

STATE OF TASMANIA v BRETT SHANNON CHRISTOPHER BROADBY

1 JULY 2025

COMMENTS ON PASSING SENTENCE

CUTHBERTSON J

Brett Shannon Christopher Broadby, you pleaded guilty in the Hobart Magistrates Court on 22 July 2022 to 12 offences contrary to the *Criminal Code* (Cth) on complaints 90521/22 and 90217/22. Two of the charges are of encouraging an offence of sexual intercourse with a child outside of Australia, contrary to s 272.19(1) of the *Criminal Code*. These offences attract mandatory minimum terms of imprisonment of six years. The remainder of the Commonwealth matters are offences contrary to s 474.22(1) of the *Criminal Code* namely five counts of using a carriage service to transmit child abuse material, four counts of using a carriage service to solicit child abuse material, and one count of using a carriage service to access child abuse material. You have also applied, pursuant to s 385A of the *Criminal Code* 1924 (Tas), to have a charge of possessing bestiality product, contrary to s 74 of the *Classification (Publications, Films and Computer Games) Enforcement Act* 1995 (Tas) dealt with at the same time. You have pleaded guilty to this charge also.

On 11 March 2021, Australian Federal Police (AFP) officers executed a search warrant at your home. Your Apple iPhone was examined and revealed that an email address associated with a Facebook account in the name of "Bianca Tio" was one of the user accounts used in the Google application on that phone. Subsequent analysis of your iPhone revealed you were a member of various group chats on Kik Messenger, including one called "#c.hildren 2", and another group commenced on 27 January 2021, in which participants sent messages seeking child abuse material.

During the course of that search, you were interviewed by AFP officers. You admitted to sharing child abuse material via the Bianca Tio Facebook account. You said you did so when you were "not in your right mind". You also admitted viewing child abuse material which had been downloaded from Kik. You initially denied being sexually aroused by child pornography, but later told the AFP officers that you have had the desire to look at child pornography and "it's disgusting". Your possession of bestiality material was also discussed. You told police you were not aware that possessing such material was illegal and admitted being sexually aroused by it.

Your offending occurred between 26 May 2020 and 11 March 2021. The sole charge on complaint 90521/22 and count 1 on Complaint 90217/22 involve accessing and transmitting child abuse material comprised of images and videos. The files were categorised using the Interpol Baseline Scale. According to that scale, Category 1 child abuse material depicts a real prepubescent child (under the age of 13 years approximately) where the child is involved in a sexual act, is witnessing a sexual act or the material is focused/ concentrated on the child's anal or genital region. Category 2 child abuse material comprises other illegal files that are illegal according to local legislation either by way of age or context. Nine of the charges, namely counts 2-10 on Complaint 90217/2022, arise from online conversations you engaged in between 18 to 26 February 2021 with a person called "Daddy Al" over Kik Messenger. These charges comprise allegations of transmitting and soliciting child abuse material, together with encouraging offences of sexual intercourse with a child outside of Australia.

The single charge on Complaint 90521/22 relates to your transmission between 26 and 27 May 2020 of five Category 1 child abuse videos, depicting victims aged as young as 3-4 years old,

engaged in sexual activity, including with adult men. The videos ranged in duration from eight seconds to two minutes and seventeen seconds. I have read a summary of the videos. They include three videos of a pre-pubescent child performing fellatio on an adult male.

Charge one on Complaint 90217/2022 is a charge of using a carriage service to access child abuse material. Examination of your iPhone which was seized on 11 March 2021 showed that there were approximately 120 child abuse material files on it, which had been accessed on dates between 19 October 2020 and 28 February 2021. Analysis of your iPhone showed you were a member of a Facebook Messenger group chat which commenced on 12 February 2021 where category one child abuse images were posted by participants in the chat following requests for such material. A summary of the child abuse material accessed by you has been provided by the Commonwealth. There is a mixture of category 1 and category 2 material involved. I have read those descriptions. It is not necessary to describe them in any detail. They are graphic and disturbing. The category one material includes further examples of child abuse material depicting young female children performing fellatio on adult males, or like conduct. These images also depict young children presenting their genitals to the camera. The category two material includes images of children aged 13 years and over, naked and masturbating, or exposing their genitals. One example is an anime 3D image of a naked female toddler in a cot, holding the erect penis of an adult male, with white fluid on her mouth and chin. While the precise number of children depicted in the 120 images is unknown, there are a significant number involved, and thereby victimised.

