

Use Carriage Service for Child Pornography Material s 474.19 (Cth) Criminal Code (Repealed)

s 474.19(1) Use carriage service to

- (a)(i) access child pornography material
- (a)(ii) cause child pornography material to be transmitted to himself or herself
- (a)(iii) transmit, make available, publish, distribute, advertises or promote child pornography material
- (a)(iv) solicit child pornography material

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|-------------------------|---|
| <u>Commenced:</u> | 1.3.2005 |
| <u>Maximum penalty:</u> | 10 years increased to 15 years on 15.4.2010 |
| <u>Repealed:</u> | 21.9.2019 |

The definition of 'child abuse material' under s.273.1 expanded to include what was previously defined as child pornography – offences involving such material now dealt with under s.474.22 Use Carriage Service for Child Abuse Material – see separate table

COPINE scale (Combating Paedophile Information Networks in Europe) / Australian National Victim Image Library (ANVIL) / Child Exploitation Tracking System (CETS).

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|-------------------|--|
| <u>Category 1</u> | images depicting erotic posing of children with no sexual activity |
| <u>Category 2</u> | images depicting sexual activity between children, or solo masturbation by a child |
| <u>Category 3</u> | images depicting non-penetrative sexual activity between adults and children |
| <u>Category 4</u> | images depicting penetrative sexual activity between children and adults. |
| <u>Category 5</u> | images depicting sadism or bestiality |
| <u>Category 6</u> | animated or virtual depictions of children engaged in sexual poses or activity |

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| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | RECORD | INVOLVEMENT & SUMMARY |
|----|---|---|------|---|--|--------------------|---|
| 1. | Verburgt (39) [2009] QCA 33 | Access - s.474.19(1)(a)(i) [10y] Knowingly possess child exploitation material: s.228D (QLD) <u>Code</u> | PG | 12m released after 3m 12m released after 4m | AA 2y recognisance 6m, suspended for 2y (2m custody served) | nil | Downloaded 4 images from website since deleted – 6 images found on computer Remorse |
| 2. | Mara (27-29) (2009) 196 A Crim R 506 [2009] QCA 208 | Access - s.474.19(1)(a)(i) [10y] Cause to be transmitted - s.474.19(1)(a)(ii) [10y] Transmit - s.474.19(1)(a)(iii) [10y] Record indecent visual image of child under 16y without legitimate reason – s.210 (QLD) <u>Code</u> | PG | 6y released after 2y 8m 6y released after 2y 8m 6y released after 2y 8m 6m (concurrent) | AD | Minor drug offence | Involved in establishing and running over several years group that accessed, commissioned and exchanged child pornography – highly sophisticated computer and internet techniques used to avoid detection – seizure of computer uncovered: 75,706 images / 763 movie/video files on external hard-drive 1,206 images / 13 image files / 40 movie/video files on internal drive 116 movie / video files uploaded at least for group's use between 7 January 2006 and 21 May 2007. State count involved 'upskirting' of 5y family friend Addiction |
| 3. | Gordon (57) [2009] QCA 209 | Access - s.474.19(1)(a)(i) [10y] Access child abuse material using carriage service- s.474.22(1)(a)(i) Knowingly possess child exploitation material – s.228D (QLD) <u>Code</u> | PG | 12m released to recog for 3y 12m released to recog for 3y 12m suspended for 3y | Crown AD | nil | 3,290 images of child pornography and 2 images of child abuse found on hard drive of computer Cat 1 - 2,957 images Cat 2 - 87 images Cat 3 - 73 images Cat 4 - 161 Cat 5 - 2 images of sadism Pharmacist married with supportive wife |

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| 4. | Sykes (28) [2009] QCA 267 | Access - s.474.19(1)(a)(i) [10y] Knowingly possess child exploitation material – s.228D (QLD) <u>Code</u> | PG | 15m released after 6m for 2y 12m suspended after 4m for 2y | AD | nil | Accessed pornography using father-in-law's computer on more than one occasion over several months – some images involved very young children 89 images found in temporary file – total of 120 downloaded: Cat 1 - 42 images Cat 2 - 11 images Cat 3 - 16 images Cat 4 - 20 images Further 20 images found on external hard drive at offender's residence Cat 1 - 15 images Cat 2 – 1 image Cat 3 – 4 images Lost job and marriage and suffered public humiliation |
| 5. | Fulop (52) (2009) 236 FLR 376 [2009] VSCA 296 | Access - s.474.19(1)(a)(i) [10y] Possess child pornography – s.70(1) (VIC) <u>Crimes Act</u> | PG | 3y 6m NPP 2y 2y 6m NPP 1y <u>Total:</u> 4y NPP 3y | AA 2y 6m NPP 2y 18m <u>Total:</u> 3y NPP 2y | nil | Found in possession of 41,594 pictures and video images – downloaded images from internet and transferred then to DVDs and CDs |
| 6. | Colbourn (49) [2009] TASSC 108 | Access - s.474.19(1)(a)(i) [10y] Possess child exploitation material – s.130C (TAS) <u>Code</u> | PG | 2y 4y <u>Total:</u> 5y 6m NPP 3y | AA 12m 21m released after 15m for 3y (immediate release) | nil | Downloaded images from internet over 2 years – downloaded 3,122 images – 98,709 images found on CDs – kept detailed catalogue of material as a result of obsessive personality disorder |

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| 7. | James (28) [2009] NSWCCA 62 | Access – s.474.19(1)(a)(i) [10y] Possess child pornography - s.91H(3) (NSW) <u>Crimes Act</u> | PG (25%) | 18m released after 12m for 3y 6m <u>Total:</u> 21m released after 15m for 3y | AD | Nil | Found in possession of 17 compact discs, 2 computer hard drives and 25 A4 pages of child porn – 3235 images and 77 videos – at least mid-range |
| 8. | Talbot (40) [2009] TASSC 107 | Access - s.474.19(1)(a)(i) [10y] Make available - s.474.19(1)(a)(iii) [10y] Possess child exploitation material – s.130C (TAS) <u>Code</u> | PG | 12m released after 6m 12m released after 6m 6m (concurrent) | Crown AA 20m released after 10m for 2y 20m released after 10m for 2y 6m <u>Total</u> 26m released after 16m for 2y | nil | Accessed and downloaded material via internet over several years - 30,125 images and 889 video files found on computer Cat 1 – 23,044 images / 191 videos Cat 2 – 1,811 images / 74 videos Cat 3 – 7,508 images / 149 videos Cat 4 – 6,824 images / 454 videos Cat 5 - 368 images / 21 video Made available 18,344 images and 455 videos via one website and 13,562 image files and 294 video through another website – restricted access – exchanged messages about pornography - worst category of non-contact non-profit offenders. Remorse |
| 9. | DPP v D'Alessandro (24) (2010) 26 VR 477 [2010] VSCA 60 | Access - s.474.19(1)(a)(i) [10y] Transmit - s.474.19(1)(a)(iii) [10y] Possess with intent – s.474.20(1) Access child abuse material using carriage service - s.474.22(1)(a)(i) Transmit child abuse material using carriage service - s.474.22(1)(a)(iii) Possess child abuse material with intent – s.474.23(1) | PG | <u>Total:</u> 2y released immediately to recognisance | Crown AA <u>Total:</u> 3y released to recog after 2y | nil | Exchanged 16,259 images with 44 people – some children depicted only babies – very high criminality |

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|-----|---|--|-------------|--|---|--------|---|
| 10. | Lee (22-23) [2010] NSWCCA 88 | Possess child pornography - s.91H(3) (NSW) <i>Crimes Act</i> Access - s.474.19(1)(a)(i) [10y] 6 x s.66C (NSW) <i>Crimes Act</i> | PG (35%) | 1y 10m NPP 8m 14d 1y 10m released to recog 3y GBB | Crown AD | nil | Found in possession of 82,882 image files and 344 multimedia files of child pornography collected over 6-7 years Cat 1 – 79,899 images / 228 files Cat 2 – 350 images / 24 files Cat 3 – 762 images / 21 files Cat 4 – 858 images / 69 files Cat 5 - 13 images / 2 files Had sexual intercourse with 13-14y girlfriend on at least 12 occasions – consensual at all times – lowest range of offending Difficult personal circumstances |
| 11. | Grehan (26-29) (2010) 199 A Crim R 408 [2010] QCA 42 | Access - s.474.19(1)(a)(i) [10y] 2 x Knowingly possess child exploitation material – s.228D (QLD) <i>Code</i> | PG | 3y 1d NPP 18m 3y 1d suspended after 18m | AA 2y released to recog after 6m 2y suspended after 6m for 2y | | 44,916 images, 36 videos and 81 cartoons found on two computers: Cat 1 – 43 860 images / 5 videos Cat 2 – 256 images / 11 videos Cat 3 - 188 images Cat 4 - 605 images / 15 videos Cat 5 - 7 images / 1 video Accessed and downloaded material from internet over 3.5 years accessing over 200 websites Suffering obsessive / compulsive disorder |
| 12. | Leleu [2010] SASC 80 | Access - s.474.19(1)(a)(i) [10y] | PG (33%) | 12m Released to recog after 6m | AA 11m released to recog after 4m 25d for 18m | | 1,511 images On appeal found sentencing judge erred in taking into account material downloaded prior to commencement of section |
| 13. | Ashman (49) [2010] ACTSC 45 | Access - s.474.19(1)(a)(i) [10y] Possess child pornography – s.65 (ACT) <i>Crimes Act</i> | PG | 18m released to 3y recognisance 9m suspended for 3y with 300h community service | | nil | On at least two occasions downloaded onto DVDs 96 videos Cat 1 — 8 videos Cat 2 — 15 videos Cat 3 — 15 videos Cat 4 — 54 videos Cat 5 – 4 videos 377 children depicted Remorse – unlikely to reoffend – difficult family circumstances |

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| 14. | DPP v Groube [2010] VSCA 150 | Access and transmit - s.474.19(1)(a)(i) [10y] Possess child pornography – s.70(1) (VIC) <u>Crimes Act</u> | PG | 18m immediate release Community Based Order – 150h CSO | Crown AD (exercise of discretion) | nil | Found in possession of 12,802 files containing child pornography – 50% duplications – most were sexual poses – 10% direct sexual abuse – exchanged images with others – collecting material over three years Prior good character – exceptional carer for parents Appeal against sentence for second count only – inadequate but appeal dismissed – completed community service and paid \$6000 financial element of first sentence |
| 15. | Padberg (26) (2010) 107 SASR 386 [2010] SASC 189 | Access - s.474.19(1)(a)(i) [10y] Possess child pornography - s.63A(1)(a) (SA) <u>Criminal Law Consolidation Act</u> | PG | 16m immediate release to recognisance 12m NPP 6m suspended (concurrent) | Crown AD | Nil | Images downloaded over 2y period - sample material comprised 798 images and 287 video of all categories Cat 1 – bulk of material Cat 4 – largest category of video Did not pay for material – low risk of reoffending |
| 16. | Freestone [2010] ACTSC 87 | Access - s.474.19(1)(a)(i) [10y] Possess child pornography s.65 (ACT) <u>Crimes Act</u> | PG | 14m 4m to be served by periodic detention – remaining period suspended for 2y 8m (concurrent) | | Traffic matters | 946 images and one video found on computer – Cat 1 – 755 images Cat 2 – 26 images Cat 3 – 59 images Cat 4 – 98 images Cat 5 – 8 images Some degree of organisation of material – many children under 12m - not motivated by sexual gratification but misguided attempt to redress perceived injustice in the workplace |

