

## Sexual Intercourse With Child Between 10 and 16 Years Under Authority

23.3.1986 – 12.6.2003

s.66C(2) (NSW) Crimes Act

s 66C(2) Sexual intercourse child of or above the age of 10 years and under the age of 16 years and under authority of offender

**Maximum Penalty:** 10 years

**Commenced:** 23.3.1986

**Substituted:** 13.6.2003

For offences under s.66C committed after 12.6.2003 see separate tables

**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.

	CASE (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	PRIORS	FACTS
1.	PWH (21-31) NSWCCA 20.2.1992	s.66C(2)	PG	3y GBB	Crown AA MT 4y AT 1y 4m	Drink driving offences	(1979-1988) - Sexually abused step-daughter aged 4-13y – cunnilingus, forced touching of penis, forced fellatio, touching of vagina, kissing and licking breasts,
		s.66C(2)		3y GBB	FT 3y		
		s.76		MT 11m AT 2y 6m	FT 2y		
		5 x s.61E(1A)		3y GBB	FT 2y		
		2 x s.61E(2A)		3y GBB	FT 2y (concurrent)		

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2.	<b>Swindale</b> NSWCCA 20.2.1992	s.66C(2)  3 x s.66C(2)  2 x s.61E(1A)	VG	MT 3y AT 1y  MT 3y AT 1y  FT 1y (concurrent)	Crown AA MT 6y AT 2y  FT 3y  FT 3y (concurrent)	Priors for sexual offences on same complainants including penile penetration	Sexually assaulted two daughters aged 14 and 15y – touched breasts – digital and penile penetration – force and threats used – younger complainant attempted suicide Offences committed while on parole for sexual offences against same two complainants
3.	<b>PFC</b> NSWCCA 14.12.1992	2 x s.66C(2)  2 x s.67	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.	<b>GJQ</b> (33) NSWCCA 17.12.1992	s.66C(2)  2 x s.61E(1A)	PG	MT 5y AT 1y 8m  MT 4y AT 16m  <u>Total:</u> MT 6y AT 1y 8m	AA MT 4y AT 2y  FT 3y (concurrent)	Priors but no sexual offences	Stepfather of two complainants – sexual intercourse involved full penile penetration on complainant aged 10y – indecent assaults involved digital penetration and cunnilingus of 8y complainant – not isolated offences
5.	<b>Cole</b> (67-69) NSWCCA 29.3.1994	3 x s.66C(2)  2 x s.61E(1A)	PG	1y GBB	Crown AD	Old offences	(1988-1990) Sexually assaulted 11-13y granddaughter – fellatio and digital penetration, masturbation by offender and forced touching of penis – not isolated offences Remorse – good work history — sentence imposed after sentencing indication hearing sentence inadequate but appeal dismissed in view of very poor health of offender and wife
6.	<b>Smith</b> (73) NSWCCA 1.6.1994	2 x s.66C(2)  2 x s.61M(1)	PG	MT 1y 9m AT 7m  FT 12m (concurrent)	AD	nil	Sexually assaulted three girls aged 11 and 12y – friend of family of one complainant – all girls staying at offender's house for weekend – digital penetration of two girl while in bed – fondled vagina of third girl – next night touched and kissed vagina of third complainant in bath – admitted sexually assaulting first two complainants on other occasions Army service in WW2

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7.	<b>Fisher</b> (32-35) NSWCCA 19.7.1994	2 x s.66C(2)  s.61E(1A)	PG	MT 4y AT 1y  FT 18m (concurrent)	AA MT 3y 9m AT 1y 3m  FT 18m (concurrent)	nil	Sexually assaulted step-daughter aged 13-15y over three years – ongoing sexual relationship – commenced with touching of genitals – developed to regular penile/ vaginal intercourse – complainant fell pregnant and had an abortion – no force used as complainant consented – voluntary disclosure to police
8.	<b>RJW</b> (50) NSWCCA 2.8.1994	10 x s.66C(2)	PG	MT 12m AT 4m	Crown AA MT 2y AT 8m	Nil	Assaulted two male complainants aged 13 and 14y – step-son and another child under authority - consensual fellatio - no threat of violence. Bisexual – protective custody.
9.	<b>H</b> (41) (1994) 74 A Crim R 41 NSWCCA 25.7.1994	2 x s.66C(2)  8 x s.76 / s.61E	PG	<u>Total:</u> MT 11y 6m AT 5y	AA <u>Total:</u> MT 8y AT 3y	Nil	Prolonged sexual abuse of daughter aged 12m-12y – one assault on daughter’s friend – 2 x penile penetration when daughter aged over 10y – regular offending Provided additional information to authorities about offences
10.	<b>Icely</b> NSWCCA 25.11.1994	s.66C(2)  s.66C(1)  6 x s.61M(1)	VG	MT 2y AT 18m  FT 2y  FT 2y (concurrent)	AD		Sexually assaulted 12y and 13y daughters of de facto – digital penetration – shaved complainants’ public hair and touched breasts and vagina – used girls as sexual playthings
11.	<b>GDR</b> (27) NSWCCA 8.12.1994	9 x s.66C(2)  2 x s.61O(1)  s.61M(1)	PG	MT 8y AT 2y  (concurrent sentences)	AD		Sexually assaulted 11y step daughter
12.	<b>Riley</b> (56) NSW CCA 5.9.1995	2 x s.66C(2)  2 x s.61M(1)	VG	MT 4y AT 1y 4m  FT 2y (concurrent)	AD	Old offence	Sexually assaulted 15y niece staying with offender over period of time – penile/vaginal intercourse – accidental penile/anal intercourse – touching of vagina and breasts
13.	<b>JNR</b> NSWCCA 26.10.1995	3 x s.66C(2)  s.61E(2A)  s.61O	PG	<u>Total:</u> MT 5y AT 3y	AD		Sexually abused natural daughter over many years – not isolated offences – offences committed when daughter aged 10-14y – fellatio and cunnilingus

