

RRC you have pleaded guilty to one count of rape. Sometime between 1 June 2020 and 31 March 2021 you penetrated the vagina of the complainant with your finger. The victim of your crime was the step-daughter of one of your close friends. At the time you were living in a caravan at the property of your friend. The victim was staying there too. The victim spent time alone with you in your caravan. On an occasion when the two of you were together in the caravan, you inserted your finger into her vagina. She was only seven. The duration of the penetration is unknown. The incident was disclosed when the complainant was living with others. She was displaying sexualised behaviour and upon questioning disclosed; "he pulled my pants down, played with my bum and did this between my legs". The complainant gestured in a manner that indicated you had inserted your finger into her vagina. She went on to say it happened at your place when she was seven.

You were interviewed by police. You told police the following: "she thought the world of me and I did the same thing back to her"; "she used to tell me she loved me... and heaps of cuddles all the time"; "we used to do a lot of drinking up there...there was always partying on up there"; "if she is saying I did it, it must have happened". You went on to tell police "it happened but I can't remember any details at all"; "It happened just the once"; "I am feeling really sorry about it and wish it hadn't occurred". The admissions you made and your plea of guilty carry considerable mitigatory value. Given the brevity of information provided by the complainant, and her age at the time of the incident, the matter may have been difficult to prove at trial. I accept the comments you made to police, and your plea of guilty, are reflective of your remorse and regret over the incident. Importantly, your plea of guilty has saved a young complainant the ordeal of having to give evidence and has ultimately vindicated her account.

You have a relevant prior criminal history, although it is of some age now. In 1969, you were placed on a good behaviour bond for a matter of assault with indecent intent. Then in 1997 you were fined for committing the same offence a second time. The complainant has been badly affected by your crime. She feels sad and confused. Her carer notes she has bad dreams and will often wake up crying. She is displaying symptoms of trauma. Sadly, the full effect of your crime upon your victim may not be known, or truly understood, for many years yet.

You are now aged 69. You are married and have four adult children and 17 grandchildren. You work casually for a landscaping business but otherwise receive Centrelink payments. You had a difficult upbringing. Your father was an alcoholic and there was much violence within your family. You nevertheless remained close with your parents. They both passed away, within a relatively short period of time of each other, in 2020. I am told that following this you began consuming alcohol heavily in an attempt to cope with your grief and it was in this context that the incident occurred. You have no specific recollection of the incident and can only explain it by excessive alcohol consumption. That of course in no way excuses your behaviour. I will sentence on the basis that your behaviour was opportunistic rather than predatory. Although you certainly made comments to police during your interview to suggest you were physically affectionate towards the complainant, there is no evidence to suggest you had an ongoing sexual interest in her or engaged in any form of grooming behaviour. There is no suggestion that this was other than an isolated occurrence. Nevertheless, the complainant was very young and very vulnerable given her family circumstances and you took advantage of that. It is of course an aggravating factor pursuant to s 11A of the *Sentencing Act* that the complainant was so young when the incident occurred.

Crimes of this nature are always serious. They almost inevitably have a significant deleterious affect upon the victim. I need to impose a sentence that reflects the gravity of your criminal behaviour and which deters others who may be minded to commit similar crimes. Quite simply, the sexual abuse of children must always be condemned. The sentence needs to reflect the Court's intolerance of these crimes and obligation to protect children from the degradation and harm that is inherent in the commission of such crimes. In addition to general deterrence and denunciation the sentence must also reflect an element of personal deterrence, given your prior history, although I do not lose sight of the age of those matters. I have come to the conclusion that the only sentence which adequately meets all of those sentencing considerations is a period of imprisonment. Appropriate leniency will be given to reflect your plea of guilty. I also consider it appropriate to allow for parole at the earliest opportunity. Mr C you are convicted and sentenced to 18 months' imprisonment, backdated to commence on 16 August 2022. I order that you not be eligible for parole until you have served one half of that sentence. 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 *Community Protection Offending Reporting Act* 2005 for a period of 5 years from the date of your release.