Charges 2-10 on complaint 90217/22 relate to conversations on Kik Messenger between you using the username "Beep PM Open" and a person with the username "Daddy Al" between 18 February 2021 and 26 February 2021. Charges 3, 4, 6 and 9 involve you transmitting written descriptions of sexual abuse of children to Daddy Al, including penetrative sexual intercourse with boys aged 7 and 8 and sexual abuse of crying and screaming children.

During the course of the conversations with Daddy Al, you posed as an adult female. You told Daddy Al you were in New York. Daddy Al told you he was in Ohio and had children, two sons and a daughter. Your conversations with Daddy Al included telling him that if you had kids, you would "probably rape them tbh [to be honest]". You told Daddy Al that you liked watching adult males "play with" children". You described how you had raped children in the past and of your desire to rape a neighbour's child in the future. You also expressed a desire to rape Daddy Al's son, including while you engaged in sexual activity with Daddy Al. You referred to Daddy Al engaging in sexual intercourse with his daughter. There was a persistent theme of you fellating young male children in your descriptions of the sexual abuse you had either engaged in or hoped to engage in.

Charges 5, 7 and 10 involved you soliciting child abuse material from Daddy Al, specifically material depicting the sexual abuse of his children and nephew. Those requests were made on 19, 20 and 26 February 2021. You sought images of Daddy Al "disciplining" his children, indicating you "love little nudes and screaming lol". You asked Daddy Al to tell you how often he raped his kids. You asked him to "record some fun" when his children arrived home. You asked Daddy Al to record himself raping his nephew and discussed giving the child cough-medicine to make him drowsy.

Charges 2 and 8 on Complaint 90217/22 involved you encouraging Daddy Al to engage in sexual intercourse with two male child victims, his son and nephew. In the course of these highly depraved conversations, you encouraged Daddy Al to violently orally and anally rape

the children. During the course of the conversations on 18 and 19 February 2021 concerning Daddy Al's son, you asked for a photo of the child, telling Daddy Al he was "so lucky to have two sons and a daughter". Daddy Al sent an image of a male child, aged approximately 8 years old, sitting on his lap. Daddy Al described the child as his youngest and "favourite to rape".

In respect of the conversations concerning Daddy Al's nephew, which occurred over the course of a number of hours on 26 February 2021, you repeatedly suggested that Daddy Al rape the child. Daddy Al told you he was waiting for the child to be asleep. He sent you an image of a child, approximately 8 years of age, wearing only underwear and lying face down on a blanket on the floor. You actively encouraged him to sexually abuse the child during the course of those communications in graphic and disturbing detail, including suggestions on how to facilitate the abuse. Daddy Al sent another image of the same child, with his fingers holding down the child's underpants, exposing his buttocks. Daddy Al asked for ideas from you, and sent an image of his erect penis.

Your conversations with Daddy Al directly and graphically encouraged him to anally and orally rape these two young boys who were in his care. You also encouraged Daddy Al to sell recordings of the abuse of his son. At one stage, Daddy Al asked you to marry him. You agreed, but appeared to suggest you wanted to see him rape his nephew to prove that he liked you.

Charge 11 on complaint 90217/22 is a charge of soliciting child abuse material which relates to a message you sent to a Kik user, called "Sophiaaa Hehe" on 9 March 2021. You asked "What are you trading for hardcore young?" You admitted during the course of your interview with police that you were asking the other user for child abuse material which you said was "out of curiosity".

Charge 12 on complaint 90217/22 is a State offence of possession of a bestiality product. 61 thumb nail image files and 10 videos depicting bestiality material were found on your iPhone. They predominately depict adult females engaging in sexual acts with canines and horses. There was another file showing a pig engaged in sexual activity with an adult female. As noted above, you admitted being sexually aroused by this material.

Daddy Al has been identified by US law enforcement as Allen Kamann. He was arrested in March 2021 and charged with US child pornography offences. Law Enforcement have confirmed that Daddy Al had three nephews who lived with him and three children of his own. The children in his household meet the description of those depicted in the conversations you had with Daddy Al. It is not alleged that any of these children were, in fact, harmed by Daddy Al, but the Crown submits that real children were put in danger by your conduct.

You were spoken to by investigating police on two occasions. I have already summarised your admissions during the course of your interview with AFP officers on 11 March 2021. During the course of that interview, no information was volunteered concerning your conversations with Daddy Al.

