

Ian Trevor Howells has pleaded guilty to three charges of grooming with intent to expose a young person to indecent material, one charge of involving a person under the age of 18 years in the production of child exploitation material, two charges of grooming with intent to procure a young person for sexual abuse, and one charge of attempting to involve a person under the age of 18 years in the production of child exploitation material.

The crimes relate to the defendant's conduct in using three social media accounts to send Snapchat messages to four young people – teenagers, who were aged between 14 and 16 years of age - during a six-month period from January to June 2022. Snapchat is a messaging application where messages and photographs sent are only available to the recipient for a short period of time. During this period, Mr Howells resided in the Orford area and worked as a labourer at Elphinstone Engineering in Triabunna, and the children attended Triabunna District High School.

Two charges, counts 1 and 2, concern a child I will refer to as GM, who was aged 15 and was in grade 10 at High School. At the start of 2021, she commenced casual employment at Elphinstone's Engineering sweeping the warehouse. While working there, she met the defendant. He would often compliment her on her work performance and tell her she looked good. Approximately half-way through 2021, she received a Snapchat friend request from the defendant. She accepted and started receiving messages from him which were usually compliments about her work. I note that Mr Howells did not have supervisory role with respect to the complainant in her employment. He sent her a photograph of himself holding a beer up to his face. He then sent a photograph of his penis. She responded, asking why he would send her something like that, and she asked him not to send any more pictures like that. The defendant and the complainant did not have contact via Snapchat for some time. The defendant then recommenced sending the complainant Snapchat messages. He asked her several times if she would send him "nudes" and said that, in exchange, he would send her money or buy her things. Initially she declined, but then sent him approximately three photographs of her breasts. The defendant sent her a photograph of his penis. She sent an additional photograph depicting her buttocks. He sent another two photographs of his penis. He requested more photographs from her, and she told him she would not send any more photographs and blocked him. The defendant's conduct amounts to one count of grooming with intent to expose a young person to indecent material and one count of involving a person under the age of 18 years in the production of child exploitation material.

Counts 3, 4 and 5 relate to a teenage boy whom I shall refer to as PA, aged 15 to 16 years at the time of the offending. At some stage between 2021 and June 2022, the defendant became friends with PA on Snapchat. The defendant shopped where the complainant worked, but other than that they did not have any personal contact. The defendant sent messages to the complainant, which included asking for "cock pics" or whether the "guys" had any; saying to him that he would see him later and "blow" him and that he wanted to - this is from Mr Howells - he wanted to "suck off an underage guy"; and suggesting that he, Mr Howells, and another male and the complainant meet up for a "wank session". He sent the complainant a photograph of his penis. After this interaction, the complainant blocked the defendant. This conduct gives rise to one count of grooming with intent to procure a young person for sexual abuse, one count of grooming with intent to expose a young person to indecent material, and a count of attempting to involve a person under the age of 18 years in the production of child exploitation material.

Count 6 relates to a child I will refer to as HE, who was introduced to the defendant through a school friend. Mr Howells sent her a Snapchat request and she accepted and started receiving messages from him when she was 13 years of age. On 19 June 2022, he sent her a photograph of his penis and then, immediately afterwards, a second Snapchat message of a video of him masturbating in a car. At that time, she was 14 years of age. She immediately blocked him on Snapchat.

Charge 7, the final count, relates to a child I will refer to as DA, who was 14 and 15 at the time of the defendant's offending. In December 2020, when she was 14, she met Mr Howells through her boyfriend. Shortly after meeting him, he sent her a friend request on Snapchat. She accepted and they started to message each other on that platform. He usually sent her a message every day asking about her and her life and her relationship. In December 2021, he suggested that she and her boyfriend meet up with him at the Triabunna wharf at night and offered to provide them with cannabis. She declined and blocked him on Snapchat. About a month later, she received another friend request from him and she accepted. He messaged her persistently. He asked about her friends who worked at the local supermarket, he told her he thought they were pretty, and he told her that he was friends with their parents. She found this weird and blocked him again. Later, communications from the defendant resumed because she either unblocked his messages or again accepted his friend request. He sent her a Snapchat message asking whether she would "hook up" with him and in return he would pay her \$1,000. She told him, "No". Around March 2022, when the complainant was 15, he asked her if she would give him a "BJ" for his birthday. She thought that stood for "blow job" and that he was asking her to give him oral sex, and she replied "no". There is no dispute that that is what he was asking for.

In June 2022, Tasmania Police executed a search warrant at the defendant's address in Orford and seized a number of his electronic devices, including his mobile phone. They found several images of a penis on his phone. He was interviewed in September this year and admitted communicating with the complainants via Snapchat, that he had "probably" sent them images of his penis, and that he had requested and received images from the complainant GM. He told police that methamphetamine usage was a cause.

