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New outcry on judge's sex remark

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A JUDGE has been condemned for saying a 13-year-old deaf child initiated and consented to his own sexual abuse.

Victorian County Court Judge Michael Kelly has been urged to stand down after labelling the sexual assault by a 24-year-old "adolescent experimentation" and releasing him on a suspended sentence.

This comes a week after a similar outcry in Queensland, where a Cairns-based judge labelled the rape of a 10-year-old a "form of childish experimentation" and said the victim "probably agreed" to have sex.

Judge Kelly said the young teenager and his attacker were both victims of "experimental lust".

"There was not the difference in their levels of maturity that their physical age would suggest," Judge Kelly said. "It is my opinion that they engaged in sexual experimentation of an adolescent kind . . . about which they both felt guilty but were distracted by lust from the exercise of such judgment and control."

He said while the age disparity would normally attract immediate jail time, this case was exceptional.

Australian Childhood Foundation chief executive Dr Joe Tucci said the comments were offensive and supported the myth that children could give consent.

"He actually has minimised the violence against this young boy and he has also, I think, given voice to those who think sexually abusing 13-year-olds is OK," he said.

Hetty Johnston, founder of child advocacy group Bravehearts, said the judge was ignorant and an absolute disgrace.

"We have to get rid of these dinosaurs from our benches," she said.

Judge Kelly was rebuked by a senior prosecutor last month during the offender's plea hearing when he said the victim impact statement was a "waste of time".

The victim "wouldn't have done well in a British public school in the '30s", he said at the time.

"The majority of people who suffer this kind of incident at some stage in their life simply get over it and think no more of it," Judge Kelly said.

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