

DIRECTOR OF PUBLIC PROSECUTIONS

v

VINCENT HENRY REYNOLDS

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JUDGE: HER HONOUR JUDGE CANNON  
WHERE HELD: Melbourne  
DATE OF HEARING: 27 and 28 May 2019  
DATE OF SENTENCE: 27 June 2019  
CASE MAY BE CITED AS: DPP and Reynolds  
MEDIUM NEUTRAL CITATION: [2019] VCC 922

**REASONS FOR SENTENCE**

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Subject: CRIMINAL LAW  
Catchwords: Sentence – pleas of guilty – indecent assault – 42 charges – multiple representative or course of conduct charges - historical sexual offending – 38 child Complainants – ages of Complainants between 5 and 12 years - period of offending about 31 years – abuse of power and authority over Complainants – gross breach of trust aggravating feature of offending – brazen and prolonged offending - on notice at an early stage to cease offending – systemic failures in duty of care – accused now of advanced age – diagnosis of Paedophilia Disorder – accused suffers from Persistent Depressive Disorder – accused not suffering from any mental impairment at time of offending  
Legislation Cited: *Sentencing Act 1991; Sex Offender Registration Act 2004*  
Cases Cited: *R v Verdins; R v Buckley; R v Vo* 16 VR 269  
Sentence: Convicted and sentenced to total effective sentence of 12 years' imprisonment with a non-parole period of 9 years' imprisonment – Pre-sentence detention 31 days declared as having already been served – Serious Sexual Offender declaration – s6AAA *Sentencing Act 1991* declaration – ancillary order Sex Offenders Registration for life

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<u>APPEARANCES:</u>	<u>Counsel</u>	<u>Solicitors</u>
For the DPP	Mr T Gyorffy QC	Solicitor for Public Prosecutions
For the Accused	Ms A Burnnard	Wilson's Legal

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HER HONOUR:

**PREAMBLE**

Before I commence my sentencing remarks, I want to indicate that I have anonymised the identities of the Complainants in these remarks, and I have also anonymised the names of the various schools at which the accused taught over the years. These measures have been taken in order to protect the identities of the victims, so as to give them some privacy, and also the law requires that I do not publish the names of any victims of sexual assault. In taking these steps, I make it very clear to the Complainants that I mean no disrespect, and I apologise if these measures cause any upset to any the Complainants.

1 VINCENT HENRY REYNOLDS, you have pleaded guilty to one charge of indecent assault on a male person under 16, which has a maximum penalty of 10 years' imprisonment, and applies to charge 1 only; 27 charges of indecent assault on a male person under 16 and 14 charges of indecent assault. The last two-mentioned offences each have a maximum penalty of 5 years' imprisonment.

2 The maximum penalties reflect the seriousness with which Parliament regarded these offences, as at the time that they were committed. In sentencing you, I must take the maximum penalties into account.

3 By way of background, I was told by the prosecution that you were born in January 1941, and you are now 78 years old.

4 In 1958 and 1959, you studied at the Ballarat Teachers College in Victoria. Over the years that you offended, you were a teacher in various primary schools throughout Victoria.

5 You began teaching at Primary School A, when you were 19 years old.

6 After one term, you moved to Primary School B. From 1961 to 1967 you taught at a technical school in Victoria. At about this time, you married and that relationship continues today.

7 You and your wife have three children.

8 In 1968, you and your wife moved to New Zealand for 12 months, and you taught at a school there. In 1969, you commenced teaching at Primary School C, where you remained until the end of 1971. You then moved to Primary School D.

9 You then moved overseas for a time, where you taught at an army-services school for 2 years.

10 In 1975, you began teaching at Primary School E. You took a leave of absence to pursue further study. In 1979 you taught two days a week at Primary School F, and you were eventually re-appointed to Primary School E.

11 In 1980, the parent of one of the students at Primary School E laid a complaint against you. You voluntarily sought psychiatric treatment and were off work for 6 or 7 months. You were also seen by a psychiatrist on behalf of the Education Department. Extraordinarily, in 1981 you returned to teaching, this time at yet another school – Primary School G.

12 You told police:

“I had been on ... sick leave. And before I could go back to work, I had to see the Assistant Director of Education ... before I saw him, I had to see a psychiatrist ... after him I had to go and see the Assistant Director of education who said that he had to send me back to school because no charges had been laid against me...”

13 On leaving the meeting with the assistant director, you ran into the Department’s psychiatrist who had assessed you. When he was told the outcome of the meeting he said:

“It is absolutely bloody stupid sending you back to the classroom because you’ll just keep on doing it.”

14 Sadly, he was correct. Not only did you continue to teach and to abuse children, but, as the chronology bears out, you ultimately received a promotion as you were made vice principal of a particular school.

15 In 1982, you were transferred to Primary School H.

- 16 From 1983 to 1985, you taught at Primary School I.
- 17 In 1986 and 1987, you taught at Primary School J.
- 18 In 1988 you were transferred to Primary School K, where you were made vice principal and that was your last placement.
- 19 In June 1988, the father of one of the Complainants, who was a student at Primary School K, reported you to other teachers, alleging an indecent assault on his son. There was an Education Department investigation, and no action appeared to have been taken against you. You continued at the school until August 1992.
- 20 In August 1992, further allegations of indecent assault were made by pupils against you. These were investigated by the principal.
- 21 A Teacher Discipline File was commenced. At long last, police were involved and brought charges against you.
- 22 On 30 November 1992 you pleaded guilty to fourteen charges of indecent assault relating to fourteen boys at five schools that you taught at from 1968 to 1992. The police case was mainly based on admissions made by you. Your offending against those fourteen boys was dealt with by way of a fine, where you were required to pay a total of \$16,000.
- 23 You took sick leave in August 1992 when the allegations came to light. Thankfully, you never returned to the school. Your formal resignation became effective from 16 March 1993.
- 24 The charges in the matters before me were filed at Wodonga Magistrates' Court on 27 September 2017. They followed from an investigation into further allegations made by Complainants during 2012 and 2017, although I understand that some of the Complainants were also the subject of the 1992 proceedings in relation to other offending against them and based on your

admissions at that time.

25 In 2013, police commenced tracking down all students they could find to check whether they had been assaulted by you. The charges now before me arise out of that investigation. There are a number of representative charges on the Indictment – in respect of each of these, the prosecution rely on the first occasion of indecent assault for the purposes of sentencing. I will refer to this aspect, of the representative charges, later.

### **The offending**

26 The factual basis for the charges on the Indictment is set out in more detail in the Summary of Prosecution Opening which is an exhibit in this matter, and is the basis on which I sentence you. However, I have abbreviated the Summary to some extent in these sentencing reasons.

#### **Charge 1**

27 The basis of Charge 1 is as follows: **Complainant 1** was a student at Primary School A, from Prep to Grade 6. In early 1960, you were his teacher.

28 Between 1 January and 14 February 1960, a single incident occurred when Complainant 1 went to your desk to have his work corrected. You fondled his penis over his clothing.

29 The Complainant told his father about what had occurred and he sent a letter to the teacher, who, I understand was you. The Complainant was kept home from school for a few days and no other incidents occurred to him on his return.

#### **Charge 2**

30 **Complainant 2** was a student at Primary School C from Prep to Grade 6. In Grade 4 or 5 you were his teacher.

31 Between 1 January 1969, when Complainant 2 would have been 8 years old and 31 December 1971, when he would have been 11, you indecently assaulted him on a number of occasions which have been charged as a course of conduct.

