

Mr Clark, you have pleaded guilty to charges of accessing and possessing child exploitation material. Police officers searched your vehicle and your home on 20 November 2018 as a result of information they had received. They found about 4,000 images and 265 videos that depicted children either in sexual contexts or engaged in sexual activity. It turns out that you had been taking a sexual interest in photos and videos of girls aged about 12 to 15. In cases like this, child exploitation material is categorised according to how bad it is. There are five categories of prohibited material, with Category 5 being the most serious and Category 1 being the least serious. Nearly all of the material in your collection was in Category 1, which covers depictions of children with no sexual activity, but involving nudity, sexual suggestive posing, or explicit emphasis on genital areas. I accept that you routinely downloaded child pornography from the internet without knowing what you were getting, deleted all or nearly all of the more offensive material, and built up a collection that concentrated on images of pubescent girls. However you had 9 images and 97 videos in Category 2, depicting either non-penetrative sexual activity between children or solo masturbation by children, and 5 videos in more serious categories.

You are now 39 years old. You have no significant prior convictions. You co-operated with the police and made full admissions. You pleaded guilty at the earliest possible opportunity in the Magistrates Court. You had been viewing and downloading this sort of material on and off for a number of years. On occasions you felt so ashamed and guilty that you deleted the material you had, only to begin viewing and downloading similar material after some time had passed. After the police search you obtained professional help from a general practitioner and a psychologist. The psychologist has provided a report saying that you have high standards, that you feel guilt, and that you have a strong work ethic and moral sense. He said that you were shocked by the charges against you, that you are relieved that it is now all over, and that you have no further desire to view or use child exploitation material. You are ashamed of what you have done. You have distanced yourself from a church congregation of which you were a member, partly because of embarrassment and partly because you did not want that church to get a bad name. Before your offending came to light, you made a positive contribution in assisting with youth groups without any suggestion that you engaged in inappropriate behaviour towards any girls that you met. You are disappointed that you will not be able to continue in that sort of role.

When you appeared before me in Burnie in February, I thought that the most appropriate penalty for you, in all the circumstances, would be a community service order, subject to anything that a probation officer might tell me. I have now received a pre-sentence report from a probation officer. She has told me that Community Corrections currently have no one willing to accept offenders convicted of this sort of crime, and that a community service order is therefore not recommended. I am therefore going to impose a short, wholly suspended, sentence of imprisonment. That is, I am not going to send you to prison for these crimes now, but you will be at risk of serving a short sentence for them if you re-offend. Also, as recommended by the probation officer, I will be making an order placing you on supervised probation for a period.

I convict you and sentence you to 14 days' imprisonment, wholly suspended on condition that you commit no offence punishable by imprisonment for a period of 18 months. I make a community correction order, to operate for 12 months from today, with a special condition that you must during that period submit to the supervision of a probation officer as required by the

probation officer. I order that the Registrar appointed under s 42 of the *Community Protection (Offender Reporting) Act 2005* place your name on the register under that Act, and that you comply with the reporting obligations under that Act for four years.

I order that the electronic items seized by Tasmania Police be forfeited to the State of Tasmania.