

**STATE OF TASMANIA v THOMAS MARK BOND**  
**COMMENTS ON PASSING SENTENCE**

**23 September 2025**  
**JAGO J**

Thomas Mark Bond, you have pleaded guilty to one count of indecent assault and one count of rape. Both crimes occurred on 25 September 2021 and were committed against the same complainant. I shall refer to her as "KA".

You were 24 years of age at the relevant time. KA was 26. You and KA knew each other. You have previously worked at the same place of employment for about 18 months. You had mutual friends and occasionally socialised together. In May and June 2021, you and KA had engaged in consensual sexual intercourse. On one occasion you and KA had vaginal sexual intercourse after she had given you a lift home. On another occasion you had engaged in oral sexual intercourse during a party held at your residence. The sexual relations were casual and did not lead to a romantic relationship.

On Saturday, 25 September, you and the complainant were at a party for a mutual friend and former work colleague. There was a considerable amount of alcohol being consumed. Someone had made an alcoholic punch, which was strong. It was referred to as "the death punch". KA consumed one shot of the punch but found it too strong so switched to an alternate alcoholic drink. She was not overly intoxicated when the incidents occurred. You, however, had consumed a significant quantity of alcohol, including a significant quantity of the "death punch" and you were very intoxicated.

During the evening, you were seen to engage in overly affectionate behaviour towards several female attendees, including KA. You were touching females on the bottom and making inappropriate comments. You also attempted to kiss one of the female attendees after having pushed her against a wall.

At one point, KA went outside and laid down on a bench seat. She was talking to a friend for approximately ten minutes before you approached them. You came and stood immediately in front of KA and had your crotch in line with her face. KA's friend obviously felt your stance was inappropriate and said words to the effect of "you need to back off, your dick is practically on her face". KA's friend then left.

KA remained laying on the bench seat. She was looking up at the night sky. You lent over her, standing over the top of her with one hand on the wall behind her. You used your other hand to make contact with her. Initially, you placed your hand on her knee. You then moved your hand up her thigh and underneath her clothing. You moved two fingers to the edge of her underpants and then proceeded to move your fingers inside her underpants and touch her on the skin, on her vagina. Obviously given the charge, penetration is not alleged. This touching constitutes the crime of indecent assault.

KA was shocked by your brazen behaviour and felt unable to move. After a few seconds she said to you "no Tom, there's people here". You removed your hand and said to her "why are you spreading your legs then". KA told you she was not; that her legs were shut and that it was your hand that had prised them open. You then unzipped your jeans and removed your penis from your underpants. KA asked what you were doing and repeatedly told you "No". You responded by saying "oh, you like it". You then grabbed the complainant by her hair at the back of her head and pulled her head towards you. You forced your penis into her mouth, and

held it there. You then thrust your penis into her mouth for approximately ten seconds. You did not ejaculate.

KA was able to pull away from you. She immediately left the area upset and ran to the bathroom to clean up.

You returned inside the residence. You were confronted by the host about some of your earlier behaviour towards some of the females. You were asked to leave the party. You expressed confusion about why you were being asked to leave. You were very intoxicated by this point. You were vomiting. Arrangements were made for you to be collected from the party by your housemate.

After you had left the party, the complainant spoke to some of the other females there about your behaviour. She told them that you had put your penis into her mouth; that she was just lying down and that you had come up and unzipped your pants and forced your penis into her mouth. She was upset and crying when she told others about your behaviour.

The following day, there were a number of messages exchanged between you and KA. In the messages you apologised to KA for making her feel uncomfortable. You said, "I blanked out so not entirely sure what I did, are you okay". The complainant told you what had happened. You apologised.

The matter was reported to police in October 2021. By this time, you had relocated to the mainland. It took some time for arrangements to be made to interview you. In April 2022, you participated in a recorded interview with Tasmania Police. You declined to comment in respect to the allegations.

In mid-2022, the complainant experienced some health issues and indicated she was unsure as to whether she was able to proceed with the prosecution of the charges against you. Ultimately, she confirmed that she wished to proceed, and charges were authorised in February 2023. In March 2023, you were arrested by police. You pleaded not guilty to the charges in the Magistrates Court. In April 2025, forensic evidence was provided to your counsel. This forensic evidence confirmed the presence of your DNA on the exterior and interior of KA's underwear. Shortly thereafter, you indicated to the State a preparedness to plead guilty to the charges. I note in respect to the charge of indecent assault, you were indicted on a charge of rape. The State accepted your plea of guilty to the crime of indecent assault in satisfaction of the charge on the indictment.

