Aggravated Sexual Intercourse With Child Between 10 and 14 Years

Offences committed on or after 13.6.2003

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

s 66C (2) Aggravated sexual intercourse child of or above the age of 10 years and under the age of 14 years

(3) Circumstances of aggravation:

(a) offender intentionally or recklessly inflicts actual bodily harm on victim or any other person who is present or nearby

(b) offender threatens to inflict actual bodily harm on victim or any other person who is present or nearby by means of an offensive weapon or instrument

(c) offender is in company of another person or persons

(d) victim under authority of offender

(e) victim has a serious physical disability

(f) victim has a cognitive impairment

(g) offender took advantage of victim being under influence of alcohol or a drug

(h) offender deprives victim of liberty *[added 1.1.2009]*

(i) offender breaks and enters into any dwelling-house or other building with intention of committing serious indictable offence. *[added 19.5.2009]*

Maximum Penalty:	**20 years**
Commenced:	**13.6.2003**
Standard Non-parole Period:	**9 years (offences committed on or after 29.6.2015)**

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.

Under both provisions the relevant standard non-parole period is that which applied at the time of the offence: 25AA(2) / s.21B(5)

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	CASE (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	PRIORS	FACTS
1.	**G A T** (35 at first offence – 56 at appeal) [2007] NSWCCA 208	s.71 s.61E(1) s.61M(1) s.61O(1) s.66C(4) s.66C(2)	PG (25%)	6y NPP 4y FT 3y 5y NPP 3y FT 18m 4y 6m NPP 3y 7y 6m NPP 4y <u>Total</u>: 13y NPP 9y 6m	AA 6y NPP 4y FT 3y 3y NPP 1y 6m FT 12m 4y 6m NPP 3y 5y NPP 3y <u>Total</u>: 10y 6m NPP 7y	nil	(1985) – commenced sexually assaulting daughter aged 13y – forced fellatio, digital penetration and penile/vaginal intercourse – sexual relationship continued into complainant's 20s (2004) – sexually assaulted grandsons aged 10y and 13y – masturbation and fellatio Not isolated offences - remorse
2.	**Clarke** (41 at sentence) [2009] NSWCCA 49	2 x s.66C(2) s.66C(4)	PG (15%)	9y NPP 6y 7y NPP 4y <u>Total</u>: 11y NPP 8y	AD		Step daughter left in care after mother left relationship – sexual intercourse commenced just after complainant's thirteenth birthday – two children born of relationship – slightly above mid-range Limited insight – protective custody

	CASE (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	PRIORS	FACTS
3.	**OM** (16) **MH** (15) **AA** (15) **AS** (15) [2009] NSWCCA 267	s.66C(2) 2 x s.66C(2) s.66C(2) s.66C(2)	PG (25%)	2y 3m NPP 12m 2y 10m NPP 16m 2y 3m NPP 12m 2y 3m NPP 12m	AA 2y 3m NPP 9m 2y 10m NPP 12m 2y 3m NPP 9m 2y 3m NPP 9m	Nil Nil Nil Nil	Group of seven youths sexually assaulted 13y female – forced to perform fellatio on AS, AA and OM in public toilets and on rooftop on building – penile / vaginal intercourse with MH in toilet – digital penetration by MH in change room - offenders also present when complainant forced to perform fellatio and digitally penetrated by other offenders – offenders unaware complainant not consenting – low range of gravity Good work records
4.	**NW** (24) [2011] NSWCCA 178	s.66C(2) Use child for pornography: s.91G(1) Sched: 3 similar offences	PG (15%)	6y 8m NPP 4y 2m 2y NPP 18m Total: 7y 8m NPP 5y 2m	AA 6y 8m NPP 4y 2m 2y NPP 18m Total: 7y 2m NPP 4y 8m	Nil relevant	Sexually assaulted 11y niece sleeping over at offender's house – digital penetration, cunnilingus – took photos of complainant's vagina holding vagina open – pictures taken for own use – continued despite complainant's request to stop Sexually abused as a child – good prospects of rehabilitation
5.	**KB** (20) **JL** (18) **RJB** (21) [2011] NSWCCA 190	s.66C(2) s.66C(2) s.66C(2)	PG (25%)	15m imp Suspended 15m imp Suspended GBB 2y 6m	Crown AD	Nil Mid PCA, Resist arrest Receiving	Sexual acts committed upon female complainant aged 12y – complainant had been drinking – acquainted with offenders and had arranged to meet – JL committed oral sex – KB committed digital sex – no evidence of interference by RJB but he provided comfort to others - offences at lower end of range KB - supportive family, employed JL – supportive family and partner, employed RJB – supportive family and partner, employed.