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14.	<b>Daley</b> NSWCCA 30.10.1995	5 x s.66C(2) s.66D s.61	VG	<u>Total:</u> MT 3y 6m AT 2y	AD	Breached recognisance for dissimilar offences	Offences committed on step daughter aged 10-13y - forced fellatio – penetration using hand and objects – attempted penile penetration – squeezed complainant’s neck until she agreed to resume sexual activities
15.	<b>Muller</b> (36-43 at offences) NSWCCA 6.3.1996	4 x s.66C(2) 3 x s.61E(1A) s.73 2 x s.61M(1)	PG	<u>Total:</u> MT 4y 6m AT 18m	AD		(1986-1993) - Sexually abused step daughter aged 10-17y
16.	<b>PBH</b> (41) NSWCCA 2.5.1996	s.66C(2)	PG	MT 18m AT 18m	Crown AA MT 2y 6m AT 10m	nil	Abused 14y 9m daughter - penile intercourse on one occasion while drunk – complainant became pregnant and reared baby - “Monstrous act” and gross breach of trust – birth of child and serious psychological consequences to complainant adds to gravity
17.	<b>Mallise</b> NSWCCA 19.7.1997	4 x s.66C(2) s.61M(1)	PG	MT 18m AT 2y FT 1y (concurrent)	AD		Female had sexual intercourse with 12y son on four occasions at instigation of husband – husband dominant figure in family
18.	<b>Chapman</b> NSWCCA 15.11.1996	4 x s.66C(2) 6 x s.61E(1A)	VG PG	MT 5y AT 1y 8m FT 18m (concurrent)	AD	Record although no sexual offences	Offences committed on 12y niece in truck and in motel room while on road trip – forced touching of penis, licked inside vagina, rubbed penis against vagina and forced fellatio – complainant in care of offender – threatened to hurt family
19.	<b>D H</b> (17-25 at offences – 34 at sentence) NSWCCA 14.7.1997	s.66C(2) 2 x s.76 2 x s.71	VG	MT 6y AT 2y FT 1y / FT 6m FT 4y / FT 5y (concurrent)	AD	Nil relevant	(1979-1987) – offences committed against cousin aged 7-15y – offences commenced while assisting complainant with schoolwork – penetration of vagina with finger and paddle pop stick, sucking of nipples, penile/ vaginal intercourse – not isolated offences
20.	<b>Foster</b> NSWCCA 14.7.1998	3 x s.66C(2)	PG	MT 3y AT 1y	AA MT 2y AT 1y	minor unrelated prior convictions	Offences committed against 15y 9m stepdaughter – complainant went to bed naked after becoming ill drinking wine - digital and penile intercourse and cunnilingus - isolated incidents

