

ADG, you plead guilty to one count of maintaining a sexual relationship with a young person. The crime was committed between 2012 and 2016 against, your step daughter, when she was aged between 12 and 16. It is my duty to sentence you on the factual basis asserted by the State which you have accepted to be true. None of it was disputed. The State has identified twelve occasions on which sexual offences were committed. However, each specific act was part of a course of regular sexual abuse sustained over the course of about five years. As is commonly the case, children who are victims of such offences are frequently unable to give particulars of each and every sexual act during a period of prolonged offending.

You were married to the complainant's mother when the complainant was four. She and her older sister and two older brothers came into your care. In 2010, the family, except for her sister, moved to rural northern Tasmania. There is also a child of the marriage, a son.

The abuse of the complainant began when she was about 12. You began to take photos of her when she was naked, including of her vagina and breasts. You told her not to tell her mother, and that she would not be believed if she did. You then began touching the complainant on her genitals and breasts. Over time, you performed sexual acts of escalating seriousness.

The first specified unlawful sexual act occurred when the complainant was 12. At home, in her bedroom, you said that you were going to take photos of her but touched her legs and vagina. You rubbed your finger on the outside of her vagina and put your hand under her clothing and touched her breasts. She told you to stop but you replied that it was "normal" and "nice." Your acts were an indecent assault.

You began to touch the complainant with increasing frequency. You sometimes stayed with the complainant and her older brothers in a small town closer to your work and their school in Launceston. The sexual touching occurred there as well. The second identified occasion occurred when the complainant was in bed watching TV. You entered her bed, touched her vagina, first over and then under her underwear. You lay over her and rubbed your penis against her vagina. She pushed you away and told you that she wanted to sleep and to leave her alone. You told her that she could sleep while you did it, but she said no and you left. Your acts were an indecent assault.

When the complainant was 14 and in Grade 8 your family moved to Launceston. On an occasion there you entered the bathroom when the complainant was inside, took her hand and made her rub your penis. She complied for a short time before pulling away and walking out. That is the third specified occasion and is an indecent assault.

Not long afterwards you again grabbed the complainant's hand and placed it on your penis. On this occasion this continued until you ejaculated. She had not seen an ejaculation before and did not know what it was. That is the fourth specified occasion and is an indecent assault.

Your family moved to a different house in Launceston. You continued to regularly touch the complainant. On one such occasion you told the complainant to go to your room. You removed her dressing gown and pulled down her pyjama shorts. When she tried to pull her shorts up you said 'just for a little bit and then I'll do your homework for you'. Then you

licked her vagina. That is the fifth specified occasion and is an indecent assault. It was not the only time on which such conduct occurred.

The touching progressed to digital penetration. On one occasion the complainant was in your bedroom using the computer. You put your fingers into her vagina, causing her pain. That is the sixth specified occasion and is an indecent assault.

By April 2015, the complainant was in grade nine at school. You created a false account in her name on a messaging service and sent nude photos you had taken, and sexualised chat, to her friends. They falsely thought she was responsible and complained. Teachers at the school became aware of what occurred and approached her about it. She was so embarrassed and distressed that she did not want to return to her school. Her mother suggested other schools, but you suggested home schooling. When this was agreed to, you took of the advantage of the opportunity arising from her increased presence to engage in more abuse.

It was not until 2016 that the complainant obtained her own mobile phone. You used it to monitor her, to summon her presence for sexual conduct and to have her take photographs of herself and send them to you. You threatened adverse consequences for her and others if she did not comply. You also made video recordings of her. Those acts are relevant because they enabled the abuse.

In May 2016 the complainant turned 16 and obtained her learner's licence. On the same day you summoned her to your bedroom where you removed her pants, put your fingers into her vagina and had her touch your penis. You masturbated yourself and ejaculated onto her stomach. That is the seventh identified occasion and constitutes the crimes of indecent assault and indecent act with a young person.

On other occasions in both your bedroom and hers, you had the complainant masturbate you or you would masturbate in her presence. You ejaculated on her, onto her bed and on yourself. On one occasion, you asked her to eat the ejaculate from your stomach. She refused. That is the eighth identified occasion and constitutes an indecent assault or indecent act with a young person.

You began trying to have vaginal sexual intercourse with her. On the first occasion, when she was doing home school work in her bedroom, you touched her on the breasts and on the vagina, rubbed your penis against her vagina and then tried to put your penis inside her. She kicked you away. That is the ninth identified occasion and constitutes indecent assault and an attempt to have sexual intercourse with a young person.

On that occasion the complainant made known that she intended to inform her mother of what had been taking place. You persuaded her not to with threats that she would not be believed, and of some adverse consequence to her mother and brother. You told her that she would never see her younger brother again.

