

# Historical Child Sex Offences

Repealed *Criminal Code* provisions

**Prior to 1 January 2014**

**Transitional Sentencing Provisions:** This table is divided into thirds based on the three relevant periods of Sentencing Provisions:

- Post-transitional provisions period
- Transitional provisions period
- Pre-transitional provisions period

These periods are separated by a row which shows when the transitional provisions were enacted, and another showing when they were repealed.

## Glossary:

imp	imprisonment
susp	suspended
conc	concurrent
cum	cumulative
PG	plead guilty
agg	aggravated
burg	burglary
sex pen	sexual penetration without consent
AOBH	assault occasioning bodily harm
GBH	grievous bodily harm
dep lib	deprivation of liberty
att	attempted
EFP	eligible for parole
indec	indecent
pen	penetrate
TES	total effective sentence
CRO	conditional release order

No.	Case	Antecedents	Summary/Facts	Sentence	Appeal
15.	<b><i>ERA v The State of Western Australia</i></b>  <b>[2013] WASCA 163</b>  Delivered 19/07/2013	<p>64 yrs at sentencing.</p> <p>Convicted after trial.</p> <p>Criminal record.</p> <p>In 1983 and 1984, the appellant committed incest with his daughter. She was 10 or 11 and he was 35 or 36. The incest involved numerous acts of penile/vaginal intercourse. On 5 May 1984 he pleaded guilty to 1 count of incest and sentenced to 5 yrs imp with min of 2 yrs 4 mths imp.</p> <p>Good work history.</p>	<p>Indecent deal u 14 yrs s183 (repealed) <i>Criminal Code</i> x 10.</p> <p>Carnal knowledge u 13 yrs s185 (repealed) <i>Criminal Code</i> x 1</p> <p>Sex pen lineal relative s329(2) <i>Criminal Code</i> x 10</p> <p>The appellant sexually abused two generations of children within his family.</p> <p>L and J are the appellant's nieces. The offending against them occurred in 1974 and 1975.</p> <p>N and C are the appellant's grand-daughters (son's children). The offending against them occurred between 2005 and 2008. N was about 8-11 and C was about 7-10. The appellant was about 57-60.</p> <p>In 1974, the appellant was living in rural WA with his then wife and their two children. In 1974 victim's L and J were staying with their mother and the appellant and his family for several months. L was aged 11 or 12, J was 8 and he was 26 or 27.</p> <p>During the period of the appellant's offending against L and J, he had intimate relations with their mother on several occasions.</p> <p><u>Cts 1 and 3</u></p> <p>In relation to L, the appellant indecently dealt with L, then a child under the age of 14 yrs.</p>	<p>TES 16 yrs imp.</p> <p>EFP.</p> <p>Sentencing judge found N and C were groomed from a very young age by rewards, including money. It was apparent that both girls had reached a point where such conduct was unremarkable, only being occasionally memorable.</p> <p>The offences were not isolated occurrences. They were representative and part of an ongoing course of conduct.</p> <p>Victim J sustained significant long-term damage.</p> <p>The appellant denied the offences to Psychiatrist and suggested they had been fabricated in the</p>	<p>Dismissed.</p> <p>At [134] The appellant was not sentenced merely for offences which he had committed many years ago. His offending against N and C was appalling and relatively recent. This is a matter of some importance in applying the second limb of the totality principle. The present case did not involve an offender who had ceased intra-familial sexual offending a long time ago. Also, it did not involve an offender who had been wholly or substantially rehabilitated.</p>

		<p>The offending occurred between 1 December 1974 and 30 June 1975 at a house in rural WA where the appellant rubbed the victim's vagina and rubbed his penis against her vagina.</p> <p><u>Cts 4-8 and 10 -13</u>  In relation to J, in each count the appellant indecently dealt with J, then a child under the age of 14 years; except for one which the appellant had unlawful carnal knowledge of J, then a child under the age of 13 years. The offending occurred between 1 December 1974 and 30 June 1975 at the appellant's place of work in rural WA. In Ct 4 the appellant rubbed J's vagina with his hand. In Ct 5 on the same occasion; the appellant used J's hand to masturbate his penis. In Ct 6 the appellant touched J's vagina with his fingers. In Ct 7, on the same occasion the appellant rubbed his penis against J's vagina until he ejaculated. In Ct 8 the appellant used J's hand to masturbate his penis. In Ct 10, on the same occasion the appellant rubbed his penis against J's vagina until he ejaculated. In Ct 11 the appellant rubbed his penis against J's vagina until he ejaculated. In Ct 12 the appellant used J's hand to masturbate his penis. In Ct 13 the appellant penetrated J's vagina with his penis.</p> <p><u>Cts 16-19</u>  Counts 16-19 relate to N. The offending occurred between 1 January 2005 and 31 December 2007 at rural locations near a WA country town. Each count alleged that on separate unknown dates during the period of</p>	<p>context of a conflict with his daughter-in-law; Also denied having a sexual interest in children.</p> <p>Considerable risk of re-offending.</p> <p>No remorse or victim empathy.</p> <p>Sentencing Judge noted that offending was not in the worst category, but was nonetheless very serious.</p>	
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			<p>offending the appellant sexually penetrated N, a child who he then knew to be a lineal relative by penetrating her vagina with his penis.</p> <p><u>Cts 21-26</u>  Counts 21-26 relate to C. The offending occurred between 1 January 2006 and 31 December 2008 in rural WA. The appellant knew C was his lineal relative. In Ct 21 the appellant inserted his finger into her vagina. In Ct 22 on the same date the appellant inserted a vibrating sex toy into the victim's vagina. In Ct 23 on the same date the appellant inserted his penis into C's vagina. In Ct 24 on a date unknown the appellant inserted his finger into her vagina. In Ct 25 on the same occasion the appellant inserted a vibrating sex toy into her vagina. In Ct 26 on the same date and place as Ct 24 the appellant inserted his penis into C's vagina.</p>		
14.	<p><b><i>The State of Western Australia v FJG</i></b></p> <p><b>[2012] WASCA 206</b></p> <p>Delivered 17/10/2012</p>	<p>34-40 yrs at time offending. 69 yrs at time sentencing.</p> <p>Convicted after PG (cts 1, 2, 6, 7 and 9). Convicted after trial (cts 3-5, 8, 10-14).</p> <p>No prior criminal record.</p> <p>Good employment history.</p> <p>Wife of 40 yrs remains supportive of respondent.</p> <p>Some health problems but overall in</p>	<p>2 victims – respondent's daughters. Victim 1 aged 10-14 yrs. Victim 2 aged 8-14 yrs. Offending period 1977-1982. Offences representative of long term and systemic sexual abuse of the two victims.</p> <p>Offending extremely serious and constituted an horrendous breach of trust.</p> <p>Ct 1: Indecent deal u14 s183 <i>Criminal Code</i>.  Ct 2: Carnal knowledge of daughter s 197 <i>Criminal Code</i>.  Ct 3: Indecent deal u14 s183 <i>Criminal Code</i>.  Ct 4: Indecent deal u14 s183 <i>Criminal Code</i>.  Ct 5: Indecent deal u14 s183 <i>Criminal Code</i>.</p>	<p>Ct 1: 20 mths imp.  Ct 2: 4 yrs imp.  Ct 3: 2 yrs imp.  Ct 4: 4 yrs imp.  Ct 5: 3 yrs imp.</p>	<p>Allowed.</p> <p>TES increased to 10 yrs 6 mths imp. Individual sentences not disturbed.</p> <p>At [62] Offending was very close to falling within the worst case category for offending of this kind.</p> <p>At [58]-[60] Discussion comparable cases and broad sentencing range.</p>

