

STATE OF TASMANIA v TDW
COMMENTS ON PASSING SENTENCE

JAGO J
2 SEPTEMBER 2026

TDW, you have pleaded guilty to one count of persistent sexual abuse of a young person. The complainant in this matter is your biological daughter. Between October 1971 and December 1976, you regularly and persistently abused your daughter. She was aged between 10 and 16 years at the relevant time. You were aged between 34 and 39 years.

The first occasion of sexual abuse the complainant can recall, occurred at the family home in Launceston. Your wife, the complainant's mother, was in hospital, giving birth to the complainant's youngest brother. The complainant stayed home with you and her other siblings. The complainant was on the couch with you. Her siblings were in bed. The complainant asked you where babies came from. You unzipped your pants, removed your erect penis and held it in your hand. You asked the complainant to touch your penis. You then took hold of her hand and placed it onto your penis.

The second occasion the complainant can recall also occurred at the family home, but by this time the family had moved to Waverley. The complainant did not have her own bedroom in this home and slept on the couch. One night, you came out into the loungeroom and put your hand under the blankets which were covering her and rubbed her vagina with your hand.

The third occasion the complainant can recall occurred when she was in grade six or seven at school. She was lying on the loungeroom floor in front of the fire; you came into the room and got on top of her. You pulled your erect penis from your trousers and held it in your hand. You tried to manoeuvre your penis into her vagina by pushing it against her and directing it with your hand. You were unable to insert your penis into her vagina. You told the complainant that you should be able to get your penis into her vagina because girls of her age "could have babies". The complainant believes that on this occasion (or perhaps another) you told her that you wished you could have a baby with her.

The fourth occasion the complainant can recall, occurred when her mother was at bingo. She was lying on her back, on the bed in the main bedroom. Her legs were hanging off the side of the bed. She can recall you having your mouth on her vagina. She recalls hearing sucking noises as you were licking her vagina.

The complainant recalls that in 1973 or 1974, she was given her own bedroom in the home. Thereafter, you would regularly enter her bedroom late at night and place your hands under the bedding and use your hand to rub her vagina, or insert your fingers into her vagina. You would also lay the complainant on her front and rub your penis on her lower back. The complainant would hear you breathing heavily. You would ejaculate. On other occasions, the complainant recalls you would come into her bedroom at night and suck and lick her breasts, and you would perform oral sexual intercourse on her. On occasions, after you sexually abused the complainant, you would thank her.

The fifth occasion relied upon by the State, also occurred in the complainant's bedroom, at night. She recalls you entering her bedroom and using your hand to hold her down. You then used your other hand to penetrate her vagina with your fingers. The complainant tried to fight you off.

On another occasion, in the complainant's bedroom, she recalls being at the end of the bed and you were on your knees, between her legs. You performed oral sexual intercourse on her and penetrated her vagina with your tongue. Again, the complainant recalls hearing sucking noises.

On a subsequent occasion, the complainant recalls you attempting to insert a tampon into her vagina. By this point, the complainant was using tampons regularly and did not require any assistance.

The complainant also recalls an occasion which occurred in her bedroom, where she was laying on her back on the bed and you were sitting on her chest. You pushed your penis back and forth between her breasts until you ejaculated.

The complainant recalls the sexual abuse came to an end after she had a panic attack. The complainant was scheduled to take a school trip. She asked you for money. You asked her what she would do in exchange for \$20. At this point, the complainant had a panic attack. The complainant believes this was in her fourth year of high school. She does not recall any further sexual abuse after this incident.

The complainant recalls that during the years you were sexually abusing her, there were times when she threatened to tell her mother or other family members. You would laugh at her and tell her that she would not be believed. She did not tell anyone.

On 9 January 2025, you participated in a record of interview. You made some admissions but largely downplayed the extent of the abuse you had perpetrated upon your daughter. You admitted to police that you had started touching her after the birth of your last child. You said you touched her "too frequently" but denied many of the penetrative acts. You suggested the complainant was trying to cause a "drift between you and your wife". At another point in the record of interview, when questioned about particular occasions, you told police that you did not recall the incidents, but that "if she said that I did it, then I must have done". You told police that the passage of time had had a significant impact upon your ability to recall details. You also suggested to police that the trigger for your sexual abuse of your daughter was that you were unable to have sex with your wife. At another point, you commented that you were "making up for what you presumed other boys did in childhood" given you were around 22 years of age when you married your wife, and your wedding night was the first time you had seen female genitalia.

Initially, you pleaded not guilty to the charge, and the matter was listed for preliminary proceedings. The complainant's sister was anticipating giving evidence at those proceedings. On the day of the preliminary proceedings, you changed your plea to one of guilty.

