

Mr Cormie you have pleaded guilty to dangerous driving contrary to s 172A of the *Criminal Code*. Your offending arises in somewhat unusual circumstances in that, your driving came to an end as the result of an accident, after which a Go-Pro camera affixed to your helmet was recovered by police and viewed. It was the viewing of that footage that resulted in this charge. Unusually, this is not a case where police pursued you and observed your driving, or where your driving was the subject of a report from a member of the public. None of that is intended to suggest that your driving was not dangerous or your offending somehow less serious.

At 7.30 on 13 February 2020, you and two other males were riding motor cycles on Grass Tree Hill Road between Risdon Vale and Richmond. Driving past a 60km/h sign post you increased your speed to 158km/h while travelling behind a white utility. For the next minute you continued to drive in excess of the speed limit, at one stage travelling at 108 km/h crossing double white lines and moving into the incorrect lane. The white utility pulled over to let you past. You travelled across double white lines and into the incorrect lane, travelling at 103km/h, before increasing your speed to catch up with the other two cyclists with whom you were riding. The Go-Pro footage recorded you travelling past another 60km/h sign post at 114km/h. Shortly after that you came up behind another white utility, before each of you, in succession, passed that vehicle, you increasing your speed to 159km/h. You continued along Grass Tree Hill Road, and in the 80km/h zone, you travelled onto the incorrect side of the road over a broken single white line travelling at speeds reaching 205km/h. You passed one of your fellow riders, at his insistence, before accelerating to a speed of 254km/h in a 100km/h zone. You then moved to the incorrect side of the road to overtake a red SUV, travelling at 235km/h.

When you caught up with one of the other riders in your group, your speedometer registering your speed at 165km/h. At one point while following behind one of the other riders you performed a wheel stand, lifting your front wheel off the road, travelling at 126km/h. There was a car coming in the opposite direction.

You travelled to the Richmond Arms Hotel, leaving there at about 8.30pm before travelling along the Richmond Road towards Hobart. At about 8.50pm you lost control of the motor bike and left the road coming to rest 10 meters into blackberry bushes on the side of the road. You were trapped under the vehicle. In circumstances where you were not otherwise visible from the roadway you were able to call 000 from your mobile phone and alert authorities to your location. Your motor cycle was destroyed in the crash.

On 20 February you voluntarily attended at the Bellerive Police Station and participated in an interview in relation to your driving that night. You admitted travelling at speed along Grass Tree Hill Road and overtaking some cars, describing the manner of your driving as reckless; you acknowledged that you travelled on your rear wheel or did a "mono" as you described it; you admitted going very fast, and you told police that what you did you did out of stupidity. You said you rarely speed but it was just one of those times, and you did it for the thrill. You acknowledged that you were, in your own words, an "idiot" and should not have done it. You stated to police that you do not regularly speed. You said that you had been riding for many years and got your first bike at the age of 7 or 8. Your driving record is an unremarkable one, at the time of the offending you had been issued with infringement notices on three occasions for exceeding the speed limit, on two occasions by just 10 to 14 km/h above that limit, and on one occasion for exceeding it by 45km/h or more.

You clearly understand as shown by your comments to police, that your driving was reckless, and by your plea you have accepted that it was dangerous. You created a risk to other members of the public. You will have been well aware that other road users were likely to have been on that road at that time, and they are visible in the footage. Despite that you did nothing to modify your behaviour. Travelling at the speeds you did, you would have been unable to take any action to prevent harm to another road user, if something unexpected had occurred or you had lost control of your vehicle, something you ultimately did. You admitted as I have noted, that you engaged in this behaviour for your own thrill, despite recognising that such behaviour is attended by significant risk of harm. Yours was a selfish act undertaken with no regard to the safety of others. The road is not your private race track and you have no right to use it in that way. Every road user has the right to expect that other road users will act responsibly.

I am prepared to accept that it is not usual for you to exceed the relevant speed limit so significantly, or to ride in a dangerous fashion. It seems to me that your long experience with motor cycles has led to an over confidence which was very evident of this day. That over-confidence can lead to risk taking. Whatever you may think of your own ability and your experience with bikes you put others at risk and I expect that your accident, the loss of your bike and the resultant injuries will serve as a powerful lesson in that regard. I acknowledge that having regard to your long experience with motor cycles you probably consider yourself able to drive in that way without significant risk – something which proved to be wrong given that you ultimately lost control of the bike, but none of that is relevant to the determination of an appropriate penalty, because such behaviour is objectively wrong, and the Court must deter you from taking such risks in the future as well as deterring others.

I note that from the pre-sentence report that you describe your behaviour in part to you giving in to the influences of others, though properly you acknowledge your own poor decision making. The matter evidencing some insight on your part.

I take account of the matters put in mitigation. You are employed, and you have not previously served an actual period of imprisonment.

You are not a youth but rehabilitation is always an important consideration and I factor that objective into sentencing you. You were co-operative with police and you have resolved the matter by a plea of guilty. For the utilitarian benefit that accrues as a result of that, I discount the penalty I would otherwise of imposed by 20%.

Offences such as this, typically attract terms of imprisonment, and frequently such terms of imprisonment are imposed upon people without a history of prior offending.

The Parliament has made clear that this offence requires a strong response from the courts in order to deter others and make the roads safe for the public. That is reflected in the fact that this sort of offending is dealt with in the Supreme Court, and not the Magistrates Court. I cannot ignore that objective. This Court must send a strong message to that effect and make it clear that dangerous driving will not be tolerated. It can have catastrophic consequences for innocent road users.

In the circumstances, and having regard to the significant risk your driving posed to you and to the public, the extent to which you exceeded the applicable speed limits and the risks taken in the course of the journey, some of which were viewed by the Court in the Go-Pro footage

played to it, I have determined that a sentence of imprisonment is required. I have reached that conclusion in the light of the home detention assessment report which recorded your unsuitability for such order, in part because of your accommodation arrangements. In all the circumstances and taking account of time served, I have determined that the term of imprisonment should be for a period of 17 months. You have been in custody for nearly a month when I released you to enable the home detention assessment report to be undertaken and I have reduced the head sentence by a month to take account of that period. The sentence of 17 months commences today.

I turn to consider whether that sentence should be suspended in whole or in part. Your record suggests that driving such as this is out of character for you. You have employment and your recent incarceration was your first time in jail. That experience though relatively short will have reinforced the consequences of your conduct that is relevant to personal deterrence considerations. There is of course too, an advantage in your engaging as a productive member of the community through your employment and I think I should enable that as far as possible, that is without ignoring the sentence obligations imposed on the Court which must emphasise general deterrence and punishment. I have decided that I can achieve that result if I suspend the operation of a part of the sentence on condition and impose a community service obligation upon you so as to maintain the punitive effect of the sentence.

Accordingly I suspend 16 months of the sentence that I have just imposed for a period of 3 years on condition that you commit no offence punishable by imprisonment in that time. That means you have a month to serve. I also make a community based order requiring you to complete 180 hours of community service. That order will operate for a period of 18 months, which means you have 18 months to complete 180 hours of community work. I further disqualify you from holding or obtaining a drivers licence for a period of 2 years to commence upon your release from prison. The effect of that sentence is that you have a sixteen month term of imprisonment hanging over you for 3 years and 180 hours of community service work to complete. You are disqualified from driving for 2 years upon your release from prison after a month from today.