

Mr Pollard has pleaded guilty to a charge of persistent sexual abuse of a young person. He was a high school teacher in the 1990s. During that decade he sexually assaulted a 15 year old female student on several occasions, beginning when she was in the middle of grade 9, and ending during her summer holidays before she started grade 10. Although he pleaded guilty, there was a substantial dispute as to the extent and duration of Mr Pollard's sexual abuse of the complainant. After hearing evidence from both of them, I was satisfied beyond reasonable doubt of the general truth and accuracy of the complainant's evidence, particularly as to sexual abuse on five specific occasions relied upon by the Crown as the basis of the charge.

The first such occasion was around the middle of the complainant's grade 9 year. On that occasion she was in Mr Pollard's office, alone with him, and he kissed her to the lips. That kiss constituted an indecent assault. The complainant was too young for any consent on her part to make the kissing lawful.

That kiss did not come out of the blue. Over a period of perhaps weeks before then, there had been a lot of contact between Mr Pollard and the complainant, including physical contact between them that started with him brushing against the complainant, first occasionally touching her to the arm and back, and then occasionally touching her to the buttocks or the breasts. They occasionally chatted on the telephone during that period.

After the first kiss, Mr Pollard and the complainant continued to talk, often over the telephone. There were times when they met by arrangement, sometimes in the school photography darkroom. Their meetings were often about 20 to 30 minutes in length. They initially met about once a week. The frequency of their meetings increased to two or three times per week. During the meetings in the darkroom they would hold each other and kiss. After a time Mr Pollard started to touch the complainant over her clothing to her legs, thighs and buttocks, and later to her breasts. The second specific occasion relied upon by the Crown was the first occasion of kissing and touching in the darkroom.

There was a gradual escalation of Mr Pollard's sexual conduct during the meetings in the darkroom. He touched the complainant under her bra, and sometimes undid it. He touched her to the vagina and/or genitalia inside her underwear, or after pushing her underwear aside. Subsequently there were occasions when he penetrated her vagina with his finger. The third identifiable occasion relied upon by the Crown was the first occasion of digital penetration in the darkroom.

In September of the complainant's grade 9 year there was a school camping trip that both she and Mr Pollard went on. One night during that trip, the complainant got up and went to Mr Pollard's tent. He was in a sleeping bag in his underwear. For a while they cuddled, touched and kissed. The complainant then returned to her tent. That was the fourth identifiable occasion relied upon by the Crown.

The fifth such occasion was during the summer holidays before the complainant commenced grade 10. She and Mr Pollard arranged to meet at their school. Mr Pollard drove her to his home in a utility, with her lying out of sight on the back floor. At his home he removed the complainant's outer clothes and bra, and took her to bed. They kissed and hugged. He touched her to her breasts and kissed them. He then touched her to the vagina and genitalia, at first over

her underwear, and then inside her underwear. Then he penetrated her vagina with his fingers. After about an hour in or on the bed, they both got dressed, and Mr Pollard drove the complainant back to the school.

It was the complainant, not Mr Pollard, who ended the sexual relationship. She did so as a result of another teacher telling her that it had been noticed that she and Mr Pollard were spending a lot of time together, and that that was not normal.

It is significant that Mr Pollard's sexual abuse stopped short of penile sexual intercourse. The complainant did not lose her virginity to him and there was no risk of pregnancy. However there was a sustained course of sexual abuse over several months involving an appalling breach of trust, and months of slow and steady grooming. The unlawful sexual acts on the five occasions identified by the Crown were not isolated acts by any means.

The complainant has provided a very detailed victim impact statement. It is clear that Mr Pollard's abuse of her has caused her terrible psychological suffering over many years. The burden of a secret sexual relationship was the beginning. The complainant lied and deceived her mother so that she would not find about that relationship, and that damaged the complainant's relationship with her mother. Rightly or wrongly, the complainant feared that Mr Pollard could interfere with her marks, and thus with her future career. She experienced feelings of shame, isolation and entrapment. After she ended the relationship she was scared of what Mr Pollard might do. She suffered from anxiety and sleeplessness.

About a year after the sexual abuse ended, the complainant disclosed some information about Mr Pollard's sexual misconduct, but by no means all, and he was forced to resign from his employment.

Over the subsequent years, the complainant has had terrible psychological problems. I need not catalogue them. She has been helped by a psychiatrist over a very long period. She still sees a counsellor and a psychiatrist frequently. She is highly medicated. She has a successful marriage, some children, and employment in a rewarding position in which she is highly regarded. However she continues to suffer the psychological effects of Mr Pollard's sexual abuse in all sorts of ways. No summary of her victim impact statement could fully convey the enormity of the consequences of her sexual abuse by Mr Pollard.

Mr Pollard is now 63 years old. He has no significant prior convictions. He has had a long career as a scientist, and not just as a science teacher. His work over that career has been impressive in a number of ways. It counts in his favour that he pleaded guilty to this charge and thereby saved the State and the Court the cost and inconvenience of a full-scale criminal trial. However that is a very minor factor since his plea of guilty did not spare the complainant the ordeal of giving detailed evidence about the months of sexual abuse that she suffered. I accept that he is remorseful, but again that is a minor factor since he was not sufficiently remorseful to fully admit the details of his offending. It is significant that he lost his employment as a result of his sexual abuse of the complainant about a year after that abuse ceased. But he brought the loss of that employment upon himself.

He had serious psychological problems of his own at the time of his offending. He was lonely, unhappy in his work, and suffering badly from depression, for which he was taking medication. There was a time when he would have committed suicide if a friend had not intervened. I accept that his friendship with the complainant – not just his sexual activities with her – was meeting

emotional needs that he had at that time, and that his judgment was clouded as a result. I accept that there is no evidence that he has ever had a sexual attraction to children or adolescents generally. I accept that he would not have offended but for the state of his mental health during the months in question. However it is significant that he continued to offend, despite the very obvious fact that what he was doing was unlawful, and likely to cause psychological harm to the complainant. There is no suggestion that he has ever re-offended. Although the possibility of future sexual offending cannot be ruled out, that is a most unlikely possibility. However, because that possibility cannot be ruled out, I will have to make an order under the community protection legislation.

Mr Pollard is suffering from a chronic major depressive disorder. He is childless and single, with no close family members living. He has few friends. His mental health is vulnerable. In recent years he has received beneficial outpatient mental health care, but his mental health has deteriorated in the time that this charge has been pending, and imprisonment is likely to cause a significant deterioration in his mental health.

However, because of the seriousness of Mr Pollard's offending and the consequences for the complainant, the only appropriate penalty in this case is a significant sentence of imprisonment. Because Mr Pollard has no significant prior convictions, I will impose the shortest possible non-parole period.

Marcus James Pollard, I convict you and sentence you to three years' imprisonment. You will not be eligible for parole until you have served 18 months of this sentence. 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 from today.