Use Carriage Service for Child Pornography Material
s 474.19 (Cth) *Criminal Code* (Repealed)

s 474.19(1) Use carriage service to

(a)(i) access child pornography material

(a)(ii) cause child pornography material to be transmitted to himself or herself

(a)(iii) transmit, make available, publish, distribute, advertises or promote child pornography material

(a)(iv) solicit child pornography material

Commenced: **1.3.2005**

Maximum penalty: **10 years increased to 15 years on 15.4.2010**

Repealed: **21.9.2019**

The definition of 'child abuse material' under s.273.1 expanded to include what was previously defined as child pornography – offences involving such material now dealt with under s.474.22 Use Carriage Service for Child Abuse Material – see separate table

COPINE scale (Combating Paedophile Information Networks in Europe) / Australian National Victim Image Library (ANVIL) / Child Exploitation Tracking System (CETS).

Category 1	images depicting erotic posing of children with no sexual activity
Category 2	images depicting sexual activity between children, or solo masturbation by a child
Category 3	images depicting non-penetrative sexual activity between adults and children
Category 4	images depicting penetrative sexual activity between children and adults.
Category 5	images depicting sadism or bestiality
Category 6	animated or virtual depictions of children engaged in sexual poses or activity

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

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
1.	**Verburgt** (39) [2009] QCA 33	Access - s.474.19(1)(a)(i) *[10y]* Knowingly possess child exploitation material: s.228D (QLD) *Code*	PG	12m released after 3m 12m released after 4m	AA 2y recognisance 6m, suspended for 2y (2m custody served)	nil	Downloaded 4 images from website since deleted – 6 images found on computer Remorse
2.	**Mara** (27-29) (2009) 196 A Crim R 506 [2009] QCA 208	Access: s.474.19(1)(a)(i) *[10y]* Cause to be transmitted: s.474.19(1)(a)(ii) *[10y]* Transmit: s.474.19(1)(a)(iii) *[10y]* Record indecent visual image of child under 16y without legitimate reason: s.210 (QLD) *Code*	PG	6y released after 2y 8m 6y released after 2y 8m 6y released after 2y 8m 6m (concurrent)	AD	Minor drug offence	Involved in establishing and running over several years group that accessed, commissioned and exchanged child pornography – highly sophisticated computer and internet techniques used to avoid detection – seizure of computer uncovered: 75,706 images / 763 movie/video files on external hard-drive 1,206 images / 13 image files / 40 movie/video files on internal drive 116 movie / video files uploaded at least for group's use between 7 January 2006 and 21 May 2007. State count involved 'upskirting' of 5y family friend Addiction
3.	**Gordon** (57) [2009] QCA 209	Access: s.474.19(1)(a)(i) *[10y]* Access child abuse material using carriage service: s.474.22(1)(a)(i) Knowingly possess child exploitation material: s.228D (QLD) *Code*	PG	12m released to recog for 3y 12m released to recog for 3y 12m suspended for 3y	Crown AD	nil	3,290 images of child pornography and 2 images of child abuse found on hard drive of computer Cat 1 - 2,957 images Cat 2 - 87 images Cat 3 - 73 images Cat 4 - 161 Cat 5 - 2 images of sadism Pharmacist married with supportive wife

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4.	**Sykes** (28) [2009] QCA 267	Access: s.474.19(1)(a)(i) *[10y]* Knowingly possess child exploitation material: s.228D (QLD) *Code*	PG	15m released after 6m for 2y 12m suspended after 4m for 2y	AD	nil	Accessed pornography using father-in-law's computer on more than one occasion over several months – some images involved very young children 89 images found in temporary file – total of 120 downloaded: Cat 1 - 42 images Cat 2 - 11 images Cat 3 - 16 images Cat 4 - 20 images Further 20 images found on external hard drive at offender's residence Cat 1 - 15 images Cat 2 – 1 image Cat 3 – 4 images Lost job and marriage and suffered public humiliation
5.	**Fulop** (52) (2009) 236 FLR 376 [2009] VSCA 296	Access: s.474.19(1)(a)(i) *[10y]* Possess child pornography: s.70(1) (VIC) *Crimes Act*	PG	3y 6m NPP 2y 2y 6m NPP 1y Total: 4y NPP 3y	AA 2y 6m NPP 2y 18m Total: 3y NPP 2y	nil	Found in possession of 41,594 pictures and video images – downloaded images from internet and transferred then to DVDs and CDs
6.	**Colbourn** (49) [2009] TASSC 108	Access: s.474.19(1)(a)(i) *[10y]* Possess child exploitation material: s.130C (TAS) *Code*	PG	2y 4y Total: 5y 6m NPP 3y	AA 12m 21m released after 15m for 3y (immediate release)	nil	Downloaded images from internet over 2 years – downloaded 3,122 images – 98,709 images found on CDs – kept detailed catalogue of material as a result of obsessive personality disorder

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7.	**James** (28) [2009] NSWCCA 62	Access: s.474.19(1)(a)(i) *[10y]* Possess child pornography: s.91H(3) (NSW) *Crimes Act*	PG (25%)	18m released after 12m for 3y 6m <u>Total</u>: 21m released after 15m for 3y	AD	Nil	Found in possession of 17 compact discs, 2 computer hard drives and 25 A4 pages of child porn – 3235 images and 77 videos – at least mid-range
8.	**Talbot** (40) [2009] TASSC 107	Access: s.474.19(1)(a)(i) *[10y]* Make available: s.474.19(1)(a)(iii) *[10y]* Possess child exploitation material: s.130C (TAS) *Code*	PG	12m released after 6m 12m released after 6m 6m (concurrent)	Crown AA 20m released after 10m for 2y 20m released after 10m for 2y 6m <u>Total</u> 26m released after 16m for 2y	nil	Accessed and downloaded material via internet over several years - 30,125 images and 889 video files found on computer Cat 1 – 23,044 images / 191 videos Cat 2 – 1,811 images / 74 videos Cat 3 – 7,508 images / 149 videos Cat 4 – 6,824 images / 454 videos Cat 5 - 368 images / 21 video Made available 18,344 images and 455 videos via one website and 13,562 image files and 294 video through another website – restricted access – exchanged messages about pornography - worst category of non-contact non-profit offenders. Remorse
9.	**DPP v D'Alessandro** (24) (2010) 26 VR 477 [2010] VSCA 60	Access: s.474.19(1)(a)(i) *[10y]* Transmit: s.474.19(1)(a)(iii) *[10y]* Possess with intent: s.474.20(1) Access child abuse material using carriage service: s.474.22(1)(a)(i) Transmit child abuse material using carriage service: s.474.22(1)(a)(iii) Possess child abuse material with intent: s.474.23(1)	PG	<u>Total</u>: 2y released immediately to recognisance	Crown AA <u>Total</u>: 3y released to recog after 2y	nil	Exchanged 16,259 images with 44 people – some children depicted only babies – very high criminality

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10.	**Lee** (22-23) [2010] NSWCCA 88	Possess child pornography: s.91H(3) (NSW) *Crimes Act* Access: s.474.19(1)(a)(i) *[10y]* 6 x Sexual intercourse child 10-16y: s.66C (NSW) *Crimes Act*	PG (35%)	1y 10m NPP 8m 14d 1y 10m released to recog 3y GBB	Crown AD	nil	Found in possession of 82,882 image files and 344 multimedia files of child pornography collected over 6-7 years Cat 1 – 79,899 images / 228 files Cat 2 – 350 images / 24 files Cat 3 – 762 images / 21 files Cat 4 – 858 images / 69 files Cat 5 - 13 images / 2 files Had sexual intercourse with 13-14y girlfriend on at least 12 occasions – consensual at all times – lowest range of offending Difficult personal circumstances
11.	**Grehan** (26-29) (2010) 199 A Crim R 408 [2010] QCA 42	Access: s.474.19(1)(a)(i) *[10y]* 2 x Knowingly possess child exploitation material: s.228D (QLD) *Code*	PG	3y 1d NPP 18m 3y 1d suspended after 18m	AA 2y released to recog after 6m 2y suspended after 6m for 2y		44,916 images, 36 videos and 81 cartoons found on two computers: Cat 1 – 43 860 images / 5 videos Cat 2 – 256 images / 11 videos Cat 3 - 188 images Cat 4 - 605 images / 15 videos Cat 5 - 7 images / 1 video Accessed and downloaded material from internet over 3.5 years accessing over 200 websites Suffering obsessive / compulsive disorder
12.	**Leleu** [2010] SASC 80	Access: s.474.19(1)(a)(i) *[10y]*	PG (33%)	12m Released to recog after 6m	AA 11m released to recog after 4m 25d for 18m		1,511 images On appeal found sentencing judge erred in taking into account material downloaded prior to commencement of section
13.	**Ashman** (49) [2010] ACTSC 45	Access: s.474.19(1)(a)(i) *[10y]* Possess child pornography: s.65 (ACT) *Crimes Act*	PG	18m released to 3y recognisance 9m suspended for 3y with 300h community service		nil	On at least two occasions downloaded onto DVDs 96 videos Cat 1 — 8 videos Cat 2 — 15 videos Cat 3 — 15 videos Cat 4 — 54 videos Cat 5 – 4 videos 377 children depicted Remorse – unlikely to reoffend – difficult family circumstances

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14.	**DPP v Groube** [2010] VSCA 150	Access and transmit: s.474.19(1)(a)(i) *[10y]* Possess child pornography: s.70(1) (VIC) *Crimes Act*	PG	18m immediate release Community Based Order – 150h CSO	Crown AD (exercise of discretion)	nil	Found in possession of 12,802 files containing child pornography – 50% duplications – most were sexual poses – 10% direct sexual abuse – exchanged images with others – collecting material over three years Prior good character – exceptional carer for parents Appeal against sentence for second count only – inadequate but appeal dismissed – completed community service and paid $6000 financial element of first sentence
15.	**Padberg** (26) (2010) 107 SASR 386 [2010] SASC 189	Access: s.474.19(1)(a)(i) *[10y]* Possess child pornography: s.63A(1)(a) (SA) *Criminal Law Consolidation Act*	PG	16m immediate release to recognisance 12m NPP 6m suspended (concurrent)	Crown AD	Nil	Images downloaded over 2y period - sample material comprised 798 images and 287 video of all categories Cat 1 – bulk of material Cat 4 – largest category of video Did not pay for material – low risk of reoffending
16.	**Freestone** [2010] ACTSC 87	Access: s.474.19(1)(a)(i) *[10y]* Possess child pornography: s.65 (ACT) *Crimes Act*	PG	14m 4m to be served by periodic detention – remaining period suspended for 2y 8m (concurrent)		Traffic matters	946 images and one video found on computer – Cat 1 — 755 images Cat 2 — 26 images Cat 3 — 59 images Cat 4 — 98 images Cat 5 – 8 images Some degree of organisation of material – many children under 12m - not motivated by sexual gratification but misguided attempt to redress perceived injustice in the workplace

