

The defendant, MJS, has pleaded to three charges involving child exploitation material: one charge of distribution and one charge of producing child exploitation material on 6 May 2025, and one charge of possession of child exploitation material on 23 October 2025.

On 6 May 2025, the defendant engaged in an explicit sexual conversation by text with a person by the name of [WCM]. The conversation related to engaging in sexual abuse of a child. The conversation involved the defendant telling Mr M that he has abused a child called "Sam", who stays with him on weekends, and talking about sexual abuse he wanted to subject her to in the future. The two men talked about meeting together with the child and a plan for Mr M to travel to Hobart, and for the defendant to make the child available to Mr M.

Given the content of the conversation, the defendant's text messages amount to child exploitation material. By creating and sending the texts, he committed the two crimes of producing and distributing child exploitation material.

During this conversation, the defendant sent an image of a child's face which he referred to as "Sam". The image was close up but blurry. Mr M asked the defendant if he had a photograph of her vagina. The defendant replied he did but only on Telegram. During the text conversation, the defendant described himself as a paedophile.

Mr M came to the attention of Australian Border Force and was arrested, and the defendant's telephone number was revealed during the investigation. On 23 October 2025, police executed a search warrant at the defendant's address where he lived with his partner and their five children. He provided his mobile phone and the code to enable access.

The police found the image of the child sent by the defendant to Mr M. The photograph was, in fact, of the defendant's 12 year old daughter. The image was a screenshot of a video taken three years earlier in the living room of the family home, when the child was approximately nine years of age.

In an examination of the defendant's phone, the police found 12 images of naked children aged between six months and eight years old. The photographs were digital photographs taken of printed photographs. They were taken of photographs apparently in a family photo album. They were taken on the same day as the defendant was conversing about child exploitation material. These photographs depicted the defendant's own children. Each digital photograph focussed on the child's genital area, their faces were not shown. The images are category 1 images according to the Australian Child Abuse Categorisation Scheme and are the subject of charge 3.

Police also located a secure folder with a separate passcode on the defendant's mobile phone. The defendant refused to provide the passcode to police. It is not contended that there was further child exploitation material in that folder.

The defendant was arrested at his home when present with his wife and children on 23 October 2025. He participated in a recorded interview with police. He told police that he did not remember having a conversation with Mr M on 6 May 2025. He told police that as someone who is bisexual, he talks to other men on adult chat websites. He consumes marijuana and ice

and then does not know what he is doing. He said that Mr M asked him for a photograph of his children, so he sent the single photograph found by police. He admitted having taken photographs on his phone of photographs of his children, naked, from family photograph albums. He said he was going to delete the photographs and had not sent the photographs to anyone. I note there is no suggestion that MJS distributed those photographs in anyway.

The defendant spent one day in custody before he was released on bail. He has no relevant prior convictions. He pleaded guilty at an early stage of the proceedings in the Magistrates Court and has thereby accepted responsibility for his conduct.

The defendant is 45 years of age and the father of five children. He has been in a relationship with the mother of his children for some 22 years. Once charged with these offences, he has not been living with his partner and children.

He has been diagnosed with complex Post-Traumatic Stress Disorder resulting from trauma he suffered as a child and as an adult, and he is prescribed medication for his symptoms. He suffers from anxiety and depression, and experiences suicidal ideation.

The defendant has an industrious work history but poor mental health. His symptoms were particularly marked from about the time he was charged with these crimes. He has been admitted to hospital for psychiatric care on two occasions as a result of suicide attempts. He has been referred to trauma-focussed therapy, but has been unable to engage because of difficulties he experiences in discussing his past traumatic experiences. MJS has a long history of attempting to mask his symptoms through the use of illicit substances.

The circumstances in which the offending occurred are as mentioned by the defendant in his interview with police. He utilised adult chat forums and applications to converse with adult males for the purpose of obtaining sexual gratification in a way that could be accommodated in his life, and without exposing him to judgement in his local community. These conversations would describe consensual sexual acts between adults.

The defendant denies paedophilic ideation or interest. He attributes his offending to his use of heavy methylamphetamine use. The use of this drug resulted in him having a heightened sexual drive and loss of inhibitions.

I accept that it is well-documented that the use of methylamphetamine can have these effects. While that explains sexual interest, drive and loss of inhibitions, it does not, however, explain, in any way, the paedophilic focus and scenarios discussed by the defendant here. The explanation for the content lies elsewhere.