The complainant has elected not to provide a victim impact statement. That, of course, does not mean that she has not been adversely impacted by your crime. In a matter of this nature, harm is presumed. Courts well understand that conduct of this nature almost inevitably has profound and deleterious physical and psychological effects upon victims for many years, and often their whole lives.

You are 89 years of age. You have no prior convictions. Indeed, the only thing on your criminal record are some speeding offences. In sentencing a matter of this nature, however, good character is of little weight.

You are a widower. Your wife died in May 2022. Prior to your remand in custody, you were living at a nursing home in Devonport. You had a difficult upbringing, characterised by controlling parents who showed you very little love, affection or attention. You were sent to a boarding school from a very young age and stayed there until you were 15. Your parents withdrew you at that point, even though academically you were a high achiever, because they expected you to go to work. You were placed under the tutelage of an orthopaedic cobbler, where you undertook an apprenticeship. You were raised in a very conservative family. Sexual relations were not discussed within the home. I am told that if you ever raised the subject matter, your mother would become very upset and suggest the devil would get you.

In 1958, you were required to undertake national service. You served in the British Royal Air Force for a period of three years, where you worked as a medic. Whilst serving with the Air Force, you met your future wife. Over the next nine years, you and your wife had seven children together. You were the sole income earner for your family. In 1970, you, your wife and children relocated to Australia. Not long after arriving in Australia, your wife conceived your eighth child. It was a difficult pregnancy. There were a number of complications, and following the birth of your eighth child, your wife continued to suffer with gynaecological difficulties. This led to your sexual relationship with your wife coming to an end, and it was around this time that you began sexually abusing your daughter.

I take into account your plea of guilty. It has value in the sentencing process as it has saved the complainant, and indeed her siblings, from the ordeal of having to relive the trauma of the abuse by way of giving evidence. It also vindicates the complainant. You accept what she says occurred did occur. It is appropriate to allow for a reduction in sentence and the earliest eligibility for parole to reflect your plea. But for your plea of guilty, your sentence would have been 20% longer.

I have regard to the statutory aggravating circumstances I am required to take into account by virtue of the *Sentencing Act*, s 11A. I note the complainant was under your care and supervision and was under the age of 13 years when much of the abuse occurred.

This crime very obviously involves a significant breach of trust. You had an obligation to protect and nurture your daughter. Instead, you abused her on a persistent and regular basis over a five year period. You are to be sentenced for the specified occasions identified, but the sentence must recognise that the identified occasions did not occur in isolation but were part of a pattern of ongoing, frequent sexual abuse, involving many acts of oral and digital penetration. Each occasion of abuse magnified the trauma of the earlier abuse. It is noteworthy the abuse occurred within the family home, and often in the complainant's bedroom where she was entitled to feel safe, protected and secure. Instead, the family home must have felt like a place of terror and going to bed of an evening must have filled her with dread. Your daughter was very young when the abuse commenced. She had little capacity to self-protect. As she came to appreciate the wrongfulness of what you were doing, she threatened to tell members of the family. You coerced her silence by telling her she would not be believed. In short, you deprived her of an innocent and safe childhood in favour of your own sexual gratification. Your morale culpability, in my assessment, is very high.

Your age is, of course, relevant to the assessment of sentence, but it must be balanced against the objective seriousness of your crimes and your high level of moral culpability. It is but one of a number of considerations. I accept that your advanced age will mean that imprisonment is likely to be more difficult for you, however, I must assume that you will receive essential

care and treatment whilst serving a prison sentence. It is reasonable to infer, however, that the level of care may not be to the same standard as you would receive if you were in the community. I also accept that as the years advance, it is likely that your health may deteriorate and the experience of imprisonment will become increasingly difficult. It may well be, given your age, that you face the prospect of spending much, if not all, of the remainder of your life in prison. I bear that in mind in formulating the appropriate sentence, but given the gravity of this offending, that alone cannot be a reason to escape just punishment.

The lapse of time since the offending was committed is not a mitigating factor. For many years after your abuse ended, you were able to enjoy your life living freely within the community, whilst your daughter lived with the burden and consequences of your abuse. Sentencing goals which are prominent in matters of this nature, including general deterrence, punishment, denunciation, vindication of the complainant, and recognition of the harm caused, are just as important now as they were then. An overly lenient approach cannot be adopted because the harm caused by the persistent sexual abuse, silenced the complainant for many years. The sentence must make clear to not only you, but the broader community, that those who engage in the abhorrent behaviour of sexually abusing children, will receive harsh punishment. In that way, the Court endeavours to discharge its obligation to protect children and reflect society's condemnation of such behaviour.

I make the following orders. You are convicted of the crime and sentenced to imprisonment for a period of eight years, commencing 14 August 2026. I order that you are not eligible for parole until you have served one-half of that sentence of imprisonment. I have decided not to make an order under the *Community Protection (Offender Reporting) Act 2005*. Given your advanced years, I am satisfied no ongoing risk exists.