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17.	**DPP v Smith** (28) [2010] VSCA 215	Access: s.474.19(1)(a)(i) *[10y]* Possess child pornography: s.70(1) (VIC) *Crimes Act*	PG	18m suspended for 2y 2y Community Based Order and 150h CSO	Crown AD	nil	Count one committed over 6 months – 35 files found on computer Cat 1 — 3 images / 6 videos Cat 2 — 2 images / 9 videos Cat 3 — 1 video Cat 4 — 14 videos Count 2 referred to 228 videos and 7,702 images found on several computers Cat 1 — 60% images / 5% videos Cat 2 — 7% images / 30% videos Cat 3 — 7% images / 6% videos Cat 4 — 22% images / 55% videos Cat 5 — 4% images / 5% videos Over 1000 children depicted - gravity and quantity of material at higher end of scale - period of possession at lower end of range Socially shy and isolated – otherwise good character – genuine remorse
18.	**Garget-Bennett** (30) (2010) 204 A Crim R 193 [2010] QCA 231	Access: s.474.19(1)(a)(i) *[10y]* Knowingly possess child exploitation material: s.228D (QLD) *Code*	PG	3y 6m NPP 21m 3y 6m released after 21m for 2y	AA 12m released after 10m for 2y 2y 6m released after 10m for 2y	Nil relevant	Accessed child pornography website - used credit card to access site – images contained on compact discs – 44,197 images and 50% of 2398 videos examined: Cat 1 — 40,848 images / 15 videos Cat 2 — 226 images / 16 videos Cat 3 — 10 images / 4 videos Cat 4 — 123 images / 49 videos Cat 5 — 2 images / 5 videos Some material of worst category – admitted to frequently accessing and viewing images but on appeal court restricted Cth offence to single incident only In de facto relationship with young child – attending psychologist

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19.	**Smith** (23-4) [2010] QCA 220	Access: s.474.19(1)(a)(i) *[10y]*	PG	18m released after 3m for 3y	AD	Stealing and assault	Offence committed over 18m – accessed sites and downloaded images on computer - 1,449 images found on computer Cat 1: 1,341 images Cat 2: 6 images Cat 3: 9 images Cat 4: 91 images Cat 5: 2 images Difficult childhood with domestic violence and psychological abuse – suffering depression
20.	**Minehan** (38) (2010) 201 A Crim R 243 [2010] NSWCCA 140	Transmit: s.474.19(1)(a)(iii) *[10y]* 2 x Disseminate child pornography: s.91H(2) (NSW) *Crimes Act* Possess child pornography: s.91H(3) (NSW) *Crimes Act* Possess child pornography: s.91H(3) (NSW) *Crimes Act* 3 x Use carriage service in offensive manner: s.474.17(1) Use carriage service to groom: s.474.27(1) Sched: 10 x Transmit: s.474.19(1)(a)(iii)	PG (20%)	3y NPP 2y 3y NPP 2y 3y NPP 1y 3y 4m NPP 1y FT 9m 3y NPP 1y <u>Total</u>: 6y 4m NPP 4y	AA 3y NPP 1y 5m 3y NPP 2y 2y NPP 1y 6m 2y 3m NPP 1y 9m FT 9m 3y NPP 1y 5m <u>Total</u>: 5y 2m NPP 3y 3m		Telephone conversations with underage males regarding sexual conduct - sent text message to another person regarding interest in boys – disseminated images to undercover police officer – online communication with undercover police officer believing officer was adolescent male – police search of premises located number of images Stable background – victim of child abuse – bipolar disorder. On appeal – error had been made in maximum penalty for s 91H(3) offences.

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21.	**DPP v Ison** (30) [2010] VSCA 286	Access: s.474.19(1)(a)(i) *[10y]* Cause to be transmitted: s.474.19(1)(a)(ii) *[10y]* Knowingly possess child pornography: s.70 (VIC) *Crimes Act*	PG	18m suspended for 2y 2y Community Based Order 18m suspended for 2y (pre discount for guilty plea: 21m NPP 12m)	Crown AD	nil	Used internet programs to access and download child pornography over 4 months – had 25 images sent by person contacted through on line chat - 6511 images and 656 videos found on computer and compact discs Cat 1 – 42% images / 13% videos Cat 2 – 28% images / 40% videos Cat 3 – 11% images / 11% videos Cat 2 – 19% images / 26% videos Cat 2 – 1% images / 1% videos
22.	**Jones** (47) [2011] QCA 147	Access: s.474.19(1)(a)(i) *[10y]* 2 x possess child exploitation material: s.228D (QLD) *Criminal Code*	PG	15m suspended after 3m 12m suspended after 2m for 2y (concurrent)	AA 15m suspended for 2y 12m suspended for 2y (concurrent)	nil	17 movies and 44 pictures found on computer – movies downloaded via internet – all downloading occurred on one day Cat 1 – most images Cat 4 - 12 movies / some images Cat 5 - 1 movie Suffering depression – low risk of re-offending – good character – community contribution
23.	**Dennison** (47) [2011] NSWCCA 114	Access: s 474.19(1)(a)(i) *[10y]* 2 x Make available: s.474.19(1)(a)(iv) *[10y]* Possess child pornography: s.91H(2) (NSW) *Crimes Act* Dealing in proceeds of crime: s.400.4(1) (Cth) *Code* Sched: Access / Possess	PG (early)	9m 15m FT 6m 15m <u>Total</u>: 3y 4m released after 2y for 3y	Crown AD	nil	Operated two pornographic websites on behalf of others offering paid membership – images of three girls aged 13-17y at lowest end of COPINE scale – downloaded images of children engaging in sexual activity – hard drives, compact discs and DVDs containing pornography found at house – received 550 payments from subscribers totally nearly $650,000 – all below mid-range

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24.	**Melham** (47) [2011] NSWCCA 121	Access: s.474.19(1)(a)(i) *[10y]* Possess child pornography: s.91H(2) (NSW) *Crimes Act*	PG (25%)	3y 9m NPP 2y 6m 3y 9m NPP 3y <u>Total</u>: 4y 3m NPP 3y	AD	nil	Accessed and downloaded child pornography from home computer - 1196 multimedia files and 45182 image files Cat 1 - 43,552 images / 1145 multimedia Cat 2 – 1511 images / 30 multimedia Cat 3 – 34 images / 5 multimedia Cat 4 – 62 images / 15 multimedia Cat 5 – 23 images / 1 multimedia Activity continued over 10 years Suffering depression and anxiety – good character
25.	**Kumar** (50) [2011] NSWCCA 139	Access: s.474.19(1)(a)(i) *[10y]* Possess child pornography: s.91H(3) (NSW) *Crimes Act*	VG	5y NPP 3y 4y NPP 2y <u>Total</u>: 6y NPP 4y	AA 3y NPP 2y 2y NPP 1y 6m <u>Total</u>: 4y NPP 3y		86 images of young girls in sexually suggestive poses – images of adult males having intercourse with young girls – a few images of torture – additional 12,000 images and 11 videos on computer – saved images to hard drive – no evidence he shared or passed on images Born in Fiji – no remorse- low risk of re-offending
26.	**Cross** [2012] NSWCCA 114	Possess child pornography: s.91H(2) (NSW) *Crimes Act* Transmit: s.474.19(1)(a)(iii) *[10y]* Agg indecent assault: s.61M(2) (NSW) *Crimes Act* Sched: 2 similar offences	PG	3y NPP 3m FT 3y FT 3y <u>Total</u> 7y NPP 4y 3m	AA 3y NPP 3m FT 15m 2y NPP 18m <u>Total</u>: 5y 6m NPP 2y 9m		Made a 17min video of 8y boy washing himself at sport clinic – offender seen washing and drying child's penis – further focuses on child's crotch while performing gymnastics – during conversation with undercover officer expressed interest in and described fantasy of sexual contact with 13y boy – shared video of 10y boy masturbating – found in possession of child pornography videos and images - included Level 4 - 274 images / 88 videos Level 5 - 14 images / 4 videos Physically abusive childhood – sexually assaulted as a child

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27.	**O'Connor** (45) [2012] SASCFC 15	Access: s.474.19(1)(a)(i) *[15y]* Aggravated possess child pornography: s.63A(1)(a) (SA) *Criminal Law Consolidation Act*	PG (25%)	18m immediate release to recog 15m NPP 5m suspended	Crown AD (exercise of discretion)	Child pornography offence – fine only	Found in possession of 14,657 images and 116 video files – children aged between 3m and 15y – fell within Cat 1-5 Suffering depression and substance abuse – significant attempts at rehabilitation
28.	**Cooper** (25) [2012] VSCA 32	2 x Use carriage service to procure: s.474.26(1) 2 x Use carriage service to groom: s.474.27(1) Access: s.474.19(1)(a)(i) *[10y]* 2 x Transmit: s.474.19(1)(a)(iii) *[10y]* Cause to be transmitted: s.474.19(1)(a)(ii) *[10y]* Knowingly possess child pornography: s.70 (VIC) *Crimes Act*	PG (approx 25%)	4y 3y 1y 6m 1y 6m <u>Total</u>: 7y NPP 5y	AA 3y 3y 1y 6m 1y 6m <u>Total</u>: 5y NPP 3y 9m (pre discount for guilty plea: 7y NPP 5y)	Indecent act with child	During chat session transmitted child pornography – engaged in communications of sexual nature with adults and children – had two males under 16y masturbate in front of computer camera – after questioned by police engaged in further sexual conversations with persons he believed to be under 16y – lower end of scale
29.	**Lovi** (16-19) [2012] QCA 24	15 x Access: s.474.19(1)(a)(i) *[10y – one count 15y]* Possess child exploitation material: s.228D (QLD) *Code*	PG	12m released after 2m for 2y 8m suspended after 2m for 2y	AA <u>Total</u>: 12m immediate release for 2y	nil	Found in possession of 540 images of Cat 1-5

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30.	**Rivo** (45) [2012] VSCA 117	Cause to be transmitted: s.474.19(1)(a)(ii) *[10y]* Engaging in conduct to procure children under 16 to engage in sexual activity outside Australia: s.272.14(1)	PG (30%)	4y 6y Total: 7y NPP 5y (pre discount for guilty plea: 10y NPP 7y)	AD	Traffic and dishonesty offences	During internet chats procured live sex shows from the Philippians involving children – directed the shows – rolled up counts Co-operated with police - some assistance
31.	**Hayes** (42) [2012] SASFC 96	Access: s.474.19(1)(a)(i) *[10y]* Aggravated possess child pornography: s.63A(1)(a) (SA) *Criminal Law Consolidation Act*	PG (25% / 17%)	18m 15m Total: 18m released to recog after 12m	AD	nil	Accessed pornography over 7 months - circumstance of aggravation was knowledge children under 14y – 5,000 images and videos: 61% images in Cat 1-2 1,122 images in Cat 3 705 images in Cat 4 97 images in Cat 5 Most of 34 movie files in Cat 1-3 – uploaded some material to US website Suffering number of mental conditions including depression, bi-polar and suicide ideation – remorse – support of wife
32.	**Davis** (42-46) [2012] QCA 324	Access: s.474.19(1)(a)(i) *[10y]* 2 x possess child exploitation material: s.228D (QLD) *Code*	PG	4y NPP 16m 2y 6m suspended after 16m	AD	Minor irrelevant history	Collected over 4 years – majority of children in images aged 8-9y – 49,817 files - thousands of pictures of the rapes of very young children, including babies and toddlers - 335 images, including eight videos Cat 5 Military service – co-operated with police

