

Aaron George Torphey, you have pleaded guilty to charges of possession of child exploitation material, grooming with intent to procure a child or young person for sexual abuse, grooming a child with intent to expose a child or young person to indecent material, two counts of distribution of child exploitation material, nine counts of producing child exploitation material, two counts of attempting to involve a person under 18 years in the production of child exploitation material and procuring a child or young person to commit an indecent act. In addition, an application has been made pursuant to s 385A of the *Criminal Code 1924* to deal with a charge of contravene conditions of a notice which arises from the same factual matrix as two of the other charges to which you have pleaded guilty. I agreed to deal with the matter on that basis.

In early 2023, Tasmania Police received information that you had possession of child exploitation material that you had sent and received on a messaging application called Telegram. On 8 February 2023, Police executed a search warrant at your home. You were present during the course of the search and produced your mobile phone to police along with its PIN. During the search and while under caution, you indicated to police that you were aware of the reason for the search, admitting to have "some stuff" on your phone in the Telegram app. You told police that you had used the Telegram app to buy drugs but ended up getting into "this stuff". You told police that you had no interest in the child exploitation material. Your phone was seized.

A forensic examination of the mobile phone was conducted by Tasmania Police. The data was extracted and classified using the Australian Child Abuse Schema (formerly Interpol Baseline Classification System) using the following categories:

- Category 1 – depicting real pre-pubescent child (under the age of 13 years approximately) and the child is involved in a sexual act, is witnessing a sexual act, or the material is focussed/concentrated on the child's anal or genital region.
- Category 2 – files that are illegal according to local legislation either by way of age or content.
- Category 3 – an image that forms part of a child exploitation material series but which is not in its own right illegal, although it may contain important clues or identifying information to assist investigators in relation to category 1 or 2 images.
- Category 4 – all other (legal) material which does not fit in categories 1–3.

Following examination, your phone was found to contain a total of 1719 child exploitation material files (465 images and 1254 videos). These files were stored in ten separate folders within three different storage locations with all file paths relating to the Telegram application. 1253 files (424 images and 829 videos) were located on the mobile phone's SD card, 92 files (40 images and 52 videos) were located on the phone's internal shared storage, and 374 files (1 image and 373 videos) were located on the internal shared storage for Telegram.

168 of these 1719 files were analysed and found to contain images and/or videos that constitute child exploitation material. They were categorised by Tasmania Police according to the abovementioned system as follows:

- a Category 1 – 69 files (20 images and 49 videos)

b Category 2 – 99 files (84 images and 15 videos)

The remaining 1551 files fell into Category 1 and Category 2. They were not further categorised by police due to Tasmania Police's occupational health and safety thresholds in relation to the review and analysis of child exploitation material being met. While the remaining files were not individually assessed, they were categorised by a computer-based screening tool which undertakes the initial categorisation.

I have been provided descriptions of examples of the Category 1 and 2 images that were analysed and described by Tasmania Police. I do not intend to outline those details in these comments in passing sentence. It is sufficient to record that the Category 1 files included three videos depicting the sexual and physical abuse of very young children. The abuse includes the penile penetration of the mouth, vagina and anus of such children by an adult male, as well as penetration by objects. Other images depict children engaged in solo sexual activity or penetrative sexual conduct. One of the Category 1 videos also includes sexual activity between children in the presence of an adult male. The children depicted in these example videos and images are aged between four years old and approximately 14 years old.

Your possession of these files on your mobile phone comprises the charge of possession of child exploitation material under s 130C of the *Criminal Code*.

The data on your phone was further analysed. You were found to have a profile called "The Reaper" which was logged in to Telegram and engaged in chats with 13 separate user profiles centred on a shared interest in child exploitation material. Between 6 May 2021 and 31 January 2023, you sent 2925 attachments (images and videos) to those users via Telegram. Within the Telegram application data, there were 62 share folders with file paths to those 13 users. 58 videos from the folders were analysed by Tasmania Police using the Child Abuse Schema. Of those, 51 videos were Category 1 and 7 videos were Category 2. Again, the files were not further categorised due to Tasmania Police's occupational health and safety threshold being met. The videos which were analysed depicted children engaged in various sexual acts, with the longest video being 1 hour and 27 minutes. Other videos included child abuse material and two child torture videos. A large number of the attachments had been deleted however all were within the share folders indicating they had been sent by you via Telegram. On analysis, it was determined that most of the attachments were sent during conversations with other users centred on that shared interest in child exploitation material.

