

Mr Evans, you have pleaded guilty to two counts of grooming with intent to expose a young person to indecent material.

The crimes were committed in September and October of last year. They were committed by way of electronic communications over the social media platform known as Snapchat. You pretended to be a 16-year-old male. When requested during the communications to provide a photograph of yourself, you sent a photograph of a young 16 year old male, who was known to you. Needless to say, your possession and use of the photograph was without the knowledge or consent of the youth.

The targets of the grooming were two 13-year-old female students of a Hobart school. You initiated the electronic communication and it continued between 27 September and 17 October 2019. For the majority of that time, you were, in reality, conversing with covert police who had assumed the identity of the students after a complaint from the school principal, although in the initial stages, the communication was actually with the students. However, at all relevant times, you believed that you were conversing with the girls.

I do not intend to set out the full transcript of the communications. Suffice to say, it is clear to me that you were attempting, at the very least, to persuade the students to send you indecent photographs of themselves and engage in lewd conversation with you of a sexual nature. The content of the conversation initiated by you was explicitly sexual. You asked a number of questions clearly designed to elicit a response concerning the sexual conduct and interest of the girls. On a number of occasions, you forwarded to their accounts pictures of a penis, both exposed and partially clothed and in various states of erection. The images were sent in the context of conversations about the exchange of sexual images online, and in the case of one of the correspondents, a proposition that you meet for the purpose of sexual activity together, and the nature of the proposed activity. While the conversation was clearly capable of conveying to the recipient that you wanted to meet for this purpose, you are not charged with a crime that has as an element the intention to procure the young person to engage in an unlawful sexual act, and it is not suggested by the prosecution that this was your actual intention. However, the said conversation is relevant to the objective seriousness of the crimes for which you are being sentenced. In particular, it was part of the grooming activity to utilise the expectation of meeting for sexual contact and a discussion of the nature of the proposed activity, as a means of persuading the young person to accept and react to indecent material provided by you. There is also a risk that the young person may have decided independently to initiate steps to meet up with you. Finally, the corrupting influence of such a conversation, particularly with respect to young persons of the ages relevant to this case, must also be taken into account.

You also asked questions apparently designed to elicit personal information about the girls, and it is clear from the conversation that you were well aware of their age, that they were attending school and the identity of the school.

You are 42 years of age. Your only prior convictions are for traffic offences. Your memories of your childhood are marred by excessive use of alcohol by your father and stepfather, and alcohol fuelled family violence perpetrated by your father against your mother. Despite this, you had a reasonable upbringing. You successfully completed your education and have been in regular employment as an adult. You are currently employed as a personal banker. Your

counsel indicates that you have been subjected to bullying in the workplace and you are currently seeking alternative employment.

Although you have previously been in a long-term relationship, you have, for a number of years, lived by yourself, and it would seem that you have become somewhat socially isolated. You have a very small circle of friends and rarely socialise with them and co-workers. A psychologist report provided to me confirms that there is no evidence of mental illness, personality disorder or cognitive impairment.

Your counsel has not attempted to explain your conduct. However, it is asserted that you are remorseful and she also pointed to your early indication of a plea of guilty as concrete evidence of remorse. Your counsel has also noted that you scrupulously complied with stringent bail conditions after your arrest on these charges.

I regard these crimes as serious examples of their type. This was deliberate, premeditated and persistent predatory behaviour, engaged in, I conclude, solely for the purpose of your sexual gratification. You initiated and conducted communications with persons you believed to be young female students and exposed them to indecent material, both in terms of photographs of a penis and indecent conversation. Your offending was facilitated by the use of social media and the Internet, and you also used the identity of the young male as a subterfuge. Young persons are vulnerable to such behaviour, particularly when the Internet is used. The Internet provides the opportunity for secretive and manipulative communication, and that is precisely how it was used by you in this case. The disparity between your age and the age of your victims is also particularly concerning. There is little, if anything, about the circumstances of your offending which provides mitigation. The need to protect young persons from such predatory conduct requires a sentence which emphasises general deterrence and denunciation.

I am satisfied that the only appropriate sentence is one of actual imprisonment. Because you have no prior convictions and have demonstrated some remorse by early pleas of guilty, I will moderate the head sentence I would otherwise have imposed, and will provide for release on parole at the earliest opportunity.

Damien Evans, you are convicted of the crimes to which you have pleaded guilty and sentenced to 18 months' imprisonment. That sentence will commence on 10 June 2020. I order that you not be eligible for parole until you have served one half of that sentence.

I am required to make an order under the *Community Protection (Offender Reporting) Act* 2005, unless I am satisfied that you do not pose a risk of committing a reportable offence in the future. Having regard to the circumstances of this case, I am not satisfied of that matter and, accordingly, must make an order. The maximum reporting period is 15 years. I order that your name be placed on the register pursuant to that Act and that you comply with the reporting obligations under that Act for a period of eight years after your release from prison.

Finally, I order that the mobile telephone seized by police and referred to as Exhibit 1 be forfeited to the State. I specify the value of the said property at \$800.