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| 17. | DPP v Smith (28) [2010] VSCA 215 | Access - s.474.19(1)(a)(i) [10y] Possess child pornography – s.70(1) (VIC) <u>Crimes Act</u> | PG | 18m suspended for 2y 2y Community Based Order and 150h CSO | Crown AD | nil | Count one committed over 6 months – 35 files found on computer Cat 1 – 3 images / 6 videos Cat 2 – 2 images / 9 videos Cat 3 – 1 video Cat 4 – 14 videos Count 2 referred to 228 videos and 7,702 images found on several computers Cat 1 – 60% images / 5% videos Cat 2 – 7% images / 30% videos Cat 3 – 7% images / 6% videos Cat 4 – 22% images / 55% videos Cat 5 – 4% images / 5% videos Over 1000 children depicted - gravity and quantity of material at higher end of scale - period of possession at lower end of range Socially shy and isolated – otherwise good character – genuine remorse |
| 18. | Garget-Bennett (30) (2010) 204 A Crim R 193 [2010] QCA 231 | Access - s.474.19(1)(a)(i) [10y] Knowingly possess child exploitation material - s.228D (QLD) <u>Code</u> | PG | 3y 6m NPP 21m 3y 6m released after 21m for 2y | AA 12m released after 10m for 2y 2y 6m released after 10m for 2y | Nil relevant | Accessed child pornography website - used credit card to access site – images contained on compact discs – 44,197 images and 50% of 2398 videos examined: Cat 1 – 40,848 images / 15 videos Cat 2 – 226 images / 16 videos Cat 3 – 10 images / 4 videos Cat 4 – 123 images / 49 videos Cat 5 – 2 images / 5 videos Some material of worst category – admitted to frequently accessing and viewing images but on appeal court restricted Cth offence to single incident only In de facto relationship with young child – attending psychologist |

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| 19. | Smith (23-4) [2010] QCA 220 | Access - s.474.19(1)(a)(i) [10y] | PG | 18m released after 3m for 3y | AD | Stealing and assault | Offence committed over 18m – accessed sites and downloaded images on computer - 1,449 images found on computer Cat 1: 1,341 images Cat 2: 6 images Cat 3: 9 images Cat 4: 91 images Cat 5: 2 images Difficult childhood with domestic violence and psychological abuse – suffering depression |
| 20. | Minehan (38) (2010) 201 A Crim R 243 [2010] NSWCCA 140 | Transmit - s.474.19(1)(a)(iii) [10y] 2 x Disseminate child pornography - s.91H(2) (NSW) <u>Crimes Act</u> Possess child pornography - s.91H(3) (NSW) <u>Crimes Act</u> Possess child pornography - s.91H(3) (NSW) <u>Crimes Act</u> 3 x Use carriage service in offensive manner - s.474.17(1) Use carriage service to groom - s.474.27(1) Sched: 10 x Transmit - s.474.19(1)(a)(iii) | PG (20%) | 3y NPP 2y 3y NPP 2y 3y NPP 1y 3y 4m NPP 1y FT 9m 3y NPP 1y <u>Total:</u> 6y 4m NPP 4y | AA 3y NPP 1y 5m 3y NPP 2y 2y NPP 1y 6m 2y 3m NPP 1y 5m FT 9m 3y NPP 1y 5m <u>Total:</u> 5y 2m NPP 3y 3m | | Telephone conversations with underage males regarding sexual conduct - sent text message to another person regarding interest in boys – disseminated images to undercover police officer – online communication with undercover police officer believing officer was adolescent male – police search of premises located number of images Stable background – victim of child abuse – bipolar disorder. On appeal – error had been made in maximum penalty for s 91H(3) offences. |

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| 21. | DPP v Ison (30) [2010] VSCA 286 | Access - s.474.19(1)(a)(i) [10y] Cause to be transmitted - s.474.19(1)(a)(ii) [10y] Knowingly possess child pornography – s.70 (VIC) <u>Crimes Act</u> | PG | 18m suspended for 2y 2y Community Based Order 18m suspended for 2y (pre discount for guilty plea: 21m NPP 12m) | Crown AD | nil | Used internet programs to access and download child pornography over 4 months – had 25 images sent by person contacted through on line chat - 6511 images and 656 videos found on computer and compact discs Cat 1 – 42% images / 13% videos Cat 2 – 28% images / 40% videos Cat 3 – 11% images / 11% videos Cat 2 – 19% images / 26% videos Cat 2 – 1% images / 1% videos |
| 22. | Jones (47) [2011] QCA 147 | Access - s.474.19(1)(a)(i) [10y] 2 x possess child exploitation material – s.228D (QLD) <u>Criminal Code</u> | PG | 15m suspended after 3m 12m suspended after 2m for 2y (concurrent) | AA 15m suspended for 2y 12m suspended for 2y (concurrent) | nil | 17 movies and 44 pictures found on computer – movies downloaded via internet – all downloading occurred on one day Cat 1 – most images Cat 4 - 12 movies / some images Cat 5 - 1 movie Suffering depression – low risk of re-offending – good character – community contribution |
| 23. | Dennison (47) [2011] NSWCCA 114 | Access - s 474.19(1)(a)(i) [10y] 2 x Make available – s.474.19(1)(a)(iv) [10y] Possess child pornography - s.91H(2) (NSW) <u>Crimes Act</u> Dealing in proceeds of crime - s.400.4(1) (Cth) <u>Code</u> Sched: Access / Possess | PG (early) | 9m 15m FT 6m 15m Total: 3y 4m released after 2y for 3y | Crown AD | nil | Operated two pornographic websites on behalf of others offering paid membership – images of three girls aged 13-17y at lowest end of COPINE scale – downloaded images of children engaging in sexual activity – hard drives, compact discs and DVDs containing pornography found at house – received 550 payments from subscribers totally nearly \$650,000 – all below mid-range |

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| 24. | Melham (47) [2011] NSWCCA 121 | Access – s.474.19(1)(a)(i) [10y] Possess child pornography - s.91H(2) (NSW) <u>Crimes Act</u> | PG (25%) | 3y 9m NPP 2y 6m 3y 9m NPP 3y <u>Total:</u> 4y 3m NPP 3y | AD | nil | Accessed and downloaded child pornography from home computer - 1196 multimedia files and 45182 image files Cat 1 - 43,552 images / 1145 multimedia Cat 2 – 1511 images / 30 multimedia Cat 3 – 34 images / 5 multimedia Cat 4 – 62 images / 15 multimedia Cat 5 – 23 images / 1 multimedia Activity continued over 10 years Suffering depression and anxiety – good character |
| 25. | Kumar (50) [2011] NSWCCA 139 | Access – s.474.19(1)(a)(i) [10y] Possess child pornography - s.91H(3) (NSW) <u>Crimes Act</u> | VG | 5y NPP 3y 4y NPP 2y <u>Total:</u> 6y NPP 4y | AA 3y NPP 2y 2y NPP 1y 6m <u>Total:</u> 4y NPP 3y | | 86 images of young girls in sexually suggestive poses – images of adult males having intercourse with young girls – a few images of torture – additional 12,000 images and 11 videos on computer – saved images to hard drive – no evidence he shared or passed on images Born in Fiji – no remorse- low risk of re-offending |
| 26. | Cross [2012] NSWCCA 114 | Possess child pornography - s.91H(2) (NSW) <u>Crimes Act</u> Transmit - s.474.19(1)(a)(iii) [10y] s.61M(2) (NSW) <u>Crimes Act</u> Sched: 2 similar offences | PG | 3y NPP 3m FT 3y FT 3y <u>Total</u> 7y NPP 4y 3m | AA 3y NPP 3m FT 15m 2y NPP 18m <u>Total:</u> 5y 6m NPP 2y 9m | | Made a 17min video of 8y boy washing himself at sport clinic – offender seen washing and drying child’s penis – further focuses on child’s crotch while performing gymnastics – during conversation with undercover officer expressed interest in and described fantasy of sexual contact with 13y boy – shared video of 10y boy masturbating – found in possession of child pornography videos and images - included Level 4 - 274 images / 88 videos Level 5 - 14 images / 4 videos Physically abusive childhood – sexually assaulted as a child |

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| 27. | O'Connor (45) [2012] SASCFC 15 | Access - s.474.19(1)(a)(i) [15y] Aggravated possess child pornography – s.63A(1)(a) (SA) <i>Criminal Law Consolidation Act</i> | PG (25%) | 18m immediate release to recog 15m NPP 5m suspended | Crown AD (exercise of discretion) | Child pornography offence – fine only | Found in possession of 14,657 images and 116 video files – children aged between 3m and 15y – fell within Cat 1-5 Suffering depression and substance abuse – significant attempts at rehabilitation |
| 28. | Cooper (25) [2012] VSCA 32 | 2 x Use carriage service to procure - s.474.26(1) 2 x Use carriage service to groom - s.474.27(1) Access - s.474.19(1)(a)(i) [10y] 2 x Transmit - s.474.19(1)(a)(iii) [10y] Cause to be transmitted - s.474.19(1)(a)(ii) [10y] Knowingly possess child pornography – s.70 (VIC) <i>Crimes Act</i> | PG (approx 25%) | 4y 3y 1y 6m 1y 6m <u>Total:</u> 7y NPP 5y | AA 3y 3y 1y 6m 1y 6m <u>Total:</u> 5y NPP 3y 9m (pre discount for guilty plea: 7y NPP 5y) | Indecent act with child | During chat session transmitted child pornography – engaged in communications of sexual nature with adults and children – had two males under 16y masturbate in front of computer camera – after questioned by police engaged in further sexual conversations with persons he believed to be under 16y – lower end of scale |
| 29. | Lovi (16-19) [2012] QCA 24 | 15 x Access - s.474.19(1)(a)(i) [10y – one count 15y] Possess child exploitation material – s.228D (QLD) <i>Code</i> | PG | 12m released after 2m for 2y 8m suspended after 2m for 2y | AA <u>Total:</u> 12m immediate release for 2y | nil | Found in possession of 540 images of Cat 1-5 |

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| 30. | Rivo (45) [2012] VSCA 117 | Cause to be transmitted - s.474.19(1)(a)(ii) [10y] Engaging in conduct to procure children under 16 to engage in sexual activity outside Australia – s.272.14(1) | PG (30%) | 4y 6y <u>Total:</u> 7y NPP 5y (pre discount for guilty plea: 10y NPP 7y) | AD | Traffic and dishonesty offences | During internet chats procured live sex shows from the Philippians involving children – directed the shows – rolled up counts Co-operated with police - some assistance |
| 31. | Hayes (42) [2012] SASFC 96 | Access - s.474.19(1)(a)(i) [10y] Aggravated possess child pornography – s.63A(1)(a) (SA) <i>Criminal Law Consolidation Act</i> | PG (25% / 17%) | 18m 15m <u>Total:</u> 18m released to recog after 12m | AD | nil | Accessed pornography over 7 months - circumstance of aggravation was knowledge children under 14y – 5,000 images and videos: 61% images in Cat 1-2 1,122 images in Cat 3 705 images in Cat 4 97 images in Cat 5 Most of 34 movie files in Cat 1-3 – uploaded some material to US website Suffering number of mental conditions including depression, bi-polar and suicide ideation – remorse – support of wife |
| 32. | Davis (42-46) [2012] QCA 324 | Access - s.474.19(1)(a)(i) [10y] 2 x possess child exploitation material – s.228D (QLD) <i>Code</i> | PG | 4y NPP 16m 2y 6m suspended after 16m | AD | Minor irrelevant history | Collected over 4 years – majority of children in images aged 8-9y – 49,817 files - thousands of pictures of the rapes of very young children, including babies and toddlers - 335 images, including eight videos Cat 5 Military service – co-operated with police |