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33.	**Cooper** (54) [2012] ACTCA 9	Publish: s.474.19(1)(a)(iii) *[10y]* Intentionally possess child pornography: s.65(1) (ACT) *Crimes Act*	PG (20%)	12m 1y 7m Total: 2y 12m PD / 12m suspended	Crown AA Total: 3y 18m – PD / 18m suspended for 2y	Nil	Found in possession of over 680,000 images and 1000 videos – majority Cat 1 but examples of all Categories – all age groups – collected over 5y – became obsessed with collecting sets – did not intend to pass on material – mid range seriousness Suffering Schizoid personality – excessively socially isolated – hoarder On appeal court would have imposed 6m full time custody but inappropriate in view of time already served on PD
34.	**Edwards** (43) [2013] VSCA 188	Access: s.474.19(1)(a)(i) *[15y]* Make available: s.474.19(1)(a)(iii) *[15y]* Use carriage service to transmit indecent communication to child under 16: s.474.27A(1) Knowingly possess child pornography: s.70 (VIC) *Crimes Act*	PG	10m 10m 7m 9m	AA 6m 6m 6m 4m Total: 9m released after 4m for 12m (pre discount for guilty plea: 2y NPP 1y)	nil	Engaged in sexually crude chats with 13y over internet – used Gigatribe to download and share child pornography –in possession of 266 images and 165 videos Cat 1 - 246 images and videos Cat 2 - 81 images Cat 3 – 3 images and videos Cat 4 - 114 images and videos Mildly intellectually disabled – lifetime of traumatic personal experiences – socially isolated – longstanding mood disorder

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35.	**Godfrey** (43) [2013] WASCA 247	Access: s.474.19(1)(a)(i) *[15y]* Possess outside Australia: s.273.5(1) Possession child exploitation material: s.220 (WA) *C:e*	PG	4y 6m NPP 3y 4y NPP 3y 2y Total: 5y NPP 4y	AA 2y 16m 2y Total: 3y NPP 2y	nil	Downloaded material while living in Netherlands 2006-2010 – voluntarily disclosed to police 172 images / I video – Cat 1 2 images / 2 videos – Cat 2 4 images / 5 videos – Cat 3 3 images / 4 videos – Cat 4 1 video – Cat 5 Additional material downloaded in Australia – 40 written text stories ranging from Cat 1-Cat 5 – also 6,596 images and 12 video files 6,414 images / 1 video - Cat 1 52 images / 2 videos – Cat 2 76 images / 5 videos - Cat 3 49 images / 4 videos - Cat 4 5 images - Cat 5
36.	**Bayliss** (36-38) [2013] VSCA 70	Cause to be transmitted - s.474.19(1)(a)(ii) *[10y]* Transmit: s.474.19(1)(a)(iii) *[10y]* Transmit: s.474.19(1)(a)(iii) *[15y]* Cause to be transmitted: s.474.19(1)(a)(ii) *[15y]* Solicit: s.474.19(1)(a)(iv) *[15y]* Access: s.474.19(1)(a)(i) *[15y]* Make available: s.474.19(1)(a)(iii) *[15y]*	PG	2y 6m 2y 6m 2y 6m 2y 6m 2y 1y 2y 6m Total: 3y 6m NPP 2y (pre discount for guilty plea: 4y 4m NPP 3y)	AD	Child pornography offence	Text conversations known as 'chats' during which offender transmitted and received images described in conversations – extremely graphic and violent Paraphilia – large and deviant sexual appetite - poor prospects of rehabilitation – HIV positive

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37.	**Burrell** (33) [2013] VSCA 146	2 x Access: s.474.19(1)(a)(i) *[15y]* Access child abuse material using carriage service: s.474.22(1)(a)(i) Make available child abuse material using carriage service: s.474.22(1)(a)(iii) Knowingly possess child pornography: s.70 (VIC) *Crimes Act*	PG (early)	2y 12m 12m 12m Total: 3y 6m NPP 2y 4m (pre discount for guilty plea: 5y 3m NPP 3y 6m)	AD	nil	Downloaded 5,355 images, 816 videos, and 8 documents of child pornography - 7 images and 5 videos of child abuse material – across all categories – shared material – offending covers 12 months – children aged as young as three months 105 images / 9 videos / 1 document – Cat 5
38.	**Naysmith** (28) [2013] WASCA 32	Access: s.474.19(1)(a)(i) *[10y]* Possess child exploitation material: s.220 (WA) *Code*	PG Fast track	12m released after 6m to recog 12m NPP 6m	AA ISO 9m	Minor sexual offences	Accessed 33 images on computer – state offence was 5,832 images and video files – vast majority in lowest category Cat 2 - 64 images Cat 3 – 93 images Cat 4 - 368 images Cat 5 – 3 images Intellectually disabled – living with mother in squalid conditions – relocated to better accommodation and support

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39.	**Guest** [2014] VSCA 29	Access: s.474.19(1)(a)(i) *[15y]* Transmit: s.474.19(1)(a)(iii) *[15y]* Knowingly possess child pornography: s.70 (VIC) C*rimes Act*	PG	Community Corrections Order 3y 3m with 300h CSO	Crown AA 18m released after 6m for 2y 2m (pre discount for guilty plea: 3y 6m NPP 18m)		Found in possession of 9,958 images, 217 video files, and 54 text files on laptop and external hard drive Cat 1 – 7970 images / 30 videos Cat 2 - 337 images / 40 videos Cat 3 – 656 images / 16 videos Cat 4 - 824 images / 123 videos Cat 5 – 73 images / 8 videos Cat 6 – 98 images / 54 text files Used peer sharing programs and shared material during chat sessions – offences committed over 7 months
40.	**Lanham** (55) [2014] ACTSC 128 Refshauge J	Access: s.474.19(1)(a)(i) *[15y]* Transmit: s.474.19(1)(a)(iii) *[15y]* Intentionally possess child pornography: s.65 (ACT) *Crimes Act*	PG	3m released to recog for 3y 12m released to recog for 3y 15m suspended for 3y		nil	Engaged in sexually explicit text conversations over internet with undercover officers posing as girls aged 12y and 13y – 14 Cat 1 images saved on drive – claimed believed all participants on site were adults role playing – lowest end of seriousness Health problems – co-operated with police – low risk of re-offending – forced to close business
41.	**Harvey** (20) [2014] ACTSC 393 Walmsley AJ	Access: s.474.19(1)(a)(i) *[15y]* Intentionally possess child pornography: s 65 (ACT) *Crimes Act*	PG	18m released to GBB 18m suspended		Nil	29 videos on laptop downloaded over 14 months: 10% Cat 1 7% Cat 2 3.5% Cat 3 72.5% Cat 4 7% Cat 5 Possess charge related to downloaded videos Suffered ADHD as a child – happy but isolated childhood – undergoing counselling

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42.	**DPP v Zarb** (47) [2014] VSCA 347	Access: s.474.19(1)(a)(i) *[15y]* 2 x Transmit: s.474.19(1)(a)(iii) *[15y]*	PG	3y 3m CCO	Crown AA 3m 2y CCO (pre discount for guilty plea: 18m)	nil	Engaged in sexually explicit conversation with undercover police officer on computer about sexually assaulting children – found in possession of child pornography on computer Cat 1 – 310 images Cat 2 – 15 images Cat 3 – 20 images Cat 4 – 57 images / 1 video Cat 5 – 11 images Cat 6 – 2 images Sent two recipients total of 2 Cat 1 images and 12 Cat 4 images Difficult early childhood – effort and expense taken for rehabilitation
43.	**MB** (40) [2014] ACTSC 399 Murrell CJ	3 x Access: s.474.19(1)(a)(i) *[15y]*	VG	2y GBB 12m immediate release for 2y		Nil	Police officer – accessed images on notebook on three separate occasions: 25 images in Cat 1 15 images in Cat 1 34 images in Cat 1-4 low objective seriousness
44.	**Sabel** [2014] NSWCCA 101	Access: s.474.19(1)(a)(i) *[15y]* Access: s.474.19(1)(a)(i) *[15y]* 2 x Possess child pornography: s.91H(3) (NSW) *Crimes Act*	VG	Discharged without conviction on 2y recog Released without sentence on 2y recog 2y GBB	Crown AA on Released without sentence on 2y recog Released without sentence on 2y recog 2y GBB		Accessed material in 2007-2008 – 249 and 365 images located on hard drive - claimed genuine scientific purpose - software developer researching methods of monitoring or blocking transmission of child pornography over peer-to-peer file sharing networks – although offender had genuine belief in commercial prospects of his research engaged in an activity known by him to be illegal - criminal and serious conduct. Managing director of information technology company - received awards from the Government recognising developments in security and business software.

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45.	**Linardon** (48) [2014] NSWCCA 247	Possess child pornography: s.91H(2) (NSW) *Crimes Act* Transmit: s.474.19(1)(a)(iii) *[15y]* Access: s.474.19(1)(a)(i) *[15y]* Aggravated transmit child pornography: s.474.24A(1)(a)(i) Use carriage service to transmit indecent communication: s.474.27A	PG (20%)	FT 2y 2y 8m 2y 8m 3y 2y <u>Total</u>: 3y 4m NPP 1y 11m	Crown AA FT 2y 2y 8m 2y 8m 3y 3y 4m <u>Total</u>: 5y NPP 3y		Police located USB devices containing 4,530 child pornography images and 40 child pornography videos – category 1-5 seriousness – indecent communication offence involved chat room conversation with 9y female.
46.	**Martin** (39) [2014] NSWCCA 283	Possess child pornography: s.91H(2) (NSW) *Crimes Act* 2 x Access: s.474.19(1)(a)(i) *[10y] / [15y]* Produce child pornography: s.91H(2) (NSW) *Crimes Act* Make available: s.474.19(1)(a)(iii) *[15y]*	PG (25%)	2y NPP 18m 2y FT 9m 3y <u>Total</u>: 3y NPP 18m	Crown AA FT 2y 2y FT 9m 4y 6m <u>Total</u>: 5y NPP 3y 6m	Nil	Images found on computer storage devices At least 13,000 different images – 60% Cat 1 – 30% Cat 3/4 - used carriage service over 4 years and over 3 months – made 3 videos filming son of friend – shared 47,773 images – 61% Cat 1 – 30% Cat 3/4 Sexually abused as a child – lived alone – undertaking counseling