On 16 April 2021, you were again interviewed and specifically asked about these conversations. You told the AFP that there was something wrong with you around the time you were talking with Daddy Al and you did not like what you were doing to yourself. You said it initially started as flirting but went into child pornography. You claimed to have just gone along with the conversation with Daddy Al talking about his children and the stuff he

likes to do with them. You claimed to have held concern for Daddy Al's son. You denied asking Daddy Al to send you child abuse material, or asking him to touch the child or do anything to him. You claim to have simply gone along with him and agreed with him when he said he was going to touch the child. You said that your own descriptions of raping a 7 year old boy were fictional. You said you were not sure whether the photos sent to you by Daddy Al were real, but you did know it was wrong. When confronted about whether you had asked Daddy Al to touch the child, you again repeated that you just went along with him and should not have. You also said you were not referring to a child in particular, but just saying it in general. You claimed to have been very suicidal through the course of these conversations. You also agreed you sent Daddy Al a child abuse video.

During the 16 April 2021 interview, you were also asked about your offending generally. You indicated you accessed links containing child abuse material you had received on Kik Messenger and Whatsapp. You said you regularly deleted material from your phone. A memo was located on your phone which contained copied and pasted links to the file sharing application "Mega" under different headings, entered by you, including the heading "CP". You admitted this was a reference to child pornography. You claim to have saved the links to report them as illegal material, although you had never done so. You denied viewing material of children being raped or sexually assaulted. You claim your principal reason for making the Kik account was for pornography. You ultimately admitted the images gave you sexual gratification, but you did not want it to. You joined Kik as you were a bit lonely and were not a social person. You claimed you were not sexually attracted to children.

The overall tenor of the summary of your interview I have been provided was to the effect that you had joined these various applications and messenger groups for the purpose of accessing pornography, but inadvertently came across child abuse material. You appeared reluctant to admit your interest in the child abuse material in circumstances where, on any objective assessment, you clearly had a sexual interest in children and sought sexual gratification from accessing such material. You ultimately admitted some sexual interest. It is clear you were uncomfortable about doing so. It suggests you had limited insight into the motivation for your conduct at that time.

You are now 29 years old. The offending occurred when you were between 24-25 years old. You have no prior convictions. I have been provided limited information about your personal circumstances. You are not currently working. It appears from some medical records I have been provided that you previously worked in aged care. You are currently in a relationship, having met your partner approximately two years ago. You provide assistance to your grandmother, who suffers from a number of medical conditions. I am told you take her shopping, to appointments and to pay bills. You also help with her housework, washing, cleaning and maintenance of the house. Your grandmother reports that you provide her with personal care. I have also received references from people who speak of your generally positive character.

In 2019, you were diagnosed with testicular cancer. It was treated with a radical orchidectomy. There are no metastases and you are subject to annual surveillance to make sure there is no recurrence of the cancer. You otherwise experience health issues, including sleep apnoea, recurrent tonsillitis and obesity. More significantly, you have a history of mental health issues, characterised by symptoms of anxiety and depression. You first sought assistance in respect of this on 20 April 2021, which immediately followed the discovery of your offending. A general practitioner who you consulted suggested your symptoms were likely present for over

ten years. You were commenced on fluoxetine and started seeing a psychologist in March 2022.

I have a letter from your treating psychologist, Ms Penelope Minehan. In that letter, dated 9 May 2025, she indicates you have engaged in regular sessions under a mental health care plan with her since March 2022. The mental health concerns you have described include grief and loss, which primarily impact on your mood, decision-making, motivation and inter-personal relationships at times. She describes your psychological vulnerabilities being further compounded by broader health concerns, fatigue, care responsibilities, complex family relationship stressors and your legal issues. In her opinion, these issues have contributed to some difficulties in maintaining usual activities of daily living at times, and have an ongoing impact on your mood, sleep, energy and stress tolerance.

Ms Minehan indicated in her letter that she is aware of the charges currently faced by you. The extent of her knowledge is not disclosed in her letter. She does express the view that your mental health "may have contributed to adverse choices occurring in 2020" based on her contact with you since 2022. You have reported experiencing exacerbated mental health impacts around late 2020, which markedly impacted your mood, decision-making and capacity to make helpful choices "resulting in regrettable and adverse behaviours". You have described to Ms Minehan "confusion, shame, self-loathing and remorse" relating to associated behaviours around this time that are reportedly "atypical" for you and out of character. I note your offending commenced in the first part of 2020, not late 2020.

