

JMDB has pleaded guilty to manslaughter. On 22 January 2016 he caused the death of Sarah Jane Paino by an act of driving amounting to culpable negligence.

The defendant was 15 years of age at the time he committed this crime. He was unlicensed and was ineligible to apply for a learner's licence until he turned 16 years of age.

Sometime after 11pm, on 21 January 2016 the defendant and three other youths ("T" a female aged 12, "P" a male and "N" a female, both aged 15) stole a motor vehicle, a Toyota Rav 4, from outside a house in Glenorchy. The defendant had a pair of scissors and he used these to manipulate the lock.

The defendant assumed the role of driver and the other youths took a seat in the vehicle, one in the front passenger seat and two in the back seat. The defendant drove the vehicle along the Brooker Highway towards Bridgewater. Before the fatal collision he drove for approximately an hour at high speeds. He drove through various suburbs, driving from Glenorchy to Gagebrook, to Lutana, to the East Derwent Highway via the Bowen Bridge, to Howrah, and then retracing his path, back to the Tasman Highway, via the Tasman Bridge to the city.

Observations were made of the defendant's driving by members of the public and police officers:

- The defendant drove along the Brooker Highway towards Bridgewater at a speed of approximately 140-150 km/h where the speed limit is 100 km/h.
- At approximately 12:30am he drove along Boronia Place in Gagebrook, a suburban street where the speed limit is 50 km/h. The vehicle was seen by a person who described the vehicle as "flying". The vehicle was estimated to be travelling at about 140 km/h. The defendant drove up and down the street and then drove off.
- He drove from Gagebrook to a service station at the Brooker Highway, Lutana and purchased \$10 of petrol. The passengers got out of the car and swapped positions. T, the 12 year old girl, sat in the front passenger seat. The defendant drove through Goodwood, across the Bowen Bridge and along the East Derwent Highway. He drove at speeds of up to 160 km/h on the East Derwent Highway where the speed limit is 80 km/h.
- At 12:55am the defendant drove from the East Derwent Highway onto the Tasman Bridge, slightly over the speed limit of 70 km/h and when the headlights of the vehicle were not on.
- Having turned around, the vehicle was seen by police officers travelling in the opposite direction away from the Bridge on the Tasman Highway, at a speed of about 110-120km/h, still in a 70 km/h zone. The headlights were still not on.
- The defendant drove along the Tasman Highway towards the Mornington overpass. The police officers lost sight of it. They exited the highway and travelled over the overpass towards Howrah.

- While on the South Arm Highway, the officers saw the vehicle leaving the Shoreline roundabout and heading towards Clarence Street. Police officers activated the emergency lights in an attempt to stop the vehicle. The defendant began weaving the vehicle within his own lane before accelerating away. The emergency lights were turned off and the vehicle was followed, but the police officers kept within the speed limit. The vehicle was seen on the South Arm Highway disappearing over the crest of a hill at an estimated speed of 120 km/h. The speed limit is 100 km/h.
- The vehicle was next seen approaching the Tasman Bridge from the eastern shore. On the approach, where the speed limit is 70 km/h, the vehicle was seen with no headlights on, braking harshly two or three times. This caused the vehicle to veer from side to side violently. It is estimated that the vehicle was travelling at a speed of at least 130 km/h.
- As the vehicle approached the start of the Bridge, the defendant almost lost control as the vehicle wobbled from side to side at an estimated speed of 130 km/h.
- A witness driving over the crest of the Bridge could see the vehicle travelling at speed towards the city with the headlights still off. It was estimated that it took the vehicle only about a minute to a minute and a half to get from the crest of the Bridge to the Cenotaph. The speed limit for this area is 70 km/h. An unmarked police car drove past the vehicle and its speed was recorded at 124 km/h. The police vehicle turned around to follow the vehicle.

At around this time, three people had just finished work and were travelling in two vehicles west on Davey Street. They stopped at a red light at the intersection of Argyle and Davey Streets. As they waited at the red light, they witnessed the fatal collision.

The Toyota travelled in the far left lane closest to the waterfront, travelling past the two stationary vehicles. It was described by a witness as travelling “insanely fast”, so fast that with his window wound down he did not hear it approach. It was travelling well over 100 km/h. There was no sign of an attempt to slow down or brake as it approached the intersection.