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47.	**Taylor** (54) [2015] TASCCA 7	2 x Access: s.474.19(1)(a)(i) *[10y / 15y]* Possess child exploitation material: s.130 (TAS) *Code*	PG	15m released after 8m for 2y 12m NPP 8m (concurrent)	AD		Found in possession of two personal computers with child pornography – did not pay for images – did not pass them on to anyone else – offended over 6y - 1,066 images – 354 videos – 3 text files Cat 1 – 1,047 images / 308videos Cat 2 – 9 images / 43 videos Cat 3 – 2 images / 3 videos Cat 4 – 8 images Cat 5 – 3 text files Delay – effect on family – problematic physical and mental health
48.	**Hogan** (70) [2015] SASCFC 102	Access: s.474.19(1)(a)(i) *[15y]* Agg assess child pornography: s.63A(1)(a) (SA) *Criminal Law Consolidation Act*	PG (30%)	1y 9m released after 1m <u>Total</u>: 2y 6m NPP 10m	AA 6m (immediate release) 1y 8m suspended Concurrent - took into account 4m 9d custody	Nil	Catholic priest found in possession of 51 magazines, 5 books, 1,362 printed pages, 4 video tapes – samples from all Cat – bulk of material purchased in 1970s and 80s when legal – some material genuinely documentary – some more serious material incidental - – Cth offence related to 7 downloaded images in Cat 1 No suggestion of improper conduct as teacher – used material to try and understand self – good rehabilitation – harsh conditions imposed by priesthood
49.	**Philpot** (53) [2015] ACTSC 96 Murrell CJ	Solicit: s.474.19(1)(a)(iv) *[15y]*	PG (20%)	19m released for 2y		nil	School principal – exchanged sexually explicit text messages with 13y over social media for three months – exchanged photo of genitals

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50.	**James** (28) [2015] NSWCCA 97	15 x Transmit: s.474.19(1)(a)(iii) *[10y] / [15y]* Possess child pornography: s.91H(2) (NSW) *Crimes Act* Use carriage service to cause offence: s.474.17(1)	VG	Total: 7y 1m NPP 4y 3m	AD	Nil	Offender communicated with undercover officer posing as 14y on Facebook - fifteen emails sent over six-week period to ten addresses (transmission offences) - two sent to undercover officer, one contained 123 files, largest single attachment of child pornography – 1675 child pornography images - 800 children photographed or filmed - majority aged 6-14y - no commercial aspect - greater number of files in lowest COPINE category - hundreds of images of non-penetrative and penetrative sexual activity between adults and children - transmission offences in mid-range.
51.	**Porte** (47) [2015] NSWCCA 174	Possess child pornography: s.91H(2) (NSW) *Crimes Act* Access: s.474.19(1)(a)(i) *[15y]* Possess prohibited weapon	PG (25%)	18m ICO	Crown AA 12m 30m NPP 18m Conviction only Total: 2y 9m NPP 18m	Minor	Found in possession of pornographic images and videos from peer to peer sharing – interest in young teenage girls Cat 1 – 27,720 images Cat 2 – 1,156 images Cat 3 – 2,161 images / 88 videos Cat 4 – 2,567 images / 493 videos Cat 5 – 240 images / 27 videos Cat 6 – 299 images Computer found downloading 17 Cat 1 images and 48 videos in Cat 1-4 In possession of can of mace purchased years before in America – no criminal intent Married – poor physical health – evidence of rehabilitation
52.	**Fitzgerald** (36) [2015] NSWCCA 266	4 x Possess child pornography: s.91H(2) (NSW) *Crimes Act* 2 x Access: s.474.19(1)(a)(i) *[10y] / [15y]*	PG (25%)	3y 9m NPP 2y 3m 2y 3m thereafter to enter GBB 9m Total: 3y 9m NPP 2y 6m	AD	Nil	Child pornography shared or downloaded over internet using "peer to peer" file sharing technology - for offender's own use, not for sale or dissemination - no profit motive - material located on computer - over 1,145 items including 390 videos – 700-800 children – 25% of items in most serious category 4, 5. Lived with mother – loner - good prospects of rehabilitation - fully co-operated with law enforcement agencies – contrition.

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53.	**Fedele** (19-22) [2015] NSWCCA 286	Possess child pornography: s.91H(2) (NSW) *Crimes Act* Access: s 474.19(1)(a)(i) *[15y]*	PG (25%) (20%)	6m 12m released to recog after 6m (concurrent)	AA 10m ICO 10m ICO (concurrent)	nil relevant	Found in possession of small amounts of child pornography on home computer for personal use – accessed images on five occasions 2011-2012 and one occasion 2014 Accessed material during difficult period in life – undertaken counselling – strong subjective case
54.	**De Leeuw** (54-61) [2015] NSWCCA 183	Possess child pornography: s.91H(2) (NSW) *Crimes Act* Access: s.474.19(1)(a)(i) *[10y]* Access: s.474.19(1)(a)(i) *[10y]* Access: s.474.19(1)(a)(i) *[15y]* Sched: 2 x s.91H(2)	PG (25%)	2y 15m 1y 8m 2y Total: 2y ICO	Crown AA 2y 6m NPP 1y 3m 1y 3m 1y 6m 1y 9m Total: 3y NPP 1y 9m	Nil	Found in possession of 32,656 images, DVDs and documents Cat 1 – 23,654 images Cat 2 – 1,821 images Cat 3 – 1,529 images Cat 4 – 3,357 images Cat 5 – 117 images Cat 6 – 274 images Offences committed 2006-2013 Taking rehabilitation steps
55.	**Ferguson** (30) [2015] ACTSC 363 Murrell CJ	3 x Access: s 474.19(1)(a)(i) *[15y]* 2 x Transmit: s.474.19(1)(a)(iii) *[15y]* Possess child pornography: s.65 (ACT) *Crimes Act*	PG	2m / 3m / 6m 4m / 6m 12m suspended Total: 22m released after 17m for 2y		nil	Downloaded on two occasions 12 images and 2 videos containing child pornography from Cat 1-4 – transmitted videos on two occasions – received third video on final occasion Found in possession of images and videos of child pornography with children aged from babies to young adolescents Cat 1 – 7 images / 1 video Cat 2 – 3 images / 2 videos Cat 3 – 7 videos Cat 4 – 3 images / 27 videos Cat 5 – 2 videos Suffered child abuse – history of depression
56.	**Hill** [2015] ACTSC 391 Robinson AJ	Access: s.474.19(1)(a)(i) *[15y]*	PG (10%)	14m released after 7m for 2y			Over 5,800 images found on mobile phone downloaded on three discrete occasions

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57.	**Currie** (36) [2015] ACTSC 404 Penfold J	Solicit: s.474.19(1)(a)(iv) *[15y]* Possess child pornography: s.65 (ACT) *Crimes Act*	PG (28%) (25%)	13m 3m <u>Total</u>: 13m released to recog for 2y		nil	Set up false persona on internet as 14y male – contacted by 12y and 13y girl – some sexual conversations – sought from complainants photos of breasts, vagina and pyjamas – sent photos of penis – found in possession of small amount of child pornography material on computer – all images sent by complainants Some mental health issues and suicide risk
58.	**DPP v Watson** (29-31) [2016] VSCA 73	3 x Transmit: s.474.19(1)(a)(iii) *[15y]* 10 x Cause to be transmitted: s.474.19(1)(a)(ii) *[15y]* Solicit: s.474.19(1)(a)(iv) *[15y]* Use carriage service to engage in sexual activity with child: s.474.25A(1) Use carriage service to menace, harass or offend: s.474.17(1) 11 x Cause minor to be involved in pornography: s.69(1) (VIC) *Crimes Act*	PG (25%)	<u>Total</u> 7y NPP 4y 8m	Crown AA <u>Total</u>: 10y 5m NPP 7y 3m		Over several years used false persona to elicit naked and sexually explicit photographs from 71 females aged 5-16y via internet – once first photo sent used threats to elicit more photos – collection totalled 1480 photographs and 41 videos – continued offending on bail – serious criminal behaviour that was calculated, predatory and manipulative – majority of material at Cat 1 Dysfunctional background or personality disorders
59.	**Honeyman** (66) [2016] ACTSC 2 Penfold J	Access: s.474.19(1)(a)(i) *[15y]* Possess child pornography: s.65 (ACT) *Crimes Act*	PG (25%)	16m 7m <u>Total</u>: 18m released to recog		nil	Found in possession of 1290 images of child pornography depicting 300-400 children – collected over several years - images included: Cat 1 – 1,190 Cat 4 – 30 Cat 5 – 13 Offences below mid-range Attending counseling

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60.	**DPP v Garside** (55) [2016] VSCA 74	Access: s 474.19(1)(a)(i) *[15y]* Knowingly possess: s.70(1) (VIC) *Crimes Act*		4y CCO 300h CSO $5,000 fine (pre discount for guilty plea: Unspecified imprisonment)	Crown AD	nil	Found in possession of child pornography items on computer downloaded over 8 months Cat 1 - 5481 images / 268 videos Cat 2 - 59 images / 59 videos Cat 3 - 8 images / 5 videos Cat 4 - 29 images / 84 videos Cat 5 - 16 images / 9 videos Remorse and prospects of rehabilitation
61.	**Burbridge** [2016] NSWCCA 128	Produce child pornography: s.91H(2) (NSW) *Crimes Act* Possess child pornography: s.91H(2) (NSW) *Crimes Act* Possess child pornography: s.91H(2) (NSW) *Crimes Act* Transmit: s 474.19(1)(a)(iii) *[15y]* Access: s 474.19(1)(a)(i) *[15y]* Sched: Possess cannabis	PG (25%)	FT 6m FT 1y 6m FT 1y 1y 6m 1y 6m <u>Total</u>: 4y NPP 2y 3m	AD	Nil - on bail for 4 of these offences when committed last offence.	Produced, accessed and transmitted or possessed 1,854 files of child pornography or child abuse material - approximately 300 children aged 18m-14y - received and sent emails – created account with child abuse website and wrote paedophilic story - material in offender's possession primarily for own purposes and non-commercial distribution - no sophisticated planning or collaboration with others - below mid-range objective seriousness. Suffered severe abuse and neglect as a child – remorse - sound prospects for rehabilitation
62.	**Major** (24) [2016] ACTSC 161 Burns J	Access: s.474.19(1)(a)(i) *[15y]* Intentionally possess child pornography: s.65 (ACT) *Crimes Act*	PG (25%)	22m released after 6m for 1y 7m 21m NPP 9m <u>Total</u>: 2y 6m released after 1y 3m for 1y 7m			Downloaded and viewed child pornography daily over a year - 35,674 images and videos Cat 1 - 34,724 images / 18 videos Cat 2 - 239 images / 6 videos Cat 3 - 209 images / 3 videos Cat 4 - 386 images / 14 videos Cat 5 - 61 images / 14 videos At least 280 children aged 12m–15y

