

Mr V, you have pleaded guilty to one count of maintaining a sexual relationship with a young person under the age of 17 years.

The complainant is your daughter. The crime consists of persistent and regular sexual abuse perpetrated by you against her from when she was 6 years of age. It continued until she disclosed your conduct to others, after she had reached the age of 15. The abuse commenced after you had separated from the complainant's mother. During the nine years that you committed this crime, the complainant stayed with you from Friday to Sunday of every second weekend, pursuant to a contact arrangement agreed between you and her mother. On those weekends, you were the parent solely responsible for your daughter's care. Instead of exercising this responsibility as you should have, you in fact took the opportunity to perpetrate unlawful sexual acts against her. The abuse extends back as far as she can remember. It would occur on one or both nights of each weekend, and on almost every one of those weekends throughout the whole nine year period. She is able to particularise and identify an unlawful sexual act on eight specific occasions during this period. They are constituted by one act of aggravated sexual assault, and seven acts of rape. However, these crimes can be regarded as representative examples of a continuous course of conduct constituted by the regular unlawful sexual abuse of your daughter throughout the said period.

In general terms, when the complainant was aged between 6 and 10 years, the unlawful sexual acts were constituted by you penetrating and/or touching her vagina with your hand. Between the ages of 10 and 15, when these crimes were reported, the unlawful sexual acts involved multiple vaginal rapes. The specific acts identified by the complainant commenced with the first unlawful sexual act that she is able to recall, which occurred when she was approximately 6 years of age. You got into bed with her and inserted your fingers into her vagina. Your son was asleep in an adjoining bunk bed at the time. Your daughter started to cry and told you to stop, but you continued with the abuse despite her reaction. You told her to be quiet and also told her that if she said anything, she and her brother would get into trouble.

The other seven identified acts are all acts which constitute the crime of rape. They occurred in various houses, during the period when the complainant was aged between 10 and 15. Invariably, you would enter her bed at night, remove some or all of her clothing and have vaginal sexual intercourse with her. This always occurred without her consent. On some occasions, she would cry and on other occasions, physically resist you, but you would forcibly overcome such resistance. You would often hold her down by holding her arms above her head. You did not use a condom at any time and, on most occasions, you would ejaculate inside her. The exception to this was when she was menstruating. Invariably, there were other persons in the house when you were committing these acts. Prior to 2010, your son would be sleeping in the house and sometimes in the same room, when these acts were committed. In 2010, the woman whom you would subsequently marry started to live with you, and she was then present in the house when you were committing these acts against your daughter. In November 2011, your partner gave birth to your other daughter. This child was then present in the house and on some occasions was asleep in the same room, when you were sexually abusing the complainant. On a number of occasions, your daughter would find it necessary because of the sexual intercourse, to wash her bedding the next day. She would be assisted, on occasions, by your partner, and on those occasions would pretend to her that

she had wet the bed. She did this so that your conduct would not be discovered. Throughout the entire course of conduct, you used threats and emotional manipulation as part of the process of overcoming resistance, and to prevent the disclosure by the complainant of your crime. You routinely told her that if anyone found out what you were doing, you would kill yourself, that it was not your fault because you were not well, and that if she told anyone you would get into trouble and could go to gaol. On occasions, you would apologise for your conduct.

Your commission of the crime came to an end in October 2018, when the complainant reported the abuse to a school psychologist, and Child Safety Services and the police became involved. At that time, she was 15 and in year 10. This is not a case where you voluntarily desisted from ongoing abuse. After you became aware of your daughter's disclosure, you sent messages to her via social media. In these messages, you continued your attempts to emotionally manipulate her by telling her that the disclosure of your abuse would impact on her sister, and that you could not go on and did not want to go to gaol.

I have been provided with material relating to the impact of your criminal conduct on the complainant. The material includes extracts from her diary, together with a formal impact statement prepared by her. Her comments in both documents reflect her understandable difficulty in reconciling the inherent emotional contradiction arising from your crime and the shocking and sustained abuse of trust represented by it. In particular, she describes her pain arising from the conflict between her expectations of you as her father on the one hand, and your brutal abuse of her, including your use of physical force to overcome her resistance and perpetrate the rapes and assaults, on the other hand. She also records your use of emotional manipulation to maintain her silence. She speaks of her deep feelings of loss and betrayal. This impact and these feelings are not something the complainant has only recently experienced. She has been living with your abuse and its consequences for many years. She acknowledges her use of self-harm and contemplation of suicide, and notes that she has required hospital treatment on a number of occasions. Your daughter's description of her struggle with the effects of your conduct is raw and clearly very real. It manifests a considerable degree of perception and courage on her part. However, as the abuse has only recently ended, I think that her description of the impact of this crime, as terrible as seems to be to her at the moment, is likely to be understated, and the long term consequences not yet completely understood or appreciated by her. The experience of the Court is that your crime will have a profound impact upon her, which will continue for many years, and probably for the rest of her life. Further, although I do not have any specific information about it, I have no doubt that there will be considerable impact upon the wider family, including your other children.

