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THE SUPREME COURT OF

THE NORTHERN TERRITORY

SCC 22212255

THE KING

and

ADAM BRITTON

(Sentence)

GRANT CJ

TRANSCRIPT OF PROCEEDINGS

AT DARWIN ON THURSDAY 8 AUGUST 2024

Transcribed by:
EPIQ

HIS HONOUR: As I have said on earlier occasions, these proceedings will involve graphic descriptions of what can only be described as grotesque depravity and cruelty towards animals. In my assessment, those descriptions have the potential to cause nervous shock or some other adverse psychological reaction in persons who are exposed to them. For that reason, I provide this very clear warning that any person who considers themselves susceptible to such a reaction should not be present in the courtroom during the balance of these proceedings while I make these sentencing remarks. For that reason also, I have excused and will excuse the Sheriff's Officers from any further participation in the proceedings.

I should also make it clear at the outset that if there are any emotional outbursts or any disturbances of any sort during the course of my sentencing remarks, I will, depending upon the nature of the interruption, either have the relevant person or persons excluded from the courtroom or close the courtroom to the public altogether. Any person who considers themselves unable to comply with that requirement should also remove themselves from the courtroom at this point in time for the balance of the proceedings.

Mr Britton, you have pleaded guilty to a total of 63 offences. Of those, 45 are charged by complaint and 18 are charged by indictment.

Commencing with those offences charge by complaint, you committed two offences against s 8 of the *Animal Welfare Act* by failing to take reasonable steps to ensure a dog received the minimum level of care. Those offences relate to a series of breaches of your duty of care involving your own pet dogs which took place over a period of 18 months between 16 June 2020 and 17 December 2021. The maximum penalty for each of those offences is imprisonment for 12 months.

You committed four offences against s 9 of the *Animal Welfare Act* by inflicting cruelty on a number of different dogs. Those offences relate to the abuse and/or sexual exploitation of those dogs falling short of the infliction of serious harm or death. The maximum penalty for each of those offences is also imprisonment for 12 months.

You committed 39 offences against s 10 of the *Animal Welfare Act* by inflicting cruelty on an animal while intending to cause the death of that animal. Those charges all relate to the torture and degrading exploitation of 39 separate dogs which you both intended to kill and did in fact kill. The maximum penalty for each of those offences is imprisonment for two years, and I will refer to them in these sentencing remarks as the "aggravated cruelty offences".

I pause here to note that the *Animal Welfare Act* was repealed with effect from 1 November 2022 and replaced by the *Animal Protection Act*. The *Animal Protection Act* contains increased penalties for equivalent offences. In particular, under the new legislation the maximum penalty for an aggravated cruelty offence is imprisonment for five years. However, because your offending predated the commencement of the new legislation you stand to be dealt with under the former Act with those lower levels of maximum penalty.

In addition to those 45 offences which were charged by complaint, you have also pleaded guilty to 18 offences charged on indictment. Those offences include the following conduct.

You committed eight offences against s 138 of the *Criminal Code* by inserting your penis into either the vaginal passages or anuses of eight different dogs. That offence is commonly referred to as "bestiality". The maximum penalty for each of those offences is imprisonment for three years.

You committed two offences of attempted bestiality, also contrary to s 138 of the *Criminal Code*, by attempting to insert your penis into the anuses of two different dogs. The maximum penalty for each of those offences is imprisonment for 18 months.

You committed four offences against subs 474.17(1) of the Commonwealth *Criminal Code* by using a carriage service in an offensive manner. Those offences relate to administering and utilising a messaging service between January 2020 and April 2022 under the user names "Monster" and "Cerberus", including uploading audio-visual recordings which depicted you torturing and killing dogs, and communicating with other users on that messaging service in relation to those and related matters. The maximum penalty for each of those offences is imprisonment for three years.

You committed on offence against subs 135B(1) of the Northern Territory *Criminal Code* by possessing 15 files on your laptop computer containing child abuse material. The maximum penalty for that offence is imprisonment for ten years.

You committed two offences against subs 474.22(1) of the Commonwealth *Criminal Code* by using a carriage service to transmit child abuse material to yourself on 17 March 2020 and 27 September 2021. The maximum penalty for that offence is imprisonment for 15 years.

Finally, you committed one offence against subs 474.22A(1) of the Commonwealth *Criminal Code* by using a carriage service to obtain or access child abuse material. The maximum penalty for that offence is imprisonment for 15 years.

The facts of your offending are set out in exhaustive and disturbing detail in the Crown facts which have been received into evidence, and graphically depicted in the sample materials of recordings and images which have also been received into evidence. Although I am loath to do so given the gross depravity and perversity of your actions, it is necessary for the purpose of sentencing you to provide some generally representative detail and description of the offending conduct.

You committed these offences as a mature and well-educated man when you were aged between 49 and 51. You hold a doctoral degree in zoology and you had established yourself as a crocodile expert of some standing. At the time of these

offences you lived on a rural property with your then-wife, who was often away in the course of her employment.

From as early as 2014, you began engaging in inappropriate and sexualised behaviours with your own pet Swiss Shepherd dogs who lived on the property with you. Both offences against s 8 of the *Animal Welfare Act* and one of the offences against s 9 of the *Animal Welfare Act* involved those pet dogs.

As your conduct with those dogs escalated you began recording it for the purpose of disseminating it online. On at least 23 separate occasions between 20 June 2020 and December 2021 you filmed yourself variously defecating and urinating on those dogs; rubbing urine and faeces into their coats; urinating into their mouths; having them eat faeces from your anus while you defecated; defecating in your own hand and masturbating the male dog with the faeces; causing the male dog to simulate sexual intercourse to the point of ejaculation with an orifice you formed by pressing your scrotum against your thigh; manipulating the dogs to lick your erect penis; masturbating and ejaculating on the dogs; and inflicting pain on the male dog, by flicking, slapping and punching its penis and scrotum.

As I will go on to describe later in these sentencing remarks, you have said that your activities with your own pets did not extend to the infliction of serious harm or death because you loved them. The disjunct between that statement and what you did to those dogs reflects your gross lack of insight, at least at the time you made that statement, and the level of your deviancy.

The other three offences against s 9 of the *Animal Welfare Act* involved three separate dogs which you had obtained from unknown sources. Those offences were committed on 17 November 2020 and 6 December 2020. You took those dogs to secluded locations and recorded yourself engaged in various activities including, by way of example:

- attempting to French kiss a dog;
- performing oral sex on a dog's anus and vagina;
- forcing your erect penis into the mouth of a dog;
- digitally penetrating a dog's anus and vagina; and
- tying a rope around a dog's neck and mouth and lifting it from the ground by that rope in order to restrict its breathing.

That sexualised activity which began with your own dogs led to the escalation of your offending conduct. Between November 2020 and April 2022, you sourced 42 dogs of varying breeds and ages which you tortured and sexually exploited for your sadistic sexual pleasure. That conduct culminated in the intentional killing of at least 39 of those animals.

In order to source those victims, you activated the Gumtree marketplace application to receive alerts when a new dog or puppy was listed to be for sale or otherwise available in the greater Darwin region. As part of that conduct, you often

built a rapport with the owners of those dogs for the purpose of negotiating the transfer of the dogs to your care and custody. Many of those owners had been reluctantly required to give up their pets due to relocation, travel or work commitments. Many sought some reassurance about the transition of ownership. As part of your deception, you took photographs of the dogs prior to torturing and killing them and subsequently sent those photographs to the former owners as part of communicating false narratives that the dogs were thriving in their new environment.

You used a shipping container on your rural property as a location for the torture, sexual exploitation and killing of some of those dogs. You also frequented a number of secluded locations in the rural area of the greater Darwin region where you engaged in sexual activity with, tortured and killed others. In those various locations, you utilised mobile telephones and cameras mounted on tripods to film and record your activity on each of those occasions, often from multiple angles.

As part of that activity, you operated an account on an encrypted cloud-based messaging service, initially under the username of “Monster”. That service allowed secure and encrypted file sharing between users. The sole purpose of that account was to engage in conversations with other perverted individuals about animal cruelty and your mutual sexual interest in the sexual molestation, torture and killing of animals.

In January 2022, you created another account on that same messaging service under the username “Cerberus”. You then used that account to upload and disseminate the photographs and recordings you had made of your activity. Before doing so, you edited those images and digital recordings to obscure your face and any other item that could be traced back to you or your location.

In March 2022, an unknown person anonymously sent a video recording to the animal welfare authorities which depicted you sexually exploiting, torturing and killing one adult dog and nine puppies. On investigation, the adult dog depicted in that video recording was noticed to be wearing a Darwin City Council lead, which identified your general location.

The matter was referred to police who ultimately identified your residence and executed a search warrant there on 22 April 2022. During the course of that search, police seized 44 items related to your criminal activity, including computers, mobile telephones and cameras you had used in your activities, together with severed dog limbs in a freezer, a decomposing puppy carcass and a severed dog’s head.

The Crown has made an application for the forfeiture of those items. I will be making an order in those terms, subject to the agreement between the Crown and the defence for the extraction of some personal and academic material from the computer drives.

You were arrested on 22 April 2022 and you have been remanded in custody since that time. The recordings which you made of your activities prove beyond any

shadow of a doubt that you committed the 39 offences against s 10 of the *Animal Welfare Act* by inflicting cruelty on 39 separate dogs, intending to cause the death of each of those animals. Your conduct on each of those occasions involved a degree of depravity and reprehensibility which falls entirely outside any ordinary human conception and comprehension.

The facts of the offence charged in count 30 on complaint provide a graphic example of your conduct. At some time before 22 December 2020, you obtained a brown-coloured adult female dog from an unknown source. You then took the dog to a secluded location off the Arnhem Highway and you recorded yourself inflicting torture and sexual acts upon the animal resulting in its death. That conduct included:

- tying black tape around the dog's muzzle and throat to restrict its breathing;
- repeatedly punching the dog to the face;
- spreading the dog's legs and digitally penetrating its vagina;
- delivering 20 forceful punches to the dog's head and body while you masturbated;
- sitting on the dog and jumping up and down on it while pulling its ears;
- masturbating your penis against the dog's head;
- choking the dog;
- tying the dog to a log;
- urinating on its face and body;
- digitally penetrating the dog's vagina while pulling its tail;
- cutting open the dog's chest with a kitchen knife;
- inserting the knife into the dog's anus;
- repeatedly stabbing the dog to the face;
- using the knife to skin the front hip and leg area of the dog by cutting and peeling back the skin;
- using the knife to skin the right side of the dog's face in the same manner;
- cutting off the dog's right ear;
- inserting your erect penis into the severed ear and masturbating into it;
- thrusting the knife repeatedly into the dog's anus, before cutting open its genital area while the dog remained alive;
- cutting open the dog's stomach to expose its internal organs;
- reaching your hands into the dog's stomach cavity to pull out the internal organs; and
- lying on the ground and pulling the dog's internal organs onto you while you masturbated against them and eventually ejaculated into them.

To take another example, the offences charged in counts 77 to 86 on complaint relate to your sexual exploitation, torture and killing of one adult dog and nine puppies, the recording of which led to the initial anonymous tipoff to the animal welfare authorities.

