson at high risk of re-offending sexually or in a violent manner.

- [37] Professor Nurcombe concluded that Mr Bridson was an offender whose risk of re-offending in a sexual manner is high. The dominant risk factors are a past history of repeated violent sexual offences against women increasing in severity and frequency; relationship instability; alcohol/substance abuse; history of child abuse; extreme denial of the nature of his crimes; and, until recently, resistance to sex offender treatment.
- [38] Professor Nurcombe recommended that Mr Bridson should complete the High-Intensity Sex Offender Program prior to his release from prison. When questioned by Mr Heaton about completing such a course in the community, apart from its unavailability, Professor Nurcombe was adamant that it needed to be completed whilst Mr Bridson was in custody. This was because he would continue to be a high risk of re-offending until towards the conclusion of the program if completed successfully. Whilst he acknowledged the possibility of a one-to-one psychodynamic therapy program privately in the community, such as was discussed by Professor James, Professor Nurcombe recommended against such a course. He considered that the emotional disturbance that exploratory therapy of that type would cause Mr Bridson might activate the very problem at the base of his behaviour. This was an opinion shared by Professor James. Professor Nurcombe agreed that conditional release designed to ensure abstinence from alcohol would reduce the risk but doubted that any possible conditions would reduce the risk sufficiently.

### **Section 11 reports**

- [39] Professor Basil James examined Mr Bridson consequent upon the order of Fryberg J at the Lotus Glen Correctional Centre on 30 July 2007. He had been given material relating to Mr Bridson comprising some 3,666 pages of documents. He, too, like Professor Nurcombe, identified what he described as relatively stereotyped sexual offending in that it involved a self-induced state of severe intoxication, a degree of planning and preparation for the offences some of which he described as having a sinister quality. This was prompted by the occasion on which Mr Bridson removed the light bulbs from the intended victim's house and wearing socks over his hands to avoid later identification. He noted Mr Bridson being armed with a dangerous weapon and the sexual assault on unprotected young women.
- [40] Professor James set out in lengthy passages Mr Bridson's account of his past life from childhood to incarceration. He noted that Mr Bridson has consistently identified his problem as being alcohol related rather than sexual and, although he identified his crimes as "heinous", Professor James thought the accompanying affect was "noticeably shallow".
- [41] Professor James confirmed his earlier diagnosis in 1999 of a Substance (Alcohol and Cannabis) Abuse Disorder which is severe and conceded that features of Mr Bridson's criminal history merited the additional diagnosis of Antisocial Personality Disorder, a diagnosis reached by Professor Nurcombe and Dr Beech.
- [42] Professor James scored Mr Bridson at 22 on the Psychopathy Checklist (Revised) test which he described as "relatively high" but as falling short of the score of 30 which is the criterion for the diagnosis of psychopathy *per se*.

- [43] He administered the risk assessment actuarial tests. For the Static-99 test he scored Mr Bridson at 6 which put him in the category of high risk for future offending. The Sex Offender's Risk Appraisal Guide gave a score of 20 which put Mr Bridson in category 7 falling in their group of people 58 percent of whom might be expected to re-offend within seven years and 80 percent of whom would re-offend within 10 years. The Violence Risk Appraisal Guide results gave Mr Bridson a score of 7 which put him in category 6, that is, in the group of people of whom 44 percent would be expected to re-offend violently within five years and 58 percent to re-offend violently within 10 years.
- [44] Professor James discussed the clinical factors relating to the risk assessment. He mentioned in particular the sinister nature of the offending behaviour in its intent and planning and execution; that it was terrifying for the victim although serious injury had not occurred to date; had the potential for leading to very serious injury given that on previous occasions Mr Bridson had been armed; the repetition of very similar offences over a period of at least 14 years; and subsequent and continuing lack of serious endeavour on Mr Bridson's part to deal with the underlying issues that brought about the offending conduct.
- [45] Professor James concluded that Mr Bridson's reasons for avoiding participation in the sex offenders treatment program should be seen largely as a rationalisation of the core avoidance, that is, the avoidance of recognising and addressing his underlying feelings. He thought it important to record that Mr Bridson's denial and avoidance behaviours
- "... are not intentionally perverse or simply capricious; on the contrary, they could be seen as hugely unadaptive and disadvantageous, and in terms of his life overall to have cost him dearly, given the fact, already noted, that he has spent 22 years (most of his adult life) in prison."