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21.	<b>Gould</b> <a href="#">[1999] NSWCCA 177</a>	s.66C(2)  Indecent assault  Sched: 2 x carnal knowledge	PG	MT 5y AT 2y 6m  FT 2y (concurrent)	AD	Nil	(1983-1987) - Offences committed on step-daughter aged 12-15y – called complainant to shed and touched her outside vagina – when complainant 15y took her to secluded place and forced fellatio – schedule offences involved penile penetration when complainant aged 13y – not isolated offences Poor health – good character
22.	<b>White</b> <a href="#">[1999] NSWCCA 366</a>	s.66C(2)  s.66C(2)  s.61E(1A)  Sched 3 x agg ind assault	VG	MT 5y AT 3y  FT 2y  FT 1y (concurrent)	AD		Rubbed vagina and nipples of 11y friend of stepdaughter in bed staying overnight at home of offender – on another occasion engaged complainant and step daughter in game of strip poker – digital and penile penetration of complainant – next morning attempted further penetration
23.	<b>Desborough</b> <a href="#">[2000] NSWCCA 170</a>	s.66C(2)  s.61M(1)	PG	MT 18m AT 21m  FT 1y (concurrent)	AA FT 12m (immediate release)		While rumbling with 11y daughter performed cunnilingus and placed penis against vagina – intoxicated - immediately reported incident to wife and Child Abuse Prevention Service – spontaneous and isolated offence – no discernible impact upon complainant
24.	<b>CJB</b> (39 at sentence) <a href="#">[2000] NSWCCA 161</a>	7 x s.66C(2)  s.73	PG	MT 4y AT 3y  FT 3y  <u>Total:</u> MT 7y AT 3y	AD		(1987-1993) – sexually assaulted step-daughter aged 10-16y – penile/vaginal intercourse – forced fellatio – complainant gave birth to two children as a result of offences then two further children as result of continuing sexual contact Suffering schizoid personality
25.	<b>H</b> (41 at sentence) <a href="#">[2001] NSWCCA 117</a>	3 x s.66C(2)  2 x s.66C(2)  s.61O(1)  Sched: 6 x sexual offences	PG	FT 5y  FT 2y 6m  FT 18m  <u>Total:</u> 7y 6m NPP 5y	AD	Nil relevant	(1997-1999) - Sexually assaulted step daughter over two years – penile/vaginal intercourse commenced when complainant aged 13y – forced fellatio and masturbation – not isolated offences

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26.	<b>Myers</b> (31 at first offence) <a href="#">[2002] NSWCCA 162</a>	66C(2) 2 x s.66C(1) s.61M(1) 3 x s.61M(1) 2 x s.78Q(1) 2 x s.61L	PG (25%)	5y NPP 2y  FT 3y  FT 2y  FT 2y 6m  FT 1y  FT 5y  Total: 8y NPP 5y	AD	nil	Sexually assaulted 4 step sons and one friend over four years – complainants aged 11-18y – s.66C(2) involved fellatio on 11y complainant – other offences included digital penetration of anus, mutual masturbation, touching penis filming of masturbation – not isolated offences
27.	<b>DJM</b> (31) <a href="#">[2002] NSWCCA 493</a>	2 x s.66C(2)	PG	2y NPP 1y	AD		14y niece of applicant's fiancé - digital penetration and oral sex on fishing trip – prior relationship Mental condition at time of offence – good character.
28.	<b>MM</b> (2002) 135 A Crim R 216 <a href="#">[2002] NSWCCA 431</a>	s.79 4 x s.66C(2) 4 x s.61E(1) s.61E(1A) s.61E(2A)	VG	8y NPP 6y  8y NPP 6y  FT 3y  FT 3y  FT 2y  (concurrent)	AD		(1983-1988) - sexually assaulted son aged 9-15y – fellatio and masturbation and forced son to perform anal intercourse on offender
29.	<b>DCU</b> <a href="#">[2003] NSWCCA 173</a>	2 x s.66C(2)  s.61M(1)	VG	6y NPP 3y 6m  FT 3y 6m (concurrent)	AD		Sexually assaulted 12y niece staying with offender for holidays – licked and kissed neck – touched vagina and breasts – licked inside vagina then intercourse with fingers or something bigger

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30.	<b>Totten</b> <a href="#">[2003] NSWCCA 207</a>	s.66C(2)  s.61M(1)	PG	5y 4m NPP 4y  FT 18m (concurrent)	AA 5y NPP 3y 6m  FT 18m (concurrent)	Nil relevant	Touched complainant on breasts when aged 10-12y – two years later after commencing de facto relationship with complainant's mother committed cunnilingus on complainant
31.	<b>Martin</b> (30-43 at offences – 51 at sentence) <a href="#">[2003] NSWCCA 354</a>	s.66C(2)  2 x s.61E(1)  Sched: 2 x 66C(2)	PG (25%)	6y NPP 4y 6m  FT 12m / 18m  <u>Total:</u> 7y NPP 5y 6m	AA 6y NPP 4y 1m  FT 12m / 18m  <u>Total:</u> 7y NPP 5y 1m		Sexual relationship with daughter aged 8-21y – penile/vaginal intercourse commenced when complainant 12/13y – representative counts
32.	<b>LTP</b> (52 at time of sentence) <a href="#">[2004] NSWCCA 109</a>	s.66C(2)	VG	8y NPP 6y	AA 6y NPP 4y 6m	Nil	Sexually assaulted 12y daughter – penile/vaginal intercourse – blackmailed daughter threatening to tell her mother about meeting with boyfriend – not necessarily isolated incident On appeal acquittal of related charges at trial – s.66A offence quashed on appeal – sentence for s.66C adjusted
33.	<b>Virgona</b> (45-51 at offences) <a href="#">[2004] NSWCCA 415</a>	2 x s.66C(2)  2 x s.61E(1A)  3 x s.61E(1)	PG	4y NPP 3y  FT 2y  FT 2y (concurrent)	AA 4y NPP 2y 3m  FT 2y  FT 2y (concurrent)	Served sentence for sexual assault on third relative during same time of offending	(1983-1989) – sexually assaulted male relative aged 5-11y – forced fellatio – penile / vaginal intercourse on 10y female relative causing great pain Successful rehabilitation
34.	<b>Gorrick</b> (40 at first offence) <a href="#">[2006] NSWCCA 232</a>	7 x s.66C(2)  s.61L	VG  PG	6y NPP 4y  18m NPP 12m  <u>Total:</u> 6y NPP 4y 6m	AD		(1988) - Sexual relationship with naïve and unsophisticated 15y step daughter (2003) - while staying at friend's house climbed into bed with 17y daughter of friend and touched breasts