	CASE (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	PRIORS	FACTS
6.	**BIP** (36 at sentence) [2011] NSWCCA 224	s.66C(2) s.66C(4) s.61O(1) s.61O(1) Sched: 4 indecency offences	PG (10%)	9y NPP 4y 6m 7y 2m NPP 5y FT 2y 3m FT 2y 8m <u>Total</u>: 14y 6m NPP 10y	AA 8y 6m NPP 4y 5y NPP 3y FT 2y FT 2y <u>Total</u>: 13y NPP 8y 6m		Sexually abused three stepdaughters over several years – entered bedroom of 13y complainant and masturbated – digitally penetrated same complainant on different occasion – forced penile penetration when complainant aged 15y - entered bedroom of second13y complainant and masturbated – indecently assaulted third stepdaughter aged 7y several years later – spontaneous offences linked to intoxication – not isolated offences Drug and alcohol abuse
7.	**CS** [2014] NSWCCA 229	5 x s.66C(2) s.61O(1)	PG	<u>Total</u>: 10y 6m NPP 7y 6m	AA To adjust dates only		Friend of complainant's mother and lived with complainant and family – complainant female aged 10-14y – penile intercourse, fellatio and cunnilingus –level of grooming such that complainant 'consented' to acts – acts representative of wider abuse over 4 year period – gross breach of trust
8.	**AK** (46-47) [2016] NSWCCA 238	s.66C(2) s.61M(2) s.61M(2) Sched: s.66C(2)	PG (10%)	10y 8m NPP 7y 6m 2y NPP 1y 3y NPP 2y <u>Total</u>: 11y 3m 2w NPP 8y	AD	Drink driving and dishonesty	Two complainants aged 10-11y - forced de facto's daughter to have shower with him and touched genitals – on separate occasion forced complainant into bedroom and forced vaginal and anal intercourse – ceased assault when de facto returned home – in context of sexual touching over long period – second complainant friend of first complainant – when complainant visiting house offender stood naked before complainant then later touched vagina under pants until complainant removed hand

	CASE (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	PRIORS	FACTS
9.	**Chamseddine** (60) [2017] NSWCCA 176	4 x s.66C(2) s.61M(2) s.61M(2)	VG	FT 6y 2y NPP 12m 12m NPP 8m <u>Total</u> 15y NPP 10y	AA FT 6y 3y NPP 2y 3y NPP 2y <u>Total</u> 12y NPP 8y	Nil	(2009) Taxi driver drove special needs children to and from school – on at least four occasions over three weeks drove to secluded area and sexually assaulted female deaf passenger aged 10-11y – digital penetration – forced hand onto crotch area – touched breast over clothing – mid-range offending Tumultuous childhood – poor medical health
10.	**DV** [2017] NSWCCA 276	2 x s.66C(2) 5 x s.66C(2) 5 x s.61M(1)	VG	<u>Indicative</u>: 7y 10y 2y – 3y <u>Aggregate</u>: 16y NPP 12y	AD	nil	(2006-2008, 2013-2014) – step-father abused female complainant aged 10-11y and 14y - penile-vaginal intercourse, cunnilingus, digital penetration and fellatio. Lack of remorse - low risk of reoffending
11.	**AP** (62 at time of offences) [2017] NSWCCA 270	s.66C(2) s.66C(2) s.61M(2)	PG	<u>Indicative</u> 5y 5y 3m 2y 6m NPP 18m <u>Aggregate</u>: 7y 9m NPP 4y 6m	AD	Nil	(2013) – step-father of 11y female complainant – digital-vaginal penetration and cunnilingus. Good character - unlikely to reoffend – remorse.