32 On three occasions, this victim was sitting at his desk when you came and sat  
down next to him. You placed your hand inside his shorts and were touching  
his genitals over his underwear.

33 After a while you started to call him out the front and took him to a nearby store  
room, saying you needed help or needed to talk to the Complainant about his  
work. On about two occasions in the storeroom you rubbed his genitals over his  
clothes and in his shorts over his underwear.

34 Finally, there was one incident that occurred in the toilet block at school. On this  
occasion Complainant 2 was told to take his pants down. You then rubbed the  
Complainant's genitals.

35 The first person the Complainant told about these incidents was his mother  
when he was about 18 years old, but she did not believe him.

### **Charge 3**

36 **Complainant 3** was also a student at Primary School C – he attended there for  
three years from 1969 to 1971. He was in Grades 3 to 6 during that time.

37 This charge is a representative charge covering three incidents between 1  
January 1969 and 31 December 1971.

38 The particular occasion for which I sentence you is as follows: On an occasion  
in 1969, when he was 8 or 9, Complainant 3 was called to the back of the class  
by you to correct his homework. The desks of the other students faced towards  
the front of the room. You were sitting at your desk at the back of the classroom,  
and Complainant 3 stood next to it. You put your arm around this Complainant  
and pulled him closer to you. You began fondling his penis over his clothes.  
You were fondling your own penis over your clothing with your other hand. After  
a while, you sent the Complainant back to his seat. This is representative of two  
other occasions, which were detailed in the prosecution opening:

39 You touched the Complainant in a similar way on two other occasions.

40 The Complainant did not tell anyone what was occurring and he did not think  
you were doing similar things to anyone else. The first person the Complainant  
told of the incidents was when he contacted Operation Paradox in 1991 – 1992.

#### **Charge 4**

41 **Complainant 4** was also a student at Primary School C from 1964 to 1971. You  
were his teacher in Grades 4 and 5. Complainant 4 was about 9 or 10 during  
this period.

42 Some time during Grade 4, Complainant 4 went to your desk to have his work  
marked. Your desk was at the back of the classroom and as this Complainant  
stood next to it, you put your arm around his waist and pulled him closer. You  
then fondled his penis over his clothing while you corrected his work. You  
stopped the Complainant from pulling away from you.

43 This charge is representative of another occasion which occurred a few weeks  
later when you engaged in similar behaviour.

44 These incidents occurred between 1 January 1969 and 31 December 1971.

45 The first person that Complainant 4 told about the incidents was years later, to  
his, then wife.

#### **Charge 5**

46 **Complainant 5** started at Primary School C in Grade Prep when he was 4 years  
old.

47 You were the principal at the school. Complainant 5 had Attention Deficit  
Hyperactivity Disorder (ADHD) which caused behavioural issues that resulted  
in him being excluded from his class. From time to time he had to go to your  
office to be disciplined.

48 This charge is a representative charge involving numerous incidents between  
1 January 1970 and 31 December 1971. For the purposes of sentencing, I  
propose to sentence you in respect of the first of these occasions.

49 The incidents involved this Complainant standing next to your desk. You put  
your hand into his pants, under his underwear and touched his penis and  
testicles. To Complainant 5, the touching seemed to go on for a long time.

50 He told his parents but they did not believe him and took no action.

**Charge 6**

51 **Complainant 6** was a student of Primary School E in Grades 3 to 6 from 1974  
to 1976.

52 You were his teacher in Grades 3 and 4.

53 On one occasion, when this Complainant was in Grade 4, and therefore about  
9 years old, you were sitting at your desk and you called him to come over. You  
made the Complainant lean against the desk and then you touched his penis  
over his clothing.

**Charge 7**

54 **Complainant 7** was also a student of Primary School E, attending there  
between 1972 and 1978. You were his Grade 6 teacher.

55 I sentence you in respect of the first time that you acted inappropriately towards  
Complainant 7, when he was in Grade 6. He was 11 years old. You called him  
to your desk to have some work corrected. You put your left arm around this  
Complainant's waist and pulled him closer. Your left hand then went into his  
shorts, under his underpants and you touched his penis.

56 This is a representative charge covering multiple similar incidents which  
occurred in 1978.

57 The Complainant never told anyone about what had occurred until he met his  
wife, but he did not go into any detail with her.

**Charge 8**

58 **Complainant 8** was also a student at Primary School E from his last week in  
Grade 5 through to the end of Grade 6, and you were his main teacher.



59 On one occasion between 1 January 1976 and 31 December 1976, he was  
standing at your desk when you were sitting at it. You then touched this  
Complainant's penis through his clothes.

60 He believes he told his mother as to what had occurred and he had previously  
told a friend.

### **Charge 9**

61 **Complainant 9** was also was a student at Primary School E, from 1971 to 1977.

62 In 1976, you were this Complainant's Grade 5 teacher, which is when the first  
incident occurred.

63 As with all of the other representative charges, I understand that the sample  
occasion of offending for the purposes of sentencing is the first one.  
Complainant 9 was sitting at a desk doing some maths, when you came up and  
sat next to him. You took his hand and put it onto your lap. You placed the  
Complainant's hand on your erect penis, over your clothing, as you checked the  
Complainant's work. After some time, you stopped and moved on.

64 This charge is representative of five other occasions, which occurred from 1  
January 1976 to 31 December 1977.

65 You engaged in similar conduct on the five other occasions – on the second  
occasion of offending which occurred a week after the first, the Complainant  
tried to pull his hand away, but you put it back on to your penis.

66 After the third sexual assault on this victim, which involved you making him  
masturbate you on the outside of your clothes, you told the Complainant that  
no one would believe him if he told anyone-so this was your mindset as at  
1976/1977.

67 You made the Complainant touch your penis again a couple of weeks later after  
school, and on two occasions after that.

68 The last time that you made the Complainant touch your penis was when he was in Grade 6 in 1977. You sat next to the Complainant in the classroom, grabbed his hand and put it on his penis over his clothing. The Complainant pushed you away and walked out of the classroom.

69 The first time the Complainant told anyone about what had occurred was when he was making his statement to police in the current investigations. He was unaware that you had been charged in relation to him in 1992.

### **Charge 10**

70 **Complainant 10** is the brother of two other Complainants in this matter - Complainants 7 and 11. Complainant 10 attended Primary School E between 1976 and 1981. On an occasion between 1 January 1976 and 31 December 1978, he was sexually assaulted by you. Therefore, he was about 6 to 8 years old at the time. You sat very close to him at a table. You grabbed the Complainant's hand under the table and placed it on your penis and you made the Complainant rub you up and down. The Complainant could feel that your penis was erect.

71 As you did this, you put your hand on the Complainant's crotch and started rubbing his penis through his pants.

72 Complainant 10 did not tell anyone at the time.

### **Charge 11**

73 **Complainant 11** was also a student at Primary School E, from Prep to Grade 6, from 1973 to 1978.

74 In 1977 he was in a composite Grade 5 and 6 class. He was in Grade 5 and you were his teacher.

75 The first time you touched him was in the first term of 1977. He was called up to your desk, and while standing next to it you put your arm around this Complainant and drew him closer. You then fondled his penis over his clothing, rubbing up and down the front of his shorts.

76 This charge is representative of two further occasions between 1 January 1977  
and 31 December 1977.

77 You sexually assaulted this Complainant in a similar way on these further  
occasions. On the second occasion that you did this, the Complainant pulled  
away when you placed your hand slightly into the waistband of his shorts, but  
you pulled him close and rubbed his penis over the front of his shorts.

