

STATE OF TASMANIA v GAB
COMMENTS ON PASSING SENTENCE

1 MAY 2026
ESTCOURT J

The defendant GAB has been found guilty, by the unanimous verdict of a jury, of the crime of persistent sexual abuse of a child.

The complainant was his female partner's daughter who was between 9 and 11 years old at the time of the abuse between 2014 and 2016.

The list of the specific occasions of unlawful sexual acts alleged by the State is as follows.

Occasion 1

Nature of the act: The complainant was in the lounge room, on the couch, laying across the accused. He told her she needed to give him "head." She performed oral sexual intercourse on him. It was daytime and the blinds were closed. That would constitute the crime of rape, or in the alternative, penetrative sexual abuse of a child

Occasion 2

Nature of the act: The complainant was in the lounge room, and she performed oral sexual intercourse on the accused. When he ejaculated, she could not swallow, and the ejaculate went on a mat on the floor. The accused was angry that she had not swallowed. That would amount to the crime of rape, or in the alternative penetrative sexual abuse of a child

Occasion 3

Nature of the act: On the night before her year four or five school camp the accused told the complainant to look over a list of rituals and pick one. She had to sleep in the same bed as him. He removed her clothes, kissed her on the mouth, bottom and legs. He touched her around her vagina with his fingers and then had anal sexual intercourse with the complainant. She asked him to stop but he continued and said words to the effect "*to get this demon away it had to be done*". She fell asleep and later that night woke to the accused holding her hand on his penis moving her hand up and down. That would amount to the crimes of indecent assault, and/or rape, or in the alternative, penetrative sexual abuse of a child, and/or indecent act with a child.

Occasion 4

Nature of the act: The accused was peeling potatoes in the kitchen and told the complainant the "levels were high". She knelt down and performed oral sexual intercourse on the accused. That would amount to the crime of rape, or in the alternative penetrative sexual abuse of a child.

Occasion 5

Nature of the act: The complainant was naked on her back on either the bed or couch. The accused attempted to have vaginal sexual intercourse with her, by attempting to insert his penis into her vagina. That would amount to the crime of attempted rape, or in the alternative attempted penetrative sexual abuse or indecent act with a young person.

Occasion 6

Nature of the act: The accused and complainant showered together, naked. The accused used the shower hose to wet the body of the complainant. The complainant used the shower hose to wet the body of the accused. The accused exposed his penis to the complainant in the shower. That would amount to the crime of indecent act with a young person.

Occasion 7

Nature of the act: The accused laid down, naked on the couch in the lounge room. The complainant kissed and/or licked his bottom, and penetrated his bottom with her tongue. The complainant licked around his anus and penetrated his anus with her tongue and/or fingers. That would amount to the crime of indecent act with a young person.

Occasion 8

Nature of the act: The accused approached the complainant in her bedroom. He touched her with his hand to the bottom (over her pants and then under her pants) and/or around her vagina area. That would amount to the crime of indecent assault

Occasion 9

Nature of the act: The accused touched the complainant to her left breast, whilst rubbing his crotch area. Taking place during the recording captured on the complainant's iPad. That would amount to the crime of indecent assault, and/or indecent act with a young person.

Occasion 10

Nature of the act: They were in the lounge room. The accused was sitting on the couch, and the complainant was kneeling in front of him. He asked her to give him "head". The complainant said words to the effect of "*this stinks*" or "*this is gross*". She then cleaned his penis and testicles with wet wipes and performed oral sexual intercourse on him.

That would amount to the crime of rape, or in the alternative penetrative sexual abuse of a child

Occasion 11

Nature of the act: The complainant was on the floor in the lounge room, lying on a floor covering on her stomach. The accused had anal sexual intercourse with her. The complainant sustained a rash or carpet burn to her stomach. That would amount to the crime of rape, or in the alternative penetrative sexual abuse of a child.

The jury needed only to be satisfied in respect of the count of persistent sexual abuse of a child that the defendant committed at least three of the listed unlawful acts before it was open to find the accused guilty and individual jurors did not need to be satisfied that they were the same three acts. Children who are victims of such offences are frequently unable to give particulars of each and every sexual act during a period of prolonged offending. The State has listed the specific unlawful sexual acts that the complainant is able to identify with some precision, but

defendants may be sentenced where appropriate, as here, on the basis that specific acts may be part of a course of conduct involving other, often, as in some of the present cases, many other, similar acts.

It falls to me to find which of the specified sexual acts the defendant committed. That can be a difficult task in some cases, but it is not in this case. I am satisfied beyond reasonable doubt that the complainant was an honest and reliable witness and I am satisfied, beyond any doubt that the defendant committed each and every one of the unlawful sexual acts in the State's list of occasions.

Those unlawful sexual acts, I find amounted to six crimes of rape, one of attempted rape, three of indecent assault and three of indecent act with a young person.

I am similarly satisfied that those acts were committed over, at the very least, a total period of some five months when the complainant was aged between 9 and 11 years old, although the totality of the evidence suggests that the total period was much longer than that. I find that during the period of abuse the defendant, in addition to, or along with, the specifically identified occasions orally and/or anally raped the complainant as often as every week.

I am satisfied that the unlawful sexual acts were predatory, occurring in a context where the defendant had convinced the complainant that she had "done a bad act" which had brought a demon into their house which could only be removed if she agreed by means of an elaborate selection process to perform sexual acts on him or with him. Egregiously his threat of the demon harm, which at her young age she believed, extended to harm to her or her mother and sister if she told anyone of the abuse or did not comply.

This crime of persistent sexual abuse of a child, by its nature, applies to a wide range of sexual offences in a wide range of circumstances and consequently there is no discernible sentencing range. The defendant however should suffer the same penalty as would have been imposed if the individual sexual acts constituting the crime had been charged as separate crimes, such that the sentence is a just and appropriate measure of the defendant's total criminality. The total aggregate sentence is to be moderated by proportionality and totality.

Child sex offences have enormous potential to cause physical and psychological harm. Conduct of this nature has profound and deleterious physical and psychological effects upon victims for many years, if not the whole of their lives. The consequences of an offence, including its effect on a victim, are important considerations in the sentencing process, and the severity of the sentence may be increased because of them. This is a most serious example of sexual abuse, given the imbalance of power and the terrible breach of trust involved and also given the number of sexual acts and the length of the period over which they occurred. General deterrence, punishment, vindication of the victim and community protection are the primary sentencing factors.

I take into account everything said on behalf of the defendant by his counsel, however there are no mitigating circumstances in this case and many aggravating circumstances, including the applicable statutory aggravating factors. The defendant has demonstrated no remorse and has caused his victim to relive her abuse in giving evidence in Court while labelling her a liar and a blackmailer. He has shown no remorse. I note that he has ceased his diabetes and all other medication and has not eaten since I remanded him in custody. He has drunk water only.

I note that the defendant has no relevant prior convictions.

The victim impact statement I have read to me by the complainant together with the supplementary statement that I have read myself demonstrates the enormous, far reaching, enduring, and devastating effects the defendant's crimes have had on all aspects of the life of the complainant. His crimes have been destructive of her life and her happiness. She has contemplated suicide. Fortunately she also says that she is healing and that she and her mother are moving forward.

The nature and number of the defendant's acts, committed for all practical purposes as a stepfather and carer are not only a shocking breach of trust, but are the acts of an individual with no moral or social worth.

GAB, you are convicted of the crime of persistent sexual abuse of a child. 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 the period of 15 years from your release from prison.

You are sentenced to imprisonment for a period of 18 years, backdated to 23 March 2026, and I order that you are not eligible to apply for parole until you have served 10 years of that sentence.