Mr Howells is currently 37 years of age and he has prior convictions but not for this kind of offending. He has some driving offences committed in Tasmania and in South Australia, and these include one for drive under disqualification in 2015; two for drive a motor vehicle whilst a prescribed illicit drug was present in his blood in December 2016 and September 2022; a breach of bail and failure to appear; and an offence of stealing and supply liquor to a minor in May 2022.

It is to be noted that the illegal communications with the four complainants involve messages by social media and not personal contact, but this criminal conduct is viewed by the courts as serious. It involves using friendships with young teenagers to engage with them in a sexualised way, have conversations about sexual matters that treat them like sexual objects and in fact normalises such communications and, indeed, such conduct. Mr Howells did this by sending photographs of his penis; an indecent video on one occasion; in one case, asking the teenager to send him intimate photographs; and on another two occasions, asking a teenager to perform a sexual act upon him. I have no doubt that this behaviour was disturbing and distressing to these teenagers, and that there is every likelihood that it would be, particularly because you are a much older person than they are and it is perverse for an adult to treat a young teenager in a sexual way. On a number of occasions, you persisted in your behaviour when they blocked or rejected your communications, and made it very clear to you that your communications were unwanted. General deterrence is an important sentencing goal. Social media platforms have

made it much easier for adults to engage in secretive communications with teenagers who are vulnerable to these communications because of their age, innocence, and trust in adults. Young people must be protected and heavy sentences are warranted; often, an actual gaol sentence will be required.

I take into account that Mr Howells made admissions to police, accepted responsibility, and also indicated he would enter a plea of guilty some time ago before the indictment was filed, and I accept that pleas of guilty have been entered at a relatively early stage.

I take into account Mr Howells' circumstances. He grew up in Orford and, after completing grade 10, entered the work force. He has had a solid employment record in fishing and forestry, and a strong work ethic. He worked interstate for approximately a decade, returning to Tasmania in 2019. He is valued by his current employer, Elphinstone Engineering.

He has a history of drug use, consuming cannabis since the age of 16, which he used to deal with stress. He was against hard drugs, but on returning to Orford, he was introduced to crystal methamphetamine by a group of people he was socialising with and began using the drug regularly on weekends. He was often under the influence of this drug on those weekends. The offending before the Court coincides with the period when he was consuming methamphetamine and at times he was heavily under the influence. Mr Howells understands that this does not excuse his conduct. It is significant, though, that he has stopped amphetamine use and ceased approximately 6 months ago. At the time he was sending these communications, I accept that he was not mindful of the ages of the young people he was messaging and did not appreciate the seriousness of his behaviour. He has that appreciation now. I am told being charged was a wake-up call as he has reflected on his behaviour and is remorseful.

I have a report from Community Corrections dated 16 November 2023. Mr Howells is considered suitable for community service, and if a community-based order was to be made involving supervision, there are certain conditions that are recommended.

I am satisfied that in view of Mr Howell's lack of relevant prior convictions, his understanding now of the seriousness of his conduct, the progress he has made in ceasing his use of methamphetamine and positive signs for his reform, that a gaol sentence is not required. I am sure you would appreciate, Mr Howells, that given the number of charges and the number of teenagers involved, this is an exceptional course. I will impose what is called a Community Correction Order, which is imposed on strict conditions. If any of the conditions are breached, you may be brought back to Court, resentenced, and the Court would have the power to impose a gaol sentence.

I record a conviction and I impose a Community Correction Order which is to be in place for 18 months from today.

That Community Correction Order carries all of the core conditions of that order, which include that you must report to Community Corrections no later than 4:30 pm today at 75 Liverpool Street and co-operate with them. I impose as a condition of that Community Correction Order that you must be subject to the supervision of a probation officer for that period of 18 months, and you must comply with all the reasonable and lawful directions of a probation officer during that time. You must attend education or other programs as directed by the Court or probation officer. You must not commit an offence in the next 18 months while this order is in place that would be punishable by imprisonment. You must report as required to a probation officer. You must not leave or remain outside Tasmania without the permission of a probation officer, and must give notice of any change of address or employment before, or within 2 working days after, the change.

In addition, I impose special conditions. One of these is that you must perform and complete unpaid community service of 140 hours, and you must complete that within the period of 18 months from today. I further impose conditions that you must satisfactorily perform that community service as directed by a probation officer or supervisor of that number of hours. You must undergo assessment and treatment for drug dependency as directed by a probation officer, and must during the period of the order submit to medical, psychological, or psychiatric assessment or treatment as directed by your probation officer. You must not communicate with the complainants whose names will be set out in full in the order.

I make an order placing you on the Community Protection Register for a period which is a relatively modest period – it would ordinarily be longer for this kind of offending – for two years from today.