78 Complainant 11 never told anyone about what was occurring and he believed  
he was the only one such things were happening to.

### **Charge 12**

79 **Complainant 12** was also a student at Primary School E, from mid-1976 to the  
end of 1977. He was in Grade 5 and 6 during that time.

80 In 1977 he was in Grade 6 and you were one of his teachers.

81 On one occasion, when this Complainant was in Grade 6, he was standing next  
to your desk, having his work corrected. You put your arm around him and  
pulled him closer. You then put your hand into the Complainant's underpants  
and touched his penis, as you corrected his work.

82 This incident occurred between 1 January 1977 and 31 December 1977.

83 He did not tell his mother about this because of her reaction to his brother,  
Complainant 13, when he complained to her about what you were doing to him.

### **Charge 13**

84 **Complainant 13** was a student at Primary School E from 1975 through to 1978.  
At one stage, you were his teacher.

85 He was in Grade 5 or 6 when you first sexually assaulted him. Complainant 13  
was sitting at his desk and you came up to the desk and knelt down beside it.  
You spoke to the Complainant about his school work and then reached into the  
Complainant's pants and touched his penis over his underpants.

86 Charge 13 is a representative charge covering four occasions between 1  
January 1977 and 31 December 1978 – the other occasions involved fairly  
similar conduct to the first occasion, however, in relation to the third and fourth  
occasions, you sat the Complainant on your lap before fondling his penis over  
his underwear.

87 This Complainant told his mother about these events around the time that they  
happened. His mother told him not to tell lies because he could get someone in  
trouble.

#### **Charge 14**

88 **Complainant 14** attended Primary School E in Grades 5 and 6 in 1978 and  
1979.

89 He was in a combined Grade 5 and 6 class, and you were his teacher in both  
years.

90 The first incident occurred when Complainant 14 was invited by you to kneel  
down next to you during a reading class. As you were reading to the class, you  
placed your hand inside his underpants and fondled his penis and testicles.

91 This charge is representative of another occasion between 1 January 1978 and  
31 December 1978 when you behaved in a very similar fashion toward this  
Complainant during reading class.

92 The first person that Complainant 14 told of these incidents was a police officer  
during the current investigation.

#### **Charges 15, 16 and 17**

93 All of these charges concern **Complainant 15.** Complainant 15 attended  
Primary School E in 1978 when the incidents giving rise to Charges 15, 16 and  
17 occurred.

94 The first incident that occurred was that you touched Complainant 15's penis

under his clothing on an occasion when the Complainant had to change his pants in a toilet cubicle, which is the basis for Charge 15. This charge is representative of a second occasion between 1 January and 31 December 1978, when you and the Complainant were again in a toilet cubicle, when you touched the Complainant's exposed penis.

95 On the same occasion as the first sexual assault which is referred to in Charge 15, you took the Complainant's hand and placed it on your exposed penis, telling him to shake it. This gives rise to Charge 16, and is representative of similar offending which occurred on the second occasion that is referred to in respect of Charge 15.

96 On one occasion, you touched Complainant 15 on the anal area under his clothing, giving rise to Charge 17.

### **Charge 18**

97 **Complainant 16** was born in an overseas country, and his family moved to Australia late in 1977. He started at Primary School E in 1978.

98 He was in a composite Grade 5 and 6, and you were his teacher.

99 On the first occasion that you molested the Complainant, he was sitting at his desk when you came over to help him with his school work. You knelt down next to his desk and put one arm under it and then up the Complainant's shorts, touching his penis over his underpants. Charge 18 is representative of another occasion which occurred between 1 January 1978 and December 1978, when you engaged in similar offending when the Complainant was in your office.

100 The first person the Complainant told about these incidents was his wife, in 1991.

### **Charge 19**

101 **Complainant 17** was a student at Primary School E from Prep to Grade 6 from about 1972 to 1979.

102 You were this Complainant's teacher when he was in a composite class for  
Grades 5 and 6 class. He was 10 to 11 years old at the time.

103 On the first occasion that you offended against this Complainant, he was sitting  
at a table while you sat next to him on the floor. You started touching his leg  
and then put your hand into his shorts and touched his penis over his  
underwear.

104 This charge is representative of two other occasions of similar offending from 1  
January 1978 to 31 December 1979, although on each of these occasions the  
Complainant tried to resist your assaults upon him. On one such occasion, the  
Complainant tried to stand up but was held by you and on another occasion,  
the Complainant remonstrated with you and moved away.

105 The Complainant made a complaint of sorts to his father at around the time of  
the incidents.

**Charges 20 and 21:**

106 **Complainant 18** went to Primary School E between 1978 and 1980.

107 In 1979, he was in Grade 5 in a composite Grade 5 and 6 class. In 1980 he was  
in Grade 6. You were his teacher in both years.

108 On the first occasion that you indecently assaulted this Complainant, he was in  
Grade 5 and was working at his desk. You knelt down beside the desk and  
rubbed his penis over his clothing, which is the basis for Charge 20.

109 This charge is representative of two other occasions of indecently touching the  
Complainant between 1 January 1979 and 31 December 1979: the first, when  
you sat next to the Complainant, put your hand on his thigh and then into his  
shorts and underwear, wrapping your hand around his penis and rubbing it, and  
on a different occasion when you called the Complainant to your desk. You  
pulled the Complainant close and placed your hand up his shorts leg into his  
underwear, putting your hand on the Complainant's penis and masturbating him

as you pretended to correct his work.

110 The basis for Charge 21 is that on another occasion, while Complainant 18 was in Grade 5, you sat next to him on a chair. You took his hand and placed it on your penis over your clothes. The Complainant left his hand there, rather than comply with your request to masturbate you. You eventually walked away from the Complainant.

111 This charge is representative of another occasion when, later on the same day as the conduct to which I have just referred, you knelt next to the Complainant at his desk, grabbed his hand, and placed it on your penis over your clothing. You told the Complainant to rub it, but he just left his hand there and you walked away after a short time.

### **Charge 22**

112 **Complainant 19** was in Grade 4 at Primary School F in 1979. You were a maths teacher at this school at that time.

113 This Complainant was sitting at his desk at the back of the classroom doing his work when you knelt down beside him, took his right hand and started squeezing it. While you were doing this, you used your other hand to slip down the back of Complainant 19's pants and inside his underpants. You then touched his anal area.

114 Charge 22 is representative of another occasion in 1979 which involved very similar offending.

### **Charge 23**

115 **Complainant 20** attended Primary School F in 1979 and 1980.

116 He had you as a remedial reading teacher.

117 On one occasion in 1979, when he was 7 or 8 years old, you were sitting on a chair, and this Complainant was standing next to you, reading, when you put your hand down his pants and touched his penis. You asked Complainant 20 if

he wanted to do the same thing to you, but he did not.

118 The Complainant did not tell anyone about this incident until he was contacted by the police.

#### **Charge 24**

119 This is a course of conduct charge between 1 January and 31 December 1979. **Complainant 21** was a student at Primary School F in 1979 and 1980. He was 8 and or 9 during the period of your offending against him.

120 In Grade 3, he was placed in a remedial class which was taught by you. The class was conducted in a small room, separate to the classroom, and the students and you would sit in a circle on the floor.

121 The first incident occurred not long after the Complainant had commenced at the school. A small group of students, including the Complainant, went to the reading class and sat on the floor. You were seated next to Complainant 21 on the floor when you reached over and put your hand down the front of his pants, inside his underpants, and played with his penis and testicles.