Ms Sarah Paino had travelled in her Nissan Tiida from her home in Claremont to Banjos Bakery in Salamanca in order to give her partner, Daniel Stirling, a lift to work. She was returning to her home and had travelled along Morrison Street towards the Davey Street and Argyle Street intersection. Ms Paino was approximately 33 weeks pregnant. Their two year old son was in a booster seat in the back seat of the car. She entered the intersection in response to a green traffic light. She drove into the intersection at a speed of approximately 20 km/h.

The defendant drove into the intersection, disobeying a red traffic light and crashed directly into the driver’s side of the Nissan Tiida with catastrophic force and tragic consequences. Ms Paino suffered fatal injuries, a broken neck and crushed chest. The cervical injury was so severe it rapidly resulted in death.

An accident investigation revealed that the Toyota struck the right hand side of the Nissan causing it to rotate and impact with the driver’s side of the Toyota before the vehicles separated and continued rotating. The force of the collision resulted in the Nissan coming to rest 36 metres away from the approximate point of impact. The Toyota travelled across the intersection, spinning into a wall on the north western corner and knocking down a light pole,

coming to rest 30 metres from the approximate point of impact. The front of the Toyota had substantial direct impact damage.

The investigation established that the Toyota was travelling at a minimum speed of 110 km/h at the time of impact and the Nissan was travelling at 17 km/h.

Immediately after the collision, the engine of the Toyota caught alight. The defendant got out of the driver's side and fled the crash scene. His passengers also got out of the vehicle, but remained at the scene.

One of the witnesses ran to Ms Paino's vehicle to try and assist and then rang emergency services. Police and emergency services attended and pulled Ms Paino's infant from the vehicle unharmed. Members of the Tasmania Fire Service cut the driver's door off the Nissan so that ambulance personnel could reach Ms Paino's body. There were no signs of life. It was realised that Ms Paino was pregnant. Ms Paino's fatal injuries meant that the baby's oxygen and blood supply were compromised. Immediately, ambulance officers began resuscitation attempts and CPR continued at the hospital until delivery of the baby at 1:21am. If CPR had not been performed almost immediately, the baby would have suffered irreversible brain damage within approximately four minutes. If not for the prompt action by emergency personnel the baby would have died.

The baby was very unwell and initially was not breathing and he was transferred to the neonatal intensive care unit for treatment. After a week and a half the baby was considered to be doing well. It seems that there has been no long term damage.

Ms Paino's driving did not contribute to the collision to any degree. A sample of blood taken from Ms Paino showed the presence of THC, but it was not, in any way, a factor in the collision.

The three youths who were passengers in the Toyota were taken to hospital and discharged. They did not sustain any significant injuries.

Ms Sarah Paino was 24 years of age when she was killed. As mentioned, she was the mother of a little boy, two years old. She and her partner, Daniel Stirling, were excitedly anticipating the birth of their second child. They were a happy family; she was a loving and devoted mother.

I have received victim impact statements from Mr Stirling, her mother Jane Paino, her father Michael Paino and her sister Olivia Paino. They were read in open court - anyone hearing those would have been deeply moved by them. Their suffering and sense of grief is immeasurable. Her death is unbearable for each of them. Mr Stirling is in a state of profound shock and is unable to fathom the loss of his partner "of eight wonderful years". He has had to have counselling.

Ms Paino's family speak of her wonderful personal qualities and that she was integral to their lives and happiness. The statements describe their despair. In the words of Mrs Jane Paino:

"I was crushed and it felt as if the life had just been sucked out of me and all you are left with is emptiness. [...] Everything has changed, nothing is the same and will never be again."

In the words of the victim's father, Mr Michael Paino:

"Every hope and dream you had of a happy and joyful future is dead."

And in the words of Ms Paino's only sibling, her sister Ms Olivia Paino:

"I do not look forward to my future, whatsoever, I just take every day as it comes now, there's nothing to look forward to. [...] I hate the fact that I can't see her ever again. I'll never be the same".

The insight provided by these statements is exceptionally important to the sentencing process. It brings home the reality and devastating consequences of this crime. It underscores the sanctity of human life, which is what must be reflected in every sentence where death results from culpable driving.

After the collision, the defendant fled the scene in panic, unaware that Ms Paino had received fatal injuries. He flagged down a taxi and went to his grandmother's house in Kingston. Later that morning, police officers arrested the defendant.

