

STATE OF TASMANIA v JASON LYLE SAWARD
COMMENTS ON PASSING SENTENCE

19 FEBRUARY 2026
JAGO J

Jason Lyle Saward, you have pleaded guilty to one count of indecent act with or directed at a young person, one count of possession of child exploitation material, one count of producing child exploitation material and one count of involve person under 18 years in production of child exploitation material.

Additionally, I have before me an application to breach a suspended sentence. The application relates to a sentencing order made by me on 14 February 2024. On that date, I sentenced you to 20 months' imprisonment, the last ten months of which was suspended for a period of two years on condition that you not commit another offence punishable by imprisonment. That sentence was imposed in respect to three counts of possession of child exploitation material, one count of distribution of child exploitation material, and one count of accessing child exploitation material.

The crimes for which I am now sentencing you, clearly breached the terms of the suspended sentence as they occurred approximately 12 months after your release from custody. Sensibly, given the similar nature of the offending, no submission is made to suggest it would be unjust to activate the suspended period of imprisonment. I am satisfied it, very clearly, would not be unjust to activate the suspended period of imprisonment, and I will do so.

The circumstances surrounding the current offending came to light on 3 April 2025 when police attended your residence for the purpose of conducting a compliance check in respect to your reportable offender obligations. The sentencing order of February 2024 made you subject to these requirements for a period of five years.

Officers asked you to provide your phone for inspection. Examination of it revealed various communications with young people and some indecent photographs. The phone was seized and sent for further digital forensic analysis. That analysis disclosed child exploitation material, and further inappropriate messages between you and the three complainants in these matters.

Some time before 9 March 2025, when you were 20, you commenced communicating with a child, who was aged 14. I shall refer to that child as "A". You and A communicated with each other via various electronic means, including mobile phone, Snapchat, Instagram and Facebook. The communications between you and A reveal that A had always indicated that she was 14 years, and initially you had told A that you also were aged 14. Images and photographs of A clearly indicate that she was a young teenager. Later, during video calls it became apparent to A that you were older than 14. Communications nevertheless continued.

Around this time A regularly spent time with another young person, who I shall refer to as "B". B was aged eight. B would regularly spend weekends at A's home, and you came to know of her presence. You asked A several questions about B, including what school she went to and where she lived. A would take photographs and videos of both her and B and send them to you. At some point, you also began to communicate directly with B using A's phone, including speaking to her via video calls and messages. For a period of one to two months, you and B would speak regularly when she was at A's home.

It is very clear from photographs and images of B, sent to you via social media, that B was at the time, a young pre-pubescent girl, well under the age of 18 years. Her appearance was consistent with her age.

On 9 March 2025, you facilitated the production of child exploitation material by directing A to produce child exploitation material of B. This resulted in at least nine images of B being produced. The nine images of B were classified using the Interpol base line categorisation system as category 1 child exploitation material – that is, material depicting a real pre-pubescent child under the age of 13 years, involved in a sexual act, witnessing a sexual act, or where the material is focused on the child's anal or genital region.

All the images of B were taken, at your direction, whilst A was communicating with you via various electronic means. Initially, the material included photographs of B lifting her dress and exposing her bottom whilst wearing underwear. Other images showed her lifting her dress and exposing her vaginal region, covered by underwear. These images were sent to you. You responded by making further requests for images which were more intimate. You directed A as to the type of image you wanted taken and sent. When images were forwarded to you, you would respond by providing further direction as to what you wanted, and how you wanted B positioned. You were very persistent in your demand for further images.

At one point, A told you that she and B were busy. You did not accept this and responded by sending further demands for images, saying things like send "bum pics"; "without a dress", and "can I see her belly".

A eventually went on to send further images including an image of B lifting her dress up, exposing her stomach and vaginal area covered by underwear. Yet again you requested further images, including images showing B's chest. At one point, you said "show in between her legs please babe, show in between the legs".

Seemingly to deter you, A sent a photo of B drawing and said, "she's drawing for you". Your requests for further images persisted. You introduced emotional manipulation saying things like "if she loves me... please babe".

It was obvious from the responses that you were receiving, that A and B were reluctant to comply with your demands. You nevertheless persisted and sent a barrage of messages requesting the images be provided to you. Your level of persistence speaks to a high level of sexual interest in the material, but it also had the effect of exacerbating the feelings of embarrassment, discomfort and confusion A and B were experiencing. Ultimately, A sent further images of B showing her standing in a bedroom, exposing her stomach and vaginal area, covered by underwear; an image showing B bent over, exposing her bottom, covered with underwear; images of B standing with her underwear pulled down to her knees, exposing her bare vagina. In this image, her face is visible. There was a further image of B lying down with her clothing pulled up to her chest, again exposing her stomach and bare vagina, without underwear. In this image, her face was also visible.

