

Mr Kemp, you have pleaded guilty to one count of possession of child exploitation material.

The relevant material was contained on a USB that was kept by you concealed inside a drawer in a cabinet in your bedroom. You share the house with your wife and son. There is no suggestion that they were aware of or had access to the USB. I am not satisfied that there was any significant risk that they would come across this material except if you had passed away.

The material found on the USB consisted of a total of 418 images which constitute child exploitation material. 201 images were category one and 217 category two in accordance with the relevant categorisation scheme. In summary, the images depict the sexual abuse of prepubescent female children. All the children are under 13 years of age and many considerably younger than that. The sexual conduct to which they are being subjected in the images varies but generally consists of sexual abuse by adult males and some adult females. There are many examples of penetrative sexual abuse including penetration by an adult penis and various objects of the child's vagina. In at least one image, the child is restrained by metal chains including a collar around her neck and chains around her wrist. As I understand the description of examples provided to me, in many of the images, the face of the child is clearly visible.

You are 82 years of age. Your only relevant prior conviction is a conviction for indecent assault on a girl which occurred 55 years ago. You were imprisoned on that occasion. Since then you have lived an industrious and law-abiding life, most of which you have lived with your family and the only the exception is your commission of this crime.

The possession of material of this nature is directly related to the horrific sexual abuse of children. Without people like you, the evil people who create this material would have no reason to do so. The primary sentencing consideration is general deterrence and thereby the protection of children. In my view, because the harm that arises from the existence of this material, the claim that you made to police that you possess the material for your own sexual gratification carries little weight in the assessment of sentence. I note that in any event you say that this was in the past but as I have discussed with your counsel this is of little relevance to the objective seriousness of the crime.

Apart from your plea of guilty there is nothing in my view that can be said by way of mitigation. The fact that since going to prison for the crime in 1970, you have not committed any further offences and have otherwise lived your life in a satisfactory manner, is of limited significance in a case such as this. So also is your age per se. I do note however, that you have the health difficulties that your counsel has outlined in some detail. I accept that both your age and these health problems are relevant to your potential experience of prison. It may well be more difficult and therefore more punitive for you than someone who is younger and in better health, but otherwise that does not affect the need for general deterrence and it does not impact significantly on your moral culpability for this crime. Having said that, I will take into account your plea of guilty. It was entered at a very early time and accordingly you are entitled to appropriate credit for each utilitarian benefit. I am not convinced however that your plea provides any independent evidence of remorse or contrition. In my view the only appropriate sentence is a sentence of actual imprisonment. Those who would commit offences such as this must realise that they are fuelling a market for such material and that leads directly to the horrific sexual abuse of many

children. Those who would commit the offence must also realise that if they do then the only possible consequence is severe punishment. I will reduce the sentence from what I would otherwise have assessed having regard to the matters I have indicated in relation to both your age and your health.

1. The orders I make are as follows:

- a You are convicted of the crime to which you have pleaded guilty;
- b You are sentenced to a global term of 10 months imprisonment, which will commence immediately. Were it not for your plea of guilty I would have imposed a sentence of 15 months imprisonment. You are not eligible for parole until you have served six months of that sentence.
- c 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. While I think that the risk of you committing such an offence is low, I am not satisfied that you do not pose any risk at all of that matter and, accordingly, I am required to make the relevant 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 three years which will commence on your actual release from prison.
- d I order that the orange coloured USB seized by Tasmania police be forfeited to the Crown.