

Nikolas Ferrall, you plead guilty to dangerous driving. I also agreed to deal with your plea of guilty to the related summary offences of stealing, two counts of evading police with aggravated circumstances, driving while disqualified, motor vehicle stealing and possessing counterfeit money.

At about 8.50 am on 25 February 2024 you drove a Mitsubishi Triton into a petrol station in Longford. The vehicle had been stolen from the yard of a plumbing business the previous night. How you came into possession of it has not been explained. It is not alleged that you are the person responsible for its theft, but by driving it without the consent of the owner you committed the offence of motor vehicle stealing. At the petrol station you stole fuel worth about \$73.00 by pumping it into the vehicle and driving away without paying for it.

About an hour later the police spotted you driving the vehicle not far from Longford on Illawarra Road. Aware of the theft of petrol, the police turned their car to follow you and activated the lights and sirens. However you accelerated away. That was the first occasion of evading the police. You attempted to overtake a car in front of you but had to swerve back to avoid a vehicle travelling in the opposite direction, losing traction as you did so. You then overtook two cars while driving at 120 kph when the speed limit was 100 kph. Because of the manner of your driving the police disengaged from their attempts to pursue you.

You were next seen at about 10.30 am by a different police officer. You were driving on the Midland Highway near Tunbridge. That police officer also activated the lights and sirens on his car. You did not stop. That was the second occasion of evading the police. That police officer turned off the lights and sirens but followed at a distance. He was able to observe you as you continued driving south. On a single lane stretch of the highway with wire rope barriers on both sides you came up behind a vehicle towing a caravan. You overtook the vehicle on its left almost forcing it into the centre wire barrier. There followed multiple occasions on which you overtook vehicles on the left even though the road was single lane, or the vehicles you overtook were in the left of two south bound lanes. You drove through roadworks at 95 kph when the speed limit was 60 kph, overtook more cars by driving into the gravel on the left, at one stage forcing a vehicle travelling in the same direction to move out of the way to avoid a collision. One car was forced onto the wrong side of the road. You drove through another section of roadworks at 120 kph when the speed limit was 80 kph. At one point on Spring Hill your speed reached 130 kph.

Road spikes were placed across the highway about five kilometres north of Melton Mowbray. Three of the tyres on the vehicle you were driving were punctured but you drove on. You overtook another vehicle towing a caravan in such a way as to nearly force it onto the wire barrier to the left. Because both front tyres and the right rear tyre were deflated your vehicle slowed but you did not stop. The tyres were shredded. You were driving on the rims and were unable to maintain proper control of the vehicle. You repeatedly swerved across the lanes so the police could not get past you. You drove a further nine kilometres before driving through a gap in the centre wire barrier on to northbound lane and into the path of a vehicle travelling in the opposite direction. You continued south for a further kilometre while the many northbound vehicles were forced to take evasive action to avoid colliding with you. Eventually you lost control, drove onto the verge and stopped. You tried to run off but were chased by the police and arrested.

When you were searched the police found that you had one counterfeit \$50 note in your wallet. You were so affected by drugs that you were incoherent and unable to stay awake in the holding cell. Analysis of your oral fluid disclosed the presence of amphetamine and methylamphetamine. You should not have been driving at all because about five months earlier you had been disqualified from driving by a magistrate for two and a half years for multiple offences including driving while disqualified.