		<p>reasonable health – high blood pressure and cholesterol; asthma; osteoarthritis and moderate to severe hearing loss.</p>	<p>Ct 6: Indecent deal u14 s183 <i>Criminal Code</i>.  Ct 7: Indecent deal u14 s183 <i>Criminal Code</i>.  Ct 8: Indecent deal u14 s183 <i>Criminal Code</i>.  Ct 9: Carnal knowledge of daughter s 197 <i>Criminal Code</i>.  Ct 10: Carnal knowledge of daughter s 197 <i>Criminal Code</i>.  Ct 11: Carnal knowledge of daughter s 197 <i>Criminal Code</i>.  Ct 12: Indecent deal u14 s183 <i>Criminal Code</i>.  Ct 13: Carnal knowledge of daughter s 197 <i>Criminal Code</i>.  Ct 14: Carnal knowledge of daughter s 197 <i>Criminal Code</i>.</p> <p><u>Cts 1 and 2:</u>  Victim 1, aged 10 yrs. Victim 1 in lounge room when respondent called for her to sit on his knee. Victim 1 did. Respondent put his hand up her skirt and inserted his finger into her vagina (ct 1). Respondent then took victim 1 into his bedroom, locked the door, removed her pants and inserted his penis into her vagina. Respondent engaged in sexual intercourse with victim 2 until ejaculation (ct 2).</p> <p><u>Ct 3:</u>  Victim 2. Victim 2 sitting on respondent's knee watching TV. Respondent kissed victim 2 and made her masturbate him until he ejaculated. While doing this, respondent told victim 2 that all little girls that love their daddy do this and that she shouldn't tell anyone.</p> <p><u>Ct 4:</u>  Victim 2, aged 10 yrs. Respondent held victim</p>	<p>Ct 6: 20 mths imp.  Ct 7: 20 mths imp.  Ct 8: 3 yrs 9 mths imp.  Ct 9: 12 mths imp.    Ct 10: 5 yrs 8 mths imp.  Ct 11: 5 yrs imp.    Ct 12: 3 yrs imp.  Ct 13: 5yrs 8 mths imp.  Ct 14: 4 yrs 6 mths imp.    TES 8 yrs 6 mths imp.    EFP.    Low risk of re-offending.</p>	
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		<p>2's head to his crotch area and forced his penis into her mouth, making her choke. Victim 2 accidentally bit respondent's penis and respondent hit her on the head. Respondent continued until ejaculating in victim 2's mouth, forcing her to swallow the ejaculate. Victim 2 then vomited and respondent made her clean the vomit up.</p> <p><u>Ct 5:</u> Victim 2. Respondent made victim 2 perform fellatio on him.</p> <p><u>Ct 6:</u> Victim 1, aged 13 yrs. Respondent and victim 2 were in the car driving. Respondent reached over and put his hand in her pants and inserted his finger into her vagina.</p> <p><u>Ct 7:</u> Victim 2, aged 11 yrs. Offending occurred on victim 2's 11<sup>th</sup> birthday. Respondent entered victim 2's bedroom, naked from the waist down, lay on top of her and put his penis between her legs. Respondent simulated having sexual intercourse with victim 2 until ejaculating on the sheets.</p> <p><u>Ct 8:</u> Victim 2, aged 11 yrs. Respondent inserted a 'long, sharp, pointy and cold' object into victim 2's vagina. The object hurt victim 2 and she told respondent to stop. Respondent refused to stop. While inserting the object, respondent touched victim 2 'everywhere'. Respondent was so aroused that he ejaculated. The insertion of the object caused victim 2 to bleed onto the sheets and respondent made her scrub the sheets to get the blood out.</p>		
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			<p>wash him. Victim 2 cried throughout the offending and asked the respondent to stop. Respondent replied that this was what “all good little girls do with their daddy’ and said it was normal.</p> <p><u>Ct 14:</u> Victim 2, aged 14 yrs. Respondent engaged in sexual intercourse with victim 2. Within a short time after ct 14, victim 2 disclosed the respondent’s offending to a school guidance officer and the matter was brought to the attention of the Department for Community Welfare. There was some investigation but the police were not notified and no action was taken. The sexual offending against victim 1 did not come to light at this time.</p>		
13.	<p><b><i>MMC v The State of Western Australia</i></b></p> <p><b>[2012] WASCA 187</b></p> <p>Delivered 27/09/2012</p>	<p>14 yrs at time offending against victim 1(half-sister). 35-38 yrs at time offending victim 2, 3 and 4 (de facto daughters).</p> <p>Convicted after fast-track PG.</p> <p>No relevant prior criminal record – traffic offences.</p> <p>Satisfies diagnostic criteria for paedophilia; compulsive collector of pornography (including child pornography).</p> <p>Significant personality dysfunction</p>	<p>4 victims – 3 were appellant’s de facto daughters; one was appellant’s half-sister. Victim 1 (half-sister) aged 11 yrs. Victim 2 aged 10-12 yrs. Victim 3 aged 10-11 yrs. Victim 4 aged 7-8 yrs. Offending period March 1987-January 1988.</p> <p>Cts 1-5: Carnal knowledge s 185 <i>Criminal Code</i> (max penalty 20 yrs imp). Ct 6: Sex pen u13 s 320(2) <i>Criminal Code</i>. Ct 7: Sex pen u13 s 320(2) <i>Criminal Code</i>. Ct 8: Sex pen u13 s 320(2) <i>Criminal Code</i>. Ct 9: Indecent dealing with a child u13 s 320(4) <i>Criminal Code</i>. Ct 10: Sex pen u13 s 320(2) <i>Criminal Code</i>. Ct 11: Sex pen u13 s 320(2) <i>Criminal Code</i>.</p>	<p>Cts 1-5: 1 yr imp each ct.</p> <p>Ct 6: 4 yrs imp. Ct 7: 3 yrs imp. Ct 8: 3 yrs imp. Ct 9: 1 yr 6 mths imp. Ct 10: 3 yrs imp. Ct 11: 3 yrs imp.</p>	Dismissed – application for extension of time refused on papers.



