

Simon Farrell, you were found guilty by a jury of rape. It is my duty to determine the factual basis on which you are sentenced. My findings must be consistent with the verdict and, in light of the issues at trial, the facts follow from the verdict. Facts adverse to you must be proved by the prosecution to my satisfaction beyond reasonable doubt.

The crime was committed in the early hours of the morning on 18 May 2018 at a home of a friend of yours in Longford. He was holding a party for his daughter and you were invited along with his neighbour who was also your friend. The evidence strongly indicated that you and those two men were the only adults at the party. All of the others present were between about 15 and 18. The complainant was 15. At that time she had left her family home on the east coast of Tasmania, was not attending school and did not have stable accommodation. She was not invited to the party by the host but attended at the invitation of another friend with whom she was staying in Launceston. She and her friend began drinking wine before they arrived and continued drinking during the evening. When her friend went home, she decided to stay on. By the early hours of the morning she was very drunk. She went to sleep on a couch in the lounge room.

It follows from the verdict that the jury was satisfied beyond reasonable doubt of the truth of the essential aspects of her account of what followed. She woke and became aware of, she thinks, two men there, one of whom was over her. Her jeans and underpants were pulled down. She felt a prickly feeling as if an unshaven face was near her vagina. Then her legs were pulled up and her vagina was penetrated by a penis. She felt a sharp pain and a male voice commented about a large penis. While this was happening she pretended to remain asleep. When this finished and the men left, one of the other young men at the party approached her and pulled up her pants. She went to the bathroom and noticed blood in her underpants. Her vagina was painful and still bleeding.

The following day she told one of her friends what had happened. She told another friend sometime later. In mid-July she decided to return home and her mother came to pick her up. That night she told her mother she had been raped and the police were notified. At that time, she was not able to identify the male who had sexual intercourse with her. However, fortunately, she had kept the underpants, unwashed, in the bottom of her backpack. Forensic analysis of that garment disclosed the presence of sperm and DNA with a profile 100 billion times more likely if you were a contributor. The analysis also confirmed the presence of human blood which I find was the complainant's.

At trial you admitted you were with the complainant at the relevant time, but claimed that your DNA was present because you stood about a metre away from her and masturbated to ejaculation when you saw her masturbating. The jury rejected your evidence, as I do, as a fabricated attempt to explain the presence of your DNA and sperm. Your evidence did not explain the blood in her pants which, in light of all the evidence, strongly supported the truth of the complainant's evidence that she had been forcibly raped and suffered bleeding from her vagina as a result.

Rape is a grave crime and this is a bad example. The complainant was particularly vulnerable because of her life situation, her situation on that evening, her intoxication and because she had been asleep. I accept her evidence that the crime was committed in the presence of one other adult male, and was also likely observed by that male's son, the person who helped her to the bathroom afterwards. She was outnumbered and subject to your physical superiority. You and

the other adult male were in a position of responsibility over the young people who were present. She was 15 and you were 41. The absence of consent was absolutely clear and you acted regardless of it. Her legs were lifted up so you were able to penetrate her. You gave evidence that you had a very large penis. I see no reason to disbelieve that aspect of your evidence, and it follows that you had intercourse with her when you realised that you may well cause the injury which she in fact suffered. No condom was used which exposed her to the risk sexually transmitted disease. Subsequent tests cleared her. She had a contraceptive implant in her arm which controlled the risk of pregnancy but you were not to know that.

You are now aged almost 49. You have an industrious background but for the last couple of years you have cared for your elderly parents. Your imprisonment will be difficult for them but that is part of the price to be paid for serious crime. You have four children, the youngest of whom is now an adult. You have poor physical and mental health. As to your physical health there is no reason it cannot be appropriately managed in prison. You were the victim of sexual abuse yourself as a child. That is of course a terrible matter. It has led to anxiety and PTSD. There is no evidence of a mental impairment which is relevant to sentence. Ironically, it also means that you more than most would appreciate the damage that a crime like this can cause. You have no prior convictions for sexual offending. You have a record in Queensland for some drug and anti-social offences but the most recent is 24 years ago. Your record in Tasmania is for driving offences committed between 2006 and 2019. You are not entitled to the mitigation a plea of guilty would have attracted, particularly in matters of this nature. The complainant was not spared the additional trauma of having to recall and give evidence about these events. There has been no sign of remorse. There has been a considerable delay since the crime. A warrant was issued for your arrest in 2019 but not executed until you were located in Queensland in 2023 and you were extradited to Tasmania. There has been no further offending but otherwise the delay is of little weight. There must be appropriate punishment for this crime.

For sexual crimes committed against young persons, the sentencing factor of overwhelming importance is the protection of children. The fact that the complainant was living away from home on her own suggests that there were already issues in her life to be dealt with, but it can be presumed that considerable psychological harm was done to her by this crime. She was subjected to what must have been a terrifying experience at a crucial stage of her emotional and psychological development. Her victim impact statement read to day reflects the type of lifelong impact to be expected to result from such a crime. I have already taken into account such of the aggravating factors specified in the *Sentencing Act*, s 11A, which I consider apply. I am not satisfied that, in any relevant sense, the complainant was under your care, supervision or authority. You said you been engaged to supervise the party but I do not believe that to have been the case in any formal sense. There was no violence over and above that which was involved in the act of penetration I have described but a rape of this nature is an inherently violent crime.

It is my duty to impose a lengthy term of imprisonment. In light of the absence of prior convictions I will allow the earliest opportunity for parole. You have already spent 32 days in custody and I will take that period into account. You were taken into custody following the verdict on 24 February 2026. 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 five years from your release.

Simon Farrell, you are convicted on the indictment and sentenced to a term of imprisonment of seven years from 23 January 2026. I order that you not be eligible for parole until you have served half of that term.