

Richard Mark Blackwell, you have pleaded guilty to a charge of Grooming with intent to procure a young person for sexual abuse. That is the name given to a crime that is committed when a person communicates with someone who is under the age of consent with the intention of getting that person to engage in an unlawful sexual act.

You committed this crime in 2019. You were 27. You got in touch with a girl who was 14. You had known her since early in her childhood when she was taken in by members of your family as a foster daughter. She was no longer with them. You contacted her by social media. After some fairly innocent messages, you sent her a photograph of yourself wearing track pants with an obvious erection inside your track pants. You sent her selfie photos depicting your stomach area and your chest, and then you sent her a message, in your words, suggesting "a blow job" and possibly also, in my words, vaginal intercourse. She responded but did not agree. You sent another message saying, "Don't be shy, tell me anything you wanna. I don't bite." You had let her know that you would be available at 4pm any day near a place where you were working. She complained to her foster mother. After some delay the police contacted you in November 2020 and asked you to participate in an interview. You took legal advice and declined to be interviewed. It was your legal right. That does not count against you that you did not volunteer to cooperate.

It was nearly two years later that the police contacted you again and made another request for you to participate in an interview. In the meantime you had sought help from a psychologist and a psychiatrist. You had obtained their assistance. You kept appointments with them from 2020 until 2022. You had a problem with depression, for good reasons, which I will speak about later. You were taking anti-depressants. You were not in the state that you were in in 2019. So, in 2022 you participated in a video recorded interview, and you made full admissions. You were charged. You pleaded guilty in the Magistrates Court on your third appearance. You pleaded guilty at that early stage, having waited only for disclosure of the documents to your counsel. It certainly counts in your favour that you pleaded guilty at that early stage, and that that reflects your remorse - the fact that you were very sorry for what you did.

You have no relevant prior convictions. However the impact on the complainant has been quite extreme, probably more devastating than one might ordinarily expect, although the impact of contact like this should never be underestimated. She has provided a victim impact statement. It looks as though she was a vulnerable individual. I do not know what other factors might have contributed to the reaction that she says she had, but she says that she was shocked by the messages that she received, that she freaked out and did not know what to do, and that she ended up turning to drugs and alcohol and reached the point where she attempted suicide, woke up in hospital, and was angry that she had survived. From a psychological point of view she has recovered to a significant degree. She now has a partner. She was 14 when these messages were sent but she is now 18. It is to be hoped that she will be less and less troubled by what happened. She had trusted you. She thought of you as being someone like an uncle. She has had all sorts of anxieties, apparently as a result of your messages.

There is a lot to be said in your favour. You are 31. As I have said, you have no significant convictions. You are in a stable relationship of 6 years' duration. You are a responsible family man. What you did was out of character. You have two children and your partner is pregnant

with your third child. Your first child is autistic and has all sorts of problems. That has resulted in you having to battle the National Disability Insurance Scheme and bureaucrats in other parts of the health system for the sake of his welfare. It has resulted in you have to deplete your superannuation for the sake of surgery that he urgently needed and was not going to get for years through the public system. You are a dedicated and hardworking father. In 2019, when you sent these messages, you were going through a very difficult time and you engaged in conduct that was absolutely out of character at a stage when you were apparently very depressed. As I say, what you did was out of character. It seems highly unlikely that you would ever do anything like that again. I cannot be absolutely certain that you will not, and therefore I am going to have to make an order putting your name on the sex offenders register, but I will not require that you report to people under the relevant legislation for very long.

You were in work at the time that this happened and you have got a good employment record. You left school at the end of Year 10 to get work because your family was short of money. The people that you worked with learned of the charge against you. Your counsel has told me that you were chased out of the employment that you had, and that since then you have been dependant on Centrelink benefits. Your partner has had a very difficult pregnancy. You are obviously not in a position to pay a substantial fine. The delay on the part of the police between 2020 and 2022 is unexplained. The result of the delay is that this is a stale charge. That is a substantial mitigating factor. If I were to send you to prison the impact on your family would be terrible. In particular the impact on your autistic child would be something that would warrant a more lenient penalty than would ordinarily be the case.

I am going to impose a wholly suspended sentence and I take the matters that I have referred to, including the delay and the likely impact of serving any prison sentence on your autistic child, into account in determining the length of that suspended sentence. It is clear that you very much regret what you did. It is very unfortunate that it had such extreme consequences.

I convict you and sentence you to two months' imprisonment, wholly suspended on condition that you commit no offence punishable by imprisonment for a period of 12 months. I order that the Registrar appointed under s 42 of the *Community Protection (Offender Reporting) Act 2005* place your name on the register under that Act and that you comply with the reporting obligations under that Act for 2 years.