He participated in a police interview. He admitted that he and the other youths had stolen the vehicle, that he was the driver, and he also made admissions about his manner of driving. He admitted driving at a very fast speed, saying he had driven at speeds such as: 160 km/h on the East Derwent Highway and on the Bowen Bridge; he said he was probably doing 180-200 km/h on the way to Shoreline and also on the return journey to the Tasman Bridge. He admitted turning the headlights off on the highway. He said he slowed down to about 120 km/h on the Bridge. He said that he was intending to drive to Kingston. His accounts of his speed are generally reliable* as an estimate. While I do not proceed on the basis that he drove at speeds of 180-200 km/h, I proceed on the basis that he was driving extremely fast in those places. In addition to the observations of witnesses mentioned when he was driving at high speed, there were these instances when he was travelling extremely fast, in the vicinity of a range of approximately 140-160 km/h. The admissions are significant as they reveal that the defendant was well aware of the very high speeds that he reached. (*He was shown to be correct about some of them, such as his estimate of speed of 120 km/h when he travelled past Government House and that he drove on Davey Street at about 120 km/h.)

The defendant told police that as he came to the Shoreline roundabout he became aware of a police car and he did not stop because he did not want to get caught.

He admitted that he had driven before. He had driven on bush tracks since he was about eight years old. He had driven in the city before. He had last driven a car about three weeks before that night. He said that he had driven at an exceptionally high speed in the past, claiming to have driven at a speed as fast as about 220 km/h. He had not learnt to drive a car properly. He had passed an online preliminary test for the purpose of obtaining his learner's licence. Of course, he would not be eligible to obtain his learner's licence until he was 16.

He showed little remorse during the interview. He was remanded in custody and has been at Ashley Youth Detention Centre since 22 January 2016.

As mentioned, the defendant was 15 years of age at the time of this crime; he would turn 16 years old in February, in three and a half weeks' time.

He has no prior offences for driving but, in light of his admissions, it cannot be said that the fact that the defendant drove without a licence or his manner of driving was uncharacteristic.

His history of offending is extensive. His offending largely commenced in 2014, occurring on a regular basis until his remand in custody in January this year.

He has appeared in the Youth Court on three occasions, each time for a significant number of matters: on 15 May 2014 he was sentenced to a 12 month probation order, on 12 September 2014 he received 60 hours of community service and on 10 February 2015 he was sentenced to a probation order for 12 months and another community service order. He was subject to that probation order at the time he committed this crime. In the period February 2014 to January 2015 he had committed offences which included: 19 offences of stealing, two offences of motor vehicle stealing, three of burglary, five of aggravated burglary, four of common assault and one of assault a police officer. He also committed other offences such as trespass and breach of bail conditions.

On 16 May 2016 he was convicted of numerous offences of the same and similar kind, most of them committed in 2015, including: 13 offences of stealing, three offences of common assault, 12 of trespass and one of motor vehicle stealing. He was sentenced to a term of six months' detention, backdated to 22 January 2016.

This was the first sentence he had received imposing a detention order. He completed that sentence on 22 April 2016, as that was his earliest release date. That is the date when, if he had not been in custody on the current crime, he would have been released pursuant to s109 of the *Youth Justice Act* 1997. His time in custody since that date in April is attributable to this crime.

I turn now to the defendant's personal circumstances.

I have been provided with a Youth Justice report prepared for the Youth Court by Mr Beard dated 27 April 2016 and an oral updated report was provided to me at the sentencing hearing. I have been provided with a short report from Case Management Coordinator Peter Barr dated 11 April 2016.

More recently, I have been provided with a report from clinical psychologist Mr Damien Minehan dated 25 July 2016. It is a comprehensive report and he refers to information contained in the Youth Justice reports.

As a young child the defendant had significant behavioural and learning problems and was diagnosed with attention deficit hyperactivity disorder (ADHD). This disorder is characterised by inattention, as well as hyperactivity and impulsivity. He has been prescribed medication, but was non-compliant and had ceased taking it altogether.

His schooling has been very limited and his engagement with education has been poor. By the time he was in grade 6 he would leave school and go missing. By grade 7 his attendance was reduced to three half days per week.

From approximately the age of 10 or 11 he would frequently be absent from his home and his parents did not know where he was. He was spending much of his time with antisocial peers, many of whom were older. When he was 12 he would stay away from home for periods of up to weeks at a time. There were very few limits placed on him.

