

The defendant, SAT, now aged 55 years old, has been found guilty by a jury of two counts of the crime of persistent abuse of a child.

The complainants are first, his daughter who was born in 1997 and second, the granddaughter of a former partner, who was born in April 2008. The offending occurred against his daughter between 2008 and 2009 when his daughter was aged between 11 and 12 years old, and against his foster granddaughter between 2014 and 2016 when she was between six and eight years old.

For the crime of persistent sexual abuse of a child, it is not necessary that the prosecution proves the dates on which any of the unlawful sexual acts were committed, or the exact circumstances in which any of the unlawful sexual acts were committed. Children who are victims of such offences are frequently unable to give particulars of each and every sexual act during a period of prolonged offending. The State has listed the specific sexual acts it is able to identify, but the defendant may be sentenced on the basis that each specific act is part of a course of conduct involving other, indeed, many other, unspecified acts. In this case, all of the sexual assaults alleged were indecent assaults.

The eight occasions specified by the State in respect of the first count and left to the jury are as follows:

At the first family home the defendant showed the complainant pornography. In his bedroom he told the complainant to take her clothes off and lay down on his bed. He used a belt to tie her hands above her head to the bedhead. The defendant told the complainant to spread her legs and that he was going to film her.

The second occasion was at the second family home, shortly after the family had moved there, the defendant told the complainant to bring him a drink to his bedroom. In the bedroom he told her to lay down next to him on the bed. The defendant lifted the complainant's top and kissed her breasts and sucked her nipples, saying he would give her "bigger boobs".

The third occasion was at the same address, during the night time. The defendant came to the complainant's bed and lay beside her. He asked her to make him a hot drink. In his bedroom the defendant told her to lay down and said he was going to kiss her on the pelvis. He pulled her pants down, exposing the top of her vagina and kissed her to the top of her vagina.

The fourth occasion was at the same address. During the night time, the complainant got out of her bed to go to the toilet. The defendant called her into his bedroom and told her to lay on the bed. The defendant lifted her top up and rubbed her nipples or breasts with his hand. He then kissed and sucked her to the nipples or breasts.

On the fifth occasion at the same address, the complainant was laying on the edge of the defendant's bed with her legs hanging over the bottom of the bed. The defendant stood in front of the complainant and told her that he wanted her to have a baby boy for him. He then rubbed his crotch against her vagina and pushed it against her vagina.

The sixth occasion was at the same address, not long after the fifth occasion. The complainant was laying on the edge of the defendant's bed with her legs hanging over the edge. The defendant pulled down the complainant's pants and underwear, exposing her vagina. The defendant stood in front of her. He then told the complainant that he was going to park his bus in her garage. He then pushed his crotch forward, against her vagina.

The seventh occasion was at the same address, on 5 April 2009. The complainant was in the dining room area of the family home colouring in. The defendant pushed her forward on to her hands and knees and told her they were "going to do it doggy style". He then kneeled behind her and pushed his crotch against the complainant's bottom. He then told her to follow him to the bedroom where he lifted up her top and kissed and sucked on her breasts or nipples.

On the eighth occasion at the same address, on 5 April 2009, during the evening, the complainant was in bed. The defendant came in and told her to go to his bedroom. In his bedroom he told her to lay on his bed. He lifted up the complainant's top and sucked on her breasts or nipples. He pulled down the complainant's pants so that the top of her vagina was exposed and kissed her on the top of her vagina.

The five occasions specified by the State in respect of the second count and left to the jury are as follows:

Occasion 1

The defendant told the complainant to help him in the shed at the defendant's property. Inside the shed, he pulled up the complainant's top and touched her nipples. He told her if she told anyone he would hurt her and her Nan "really bad".

Occasion 2

The defendant and complainant were in the shed at the defendant's property and the defendant was fixing his car. The defendant asked the complainant to help him by holding the bonnet of the car open. He then pulled down the complainant's pants and touched her on the vagina.