	<p>with narcissistic, anti-social and borderline traits.</p> <p>History poly substance abuse.</p> <p>Family history of depression, suicide, aggression , violence and alleged sexual offending.</p> <p>Childhood behaviour included truancy, cruelty to animals, running away from home and lighting fires.</p>	<p>Ct 12: Att sex pen u 13 s 320(2) <i>Criminal Code</i>.  Ct 13: Sex pen u13 s 320(2) <i>Criminal Code</i>.  Ct 14: Sex pen u13 s 320(2) <i>Criminal Code</i>.  Ct 15: Sex pen u13 s 320(2) <i>Criminal Code</i>.  Ct 16: Sex pen u13 s 320(2) <i>Criminal Code</i>.</p> <p><u>Cts 1-5 Victim 1:</u>  Appellant's half- sister, aged 11 yrs. Appellant aged 14 yrs at time offending.  On each occasion, appellant removed victim 1's underwear, lay on top of her and penetrated her vagina with his penis.</p> <p><u>Cts 6, 13, 14, 15 and 16 Victim 2:</u>  Victim's de facto daughter, aged 10-12 yrs.  Counts were representative offences – the sexual offending repeatedly occurring between August 2008 and 2011.  Victim 2 told appellant she had been sexually abused by her previous step-father. Appellant told her he could help her overcome the grief by having sex with her. A short while later, the appellant asked victim 2 to have sex with him, they removed their clothes and the appellant penetrated victim 2's vagina with his penis (ct 6).  Victim 2's mother was at work and appellant asked victim 2 to come into the bedroom to look after her baby brother. After victim 2 had put the baby to bed, appellant asked her to have sex, removed their clothing and penetrated her vagina with his penis (ct 13).  Appellant penetrated victim 2's vagina with his penis in similar circumstances on a later date (ct 14). Immediately afterwards, the</p>	<p>Ct 12: 1 yr 6 mths imp.</p> <p>Ct 13: 4 yrs imp.  Ct 14: 4 yrs imp.  Ct 15: 3 yrs imp.  Ct 16: 4 yrs imp.</p> <p>TES 11 yrs imp.</p> <p>EFP.</p> <p>Profound lack of empathy; no remorse.</p>	
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			<p>appellant performed cunnilingus on victim 2 (ct 15). The appellant then again penetrated victim 2's vagina with his penis stopping when he ejaculated (ct 16).</p> <p><u>Cts 7, 8, 9 and 12 Victim 3:</u> Victim's de facto daughter, aged 10-12 yrs. Counts were representative offences – the sexual offending repeatedly occurring between May 2010 and April 2011. Appellant penetrated victim 3's vagina with his finger on two occasions (cts 7 and 8). Appellant touched victim 3's breast (Ct 9). Appellant attempted to penetrate victim 3's anus with his penis (ct 12).</p> <p><u>Cts 10 and 11 Victim 4:</u> Victim's de facto daughter, aged 7-8 yrs. Appellant, on two separate occasions, was tucking victim 4 into bed and asked her if she wanted "tickle time". Appellant reached under the covers and digitally penetrated her vagina.</p>		
12.	<p><b><i>RNN v The State of Western Australia</i></b></p> <p><b>[2010] WASCA 26</b></p> <p>Delivered 16/02/2010</p>	<p>70 yrs at time sentencing. 27-37 yrs at time offending.</p> <p>Convicted after negotiated PG – originally charged 24 counts, convicted after PG 11 counts.</p> <p>No prior criminal record.</p> <p>Youngest of 5 children; normal upbringing; since offending came to light no longer has contact with brothers; single; no dependants; isolated life with minimal social</p>	<p>3 victims were nephews of appellant. Offending period 10 yrs. Victims aged 9-16 yrs, 10-14 yrs and 13-16 yrs. 34 yrs between last offence and conviction.</p> <p>5 x Indecent deal u14 (max penalty 7 yrs imp). 6 x Indecent assault (max penalty 3 yrs imp).</p> <p><u>Ct 3 – Indecent deal:</u> Victim A, 9yrs. Appellant visited brother's farm (A's father). Appellant slept on fold out bed in lounge room. Appellant told A had something special for him and to visit him after everyone else had gone to bed. A</p>	<p>TES 4 yrs imp.</p> <p>Ct 3: 6 mths imp.</p>	<p>Dismissed.</p> <p>At [40]–[41] the max penalty is the penalty in force at time offences committed but the court entitled to take into account current knowledge and understanding of the offence and its impact in sentencing.</p>

