

STATE OF TASMANIA v AJP
COMMENTS ON PASSING SENTENCE

4 FEBRUARY 2026
JAGO J

AJP, you have pleaded guilty to four counts of penetrative sexual abuse of a child. These crimes were committed over two days in June 2025, being 25 and 26 June. The child concerned was 12 years of age and you were 18, nearly 19 years of age. Your date of birth is 13 July. Additionally, you have pleaded guilty to a number of related summary offences, namely unlawfully possess dangerous article in a public place, two counts of using cannabis and one count of possess thing used for administration of a controlled drug.

You met the child on a social media site, Tinder, and initially communicated with her via messages. The child's age was displayed as 23 years on the social media site. The child was having a number of difficulties within her family home. She conveyed these to you and the two of you agreed that she would move in with you. At the time, you were living independently and you were being supported by NDIS.

On 25 June, you requested your NDIS worker to drive you to the child's address. You took with you a machete, telling your support worker that you had it because the child's stepfather was a paedophile. You told the NDIS worker that the child was 18. At the address, you collected the child. The NDIS worker noted the child's appearance and became concerned. After dropping you and the child at your residence, the worker made some further enquiries. He spoke to the child's family and was advised that she was 12. The worker immediately went to the Devonport Police Station and reported the situation.

At approximately 11.20 that day, the NDIS worker, members of Tasmania Police and members of the child's family attended your unit. The NDIS worker and police knocked on the door and called out to you. You became agitated. The worker informed you that the child was only 12. Thereafter, there was an exchange between you and the worker, both verbally and in the form of text messages. I accept that some of the comments made by the worker were, perhaps, unprofessional but the important point of the exchange is that it was made very clear to you, by persons in authority, that the child was 12. You were encouraged to send her from your unit and tell her to go home. The child did not want to leave, and you did not encourage her to do so. At one point, the child came to the front door of the unit and spoke to police. She confirmed with police that she was 12. She told police that she was not willing to go home and that she did not trust anyone but you. She refused to speak to any of her family members and said she would not leave the unit.

Eventually, police and the worker left your unit. During this interaction, you enquired of the child how old she was, and she told you that she was 17. Clearly, however, given what you had been told by the support worker, what the child herself had said to police, and her appearance, you must have been sceptical. Indeed, you later told police that the child looked 12 and you kept asking her as to her age because you were unsure. You also told police, however, that you did not think she would lie to you, so when she said she was 17, you accepted it. Because the child was under 13, any mistaken belief as to her age does not excuse your criminal conduct. In any event, I do not accept you honestly believed she was 17. Given the information that you had been told, and your own observations of her appearance, I am satisfied you knew she was 12, but you wanted to turn a blind eye to it, because you wanted her to stay at the unit with you.

During the day on 25 June, you and the child smoked cannabis through a smoking device. The child had not previously smoked cannabis. You also had unprotected vaginal penile sexual intercourse with her on two occasions that day. On each occasion you ejaculated in her vagina.

Later that evening, members of the child's family attended your unit. There was a confrontation. At one point, you produced a machete. This relates to the summary charge of unlawfully possess a dangerous article in a public place. The machete was removed from you by members of her family, and you were assaulted. Police attended. At that point, the child was still with you in your unit. She expressed a desire to stay there.

On Thursday, 26 June you attended the Burnie Supreme Court, via a telephone appearance, in respect to proceedings for the crime of rape. I will return to that subject matter shortly. Following this appearance, you had unprotected penile vaginal sexual intercourse with the child and ejaculated in her vagina. Later the same day, you again had unprotected penile vaginal sexual intercourse with the child and ejaculated in her vagina.

At approximately 10:00pm on 26 June, members of Tasmania Police and Child Safety attended your residence with a warrant pursuant to the *Children, Young Persons and Their Families Act*. The child was forcibly removed to a place of safety.

The child later told her mother that she believed you would take care of her forever and that she did not realise how "extreme the adult world was". The child underwent a forensic medical examination. Semen was detected in a sample from the high vaginal swab. The child was also subject to STD screening and was prescribed emergency contraception. Given her young age, I consider it very likely that such procedures were distressing for her.

You were arrested. You participated in a record of interview. You told police that you had met the child on Tinder and that her profile had indicated she was 23. You said that her appearance did not match the stated age and that you enquired with her as to her age. She told you that she was 17. You agreed with police that the NDIS worker had told you that she was only 12. You also told police that the child had asked for your help because she claimed there was someone at the family home who was sexually abusing her, and you wanted to protect her.

When asked about the sexual intercourse, you initially claimed that you had not touched the child at all. When told the child had indicated that sexual intercourse had occurred, you agreed that it had. You said it was consensual. You also suggested the child had been the instigator of the sexual contact.

Whilst there is no suggestion that any of the sexual acts occurred absent the child's consent, that is of little consequence in this sentencing exercise. I am satisfied that you knew she was 12 before any sexual act occurred. Given her young age, she was not old enough to lawfully consent and any consent she did offer was informed by her immature age and inexperience. She simply was not sufficiently mature or worldly to meaningfully consent to the sexual acts. Moreover, given her home situation, she was vulnerable. She was not able to recognise and assess the potential harm that might be caused to her by engaging in premature sexual activity.

I have received an impact statement from the child's mother. The child was not willing to provide one independently. The impact statement notes that following the sexual activity, the child's sleep was disturbed, and she experienced nightmares and flashbacks. She was socially

withdrawn and experienced difficulties at school because other students were aware of what had occurred. The child has been working with a sexual support service.

