

Austin Cornish, on 9 December 2022 I deferred your sentence after you pleaded guilty to aggravated armed robbery and wounding. The circumstances of your crimes were detailed in the remarks I published on that day and need not be repeated. Despite what your counsel has submitted today, I consider that the seriousness of your crimes requires a sentence of imprisonment, at least some of which is to be served, or home detention. For the reasons I gave last year I considered that home detention was a sentencing option. However you were assessed as unsuitable for home detention principally because of your fragile mental health and a high risk of self-harm. Since then, during the period of deferral, you have been supervised by a probation officer, undertaken counselling, engaged with the alcohol and drug service, ceased use of illicit substances, re-established your relationship with your mother with whom you have been living and obtained steady employment. Your progress has been described in a series of reports I have been given by Community Corrections and is promising. You are now assessed as suitable for home detention and, notwithstanding the seriousness of your crimes, I have concluded that home detention is the appropriate sentence. The combined effect of your altered circumstances and the order means that, in my opinion, you do not pose a significant risk of committing a violent offence during the intended operational period of the order.

Home detention is an onerous sentence. It involves a very significant restriction on your personal liberty. However, because of the seriousness of your crime, the period of detention must be such as to adequately reflect the need to punish you, condemn what you did and make clear to others that those who commit such crimes will suffer punishment. On the other hand there is a very strong community interest in your rehabilitation if that can be achieved and home detention rather than prison best allows for that. I take into account that you have already been subject to supervision since 9 December 2022, but that is not as onerous as home detention will be. The effect of the order will be that you will be confined to home at all times subject to limited and tightly controlled exceptions. You must not commit any offence and you will be prohibited from consuming alcohol or drugs. You will be required to strictly comply and will be subject to checking, supervision and testing.

On complaint 32967/22 you are convicted on counts 1 and 2. I impose one sentence. I make a home detention order. The operative period of the order is 10 months from today. I specify the premises at which you are to reside during the operational period of the order as [home detention premises]. I order that on 2 August 2023 at 9.00 am you report to the office of Community Corrections at 111 Cameron Street Launceston, for induction into this order, and a further explanation as to its full terms. The order will be subject to all of the conditions set out in the *Sentencing Act* 1997, s 42AD(1). They will be set out in the order that you will be given, but include that you will submit to electronic monitoring. I specify that you must be at the home detention premises at all times unless for a relevant reason. In short, that means that you must be at those premises unless there is a need for urgent medical treatment, there is a serious risk of death or injury, or you already have the approval of a probation officer to be absent. It will be for the probation officer to determine what to approve so as to allow for employment, treatment or rehabilitation, contact with a child or for any other purpose. The conditions will include that you not commit any other offence punishable by imprisonment and that you comply with all directions given to you by your probation officer. There will also be conditions that during the operational period of the order:

- you must submit to the supervision of a probation officer as required by that officer;
- you must not take any illicit or prohibited substances which includes any controlled drug as defined by the *Misuse of Drugs Act 2001*, and any medication containing an opiate, benzodiazepine, bupropion, hydrochloride or pseudoephedrine, unless you provide written evidence from your medical professional that you have been prescribed the relevant medication;
- you must not consume alcohol;
- you must, if directed to do so by a police officer or Community Corrections officer submit to a breath test, urine test or other test for the presence of alcohol or an illicit or prohibited substance;
- you must submit to any rehabilitation or treatment program as directed by a probation officer;
- you must submit to a medical, psychological, psychiatric or physical or mental health assessment or treatment as directed by a probation officer;
- you must maintain an active mobile phone service, provide the contact details to Community Corrections and be contactable at all times.

This order comes into effect immediately. You must understand that if you do not comply with the conditions, imprisonment is likely. If you breach the order by committing another offence, the order must be cancelled unless there are exceptional circumstances, and in that case imprisonment would be highly likely.