

P, you have pleaded guilty to the crime of aggravated armed robbery. You were 16 at the time of the offending. The complainant was aged 15. You were both housed at a shelter. In the early afternoon of 24 June, you, the complainant your victim, and two other males left the shelter and walked to Glenorchy. You stopped at the Metro Bus Interchange. You asked to use the complainant's phone. He handed you his phone. You asked for his passcode, and when he refused you became aggressive towards him. One of your group attempted to punch him, but he was able to dodge the punch. You then lifted up your shirt which revealed the head of a hatchet and said, "Tell me your fucking password now or else." He responded by telling you he was going to get the police involved, and tell the shelter that you were in possession of the hatchet. Your group moved towards him. You took the hatchet out. He turned to go. He noticed that all of you had started to follow him, so he ran into an office and phoned the police. His mobile phone remained in the possession of one of you. He provided your description to police.

You were located by police with another person. That other person a Mr D, has been charged too. He was in possession of the mobile phone. The hatchet which you had used was found in a nearby carpark. You were arrested. You are responsible as a party to the offending that resulted in the phone being taken and ending up in Mr D's possession.

You participated in a record of interview with the police. You told them that you recalled being at the bus station. You said no one else was there. You described having had an argument with the complainant the previous night at the shelter. You said you grabbed the hatchet because you were going to strike the complainant and you did not want to stab yourself whilst you were doing so. You said you had hidden the hatchet later because you knew you should not have had it. You said the only time you lifted your top was when you took the hatchet out. You agreed that the complainant would have been scared, and it was a stupid thing to do. You indicated that you wished to apologise to him for taking his phone.

I have received a pre-sentence report in relation to you. It records the fact that you have reiterated your regret for your involvement in this offence. You said you were influenced by methylamphetamine use at the time. You acknowledge that the complainant would have been scared.

There are a number of previous sentencing orders which have been made in relation to you. Since your first remand to the Ashley Youth Detention Centre in November 2017, you have had 11 further admissions, some of which were detention orders. It does appear that you have had short periods of positive engagement when in the community, but that you have disengage with Youth Justice workers after re-offending. The most positive such engagement occurred between 24 March and 25 June 2020. This is the longest period you have spent in the community since 2017. During that time you were in stable living arrangements with a friend and his mother, and you engaged on a weekly basis with your Youth Justice workers. You maintained consistent contact with an education provider.

I note your family circumstances generally. In particular, I note that there has been a significant history of Child Safety Service involvement, with 42 notifications to Child Safety between 2005 and 2017. Those related to issues of neglect, emotional abuse and family violence. Yours was clearly an unsettled childhood. Schooling has been disrupted by many moves.

There is evidence of cannabis use since you were about 12 years of age, and this has been supplemented at times with methylamphetamine use. You have not been employed in your life, and you are unsure of your vocational goals.

You have been in Ashley since 25 June 2020 in respect of this offending. It appears that your behaviour has, generally speaking, been good. There was an incident where you became involved in an assault on another resident, but after that your behaviour has improved significantly, and you are recorded as participating fully in education programs. You are doing well at school, and there are positive signs.

As a youthful offender, the emphasis in sentencing you is upon your rehabilitation. I accept you are remorseful for your actions. It is clear to me that unless you start to make efforts to make something of your life, you will find yourself back before the court on a regular basis. The longer term for you is one which will see you serve periods in an adult gaol unless you make significant improvements. You need to consider your future and take steps to focus on the ways in which you can improve your circumstances so that your future is a more positive one.

I note that your grandmother has very kindly agreed to support you on your release and to provide you with accommodation. I urge you to embrace that opportunity to turn things around.

This is serious offending. Fortunately the complainant did not suffer injury, but he would no doubt have been frightened by your conduct, as you acknowledge. You also acknowledge that it should not have happened.

A period of detention is recommended in the pre-sentence report and I intend to take that course. I want you to engage with the support that is available to you in the hope that, upon your release, you will have some sense of purpose. I also intend it to have a punitive effect, not one which overwhelms your rehabilitation, but one which reinforces the need for change, to enable you to make progress.

Having regard to your conduct, the improvements that are reported in your behaviour and attitude generally, your plea of guilty, and the contents of the pre-sentence report, I order that you be detained for a period of 10 months. I backdate the commencement of that period to the time you were taken into custody, which is, as I have said, 25 June 2020.

I do not intend to suspend any part of that order. You have had suspended orders, with no obvious improvements in your behaviour.

Pursuant to s 89A of the Youth Justice Act your earliest release date is 27 November 2020.

Finally, I make an order forfeiting the hatchet to the State pursuant to s 16 of the *Crimes (Confiscation of Profits) Act*.

You understand what I have done, P, today. You will be detained for 10 months, and my intention is that you should use that time well to develop your skills and make plans for your future. When you are released your grandmother will provide you with accommodation, and I think that is an opportunity that will be very useful to you. I urge you to take advantage of that opportunity. I do not want to see you back in my Court, or any court, in the future because you

have not taken advantage of those opportunities. Do you understand that? You are at a cross roads. You can waste your life or you can make something of it.