

Mr McRae, Mr Woolley and Mr Clack, you have each pleaded guilty to one count of dangerous driving.

The crime was committed at 4 am on 27 March 2019. You were each driving a separate vehicle. Police performing speed checks detected each of your vehicles travelling on the Southern Outlet near Kingston at a speed of 190 km/h. They were travelling close together in the same direction on a double lane highway. Two of the vehicles were approximately 20 m apart, with one in each lane of the highway, and the third vehicle was approximately 50 m behind and in the left lane. There were two passengers in Mr Clack's vehicle, one in Mr Woolley's vehicle and one in Mr McRae's vehicle. Because you were detected at a single point during the speed check, the prosecution cannot say over what distance you were travelling at this speed. There were no other vehicles in the vicinity at the time.

The speed limit at that part of the highway was 100 km/h. However, you were all P1 licence holders. This meant that the speed limit for you was 10 km/h less, that is a speed of 90 km/h. So, that means, if my arithmetic is correct, that, at the point you were detected by the police, each of you was travelling 100 km/h in excess of the applicable speed limit, while in close proximity to other vehicles and with passengers in your vehicle. The danger is obvious. At that speed, a minor misjudgement, or the effect of an external factor such as a blown tyre, an animal on the road or even an imperfection in the road surface could have had catastrophic consequences. Those consequences clearly could have impacted on you and your passengers. There was also potential for pedestrians and other traffic to come unexpectedly within the vicinity of your vehicles. At the very least, it would seem that you must have passed police officers who were conducting the speed check.

You are all young men of prior good character with significant potential to lead your life as law-abiding and contributing members of the community. Mr McRae, you were then 18 years of age and are now 20. You have no prior convictions whatsoever. You live with your mother. You have demonstrated leadership and commitment in sport, your education and more recently as a member of the Army reserve. In that role, you have participated in some important recent deployments. I have not been given any information from the Army but I accept what you say about the impressive nature of your performance on these deployments and the respect you have earned from your superiors and fellow soldiers since your enlistment. You want to join the regular Army, but your commission of this crime means that your role with the Army reserve and your plans to join the regular Army are now in jeopardy. If what you say in your statement to me is true, and I have no reason to doubt that it is, then you have by this act of criminal stupidity, caused significant damage to your future. You cannot explain your conduct beyond peer group pressure and youth. However, you, in particular, with your extensive driver training in the Army reserve, ought to have been aware of the importance of driving carefully and the potential risks associated with your conduct.

Mr Woolley, you also were 18 at the time and are now 19. You have some prior and subsequent traffic infringements. The most concerning of these are three speeding offences, two of which involve exceeding the speed limit by 15 to 22 km/h and one by 23 to 29 km/h. I am told by your counsel that these resulted from errors of judgment, but even so, they suggest a concerning aspect of your driving behaviour consistent with your conduct in this case. You also claim

remorse and would appear otherwise to be a young man of good character with bright prospects. You live with your parents and are undertaking an apprenticeship as a fitter and turner. References from those who know you, including your employer, speak highly of your character.

Mr Clack, you also were 18 at the time of this offence and are now 19. You have no prior or subsequent convictions whatsoever. You also would appear to be a person of good character with strong prospects. You have a supportive family, and you are an active and respected member of your church and school community. Again, references from those who know you speak highly of your character and insight. Your remorse is demonstrated by the fact that you handed your licence in immediately after committing this crime. You were required to do so as a very appropriate response by your parents, but you deserve credit for doing so nevertheless.

Each of you, of course, is entitled to have your early pleas of guilty taken into account in your favour.

I accept that you have all learned a difficult and painful lesson from this. I accept that, in the case of each of you, your actions were out of character and it is unlikely that you will commit a crime such as this again. I do not think that personal deterrence is a significant factor in sentencing, nor do I think it necessary to make provision in the sentence for your rehabilitation. Each of you has the capacity to learn from this mistake and to ensure that you behave appropriately and lawfully in the future. However, these personal factors are, of course, not the only relevant sentencing factors in this case. It is a matter of grave community concern and well within the experience of this Court that dangerous driving is a prevalent crime often committed by young men. Far too often, the consequences of driving of this nature are the death or serious injury of passengers or other innocent road users. It is true that many of the serious aspects of driving often seen in other cases involving this crime are not present here. For example, this was not a case of prolonged or erratic driving through built-up areas in a desperate effort to escape from police, nor were you driving with drugs or alcohol in your body. However, the dangerous aspects of the driving, upon which I already commented, were significant. General deterrence remains an important sentencing consideration.

People who drive dangerously and put themselves and others at risk are usually sent to jail. This occurs even if they are young and lack a criminal record. However, in the case of each of you, when I have regard to your relative lack of prior convictions, your young age and your otherwise good character, together with your obvious remorse, I am satisfied that a sentence of actual imprisonment is not necessary. I think that adequate punishment can be inflicted by requiring you to perform community service and by a lengthy disqualification from driving. Further, in the case of each of you, there will be conviction for this crime on your record, which in itself will have punitive consequences.

Although Mr Woolley has some prior speeding charges, I see no reason to distinguish between your culpability and, accordingly, will impose the same sentence on each of you. I convict each of you of the crime to which you have pleaded guilty and make a community correction order. You must comply with the order for a period of 36 months, and that period shall commence today. The core conditions of the order require you to report to a probation officer, and you shall do so at the office of community corrections in Hobart within three clear days of today. In addition to the core conditions, the order shall also include the following special condition:

- (a) you must, within operative period of the order, satisfactorily perform community service, as directed by a probation officer or a supervisor, for a period of 240 hours.

Further, each of you will be disqualified from driving for a period of 18 months. That disqualification will be backdated to commence on the day on which I imposed the bail condition prohibiting you from driving, which is 11 June 2020.