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| 33. | Cooper (54) [2012] ACTCA 9 | Publish - s.474.19(1)(a)(iii) [10y] Intentionally possess child pornography – s.65(1) (ACT) <u>Crimes Act</u> | PG (20%) | 12m 1y 7m <u>Total:</u> 2y 12m PD / 12m suspended | Crown AA <u>Total:</u> 3y 18m – PD / 18m suspended for 2y | Nil | Found in possession of over 680,000 images and 1000 videos – majority Cat 1 but examples of all Categories – all age groups – collected over 5y – became obsessed with collecting sets – did not intend to pass on material – mid range seriousness Suffering Schizoid personality – excessively socially isolated – hoarder On appeal court would have imposed 6m full time custody but inappropriate in view of time already served on PD |
| 34. | Edwards (43) [2013] VSCA 188 | Access - s.474.19(1)(a)(i) [15y] Make available - s.474.19(1)(a)(iii) [15y] Use carriage service to transmit indecent communication to child under 16 – s.474.27A(1) Knowingly possess child pornography – s.70 (VIC) <u>Crimes Act</u> | PG | 10m 10m 7m 9m | AA 6m 6m 6m 4m <u>Total:</u> 9m released after 4m for 12m (pre discount for guilty plea: 2y NPP 1y) | nil | Engaged in sexually crude chats with 13y over internet – used Gigatribe to download and share child pornography –in possession of 266 images and 165 videos Cat 1 - 246 images and videos Cat 2 - 81 images Cat 3 – 3 images and videos Cat 4 - 114 images and videos Mildly intellectually disabled – lifetime of traumatic personal experiences – socially isolated – longstanding mood disorder |

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|-----|---|--|------|--|--|---------------------------|--|
| 35. | Godfrey (43) [2013] WASCA 247 | Access - s.474.19(1)(a)(i) [15y] Possess outside Australia – s.273.5(1) Possession child exploitation material – s.220 (WA) <u>Code</u> | PG | 4y 6m NPP 3y 4y NPP 3y 2y <u>Total:</u> 5y NPP 4y | AA 2y 16m 2y <u>Total:</u> 3y NPP 2y | nil | Downloaded material while living in Netherlands 2006-2010 – voluntarily disclosed to police 172 images / 1 video – Cat 1 2 images / 2 videos – Cat 2 4 images / 5 videos – Cat 3 3 images / 4 videos – Cat 4 1 video – Cat 5 Additional material downloaded in Australia – 40 written text stories ranging from Cat 1-Cat 5 – also 6,596 images and 12 video files 6,414 images / 1 video - Cat 1 52 images / 2 videos – Cat 2 76 images / 5 videos - Cat 3 49 images / 4 videos - Cat 4 5 images - Cat 5 |
| 36. | Bayliss (36-38) [2013] VSCA 70 | Cause to be transmitted - s.474.19(1)(a)(ii) [10y] Transmit - s.474.19(1)(a)(iii) [10y] Transmit - s.474.19(1)(a)(iii) [15y] Cause to be transmitted - s.474.19(1)(a)(ii) [15y] Solicit - s.474.19(1)(a)(iv) [15y] Access - s.474.19(1)(a)(i) [15y] Make available - s.474.19(1)(a)(iii) [15y] | PG | 2y 6m 2y 6m 2y 6m 2y 6m 2y 1y 2y 6m <u>Total:</u> 3y 6m NPP 2y (pre discount for guilty plea: 4y 4m NPP 3y) | AD | Child pornography offence | Text conversations known as 'chats' during which offender transmitted and received images described in conversations – extremely graphic and violent Paraphilia – large and deviant sexual appetite - poor prospects of rehabilitation – HIV positive |

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| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | RECORD | INVOLVEMENT & SUMMARY |
|-----|--|--|------------------|--|--------------|-----------------------|--|
| 37. | Burrell (33) [2013] VSCA 146 | 2 x Access - s.474.19(1)(a)(i) [15y] Access child abuse material using carriage service – s.474.22(1)(a)(i) Make available child abuse material using carriage service - s.474.22(1)(a)(iii) Knowingly possess child pornography – s.70 (VIC) <u>Crimes Act</u> | PG (early) | 2y 12m 12m 12m Total: 3y 6m NPP 2y 4m (pre discount for guilty plea: 5y 3m NPP 3y 6m) | AD | nil | Downloaded 5,355 images, 816 videos, and 8 documents of child pornography - 7 images and 5 videos of child abuse material – across all categories – shared material – offending covers 12 months – children aged as young as three months 105 images / 9 videos / 1 document – Cat 5 |
| 38. | Naysmith (28) [2013] WASCA 32 | Access - s.474.19(1)(a)(i) [10y] Possess child exploitation material – s.220 (WA) <u>Code</u> | PG Fast track | 12m released after 6m to recog 12m NPP 6m | AA ISO 9m | Minor sexual offences | Accessed 33 images on computer – state offence was 5,832 images and video files – vast majority in lowest category Cat 2 - 64 images Cat 3 – 93 images Cat 4 - 368 images Cat 5 – 3 images Intellectually disabled – living with mother in squalid conditions – relocated to better accommodation and support |

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|-----|--|--|------|---|--|--------|--|
| 39. | Guest [2014] VSCA 29 | Access - s.474.19(1)(a)(i) [15y] Transmit - s.474.19(1)(a)(iii) [15y] Knowingly possess child pornography – s.70 (VIC) <u>Crimes Act</u> | PG | Community Corrections Order 3y 3m with 300h CSO | Crown AA 18m released after 6m for 2y 2m (pre discount for guilty plea: 3y 6m NPP 18m) | | Found in possession of 9,958 images, 217 video files, and 54 text files on laptop and external hard drive Cat 1 – 7970 images / 30 videos Cat 2 - 337 images / 40 videos Cat 3 – 656 images / 16 videos Cat 4 - 824 images / 123 videos Cat 5 – 73 images / 8 videos Cat 6 – 98 images / 54 text files Used peer sharing programs and shared material during chat sessions – offences committed over 7 months |
| 40. | Lanham (55) [2014] ACTSC 128 Refshauge J | Access - s.474.19(1)(a)(i) [15y] Transmit – s.474.19(1)(a)(iii) [15y] Intentionally possess child pornography – s.65 (ACT) <u>Crimes Act</u> | PG | 3m released to recog for 3y 12m released to recog for 3y 15m suspended for 3y | | nil | Engaged in sexually explicit text conversations over internet with undercover officers posing as girls aged 12y and 13y – 14 Cat 1 images saved on drive – claimed believed all participants on site were adults role playing – lowest end of seriousness Health problems – co-operated with police – low risk of re-offending – forced to close business |
| 41. | Harvey (20) [2014] ACTSC 393 Walmsley AJ | Access - s.474.19(1)(a)(i) [15y] Intentionally possess child pornography - s 65 (ACT) <u>Crimes Act</u> | PG | 18m released to GBB 18m suspended | | Nil | 29 videos on laptop downloaded over 14 months: 10% Cat 1 7% Cat 2 3.5% Cat 3 72.5% Cat 4 7% Cat 5 Possess charge related to downloaded videos Suffered ADHD as a child – happy but isolated childhood – undergoing counselling |

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|-----|---|--|------|--|--|--------|---|
| 42. | DPP v Zarb (47) [2014] VSCA 347 | Access - s.474.19(1)(a)(i) [15y] 2 x Transmit - s.474.19(1)(a)(iii) [15y] | PG | 3y 3m CCO | Crown AA 3m 2y CCO (pre discount for guilty plea: 18m) | nil | Engaged in sexually explicit conversation with undercover police officer on computer about sexually assaulting children – found in possession of child pornography on computer Cat 1 – 310 images Cat 2 – 15 images Cat 3 – 20 images Cat 4 – 57 images / 1 video Cat 5 – 11 images Cat 6 – 2 images Sent two recipients total of 2 Cat 1 images and 12 Cat 4 images Difficult early childhood – effort and expense taken for rehabilitation |
| 43. | MB (40) [2014] ACTSC 399 Murrell CJ | 3 x Access - s.474.19(1)(a)(i) [15y] | VG | 2y GBB 12m immediate release for 2y | | Nil | Police officer – accessed images on notebook on three separate occasions: 25 images in Cat 1 15 images in Cat 1 34 images in Cat 1-4 low objective seriousness |
| 44. | Sabel [2014] NSWCCA 101 | Access – s.474.19(1)(a)(i) [15y] Access – s.474.19(1)(a)(i) [15y] 2 x Possess child pornography – s.91H(3) (NSW) <i>Crimes Act</i> | VG | Discharged without conviction on 2y recog Released without sentence on 2y recog 2y GBB | Crown AA on Released without sentence on 2y recog Released without sentence on 2y recog 2y GBB | | Accessed material in 2007-2008 – 249 and 365 images located on hard drive - claimed genuine scientific purpose - software developer researching methods of monitoring or blocking transmission of child pornography over peer-to-peer file sharing networks – although offender had genuine belief in commercial prospects of his research engaged in an activity known by him to be illegal - criminal and serious conduct. Managing director of information technology company - received awards from the Government recognising developments in security and business software. |

| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | RECORD | INVOLVEMENT & SUMMARY |
|-----|--|---|-------------|---|---|--------|--|
| 45. | Linardon (48) [2014] NSWCCA 247 | Possess child pornography - s.91H(2) (NSW) <u>Crimes Act</u> Transmit – s.474.19(1)(a)(iii) [15y] Access – s.474.19(1)(a)(i) [15y] Aggravated transmit child pornography – s.474.24A(1)(a)(i) Use carriage service to transmit indecent communication - s.474.27A | PG (20%) | FT 2y 2y 8m 2y 8m 3y 2y <u>Total:</u> 3y 4m NPP 1y 11m | Crown AA FT 2y 2y 8m 2y 8m 3y 3y 4m <u>Total:</u> 5y NPP 3y | | Police located USB devices containing 4,530 child pornography images and 40 child pornography videos – category 1-5 seriousness – indecent communication offence involved chat room conversation with 9y female. |
| 46. | Martin (39) [2014] NSWCCA 283 | Possess child pornography - s.91H(2) (NSW) <u>Crimes Act</u> 2 x Access– s.474.19(1)(a)(i) [10y] /[15y] Produce child pornography - s.91H(2) (NSW) <u>Crimes Act</u> Make available – s.474.19(1)(a)(iii) [15y] | PG (25%) | 2y NPP 18m 2y FT 9m 3y <u>Total:</u> 3y NPP 18m | Crown AA FT 2y 2y FT 9m 4y 6m <u>Total:</u> 5y NPP 3y 6m | Nil | Images found on computer storage devices At least 13,000 different images – 60% Cat 1 – 30% Cat 3/4 - used carriage service over 4 years and over 3 months – made 3 videos filming son of friend – shared 47,773 images – 61% Cat 1 – 30% Cat 3/4 Sexually abused as a child – lived alone – undertaking counseling |

