



## Office of the Director of Public Prosecutions New South Wales

Submission to the Director

Subject:

**R. v. Ian Neil BARRICK**

**Report Following Verbal Direction that there be No Further Proceedings in Two of Three Counts on the original Indictment for Sexual Assault matters.**

**Our ref:** Gregory Coles  
**CASES No:** 2512905  
**Date:** 25 September 2006  
**Matter next listed:** Not Listed

### FACTS

The facts in this matter can be shortly stated as follows:

The victim, Mr <sup>CKU</sup> was born on the <sup>REDACTED</sup> 1984. He turned fourteen in <sup>REDACTED</sup> of 1998.

In 1997, the victim was living at St John's College in Morpeth with his mother, Mrs <sup>CKR</sup> and his older sister <sup>REDACTED</sup> Mrs <sup>CKR</sup> was at the time training at the college to enter the clergy. She is now ordained in the Anglican Church.

Similarly, the offender, Ian Barrack was also enrolled in the study of Theology at the college. He resided there in a unit with his wife, <sup>REDACTED</sup> At the time he was aged 28 years.

In the early part of 1998, the victim and his friend <sup>REDACTED</sup> ran a lawn mowing and car washing business at the college, to earn pocket money. They met the offender and became friends. The three shared an interest in computers and the boys would attend Mr Barrick's house and together they would access the internet and play computer games. In return, the victim did work for Mr Barrick, such as, attending to his lawn and feeding his cat if he was away.

In November 1997, <sup>REDACTED</sup> and his family left the College, but <sup>CKU</sup> continued to visit the offender at his home.

The victim commenced to stay at the offender's house on Friday nights when Mr Barrick's wife, visited family in Newcastle. Initially, these nights involved watching videos and eating take away meals, with Mr <sup>CKU</sup> sleeping in the spare room.

The victim began to spend more and more time with the offender at his house, as their relationship intensified. The offender began to give the victim presents, including a computer, videos, toys, model aeroplanes and paints.

As the victim's mother was involved with her theological studies, Mr <sup>CKU</sup> began going to the offender's house after school. Whilst at other times the offender would pick him up from school and the

- 2 -

two would play soccer.

Between May and July of 1998, the victim was at offenders house playing a computer game called "Quake." At the time, he was sitting at a desk where the computer was located. The offender's wife was not at home. Mr Barrick commenced to rub the inside of the victim's thigh and then said to him:

"Give me a go or I will suck your dick."

The offender had never spoken to the victim in this sexual manner before.

The victim stopped playing the computer game and went to sit on a nearby beanbag in the room.

The offender played the computer for some minutes and then left the desk and sat down near the victim. Mr Barrick asked the victim to pull his boxer shorts down and he pulled his pants down to his knees and the offender started to touch him. He took the victim's penis in his mouth and commenced to suck it. This continued for about ten minutes until Mr CKU ejaculated in his mouth.

The victim was confounded and stunned by this conduct and left the premises shortly thereafter.

Towards the end of 1998, the victim's mother was about to take a position in her first parish in Taree and she decided that her son should attend a boarding school. Arrangements were made for him to be located in REDACTED School. The offender suggested that he could come to live with the offender and his wife.

In December of 1998, the complainant went to visit his natural father in England and then attended boarding school in Armidale upon his return. Mr CKU never spoke to the offender again.

The complainant did not say anything to anyone about these matters until in January of 2002 he told his girl friend, REDACTED. In May of 2002 the victim told his mother. On 29 May 2002 Mr CKU made a statement to police.

On 29 September 2004 the Police met the offender at Queanbeyan, when he declined to be interviewed about the matter.

S. 66C(1) Sexual Intercourse - Child between 10 and 16 years.  
Maximum Penalty: 8 years Penal Servitude.

## COMMENTS

At East Maitland District Court on 8 May 2006, the matter was listed for trial, but was stood over for discussions between the parties. On 9 May 2006 the Deputy Director Mr Smith, agreed that if the accused pleaded guilty to one count in accordance with S.66C(1) then there would be no further proceedings in respect of the two other matters involving S.66C.

Both the victim and the Officer in Charge agreed with this course.

On 10 May 2006 the offender pleaded guilty to the abovementioned matter and on 22 of September 2006 he was sentenced to a Total Sentence of 2 years imprisonment with a Non Parole Period of 12 months from 21 September 2006 expiring on 20 September 2007.

The victim's mother, Reverend CKR who read the Victim Impact Statement to the court, said after the sentencing proceedings that she had had "... more pastoral assistance from the DPP than from anyone in the Anglican Church!"

**RECOMMENDATION**

In all the circumstances, the oral direction of the Deputy Director, Mr Smith given on 9 May 2006 be confirmed.

Solicitor for Public Prosecutions

per: 