		<p>interactions.</p> <p>believed he would be given lollies and went to see appellant. Appellant told A to get into bed with him and then masturbated A. Appellant then masturbated himself and ejaculated on A's hand. Appellant told A something special had happened between them.</p> <p><u>Ct 6 – Indecent deal:</u> Victim A, 12 or 13yrs. Appellant travelling with brother and brother's family in car. Appellant placed blanket over A and other child. Appellant placed hands under and masturbated A – on top of clothing to start and then inside trousers. A recalled being abused regularly by appellant but was unable to distinguish each incident. At 16 yrs A decided wanted nothing more to do with appellant and abuse stopped.</p> <p><u>Ct 9 – Indecent deal:</u> Victim J, 9 or 10 yrs. J asleep in his bedroom with younger brother C. Appellant entered room, pulled back bed covers from J and lay down on top of him. Appellant removed his penis from pants and rubbed it on J's body until he ejaculated onto bed. J said this behaviour regular occurrence and he did not resist as that made appellant more persistent. Appellant did not threaten J but would buy him chocolates. Not first count of abuse J remembered.</p> <p><u>Ct 10 – Indecent deal:</u> Victim K, 13 yrs. Appellant and K driving in rural WA. Appellant stopped car and both appellant and K went to toilet. When returned to car, appellant placed hand on K's penis through clothing. K pushed hand away twice</p>	<p>Ct 6: 12 mths imp.</p> <p>Ct 9: 16 mths imp.</p> <p>Ct 10: 12 mths imp.</p>	
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		<p>and appellant placed hand in K's pants and masturbated him for approx 20 min. K too frightened to become aroused. Not first count of abuse K remembered.</p> <p><u>Ct 12 – Indecent assault:</u> Victim K, 14 yrs. Appellant took K camping. K awoke during night to find appellant sliding hand into his pants. Appellant masturbated K until erect. K then went to toilet. On return to bed, appellant performed oral sex on him until ejaculated.</p> <p><u>Ct 16 – Indecent assault:</u> Victim K, 14 or 15 yrs. Appellant driving K between his farm and brother's farm (K's father). Appellant stopped vehicle and began to masturbate K until erect. Appellant then performed oral sex on K until ejaculated. K said this kind behaviour occurred 6 or 7 times on journey between farms but that he could not distinguish separate incidents.</p> <p><u>Ct 18 – Indecent deal:</u> Victim J, 12 or 13 yrs. Occurred at J's home. J awoke to find appellant under bed covers masturbating him. When J erect, appellant performed oral sex until ejaculated.</p> <p><u>Ct 19 – Indecent assault:</u> Victim K, 15 yrs. Appellant visiting uncle's (appellant's brother) farm. Appellant and K sleeping fold out beds in lounge. K awoke to appellant's hands on his crotch. Appellant then placed hands inside K's pants and masturbated until K erect. Appellant performed oral sex on K until ejaculated.</p> <p><u>Ct 21 – Indecent assault:</u> Victim K, 15 yrs. Appellant took K to drive-in</p>	<p>Ct 12: 14 mths imp.</p> <p>Ct 16: 12 mths imp.</p> <p>Ct 18: 18 mths imp.</p> <p>Ct 19: 8 mths imp.</p> <p>Ct 21: 8 mths imp.</p>	
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			<p>movie. Appellant masturbated K during movie and performed oral sex until ejaculated.</p> <p><u>Ct 23 – Indecent assault:</u> Victim K, 16 yrs. Appellant picked K up from TAFE. Appellant stopped car and fondled K's crotch. Appellant pulled down K's trousers, masturbated him until erect and performed oral sex until ejaculated. Last act sexual abuse against K.</p> <p><u>Ct 24 – Indecent assault:</u> Victim J, 14 yrs. Appellant driving with J in car. Appellant stopped car, masturbated J until erect and performed oral sex until ejaculated.</p>	<p>Ct 23: 8 mths imp.</p> <p>Ct 24: 8 mths imp.</p>	
11.	<p><b><i>LWJR v The State of Western Australia</i></b></p> <p><b>[2009] WASCA 200</b></p> <p>Delivered 12/11/2009</p>	<p>32 yrs at time offending. 61 yrs at time sentencing.</p> <p>Convicted after fast-track PG – co-operated with police.</p> <p>Causal link between offending and alcoholism; wife found out about offending and left; appellant stopped drinking and reconciled with wife; written letters of apology to victims at their request.</p> <p>No offending since and viewed by sentencing judge as completely rehabilitated (not challenged by State).</p>	<p>2 victims were appellant's daughters. Offending period approx 18 mths. Victims aged 3-5 yrs. 28 yrs between last offence and conviction.</p> <p>7 x Indecent deal u13 s189(2) <i>Criminal Code</i> (max penalty 7 yrs).</p> <p><u>Ct 1:</u> Victim 1, 3 yrs. Appellant, naked, placed victim, wearing only T-shirt, on penis (no penetration).</p> <p><u>Cts 2 &amp; 3:</u> Victim 2, 5 yrs. Appellant placed penis in victim's mouth and made her perform oral sex (ct 2). As this was occurring, appellant digitally penetrated vagina (ct 3).</p> <p><u>Cts 4-7:</u> Victim 2, 5 yrs. Three counts fellatio (cts 4, 5 &amp; 6) and one count digital penetration (ct 7).</p>	<p>TES 7 yrs imp.</p> <p>EFP.</p>	<p>Allowed.</p> <p>TES reduced to 5yrs imp.</p> <p>Sentencing judge in error when did not sentence on basis that appellant completely rehabilitated (State did not challenge assertion; evidence confirmed it).</p>

