

Nomi Mountney, you plead guilty to recklessly discharging a firearm. I also agreed to deal with your plea of guilty to the summary charges of possessing a firearm when you did not have a firearm licence, and to possessing a shortened firearm.

The charges arise from the events of 7 December 2018. You then lived in a rented property at Trevallyn. During the late afternoon Brett Robinson-Stacey arrived. He was an acquaintance of yours. He had visited your home at least once before in the recent past. The police were looking for him for having shot someone in the leg a couple of days earlier. That crime was committed in your presence in your home. When the police found out where he was they came looking for him. It had correctly been reported to them that he had a firearm, so, unbeknown to you, the police arrived in force and established a cordon. At about 5.20 pm, when detectives knocked on the front door, Mr Robinson-Stacey was inside. He had with him a .22 rifle. Both the barrel and the stock had been shortened so that the total length of the weapon was only 34 centimetres. He fired the gun once in their direction. They retreated to shelter behind vehicles parked in the street. They asked him to come out but he refused.

For about the next 17 hours, Mr Robinson-Stacey refused to leave. The house was surrounded by police. Local residents were put in fear. Over the course of that period Mr Robinson-Stacey fired the gun about 35 times from various parts of the home. At around 7.15 pm there were numerous shots fired, including one close to a police officer sheltering behind a neighbour's home, and others towards that home. All of the shots fired from the house except one were fired by Mr Robinson-Stacey. However you admit that, at about 7.45 pm, you held the firearm and, from your hip, fired it once through an open window. The precise direction of the bullet cannot be determined. It was in the general direction of the neighbouring property, but into the air. By picking up and firing that gun you came into possession of it. The siege did not end until the property was stormed by the police Special Operations Group at about 9.30 am the following day.

You are now aged 42. You were 40 at the time. You say you had a difficult early life, but you have been an industrious person. You have been engaged in rural industries and held employment in gaming and in hospitality. You hold certificates of competency in a range of areas. You have been married, although the marriage is now ended, and you have two children. Most recently you have worked as a nurses' assistant at a hospital and you hold certificates in disability and aged care. You commenced a nursing degree at the university. You have no prior convictions at all for violence, related to firearms, or against authority. Until these events your record was mostly for traffic infringements. The only exception was in 2015 when you made a false report to the police about a family violence incident. A probation order was made without conviction. In August 2019 you were fined without conviction by a magistrate for a series of summary offences committed in January 2019 which reflect the difficulties you were going through immediately after these events. They are not prior convictions for sentencing purposes, although they are relevant to the prospects of your rehabilitation. One involved possession of methylamphetamine.

The State now accepts that you are in no way responsible for Mr Robinson-Stacey's criminal conduct. On that day you were not expecting him, and you knew nothing of the presence of the police until you heard the first shot. You did let him into the house knowing that he had used a gun a couple of days earlier to shoot someone in the leg, but it is submitted on your

behalf that you had a charitable wish that you may be able to help him and protect him from others he was afraid would harm him. After the first shot things quickly and dramatically escalated beyond your control. The State accepts that by just after 7 pm you had engaged with the police negotiators in an attempt to bring the siege to an end, and that you continued to do so right through until the following morning. During that time the position you found yourself in evolved. Initially you stayed inside intending to try to prevent Mr Robinson-Stacey from harming himself or anyone else. It then became apparent to you that he may not permit you to leave. You repeatedly tried to persuade him to give himself up and at least twice you almost succeeded. Throughout the siege you did a good deal to try to de-escalate the situation by talking to him, with the negotiator and Mr Robinson-Stacey's lawyer. You obeyed all the directions of the negotiator. Over time Mr Robinson-Stacey's conduct became increasingly erratic and unpredictable, no doubt made worse because of the methylamphetamine he used. By the next morning you had a legitimate fear that he would use you, and the threat of harm to you, as a means of trying to engineer his escape. It was when he threatened to shoot you and began a countdown that the Special Operations Group entered the property by force and captured him. By then you were in a hysterical and distressed state.

It is difficult to imagine why, about two hours into the siege, you would pick up the firearm and fire it yourself. You say it was to placate Mr Robinson-Stacey. That was a misguided view, especially when you must have known the havoc and fear he had already created with the gun and how your act would appear to the police. By your plea you admit that your action was reckless. However I accept that the shot you fired was into the air. Little actual danger was caused. Even at that early stage, the pressure of the situation would have made it extremely difficult to make clear and sensible judgments about what to do.

You are to be sentenced on the basis that your involvement is limited the brief possession of the firearm and the firing of the single shot in the circumstances I have described. For the most part you were the victim of these events, rather than the perpetrator. Once the very limited extent of your involvement became apparent, and it was determined that all of the charges except the ones I am now dealing with were not to be proceeded with, you quickly pleaded guilty. However, when the siege ended your role was still unclear. You were originally charged with other serious crimes. You spent 13 days in custody. You spent a further three days in custody in January 2019 when your life became chaotic. These events have already had a significant effect on your life. You lost your home and employment. Your studies have been interrupted. You are unsure whether you will ever be able to return to the career you were planning to pursue. Your relationship with your children has become difficult. Since spending that time in custody you have not had stable accommodation. To your credit you have already engaged with a range of support services to try to restore your life. However, in all the circumstances I think that a period of supervision will help you to get your life back on track, particularly so as to obtain stable housing and return to education and employment. On the information I have been given, if that can be achieved, I see no reason that you could not resume as a valuable member of the community. The report I obtained assessed you as unsuitable for community service, although you say that may have arisen from confusion, and that you are willing and able to perform it. In any event, I have decided against such an order. A conviction is required but I do not see that a sentence of imprisonment, suspended or not, is necessary.

Nomi Mountney, you are convicted on the indictment and on counts 4 and 5 on complaint 35619/2018. I impose one sentence. I make a community corrections order for a period of 18 months from today. The core conditions of that order will be specified in the order that you

will be given and include that you not commit an offence punishable by imprisonment, that you report to and comply with the directions of a probation officer, that you must not leave Tasmania without permission, and that you must notify of any change of address. I impose special conditions that you must, during the operational period of the order, submit to the supervision of a probation officer as required by the probation officer, you must attend educational and other programs, undergo assessment and treatment for alcohol or drug dependency, submit to testing for alcohol or drug use and submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer. If you breach any of those conditions you may be brought back to court and re-sentenced.