

Lopiseni Tomasi, you plead guilty to taking part in an affray. During the evening of 17 January 2020 you took part in a fight in and outside a hotel in Ulverstone. You were drinking in the bar of the hotel with a group of at least four other workmates. The bar is a relatively large open area around an 8-ball table. The fight commenced when one of your group punched another man. After being knocked to the ground, that man retaliated by picking up an 8-ball from the table and throwing it. The fight then broke out between your group, including you, and other persons present at the hotel. Those involved, again including you, assaulted each other by punching, grabbing and kicking. You did not initiate the fight, but joined in to back up your mates, and once it commenced you were an enthusiastic participant. You sought out the areas of conflict. You wielded a pool cue. You inflicted a forceful punch to the head of another man as he was being pulled to the ground by someone else and was unable to defend himself. The traumatic effect of the punch is easy to see. After about a minute things started to calm down, but at that point you stepped towards a man standing with his back to the end of the 8-ball table and, without warning, and when he was not looking at you, you punched him. It was a brutal and deliberate blow to his face, so forceful that he was rendered immediately unconscious. He slumped back onto the table and then to the ground. The result was that the fight re-escalated. Many men were involved. It continued for another three minutes during which time it spilled out through the door onto the entrance steps and then to the street outside. As well as punching, grabbing and kicking, the various participants overturned tables, threw glasses and jugs of beer and chairs. Pool cues and balls were swung and thrown as weapons. Five windows were smashed, 3 cues were broken and a number of 8-balls went missing after having been thrown on the street outside. One smashed the front window of a neighbouring business. You were a very active participant in all aspects of the violence. In addition to the matters I have already mentioned you, near the steps outside, approached a man already incapacitated and lying on the ground as a result of having been thrown there by others. You punched him to the head, and again he observably slumped, apparently unconscious, as a result of the blow.

Other patrons of the hotel either left through doors or sheltered in another part of the bar to avoid the violence. Persons and traffic outside were affected.

By the time the police arrived most of the participants in the affray, including you, had gone. Although much of the violence was recorded on CCTV, identification of the participants was difficult. None of those involved complained to the police at the time. Some members of your group had returned to Victoria. Others have now been identified and charged although you are the first to be sentenced. The man you punched at the 8-ball table later complained. He was concussed and had no memory of what had been done to him until he was shown the CCTV. He suffered some soreness but did not seek treatment. He suffers some psychological consequences but they are largely as a result of the widespread exposure the incident has received on social media. As far as the police and the prosecution have been able to ascertain none of the others involved have sought medical treatment. The man you struck on the steps outside has not been identified, and the extent of the injury he suffered, if any, cannot be established.

On 4 October 2020 you were arrested in Tasmania on unrelated matters and charged. You have been in custody since then. You pleaded guilty on 22 October 2020 and were committed to this Court for sentence.

You are aged 26. You are single with no dependants. You were born in New Zealand of Samoan and Tongan descent but you have lived most of your life in Victoria. You were in Tasmania with your workmates performing railway maintenance. Your employment was terminated as a result of this incident. You remained in Tasmania performing other work from February 2020 until your remand in custody in October. A series of references from friends and family attest to the regard and affection with which you are held. They speak of you as a kind and caring man. References from a work colleague and employer describe you as quiet, courteous and capable. Those descriptions are to be judged against your acts and your record. You have no prior convictions in Tasmania but you have been sentenced in Victoria for offences of violence. In 2014, when you were 20, you were given a short prison sentence and community work for recklessly causing serious injury. You were found guilty of the same offence in 2017 and made subject to a community correction order. Both offences were linked to alcohol abuse and the second sentence involved a prohibition from attending licensed premises within an area of the Melbourne CBD.

On 10 February 2021 you were sentenced by a magistrate to imprisonment for 12 months from 4 October 2020 for family violence offences committed between July and October 2020, including three counts of common assault and three counts of destroying or injuring property. The magistrate ordered that you not be eligible for parole until you have served half of that term. They are not prior convictions for sentencing purposes but they are relevant to totality, to remorse and to the prospect of your rehabilitation. They involve separate criminality but already, to some extent, serve the need for punishment and specific deterrence.

It is not contended that you have any mental health impairment which is relevant to sentence. I was given a report from a psychologist prepared for the sentencing hearing in Victoria in 2017 which describes your background. You have never met your biological parents. As a new born you were taken in by your mother's brother and his wife as raised as their child. You regard their children as your siblings as they do you. They are very supportive, but your situation has given rise to difficult personal issues compounded by the traumatic death of your sister some years ago. You had a stable industrial record since leaving school but you have a long history of behavioural problems added to by serious abuse of alcohol since you were 13. Once again, it is likely that alcohol contributed to this crime, but it is not mitigating, particularly when you already appreciate the effect on your behaviour which alcohol apparently has.

It is very fortunate that the harm you inflicted was not even greater. Leaving aside the incidental violence you were directly responsible for significant and incapacitating violence to three different men. The common thread was, at the time you struck them, none posed any threat to you and, for varying reasons, all were unable to defend themselves. The public is entitled to be protected from drunken and violent conduct such as this.

You are convicted. I make compensation order in favour of the Lighthouse Hotel and House of Flowers and adjourn the further terms of those orders to a date to be fixed. You are sentenced to imprisonment for 12 months cumulative to the sentence imposed on 10 February 2021. . I order that you not be eligible for parole until you have served half of that term.