

Indecent Assault
Victim under 16 years
s.61E(1), (1A) (NSW) *Crimes Act*

s.61E(1) Indecent assault on person under 16y

Maximum Penalty: 6 years
Commenced: 14.7.1981
Amended: 23.3.1986 (removed separate penalty for offence against child under 16y)

s.61E(1A) Indecent assault on person under 16y and under authority

Maximum Penalty: 6 years
Commenced: 23.3.1986
Amended: 17.3.1991

Note: the effect of statutory provisions relating to the application of sentencing patterns and practices:

s.25AA(1) (NSW) *Crimes (Sentencing Procedure) Act* applied to sentences imposed on or after 31.8.2018. It required a court to 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.

This provision was replaced by s.21B(1) (NSW) *Crimes (Sentencing Procedure) Act* on 18.10.2022 which extends the requirement to all offences.

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
1.	Waskin (35) NSWCCA 12.10.1984	s.61E(1)	PG	2y GBB No conviction \$2,000 fine	Crown AD	No prior record	Made sexual advances towards 16y girl working in shop owned and operated by offender Out of character – lenient but not inadequate
2.	Harkin (38) (1989) 38 A Crim R 296	2 x s.61E(1)	VG	15m PD	AD	Nil	Two 11y girls sat on offender's lap to steer car – fondled breasts – subsequently made threat – asked to sleep with one of the girls Prior good character.

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3.	Black (Late 30s) NSWCCA 5.2.1990	4 x s.61E(1)	VG	3y NPP 15m	AD		(1981-1983) 8-10y daughter of business partner – both offender and complainant's family all lived at hotel – digital penetration on four separate occasions – stopped conduct on own accord
4.	Reynolds NSWCCA 13.3.1990	2 x s.61E(1)	PG	MT 3y AT 1y	AA 3y GBB (6w PSC)	Nil	(1988) – touched vaginal area of de facto's daughter aged 8-9y through pyjamas, then placed hand under clothes and rubbed bare skin – breach of trust
5.	G (53) NSWCCA 13.2.1990	2 x s.61E(1A)	PG	5y GBB 12m PD	AD	Nil	2 assaults on stepdaughter aged 11y and 13y - touched breasts and vagina – inappropriate kissing – isolated incidents Excellent character – genuine contrition
6.	Hudson (38) NSWCCA 12.9.1990	s.61E(1A)	PG	MT 2y 3m AT 9m	AA MT 9m AT 9m	Dishonesty offences	(1989) – isolated offence on 9y daughter in shower while intoxicated – rubbed penis against vagina – could not recall event but accepted daughter's word Remorse – rehabilitation
7.	Payne (45) NSWCCA 19.9.1990	s.61E(1) s.61E(2) Act of Indecency	PG	6m PD	AD	Nil	Made 7-8y female touch offender's penis while he touched her vagina on outside – on second occasion made complainant touch penis Trusted family friend – acute depression
8.	Blade NSWCCA 1.5.1991	6 x s.61E(1A) [6y] 3 x s.61E(2A) Agg act of indecency	VG	2y 4y probation	AD		(1986-1987) – assaulted partner's 9-10y daughter on three separate occasions – touched, kissed and licked vagina – took photos of complainant naked on bushwalk – persuaded complainant to kiss penis – rubbed down complainant
9.	King (56) NSWCCA 20.8.1991	9 x s.61E(1A) Sched: Three additional offences	PG	2y PD 5y GBB	Crown AA FT 2y 5y GBB	Nil	(Pre-1990) – 6 male complainants aged 8-13y - through involvement in Little Athletics took young boys on trips to country and invited them home – shared bed with complainants – touched bottom – digital penetration of anus of one complainant – showed several boys pornographic video – breach of trust Aware of paedophilic tendencies – voluntary underwent chemical castration until caused ill health – good work in community
10.	Young (46) NSWCCA 8.10.1991	3 x s.61E(1)	PG	FT 1y 6m 4y GBB	AD	Prior record including sexual offences against males	(1989) – 12y and 13y boys visited offender to wash van – offender showed them sexually explicit pictures, fondled their genitals and exposed his penis