Since your engagement in support, Ms Minehan states you have demonstrated a motivation to achieve stability and healthy coping behaviours in relationships, as well as an avoidance of unhelpful influences and stressors in your life. Interventions offered to date have focused on cognitive behavioural approach to manage long-term psychological vulnerabilities, to reduce your symptoms of depression, grief, stress and anxiety and encourage engagement in helpful coping and inter-personal behaviours. In her view, you have demonstrated improved engagement in helpful coping behaviours, general problem solving and managing responsibilities, including caring for family members and maintaining a healthy routine. She expects a good prognosis. Further support to manage your mental health will involve continued cognitive behavioural approaches upon request and other specialist input and medication review as appropriate.

It is apparent from Ms Minehan's letter that you have not received offence-specific treatment. While Ms Minehan considers that your mental health issues *may* have contributed to your offending, her letter falls short of drawing a direct connection. It does not explain how the issues described by her caused you to offend in this particular way. Further, the letter does not directly address your risk of reoffending. While it speaks of your good prognosis with ongoing helpful coping behaviours, the letter does not purport to address your risk of committing such offences in the future. While the letter does not directly address this issue, I am prepared to accept that you may find the experience of imprisonment more difficult than someone who does not experience the same psychological vulnerabilities.

Your counsel has noted the delay that has occurred since you entered your pleas of guilty in July 2022. There is no suggestion that you have offended in any similar way since the AFP first executed the search warrant at your home on 11 March 2021. I was told by the Crown that it was agreed to delay sentencing pending the outcome of an appeal before the High Court concerning the operation of mandatory minimum penalties which apply to two of the charges

you are facing. That case, *Hurt v The King; Delzotto v The King* [2024] HCA 8, was handed down on 13 March 2024. Over a year has passed since that date. The further delay is not explained. There is no suggestion the delay is attributable to your conduct. It is a matter I take into account, recognising that you have had the disposition of these matters hanging over you for in excess of four years.

Your counsel tells me that you do not know what came over you at the time of offending. He submits that if your mental health issues had been dealt with earlier, it is unlikely you would be before the Court in respect of these matters. There is no expert evidence to support that proposition, noting the comments I have already made about Ms Minehan's letter. You have described feeling as though someone else had taken over your body. Recently, you have revealed that you were sexually abused when you were 10 years old. You apparently informed family members of that abuse at the time, but you were not believed and received no support. Your counsel submits that sort of experience would twist anyone.

You have described other adverse circumstances during the course of your childhood. You described bottling up your problems and now find yourself faced with your current circumstances. Your counsel describes you as a person in need of some help and as someone who presents before the Court as a very different person to the one who committed the offences for which you are to be sentenced. I was urged to treat you with the "greatest leniency". Your counsel urged me to obtain a pre-sentence report. Given the Commonwealth sentencing regime and the mandatory minimum penalties that apply in a case such as this, I considered that a report was inappropriate.

You have provided a written apology to the Court, indicating you regret your "out of character actions". You indicate that by pleading guilty, you are taking full responsibility for what you did. You describe a sense of great shame and self-loathing. You advise that "without wanting to minimise the seriousness of my behaviour, I felt I had a lot of demons running around in my head at the time and was not myself. For reasons I cannot remotely understand, I lashed out at my loved ones and felt both my life was falling to pieces and spinning totally out of control. It was almost as though my mind had been taken over by the demons. At the time I also had a lot of personal and family challenges which placed great pressure upon my decision making. I put my mental health on the back burner ever since high school and that was a horrible mistake which has seen me become a horrible person doing horrible things."

You referred in positive terms to the assistance you have received from your psychologist. You believe if you had received professional help earlier, you would not be in your current situation.

The Crown submits that no sentence other than an immediate term of imprisonment on each of the Commonwealth charges is appropriate in all the circumstances. The Crown also submits that the variety, duration and seriousness of the offending warrants the imposition of sentences that are not wholly concurrent.

