

ES you have pleaded guilty to one count of penetrative sexual abuse of a young person, one count of indecent act with a child or young person and one count of indecent assault. You have also pleaded guilty to associated summary offences namely six counts of distribute child exploitation material and six counts of make or reproduce exploitation material. All of the offending was committed in respect to your daughter, whom I shall refer to as Z and was committed at a time when Z was aged seven and you were aged 25. At the relevant time, you were in a relationship with a man whom I shall refer as PG.

In January 2025, the Australian Federal Police received a report that an email account linked to PG was involved in child abuse related activity. As a result on 24 February 2025, police attended the residence where you and PG lived. They spoke to you. You told them that PG was at work. Police attended his place of employment and also executed a search warrant at your residence. As a consequence of the search, and because of some information PG provided to police, it became apparent that PG was in possession of child exploitation material and there were devices containing child exploitation material at the residence.

PG subsequently participated in a record of interview with police in which he made a number of admissions including admitting to having recorded images and videos of your daughter which amounted to child exploitation material. He told police that whilst you were in the house on some of the occasions, he created the images and videos, he claimed you did not know anything about your daughter being depicted in the material. This was not true. Subsequent forensic analysis of PG's mobile phone revealed there were a number of videos on his phone that were either taken by you, depicted you in the image or were sent by you to PG.

In particular, there was a video which showed Z lying on a bed in the house naked. You were rubbing Z's clitoris for a period and then you placed your finger inside Z's vagina on two separate occasions. This constitutes the crime of penetrative sexual abuse of a young person. There was also a video which showed Z lying naked on a bed. You were on the bed with her. The video showed you placing your fingers on Z's vagina and parting her labia. This constitutes the crime of indecent assault. There was a third video which showed you rubbing Z's clitoris while she was lying on a bed naked. This constitutes the crime of indecent act with a child. It is unclear to me why this conduct was charged in this manner, but it was and a plea of guilty has been entered to the charge. The conduct is very similar to what might be described as an indecent assault. These three acts of sexual assault were recorded by you, and you sent each of these videos to PG. The making and sending of these videos are also the subject matter of three counts of making or reproducing exploitation material and three counts of distributing child exploitation material. In addition to these three videos, you also filmed three other videos of your daughter and sent those videos to PG. The three other videos showed Z lying naked on a bed with the camera being focused on her genitals. The making and sending of these videos constitute the other counts of making or reproducing child exploitation material and distributing child exploitation material. All of the six separate videos that you sent constituted child exploitation material which was classified as category one material.

Following the discovery of this material, you were spoken to by police. You admitted to police that you had recorded the videos and that they depicted your daughter. You told police that PG had requested that you send the footage of Z whilst he was away working on a fishing boat. You told police that you had sent PG the videos via the telegram app. You admitted to police

that you and PG had watched videos of stepfathers and daughters having sexual intercourse, but you believed the girls on the videos you watched were over 18 and therefore you did not consider it "unhealthy". You also told police that you did not want to make and send the videos of your daughter, but you were afraid that PG would leave you if you did not comply with his requests.

As a result of you being charged, Z and her younger brother, were placed into the care of your mother. This was a very difficult experience for Z and her brother as their maternal grandmother had not been in their lives prior to these crimes being committed. Being removed from your care, and placed with people they did not really know, was a traumatic experience for the children I imagine, and highlights, but one of the severe impacts that the sexual abuse of children can have upon them.

I have an impact statement partly written by Z and partly written by Z's maternal grandmother. The statement very clearly describes the damage and pervasive harm that has been occasioned to Z and the broader family as a consequence of your crimes. The impact statement also discloses the terrible breach of trust that you have perpetrated. Consistent with her age, Z's comments naively reflect her desire to be reunited with you. Relocating to live with her grandmother has meant that Z has had to change schools. She misses her friends. She has been left feeling, on occasions, hypervigilant and anxious, and her self-esteem has been adversely impacted. She sometimes experiences nightmares, and is often withdrawn.

It is obvious that the impact upon Z has been considerable, although given her young age it is unlikely the full extent of the impact has yet manifested. As she matures and comes to appreciate what you did to her, and realises you put your desire to maintain your relationship above your obligation to care for and protect your daughter, it is reasonable to consider she will suffer even more psychological harm.

You are now 26 years of age. You were 24 – 25 when the offending occurred. You have no relevant prior convictions. You had a difficult upbringing. When you were about 12 your best friend took her own life. You were devastated and it has had a lasting impact upon you. When you were 14 you commenced a relationship with an older man. It lasted for several years and both Z and her brother were born to this relationship. The relationship was characterised by violence and control. He physically and sexually assaulted you. He threatened to kill you. He emotionally abused you. He isolated you from your family and friends. He encouraged you to stop going to school and you became financially reliant upon him. He would make you have sexual intercourse with other males, and he would watch this occur and then receive payment for it. He destroyed your self-esteem and treated you in an appalling manner. He manipulated you and led you to believe that no one would believe you if you reported his behaviour. When you endeavoured to leave the relationship, he would threaten that if you did leave you would never see the children again. There were notifications to the authorities at the time, but I am told little came of many of them. It was because of this relationship that you became isolated from your parents and your relationship with them deteriorated significantly. Eventually, in November 2023 you were able to break away from the relationship, but you were forced to leave the children with their father. A police family violence order was put into effect.