10.	<p><b><i>Bropho v The State of Western Australia [No 2]</i></b></p> <p><b>[2009] WASCA 94</b></p> <p>Delivered 29/05/2009</p>	<p>Late 50's at time of offending; 78 yrs at the time of sentencing.</p> <p>Convicted after a trial.</p> <p>No prior relevant criminal record - convictions for stealing, damage, drunkenness, breaking and entering, resisting arrest, trespass and assaulting a public officer.</p> <p>Senior Aboriginal elder; old age and poor health (chronic renal failure, diabetes, heart disease, under-active thyroid and depression).</p>	<p>Victim aged 11-22 yrs. 18 yrs between time offending and conviction.</p> <p>The appellant was the victim's mother's uncle, and was a grandfather-figure to the victim. The offences were considered to be at the highest level. The appellant was an authority figure, and the victim was particularly vulnerable due to family circumstances, drug use, and lack of ordinary home.</p> <p>7 x Unlawful carnal knowledge of a child u13 s 185(1) <i>Criminal Code</i> (repealed - max penalty 20 yrs imp).</p> <p>Along with the charges on the indictment, evidence of uncharged acts was led as relationship evidence by the Prosecution.</p> <p><u>Ct 1:</u> Victim 11 yrs - went to a house of a friend of the appellant's to ask the appellant for \$20 for food. The appellant touched her breast, gave her the money, and asked her to return later. She returned at night. The appellant then offered to give her \$500 in return for sex. The appellant Sex Pen the victim with his penis.</p> <p><u>Ct 2:</u> Victim was 11 yrs. She went to a house of a friend of the appellant's. The appellant had Sex Pen with his penis gave her money.</p> <p><u>Ct 3:</u> Victim was approx 12 yrs. The appellant Sex Pen the victim with his penis in the toilet of a friend's house.</p>	<p>TES 3 yrs imp.</p> <p>No remorse; denied offences.</p> <p>Ct 1: 3 yrs imp.</p> <p>Ct 2: 2 yrs imp.</p> <p>Ct 3: 2 yrs imp.</p>	<p>State appeal against sentence allowed; conviction appeal dismissed.</p> <p>TES increased to 6 yrs imp.</p> <p>EFP.</p> <p>At [164] <i>'The sentencing judge placed too much emphasis upon the respondent's condition of health'</i>.</p> <p>NB: double jeopardy applied to State appeals.</p>
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<b>Transitional provisions repealed – 14/01/2009</b>					
9.	<p><b><i>KC v The State of Western Australia</i></b></p> <p><b>[2008] WASCA 216</b></p> <p>23/10/2008</p>	<p>47 yrs at sentencing.</p> <p>Convicted after early PG.</p> <p>No relevant prior criminal record – traffic offences; assault; alcohol related offences.</p> <p>Both parents died when appellant 10 yrs old; lived with strict aunt in Sydney; returned to rural WA; hardworking; alcohol abuse issues.</p>	<p>4 Victims – two were appellant’s step children and two were step grand-children. Offending period 17 yrs. Victims aged 5-12 yrs, 8 yrs, 5 yrs and 8 yrs.</p> <p>4 x Sex pen de facto child u16 s 392(2) and s 329(9)(a) <i>Criminal Code</i>.</p> <p>3 x Indecent deal u14 s183 <i>Criminal Code</i>.</p> <p>1 x Indecent deal u13 s189 <i>Criminal Code</i>.</p> <p>7 x Indecent deal de facto child s 329(4) and s 329(10)(a) <i>Criminal Code</i>.</p> <p><u>Ct 1 – Indec deal child u14 s183:</u> Victim 1 (step-daughter), 5-9 yrs. Appellant started coming into victim’s bedroom when she was in pre-primary and touching her inappropriately on vagina – continued each day until 9yrs.</p> <p><u>Ct 2 – Indec deal child u14 s 183:</u> Victim 1, 6-7yrs. Appellant took victim 1 to shed at rear of property. Appellant pulled her knickers down, sat her on a motorcycle, pulled</p>	<p>TES 10 yrs 8 mths.</p> <p>EFP.</p> <p>PSR – limited insight into impact of offending; deep regret.</p> <p>Ct 1: 1 yr 4 mths imp.</p> <p>Ct 2: 1 yr 4 mths imp.</p>	<p>Allowed.</p> <p><u>Sentences altered on appeal:</u> Ct 14: 1 yr imp. Ct 15: 1 yr imp.</p> <p>TES reduced to 8 yrs 4 mths imp.</p> <p>EFP.</p>

		<p>out his penis and rubbed it on the outside of vagina.</p> <p><u>Cts 3 &amp; 4 – Sex pen de facto u16 s 329:</u>  Victim 1, 9-11 yrs. Victim's mother at work. Appellant told victim to go to his bedroom Pornographic movie playing in room when victim entered (woman performing oral sex on man). Appellant lay down on bed and exposed erect penis. Appellant pointed to TV and told victim to do the same to him. Victim complied. Scene on movie changed to man performing oral sex on woman and appellant licked outside of victim 1's vagina.</p> <p><u>Ct 5 – Indec deal de facto child s 329:</u>  Victim 1, 9-11yrs. Victim lying on back on sofa watching TV. Appellant came in and lay on top of her and began to rub against her as if engaging in sexual intercourse. Appellant stopped when victim 2 came into room. Appellant always told victim to never tell anyone. On one occasion, victim's mother asked victim if appellant touching her inappropriately. Victim told mother what was happening but nothing further happened. Appellant stopped offending against victim 1 when she left family home, aged 12 yrs.</p> <p><u>Ct 6 – Indec deal child u14 s183:</u>  Victim 2 (step-daughter; victim 1's younger sister), 8 yrs. Family returning from Xmas party – victim fell asleep in back of car and awoke to appellant pulling her pants down and lying on top of her. Victim could see appellant even though dark as light from front veranda on. Appellant pulled pants and knickers down and began to rub vagina and chest with his</p>	<p>Ct 3: 4 yrs imp.  Ct 4: 4 yrs imp.</p> <p>Ct 5: 1 yr 4 mths imp.</p> <p>Ct 6: 1 yr 4 mths imp.</p>	
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		<p>hand. Victim tried to push appellant off but he was too heavy. Victim vomited and called out for mother. Appellant pulled her pants up and lifted her out of car. Victim hit and kicked appellant and ran inside. Later that night, appellant went into victim 2's bedroom and told her made herself sick on purpose to get attention and that if she kept trying to get attention like that, her mother would send her to a home.</p> <p><u>Ct 7 – Indec deal child u13 s189:</u>  Victim 2, 11 yrs. Victim 1 &amp; 2 sleeping in mother's bed – living at grandparent's home. Victim 2 felt someone get in between them and thinking it was their mother, moved over to make room. It was the appellant, not her mother. Appellant began rub penis on back of her legs and put hand between her legs. Victim 2 called out for mother but appellant told her to shut up or she would wake everyone and then she wouldn't be able to live in the house anymore.</p> <p><u>Cts 8, 9 &amp; 10 – Indecent deal de facto child s 329:</u>  Victim 2, 12yrs. Victim fell asleep on sofa watching TV and awoke to find appellant pulling pyjama pants down. Appellant touched vagina and victim pretended to be still asleep and rolled over. Appellant rolled her back and tried to insert finger in vagina (ct 8). Appellant then put hands inside pyjama top and rubbed her chest (ct 9). While doing this, appellant rubbed penis in front of victim. Victim cried out for mother and appellant put penis away and left her alone.</p>	<p>Ct 7: 1 yr 4 mths imp.</p> <p>Ct 8: 2 yrs imp.  Ct 9: 1 yr 4 mths imp.  Ct 10: 1 yr 4 mths imp.</p>	
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			Victim 4, 5 yrs. Appellant visiting victim at her home. Both in victim's bedroom when appellant has pulled her pants down and inserted finger into vagina. Appellant then gave her money so she would not tell her parents.	Ct 15: 2 yrs imp.	
8.	<b><i>H v The State of Western Australia</i></b>  <b>[2006] WASCA 53</b>  Delivered 4/04/2006	26 yrs at time offending. 55 yrs at time sentencing.  PG counts 11, 12, 14, 15, 19 & 20. Convicted after trial of all but 2 remaining counts.  No prior criminal record.	Victim was appellant's step-daughter. 21 yrs between cessation offending and charges.  4 x Indec deal child u14. 2 x Indec assault. 12 x Indec deal. 1 x Sex pen without consent.  <u>Ct 1 – s 183 Criminal Code:</u> Victim 6-7 yrs. Appellant put mouth over victim's vaginal area while she was wearing a leotard. <u>Ct 2 – s 183 Criminal Code:</u> Appellant put victim's hand on his penis to masturbate him. <u>Ct 3 – s 183 Criminal Code:</u> Victim 7-8 yrs. Victim in toilet when appellant entered, pushed legs apart and exposed vagina. <u>Cts 4 &amp; 5 – s 183 Criminal Code:</u> Victim 7-8 yrs. Appellant licked victim's vagina and made her suck his penis. <u>Ct 6 – s 328 Criminal Code:</u> Victim 10-12 yrs. Appellant rubbed penis on victim's vagina. <u>Ct 7 – s 328 Criminal Code:</u> Victim 1-12 yrs. Appellant rubbed penis on victim's vagina. <u>Cs 8 &amp; 9 – s 183 Criminal Code:</u> Victim 11-12 yrs. Appellant licked victim's	TES 10 yrs imp.  EFP.          Ct 1: 1 yr 4 mths imp.   Ct 2: 2 yrs imp.   Ct 3: 2 yrs imp.   Ct 4: 2 yrs 8 mths imp. Ct 5: 2 yrs 8 mths imp.  Ct 6: 2 yrs imp.   Ct 7: 2 yrs imp.   Ct 8: 2 yrs 8 mths imp.	Allowed.  TES reduced to 8 yrs imp.  EFP.

