

You have pleaded guilty to one count of unlawfully injuring property. On 8 November 2020 you destroyed a Nissan Navara utility belonging to Matthew Garwood. You had attended Mr Garwood's residence for a social event. You and others present had consumed alcohol throughout the evening. Around 2am all of the other people departed the premises. The complainant asked you to leave on several occasions, but you refused to do so. Frustrated, the complainant went inside his house, shut the door and went to bed. You banged on the front and back door of the house trying to get inside. He refused to let you in. The complainant then heard a considerable amount of banging coming from outside. He assumed you were kicking some wheelie bins or chairs. After a couple of hours the complainant called police and requested their assistance to remove you from the property. When he went outside he observed significant damage to his Nissan Navara motor vehicle including: the front windscreen was smashed, the front passenger window was smashed, there were dents all over the bonnet, there were dents all over the roof to the point it had concaved, the passenger mirror, windshield guard and aerial had all been broken and the canopy had a cracked roof. You were still in the backyard. You were heavily intoxicated. Police removed you from the property.

A subsequent insurance assessment deemed the vehicle to be a "write off". The complainant received a payout from his insurer but it did not compensate for the true value of the vehicle as the complainant had spent a considerable amount of money fitting the vehicle with extras to enable it to be used for touring. The vehicle was special to the complainant and your criminal behaviour has caused him considerable upset and inconvenience.

You are a 19 year old indigenous man. You grew up in a family environment which exposed you to family violence. Your parents separated in your later teenage years. You have some matters as a youth on your record, predominantly relating to your behaviour towards police and alcohol consumption. You have no prior matters for damaging property. You had only just turned 18 at the time this offence was committed. You have experienced a significant family upheaval recently. Two of your siblings have been remanded in custody on very serious charges. It has caused turmoil for your whole family. I am told that since their remand in custody you have struggled to cope and have been consuming far more alcohol than you usually would. Pleasingly, in more recent times, you have recognised that your alcohol consumption is creating difficulties for you and you have been making a concerted effort to reduce it. You experienced a number of difficulties at school because you have some learning limitations. You suffer from dyslexia and it is also likely you have an intellectual impairment. Because you found school so challenging you often stayed away and your attendance rate was poor. You currently receive a disability support pension because of your learning limitations. I have had the benefit of a pre-sentence report. I have regard to it generally. It confirms your learning difficulties and your disrupted schooling history. It notes that at times you struggle to attend to everyday tasks because of your low cognitive functioning. It also confirms the challenges you and your family have faced since your siblings were remanded in custody. Pleasingly, the report indicates you have some insight into the effect alcohol consumption has had on your behaviour and have reduced your alcohol consumption because of it.

It is noteworthy that prior to your siblings being remanded in custody in March 2020, you had not had any real difficulty with the law. It does appear as though that event has had a significant negative impact upon you and you have turned to alcohol to try and cope. There certainly appears to be a correlation between your excessive alcohol use and your complicated family

circumstances. It seems this criminal behaviour occurred because you were very drunk. I am told you have no memory of causing the damage to the motor vehicle. That of course in no way excuses what you did, but it does put into context what otherwise seems to be out of character behaviour for you. You are starting to develop some insight into how alcohol affects your behaviour. You recognise that when intoxicated you are prone to angry outbursts. You have been making considerable efforts to limit the amount of alcohol you consume. Hopefully with some additional support, you will be able to fortify some of the positive changes you have begun to make. In all of the circumstances, including your still young age and plea of guilty, I am satisfied it is appropriate to make a community correction order.

You are convicted and I make a community correction order for an operational period of 12 months from today. The statutory core conditions of a community correction order are imposed. Those conditions will be set out in a document that will be provided to you. In summary, they will include the following conditions that will apply for the entire operational period:

- You must not commit an offence punishable by imprisonment;
- You must report to a probation officer as required by the probation officer;
- You must comply with the reasonable and lawful directions of a probation officer or a supervisor;
- You must not leave or remain outside of Tasmania without the permission of a probation officer; and
- You must give notice to a probation officer of any change of address or employment before or within 2 working days after the change.

I also impose the following special conditions:

- You must during the operational period of the order submit to the supervision of a probation officer as required by the probation officer;
- You must comply with directions regarding compliance and engagement with alcohol and drug services, mental health services and with any referrals pursuant to the National Disability Insurance Scheme;
- You must undergo assessment and treatment for alcohol or drug dependency as directed by a probation officer;
- You must submit to testing for alcohol or drug use as directed by a probation officer; and
- You must for the duration of the operational period of the order submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer.

There will also be an order that you perform 70 hours of community service. The operational period of that order will be 18 months, which means you have 18 months in which to complete the 70 hours of community service. During the period of that order you must comply with any directions given to you by a probation officer or community service supervisor and satisfactorily perform the community service hours as directed by a probation officer or community service supervisor

I order that you must report to Community Corrections, Reece House, Burnie by no later than 5pm tomorrow for induction into this order.

I make a compensation order in favour of Matthew Garwood in the sum of \$650. I make a compensation order in favour of QBE Insurance in the sum of \$9350.