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|-----|---|---|-------------|--|---|--------|--|
| 47. | Taylor (54) [2015] TASC CA 7 | 2 x Access - s.474.19(1)(a)(i) [10y / 15y] Possess child exploitation material - s.130 (TAS) <u>Code</u> | PG | 15m released after 8m for 2y 12m NPP 8m (concurrent) | AD | | Found in possession of two personal computers with child pornography – did not pay for images – did not pass them on to anyone else – offended over 6y - 1,066 images – 354 videos – 3 text files Cat 1 – 1,047 images / 308 videos Cat 2 – 9 images / 43 videos Cat 3 – 2 images / 3 videos Cat 4 – 8 images Cat 5 – 3 text files Delay – effect on family – problematic physical and mental health |
| 48. | Hogan (70) [2015] SASCF C 102 | Access - s.474.19(1)(a)(i) [15y] Agg assess child pornography – s.63A(1)(a) (SA) <u>Criminal Law Consolidation Act</u> | PG (30%) | 1y 9m released after 1m <u>Total:</u> 2y 6m NPP 10m | AA 6m (immediate release) 1y 8m suspended Concurrent - took into account 4m 9d custody | Nil | Catholic priest found in possession of 51 magazines, 5 books, 1,362 printed pages, 4 video tapes – samples from all Cat – bulk of material purchased in 1970s and 80s when legal – some material genuinely documentary – some more serious material incidental - – Cth offence related to 7 downloaded images in Cat 1 No suggestion of improper conduct as teacher – used material to try and understand self – good rehabilitation – harsh conditions imposed by priesthood |
| 49. | Philpot (53) [2015] ACTSC 96 Murrell CJ | Solicit - s.474.19(1)(a)(iv) [15y] | PG (20%) | 19m released for 2y | | nil | School principal – exchanged sexually explicit text messages with 13y over social media for three months – exchanged photo of genitals |

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|-----|--|--|-------------|---|---|--------|--|
| 50. | James (28) [2015] NSWCCA 97 | 15 x Transmit – s.474.19(1)(a)(iii) [10y] / [15y] Possess child pornography - s.91H(2) (NSW) <u>Crimes Act</u> Use carriage service to cause offence – s.474.17(1) | VG | <u>Total:</u> 7y 1m NPP 4y 3m | AD | Nil | Offender communicated with undercover officer posing as 14y on Facebook - fifteen emails sent over six-week period to ten addresses (transmission offences) - two sent to undercover officer, one contained 123 files, largest single attachment of child pornography – 1675 child pornography images - 800 children photographed or filmed - majority aged 6-14y - no commercial aspect - greater number of files in lowest COPINE category - hundreds of images of non-penetrative and penetrative sexual activity between adults and children - transmission offences in mid-range. |
| 51. | Porte (47) [2015] NSWCCA 174 | Possess child pornography - s.91H(2) (NSW) <u>Crimes Act</u> Access– s.474.19(1)(a)(i) [15y] Possess prohibited weapon | PG (25%) | 18m ICO | Crown AA 12m 30m NPP 18m Conviction only <u>Total:</u> 2y 9m NPP 18m | Minor | Found in possession of pornographic images and videos from peer to peer sharing – interest in young teenage girls Cat 1 – 27,720 images Cat 2 – 1,156 images Cat 3 – 2,161 images / 88 videos Cat 4 – 2,567 images / 493 videos Cat 5 – 240 images / 27 videos Cat 6 – 299 images Computer found downloading 17 Cat 1 images and 48 videos in Cat 1-4 In possession of can of mace purchased years before in America – no criminal intent Married – poor physical health – evidence of rehabilitation |
| 52. | Fitzgerald (36) [2015] NSWCCA 266 | 4 x Possess child pornography - s.91H(2) (NSW) <u>Crimes Act</u> 2 x Access - s.474.19(1)(a)(i) [10y] / [15y] | PG (25%) | 3y 9m NPP 2y 3m 2y 3m thereafter to enter GBB 9m <u>Total:</u> 3y 9m NPP 2y 6m | AD | Nil | Child pornography shared or downloaded over internet using “peer to peer” file sharing technology - for offender’s own use, not for sale or dissemination - no profit motive - material located on computer - over 1,145 items including 390 videos – 700-800 children – 25% of items in most serious category 4, 5. Lived with mother – loner - good prospects of rehabilitation - fully co-operated with law enforcement agencies – contrition. |

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|-----|---|--|--------------------------|---|---|--------------|---|
| 53. | Fedele (19-22) [2015] NSWCCA 286 | Possess child pornography - s.91H(2) (NSW) <i>Crimes Act</i> Access - s 474.19(1)(a)(i) [15y] | PG (25%) (20%) | 6m 12m released to recog after 6m (concurrent) | AA 10m ICO 10m ICO (concurrent) | nil relevant | Found in possession of small amounts of child pornography on home computer for personal use – accessed images on five occasions 2011-2012 and one occasion 2014 Accessed material during difficult period in life – undertaken counselling – strong subjective case |
| 54. | De Leeuw (54-61) [2015] NSWCCA 183 | Possess child pornography - s.91H(2) (NSW) <i>Crimes Act</i> Access– s.474.19(1)(a)(i) [10y] Access– s.474.19(1)(a)(i) [10y] Access– s.474.19(1)(a)(i) [15y] Sched: 2 x s.91H(2) | PG (25%) | 2y 15m 1y 8m 2y <u>Total:</u> 2y ICO | Crown AA 2y 6m NPP 1y 3m 1y 3m 1y 6m 1y 9m <u>Total:</u> 3y NPP 1y 9m | Nil | Found in possession of 32,656 images, DVDs and documents Cat 1 – 23,654 images Cat 2 – 1,821 images Cat 3 – 1,529 images Cat 4 – 3,357 images Cat 5 – 117 images Cat 6 – 274 images Offences committed 2006-2013 Taking rehabilitation steps |
| 55. | Ferguson (30) [2015] ACTSC 363 Murrell CJ | 3 x Access - s 474.19(1)(a)(i) [15y] 2 x Transmit – s.474.19(1)(a)(iii) [15y] Possess child pornography - s.65 (ACT) <i>Crimes Act</i> | PG | 2m / 3m / 6m 4m / 6m 12m suspended <u>Total:</u> 22m released after 17m for 2y | | nil | Downloaded on two occasions 12 images and 2 videos containing child pornography from Cat 1-4 – transmitted videos on two occasions – received third video on final occasion Found in possession of images and videos of child pornography with children aged from babies to young adolescents Cat 1 – 7 images / 1 video Cat 2 – 3 images / 2 videos Cat 3 – 7 videos Cat 4 – 3 images / 27 videos Cat 5 – 2 videos Suffered child abuse – history of depression |
| 56. | Hill [2015] ACTSC 391 Robinson AJ | Access – s.474.19(1)(a)(i) [15y] | PG (10%) | 14m released after 7m for 2y | | | Over 5,800 images found on mobile phone downloaded on three discrete occasions |

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|-----|--|--|--------------------------|--|--|--------|---|
| 57. | Currie (36) [2015] ACTSC 404 Penfold J | Solicit – s.474.19(1)(a)(iv) [15y] Possess child pornography - s.65 (ACT) <i>Crimes Act</i> | PG (28%) (25%) | 13m 3m <u>Total:</u> 13m released to recog for 2y | | nil | Set up false persona on internet as 14y male – contacted by 12y and 13y girl – some sexual conversations – sought from complainants photos of breasts, vagina and pyjamas – sent photos of penis – found in possession of small amount of child pornography material on computer – all images sent by complainants Some mental health issues and suicide risk |
| 58. | DPP v Watson (29-31) [2016] VSCA 73 | 3 x Transmit – s.474.19(1)(a)(iii) [15y] 10 x Cause to be transmitted – s.474.19(1)(a)(ii) [15y] Solicit – s.474.19(1)(a)(iv) [15y] Use carriage service to engage in sexual activity with child – s.474.25A(1) Use carriage service to menace, harass or offend – s.474.17(1) 11 x Cause minor to be involved in pornography – s.69(1) (VIC) <i>Crimes Act</i> | PG (25%) | <u>Total</u> 7y NPP 4y 8m | Crown AA <u>Total:</u> 10y 5m NPP 7y 3m | | Over several years used false persona to elicit naked and sexually explicit photographs from 71 females aged 5-16y via internet – once first photo sent used threats to elicit more photos – collection totalled 1480 photographs and 41 videos – continued offending on bail – serious criminal behaviour that was calculated, predatory and manipulative – majority of material at Cat 1 Dysfunctional background or personality disorders |
| 59. | Honeyman (66) [2016] ACTSC 2 Penfold J | Access – s.474.19(1)(a)(i) [15y] Possess child pornography - s.65 (ACT) <i>Crimes Act</i> | PG (25%) | 16m 7m <u>Total:</u> 18m released to recog | | nil | Found in possession of 1290 images of child pornography depicting 300-400 children – collected over several years - images included: Cat 1 – 1,190 Cat 4 – 30 Cat 5 – 13 Offences below mid-range Attending counseling |

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|-----|---|---|-------------|---|----------|---|--|
| 60. | DPP v Garside (55) [2016] VSCA 74 | Access - s 474.19(1)(a)(i) [15y] Knowingly possess – s.70(1) (VIC) <u>Crimes Act</u> | | 4y CCO 300h CSO \$5,000 fine (pre discount for guilty plea: Unspecified imprisonment) | Crown AD | nil | Found in possession of child pornography items on computer downloaded over 8 months Cat 1 - 5481 images / 268 videos Cat 2 - 59 images / 59 videos Cat 3 - 8 images / 5 videos Cat 4 - 29 images / 84 videos Cat 5 - 16 images / 9 videos Remorse and prospects of rehabilitation |
| 61. | Burbridge [2016] NSWCCA 128 | Produce child pornography - s.91H(2) (NSW) <u>Crimes Act</u> Possess child pornography - s.91H(2) (NSW) <u>Crimes Act</u> Possess child pornography - s.91H(2) (NSW) <u>Crimes Act</u> Transmit - s 474.19(1)(a)(iii) [15y] Access - s 474.19(1)(a)(i) [15y] Sched: Possess cannabis | PG (25%) | FT 6m FT 1y 6m FT 1y 1y 6m 1y 6m <u>Total:</u> 4y NPP 2y 3m | AD | Nil - on bail for 4 of these offences when committed last offence. | Produced, accessed and transmitted or possessed 1,854 files of child pornography or child abuse material - approximately 300 children aged 18m-14y - received and sent emails – created account with child abuse website and wrote paedophilic story - material in offender's possession primarily for own purposes and non-commercial distribution - no sophisticated planning or collaboration with others - below mid-range objective seriousness. Suffered severe abuse and neglect as a child – remorse - sound prospects for rehabilitation |
| 62. | Major (24) [2016] ACTSC 161 Burns J | Access s.474.19(1)(a)(i) [15y] Intentionally possess child pornography – s.65 (ACT) <u>Crimes Act</u> | PG (25%) | 22m released after 6m for 1y 7m 21m NPP 9m <u>Total:</u> 2y 6m released after 1y 3m for 1y 7m | | | Downloaded and viewed child pornography daily over a year - 35,674 images and videos Cat 1 - 34,724 images / 18 videos Cat 2 - 239 images / 6 videos Cat 3 - 209 images / 3 videos Cat 4 - 386 images / 14 videos Cat 5 - 61 images / 14 videos At least 280 children aged 12m–15y |