			<p>vagina and put his tongue inside vagina.  <u>Cts 11, 12 &amp; 13 – s 183 Criminal Code:</u>  Appellant placed tongue in victim's vagina, digitally penetrated vagina and penetrated vagina with bottle opener.  <u>Cts 14 &amp; 15 – s 183 Criminal Code:</u>  Appellant digitally penetrated victim's vagina and placed his erect penis on her face.  <u>Ct 16 – s 183 Criminal Code:</u>  Appellant kissed victim, placing his tongue in her mouth.  <u>Ct 18 – s 183 Criminal Code:</u>  Appellant made victim masturbate him.  <u>Ct 19 – s 328 Criminal Code:</u>  Appellant digitally penetrated victim's vagina.  <u>Cts 20 &amp; 21 – s 328 &amp; s 325/326 Criminal Code:</u>  Appellant licked victim's vagina and engaged in penile penetration of vagina.</p>	<p>Ct 9: 2 yrs 8 mths imp.    Ct 11: 2 yrs imp.  Ct 12: 2 yrs imp.  Ct 13: 2 yrs 8 mths imp.  Ct 14: 2 yrs imp.  Ct 15: 2 yrs imp.    Ct 16: 6 mths imp.    Ct 18: 2 yrs imp.    Ct 19: 2 yrs imp.    Ct 20: 2 yrs imp.  Ct 21: 5 yrs 4 mths imp.</p>	
7.	<p><b><i>GHS v The State of Western Australia</i></b></p> <p><b>[2006] WASCA 42</b></p> <p>Delivered 15/03/2006</p>	<p><u>CACR 3 of 2005</u>  Convicted after trial 7 cts, acquitted 5 cts.</p> <p><u>CCA 134 of 2004</u>  Convicted after trial 7 cts, acquitted 3 cts.</p>	<p>Two appeals considered at once – 2 indictments, 2 sets offences, 2 separate sentences on different dates , different victims.</p> <p>Victims sisters and appellant's step-daughters. Offending period victim 1 approx 9 yrs – charges laid approx 8 yrs after offending stopped.</p> <p><u>CACR 3 of 2005:</u>  <u>Ct 1 – 3 x Indecent deal u14 s 183 Criminal Code; Incite u14 to indec deal with him; Rape</u></p>	<p>TES 16 yrs imp (both indictments).</p> <p><u>CACR 3 of 2005</u>  TES 8 yrs imp.</p>	<p><u>CACR 3 of 2005</u>  Dismissed.</p> <p><u>CCA 134 of 2004</u>  Allowed.</p> <p>TES reduced to 6 yrs imp.</p> <p>TES reduced to 14 yrs imp (both indictments).</p>