He began using cannabis and drinking alcohol around the age of 12. His use of cannabis escalated to daily use and he regularly consumed alcohol. More recently, he has been introduced to the drug, crystal methamphetamine "ice", and has been using that on a weekly basis. These choices about drug and alcohol use are reflected in his history of offending.

The other significant factor in his past offending has been his choice of friends and associates. They are well known to the courts and Youth Justice. Mr Minehan observes that

the defendant has spent his late childhood and early adolescence in the company of an antisocial and substance-abusing peer group rather than being socialised within a family and school environment.

His parents and authority figures were unable to moderate his behaviour. He was unresponsive to control and discipline. I note too that court orders had not been effective in curtailing his behaviour. At the time he committed this crime of manslaughter he was on bail for the offences that were finalised in May.

Mr Beard's report noted that, despite his extensive offending, there has been positive engagement with Youth Justice Workers. He attended supervision appointments and completed his community service obligations well within time. He engaged with recreational and educational activities. The defendant said he enjoyed doing the community service, it gave him something to do and he could see the benefit of it; it was a way of staying out of trouble. It can be seen that he can be co-operative and compliant with expectations, if he puts his mind to it. However, his positive engagement did not lead to moderation in his offending.

In Mr Minehan's opinion the defendant's personality has developed with a number of antisocial attitudes that are consistent with a personality disorder known as conduct disorder. He has displayed behavioural and emotional manifestations of this personality disorder for an extended period. Typical behaviours are aggression to people, destruction of property and serious violation of rules.

Cognitive assessments have been undertaken and are referred to by Mr Minehan as providing a reliable indication of the defendant's intellectual functioning.

His full scale IQ score as indicative of overall cognitive ability is 65 and in the extremely low range. He has deficits in reasoning, problem solving, planning, abstract thinking and processing speed. His overall thinking and reasoning abilities exceed those of only approximately one percent of individuals of his age. The results reflect his ADHD and his very limited schooling.

The nature of the crime reveals a reckless disregard for life and deliberate risk-taking. Mr Minehan stated in his report that the offence occurred in the context of personal factors such as the defendant's anti-social attitude, disregard for the safety of others, impulsivity and his self-admitted need to show-off.

In Mr Minehan's opinion both the defendant's ADHD and his cognitive capacity contributed to his poor judgement, impulsivity and tendency to not foresee or care about consequences; features of his criminal offending in this instance. Therefore, his ADHD and intellectual deficits are relevant in mitigation in reducing to a degree his criminal culpability. These two factors reduce to a degree his capacity for judgement and ability to control his behaviour. In result, his moral blameworthiness is reduced to some extent, compared to a person who does not have these difficulties and so I take this into account in determining the appropriate sentence.

However, they are merely contributing factors. There are other significant factors bearing on his culpability that are unrelated to any mental impairment. These include his anti-social attitudes involving a disregard for the safety of others and his personality type or disorder which is not a mitigating consideration. Another factor is his emotional immaturity which I will consider in a moment.

It is to be emphasised that the defendant understood that his driving was inherently and obviously dangerous to his passengers and he was not prevented from understanding that by reason of his intellectual limitations.

While the psychological report does not identify matters in the defendant's emotional and psychological state which reduce his culpability in any significant way, it is nonetheless helpful in understanding or explaining the factors that contributed to his offending. It is also helpful in terms of identifying steps needed to promote the defendant's rehabilitation.

The defendant's description of how he feels, relayed by his counsel, reveals that he feels terrible about the consequences of his actions. He sees a psychologist on a weekly basis and receives help to manage his thoughts about the crime.

He is remorseful and has a level of understanding of the impact of his conduct. He said the worst part is knowing that, as a result of his actions, two children are going to grow up without a mother. He often thinks about that and that it is because of his actions. He has also thought about what he could have done to prevent the crash and he has said that he should have made different decisions. His responses reveal that he has reflected on his wrongdoing and the impact of his actions.

Mr Minehan states that the defendant's cognitive capacity, as well as his values and personality, as they have developed to date, play a role in limiting his ability to fully appreciate the results of his actions.

Maturity and emotional growth may bring a greater level of appreciation of the terrible harm he has caused.

Community outrage at this crime has affected the defendant's family and they have had a significant amount of adverse attention. His parents have had to move house, where they had resided for 12 years, and his younger sibling has had to change schools because of bullying connected with this crime. The defendant has found it difficult to deal with the fact that his family, who is totally blameless, have suffered because of his actions.

