

Mr Sedgman, you have pleaded guilty to one count of grooming with intent to procure a young person for sexual abuse and two counts of indecent assault. You have also pleaded guilty to the associated summary offence of giving tobacco product to a child.

You committed this criminal conduct between August and October 2019. The young person was born in 2003 and, accordingly, was 16 at the time. You were 57 years of age.

You made contact with the complainant over an online dating platform known as SKOUT. Although the platform is intended for use only by people who are over 18 years of age, the complainant indicated in her profile description that she was 16 years old. You assert that at the time that the communication commenced, you genuinely believed that she was over the age of 18. However, you concede that as time went on and in particular, when the communications constituted the act of grooming her to engage in sexual activity with you occurred, you well knew that she was, in fact, 16 years of age. Between August and October 2019, you and she exchanged hundreds of messages on this platform, as well as text messages and communications via other social media sites. Some of the conversations were of a sexual nature and included detail as to preferences in respect of sexual activity. You sent each other sexually explicit photographs. The complainant also asked for cigarettes and, more than once, you delivered cigarettes to her letterbox. Your reason for doing this was to encourage her to meet with you in person. You asked her to do so several times. In fact, at one point, you refused to supply her with cigarettes until she agreed to meet you. The crime of grooming was committed by communicating with her, trying to persuade her to meet you, engaging in sexualised conversation with her and exchanging sexually explicit photographs, all with the intention of procuring her to engage in sexual acts with you.

Eventually, she agreed to meet you. On 5 October 2019, you met at a local recreation park. You committed the indecent assaults at that time. The first consisted of touching her breasts and body under her clothing and then placing her hand on your exposed penis. The second act of indecent assault occurred in nearby public toilets. You both lay on the ground and partially undressed. You touched her breasts and bottom under her clothing and then rubbed your penis on or around her genital area. You told police that you had trouble achieving an erection and that you possibly tried putting your penis into her vagina, but this was unsuccessful. It seems that the complainant brought the activity to an end by telling you she had to get home and then leaving the area.

The victim impact material I have received, which includes a letter from the complainant's treating psychiatrist, indicates that she suffers from significant psychiatric illness, in particular severe major depression, generalised anxiety disorder and complex post-traumatic stress disorder. It is clear that she is seriously ill and has required long periods of hospitalisation. It is not suggested that you are solely responsible for her illness, and it is also clear that these conditions preceded your commission of these crimes. However, it is also obvious and confirmed by the psychiatrist in any event that your conduct has exacerbated and contributed to her illness. Further, she was clearly very vulnerable, not just because of her age, but also because of her psychological condition.

You are now 61 years of age. Your only criminal history consists of a limited number of traffic offences. You are single, and your personal history as described to me indicates that you have

been involved in a limited number of intimate relationships in your life. In fact, it seems that generally you have little social contact with other people. You retired three years ago after working for most of your adult life in information technology roles with a state government department. Even during your working life, your only friendships were with fellow employees. You have grown distant from your family, although you maintain some contact with your sister and her husband. A psychological report provided to me indicates that you have had two episodes of major depression in your life, the most recent of which was after you were charged with these offences. The psychologist considers you have a personality marked by low self-esteem and anxiety in social interactions and these may be features of an autism spectrum disorder. Although sexual paraphilia is a possibility, there is not sufficient evidence to justify a diagnosis in that regard. The psychologist expresses the opinion that you "engaged in this behaviour out of loneliness and a desire for human contact, validation and connection". The psychologist also opines that these feelings may have allowed you to override your awareness that what you were doing was wrong. I must say that I have some difficulty accepting this assessment. I have no doubt that loneliness was a factor in your use of a dating website to make contact with others, but these events developed over a relatively lengthy period, and continued well after you realised that the complainant was only 16 years of age. You continued, after knowing how old she was, to put pressure on her to meet you, obviously for the purpose of sexual relations. You admitted to police that you knew that this was not right and also conceded to the psychologist that you were apprehensive on the night that you met in the park, because of her age. I think you knew clearly that what you were doing was wrong, but you were strongly motivated to carry through with a sexual encounter. In other words, you were motivated by the prospect of sexual gratification, although I accept that your emotional context for this was loneliness and poor self-esteem.

However, none of this provides you have any significant mitigation. It is clear that you selfishly took advantage of this vulnerable young person in order to gratify your own emotional and sexual needs. You obviously had no concern about her welfare. In fact the material in the psychological report indicates that she had told you about aspects of her own life which indicated her psychological vulnerability, but in any event, her welfare was clearly not something of interest to you. Further, the use of the Internet to procure her for sexual abuse is particularly concerning. The crime of grooming was introduced into the Criminal Code in 2005, for the purpose of specifically targeting crime by which the Internet and social media in particular is used by older men to prey on young persons for the purpose of sexual abuse. The anonymity, privacy and access provided by the use of the Internet for this purpose increases the vulnerability of young people to predatory behaviour of this type. It follows that general deterrence and denunciation are primary sentencing considerations.

I accept that you were co-operative with police and have now taken responsibility for your conduct. You are entitled to some credit for the plea of guilty. At the very least, it means that the complainant will not have to give evidence against you.

Ultimately, however, the only appropriate sentencing option is the imposition of a sentence of imprisonment. Having regard to your prior good character and plea of guilty, I will provide the opportunity for release on parole at an early time.

Accordingly, the orders I make are as follows:

- a. You are convicted of the crimes and the offence to which you have pleaded guilty;

- b. For the crimes of grooming and indecent assault, you are sentenced to a global term of 21 months imprisonment, which will be backdated to the day that you were remanded in custody which is 11 November 2022. I order that you not be eligible for release on parole until you have served one half of that sentence.
- c. For the summary offence of giving a tobacco product to a child you are fined the sum of \$200, which will be paid within 28 days.
- d. 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. Having regard to the circumstances of this case, I am not satisfied of that matter and, accordingly, must make an order. The maximum period is for the rest of your life. 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 10 years, which will commence on your release from prison.