On 22 October 2021, you went to your messaging account under the name “Monster" and posted a message that you were going to engage in some form of highly sadistic and deviant behaviour involving a dog and her puppies. Three days later, on 25 October 2021, you purchased the dogs from the owner for $150 in cash. You then travelled to a remote location in the rural area with the dogs. Your conduct at that time included the following matters:

- you removed the dogs from the vehicle and disrobed so that you committed all subsequent acts while you were naked;
- you picked up the first puppy and struck it 13 times on the head with a mallet causing its skull to split open and its brain matter to fall onto a log;
- you then encouraged the female dog to lick up the spilled brain matter;
- you picked up the second puppy, sawed it in half with a hacksaw and encouraged to female dog to eat its intestines;
- you picked up the third puppy and inserted the blade of a knife into its anus and genitals causing blood to pour out;
- you masturbated while holding the injured puppy and then inserted your penis into its anus;
- you picked up the fourth puppy, placed it on a log, stood on it with your full body weight, sat on it and then masturbated while you choked the puppy with the other hand;
- you picked up the fifth puppy and inserted the blade of a knife into its anus and genitals causing blood to pour out;
- you picked up the sixth puppy and inserted the blade of a knife into its mouth and down its throat until the blade protruded from the middle of the puppy’s back;
- you picked up the seventh puppy and inserted the blade of a knife into the stomach of the puppy and cut it from its chest to its genital region causing its intestines to fall out;
- you then encouraged the female dog to eat the intestines;
- you picked up the eighth puppy and you used your hands to twist and break the animal’s legs;
- you then inserted the blade of a knife into the upper stomach region exposing the internal organs;
- you encouraged the female dog to eat the internal organs before sawing off the head of the puppy with a hacksaw;
- you placed the decapitated head of the puppy onto your penis while you masturbated;
- you then forcefully held the adult dog’s mouth open while you urinated down her throat;
- you tied the adult dog up and placed duct tape around its mouth and front and back legs;
- you used an unknown wooden object approximately 1 metre in length to strike the adult dog to the head on nine occasions and used a mallet to strike the dog a further 20 times;
- you used a knife to stab the dog behind her left front leg and to amputate two of her mammary glands;

- you inserted the knife into the dog's stomach exposing its internal organs; and
- you inserted three of the dead puppies into the dog's empty stomach cavity.

The ninth puppy escaped into a hollow log but you subsequently found it and stabbed it to death through a crack in the log. You filmed all of that activity with the exception of the killing of the ninth puppy.

That gives some generally representative idea of the conduct involved in this offending. The facts of the other offences falling into this category of aggravated cruelty offences, although there are some variations in the conduct, are equally horrific. In addition to the types of conduct I have already described, your conduct also included such things as:

- striking the dog's anal and genital area using a wooden pole;
- thrusting a wooden pole down the dog's throat;
- thrusting a wooden pole deep into the dog's anus;
- performing oral sex on the dog's vagina;
- performing oral sex on the dog's penis and scrotum;
- licking the dog's anus;
- forcing your penis into the dog's mouth;
- urinating on the dog;
- defecating on the dog's head;
- rubbing your faeces onto the dog;
- placing the dog on its back and using rope to try its legs into a star position;
- cutting the outer vagina from the dog's body using pliers and a kitchen knife;
- inserting a knife into the dog's vagina;
- cutting the dog's vagina with a razor blade;
- feeding the amputated vagina of one dog to another dog;
- masturbating into the dog's severed vagina;
- inserting a three-barbed fishhook into the dog's vagina and tearing it out with force;
- cutting off the dog's mammary gland;
- repeatedly thrusting a screwdriving into the dog's anus;
- embedding a glass bottle in the dog's anus;
- inserting a dildo into the dog's anus and throat;
- cutting off the dog's penis with a knife;
- repeatedly punching and striking the dog's scrotum with a metal mallet;
- cutting open the dog's scrotum;
- crushing the dog's scrotum with pliers;
- inserting needles into the dog's scrotum;
- cutting off the dog's leg with a hacksaw;
- cutting off the dog's tail with an axe;

- cutting of the dog's tail with bolt cutters;
- using pliers to pull out the dog's toenails;
- decapitating the dog with a knife;
- hanging the dog from a tree branch using a collar and lead;
- using a lighter to burn the dog's genital area;
- using a blowtorch to burn the dog's penis;
- writing the word "slut" on the dog's body with orange spray paint;
- jumping up and down on the dog's chest with both feet;
- cutting the dog's throat so that its blood spilt onto your penis while you masturbated;
- engaging in sexual intercourse with the severed head of the dog;
- kicking the dog repeatedly to the head and body;
- twisting and breaking the dog's rear legs; and
- decapitating one dog and shoving its head into the stomach cavity and internal organs of another dog.

One of the repeated practices in your conduct in those aggravated cruelty offences was using a knife to cut open the dog's stomach, exposing its internal organs and masturbating into and with the entrails.

The ten offences of bestiality and attempted bestiality involving penetration of the dog's vagina or anus with your penis took place during some of those broader episodes of aggravated cruelty. To take one representative example, the aggravated cruelty offence charged in count 52 on the complaint involved you brutally rupturing, crushing and cutting the dog's scrotum, anus and penis. After you had amputated the dog's penis and inserted it into its anus, you then straddled the dog while it remained alive and inserted your penis repeatedly into the dog's anus before withdrawing your penis and ejaculating onto the dog's face. That act of penetration constituted the bestiality offence charged in count 3 of the indictment.

The other bestiality and attempted bestiality offences are variations on that same general theme. Although each of those bestiality offences was committed during the course of a broader episode of aggravated cruelty causing death, the offence of bestiality represents a different type of criminality which falls to be punished separately and in addition to the aggravated cruelty offence. However, as the decision of the High Court in *Pearce* establishes, you cannot be punished twice for conduct which is common to both offences. Accordingly, the sentences which I impose for each of the aggravated cruelty offences will not take into account any act of bestiality or attempted bestiality which may have taken place in the commission of that offence. Those acts of bestiality and attempted bestiality will be punished separately and without any component reflective of the associated acts of aggravated cruelty.

I turn then to consider the offences against subs 474.17(1) of the Commonwealth *Criminal Code* which involved using a carriage service in an offensive manner. They are the offences charged in counts 11, 12, 13 and 14 on the indictment. These offences relate to the use of the messaging service to upload

images and videos depicting bestiality, acts of torture and the infliction of extreme violence and cruelty of animals, and the use of the messaging service to promote and incite violence against animals. The four charges reflect the three discrete periods over the three different calendar years during which you used the “Monster” account and the single discrete period during the course of 2022 during which you used the “Cerberus” account.

The Monster account contained 114 chat threads and the Cerberus account contained 37 chat threads. You created the Cerberus account in January 2022 in conjunction with another user as a vehicle for the anonymous release of the images and videos you produced of your activities. You also worked with that other user on editing the images and videos you produced. During the course of 2022 you posted 260 images and videos of that type. You also posted images and videos in the course of both group chats and private dialogue with individual users.

By way of example, between October 2021 and April 2022 you used both your Cerberus and Monster accounts to post 43 images and videos depicting grotesque animal cruelty to a group which had 18 active members.

By way of further example, between 17 January and 22 March 2022 you used your Cerberus account to post five images depicting grotesque animal cruelty to a group which had seven active members.

In January 2022, you used your Cerberus account to create a streaming channel which you then used to upload images and videos of the material you had produced. You posted 49 images and videos that you had produced on that streaming channel.

In March 2022, you used your Monster account to create a group titled “Doggo Nightmare” which had ten active members. You then used your Cerberus account to post 36 images and videos that you had produced to that group.

These are examples only of the messaging and posting activity in which you engaged using that carriage service. They represent only a small part of your activities in that respect.

The private chats were clearly directed to promoting and inciting violence against animals, and particularly dogs. Your communications also involved encouraging other users to produce material depicting that form of abuse, and the sharing of images and videos to create what you described at one stage as "a great collection".

During the course of those private chats you posted images and videos in which the abuse depicted was the subject of particular discussion in relation to such things as the particular forms of torture employed, the types of weapons and other implements which could be used to inflict maximum pain and damage to dogs, and your exclusive attraction to dogs over any other species of animal because you found them to be “more erotic”.

During the course of those chats you referred to the killing of dogs as “snuffing”. Those group chats included incitement and advice to other users, such as in the following exchange by way of example:

> Monster: Do you have access to dogs that you could snuff and a place to do it?
>
> Other User: A place, sure, but not dogs. Can’t remember the last time I saw a stray. Could try Craigslist but seems risky and expensive.
>
> Monster: Do you have a place where people advertise dogs to sell or give away to good homes because that’s how you get dogs no strings attached. You have to be smart about where you get them from. Don’t go to a shelter. Private sales only. But people giving away dogs because they have to move interstate or something is what you’re looking for. No strings attached. No follow ups. Craigslist is perfect but you have to wait for the right dog and price. Some will give away for free if they need a quick sale or it’s a vicious dog or something. I know people who get their dogs this way. I do. Well, not Craigslist, but similar.
>
> Other User: My real barrier is, I don’t know if I could do it. That’s why I wish I knew some in person. I would love to watch it happen first.
>
> Monster: You have to want to do it. Either you hate dogs so much you want to fuck one up, or you find the idea of torturing and snuffing them hot and sexy. I am the latter. I like dogs. I like them better when I fuck them up. That makes the videos hot when the guy is into it. But watch videos of dog snuffing and torture. Keep watching until it’s so hot, you want to do it yourself. I think if you’re still afraid of hurting the dog, you’ll tap out before doing anything. I almost did that, but pushed ahead and did it. I loved it afterwards. Destroying dogs is fucken, fucken hot because it’s taboo, more so because its sexual. I get to fuck the dog first then fuck it up.

A little later in the same exchange, you made the following post:

> Monster: Also, once you have a dog, you either have to keep it or kill it, hee hee. If you can keep her for a few days, turn her into a fuck toy and just abuse the fuck out of her whenever you like, that’s perfect. Then you can plan how to kill her properly. Sometimes, I have like three hours to kill a dog after I pick it up. That’s a bit more rushed, so I keep it simple. Fuck, fuck up, snuff. Done and satisfying.

In the course of that exchange, you posted photographs of two dogs you had killed and spoke of the sexual excitement you derived from cutting skin from their faces and bodies while they were still alive.

In another private message exchange, you advised against stealing dogs from backyards because there was too much risk involved. You again counselled the use of classified ads posted by people looking to sell dogs cheaply or give them away

because they were leaving town, or for some other reason. You also advised that the user had to move quickly when he saw a classified ad of that nature, because otherwise the dog fighting rings would get to the dogs first. You described that as "a waste of a good fuck toy". You also advised that the user should have a story, such as that his beloved dog had died and he was looking to replace it with another, and to use fake numbers and addresses. You also advised that for the purpose of disposing of the bodies of dogs which had been killed, they should be hidden well out of sight in waste land with the belly cut open so that the carcass would decompose faster. You also advised to ensure that there was no collar or other identification left on the dog.

