

Ms Coleman, you have been found guilty of one count of penetrative sexual abuse of a young person. The jury found you not guilty of the primary charge of persistent sexual abuse of a young person. It is for me to determine the factual basis of sentence, consistent with the jury's verdict. The obvious implication that flows from the jury's verdict, given the evidence on the trial, is that the jury were satisfied beyond reasonable doubt of the honesty and reliability of the complainant's account where it was corroborated by other evidence. The occasion which the jury found proved was the last occasion in time which was alleged by the State in respect to the allegation of persistent sexual abuse of a young person. It occurred at the home of your friend, and relevant parts of the interactions were seen and heard by her.

Consistent with the jury verdict, I will sentence you on the basis that there was one occasion of sexual intercourse between you and the complainant, but in the context of you having developed a relationship with the complainant, which involved some sexualised conduct, such as kissing and intimate touching, in the lead up to the specified occasion. I am also satisfied that at times; you sent the complainant sexually suggestive messages.

This crime occurred around July 2020. At that time, the complainant was 16 years of age. He turned 17 in February 2021. You were 23, turning 24 in December 2020. At the relevant time therefore, there was an age difference of about 7 years and 5 months. I am satisfied you were well aware of the complainant's age. You both lived in a small town. You knew of the complainant because he had gone to school with your younger sister. I am satisfied that the two of you commenced communicating with each other via social media, and you then pursued the relationship because the idea of sexual relations with a younger person "thrilled you". To this end it was an intentional decision to pursue the relationship; despite knowing it was the wrong thing to do. In my view, this exacerbates your moral culpability for the crime.

As noted, sometime around July 2020, you were at the home of a friend. The complainant attended that home, on your invitation. You and he engaged in consensual vaginal/penile sexual intercourse. Your friend and her child were present in the home when this occurred. Your friend heard sounds consistent with sexual intercourse occurring. After the sexual intercourse had concluded, you and the complainant, and your friend, all had a cigarette together. Shortly after that, the complainant left. You told your friend that the complainant was "good in bed". Your friend told you she did not wish for you to elaborate. Such a comment, in my view, is consistent with the observation I made earlier – you pursued this relationship because it gave you a sense of excitement.

As to the nature of the relationship generally, I note there was another occasion, when the complainant came to the same friend's home, after you had asked her to message him on your behalf. On that occasion, I am satisfied that your friend observed that you and the complainant were affectionate with each other, kissing and touching each other.

The existence of consent, and the proximity of the act to the complainant's 17th birthday, is relevant to sentencing generally and the assessment of the objective seriousness of the crime. But irrespective of that, this clearly remains serious criminal conduct. Speaking generally, penetrative sexual conduct with a person under 17 years of age is regarded as criminal because of the need to protect children from adults who would take advantage of their youth and vulnerability. A consensual decision to engage in sexual activity, made without the benefit of

the experience and wisdom which is gained with age, can have significant and long-term adverse consequences for the young person. That this is so, is highlighted in this case.

The impact statement of the complainant clearly indicates that the impact upon him has been, and still is, significant. The complainant was vulnerable. He has autism and finds some social settings difficult. He is prone to anxiety and panic attacks. He also finds it hard to regulate his emotions and becomes overwhelmed easily. He has experienced feelings of guilt and confusion. All of this has been enhanced by the fact that both of you live in a small town, and he has, at times, felt unable to be out in the community. His impact statement also speaks to the difficulties and trauma he experienced in having to give evidence in Court.

I accept that it is necessary to approach the assessment of the impact described by the complainant with a degree of care as there have been other factors in his life which are also capable of causing such impacts. It is simply impossible for the Court to untangle the impact of this crime from those other considerations. But the experience of the Court is that the type of impact described by the complainant is consistent with that commonly understood to be the consequence of the sexual abuse of young people. The fact is such abuse can, and frequently does, result in severe and long-lasting harm. Accordingly, whilst I acknowledge that some of the harm described by the complainant may have arisen independently of your criminal conduct, I sentence bearing in mind that a primary aim of sentencing in a case of this nature, is the protection of young people from the harmful consequences of sexual abuse by adults.

And, as noted, the complainant was vulnerable because of his autism and his life circumstances. It is not clear whether you appreciated such factors, but it matters not. The effect of such offending remains where it falls. People can be vulnerable for all sorts of reasons. Their age is just one of them.

You are now 29 years of age. You have no relevant prior convictions. By way of criminal history, there is a matter of common assault and resist police from 2019...You have two children, one of whom is in kindergarten and one in Grade 3. You are a single mother and have primarily raised your two children alone. Both children are born to the same father, but he resides interstate and has little to do with the children. Your belief is that he is unlikely to return to the State and assume parental responsibilities. If he does, you are concerned about the impact of that upon your children given, in your view, there has not been a strong relationship between the children and their father in the past.

Following your remand in custody, your children went to live with your mother. I am told that she too is facing criminal charges that may result in her incarceration. You are particularly concerned that if she is not in a position to care for your children, they will enter State care. That is a matter that causes you concern and upset. I take that into account generally, because I accept it will make any time in custody difficult and stressful, but in my assessment, it is not a weighty consideration as it was your criminal conduct that has given rise to the predicament in which you now find yourself.

You grew up in dysfunctional circumstances. There were issues of family violence and neglect within the family home. Your mother had significant drug and alcohol issues. You found yourself having to take on the role of raising your younger siblings from an early age. You left home when you were about 15. You have had some work, but since you fell pregnant with your first child, your focus has been on being a mother and raising your children.

I note that there has been considerable delay in this matter coming on for trial. The reason behind that has been multi-faceted but none of it can be said to be your fault. You have been awaiting trial for a long time. Other matters have simply received priority. During that time, you have been subject to bail conditions. There is no suggestion that you have breached those conditions, nor committed any further offences. Indeed, I accept you moved residences at one point in order to minimise the risk that you and the complainant would inadvertently come into contact, given you both reside in a small town.

You are not entitled to the mitigatory benefit of a plea of guilty, but I also accept that a number of the allegations made by the complainant, which were said to constitute the crime of persistent sexual abuse of a young person, were not found proved by the jury.

I am satisfied that specific deterrence is not a weighty factor in this sentencing exercise, but the predominant sentencing considerations of general deterrence, denunciation and vindication of the complainant demand a strong response from the Court and leads to an inevitable conclusion that a sentence of imprisonment is necessary. The only real question is whether you should be required to immediately serve all or some of the sentence. I have determined that it is necessary for you to serve a portion of the sentence because of the strong need to deter others from like behaviour, but I am satisfied your personal circumstances warrant the suspension of part of the sentence.

Ms Coleman, you are convicted of the crime of penetrative sexual abuse of a young person and sentenced to imprisonment for 20 months, commencing 26 February 2026. The last 12 months of that sentence will be suspended for a period of two years on condition that you do not commit another offence punishable by imprisonment during that period. I am required to make an order under the *Community Protection (Offender Reporting) Act 2005* unless I am satisfied that you do not pose a risk of committing a reportable offence in the future. Whilst I assess the risk as low, I am not satisfied that there is no risk and accordingly, I must make an order. I order that your name be placed on the Register, pursuant to that Act, and that you comply with the reporting obligations under that Act for a period of four years.