

PARTIES: THE QUEEN  
v  
PETER JEFFREY FARMER  
TITLE OF COURT: SUPREME COURT OF THE  
NORTHERN TERRITORY  
JURISDICTION: TERRITORY JURISDICTION  
FILE NO: SCC 39/97 (9740689)  
DELIVERED: 12 March 1997  
HEARING DATES: 5 March 1997  
JUDGMENT OF: Bailey J

**REPRESENTATION:**

*Counsel:*

Appellant:  
Respondent:

*Solicitors:*

Appellant: Mr J Birch  
Respondent: Mr G Georgio

Judgment category classification: C  
Judgment ID Number: BAI97007  
Number of pages: 4

BAI97007

IN THE SUPREME COURT  
OF THE NORTHERN TERRITORY  
OF AUSTRALIA  
AT DARWIN

No. SCC39/97  
9740689

BETWEEN:

**PETER JEFFREY FARMER**  
Appellant

AND:

**THE QUEEN**  
Respondent

CORAM: BAILEY J

REASONS FOR DECISION

(Delivered 12 March 1997)

This is an application for bail by Peter Jeffrey Farmer who is presently held in custody on nine charges of aggravated indecent dealings with a child and five charges of aggravated assault, the aggravation being indecent assault of a child. The charges involve seven alleged victims. There is a presumption in favour of bail for the applicant pursuant to the *Bail Act*. The application is opposed by the Crown, principally on the ground that there is a real risk that the applicant will not appear in court in answer to bail if granted. The Crown submits that there is a real risk of absconding in light of the strength of the Crown case coupled with the applicant's lack of substantial ties to the

community. The Crown also suggests that there is some risk of the applicant committing further offences if granted bail.

I have considered the application in the light of the criteria set out in s 24 of the *Bail Act*.

I turn first to the question of whether the applicant would be likely to appear in answer to his bail. The alleged offences arose while the applicant, a thirty-seven year old man, was employed as a teacher in Tennant Creek. The applicant has resided in the Territory for some three-and-a-half years, two of which were spent in Alice Springs. However, the applicant does not have strong ties presently to Alice Springs.

As a result of the alleged offences, he no longer is employed as a teacher in Tennant Creek and has no immediate prospect of gaining such employment in Alice Springs.

He has no arrangement for employment in Alice Springs, albeit it is submitted by Mr Georgio on the applicant's behalf that he has previously been employed in non-teaching positions in Alice Springs and has reasonable prospects of securing employment in that town.

The applicant also has no immediate arrangements for accommodation in Alice Springs, although he intends to reside with his fiancée. In regard to his fiancée, to whom he became engaged in December 1996 and met in October 1996, she also has no employment presently in Alice Springs. In his favour, the applicant has no prior criminal record and accordingly no record of previous failures to appear in answer to bail.

The charges alleged against the applicant are serious, albeit not on the available material – they would appear to be towards the lower end of the scale in such cases.

The Crown submits that the evidence against the applicant is strong, in the light of extensive records of interview which contain admissions to the offences. For his part, the applicant intends to dispute the majority of the charges, although he is considering a plea of guilty in relation to two charges. If convicted of the present charges, I consider that there is a high likelihood of an immediate custodial sentence.

There is no specific evidence to suggest that the applicant would not answer bail if granted.

Section 24 (1)(b) of the *Bail Act* requires me to consider the interests of the applicant in relation to his bail application. The applicant has been in custody since 5 February 1997. A committal date has been fixed for 14 July 1997, being the earliest practical date in light of the arrangements necessary for this particular case. The applicant is presently held in protective custody, being at risk if placed in the general prison population. There is evidence that the applicant has received threats of violence from others held in custody. There is no obvious need for the applicant to be free in order to prepare his defence or for other purposes.

There is evidence that following allegations of similar sexual offences against children in the State of Victoria in 1988, the applicant attempted suicide. The allegations of 1988 did not proceed to court. The applicant asserts in an affidavit that he is not suicidal. However, an affidavit from the police officer in charge of the applicant's case indicates that the applicant has made reference to suicide if his fiancée leaves him. Section 24(1)(c) of the *Bail Act* refers to the protection and welfare of the community in bail applications. As I have mentioned, the applicant has no previous record of failing to appear in answer to bail. There is some evidence that the applicant sought to approach potential witnesses following the 1988 allegations in Victoria. However, the applicant is prepared to accept conditions for release on bail which include staying away from Tennant Creek. This would considerably lessen any opportunity to interfere with either evidence or potential witnesses.

The Crown suggests that there is a risk of the applicant committing further offences against children whilst on bail. The Crown points to the 1988 allegations – which I emphasise did not proceed to court – and certain passages in the applicant's record of interview which are said to demonstrate his continuing paedophilic tendencies.

Mr Georgio, for the applicant, has submitted that the applicant is prepared to accept conditions of his bail that would exclude him from taking up employment in teaching or frequenting places where children normally gather, such as schools.

Finally, in relation to the protection of the welfare of the community, there would appear to be little likelihood of injury or danger to the alleged child victims in Tennant Creek, provided the applicant was not permitted to return to that town.

This application first came before me on 5 March 1997. At that time I indicated to Mr Georgio that I was not prepared to grant the application at that stage. In particular, I was concerned that the applicant was not in a position to offer a substantial cash deposit or security for bail or sureties in any form. I adjourned the application for one week until today to allow the applicant an opportunity to find persons willing to act as sureties and persons willing to attest to the responsible nature of the applicant and the fact that he would be likely to comply with any bail undertakings.