In another private message exchange, you posted the following material:

> Well, I only badly mistreat other dogs. My own dogs are family and I have limits. They eat my shit, but they're eager for it. I shit on them, but they let me. Occasionally, I get a bit rougher like mouth fucking and holding them down, but I lavish them with treats afterwards.
>
> But other dogs, fuck them. I will beat them, torture and snuff them and come readily and then do it again the next day. I have no emotional bond to them. They are toys, pure and simple, and plenty more where they came from. What you describe is exactly what I want to do with my fuck toys, except I go further until they can no longer hold onto life.
>
> Sometimes, I love spilling their hot blood onto my cock. Their last breaths are what triggers me to come. Obviously, the serious damage and snuff is only possible because they are random fuck toys. But I slowly got addicted to it once I had the chance to try it. I could just as easily come through beating and whipping alone. I've also enjoyed mouth fucking a bitch while smashing her head against a wall, although I didn't break any teeth.

In another private message exchange, you posted the following content concerning killing a particular dog of which you had previously spoken of in the thread:

> Oh shit, that was fun. Took a little over four hours and he finally gave up the ghost before I got to his face. Shame, I was looking forward to that part, but I got a tonne of good shit done to him. Fuck, it was great. Did a couple of bucket list things to him, which people have always been requesting.
>
> Got a lot of footage over two cameras, including slow motion. It will take a while to edit the full thing, but I'll pull some clips out soon. I was raping his wrecked arsehole and fighting hard not to come, but no, I must be good and save myself for the grand finale, which was going to be tying him from a suspended horizontal rope and then slicing his guts open onto me underneath.
>
> But the fucker died before I could do that, so I never got to cum to his suffering. Well, I will, but it will all be on video. I knew knifing his arsehole roughly was

probably going to finish him off and it did. Lol. It was either that or move onto his face and that would have finished him off anyway, so it was one or the other.

I've seen several dogs just get pushed over the edge when you work on their face. They really don't like it. ☺ One of my fetishes is cutting up dog's faces and I love it when they are fairly limp but breathing and they let me slice open their faces. I just love disfiguring them.

It is clear from that exchange that in your engagement with other users you had been taking requests for the type of torture which they wanted to see recorded, and then acting on those requests by committing and recording those particular forms of torture for recording and dissemination. What is also manifestly clear from that post is the perverse pleasure and excitement you derived from the suffering of these animals. That was a perversity which you shared with and sought to encourage in other users. In another private message exchange, you told a user that torturing and killing a dog would "change [his] life for the better".

Some of the other more telling and inflammatory statements you posted on the messaging service included the following by way of example:

- I was talking with someone else about why they loved to hurt dogs. That was what I'd been thinking. I wasn't sure at first, but now I live for it. I can't stop myself hurting dogs.
- I'm going to get another dog to kill tomorrow. I plan to hurt it a lot. I'm ridiculously excited about it.
- The sadism part is more recent. I always had it in me. I was sadistic as a child to animals, but I had repressed it. In the last few years, I let it out again and now I can't stop. I don't want to. ☺
- It's 5 months old, so a puppy really, but intact and I'm going to hurt it badly. Unfortunately, I only have a short time window, maybe two hours. So it will be fast and brutal. But sometimes, I get to take my time. The longest was four days. 😈
- What people may not realise is, if you want to cut off an erect cock, it's got to be the first thing you do, because the dog won't get erect again if you torture him first or destroy his balls.

In terms of the objective seriousness of this conduct, it suffices to say that the level of depravity in those communications and ideations matches the level of depravity which you demonstrated and recorded in the commission of the aggravated cruelty offences. It should also be noted that the recordings provide clear and objective proof that you were in fact doing in real life what you were saying you were doing in those chatrooms.

For that reason, I reject the suggestion which you made to the psychiatrist engaged by your legal representatives to the effect that you were somehow exaggerating or fabricating your sexual behaviours or interests by way of exploration

with anonymous partners online. That is because almost every statement which I have extracted was reflected in conduct which you actually performed and recorded. Moreover, the gravamen of these offences is the offensive nature of the use of the carriage service rather than the truth or otherwise of the claims made in the offensive material. This submission really only has any place in assessing your assertion to the psychiatrist that you were exaggerating when speaking of your sadistic conduct towards animals in childhood and your sexual activity with horses in adolescence, and any consequential conclusions about the nature and prior manifestation of your paraphilia. That is a matter which I will deal with later in these sentencing remarks.

I turn then to consider the offences involving the child abuse material. The first is the offence charged in count 15 of the indictment of possessing child abuse material contrary to s 125B(1) of the Northern Territory *Criminal Code.* As part of the search warrant process, police located a laptop in the living room of your residence which contained 15 child abuse material files which you had downloaded on 9 March 2020. You had kept those files until they were discovered by police on 22 April 2022.

Those files included videos and still images taken from those videos of a female child about 2 years of age. The images and videos depicted such things as the child having her vagina exposed to the camera while adults rubbed and inserted fingers into her anus and forced an erect dog's penis into her mouth. Some of those images and videos were of the worst category under the ANVIL Classification Scheme including bestiality and penetrative sexual activity by adults on children. The circumstances in which you came into possession of those images are unknown to police and remain unknown.

The second category of child abuse material offences are those charged in count 16 and 17 on the indictment of transmitting child abuse material to yourself contrary to subs 474.22(1) of the Commonwealth *Criminal Code*.

The first of those offences arises from a message exchange you were conducting with another user through your Monster account in March 2020. You asked that user whether he had any videos involving urination or faeces. The other user said that he had a video of a male toddler tied down and being urinated and defecated upon. You said that you wanted to see the image. You also said that, "Although generally it's not my thing I might also be curious about dogs licking girls."

In response to that request the other user transmitted you a video depicting a naked male baby approximately 12 to 18 months of age being abused in a manner which is unsuitable for description in these sentencing remarks. Suffice to say for these purposes that it falls within the most serious ANVIL Classification Category 5 and involves penetration sexual activity, sadism and humiliation.

The second of those offences arises from a message exchange you were conducting with a different user in September 2021. That exchange included a discussion of sexual activity with dead and decomposing animals. During the course of that exchange the other user sent five anime images depicting a prepubescent

female child in various states of undress and decomposition, including with maggots and insects crawling on her body and genitals.

The child abuse material which is the subject of both of those offences in counts 16 and 17 came into your possession as part of that message exchange activity and was stored by you only in the sense that the video and images were retained in your accounts as part of that chat activity.

The third category child abuse material offence is that charged in count 18 of the indictment of using a carriage service to access child abuse material contrary to subs 474.22A(a) of the Commonwealth *Criminal Code*. This offence relates to your conduct in accessing the material which is the subject of counts 16 and 17 which I have already described.

Both the Crown and your legal representatives have sought opinions in relation to your psychological abnormality and dysfunction from psychiatrists which each has engaged for that purpose. Those opinions are contained in extensive and exhaustive reports which were tendered into evidence on the last occasion this matter was before the court. The opinions those psychiatrists express are as independent experts. There is nothing in their reports which leads me to consider that either is acting as anything other than an independent expert, but for the sake of brevity and convenience I will refer to them as “the defence psychiatrist” and “the Crown psychiatrist” respectively.

In addition to those principal opinions, the defence has also provided a further report today from a third psychiatrist in relation to the issues of remorse, rationalisation, insight, hardship and future treatment. I will deal with that further opinion in various contexts later in these remarks.

So far as the initial two reports are concerned, for reasons which are irrelevant for these purposes only the defence psychiatrist has had the opportunity of examining and interviewing you. The Crown psychiatrist has formulated his opinions, based in part upon the account you have given to the defence psychiatrist during the course of his examination and interview. The history of personal and other circumstances that you gave to the defence psychiatrist can be summarised briefly as follows.

You were born into a solidly upper middle class family in northern England in which you were the eldest of three children. You had a good relationship with both of your parents while you were growing up, and you were afforded every advantage in life. You attended the local infant and grammar schools until you moved with your family to Hong Kong when you were about 16 years of age.

After completing your secondary schooling in Hong Kong, you returned to England to undertake an undergraduate degree in zoology. On completing that degree you moved to Bristol and studied towards a doctorate of philosophy in zoology. You completed that degree in 1996 when you were 25 years of age. The subject matter of your doctorate was echolocation and bioacoustics, but you had a

particular and longstanding interest in crocodiles. In pursuit of that interest, you secured a position with a crocodile research farm in Darwin rather than continuing your work and studies in echolocation.

You worked as a research officer at the farm for almost ten years. You met your former wife while she was working as a volunteer at the farm. You established a relationship, purchased the property on which these offences were committed and eventually married in 2006. It was at or about that time that you left your employment at the farm and established your own business as a crocodile specialist working on research projects, consultancy, training and related activities.

Prior to meeting your wife you had a very limited relationship history. During your university studies you had two relationships with women which were non-sexual in nature. Following your graduation you had a very brief sexual relationship with a woman who also worked in the reptile field. Your ability to form normal sexual relationships was obviously impaired by your various paraphilias which I will go on to describe, and your attendant sexual interests and preferences.

You say that you have had an unusual interest in animals since you were about 6 years of age. You enjoyed watching pictures of animals defecating and urinating and you fantasised about being immersed in cow faeces from around that age. That eventually developed into smearing yourself and rolling around in your own faeces, which you found to be sexually exciting.

You became interested in animal sexuality from about 10 years of age and you began masturbating to pictures and television images of horses because you found them to be sexually attractive at that stage in your development. You fantasised exclusively about animals and you had no sexual interest in other human beings. You began sneaking out at night to a field near your home where horses were kept. Once there, you would hug the horses, lick their saliva and eat their hair. You would also rub horse faeces onto yourself and roll around in it. Your masturbation fantasies also began to include wolves and dogs as well as horses. Although you have stated in some of the messages that you sent on the messaging service that you had sexually molested horses at that stage in your life, you told the defence psychiatrist that this was simply exaggeration on your part for the purpose of the group chats.

As you approached adolescence you realised that your sexual interest in animals was transgressive and would attract condemnation if it became known to others. You were able to control and suppress your sexual urges at that stage of your life. That continued into university, although you say that you came across horses in fields on a few occasions during that time and masturbated while touching them. You retained your sexual interest in animal faeces after commencing study towards your PhD, and you recall masturbating to images of cows defecating during that time.

After moving from England to Australia you sought out and found a bestiality group online where you were able to download videos and communicate with like-

minded individuals. At that point in time the videos were restricted to people having sex with animals, which were only of limited interest and stimulation for you.

As I have already recorded, you met your former wife in 2001. You attempted to establish a sexual relationship with her but those attempts were obviously hampered by your unorthodox sexual preferences. Sexual intercourse with your wife was not something you enjoyed and was extremely sporadic as a result. The relationship eventually became entirely platonic and asexual in nature. You continued to masturbate to videos of animals during that relationship. As I have already noted, you began interfering with your own dogs for sexual gratification from in or about 2014. That sexual activity included the conduct with faeces which I have previously described.