Occasion 3

It was around Christmas Eve one year, the complainant was in the shed with the defendant at the defendant's property when he made her pull her pants down and touched her on the vagina.

Occasion 4

The defendant and complainant were riding a motorbike on the defendant's property together. They rode behind a big hill and stopped. The defendant touched the complainant to her breasts or nipples and put his hand inside the complainant's pants and touched her vagina.

Occasion 5

At a time after the complainant had moved back in with her father and was visiting her Nan and the defendant at the defendant's property during the school holidays, the defendant and complainant were in the shed. The defendant lifted up the complainant's shirt and touched both of her nipples.

I am satisfied from the tendency and complaint evidence led on the trial that all 13 indecent assaults occurred and, with the exception of occasion one on Count 1, occurred against a

background of numerous similar indecent assaults. I am satisfied beyond reasonable doubt as to occasion one on Count 1 on the basis of the truth and reliability of the complainant's evidence and accept that she had good reason not to reveal that occurrence at the time she first complained and that she may have been mistaken as to the presence of the computer at the first residence, but not necessarily the "old" grey video-recorder.

As one of my fellow judges has said, this crime, by its nature, applies to a wide range of sexual offences and consequently there is no discernible sentencing range. The defendant should suffer the same penalty as would have been imposed if the individual sexual acts constituting the crime had been charged as separate crimes, such that the sentence is a just and appropriate measure of the defendant's total criminality.

Child sex offences have enormous potential to cause physical and psychological harm. Conduct of this nature has profound and deleterious physical and psychological effects upon victims for many years, if not for the whole of their lives. The consequences of an offence, including its effect on a victim, are important considerations in the sentencing process, and the severity of the sentence may be increased because of them.

I have read a Victim Impact Statement from the first complainant, the defendant's daughter. Since the trauma, she has been diagnosed with Bi-polar disorder, Post Traumatic Disorder, anxiety, depression and agoraphobia. She is now scared of men and will do anything not to be around them. This means that she has never had a relationship. She has dreamed of having a partner and having children, but at this moment, she feels that dream will never come true. She lost her dream of becoming a vet because she dropped out of college after struggling with groups of students, but particularly the male students and male teachers. She managed to study at home and gained a Certificate 3 in early childhood care and education and went on to have a job for a short while before quitting because, again, she struggled being around people, particularly in groups.

I have had read to me and read the Victim Impact Statement of the second complainant, the defendant's foster grandchild. She said that she feels depressed now and has anger issues that come out and sometimes she feels that she wants to die. She said it is hard to talk about how she is feeling. On days when she is miserable, she simply sits in the corner and sulks, not talking to anyone. She is on medication for her moods. She says her present behaviour is also caused by what the defendant did. She was sexually active at 14 and she believes she would not be sexually active if she had not been abused. Some of her family have "slut shamed her". She finds it hard to trust men.

General deterrence, punishment, vindication of the victim and community protection are the primary sentencing factors in a case such as this. This case is egregious because of the terrible breaches of trust by the defendant who was the biological father to the first complainant and a foster grandfather to the second, the length of the periods of abuse, its numerical extent and an obvious complete lack of remorse. There are no mitigating circumstances, although the defendant's life has not been without tragedy. There are aggravating circumstances. Both complainants were under the care and supervision of the defendant, and both were under 13 years of age.

Specific deterrence is also necessary in this case in view of the defendant's prior conviction for indecent assault in 1990 on a six year old girl when babysitting by removing her pants and making skin to skin contact, rubbing his penis back and forth on her vagina. Specific

deterrence is also called for by the fact that the two counts for which the defendant has been found guilty are separated by some several years.

The defendant is sentenced to six years imprisonment from today and is not to be eligible for parole until he has served four years of that sentence. I make an order under the *Community Protection (Offender Reporting) Act 2005* that the defendant's name be enrolled on the register and that he comply with the reporting conditions under the Act for life