Charges 2 and 8, namely the offences of encouraging an offence against Division 272 of the *Criminal Code* attract a mandatory minimum head sentence of six years. The Crown submits that the head sentence for each of those charges should be above the specified mandatory minimum because "when all the relevant sentencing considerations, including the objective seriousness of the offending and the matters personal to the offender (including his plea of guilty) are taken into account, the appropriate sentence should fall within the available yardstick of six to 25 years in prison for each charge." The Crown submits your offending was

neither isolated nor spontaneous, occurring on dates between May 2020 and March 2021. Reference is made to your offending, involving 13 separate charges, covering five distinct and discrete offence types.

In respect of four of the five transmission allegations, it is noted that the child abuse material involved was in written form and there was, in that sense, no "victim". The Crown, nevertheless, submits that written communications describing or depicting child abuse are not trivial or innocuous and must still be regarded as serious offending. The Crown submits such communication has the tendency to normalise exploitative sexual activity, including of children, and may stimulate a susceptible recipient to engage in sexual activity involving real children (referring to *Ponniah v The Queen* [2011] WASCA 105). The Crown also referred to the decision in *R v Burton* [2020] NSWCCA 127 where it was noted that transmission of such material "serves to fuel the demand ... whether or not it involves real children. Further, such material has the capacity to groom not only the recipients of it, but those who may be affected by being recipients of it."

In respect of the allegations of soliciting child abuse material from Daddy Al, the Crown submits that you engaged in offending conduct that links you more closely to the child abuse material market as an active, and not merely passive, participant, notwithstanding you did not receive the material you requested. This is because the material you sought related to asking for child abuse images and recordings of Daddy Al engaging in offending conduct with his son and nephew.

In relation to the charge on complaint 90521/2022 involving the transmission of the five child abuse videos, the Crown notes the extremely young age of the victims depicted in those images engaged in sexual activity, including with adult men. Similarly, the 130 child abuse files accessed by you and the subject of count 1 on complaint 90217/2022 also involved young children being sexually abused by adults.

In respect of charges 2 and 8, the Crown emphasised that it is not necessary that sexual activity ultimately take place. It was noted the chat between you and Daddy Al occurred over the course of nine days and involved several instances where you directly encouraged Daddy Al to commit sexual offences against two male victims. It was apparent from the chats that Daddy Al had access to these children, including immediate access at times when you were encouraging him to commit offences. Proof of that access was sent to you by Daddy Al in the form of photographs. The nature of the offending you encouraged Daddy Al to engage in was depraved in that it included penetrative and oral sexual activity. You encouraged the recording of the offending as well. Through your pleas, you were taken to having to intended to encourage the offences of sexual intercourse with a child. The Crown submits that any contrary indications in your interviews with police must be disregarded and in any case ought be rejected given the circumstance of the offending, including your receipt of the images of the children from Daddy Al.

The Crown acknowledges that you have entered pleas at the first reasonable opportunity. The Crown, however, submits that the pleas were entered in the face of a strong prosecution case, with the chats and material the subject of the charges having been located on your personal devices. As such, the Crown submits they should not be afforded as much weight as pleas entered in circumstances where the prosecution case is weak.

The Crown also acknowledges you have no prior convictions. It is noted, however that evidence of prior good character carries less weight in respect of the offending of this type.

As to the State offence involving the possession of bestiality material, the Crown submits that the material depicted highly depraved sexual activity between adult women and various animals. The Crown submitted that your possession of it should be denounced in strong terms. Given your admitted sexual interest in that material, deterrence, condemnation and rehabilitation are important sentencing factors.

The Crown also seeks an order pursuant to ss 6(1) of the *Community Protection (Offending Reporting) Act 2005* (Tas).

The Crown referred me to a number of what were described as comparative sentences. I have difficulty accepting that they provide a true comparison. Most involved cases where the offender was in direct online contact with persons who purported to be children or were children, or involved offenders where actual sexual offending against children overseas was involved. Neither of those circumstances apply in your case. Only one of the cases, *Trinh v R* [2024] VSCA 61 concerned the application of the Commonwealth mandatory minimum sentence regime. Nevertheless, the cases I have been referred to highlight the serious nature of this type of offending and the paramount need to impose sentences that denounce such conduct and uphold the protection of children as a primary sentencing consideration. These are particularly acute principles where real children are at risk, which is the case in respect of the offending comprised in counts 2 and 8 on complaint 90217/22.