In or about 2019, your activity on bestiality websites began to escalate and you created the Monster persona. You say that it was some of these website contacts who prevailed on you to obtain, perform violent acts on and kill dogs, and to record that conduct to share. You also say that one of those contacts threatened to expose you if you did not do what he said, and gave you specific instructions as to particular acts to perform with particular implements. There is no evidence before the court to that effect beyond your bare assertions to the defence psychiatrist. Even if that is true, it strikes me as an attempt to deflect responsibility for your conduct and to attribute blame elsewhere. You accept that even prior to that time you were sexually excited by video tapes depicting zoosadism which you saw on websites. You have also said to the defence psychiatrist that you accept that you are completely to blame for torturing and killing these dogs.

You told the defence psychiatrist that the most sexually arousing aspects of your activities were the exposure to animal faeces, urine, filth and blood, and particularly the act of dogs licking faeces from your body. You denied sexual arousal from the physical suffering of animals, but that denial would seem to be clearly inconsistent with the conduct depicted in the videos in which you recorded your activities.

So far as the child abuse material is concerned, you denied any interest in child pornography and you denied any sexual interest in prepubescent children. You also stated that the 15 files containing child abuse material which had been found stored on your laptop came into your possession coincidentally and unintentionally as part of a larger file containing animal defecation videos.

Against that background, the Crown psychiatrist is in agreement with some of the conclusions and opinions drawn by the defence psychiatrist and in disagreement with others.

As a starting proposition, the defence psychiatrist concluded that during the course of the examination you were not intentionally producing false symptoms in order to ameliorate your position or reduce your culpability. However, I do accept the observations made by the Crown psychiatrist to the effect that there has been some attempt by you to understate the nature of your previous sexualised behaviours with animals, including by now seeking to deny that you engaged in

zoophilic acts with horses as a youth; and that your account to the defence psychiatrist contains elements of minimisation, justification, rationalisation and attributional projection of blame for your conduct to others. It is conceded on your behalf that the defence psychiatrist also found that you had sought, to a degree, to rationalise your offending by minimising your own level of blameworthiness.

Subject to those qualifications, the Crown psychiatrist agrees with the defence psychiatrist's diagnosis that your paraphilic disorders include zoophilia, which is sexual attraction to animals; zoophilic scopophilia, which is recurrent and intense sexual arousal involving animal faeces; zoophilic urophilia, which is recurrent and intense sexual arousal involving urine; and zoosadism, which is sexual pleasure derived from cruelty to animals.

However, the Crown psychiatrist is of the view that your primary and most prominent current diagnosis is zoosadism over and above the other disorders. He draws that conclusion of the basis of your highly sadistic sexual activity with dogs in the period of almost two years leading up to your arrest. Given the undisputed and irrefutable nature of that activity, I accept that opinion to be correct. Any suggestion that zoosadism is not your primary diagnosis is based entirely on the account that you have now given to the defence psychiatrist, and particularly your disavowal of any sexual pleasure from cruelty to animals. That flies in the face of what is depicted in the videos which you recorded. It is also inconsistent with the many messages which you sent which suggest otherwise, including, by way of example, that you were getting another dog to torture and kill and that you were "ridiculously excited" about doing so.

For those same reasons, I accept the Crown psychiatrist's conclusion that a central feature of your sexual enjoyment and sexual arousal was your involvement in video taping those activities. I also accept the opinion expressed by the Crown psychiatrist that although you have sought to portray yourself to the defence psychiatrist as a passive or somehow unwilling participant in the recordings, and to suggest that you were prevailed upon by others to produce that material, the objective facts would suggest otherwise. You created two accounts, one of which was for the specific purpose of disseminating the material which you had produced. In most of your chats with other users, you were quite clearly the dominant and more experienced participant, and you promoted and incited violence against animals with those other users. That included counselling others to torture and kill dogs because it would change their lives for the better, advising users how to procure dogs for that purpose, and advising users as to the types of torture which you considered to be the most exquisite. Those communications demonstrate that by that point in time at least, you were a primary agent and actor rather than acting under the coercive influence of others.

The Crown psychiatrist is of the further opinion that your atypical sexual interests include sexual arousal from blood, sexual arousal from internal organs and sexual arousal from the corpses of animals. The Crown psychiatrist also does not dismiss the finding that you have a sexual interest in child abuse material with bestiality content.

That latter opinion is put on the basis that the possession of child pornography is a valid diagnostic indicator of paedophilia, and various online statements you made, such as your potential interest in material depicting dogs licking girls and your expressed interest in a video of a boy masturbating while standing behind a dog. The Crown psychiatrist also opines that your denial of any interest in children is quite inconsistent with the fact that you had 15 child abuse material files stored on your laptop computer quite separately from any material involving animals, and that you kept those materials for an extended period of time prior to your arrest.

On the other hand, the defence psychiatrist says that your history does not suggest that you sought out internal organs, blood or corpses for sexual gratification independent of your other sadistic acts. On that basis, he expresses the view that if you do have any of those subsidiary conditions identified by the Crown psychiatrist, they are secondary and difficult to distinguish from the principal diagnosis of zoosadism. The defence psychiatrist also does not accept that you have any paedophilic interest, primarily on the basis that you have never sought to commit an offence against a child, you have never demonstrated any sexual interest in prepubescent children, and your possession of the child abuse material was incidental to and insignificant when compared with your production, collection and sharing of zoosadistic material.

Although nothing of any particular significance turns on those competing opinions for sentencing purposes, I generally accept the defence psychiatrist's opinions about the presence or otherwise of those secondary or subsidiary disorders. That conclusion is also consistent with the further report I have received today, which opines that there is insufficient clear evidence to warrant a specific diagnosis of the more obscure paraphilic disorders identified by the Crown psychiatrist.

So far as your risk of reoffending is concerned, the defence psychiatrist drew the following conclusions. First, a psychological condition of this nature is often amenable to treatment and not necessarily permanent. Second, if it is true that your sexual arousal to the physical suffering of animals has abated, then it is possible that the condition will not affect you in the future. Third, without treatment you will continue to experience atypical sexual interest in animals. The recommended treatment would include hormonal medication and psychotherapy. That is because psychotherapy alone would be insufficient to treat your longstanding sexual interest in animals. Fourth, even if your assertion about the abatement of your sexual arousal in response to the physical suffering of animals is true, you continue to have non-sadistic sexual thoughts about animals to which you occasionally masturbate. You do not consider that to be wrong or that your sexual interest in animals is harmful to them.

Ranged against those conclusions, the Crown psychiatrist has opined that there is no evidence-based information to the effect that zoosadism is amenable to treatment and not necessarily permanent. In his opinion, given the exclusivity of your preference and the severity of your condition it will remain an ongoing chronic

and longstanding paraphilia even with sex offender treatment. In the further opinion of the Crown psychiatrist, although there is no evidence that severe paraphilia of this nature can be cured, a highly specialised sex offender treatment program may ameliorate and contain your urges. The success of those treatments will be dependent upon their availability and the level of your insight, motivation and compliance.

The defence psychiatrist has rejected that opinion by way of supplementary report on the basis of what he describes as the summary of the available literature appearing at page 70 of his original report. The original report makes reference in that part to guidelines issued by the World Federation of Societies of Biological Psychiatry regarding the pharmacological treatment of paraphilic disorders. Those guidelines themselves state that the goals in such treatment are to control paraphilic fantasies, behaviours and urges in order to decrease the risk of sexual offending, to decrease the level of distress of persons suffering from those disorders, and to enhance non-paraphilic sexual interests and behaviours. None of that is to suggest on its face that a severe paraphilic condition of this nature can be cured. In fact, it might be taken to suggest the opposite. The original report goes on to refer at that point to limited studies which are not identified but which are said to indicate that pharmacological treatment can dramatically decrease or eliminate paraphilic behaviours. Again, the summary of those unidentified studies would seem to suggest only that the condition may be amenable to control with hormonal treatment.

The defence psychiatrist is a medical practitioner based in the United States. I accept the inference drawn by the Crown psychiatrist that the defence psychiatrist has a limited knowledge of the resources available for the treatment of sex offenders in Australia generally, and in the Northern Territory in particular. So far as hormonal treatments are concerned, they are not readily available in the Northern Territory. In addition, the cost of that medication is high and the treatment requires ongoing biological monitoring by a suitably qualified and registered medical practitioner, often in conjunction with an endocrinologist.

Put more bluntly, the Crown psychiatrist's opinion is that your sexual disorder is incurable but potentially amenable to some form of containment and control with treatment which will be difficult to implement and sustain, particularly in the custodial environment. That is generally consistent with the opinion contained in the further report which I have received today. That report recommends participation in a group-based and offence-specific intervention program of high intensity and protracted duration which will require individual intervention. The third psychiatrist says that given the severity, persistence and acceleration of your deviant arousal the condition warrants antilibidinal medication. That offers the best opportunity to address deviant sexual arousal of this nature.

Although you expressed some reluctance about that option, and you have previously done so on a number of occasions, you have most recently told the third psychiatrist that you are amenable to considering it as an option. The most recent report says that there are no prescribers of antilibidinal medication in the Northern

Territory, but that prescription can be managed through video conferencing contact and with oversight by an appropriate private practitioner or forensic service.

The report also makes certain recommendations in relation to external and environmental conditions and constraints which should be imposed on any conditional release in the future. For reasons I will come to describe, that will be a matter for the parole authority to consider at the appropriate time. It is of significance, however, that the report makes those recommendations as the matters best addressed to reducing the risk of reoffending so far as is possible. The implication is that the risk of reoffending remains and will remain even with those interventions and restrictions.

Returning then to the original psychiatric reports, the defence psychiatrist has used one particular assessment instrument to categorise you as below average risk for being charged with or convicted of another sexual offence. Using a different assessment instrument you were assessed as a moderate overall risk. In numeric terms, the purported use of those instruments is said by the defence psychiatrist to put your estimated risk of sexual recidivism in the next five years at 1.7 percent to 6.1 percent.

On the other hand, the Crown psychiatrist says that one of those assessment instruments was ill-adapted to the nature of your offending behaviours, and the other assessment instrument was even more problematic in its application to an individual whose primary sexual offending is against animals and whose primary paraphilic diagnosis of zoosadism. That opinion is expressed on the basis that the instrument itself states that it is for use in relation to adult males convicted of sexually motivated offences against “other persons”, and contains no recommendation for use in relation to offences against animals generally or the condition of zoosadism specifically. The Crown psychiatrist also criticises the scoring on that instrument, and the inconsistencies between the assumptions applied by the defence psychiatrist and the various unguarded statements which were made by you during the course of your messaging activity.

The defence psychiatrist has rejected or otherwise addressed those criticisms in a supplementary report. It is not strictly necessary to resolve those differences of opinion for these purposes. That is because the defence psychiatrist ultimately adopted what the Crown psychiatrist has described as a “pragmatic clinical approach" in concluding that the application of a different assessment instrument shows that the severity of your paraphilic conditions warrants the rating of a moderately high to high risk that you will commit acts of sexual violence in the future, despite the moderate and below average assessments using the other instruments. That assessment falls one level below the highest level of risk. The Crown psychiatrist agrees with that particular assessment, but it is made on the assumption there will be no intervention or hormonal treatment.

