

**R. GARTH STEPHEN HAWKINS
COMMENTS ON PASSING SENTENCE**

**27 NOVEMBER 2003
UNDERWOOD J**

Garth Stephen Hawkins, you are for sentence upon your pleas of guilty to maintaining a sexual relationship (4), sexual intercourse with a young person (3), indecent assault (1) and having carnal knowledge against the order of nature (2).

The first of these crimes was committed in 1974. The last was committed in December 1984. They were committed in respect of 7 young males. Three of the victims were only 13 years old when you first attacked them, three were 15 years old, and the other was 17.

At the time you committed the first crime, maintaining a sexual relationship with a young person, you were an ordained vicar in the Anglican Church in the parish of Hamilton. You set up an 8-ball table and encouraged the local youth to come and play. One night you indecently fondled the genitals of a 13-year-old boy, plied him with alcohol until he became intoxicated, and then had oral and anal sex with him as well as digitally penetrating his anus. I was told that for the next two years there were other occasions of oral and anal sex with this boy. This conduct only ceased when you were moved to the parish of East Devonport. As is not uncommon in cases such as this, your victim has felt, and still feels, that he was complicit and consequently shameful and guilty. There is no rational reason for these feelings. As a result of your criminal conduct he is still receiving, and is likely to continue to receive, psychiatric treatment.

Your criminal conduct continued in your new parish. On a camping trip in 1977 you indecently fondled a 15 year-old boy as he lay in his sleeping bag. This is what he wrote about that crime. "I feel as if I have been carrying something really bad around inside me all the time – it's always there although you don't really think about it. It's like having an enduring sense of shame and embarrassment."

Next, you attacked another 15 year-old boy. He came to you as a refuge from troubles that he was experiencing at home. You gave him alcohol until he was rendered unconscious. You then had oral and anal sexual intercourse with him. Later you indecently assaulted him by putting his penis in your mouth. I was told that criminal sexual conduct continued through 1980. He too, still suffers psychological deficits.

About the same time, you committed crimes against then 13 year-old Steven Fisher. Mr Fisher wants to be able to speak publicly about your criminal conduct in the hope that others who have been abused as he was may be encouraged to come forward. Accordingly, I gave leave to the media to publish his name should they choose to do so. Such leave would not have been given but for the fact that Mr Fisher wanted it. He, too, came to you for moral help and guidance. You rewarded him with alcohol and indecent assaults. As a result of his courage in coming forward, there was a Diocesan Tribunal of Inquiry into your conduct in 2002 and, in result, you were dismissed from Holy Orders.

In 1982 you were moved from East Devonport to Triabunna and there continued your predatory sexual conduct. Again your victim was only 13 years old. You used the now familiar pattern of plying alcohol as a means of partly stupefying your victims, to indecently assault him on at least 4 occasions. This is what he wrote in part, "The most devastating fact for me is that I had to endure personal distress as Garth buried ..., and performed wedding ceremonies for I feel I have disrespected ...".

About this time you had anal sexual intercourse with another boy on four occasions. He was 15 years old. He said that you taught him to drink and to drink hard which landed him in a lot of trouble. He still suffers from psychological sequellae as a result of your crimes.

The last two crimes were anal and oral sexual intercourse with a 17-year-old lad. At the time the crimes were committed the criminal law described your conduct as "carnal knowledge against the

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order of nature." In 1997 the Parliament abolished this crime and accordingly, had these events occurred today, they would not constitute any criminal offence. The *Criminal Code*, s7(1), provides:

"No person shall be punished as for a crime if at the time of his trial the act or omission with which he is charged no longer constitutes a crime."

Although you have pleaded guilty to these crimes it is inappropriate to impose any punishment with respect to them in view of that provision in the Code.

The foregoing is a chilling litany of devious sexual abuse. Although your victims were not prepubescent, six of the seven were still children at the time you seduced and sexually abused them. Mostly, they came to you for help and guidance. They were at an age of emotional insecurity; an age when homosexual activity by a much older person in authority was destined to cause each of them untold emotional troubles for many years, if not for life. By virtue of the fact that you were a clergyman, you held yourself out to these children, their parents, and the community in which they lived as a person who could be trusted to give appropriate pastoral guidance to those who needed it. With breathtaking hypocrisy you betrayed the trust that you had encouraged your victims and their families to place in you in order to commit these crimes and gratify your sexual lust. All this has caused untold human suffering.

Your counsel has told me that you describe yourself as then being a "confused homosexual" and that you had no-one to turn to in your loneliness and confusion. He said that this in turn led to feelings of guilt and shame, which led to abuse of alcohol. I accept that you felt like that, but I do not accept that as a parish vicar, there was no-one in the church to whom you could turn for help and guidance. Of course, it may have been that you could not bring yourself to disclose your criminal conduct to anyone in the Church. Your counsel also put to me that in the majority, if not all, cases, your initial intention was to give the victim pastoral care and not to seduce him. The circumstances surrounding the commission of the crimes are such that if you believed that was the case, then you were not being honest with yourself. The pattern of each offending was the same, and the criminal conduct persisted in for a long period of time in three different parishes.

I do accept that you have not offended for almost 20 years now and that you voluntarily went to the police when you saw that the issue of your conduct had been raised in the media. You have pleaded guilty and that is significant for it relieves the victims of the terrible ordeal of having to relive the appalling events by recounting them in a public court.

You are now 58 years old and have no prior convictions. Prison will be a particularly bad experience for you.

The law requires me to impose a sentence on each of the 2 indictments and on the single complaint that contains 8 charges. The law also requires me to take into account the totality of the criminal conduct when fixing an appropriate sentence or sentences. The following orders are made upon a global view of the whole of the criminal conduct:

- A conviction on each count.
- Upon the indictment for maintaining a sexual relationship with Mr Fisher a sentence of 1 years' imprisonment to commence on 20 August 2003.
- Upon the indictment for sexual intercourse with a young person a sentence of eighteen months' imprisonment to commence at the expiration of the last sentence.
- Upon the complaint for maintaining a sexual relationship (3), sexual intercourse with a young person (2), indecent assault (1), a sentence of 5 years' imprisonment to commence at the expiration of the last sentence

- No order other than the convictions, is made with respect to having carnal knowledge against the order of nature (2)
- There will be a non-parole period of 4½ years.

That is a total sentence of 7½ years' imprisonment with a non-parole period of 4½ years.