

GRS, you plead guilty to persistent abuse of a child. That crime is committed if a person commits an unlawful sexual act against a child on three or more occasions during the indictment period. Your crime was committed during the period of about a year between December 2019 and December 2020. You were 64 and 65 and the complainant was 16. During that period there were five identified occasions on which unlawful sexual act were committed against her, but those acts were in the context of other persistent and regular acts of sexual abuse.

You first became aware of the complainant in about 2012 when she was 8, when her family relocated from interstate. Her mother and your wife worked together and you were principal at her school. However, your association did not become close until she was 13, well after your retirement in 2014. You agreed to her mother's request to agist horses on your property. The complainant visited your property often to care for and ride her horse. Gradually, you became a mentor and grandfather figure. You built equestrian facilities for her and you spent time together undertaking various other outdoor pursuits. She regularly stayed with you and your wife when her parents were away and then as a means of support when her parents were separating.

She recalls the first unlawful sexual act as occurring just after her 16th birthday. You and she were together in your car. You asked for a hug and a kiss as thanks for a painting you and your wife had given her for her birthday. You then kissed her in a sexual way on her mouth. You said something like you had been wanting to do that for a long time, thus making clear your pre-existing sexual attraction which you now admit had developed over time. Although this was unexpected for her, and she was shocked by it, from then on you continued to kiss her in a similar way and the level of sexual acts escalated. On one occasion you pulled her towards you and you began kissing on the couch in your shed late in the evening after you had been playing table tennis. On another occasion kissing occurred in the stable area. The occasions of kissing were accompanied by you touching her breasts and bottom. On another occasion, when you were sitting on a couch together, you had her masturbate your penis until you ejaculated. Another specified occasion occurred in the bedroom at your home. You kissed her and touched her breasts, lay on top of her simulating intercourse, then penetrated her vagina with your finger and performed oral sex on her from behind as she knelt on the bed.

The identified occasions to which I have referred took place in the context of a highly sexualised relationship during which other sexual acts occurred. Because of their frequency, the complainant has difficulty remembering specific occasions. It was asserted without dispute that the sexual acts occurred in various locations but mostly in your car, at your home, at her home or on outdoor trips. You would have her perform oral sexual intercourse on you, or masturbate your penis. In varying circumstances you penetrated her vagina with your fingers, including in the shower. When she was staying with you it was usual for you to visit her bed each night, including while your wife was asleep in bed. There was regular phone sex. You frequently professed your love for her, but used your expressions of love and care to overcome any reluctance or questioning on her part.

The sexual acts with the complainant continued long after her 17th birthday in December 2020. However else it may be regarded, your conduct after that date was not criminal and you are not to be punished for it. It was not until almost five years later in March 2025 that the complainant refused to sleep in the same bed as you on a camping trip and she told her mother what had been happening. By that time she was 21 and you were 69. About two months later she reported the

matter to the police. Until then you had been continuing to work as a relief teacher, but you were suspended after you made some limited admissions during an investigation conducted by the Education Department.

You are now aged 70. You have no relevant prior convictions. Your only convictions are for a few traffic offences. However, your lack of prior convictions is not to be taken into account because, had it been otherwise, you would not have been trusted as you were by the complainant's family and your wife and thus in a position to act as you did. Disclosure of these offences has already had a profound effect on your life and on the life of others. Of course it has put a strain on your marriage. Your wife is devastated. You are estranged from your immediate family, which also means no contact with your grandchildren, not only for you but also your wife, and they are thus deprived of a relationship with their grandparents. These are, regrettably, things which have resulted from your own actions.

You were not charged until December 2025. You pleaded guilty at an early stage. The sentencing hearing proceeded after exchanges of correspondence to determine the factual basis of sentence, which required some further contact with the complainant. However, I accept that the purpose of the correspondence was to resolve areas of difference so as to avoid the possibility that the she would have to give evidence. Your conduct over time reduces any claim to the type of genuine remorse a court looks for. You did not cease offending of your own accord. I accept that you are ashamed of what you did and its impact. Your plea of guilty does demonstrate an acceptance of responsibility and, now that you fully appreciate the damage which has been done to the complainant and others, a wish to make amends. It is in the interests of justice that there be a reduction of sentence as recognition of your plea.

The dominant factor in sentencing for matters of this nature is the protection of children. The prohibition of sexual acts with children is founded on the presumption of harm. The complainant's victim impact statement amply demonstrates the lifelong psychological damage which can be done by crimes of this nature. The law is in place to protect those who lack the emotional maturity and judgment to protect themselves from the harm which premature sexual activity is presumed to cause. In this case the harm has manifest itself as, with the passage of time and her increased maturity, she has come to appreciate the wrongfulness of your conduct and find the wherewithal to do something about it. The offending period occurred in the year immediately before the complainant was able to validly consent to sexual acts. She was not as young or as vulnerable as is seen in some cases. However, there was an extreme discrepancy in age, maturity and power, and you were emotionally manipulative. She was vulnerable to some extent as a result of her family circumstances. The complainant was in your care and under your supervision. You should have protected her rather than engaged in sexual acts with her. You committed a very grave breach of the trust placed in you by her, her parents and your wife. You accept that you knew what you were doing was wrong. Given that you were a teacher with the seniority of a headmaster that could hardly have been otherwise. There was, during the offending period, no penile penetration of her vagina. Thus, there was no risk of pregnancy and little risk of transmission of communicable disease. None of the identified occasions comprising the crime involved penile penetration of any form. However, in light of the type of sexual acts perpetrated, that makes very little difference. The sexual acts were of a nature which constituted invasion of her bodily integrity irrespective of their nature and the form and the extent of the penetration. Some of the acts were committed while your wife was present in the home, although it was not asserted that the complainant's trauma was added to by the fear of discovery. Although it informs your moral culpability, the fact of your wife's presence does not aggravate the crime in the sense

referred to in the *Sentencing Act*, s 11A. The complainant's consent or acquiescence is not mitigating.

I take account of your age and that prison may be difficult for you. However, your personal circumstances are to be subordinated to the sentencing goals of punishment, general deterrence, protection of children, and vindication of the victim. I think that the chance of you re-offending is slim but the nature of this crime is such that I cannot be satisfied that there is no material risk. You were remanded in custody on 12 June 2026 and so the term of imprisonment I am about to impose will commence then.

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 four years from your release. You are convicted on the indictment. But for your plea of guilty I would have sentenced you to imprisonment for five years. You are sentenced to imprisonment for four years from 12 June 2026. I order that you not be eligible for parole until you have served half of that term.