

STATE OF TASMANIA v MARK ANTHONY SAWARD
COMMENTS ON PASSING SENTENCE

20 FEBRUARY 2026
JAGO J

Mark Anthony Saward, you have been found guilty by a jury of one count of indecent assault and one count of aggravated sexual assault. The inevitable conclusion that arises from the verdicts is that the jury accepted the complainant gave an honest and reliable account of what you did to her. I also found her evidence to be credible, and you will be sentenced on the basis that your criminal conduct was as described by her.

The crimes were committed between January 2000 and December 2004. The victim of your crimes was the daughter of your then partner, whom I shall refer to as C. By the time the crimes were committed, you had moved into the family home and had taken on something of a stepfather role in respect to C and her siblings. Your crimes, therefore, involved a terrible breach of trust.

Not long after you moved into the family home, your behaviour towards your partner, the complainant's mother, and the children in the home, became both physically and verbally abusive. You would harshly discipline the children, although the complainant was often spared the worst of that punishment. You drank alcohol daily and usually to excess. You became offensive and would engage in unusual, and from the children's perspective, uncomfortable behaviours. For example, C described that you would often rub your face on hers and try to kiss her, including forcing your tongue into her mouth. She said you would massage her on the back and shoulders, and she also described you pinching her on the bottom. I am satisfied that this behaviour was directed at grooming C because you had a sexual interest in her.

When C was about eight or nine years old, she was in her mother's bedroom. Her younger brother was also there. He was about six at the time and was watching television. You got onto the bed and began rubbing C on the top half of her body as though you were giving her a massage. You then placed your hand underneath her top and began rubbing her on each of her nipples with your fingers in a circular motion. Your conduct made C feel very uncomfortable and she got up and walked away.

The next crime occurred when C was about 11 years of age. She had gone to sleep in her mother's bed because she was unwell. You were not at the home when C went to bed. Later, C woke to you touching her in the bed. You had your hand between her legs, underneath her clothing, touching her on the vagina. C tried to pull your hand away but before she was able to, you penetrated her vagina with her finger. Eventually, C was able to pull your hand away and she rolled to the other side of the bed. You grabbed hold of her, rolled on top of her, held her face and tried to kiss her. C was able to yell out for her mother, and you stopped. C ran from the bedroom. She went to the kitchen where her mother was. She was crying and upset, and she told her mother that you had touched her.

A couple of days later, C heard you and her mother having a conversation about what had occurred. You told C's mother that you had done it, but that you believed that it was C's mother who was in the bed. Given C was a slight 11-year-old girl, I am satisfied that this was a deliberate lie told to try and explain and justify your appalling conduct.

C was obviously very young when both these crimes occurred. Given her family circumstances, she was vulnerable. Her mother was not protective of her, most likely a

consequence of the abuse she was suffering. You had taken on a parental role within the family home. You owed C trust and respect and you breached that trust terribly.

I note the aggravating circumstances pursuant to s 11A of the *Sentencing Act*, namely that C was under the age of 13 and under your care, supervision and authority at the time of both of the crimes. The first crime occurred in the presence of another child, although there is no evidence that that child was aware of what was occurring.

Your crimes have had a terrible impact upon C. She presented an impact statement to the Court. It is unnecessary for me to traverse all that she outlined. It is sufficient to say that your abuse has had a profound and lasting impact upon her life. She described the type of stress, anxiety, upset, uncertainty and damage to self-esteem and confidence that is, sadly, so often experienced by victims of sexual abuse. The impact upon her has been lifelong. Many aspects of her life continue to be adversely impacted.

You are now 58 years of age. You have a prior criminal history that is consistent with a history of excessive alcohol use. There is no recorded criminal history of a sexual nature. You now live an isolated and lonely existence. You live alone in a caravan park. You have four children, two of whom are adults. You have no ongoing relationship with those children. You occasionally see your two younger children, but contact with them is also spasmodic. You are unemployed. You have, in the past, worked in labour-based industries. You are unable to read and write. Alcohol has been a significant difficulty in your life. You have been an alcoholic for most of your adult life. I am told the only time you have ever really abstained from alcohol use is during periods in custody.

There is very little which mitigates these crimes. You are not entitled to the benefit flowing from a plea of guilty. I accept these crimes occurred a long time ago, but this is not a case where you have used the passing of time to become a solid, contributing member of our community. The catalyst for these crimes, which I suspect was related to your consumption of alcohol, continues to characterise your life. You have shown no remorse for, nor insight into, your behaviour. It is important that you and other prospective offenders understand that the passing of decades does not mean a heavy and just sentence will be avoided. There should not be a discernible benefit flowing from the silencing of child abuse victims. Indeed, a common consequence of child abuse, is that it causes the type of harm that often results in victims being unable to speak out for a very long time. That, in no way, diminishes their trauma nor the need to condemn the conduct.

Mr Saward, on any view, these were serious crimes. I do not classify your crimes as opportunistic. You had groomed C by engaging in acts of physical touching, like massages and kissing. Your grooming made her more susceptible to your predatory acts. She was confused and uncertain after the first act. She knew it made her uncomfortable, but given how you had acted towards her, she was not certain whether your conduct was wrong, so she said nothing. And although she told her mother you had touched her after the second incident, her family circumstances were such that she obtained little by way of protection or support. Continuing to live with you in the family home after that incident, must have been a difficult and traumatising experience.

To serve the sentencing aims of punishment, vindication, protection of children generally, denunciation and deterrence, a period of imprisonment must be imposed. Given the passage

of time and the apparent absence of repeat offending, I consider it appropriate to allow for the possibility of parole at the earliest time permitted by law.

Mr Seward, you are convicted of the crimes of indecent assault and aggravated sexual assault. 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 a period of ten years from your date of release. You are sentenced to imprisonment for a period of three years, commencing 5 February 2026. I order that you are not eligible to apply for parole until you have served one-half of that sentence.