In light of all of those comments, I turn now to consider the appropriate head sentence in respect of counts 2 and 8 on complaint 90217/22. Those two charges attract mandatory minimum penalties of six years' imprisonment: see s 16AAA of the *Crimes Act 1914* (Cth). Following the decision of the High Court in *Hurt and Delzotto*, it is now settled that a statutory minimum penalty has two functions. First, it restricts the sentencing power to the minimum period of imprisonment, subject to the exceptions set out in s 16AAC. Secondly, it provides a yardstick imposing an increased starting point for the offence in the least serious circumstances. That is, the statutory minimum sentence acts as a yardstick, representing the least worst possible case where a sentence of imprisonment is required before applying any potential discounts for a guilty plea or co-operation with law enforcement agencies, pursuant to s 16AAC of the *Crimes Act*.

In my view, the Crown's submission that your offending encompassed by counts 2 and 8 on complaint 90217/22 does not represent the least worst possible case must be accepted. First, it is worth recalling that an offence can be committed against s 272.19(1) where a person engages in conduct with the intention of encouraging an offence against Division 272 of the *Criminal Code* that falls short of sexual intercourse (see, for example, s 272.9 of the *Criminal Code*). In this case, your offending involved encouraging another person to engage in sexual intercourse with two separate children. The offending you encouraged included penetration of the anus of both of those children and fellatio. Secondly, Daddy Al communicated to you that the children you encouraged him to sexually abuse were in his care at relevant times. He sent you photos of those children and of his erect penis. It must have occurred to you that Daddy Al had the opportunity to carry out the conduct you encouraged him to engage in, and it must have occurred to you that Daddy Al had an interest in doing so. The risk to the children in Daddy Al's care was obvious.

I acknowledge that s 272.19(1) applies whether or not an offence against Division 272 is, in fact, committed against a child. It must, however, be accepted that the absence of proof of the encouraged offence actually being committed places it in a category of a case that is not as serious as one where there is proof of such offending occurring. Your conduct in encouraging Daddy Al to engage in this conduct was highly depraved on any view. Sadly, it does not represent the most serious example of such offending. The Court, unfortunately, encounters examples of a more extreme type of offending on a reasonably regular basis.

There is little to distinguish the offending on these charges. I have already outlined the nature and circumstances of your offending. It is difficult to comprehend how someone could behave in this way. You encouraged the sexual violation of two young children in graphic and disturbing terms. You were clearly cognisant of the unlawful and horrendous nature of what you were proposing, frequently referring to and apparently relishing the fact that such conduct amounted to rape. You persisted in encouraging Daddy Al to abuse another child on that second occasion. I accept the Crown's submissions regarding the primary sentencing considerations in such matters. Sentences must be imposed to further the objectives of denouncing this type of conduct and seeking to protect children from such harm. I do take into account your expressions of remorse, your personal circumstances including your mental health issues and reported childhood trauma. I note the impact that a sentence of imprisonment will have on your grandmother generally. Given your age and lack of prior matters, I cannot rule out that you have prospects of rehabilitation. Nevertheless, the combined effect of all matters is such that a sentence of imprisonment is required. Once that threshold is reached, s 16AAA of the *Crimes Act* is enlivened. Taking all those factors into account, I conclude that the appropriate starting point to calculate the head sentence of each offence is seven years' imprisonment.

It is, however, relevant that you have pleaded guilty to these two charges. By your plea of guilty, you acknowledged that you intended to encourage Daddy Al to commit such offences against the children involved. While the messages found on your personal iPhone would make it difficult to avoid the conclusion that you were responsible for the communications, I accept that by pleading guilty you have saved the Crown the need to prove the relevant intention. Nevertheless, the nature of the communication was such that it would be difficult to avoid a conclusion that you intended to encourage Daddy Al to carry out the activities you described in those conversations. Your pleas were, however, entered at a very early stage and are of benefit in that they reflect acknowledgement of your wrongdoing and have saved the Court time.

Similarly, the admissions you made during the two interviews that were undertaken with the Australian Federal Police, are a relevant consideration. You cooperated with law enforcement agencies, however, I accept that your cooperation was in the face of strong evidence of your offending. In combination I consider that these two factors warrant a discount of 18 months in each case. I impose a sentence of five and a half years on each charge.

Because both offences arise from one course of conduct, in my view it is appropriate that the sentences imposed on these offences be partially concurrent. In my view, it is not appropriate to order they operate fully concurrently given that two separate children were involved and that they occurred on separate dates.