The Crown psychiatrist also agrees that as you age your sex drive and your sexual urges will naturally and gradually decline. However, his opinion is that you

could theoretically remain sexually active over the next ten or 20 years and the risk will potentially remain present during that period of time.

So far as the question of insight bears on the assessment of your prospects of rehabilitation and your risk of re-offending, the most recent report says that while you appear motivated to desist from future deviant behaviours, in sexual offenders genuine insight and understanding must develop over a prolonged course of offence-specific interventions involving reflection, challenges, confrontation and feedback from treating clinicians. Only then can some assessment be confidently made of the offender's ability to manage stressors, external pressures and internal drivers which might lead to a relapse into deviant sexual behaviours. While you have participated in some counselling while on remand, you are at the very early stages of that process and any assessment of the level of your insight must be made in that understanding.

Accordingly, I am unable to find that you present a low risk of re-offending in this manner. I find that at the present time and with the present uncertainty in relation to the availability of effective hormonal treatment programs, and your amenability to continuing participation in such a program, you present a continuing risk of re-offending against animals in this fashion. I am driven to that conclusion by the expert opinion which I accept, by the severe nature and level of your deviancy, and by the compulsive and repetitive commission of these acts over the period of 18 months leading up to you arrest. Although your barrister rightly points to the fact that you were able to keep a lid on your paraphilic desires for much of your adult life, that was certainly not the case in the two or so years leading up to your arrest. To paraphrase your own words during your unguarded messaging, although you were slow to start acting on your perversion, once you did you loved it, you could not stop doing it and, moreover, you did not want to stop doing it. For these reasons, I consider that any assessment of your risk of re-offending and your prospects of rehabilitation must be guarded and conditional.

The defence psychiatrist has also provisionally diagnosed you as suffering from a major depressive disorder in the period leading up to and at the time you committed these offences. Both the defence and Crown psychiatrists agree, however, that this diagnosis is made entirely on the basis of your retrospective self-reporting to the defence psychiatrist. There is no objective or contemporaneous evidence to support your claims with any sort of diagnostic certainty. In particular, you did not at any time seek any assessment or treatment from any health practitioner complaining of any sort of depressive symptoms, and over the period of your offending you clearly derived a high degree of pleasure, enjoyment and gratification from your activities.

Ultimately, I accept the Crown psychiatrist's opinions that the diagnosis of depression cannot be confirmed, and that although it is not uncommon for individuals who suffer paraphilia to have depressive symptoms as part of their antecedent history, those symptoms are not causative of sexual offending. I also accept the opinion that it is common for individuals who are facing serious criminal charges and who are remanded in custody to have depressive symptoms for obvious reasons.

That is the result of legal, situational and custodial stressors, rather than other causes.

The defence psychiatrist has also provisionally diagnosed you as suffering from obsessive-compulsive disorder, but he does not regard that condition as being current or significant at the time of the offending. In the absence of anything to the contrary, I do not consider that any such disorder, even if you did have it, is directly or causally related to your sexual offending. That conclusion is also consistent with the most recent psychiatric opinion that there is no clinically significant impairment or distress associated with a putative diagnosis of obsessive-compulsive disorder.

It is necessary then to assess and determine what consequence your psychological conditions have in this sentencing exercise. The defence suggests that they should lead to some slight reduction in the assessment of your moral culpability. That is put on the basis that you were born with these paraphilic conditions, rather than having chosen to adopt them, and in that sense it is not your fault. While that might be so up to a point, you certainly made a very clear and definitive choice at the age of 49 to indulge your perversions in the most violent and sadistic of manners. The making of that choice was very clearly your fault and your paraphilic conditions do not operate to lower the assessment of your moral culpability.

A mental disorder will only operate to reduce moral culpability in circumstances where it results in an impairment of mental functioning. The type of impairment with which this principle is concerned arises in cases of intellectual disability, acquired brain injury and recognised categories of psychiatric illness such as schizophrenia, depression and bipolar disorder. In such a case, sentencing purposes such as denunciation, general deterrence and specific deterrence may have to be moderated, and particular consideration may need to be given to the adverse effect of imprisonment on the offender's mental health.

On the other hand, as with psychopathy and sociopathy, socio-sexual disorders such as paedophilia and paraphilia are not psychiatric illnesses or mental impairments as such, and do not affect an offender's capacity to perceive the surrounding world and to respond to it. For that reason, they do not operate to reduce moral culpability. To the extent it might be argued that a sexual disorder might reduce moral culpability in extraordinary cases of compulsive sexual syndrome, I do not accept that your condition was one of extraordinary compulsion. So much is apparent from the fact that you were able to rationalise the need to keep the condition hidden over many years. You were able to refrain from acting on the condition for many years and you were obviously quite capable of perceiving how the surrounding world would respond to your offending conduct. Your decision as a mature and well-educated man to begin and continue performing these unspeakable acts was the result of evil motivation and intention, rather than impaired mental functioning.

The highest the defence's submission can rise in this respect is that the contributors to your conduct included the external stressors of marriage difficulties

and financial difficulties, and the introduction of the internet as both an outlet and a stimulant for your sexual fantasies and urges. Again, while those matters may be accepted, they operate as explanations for your conduct rather than excuses or mitigating factors.

The general principles which have operation in sentencing people for acts of animal cruelty and in determining the appropriate penalty are not in doubt. The community considers violence and cruelty to animals to be an abhorrent crime in which the animal is an innocent, powerless and unwitting victim of an offender's anger, malice or other perversion. The penalties imposed must make it clear to both the offender and the broader community that such violence towards animals will not be tolerated. The punishment must properly reflect the seriousness of the offending, and denunciation and deterrence are paramount purposes in sentencing for offences such as these in the expression of the community's legitimate disgust for and condemnation of this kind of behaviour.

Defence counsel submits that the purpose of general deterrence is diminished in this case because of the rather unique circumstances of the offending. That submission is put on the basis that the need for general deterrence in relation to an offence is governed by its prevalence. General deterrence is a matter which must always be taken into account in determining a sentence for criminal offending. Its purpose is to discourage potential offenders. That discouragement is directed to not only the specific type of offence under consideration, but in this case also to offences of aggravated cruelty to animals generally. The intention is to demonstrate to prospective offenders against the relevant provisions of the animal welfare legislation the consequences of violating those laws. Moreover, general deterrence is of elevated importance in relation to crimes involving sexual exploitation, including of animals, particularly where the offences are planned and premeditated as these were. For these reasons, general deterrence remains an important purpose in this sentencing exercise.

Sentences must also be crafted and imposed in the understanding that acts of violence against animals almost invariably take place behind closed doors or otherwise in seclusion, and that they are relatively easy to conceal from the authorities and difficult to detect and prosecute for that reason. That is because the animal is under the control of the perpetrator and the animal is incapable of complaint.

There is no established tariff or sentencing range in this jurisdiction for any of the offences against the *Animal Welfare Act* or the bestiality offences. I will deal with the sentencing principles and standards which govern the child abuse material offences later in these remarks.

All sentencing exercises must be conducted within the framework erected by the legislature for that purpose. As the High Court has observed, maximum penalties are the primary measure by which the courts assess the seriousness which the community attributes to different forms of criminal conduct. When dealing with aggravated cruelty to animals, I well appreciate that some people, including noted

bioethicists, are of the view that the life of an animal, and particularly that of a mammal, should be treated as dearly as the life of a human being. In the relevant sentencing framework, however, at the material time the maximum penalty, and in fact the only penalty, for the crime of murdering a human being was life imprisonment. At the same material time, the maximum penalty for the infliction of aggravated cruelty on an animal causing death was imprisonment for two years. That is the framework within which this sentencing exercise must be conducted and that relativity necessarily governs the sentence ultimately imposed.

The killing of pets usually takes place as an act of revenge by the perpetrator against an estranged partner or enemy. Those cases almost always involve the killing of the animal without any element of additional violence or cruelty. The penalties for offences of that type will depend very much on the individual facts and the personal circumstances of the offender, and can in the ordinary course range from anywhere between a substantial monetary penalty up to 18 months' imprisonment, depending on the maximum penalty in the particular jurisdiction.

As a general observation, the maximum penalties provided for by animal welfare legislation, together with the penalties imposed by the courts, have increased over recent years in apparent recognition of the fact that the previous maximum penalties provided under the legislation and the penalties imposed were inadequate having regard to the very serious nature of the offending. That seems to be the position across most common law jurisdictions as the rights of animals have been afforded greater precedence.

The Crown has drawn attention in that respect to the United Kingdom Sentencing Council's guidelines for animal cruelty offences which were introduced in 2021 and republished in 2023. The introduction of those guidelines coincided with the increase of the maximum penalty for aggravated cruelty offences against animals to imprisonment for five years. Those guidelines provide that sadistic or extreme cases or cases involving prolonged incidents of serious cruelty will be assessed at the highest level of culpability. Aggravating factors include cases involving multiple incidents, the use of significant force, multiple victims and the sharing of images of cruelty on social media. It need hardly be said that your offending includes and incorporates all of those features.

By way of further example, the Crown has referred me to a 2023 Canadian decision in which the court observed that the sentences in this area have gradually increased over time to reflect the abhorrence and lack of tolerance society has for crimes involving the infliction of cruelty on vulnerable animals. The court noted that the maximum penalties for those offences had been increased in Canada in 2008 and again in 2019.

That particular Canadian case involved a 26-year-old woman who had either killed, maimed or caused unnecessary pain and suffering to eight kittens and a pregnant cat over the course of five years between 2018 and 2023. There was no sexual motivation underlying that offending. The killing and maiming in that case was largely inflicted by blunt force trauma and in a manner which did not involve

anything near the degree of perversity, cruelty or violence which you inflicted on the dogs that you killed. In making that observation I accept that there is very limited utility in considering the sentences imposed in another jurisdiction for offences attracting a higher maximum penalty than applies in your case. While recognising those limitations in this sentencing exercise, the comparative sentences which were reviewed in the Canadian case ranged up to imprisonment for three years. Again, all of the cases reviewed involved conduct which fell far below the nature and severity of your conduct, both in respect of each individual animal and in respect of the number of animals involved.

It is difficult to conceive how any crime of this nature could be more serious than the crimes committed by you. On each occasion the violence inflicted on these animals was severely and usually prolonged. The content of the agreed facts and the descriptions I have given in these sentencing remarks illustrate that graphically. The suffering of these animals was indescribable. You were in a position of trust in respect of all of those animals. The sheer deviancy and brutality of your conduct is not satisfactorily encompassed by the bare description that you killed each animal intending to cause its death. You conduct involved so much more than that.

In addition, your *modus operandi* was one of devious and careful premeditation and planning. The individuals from whom you procured these dogs thought they were going to a good home and thought that they would be protected. You used weapons extensively in the course of your activity, including knives, wooden clubs, pliers, bolt cutters, hacksaws and axes. As the Crown has submitted, the sheer and unalloyed pleasure that you derived from inflicting this torture is sickeningly evident from the recorded material, and serves to increase the gravity or the level of your depravity.

