

STATE OF TASMANIA v WADE MACKENZIE
COMMENTS ON PASSING SENTENCE

22 JULY 2025
BRETT J

Mr Mackenzie, a jury has found you guilty of one count of assault. You were acquitted of two other counts of that crime.

The relevant events occurred in the early hours of the morning of 25 August 2020. You and your partner, and two other men, had an interaction with a taxi driver earlier in the night. The interaction included the refusal of your group to pay the taxi fare. However, you left your mobile telephone in the taxi when you left it at the end of the ride. You subsequently made contact with the taxi driver, who confirmed that he had found the phone. You made an arrangement with him that you would come to his home so that you could collect the phone. It was also agreed that you would pay him something towards the money still owed on the fare.

For this purpose, the taxi driver gave you his home address. You and your two male companions arrived there around 2:30am. As to what occurred after your arrival, I accept the truth and accuracy of the evidence of the taxi driver's wife. Although the taxi driver's evidence was largely consistent with her evidence, she was, in my opinion, a more reliable witness. She also had the benefit of observing most, although not all, of the events without actually being physically involved in them.

You were initially polite when you arrived, but when it became clear that the taxi driver wanted payment of the money due to him before he released the phone to you, you and your companions assaulted him. It is clear to me that it was never your intention to pay him anything, and that you were determined to get the phone off him. I am satisfied that the assault started when one of your companions took hold of the driver and dragged him outside, and then the three of you set upon and attacked him. He was punched to the ground and while he was on the ground you all kicked him. The assault was sustained and many of the punches and kicks landed on his head. His wife tried to protect him and at one stage their child, who must have only been four years of age at the time, was manhandled by one of your companions as he entered and then left the unit. Of course, you were acquitted of the assaults on the wife and the child. It seems to me that the jury must have decided that the evidence established only that you had actively participated in the assault of the taxi driver but not the other two, and was not satisfied of your liability under the common purpose rule in respect of the assaults on them.

The taxi driver was treated in hospital later that morning. He suffered abrasions, bruising and tenderness over his head and neck and other parts of his body. He and his family are understandably traumatised by the assault. It was clear from his genuine reactions during the course of giving evidence that he still suffers trauma from the memory of this experience, and I note that that has now been confirmed by his victim impact statement. I have no doubt that the trauma experienced by his family is also ongoing.

You are now 36 years of age, and you were 31 when you committed this crime. You have a lengthy and significant criminal history, which includes prior convictions in this State as well as Victoria and Queensland. In 2016, you were convicted in Victoria of the offence of intentionally causing harm. The sentence included imprisonment and a community correction order. Your Tasmanian record demonstrates that you have been offending since you were eight years of age. You have a number of convictions for offences of violence, as well as numerous other offences. When you committed this crime, you were subject to a suspended sentence imposed for

breaching a family violence order, but that sentence has since been activated for other offending. On 23 February 2022, you were sentenced to imprisonment for the crime of attempted aggravated carjacking and stealing committed against a 71 year old woman. On 31 October 2024, you were sentenced by this Court to three years' imprisonment for the crimes of aggravated burglary and aggravated armed robbery. These crimes were committed on 9 April 2023. You are currently serving that sentence, although I am told that you are now eligible for parole, but that that question has been deferred until the outcome of this matter.

According to your counsel, you have had a drug problem for many years. You also have four children. Since being in prison, you have been receiving drug and alcohol counselling and otherwise working to improve your life with the aim that when you come out of jail you will avoid drugs, and work hard to be able to see your children again. I hope that is so, because you are now at the point where it is, and will in respect of any future offending, be very difficult for the Court to take seriously or put any faith in your claims of wanting to rehabilitate.

This was a very serious assault. It was brutal and cowardly. The objective seriousness of the crime is aggravated by the fact that it occurred at the victim's home in front of his family, including a child, and it was a group attack. A sentence which emphasises general deterrence and denunciation is called for. Given your history, specific deterrence is also relevant. The only appropriate sentence is one of imprisonment. In assessing the term, I will take into account both parity and totality. In respect of the former, I note that both co-accused were found guilty of all three counts of assault. One was sentenced to 18 months' imprisonment with nine months suspended, and the other, who was well on the road to rehabilitation when sentenced, was sentenced to a home detention order for a period of 18 months.

In your case, I intend to impose a sentence of imprisonment, but will permit early release on parole. The sentence will be less than that imposed on the co offender, having regard to the fact that he was found guilty of all three charges. In view of your criminal history, which includes a number of suspended sentences which have been breached, I do not intend to suspend any of the sentence, but I will make provision for parole.

Wade Mackenzie, you are convicted of the crime of assault and sentenced to 14 months' imprisonment. That sentence will be served cumulatively upon the sentence of imprisonment which you are currently serving. You are not eligible for parole until you have served eight months of the sentence imposed by me.