122 The Complainant believes this happened on about twelve occasions and always involved you placing your hand down the front of his shorts and under his underwear. You would grab his penis and rub it.

123 The Complainant never told anyone about what you had done until he disclosed this to his mother in 2001, and to his wife in 2003.

#### **Charge 25**

124 **Complainant 22** was a student at Primary School E in Grades 4 to 6, from 1978 to 1980.

125 You were his teacher in Grades 5 and 6.

126 On one occasion between 1 January 1980 and 31 December 1980, this Complainant was sitting on the floor alone with you at school when you pulled his pants and jocks down, put your hand through the Complainant's legs from



the front and touched his anal area.

### **Charges 26 and 27**

127 **Complainant 23** was a student at Primary School E from 1977 to the end of 1983.

128 On one occasion in 1980, this Complainant was working at his desk at the back of the class room when you sat on a chair next to him. You put your hand on his leg and rubbed it up and down. You then moved your hand up the Complainant's leg and rested it on his penis, over his clothes, for a while. The Complainant said that you did not act any differently as you were doing this. This conduct gives rise to Charge 26.

129 In relation to Charge 27, a few weeks after the previous incident, Complainant 23 was seated at a table on a chair, when you came over and sat next to him. You took his hand and put it on your penis over your clothes, giving rise to Charge 27.

130 This is a representative charge covering a further occasion when you offended in a similar manner.

131 These incidents occurred during 1980, so the Complainant would have been 8 or 9 years old.

132 The Complainant did not tell anyone what had occurred until he told his wife in 2002.

### **Charge 28**

133 **Complainant 24** was a student at Primary School E in Grades 4 to 6. He was in a composite Grade 5 and 6 class and you were his teacher.

134 On an occasion when this Complainant was in the library, you sat down next to him and pretended to mark his school work. You put your hand into the victim's pants, under his underwear, and touched his penis. This happened on many occasions - sometimes in the library and sometimes in the classroom. You

would sit next to this Complainant and put your hand into his pants and underwear and touch his penis.

135 This is a course of conduct charge occurring during 1980, when the Complainant was 8 or 9.

136 You told the Complainant not to tell anyone and that it was the Complainant's and your secret, but the Complainant told the school Principal about what you had done. The Principal did not believe him.

### **Charge 29**

137 **Complainant 25** was a student at Primary School H from 1979 until 1985.

138 In 1982, when he was in Grade 3, you were his teacher. He was 8, then 9 years old in this year.

139 On an occasion during this year, while this Complainant was sitting at his desk, you knelt down beside him and pretended to correct his homework. You then placed your hand up the Complainant's shorts leg and under his underwear and rubbed his penis. You walked away when someone entered the classroom.

140 This is representative of four other occasions which occurred during 1982. These occasions were detailed in the prosecution opening and involved similar offending on your part, albeit in varying circumstances, including you indecently assaulting this Complainant whilst the class was watching a film, and on an occasion when the Complainant had fallen in a puddle and needed to change his pants.

141 The Complainant did not tell anyone as to what had occurred before being contacted by police in 2016 and was not aware that you had been charged in respect of him in 1992, in respect of other offending, as I understand it.

### **Charge 30**

142 **Complainant 26** was a student at Primary School H from 1979 to 1985.

143 In 1982 he was in Grade 3 and you were his teacher. On my calculation, he was 7, then 8 years old.

144 On a particular occasion in 1982, you came up behind this Complainant and started rubbing his back. You pushed your hand into the Complainant's pants and underpants and touched his anal area.

145 This is a course of conduct charge in relation to incidents which occurred between 1 January and 31 December 1982, and covers multiple occasions on which such conduct occurred. The Complainant said that you always acted as if nothing had happened.

146 The Complainant saw some media in relation to you in 1993 and disclosed what had occurred to him to a psychologist and then, later, to his wife.

147 In 1992, you pleaded guilty to a charge of indecent assault on this Complainant and you were fined in relation to five episodes of touching his penis over his clothes.

148 Complainant 26 was not aware that you had been charged and police had not taken a statement from him at that time.

149 This charge, Charge 30, relates to incidents that were not charged in 1992.

### **Charge 31**

150 **Complainant 27** was taught by you in 1983 at Primary School I.

151 On one occasion during this year, when this victim would have been 10 or 11, he was sitting to the right of you, when you brushed your open hand across his genital area, touching his penis over his clothes.

152 When he was in secondary school, the Complainant told his mother that you had touched him inappropriately. Also, while in secondary school, the Complainant told a female teacher who had been the other Grade 6 teacher in primary school when he was there, as to what had occurred.

### **Charge 32**

153 **Complainant 28** was a student at Primary School I from 1978 to 1984.

154 On an occasion shortly after school started in 1983, this Complainant was called up to your desk to have his school work corrected. When he arrived at your desk he was asked to stand next to you, and he did so. You placed an arm around his waist and drew him up close to you. You then dropped your hand down to the Complainant's groin area and started touching his penis over his clothes before this Complainant returned to his desk.

155 On the last occasion, after you had indecently assaulted the Complainant over his shorts, he smacked your hand away.

### **Charge 33**

156 **Complainant 29** was a student at Primary School I from late 1980 until the start of 1985.

157 You were a substitute teacher for Grade 4 and you still taught there in early 1985.

158 On an occasion in 1983, when this Complainant went up to your desk to have work corrected, you put your arm around his waist and pulled him closer to you. You then put your hand on the front of his clothing and over his penis, touching him over his clothing. You acted as though nothing had happened. On my reckoning, Complainant 29 was 10 or 11 when you committed the first indecent assault and was 12 when you committed the last of these.

159 This is a course of conduct charge covering the period from 1 January 1983 to 1 April 1985. Such acts occurred numerous times but the Complainant was unable to recall how many.

160 The Complainant never told anyone about what you had done, as he didn't think anyone would believe him. The first person he told was a cousin of his in 1992, when he saw media in respect of you.

### **Charge 34**

161 **Complainant 30** was in your class at Primary School J.

162 On one occasion during 1986, when he was 6 or 7, he was misbehaving in class and was called to go to your desk. You asked him to sit on your knee, but he would not.

163 You then reached out and picked him up and sat him on your lap. You then placed your hand onto the Complainant's penis over his clothes.

164 The following day, the Complainant told his mother that he did not want to go to school and about what you had done to him. She told him that he should not lie about such things and sent him to school.

### **Charge 35**

165 **Complainant 31** was a student of Primary School J from 1985 to 1987. He was in a composite Grade 5 and 6 class, with you as his maths teacher, in 1986 and 1987.

166 On one occasion during that two year period, when the Complainant would have been between 10 and 12 years old, while in the classroom, you grabbed his penis over his clothes.

167 The Complainant told some friends what had occurred, and also complained to the school principal and his mother, who told him not to be ridiculous.

### **Charge 36**

168 **Complainant 32** was a student at Primary School J from Grades 1 to 6.

169 He was in a combined Grade 5 and 6 class in 1986 and 1987.

170 You were his maths and music teacher during this period.

171 His first memory of an incident was when he was in Grade 5. You called him over to your desk to mark his school work. You put your arm around the Complainant and pulled him closer. You then put your hand on the Complainant's penis over his clothes.

172 This is a course of conduct charge involving several incidents which occurred during 1986 and 1987, which the Complainant was unable to particularise.

**Charge 37**

173 **Complainant 33** was a student at Primary School J from 1985 to 1987, and you were his teacher.

