

**STATE OF TASMANIA v EJVDS
COMMENTS ON PASSING SENTENCE**

**25 SEPTEMBER 2025
BRETT J**

EJVDS, you have pleaded guilty to one count of persistent sexual abuse of a child. The child is your granddaughter, the daughter of your son. For the sake of anonymity, I will refer to her as the complainant throughout these sentencing comments.

You committed this crime between 1 January 2004 and 31 January 2005. The complainant was then aged seven years and you were aged 62. The crime is constituted by your indecent assault of her on five separate occasions. However, this was not isolated conduct. The same type of conduct occurred on repeated occasions during the relevant period but the complainant, now an adult of course, has had difficulty in recalling the timing and surrounding circumstances of other specific occasions.

At the time of the offending, your wife and yourself had regular contact with the complainant and her family, which included her parents and brother. The complainant and her brother would visit you regularly, somewhere between every week and every fortnight. Your two families would also spend time together in your respective holiday shacks.

The specified offending was always committed when you were alone with the complainant. It invariably consisted of you putting your hand down the front of her pants, onto her skin and touching her on the outside of her vagina. There is no detail as to the circumstances or how long you would do this for, except that on at least one occasion the complainant recalls that you and she had been riding bikes and climbing trees and she was sitting on your lap. She recalls that it felt that it lasted a long time. You told her that it was a secret, clearly in an attempt to cover up what you were doing to her.

This conduct came to an end when the complainant disclosed it to her mother, after she found the complainant touching herself between her legs. Your son confronted you about this and a few days later you provided the complainant's parents with a written admission of and apology for the conduct. It is put to me that you provided this letter not just to apologise, but also to provide evidence in the event of a prosecution and to thereby provide the complainant with control over when and if she reported the offending to police. As events transpired, the conduct was not reported to police at that time because the complainant's parents did not want to put her through the court process. However, it is clear from her impact statement that she has lived with her awareness of this offending for her entire life. She reported the matter to police in September 2023, and provided the police at that time with your letter. Whilst you participated in an interview with police and generally admitted the abuse, it must be said that your admissions did not concede the full extent, regularity or detail of the indecent assaults as alleged by the complainant. However, you did plead guilty to the charge in the Magistrates Court at an early time and in the sentencing proceedings before me, you have not disputed the prosecution facts.

The complainant's impact statement eloquently describes the enormous and ongoing impact of this crime. She has experienced the kind of life changing consequences which typically occur when the abuse is perpetrated by a close family member as you are to her. The complainant was and is entitled to expect that her grandfather would care for, love and protect her. You did not do that, you abused her presumably for your own sexual gratification. The crime was committed at a time which was critical to her psychological and emotional development. It is difficult to

overstate the enormity of the harm that arises from such a betrayal. It is a breach of trust of the worst kind. This is precisely the feature of the offending identified by the complainant as something that she has experienced in a raw and immediate way throughout her life. The impact she describes is consistent with the experience of the courts in similar cases. The impact statement would suggest that despite these consequences, she has been able to make a success of her life but I have no doubt that this is due to the care and nurture she received from others, including her parents, as well as her own internal resilience. However, she still speaks of the times in her life when she has had to overcome the negative impact of your criminal conduct, and it is clear that this impact is constantly with her and I suspect will be indefinitely. Further, you have deprived the complainant of the proper relationship with you as her grandfather that she was entitled to expect and enjoy. Finally, without in any way reducing my assessment of the impact on the complainant, your conduct is likely to have also adversely affected others, including her parents, brother and your wife.

It is precisely because of this impact and the need to protect young children from such abuse, that the primary sentencing considerations are general deterrence denunciation and vindication of the complainant. In a nutshell, those who would perpetrate such abuse, particularly when they are in a position of trust, must realise that the consequence will be severe punishment.

You are 84 years of age, have no prior convictions of significance, have a good industrial record and it seems was accepted back into your church after a relatively short absence. However, in a case such as this, none of this provides you with mitigation. I think you should receive some credit for your admission at the time and your early plea of guilty. The letter has had utilitarian benefit as expected, the complainant was able to take the matter further when she felt ready to do so. Your early pleas of guilty have relieved her of the trauma of giving evidence in a trial. I will take this into account in my assessment of sentence. On the other hand, the mitigatory value of this must be balanced against the reality that you did not stop offending of your own accord but only after your wrongdoing been discovered by the complainant's parents.

A further consequence of your offending is that your wife, who is 77 years of age and has multiple health issues will be without your care and support during your incarceration. However, this does not, in my view, amount to an exceptional circumstance and accordingly does not provide you with mitigation. It is simply another example of the harm caused by selfish criminal conduct such as this.

The only appropriate punishment in this case is a significant sentence of imprisonment. In assessing the length of the sentence, I will take into account that your age is likely to make your time in custody more difficult than would otherwise be the case. However, ultimately general deterrence and vindication of the complainant are the most important sentencing considerations

EJVDS, you are convicted of the crime to which you have pleaded guilty. I impose a sentence of imprisonment for a term of four years. That sentence will be backdated to commence on the day you were remanded in custody which is 12 September 2025. Were it not for the provision by you of the letter of admission and your early plea of guilty, I would have imposed a sentence of five years imprisonment. You are not eligible for parole until you have served one half of the sentence.

I am required to make an order under the *Community Protection (Offender Reporting) Act 2005*, unless I am satisfied that you do not pose a risk of committing a reportable offence in the future.

Having regard to the circumstances of this case, including admissions that you made to police, I am not satisfied of that matter and, accordingly, must make an order. I order that your 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 five years commencing on the date of your actual release from prison.