



Summary of Judgment

BROMLEY v THE QUEEN [2018] VSCA 329

6 December 2018

The Court of Appeal (Justice Kyrou and Justice Niall) today allowed an appeal against a sentence imposed for sexual offences committed between 1972 and 1980.

John Bromley, who is aged 78, pleaded guilty in February 2018 to four charges of indecent assault upon a male person. His four victims were boys aged between 11 and 14 who Mr Bromley had either employed at his shop or befriended. The maximum penalty at the time the offences were committed was 5 years' imprisonment. Mr Bromley was sentenced to a total effective sentence of 7 years and 9 months' imprisonment with a non-parole period of 4 years and 9 months.

Mr Bromley contended that the sentence was manifestly excessive having regard to the maximum penalty and the factors in mitigation, including his guilty plea, proven rehabilitation, and advanced age. He pointed, among other things, to the fact that the sentences imposed on two of the charges were 80 per cent of the maximum penalty.

The Court of Appeal agreed that the sentence was manifestly excessive, notwithstanding the seriousness of the offending. The Court reiterated that the maximum penalty of 5 years' imprisonment is an important yardstick in fixing sentence, although the sentencing court may also bring to bear its present understanding of the devastating impact of sexual offending on child victims.

The Court observed that it is only in an exceptional case in which a sentence of 80 per cent of the maximum penalty would be imposed on a plea of guilty in circumstances where there is evidence of remorse and little need for specific deterrence. Having regard to all the circumstances, including the factors in mitigation, the sentence imposed was held to be wholly outside the permissible range of sentences.

The Court resentenced Mr Bromley to 4 years' imprisonment with a non-parole period of 2 years.

NOTE: This summary is necessarily incomplete. It is not intended as a substitute for the Court's reasons or to be used in any later consideration of the Court's reasons. The only authoritative pronouncement of the Court's reasons and conclusions is that contained in the published reasons for judgment.