

Carnal Knowledge Girl Under 10y

ss.67 and 68 (NSW) Crimes Act

s 67 Carnally know any girl under the age of ten years

Maximum Penalty: Life

Repealed: 23.3.1986

s 68 Attempts carnally to know any girl under the age of ten years, or assaults any such girl with intent carnally to know her

Maximum penalty: 14 years

Repealed: 23.3.1986

Note: the effect of recent 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.

	CASE (AGE IF KNOWN)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	FACTS
1.	T NSWCCA 15.3.1990	3 x s.67 2 x s.61D(1) 3 x s.66C(2)		9y 3y 2y <u>Total:</u> 14y NPP 10y <u>Re-determined:</u> MT 6y 3m 22d AT 2y 6m 3d	AA MT 5y AT 2y MT 2y AT 10m MT 18m AT 7m <u>Total:</u> MT 5y AT 2y		(1981-1988) – offences committed against daughter aged 4-12y – penile penetration commenced when complainant aged 5y - fellatio Long years of service in air force – unblemished character – immediate confession upon confrontation and volunteered additional information – suffered sexual abuse as a child

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	CASE (AGE IF KNOWN)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	FACTS
2.	RKB NSWCCA 30.6.1992	s.67 s.67 2 x s.66A Indecent assault s.66C(2) 6 x indecent assault	PG	MT 5y AT 18m FT 5y FT 4y FT 12m FT 4y FT 3y (concurrent)	AD		(1983-1989) – sexually assaulted daughter aged 7-13y and second girl aged 7-10y – cunnilingus, vaginal and anal intercourse, digital penetration – traded on affection
3.	PFC NSWCCA 14.12.1992	2 x s.67 2 x s.66C(2)	VG	MT 5y AT 1y 8m MT 5y AT 1y 8m (concurrent)	AA MT 4y AT 2y 8m MT 4y AT 2y 8m (concurrent)	Breached recognisance for act of indecency on 15y girl	(1982-1987) - full sexual intercourse with daughter aged 8-13y on four occasions Violent childhood – hard worker and good character
4.	Skinner (16-19) NSWCCA 4.10.1994	s.67	VG	MT 3y 10m AT 12m	AD	Juvenile record	(1979-1985) – sexual intercourse with niece aged between 4-8y – not isolated incident Difficult and dysfunctional childhood
5.	Gallagher (77 at sentence) NSWCCA 29.11.1995	s.68 s.80 4 x s.76 s.61M(1) s.61D(1) Sched: 15 x indecent assault	PG	MT 6m AT 12m Identical concurrent sentences on each offence	Crown AA MT 15m AT 21m FT 12m FT 12m FT 12m (concurrent)		(1962-1994) – sexually assaulted two daughters, granddaughter, stepdaughter of one daughter and friend of one daughter – complainants aged 6-12y (1978) - digital; penetration of 8y granddaughter and attempted penile penetration – other offences included attempted buggery, digital; penetration and rubbing face against vagina,

