

Mr Boles, you have pleaded guilty to one count of dangerous driving. You have also pleaded guilty to summary offences committed during the same course of conduct, which I have agreed to hear and determine pursuant to s 385A of the *Criminal Code*. Those offences are one count of stealing, one count of driving whilst disqualified and one count of evading police with aggravated circumstances.

The offences were committed on 9 February 2020. The course of conduct commenced at 9:30 am when you stole \$60 worth of fuel from a service station at Bicheno. About an hour later, at Triabunna, you saw a police vehicle following you. You then commenced to drive erratically and at speed, obviously to avoid potential interception by police. What followed was a sustained course of erratic and dangerous driving, in order to avoid interception by police, which occurred over a considerable distance and a lengthy period of time. The dangerous nature of the driving continued throughout a journey from Triabunna, through Hobart and until you eventually abandoned the vehicle in Sandy Bay. It lasted for what I infer was in excess of one hour. Some specific aspects of the driving include the following:

- (a) As you were being followed by the police vehicle on the Tasman Highway between Triabunna and Orford, you reached speeds of 140 km/h in a 100 km/h zone, and 100 km/h in an 80 km/h zone. On one occasion during this part of the journey, you crossed onto the wrong side of the road over double white lines in order to overtake four vehicles. This occurred on a corner as you approached an intersection.
- (b) On two occasions over a distance of 10 kilometres, while you were on the Tasman Highway, you swerved around road spikes which had been set up by police in an attempt to intercept you.
- (c) Shortly after the second of these acts, you overtook a four wheel drive vehicle towing a caravan, across double continuous white lines and on a left-hand bend. Traffic travelling in the opposite direction had to take evasive action by braking and swerving to avoid colliding with your vehicle.
- (d) After this, you again reached speeds of 140 km/h. By this time, police vehicles had activated emergency lights and sirens, as a signal to you to stop, but you continued to speed away from them.
- (e) When you reached Sorell, police again attempted an interception but you continued to evade them. In this built up area, you travelled through a 50 km/h zone at 70 km/h. On one occasion, you locked the wheels of your vehicle and skidded for approximately 20 metres. As you drove out of Sorell towards Hobart, you overtook vehicles on the left hand side, travelling onto the gravel edging. Again, other drivers were forced to brake and take evasive action as a consequence of your manner of driving.
- (f) As you travelled into and through Midway Point, you overtook vehicles on a number of occasions. You crossed double white lines and travelled at speeds well in excess of the speed limit, when you performed each such manoeuvre. Oncoming traffic was again forced to take evasive action.

- (g) As you reached Cambridge, you overtook several vehicles, by driving in the emergency stop lane for approximately 200 metres. This caused debris to be thrown across the highway into the path of other vehicles.
- (h) As you approached the Tasman Bridge, you perform a U-turn at a red traffic light without stopping. Oncoming vehicles were forced to brake heavily to avoid collision.
- (i) You travelled across the Tasman Bridge, continually changing lanes without indication in order to increase your speed of travel. At the peak of the bridge, you travelled in a lane which was against the flow of traffic, in order to overtake other vehicles.

The police ceased all attempts at interception as you drove towards Government House. You eventually abandoned your vehicle at Marieville Esplanade in Sandy Bay. You were identified from documents found in the abandoned vehicle. Police located you at a house in Kingston at 9:45 pm. You have been held in custody since then.

You are 28 years of age. Somewhat untypically for crimes of this nature, you do not have an extensive record in respect of traffic offences. You were born in Queensland and lived there until you moved to Tasmania in 2015. Your criminal record in Queensland consists largely of drug-related offences. In 2012, you spent some time in prison in respect of drug-related matters, which included producing a dangerous drug. However, there is no traffic offending on your Queensland record. On the other hand, your Tasmanian record consists solely of traffic related offences. Most of these are infringement notices but on 8 August 2019, you were fined and disqualified for two offences of driving a motor vehicle while a prescribed illicit drug was present in your body. You were subject to that disqualification at the time that you committed the dangerous driving.