The defendant has pleaded guilty at an early stage. As early as February there was an indication that the matter would resolve in this way. The defendant is entitled to mitigation of his sentence because of this factor. It is particularly significant because it has meant that Ms Paino's family have not had to endure a trial.

Having carefully considered the defendant's personal circumstances, I turn to consider his criminal culpability and first some aspects of his account of the collision as described to the police in his interview and in his plea in mitigation.

The defendant told police he saw the lights at the intersection turn red. As he drove along Davey Street approaching Argyle Street he was not expecting anyone to be coming from Argyle Street. He looked and could not see the car. He did not see the car until the last seconds before he collided with it.

He maintained that he was driving at about 120 km/h, but when he saw the car he slowed to about 80 km/h. He tried to swerve around the car and pulled the steering wheel to the right. The car sped up when it saw him and the vehicles collided.

The accident investigation revealed that he did not slow down to 80 km/h. While he recalls trying to swerve, there was not time from his observation of the vehicle for him to react and avoid the collision.

Argyle Street is a city street and while it was not busy, given the time of night, there was every probability that there would be a vehicle travelling on that street into the intersection. I accept that the defendant did not see Ms Paino's vehicle, but the reason for that was his reckless and fast driving which meant he did not have time to make adequate observations. He was not able to avoid the other vehicle because he was closing the gap at such high speed that he did not have time to react, brake and avoid a collision.

His account of the collision is revealing about his immaturity, his inexperience as a driver and his lack of knowledge about reaction times, the implications of speed and factors reducing capacity to avoid a collision.

His youth and immaturity are taken into account. However, the significance of youth carries less weight than it would in other types of cases. This is because in cases of dangerous driving involving conscious risk taking a high proportion of offenders fall into the youthful category: *R v O'Brien* (1987) 6 MVR 75 at 79. There is a need to deter this sector of the community. After all, "The importance of general deterrence is to try and prevent the very kind of harm that occurred here": *DPP v Neethling* (2009) 22 VR 466 at [55], *DPP v Hill* [2012] VSCA 144 at [51].

The defendant's inexperience and immaturity as a driver and lack of skill and knowledge is not mitigatory: *SBF v R* [2009] NSWCCA at [150], *Neethling* at [41]. He chose to drive unlicensed, and to drive dangerously in the manner he did. He took on an adult responsibility and he created danger for others: *SBF* at [150].

Courts must impose penalties that will be sufficiently severe to deter others who might be tempted to drive in a culpably irresponsible way. General deterrence is a powerful and dominant sentencing consideration.

Returning to his explanation about the collision, there is very little which mitigates the seriousness of the offence. It is noted that the passengers in his vehicle were willingly present during the course of the driving. There is no suggestion that he was under the influence of alcohol or drugs at the time he drove.

The defendant's degree of criminal culpability was particularly high. It was not an isolated act of impulsive driving. He drove for a prolonged period, at very high speeds. He should not have been driving at all; he was an unlicensed driver. His inexperience, lack of knowledge and lack of skill heightened the risk associated with every moment of his reckless driving. He deliberately accentuated the danger he posed by switching off his headlights and also by some acts of exhibitionism. He was showing off to his passengers. Some of his driving at high speed was due to his sighting of a police vehicle and to avoid apprehension. These are aggravating factors.

For an extended period of time he put the lives of his three passengers and other road users, who happened to be on the road, in real danger. There were no signs he was moderating his dangerous driving, he was undeterred by sightings of police. There was a high probability that this was a course of driving that would end in death or grave injury.

In the moments before the collision, the defendant deliberately drove into an intersection against a red light at high speed. To adopt an expression from another case, it was a

“chillingly dangerous” act of driving. (Underwood J in *DPP v Watson* (2004) 146 A Crim R 223 at [23]). The defendant’s actions killed Ms Paino, nearly killed her unborn child and exposed her two year old son to the risk of death or grave injury. He exposed his own passengers to that risk.

In characterising his criminal culpability as particularly high, I am comparing it to other cases of culpable negligence. Culpable negligence involves a degree of negligence which shows a disregard for the life and safety of others such as to amount to a crime deserving of punishment. It is to be borne in mind that he did not intend to cause harm or death and indeed, he did not intend a collision to occur.