174 The first time that he was indecently assaulted by you occurred in a reading class. You were sitting on a chair at the front of the class, reading to the children. You asked this Complainant to come and sit on your lap, and he did so. You held the book out in front of you and put an arm around his waist, as the other children sat on the floor. While reading, you placed your left hand on the Complainant's groin and touched his penis over his clothing.

175 This is a representative charge covering two further occasions of similar offending which occurred between 1 January 1986 and 31 December 1987.

176 This Complainant did not tell anyone about what you had done to him.

**Charge 38**

177 **Complainant 34** was a student at Primary School J from 1980 to 1987. In 1987, you were his teacher. He was 12, then 13 during this year.

178 From early 1987 you touched the Complainant's penis over his clothing when correcting his homework at your desk.

179 This is a course of conduct charge involving several incidents during 1987.

180 Complainant 34 did not tell anyone until he made his police statement.

**Charge 39**

181 **Complainant 35** was a student at Primary School K from 1985 to 1992 and you were his library teacher.

182 On one occasion during 1988, while in the library, you called the Complainant over to your desk to check his school work. He would have been 7 or 8 at the time. Other students had left or were leaving, as it was the end of the day.

Complainant 35 went to your desk and put his work on it. The Complainant initially sat on your lap, but then stood next to you. You reached out and put your hand inside his pants and underwear, and touched his anal area. The Complainant quickly left the room.

183 Weeks or months later, this Complainant told his brother that you had touched him and his parents contacted the school.

#### **Charge 40**

184 In 1988, **Complainant 36** was in prep at Primary School K.

185 You were her library teacher. She was 5 years old for the entire school year.

186 On one occasion during this year, while Complainant 36 was sitting on your knee in a reading class, you put your hand under the Complainant's dress, but over her underwear, and you touched her vaginal area.

187 The Complainant's mother did not believe her when she told her what had occurred.

188 Despite this matter being reported to police in 1992, they did not prosecute you.

#### **Charge 41**

189 **Complainant 37** was a student at Primary School K between 1983 and 1989.

190 You were his library teacher.

191 At the start of 1988, this Complainant was working on a school project. He went to the library and sought your help. The Complainant was photocopying material when you rested your hand on his shoulder. You then moved your hand down and placed it between the Complainant's legs, touching his penis and testicles over his clothing.

192 This is a representative charge, covering three further occasions of similar offending during 1988 and 1989.

193 On one of these occasions, the Complainant was alone with you in the library

when he sat on your lap at your request. You touched the Complainant's penis and testicles for a time, stopping when someone entered the library.

#### **Charge 42**

194 **Complainant 38** was a student at Primary School K between 1988 and 1992.

195 On a number of occasions between 1 January 1988 and 31 December 1991, this Complainant was indecently assaulted by you.

196 You were her library teacher.

197 The first time you did this, the Complainant was in Prep, and was 5 or 6 years old. You sat down next to this Complainant, and talked to her about the book she was reading. You then put your hand under her dress and slid it inside her underwear. You touched her vaginal area before walking away. Sometimes the touching occurred over the Complainant's underwear.

198 This is a representative charge covering a number of occasions between 1 January 1988 and 31 December 1991.

199 In 1992, Complainant 38 made a statement to police, however they did not prosecute you in respect of this.

200 Mr Gyorrffy QC, who prosecuted for the Crown, told me that this complaint was dismissed by police as they were of the view that you only offended against boys.

201 I note that Complainant 36's matter was also reported to police in 1992, and that you admitted to sexually assaulting Complainant 1, but again police did not prosecute you in respect of your offending against these other Complainants at that time.

#### **Record of Interview**

202 The prosecution relied on the following questions and answers from the Record of Interview with you on 15 May 2015 – You said:



- Q. 44 When being interviewed in 1990, you admitted to doing something to a boy at Primary School A in 1960, but the police didn't want to know about it because, in their view, it was too long ago;
- Q. 74 You offended against the one boy there;
- Q. 80 You fondled his genitals outside of his trousers and thought that this happened at the boy's desk during school hours;
- Q. 92 You said that you didn't remember any reaction from the boy;
- Q. 93 The father of that boy wrote to you and threatened you that he would get in touch with the district inspector if it continued to happen;
- Q. 98 You stated that you were assaulted by a number of people when you were a child – (Q. 100) – By two teachers and a number of other people;
- Q. 105 You were not making excuses for yourself;
- Q. 112 You said that you'd have to say that you find young children and adolescents sexually attractive;
- Q. 270 You said that you did not want to talk about what happened when you were at Primary School C until you received legal advice;
- Q. 310 You sexually assaulted probably four boys there;
- Q. 344 It happened quite a lot at Primary School E;
- Q. 351 Just playing inside or outside their pants;
- Q.352 Males only;
- Q. 353 There were never any females;
- Q. 401 It happened with a couple of males at Primary School F;

- Q. 412 Similar things happened when you returned to Primary School E;
- Q. 441 Nothing happened at Primary School I;
- Q. 444 You felt inadequate with the job you were doing and under stress when it got out of control;
- Q. 450 You thought it occurred with two students at Primary School J;
- Q. 474 You remembered touching Complainant 33 outside his clothing in the classroom;
- Q. 497 You didn't know it had happened the number of times that the Complainant said that it had;
- Q. 556 Many things wouldn't have occurred if the Education Department had done something about you;
- Q. 583 You have sought counselling and been on medication;
- Q. 610 It was your fault if you did anything further (after the Department was notified);
- Q. 612 You supposed that you were pleased to go back to work (after your leave of absence) and there wasn't going to be a fuss made. It was all swept under the carpet; and
- Q. 665 You said that you offended against about 30 students between 1960 and 1992.

203 Mr Reynolds, your offending is gravely serious and must be met with a punishment which is just in all of the circumstances. Nothing short of strong punishment is appropriate in your case, and your conduct must be strongly denounced. In assessing the seriousness of your conduct, I have had regard to the fact that your offending endured over a period of about 31 years, and involved 38 Complainants, all of whom were primary school students, who were

supposed to be in your care. The ages of the Complainants ranged from 5 years of age to 12 years of age.

204 You were 19 years old when you commenced offending and 50 when you committed the last offence. In relation to each of the Complainants, you were supposed to be their teacher – someone who was supposed to help them flourish and help develop a love of learning; you were also supposed to protect them from harm whilst they were in your care. Instead, you defiled them, one after another, time and time again.

205 As is frequently the case in sexual offending against children, your behaviour was often brazen – indecently assaulting a number of the Complainants in front of other classmates, or in locations where others were in close proximity. No doubt your offending in front of, or near, other students added to the child's sense of humiliation, but you were apparently impervious to any of this. It is noteworthy, and entirely consistent with what happens so often when people like you offend against children, that many of the Complainants did not tell anyone about what you had done to them for many years – for some, the first time that they told anyone about this is when the police made contact with them in recent years.

206 On some occasions, when a child tried to resist you, you forced them to engage, so you used your superior physical power as well as that of your authority as their teacher to get what you wanted. On one occasion, you swore a child to silence, and, as at 1976/1977, you told Complainant 9 that if he told anyone, he would not be believed. It seems to me that, on occasion, you simply moved to another victim if it looked like the child who you were abusing might raise alarm. You exploited the fact that you had power over these children in order to offend against them-you were apparently confident, at least, as at 1976/'77, that if any of the children complained, they would not be believed-plainly, this is what happened in a number of cases.

207 It is an aggravating feature of your offending that you grossly breached the trust that each of the Complainants and their parents placed in you, and exploited the power that you had over each of the Complainants.