It is well understood, and the law recognises, that even where conduct is consensual, young people of the age of this complainant, simply do not have sufficient maturity to recognise the significant harm that can, and almost inevitably does, flow from engaging in premature sexual activity. Laws of this nature are designed to protect young and vulnerable children, not only from adults who may exploit them, but also from their own poor, ill-informed and immature choices. There is a high probability that the sexual activity which constituted these crimes will have a significant and long-lasting adverse impact upon the child. The crimes occurred when she was young and at an important stage in her emotional, sexual and psychological development. General deterrence is always an important sentencing consideration when sentencing a crime of this nature.

In this case, in my assessment, so too is specific deterrence. As I have noted, at the time these crimes occurred, you were facing sentence in respect to a crime of rape. On 5 March 2025, you were convicted of the crime following a judge alone trial. You were then bailed pending the receipt of some psychological material relevant to sentence. On 22 July 2025, I sentenced you to a period of imprisonment of two years, with the last 12 months of that period of imprisonment being suspended for a period of two years. These crimes obviously occurred prior to the imposition of sentence, thus they do not breach the suspended portion of the sentence, but it is an aggravating feature of your crime that you had been found guilty of a sexual crime and were awaiting sentence, when the unlawful acts of sexual intercourse occurred. It clearly demonstrates that you have little regard for the law and have an unwillingness to accept societal boundaries. I acknowledge that, in part at least, the development of this attitude is linked to several conditions from which you suffer, but there is nothing before me to suggest that you do not have the capacity to differentiate between right and wrong.

Your antecedents are set out in some detail in my sentencing comments of 22 July, and I do not stay to repeat them in full. You are now 19. I accept you had a very difficult and neglectful upbringing. You have been diagnosed with a number of conditions which impact you on a daily basis. You are in receipt of NDIS support. Those conditions include Autism Spectrum Disorder and Attention Deficit Hyper Activity Disorder. You also have a number of cognitive impairments, which means your social and emotional skills are lacking.

As noted in my sentencing comments of 22 July, I have been privy to a number of psychological reports in respect to you. They establish that you have poor emotional control and limited social intelligence, and are liable to poor impulse control. You have poor social judgment and have difficulty in complying with societal expectations. You are prone to rash decision making. Importantly, however, there is nothing in any of the psychological material to which I have had reference which establishes that there is a direct nexus between your disabilities and your criminal behaviour, such that it reduces your moral culpability in any substantial way. Indeed, the essence of the opinions expressed within the reports is that your disabilities do not reduce your moral culpability, but your disabilities are relevant to your understanding of societal expectations and inform the degree to which you might think things through before acting.

I accept your still relatively young age, coupled with your disabilities, places you in a position whereby you are more prone to ill-considered and rash decisions, and you often behave in a

way that is reflective of a lack of insight and judgment. Whilst those features are relevant to sentencing generally, and certainly your disabilities contextualise your behaviour and explain to some degree your actions; there is nothing in any of the reports to suggest that you did not appreciate the wrongfulness of your conduct. Indeed, the attitude you displayed towards those in authority when they came to the unit and encouraged you to send the child from your unit, strongly suggests that you well knew the child should not be there. As noted, I am satisfied you knew she was 12 when you chose to engage in sexual intercourse with her on four separate occasions. In my assessment, even bearing in mind your personal limitations, your moral culpability for these crimes is high.

I take into account your plea of guilty. It has considerable utilitarian benefit. It has saved the complainant from the ordeal of having to give evidence about sensitive, and potentially embarrassing, matters.

These are very serious crimes, and they occurred in circumstances where you were awaiting sentence for another very serious sexual crime. The child was vulnerable. She had considered it necessary to leave her family home and was reliant upon you for accommodation and for safety. Given what her mother says, it appears as though she has been affected by your conduct, although I suspect the true extent of the impact has not yet revealed itself. You did not, at any point, use a condom and you therefore exposed the child to the risk of pregnancy and the transmission of sexual disease. The child had to endure a forensic examination as a consequence of your criminal conduct. I take into account that the age disparity is not as great as is sometimes seen in other examples of crimes of this nature. That being said, the complainant was young, under 13, and that in itself is an aggravating circumstance under the provisions of the *Sentencing Act*.

Personal deterrence and community protection, are important sentencing considerations. I do not lose sight of your still young age and your personal circumstances, but in my view the only appropriate sentence is a period of imprisonment given the objective seriousness of these crimes. There is a clear need to denounce your conduct and impose punishment, which will act as a deterrent not only to you, but also others. Because the sentence I impose will come on top of the sentence you are already serving, there is a need to consider totality principles. I intend to reflect this by commencing the sentence imposed for this matter from today, with the effect that some of this sentence will run concurrently with the sentence you are already serving.

AJP, you are convicted of all matters to which you have pleaded guilty. In respect to the summary charges, I make no further sentencing order.

In respect to the four counts of penetrative sexual abuse of a child, you are sentenced to a period of imprisonment of two years, commencing today. I order that you not be eligible for parole until you have served one-half of that period of imprisonment. I make an order pursuant to the *Community Protection (Offender Reporting) Act*. I order that your name be placed on the Register and that you comply with the reporting obligations under that Act for a period of eight years following your release from custody. I make a forfeiture order in respect to the smoking devices seized and listed as items 2, 3, 4 and 5 on Tasmania Police Property Seizure Record 218573. I make an order that the machete be forfeited to the State of Tasmania. I make a compensation order in favour of [name redacted] in an amount to be assessed.