KA has been terribly affected by your crimes. I have received her impact statement. It describes how she experienced feelings of shock and panic on an occasion when she saw you. She experienced feelings of shame, guilt and hopelessness. She had to seek professional treatment for her psychological well-being which necessitated her moving away for a period. She felt guilt about leaving behind her young child. She no longer feels safe in intimate relationships. She struggles with feelings of a lack of self-worth and her self-esteem has been adversely affected. She has experienced depression and describes herself as having been in "survival mode" for three and a half years, struggling daily with the psychological impacts of your criminal conduct.

You were 24 at the time of the crimes. You are now 27. You have no prior criminal history. You have recently been diagnosed with ADHD, the relevance of which I shall discuss shortly.

You also suffer with depression. You completed year 12 and were accepted into a Bachelor of Medical Science degree, reflective of you having a strong work ethic and intellect. For various reasons, you did not pursue the degree but went onto work in retail and hospitality sectors, predominantly in supervisory roles. You have been self-sufficient since the age of 17, when you left the family home, largely because of the tensions in your relationship with your parents. You do not have a good relationship with either of your parents, and you are currently ostracised from them. You maintain a good relationship with your sister. You experienced a stable but nevertheless difficult upbringing. Your parents were very traditional. They did not recognise your ADHD, although your mother described to a practitioner you were quite impulsive during your childhood. Your behaviour within the family home was often misunderstood and your father reacted violently towards you at times. Schooling was difficult for you. You were subject to bullying. You were ostracised at school because you did not enjoy sporting activities. You were also bullied for your physical appearance. At one point, you were subject to rumours that you were homosexual. You found this to be a very difficult and isolating experience.

After some time working, you were accepted into a Medical Science degree at the University of Tasmania and relocated to Hobart for that purpose. In 2020, you took a leave of absence from your studies and worked with Momentum for 2 ½ years. It was here you met the complainant.

Following these allegations, you returned to the mainland and obtained work with an insurance company which you undertook remotely. You became socially isolated and withdrawn. Embarrassed by your behaviour, you resolved to stop consuming alcohol, and you have been successful in that commitment. You have also undertaken counselling and have sought out assistance for your mental health. You are now medicated, and you are receiving appropriate psychological support for your previously undiagnosed ADHD. In more recent times, you have returned to Tasmania, predominantly in the hope that you will be sentenced to a Home Detention Order. You now live at Waratah. You maintain your employment, continuing to work remotely. You live a relatively isolated and quiet existence, electing to keep to yourself, although you do maintain a long-distance relationship with your partner, from whom you receive emotional support.

I have received a forensic psychological report from Mr Damien Thomas. The report confirms that you were diagnosed with attention deficit hyperactivity disorder in 2023. The diagnosing practitioner noted as follows: "symptoms are pervasive and present in more than one setting. The pattern of inattention/hyperactivity is persistent and affects his functioning. There is evidence that symptoms interfere with and reduce the quality of social, academic and occupational functioning".

Mr Thomas opines that the presentation he observed is consistent with an ADHD diagnosis. He notes you are likely to be quite impulsive and also prone to behaviours likely to be self-harmful or self-destructive, with little forethought as to the potential consequences of such behaviours. He also notes that your self-concept is poor. You are prone to be self-critical and pessimistic and you tend to blame yourself for setbacks, and dwell on past failures. Mr Thomas notes that you are quite withdrawn and socially isolated.