208 I also note that in one case, you sexually abused all three siblings within a family, and sexually abused two siblings in another. Further, there are a number of instances where your offending against a Complainant involved repeated offending, which has given rise to you being charged on the basis of engaging in a course of conduct. Of course, this also applies to representative charges but I must sentence you in respect of these in a particular way, as the law provides. I will return to this aspect a little later on.

209 On a number of occasions, you were placed on express notice, if you needed to be, that you ought stop what you were doing: The first warning occurred as early as about February 1960, after the very first incident which is alleged against you on this indictment. The father of Complainant 1 complained about you, but this did not suffice to make you stop offending against the children in your charge. You simply turned your attention to other children, albeit that there was a gap in time before you continued to offend against your students.

210 In 1980 you were placed on further notice about the wrongfulness of your conduct and the risk that you posed to children, when you were stood down after a further complaint. I understand that the police were contacted at the time and that you were aware of this; however, no police action was taken. You were told by the psychiatrist that you were required to see, that if you went back into the classroom you would continue to offend, but rather than decide that you would not resume your role, you chose to go back, and you kept offending against your pupils for about 10 more years.

211 Again, in 1988, there was a complaint from a parent about you, but, again, nothing was done, and you continued to offend.

212 It was not until a further complaint was made in 1992, that you were actually

prosecuted. Even then, you were only dealt with for some of the children you had offended against, largely on the basis of the admissions that you made to police, as I understand the position. However, this finally ended your access to children in the classroom, albeit that you were only punished by way of a fine in respect of fourteen Complainants.

213 While it might well be said that there were catastrophic failures in the education system and the justice system – clearly there were – which saw you being able to continue offending, it was within your power to have stopped, had you wanted to. Your counsel told me that your encounter with the psychiatrist in 1980 led you to believe at that time, that he was giving you permission to re-offend – this is most perturbing. The psychiatrist was clearly contemptuous and concerned about the Education Department’s decision to allow you back into the classroom after the police failed to charge you – how on earth you interpreted this as giving you permission to perpetrate more evil, is beyond me.

214 I was concerned that your Record of Interview had a tinge of distancing yourself from taking full responsibility for your offending. You explained that you viewed yourself as being dangerous in the past and that you were relieved that the offending for which you were counselled in 1980 was going to be “swept under the carpet” , although you did say that deep down, you knew that it was wrong for you to be allowed to resume teaching. However, ultimately it appears that you did not try to blame the Education Department or anyone else for failing to stop you, and you accepted that you were entirely to blame.

215 Your counsel conceded, most properly, that at the time of the offending, you were not suffering from any impairment of mental function which ought reduce your moral culpability, or impact on any other sentencing principles on the basis of *R v Verdins*; *R v Buckley*; *R v Vo* 16 VR 269. In all of the circumstances of your case, I find that your moral culpability is very high.

216 In assessing the seriousness of the offending, I have also taken into account

your age at the time that you offended against each of the victims, as well as theirs. You were only 19 years old when you offended against Complainant 1 – certainly old enough to know better, especially as a teacher, but still, I must have regard to the fact that you were barely an adult. However, in respect of the remaining charges before me, you were well and truly an adult, with Charge 2 being committed when you were about 28, and the other charges being committed when you were this age or older, up to the age of 50.

217 I have also taken into account the nature of the sexual contact, itself, in respect of each Complainant. In a number of instances, your offending involved indecently touching a Complainant underneath their clothing; on others, you indecently touched Complainants over their clothes. You also had some Complainants touch your penis over your clothes. Generally speaking, the law regards indecent contact which involves “skin on skin” as more serious examples of such contact, than over clothing, and I have taken this aspect into account- but as I have said, I regard all of your offending as most serious in all of the relevant circumstances.

218 I have also factored in that the nature of the sexual contact did not involve penetration of any kind, allowing for the fact that at a stage in the past, indecent assault included such conduct.

### **Victim Impact Statements**

219 In sentencing you, I take into account the impact on each of the victims in this matter. I have read each of the Victim Impact Statements which were tendered at the plea hearing. A number of these were read aloud by either the victim themselves or the learned prosecutor on their behalf. I do not propose to summarise each of these, but rest assured, I am mindful of all of them in sentencing you. The impact of your offending on each of the victims has been profound, and the suffering that they have endured, and continue to endure, had, disturbingly, many things in common with one another.

220 One Complainant after the next spoke of the trauma and the feelings of fear,

shame and humiliation that they have suffered because of what you did to them. They spoke of the loss of their childhood, the loss of their innocence and happiness, and of the lost opportunities to pursue their dreams in life because their education and wellbeing were effectively stifled by you. Many developed behavioural issues and mental health issues – almost every Complainant left school early and many fell into alcohol and substance abuse. Many have experienced suicidal ideation and/or self-harm. Many developed a distrust and antipathy toward authority figures, with some committing criminal offences themselves. They spoke of their difficulties in forming intimate relationships, or of any meaningful relationship in their lives. Some spoke of their hypervigilance in respect of their own children, or of the decision not to have children as they could not stomach the thought of what someone like you might do to them. A number of the victims expressed regret that they had come forward to police, as this, and the ensuing legal proceedings, had re-triggered the dreadful memories and issues that they had tried to put behind them, causing further trauma.

221 Some spoke of the further anguish that they had suffered due to the fact that they had told a parent or someone at school, or, in at least one case, the police, about your offending, but that they were not believed.

222 While the Education Department, the police, and others who did not properly investigate, pursue or deal with complaints made about you over the years, have added to the anguish and trauma suffered by so many victims and that, had there been earlier effective intervention, you may have been stopped from offending earlier, such interventions would not have been needed in the first place if you had chosen to desist.

223 I should say that, in the past, there was also an apparently less sophisticated approach taken to child victims in sexual offence cases by the law and, indeed, society, during a good deal of the period in which you offended, such that decisions taken by police may well have been at least partly based on the view

that it would be too difficult to succeed in prosecutions against you – however, all these failures fundamentally stem from your offending, and your refusal to stop even when put on notice that people in authority were aware of complaints against you. Therefore, the further hurt and anguish suffered by victims prior to 1992 because of the failures of the various institutions to which I have just referred, cannot directly be sheeted home to you, but these failures would not have occurred if you had not chosen to offend in the first place, or at the very least, had you chosen to desist after you became aware of the initial complaint against you.

224 I pause here to address all of the victims in this matter – there is absolutely nothing that you did that you ought feel any shame or guilt about. The only person who ought be legitimately feeling these things, is you, Mr Reynolds.

225 I again address the Complainants in this matter – for many of you, the legal process has been most difficult, and as some of you said, you wished you had not taken part. However, you are to be congratulated and thanked on behalf of the community for your tremendous courage in taking part in the investigation and these proceedings. Without people like you, who are prepared to come forward and make complaints, despite the pain and hardship that doing so can cause, offenders like Mr Reynolds may well not be brought to justice. The community is all the better for having people such as you being part of it. I have little doubt that your preparedness to take part in the police investigation and these proceedings will help others who have been offended against by other perpetrators, to also come forward, in a bid to see justice done in their own situations.

226 Mr Reynolds, you are to be sentenced in respect of the matters before me as a man who has no prior convictions – that is, at the time that you committed each of the offences before me you had not been convicted of any offence. However, in view of the protracted nature of the offending before me, and all of the surrounding circumstances, including the various times that you were placed



on notice to desist, this aspect has very little relevance. Indeed, in your case, it was your lack of prior convictions or apparent good character that enabled you to continue offending, such that any evidence of “otherwise good character” is effectively displaced by virtue of s.5A *Sentencing Act* 1991.