On other unidentified occasions you tried to have sexual intercourse with the complainant, but she resisted. On one identified occasion you put your penis in her mouth. In the bathroom of your home, you produced your penis and had her touch it and then put her mouth on it for around ten seconds. She then left the bathroom. That is the tenth occasion and constitutes the crimes of indecent act with a young person and sexual intercourse with a young person.

The eleventh identified occasion occurred after you picked the complainant up from her work at MacDonald's after midnight and allowed her to drive. On the way home you asked her to pull over and get in the back seat. When she refused you became aggressive, touched her on the legs, tried to put your hand down her pants and kissed her on the mouth using your tongue. She put the car in reverse and drove straight home. That was an indecent assault.

During 2016 you lost your employment for, while pretending to be an 18 year old male, conducting and inappropriate on-line relationship with another young female. On the pretence that this may be the last opportunity for sexual conduct with the complainant, you took her to the bedroom in your home, said 'one more time', removed her pants and tried to rub your penis against her vagina. That is the twelfth and final identified occasion. It is an indecent assault.

Afterwards you removed material from your computer and told the complainant that you were deactivating all of your accounts. You told the complainant's mother about the online relationship and you moved out of the family home. When you continued to send threatening messages to the complainant she eventually told her mother what had been going on and the police were called. Your phone was seized but you were able to remotely delete incriminating material from it.

You are now aged 48. Your career has been in what you describe as community service, with young persons, the homeless and those with mental health difficulties. For a period of time during the relevant period you were pastor of a local church. Your marriage ended when you moved out of home, and for the last three years you have been unemployed. You have no prior convictions, although that is very often the case with crimes of this nature. You are entitled to mitigation from your plea of guilty. It came at a very late stage, on the day before your trial was due to commence and the complainant was under the impression that she would be required to give evidence for more than three years. However she was not ultimately required to do so. She is now an adult and was thus spared any additional trauma and humiliation. For that reason the head sentence I would otherwise have imposed will be reduced by two years. You have not expressed any remorse other than that which is inherent in your plea of guilty.

The seriousness of child sex offences, and the factors relevant to sentence, have been explained by courts in this State and elsewhere. I also have regard to the aggravating circumstances I am required to take into account by the *Sentencing Act* 1997, s 11A. The abuse was all committed when the complainant was under your care and supervision and you were in the role of parent. There could hardly be a more serious breach of the trust placed in you by the complainant and her mother. The abuse commenced when she was younger than 13. That is an aggravating factor. It was committed countless times over a period of about four years during a critical period in her emotional and sexual development. The twelve specified occasions were not isolated and are to be considered as part of a course of sustained and frequent abuse. The abuse was able to continue without disclosure for a range of reasons. You normalised the sexual behaviour. She was embarrassed and ashamed. You taunted her that she would not be believed, made threats of harm to her and others and used emotional control through pressure, manipulation and intimidation. Many aspects of the sexual abuse were degrading and humiliating. Some involved penetrative acts and attempted sexual intercourse. You continued to offend despite her obvious resistance and distress. By publishing photos of her to her friends while pretending to be her, you amplified her humiliation, completely isolated her, disrupted her education and put her in a position where

she was in fact not believed. When that led to home schooling, you took the opportunity to escalate the seriousness of your abuse. Your conduct was not only cruel and heartless but demonstrated a complete lack of remorse. You acted in full knowledge of the criminality of your conduct and the possible consequences of discovery, not least because of your occupation and because you had previously been acquitted of charges of other sexual offending against a young person.

Sexual abuse of children carries enormous potential for profound and pervasive psychological harm. Sometimes the harm does not emerge for many years. The complainant now describes the type of adverse psychological impact which may be expected. She has low self-esteem. Her ability to form secure and loving relationships is hindered by lack of trust. She suffers from anxiety. The anti-depressant medication she was prescribed has only limited beneficial effect. She has undertaken counselling but feels it has not helped her. The impact on her is likely to be enduring and may be lifelong.

The court has a duty to protect children, to denounce conduct of this nature, to punish offenders and vindicate the victim. Sentences must, as far as possible, deter others from similar conduct.

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. The nature and circumstances of the offences found proved compel the conclusion that you pose a future risk. I will allow for parole but this case is too serious for me to impose the shortest possible non-parole period. The sentence will commence on the day you were taken into custody.

ADG, you are convicted. I make an order under the *Community Protection (Offender Reporting) Act* 2005 directing that the Registrar cause your name to be placed on the Register and that you comply with the reporting obligations under that Act for 15 years from your release from custody. You are sentenced to imprisonment for 10 years from 4 February 2020. I order that you are not eligible for parole until you have served six years of that sentence.