		<p><u>s 315 Criminal Code:</u> Victim 1, 12 yrs. Offences occurred on victim's 12<sup>th</sup> birthday in 1985. Appellant took victim into his bedroom where he fondled her breasts (ct 1) and rubbed her vagina (ct 2). Both these occurred over top of clothing. Appellant then took penis out of pants, placed victim's hand on it (ct 3) and inserted his fingers in her vagina (ct 4). Appellant then inserted penis in vagina and engaged in intercourse until ejaculation (ct 6). Told victim 1 he had vasectomy and she would not get pregnant.</p> <p><u>Ct 11 &amp; 12 – Sex pen u16 s 324E Criminal Code:</u> Victim 1, 14 yrs. Victim's mother in hospital following operation. Appellant went into victim's bedroom, removed her underwear and engaged in cunnilingus (ct 11) and penile penetration of vagina (ct 12).</p> <p><u>CCA 134 of 2004:</u> <u>Ct 2 – Indecent deal u14 s 183 Criminal Code:</u> Victim 2. Victim's mother away. Appellant went into victim's room, put his hand in her pants and rubbed clitoris (ct 2).</p> <p><u>Ct 3 &amp; 4 –Indecent deal u16 s 189 Criminal Code:</u> Victim 2. Appellant woke victim and began to fondle breasts (ct 3), then inserted finger into vagina (ct 4). Victim's nipples became erect and appellant said she must be enjoying it.</p> <p><u>Cts 7 &amp; 8 – Indecent deal u16 s 189 Criminal Code; Sex pen u16 s 324E Criminal Code::</u> Victim 2. Appellant told victim she should</p>	<p>Ct 1: 2 yrs imp. Ct 2: 2 yrs imp. Ct 3: 2 yrs imp. Ct 4: 2 yrs imp. Ct 6: 4 yrs imp.</p> <p>Ct 11: 3 yrs 4 mths imp. Ct 12: 4 yrs imp.</p> <p><u>CCA 134 of 2004</u> TES 8 yrs imp.</p> <p>Ct 2: 2 yrs 8 mths.</p> <p>Ct 3: 16 mths imp. Ct 4: 16 mths imp.</p> <p>Ct 7: 16 mths imp.</p>	
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			<p>learn how to ‘whack someone off’ and made her masturbate him (ct 7). Appellant then forced her legs apart, rolled on top of her and had sexual intercourse until ejaculation (ct 8). Victim protested, expressed fear about pregnancy and appellant said not to worry as he had had a vasectomy. Victim virgin at time offending.</p> <p><u>Ct 9 – Indecent deal s 324 Criminal Code:</u> Victim 2. Appellant grabbed victim’s head, pushed it down and tried to force her to perform fellatio. Victim resisted too much and act remained incomplete.</p> <p><u>Ct 10 – Sex pen s 324D Criminal Code:</u> Victim 2. Arranged visit to casino and asked victim to come. Appellant gave victim large amounts alcohol, took her back to his hotel room and forced her to engage in sexual intercourse. Appellant’s drunkenness only reason did not ejaculate.</p> <p>Counts represent continued pattern sex abuse where victim silence is gained through threats. Offending occurred in same period appellant abusing younger sister (victim 1).</p>	<p>Ct 8: 8 yrs imp.</p> <p>Ct 9: 12 mths imp.</p> <p>Ct 10: 6 yrs imp.</p>	
6.	<p><b><i>VIM v The State of Western Australia</i></b></p> <p><b>[2005] WASCA 233</b></p> <p>Delivered 1/12/2005</p>	<p>26 – 34 yrs at time offending. 50 yrs at time sentencing.</p> <p>Convicted after trial 31 counts, directed acquittal 3 counts and jury acquittal 10 counts.</p> <p>No prior convictions.</p> <p>Built successful insurance business;</p>	<p>2 victims, L &amp; J (sisters) – both appellant’s step-daughters (both called him ‘dad’ and used his surname – had limited contact with natural father after parent’s divorce when they were 8 and 3 yrs). Offending period approx 8 yrs in total. L 14-18 yrs and J 14-18 yrs at time offending (L 37 yrs and J 33 yrs at time trial). Offending stopped when victims moved out of family home.</p>	<p>TES 6 yrs imp.</p> <p>EFP.</p> <p>Maintained innocence.</p> <p>No remorse.</p> <p>Individual sentences ranged between 12 mths – 52 mths imp.</p>	<p>Allowed.</p> <p><u>Sentences on appeal:</u> 6 yrs imp each ct rape. 2 yrs imp each indecent assault.</p> <p>TES increased to 10yrs.</p> <p>EFP.</p>

		community involvement.	<p>11 x Rape s 325 <i>Criminal Code</i>.  10 x Indecent assault s 328 <i>Criminal Code</i>.  3 x Indecent assault s 324B <i>Criminal Code</i>.  7 x Sex pen without consent s324D <i>Criminal Code</i>.</p> <p>Offences representative counts of continuing and abusive sexual relationship in relation to both victims.</p>		<p>At [298] Examined 25 cases between 1999-2005 of multiple sex offences against children that involved PG.</p> <p>At [294] Prolonged instances offending attract some cumulation in total sentence to reflect severity impact on victim(s) and recognise offender's choice to repeatedly commit serious offences.</p> <p>At [295] Some cumulation sentence also be expected where there is more than one victim.</p> <p>At [288]-[293] Firming up sentences child sex offences as courts now have better understanding long term effects this type offending has on victim.</p> <p>At [297] Firming up of sentences to enact legislative intent in altering penalties for sex offences.</p>
5.	<b><i>The State of Western</i></b>	61 yrs at time sentencing.	Both victims respondent's foster daughters. Victim 2 aged 10 yrs. Offending period over	TES 6 yrs 4 mths imp (both indictments).	Allowed.

	<p><b><i>Australia v JPR</i></b></p> <p><b>[2004] WASCA 183</b></p> <p>Delivered 1/06/2004</p>	<p>Convicted after trial.</p> <p>Well respected community member.</p> <p>Serious health problems – angina; heart disease; bowel obstruction requiring surgery; diabetes; hypertension.</p>	<p>10 yrs (1969-1980). 24 yrs between end of offending and sentencing. Offending ended when victims able to leave home.</p> <p><u>Indictment 1:</u> Ct 1: Indecent dealing child u 13 yrs. Ct 2: Carnal knowledge child u 13 yrs. Ct 3: Indecent deal child u 14 yrs.</p> <p><u>Indictment 2:</u> Ct 1: Carnal knowledge child u 13 yrs. Ct 2: Carnal knowledge child u 13 yrs. Ct 3: Carnal knowledge child u 13 yrs. Charges representative of course of conduct.</p>	<p>No remorse.</p> <p>Ct 1: 2 yrs imp. Ct 2: 3 yrs 4 mths. Ct 3: 2 yrs imp. TES 5 yrs 4 mths imp.</p> <p>Ct 1: 1 yr imp. Ct 2: 1 yr imp. Ct 3: 1 yr imp. TES 1 yr imp cum TES indictment 1.</p>	<p>Sentences on indictment 2 increased to 2 yrs 8 mths each ct.</p> <p>TES increased to 8 yrs imp (both indictments).</p> <p>EFP after 6 yrs imp.</p> <p>NB: Double jeopardy applied to State appeals.</p>
<p><b><i>Transitional provisions enacted – 31/08/2003</i></b></p>					
4.	<p><b><i>Bell v The Queen</i></b></p> <p><b>[2001] WASCA 40</b></p> <p>Delivered 22/02/2001</p>	<p>58 yrs at sentencing.</p> <p>Convicted after trial.</p> <p>Minor prior criminal record.</p> <p>Good work history.</p>	<p>Victim appellant's son. Offending period 1974-1975 (26-27 yrs between offending and conviction). Victim aged 7-8 yrs.</p> <p>Cts 1-5: Indecent dealing child u 14 yrs s 183 <i>Criminal Code</i> (max penalty 7 yrs imp).</p> <p><u>Cts 1, 2 &amp; 3:</u> Victim 7 yrs. Appellant and son showered together. Afterwards, the appellant took victim into his bedroom and sat him on bed, saying they were going to play a special game. Appellant then played with victim's penis and asked if he liked it (ct 1). Appellant then</p>	<p>TES 5 yrs imp. Equivalent to 3 yrs 4 mths imp after implementation of transitional provisions.</p> <p>EFP.</p> <p>Lack of remorse; denied offending.</p>	<p>Dismissed.</p> <p>Discussion in detail as to role of delay between time offending and sentencing and role of rehabilitation during that period in sentencing.</p>