You are 38 years of age. Your criminal history consists almost entirely of traffic related matters. Your childhood was relatively normal and did not involve abuse or trauma. You did, however, have a poor relationship with your father, and your education was somewhat disrupted by frequent school changes, disciplinary issues and your own lack of interest in education. Since leaving school, you have maintained a relatively good work record. A psychological report provided to me describes some ongoing problems with the use of alcohol and illicit drugs. Perhaps unsurprisingly, the psychologist considers that you meet the diagnostic criteria for paedophilia. He considers that you may benefit from a treatment program, but only if you are motivated to participate in such a program. In the absence of successful treatment, there would seem to be a significant ongoing risk of reoffending. This, of course, is particularly relevant to my assessment of the appropriate order pursuant to the

Community Protection (Offender Reporting) Act. Nothing in the psychologist's report mitigates or excuses your culpability in respect of the crime for which you are to be sentenced. In particular, there is no finding that would engage any of the Verdins principles. I regard your claims made to police, the psychologist and your daughter, that you were sick and could not control your urges, as nonsense. Of course you could control yourself. Your actions were clearly deliberate, premeditated and manipulative. Your motive was your own sexual gratification. You will not be punished because of the existence of a sexually deviant pattern of arousal. You deserve punishment because you chose to and did subject your daughter to shocking abuse over almost her entire childhood, in order to satisfy those sexual urges.

It is put to me that you are remorseful, particularly in respect of the impact which your actions have had and will have on your daughter. If the remorse is genuine, it is an extremely belated sentiment. The past, current and future consequences to the complainant are directly attributable to your regular criminal abuse of her over a period of nine years. Any remorse you experienced during that period did not cause you to desist from your conduct. As already indicated, it only stopped because your daughter courageously disclosed your conduct to others. Your claim of genuine contrition, made only after your conduct has come to light, has a somewhat hollow ring to it.

Despite this, I think you are entitled to some consideration for appropriate steps you have taken in response to the disclosure. On the one hand, I have already discussed your attempts at continued emotional manipulation of the complainant, which in my view, aggravates the seriousness of your crime. On the other hand, however, you have pleaded guilty at a relatively early time. You also made some limited admissions to police, and you did acknowledge that you would not contest the truth of the full allegations made by your daughter. Further, you initiated the revocation of your bail some time ago. These steps are consistent with some insight and remorse in respect of your conduct, and, in any event, will avoid the need for your daughter to give evidence at a trial. You have required hospitalisation because of suicidal ideation, but it is not clear to me whether this arises from genuine regret for the consequences of your conduct on your daughter or, alternatively, because of self-pity arising from the predicament in which you now find yourself.

This is a shocking crime, and is a serious example of its type. There are many factors and circumstances which contribute to and aggravate the seriousness of your conduct. They include your daughter's young age when the crime was committed, the lengthy period of time over which it was committed, the sustained and regular nature of the abuse, your use of force to overcome your daughter's attempts to resist you, the presence of other children and an adult in the home, and sometimes in the same room, when the acts were committed, and the fact that you regularly ejaculated inside the complainant and did not use a condom during forced sexual intercourse. Further, the unlawful acts were committed while your daughter was particularly vulnerable because she was in your care during contact visits. Her time with you over those nine years must have been characterised by constant fear and apprehension, arising from the certain knowledge that you would force yourself upon her on one or both nights of the weekend. Her life in the intervening period away from you must have been dominated by her anticipation of the abuse. Your responsibility was to love, nurture and protect her, but instead you took advantage of your position and power over her to subject her to the most horrendous abuse. You have stolen her childhood and adolescence and deprived her of the benefit of the loving parental relationship that she was entitled to expect from you.

Your actions constitute the gravest breach of trust imaginable. The only possible sentence is a significant term of imprisonment.

J V, you are convicted of the crime to which you have pleaded guilty and sentenced to imprisonment for 12 years. That sentence will be backdated to commence on 10 December 2018. If it were not for your plea of guilty, in particular, the sentence would have been higher. Because of your age, your plea of guilty and other expressions of remorse, and the potential for you to benefit from a treatment program while in custody, I will provide for the possibility of release on parole after an appropriate period. Because of the gravity and objective seriousness of the crime, I think that you should spend a minimum of seven years in custody. Accordingly, I order that you not be eligible for parole until you have served seven years of the sentence.

I am required to make an order under the Community Protection (Offender Reporting) Act, unless I am satisfied that you do not pose a risk of committing a reportable offence in the future. I am not satisfied of that matter and, accordingly, must make an order. The maximum period for which an order can be made for this crime is 15 years. Having regard to the circumstances of this case, and the matters contained in the psychologist's report, I consider that the maximum period is appropriate. Accordingly, 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 15 years. To the extent that I have the power to so order, this period should commence from the date of your actual release from prison.