

Carnal Knowledge by Teacher or Father of Girl aged 10-16 years
Offence committed prior to 23.3.1986
s.73 (NSW) Crimes Act

s 73 Schoolmaster or other teacher, or father, or step-father, unlawfully and carnally knows any girl of or above the age of ten years, and under the age of seventeen years, being his pupil, or daughter, or step-daughter

Maximum Penalty: 14 years

Substituted: 23.3.1986

Section replaced on 23.3.1986 to create two offences of sexual intercourse with young person between 16 and 18 under special care with reduced maximum penalty

This Table contains sentences for offences committed under the old section

Note: [s.25AA \(NSW\) Crimes \(Sentencing Procedure\) Act](#) applies to sentences imposed on or after 31.8.2018:

(1) A court must sentence an offender for a child sexual offence in accordance with the sentencing patterns and practices at the time of sentencing, not at the time of the offence.

	CASE (AGE IF KNOWN)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	FACTS
1.	Davies NSWCCA 25.5.1995	5 x s.73	PG	MT 5y AT 4y	AA Total sentence unchanged		(1976-1978) - sexually abused daughter aged 14-16y after she came to live with him having been sexually abused by mother's boyfriend – forced sexual intercourse daily – used carrot, soft drink bottle and vibrator – treated daughter as wife – pregnancy resulted in birth of son
2.	JVP (56 at sentence) NSWCCA 6.11.1995	3 x s.73	VG	MT 5y AT 3y	AD		(1971-1974) – sexual abuse of daughter – three incidents of penile penetration representative

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	CASE (AGE IF KNOWN)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	FACTS
3.	Taylor (43 at sentence) NSWCCA 8.11.1995	4 x s.73 s.73 4 x s.76 2 x s.61D(1) s.61C(1)(a)	PG	FT 5y MT 6y AT 4y FT 1y FT 5y not stated (concurrent)	AD	Minor offences	(1972-1983) - sexually abused step-daughter aged 7-19y – commenced with indecent rubbing and progressed to digital then penile penetration – complainant fell pregnant on six occasions, giving birth once – assaulted complainant breaking her nose
4.	MacDonell NSWCCA 8.12.1995	3 x s.73 2 x s.73 [new offence]	PG	MT 6m AT 2y	Crown AD	Nil relevant	(1985-1986) – had sexual intercourse with Year 10 student in school staff room – had sexual intercourse twice more with complainant following year – consensual intercourse but abused position of trust Lost teaching career
5.	C (59 at sentence) NSWCCA 6.8.1997	2 x s.73 s.76A s.76 Sched: 5 similar offences	PG	MT 2y 6m AT 2y 6m FT 18m FT 18m (all concurrent)	Crown AA MT 4y AT 4y FT 18m FT 18m (all concurrent)		(1974-1981) – sexually abused daughter aged 8-15y – masturbation, digital and penile penetration – 1976 forced 10y friend of first complainant to masturbate offender and digital penetration
6.	Boys [1999] NSWCCA 11	2 x s.73 [10y] 5 x s.73 [8y] s.76	PG	Total: MT 7y 6m AT 2y 6m	AD		Mid 1980s - music teacher sexually abused 5 female students – abused position of respect and authority (note maximum penalty for two s.73 offences was ten years)

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7.	G.S. [2002] NSWCCA 4	s.73 3 x s.78A s.76 s.76	VG	7y NPP 3y 6m 4y 6m NPP 3y FT 12m FT 18m <u>Total:</u> 9y 6m NPP 6y	AD		(1974-1988) – commenced sexual abuse of daughter aged 6y - indecent touching of vagina, masturbation of offender and fellatio – commenced sexual intercourse in 1993 – close bond and emotional blackmail
8.	D.K.M. [2003] NSWCCA 372	2 x s.73 s.61D(1)	PG (25%)	4y 6m NPP 3y 4y 6m NPP 3y <u>Total:</u> 7y 6m NPP 6y	AD		(1979–1984) – forced daughter to engage in sexual intercourse aged 12y, 15y and 17y – used force and violence against protesting complainant
9.	TJC [2006] NSWCCA 413	s.73 s.61M(1) s.66C(2)	PG (20%) VG	5y 3m NPP 4y FT 1y 2y NPP 1y 6m	AA 5y 3m NPP 3y 6m FT 1y 2y NPP 1y 6m <u>Total:</u> 7y 9m NPP 6y	Assault on first complainant and step sister	(1979) – forced 15y daughter to have intercourse – complainant became pregnant and had son (1999) – sexually abused 9-11y granddaughter staying at offender's house – touching of breasts and penile intercourse Sentences reduced after convictions for s.66A offences quashed on appeal

