

KM, you plead guilty to one count of persistent sexual abuse of a child. The victim of the crime is your daughter. The crime was committed between 1977 and 1985 when she was aged between 9 and 16. In 1977 your family, which then consisted of you, your wife, the complainant and her younger brother, moved from Victoria to Tasmania. Before moving here you had already begun to sexually abuse your daughter by inappropriately rubbing her thighs, lower back and groin. However I am asked to sentence you on the basis that the conduct which constitutes this crime is confined to that which occurred in Tasmania. After moving to Tasmania you continued to touch her in the way I have described. The first particular occasion identified by the State occurred when she was about 9. She was sitting on your knee and you touched her vagina under her pants.

After moving into a house in a regional town your behaviour escalated. When she was in her bedroom you instructed her to perform oral sex on you by placing her mouth over your penis and touching your penis with your hand. Then, on a separate occasion you performed oral sex on her by licking her vagina. She clearly remembers the first time that each type of sexual act occurred. Thereafter you continued to perform or receive oral sex from her regularly and frequently throughout the indictment period.

By the time she was 13 you began to engage in sexual intercourse in which you penetrated her vagina with your penis. The first occasion of vaginal sexual intercourse she remembers was when you had her re-enact with you a scene from a pornographic movie you were making her watch. You penetrated her from behind while holding her hair. This was not, of course, with her consent and so amounted to the crime of rape. There followed multiple instances of vaginal rape. You also raped her by penetrating her vagina with carrots and zucchinis. Your acts were sometimes rough and you never used a condom. She remembers hoping that she would fall pregnant so people would know what you were doing.

Your conduct was facilitated initially by normalising the behaviour and then by emotional pressure and threats. You told her that unless she kept the secret you would kill her, her brother and her mother. It is impossible to accurately assess how many unlawful sexual acts there were. The undisputed prosecution assertion is that there were, at least, between 50 and 100, many of which were rapes of the kind I have described.

In 1985, when your daughter was 16, your family moved back to Victoria. Your offending did not stop, but, as I have already pointed out, I have been asked to take into account only the acts which occurred in Tasmania.

At the time that this crime was committed you had no prior convictions of any nature, but that provides no mitigation of any weight in cases like this. After your return to Victoria you continued to commit indecent acts directed at the complainant. Your daughter's first complaint to the police was made in Victoria in 2004. At that time she felt emotionally unable to proceed with it but it was later reinstated and you were prosecuted for indecent acts committed against her in that State. However, your offending did not stop there. You also offended in a sexual way against an employee and, most recently, a grandchild. In 2017, in 2020 and again in 2023 you were sentenced to separate terms of imprisonment. The most recent sentence was for six months. Your name has already been placed on the Victorian sex offenders register for the remainder of your life.

Your daughter was interviewed by Tasmanian police in 2020. This crime was committed when you were aged between 32 and 40. You are now 79. Before coming to Tasmania for these proceedings you lived on a pension and a few savings in a retirement village in Victoria, having been divorced from your wife some years ago. You are entitled to mitigation arising from your plea of guilty. In your case it is not demonstrative of remorse. By your repeated and continued offending you forfeited any claim to that. However your plea of guilty will result in a reduction in the length of your sentence because it avoided the need for a trial. In cases like this the process of having to prepare for and give evidence at a trial would have been especially traumatic for your victim, and would have added to the harm you have already done. It also facilitates the course of justice and indicates some acceptance of responsibility.

You are now of a relatively advanced age and have some health concerns including frequent skin cancers and prostate cancer. The latter appears to be in remission after treatment. You have limited mobility and require the aid of a walker. As a result, there is some possibility that you may spend either the whole, or a substantial part of, the remainder of your life in prison. Your age and state of health may make prison more onerous. Such factors may, in an appropriate case, lead a court to take a more lenient approach, and I take those factors into account here. However, advanced age and ill-health do not justify the imposition of an unacceptably lenient sentence. You are to be sentenced for a grave crime. A lengthy prison term is the only appropriate sentence.

The factor of overwhelming importance is protection of children. As far as a court can achieve it, it is by imposing sentences which punish offenders and act as a deterrent to others. You were the person responsible for caring for and nurturing your daughter. She looked to you for love, support, encouragement and protection. Instead, you took advantage of your position and power over her to subject her to terrible abuse involving multiple oral and penile rapes and rapes with objects. Five particular occasions are identified but each is an example of acts regularly committed during the indictment period. Your daughter was very young when the abuse commenced and it continued for eight years. It was sustained and regular and was committed in her home, a place in which she should have felt safe. You regularly ejaculated inside her and did not use a condom. There was plainly a risk of pregnancy which, very fortunately, did not eventuate. The use of objects to penetrate her is additionally degrading. She must have been frightened and miserable. You deprived her of her childhood and the nurturing parental relationship she was entitled to expect. Your actions constitute the gravest breach of trust imaginable. Sexual crimes against children cause great harm, likely to be lifelong. This case is a good example. The victim impact statement which was read to me discloses that she was immediately affected and has suffered the psychological, emotional, social and financial effects ever since. The effects will remain with her for the rest of her life. A report from a clinical psychologist indicates that the complainant's symptoms meet the criteria for PTSD and depression. She is now in her early fifties. Every aspect of her life has been affected. She struggles with low self-esteem, self-blame, fear, shame, anger and depression and has spent most of her life under the care of doctors, psychiatrists, psychologists, other mental health professionals and social workers. Her ability to trust others and form relationships has been destroyed. There have been suicide attempts. The result is that her finances and housing are also adversely affected. There may be other factors at play but it is obvious that the serious sexual abuse to which you subjected her is the dominant factor.

But for your plea of guilty I would have sentenced you to imprisonment for 14 years. However, as I indicated, I will allow a reduction in sentence to take account of your plea. I will allow for parole but you should spend at least six years in custody.

KNM, you are convicted on the indictment. I make an order under the *Community Protection (Offender Reporting) Act 2005* directing that the Registrar cause your name to be placed on the Register and that you comply with the reporting obligations under that Act for the remainder of your life. You are sentenced to imprisonment for 11 years from 26 April 2024, the date you were taken into custody. I order that you not be eligible for parole until you have served six years of that term.