

JAR, you were found guilty by a jury of two counts of persistent sexual abuse of a child. It is a case in which the facts for sentence follow from the verdict and it is my duty to sentence you on that basis.

One crime was committed against your daughter F. You were in a relationship with her mother between 2006 and 2009, and F was born in 2009. The other crime was committed against M, the daughter of the person with whom you formed a new relationship in 2010. M was also born in 2009. That partner then had one other daughter, and you subsequently had two children together. In 2015 you moved with your partner and family to a home in [address]. F lived with her mother but spent most weekends and some holidays with you. The first allegation of sexual misconduct was made by F to her mother in late July 2017. She was interviewed by a police officer in 2017. The first disclosure made by M was in 2018 and she was also interviewed. F was interviewed again in 2018 and the evidence of both girls was pre-recorded for the purposes of the trial in 2020.

The crime of persistent sexual abuse of a child is committed when it is proved that an unlawful sexual act was committed against a child on at least three occasions during the indictment period. In this case, for both F and M, only three specific occasions were identified, but it was the prosecution case that those three occasions were committed in the context of ongoing sexual abuse of a similar nature. It follows from the verdict that the jury was satisfied beyond reasonable doubt, for both counts, that each of those three occasions were proved. It is obvious that the jury accepted the truth of the complainants despite your denials to the police and when giving evidence at trial. Each of the identified occasions was an indecent assault. In the case of F, you touched her on the vagina under her clothing, twice at home and once when driving her in your car. Each occasion involved deliberate sexual touching. All of the unlawful sexual acts were committed against F sometime during the period of about two and a half years between March 2015 and August 2017, when she was aged between about 6 and 8. The evidence establishes that the final identified occasion was only weeks before her first disclosure was made. The identified assaults committed against M involved you touching her vagina either inside her pants, or having pulled down her pants, and by you taking her hand and having her touch you on the penis by holding, squeezing and rubbing it, either inside your pants or having pulled down your own pants. The unlawful sexual acts were committed against M sometime

during the period of about three years between 2015 and 2018 when she was aged between 6 and 9. I am satisfied beyond reasonable doubt that, for both girls, these were not isolated occasions and were committed in the context of an unspecified number of other sexual acts of the same character committed after the family moved and ceasing only when the conduct came to light.

You are now aged 35. You have a reasonable industrial history. You have some record of offending. None is of any relevance apart from a conviction in another State in October 2006 for sexual penetration of a child under the age of 16 years. That is relevant as prior sexual offending, but I accept that the circumstances were different than this. When you were almost 20 a girl you believed to be of age, but who was 14 gave you oral sex. You were sentenced to imprisonment for six months wholly suspended for 12 months. It is also relevant however, as an aggravating factor, that the crimes for which you are now to be sentenced were committed while you were still subject to the sexual offender reporting order that was made at that time of that earlier crime. One of the consequences of the current matters is that, once the disclosure was made, you were no longer able to live in the family home. Your relationship with all of the children, not only these, has been affected and will likely be permanently affected, but that is a predictable consequence of the criminal conduct the jury found proved.

The seriousness of child sex offences, and the factors relevant to sentence, have been explained many times by courts in this State and elsewhere. It is possible to think of factors which would have made your offences even more serious. Your acts did not involve penetration or other more degrading or offensive conduct. However sexual acts of this nature involve very serious moral and criminal wrongdoing. Self-evidently there are two victims. You are not entitled to the mitigation a plea of guilty would have attracted, especially in matters like this. I also have regard to the aggravating circumstances I am required to take into account by the *Sentencing Act 1997*, s 11A. The abuse was all committed when the complainants were under your care and supervision and you were in the role of parent. It is a very serious breach of trust, both of the children and the mothers who left them in your care. Both were very young, much younger than 13. There is no victim impact statement from or about M. That does not mean that there has been no impact on her. She is still very young. Sexual abuse of children carries enormous potential for, and is presumed to cause, profound and pervasive psychological harm. Sometimes the harm does not emerge for many years and may be lifelong. My observations of both children is that they well understood that what happened to them was wrong. A victim

impact statement prepared by F's mother describes the types of impact which may be expected. She has become self-conscious and insecure. She is conscious of what she wears in the presence of adult men and presumes that they have bad intentions. Such things signal to me that her normal emotional and sexual development are likely to have been significantly affected.

There is a very strong need for general deterrence. Crimes such as this involve vulnerable victims, do serious harm and are difficult to detect. Although the elements of the crime are limited in each case to three specified occasions, each was committed in the context of repeated abuse over an extended period. Your criminality in each case is not appropriately or sufficiently described by reference only to three indecent assaults. The specific occasions were put forward as examples of a course of conduct.

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. The nature and circumstances of the offences found proved compel the conclusion that you pose a future risk. I will allow for parole. The sentence will commence on the day you were taken into custody. Viewed individually, the crime against F warrants a sentence of imprisonment of three years. The crime against M involved even more serious criminal conduct and warrants a sentence of four years. Because I will impose a single sentence, allowance must be made for totality. Some of the sentencing aims, punishment and specific deterrence for example, are common to both crimes, although there must be allowance for the criminality attached to, and separate harm done by, the crime committed against each.

JAR, you are convicted on each count. I make an order directing that the Registrar under the *Community Protection (Offender Reporting) Act* 2005 cause your name to be placed on the Register and that you comply with the reporting obligations under the Act for 15 years from your release. I impose one sentence. You are sentenced to imprisonment for six years from 28 September 2021. I order that you not be eligible for parole until you have served three years of that sentence.