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|-----|--|--|-------------|---|---|---|--|
| 63. | Walshe (65) [2016] ACTSC 267 Burns J | Transmit s.474.19(1)(a)(iii) [15y] Intentionally possess child pornography – s.65 (ACT) <u>Crimes Act</u> | PG (25%) | 28m 18m <u>Total:</u> 2y 10m released after 19m for 3y | | record includes act of indecency child 10-16y | Shared child pornographic images through peer to peer software – found in possession of 86,114 files Cat 1 – 55,334 images Cat 2 – 1,010 images Cat 3 – 3,229 images Cat 4 – 25,682 images Cat 5 – 105 images Cat 6 – 754 images Total of 18,845 non-duplicated files Reasonable prospects of rehabilitation |
| 64. | White (21) [2016] ACTSC 237 Elkaim J | Access s.474.19(1)(a)(i) [15y] Intentionally possess child pornography – s.65 (ACT) <u>Crimes Act</u> | PG | 2y suspended 3y GBB 2y immediate release to 3y recog | | | Found in possession of 2,337 pornographic files involving almost 300 different children – most in lowest category – 86 in highest category Aspergers Syndrome linked to offending and difficulties in custody |
| 65. | Kenworthy (No.2) (46) [2016] WASCA 207 | 2 x Access s.474.19(1)(a)(i) [15y] 5 x Transmit s.474.19(1)(a)(iii) [15y] | VG | <u>Total:</u> 3y 9m NPP 2y 6m | AA <u>Total:</u> 2y 9m NPP 22m | nil relevant | Engaged in email communication with persons holding themselves out as fathers of very young children who were willing to trade in child pornography by swapping images – exchanged images over 8 week period – over 2,000 unique images Cat 1 – 3544 images Cat 2 – 231 images Cat 3 – 493 images Cat 4 – 167 images Cat 5 – 9 images |

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|-----|--|--|---------------------|---|--------|--------------------|---|
| 66. | Howe (23-28) [2017] QCA 7 | 2 x Access– s.474.19(1)(a)(i) [15y] 2 x Make available – s.474.19(1)(a)(iii) [15y] Aggravated make available – s.474.24A Possess child exploitation material – s.228D (QLD) <u>Code</u> | PG | 2y NPP 1y 9m 2y NPP 1y 9m 4y NPP 1y 9m 2y suspended after 1y 9m for 4y | AD | irrelevant | Involved in sharing child pornography over several years - five months in 2010 and over four months in 2014 Accessed 19 items and 3 video files: Cat 3 – 1 video Cat 4 – 14 videos Made available over 1200 images files and 13 videos including Cat 1 – 22 images Cat 3 – 9 images Cat 4 – 376 images Cat 5 – 8 files Found in possession 4,325 items of child pornography Cat 1 – 40.8% Cat 2-3 – 31.6% Cat 4 – 21.7% No profit Remorse |
| 67. | Arthur (28-29) [2017] ACTSC 23 Robinson AJ | Transmit – s.474.19(1)(a)(iii) [15y] Transmit – s.474.19(1)(a)(iii) [15y] Intentionally possess child pornography – s.65 (ACT) <u>Crimes Act</u> | PG (10%) | 21m 15m 3m 18d <u>Total:</u> 3y suspended after 1y 1m for 2y | | child sex offences | Transmitted 142 pornographic files between Nov 2012 and April 2014 Cat 1 – 70 files Cat 2 – 5 files Cat 3 – 27 files Cat 4 – 35 files Cat 5 – 3 files Cat 6 – 2 files Transmitted 26 files to undercover operative in Oct 2015 Cat 1 – 10 files Cat 3 – 9 files Cat 4 – 6 files Cat 5 – 1 file Found in possession of further 6 files Cat 1 – 4 files Cat 6 – 2 files Suffering depression – poor prospects of rehabilitation |

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|-----|--|--|------|--|----------|---|---|
| 68. | Dittman (28-30) [2017] QCA 302 | Make available – s.474.19(1)(a)(iii) [15y] Aggravated make available – s.474.24A Access - s.474.19(1)(a)(i) [15y] Possess child exploitation material – s.228D (QLD) <u>Code</u> | | 3y 4y 18m 18m suspended after 6m <u>Total:</u> 4y NPP12m | Crown AD | sexual relationship with a child – make child exploitation material | Used peer to peer software to share images – shared files over 1,000 occasions – downloaded material on 16 occasions – found in possession of 7,000 images and 2,000 videos of all categories (although mostly Cat 1 and 2) – no profit Remorseful – co-operation with police |
| 69. | Dundas [2017] QCA 107 | Access– s.474.19(1)(a)(i) [15y] Possess child exploitation material – s.228D (QLD) <u>Code</u> | PG | 2y released after 6m for 3y 2y suspended after 6m (concurrent) | AD | nil | Downloaded three child pornography videos – included a Cat 2 and Cat 3 video – found in possession of 523 movies and 36,711 images collected over 9 years 8 months Poor physical health and psychiatric illnesses |

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|-----|---|--|-------------|--|--------|--------------------------------------|--|
| 70. | Kandola (39) [2017] ACTSC 403 Burns J | Transmit – s.474.19(1)(a)(iii) [15y] Transmit – s.474.19(1)(a)(iii) [15y] Transmit – s.474.19(1)(a)(iii) [15y] | PG (10%) | 18m 14m 8m <u>Total:</u> 2y 2m ICO | | breached bond for dishonesty offence | Sent child pornography to male by text message: Cat 1 - 1 image Cat 2 - movie roll of 24 images Cat 4 - 16 images Cat 6 - 2 images Images sent to second male on different occasions: Cat 1 – 2 images Cat 2 – 2 images Cat 3 – 3 images Cat 4 – 2 images Image sent to third male Cat 3 – 1 image Bizarre nature of offending - messages sent to person not known to offender Serious mental health issues – substance abuse – sexual abuse as a child |
| 71. | Miao [2017] NSWCCA 89 | Possess child pornography - s.91H(2) (NSW) <u>Crimes Act</u> 2 x Access - s.474.19(1)(a)(i) [15y] Sched: s.91H(2) (NSW) <u>Crimes Act</u> | PG | 2y NPP 12m FT 1y 3m <u>Total:</u> 2y 3m NPP 1y 3m | AD | | Purchased child sex doll from overseas – intercepted by police - police found child abuse material on home computer - 361 images, 56 videos - majority depicted children under 10y in erotic poses with no sexual activity – 29 images and 11 videos depicted penetrative sexual activity between children or between adults and children - 17 images and 3 videos depicted sadism, humiliation or bestiality. Prior good character – well-educated – employed. |

| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | RECORD | INVOLVEMENT & SUMMARY |
|-----|--|---|-------------|---|--|---|--|
| 72. | Freedman [2017] NSWCCA 201 | Access – s.474.19(1)(a)(i) [15y] Possess child pornography - s.91H(2) (NSW) <u>Crimes Act</u> | PG (25%) | 15m ICO 12m ICO (concurrent) | Crown AA 1y 6m released to recog after 1y 3m 1y 3m <u>Total:</u> 1y 9m released to recog after 1y 6m | sexual offence against person under 16y | Registrable person as child sex offender - material on computer - children from babies to age 18y - images and videos depicted nudity to young children in various sex acts - 11,660 images, 486-590 images child abuse material Level 1 - 75 images Level 2 - 14 images Level 3 - 58 images Level 4 - 133 images Level 5 - 11 images Offending over period 12 months. |
| 73. | Dennis (45) [2017] VSCA 251 | Access - s 474.19(1)(a)(i) [15y] Fail to comply with reporting conditions Knowingly possess – s.70(1) (VIC) <u>Crimes Act</u> | PG (25%) | 3y 6m NPP 1y 6m 3m 18m NPP 1y <u>Total</u> 4y 6m NPP 2y 6m | AA 3y 3m NPP 1y 6m 3m 18m NPP 6m <u>Total</u> 3y 9m NPP 2y (pre discount for guilty plea: 3y 9m NPP 2y) | Priors including similar offences | Found in possession of material – written text – printed pictures – electronic hardware – pornography accessed over several years – did not purchase nor pass on material – images showed largely prepubescent and toddlers Cat 1 – 867 images / 11 videos Cat 2 – 257 images / 70 videos Cat 3 – 34 images / 11 videos Cat 4 – 207 images / 124 videos Cat 5 – 1 video Cat 6 – 5 images Failed to notify sex offenders registry of email addresses, use of social media sites and establishment of lawn mowing business – lower end of scale of seriousness Possess offence related to one day only Some learning and neurological deficits – delay in sentence |

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| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | RECORD | INVOLVEMENT & SUMMARY |
|-----|--|--|-------------|--|--|--|--|
| 74. | Lyons [2017] NSWCCA 204 | Aggravated transmit – s 474.24A Transmit – s.474.19(1)(a)(iii) [15y] Transmit – s.474.19(1)(a)(iii) [15y] Make available – s.474.19(1)(a)(iii) [15y] Make available – s.474.19(1)(a)(iii) [15y] Possess child pornography - s.91H(2) (NSW) <i>Crimes Act</i> | PG (25%) | 5y 2y 6m 3y 3y 3y 6m FT 2y <u>Total:</u> 9y NPP 6y | AA 4y 6m 18m 18m 18m 12m FT 1y 6m <u>Total:</u> 6y 3m NPP 4y 6m | Property and offences of personal violence - dealt with by various forms of conditional liberty. | During six week period accessed and transmitted child pornography via internet. Cat 1 – 300 image files Cat 2 - 17 image files / 2 video files Cat 3 - 29 image files / 3 video files Cat 4 - 22 image files / 9 video files Cat 5 – 3 image files / 5 video files Vulnerable personality with antisocial traits – support from partner |
| 75. | Boyles (26) [2017] VSCA 267 | Solicit - s.474.19(1)(a)(iv) [15y] Use carriage service to procure s.474.26(1) | PG | 2y 6m Community Corrections Order | Crown AD | nil | Supervisor of 15y work experience student commenced Facebook messages on first day of placement – sent repeated and persistent messages becoming sexually explicit – complainant sent photo of someone in bra in response to repeated requests – offender sent naked photo of self – abuse of power – predatory and opportunistic – vulnerable complainant – no deception or deceit In manic phase of bipolar disorder at time of offending – remorse – involved in community activities On appeal: sentencing judge erred in finding mental state reduced culpability where offender had voluntarily ceased taking medication – despite inadequacy of sentence unjust to increase – mental state deteriorated – spent four months at liberty complying with order |