In a message conversation with another Telegram user on 3 August 2021, you expressed your keen interest in child exploitation material with your preference being penetration, force, rape, brutal and incest. When asking another user if they would like to be sent child exploitation material, you stated you would have "to censor" as "a lot" of yours were "younger then (sic) 7 and not limits, other than baby's". You enquired whether the other user had a favourite age or video type. On 14 May 2021 in a message conversation with another Telegram user you stated you had got "thousands sort through for the good ones got boys if you're interested. I don't like them". On 4 December 2022 you distributed child exploitation material by sending a video to an unknown user via Snapchat. It is this activity which constitutes the two charges of distribution of child exploitation material to which you have pleaded guilty.

Between 14 May 2021 and 19 November 2022 you produced 9 written forms of child exploitation material during conversations with other users on Telegram, describing sexual acts you had perpetrated against children 8 years old and 10 years old. You referred to penetrating

the vagina of a 10 year old you were babysitting in the most depraved terms. You also described living with a single father of an 8 year old girl, referred to grooming her and stated "she was keen for it", and said it was the best three years of your life. You stated the girl's father was an addict, "so it was easy". It is not necessary to describe in detail the other conversations, but they are of a like quality. They include descriptions of child exploitation videos you have viewed. You indicated again a distinct preference for videos and images of children crying and screaming during the course of their sexual abuse. In one exchange, another user describes their fantasy of kidnapping 10 year old girls to rape and beat them. You replied "how do we make this a thing" and indicated that you would "love to see the fear in their tear-filled eyes" while they were being abused. You also described fantasies of abusing another child, the daughter of a work mate. In another chat you requested a specific video of a 3 or 4 year old Asian child being physically abused by another woman, stating it was "insanely hot to watch a female beating a little female". In yet another conversation, you described "working on a neighbour's girl", presumably a reference to grooming them. You also referred to your observations of two young girls through their bedroom windows.

The tenor of these conversations is extremely depraved and disturbing. You expressed a clear and distinct interest in vaginally and anally raping children and describe the particular enjoyment you derived from them experiencing discomfort, pain and fear in the course of being abused. During the course of those conversations, you encouraged the other users to describe their own sexual abuse of children. Some of the conversations encourage others to plan and engage in unlawful sexual acts with children. When describing your own sexual abuse of children, there is a distinct air of reality to those conversations which makes them even more sinister. These conversations comprise the allegations of producing child exploitation material to which you have pleaded guilty.

In addition to your Telegram account, you had a number of social and gaming applications installed on your phone including Discord, Monkey and Pinterest. You used a photograph of a social media celebrity, Ari Vera, who is 20 years old as your profile picture on some of these and purported to be 15-16 year old male.

Between 17 and 24 July 2022, you engaged in conversation with a 14 year old girl who I will refer to as EM, asking her to send you naked photos of herself. You expressly stated that you wanted to "trade nudes". You did not receive any photographs. Between 18 December 2022 and 28 January 2023, in a conversation with another girl who was 11 years old, you explicitly requested she send you pictures of her "boobs" and "pussy". You told her that you thought of her in the shower and were touching yourself. You told her you did not want her talking to other boys and threatened to block her if she did not send you nudes. She did not comply with that request. On 3 February 2023, you received a message from the girl's account stating "do you realise you are trying to get nudes from an 11 year old and I will be taking her phone to the police tomorrow". The State is unsure who sent this message, but it appears to be either from a parent or another person.

You did not receive any naked photographs from the children you were messaging. By purporting to be a 16 year old boy, contacting these two female children, confirming their age then asking them for naked photos, it is the State's case that this conduct constituted attempts to involve those two children in the production of child exploitation material given your clear intent that they comply with your requests.

The analysis of your phone also located a series of text messages exchanged with a 15 year old female child from Victoria who I will refer to as LH. These conversations occurred between 25 January 2023 and 8 February 2023. Over that period you also made video calls to each other using Googlechat. Your messages to LH were highly sexual in nature and included a description of sexual acts you wanted to engage in. You sent LH photos of yourself, including photos of your penis. You also asked LH for pictures of herself in her bathers and of her "sexy body". During the video calls LH exposed her breasts and her vagina to you on three occasions. You exposed your penis to LH and masturbated until ejaculation during these video calls.