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	CASE (AGE IF KNOWN)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	FACTS
10.	KJR (57 at sentence) (2007) 173 A Crim R 226 [2007] NSWCCA 165	s.67 3 x s.73 s.61E AOABH	VG	10y NPP 7y 6m 8y NPP 5y FT 3y FT 12m <u>Total:</u> 12y NPP 9y	AD	Nil	(1979-1985) - Sexually assaulted daughter aged 9-13y over extended period of time – actual violence
11.	MJL (59 at sentence) [2007] NSWCCA 261	s.73 4 x s.76 2 x s.76 2 x s.61E(1)	PG (1/3 rd – general)	6y NPP 3y FT 18m 2y 8m NPP 2y FT 18m <u>Total:</u> 10y 6m NPP 7y 6m	AA 5y NPP 2y FT 18m 2y 6m NPP 18m FT 18m <u>Total:</u> 9y NPP 6y	Nil	(1974-1982) – sexually abused daughter aged 6-14y – indecent touching – forced touching of penis – digital penetration – brief penile penetration Accumulated to sentence for offences against granddaughter in 2002 – total sentence 10y 6m NPP 7y 6m
12.	PH (72 at sentence) [2009] NSWCCA 161	3 x s 67 6 x s.73 7 x s.76 s.76	PG (20%)	FT 7y MT 8y AT 8y FT 3y FT 3y <u>Total:</u> 20y NPP 12y	AA FT 4y MT 3y 6m AT 8y FT 18m FT 12m <u>Total:</u> 14y 6m NPP 6y 6m	Nil	(1966-1974) – sexually assaulted daughter aged 8-15y – one indecent assault on second daughter aged 11-12y – wide range of sexual assaults including penetration by objects – pregnancy at 13y terminated – 33y delay Very low intellectual capacity – physical health problems

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	CASE (AGE IF KNOWN)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	FACTS
13.	Wright (31-32 at offences – 86 at sentence) [2016] NSWCCA 122	s.73 s.73 s.73 s.76		3y 11m NPP 1y 6m 2y 10m NPP 1y 4m 2y 7m NPP 1y 3m 2y 7m NPP 1y 2m <u>Total:</u> 4y 5m NPP 2y	AD		(1960s) – sexually abused 12-15y step-daughter – digital penetration – penile penetration causing great pain – later on same day had penile intercourse – continued regular intercourse over several years – took complainant to secluded areas in car Offender in very poor health – some delay after complaint first made
14.	JM (73) [2017] NSWCCA 138	3 x s.73 4 x s.76 s.71 2 x s.61E(1)	VG	<u>Indicative</u> 3y 6m 2y 3y 6m 6m / 9m <u>Aggregate</u> 6y 7m NPP 2y 3m	Crown AD		(1976–1979; 1982–1983) – sexually abused step-daughter and daughter aged 10–16y – penile penetration when complainant aged 10y – digital penetration – offences committed with some degree of force - very serious offending extended over a period of years. Crown appeal dismissed in exercise of residual discretion.
15.	MC [2017] NSWCCA 316	5 x s.76 2 x s.73	PG (25%)	<u>Aggregate</u> 10y NPP 5y	AD		(1972-1981) – sexually abused natural daughters aged 5-15y – digital penetration of vagina- cunnilingus – indecent touching – carnal knowledge of each complainant aged 11y and 15y – not isolated offences True remorse – sexually abused as a child – voluntarily ceased offending – delay – age and poor health

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