In respect of counts 3, 4, 5, 6, 7, 9 and 10 on complaint 90217/2022, there is a degree of artificiality in dealing with them as separate offences. I accept that the nature of a transmission offence is distinct from one involving solicitation, however, it is quite clear that they bear a

very similar quality to each other and arise from the same course of communication with Daddy Al between 18 February 2021 and 20 February 2021 and again on 26 February 2021.

These offences do, however, warrant a period of imprisonment. I will impose an aggregated sentence in respect of that offending. It will operate partly concurrently with the sentences imposed in respect of charges 2 and 8 on the complaint. I consider it is appropriate for some cumulation to recognise the distinct nature of the offending.

Count 11 represents an independent occasion on which "hard core young" material was solicited from a different Kik user. I impose a period of three months' imprisonment on that offence, cumulative to the other sentences.

Count 1 on complaint 90217/2022 involves the accessing of the 120 child abuse files. I do not accept your explanation that it was in any way accidental. Given your overall conduct, it is quite clear to me that you were seeking out such material and derived sexual gratification from it. The nature of the sexual activity depicted in those files bears a striking similarity to that depicted in the videos the subject of the charge on complaint 90521/2022. This suggests a particular sexual interest. It stands alone from the offending relating to the communication with Daddy Al and warrants the imposition of a separate sentence. I impose a period of imprisonment of 12 months on that count.

On complaint 90521/2022, I note the nature of the material which is not the worst of its kind and the small number of files involved. Nevertheless, it involved very young children and is highly disturbing. Again, it represents a separate conduct. I impose six months' imprisonment in relation to that matter.

The orders I make for concurrency are designed to give effect to the totality principle to ensure that any sentence upon you is not crushing and also properly reflects the overall criminality involved. While some accumulation of the sentences is necessary to ensure that adequate punishment is imposed, concurrency is also warranted to reflect the overlapping nature of the conduct, particularly that arising from your communications with Daddy Al.

I record convictions on all the Commonwealth charges.

On count 2 on complaint 90217/22, I impose a sentence of five and a half years imprisonment commencing from today's date.

On count 8 on that same complaint, I impose a sentence of five and a half years imprisonment commencing on 1 July 2026. That is, all but one year of it is to be served concurrently with the earlier sentence.

On counts 3, 4, 5, 6, 7, 9 and 10 on complaint 90217/2022, I impose an aggregated sentence of 18 months commencing on 31 December 2030. The intention is that all but six months of that sentence is served concurrently with the sentence imposed on count 8.

On complaint 90521/22, I impose 6 months imprisonment commencing on 30 June 2032. That is, the sentence is to be served cumulatively to the earlier sentences.

On count 1 on complaint 90217/22, I impose 12 months imprisonment also commencing on 30 June 2032. That is, it is to be served concurrently with the sentence on 90521/22.

On count 11 on complaint 90217/22, I impose 3 months imprisonment commencing on 30 June 2033.

This is a total effective sentence of 8 years and 3 months imprisonment.

Given the sentences involved, it is necessary to impose a single non-parole period, pursuant to s 19AB of the *Crimes Act*. There is no statutory formulae that applies in relation to the calculation of the non-parole period. The length of the non-parole period is to reflect mitigation of punishment in favour of your rehabilitation through conditional freedom once you have served the minimum time justice requires must be served in the circumstances of the case.

I note also that s 16A(2AAA) requires that in a case of this type, when determining the length of a non-parole period, I am to have regard to the objective of rehabilitating an offender. This includes by considering whether the non-parole period includes sufficient time to undertake a rehabilitation programme. I have determined that a non-parole period of four years is appropriate in the circumstances. It reflects the minimum period of time I consider is required to be served and your prospects of rehabilitation. This will also provide adequate time in which to undertake the New Directions programme at the prison.

It falls to sentence you in respect of the State offence which is count 12 on 90217/22. The maximum period of imprisonment applicable in such cases is 12 months. I record a conviction in respect of this offence also. I impose three months' imprisonment, to be served concurrently with the Federal sentences I have just imposed. In my view, a total effective sentence of 8 years and 3 months properly reflects the totality of your offending.

You are a reportable offender pursuant to the *Community Protection (Offender Reporting) Act*. I am not satisfied that you do not pose a risk of committing a reportable offence in the future. I direct that your name be placed on the Register under the *Community Protection (Offender Reporting) Act* and that you comply with the requirements of that Act for 15 years following your release from custody.