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12.	**Beavis** (53 at appeal) [2018] NSWCCA 248	s.66C(2) s.66C(2) s.66C(2) s.61M(1) s.61M(1)	VG	5y 3y 4y 9m NPP 5m 2y NPP 1y 3m Aggregate 8y NPP 4y 10m	AA 4y 2y 6m 3y 3m 9m NPP 5m 2y NPP 1y 3m Aggregate 7y NPP 4y 2m	Nil	(2004) – sexually assaulted 10y female friend of daughter at sleepover – rubbed and touched breasts and clitoris – digital penetration – mid range offending
13.	**Dawkins** (21) [2018] NSWCCA 278	4 x s.66C(2) Sched: 2 offences	PG (40% combined)	Aggregate: 7y NPP 4y 3m	AA Aggregate: 5y NPP 2y 6m	Nil	**SNPP – 9 years** Offender a family friend and casual babysitter to 12y old female complainant – relationship developed with complainant – penile-vaginal, oral, anal intercourse – immediate full admissions to police. Very strong subjective case – youth, immaturity and arrested emotional development - good character - good prospects rehabilitation - low risk reoffending - remorseful.

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14.	**ME** [2019] NSWCCA 91	s.66C(2) s.66C(2) s.66C(2) s.66C(4) s.61O(1) Sched: 5 offences	PG (25%)	Indicative: 8y NPP 6y 6y NPP 4y 7y NPP 5y 6m 8y 6m NPP 6y 3y Aggregate 18y NPP 13y 6m	AD	carnal knowledge offence	**SNPP – 9 years** Offences committed over period of years against daughter aged 7-15y – vaginal, anal, digital intercourse, cunnilingus – 11y complainant left to live with offender when mother returned to live in Philippines – offender paid complainant regularly for intercourse – activity stopped after complainant fell pregnant and had abortion – well into upper range of seriousness Difficult childhood and suffering serious, entrenched, pervasive and debilitating intimacy and relationship deficits,
15.	**Carroll** (31) [2019] NSWCCA 243	s.66A(2) s.66C(2) Sched: 2 x s.61M(2)	PG (25%)	Indicative 10y NPP 6y 9m 7y 6m NPP 5y Aggregate: 12y NPP 8y	AD	Nil	**SNPP 15y** (2009-2013) Abused step-daughter aged 7-11y – digital vaginal penetration. Offending serious and repeated involving a young girl in position of trust.

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16.	**Facer** (50-52 / 59 at sentence) [2019] NSWCCA 180	s.66A(2) s.66A(2) s.66A(2) s.66B s.66C(2) s.66C(2) Sched: 5 offences	PG (25%)	Indicative 15y NPP 11y 3m 9y NPP 6y 9m 10y NPP 7y 6m 12y NPP 9y 10y NPP 7y 6m 12y NPP 9y Aggregate: 21y NPP 15y 9m	AA Indicative 12y NPP 9y 6y NPP 4y 6m 6y 9m NPP 5y 7y 6m NPP 5y 6m 9y NPP 6y 9m 12y NPP 9y Aggregate: 16y 6m NPP 14y 4m	Nil	**SNPP 15y** (2009 – 2014) - Sexually abused granddaughter over seven years – complainant aged 8–14y – digital and vaginal intercourse Ameliorating conduct of transfer of bulk of offender's assets / estate to wife ultimately for benefit of complainant - measure of remorse - prospects of rehabilitation - low likelihood of reoffending. On appeal: manifestly excessive sentence – offender will be aged 74y on release.
17.	**Bell** (28) [2019] NSWCCA 251	s.66C(2) s.66C(2)	PG (25%)	Indicative: 5y 7m NPP 4y 2m 6y 9m NPP 5y Aggregate: 9y 6m NPP 7y	AA Indicative 5y 3m NPP 3y 1mm 6y NPP 4y 6m Aggregate: 7y 6m NPP 5y 7m	record – no child offences	**SNPP – 9 years** Offender moved in with friend after becoming homeless – had penile / vaginal intercourse with friend's 12y sister on two occasions over several months – complainant had cognitive impairment – used condom on first occasion but not second – no threats, intimidation or violence – 'non-oppositional' – breach of trust and offences occurred in complainant's home – offences slightly below mid-range and mid-range Dysfunctional childhood resulting in substance abuse – major depressive disorder – genuine remorse – guarded prospects of rehabilitation On appeal: found manifestly excessive in failure to reflect mitigating factors – also rejected argument that 'consent' of complainant relevant to objective seriousness of offence