LH explained that she first began talking to you on Pinterest where you were representing yourself as a 16 year old boy. You apparently used a number of different accounts on Pinterest to communicate with her. The communication then progressed to the video calls already described. It was not until the first video call that LH discovered your true age. Despite becoming aware of your age, she continued communicating with you. She describes being in constant communication with you for a period of months. It is clear that you knew she was under the age of 17. This conduct constitutes the charge of procuring a child or young person to commit an indecent act.

On 21 February 2023, and after the search conducted on 8 February 2023, you were arrested on a warrant of arrest in the first instance and bailed to appear in the Launceston Magistrates Court on 21 June 2023. The conditions of bail imposed by police included that you must not communicate, or attempt to communicate, either directly or indirectly, with any person aged 16 years or under, in writing, over telephone, by text message, over the internet, on social media sites or children gaming sites.

Despite that bail condition and the detection of your offending by police, between 1 March 2023 and 14 March 2023, using an account name "Its your boy Seth", you sent a request via Instagram to follow a 14-year-old girl who I will refer to as TM. TM accepted the request and initiated a conversation. You told TM that you lived in Sydney, having previously lived in Tasmania in Deloraine and Devonport. TM asked you how old you were and you told her that you had just turned 16. You asked TM her age, and she told you she was turning 15. Both of you talked about your home lives and family and TM told you that she had a younger sister. You messaged TM stating "not going to lie, you are the first girl I have a normal chat with in ages that I didn't flirt with or didn't turn the convo dirty". This was followed by a message where you stated "yeah fr [for real] I just like taking (sic) to you but I almost wanted to sext with you ngl [not going to lie]". Your conversations with TM developed to discussing engaging in sexual activities. You sent TM a photo of a young male who appeared to be in his teenage years. TM believed this was you. The messages you sent to TM included ones asking her what she was wearing, expressing that you were sexually attracted to her, describing sexual things that you would like to do with her, and the like. The content of those conversations became increasingly graphic. You indicated an interest in having sex with her in very graphic terms. It is this communication that constitutes the charge of grooming with intent to procure a young child or a young person for sexual abuse. It is asserted that you undertook those conversations with that intent, knowing TM was under 17 years of age and that any sexual acts you described wanting to engage in with her would have constituted an unlawful act or acts for the purposes of the *Criminal Code*.

You continued to communicate with TM over the following weeks. On 15 March 2023 you asked TM to send a photograph of her face as you believed you were being "catfished". She complied by sending a photo of her face and you complimented her by stating she was

beautiful. You then told TM you were sorry but that you were catfishing her, that you were not the age you stated you were and that you were in your mid-30's. You then began messaging each other on Snapchat with you using a username "Aaron". TM asked for your picture as she wanted to see who you were. You sent a photo of yourself. After receiving the photo of you, TM asked you to delete your social media account. She also blocked you on Instagram and on Snapchat.

On 21 April 2023, you sent a request to TM's 13-year-old sister asking to become friends. She asked TM if she knew you. TM told her sister to block you. TM then unblocked you on Snapchat and sent you a message stating that she thought you were going to delete your account and asking why you sent a request to her sister. In turn, you told TM her sister would be safe. On 18 June 2023, TM again unblocked you on Snapchat to show her mother your photograph. She sent a photograph of herself to you. It depicted a bathroom ceiling with TM's shoulder and a singlet strap visible. You responded with a message "why are you teasing me" and "are you trying to turn me on? Because its working". TM replied "I don't know why you are saying this". You then sent a picture of your penis to her. TM asked "why would you do that?". You replied "I don't know, I'm, sorry" with a crying emoji. You then sent a video of yourself masturbating to TM. She did not reply to this video.

