

COMMENTS ON PASSING SENTENCE

DALY DCM

1. Mr Laughlin, you have pleaded guilty to 3 counts of indecent assault, contrary to the Criminal Code, s127, committed somewhere between 17 February 1975 and 20 May 1977.
2. In relation to **Victim A**, he was aged between 12-13 years. You fondled his genitals when you both were sleeping in a tent on a camping trip to Bruny Island. He ignored you and you stopped after a period which, I infer, was short.
3. In relation to **Victim B**, he was aged between 10-12 years. You fondled his genitals shortly after leaving Hobart while driving to Queenstown. I was told that you also placed his hand on your penis but I note that you have not been charged in relation to that.
4. In relation to **Victim C**, (who was victim B's older brother). He was aged between 11-13 years. For a period of between five and 10 minutes, you fondled his genitals while you were driving him home from a trip to the beach.
5. The physical acts comprising each offence were relatively brief and involved no significant force. I accept that you did not say or do anything in any attempt to silence your victims or prevent them from reporting your conduct.
6. You knew why the boys were at the Barrington Boy's Home; because they were unlucky enough to suffer the very significant disadvantage of not living at home with their families. You had observed the struggles of boys like them during your school years. Purporting to extend Christian charity, you offered respite from life at the home, but instead of the fun of weekend respite, the boys experienced your sexual abuse, which was a gross breach of trust.
7. Having regard to the victim impact statements, I take into account that each boy knew that what you were doing was wrong. Each of them remembered it and none of them has ever recovered from the effect of what you did to them. The effect of your conduct on them was entirely to be expected.
8. You denied the offences when interviewed by police, but to your credit you pleaded guilty at a very early stage of these proceedings. I accept that demonstrates that you are remorseful for what you did. I accept that your pleas of guilty are consistent with your expression of sadness and regret upon reading the victim impact statements. You are entitled to mitigation for those pleas because they involve acceptance of

responsibility and saving of court time, resources and, most importantly, they save each of the victims from the trauma of having to give evidence.

9. You are 65 now, but you were only 23 when you committed the offences. You had a lonely, unhappy and academically undistinguished experience at school and your counsel described you as an awkward and extremely immature young man, confused and challenged about your own sexuality. I accept that you struggled with those issues, living in a very strict moral environment which tolerated no exploration or discussion of sexuality and regarded homosexuality as an abomination. However, you certainly knew better than to use these young boys for your sexual gratification.
10. It is mitigating that there was no further offending - against these victims or anybody else - indeed there was no further offending of any type - during the 40 years or more that have followed the commission of these offences. I accept that the state of your health now would make any time spent in prison a harsher experience than it would be for someone whose health is not so poor.
11. I can give no weight to your good character prior to the offending because that is partly how you came to be in a position to commit the offences. But I note that you have lived an industrious, quiet, law-abiding, life between the date of these offences and today. I accept that you are not a present danger to the community. While at the time of the offending, your future conduct might have been difficult to predict; that matter can be resolved with certainty.
12. The sentence must reflect the condemnation of the conduct and it is general deterrence, not specific deterrence, that needs to be emphasised with this sentence. As your counsel's submissions recognise, sentences of imprisonment in relation offending like this always looms large because of the need for community condemnation of sexual abuse of children, even for old offences. Your pleas of guilty go some small way to vindicate the dignity of the victims but I recognise that the years between the abuse and today appear to have been a protracted and painful period for the victims. I note that delay is nothing that you had anything to do with.
13. Mr Laughlin, I have explained what matters count against you and what weighs in your favour. After the balancing exercise is complete, I am satisfied that immediate imprisonment is necessary. You are convicted and sentenced to 6 months' imprisonment to commence today.
14. I am satisfied that you do not pose a risk of committing a reportable offence in the future, and I make no order under the *Community Protection (Offender Reporting) Act*.

15. There are victims of crime compensation levies of \$60 which will have to be paid within 28 days of your release.