

KWT you have pleaded guilty to a charge of persistent sexual abuse of a child. The child was your grand-daughter. You sexually abused her over a period of 4-5 years commencing when you were in your 60s and continuing when she was aged 6-11. You touched and rubbed her on the vagina under her clothing on about 30 to 40 occasions. There were occasions when a lubricant was used. There was no penetration of any sort but the psychological impact on an abused child can be extreme even when there is no penetration.

There are a lot of aggravating circumstances in this case, quite apart from the child's age. There is the duration of the offending, there is the number of times that you sexually abused the girl, what you did was a serious breach of the trust placed in you by the child and by your daughter, the child's mother. You took advantage of her, you took advantage of her vulnerability. The psychological impact on her has been extreme. She dropped out of school as she found it difficult concentrating. She has constant flashbacks. She has moved interstate. Her immediate family have decided to move interstate as well, some have already done so, the others are going to do so. Your offending has had an impact on the whole of her household and not just on her. Because she has moved interstate she is no longer in the same place as her childhood friends or the friends of her adolescence, so she is having to make a new start, with psychological problems, interrupted education and various psychological symptoms including reclusiveness and fears for her own safety.

There are some matters that count in your favour, but not many. You have pleaded guilty at an early stage and it has always been clear to your grand-daughter that she will not need to give evidence in this case. You have no prior convictions and you have got medical problems that will have an impact on you in prison, in particular, you suffer from osteoporosis, the medication that you were taking for that before you went into custody is not available to you in the prison and the result is that you are in pain and have difficulty walking. You also suffer from depression. You have attempted suicide in the late 1990s and when this offending came to light. You have other medical conditions that often come with age, including elevated cholesterol, diabetes and a heart condition, but it is the painful osteoporosis that I see as having more significance than anything else. The only appropriate sentence is a substantial period of imprisonment. I will backdate it to the date you were taken into custody. I will impose the shortest possible non-parole period because you are a first offender and because of your age.

I convict you and sentence you to 4 years 6 months' imprisonment with effect from 1 November 2023. You will not be eligible for parole until you have served 27 months of this sentence. 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 a period of 15 years after your release from prison.