Having commented upon the nature of this crime and the defendant’s culpability, I turn to consider the defendant’s age and prospects of rehabilitation. An important sentencing objective in light of the defendant’s age is his rehabilitation. It is in the public interest that young offenders be rehabilitated. The sentence should encourage that reform and not be so heavy that it is likely to result in a sense of hopelessness about his future and crush any motivation he may otherwise have to reform: *Ponsford v Wynwood* [1999] TASSC 21.

Notwithstanding the primary importance of general deterrence, the defendant’s youth carries weight in mitigation. The sentence I impose will not be as heavy as would be imposed upon an adult offender.

Mr Barr’s report, mentioned earlier, provides some information about the defendant’s response and progress since being remanded in custody. Overall, his attitude and behaviour has improved. However, there have been instances of oppositional behaviour. Mr Barr’s report in April noted that deterioration seen at that time may have been because of the uncertainty of his future.

He has engaged well with education. Mr Beard’s report noted that the defendant has been doing well at school. He is working hard and making good efforts. He is doing well at grade 10 maths and there has been significant improvement in his reading. He is engaging in programs such as drug and alcohol counselling. He has completed vocational courses including the Manual Handling Course and a White Card Course.

He hopes to obtain work in the construction industry and hopes to build up his skills so that when he is released he can become a productive member of his community. He has shown that he has a capacity for hard work and it seems he may be someone who is able to develop a good work ethic.

It is clear that education and vocational training are vital to increase his chances of having a productive role in the community in the future.

He has drawn the link between risk factors such drugs and alcohol and his past offending and there are signs that he is motivated to avoid drug use and alcohol on his release.

More broadly, and having regard to his past offending, he is starting to have an appreciation of the importance of the boundaries that his parents were trying to enforce and acknowledges that it was for his own good.

He has a positive relationship with his parents and they are supporting him as they can with regular telephone contact and visits.

Mr Minehan makes recommendations for the defendant's rehabilitation. These include intervention with a psychologist regarding personal responsibility and empathy. He requires intervention for his substance abuse. There is a need for ongoing treatment and monitoring of his ADHD. He needs assistance with regard to controlling impulsive behaviour. He needs to distance himself from past associates and his negative peer group. On his release from prison, he would benefit from supervision and conditions that ensure that he maintain contact with mental health services and therapeutic services.

The need for supervision, guidance and intervention by a range of specialist services is acute. If the defendant cooperates with the support and intervention that is offered to him and he continues to work hard at programs and his education, he has prospects of reform.

I must decide whether to sentence the defendant under the *Youth Justice Act* 1997 or the *Sentencing Act* 1997. Under the *Youth Justice Act* the maximum penalty is two years detention, to be released on a supervised release order after half of that term having been served. I consider that that penalty is plainly inadequate and I will sentence him under the *Sentencing Act*.

In determining the appropriate sentence I have had regard to other sentences imposed for this crime in Tasmania and in other jurisdictions and I have also considered sentences for other types of manslaughter cases.

In sentencing the defendant, I must give effect to various sentencing objectives. I must impose a sentence that reflects the sanctity of human life, and that will be effective as a general deterrent and mark the community's condemnation. As I have said, general deterrence is a very significant objective. My examination of the defendant's circumstances and history reveals the need for the sentence to be effective as a personal deterrent. There is considerable tension between these objectives on the one hand and other sentencing objectives arising from the defendant's youth and the need for the sentence to promote his rehabilitation. The court's role is not only to punish, but to allow an opportunity for reform. If the sentence does not provide this opportunity, it is not a just sentence.

After careful consideration, I conclude that a just sentence is one of imprisonment of five years.

I impose this sentence very conscious that for this young defendant it is a very heavy penalty. But, a lesser sentence would not adequately reflect the gravity of the defendant's conduct and would not adequately meet the need for general deterrence.

Having in mind his youth and his reform, I will allow early consideration for parole. Given the circumstances, I will also order that the sentence is to commence on the 22 January 2016. I note that if he is considered suitable for parole, conditions that may attach would provide an appropriate means of implementing and mandating Mr Minehan's recommendations to maximise his prospects of rehabilitation.

JMDB, you are convicted and sentenced to imprisonment for five years from 22 January 2016. You are not to be eligible for parole until you have served the minimum of half of that term.

You are disqualified from driving for five years from your release from prison.

I impose a victims of crime compensation levy of \$50 within 28 days of release.