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35.	<b>Phipps</b> (40) <a href="#">[2008] NSWCCA 178</a>	11 x s.66C(2)  5 x s.61M(1)	VG	<u>Indicative:</u> 9y NPP 6y  FT 4y  <u>Aggregate:</u> 14y NPP 11y	AD	On bail for similar offences involving complainant's siblings	(1998-2001) - Sexually assaulted step-daughter aged 12-15y over 3 year period – threatened violence towards complainant's mother if complainant did not comply – complainant in "virtual sexual servitude" Tragic upbringing
36.	<b>SDS</b> (23 at offence – 34 at sentence) <a href="#">[2009] NSWCCA 159</a>	4 x s.66C(2)	PG (25%)	6y NPP 4y	AD	Minor, irrelevant.	(1997) - complainant was 14y sister-in-law – penile vaginal intercourse and fellatio.
37.	<b>Giles v DPP</b> (2009) 198 A Crim R 395 <a href="#">[2009] NSWCCA 308</a>	7 x s.66C(2)  s.61O  Sched: 7 offences	PG (25%)	<u>Total:</u> 16y NPP 11y	AA <u>Total:</u> 11y 6m NPP 9y 6m		(1995-99) - complainant aged 11-15y – stepdaughter – continued sexual behaviour over long period - masturbated while in bath with complainant – sucked breasts and digital penetration – forced fellatio – cunnilingus – penile penetration Remorse
38.	<b>MRW</b> <a href="#">[2011] NSWCCA 260</a>	s.66C(2)	VG	4y 6m NPP 2y 4m 15d	AD		(2002) – digital penetration of 10y daughter while giving massage – ceased upon complaint – spontaneous offence - below mid-range
39.	<b>Versi</b> (36-40y / 62 at sentence) <a href="#">[2013] NSWCCA 206</a>	s.66C(2)  s.61E(2)	VG	2y 3m NPP 15m  FT 6m  <u>Total:</u> 2y 6m NPP 1y 6m	AD	Nil	(1985-6) – sexual abuse of stepdaughter aged 11-12y – had complainant rub cream over penis and testicles – rubbed complainant's vagina while in bed with slight digital penetration Good character

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40.	<b>Carr</b> (pseudonym) (37 at offence – 56 at sentence) <a href="#">[2020] NSWCCA 214</a>	Att s.66C(2)  Att s.66C(2)  2 x s.61O(1)  s.61M(1)  s.61M(1)  s.61M(1)  Sched: 4 sexual offences	PG (19%)	<u>Indicative:</u> 4y 11m  4y  1y 4m / 11m  11m  1y 4m  2y 8m  <u>Aggregate:</u> 8y 6m NPP 5y 6m	AD	Driving offence	(2000) – sexually abused daughter aged 11-12y while mother at work – representative counts – showed daughter pornographic movies – stroked inside thigh – masturbated and ejaculated in presence of complainant – touched and sucked breast – viewed and touched vagina – attempted penile intercourse Delay – some remorse – suffered physical and sexual abuse as a child – mental health issues
41.	<b>Carey</b> (61) <a href="#">[2024] NSWCCA 90</a>	4 x s.66C(2)  2 x s.61M(1)	VG	<u>Indicative</u> 2y 6m 2y 6m 1y 8m 2y 6m 2y 3m 1y 8m  <u>Aggregate:</u> 4y 4m NPP 2y 6m	Crown AA <u>Indicative</u> 3y 3y 2y 3y 9m 3y 2y  <u>Aggregate:</u> 5y 9m NPP 3y 6m	Nil	(1997-1998) – female complainant aged 12-13 – digital-vaginal penetration – caused pain to complainant - complainant and mother became close friends with offender who ran a local business they frequented - became father figure to complainant who had never met her biological father - significant abuse of trust and manipulation. CCA: Sentence manifestly inadequate. Unremorseful - “very little insight” into offending – positive rehabilitation and risk of re-offending.

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