In terms of the impact of your mental health on the commission of these crimes, Mr Thomas notes that one of the most prominent clinical features of ADHD remains impulsivity and notes individuals with ADHD are pre-disposed towards a lack of impulse control, attention deficits

and a desire for immediate gratification, without consideration for the consequences. There is significant risk for anti-social outcomes, including criminal behaviour, and disinhibited and aggressive behaviour. Mr Thomas also notes adults with ADHD have been shown to exhibit an increased sensitivity to alcohol impairment and this may contribute to higher incidents of impulsive behaviours. Mr Thomas opines "It is my opinion that Mr Bond's offending can be explained, in part, by the disinhibition he experienced as a result of alcohol consumption interacting with his ADHD. ...there remains considerable research regarding persons with ADHD exhibiting increased sensitivity to the disinhibiting effects of alcohol. Put simply, the heightened sensitivity to alcohol's disinhibiting effects commonly leads to increased behavioural risks and alcohol related problems. This most generally means persons with ADHD may be more likely to make impulsive decisions or engage in behaviours they would normally avoid, when under the influence of alcohol".

Further, Mr Thomas opines "on the basis of information derived for the purpose of this report, it is my opinion that Mr Bond had experienced mental impairment – in accordance with the *Verdins* principals – at the time of his offending. The nature of the impairment, in my opinion, relates to his diagnosis of Attention Deficit/Hyperactivity Disorder....it is further acknowledged that Mr Bond's consumption of alcohol had influenced his behaviour throughout the evening of his offending. *It remains inherently difficult to ascertain the extent of the impairment experienced by Mr Bond (relating to his underlying diagnosis of ADHD), noting his binge type consumption of alcohol at that time*". (my emphasis)

The report of Mr Thomas is relevant generally to sentencing. In terms of the application of the *Verdins* considerations, I accept that at the time of the crimes, the defendant suffered from undiagnosed ADHD. I also accept the consumption of alcohol can augment the symptoms of ADHD, but it cannot be overlooked that the defendant chose to consume a very large quantity of alcohol. It is impossible to discern with any precision, based on the material I have available to me, to what extent the ADHD contributed to the offending independent of the alcohol consumption, and to what extent the defendant was driven to this behaviour simply because he was very drunk. As Mr Thomas noted, it is "*inherently difficult to ascertain the extent of the impairment experienced by Mr Bond (relating to underlying diagnosis of ADHD) noting his binge-type consumption of alcohol at that time*".

Given, it is impossible to disentangle the alcohol consumption – which alone is not a mitigating factor – from the underlying ADHD, it is difficult to conclude there is a strong nexus between the defendant's mental health and his offending. It is noteworthy that the ADHD is likely to have impacted the defendant since childhood, yet there is no suggestion that previously, even when consuming alcohol, he has exhibited behaviours such as this. The main of the references in the material provided relates to symptomology as to the defendant's disorganisation, tendency for distraction, and quality of social and occupational functioning. I consider it most likely that it was the excessive alcohol consumption, which perhaps exacerbated his ADHD condition, which was the primary catalyst for this offending. Broadly speaking, I accept there is some nexus between the defendant's ADHD and the offending, but I am not satisfied it is an overly strong one. I therefore sentence on the basis that at the time of the offending the combined effect of the underlying ADHD and alcohol consumption rendered the defendant more susceptible to poor impulse control and increased disinhibition, which contributed to the offending, and therefore lessens his moral culpability to some degree, but not in my assessment, to any significant degree. It certainly does not diminish the need for general deterrence to play a significant role in this sentencing exercise.

Mr Thomas also notes the defendant meets the criteria for major depressive disorder and that a period of incarceration will be onerous upon him. The defendant presents as a vulnerable individual and is likely to be at risk for self-injurious behaviours if exposed to a period of incarceration. I accept his experience of prison is likely to be harsh and difficult. The reality is, however, that there are many people who possess individual characteristics that render them vulnerable within a prison environment. This Court must sentence on the understanding that it is simply incumbent upon prison authorities to accommodate prisoners in a safe, secure and supportive environment.