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63.	**Walshe** (65) [2016] ACTSC 267 Burns J	Transmit: s.474.19(1)(a)(iii) *[15y]* Intentionally possess child pornography: s.65 (ACT) *Crimes Act*	PG (25%)	28m 18m Total: 2y 10m released after 19m for 3y		record includes act of indecency child 10-16y	Shared child pornographic images through peer to peer software – found in possession of 86,114 files Cat 1 – 55,334 images Cat 2 – 1,010 images Cat 3 – 3,229 images Cat 4 – 25,682 images Cat 5 – 105 images Cat 6 – 754 images Total of 18,845 non-duplicated files Reasonable prospects of rehabilitation
64.	**White** (21) [2016] ACTSC 237 Elkaim J	Access: s.474.19(1)(a)(i) *[15y]* Intentionally possess child pornography: s.65 (ACT) *Crimes Act*	PG	2y suspended 3y GBB 2y immediate release to 3y recog			Found in possession of 2,337 pornographic files involving almost 300 different children – most in lowest category – 86 in highest category Aspergers Syndrome linked to offending and difficulties in custody
65.	**Kenworthy (No.2)** (46) [2016] WASCA 207	2 x Access: s.474.19(1)(a)(i) *[15y]* 5 x Transmit: s.474.19(1)(a)(iii) *[15y]*	VG	Total: 3y 9m NPP 2y 6m	AA Total: 2y 9m NPP 22m	nil relevant	Engaged in email communication with persons holding themselves out as fathers of very young children who were willing to trade in child pornography by swapping images – exchanged images over 8 week period – over 2,000 unique images Cat 1 – 3544 images Cat 2 – 231 images Cat 3 – 493 images Cat 4 – 167 images Cat 5 – 9 images

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66.	**Howe** (23-28) [2017] QCA 7	2 x Access: s.474.19(1)(a)(i) *[15y]* 2 x Make available: s.474.19(1)(a)(iii) *[15y]* Aggravated make available: s.474.24A Possess child exploitation material: s.228D (QLD) *Code*	PG	2y NPP 1y 9m 2y NPP 1y 9m 4y NPP 1y 9m 2y suspended after 1y 9m for 4y	AD	irrelevant	Involved in sharing child pornography over several years - five months in 2010 and over four months in 2014 Accessed 19 items and 3 video files: Cat 3 – 1 video Cat 4 – 14 videos Made available over 1200 images files and 13 videos including Cat 1 – 22 images Cat 3 – 9 images Cat 4 – 376 images Cat 5 – 8 files Found in possession 4,325 items of child pornography Cat 1 – 40.8% Cat 2-3 – 31.6% Cat 4 – 21.7% No profit Remorse
67.	**Arthur** (28-29) [2017] ACTSC 23 Robinson AJ	Transmit: s.474.19(1)(a)(iii) *[15y]* Transmit: s.474.19(1)(a)(iii) *[15y]* Intentionally possess child pornography: s.65 (ACT) *Crimes Act*	PG (10%)	21m 15m 3m 18d Total: 3y suspended after 1y 1m for 2y		child sex offences	Transmitted 142 pornographic files between Nov 2012 and April 2014 Cat 1 – 70 files Cat 2 – 5 files Cat 3 – 27 files Cat 4 – 35 files Cat 5 – 3 files Cat 6 – 2 files Transmitted 26 files to undercover operative in Oct 2015 Cat 1 – 10 files Cat 3 – 9 files Cat 4 – 6 files Cat 5 – 1 file Found in possession of further 6 files Cat 1 – 4 files Cat 6 – 2 files Suffering depression – poor prospects of rehabilitation

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68.	**Dittman** (28-30) [2017] QCA 302	Make available: s.474.19(1)(a)(iii) *[15y]* Aggravated make available: s.474.24A Access: s.474.19(1)(a)(i) *[15y]* Possess child exploitation material: s.228D (QLD) *Code*		3y 4y 18m 18m suspended after 6m <u>Total</u>: 4y NPP12m	Crown AD	sexual relationship with a child – make child exploitation material	Used peer to peer software to share images – shared files over 1,000 occasions – downloaded material on 16 occasions – found in possession of 7,000 images and 2,000 videos of all categories (although mostly Cat 1 and 2) – no profit Remorseful – co-operation with police
69.	**Dundas** [2017] QCA 107	Access: s.474.19(1)(a)(i) *[15y]* Possess child exploitation material: s.228D (QLD) *Code*	PG	2y released after 6m for 3y 2y suspended after 6m (concurrent)	AD	nil	Downloaded three child pornography videos – included a Cat 2 and Cat 3 video – found in possession of 523 movies and 36,711 images collected over 9 years 8 months Poor physical health and psychiatric illnesses

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70.	**Kandola** (39) [2017] ACTSC 403 Burns J	Transmit: s.474.19(1)(a)(iii) *[15y]* Transmit: s.474.19(1)(a)(iii) *[15y]* Transmit: s.474.19(1)(a)(iii) *[15y]*	PG (10%)	18m 14m 8m Total: 2y 2m ICO		breached bond for dishonesty offence	Sent child pornography to male by text message: Cat 1 - 1 image Cat 2 - movie roll of 24 images Cat 4 - 16 images Cat 6 - 2 images Images sent to second male on different occasions: Cat 1 – 2 images Cat 2 – 2 images Cat 3 – 3 images Cat 4 – 2 images Image sent to third male Cat 3 – 1 image Bizarre nature of offending - messages sent to person not known to offender Serious mental health issues – substance abuse – sexual abuse as a child
71.	**Miao** [2017] NSWCCA 89	Possess child pornography: s.91H(2) (NSW) *Crimes Act* 2 x Access: s.474.19(1)(a)(i) *[15y]* Sched: s.91H(2) (NSW) *Crimes Act*	PG	2y NPP 12m FT 1y 3m Total: 2y 3m NPP 1y 3m	AD		Purchased child sex doll from overseas – intercepted by police - police found child abuse material on home computer - 361 images, 56 videos - majority depicted children under 10y in erotic poses with no sexual activity – 29 images and 11 videos depicted penetrative sexual activity between children or between adults and children - 17 images and 3 videos depicted sadism, humiliation or bestiality. Prior good character – well-educated – employed.

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72.	**Freedman** [2017] NSWCCA 201	Access: s.474.19(1)(a)(i) *[15y]* Possess child pornography: s.91H(2) (NSW) *Crimes Act*	PG (25%)	15m ICO 12m ICO (concurrent)	Crown AA 1y 6m released to recog after 1y 3m 1y 3m <u>Total</u>: 1y 9m released to recog after 1y 6m	sexual offence against person under 16y	Registrable person as child sex offender - material on computer - children from babies to age 18y - images and videos depicted nudity to young children in various sex acts - 11,660 images, 486-590 images child abuse material Level 1 - 75 images Level 2 - 14 images Level 3 - 58 images Level 4 - 133 images Level 5 - 11 images Offending over period 12 months.
73.	**Dennis** (45) [2017] VSCA 251	Access: s 474.19(1)(a)(i) *[15y]* Fail to comply with reporting conditions Knowingly possess: s.70(1) (VIC) *Crimes Act*	PG (25%)	3y 6m NPP 1y 6m 3m 18m NPP 1y <u>Total</u> 4y 6m NPP 2y 6m	AA 3y 3m NPP 1y 6m 3m 18m NPP 6m <u>Total</u> 3y 9m NPP 2y (pre discount for guilty plea: 3y 9m NPP 2y)	Priors including similar offences	Found in possession of material – written text – printed pictures – electronic hardware – pornography accessed over several years – did not purchase nor pass on material – images showed largely prepubescent and toddlers Cat 1 – 867 images / 11 videos Cat 2 – 257 images / 70 videos Cat 3 – 34 images / 11 videos Cat 4 – 207 images / 124 videos Cat 5 – 1 video Cat 6 – 5 images Failed to notify sex offenders registry of email addresses, use of social media sites and establishment of lawn mowing business – lower end of scale of seriousness Possess offence related to one day only Some learning and neurological deficits – delay in sentence

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74.	**Lyons** [2017] NSWCCA 204	Aggravated transmit: s 474.24A Transmit: s.474.19(1)(a)(iii) *[15y]* Transmit: s.474.19(1)(a)(iii) *[15y]* Make available: s.474.19(1)(a)(iii) *[15y]* Make available: s.474.19(1)(a)(iii) *[15y]* Possess child pornography: s.91H(2) (NSW) *Crimes Act*	PG (25%)	5y 2y 6m 3y 3y 3y 6m FT 2y <u>Total</u>: 9y NPP 6y	AA 4y 6m 18m 18m 18m 12m FT 1y 6m <u>Total</u>: 6y 3m NPP 4y 6m	Property and offences of personal violence - dealt with by various forms of conditional liberty.	During six week period accessed and transmitted child pornography via internet. Cat 1 – 300 image files Cat 2 - 17 image files / 2 video files Cat 3 - 29 image files / 3 video files Cat 4 - 22 image files / 9 video files Cat 5 – 3 image files / 5 video files Vulnerable personality with antisocial traits – support from partner
75.	**Boyles** (26) [2017] VSCA 267	Solicit: s.474.19(1)(a)(iv) *[15y]* Use carriage service to procure: s.474.26(1)	PG	2y 6m Community Corrections Order	Crown AD	nil	Supervisor of 15y work experience student commenced Facebook messages on first day of placement – sent repeated and persistent messages becoming sexually explicit – complainant sent photo of someone in bra in response to repeated requests – offender sent naked photo of self – abuse of power – predatory and opportunistic – vulnerable complainant – no deception or deceit In manic phase of bipolar disorder at time of offending – remorse – involved in community activities On appeal: sentencing judge erred in finding mental state reduced culpability where offender had voluntarily ceased taking medication – despite inadequacy of sentence unjust to increase – mental state deteriorated – spent four months at liberty complying with order

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76.	**Hong** (42) [2017] NSWCCA 238	Access: s474.19(1)(a)(i) *[15y]* Possess child pornography: s.91H(2) (NSW) *Crimes Act* Possess child pornography: s.91H(2) (NSW) *Crimes Act*	PG (25%)	2y 1y 6m 2y 9m NPP 1y 6m Total: 3y 8m NPP 2y 5m	AA 2y 1y 6m 2y 9m NPP 1y 6m Total: 3y 8m NPP 2y 4m	Nil	Over 3y period - peer to peer file sharing program - material on computer Cth offence: video files depicted children aged 5-15y, majority featuring girls involved in penetrative sexual activity, over 80 different children NSW offences: 471 video files CETS 1-5, over 300 different children aged 7-15y - 57 video files, children aged 5-15y, featured girls approximately 10y engaging in penetrative sexual activity - over 70 children Remorse
77.	**Cartwright** (21) [2018] ACTSC 132 Murrell CJ	Transmit: s.474.19(1)(a)(iii) *[15y]* Transmit: s.474.19(1)(a)(iii) *[15y]* Use carriage service to menace, harass or offend: s.474.17(1)	PG	12m 15m 12m Total: 2y ICO		nil	Met 16y female through Facebook – requested and received photos of complainant naked, in a bikini and showing cleavage – 13 images at Cat 1 – 10 months later demanded and received more naked photos or would send earlier photos to new boyfriend or post online – also threatened to assault – deleted photos as requested by complainant Genuine remorse
78.	**ADP v State of WA** [2018] WASCA 40	Transmit: s.474.19(1)(a)(iii) *[15y]* Use carriage service to menace, harass or offend: s.474.17(1) Possession child exploitation material: s.220 (WA) *Code*	PG	18m 2y 6m 12m Total: 3y released after 2y	AD	nil	Made false profiles of ex-partner on various dating sites – included sexually explicit discussion about daughters including offering availability for sexual activity and description of sexual activity between partner and daughters – included intimate photos of ex-partner and sufficient detail to enable men to find and approach ex-partner – pre-mediated and planned offences – committed over several years Found in possession of child pornography: Cat 1 – 90 images Cat 2 – 18 images Cat 3 – 3 images Cat 4 – 13 images Cat 6 – 3 images

