

STATE OF TASMANIA v JA
COMMENTS ON PASSING SENTENCE

16 OCTOBER 2025
BRETT J

JA you have pleaded guilty to one count of armed robbery.

On 8 July 2025, at around 4pm, you entered a liquor store at Newstead in possession of a 20 cm long knife. Your mouth and nose were covered by a mask. You showed the store attendant your knife. He prudently did not approach or interfere with you. In my view he is the one that deserves all the credit for that, it has nothing to do with you. You were carrying a knife and your intention was clearly to threaten him with it so that he would not interfere with you. He prudently decided not to. You put the alcohol in a bag and then left the store without further incident. You told police that you wanted the alcohol to get drunk.

You were then and still are 17 years of age, you will turn 18 in about a months time. You have a significant criminal history. About two weeks before you committed this crime, you appeared before the Launceston Magistrates Court on charges consisting mostly of numerous incidents of burglary and stealing. A probation order was made for a period of 12 months. On 21 August 2025, you were resentenced to further probation after you had contravened the first order.

I have received a very helpful presentence report. You have had a serious problem with both drugs and alcohol for some time. You were disruptive and disengaged when at school and have been diagnosed with ADHD. You can be defiant, argumentative and aggressive. However, you also have a lot of good things going for you. You have a supportive family and according to the report, you are intelligent, have the capacity for leadership and can be respectful and thoughtful. In short, if you decide to use these attributes in a positive way, you have the potential to make a real success of your life.

Despite your age, I will sentence you under the *Youth Justice Act*. I am doing this to give you one last chance to modify your behaviour before you reach adulthood. I could have easily sentenced you to a period of imprisonment but I am not going to do so. Committing crime, drinking too much and taking drugs is not clever or smart and will only lead to a miserable and unhappy life. It is much better that you make the decision now take your life in a positive direction. I will give you one further opportunity to do so, by accepting the recommendation of the Youth Justice report. You must understand that the crime you committed was very serious. I do not have victim impact material from the shop assistant but it is well-known that this type of threatening conduct, and I repeat the fact that you were carrying a knife on this occasion which the shop assistant was clearly aware of, particularly where it occurs in a retail setting like this can have significant and long-lasting consequences on the victims. I see from the report that you understand that. This man was simply at work doing his job and it was appalling to subject him to conduct which was dangerous and very threatening. If you did this as an adult, and that is in about a months time, you would be facing a lengthy term of imprisonment. As it is, I will impose a detention order but, in accordance with the recommendation of the pre-sentence report, the detention will be wholly suspended. In making this decision, I have also taken into account that you have already spent a significant period of time in custody.

I should make the point that wholly suspended detention is still detention. If you breach the conditions of the detention order then you will be liable to serve that period of detention and at the age that you will be at that time, it is likely that it will served at Risdon Prison, if that were

to occur. I know that you have the capacity to ensure that that does not happen and I would urge you to make that decision now.

The sentence will be as follows. I do not record a conviction. I impose a sentence of six months detention which will be wholly suspended for a period of 18 months from today. The suspension is subject to all of the core conditions specified in the legislation which include that you must not commit another offence which if committed by an adult can be punishable by imprisonment and that you must report to and be subject to the supervision of a youth justice worker. As you are already subject to a probation order, I will not impose any further special conditions.

I make a compensation order in favour of Liquorland (Australia) Pty Ltd of Toorak Road, Hawthorn East, Victoria in the sum of \$691.