I take into account the defendant's pleas of guilty. Whilst there was obviously considerable delay associated with this matter being finalised, there were a number of factors which contributed to that. There was delay both in terms of charging the defendant and in terms of the matter being properly readied for trial. In my view, any delay in charging the defendant is not mitigatory. The defendant committed a terrible crime upon the complainant. She was badly affected by that crime. It took her some time to determine if she could deal with the enormity of prosecuting the matter. In my view, there can be no benefit flowing to the defendant for having contributed to the complainant's psychological harm such that she then experienced difficulties and a state of uncertainty in terms of whether she could cope with pursuing the matter. The delay in providing full disclosure, however, does not fall at the feet of the defendant. There is an argument of course, that the defendant could have acknowledged his wrongdoing at any point. I appreciate the position is complicated by the fact that the defendant had very limited recall of the night in question, but he knew the complainant and was able to assess the likelihood of her account being truthful, particularly given he did not recall a contrary version of events. Additionally, friends had spoken to him about the inappropriate behaviours he had displayed that evening. It is submitted, however, that the defendant struggled to comprehend that he could have behaved as was alleged. He could not reconcile his state of intoxication and absence of memory with the appalling conduct that was alleged against him. As a result of his disbelief that he could perpetrate such an act, he initially was not prepared to acknowledge the conduct. It was only when forensic material, in the form of the DNA analysis on the underwear, became available to him that he could accept that he must have behaved as was alleged. The delay in the provision of that material was not his fault. I accept that once that full disclosure was provided, a plea of guilty was quickly indicated.

The most important aspect of the pleas of guilty is that it has saved the complainant from the ordeal of having to give evidence and relive the trauma of the evening. Given what the complainant had to say in her impact statement, I have no doubt she would have found the process of giving evidence a most difficult one and one which would have carried a very real risk of further traumatising her. The pleas of guilty, therefore, have value in the sentencing exercise. I also accept the defendant's pleas of guilty are reflective of genuine remorse and contrition. Whilst the defendant did not immediately accept responsibility for his behaviour, his position was, as I have noted, complicated by an absence of memory. He found the allegations to be incongruent with his expectations of how he would behave. I note in the psychological report, comment is made as to the defendant's remorse and contrition. Mr Thomas describes the defendant as a man who is deeply ashamed of his actions and who has taken steps to ensure that there is not a repeat of his actions by not consuming alcohol since learning of his conduct. I accept the defendant is genuinely remorseful and distressed about the harm he has caused to the complainant.

I take into account the references that were provided in support of the defendant. They speak to a man of good character. It is well established however that good character attracts limited weight when sentencing a matter of this nature.

This sentencing exercise necessitates the balancing of many considerations which do not necessarily sit comfortably together. On the one hand, this crime was a very serious one. When the defendant first approached KA, he was warned about his behaviour by her friend. Undeterred by that, he proceeded to indecently assault the complainant. The seriousness of the indecent assault should not be overlooked. The defendant stood over KA when she was in a vulnerable position on the bench and put his hands inside her underwear and touched her on the vagina. The complainant had given him no indication whatsoever that she was interested in any sexual activity that evening. The complainant very clearly told him "No" and pointed out that they were in an area where other people were present. Despite the complainant's protests, the defendant persevered with his sexual assaults and forcefully inserted his penis into her mouth. His behaviour involved a breach of trust. He was friends with the complainant. The impact upon the complainant has been significant. The defendant placed his drunken desire for sexual gratification above the right of the complainant to be treated with integrity, care and respect.

Rape of any nature is always a very serious crime. Irrespective of the manner of penetration, it is a form of violence that involves an invasion of bodily and emotional integrity. Here, there was additional violence in the form of the defendant grabbing the back of the complainant's head and manoeuvring it so that he could force his penis into her mouth. The penalty imposed must vindicate the complainant and reflect the strong need for general deterrence.

On the other hand, I accept the defendant has some mental health difficulties. I have already commented on the basis upon which I consider those mental health difficulties impact his moral culpability but, of course, they remain relevant to sentencing generally and the inter-relationship between his alcohol consumption and his ADHD provides a context for the offending, particularly when one bears in mind his absence of recorded criminal history.

The defendant has done much to ensure there will not be a repeat of this type of behaviour by abstaining from alcohol consumption and engaging with appropriate psychological care. He has largely isolated himself from social outings to ensure there is no risk of reoccurrence, and because he is ashamed of what he did. I accept the defendant has accepted his wrongdoing, has insight into the harm he has caused and has demonstrated a preparedness to do what is necessary to ensure this sort of incident does not reoccur. All of that is relevant to the weight to be attributed to personal deterrence. I am satisfied the need for personal deterrence in this matter is slight.

In sentencing, I bear in mind s 11C of the *Sentencing Act*, which provides, in determining the appropriate sentence for an offence, the self-induced intoxication of the offender at the time the offence was committed is not to be taken into account as a mitigating factor.