On 19 June 2023, you sent a message to TM on Snapchat asking if she was naked and then asked if she had a bra, and a top on and asked for a picture of her in her underwear. She did not send any photos to you, however, you continued to send photographs to TM including a school photo of you which included your name. On 20 June 2023 TM blocked you on Snapchat and made a report to police in the company of her mother. It is the State's case that the messages sent by you, including photos of your penis and of you masturbating, constitute indecent material. The State asserts that you sent the messages containing this indecent material to TM with the intention of exposing her to that material. Your communications with TM were also in breach of the conditions of bail imposed upon you and constitute the charge of contravene conditions of a notice to which you have pleaded guilty.

After receiving this complaint, police attended your address to execute a further warrant. Only your father was present at the time. You arrived later and were asked to produce your mobile phone. You told police you had left it in your car. It was located and seized by police. While at your residence, your mobile phone was examined and within the Google search history from March to June 2023, searches relating to photographs of teenage boys together with searches of schools in Deloraine were located. You were then arrested and taken to the police station where you participated in a record of interview. You provided no comment to most of the questions. You were, however, shown a photograph of yourself which you had sent to TM. You stated that it was pretty obvious that it was you.

On 24 August 2024 you attended the Launceston Police Station voluntarily following a request by police. You participated in an electronically recorded interview on that occasion and made a number of admissions. You accepted that child exploitation material was on Telegram and that you had used the application to talk to people. You told police you did not like child exploitation material. The State does not accept this. You explained that you had been added to a group on Telegram and spoke to a lot of people, most of whom were overseas. You explained that you made everything up when you spoke to people on Telegram to support your online persona of being a big-time paedophile. You said you made it look like you enjoyed it but that you did not enjoy 90% of it. You said that these people at the time were your only friends. You told police you had no explanation for the distribution of the child exploitation

material. You said you had access to a lot of pictures and videos and had received a lot of requests. You told police you thought you were doing people a favour by sharing the photos and videos. You explained that you were heavily drinking and using drugs at the time, so your judgment was not the best. In relation to your production of child exploitation material, you accepted you had said everything that had been outlined but that it had all been made up to support your online persona. You asserted that none of the things you described were true and could not provide an explanation as to why you would use the names and ages of the children who were living near you in the production of that child exploitation material.

In relation to the charges involving your attempts to involve a person under 18 years in the production of child exploitation material, you accepted that you had a Pinterest account but did not recall the conversations where you purported to be a 16 year old boy as they were too long ago. You denied trying to get naked pictures of female children. In respect of the charge of procuring a child or a young person to commit an indecent act, you told police the complainant LH had lied, that you did not make her do anything and that she had wilfully done all of it. You denied exposing your penis to her and masturbating during the video calls. You accepted she was 15 or 16 years old. Generally, you denied having sexually abused any children in real life. You also denied having any intention to groom children in real life as described during conversations on Telegram.

A victim impact statement of LH was read by the prosecutor to me during the course of the sentencing hearing. She outlines that her mental health and emotional well-being has been damaged by your actions and is angry that you were sending her inappropriate pictures and messages. She describes changing her behaviour after your offending as she did not feel safe going out by herself. She describes ongoing nightmares about your conduct. She says her education went downhill after these events and she did not feel safe going to school anymore. She describes ongoing depression. These issues have impacted her schooling and her future prospects of work. She has engaged in self-harming behaviour since this time due to the impact of your offending.

The State submits that the files you possessed depict female children of a very young age engaged in sexual acts with adults, on occasion in the presence of other adults and children. It is noted that your possession of child exploitation material was not for the purposes of mere possession. You shared and traded the child exploitation material with other users which, according to you, was to maintain your online persona of a big-time paedophile. The State submits that the swapping of images can be properly regarded as serious commercial activity because it fills the demand for such material, noting the comments of Porter J in *DPP v Latham* [2009] TASSC 101 at [30]. It is acknowledged that you lived alone and there was little risk of accidental discovery of the material on your mobile phone by innocent users.

The State submits that you were a willing and enthusiastic participant in the discussions with other users on Telegram. You raised topics for discussion with other users and offered direct encouragement to others to describe sexual acts they had engaged in with children. You queried the nature and type of topics that other users were interested in and sent photos and videos based on those preferences. You shared with other users methods to approach young female children and interact with them to gain their trust in order to embark on acts which may constitute sexual offences.