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| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | RECORD | INVOLVEMENT & SUMMARY |
|-----|---|---|-------------|--|--|--------|--|
| 76. | Hong (42) [2017] NSWCCA 238 | Access - s474.19(1)(a)(i) [15y] Possess child pornography - s.91H(2) (NSW) <u>Crimes Act</u> Possess child pornography - s.91H(2) (NSW) <u>Crimes Act</u> | PG (25%) | 2y 1y 6m 2y 9m NPP 1y 6m <u>Total:</u> 3y 8m NPP 2y 5m | AA 2y 1y 6m 2y 9m NPP 1y 6m <u>Total:</u> 3y 8m NPP 2y 4m | Nil | Over 3y period - peer to peer file sharing program - material on computer Cth offence: video files depicted children aged 5-15y, majority featuring girls involved in penetrative sexual activity, over 80 different children NSW offences: 471 video files CETS 1-5, over 300 different children aged 7-15y - 57 video files, children aged 5-15y, featured girls approximately 10y engaging in penetrative sexual activity - over 70 children Remorse |
| 77. | Cartwright (21) [2018] ACTSC 132 Murrell CJ | Transmit – s.474.19(1)(a)(iii) [15y] Transmit – s.474.19(1)(a)(iii) [15y] Use carriage service to menace, harass or offend – s.474.17(1) | PG | 12m 15m 12m <u>Total:</u> 2y ICO | | nil | Met 16y female through Facebook – requested and received photos of complainant naked, in a bikini and showing cleavage – 13 images at Cat 1 – 10 months later demanded and received more naked photos or would send earlier photos to new boyfriend or post online – also threatened to assault – deleted photos as requested by complainant Genuine remorse |
| 78. | ADP v State of WA [2018] WASCA 40 | Transmit – s.474.19(1)(a)(iii) [15y] Use carriage service to menace, harass or offend – s.474.17(1) Possession child exploitation material – s.220 (WA) <u>Code</u> | PG | 18m 2y 6m 12m <u>Total:</u> 3y released after 2y | AD | nil | Made false profiles of ex-partner on various dating sites – included sexually explicit discussion about daughters including offering availability for sexual activity and description of sexual activity between partner and daughters – included intimate photos of ex-partner and sufficient detail to enable men to find and approach ex-partner – pre-mediated and planned offences – committed over several years Found in possession of child pornography: Cat 1 – 90 images Cat 2 – 18 images Cat 3 – 3 images Cat 4 – 13 images Cat 6 – 3 images |

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|-----|--|--|-------------|---|---|--------|--|
| 79. | Wagner [2018] NSWCCA 124 | Transmit – s.474.19(1)(a)(iii) [15y] Transmit – s.474.19(1)(a)(iii) [15y] Possess child pornography - s.91H(2) (NSW) <i>Crimes Act</i> | PG (25%) | 1y 6m 2y 3m 1y 6m NPP 1y <u>Total</u> 2y 9m released to recog after 2y | 1y 3m 1y 11m 1y 6m NPP 1y <u>Total</u> 2y 4m released to recog after 1y 10m | | Uploaded 10 images to Tumblr Cat 1 – 7 images Cat 4 – 2 images Provided links to online storage site of images and videos using dropbox on 19 occasions over three weeks: Cat 4 - 24 images / 7 videos Cat 5 - 7 images / 1 video Images found on mobile phone and laptop: Mostly Cat 1 Cat 4 - 32 images Cat 5 - 1 image Error in failing to give 25% discount for Commonwealth offences at first instance |
| 80. | Hutchinson (31) [2018] NSWCCA 152 | 2 x Transmit – s.474.19(1)(a)(iii) [15y] Possess child pornography - s.91H(2) (NSW) <i>Crimes Act</i> | | 12m released to recog after 3m 6m <u>Total:</u> 17m NPP 8m | Crown AD | Nil | Male offender posed as 18y old female to obtain explicit images from young teenage boys – also in possession of over 500 child abuse files. Prior good character - good prospects of rehabilitation - remorse |
| 81. | Peters (39) [2018] NSWCCA 126 | Possess child pornography - s.91H(2) (NSW) <i>Crimes Act</i> Access – s.474.19(1)(a)(i) [15y] | PG (25%) | 18m NPP 9m 2y <u>Total:</u> 2y 9m NPP 1y 6m | AA 18m NPP 9m 1y 10m <u>Total:</u> 2y 4m NPP 1y 3m | Nil. | Laptop and cloud storage contained total of 676 images and video files of child abuse – still images of various categories from no sexual activity to penetrative activity involving children or both children and adults - bondage or sadistic poses - some children appeared below 3y - two images of vaginal penetration of baby - videos included boys and girls aged 5-15y engaged in oral, vaginal and anal penetration - lower end of scale but not in category of least serious Family support On appeal - failure to take into account utilitarian value of guilty plea |

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|-----|--|--|------|--|--|---|---|
| 82. | Barany [2018] QCA 137 | Make available – s.474.19(1)(a)(iii) [15y] | PG | 2y GBB | AD | nil | Had software on personal computer that made access to child pornography on computer possible – 130 images from lowest category Prior good character |
| 83. | Cook (31-35) [2018] TASCCA 20 | 5 x Solicit - s.474.19(1)(a)(iv) [15y] Solicit child abuse material using carriage service – s.474.22(1)(a)(iv) [15y] 6 x Cause to be transmitted - s.474.19(1)(a)(iii) [15y] 2 x Transmit indecent communication to person under 16 - s.474.27A(1) Possess child exploitation material – s.130C (TAS) <u>Code</u> Sched: s.474.27A(1) | PG | 15m 15m 3m no sentence 4m <u>Total:</u> 15m released to recog after 10m for 2 years | Crown AA 4y NPP 2y 4y NPP 2y 4y NPP 2y 4m (all concurrent) | minor | Committed offences through online chat services over four years – communicated with what he believed were young females aged between 8y and 16y – sexually explicit conversations – requested and sometimes received sexually explicit photos – live streamed himself masturbating – images found in computer Cat 1 – 120 images / 1 video Cat 2 – 12 images Cat 3 – 14 images Cat 4 – 7 images / 1 video Cat 6 – 236 images Repeated conduct – language very explicit and graphic – sought sexual gratification Diagnosed with Aspergers – emotionally immature and socially isolated |
| 84. | Maine [2018] VSCA 56 | Access – s.474.19(1)(a)(i) [15y] Possess child pornography – s.70(1) (VIC) <u>Crimes Act</u> | PG | 3y 6m NPP 2y 2y 6m NPP 18m <u>Total:</u> 4y 6m NPP 3y | AD | committed current offences months after being released to parole for similar offences | Found in possession of images on computer – access offence committed over 5 months – 46 images in Cat 1-4 – possession charge constituted by 380 files – 102 files in Cat 4 and 8 files in Cat 5 – committed offence despite completing child offender program Poor prospects of rehabilitation – importance of deterrence in view of previous record |

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|-----|--|--|------|--|----------|--------|--|
| 85. | DPP v Ramos (22-24) [2018] VSCA 290 | 14 x Use carriage service to groom - s.474.27(1) 6 x Solicit - s.474.19(1)(a)(iv) [15y] 3 x Cause to be transmitted - s.474.19(1)(a)(ii) [15y] Use carriage service to transmit indecent communication to person under 16 - s.474.27A(1) Use carriage service to engage in sexual activity with person under 16 - s.474.25A(1) Use carriage service to procure - s.474.26(1) State bail offences | PG | 1y 1y 6m 1y 6m 8m 2y 1y 6m 1m <u>Total:</u> 6y NPP 3y 6m (pre discount for guilty plea: 9y 6m NPP 6y) | Crown AD | | Offences committed over several years - used social media applications to message 20 girls aged 11-15y – knew or identified complainants from school or other activities – had sexual conversations – sent sexual photos of self or other adults – threatened suicide if girls did not comply – some complainants sent naked photos – one complainant watched offender masturbate - committed two offence while on bail Low intelligence and hearing loss |
| 86. | Edwards (45) [2019] QCA 15 | Access – s.474.19(1)(a)(i) [15y] | PG | 15m released after 2m for 2 years | AD | nil | Search of computer revealed accessed child pornography material on 31 separate dates – large proportion of material computer generated graphic representations and cartoon images: Cat 1 - 22 images Cat 3 – 5 images Cat 4 – 5 images / 1 video Cat 6 - 607 images / 2 videos / 51 stories Federal police officer |

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|-----|---|---|----------------------|---|--|--|---|
| 87. | Dragon (58) [2019] WASCA 84 | Access – s.474.19(1)(a)(i) [15y] Access – s.474.19(1)(a)(i) [15y] | PG | 2y 2y 4m <u>Total:</u> 4y 4m NPP 3y 4m | AD | Very serious – includes child sexual offences – released from prison 2 days prior to committing offences | Paid for computer and internet time at hostel and accessed child abuse sites over 4.5 hours: 4 x Cat 1 images 15 x Cat 6 images 3 x Cat 6 videos Returned four days later and spent further six hours accessing sites – 700 images: 90% Cat 6 10% Cat 4 4 x Cat 2 images 8 x Cat 3 images 4 x Cat 4 images Predominately animated images Socially isolated and unsupported outside prison On appeal: sentences not excessive in view of criminal record |
| 88. | Cluett (61) [2019] WASCA 111 | Possession child exploitation material – s.220 (WA) <u>Code</u> Access – s.474.19(1)(a)(i) [15y] Access – s.474.19(1)(a)(i) [15y] | PG (25%) PG PG | 6m 9m 4m <u>Total:</u> 9m released to recog after 6m | AA 6m suspended for 12m 8m released to recog for 12m 3m released to recog for 12m | minor | Found by police viewing child abuse video on phone outside delicatessen – search of home located 28 images on phone from Cat 1 to Cat 4 – computer showed offender had accessed child abuse websites on 20 occasions Autism spectrum disorder – motivated by research not sexual interest – remorse On appeal: combination of subjective factors, small number of images and motivation for offences justifies suspension of sentences |