The defendant had embarked on conversations with Mr M and was enjoying his attention. They conversed over a number of weeks before it became apparent that Mr M was interested in paedophilic content. It is said on the defendant's behalf that he reciprocated with the messages the subject of the charges arising from his from his sexual interest in Mr M and the defendant's desire to ingratiate himself with Mr M, or misguided intrigue. It is asserted and not disputed by the State that the defendant was not experiencing any actual paedophilic desires. It strikes me as a small step from wanting to engage with and please a paedophile, or so-called intrigue about such material, and actual sexual interest in child exploitation material.

The defendant's sending of text messages with a narrative or description of the abuse of children likely encouraged Mr M in his insidious and predatory interest. The risks to children are obvious. Such conversations promote the demand for child exploitation material and lead directly to the abuse of children. The community is appalled by such material and the actions of people who promote it. The Court recognises the importance of denunciation.

When sentencing offenders for possession, creation and distribution of child exploitation material, general deterrence is the Court's dominant concern. The Court's fundamental objective, indeed fundamental duty, is the protection of children, and the Court achieves this through the imposition of heavy sentences.

The text messages here, discussing child abuse were fictional but the defendant linked the fiction to his daughter by what he said and by sending the photograph of her. This is an aggravating factor. The defendant's parental responsibility and that he exposed her in this way, is relevant to an assessment of the gravity of the offences. By engaging with someone who had revealed himself to be a paedophile as he did, he betrayed his daughter's trust and his partner's trust.

The defendant informs his counsel that he has never performed any of the acts that he describes in the messages on any child. In sentencing him, I accept that and I am conscious that there is no suggestion that he has ever engaged in any abuse of children.

In terms of charge 3, the possession charge, that involves a small number of images in the defendant's possession for a period of approximately five months. I note the originals were taken in an innocent family context. It is relevant that the photographs in his possession did not identify the children. An aggravating factor is that they were photographs taken of his own children.

As well as general deterrence and denunciation, there are other considerations. Sometimes specific deterrence is also required. That is not the case here. The defendant is very ashamed of his actions and wracked with guilt. Indeed, that has been apparent to me on his appearances before this Court. MJS is aware of the potential harm he has exposed his daughter to and the need for measures now to protect her.

I have not overlooked the goal of rehabilitation. I consider the defendant has prospects of reform and his remorse is indicative of those prospects. The Court proceedings have been a deterrent and hopefully a catalyst for treatment. His chance of reform will be promoted by psychological treatment, including trauma-focussed therapy as well as drug rehabilitation.

There are no suggestions of reduced moral culpability and no report material provided. Notwithstanding that, I presume that given the defendant's diagnosis and trauma background, imprisonment will be particularly difficult for him.

I have given weight to all of these factors. Balancing the various considerations, some of them pointing to a heavy penalty, some to a merciful penalty, the sentence I now impose is as follows.

MJS, I record convictions. I impose a global sentence of 26 months' imprisonment, backdated to 2 July 2026. MJS is required to serve eight months of that sentence. The balance is suspended on condition that he not reoffend for a period of 18 months from release from prison. Further, he is to attend community corrections within 48 hours of his release at 75 Liverpool

Street. He is subject to the supervision of a probation officer for the period of 18 months from the date of his release. He must comply with the reasonable and lawful directions of his supervising officer, including directions regarding psychological or psychiatric assessment, treatment or therapy, including specialist trauma-focussed therapy and drug rehabilitation including assessment, treatment and therapy.

I am conscious that the defendant has a referral for that psychological treatment and it should be noted that it may be desirable that that privately organised therapy take place under the supervision of his probation officer.

I make an order, pursuant to the *Community Protection (Offender Reporting) Act*, that the defendant's name be placed on the register and he comply with the reporting obligations under this Act for a period of three years.

MJS, I expect that the sentence I have imposed will be for you, a heavy sentence. Be aware that it takes account of the fact that this is not a case where the offending was the product of paedophilic interest, or actual abuse of children. If either had been the case, the time of actual imprisonment would be measured in years not months.

I make an order, pursuant to s 130F(2) of the *Criminal Code*, that the defendant's mobile phone, seized on 23 October 2025, be forfeited to the State of Tasmania.