	CASE (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	PRIORS	FACTS
18.	**Kontaxis** [2021] NSWCCA 72	6 x s.66C(2) Sched: 4 sexual offences	PG (15%) (10% assistance)	8y NPP 6y	AD	Nil	2003 – 2005 offences – complainant stepdaughter aged 12-13 years – touched offender on penis; digital penetration; oral sex; penile-vaginal intercourse. Voluntary disclosure to police in 2014 after contact by complainant - depressive illness and anxiety.
19.	**Tomlinson** (32 at offences) [2022] NSWCCA 16	s.66C(2) s.66C(3) 14 x s.66C(3) s.91G(2)(a) 5 x s.91H(2)	VG	Indicative 9y NPP 6y 2y 3y 12m 12m Aggregate: 13y NPP 8y	AD	Nil	(2012-2015) – met two female complainants through Facebook - first complainant aged 14-15y – told complainant he was 22y – penile-vaginal intercourse in hotel room on various occasions - second complainant aged 13-15y – told complainant he was 24y – purchased alcohol - penile-vaginal intercourse / cunnilingus in hotel rooms and apartment on frequent occasions – took complainant on holidays - knew complainants under 16y - not opportunistic; planning, forethought and grooming behaviour. Positive employment history - risk factors for offending unclear - no remorse or insight into offending. CCA: judge erred in applying SNPP to s.66C(2) offences when not applicable – no lesser sentence warranted in law.
20.	**DR** (44) [2022] NSWCCA 151	3 x s.66A(2) s.66C(1) s.66C(2) s.61M(2) s.66C(4) Sched: 2 offences	PG (5%)	Indicative 11y 4m 11y 4m 7y 7m 1y 10.5m NPP 1y 5m 8y 6m Aggregate 20y 10m NPP 15y 6m	AD	Yes.	**SNPP 15y** (April 2005 – Nov 2015) Offences against two female complainants aged 11-15y and 8-9y – complainant 1: in relationship with older sister, digital, penile intercourse, cunnilingus, violence and threats – complainant 2: own daughter, digital intercourse. Deprived background with physical violence, sexual abuse and substance abuse - no evidence of causal link between disadvantaged upbringing and offences; disadvantage given full weight (Bugmy) - anti-social personality disorder and amphetamine use disorder.

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21.	**Stefanac** (44) [2022] NSWCCA 129	2 x s.66C(2) 2 x s.66C(2) 3 x s.66C(2) 2 x s.66C(2) s.66C(2) 2 x s.66DB(a) Sched: 18 offences	PG (25%)	Indicative 7y NPP 3y 6m 7y 6m NPP 3y 6m 6y 6m NPP 3y 7y 6m NPP 3y 9m 5y NPP 2y 6m 2y 6m / 2y Aggregate 8y 6m NPP 5y	Crown AA Indicative 7y NPP 3y 6m 7y 6m NPP 3y 6m 6y 6m NPP 3y 7y 6m NPP 3y 9m 5y NPP 2y 6m 2y 6m / 2y Aggregate 12y NPP 7y	Nil	**SNPP – 9 years** Offences committed against 13y old female complainant A - lived with offender who was friend of A's family; looking after A due to her family troubles; seen by A as father figure - commenced 'sexual relationship' with A involving digital, vaginal-penile intercourse, fellatio, cunnilingus often while complainant intoxicated – committed offences against A's friend L 13y female complainant while complainant L intoxicated. A was vulnerable young person. Dysfunctional childhood; victim of child sexual abuse; depression, anxiety. CCA: Aggregate sentence fails to denounce criminal conduct in relation to complainant L – unreasonable and plainly unjust.