In general, the State submits there was a high degree of risk to children generally based on the conversations you had with other users on Telegram because you knew nothing of those other

users' personal circumstances, or of their mental state, or of their opportunity or tendency to engage in actual sexual activity or violence of a sexual nature towards children. The State submits that general deterrence is of paramount importance in sentencing for offences of this type. It is submitted that the sentence imposed needs to give consideration to the protection of possible future victims, endeavour to deter those who may be likeminded from engaging in such conduct and denounce the conduct. The State submits that any sentence should reinforce society's values and expectations of its members.

You are now aged 40. You have prior convictions but none for any offending of a sexual nature. You have previously served a period of imprisonment for arson. You also have a number of drink driving offences, including a conviction as recently as 2018 where you received a suspended period of imprisonment. You are single and have no children. Since leaving school, you have regularly worked on farms and in other primary industries. Most recently you were working for a fruit and vegetable grower. I have been provided a character reference from the manager of that farm. It is dated 28 February 2024 and is not especially recent. It speaks highly of your work and praised you for advising of "a mistake" you had made in the past which you described as "sending pictures to a minor". This, of course, is a gross understatement of the nature and extent of your offending conduct and affects the weight I give to the reference.

You have been living with your father in Deloraine. You own a property in partnership with your sister but you do not live there. Your parents separated and your mother died about 18 months later from sepsis. Your father is on a disability pension and was described to me as "a bit of a drinker". I am told that your own drinking became quite heavy after the death of your mother in 2014. This also coincided with a number of your friendships ending. As to your involvement in the offending, I am told that you commenced using social media in about 2018. As I understand the submission, you did not set out to use social media for the purposes of offending of this type but progressed to doing so during 2021. Your counsel describes you as a loner. You have previously seen a psychiatrist and a psychologist but could not afford the fees associated with consulting them. I do not understand you to have received any formal diagnosis although you explain you believe you have a form of anxiety disorder because of your problems with relationships. I was not told that you received any offence specific treatment during those consultations. You have also described being anxious and have difficulties coping with loud noises.

Your counsel notes that you pleaded guilty at an early occasion, and that you were cooperative with police particularly in giving them your PIN in order to access your phone. Your counsel tells me that you are ashamed of your behaviour and have experienced people in your local community calling you a paedophile. You have described your offending to your counsel as a "phase". You otherwise have no real explanation for your conduct, particularly the offending which occurred following your arrest and the imposition of conditions preventing you from contacting children.

Consistent with the authorities, the primary sentencing consideration in this case is general deterrence. Your possession and distribution of child exploitation material helped fuel the market for its production. It is well known that the production of such material involves the terrible abuse of children. Examples of the material you possessed and exchanged include some where the distress of the children involved was readily apparent. The material involved an extreme level of depravity. There is no question that considerable harm was in fact caused to the children involved in its production. I also note that the overwhelming proportion of the child exploitation material files you possessed and distributed were videos, one of which was

over 1 hour long. I consider this to be a significant matter which increases the seriousness of your offending. Your conversations with the other similarly minded Telegram users disclosed a particularly depraved interest, expressing as you did a preference for material depicting children who were highly distressed and forced to engage in such conduct. Your involvement in those conversations was persistent. I do not accept that you simply spoke of these things in order to bolster your profile as a "big-time paedophile". Your descriptions were not obviously based in fantasy. There is no question in my mind that you have a strong interest in material depicting the sexual abuse of children in a particularly brutal context. As courts have frequently noted, conversations of the type you engaged in are highly problematic regardless of whether you are depicting actual abuse. There is no way of knowing whether or not the recipient of such messages, particularly those you directly encouraged, would be minded to engage in such offending themselves as a result of those conversations. This is particularly acute in circumstances where your descriptions were described as, and have a real flavour of being, based on your own experiences of abusing children.

In addition, your conduct includes contact with actual children via social media and other applications during which you asked them to send you child abuse material. You have also sent indecent photos of yourself to two female children and engaged in highly indecent behaviour towards them. In respect of one of the complainants, you sent the indecent material over her objection and in circumstances where she did not want to have further contact with you. You continued engaging in this type of conduct after you had been sent a clear message that you were not to have any contact with children via social media or any other similar means. This suggests you had difficulty desisting from engaging in this conduct which is a matter relevant to your risk of committing a similar offence in the future and one I am required to consider when determining whether to make an order pursuant to the *Community Protection (Offender Reporting) Act 2005*. There is an additional need to recognise that the protection of children is a consideration of utmost importance when imposing sentence in those circumstances.