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|-----|---|--|-------------|--|--------|--------------|--|
| 89. | Martin (33) [2019] NSWCCA 197 | 5 x Transmit - s.474.19(1)(a)(iii) [15y] 7 x Solicit - s.474.19(1)(a)(iv) [15y] 8 x Use carriage service to transmit indecent communication to person under 16 - s.474.27A(1) 2 x Possess child pornography - s.91H(2) (NSW) <i>Crimes Act</i> Sched: 15 child pornography offences | PG | 2y - 3y 2y - 3y 1y - 2y 6m 1y 6m - 2y <u>Total:</u> 7y NPP 4y | AD | nil | Highly sexualised messaging via internet to 26 male children aged 11-14y over two and a half year period – two actual complainants identified - obtained nude explicit images or videos from complainants of themselves - transmitted child pornography images to complainants - engaged complainants in indecent communications despite efforts by many to have him stop contact - no direct physical contact - very active and persistent offender. Schizoid personality traits likely contributed to offences – severe depression – reasonable prospects rehabilitation. |
| 90. | Lyons (28) [2019] VSCA 242 | Access – s.474.19(1)(a)(i) [15y] Transmit – s.474.19(1)(a)(iii) [15y] Sched: Solicit – s.474.19(1)(a)(iv) | PG | 18m 18m <u>Total:</u> 2y 6m released to recog after 18m | AD | | Over three years accessed 640 images and 139 videos in Cat 2, 3 and 4 – images of young boys – second offence committed over 19mths in context of online communications – transmitted mostly textual child pornography but some images included – content of textual material sadistic and extreme – one video depicted child murder Paedophilic disorder requiring comprehensive treatment – sexually abused as a child |
| 91. | Hurt (30) [2019] ACTSC 148 Mossop J [2021] ACTSC 241 Mossop J | Intentionally possess child exploitation material – s.65 (ACT) <i>Crimes Act</i> Distribute - s.474.19(1)(a)(iii) | PG (25%) | 15m suspended after 8m for 18m 2y recognisance <u>On breach:</u> 7m No further action | | Nil relevant | Child exploitation material found on two mobile phones – thousands of images and hundreds of videos – mid-range – distribute offences involved sharing one image – low range Alcohol and cannabis abuse – delay in prosecution Sentences breached by commission of new child abuse offences – no action taken in relation to s.474.19 offence |

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|-----|---|---|-------------|---|--|--|--|
| 92. | Gilshenan (43) [2019] NSWCCA 313 | Access – s.474.19(1)(a)(i) [15y] 2 x Possess child pornography - s.91H(2) (NSW) <u>Crimes Act</u> Fail comply reporting obligations | PG (25%) | 3y released to recog after 12m FT 6m / 3m FT 12m <u>Total:</u> 4y 4m NPP 2y 4m | AD | Larceny, wilful exposure, child pornography offences, stalk and intimidate, contravene AVO. On parole. | Offences took place 7months after being released to parole after serving imprisonment for possess child abuse material – police found accessed materials on personal computer – had left various photographs in suburbs, located by different people. |
| 93. | Kannis (18) [2020] NSWCCA 79 | Solicit - s.474.19(1)(a)(iv) [15y] Solicit - s.474.19(1)(a)(iv) [15y] Possess child pornography - s.91H(2) (NSW) <u>Crimes Act</u> Use carriage service to groom - s.474.27(1) | PG (25%) | 18m 21m 8m 21m <u>Total:</u> 2y 6m released to recog after 15m | AA 16m 18m 7m 18m <u>Total:</u> 1y 10m released to recog after 11m | Nil | Messaged female complainants aged 14y on social media asking for sexual photos – when complainants sent photos, pressured and threatened them to send more or would publish photos. Youth, immaturity – mental health issues. CCA: Other sentencing decisions did not establish a ‘sentencing range’ |

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|-----|---|--|-------------|--|---|------------------|--|
| 94. | Burton (24-26) [2020] NSWCCA 127 | Transmit - s.474.19(1)(a)(iii) [15y] Possess child pornography - s.91H(2) (NSW) <i>Crimes Act</i> Sched: s.474.27A(1) | PG (10%) | 18m released to recog at 9m FT 10m <u>Total:</u> 22m NPP 12m | AD | Nil | During multiple Skype chats over two years transmitted written descriptions of explicit sexual fantasies about non-existent children – four images found on computer hard drive – first offence mid-range – no persistent pursuit of complainants or pre-existing relationship of trust – no actual children – personal sexual gratification – not most serious content – second offence lower end of scale – acted alone and not part of network – no planning or organisation Air Force employee – good character – some prospects of rehabilitation – little insight – complex psychology CCA: no error in assessment of seriousness of offences despite written nature of material – not manifestly excessive |
| 95. | Small (38) [2020] NSWCCA 216 | Solicit - s.474.19(1)(a)(iv) [15y] Use carriage service to groom - s.474.27(1) 4 x Fail to comply with reporting obligations Possess child pornography - s.91H(2) (NSW) <i>Crimes Act</i> Sched: Transmit - s.474.19(1)(a)(iii) | PG (25%) | 7y 6y 2y 2y 3m <u>Total:</u> 10y 6m NPP 7y | AA 6y 10m 5y 10m 2y 2y 3m <u>Total:</u> 10y NPP 6y 11m | Similar offences | Made contact with 14y female through Snapchat then Facebook and mobile phone – communicated over several weeks – became aware complainant vulnerable and self-harming – made sexual requests and requested photos – complainant sent partial photos of breasts uploaded by offender to Instagram – maintained contact despite becoming aware of distress caused to complainant and request by complainant and complainant's father to cease contact – mid range On arrest 61 child abuse images found on phone – sixty were Cat 1 and one image Cat 3 – low-range – failed to report interstate travel and possession and use of carriage service, internet service, Facebook, Instagram and Snapchat Lack of insight – no remorse – high risk of re-offending – importance of community protection and deterrence in view of record On appeal: error in discount for guilty plea for Commonwealth offences – <i>Xiao</i> |

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|-----|---|---|-------------|--|--------|--------|--|
| 96. | Yardley (35) [2021] ACTSC 2 Loukas-Karlsson J | 4 x Transmit and solicit – s.474.19(1) [15y] Possess child pornography – s.65 (ACT) <u>Crimes Act</u> | PG (15%) | 20m each <u>Total</u> 2y 5m released after 15m for 2y 15m (concurrent) | | nil | Transmitted and made available child pornography to 13 recipients using messaging services and online file storage and sharing service over 8 months – also solicited and caused material to be transmitted to himself – found with 1,424 files of child pornography material on five separate devices – while majority of files in Cat 1 many on Cat 4 Prior good character – diagnosed as an adult with ASD - mental and physical health issues – prospects of rehabilitation guarded |
| 97. | Burch (34) [2020] ACTSC 192 Murrell CJ | Possess child abuse material obtained by carriage service: s.474.22A Transmit – s.474.19(1)(a)(iii) [15y] | PG (25%) | 2y GBB 100h CSO 12m ICO 200h CSO | | nil | Five images of child abuse material found on computer Cat 1: 1 image Cat 2: 3 images Cat 4: 1 image Images not isolated but other possible material unrecoverable - conducted conversations with four people over messenger services discussing child abuse – each Cat 6 – below moderate seriousness Physical and mental health issues – became addicted to pornography as a juvenile |
| 98. | Armstrong (43) [2020] ACTSC 298 Robinson AJ | Possess child abuse material obtained by carriage service: s.474.22A Access s.474.19(1)(a)(i) Access child abuse material using carriage service - s.474.22(1)(a)(i) | PG (20%) | 13m 6m 6m <u>Total:</u> 18m released after 6m for 12m | | nil | 66 videos containing child abuse found on computer – accessed material over 15m Cat 1: 22 videos Cat 2: 11 videos Cat 3: 1 videos Cat 4: 31 videos Cat 5: 1 video Suffers social anxiety |

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|------|--|--|--|---|--------|-------------------------------------|--|
| 99. | Ramsay-Feeney (34) [2021] ACTSC 5 Burns J [2022] ACTSC 82 Eliakim J | Possess child abuse material obtained by carriage service: s.474.22A Access – s.474.19(1)(a)(i) [15y] Access child abuse material using carriage service – s.474.22(1)(a)(i) Access child abuse material using carriage service - s.474.22(1) Breach ICO | PG (25%) PG (25%) | 9m 12d 9m 12d (concurrent – already served) 9m ICO 3y released to recognizance after 16m 9m (concurrent) | | | 5,370 files containing child abuse material found on phone – accessed over two years: Cat 1: 4,385 images Cat 2: 364 images Cat 3: 138 images Cat 4: 260 images Cat 5: 21 images Cat 6: 202 images Voluntarily assisted police – mental illness requiring assistance for rehabilitation Mandatory Minimum Term: 4 years Accessed 148 images of child abuse – 95% animated or cartoon – lower end of range – less serious than earlier offence - breached ICO imposed in earlier case Co-operated with police – importance of recognizance to provide assistance in rehabilitation – mental illness issues – mandatory minimum reduced for guilty plea |
| 100. | Huggett (22) [2021] NSWCCA 62 | Access - s.474.19(1)(a)(i) [15y] 2 x Possess child pornography - s.91H(2) (NSW) <u>Crimes Act</u> | PG (10%) | 3y 4m NPP 2y 2y <u>Total:</u> 3y 10m NPP 2y 6m | AD | Possess drugs; Driving offences. | Police located material on mobile telephone and laptop computer - used website to access material via chat rooms – downloaded material into own cloud account on mobile (88 images) – total of between 632-884 images and videos on both devices; half of material in Cat 1 – other images Cat 2 – 25 children aged 7 to 14 – depicting children performing oral sex on adult males; sexual intercourse with adult males; young children sexual intercourse with each other. |

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|------|---|--|------|--|--|--------------------------------|---|
| 101. | Jeffery (21 at offence, 25 at sentence) [2021] NSWCCA 221 | Solicit - s.474.19(1)(iv) [15y] Possess with intention s.474.19 [15y] Possess child pornography - s.91H(2) (NSW) <i>Crimes Act</i> Possess child pornography - s.91H(2) (NSW) <i>Crimes Act</i> | VG | <u>Indicative:</u> 6y 6m 4y 9m 2y 2y 4m <u>Aggregate:</u> 7y 6m NPP 4y 8m | AD | | Count 1: Impersonated a teenage boy on social media / Facebook with 12y female complainant - demanded sexually explicit videos under threat of his posting other sexually explicit videos of her - Count 2: saved two completed, but not published, Facebook posts with attached images of child pornography and referred to potential to name and shame the complainants; images of "girl full frontal nudity prepubescent"- Count 3: five images category one child pornography on phone; Count 4: two videos and image on another phone of prepubescent female. Depression, anxiety, ADHD. |
| 102. | Chenhall (29-30) [2021] VSCA 175 | Transmit to self - s.474.19(1)(ii) [15y] Transmit - s.474.19(1)(iii) [15y] Use carriage service to transmit indecent communication to child under 16 – s.474.27A(1) Fail to comply with reporting conditions (VIC) Possess child abuse material – s.51G(1) (VIC) <i>Crimes Act</i> | PG | 2y 6m 12m 2y 6m 12m 2y <u>Total:</u> 5y 6m NPP4y | AA 2y 9m 2y 6m 6m 18m <u>Total:</u> 5y NPP 3y 6m | Prior conviction for s.474.27A | Communicated with 17 underage persons through Kik app over three months - requested and received sexually explicit photos of 12y girl – shared one photo with user group on Kik app – transmitted numerous photos of erect penis to underage persons – failed to report user names as required by reporting conditions – child abuse material found on phones: Cat 1: 35 images Cat 2: 15 images Cat 3: 6 images Cat 4: 2 images Heavy drug user – significant psychosexual issues – prospects for rehabilitation guarded – 14m spent in residential rehabilitation centre – effect of Covid-19 restrictions – some evidence of remorse and insight – high risk of re-offending – family support On appeal: inadequate account taken of benefit of plea in Covid conditions - |

