

Steven Henderson, you plead guilty to robbery. At about 10.30 am on Friday 13 March 2020 you walked into a jewellery shop in Launceston. There were three female employees, but no other customers, inside. After looking around for a few minutes, you asked one of the female sales staff to show you a dress ring from inside a locked cabinet. It was worth about \$7,500 and was the most expensive piece of jewellery on display. The shop assistant removed the ring from the cabinet and handed it to you to look at. Without warning you pushed the employee with two open hands to her upper body and ran for the door. The push caused the employee to fall heavily backwards. At the door, a different female employee attempted to stand in your way, but you pushed her to the ground also. You ran from the store with a number of members of the public and staff members giving chase. You threatened them as you ran claiming to have a firearm and that you would kill them. You ran to a waiting car which was driven off.

You were quickly identified from CCTV images from the jewellery shop. You were not wearing any disguise and were easily recognised. Just after midday the police found you at your home in Dilston. You were arrested and the ring was found in possession of your partner. You were interviewed at the police station and admitted what you had done.

You are aged 43. During your life you have held some menial jobs but you are a long term recipient of a disability pension. You have a supportive partner and you and she currently live with your parents near Launceston. You have a long record for offences of dishonesty and violence. Your offending is associated with difficulties with mental health and substance abuse. You began committing serious offences when you were about 20. Since then you have served a number of terms of imprisonment. The most relevant recent offending is in 2014, 2015 and 2016. In 2015 you were sentenced to imprisonment for two years for arson. You deliberately set fire to a housing department property which was destroyed. Later in the same year you were sentenced by a magistrate to a cumulative six month term for offences including resisting police, three counts of burglary and stealing and 15 counts of breaching bail. You were also sentenced to further terms of three months for a common assault committed at the end of 2014 and one month for assaulting a public officer. Finally, in December 2016 you were sentenced to a wholly suspended term of nine months for unlawfully setting fire to property in March 2016. You were released subject to the suspended sentence in early 2017. Since then, until this crime, your only offence has been an alcohol related driving offence.

Your counsel indicated that over the years you have been an inpatient at various mental health facilities. I was given a report from Dr Georgina O'Donnell, who conducted an independent forensic psychological assessment. She happened to be your treating psychologist in prison about 20 years ago. She reports that you have been a patient of forensic mental health in recent years when required but your medication is generally managed by your general practitioner. You have experienced drug induced psychosis and anxiety since you were a teenager. The state of your mental health seems directly commensurate to your illicit drug use, and you have polysubstance abuse disorder. For many years you have abused alcohol and illicit drugs, including cannabis, morphine and amphetamine derivatives. For a period before this robbery you were using methylamphetamine, including in the days immediately before the crime. When interviewed by Dr O'Donnell for the purposes of the report you did not display symptoms of major mental illness. In her opinion, drug use, not mental illness is the

cause of your offending. The mental health treatment you require is principally to ameliorate the effects of your drug use. You told her that you were disgusted with what you had done and you wanted to give up that lifestyle, that is, of drug use and “bad choices.”

Despite the absence of a disguise, I regard this as a serious robbery. Jewellery shops are easy targets for robbers. Persons employed to work in such stores are in a highly vulnerable position and are entitled to the protection of the law. For those reasons, punishment, retribution and general deterrence are strong sentencing considerations. The first employee you confronted was aged almost 60. She was pushed hard to the ground. She fell very heavily and was immediately shocked and distressed by what had happened to her. She struck her wrist as she was falling and she was left with a lump. Her victim impact statement also describes a large orange bruise which developed on her chest over the next couple of days. She also describes the psychological effects on her. For weeks she was unable to deal with customers who reminded her of you. She remains on guard and uneasy at work, and feels less safe. There is no victim impact statement from the other employee who you pushed over. I infer that she suffered no physical injury but that does not mean that there was no impact. Your conduct involved the inevitable risk that employees may be psychologically affected to some extent.

I was asked to obtain an assessment of your suitability for the making of a drug treatment order. It was argued on your behalf that there is a link between your abuse of illicit drugs and the robbery because your thinking was, as a result of your use of drugs, disordered and illogical. Following a dispute with Centrelink which resulted in a back payment to you, you had the money to buy jewellery, but decided to steal it instead. As far as can be observed from the CCTV your manner prior to the robbery was calm and controlled. It has not been suggested that you stole for money for drugs, but rather because you had become obsessively preoccupied with money during the Centrelink dispute.

Even if it is the case that illicit drug use contributed to the commission of the robbery, I have decided not to make such an order, that is, a drug treatment order. The Court has no power to make a drug treatment order in circumstances in which the imprisonable offence of which the offender has been found guilty involves "the infliction of actual bodily harm that, in the court's opinion, was not minor harm". It is accepted that one of the employees suffered actual bodily harm, but I was asked to treat it as minor harm. It may be inferred that she quickly recovered from her physical injuries. It is not suggested that she suffered psychiatric injury in the nature of an identifiable clinical condition. In those circumstances I think that the actual bodily harm in this case can be regarded as minor. In contrast, although the continuing psychological impact cannot be regarded as bodily harm within the meaning of that term in the legislation, the significance of it should not be understated. Robberies of this nature are crimes against persons, even if they involve property. I do not intend to suggest that it is not appropriate to, in some cases, make a drug treatment order for a person found guilty of robbery. But I do not regard this as such a case, because of the significant potential for harm which arises from a robbery of this type and the consequent need for punishment, retribution and deterrence. A drug treatment order is a sentencing option which places emphasis on the rehabilitation of the offender. I accept that rehabilitation of an offender, if it can be achieved, carries a general community benefit. A drug treatment order increases the chance of rehabilitation. It also has some punitive effect because it will require an offender to comply with onerous conditions. It carries the potential for activation of the custodial component of the order in the event of non-compliance. However, it is still an alternative to imprisonment in circumstances in which imprisonment would otherwise be the appropriate sentence, thus

involving the choice to give priority to rehabilitation as the primary sentencing aim in preference to other sentencing objectives. For the reasons I have given I do not see that as appropriate in this case. In addition, I have decided to partly suspend the term of imprisonment and that also precludes the making of an order.

You are entitled to mitigation from your admissions and your early plea of guilty. You have demonstrated that you can adhere to the conditions of a suspended sentence. There has been a modest gap in your offending. I also agree that the prospect of your rehabilitation remains a relevant factor, even if not the dominant one. You are well aware of the link between drug use and your mental health and I see it as within your capacity to address it if you choose to display the necessary resolve.

Steven Henderson, you are convicted. You are sentenced to a term of imprisonment of two years from 1 October 2020. I suspend eight months of that sentence for two years from your release. It is a condition of that order that, while the suspended sentence is in force, you do not commit an offence punishable by imprisonment. I order that you not be eligible for parole until you have served eight months of the operative part of that term.