

Mr Charles, you have pleaded guilty to one count of dangerous driving. You have also pleaded guilty to associated summary offences of evade police with aggravated circumstances, breach of bail constituted by driving a motor vehicle, and driving while disqualified.

The offences were committed on 9 March 2021. You engaged in a lengthy and sustained course of dangerous driving for several kilometres around Devonport, after you saw a police officer in a marked police vehicle and obviously thought you were at risk of interception. You were disqualified from driving at the time and also subject to a bail condition which provided that you must not be found behind the controls of a motor vehicle. There was a passenger in your vehicle throughout the course of the driving. This happened in the early afternoon of a Tuesday when there could be expected to be, and actually was, a significant amount of traffic on the roads over which you drove in this manner.

The actual driving can be briefly summarised as follows. After seeing the police vehicle as you were travelling along Mersey Main Road near Spreyton, you entered the Bass Highway in disobedience of a red traffic control arrow and, as you did, you failed to give way when merging with traffic already on the highway. Other vehicles were forced to brake to allow you to cut across in front of them. You then travelled along the Bass Highway towards and across Victoria Bridge, accelerating to 100 km/h in an 80 kilometre zone as you crossed the bridge. You changed lanes without indicating on two occasions and, at least once, other vehicles had to brake to avoid a collision. You also travelled very close to a vehicle in front of you for a short distance. You exited the highway along the slip lane leading to East Devonport. You then engaged in the most dangerous stage of the driving. This involved travelling over a traffic island in order to get around stationary traffic, travelling at speed along a busy road in a built up area and, on two occasions, travelling through roadworks on the incorrect side of the road in order to avoid vehicles which were stationary because of the roadworks. This was extremely dangerous because on one occasion vehicles coming the other way were forced to stop to avoid collision and on the second occasion, you were travelling on an unsealed section of road and in excess of the marked speed limits. There were at least five construction workers working in the area at the time.

Shortly after this an attempt was made to deflate your tires by the use of spikes but you took evasive action to avoid the device. As you fled from another police vehicle, you again travelled over a grass verge to access a different street. A second attempt to deflate your tyres just before you re-entered the Bass Highway was successful. However, it was not enough to cause you to stop immediately. You continued to drive along the highway for a short distance until your car came to a halt, undoubtedly because of the effect of the tyre deflation. You then tried to flee on foot but after a short chase surrendered to police. You were charged and have been in custody ever since.

You are 31 years of age. You have a lengthy and concerning criminal history. It commenced when you were aged 14 and it would seem that you have been consistently offending in various ways since then. The offending includes many traffic offences, including a number involving unlicensed and disqualified driving. On 30 April 2020, you were convicted in the Magistrates Court of offences which included dangerous driving. Those offences had been committed on 2 December 2016. The dangerous driving matter also involved speeding away from police and driving in a dangerous manner over a significant period and in the same area as was relevant

to this case. The nature of the driving then has significant similarities to your driving in this case. You were sentenced to a term of imprisonment and a significant disqualification, which was still current when you committed the offences with which I am dealing. The sentence of imprisonment was partially suspended, and the suspended portion of 18 weeks was in effect when you committed these offences. The prosecution has applied for the breach of the suspended sentence to be dealt with, and I am required by law to activate the sentence unless I am of the opinion that it would be unjust to do so. Your counsel does not submit that it would be unjust to activate the sentence and clearly this concession is appropriate. I intend to activate the sentence.

Your counsel has provided significant detail about your background. You endured significant disadvantage and instability in your childhood, and have had a significant drug problem for most of your late youth and adult life. That is clearly a matter of concern but it does not explain nor excuse your driving behaviour. On this occasion, you simply should not have been driving, and when you were seen by police, you should not have driven away from them in this manner. When they indicated an intention to you to pull over, you should have stopped immediately. The fact that you were driving at all demonstrates your disrespect and disregard for the law and lawful constraints, and your manner of driving showed a callous disregard for the safety of other road users, the police who were involved in this and, of course, yourself and your passenger. Your disregard for the safety of the road workers, in particular, is a matter of great concern. Your manner of driving was consistent with your obvious desperation to escape from police and this also compounds the danger. Driving such as this can easily result in lethal and catastrophic consequences. General deterrence and community protection are important sentencing considerations. Having regard to your history, and the fact that you committed these offences despite the suspended sentence, the order of disqualification and the bail condition, specific deterrence also requires some emphasis. The only possible sentence is a significant sentence of imprisonment. I will take into account your plea of guilty. I accept that it is a relatively early plea and has significant utilitarian value. I will also make provision for an opportunity for release on parole, but given your record of prior offending and the fact that you committed these offences while subject to a suspended sentence for the same type of offending, I think that you should serve in prison a portion of the sentence which is greater than the minimum non-parole period.

Accordingly, the orders I make are as follows:

- 1 You are convicted of the crime and the offences to which you have pleaded guilty.
- 2 The suspended sentence of 18 weeks' imprisonment imposed by the Magistrates Court on 30 April 2020 is activated. It will be backdated and served from 9 March 2021. You will not be eligible for parole in respect of that sentence.
- 3 For the offence of evade police with aggravated circumstances committed on 9 March 2021, I impose a sentence of three months' imprisonment. That sentence will be served cumulatively upon the activated suspended sentence. You will not be eligible for parole in respect of that sentence. I order that you be disqualified from driving for a period of two years, which will commence on the day of your actual release from prison.
- 4 For the crime of dangerous driving and the offence of disqualified driving committed on 9 March 2021, you are sentenced to imprisonment for a global term of 18 months. That sentence will be served cumulatively upon the sentence imposed in respect of the

charge of evade police with aggravated circumstances. You will not be eligible for parole until you have served 11 months of that sentence. In respect of those offences, you will be disqualified from driving for an aggregate period of two years, which will be cumulative upon the disqualification imposed for the evade police offence.

5 For the purposes of s 92A(3) of the *Sentencing Act*, I specify that:

- (a) The total term of imprisonment which you are liable to serve in respect of all of the above sentences is 21 months and 18 weeks, commencing on 9 March 2021.
- (b) The total period that you must serve before you become eligible for parole is the aggregate of the non-parole periods relating to the said sentences, which is a total period of 14 months and 18 weeks.
- (c) The total driving disqualification is for an aggregate period of 4 years commencing on the date of your actual release from prison.