

BSR, you have pleaded guilty to one count of grooming with intent to expose a child to indecent material, and one count of involving a person under the age of 18 years in the production of child exploitation material. The charges relate to a complainant who was aged 15 years at the time. You were aged 48 and 49 years at the relevant time.

The complainant was the daughter of your former de facto partner, and the half-sister of your biological daughter. You had been in a relationship with the complainant's mother for several years. The two of you had a child together. During that time, the complainant had lived with you. You had been in a parental role in respect to her. The relationship with the complainant's mother ended in around 2012/2013, but you stayed in touch with the complainant because your daughter and the complainant were very close. They would often have sleep overs together, including at your house. At all times, you were aware of the complainant's age.

You and the complainant predominately communicated via your Snapchat accounts. You also had each other's mobile phone numbers. The complainant had saved your number in her phone under a pseudonym because her mother had forbidden her from speaking to you. Despite this, you and the complainant had been communicating via Snapchat and mobile phone for some time prior to the commission of the crimes.

On 28 August 2022, you sent the complainant two videos on Snapchat. The first was of 30 seconds duration and showed you masturbating in the shower at your home. The second was of 20 seconds duration and showed identical images. The complainant saved the videos and showed them to her half-sister. You became aware that she had told others about the videos and so, on 29 August, you sent her a message which said: *"While I take back everything, I said about you WOW words can't explain what I think of you. I never want to see you ever AGAIN."*

In my view, the message was aggressive and had an undertone of trying to blame her for the situation, despite the fact you had sent the videos, and you were the adult.

Over the next two months, you sent the complainant several messages on Snapchat. Whilst the messages were not sexually explicit, they were clearly inappropriate given the complainant's age and your relationship as her ex-stepfather. Those messages had romantic connotations and referred to her in affectionate terms. The messages also contained comments like *"Sweety, I'd rather look at you than a wall."* On one occasion, you sent a message offering to come and collect her.

On 3 October 2022, you sent the complainant two messages asking for *"titty pics please, come on, don't ya love my anymore. U used to send me one all the time."* The complainant responded to the message saying it was difficult whilst she was living with her father, but ultimately, she did send you a picture of herself, naked from the waist up. Later that same day, the complainant attended the Devonport Police Station and told police about the messages.

On 28 October 2022, police executed a search warrant at your residence. They seized your mobile phone. They found some of the communications between you and the complainant. You were arrested. You participated in a record of interview. You admitted to police that you had asked the complainant to send you "titty pics", but you denied that you had sent her the videos of you masturbating. You agreed you had known the complainant for 10 or 12 years.

You described her as "like family". At one point, you suggested to police that the complainant had initiated inappropriate communications by sending you "erotic pictures" but later agreed that you may have asked for such pictures because you had "maybe had too many beers".

You are now nearly 52 years of age. You have one dated relevant prior conviction. In January 2008, you were convicted of the offence of expose person. Other than that, you have a reasonably significant number of driving convictions on your record of prior convictions, including for offences of drive whilst disqualified and breaches under the *Road Safety (Alcohol and Drugs) Act*, culminating in you receiving periods of actual imprisonment, as well as periods of suspended imprisonment by way of sentence.

You are a farmer. You operate a sizeable property on the northwest coast, where you run sheep, cattle and are also involved in cropping. Your biological daughter lives with you. She no longer has a relationship with her biological mother or her half-sister, the complainant in this matter, because of these crimes. Such is indicative of the type of harm crimes of this nature cause within families. Your criminal conduct has denied your daughter the opportunity to have a positive relationship with her mother and half-sister.

Your imprisonment will undoubtedly impact upon the day-to-day operation of the farm and therefore the financial position of the farm, and family members, whom you continue to support. Your father is 85 years of age and is limited in the tasks he can undertake on the farm. But that is all a consequence of your offending and part of the price to be paid for the commission of serious crime.

I am told your involvement in this matter stemmed from the break down of your relationship with the complainant's mother. Upon that relationship ending, you became lonely. You started using illicit substances, MDMA in particular, as a means of coping and feeling better about yourself. You committed these crimes when affected by substances. It was submitted that your use of illicit substances led you to become reckless. In my view, that greatly understates the seriousness of the conduct. The gravity of your crimes arises from you sending indecent videos to your ex-stepdaughter. You had been a parent to her. You knew her age. You knew her life circumstances. The breach of trust associated with your conduct was significant.

The inappropriateness of your criminal conduct deepened when you requested the complainant send you indecent images of herself and your requests proved successful. There is no evidence that you did anything with the images sent to you by the complainant but, of course, the complainant must now live with the on-going concern that you may have sent them somewhere and they may now exist in the on-line world.

Some mitigation arises from your pleas of guilty, although I note they were entered at a late stage. That said, I also note the State elected to file a nolle prosequi in respect to two other crimes for which you were originally indicted. Your counsel submits that you have reflected upon your conduct and you are now embarrassed and ashamed. I am told you now realise the significance of what you did and the potential effect it will have upon the complainant and you regret it.

The dominant sentencing consideration in matters of this nature, is the protection of children. Whilst I do not have a victim impact statement from the complainant, harm is to be presumed. Offending such as this is always serious. Offenders must be punished and denounced, and the need for general deterrence and protection of vulnerable children is paramount. Although these

crimes are subject to detection, they are also easy to commit. Victims are often reluctant to come forward. Abuse of children occurring online and via social media, is a matter of significant community concern. Communications sent from phones and other electronic devices, including social media applications, often occur privately and in secret, away from the supervision of parents and others who are responsible for the safety and protection of young people. The potential for corruption and psychological harm is considerable. It is the duty of sentencing courts to protect children from their own vulnerability, immaturity and misjudgement by imposition of sentences which seek to deter those who would take advantage of them

Here, of course, your conduct is aggravated by the significant breach of trust and power imbalance that was involved.

In my assessment, a period of imprisonment is necessary to mark the seriousness of your conduct. I make the following orders. BSR, you are convicted of both crimes. I impose one sentence. You are sentenced to imprisonment for a period of 12 months, commencing 10 July 2026. I order that you not be eligible for parole until you have served one half of that term. 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 of five years from your release.