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|------|--|--|------|--|---|--------|--|
| 103. | O'Hara (34) [2021] WASCA 123 | 2 x Transmit - s.474.19(1)(iii) [15y] 2 x Transmit - s.474.19(1)(iii) [15y] Solicit - s.474.19(1)(iv) [15y] Access - s.474.19(1)(i) [15y] 4 x Use carriage service to groom -s.474.27(1) 3 x Possess child exploitation material: s.220 (WA) <u>Code</u> Use carriage service to do act in preparation for sexual activity with person under 16y: s.474.25C 3 x Use carriage service to transmit indecent communication to person under 16y - s.474.27A(1) | PG | 6m 8m 18m 18m 12m / 18m 1m / 1m / 12m 8m 2 x 12m / 14m <u>Total:</u> 4y 6m NPP 2y 6m | AA 6m 8m 18m 18m 12m / 18m 1m / 1m / 12m 8m 2 x 8m / 10m <u>Total:</u> 4y NPP 2y | nil | Used computer to search for child pornography – stored pornography on hard drive – over 700,000 images and 724 videos – used Twitter account on phone to chat to 8-16y girls – created false persona of 11y girl – sent inappropriate sexual photos and engaged in inappropriate sexual comments – multiple complainants Co-operated with police – genuine remorse – favourable prospects of rehabilitation – emotional vulnerability and immaturity would make custodial conditions difficult On appeal: error in relation to maximum penalty for s.474.27A offences |
| 104. | Young [2021] SASCA 51 | 3 x Access - s.474.19(1)(i) [15y] 3 x Transmit - s.474.19(1)(iii) [15y] | PG | <u>Total:</u> 17m released to recog 5m | | nil | Engaged in online chat using Kik app over four months – received and transmitted pornographic images Cat 1: 32 images Cat 4: 1 image / 2 videos Good character – chiropractor – community work – genuine remorse – reasonable prospects of rehabilitation |
| 105. | Cardwell (69) [2021] QCA 112 | Access - s.474.19(1)(a)(i) [15y] Access child abuse material using carriage service: s.474.22(1)(a)(i) Possess child exploitation material: s.228D (QLD) <u>Code</u> | PG | <u>Total</u> 12m – immed release to recog for 2y 15m – suspended after 3m for 2y | AD | Nil | Found in possession of child abuse material on lap top and computer – accessed and saved over several months – 520 images found 88% of which in most serious category Prior good character – co-operated with police – steps taken in rehabilitation – support of family and friends – extra-curial punishment of public shaming |

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| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | RECORD | INVOLVEMENT & SUMMARY |
|------|---|---|-------------|--|--------|---------------------------|--|
| 106. | Musca (41) [2021] WASCA 37 | Access - s.474.19(1)(a)(i) [15y] Transmit - s.474.19(1)(iii) [15y] 2 x Possess child exploitation material – s.220 (WA) <u>Code</u> | PG (20%) | 6m 10m released after 5m for 6m 18m NPP 9m <u>Total:</u> 19m NPP 14m | AD | Traffic and minor drug | Child abuse material found on phone and tablet: Cat 1: 5,043 images / 100 videos Cat 2: 219 images / 123 videos Cat 3: 787 images / 67 videos Cat 4: 709 images / 292 videos Cat 5: 145 images / 36 videos Cat 6: 759 images Over 8 months received 6 emails and transmitted 38 emails to 15 different addresses containing material in Cat 1, 2 and 4 – some children in images as young as 4y – number of individual children high Difficult childhood including sexual abuse – drug abuse – mental health – genuine remorse and insight – steps to rehabilitation |
| 107. | Cobcroft [2021] ACTSC 15 Murrell CJ | Access - s.474.19(1)(a)(i) [15y] Access child abuse material using carriage service: s.474.22(1)(a)(i) Possess child abuse material obtained using carriage service – s.474.22A | PG (25%) | 11m 11m 15m <u>Total:</u> 21m released after 5m for 2y | | Nil | Accessed child abuse material using several electronic devices – accessed 147 files over 15m and 564 files over 12m – found in possession of 21,149 files (some duplicates) – all computer generated animations with no real children – very realistic and highly offensive with degraded text – no further distribution Remorse and insight – very good prospects of rehabilitation – bail conditions restricted role as primary carer for child |

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| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | RECORD | INVOLVEMENT & SUMMARY |
|------|--|--|-------------|--|--------|--------|--|
| 108. | Barber (67 at sentence) [2021] ACTSC 78 Murrell CJ | Access - s.474.19(1)(a)(i) [15y] Access - s.474.19(1)(a)(i) [15y] 2 x Access child abuse material using carriage service - s.474.22(1)(a)(i) 2 x Possess child abuse material obtained using carriage service – s.474.22A | PG (25%) | 4m 11m 11m / 9m 2y / 9m <u>Total:</u> 2y 6m released | | nil | Offending during four distinct time periods: s.474.19: 2011 accessed 10 Cat 1 images s.474.19: 2019 s.474.22 / s.474.22A: early 2020 – 4,500 images found on 5 devices – most serious offence Cat 1: 2,226 images / 89 videos Cat 2: 495 images / 46 videos Cat 3: 571 images / 29 videos Cat 4: 700 images / 230 videos Cat 5: 219 images / 5 videos s.474.22 / s.474.22A: late 2020 and on bail for earlier offences – seven cat 1 files Isolated life – significant depression – impact of custody on mental health - remorse |
| 109. | Cox (48) [2021] ACTSC 98 Burns ACJ | Access - s.474.19(1)(a)(i) [15y] Access - s.474.19(1)(a)(i) [15y] Transmit to self - s.474.19(1)(a)(ii) [15y] Possess child abuse material obtained using carriage service – s.474.22A | PG (25%) | 12m 15m 6w 12m <u>Total:</u> 1y 7m 29d released after 5m for 2y | | nil | Found in possession of 229 videos and 1 image of child abuse material on three devices – accessed 254 videos over 2 years and 1,349 items over later 4m period – transmitted 2 files from one email to another (both belonged to offender) - much overlap in material – mid range Assistance at time of arrest – reasonable prospects of rehabilitation - remorse |

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| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | RECORD | INVOLVEMENT & SUMMARY |
|------|---|---|------|--|--------|--------|---|
| 110. | Kember (27-32) [2022] ACTSC 153 McCallum CJ | s.474.19(1)(a)(i) [15y] s.474.19(1)(a)(i) [15y] Access child abuse material using carriage service - s.474.22(1)(a)(i) Use carriage service to procure - s.474.26(1) Use carriage service to transmit indecent communication to child under 16 – s.474.27A(1) Possess child abuse material obtained using carriage service – s.474.22A | PG | 16m 10m 8m 6m 3m 6m <u>Total:</u> 3y released after 8m for 2y | | nil | Requested and received naked photo from younger sister of partner when complainant aged 13-15y – requested and received photo of exposed breasts from 16y complainant met through cheerleading – significant impact on complainant – accessed Instagram account of younger sister of partner and saved 8 photos of complainant in swimmers – supplied alcohol to 15y complainant at school after receiving promise of oral sex – discussed sexual experience with younger sister of sexual partner over Snapchat – found in possession of material from above offences – mostly Cat 1 and one Cat 2 image – all at lower end of range or below mid-range – not isolated offences Difficult childhood – good prospects of rehabilitation – father suffering with Alzheimers |
| 111. | Boucher (25) [2022] VSCA 3 | Procure child to engage in sexual act outside Australia: s.272.14(1) Solicit - s.474.19(1)(a)(iv) [15y] Use carriage service to transmit indecent communication to child under 16 – s.474.27A(1) Use carriage service to groom - s.474.27(1) Solicit - s.474.19(1)(a)(iv) [15y] | VG | 2y 2y 18m 18m 18m <u>Total:</u> 3y released after 6m for 3y | AD | | Communicated with 14y female in Canada through Snapchat over 2 weeks – discussed sexual matters – solicited photo of exposed breasts and showering – masturbated while complainant exposed breasts on video call – threatened to release images to internet – contacted by under cover police officer posing as 14-15y female – had sexual conversation Physical health issues |

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|------|--|--|-------------|---|--------|--------------------|--|
| 112. | Hutchinson (52 at sentence) [2022] VSCA 217 | Access - s.474.19(1)(a)(i) [15y] Access child abuse material using carriage service - s.474.22(1)(a)(i) Possess child abuse material obtained using carriage service: s.474.22A(1) | PG | 3y 1y 4y <u>Total:</u> 5y NPP 3y Pre discount for guilty plea: 7y NPP 5y | AD | nil | In possession of 317,003 files of child abuse material downloaded from internet over 7y Cat 1: 304,596 images / 906 videos Cat 2: 4,619 images / 410 videos Cat 3: 2,758 images / 87 videos Cat 4: 2,162 images / 676 videos Cat 5: 112 images / 24 videos Cat 6: 613 images / 12 videos Careful organisation of images electronically – objective seriousness very high Plea at first opportunity – good character – physical and mental health issues – good prospects rehabilitation – remorse – difficult childhood – family hardship On appeal: sentence not excessive in view of large number of images |
| 113. | Marks (39) [2022] WASCA 106 | 6 x Access - s.474.19(1)(a)(i) [15y] | VG | <u>Total:</u> 3y 1m | AD | Unrelated offences | Over a four day period deliberately accessed child pornography websites on 6 separate occasions – repeated searches using words and phrases associated with such websites – not isolated offending – some images extreme – no downloading or storing of images – under influence of cocaine Difficult childhood – no remorse or insight |
| 114. | Horner (45-48) [2023] ACTSC 23 Baker J | Access – s.474.19(1)(a)(i) [15y] Possess child abuse material obtained using carriage service: s.474.22A(1) | PG (25%) | 12m 15m <u>Total:</u> 18m released immediately for 3y | | nil | Found in possession of three child abuse videos on computer – admitted accessing 50 child abuse files for purpose of reporting to eSafety Commissioner – limited quantity - lower end of range Exceptional circumstances permitting immediate release – clear link between childhood sexual abuse, mental illness and offending – remorse and insight – strong prospects of rehabilitation – importance of continued rehabilitation – prior good character – loss of job and position in society and separated from family |

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|------|--|--|-------------|---|--------|--------|---|
| 115. | Lazarus [2023] NSWCCA 214 | 2 x Access – s.474.19(1)(a)(i) [15y] 4 x Cause to be transmitted - s.474.19(1)(a)(ii) [15y] Possess child abuse material obtained using carriage service: s.474.22A(1) 4 x Use carriage service to transmit indecent communication to child under 16 – s.474.27A(1) Use carriage service to procure child under 16 - s.474.26(1) Access child abuse material using carriage service- s.474.22(1)(a)(i) Sched: 2 x s.474.27A | PG (25%) | Indicative: 22m – 24m 15m – 27m 18m 15m – 22m 27m 24m Aggregate: 6y 6m NPP 3y 9m | AD | | Engaged in conduct over 8 years – engaged in sexual conversations online with multiple complainants aged or believed to be aged under 16y – sent to and procured from complainant’s naked photos – sought to procure sexual activity on one occasion – misrepresented himself as school teacher to one complainant – found in possession of multiple Cat 1 and Cat 2 images – extended period of predatory and persistent criminal behaviour – objective seriousness assessed as between lower end of range and slightly above mid-range Remorse, insight and reasonable prospects of rehabilitation – co-operated with authorities – onerous custodial conditions On appeal: found in error in failure to consider impact of mental health issues on deterrence – no lesser sentence warranted |

Last Updated: Aug 2023

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