You were aged 40 at the time of this driving and are now 41. You are single. You have long had a serious problem with abuse of alcohol and illicit drugs, including methylamphetamine. When sober you have engaged in some employment but otherwise you have experienced long periods of homelessness. Your criminal record is consistent with one who has had the difficulties I have described. On my count you have two prior convictions for driving with alcohol in excess of the prescribed limit, five for driving with illicit drugs in your blood or bodily fluid, five for driving while disqualified, one for evading police and five for motor vehicle stealing. You have other convictions for assault, unlawfully setting fire to property, numerous offences of dishonesty, and bail and anti-social offences. You also have a record in Queensland mostly for dishonesty and drug related offences and you served a term of imprisonment of six months there in 2018. You have served other terms of imprisonment both before and since then. Since returning to Tasmania you served terms of imprisonment ordered by magistrates in 2020 and 2021. On 5 February 2021 I sentenced you to imprisonment for nine months for, in 2019, stealing a commercial van and setting fire to it. You have no prior offences for dangerous or reckless driving. There seems to be a concentration of the drug related driving offences and driving while disqualified in 2022 when, as your counsel explained, you were homeless and living in cars. Most recently, on 15 August 2023 you were sentenced to imprisonment for ten months from 25 May 2023 for a range of offences including those to which I referred. Five months of that term was suspended for 18 months. By committing the offences I am now dealing with you breached a condition of that suspended sentence which now must be activated. It is not suggested that it would be unjust to do so. I take into account that there was some compliance with a community correction order made at the same time.

I will briefly mention the counterfeit money charge. It does not add much to your overall criminality. It follows from your plea of guilty that you knew the note was counterfeit but it was a single note likely passed on to you by one of the people you were associating with. It is another example of dishonesty.

You have no memory of the driving because you were so affected by drugs. You claim to have had an unusually strong reaction to methylamphetamine because, for the first time, you used it intravenously rather than smoked it. That may explain your actions but does not make them any less serious. You asked to be considered for the making of a drug treatment order. I declined to order an assessment report even though I think it likely that the required connection between your illicit drug use and your offending would be established. You are to be sentenced for a serious case of dangerous driving. It occurred over the course of a lengthy journey on what is likely the State's busiest road at a time when it was likely to be busy. There were multiple instances of actual danger. Your speed was not as extreme as is sometimes seen in such cases, but was still dangerous in the circumstances which existed. No damage was done to person or property other than to the stolen car you were driving, which will likely be written off. However the manner and speed of your driving posed a grave risk to other road users. You were badly affected by illicit drugs. You are not to be punished twice for the conduct which amounted to evading the police, but the fact that you were evading the police added the factor of desperation to the driving and decision-making. The seriousness of the crime, and the need to impose a

sentence which not only punishes you but makes clear to others the consequences of such a crime, means that a drug treatment order is not an appropriate sentence. I accept that you are now appalled by your conduct and are sorry for it. That is relevant to the need for specific deterrence. It is in your favour that you pleaded guilty at an early stage and your sentence will be reduced as a result. However, a significant term of imprisonment is the only appropriate sentence.

I am required to impose separate sentences for each count of evading the police. You have been in custody since your arrest on 25 February 2024. I will make orders of concurrency or accumulation of terms in order to achieve what I consider to be a just and appropriate overall outcome taking into account all matters relevant to sentence.

Nikolas Ferrall, I activate the five month suspended part of the sentence imposed on 15 August 2023 and order that you serve that term from 25 February 2024. You are convicted on the indictment, on complaint 2129/2024 and on counts 2, 3, 4, 6 and 8 on complaint 2128/2024. I make compensation orders in favour of Mark O'Byrne and United Petroleum Longford and adjourn the further terms of those orders to a date to be fixed. On complaint 2128/2024, count 2, the stealing, and count 8, the counterfeit money charge, I make no further order in light of the other sentences I am about to impose. On count 3 on that complaint, the first count of evade police, you are sentenced to imprisonment for three months from 25 February 2024, that is concurrently with the activated suspended term. On that charge you are disqualified from driving for two years from your release. On count 4, the second count of evading police, you are sentenced to imprisonment for three months cumulative to the three month term just imposed. On that charge you are disqualified from driving for two years from your release. On the remaining charges, dangerous driving, driving while disqualified and motor vehicle stealing, I impose one sentence. You are sentenced to imprisonment for two and a half years cumulative to the terms just imposed. On those charges you are disqualified from driving for four years from your release. Any driver licence you have is cancelled. For each term of imprisonment I have either activated or imposed, I order that you not be eligible for parole until you have served half of the term.

The effect of those orders is this. The total period of imprisonment that you are liable to serve as a result of these sentencing orders is three years from 25 February 2024, with eligibility for parole after half of that term. You are also disqualified from driving for four years from your release.