There was a high degree of callousness in the way you dealt with and then disposed of the bodies of the animals. Your motivations were of the basest and most perverse kind. The objective seriousness of your criminal conduct is further elevated by the fact that you took videos of the grotesque harm you were inflicting on these animals. You then revisited those videos for your own sexual gratification and you shared them for the gratification of other deviants. The fact that you staged each of these remorseless killings as a production further reinforces the meticulous level of your planning. I also have no doubt that you would have continued with this conduct had you not been arrested by police. You had no intention of stopping and you would not otherwise have stopped.

Having regard to those matters, I have no hesitation in accepting the Crown's submission that the 39 offences against s 10 of the *Animal Welfare Act* can only be properly described as falling within the worst category of offending of this type. To adopt the formulation of the High Court in *Kilic*, each is an instance of the offence which is so grave that it warrants the imposition of the maximum penalty prescribed for that offence. It is beyond and beside the point that it may be possible to conceive of an even worst instance of this type of offending, although in this particular case I am entirely unable to conceive of anything worse. The maximum penalty is the

only appropriate sentence which can be imposed for each of these animal cruelty offences.

In saying that I am cognisant of the fact that some attempt might be made to differentiate between the offences in terms of their objective seriousness and the level of depravity involved. By way of example, the offences charged in counts 77 to 86 on complaint relating to your sexual exploitation, torture and killing of the one adult dog and nine puppies might be said to be less objectively serious than some of the other offences because most of those ten offences did not involve any prolonged torture. While that may be so, I do not consider that distinction warrants the categorisation of each of those offences as anything other than one which is so grave that it warrants the imposition of the maximum prescribed penalty.

The separate offences against ss 8 and 9 of the *Animal Welfare Act* generally fall into the upper range of seriousness for that type of offending, without falling into the worst category. The exception to that is the offence charged at count 27, which does fall into the worst category of offending of this type. Although you have not been charged with intending to kill or killing the animal which is the subject of the offence charged at count 27, it almost certainly would have died as a result of what you did to it.

I have already dealt with the need to quarantine punishment for the bestiality offences from the punishment imposed for the aggravated cruelty offences. As objectively serious as the bestiality offences are, for sentencing purposes they are restricted to discrete acts of penetration or attempted penetration which almost pale into insignificance against the surrounding context of sadistic brutality in which those acts of penetration and attempted penetration occurred. Even allowing for that relatively, the bestiality offences are extremely serious in nature and stand to be punished accordingly. The sentences imposed for those offences will necessarily reflect the fact that the maximum penalty for each of the bestiality offences, leaving aside the offences of attempted bestiality, is imprisonment for three years, which is a higher maximum penalty than that applicable to the aggravated cruelty offences.

I turn then to consider the four offences against subs 474.17(1) of the Commonwealth *Criminal Code* which involve using a carriage service in an offensive manner. I have already described the nature of those offensive communications and recorded my finding that their depravity matched the depravity of the aggravated cruelty offences. As the Crown has drawn attention to in its submissions, this offence is generally charged in relation to the use of a carriage service to make threats or to harass another person – and then usually during a time period of limited duration with a limited number of calls or messages. As I have described, each of these four offences which you committed took place over an extended period of time ranging from almost four months to twelve months, and involved a large number of uploads, disseminations and communications.

You used the messaging service to involve yourself in more than 150 threads under the user name of either Monster or Cerberus. In doing so, you contributed to highly offensive discussion and you personally posted at least 1090 images and

videos depicting your sexual exploitation, torture and killing of animals. Given the extent and frequency of that activity and the period of time over which it extended, each count these offences falls within the upper range of seriousness for this category of offending.

I turn then to consider the offences involved the child abuse material. In the particular circumstances of this case, these offences are peripheral to the offences involving animal cruelty and the use of a carriage service in an offensive manner for related purposes. Even allowing for that it is clear that the Australian Parliament on behalf of the community considers that sexual offending of this type is both serious and repugnant. The opprobrium with which such offending is regarded is apparent from the fact that the penalty for the Commonwealth access offence, which was a forerunner to the transmission offence with which you have been charged, was substantially increased from ten years to 15 years in 2010. The increase in the incidence of this type of offending and the level of depravity of the material were amongst the policy drivers for that increase in penalty.

In 2019, the Commonwealth Parliament made further amendments to the offence regime which also recognised the seriousness and the gravity of these types of offences, the inherently abusive nature of the material and the harm necessarily inflicted on children the subject of such material. Those amendments introduced the provision under which you have been charged with possessing child abuse material obtained through a carriage service. Those amendments and increases in penalty recognise that offending involving child pornography occurs on an international level and has become increasingly prevalent with the advent of the internet. Such offending is difficult to detect given the anonymity which that infrastructure provides and allows. The offence involving child abuse material against the Northern Territory *Criminal Code* must be assessed on that same basis.

Against that background, there can be no doubt that your particular offending was objectively serious. As I have described, some of the material that you possessed was of the most depraved kind, depicting penetrative sexual activity between adults and toddlers, sadism, humiliation and bestiality. The principal factor which stops this falling into a more serious category of offending is the very limited number of images in your possession. The offending in count 15 relates to 15 images and videos. The offending in count 16 relates to a single video. The offending in count 17 relates to five anime images. The offending in count 18 relates to the retention of the same material which you transmitted to yourself, which material is already the subject of counts 16 and 17. I note in that respect that the most serious cases of possession and control of child abuse material involve tens of thousands of images and videos.

I also note in this respect that there is no evidence that the material that you downloaded or accessed was in any way for the purpose of sale or further distribution, or that you stood to profit or benefit from your activity. While that is in no way a mitigating factor, it does go to the assessment of the relative seriousness of this offending involving child abuse material. Finally, as I have already said, your possession of the child abuse material was, in my assessment, incidental to your

zoosadistic perversion and I do not sentence you on the basis that you have any form of paedophilic condition.

Even allowing for those qualifications, it is well accepted that in sentencing for offending involving child abuse material, general deterrence will be the paramount sentencing consideration. That derives from the fact that the courts must, as far as they can within allowable sentencing parameters, send a message that possessing and accessing child abuse material will be punished severely. The harm caused by offenders who access and possess such material is that young people are used by the manufacturers of child pornography to satisfy their demand which that access and possession creates. In assessing the gravity of your offending, I must necessarily take into account the fact the children had been grievously exploited and harmed to feed this type of activity. For these reasons, the approach to offences involving child abuse material is that unless there is something in the way of exceptional circumstances, a sentence involving a term of imprisonment will be warranted.

The Northern Territory offence charged in count 15 is the most serious of the child abuse material offences. That is the case having regard to the nature of the material involved, the number of images and videos, and the fact that you had purposefully stored those images and videos on your laptop rather than through an incidental transmission in the course of your zoosadism activities. The Federal offences in counts 16, 17 and 18 are less serious in nature.

For totality reasons which I will come to shortly, under the structure of your sentence I will specify that the sentence for the three Federal offences involving child abuse material will commence on that backdating date and will be served entirely concurrently with the sentence imposed for the first aggravated cruelty offence. As a consequence, under the sentence structure I will be imposing you will still be serving the sentences imposed in respect of the Territory offences on the day after the end of the sentences imposed for the Federal offences, including the offences in counts 11 to 14. That being so, in accordance with s 19AC(4)(b) of the *Crimes Act 1914* (Cth) I decline to make a recognisance release order in respect of the Federal sentences.

There is also a need for consideration of the extent to which the penalties imposed in respect of each offence or category of offence are to be made cumulative upon or concurrent with each other. As the Court of Criminal Appeal observed in the matter of *Carroll*, s 50 of the *Sentencing Act* creates a *prima facie* rule that terms of imprisonment are to be served concurrently unless the court otherwise orders. There is no fetter on the discretion exercised by the court in that respect. Secondly, it is both impractical and undesirable to attempt to lay down comprehensive principles which determine whether sentences should be served concurrently or consecutively. The assessment is always a matter of fact and degree. Thirdly, the Court of Criminal Appeal said that an offender should not be sentenced simply and indiscriminately for each crime he or she is convicted of, but for what can be characterised as the totality of his or her criminal conduct. The sentences for the individual offences and the total sentence imposed must be proportionate to the total

criminality involved. The overriding concern is that the total sentence imposed be proportionate to the total criminality of the offender's conduct.

Where the offences are part of what might be described as a single episode of criminality with common factors, it is more likely that the sentence imposed for one of the offences will reflect the criminality of the other offences involved, particularly where the circumstances in which each offence was committed were highly interdependent. In those circumstances, a higher degree of concurrency will be warranted. In this case, it cannot be said that these offences formed a single episode of criminality. The most that can be said in that regard is that they were all the product of your singular pathology and paraphilia. Each episode of aggravated cruelty was separately planned and involved a particular animal. Those 39 offences took place over the course of 18 months, often with substantial lapses of time between each episode of offending. In that sense, they were unrelated in both time and circumstance. Where two offences have been charged arising out of the same episode, that is in recognition of the fact that there were different animals involved or there were discrete and different types of criminality involved in that episode.

I make those observations subject again to the exception concerning the offences charged in count 77 to 86 on complaint, which relate to your sexual exploitation, torture and killing of the one adult dog and the nine puppies in what might be characterised as a single episode of continuing conduct. However, I also do not consider that orders for full concurrency would be appropriate in relation to those offences. A failure to identify and evaluate the nature and seriousness of each offence and to cumulate the individual sentences appropriately would amount to a failure to accord appropriate weight to the harm inflicted on each animal and the different acts of criminality involved.

Although there is otherwise no call for any degree of concurrency on the basis of any relationship in time and circumstance between these offences, the principle of totality does require a relatively high degree of concurrency to ensure that the sentence imposed is not disproportionate to the total criminality of your conduct. However, the degree of any concurrency ordered must be very carefully modulated to ensure that the total sentence imposed is properly reflective of the egregious nature of your criminal conduct over a period of some 18 months.

In addition to those sentencing considerations, s 76A of the now repealed *Animal Welfare Act* provided that where a person is found guilty of a relevant offence in respect of an animal, and the court forms the view that the person is likely to commit a further offence in respect of an animal, the court may make a prohibition order. For the reasons that I have already attempted to describe, I consider that as matters presently stand you are likely to commit a further offence in respect of an animal and that risk will continue to present unless you are subjected to effective psychotherapy and antilibidinal treatment over an extended period of time.

The submission made on your behalf is that such an order should be limited to a period of five to seven years following your release. That is put on the basis that there is insufficient evidence upon which to conclude that you have anything other

than reasonable rehabilitative prospects, that you have been receptive to and engaged with treatment and that you are motivated regarding further treatment, including anti-libidinal medication. Those submissions must be assessed having regard to the extraordinary severity and persistence of your deviant arousal, the conditional and guarded assessment I have made about your prospects of rehabilitation and the fact that your submission to some form of hormonal or anti-libidinal treatment is speculative only at this stage. You have previously expressed a reluctance to submit to such treatment directly to two psychiatrists who have interviewed you, so there is obviously a limited weight which can be attributed to second-hand expressions of amenability in the context of and for the purpose of sentencing proceedings.