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79.	**Wagner** [2018] NSWCCA 124	Transmit: s.474.19(1)(a)(iii) *[15y]* Transmit: s.474.19(1)(a)(iii) *[15y]* Possess child pornography: s.91H(2) (NSW) *Crimes Act*	PG (25%)	1y 6m 2y 3m 1y 6m NPP 1y <u>Total</u> 2y 9m released to recog after 2y	1y 3m 1y 11m 1y 6m NPP 1y <u>Total</u> 2y 4m released to recog after 1y 10m		Uploaded 10 images to Tumblr Cat 1 – 7 images Cat 4 – 2 images Provided links to online storage site of images and videos using dropbox on 19 occasions over three weeks: Cat 4 - 24 images / 7 videos Cat 5 - 7 images / 1 video Images found on mobile phone and laptop: Mostly Cat 1 Cat 4 - 32 images Cat 5 - 1 image Error in failing to give 25% discount for Commonwealth offences at first instance
80.	**Hutchinson** (31) [2018] NSWCCA 152	2 x Transmit: s.474.19(1)(a)(iii) *[15y]* Possess child pornography: s.91H(2) (NSW) *Crimes Act*		12m released to recog after 3m 6m <u>Total</u>: 17m NPP 8m	Crown AD	Nil	Male offender posed as 18y old female to obtain explicit images from young teenage boys – also in possession of over 500 child abuse files. Prior good character - good prospects of rehabilitation - remorse
81.	**Peters** (39) [2018] NSWCCA 126	Possess child pornography: s.91H(2) (NSW) *Crimes Act* Access: s.474.19(1)(a)(i) *[15y]*	PG (25%)	18m NPP 9m 2y <u>Total</u>: 2y 9m NPP 1y 6m	AA 18m NPP 9m 1y 10m <u>Total</u>: 2y 4m NPP 1y 3m	Nil.	Laptop and cloud storage contained total of 676 images and video files of child abuse – still images of various categories from no sexual activity to penetrative activity involving children or both children and adults - bondage or sadistic poses - some children appeared below 3y - two images of vaginal penetration of baby - videos included boys and girls aged 5-15y engaged in oral, vaginal and anal penetration - lower end of scale but not in category of least serious Family support On appeal - failure to take into account utilitarian value of guilty plea

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82.	**Barany** [2018] QCA 137	Make available: s.474.19(1)(a)(iii) *[15y]*	PG	2y GBB	AD	nil	Had software on personal computer that made access to child pornography on computer possible – 130 images from lowest category Prior good character
83.	**Cook** (31-35) [2018] TASCCA 20	5 x Solicit: s.474.19(1)(a)(iv) *[15y]* Solicit child abuse material using carriage service: s.474.22(1)(a)(iv) *[15y]* 6 x Cause to be transmitted: s.474.19(1)(a)(iii) *[15y]* 2 x Transmit indecent communication to person under 16: s.474.27A(1) Possess child exploitation material: s.130C (TAS) *Code* Sched: s.474.27A(1)	PG	15m 15m 3m no sentence 4m <u>Total</u>: 15m released to recog after 10m for 2 years	Crown AA 4y NPP 2y 4y NPP 2y 4y NPP 2y 4y NPP 2y 4m (all concurrent)	minor	Committed offences through online chat services over four years – communicated with what he believed were young females aged between 8y and 16y – sexually explicit conversations – requested and sometimes received sexually explicit photos – live streamed himself masturbating – images found in computer Cat 1 – 120 images / 1 video Cat 2 – 12 images Cat 3 – 14 images Cat 4 – 7 images / 1 video Cat 6 – 236 images Repeated conduct – language very explicit and graphic – sought sexual gratification Diagnosed with Aspergers – emotionally immature and socially isolated
84.	**Maine** [2018] VSCA 56	Access: s.474.19(1)(a)(i) *[15y]* Possess child pornography: s.70(1) (VIC) *Crimes Act*	PG	3y 6m NPP 2y 2y 6m NPP 18m <u>Total</u>: 4y 6m NPP 3y	AD	committed current offences months after being released to parole for similar offences	Found in possession of images on computer – access offence committed over 5 months – 46 images in Cat 1-4 – possession change constituted by 380 files – 102 files in Cat 4 and 8 files in Cat 5 – committed offence despite completing child offender program Poor prospects of rehabilitation – importance of deterrence in view of previous record

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85.	**DPP v Ramos** (22-24) [2018] VSCA 290	14 x Use carriage service to groom: s.474.27(1) 6 x Solicit: s.474.19(1)(a)(iv) *[15y]* 3 x Cause to be transmitted: s.474.19(1)(a)(ii) *[15y]* Use carriage service to transmit indecent communication to person under 16: s.474.27A(1) Use carriage service to engage in sexual activity with person under 16: s.474.25A(1) Use carriage service to procure: s.474.26(1) State bail offences	PG	1y 1y 6m 1y 6m 8m 2y 1y 6m 1m <u>Total</u>: 6y NPP 3y 6m (pre discount for guilty plea: 9y 6m NPP 6y)	Crown AD		Offences committed over several years - used social media applications to message 20 girls aged 11-15y – knew or identified complainants from school or other activities – had sexual conversations – sent sexual photos of self or other adults – threatened suicide if girls did not comply – some complainants sent naked photos – one complainant watched offender masturbate - committed two offence while on bail Low intelligence and hearing loss
86.	**Edwards** (45) [2019] QCA 15	Access: s.474.19(1)(a)(i) *[15y]*	PG	15m released after 2m for 2 years	AD	nil	Search of computer revealed accessed child pornography material on 31 separate dates – large proportion of material computer generated graphic representations and cartoon images: Cat 1 - 22 images Cat 3 – 5 images Cat 4 – 5 images / 1 video Cat 6 - 607 images / 2 videos / 51 stories Federal police officer

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87.	**Dragon** (58) [2019] WASCA 84	Access: s.474.19(1)(a)(i) *[15y]* Access: s.474.19(1)(a)(i) *[15y]*	PG	2y 2y 4m <u>Total</u>: 4y 4m NPP 3y 4m	AD	Very serious – includes child sexual offences – released from prison 2 days prior to committing offences	Paid for computer and internet time at hostel and accessed child abuse sites over 4.5 hours: 4 x Cat 1 images 15 x Cat 6 images 3 x Cat 6 videos Returned four days later and spent further six hours accessing sites – 700 images: 90% Cat 6 10% Cat 4 4 x Cat 2 images 8 x Cat 3 images 4 x Cat 4 images Predominately animated images Socially isolated and unsupported outside prison On appeal: sentences not excessive in view of criminal record
88.	**Cluett** (61) [2019] WASCA 111	Possession child exploitation material: s.220 (WA) *Code* Access: s.474.19(1)(a)(i) *[15y]* Access: s.474.19(1)(a)(i) *[15y]*	PG (25%) PG PG	6m 9m 4m <u>Total</u>: 9m released to recog after 6m	AA 6m suspended for 12m 8m released to recog for 12m 3m released to recog for 12m	minor	Found by police viewing child abuse video on phone outside delicatessen – search of home located 28 images on phone from Cat 1 to Cat 4 – computer showed offender had accessed child abuse websites on 20 occasions Autism spectrum disorder – motivated by research not sexual interest – remorse On appeal: combination of subjective factors, small number of images and motivation for offences justifies suspension of sentences

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89.	**Martin** (33) [2019] NSWCCA 197	5 x Transmit: s.474.19(1)(a)(iii) *[15y]* 7 x Solicit: s.474.19(1)(a)(iv) *[15y]* 8 x Use carriage service to transmit indecent communication to person under 16: s.474.27A(1) 2 x Possess child pornography: s.91H(2) (NSW) *Crimes Act* Sched: 15 child pornography offences	PG	2y - 3y 2y – 3y 1y – 2y 6m 1y 6m – 2y Total: 7y NPP 4y	AD	nil	Highly sexualised messaging via internet to 26 male children aged 11-14y over two and a half year period – two actual complainants identified - obtained nude explicit images or videos from complainants of themselves - transmitted child pornography images to complainants - engaged complainants in indecent communications despite efforts by many to have him stop contact - no direct physical contact - very active and persistent offender. Schizoid personality traits likely contributed to offences – severe depression – reasonable prospects rehabilitation.
90.	**Lyons** (28) [2019] VSCA 242	Access: s.474.19(1)(a)(i) *[15y]* Transmit: s.474.19(1)(a)(iii) *[15y]* Sched: Solicit: s.474.19(1)(a)(iv)	PG	18m 18m Total: 2y 6m released to recog after 18m	AD		Over three years accessed 640 images and 139 videos in Cat 2, 3 and 4 – images of young boys – second offence committed over 19mths in context of online communications – transmitted mostly textual child pornography but some images included – content of textual material sadistic and extreme – one video depicted child murder Paedophilic disorder requiring comprehensive treatment – sexually abused as a child
91.	**Hurt** (30) [2019] ACTSC 148 Mossop J [2021] ACTSC 241 Mossop J	Intentionally possess child exploitation material: s.65 (ACT) *Crimes Act* Distribute: s.474.19(1)(a)(iii) *[15y]*	PG (25%	15m suspended after 8m for 18m 2y recognisance On breach: 7m No further action		Nil relevant	Child exploitation material found on two mobile phones – thousands of images and hundreds of videos – mid-range – distribute offences involved sharing one image – low range Alcohol and cannabis abuse – delay in prosecution Sentences breached by commission of new child abuse offences – no action taken in relation to s.474.19 offence

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92.	**Gilshenan** (43) [2019] NSWCCA 313	Access: s.474.19(1)(a)(i) *[15y]* 2 x Possess child pornography: s.91H(2) (NSW) *Crimes Act* Fail comply reporting obligations	PG (25%)	3y released to recog after 12m FT 6m / 3m FT 12m Total: 4y 4m NPP 2y 4m	AD	Larceny, wilful exposure, child pornography offences, stalk and intimidate, contravene AVO. On parole.	Offences took place 7months after being released to parole after serving imprisonment for possess child abuse material – police found accessed materials on personal computer – had left various photographs in suburbs, located by different people.
93.	**Kannis** (18) [2020] NSWCCA 79	Solicit: s.474.19(1)(a)(iv) *[15y]* Solicit: s.474.19(1)(a)(iv) *[15y]* Possess child pornography: s.91H(2) (NSW) *Crimes Act* Use carriage service to groom: s.474.27(1)	PG (25%)	18m 21m 8m 21m Total: 2y 6m released to recog after 15m	AA 16m 18m 7m 18m Total: 1y 10m released to recog after 11m	Nil	Messaged female complainants aged 14y on social media asking for sexual photos – when complainants sent photos, pressured and threatened them to send more or would publish photos. Youth, immaturity – mental health issues. CCA: Other sentencing decisions did not establish a 'sentencing range'