	CASE (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	PRIORS	FACTS
22.	**PC** (56) [2022] NSWCCA 107	s.66A s.66A 2 x s.66C(2) s.66C(2) s.66C(2) s.61M(2) Sched: 7 offences	PG (25%)	Indicative 9y NPP 5y 4m 7y 6m NPP 4y 6m 6y NPP 3y 7m 4y 6m NPP 2y 8m 3y 3m NPP 3y 1m 2y 3m NPP 1y 4m Aggregate: 16y NPP 9y	AD	Nil	**SNPP 15y** 2015 – over four period, offences committed against daughter aged between 8/9-12y – fellatio – other offences involved penile-anal intercourse, cunnilingus.
23.	**KM** (35-37 at offences; 39 at sentence) [2023] NSWCCA 10	s.66A 2 x s.66C(2)	VG	Indicative: 12y NPP 9y 9y NPP 6y 9m Aggregate: 14y NPP 10y 6m	AD	BES, common assault.	**SNPP 15y** Digital penetration 9y daughter of partner – further counts of digital penetration when complainant aged 10y - not isolated acts – below mid-range Bipolar, ADHD, borderline personality disorder, anxiety, major depression – drug use. On appeal: sentence stern but not manifestly excessive

	CASE (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	PRIORS	FACTS
24.	**TH** (34-38 at offences) [2023] NSWCCA 81	2 x s.66C(2) s.66A(1) s.66DE(1) Sched: 3 offences	PG	Indicative 6y NPP 3y 7m 4y NPP 2y 5m 4y 6m NPP 2y 9m 18m Aggregate 7y 6m NPP 4y 6m	Crown AA Indicative 7y 10m NPP 5y 2m 6y 4m NPP 4y 3m 6y 11m NPP 4y 7m 18m Aggregate 12y NPP 8y		**SNPP 9y** (2016-2020) Offences against stepson over period of four years – complainant aged between 7 or 8 and 12 years – when complainant aged 12, committed anal intercourse against complainant - performed fellatio on complainant; offender then had complainant perform fellatio on offender. Childhood trauma. CCA: Indicative sentences far below proper range for such offending – aggregate sentence did not reflect total criminality.
25.	**AJ** (35-38) [2023] NSWCCA 158	s.66C(2) s.66C(2) s.66C(2) s.61M(2) s.61M(2) s.61M(2) Sched: 2 offences	PG (10%)	Indicative: 15y 3m NPP 9y 11m 13y 10m NPP 9y 11m 14y 7m NPP 9y 6m 8y 11m NPP 5y 10m 6y 11m NPP 4y 6m 8y 11m NPP 5y 10m Aggregate 17y NPP 11y 8m	AA Indicative: 11y 3m NPP 7y 3m 9y 10m NPP 6y 4m 10y 9m NPP 6y 11m 5y 4m NPP 3y 5m 4y 11m NPP 3y 2m 6y 9m NPP 4y 4m Aggregate 14y NPP 9y	Nil	**SNPP 9y** Sexual abuse against own two children, daughter and son – aged 7-11y – fellatio, rubbing vagina, masturbation, directing / placing hand of male complainant on female complainant's genital area. Drug abuse - low to moderate risk of reoffending - good prospects of rehabilitation. CCA: Not appropriate for Sentencing judge to adopt starting points only two months short of the maximum penalty for count 1 and count 3.

