

STATE OF TASMANIA v HJAD
COMMENTS ON PASSING SENTENCE

ESTCOURT J
10 DECEMBER 2025

The defendant, HJAD, aged 18-19 years old at the time of the offending, has pleaded guilty to two counts of penetrative sexual abuse of a young person. The complainant was aged 14 years old at the time of the offending. The defendant and complainant met through a mutual friend in around June 2022. The defendant was aware of the complainant's age.

In the early stages of the relationship, the complainant lived with her mother in Hobart. Her mother was not aware of the defendant's age at that time. The complainant invited the defendant to sleep over and the complainant's mother told them that the defendant had to sleep on the couch.

The first time the defendant had sexual intercourse with the complainant was at the complainant's mother's house in North Hobart, in the complainants bedroom. That is count 1 on the indictment.

In around October 2022, the complainant moved out of her mother's home and moved in with the defendant and his housemates in Kingston. One of the accused's housemates told them that they should not be in a relationship due to the age gap. The defendant and complainant shared a bedroom at that address and the defendant had sexual intercourse with the complainant on an almost daily basis. The defendant did not use protection.

In November or December 2022, the defendant and complainant moved to an address in Huonville with housemates. The defendant and complainant again shared a bedroom and, again, the defendant had sexual intercourse with the complainant on an almost daily basis and did not use protection.

Another specific occasion of sexual intercourse occurred in the accused's motor vehicle. The defendant parked the car in a car park near the beach in Sandy Bay and the complainant got into the back seat of the car. The defendant had vaginal sexual intercourse with the complainant. Those facts relate to count 2 on the indictment.

The complainant moved in with her grandmother on around late January 2023. The complainant's grandmother would not allow the defendant to stay at that address.

At the end of January 2023, the complainant discovered that she was pregnant with the accused's child. That pregnancy was terminated in February 2023.

The defendant continued to have sexual intercourse with the complainant in the week following the termination of the pregnancy.

During the course of the relationship, the defendant was also told by the complainant's grandmother and godmother that having sexual intercourse with the complainant was illegal.

The complainant made a video statement to police on 24 April 2023.

The defendant attended the Kingston Police Station voluntarily on 16 January 2024 and participated in an electronically recorded interview in which he admitted the facts of the charges against him. On 14 November 2024, the defendant was arrested, charged and bailed to appear at a later date.

I have had read to me a victim impact statement. As is so often the case with this kind of sexual abuse, the complainant has been significantly affected emotionally and psychologically.

The defendant has no prior convictions.

I am informed that the defendant and the complainant were friends for some time before they began a romantic relationship. As it transpired, it was not a prolonged relationship. It commenced in October 2021 and ended late January early February 2022. The defendant has no interest in pursuing another relationship with the complainant.

I have been provided with a psychologist's report on the defendant, which establishes a traumatic history and diagnoses of ASD, ADHD, depression and substance abuse disorder and while there may have been an impact of diagnoses/conditions on his behaviour generally, they do not enliven any of the relevant Verdins principles.

It is clear that the defendant did not have early intervention supports and that he would benefit from having a recommendation that he be granted access to the NDIS. He is seeking assistance and support for his conditions and is currently speaking with a psychologist to secure an appointment. He has ceased the use of cannabis and is now fully supported by his mother.

It is submitted that the defendant is a young man who made a poor decision and continued to do so over a period of several months. I am told that he is ashamed of his conduct, aware of the wrongfulness of his actions and decisions, and aware that it cannot be repeated.

I am told that he has no interest in under-age girls who are considerably younger than him outside of this particular relationship. The defendant and the complainant were of a very broadly speaking similar stage of life. Both were in school and had friends at school. He was in Grade 12 and she was in Grade 8.

As a fellow judge said recently, the sentence I impose today must reflect the importance of protecting children and the need to deter adults from engaging in sexual activity with children. It must also reflect the harm caused to the complainant.

In my view, the defendant is unlikely to reoffend again in this way. Any sentence I impose should, on the material before me, give significant weight to his rehabilitation.

I impose a single sentence of 9 months' imprisonment, wholly suspended for a period of 12 months from today on condition that he not to commit another offence punishable by imprisonment during that period. I make a reporting order under the *Community Protection (Offender Reporting) Act 2005* for a period of twelve months.

Pursuant to s 11 of the *Sentencing Act 1997*, if a court imposes a single sentence on an offender for more than one child sexual offence, the court is to identify the sentence that would have been imposed for each child sexual offence, had separate sentences been imposed. Had I sentenced the defendant separately, I would have imposed a sentence of 6 months imprisonment on each count.