

W J D, you have pleaded guilty to one count of armed robbery. The victim was your mother. On 31 December 2020 you robbed your mother of tobacco, a mobile phone, some medication and \$15 in cash, whilst armed with a knife. You were 16 years of age at the time. It seems you woke up that morning in a bad mood. You asked your mother for money to buy drugs. She told you she did not have any. You then demanded she give you some of her medication. Sensibly, she declined. You became aggressive and went to your room and got a hunting knife. You returned to where your mother was in the lounge room and tried to grab her handbag from her. She resisted. You threw her onto the couch, held the knife out towards her and yelled "give me your fucking money". Your mother's dog started barking. She moved in order to protect the dog. In doing so she dropped her handbag. You grabbed it and removed the items I have mentioned from it, including medication in the form of Dozile and Lyrica. Your mother was most upset by the incident. She asked you to leave the house. You eventually did so. Your mother reported the matter to police. The following day they attended the residence and arrested you. You participated in a record of interview. You admitted what you had done. You said you wanted money to buy drugs. You agreed you threw your mother onto the couch and threatened her with the knife. You agreed your mother probably believed you may stab her. You said you spent the money you took on drugs.

Your mother has declined to provide a victim impact statement. I have no doubt it was a very upsetting incident for her. Luckily, she was not physically harmed, but to have her son treat her in this way was undoubtedly distressing. To your mother's credit she has indicated that her primary concern is for you to receive the assistance you need, for what she considers to be some difficult mental health issues.

You have no prior convictions. I am told that around the same time as this incident occurred, you became involved in some "shoplifting type" matters. You appeared in the Youth Justice Court. On 29 June 2021 an order pursuant to s 47(1)(d) of the *Youth Justice Act* was made adjourning your matter and releasing you without supervision. You have complied with the terms of this order.

Following the robbery, a restraint order was made in favour of your mother. It prohibited you from returning to her residence. You breached it in March 2021 when you returned there to collect some personal belongings. You were arrested and remanded in detention at the Ashley Detention Centre between 5 March 2021 and 16 March 2021. You found this time in detention very difficult. It seems it has had a very salutatory effect upon you. Since your release you have been compliant with all bail conditions. You have not re-offended in any manner. You have been making very genuine efforts to change and stay away from any trouble. You have undertaken a number of positive steps with a view to bettering yourself. I have received a number of references and reports about you. One from Ms Bell, a youth worker at Save the Children Australia includes the following comments: "leading up to Christmas 2021 he was really engaged ... he has been attending school at St Francis and the feedback I have gotten [sic] from staff there has been positive saying he is a really good role model for other students ... we have some good conversations and W often reflects on his past behaviour and how one day he would like to put his past experiences to good use and mentor others that have possibly headed down a bumpy road".

A second report from St Francis Flexible Learning Centre, indicates you have been enrolled at the centre since May 2021. The author of the report describes you as accountable and responsible and prepared to own your mistakes. At the end of 2021 you received an award for school leadership. It was the only award given out by the school for leadership. That is a credit to you. You are described as an asset for the St Francis community. Your end of school report which was annexed to the St Francis report indicates you have been trying hard and continue to work on ways to improve yourself within the school community. It notes you are respectful towards others and demonstrate leadership by role modelling positive behaviours and encouraging others to do likewise. It indicates you have made a number of improvements in both your literacy and numeracy skills.

I have also received, and have regard to, a youth justice pre-sentence report. It reports that at the time of the offending you were living transiently and were using drugs heavily. You were spending time with a number of persons who were negative influences and you were committing offences in order to obtain goods, which you would exchange for money to buy drugs. Your relationship with your mother was experiencing a number of difficulties. You were disengaged from school, and I think it would be fair to say you had very much lost your way.

Pleasingly, it seems so much of this has now changed. The youth justice report indicates you are now regularly attending at St Francis. You have repaired your relationship with your mother and have resumed living in the family home. Your mother now describes her relationship with you *"as a mother and son relationship should be"*. You have a membership with a local gym, attending regularly to improve both your physical and mental well-being. You are also seeking assistance from your general practitioner for your mental health issues. You are currently awaiting a referral to a psychologist. The report also indicates – most importantly – that as of six months ago you gave up all drugs and are committed to maintaining your abstinence. The author of the report comments *"W has made excellent progress in his attitude, drug use and general behaviour since the offence. He attends St Francis and has the support from his mother and continued support from his youth worker at Save the Children. [His mother] has observed a considerable difference in how he is now compared to his presentations earlier last year. He now attends school, abstains from drug use and has limited his friendship to more pro-social peers."*

Importantly, the report also indicates that you have expressed deep remorse and shame for your actions towards your mother and understand how it must have upset her. You have indicated that do not ever wish to become involved in an incident like it again. The author of the report suggests you have insight into the seriousness of the offending and understand that if you were to repeat such offending, given you are 18 years of age, you would be at risk of serving a period of imprisonment in the adult justice system.

All in all, it seems to me, you have made a remarkable and commendable effort to turn your life around. You are obviously still a very young person and this Court should reward your rehabilitative efforts and impose a sentence that encourages you to keep working to improve yourself. That is what I intend to do.

Pursuant to s 47(1)(f) of the *Youth Justice Act* – and without recording a conviction – I impose a probation order for a period of 12 months. The probation order will contain all of the core conditions provided for in s 65(1) of the *Youth Justice Act*. A copy of those will be given to you in writing, but in simple terms it will require you to:

- Report to a youth justice officer by 4pm tomorrow at Youth Justice, St John's Avenue, New Town.
- During probation you must report to your Youth Justice officer as required.
- You must receive visits from your Youth Justice officer whenever required.
- Importantly, you cannot commit any offence, which if committed by an adult is punishable by imprisonment. Most offences are punishable by imprisonment, so the best idea is that commit no offences at all.
- You cannot leave Tasmania without permission.
- You have to keep your probation officer informed about where you are living, where you are going to school and any employment you have, and if it changes tell them about those changes as soon as you can.
- You must obey, that is, follow, all the reasonable and lawful directions given to you by your Youth Justice worker.

I note, because you spent 11 days at the Ashley Youth Detention Centre, which, as far as I know, will not be attributable to any other offending, I do not intend to impose any other order by way of punishment. The time spent there adequately meets the punitive needs of sentencing, in my view. The paper work will be provided to you, and you must remember to report tomorrow to Youth Justice at New Town.