Intoxication is relevant to explain the defendant's conduct generally and is also relevant to the assessment of whether a crime of this nature is likely to reoccur given the defendant's now abstinence from alcohol; but his gross level of intoxication, independent of the role it played in exacerbating the symptomology of his ADHD, in no way justifies or mitigates his conduct.

There are a number of factors which count in the defendant's favour. He was 24 at the time of the crime, far from a youth, but still appropriately described as a relatively young adult. He has no prior history of criminal offending. He is otherwise a man of good character with solid prospects. His remorse and contrition are obvious. He has done a lot to ensure there will not be a repeat of this behaviour. His reform is well underway. A period of imprisonment will be harsh on him and will potentially expose him to unsavoury influences, with the risk that it may undo some of the good that has already been achieved. But at the end of the day, all of that must be weighed against the fact that his crime was a terrible one, and it has caused significant and potentially lifelong harm to the complainant. At a party where there were several other people, the defendant forced his hand between the complainant's legs and touched her on the vagina. She clearly told him "No". She made it very clear that she was not interested in any form of sexual interaction. He responded by pulling his penis from his underwear and forcing it into her mouth. He was determined in his pursuit of sexual gratification and paid no regard whatsoever to the welfare or wishes of the complainant.

I had the defendant assessed for home detention. The report is positive, and the defendant is assessed as suitable for home detention, but upon careful reflection I have determined that this is one of those cases, where the criminal conduct is simply too serious for home detention to provide an appropriate sentencing response. The need to send a very clear message that non-consensual sexual conduct, in whatever form, is unacceptable, is paramount and demands the imposition of a period of traditional imprisonment. Put simply, considerations of general deterrence, denunciation and vindication weigh heavier than the need to recognise the defendant's rehabilitation.

Whilst the limitations of comparing one sentence with another are well understood, it is worth noting that there are some points of similarity between this matter and *DPP v Oh Marris* 2023 TASCCA 1. Whilst *Oh Marris* involved vaginal intercourse and ejaculation, thereby exposing the complainant to the risk of pregnancy and disease, in my view, the manner of penetration does not diminish the humiliation, degradation and bodily violation associated with any act of rape. Here, as I have said, the defendant forced his penis into the mouth of the complainant at a party where others were present. Whilst there is no evidence anyone saw the rape, the risk of that undoubtedly added to the humiliation and embarrassment for the complainant. Oral penetration in such circumstances, is a particularly demeaning act. Moreover, *Oh Marris* had just turned 19. Principles relevant to sentencing youthful offenders were of greater weight in that matter than here. *Oh Marris* involved a breach of trust, as does this matter. *Oh Marris* was very intoxicated, as was the defendant, but as the Court of Criminal Appeal commented: "*That the blameworthiness of the perpetrator of a serious sexual crime should be reduced by the claim that they were too affected by alcohol or drugs to exercise proper judgement is a proposition which must be strongly rejected*". For good reason, such a proposition is now embodied in s 11C of the *Sentencing Act*. *Oh Marris* had taken strong steps towards rehabilitation such that there was a limited need for the sentence to address future risk. The same can be said here. The Court of Criminal Appeal determined "*The rape committed by the respondent was so serious that it required a sentence of actual imprisonment so as to adequately serve the need for punishment, general deterrence, denunciation and vindication of the victim. Potential offenders, including young men, must understand that committing the crime of rape will result in severe punishment which in most circumstances involves time in prison*". In my view, those comments are apposite here.

I make the following orders: Thomas Mark Bond, you are convicted of the crimes of indecent assault and rape. I impose one sentence. You are sentenced to imprisonment for a period of

two years. I have determined that it is appropriate, given the factors I have identified to suspend the last six months of that period of imprisonment. That portion will be suspended on condition that for a period of two years, you commit no offence punishable by imprisonment. I order that you not be eligible for parole until you have served one half of the operative period of imprisonment. The nett effect of the sentence is that you will be required to serve a period of nine months' imprisonment before becoming eligible for parole. Whilst I am of the view that the risk of you committing a reportable offence in the future is very low, I cannot conclude there is no risk, therefore, I must make an order pursuant to the *Community Protection (Offender Reporting) Act*. I order that your name be placed on the register and that you comply with the reporting obligations under that Act, for a period of three years following your release from custody.