

STATE OF TASMANIA v JOHN KNOWLES
COMMENTS ON PASSING SENTENCE

29 JULY 2022
PEARCE J

John Knowles, you were found guilty by the jury of one count of indecent assault. I am required to sentence you in accordance with the verdict of the jury and the facts for sentence follow from that majority verdict. In early 1988, now more than 34 years ago, you stayed overnight at the home of friends in a small town in north east Tasmania. A bed was set up for you in the room of one of the children, a boy then aged 13. He woke in the middle of the night with your hand inside his pyjama pants fondling his penis. He rolled away and you removed your hand. He stayed awake until he got out of bed early that morning. Nothing was said the following day. He took himself away from the house so he did not have to be in your presence, although I am satisfied that before he did so you made a taunting gesture to him.

The complainant did not tell anyone about what had happened until 2019. He was prompted to do so after 31 years to unburden himself from the secret he had kept for so long before in important event in his own life. I am satisfied that he said nothing initially because he was afraid of you, embarrassed, and fearful that he would not be believed. I am also satisfied that the embarrassment and fear of not being believed persisted as an adult. It is a powerful demonstration of how sexual assaults of this nature, even though brief and not repeated, can have a lifelong effect on victims. In this case the impact is eloquently described by the complainant in his victim impact statement. It can only be hoped that the vindication provided by the verdict enables some further opportunity for resolution for him.

It is however my duty to sentence you. It is a difficult matter. When the crime was committed you were 48. Sexual assaults against children are serious because of the psychological damage which they are presumed to cause. Punishment and general deterrence are powerful sentencing factors. However you are now aged 83. You are in very poor physical and cognitive health. During an investigation into your fitness to stand trial the court heard evidence that you suffer from mixed dementia of moderate severity. You suffer from both vascular dementia as a result of strokes which have caused brain lesions, as well as dementia of Alzheimer's type. Although the jury was not satisfied on the balance of probabilities that you were not unfit for trial, there could be no doubt that you have significant cognitive deficits. You live in an aged care facility and require constant around the clock care. Each day during the trial you were brought to and from court by a carer. I think it highly unlikely that the opportunity for you to offend in a similar manner will ever arise, although I could not say that you do not pose a risk of doing so if there were such an opportunity.

At the time the crime was committed you had no relevant prior convictions. About a decade later you committed offences against two other boys of a very similar nature. In 2000 you were sentenced to imprisonment for 18 months, six months of which was suspended. There is no instance of similar or any other relevant offending in the 20 years or so since your release.

To mark the seriousness of sexual offences against children and the impact on the victim, I have concluded that a sentence of imprisonment is the only proper sentence. Home detention or community service are not appropriate alternatives. There is no point in community supervision. However, given your age, state of health, and that you have already served a prison sentence for subsequent offences of a sexual nature, I do not see that actual imprisonment is necessary.

John Knowles, you are convicted. I am not satisfied that you do not pose a risk of committing a reportable offence within the meaning of that term in the *Community Protection (Offender Reporting) Act 2005* in the future. I make an order directing that the Registrar cause your name to be placed on the Register and that you comply with the reporting obligations under the Act for a period two years from today. You are sentenced to a term of imprisonment of eight months. I wholly suspend that term for three years. It is a condition of that order that while it is in force you commit no offence punishable by imprisonment.