Despite receiving these images, your requests continued. When A told you that B was refusing to provide any more images, you said "you love me right...send me her full body laying down, no dress...if she loves her dad, she will show me...I want her undies on, no off".

At another point when A told you that B was refusing to participate, you asked to speak with B directly. There was a text message exchange between you and B. You asked her to "send me a photo of your full body, naked, legs apart, laying down". You told her that you loved her and said things like "please darling. I might send something naughty to A, and she might let you see". During the message exchange, B repeatedly told you she was uncomfortable and did not want to participate.

You then turned your attention back to A. You asked A to send naked images of herself, showing "between her legs with legs apart". You offered to send images of yourself. A responded "no" to that suggestion. You continued to message A, saying things like, "you will like it...I will send it...but you have to send what I asked for".

At one point, you did send a photo of your bare torso to A, followed by a message "please, if you want to see more, send what I asked for...if you love me, you will send now...take the photos and send them to my number...[A] show me...I love you...I want my gorgeous daughter to show me her cute body...take photos and send them."

When A eventually indicated that she and B were going to bed, you responded by saying "please, one more with legs apart". When you received no response, you sent even more messages asking for the same material. Your conduct was determined and unyielding. It must have felt overwhelming for A and B, given their young ages.

After this date, you continued to foster a close on-line relationship with A. You would communicate regularly with her, often exchanging affectionate messages, including telling her that you loved her. You also continued to ask A whether she was spending time with B, and when she indicated that she was, you asked for further child exploitation material of B. There is no evidence, however, that any further images were sent.

When police examined your phone, nine images of B were located on it. These are the images that are the subject of the possession of child exploitation material charge.

Around the same time, that is April 2025, you had also been fostering a close relationship with another young person, whom I shall refer to as "X". X was 15 years of age. You were aware of this because of information that was contained on her social media sites. On 2 April 2025, you sent X a photo of your erect penis. This constitutes the crime of indecent act directed at a young person. After sending this image, X told you to "fuck off". Thereafter, however, there were several video calls between you and her. There were also some messages exchanged in which the two of you expressed love for each other. One of the messages you sent X said "good girl daddy [sic] u so sexy mumma u so hot princess." On 3 April you again sent the same photo of your erect penis to X.

When you sent the images and messages to X, you were subject to a bail condition in the Magistrates Court which prohibited you from contacting her.

Your conduct was predatory and persistent. It was very obvious from the messages exchanged that A and B were reluctant to comply with your requests. You would not accept their responses but embarked upon a relentless course of conduct to get what you wanted. Both A and B must have felt intimidated and overwhelmed by your persistence. Whilst I do not have victim impact statements from any of the complainants, harm is presumed in matters of this nature.

You are now 21, you were 20 at the time of the offending. You had a very difficult upbringing. Your personal circumstances are set out in my sentencing comments dated 14 February 2024. It is not necessary that I stay to repeat them in full. It is sufficient to note that you were abandoned by your parents when you were a very young child. You were raised by your grandmother until you were approximately 14. You had no meaningful relationship with your father or mother during this time. Following a falling out with your grandmother, you tried to return to live with your mother. By that time, however, she had re-partnered, and you were subjected to violence from her partner. By the time you returned to your grandmother's home, her mental health had deteriorated significantly, and she ultimately committed suicide when you were aged 16. Thereafter, you lived a socially isolated existence without family support.

When I sentenced you in 2024, I had the benefit of a forensic mental health report. It indicated that you experienced a complex and traumatic early childhood, and it was possible that you had suffered from foetal alcohol spectrum disorder. A formal cognitive assessment recorded a full-scale IQ of 70, which is in the borderline impaired range. You are supported in the community by an NDIS provider.