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94.	**Burton** (24-26) [2020] NSWCCA 127	Transmit: s.474.19(1)(a)(iii) *[15y]* Possess child pornography: s.91H(2) (NSW) *Crimes Act* Sched: s.474.27A(1)	PG (10%)	18m released to recog at 9m FT 10m Total: 22m NPP 12m	AD	Nil	During multiple Skype chats over two years transmitted written descriptions of explicit sexual fantasies about non-existent children – four images found on computer hard drive – first offence mid-range – no persistent pursuit of complainants or pre-existing relationship of trust – no actual children – personal sexual gratification – not most serious content – second offence lower end of scale – acted alone and not part of network – no planning or organisation Air Force employee – good character – some prospects of rehabilitation – little insight – complex psychology CCA: no error in assessment of seriousness of offences despite written nature of material – not manifestly excessive
95.	**Small** (38) [2020] NSWCCA 216	Solicit: s.474.19(1)(a)(iv) *[15y]* Use carriage service to groom: s.474.27(1) 4 x Fail to comply with reporting obligations Possess child pornography: s.91H(2) (NSW) *Crimes Act* Sched: Transmit: s.474.19(1)(a)(iii)	PG (25%)	7y 6y 2y 2y 3m Total: 10y 6m NPP 7y	AA 6y 10m 5y 10m 2y 2y 3m Total: 10y NPP 6y 11m	Similar offences	Made contact with 14y female through Snapchat then Facebook and mobile phone – communicated over several weeks – became aware complainant vulnerable and self-harming – made sexual requests and requested photos – complainant sent partial photos of breasts uploaded by offender to Instagram – maintained contact despite becoming aware of distress caused to complainant and request by complainant and complainant's father to cease contact – mid range On arrest 61 child abuse images found on phone – sixty were Cat 1 and one image Cat 3 – low-range – failed to report interstate travel and possession and use of carriage service, internet service, Facebook, Instagram and Snapchat Lack of insight – no remorse – high risk of re-offending – importance of community protection and deterrence in view of record On appeal: error in discount for guilty plea for Commonwealth offences – *Xiao*

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96.	**Burch** (34) [2020] ACTSC 192 Murrell CJ	Possess child abuse material obtained by carriage service: s.474.22A Transmit: s.474.19(1)(a)(iii) *[15y]*	PG (25%)	2y GBB 100h CSO 12m ICO 200h CSO		nil	Five images of child abuse material found on computer Cat 1: 1 image Cat 2: 3 images Cat 4: 1 image Images not isolated but other possible material unrecoverable - conducted conversations with four people over messenger services discussing child abuse – each Cat 6 – below moderate seriousness Physical and mental health issues – became addicted to pornography as a juvenile
97.	**Armstrong** (43) [2020] ACTSC 298 Robinson AJ	Possess child abuse material obtained by carriage service: s.474.22A Access: s.474.19(1)(a)(i) *[15y]* Access child abuse material using carriage service: s.474.22(1)(a)(i)	PG (20%)	13m 6m 6m Total: 18m released after 6m for 12m		nil	66 videos containing child abuse found on computer – accessed material over 15m Cat 1: 22 videos Cat 2: 11 videos Cat 3: 1 videos Cat 4: 31 videos Cat 5: 1 video Suffers social anxiety
98.	**Yardley** (35) [2021] ACTSC 2 Loukas-Karlsson J	4 x Transmit and solicit: s.474.19(1) *[15y]* Possess child pornography: s.65 (ACT) *Crimes Act*	PG (15%)	20m each Total 2y 5m released after 15m for 2y 15m (concurrent)		nil	Transmitted and made available child pornography to 13 recipients using messaging services and online file storage and sharing service over 8 months – also solicited and caused material to be transmitted to himself – found with 1,424 files of child pornography material on five separate devices – while majority of files in Cat 1 many on Cat 4 Prior good character – diagnosed as an adult with ASD - mental and physical health issues – prospects of rehabilitation guarded

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99.	**Ramsay-Feeney** (34) [2021] ACTSC 5 Burns J [2022] ACTSC 82 Eliakim J	Possess child abuse material obtained by carriage service: s.474.22A Access: s.474.19(1)(a)(i) *[15y]* Access child abuse material using carriage service: s.474.22(1)(a)(i) Access child abuse material using carriage service: s.474.22(1) Breach ICO	PG (25%) PG (25%)	9m 12d 9m 12d (concurrent – already served) 9m ICO 3y released to recognizance after 16m 9m (concurrent)			5,370 files containing child abuse material found on phone – accessed over two years: Cat 1: 4,385 images Cat 2: 364 images Cat 3: 138 images Cat 4: 260 images Cat 5: 21 images Cat 6: 202 images Voluntarily assisted police – mental illness requiring assistance for rehabilitation **Mandatory Minimum Term: 4 years** Accessed 148 images of child abuse – 95% animated or cartoon – lower end of range – less serious than earlier offence - breached ICO imposed in earlier case Co-operated with police – importance of recognizance to provide assistance in rehabilitation – mental illness issues – mandatory minimum reduced for guilty plea
100.	**Huggett** (22) [2021] NSWCCA 62	Access: s.474.19(1)(a)(i) *[15y]* 2 x Possess child pornography: s.91H(2) (NSW) *Crimes Act*	PG (10%)	3y 4m NPP 2y 2y Total: 3y 10m NPP 2y 6m	AD	Possess drugs; Driving offences.	Police located material on mobile telephone and laptop computer - used website to access material via chat rooms – downloaded material into own cloud account on mobile (88 images) – total of between 632-884 images and videos on both devices; half of material in Cat 1 – other images Cat 2 – 25 children aged 7 to 14 – depicting children performing oral sex on adult males; sexual intercourse with adult males; young children sexual intercourse with each other.

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101.	**Jeffery** (21 at offence, 25 at sentence) [2021] NSWCCA 221	Solicit: s.474.19(1)(iv) *[15y]* Possess with intention: s.474.19 *[15y]* Possess child pornography: s.91H(2) (NSW) *Crimes Act* Possess child pornography: s.91H(2) (NSW) *Crimes Act*	VG	Indicative: 6y 6m 4y 9m Aggregate: 7y NPP 4y 2m 10d Indicative: 2y 2y 4m Aggregate: 3y NPP 1y 9m 19d Total: 7y 6m NPP 4y 8m	AD		Count 1: Impersonated a teenage boy on social media / Facebook with 12y female complainant - demanded sexually explicit videos under threat of his posting other sexually explicit videos of her - Count 2: saved two completed, but not published, Facebook posts with attached images of child pornography and referred to potential to name and shame the complainants; images of "girl full frontal nudity prepubescent"- Count 3: five images category one child pornography on phone; Count 4: two videos and image on another phone of prepubescent female. Depression, anxiety, ADHD.
102.	**Young** [2021] SASCA 51	3 x Access: s.474.19(1)(i) *[15y]* 3 x Transmit: s.474.19(1)(iii) *[15y]*	PG	Total: 17m released to recog 5m		nil	Engaged in online chat using Kik app over four months – received and transmitted pornographic images Cat 1: 32 images Cat 4: 1 image / 2 videos Good character – chiropractor – community work – genuine remorse – reasonable prospects of rehabilitation
103.	**Cardwell** (69) [2021] QCA 112	Access: s.474.19(1)(a)(i) *[15y]* Access child abuse material using carriage service: s.474.22(1)(a)(i) Possess child exploitation material: s.228D (QLD) *Code*	PG	Total 12m – immed release to recog for 2y 15m – suspended after 3m for 2y	AD	Nil	Found in possession of child abuse material on lap top and computer – accessed and saved over several months – 520 images found 88% of which in most serious category Prior good character – co-operated with police – steps taken in rehabilitation – support of family and friends – extra-curial punishment of public shaming

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104.	**Musca** (41) [2021] WASCA 37	Access: s.474.19(1)(a)(i) *[15y]* Transmit: s.474.19(1)(iii) *[15y]* 2 x Possess child exploitation material: s.220 (WA) *Code*	PG (20%)	6m 10m released after 5m for 6m 18m NPP 9m <u>Total</u>: 19m NPP 14m	AD	Traffic and minor drug	Child abuse material found on phone and tablet: Cat 1: 5,043 images / 100 videos Cat 2: 219 images / 123 videos Cat 3: 787 images / 67 videos Cat 4: 709 images / 292 videos Cat 5: 145 images / 36 videos Cat 6: 759 images Over 8 months received 6 emails and transmitted 38 emails to 15 different addresses containing material in Cat 1, 2 and 4 – some children in images as young as 4y – number of individual children high Difficult childhood including sexual abuse – drug abuse – mental health – genuine remorse and insight – steps to rehabilitation
105.	**Chenhall** (29-30) [2021] VSCA 175	Transmit to self: s.474.19(1)(ii) *[15y]* Transmit: s.474.19(1)(iii) *[15y]* Use carriage service to transmit indecent communication to child under 16: s.474.27A(1) Fail to comply with reporting conditions: (VIC) Possess child abuse material: s.51G(1) (VIC) *Crimes Act*	PG	2y 6m 12m 2y 6m 12m 2y <u>Total</u>: 5y 6m NPP4y	AA 2y 9m 2y 6m 6m 18m <u>Total</u>: 5y NPP 3y 6m	Prior conviction for s.474.27A	Communicated with 17 underage persons through Kik app over three months - requested and received sexually explicit photos of 12y girl – shared one photo with user group on Kik app – transmitted numerous photos of erect penis to underage persons – failed to report user names as required by reporting conditions – child abuse material found on phones: Cat 1: 35 images Cat 2: 15 images Cat 3: 6 images Cat 4: 2 images Heavy drug user – significant psychosexual issues – prospects for rehabilitation guarded – 14m spent in residential rehabilitation centre – effect of Covid-19 restrictions – some evidence of remorse and insight – high risk of re-offending – family support On appeal: inadequate account taken of benefit of plea in Covid conditions -

