

**Indecent Assault**  
**Victim under 16 years**  
**s.61E(1), (1A) (NSW) *Crimes Act***

**s.61E(1) Indecent assault on person under 16y**

**Maximum Penalty:** 6 years  
**Commenced:** 14.7.1981  
**Amended:** 23.3.1986 (removed separate penalty for offence against child under 16y)

**s.61E(1A) Indecent assault on person under 16y and under authority**

**Maximum Penalty:** 6 years  
**Commenced:** 23.3.1986  
**Amended:** 17.3.1991

**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.

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
1.	Waskin (35) NSWCCA 12.10.1984	s.61E(1)	PG	2y GBB  No conviction  \$2,000 fine	Crown AD	No prior record	Made sexual advances towards 16y girl working in shop owned and operated by offender Out of character – lenient but not inadequate
2.	Harkin (38) (1989) 38 A Crim R 296	2 x s.61E(1)	VG	15m PD	AD	Nil	Two 11y girls sat on offender's lap to steer car – fondled breasts – subsequently made threat – asked to sleep with one of the girls Prior good character.

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	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
3.	<b>Black</b> (Late 30s) NSWCCA 5.2.1990	4 x s.61E(1)	VG	3y NPP 15m	AD		(1981-1983) 8-10y daughter of business partner – both offender and complainant's family all lived at hotel – digital penetration on four separate occasions – stopped conduct on own accord
4.	<b>Reynolds</b> NSWCCA 13.3.1990	2 x s.61E(1)	PG	MT 3y AT 1y	AA 3y GBB (6w PSC)	Nil	(1988) – touched vaginal area of de facto's daughter aged 8-9y through pyjamas, then placed hand under clothes and rubbed bare skin – breach of trust
5.	<b>G</b> (53) NSWCCA 13.2.1990	2 x s.61E(1A)	PG	5y GBB  12m PD	AD	Nil	2 assaults on stepdaughter aged 11y and 13y - touched breasts and vagina – inappropriate kissing – isolated incidents Excellent character – genuine contrition
6.	<b>Hudson</b> (38) NSWCCA 12.9.1990	s.61E(1A)	PG	MT 2y 3m AT 9m	AA MT 9m AT 9m	Dishonesty offences	(1989) – isolated offence on 9y daughter in shower while intoxicated – rubbed penis against vagina – could not recall event but accepted daughter's word Remorse – rehabilitation
7.	<b>Payne</b> (45) NSWCCA 19.9.1990	s.61E(1)  s.61E(2) Act of Indecency	PG	6m PD	AD	Nil	Made 7-8y female touch offender's penis while he touched her vagina on outside – on second occasion made complainant touch penis Trusted family friend – acute depression
8.	<b>Blade</b> NSWCCA 1.5.1991	6 x s.61E(1A) [6y]  3 x s.61E(2A) Agg act of indecency	VG	2y  4y probation	AD		(1986-1987) – assaulted partner's 9-10y daughter on three separate occasions – touched, kissed and licked vagina – took photos of complainant naked on bushwalk – persuaded complainant to kiss penis – rubbed down complainant
9.	<b>King</b> (56) NSWCCA 20.8.1991	9 x s.61E(1A)  Sched: Three additional offences	PG	2y PD  5y GBB	Crown AA FT 2y  5y GBB	Nil	(Pre-1990) – 6 male complainants aged 8-13y - through involvement in Little Athletics took young boys on trips to country and invited them home – shared bed with complainants – touched bottom – digital penetration of anus of one complainant – showed several boys pornographic video – breach of trust Aware of paedophilic tendencies – voluntary underwent chemical castration until caused ill health – good work in community
10.	<b>Young</b> (46) NSWCCA 8.10.1991	3 x s.61E(1)	PG	FT 1y 6m  4y GBB	AD	Prior record including sexual offences against males	(1989) – 12y and 13y boys visited offender to wash van – offender showed them sexually explicit pictures, fondled their genitals and exposed his penis

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11.	<b>Loulach</b> NSWCCA 14.11.1991	s.61E(1A)	PG	MT 15m AT 12m	AD		Assaulted 6y female staying overnight – rubbed vagina and touched bottom under pyjamas – breach of trust
12.	<b>Dalessandro</b> (21) NSWCCA 12.12.1991	s.61E(1)  s.61E(1)	VG	4m PD  12m PD (concurrent)	AA 4m PD  6m PD (concurrent)	nil	Assaulted 15y female employee in video shop - offences occurred two months apart - sat complainant on lap and pulled her back and forward across thighs, penis hard against bottom – on second occasions touched breast and placed complainant's hand down track pants, moving up and down penis - complainant unlikely to have suffered serious harm - similar to romantic relationship except this was employer / employee relationship making it serious enough for custodial sentence. Unlikely to re-offend -
13.	<b>JGB</b> (42) NSWCCA 3.2.1994	2 x s.61E(1A)  Sched: 4 x indecent assault	PG	MT 3y AT 12m	AD	Wound with intent to do GBH	Indecently assaulted daughter aged 4-11y – not isolated offences – touched vagina and forced complainant to touch penis – placed cream on penis and simulated intercourse rubbing penis between complainant's legs – bribed with money and chocolates
14.	<b>Blacklock</b> (63) NSWCCA 13.4.1992	s.61E(1A)	VG	6m PD	AD	Nil	(1989) – assaulted wife's sister's 9y grandchild - visited often but isolated incident - touched complainant on outside of pants. Acquitted at trial of 2 other offences - always willing to plead to conviction offence. Aboriginal male - excellent character.
15.	<b>Langley</b> NSWCCA 20.4.1993	4 x s.61E(1A)	PG	MT 2y 6m AT 10m	AD		(1987-1989) – sexually assaulted 13-14y daughter while sleeping in same bed on visits
16.	<b>Azzopardi</b> (26) NSWCCA 31.8.1993	s.61E(1)  s.61E(2)	PG	MT 9m AT 3m	AD	BES	(1988) - 13y female complainant – used misrepresentation and intimidation in offences – both offences occurred at same time and place - delay
17.	<b>Harding</b> (35) NSWCCA 16.12.1993	3 x s.61E(1A)	PG	MT 4y 6m AT 2y 6m	AD	minor	(1988-1990) representative counts of conduct on 12-14y daughter over two years – rubbed vagina with hand – forced complainant to rub penis
18.	<b>Gardner</b> NSWCCA 8.6.1994	s.61E(1)  2 x s.61E(1A)	VG	MT 3y 3m AT 9m	Conviction AA MT 2y 9m AT 9m	Sexual offence	(1986-1990) – indecent assaults on daughter of de facto Sentence adjusted after conviction for offence of s.61E(2) quashed on appeal