	CASE (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	PRIORS	FACTS
26.	**RJ** (41 at sentence) [2023] NSWCCA 273	s.66C(2) s.66C(2) s.66C(2) s.66C(2) s.66C(2) s.66C(2) 9 x s.61M(2) s.61 2 x s.61 s.319 s.166 Certificate: Breach ADVO	VG	Indicative: 4y NPP 2y 4y NPP 3y 3y NPP 18m 5y NPP 3y 2y NPP 12m 4y NPP 2y 5y NPP 3y 2y NPP 12m – 3y NPP 18m 12m 12m Aggregate: 12y NPP 8y 2y NPP 1y 4m 9m Total: 12y NPP 9y	Crown AA Indicative: 9y NPP 7y 10y NPP 7y 6m 7y NPP 5y 10y NPP 7y 6m 7y NPP 5y 6y NPP 4y 8y NPP 6y 2y NPP 12m – 5y NPP 3y 6m 3m Aggregate: 16y NPP 11y 6m 2y NPP 1y 4m 9m Total: 17y NPP 12y 6m		**SNPP 9y** Sexually abused daughter aged 12-15y – frequent anal intercourse and forced fellatio often to ejaculation – indecent assault included touching complainant's breast, vaginal area and bottom, touching penis to face and mouth and forced touching of penis – slapped complainant to face on two occasions and slapped mother of complainant once – committed in home of complainant or grandparents' home – emotional harm – ostracised from cultural community for reporting offences – gross breach of trust – visual impairment made complainant vulnerable - offences ranged from just below to above mid-range Contacted mother of complainant in breach of ADVO and while on bail to pressure her to have complainant withdraw complaint – moral pressure but no violence – breached ADVO by accepting wife's invitation to attend house while children sleeping – not planned – below mid-range No remorse – prospects of rehabilitation guarded – victimised in home country – difficult custodial conditions due to Covid On appeal – anomalies and inconsistencies in indicative sentences – manifestly inadequate – sentences for additional offences not inadequate but error in concurrency

	CASE (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	PRIORS	FACTS
27.	**FRP** (79) [2025] NSWCCA 178	2 x s.66C(2) 2 x s.66C(2) s.66C(1) s.61M(2) s.61M(1) Sched: 6 offences	PG (25%)	Indicative: 7y 1m NPP 4y 9m 3y NPP 2y 8y NPP 5y 6m 3y 4m NPP 2y 3m 2y 3m NPP 1y 6m Aggregate 13y NPP 8y 8m	AA To reduce aggregate sentence Aggregate 10y 6m NPP 7y		**SNPP 9y** Offences occurred in two periods of time, separated by approximately 27-30 years – two female complainants - kissed vagina, digital penetration Victim 1 (2021) Victim 2 (July 1992 and July 1997) – female aged 7-9y CCA: misapplication of sentencing principle by SJ. Resentence: very low risk of reoffending or sexual recidivism - did not have a lengthy history of committing criminal offences other than for offences for which sentenced - those offences occurred 20 years, or more, apart - advanced in age when released from custody - willingness to undertake appropriate treatment - reasonable prospects of rehabilitation.
28.	**MT** (30) [2026] NSWCCA 25	s.66C(2) s.66C(2) s.66DB(a) s.66DA(a) Sched: 4 offences	PG (25%)	Indicative 8y 3m NPP 5y 8m 6y 4m NPP 4y 4m 4y 6m 4y 1m NPP 2y 9m Aggregate 16y NPP 11y	AA Indicative 7y 6m NPP 5y 6y 9m NPP 4y 6m 4y 6m 3y NPP 2y Aggregate 13y 6m NPP 9y	Nil	**SNPP 9y** Offences against daughters, SL (10-12y) and JT (8y) – digital vaginal penetration, cunnilingus against SL - persisted in face of SL's physical and verbal resistance. Ongoing family support, a strong employment history and absence of broader antisocial attitudes - genuine remorse - limited insight - special circumstances. CCA: Combination of high indicative sentences and significant notional accumulation resulted in manifestly excessive aggregate sentence.

Last updated: March 2026