

Mr ... has pleaded guilty to a charge of persistent sexual abuse of a young person. The young person was his daughter. He sexually abused her over a period of about seven months when she was 15 years old.

The charge relates to unlawful sexual acts on eleven specific occasions, ten of which involved indecent touching. They were not isolated occasions. It is common ground that Mr ... indecently touched his daughter up to twice per week during the relevant period. I will be sentencing him only in respect of the eleven identified occasions, but not on the basis that they were the only such occasions.

I will refer to the daughter as "the complainant", although an unusual feature of this case is that Mr ... confessed to police officers before there had been any complaint.

The first indecent touching occurred on an occasion when the complainant was in the bathroom of the family home, on the floor of the shower. She was upset. She was suffering from an eating disorder. Mr ... helped her to get up. She wrapped herself in a towel. They both went to her bedroom. He said something to the effect that her body was great, but then pulled down the towel, exposing her breasts, lightly touched one breast, and squeezed it.

Mr ...'s conduct on nearly all of the eleven occasions involved touching the complainant's breasts, mostly in the family home, but also in his vehicle and on an airline flight. On one occasion he sucked both of her nipples. On two of the eleven occasions he touched her to the area of her vagina. On one of the occasions he did not touch her indecently, but pulled down her top, exposing her breasts, and looked at them. That amounted to a crime called "Indecent act with a young person under 17 years", contrary to s 125B of the *Criminal Code*.

This offending came to an end as a result of the complainant telling her mother about it. Shortly after that Mr ... visited a police station, participated in a video recorded interview, and made admissions in relation to four of the eleven occasions. He told the police that his daughter was not willing to go to a therapist because she did not want him to get into trouble, and that he thought the best thing he could do was to come to the police station and confess. The complainant was subsequently interviewed by police officers. She provided information about the other seven specific occasions that the charge relates to.

The complainant provided a victim impact statement in which she described the psychological and emotional effects on her of the sexual abuse and her subsequent disclosure of it. She reported that she felt scared, shameful, disappointed and angry, and that she had lost her ability to trust others. Her ability to feel safe in her home has been affected, as have her family relationships and her education. There is no good reason for her to feel shameful since she was the victim in this case, but it is an unfortunate fact that sexual assault victims often experience feelings of shame when it is not they who should feel ashamed.

It is clear that this offending has also had adverse impacts on other members of the household, from which Mr ... has departed.

Mr ... has no significant prior convictions. His only transgressions appear to have been a few speeding offences. He was educated to university level, and has been gainfully employed since his adolescence. He attended university part-time. He has been married for over 20 years. His

bail conditions required him to move out of the family home. He left his employment as a result of this charge. He regrets that he has been unable to support his family financially since then, but has done his best to contribute in other ways.

Mr ... has withdrawn socially and has been leading a reclusive life. For his daughter's sake, he does not want the news of his sexual abuse of her to spread, and he has therefore not been seeing his friends.

Initially he was charged with eleven separate offences in the Magistrates Court. He pleaded guilty to all of them on his second appearance in that court. The original charges were superseded when he was indicted on a single charge of persistent sexual abuse of a young person. He pleaded guilty to that charge on his first appearance in this Court. Because of his early pleas of guilty, his daughter has known from an early stage that there will be no need for her to give evidence.

Mr ... does not understand why he behaved as he did. I have been provided with reports about him by a forensic psychiatrist and a forensic psychologist. There is no suggestion that he suffers from any form of mental illness, personality disorder, or sexual disorder. There is no evidence that he has any sexual attraction to younger people generally. There is no apparent lack of victim empathy or remorse, and the experts therefore consider that the risk of him reoffending is very low. He has seen another psychologist eight times for therapeutic purposes, and proposes to continue to do so.

There are a number of aggravating features about this case. Mr ... ceased his offending only when his daughter told his wife about it. He breached the trust placed in him by his daughter and his wife. The sexual abuse mostly occurred in the family home, where the complainant should have been able to feel safe. She was not just a 15 year old, but a psychologically vulnerable 15 year old suffering from an eating disorder. In the circumstances, I consider that the only appropriate course is to send Mr ... to prison.

However there are powerful mitigating factors. Mr ... has no significant prior convictions. He has led an industrious life. He is appalled by his conduct. He pleaded guilty at a very early stage. That alone would ordinarily entitle an offender to a sentence reduction of about 25%. However he took the very unusual step of reporting his criminal conduct to the police, and did that because of concern that his daughter might otherwise refrain from contacting a therapist when she most needed to see one.

Because of Mr ...'s past good character, his remorse, his confession, and his pleas of guilty, I will impose a significantly shorter sentence than I would otherwise have imposed, and will suspend most of it.

AHQ, I convict you and sentence you to 15 months' imprisonment with effect from 2 July 2020. I suspend nine months of that sentence on condition that you commit no offence punishable by imprisonment within two years after your release from prison. 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 three years after your release from prison.