In accordance with that provision, I will be making an order that you must not for the term of your natural life purchase, acquire or take possession or charge of an animal or have an animal in or on your premises. Having regard to your particular perversion and in accordance with the issues raised during the course of sentencing submissions, that order will be limited to animals of the class *Mammalia*.

The only orthodox mitigating factors which present in your case are that you have no previous criminal history and that you have pleaded guilty to these offences at an early stage.

In offending of this type, an offender's prior good character does not carry as much weight as it might do with other categories of offending. That is because it is that good character which affords the offender a degree of licence and freedom to conduct his or her criminal activities without interference or detection. In making that observation, however, I do not accept the Crown's submission that you somehow used your status and profile as a crocodile expert to get access to these animals. You gained access through an online marketplace site, and there is no evidence that you deployed your known character, status or profile for that purpose, or that those matters played any part in your procurement of the animals.

I have received a number of character references which speak in support of you.

Your mother tells me that you have always been a kind and conscientious son to her. You have kept in regular touch with her throughout the course of your life, and through that contact she was aware that there were difficulties in your marriage. She was also aware of the financial difficulties arising from your self-employed status. She says that she was shocked and dismayed by the level of cruelty you displayed to these animals, and that this conduct is entirely out of character for the person that she knows. Your mother says that you have expressed remorse to her, but my reading of those expressions is more that you were seeking to blame your conduct on causal factors such as your marital and financial woes, rather than a genuine demonstration of remorse.

I have received a letter from a person who has known and worked with you since the 1980s. He says that you have always demonstrated professional integrity in his

dealings with you, and that he was intensely shocked when he read about these charges because he had never seen any indication of that in your character.

I have received a letter from another person who has known and worked with you since the mid-1990s, and also mixed in the same social circles with you and your former wife. He says that in his observations you were dedicated to and enthusiastic about your research. He says when he first read about these offences he did not believe it was possible. After the entry of your guilty pleas, he has now accepted that you did do these terrible things, but he feels that they were out of character for the person that he has known for many years now.

I have received a letter from a couple who have known you for the last 20 years. They have lived in Darwin throughout that period and frequently interacted with you. They have always found you to be a respectful person who is concerned for the welfare of others. Sadly and ironically, they also formed the view that you were diligent and committed to animal welfare. They were also in a state of disbelief when they were told of the charges against you, and they could not comprehend how the man that they had known for such a long time could be involved in such activity.

While it can be accepted that you were a man of good character and laudable qualities in some aspects of your life, it is an unfortunate truism that people of prior good character do commit criminal offences. In this case, those criminal offences are of the most extreme nature. More than that, the agreed facts disclose a context in which you had been committing a series of undetected and uncharged offences against animals since at least 2014. That context tends to undermine any claim that the offences to which you have pleaded guilty and for which you stand to be punished were uncharacteristic or unfortunate acts in an otherwise blameless life. Your prior good character – or at least that part of your character which you chose to show to people – cannot be allowed to obscure the commission of these crimes or to displace or dimmish the sentencing purposes of punishment, denunciation, deterrence and community protection.

You will be given a discount for your pleas of guilty, but that discount will be moderated by the fact that the Crown case was overwhelming and unsurmountable because you had recorded your activities and you were caught red-handed in possession of that material and the child abuse material.

I turn then to the question of whether I am able to find that you are genuinely remorseful for your conduct. In that respect, I consider that your suggestion to the defence psychiatrist that you no longer experience sadistic ideation in relation to dogs, and that you regret your sadistic conduct, is an attempt to distance yourself from the horrific nature of your crimes now that they have been discovered.

The question of remorse is taken up in the report which has been tendered today. The obvious observation to make at the outset is that the inclusion of material concerning remorse in this report is necessary because you have not yourself given any direct evidence to that effect. You have not exposed yourself to cross-examination in relation to your assertions of remorse. There are many judicial

statements to the effect that second-hand expressions of remorse conveyed in psychological and psychiatric reports may in those circumstances carry little weight and probative value.

Subject to those qualifications, the most recent opinion says that you have demonstrated an increased insight into your condition since your arrest. It also opines that you have accepted responsibility for your conduct despite the fact that there are some minimisations in relation to the influence of others. I have absolutely no difficulty in accepting either of those matters, but they are not the same as a finding of genuine remorse.

The report goes on to state that you have expressed remorse to this psychiatrist about your behaviour, which is premised primarily on having strayed from the values of respecting and liking animals. The psychiatrist says that while that expression of remorse appears to him to be genuine, you are an intelligent man who recognises the necessity in these circumstances of condemning your previous behaviour. That necessity no doubt arises from the need to achieve some form of forgiveness and redemption in the eyes of those you care for and the community more generally, and to achieve the best result in the sentencing proceedings. I have no doubt that they are matters which motivate and inform your expressions of remorse.

I also have no doubt that you are intensely sorry for the impact of this conduct on your loved ones, and that you are shamed by the public awareness and vilification of your depravity. I am less ready to accept that you are genuinely remorseful in the sense of resipiscence. That is particularly so having regard to the sheer delight you took in the torture of these animals, the persistence of your conduct in that respect, and what appears to be your continuing view that sexual interaction with animals short of sadism is not harmful conduct. Genuine remorse is a matter which the defence must establish on the balance of probabilities, and I am not satisfied of that matter to the requisite standard. However, you will be given an appropriate discount for the utilitarian value of your pleas of guilty, your clear and unstinting acceptance of criminal responsibility and your willingness to facilitate the course of justice without need for a trial by jury. That is so notwithstanding that the result of any such trial would have been practically a foregone conclusion.

As I have already stated, the maximum penalty for each of the aggravated cruelty offences is imprisonment for 2 years, and your offending on each of those occasions falls into the worst category of this type of offending and attracts the maximum penalty. However, the discount for your pleas of guilty must be made to that maximum penalty of 2 years, rather than on the basis that your offending might, on an objective appraisal, attract a penalty in excess of the statutory maximum, with the discount for the guilty plea only operating to bring the sentence down to the statutory maximum.

The Crown has submitted that the maximum penalties for each of the aggravated cruelty offences should be applied and that the pleas of guilty should be recognised by some other means, although quite how is not made explicit.
A reduction in sentence for a guilty plea should be made in all but the most

exceptional cases. Those exceptions relate primarily to the timing and circumstances of the plea, rather than to the gravity of the offending. To approach the matter on any other basis would be to undermine the primary purpose of this sentencing principle, which is to encourage the effective and efficient use of judicial resources.

So far as your assistance to authorities is concerned, you declined to participate in a recorded interview. Despite exercising that right, as you were entitled to do, you had recorded your activities in graphic detail as I have already described, and no confession or admission was necessary. While it is true that you eventually provided your four digit PIN code for your mobile telephone under caution, and after taking legal advice, the evidence before the court is that the modern forensic software available to police would have achieved a similar outcome even had you not provided the PIN code. In other words, given that you had recorded your activities and stored them in the messaging account, those activities would have been identified regardless of whether you provided the PIN code for your mobile telephone.

The other point to be made is that this was not a voluntary disclosure of guilt. You had been identified as the perpetrator in a video tape depicting the torture and killing of one adult dog and nine puppies. A search warrant had been executed at your premises during which police found the remains of other dogs and items which you had used for the purpose your criminal activities. It cannot be said that it was unlikely that your guilt on any of these offences would have been discovered had it not been for some disclosure by you. That is the test as expressed in the New South Wales decision in *Ellis,* which might be considered as the baseline authority for the provision of assistance on these grounds. Moreover, such assistance as you did provide did not have the features which attract the large reductions sometimes made in consideration of the extent to which assistance has combatted criminal authority, led to the apprehension and prosecution of other offenders, and/or exposed the informant or his or her family to retribution and physical harm.

After your arrest, you consented to law enforcement officers taking over your messaging accounts in the name of Monster and Cerberus for online investigation with a view to identifying other offenders in the network. However, your arrest somehow became known to those groups within days, and users deleted their accounts. It is not known how your arrest became common knowledge in that community. Defence counsel has suggested in submission that it may have been as result of a press release issued by Northern Territory Police on the evening of 23 April 2022, but beyond the bare existence of the press release there is no evidence in support of such a finding.

Although you suggested a willingness to assist in the identification of those offenders, you were unable to provide any identifying information. Being able to advise of an anonymised username or a country or a continent in which a correspondent was located does not, in either my assessment or in the assessment of the investigating police, constitute any form of meaningful assistance to authorities. Section 5(2)(h) of the *Sentencing Act* requires the court to take into

account how much assistance the offender gave to law enforcement agencies in the investigation of these offences or other offences. That is no more than a statutory statement of the general principle that criminal sentencing law encourages offenders to betray others and to assist law enforcement agents generally. That encouragement is ordinarily made by way of discount or reduction in the head sentence, usually applied together with the reduction afforded for a plea of guilty. The rationale for that discount or reduction is that the provision of such assistance may be the only way of detecting offences and obtaining convictions, and the provision of such information for that purpose and with that effect should be stimulated.

Such assistance may take the form of the confession to crimes of which the law enforcement authorities were otherwise unaware, or identifying a co-offender, or giving information leading to the detection of other crimes or offenders responsible for them, or offering to give evidence against another offender. There is a broad judicial discretion to determine the reduction which is allowed for assistance to authorities for that nature. The exercise of that discretion will depend on matters such as the extent to which the assistance has combatted criminal activity; whether the assistance has led to the apprehension and prosecution of other offenders; the value of that assistance in the prosecution of other offenders; the nature of the offences involved; whether by reason of that assistance there is a risk of retribution to the offender and/or their family; and the hardship of serving prison sentence in protective custody.

Defence counsel relies of the New South Wales decision in *Cartwright* as authority for the proposition that the efficacy of the assistance is irrelevant to the question of whether discount or reduction should be given. The principles relevantly expressed in *Cartwright* were as follows. Allowance should be made regardless of the offender's motive or level of remorse. The extent of the discount will depend upon the willingness with which the disclosure is made. The discount will rarely be substantial unless the offender discloses everything which he or she knows. Allowance should be made if the offender has genuinely cooperated with the authorities, whether or not the information supplied objectively turns out to have been effective. However, that last principle is subject to the qualification that the information which is given must be such as could significantly assist the authorities.

All of those matters are to be dealt with in a broad and general way without need for the sentencing court to descend into minute detail about investigative and prosecuting procedures in order to ascertain the extent to which that information was in fact objectively effective. In the determination of whether the information which you gave to police was such as could significantly assist them, the general police assessment is that you have provided little or no useful information to them. Even accepting your offers of assistance at face value, and accepting that your motivation for offering assistance is irrelevant, I am unable to find that you have provided any assistance which could have significantly assisted the authorities in identifying crimes committed by you which would not otherwise have been prosecuted by police, or in bringing any other offender to account. You have no doubt willingly provided information, but that is not the same thing. The leniency which you might

be afforded on account of your expressed willingness to assist law enforcement authorities and the information which you provided must be moderated accordingly.