			<p>placed victim's penis in his mouth and performed oral sex (victim was not stimulated) (ct 2). Appellant then demonstrated how victim should perform oral sex on him and placed erect penis in victim's mouth. Appellant forced victim to perform oral sex until ejaculating in victim's mouth (ct 3). Appellant told victim semen was 'protein' and 'good for him' so he should swallow it. Appellant then told victim it was their 'little secret' and not to tell anyone.</p> <p><u>Ct 4 &amp; 5:</u></p> <p>Occurred several months after cts 1-3. Appellant arrived home intoxicated and argued with wife about his plan to take victim camping, despite the late time and winter cold. Appellant got victim out of bed, dressed him and drove off at speed in an erratic manner. Appellant drove to City Beach and took victim into dunes with a sleeping bag. Appellant laid sleeping bag out and removed his pants and the victim's pants. Appellant kissed victim on mouth, inserting is tongue into the victim's mouth (ct 4). Appellant forced victim to perform oral sex on him, again insisting he swallow the semen (ct 5). Appellant told victim it was a manly and natural thing to do and the Greek soldiers used to do it. Appellant the slept for a short while before returning home with the victim.</p> <p>Appellant claimed offending stopped when he was rebuffed by victim (approx 13 yrs old).</p>		
3.	<b><i>Scrutton v The Queen</i></b>	Convicted after trial.	The victim was aged 8 yrs at the time of the offences. Appellant family friend. 15 yrs	TES 2 yrs imp - cumulative on term	Dismissed.

	<p><b>[2000] WASCA 360</b></p> <p>Delivered 24/11/2000</p>	<p>Prior criminal record - convictions for child sex offences.</p>	<p>between offending and disclosure.</p> <p>4 x Unlawfully and indecently deal child u 14 yrs s183 <i>Criminal Code</i>.</p> <p>The appellant took the victim swimming. He placed his pants down the front of the victim's bathers and touched his penis. The appellant then forced the victim's hand down the front of the appellant's bathers, forcing the victim to touch the appellant's penis.</p> <p>The victim attempted to swim away, but the appellant forced his head under water and then once again touched the victim's penis.</p>	<p>currently serving term for separate child sex offences.</p> <p>Not EFP.</p> <p>Minimal empathy; high risk re-offending; willing to engage in treatment.</p>	<p>No error in refusing parole.</p> <p>Delay in bringing charges not mitigatory - appellant had not been rehabilitated and had offended against other children during that time.</p>
2.	<p><b><i>R v Legget</i></b></p> <p><b>[2000] WASCA 327</b></p> <p>Delivered 3/11/2003</p>	<p>49 yrs at time sentencing.</p> <p>Convicted after PG.</p>	<p>Victim appellant's step-daughter. Offending period 1981-1983. Victim aged 11-12 yrs. 19 yrs between offending and sentencing.</p> <p>Cts 1-6, 9 &amp; 10: Indecent deal child u 13 yrs s 189(2) <i>Criminal Code</i> (max penalty 7 yrs imp).</p> <p>Ct 7 &amp; 8: Carnal knowledge s 185 <i>Criminal Code</i> (max penalty 20 yrs imp).</p> <p>Four separate incidents of offending.</p> <p><u>Incident 1:</u></p> <p>Victim 11 yrs. Victim at respondent's workshop after school. Victim, after having had sex education at school and being too embarrassed to ask her what masturbation meant, asked respondent what masturbation meant. Respondent became aroused explaining and placed victim's hand on his erect penis under his clothing. Respondent held victim's hand and made her stroke his penis.</p>	<p>TES 4 yrs imp.</p> <p>Equivalent to 2 yrs 8 mths imp after implementation of transitional provisions.</p> <p>Cts 1-6, 9 &amp; 10: 1 yr imp each ct.</p> <p>Ct 7 &amp; 8: 2 yrs imp each ct.</p> <p>Minimised offending; tried to blame victim; lack of insight.</p>	<p>Allowed.</p> <p>TES increased to 6 yrs 4 mths imp.</p> <p>EFP.</p> <p>At [35]-[37] discussion as to significance of gap between offending and sentencing.</p>

			<p><u>Incident 2:</u> Victim 11 yrs. Victim's mother was out and respondent entered victim's bedroom. Respondent told victim to lie on her back, pushed her knees up, took off her underwear and performed cunnilingus on her while touching her breasts. Respondent then pulled victim up and told her to suck his penis. Victim complied for a short while until she felt sick and began to gag. Respondent instructed victim how to masturbate him and victim did so until ejaculation.</p> <p><u>Incident 3:</u> Victim 12 yrs. Respondent entered victim's bedroom and engaged in sexual intercourse despite victim's protestations that it hurt.</p> <p><u>Incident 4:</u> Victim 12 yrs. Victim and respondent in swimming pool and respondent asked victim to touch his penis. Victim went to comply and appellant pushed her head under the water to his groin. Victim put respondent's penis in her mouth and respondent pushed her up and down. Victim came up for air and respondent pushed her back down. As victim about to place penis in mouth again, respondent pushed her away. Victim resurfaced to see her mother walking into the pool area.</p> <p>Victim disclosed offending to mother at 29 yrs old. Respondent left family home but reunited with victim's mother after a few weeks.</p>		
1.	CA v The Queen	Convicted after trial.	Victim appellant's daughter. Offending period 6 yrs (1998-1994). Victim aged 5-11 yrs.	TES 9 yrs imp. Equivalent to 6 yrs	Allowed.

	<p><b>[2000] WASCA 176</b></p> <p>Delivered 30/06/2000</p>	<p>Prior criminal record – agg assault (followed young girl along bush track and put his arm around her waist) and agg indecent assault (victim 11 yr old neighbour).</p>	<p>Ct 1: Carnal knowledge lineal child. Ct 2: Indecent deal child u 14 yrs (appellant made victim masturbate him). Ct 3: Indecent deal child u 14 yrs (appellant pulled down victim's underwear). Ct 4: Indecent deal child u 14 yrs (appellant touched victim's breasts).</p>	<p>imp after implementation of transitional provisions.</p> <p>Ct 1: 9 yrs imp. Ct 2: 4 yrs imp.  Ct 3: 18 mths imp.  Ct 4: 1 yr imp.</p>	<p>TES undisturbed.</p> <p><u>Sentences on appeal:</u> Ct 1: 7 yrs imp (9 yrs manifestly excessive) Ct 2: 2 yrs imp (to allow for TES to remain 9 yrs)</p>
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