227 You have subsequent matters, as follows:

228 At the Wangaratta Magistrates’ Court on 30 November 1992, you were dealt with in relation to fourteen charges of indecent assault. You were convicted and sentenced to pay a fine of \$2,000 in respect of two charges, and you were convicted and sentenced to pay a fine of \$1000 on each of the twelve other charges.

229 At the Frankston Magistrates’ Court on 1 October 2013 in relation to two charges of indecent assault on a male person, you were convicted and sentenced to an aggregate term of 2 years’ imprisonment, which was wholly suspended for an operational period of 2 years, and you were ordered to pay an aggregate fine of \$10,000. You were also placed on the Sex Offenders Register with a reporting period of life. I was told that this offending concerned allegations of indecent assault which occurred at the Church of England’s Boy’s Camp in 1962, so 2 years after you offended against Complainant 1.

230 You have not offended since 1991, so for a period of about 28 years, and you are now 78 years old. On your behalf, your counsel conceded that it is likely that you will die while you are still in gaol. These are all matters which are relevant to the sentence that I ought impose, including the weight that I give to your prospects of rehabilitation and the weight that I ought attach to specific deterrence and protection of the community.

231 Your counsel, Ms Burnnard, told me that you accepted and acknowledged the effect that your offending has had on the victims, their families and the community.

232 By way of explanation only, rather than seeking to excuse or mitigate the seriousness of your behaviour, Ms Burnnard referred to the findings of Mr Candlish, psychologist, whose report dated 24 April 2019 was tendered at the plea hearing. Mr Candlish assessed you as meeting the criteria for Paedophilic Disorder, a diagnosis which was consistent with the findings of Mr Newton, psychologist, in 2013.

233 Your counsel submitted that, had there been more effective intervention earlier than 1992, you may well have been stopped from offending earlier. She said that you only received 4 months of psychiatric treatment in 1980 and that you were then permitted to return to teaching, as police took no action. I am unable to speculate as to what might have occurred if there had been more effective intervention before 1992. You were capable of seeking further expert assistance yourself and remove yourself from teaching, but did not do so at the time. Certainly, as I have previously observed, there were catastrophic failures which saw you being able to continue to teach and to offend, but as to how you might have responded to earlier interventions, without knowing what these might have been and the effect upon you, is unclear.

234 I have taken into account that you admitted to offending against Complainant 1 in 1992, but the police were apparently dismissive, saying that the offending had occurred too long ago, and did not proceed with this matter, notwithstanding that there was mention of this offending in the police summary as at that time. Your counsel made the point that the failure to charge you in respect of this matter had deprived you of the opportunity to have your offending against Complainant 1 dealt with in 1992. I have had regard to this insofar as I can, but I also note that the way in which you were dealt with in respect of the fourteen Complainants at that time, severely underestimated the seriousness of your conduct, in my view.

235 I also understand that five of the Complainants who were the subject of the 1992 proceedings are also Complainants in the present matters, but that the

offending in the current proceedings is separate to that for which you were dealt with in 1992. Perhaps it might be said that all of the matters concerning these victims might have been dealt with in 1992 if all offending had been properly investigated and disclosed, but I give this aspect little weight. The fact of the matter is that all of the offending was not dealt with then, and, if it had been, I doubt that you would have been adequately dealt with in any event, in view of the penalty that you received. However, I do accept that the failure of police to thoroughly investigate or pursue a number of complaints made against you or which you admitted to in 1992, has resulted in further anguish and pain to a number of victims, which ought not be sheeted home to you.

236 In any event, police intervention and your resignation from teaching, finally ended your access to children in the classroom, and you did not commit any further offences.

237 You are to be sentenced on the basis that you have not re-offended since 1992, and I was told that you have developed appropriate insight and received appropriate treatment in relation to your offending. You received offence-specific counselling from Dr Glasser from about 1994 to 2005 when he retired, and you were also treated by a Ms Hobbs, who was a psychotherapist, from 1992 to 1997.

238 According to the report of Mr Candlish, forensic psychologist, at the time of your offending, you were lacking in empathy toward the victims, and your emotional detachment enabled you to offend against the children in your care. However, he said that for many years now, you have appreciated that you preyed on the victims and that your behaviour toward them was harmful.

239 You told police in your Record of Interview in respect of the matters before me, that you attributed your lack of subsequent offending after 1992 to the fact that you felt the shame of being prosecuted in court, and also to the professional treatment that you received. You stayed away from any situations which might

expose you to having contact with children.

240 In sentencing you in respect of the charges which have been alleged by the Crown as representative charges, the law requires that I sentence you in respect of the particular occasion of offending that is nominated by the prosecution as the sample occasion for the purposes of sentencing. The law requires that I must not inflate the sentence in respect of that sample occasion to cater for the further occasions that the sample occasion represents. However, I must factor in the impact on the victim in respect of all of the occasions of offending against him or her, but on the basis that the sample occasion was not an isolated event in respect of the particular victim, lest it be said otherwise. However, in respect of the rolled-up or course of conduct charges, I sentence you on the basis of all of the instances encapsulated in these charges and the impact on the victims.

241 As the law requires, I allow for a significant discount in the sentence you would otherwise receive because of your pleas of guilty, which were entered at an early stage. In taking this course, you have saved the witnesses, especially the victims, the time and trauma of giving evidence at contested proceedings and you have saved the time and expense to the community of contested proceedings. I have also factored in your preparedness to plead guilty to the offending concerning one of the Complainants, charges for which were only added to the indictment a few weeks before the plea hearing.

242 Although, your conduct in the Record of Interview was not entirely consistent with someone who was remorseful, I accept that you took this approach because of legal advice and an inability to recall a number of details, rather than being lacking in remorse, and I accept that you have expressed heartfelt regret and shame to members of your family, and to Mr Newton and Mr Candlish. You have also expressed appropriate insight into the seriousness of your offending and its impact on the victims.

## Background

- 243 I take into account your background.
- 244 You were born in Ballarat and had five siblings. One of your brothers, with whom you were close, has passed away. Two of your sisters are in aged care and suffer from Dementia. You have a sister, who is 89 years old, who has been a great support to you. You were brought up in a household that was financially strained, but which saw you and your siblings being educated. Your father was a hard man, but your mother was affectionate, although subservient to your father.
- 245 As is too often the case with offenders such as you, you were the victim of sexual assaults yourself when you were a young boy and an adolescent. You were offended against by a friend of your brother's when you were 6 or 7, and by an older male when you were at a public swimming pool. You told police in your Record of Interview and Mr Newton, psychologist, that you had also been sexually assaulted by some of your teachers.
- 246 One of your brothers and some friends started the Church of England Boy's Society, which was a youth group. You took part in the youth group when you were at school, and, as previously mentioned, you committed sexual assaults upon victims who were involved in this organisation in 1962. You would have been about 21 or 22 at the time.
- 247 You married in 1966, and your wife remains supportive of you. She did not attend the plea hearing, as you wished to spare her more pain. You are the father of three children, who are now adults, and who are supportive of you. Two of your children provided character references in support of you and spoke of your remorse for your offending. You are also a grandfather.
- 248 I was told that you started training to be a teacher when you were only 17 years old. After resigning from teaching in 1993, you went on to work at a jam factory, and did some gardening and tended to indoor plants at various venues on a

casual basis. You have not worked for income since the 1990's, but you have worked on a voluntary basis at a local museum for a number of years – since 2013, you have only attended there after hours to assist your wife with various tasks.