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11.	Loulach NSWCCA 14.11.1991	s.61E(1A)	PG	MT 15m AT 12m	AD		Assaulted 6y female staying overnight – rubbed vagina and touched bottom under pyjamas – breach of trust
12.	Dalessandro (21) NSWCCA 12.12.1991	s.61E(1) s.61E(1)	VG	4m PD 12m PD (concurrent)	AA 4m PD 6m PD (concurrent)	nil	Assaulted 15y female employee in video shop - offences occurred two months apart - sat complainant on lap and pulled her back and forward across thighs, penis hard against bottom – on second occasions touched breast and placed complainant's hand down track pants, moving up and down penis - complainant unlikely to have suffered serious harm - similar to romantic relationship except this was employer / employee relationship making it serious enough for custodial sentence. Unlikely to re-offend -
13.	JGB (42) NSWCCA 3.2.1994	2 x s.61E(1A) Sched: 4 x indecent assault	PG	MT 3y AT 12m	AD	Wound with intent to do GBH	Indecently assaulted daughter aged 4-11y – not isolated offences – touched vagina and forced complainant to touch penis – placed cream on penis and simulated intercourse rubbing penis between complainant's legs – bribed with money and chocolates
14.	Blacklock (63) NSWCCA 13.4.1992	s.61E(1A)	VG	6m PD	AD	Nil	(1989) – assaulted wife's sister's 9y grandchild - visited often but isolated incident - touched complainant on outside of pants. Acquitted at trial of 2 other offences - always willing to plead to conviction offence. Aboriginal - excellent character.
15.	Langley NSWCCA 20.4.1993	4 x s.61E(1A)	PG	MT 2y 6m AT 10m	AD		(1987-1989) – sexually assaulted 13-14y daughter while sleeping in same bed on visits
16.	Azzopardi (26) NSWCCA 31.8.1993	s.61E(1) s.61E(2)	PG	MT 9m AT 3m	AD	BES	(1988) - 13y female complainant – used misrepresentation and intimidation in offences – both offences occurred at same time and place - delay
17.	Harding (35) NSWCCA 16.12.1993	3 x s.61E(1A)	PG	MT 4y 6m AT 2y 6m	AD	minor	(1988-1990) representative counts of conduct on 12-14y daughter over two years – rubbed vagina with hand – forced complainant to rub penis
18.	Gardner NSWCCA 8.6.1994	s.61E(1) 2 x s.61E(1A)	VG	MT 3y 3m AT 9m	Conviction AA MT 2y 9m AT 9m	Sexual offence	(1986-1990) – indecent assaults on daughter of de facto Sentence adjusted after conviction for offence of s.61E(2) quashed on appeal

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19.	EJL (48 at sentence) NSWCCA 2.8.1994	6 x s.61E(1A) s.61E(1) s.76A s.76	PG	4y GBB 12m PD	Crown AA MT 2y AT 2y	Offences against second complainant breached bond for indecent assault on daughter	(1980-1986) – indecently assaulted daughter aged 7-13y – second complainant aged 10y – forced complainants to play with penis, rubbed himself against vaginal area and other indecent touching Suffering severe spinal problems
20.	Bustos (33) NSWCCA 27.6.1995	4 x s.61E(1) 2 x s.76	PG	MT 2y AT 14m FT 18m Total MT 3y 6m AT 14m	AD	Nil	(1980-1982) - indecent assaults over two years – representative counts - close friend of family became obsessed with complainant aged 12-14y – some indecent assaults involved conduct that constituted intercourse at time of sentencing
21.	EDS (60 at sentence) NSWCCA 12.12.1995	s.61E(1)	VG	18m GBB	Crown AA MT 12m AT 12m	On licence for rape of 10y girl	(1985) – friend of complainant’s parents – 7y complainant and sister stayed night – placed penis against complainant’s vagina Serious health issues
22.	Johnson (51 at first offence) [2000] NSWCCA 474	3 x s.61E(1)	VG	MT 15m AT 12m	Conviction AD	nil	(1988–1993) - assaulted 10y niece – touched vagina while watching pornographic video twice – stroked vagina over bedclothes
23.	Lynn (51 at sentence) [2004] NSWCCA 222	3 x s.61E(1A) Sched: 5 x s.61E(1A)	PG (10%)	6y NPP 4y	AA 5y 5m NPP 3y 7m	nil	(1987-1990) - Rubbed himself against 9y daughter of de facto during games to point of ejaculation – no penetration, violence or coercion – not isolated offences
24.	Silcock (67) [2004] NSWCCA 442	5 x s.61E(1)	PG	2y suspended	Crown AD	Considerable record for similar offences	(1981-1985) assault of 10-14y boy - no anal penetration – breach of trust - sharing a room with complainant – previously sentenced to recognizance and no Crown appeal Very poor health, including partial amputation of penis – risk of re-offending thereby reduced – use of catheter and risk of infection - extraordinary circs
25.	A.J.B. (32-35 at offences) (2007) 169 A Crim R 32 [2007] NSWCCA 51	5 x s.76 / s.61E(1) Sched: 4 similar offences	PG (25%)	4y NPP 3y	AA 3y NPP 18m	Nil	(1979-1982) – indecently assaulted step daughter aged 6- 10y over three years – rubbed penis against vagina simulating intercourse – touched vagina under pyjamas – sought treatment shortly after first complaint and no further offending - lengthy delay between first complaint and arrest Wife seriously ill

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26.	Wilson (45-46 / 77) [2017] NSWCCA 41	s.61E(1) Sched: s.61E(1)	PG (10%)	3y 7m NPP 2y 1m	AA 3y NPP 18m 2d	Record reflects similar offending prior to commission to these offences	(1982-1983) – abused friend of daughter – course of conduct – rubbed exposed penis against vagina in simulated intercourse when complainant aged 7-8y – scheduled offence committed when complainant aged 10-11y Poor health – worsened since started serving sentence Error in ratio of non-parole period to total sentence
27.	Obbens (76) [2022] NSWCCA 109	s.61E(1) Sched: 1 offence	PG (10%)	18m Community Corrections Order	Crown AD	Indecent assaults	(1989) – male complainant 12-13yrs – Christian Brothers dormitory master at Catholic school - stroked complainant's testicles and penis when complainant came to him with sore testicles. Psychiatric evidence, including “diagnosis of homosexual paedophilia” – remorse – insight – delay- age. CCA: sentence not manifestly inadequate in circumstances - Reason for lenient disposition was that respondent had already served 3y aggregate sentence of imprisonment imposed in 2016 for three counts alleging similar offences committed between 1987 and 1989.

Last Updated: May 2022