Professor James concluded that denial and avoidance were likely fulfilling a defensive or protective function. Notwithstanding the various courses that Mr Bridson has undertaken in prison, Professor James concluded that there had been no change in Mr Bridson's understanding of or response to his offending behaviour since his imprisonment in 1997 "and the risk remains now pretty much as it was then".

- [46] Professor James offered three possible alternative courses of action. If Mr Bridson were released from prison without further treatment emphasis should be placed on his total abstinence from alcohol and other intoxicants but emphasised that nothing would have changed with respect to his risk of re-offending from the situation which existed in 1997 if he were to breach those conditions and consume alcohol and marijuana and the risk of re-offending would be very high.
- [47] The alternative to release on strict conditions would be the satisfactory completion of a sex offenders treatment program prior to release. Professor James thought that the tenacity with which Mr Bridson has maintained his psychological defences against inquiry indicated that the group setting may not be successful for him. As an alternative, Professor James proposed one-to-one psychodynamically informed therapy which should occur before his release from prison. He thought this more likely to be successful but that it would need to be extended over a considerable period of one to two years. Professor James did accept, in

cross-examination, that the preparatory program prior to entering the sex offenders treatment program was given one-to-one and might encourage Mr Bridson to participate successfully in the group program.

[48] Professor James concluded

“Taking all the above into account, it is my opinion that notwithstanding what I consider to be at present a genuinely held wish and intent not again to offend, Mr Bridson’s self-examination and self-inquiry to date has been (no doubt self-protectively) superficial, and that notwithstanding his best intentions he would be at serious risk of re-offending violently were he to be released from prison without at least attending a High Intensity Sex Offenders Treatment Programme (HISOTP), or, preferably, being involved in a psychodynamically informed psychotherapy. Not only does nothing appear to have changed in terms of Mr Bridson’s potential for re-offending, but there is no evidence that anything is likely to change in the near future without serious commitment on Mr Bridson’s part.”

[49] Dr Michael Beech carried out his psychiatric risk assessment pursuant to the order of Fryberg J and interviewed Mr Bridson at the Lotus Glen Correctional Centre on 17 August 2007. His report is dated 21 September 2007. After setting out Mr Bridson’s history and criminal antecedents Dr Beech noted Mr Bridson’s consistent refusal to undertake any meaningful steps towards rehabilitation insofar as he has declined to undergo any program for sex offenders.

(a) Dr Beech assessed Mr Bridson with the formal actuarial risk assessment tools:

- On the Psychopathy Checklist (Revised) Mr Bridson scored 27 which was higher than that calculated by Professors Nurcombe and James, but was still short of a conclusion of psychopathy.
- The Sexual Offender Risk Appraisal Guide test gave Mr Bridson a score of 28 which placed him in category 8. This again was slightly higher than the other psychiatrists. This placed him in a group of people who risk re-offending 75 percent at seven years and 89 percent at 10 years.
- The Violence Risk Appraisal Guide gave him a score of 13 which placed him in category 6. People in that group have a risk of re-offending violently at 44 percent in seven years and 44 percent at 10 years.
- On the Static-99 test, Mr Bridson achieved a score of 6 which placed him in the high risk category of sexual re-offending.
- On the Sexual Violent Risk – 20, Mr Bridson scored highly such as to place him in the high risk of re-offending category.
- On the HCR-20, Mr Bridson was again placed in the high risk category for violent re-offending.
- On the Violent Risk Scale he achieved a score of 57 which placed him in the high risk category for both violent and non-violent re-offending.

- [50] Dr Beech concluded that while intoxication has had a significant part to play in Mr Bridson's violence

“... I believe there is a latent animosity towards women that it uncovers and he has avoided dealing with this by also avoiding seeing himself as a sexual offender and by avoiding participating in sexual offender programs.”