As is probably obvious from your criminal record, you have had a problem with illicit drugs for most of your life. You commenced using illicit substances when you were 13 years of age. After you moved to Tasmania in 2015, you maintained a four-year period of stability, largely free of illicit drugs. You were able to achieve this with the support of your wife and your mother. During this time, you maintained steady employment and you and your wife were setting yourselves up financially. You relapsed into the use of methylamphetamine after your wife's brother, who was a heavy drug user, commenced to live with you. Your return to the use of illicit drugs has had a significant impact on your life. It has resulted in the end of your marriage and you lost your employment. You were in the grip of this addiction when you committed the criminal conduct with which I am dealing.

Your counsel submits that you are committed to achieving rehabilitation and returning to a positive drug-free lifestyle. He points to the fact that you did not apply for bail after your arrest, and your entry of a plea of guilty to the dangerous driving charge was made on the first occasion that you appeared in the Magistrates Court, which was 2 days after your arrest. Your counsel points to this as evidence of your remorse and commitment to rehabilitation. I accept that you have now developed a genuine commitment in that regard and that your co-operation in the administration of justice is consistent with this mindset. I accept that you are now remorseful and that your rehabilitation is a relevant sentencing factor.

However, it is impossible to ignore the objective seriousness of your criminal conduct, in particular, the dangerous driving. I regard this as a particularly serious example of that crime. You drove in an erratic and desperate manner over a lengthy distance and for a considerable time. You travelled at excessive speeds including through urban and built-up areas. On

numerous occasions, other vehicles were forced to take evasive action to avoid collision. You endangered the lives of many road users, including the police who were attempting to deal with your conduct. Of course, you also placed yourself at great risk. You could have stopped your vehicle and surrendered to the interception at any time during the journey, but you continued and even escalated the dangerous nature of the driving in order to make good your escape. Further, you were not entitled to be driving at all having regard to the order of disqualification. It follows from all of this that general deterrence and denunciation of your conduct are important sentencing considerations.

In the circumstances, the only appropriate punishment is a significant term of imprisonment. There will also be a substantial driving disqualification. I will, however, in fixing the head sentence, take into account your early plea of guilty. I will also have regard to your lack of a significant record of similar offending, and your demonstrated commitment to reform, by permitting your release on parole at the earliest opportunity. I would have been inclined to make a community corrections order to operate in conjunction with the sentence, but this option would appear to be precluded by the *Sentencing Act*, having regard to the length of the proposed sentence. In any event, I think that the opportunity for release on parole at a relatively early time will provide adequate and appropriate support for your commitment to rehabilitation.

Accordingly, the orders I make are as follows:

- 1 You are convicted of the crime and the offences to which you have pleaded guilty;
- 2 For the charge of evading police with aggravated circumstances, you are sentenced to 4 months' imprisonment which will be backdated to the day of your arrest on 9 February 2020. You are not eligible for parole until you have served one half of this sentence. You will also be disqualified from driving for a period of two years, which will commence on the date of your actual release from prison.
- 3 For the crime of dangerous driving and the offences of disqualified driving and stealing, you are sentenced to a global term of two years and four months' imprisonment, which will be served cumulatively upon the sentence imposed for evading police. You will not be eligible for parole until you have served one half of this sentence. In respect of these offences, you will be disqualified from driving for a global period of two years, which will operate cumulatively upon the disqualification imposed for the evade police offence. This results in a total disqualification of four years.
- 4 For the purposes of s 92A(3) of the *Sentencing Act*, I specify that:
 - (a) the total term of imprisonment which you are liable to serve in respect of all of the above sentences is two years and eight months commencing on 9 February 2020;
 - (b) the total period that you must serve before you become eligible for parole is the aggregate of the non-parole periods relating to the said sentences, which is a total period of 16 months from 9 February 2020.