I do take into account your pleas of guilty. You did so at a very early occasion, pleading guilty in the Magistrates Court. I also take into account your personal circumstances although I note there is little to mitigate your conduct except your plea of guilty.

There is no question these offences are deserving of a lengthy period of imprisonment. Such a sentence is necessary in order to mark the seriousness nature and variety of the offences you have committed and reflect the relevant sentencing considerations. I will impose a global period of imprisonment. I will also order that you be eligible for release on parole at an early opportunity, having regard to your lack of relevant prior convictions and pleas of guilty. I will impose a separate sentence in respect of the contravene conditions of a notice charge.

I am required to make an order under the *Community Protection (Offender Reporting) Act*, unless I am satisfied that you do not pose a risk of committing a reportable offence in the future. As I have already highlighted, I am not satisfied you do not pose a risk of committing a reportable offence in the future. Accordingly, I must make an order. Given the nature of your offences, the maximum reporting period that applies is life or such lesser period as I determine. I order that you name be placed on the register pursuant to that Act and that you comply with the reporting obligations under that Act for a period of 15 years from your release from custody.

Pursuant to s 130F(2) of the *Criminal Code*, the LG K51S mobile phone seized by police and recorded on property seizure record no 185099 is forfeited to the Crown.

Aaron George Torphey, you are convicted of the crimes of possession of child exploitation material (c/n 32527/23), grooming with intent to procure a child or young person for sexual abuse (count 2 c/n 32907/23), grooming with intent to expose a child or young person to indecent material (count 3 on c/n 32907/23), 2 counts of distribution of child exploitation material (c/n 34746/24 and 70583/24), 9 counts of producing child exploitation material (c/n 34747/24), 2 counts of attempting to involve a person under 18 years in production of child exploitation material (counts 2 and 3 on c/n 34748/24) and procuring a child or young person to commit an indecent act (c/n 34749/24). You are sentenced on those charges to imprisonment for a period of six years. The sentence is backdated to commence on 19 June 2025 to reflect the time you have already spent in custody. You are not eligible for parole until you have served three and a half years of that sentence. I also record a conviction in respect of the charge of contravene conditions of a notice. It is a serious example of such an offence being a breach of a condition imposed to protect the community over a lengthy period of time. You are sentenced to three months' imprisonment on that charge. The sentence is backdated to 19 June 2025, recognising the sentence I have just imposed in part involves the same conduct.

As I have imposed a single sentence for you in respect of more than one child sexual offence, I am required pursuant to s 11(3) of the *Sentencing Act 1999*, to identify the sentence that would have been imposed for each child sexual offence had separate sentences been imposed. Not all of your offences are child sexual offences within the meaning of s 4 of the *Sentencing Act*. Child sexual offence means an offence, committed in relation to a person under the age of 18 years, against relevantly, ss 125D (including grooming with intent to procure a child or young person for sexual abuse or to expose a child or young person to indecent material), 130 (involving a person under 18 years in production of child exploitation material), 130A (producing child exploitation material), and 125C (procuring a child or young person to commit an indecent act). In my view, your offences of producing child exploitation material do not, in this case, constitute a child sexual offence within that meaning as they were not committed in relation to a person under the age of 18 years. They concern text-based child exploitation material rather than, for example, engaging a child in sexual activity and producing images or videos of that sexual activity.

In accordance with s 11(3) I record that I would have imposed the following penalties in respect of the "child sexual offences" as follows:

Grooming with intent to procure a child or young person for sexual abuse contrary to s 125D(1):
– (count 2 c/n 32907/23): 9 months' imprisonment.

Grooming a child with intention to expose a child or young person to indecent material contrary to s 125D(3) - (count 3 on c/n 32907/23): 9 months' imprisonment, 6 months of which is served concurrently with count 2 on c/n 32907/23.

Attempting to involve a person under 18 years in production of child exploitation material (2 counts) - (counts 2 and 3 on c/n 34748/24): 3 months' imprisonment on each count.

Procuring a child or young person to commit an indecent act contrary to s 125C(3)(a) - (c/n 34749/24): 6 months' imprisonment.