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
106.	**O'Hara** (34) [2021] WASCA 123	2 x Transmit: s.474.19(1)(iii) *[15y]* 2 x Transmit: s.474.19(1)(iii) *[15y]* Solicit: s.474.19(1)(iv) *[15y]* Access: s.474.19(1)(i) *[15y]* 4 x Use carriage service to groom: s.474.27(1) 3 x Possess child exploitation material: s.220 (WA) *Code* Use carriage service to do act in preparation for sexual activity with person under 16y: s.474.25C 3 x Use carriage service to transmit indecent communication to person under 16y: s.474.27A(1)	PG	6m 8m 18m 18m 12m / 18m 1m / 1m / 12m 8m 2 x 12m / 14m <u>Total</u>: 4y 6m NPP 2y 6m	AA 6m 8m 18m 18m 12m / 18m 1m / 1m / 12m 8m 2 x 8m / 10m <u>Total</u>: 4y NPP 2y	nil	Used computer to search for child pornography – stored pornography on hard drive – over 700,000 images and 724 videos – used Twitter account on phone to chat to 8-16y girls – created false persona of 11y girl – sent inappropriate sexual photos and engaged in inappropriate sexual comments – multiple complainants Co-operated with police – genuine remorse – favourable prospects of rehabilitation – emotional vulnerability and immaturity would make custodial conditions difficult On appeal: error in relation to maximum penalty for s.474.27A offences
107.	**Barber** (67 at sentence) [2021] ACTSC 78 Murrell CJ	Access: s.474.19(1)(a)(i) *[15y]* Access: s.474.19(1)(a)(i) *[15y]* 2 x Access child abuse material using carriage service: s.474.22(1)(a)(i) 2 x Possess child abuse material obtained using carriage service: s.474.22A	PG (25%)	4m 11m 11m / 9m 2y / 9m <u>Total</u>: 2y 6m released		nil	Offending during four distinct time periods: s.474.19: 2011 accessed 10 Cat 1 images s.474.19: 2019 s.474.22 / s.474.22A: early 2020 – 4,500 images found on 5 devices – most serious offence Cat 1: 2,226 images / 89 videos Cat 2: 495 images / 46 videos Cat 3: 571 images / 29 videos Cat 4: 700 images / 230 videos Cat 5: 219 images / 5 videos s.474.22 / s.474.22A: late 2020 and on bail for earlier offences – seven cat 1 files Isolated life – significant depression – impact of custody on mental health - remorse

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108.	**Cox** (48) [2021] ACTSC 98 Burns ACJ	Access: s.474.19(1)(a)(i) *[15y]* Access: s.474.19(1)(a)(i) *[15y]* Transmit to self: s.474.19(1)(a)(ii) *[15y]* Possess child abuse material obtained using carriage service: s.474.22A	PG (25%)	12m 15m 6w 12m Total: 1y 7m 29d released after 5m for 2y		nil	Found in possession of 229 videos and 1 image of child abuse material on three devices – accessed 254 videos over 2 years and 1,349 items over later 4m period – transmitted 2 files from one email to another (both belonged to offender) - much overlap in material – mid range Assistance at time of arrest – reasonable prospects of rehabilitation - remorse
109.	**Cobcroft** [2022] ACTSC 15 Murrell CJ	Access: s.474.19(1)(a)(i) *[15y]* Access child abuse material using carriage service: s.474.22(1)(a)(i) Possess child abuse material obtained using carriage service: s.474.22A	PG (25%)	11m 11m 15m Total: 21m released after 5m for 2y		Nil	Accessed child abuse material using several electronic devices – accessed 147 files over 15m and 564 files over 12m – found in possession of 21,149 files (some duplicates) – all computer generated animations with no real children – very realistic and highly offensive with degraded text – no further distribution Remorse and insight – very good prospects of rehabilitation – bail conditions restricted role as primary carer for child

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
110.	**Kember** (27-32) [2022] ACTSC 153 McCallum CJ [2025] ACTCA 9	s.474.19(1) *[15y]* s.474.19(1) *[15y]* Access child abuse material using carriage service: s.474.22(1)(a)(i) Use carriage service to procure: s.474.26(1) Use carriage service to transmit indecent communication to child under 16: s.474.27A(1) Possess child abuse material obtained using carriage service: s.474.22A	PG	16m 10m 8m 6m 3m 6m Total: 3y released after 8m for 2y	AD	nil	Requested and received naked photo from younger sister of partner when complainant aged 13-15y – requested and received photo of exposed breasts from 16y complainant met through cheerleading – significant impact on complainant – accessed Instagram account of younger sister of partner and saved 8 photos of complainant in swimmers – supplied alcohol to 15y complainant at school after receiving promise of oral sex – discussed sexual experience with younger sister of sexual partner over Snapchat – found in possession of material from above offences – mostly Cat 1 and one Cat 2 image – all at lower end of range or below mid-range – not isolated offences Difficult childhood – good prospects of rehabilitation – father suffering with Alzheimers
111.	**Boucher** (25) [2022] VSCA 3	Procure child to engage in sexual act outside Australia: s.272.14(1) Solicit: s.474.19(1)(a)(iv) *[15y]* Use carriage service to transmit indecent communication to child under 16: s.474.27A(1) Use carriage service to groom: s.474.27(1) Solicit: s.474.19(1)(a)(iv) *[15y]*	VG	2y 2y 18m 18m 18m Total: 3y released after 6m for 3y	AD		Communicated with 14y female in Canada through Snapchat over 2 weeks – discussed sexual matters – solicited photo of exposed breasts and showering – masturbated while complainant exposed breasts on video call – threatened to release images to internet – contacted by under cover police officer posing as 14-15y female – had sexual conversation Physical health issues

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112.	**Hutchinson** (52 at sentence) [2022] VSCA 217	Access: s.474.19(1)(a)(i) *[15y]* Access child abuse material using carriage service: s.474.22(1)(a)(i) Possess child abuse material obtained using carriage service: s.474.22A(1)	PG	3y 1y 4y <u>Total</u>: 5y NPP 3y Pre discount for guilty plea: 7y NPP 5y	AD	nil	In possession of 317,003 files of child abuse material downloaded from internet over 7y Cat 1: 304,596 images / 906 videos Cat 2: 4,619 images / 410 videos Cat 3: 2,758 images / 87 videos Cat 4: 2,162 images / 676 videos Cat 5: 112 images / 24 videos Cat 6: 613 images / 12 videos Careful organisation of images electronically – objective seriousness very high Plea at first opportunity – good character – physical and mental health issues – good prospects rehabilitation – remorse – difficult childhood – family hardship On appeal: sentence not excessive in view of large number of images
113.	**Marks** (39) [2022] WASCA 106	6 x Access: s.474.19(1)(a)(i) *[15y]*	VG	<u>Total</u>: 3y 1m	AD	Unrelated offences	Over a four day period deliberately accessed child pornography websites on 6 separate occasions – repeated searches using words and phrases associated with such websites – not isolated offending – some images extreme – no downloading or storing of images – under influence of cocaine Difficult childhood – no remorse or insight
114.	**Horner** (45-48) [2023] ACTSC 23 Baker J	Access: s.474.19(1)(a)(i) *[15y]* Possess child abuse material obtained using carriage service: s.474.22A(1)	PG (25%)	12m 15m <u>Total</u>: 18m released immediately for 3y		nil	Found in possession of three child abuse videos on computer – admitted accessing 50 child abuse files for purpose of reporting to eSafety Commissioner – limited quantity - lower end of range Exceptional circumstances permitting immediate release – clear link between childhood sexual abuse, mental illness and offending – remorse and insight – strong prospects of rehabilitation – importance of continued rehabilitation – prior good character – loss of job and position in society and separated from family

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
115.	**Lazarus** [2023] NSWCCA 214	2 x Access: s.474.19(1)(a)(i) *[15y]* 4 x Cause to be transmitted: s.474.19(1)(a)(ii) *[15y]* Possess child abuse material obtained using carriage service: s.474.22A(1) 4 x Use carriage service to transmit indecent communication to child under 16: s.474.27A(1) Use carriage service to procure child under 16: s.474.26(1) Access child abuse material using carriage service: s.474.22(1)(a)(i) Sched: 2 x s.474.27A	PG (25%)	Indicative: 22m – 24m 15m – 27m 18m 15m – 22m 27m 24m Aggregate: 6y 6m NPP 3y 9m	AD		Engaged in conduct over 8 years – engaged in sexual conversations online with multiple complainants aged or believed to be aged under 16y – sent to and procured from complainant's naked photos – sought to procure sexual activity on one occasion – misrepresented himself as school teacher to one complainant – found in possession of multiple Cat 1 and Cat 2 images – extended period of predatory and persistent criminal behaviour – objective seriousness assessed as between lower end of range and slightly above mid-range Remorse, insight and reasonable prospects of rehabilitation – co-operated with authorities – onerous custodial conditions On appeal: found in error in failure to consider impact of mental health issues on deterrence – no lesser sentence warranted

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
116.	**Cooper** (66) [2024] ACTSC 235 Mossop J	Possess child abuse material obtained by carriage service: s.474.22A(1) Access child abuse material using carriage service: s.474.22(1)(a)(i) Access child abuse material using carriage service: s.474.22(1)(a)(i) Access: s.474.19(1)(a)(i) *[15y]* Make available: s.474.19(1)(a)(iii) *[15y]* Solicit child abuse material using carriage service: s.474.22(1)(a)(iv) Intentionally possess child exploitation material: s.65 (ACT) *Crimes Act* Fail to report under s.58A *Crimes (Child Sex Offenders) Act* (ACT) Breach of bond	PG (30%)	5y 7m 2y 9m 4y 11m 2y 9m 4m 2y 9m 21m 14m 18m Total: 9y 8m 2d NPP 5y 7m		Record for child pornography offences	**Mandatory Minimum Term: 4 years – s.474.22 and 474.22A offences** Found in possession of over 280,000 files continuing child abuse material – 76,007 unique – 1250 individual children – some files contain very serious sexual conduct – volume and collection of files demonstrate high degree of planning and organisation – personal use and some limited distribution – well above mid-range – accessed and downloaded material over six years – through peer to peer program provided and keys to access child abuse material and solicited videos – degree of sophistication – failed to report user names as required under reporting conditions Breached bond for previous offences – causal relationship between ASD and offending – social isolation and obsessional interests - diagnosed with paedophilic disorder – made substantial admissions to police – prospects of rehabilitation guarded

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
117.	**Cullinan-Smayle** (32) [2025] VSCA 109	Cause to be transmitted: s.474.19(1) *[15y]* Use carriage service to procure child under 16y for sexual activity: s.474.26(1) Use carriage service to procure child under 16y for sexual activity: s.474.26(1) Possess child abuse material obtained by carriage service: s.474.22A 17 x Use carriage service to transmit child abuse material: s.474.22(1) Use carriage service to cause to be transmitted child abuse material: s.474.22(1) Use carriage service to cause to be transmitted child abuse material: s.474.22(1)	PG (25%)	4y 3y 6m 4y 6y 1y 6m – 6y 2y 6m 5y 6m <u>Total</u>: 10y NPP 6y 7m	AA 4y 3y 6m 4y 6y 1y – 6y (sentences for 12 offences reduced) 2y 6m 5y 6m <u>Total</u>: 9y NPP 6y (pre discount for plea: 11y NPP 8y 3m)	nil	Offences committed with intimate partner over several years – exchanged messages with two male youths on social media soliciting photos and sexual activity – sent child abuse material to one victim – exchanged child abuse material with co-offender including videos, images and written descriptions – exchanged photos of known children and discussed perverted sexual desires with co-offender – found in possession of 3,019 images and videos – instigator of many offences Discount included harsh custodial conditions during covid On appeal: parity after successful appeal by co-offender

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