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	CASE (AGE IF KNOWN)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	FACTS
6.	Corrigan (16-17 at offences) NSWCCA 20.6.1996	s.67 s.76	PG	MT 4y AT 4y FT 12m (concurrent)	AA MT 3y AT 3y FT 12m (concurrent)		(1972-1973) – sexually abused 4y niece over 12 months – penile intercourse and rubbed penis against vagina
7.	J C W (2000) 112 A Crim R 466 [2000] NSWCCA 209	2 x s.67	PG	MT 10y AT 2y	AA 10y NPP 8y		(1975-1977) - forced penile intercourse with 7y daughter on two occasions – violence and threats involved – part of sexual abuse of two daughters over many years Sexually abused as child Convictions for related offences on sister quashed on appeal because statute barred
8.	Creed [2000] NSWCCA 280	s.67 s.61D(1)	VG	MT 3y AT 2y MT 18m AT 18m <u>Total:</u> MT 3y 5m AT 2y	Conviction AD		(1983-1984) - family friend living in caravan in yard of complainant's family home and babysitting complainants – 1983 digitally penetrated 9y complainant while babysitting children – 1984 carried 7y sister of first complainant kicking and screaming to caravan – forced penile penetration of vagina
9.	Corbett (23 at offence) [2002] NSWCCA 137 [2002] NSWCCA 402	2 x s.67	VG	4y NPP 2y	AA 3y NPP 15m	nil	(1972) - sexual intercourse with 7y cousin on two occasions while complainant in offender's care – long delay Dysfunctional childhood – serious psychical and mental health problems
10.	RJP (15-21 / 31-33)) [2006] NSWCCA 149	s.67 s.76 s.61D s.66A Sched: 3 x s.76 7 offences	PG (20%)	7y NPP 3y 2y 3y 5y <u>Total:</u> 12y NPP 7y	AD	two sexual offences on record – no offending since 1991	(1968-1969 / 1974) – offences committed against sister aged 9-14y – vaginal touching - cunnilingus - penile penetration – digital penetration – forced fellatio (1984-1987) – digital penetration of 6-8y cousin – committed seven other offences against complainant and two other female cousins aged 5-9y involving digital penetration and indecent touching

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11.	KJR (57 at sentence) (2007) 173 A Crim R 226 [2007] NSWCCA 165	s.67 3 x s.73 s.61E AOABH	VG	10y NPP 7y 6m 8y NPP 5y FT 3y FT 12m <u>Total:</u> 12y NPP 9y	AD	Nil	(1979-1985) - Sexually assaulted daughter aged 9-13y over extended period of time – actual violence
12.	PH (72 at sentence) [2009] NSWCCA 161	3 x s 67 6 x s.73 7 x s.76 s.76	PG (20%)	FT 7y MT 8y AT 8y FT 3y FT 3y <u>Total:</u> 20y NPP 12y	AA FT 4y MT 3y 6m AT 8y FT 18m FT 12m <u>Total:</u> 14y 6m NPP 6y 6m	Nil	(1966-1974) – sexually assaulted daughter aged 8-15y – one indecent assault on second daughter aged 11-12y – wide range of sexual assaults including penetration by objects – pregnancy at 13y terminated – 33y delay Very low intellectual capacity – physical health problems
13.	SM (14-19) [2014] NSWCCA 137	s.67 s.67 6 x s.76 2 x s.61E(1) Sched: 4 offences	PG (25%)	6y NPP 3y 7y NPP 3y FT 6m – 2y FT 6m / 2y <u>Total:</u> 7y 9m NPP 3y 9m	AD		(1977-1983) – offences committed on step-sister aged 5-11y – touched and rubbed vagina and clitoris – forced complainant to rub offender's penis – digital penetration – forced fellatio – cunnilingus – penile penetration – on-going abuse over many years

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	CASE (AGE IF KNOWN)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	FACTS
14.	Cabezuela (79) [2020] NSWCCA 107	s.67 2 x s.67 s.63 rape 2 x s.79 buggery 21 x s.76 indecent assault	VG	<u>Indicative</u> 16y 15y 14y 10y / 9y 2y - 4y 6m <u>Aggregate</u> 28y NPP 18y	AD		(1966-1981) Assaulted 4 nieces aged 3–13y – offender aged 27-42 – penile-vaginal, anal and oral intercourse – touched vagina and breasts – extremely young children – repeated abuse – deliberate – complainants suffered physical pain Age – ill-health
15.	RA (16y 10m) [2020] NSWCCA 356	Indecent assault s.67	VG	s.10A 5y NPP 3y	AA 4y NPP 2y 5m	Nil	(1980-1981) sexual offences against niece aged 8-9y – slight penetration of vagina by penis in backyard of complainant's home – just below mid-range Difficult upbringing – of good character since offence – risk of re-offending low – prospects of rehabilitation high

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