As the Court of Criminal Appeal observed in the matter of *Nona*, leniency on account of assistance provided to law enforcement authorities might be allowed by a reduction of the head sentence or non-parole period, by the fixing of a non-parole period where one might not otherwise have been thought appropriate given the circumstances of the offending, or by permitting a greater degree of concurrency between the sentences imposed for individual offences than might otherwise have been the case. I will afford some weight to your assistance to authorities, subject to the moderating factors I have described above. That discount or leniency will be reflected in the orders for cumulation rather than in any further reduction of the head sentence for each individual offence.

The less orthodox – or perhaps more contentious – factor pressed on your behalf as mitigating is that you have suffered extra-curial punishment in the form of public vilification. This punishment is said to be have intensified by the fact that you were a high profile zoologist who had, in your career, worked alongside the likes of Sir David Attenborough, and further intensified by the fact that those consequences will follow you long after your release, and probably for the rest of your life.

The general principle is that detriments that have come to be imposed on the criminal after the crime has been committed in retribution for, or as a consequence of, having committed the crime, or detriments unintentionally arising from the criminal conduct, are recognised as extra-curial punishment that can be taken into account as a mitigating factor. Extra-curial punishment has been described as a loss or detriment imposed on an offender by persons other than the sentencing court for the purpose of punishing the offender for his offence – or at least by reason of the offender having committed the offence. For example, losing the right to work in a particular profession as a consequence of conviction may be taken into account in sentencing as extra-curial punishment. To take a quite different example, injuries sustained by an offender in the commission of an offence may be taken into account in mitigation of sentence. To take another example, the forfeiture of property as the consequence of the commission of an offence may be taken into account as a form of extra-curial punishment in mitigation of sentence.

The extent to which adverse media coverage and public opprobrium will be mitigating is not yet settled, and nor are the factors properly applied in assessing the weight which might be given to those matters in sentencing. The general approach is to allow adverse media coverage some limited role in the sentencing synthesis in an appropriate case, except to the extent that coverage is a natural and probable consequence of the nature of the crime, the nature of the offending and the profile of the offender.

So far as the weight to be accorded in this matter is concerned, that will depend upon the prominence and duration of the coverage, whether the coverage was sensationalised or mischaracterised, the locality of the coverage, the extent to which the level of coverage was disproportionate, the emotional and psychological effect

on the offender, the stigmatisation of the offender, and the extent of any actual community backlash against the offender as a consequence. It may be accepted that the media coverage in this case has been prominent, lengthy in duration and practically worldwide. On the other side of the coin, there has been no sensationalisation or mischaracterisation which was not a natural and probable consequence of the nature of the offending. The news media coverage has not been disproportionate to the nature of the offending, and there is no evidence that the news media coverage has had any form of adverse psychological effect on you beyond the depressive symptoms which might be attributed to your arrest and incarceration.

However, I am prepared to accept that there has been a level of ill-advised and inflammatory comment on various social media platforms verging on vigilantism, including comment directed at others who had some affiliation with you which would necessarily have taken an emotional toll on you and which has in fact taken an emotional toll on you. That is subjection to a form of abuse. I should note in that respect that it is clear from the materials which are before the court that none of those other people affiliated with you had any conception or knowledge or hint that you were behaving with animals in the manner in which you were.

I also accept that the nature of your crimes is such that you will almost certainly be precluded from working in the field of zoology following your release from prison. However, that is properly considered in terms of mitigation as the loss of employment and employment opportunity as a result of the nature of the crimes themselves, rather than as a result of any media reportage of the crimes.

The other related mitigating factor pressed on your behalf is the suggestion that the burden of imprisonment will weigh more heavily on you than it would on an ordinary member of the prison population because of stigmatisation by other prisoners. That ground of mitigation is generally restricted to circumstances where imprisonment will have an adverse effect on a pre-existing physical or mental health condition. In the present case, you are held in the protection wing of the prison and the court must proceed on the basis that the correctional authorities will afford you that protection. The modern approach is that in the absence of specific evidence, there can be no assumption that being placed in protective custody necessarily places an offender under more onerous conditions than the general prison population.

It is put on your behalf that prisoners in the general population are still able to see you in the exercise area of the protective wing, and have subjected you to threats and verbal abuse, together with some suggestion in the most recent psychiatric report of a physical assault which is not subject to any further elaboration. These are matters which are properly considered as part of the public opprobrium, in the sense that it is another form of subjection to abuse, but it is not one which carries any great weight in this context.

I will give a limited degree of weight to those various extra-curial factors subject to the qualifications I have described above. That weight and mitigation will also be reflected in a moderation of the orders for cumulation.

The final consideration in this sentencing exercise relates to the question of parole. Given the head sentence of imprisonment which I must necessarily impose for the totality of this offending, an order suspending sentence would not be available even if the court was minded to make one. Section 53 of the *Sentencing Act* provides that if a court fixes a sentence to imprisonment for 12 months or longer which is not suspended in whole or in part, it must fix a non-parole period unless it considers that the nature of the offence, the past history of the offender or the circumstances of the particular make the fixing of such a period inappropriate.

The Court of Criminal Appeal described the principles relevant to that determination in the matter of *Emitja*. First, a non-parole period is fixed in circumstances where considerations of mitigation or rehabilitation make it unnecessary that the whole of that sentence should actually be served in custody having regard to the sentencing purpose of rehabilitation. Secondly, the non-parole period, if fixed, is the marker of the minimum time that the sentencing judge determines that the offender must serve having regard to all of the circumstances of the offending. Thirdly, in making that determination the sentencing judge takes into account the same considerations which inform fixing the head sentence, including antecedents, criminality, punishment and deterrence, although different weights may be applied to those considerations for the purpose of determining whether a non-parole period should be fixed and, if so, of what duration. Fourthly, in the consideration of those matters the court may only determine not to fix a non-parole period if the sentencing judge forms the view that it would inappropriate having regard to either the nature of the offence, the past history of the offender or the circumstances of the particular case.

It is highly arguable in this case that the horrendous, depraved, brutal and callous nature of your offending militates against the fixing of a non-parole period. However, I have determined to fix a non-parole period on the basis that it is the best means of encouraging you to undertake whatever psychotherapeutic and/or hormonal treatment that might be available to you as part of a sex offender treatment program in custody. That is the measure which is best directed to the protection of the community. The reason that non-parole period will operate as a spur for you to undertake treatment is because any conditional release on parole will no doubt be contingent on you satisfying the parole authority that you do not present any risk of re-offending in this grotesque fashion. The parole authority will need to be satisfied about the progress of your treatment and rehabilitation during the non-parole period, and about your compliance with hormonal treatment, and will be in the best position at the relevant time to determine what continuing programs are best suited to fostering your rehabilitation upon any conditional release from prison.

In your particular case, given the extraordinary nature of this offending and your pathology, you must spend a very substantial period in actual custody before you

qualify for any form of conditional release. Because of that, the non-parole period which I fix will be correspondingly long.

Please stand up while I sentence you formally.

I will have these orders extracted and provided to counsel because they are necessarily long and convoluted.

I make the following orders:

1) The offender is convicted of the 45 offences charged by complaint and the 18 offences charged by indictment.

2) The offender is sentenced to imprisonment for 19 months for each of the 39 offences against s 10 of the *Animal Welfare Act*, being counts 22, 24, 26, 30, 32, 35, 37, 39, 42, 44, 46, 48, 50, 52, 55, 58, 60, 63, 66, 68, 70, 71, 72, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 99, 102, 103, 106, 107 and 108 on complaint.

3) The sentence imposed in respect of count 24 is to be served cumulatively as to two months on the sentence imposed in respect of count 22 with each subsequent sentence to be served cumulatively as to two months on the previous sentence, yielding a combined period of imprisonment for those 39 offences of 7 years and 11 months, which is backdated to 22 April 2022.

4) The offender is sentenced to imprisonment for 14 months for the offence in count 27 on complaint against s 9 of the *Animal Welfare Act*, and to imprisonment for 12 months for each of the other offences against s 9 of the *Animal Welfare Act*, being counts 18, 19 and 122 on complaint.

5) Each of those sentences is to be served cumulatively as to two months on the previous sentence, with that cumulation to commence on the expiry of the last sentence imposed for the offences against s 10 of the *Animal Welfare Act*.

6) The offender is sentenced to imprisonment for 6 months for each of the offences against s 8 of the *Animal Welfare Act*, being counts 113 and 114 on complaint.

7) Each of those sentences is to be served cumulatively as to two months on the previous sentence, with that cumulation to commence on the expiry of the last sentence imposed for the offences against s 9 of the *Animal Welfare Act*.

8) The offender is sentenced to imprisonment for 14 months for each of the bestiality offences against s 138 of the Northern Territory *Criminal Code*, being counts 1, 2, 3, 4, 6, 7, 9 and 10 on indictment, and to imprisonment for

9 months for each of the attempted bestiality offences against s 138 of the Northern Territory *Criminal Code,* being counts 5 and 8 on indictment.

9) Each of those offences is to be served cumulatively as to one month on the previous sentence, with that cumulation to commence on the expiry of the last sentence imposed for the offences against s 8 of the *Animal Welfare Act*.

10) The offender is sentenced to imprisonment for 18 months for each of the offences against subs 474.17(1) of the Commonwealth *Criminal Code*, being counts 11, 12, 13 and 14 on indictment.

11) Each of those sentences is to be served cumulatively as to one month on the previous sentence, with that cumulation to commence on the expiry of the last sentence imposed for the offences against s 138 of the Northern Territory *Criminal Code*.

12) The offender is sentenced to imprisonment for 12 months for the offence against subs 125B(1) of the Northern Territory *Criminal Code*, being count 15 on indictment.

13) That sentence is to be served cumulatively as to four months on the previous sentence, with that cumulation to commence on the expiry of the last sentence imposed for the offences against subs 474.17(1) of the Commonwealth *Criminal Code*.

14) The offender is sentenced to imprisonment for four months for each of the offences against subs 474.22(1) and 474.22A(1) of the Commonwealth *Criminal Code*, being counts 16, 17 and 18 on the indictment.

15) Each of those sentences is to be served cumulatively upon each other and concurrently with the sentence imposed in respect of count 22 on complaint, commencing with effect on 22 April 2022.

16) The total period of imprisonment across all offences is 10 years and 5 months.

17) A non-parole period of 6 years is fixed, also backdated to 22 April 2022.

18) Pursuant to s 76A of the *Animal Welfare Act*, the offender must not, for the term of his natural life, purchase, acquire or take possession or charge of an

animal of the class *Mammalia* or have an animal of the class *Mammalia* in or on his premises.

19) Pursuant to s 99A of the *Sentencing Act*, the 44 exhibits listed in the Crown schedule received into evidence at exhibit P6 are forfeited to the Territory.

Is there anything arising out of that, Mr Aust?

MR AUST: No, your Honour.

HER HONOUR: Is there anything arising out of that, Ms Chalmers?

MS CHALMERS: No, but I will be grateful for a copy of the written orders given the complexity, your Honour.

HIS HONOUR: Yes. Well, the parties can come back to me under s 112 of the *Sentencing Act* if there is any need for that.

Thank you for you assistance in this matter, counsel.

Adjourn the court, please.