He accepted that the structure of prison life resulting in the absence of alcohol, drugs and women as well as the passage of time and some maturity have enabled Mr Bridson to display little evidence of anger or violence and allowed him to appear more socialised than in the past. In Dr Beech's view, on release from prison those protective factors would disappear. He noted that Mr Bridson had repeatedly shown that he rapidly resumes alcohol use on release despite an expressed desire not to do so and Mr Bridson himself frankly admitted to Dr Beech that he was likely to return to alcohol use without medication support.

- [51] Dr Beech described Mr Bridson's relapse prevention plan as “primitive”. Dr Beech concluded that if Mr Bridson were released into the community now he would be at high risk of re-offending although the risk of this happening would be reduced by his abstinence from all intoxicating substances and by his meaningful involvement in a sexual offender treatment program. Dr Beech had a rather more pessimistic view of the benefit Mr Bridson would obtain from a sexual offender program describing it as “modest at best”.

### **Mr Bridson's release plan**

- [52] Mr Bridson deposes that he would be prepared to complete the Getting Started: Preparatory Program at Lotus Glen once he returns to that institution at the conclusion of these proceedings. He continues to contend that he has not in the past wished to be involved in the High Intensity Sexual Offending Program because he would have to come to Brisbane and be away from his mother and he is concerned that should she die whilst he was completing the program he would not be allowed to return to Cairns to attend her funeral. Ms. Shannon Adkins, a registered psychologist with Queensland Corrections, has deposed to the nature and availability of sexual offending programmes to inmates and the limited offerings in the community, and detailed the sexual offending programmes which have been offered to Mr Bridson. Those offerings have been regular including the introductory course offered at Lotus Glen in February 2006 and at Wolston Park in January 2007 which he declined.
- [53] Mr Bridson has sought housing from a number of organisations and Mr Michael Lucey, Mr Bridson's solicitor, has identified accommodation for Mr Bridson offered by the Far North Queensland Families and Prisoners Support Inc.
- [54] Mr Bridson sets out the reintegration courses which he has successfully completed at Lotus Glen which show that he has worked hard to achieve qualifications for employment. He says that he is prepared to take medication which would limit his desire to consume alcohol and proposes to involve himself with Alcoholics Anonymous or another counselling service. He expresses regret for the hurt that he has caused to those against whom he has committed his offences and is willing to be subject to whatever conditions might be imposed. He notes that his mother-in-law has promised him a block of land on which he could build a house at Yarrabah.

## Conclusion

- [55] Mr Bridson has attempted to ready himself for life outside prison except to seek identification of the underlying causes of his violent sexual offending and treatment for them. It is plain from the many reports that have been prepared about the level of risk he presents to the community and the oral evidence of the three psychiatrists that until Mr Bridson participates in appropriate therapy to address the sexual and violent nature of his offending he is at high risk of re-offending in the ways in which he has done in the past. His need for such treatment has been recognised for nearly 20 years – I refer here particularly to Dr Richard's report in 1990. Although having been told that he constitutes a serious danger to women, he has declined to undertake treatment which may assist him to reduce that risk. He has been offered places in courses which will assist him to address the problems and has to date been unwilling to take up those offers. In the past he has expressed a resolution to avoid alcohol which is identified as the likely trigger for his offending behaviour but has lapsed very quickly upon release.
- [56] The evidence is all one way and to a high degree of cogency that Mr Bridson constitutes a high risk of re-offending in a sexually violent way should he be released into the community at the expiration of his present sentence in November 2007.
- [57] The High Intensity Sexual Offenders Program is not delivered in a community context and, furthermore, the evidence of Professors Nurcombe and James, in particular, makes clear that participation in that program, even if it were offered in the community, or participation in a suitable therapeutic program devised for him individually, would take almost a year and it would not be until then, if the course were done satisfactorily, that the risk would be reduced.
- [58] I am, accordingly, persuaded that Walter Frank Bridson constitutes a serious danger to the community and he should be detained in custody for an indefinite term for control, care and treatment upon the expiration of his sentence on 27 November 2007.