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19.	<b>EJL</b> (48 at sentence) NSWCCA 2.8.1994	6 x s.61E(1A) s.61E(1) s.76A s.76	PG	4y GBB 12m PD	Crown AA MT 2y AT 2y	Offences against second complainant breached bond for indecent assault on daughter	(1980-1986) – indecently assaulted daughter aged 7-13y – second complainant aged 10y – forced complainants to play with penis, rubbed himself against vaginal area and other indecent touching Suffering severe spinal problems
20.	<b>Bustos</b> (33) NSWCCA 27.6.1995	4 x s.61E(1) 2 x s.76	PG	MT 2y AT 14m  FT 18m  Total MT 3y 6m AT 14m	AD	Nil	(1980-1982) - indecent assaults over two years – representative counts - close friend of family became obsessed with complainant aged 12-14y – some indecent assaults involved conduct that constituted intercourse at time of sentencing
21.	<b>EDS</b> (60 at sentence) NSWCCA 12.12.1995	s.61E(1)	VG	18m GBB	Crown AA MT 12m AT 12m	On licence for rape of 10y girl	(1985) – friend of complainant’s parents – 7y complainant and sister stayed night – placed penis against complainant’s vagina Serious health issues
22.	<b>Johnson</b> (51 at first offence) <a href="#">[2000] NSWCCA 474</a>	3 x s.61E(1)	VG	MT 15m AT 12m	Conviction AD	nil	(1988–1993) - assaulted 10y niece – touched vagina while watching pornographic video twice – stroked vagina over bedclothes
23.	<b>Lynn</b> (51 at sentence) <a href="#">[2004] NSWCCA 222</a>	3 x s.61E(1A) Sched: 5 x s.61E(1A)	PG (10%)	6y NPP 4y	AA 5y 5m NPP 3y 7m	nil	(1987-1990) - Rubbed himself against 9y daughter of de facto during games to point of ejaculation – no penetration, violence or coercion – not isolated offences
24.	<b>Silcock</b> (67) <a href="#">[2004] NSWCCA 442</a>	5 x s.61E(1)	PG	2y suspended	Crown AD	Considerable record for similar offences	(1981-1985) assault of 10-14y boy - no anal penetration – breach of trust - sharing a room with complainant – previously sentenced to recognizance and no Crown appeal Very poor health, including partial amputation of penis – risk of re-offending thereby reduced – use of catheter and risk of infection - extraordinary circs
25.	<b>A.J.B.</b> (32-35 at offences) (2007) 169 A Crim R 32 <a href="#">[2007] NSWCCA 51</a>	5 x s.76 / s.61E(1) Sched: 4 similar offences	PG (25%)	4y NPP 3y	AA 3y NPP 18m	Nil	(1979-1982) – indecently assaulted step daughter aged 6- 10y over three years – rubbed penis against vagina simulating intercourse – touched vagina under pyjamas – sought treatment shortly after first complaint and no further offending - lengthy delay between first complaint and arrest Wife seriously ill

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26.	<b>Wilson</b> (45-46 / 77) <a href="#">[2017] NSWCCA 41</a>	s.61E(1)  Sched: s.61E(1)	PG (10%)	3y 7m NPP 2y 1m	AA 3y NPP 18m 2d	Record reflects similar offending prior to commission to these offences	(1982-1983) – abused friend of daughter – course of conduct – rubbed exposed penis against vagina in simulated intercourse when complainant aged 7-8y – scheduled offence committed when complainant aged 10-11y Poor health – worsened since started serving sentence Error in ratio of non-parole period to total sentence
27.	<b>Obbens</b> (76) <a href="#">[2022] NSWCCA 109</a>	s.61E(1)  Sched: 1 offence	PG (10%)	18m Community Corrections Order	Crown AD	Indecent assaults	(1989) – male complainant 12-13yrs – Christian Brothers dormitory master at Catholic school - stroked complainant's testicles and penis when complainant came to him with sore testicles. Psychiatric evidence, including “diagnosis of homosexual paedophilia” – remorse – insight – delay- age. CCA: sentence not manifestly inadequate in circumstances - Reason for lenient disposition was that respondent had already served 3y aggregate sentence of imprisonment imposed in 2016 for three counts alleging similar offences committed between 1987 and 1989.

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