The author of the forensic mental health report noted, and I quote: *"the formative development of temperament, personality, identity and relationship skills appears to have been significantly impacted by early life adversity... further trauma through the life span, including exposure to domestic violence and physical abuse, with periods of homelessness, is likely to have impacted on his personality development and interpersonal skill. Consistent with disrupted relationships in early life and childhood diagnosis of reactive attachment disorder, where emotional regulation and impulse control are markedly impacted by disrupted care giving, Mr Saward displays personality dysfunction in a dis-social and borderline pattern, meeting criteria for personality disorder. Relevant features to Mr Saward include emotional dysregulation, periods of self-harm, shifting and poorly defined inter-personal boundaries, identity disturbance and episodes of impulsive and destructive anger."*

The report writer also notes: *"While Mr Saward does not have a formal diagnosis of autism and does not appear to meet diagnostic criteria for same, the documented possible exposure to alcohol in utero and his small stature, combined with his neurodevelopmental profile, raise suspicion of partial foetal alcohol spectrum disorder. This condition presents with a range of neuro-developmental difficulties, including some features similar to autism, where adaptive behaviours and social cognition are impaired... The interaction between his neurodevelopmental vulnerability and experiences of neglect and early life trauma appears to have resulted in difficulty with relationships, a low sense of personal competence and negative patterns of behaviour. Developmental trauma and social cognition deficit may have also made it more difficult for Mr Saward to understand the perspective and needs of others, further exacerbated by the remoteness of virtual victims. His substance use disorder and dis-regulated low moods, may have also impacted on his impulse control and judgment."*

I accept the comments made by the author of the 2024 report continue to have relevance. As I noted when I sentenced you in 2024, there is nothing in the report to establish that mental impairment contributed to your offending behaviour to the extent that there is a reduction in moral culpability, but the comments I made then, as to the general effects of your traumatic upbringing, and your neurodevelopmental impairments, remain relevant to sentencing. That notwithstanding, such considerations do not displace factors of general and personal deterrence, denunciation and protection of the public as the predominant sentencing

considerations. Indeed, given the very short space of time in which you have re-offended, the factor of overwhelming importance, in my view, is the protection of young people. Your conduct had great potential to corrupt and harm the complainants at an important stage in their psychological and emotional development.

You were remanded in custody following detection for these crimes. Whilst in custody, you have been undertaking some courses in an endeavour to better yourself. Given your still relatively young age, prospects of rehabilitation should not be ignored. I think that is best reflected by making allowance for your early release on parole. I accept imprisonment has been difficult for you. The type of charges that you were facing became known within the prison environment and since then, you have been subject to bullying and ostracism.

There is no question these crimes are serious. They involved the use of social media and other forms of electronic communication by a young adult to prey on vulnerable young people, for sexual gratification. It is a concerning aspect of your offending that you were pursuing more than one on-line relationship with young girls at the same time. The girls were young, particularly B. You treated B as a commodity for your sexual gratification and encouraged both her and A to treat their own bodies in a demeaning and debased manner. You corrupted a 14-year-old child and heavily pressured her to take photos of her 8-year-old friend in order to procure the child exploitation material for yourself. Offending of this nature almost inevitably causes harm to the young people involved. Sexual abuse of children in whatever form it takes, is a matter of great community concern and it deserves condemnation. The sentence must serve to punish and condemn but also, to the extent it can be achieved, send an unequivocal message to others who may be minded to behave in similar ways, that harsh punishment will follow.

Although the case against you was strong, given the material located on your mobile phone, your pleas of guilty carry weight in the sentencing exercise. They represent an early acknowledgement of responsibility, but more importantly, they have saved the young complainants from having to give evidence about a very sensitive and embarrassing subject matter. I must also be minded to considerations of totality, given I will be activating a period of suspended imprisonment. I note also that there is a degree of overlap between some of these charges. The possession of the images is really a by-product of some of the other offending, although retaining possession of the images is a matter of concern because it introduces the temptation of use, and the possibility of such images falling into the hands of others.

Taking all those matters into account, the only appropriate sentence is a substantial period of imprisonment, but given your still relatively young age and your personal circumstances, I propose allowing for parole at the earliest opportunity. Hopefully, the Parole Board will, at that point, be best positioned to consider what supports are available to you within the community, particularly through your NDIS provider, to minimise future risk.

I make the following orders. I activate the ten-month period of suspended imprisonment imposed on 14 February 2024 and order that you serve it, commencing 7 May 2025.

You are convicted of all matters to which you have pleaded guilty. I impose one sentence on the indictment. You are sentenced to two years and nine months' imprisonment, cumulative to the ten months' imprisonment just activated. I order that across the cumulative sentences; you not be eligible for parole until you have served one-half of each of those periods of imprisonment.

I direct that your name be placed on the Register under the *Community Protection (Offender Reporting) Act* and that you comply with the reporting obligations under that Act for a period of twelve years following your release from custody.

I order forfeiture of the mobile phone.