249 In about 1992, you were sued by a number of victims in relation to the matters that were prosecuted at that time, and paid large sums of damages to them. This resulted in your bankruptcy.

250 In the past, when you were in your local town, you have been approached by people who were concerned about your offending. I was told that in recent times, you have lived like a hermit, essentially confining yourself to your own house, to avoid such confrontations.

251 In sentencing you, I also take into account your extensive history of mental health issues, which have culminated in hospital admissions at times and suicidal ideation. You attempted suicide in 1980 and have suffered from Depression for a number of years. Mr Candlish, whose report is the most recent, diagnosed you as suffering from Persistent Depressive Disorder (Dysthymia) with past episodes of Major Depression. You have been prescribed medication for your mental health issues for a number of years and have seen various mental health professionals in a bid to deal with these. Mr Candlish said that you were vulnerable to depressive episodes and had expressed some suicidal thoughts. However, I was told that you have not entertained any plans in that regard, due to your concern for your wife. I take these matters into account in a general way, as your counsel did not seek to rely on *Verdins'* principles in relation to any mental health issues, as I have previously said.

252 I also factor in that this will be your first time in gaol, and because of this, your age, and your concern for your wife, that time in gaol will be harder for you than for others who are not in this position. I have also taken into account that you might well die in gaol.

253 Your counsel submitted that I ought factor in delay in this matter from the time of interview to the time that you were charged about 4½ years later. She submitted that I ought take into account that, during this period, you had the anxiety of matters hanging over your head, and that this was manifested in a number of mental health hospital admissions during this time. While it appears to me that you helped to contribute to the delay, to an extent, by exercising your right to silence when it came to providing the names of all of the victims that you could recall, albeit, on legal advice, this does not mean that you cannot rely on this aspect. I make some allowance in your favour in this regard, notwithstanding that if you had answered more fully, or accepted the offer of a further Record of Interview after speaking with your lawyer, you might well have relieved yourself of some anxiety associated with delay, as matters might well have been ready to proceed sooner. However, this is speculative, in circumstances where your Record of Interview provided a foundation to some extent for police to pursue information from the Department of Education as to the names of former students from the various schools where you had taught. I understand that police obtained statements from nearly all of the victims after the Record of Interview and these further enquiries were conducted.

254 In making these observations about the Record of Interview, I make it clear that I do not make an adverse finding against you in exercising your right to silence in relation to some questions. This is your right, although it has some relevance to the issue of remorse, as I have previously observed.

255 I also factor in that during the period of delay from interview to charge, and indeed from 1992 onward, you have not committed further offences, such that you have used the period of delay to demonstrate positive steps toward rehabilitation.

256 In view of your lack of offending in the past 28 years, the professional treatment that you have received over this period, the matters raised in the psychological reports, including the risk assessment which was conducted, your advanced

age, your family support and the prospect that you might well die in gaol, I rate the risk of you re-offending as negligible, and I need only place minimal weight on specific deterrence and protection of the community. However, I must place strong weight on general deterrence in a bid to deter others from offending as you have.

257 In sentencing you, I have had regard to current sentencing practice for offending of this kind and, in the interests of equal justice, I must also have regard to sentencing practice at the time that you committed the offences. In the absence of cases which are of assistance in this regard, I have borne in mind that sentencing as at the time of your offending attracted lesser sentences than would be the case nowadays. Having said all of this, sentencing practice is but one matter that I must have regard to, and it is not a controlling matter, when it comes to sentencing you. I reject the submission that the fine which you were given in respect of the fourteen victims in 1992 by a Magistrate is a sentence which I can use to reflect sentencing practice at the relevant time.

258 You are to be sentenced as a serious sexual offender in respect of each charge on the Indictment and this will be entered in the records of the court. This also means that there is a presumption of cumulation as between the sentences on each charge, but it is not submitted that I ought impose a disproportionate sentence in order to protect the community. I must apply the principle of totality, although in a curtailed fashion in view of the presumption of cumulation and the serious sexual offender provisions.

259 In sentencing you, I have imposed terms of imprisonment which I consider are appropriate in relation to each charge, and I then drafted periods of cumulation as between the charges. However, after standing back from the total effective sentence that this exercise would have produced, I have had to substantially modify the extent to which I would otherwise have cumulated in order to arrive at a sentence that does not offend the principle of totality, as it applies in your particular case.



260 You are convicted of each of the offences.

**Ancillary Orders**  
**Registration – Sex Offenders Register**

261 By reason of your convictions for these offences, you are to be recorded as a registrable offender for life. You must report your personal details to the Chief Commissioner of Police annually for the rest of your life. You must first report these details within 7 days after your release from custody. Details in writing of these reporting conditions will be served upon you now by my associate. I will ask your counsel to attend to an acknowledgement of that notice and have you sign it.

262 You are sentenced to the following periods of imprisonment:

- Charge 1 – 12 months
- Charge 2 – 3 years
- Charge 3 – 18 months
- Charge 4 – 16 months
- Charge 5 – 2 years
- Charge 6 – 2 months
- Charge 7 – 2 years
- Charge 8 – 12 months
- Charge 9 – 18 months
- Charge 10 – 18 months
- Charge 11 – 18 months

- Charge 12 – 16 months
- Charge 13 – 18 months
- Charge 14 – 22 months
- Charge 15 – 2 years
- Charge 16 – 2 years
- Charge 17 – 16 months
- Charge 18 – 18 months
- Charge 19 – 18 months
- Charge 20 – 18 months
- Charge 21 – 18 months
- Charge 22 – 2 years
- Charge 23 – 16 months
- Charge 24 – 3 years – base sentence
- Charge 25 – 16 months
- Charge 26 – 12 months
- Charge 27 – 18 months
- Charge 28 – 3 years
- Charge 29 – 2 years
- Charge 30 – 3 years
- Charge 31 - 12 months

- Charge 32 – 18 months
- Charge 33 – 2 ½ years
- Charge 34 – 16 months
- Charge 35 – 14 months
- Charge 36 – 2 years 4 months
- Charge 37 – 18 months
- Charge 38 – 2 years 4 months
- Charge 39 – 16 months
- Charge 40 – 20 months
- Charge 41 – 18 months
- Charge 42 – 2 years 4 months

263 As I said, the sentence on Charge 24 will be the base sentence. I direct that you serve the following periods of imprisonment cumulatively with each other and with the base sentence.

- 1 month from the sentences imposed on Charges 1, 6, 8, 26, 31, and 35.
- 2 months from the sentences imposed on Charges 3 and 4, Charges 9 –13 inclusive, Charges 17 – 21 inclusive, Charges 23, 25, 27, 34 and 37, and Charges 39 – 41 inclusive.
- 3 months from the sentences imposed on Charges 5 and 7, Charges 14 –16 inclusive, and Charges 22, 29 and 32;
- 4 months from the sentences imposed on Charges 33, 36, 38, and 42.
- 6 months from the sentence imposed on Charge 2.

- 8 months from the sentences imposed on Charges 28 and 30.

264 This produces a total effective sentence of 12 years' imprisonment, and I direct that you serve 9 years before becoming eligible for parole.

265 I declare that you have already served 31 days by way of pre-sentence detention, which will be reckoned as already served.

266 If not for your pleas of guilty I would have sentenced you to a total effective sentence of 16 years' imprisonment with a non-parole period of 12 years.