

STATE OF TASMANIA v RGM
COMMENTS ON PASSING SENTENCE

ESTCOURT J
7 NOVEMBER 2025

The defendant is a 65 year old former foster carer who indecently assaulted and sexually abused two girls in his care between 2013 and 2017. He has pleaded guilty to two counts of persistent sexual abuse of a child.

The first complainant, who I shall call "K", with no disrespect, was touched by the defendant on her vagina on the outside of her nightwear on five separate occasions when she 16. On one of those occasions, the defendant climbed into bed with her and held her tightly in order to do so.

The second complainant, who I shall respectfully call "M", was abused by the defendant on seven identified occasions over a period of four years from age 9 until age 13 against a background of many more such occasions, which are not specifically identified. This abuse took the form of digital penetration of M's vagina, masturbating her until orgasm, touching her vagina with his toe and touching her breasts. On one occasion he got into bed with M, lay on top of her and while making a thrusting motion said, "I want to fuck you".

There were never gaps of as long as months between the occasions of abuse, and as M got older and started developing breasts, the indecent touching became more frequent. By the age of 13, M recalls it sometimes occurred every second or third day.

When interviewed by police the defendant at first made denials and then later partial admissions. He was arrested on 25 November 2022 and has never applied for bail.

A plea of not guilty was entered to the charges, which ultimately became a dispute as to the facts and finally a plea of guilty. This spared the complainants giving evidence and the stress associated with a trial, but not until after they had been briefed for a court appearance. Nonetheless, the defendant is, as a result of his plea, entitled to a genuine discount on an otherwise appropriate sentence and I have given him that moderation of his sentence.

The defendant has no relevant prior convictions.

I have been provided with victim impact statements from both complainants.

K reports that she used to go out a lot and was able to socialise easily with people, but that after the assaults, her life changed completely. She turned to drugs and alcohol, began self-harming and got into abusive relationships. She has found it difficult to trust men and even to touch her son to toilet him. It must be said that much of this harm was because she was never believed when she made her first complaint of sexual assault to Child Safety, to her family and to police.

M reports that since the abuse she has struggled with fear, anxiety, and sleepless nights and that simple things can bring back her fear and pain. The abuse has affected her relationships, her work and her faith in others. She is doing her best to heal but feels that the impact of the trauma will stay with her for the rest of her life.

Child sex offences have enormous potential to cause physical and psychological harm. Conduct of this nature has profound and deleterious physical and psychological effects upon victims for many years, if not the whole of their lives. The consequences of an offence, including its effect on a victim, are important considerations in the sentencing process, and the severity of the sentence may be increased because of them.

Despite the length of time which it took for the defendant to plead guilty, not all of which is due to fault on his part, he did plead guilty and he has accepted responsibility for his criminal conduct by not applying for bail, and by taking significant steps to prevent himself from like conduct in the future. He is keen to take further steps in this respect, which will become available to him once he is sentenced.

Apart from those matters, there are no real mitigating factors. There are however, as well as the terrible breach of trust involved in these crimes, statutory aggravating circumstances given that both victims were under the defendant's care, and one was under the age of 18, and one was under the age of 13.

Because I propose to impose a single sentence on the defendant for more than one sexual offence, I am required to specify the sentences I would have imposed if I had sentenced him on each offence separately.

The crime of persistent sexual abuse of a child, by its nature, applies to a wide range of sexual offences in a wide range of circumstances, and consequently there is no discernible sentencing range. The defendant, however, should suffer the same penalty as would have been imposed if the individual sexual acts constituting the crime had been charged as separate crimes, such that the sentence is a just and appropriate measure of the defendant's total criminality. The total aggregate sentence is to be moderated by proportionality and for totality.

Had I sentenced separately, I would have imposed a period of three years in respect of the count relating to K, and 10 years in respect of the count relating to M.

The defendant is convicted of the crimes to which he has pleaded guilty and I impose a single sentence of 10 years' imprisonment, backdated to 25 November 2022. The defendant is not to be eligible for parole until he has served half of that term. His name is to be placed on the Register for a period of 5 years from his release from prison, on parole or otherwise.