

## Sexual Intercourse With Child Between 14 and 16 Years

Offences committed on or after 13.6.2003

s.66C(3) (NSW) Crimes Act

s 66C(3) Sexual intercourse child of or above the age of 14 years and under the age of 16 years

**Maximum Penalty:** 10 years

**Commenced:** 13.6.2003

For offences under s.66C committed prior to 13.6.2003 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.	<b>Boulad</b> (32) <a href="#">[2005] NSWCCA 289</a>	19 x s.66C(3)  Sched: 4 unrelated offences	PG (25%)	6y NPP 3y	AD	nil	Consensual intercourse with 15y complainant – complainant ward of state, intellectually disabled and suffering mental illness – digital and penile penetration and cunnilingus Troubled background including sexual abuse
2.	<b>McCarthy</b> (35) <a href="#">[2008] NSWCCA 320</a>	7 x s.66C(3)	VG	4y NPP 3y	Conviction AD		Consensual intercourse with 14y complainant – digital and penile penetration - cunnilingus
3.	<b>Kenny</b> (33) <a href="#">[2010] NSWCCA 6</a>	2 x s.66C(3)  Sched: 2 x s.66C(3) s.61M(1)	PG	2y NPP 1y 3m  4y GBB	AD	nil	Met 15y complainant through chat room designed for users aged 15-18y– met at hotel and had penile / vaginal and penile / anal intercourse by consent – unreasonable belief complainant aged 16y

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	CASE (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	PRIORS	FACTS
8.	<b>Taane</b> (25) <a href="#">[2014] NSWCCA 330</a>	2 x s.66C(3)  Sched: 2 x s.66C(3)	PG (20%)	<u>Total:</u> 3y 4m NPP 2y 3m  (Plus 4m PSC)	Crown AD	Nil significant	Consensual sexual relationship over several months with 13-14y distant cousin – charged with s.66C(3) offences and given suspended sentence – relationship continued during court proceedings for earlier offences and charged with new s.66C(3) offences after pregnancy discovered Concurrent sentence imposed for breach of suspended sentence
9.	<b>PB</b> (50-51) <a href="#">[2016] NSWCCA 258</a>	s.66C(3)  3 x s.66C(3)  s.61M(2)  Sched: 14 x sexual offences s.61	PG (20%)	<u>Indicative</u> 4y 6m  4y  3y  <u>Aggregate:</u> 14y NPP 8y	AD	Nil significant	Stepfather sexually abused two step-daughters aged 10-11y and 15-16y over four months – indecent touching and kissing – penile penetration and cunnilingus – threats made and one complainant slapped across face – representative counts – serious breach of trust – aware one complainant previously sexually assaulted by father
10.	<b>Wright</b> (42) <a href="#">[2017] NSWCCA 102</a>	s.66C(3)  3 x s.66C(3)  s.66EB(2)  Sched: 2 x s.61M(2) s.91H(2)	PG (15%)	<u>Indicative</u> 2y 9m  2y 6m  2y  <u>Aggregate:</u> 3y 3m NPP 1y 10m	Crown AD (exercise of discretion)	Lengthy record	Male friend of 14y complainant's father had 'consensual' intercourse over several months – exchanged numerous texts indicating sexual relationship – mid range Poor health – difficult custodial conditions Crown appeal dismissed on basis Crown conduct at sentence hearing reinforced sentencing judge's erroneous treatment of statistics
11.	<b>Hordern</b> (31) <a href="#">[2019] NSWCCA 210</a>	7 x s.66C(3)  s.61M(2)	VG	<u>Indicative:</u> 3y – 4y 6m  2y NPP 18m  <u>Aggregate:</u> 11y NPP 7y	AD	nil prior offences – subsequent offence of larceny	2014 – offences committed against niece aged 14-15y – five counts of penile penetration – 2 counts of digital penetration – attempt to push complainant's head on to offender's penis – offences took place when complainant visiting grandparents at home where offender also lived – offences between above mid-range to below mid-range seriousness – breach of trust Suffering serious medical condition expected to reduce life span

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12.	<b>Blackett</b> (23) <a href="#">[2021] NSWCCA 210</a>	s.61M(2)  s.66C(3) s.66C(3) s.66C(3) s.66C(3) s.91H s.166 Certificate Breach AVO  Sched: 7 offences	PG (25%)	<u>Indicative</u> 2y 5m NPP 1y 7m  2y 7m 2y 7m 3y 3y 3m 3y 3m 2m  <u>Aggregate</u> 6y NPP 3y 10m	AA <u>Indicative</u> No custodial penalty  18m 22.5m 2y 3m 3y 4.5m 18m 2m  <u>Aggregate</u> 5y NPP 3y 3m	Nil	2102 – ongoing relationship with 14y complainant – fellatio, penile-vaginal, anal intercourse. Treatment for autism spectrum disorder – family support. CCA: sentences for s.61M and s.91H offences manifestly excessive.
13.	<b>AB</b> (25) <a href="#">[2022] NSWCCA 3</a>	5 x s.66C(3) 3 x s.91G(2)(a) s.61O(2A)  Sched: 3 offences	PG	s.10 dismissal of charges 2y conditional release order	Crown AD	Nil	Met 15y old male complainant on two occasions - engaged in numerous sexual acts, penile/anal intercourse - aware acting illegally - messages exchanged included photographs of complainant naked and performing sexual acts. Unchallenged medical evidence indicated causal link between childhood abuse and offending - sexually abused from age 5 – subjected to sadistic, violent, psychological abuse by mother and others - powerful subjective case. Strong rehabilitation – university student – employed.
14.	<b>Brown</b> (54) <a href="#">[2023] NSWCCA 330</a>	s.66C(3)  s.66C(3)	PG (25%)	<u>Indicative</u> 3y 6m  3y 9m  <u>Aggregate</u> 4y 9m NPP 3y	AA <u>Indicative</u> 2y 6m  2y 9m  <u>Aggregate</u> 3y 3m NPP 2y	Nil	Arranged to meet 15y old male complainant in a public park via internet chat site - met in a public toilet - engaged in sexual activity over a period of one hour – complainant performed fellatio on accused; accused performed fellatio on complainant – acts of short duration. Prospects of rehabilitation “moderate”. Strong subjective case – employed – prior good character. CCA: Sentence manifestly excessive - aggregate term high compared to similar cases - indicative sentences too high for offending within mid-range and strong subjective case with no aggravating features.

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15.	Dorsett (21-23) <a href="#">[2024] NSWCCA 192</a>	6 x s.66C(3)  s.66C(1)  s.66DB(a)  Sched: 1 offence	PG (25%)	<u>Indicative</u> s.66C(3) x 1 - 2y x 5 each - 2y 6m  6y NPP 3y  9m  <u>Aggregate</u> 10y NPP 5y	AA <u>Indicative</u> 1y 6m x 3 each - 2y 2y 5m 3y 1m  6y NPP 4y  9m  <u>Aggregate</u> 8y NPP 4y 9m		<b>[SNPP 16y for s.66C(1) offence]</b> 6 x s.66C(3) offences against three complainants aged 14-15y over 18-month period – offender and complainants known to each other – attended social events together - fellatio, penile-vaginal intercourse – some offences whilst victims intoxicated – had been warned his conduct was illegal. Mild intellectual disability led to socialising with younger peers - element of planned grooming, but individual offences relatively opportunistic. Difficult childhood - prospect of rehabilitation affected by Paedophilic Disorder – positive efforts at rehabilitation in custody - special circumstances. CCA: Failure to assess criminality of each offence individually.

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