Shortly after leaving the relationship, and when you were feeling alone and confused, you met PG. He too was experiencing difficulties and the two of you I am told, became friends and supported each other. At one point, you and PG moved to the mainland for a short period of time before returning in December 2023, to pursue family law proceedings which ultimately

led to Z and her brother being returned to your care in February 2024. I am told, and I can accept given what has been described to me, that when you left the relationship with the father of your children, you were lacking confidence and had no self-esteem. You felt incapable of being on your own. You were desperate to be cared for and supported. You felt therefore that you needed to keep PG happy, and part of that was acquiescing to his wishes and demands. Thus, when he requested that you create the videos and send them to him, you did so, in your mind, in order to maintain the relationship.

You have experienced several episodes of poor mental health. I have a report from a psychologist. It indicates that you present with symptoms of post traumatic stress disorder flowing from the way in which you were treated during the relationship with the father of your children. The psychologist opines that your experiences in that abusive relationship left you vulnerable to this offending. You had become submissive and easily controlled by others.

The report also indicates that you have considerable insight into the wrongfulness of your behaviour and notes you have shown considerable remorse. That is consistent with the early pleas of guilty. The State were advised that this matter would be resolved by a plea of guilty at an early point in time. Z has never been briefed for trial. Your pleas of guilty carry value in the sentencing exercise because Z has been saved from the traumatic ordeal of being briefed and participating in the trial. I also accept that you are genuinely remorseful and ashamed about your behaviour.

As I have noted however, your behaviour involved a terrible breach of trust. You breached your most fundamental duty as a mother to keep your children safe. Not only did you abuse your daughter, but you recorded that abuse and then distributed it to PG. Once you had done so, you had no control over what PG might do with the material. There was always the risk that he would send it further afield and it would end up in the broader online paedophilic community. Whilst I suspect you did not turn your mind to such a risk, the risk is real, and it highlights, one of the many reasons why crimes of this nature are considered so serious by the courts. Any behaviour which involves the exploitation of children for sexual purposes is to be condemned.

Whilst I acknowledge that you had experienced trauma and were vulnerable, the fact is, you placed your want to sustain your relationship with PG above the needs of your own daughter. The videos were taken at a time when PG was not immediately present. He was at sea. There was no immediate coercion placed upon you. You had time to think about your behaviour and consider the appropriateness of it. Even if your ability to fully think through the consequences was limited by the impact of your own trauma upon you, there is nothing before me to suggest you were incapable of understanding how wrong it was to use your daughter to satisfy the sexual depredation of another. Your moral culpability, in my assessment, remains high. In a case like this, courts have a duty to protect children from such sexual depredation. This is even more so when children are very young and have no capacity to self-protect. Here Z was entitled to rely upon her mother protecting her and keeping her safe. You abrogated your responsibility in the worst of ways. General deterrence and denunciation are dominant sentencing considerations.

In my view the only appropriate sentence is a significant term of imprisonment. I note the sentence that was imposed upon PG. Whilst his sentence has some broad relevance to this sentencing exercise, he pleaded guilty to a number of different offences, and his relationship with Z was of a different nature. I do not consider parity to be a decisive consideration.

Because I intend to impose a single sentence it is necessary that I identify the individual sentences that I would have imposed for each offence if I had sentenced separately. The following indications reflect an appropriate discount for the pleas of guilty. They are as follows:

- Penetrative sexual abuse of a young person – two years', 6 months' imprisonment.
- Indecent assault (count 2 complaint 53165/2025) – 14 months' imprisonment.
- Indecent act with a child (count 3 complaint 53165/2025) – 14 months' imprisonment.
- For each count of distribute child exploitation material – 2 months' imprisonment cumulative to each other.
- For each count of make/reproduce exploitation material – 1 months' imprisonment cumulative to each other.

The single sentence I impose must of course take into account the need to address the principals of totality and proportionality and be commensurate with the overall criminality. Accordingly, I make the following orders. You are convicted of all crimes and offences to which you have pleaded guilty. I impose a single sentence. You are sentenced to imprisonment for a period of five years and three months commencing 30 March 2026. I order that you not be eligible for parole until you have served one half of that sentence of imprisonment.

The *Community Protection (Offender Reporting) Act 2005* applies to this sentencing exercise. Whilst I consider the risk of you reoffending into the future to be slight given the work you are doing to address the causes of this offending; I am not satisfied that I can appropriately conclude that you do not pose any risk of committing a reportable offence into the future. I therefore make an order directing that the Registrar cause your name to be placed on the register and that you comply with the reporting obligations under the Act for a period of five years following your release from custody.