

The defendant, Zachary Nathaniel Galpin, has pleaded guilty to one count of aggravated assault contrary to s 183 of the *Criminal Code* and s 115 of the *Firearms Act*. His conduct involved pointing a firearm at his mother and threatening to shoot her, which amounts to aggravated assault. The particular firearm was an imitation and, as such, falls within the definition of "firearm" in the *Firearms Act*.

At the relevant time the defendant was living with his mother, the complainant, in a double storey house on the family's property, on Gepp Parade in Goodwood, Hobart, within an industrial estate. The defendant's father had died and there was an ongoing family dispute about his estate.

On 17 June 2023, at around midday, the defendant went upstairs to where the complainant was and began speaking to her in an aggressive way. About an hour later the complainant heard banging and the defendant yelling downstairs. The complainant went downstairs to check on him. He became angry and accused her of having taken his mobile phone, and asked her to help him search for it.

When the complainant walked into the room, the defendant shut the door and pulled a firearm from the waistband of his trousers. She could only see the muzzle as the defendant's hand was covering the handle; she described it later as a black handgun, a steel gun.

The firearm was homemade, constructed from various items, including a length of black alloy tube to form the barrel, a black plastic grip resembling a pistol grip, and a length of bent metal wire and coil spring, representing the trigger guard. A threaded steel nut had been forced onto the end of the alloy tube and gave the appearance of a muzzle. The constructed item was 18.8 cm in length.

It was the size and basic shape of a small handgun, and would reasonably be mistaken for a pistol. However, it was not capable of chambering or discharging live ammunition.

The defendant pointed the firearm at the complainant's face and said, "you've got 5 seconds to find my phone". The complainant thought the defendant had 'snapped' and he was going to kill her.

She tried to calm him down, and told him she would call his phone to see if they could locate it. She called it 4 or 5 times but it could not be heard. Pretending to call his phone again she called 000, but did not speak to the operator and after a period hung up the call. As a result of the call, police were dispatched to the address.

The defendant continued to rant at the complainant while the complainant tried to placate him. At times he appeared to calm down but then would become agitated again and recommence challenging her and threatening her, including threatening to shoot her if she did not locate his phone. At one point he threatened to "take out" her kneecaps.

The defendant became distracted and turned away and the complainant ran from the room and made it to the front of the property. The gate was shut and she turned around to find the defendant had followed her. He called out to her to "stop or I'll shoot you" and the complainant stopped. The defendant had the firearm under his arm and scruffed the complainant by her top and she scruffed his clothing. He spun her around and tripped and fell backwards with the complainant landing on top of him.

The complainant's daughter had heard a commotion and the complainant yelling out for help, and saw both her mother and the defendant on the ground. The complainant said, "he's got a gun". The two women held the defendant down and the complainant found the firearm underneath the defendant and took it away and hid it. The defendant told the complainant it was "only fake", and that he had been using a recording device and had the complainant's confession.

Police officers attended and found the defendant to be agitated and rambling. He told police he was not allowed to live at the residence but owns 25% of it and this was an attempt by the complainant to have him removed. The defendant was arrested and made no admissions, telling police the complainant had taken the item from a toolbox.

The complainant has provided a victim impact statement in which she describes this as a terrifying experience, notwithstanding that her work experience provided her with de-escalation skills. Its effect upon her has been devastating and confusing. She states that her son is articulate and capable, and she hopes he will achieve sobriety and happiness and wishes the best for him.

The defendant is aged 33 now and, as an adult, has no prior convictions for violent offending. Relevantly, he has a prior conviction for possess a firearm when not the holder of a firearm licence of the appropriate category, and an offence of possess an unregistered firearm.

He has a significant history of offending in other respects. He has prior convictions for drug offences, driving offences, and dishonesty offences. He was sentenced to community-based orders until 2016, when a partially suspended sentence of imprisonment was imposed for various offences involving dishonesty, and a suspended sentence of imprisonment was activated as a result of breach proceedings. In that same year he received a suspended term of imprisonment of 10 months which he later breached and served in 2019. In 2017 he received a Drug Treatment Order with a custodial component of 21 months. He was sentenced to an effective term of imprisonment in 2021 for offences of dishonesty, drug offences, and breaches of bail. While not reflected in his prior convictions, it is accepted that the defendant ultimately abandoned the Drug Treatment Order at a time after his father's death and after a degree of compliance. He served a portion of the custodial component of the sentence and was granted parole which was revoked.

In August 2023 he was convicted and sentenced for prior offending involving offences of dishonesty, drug offences, and a suspended term for other offences.

He also offended after committing the crime before the court today, and terms of imprisonment were imposed for offending involving multiple breaches of a restraint order protecting his mother, and breach of bail conditions. On 8 January 2025 he received a term of 3 months' imprisonment and a Community Correction Order for 15 months imposed for multiple offences of breach of restraint order and breach of bail conditions.

The defendant has been in custody on remand at various stages since the crime was committed and, as at 6 October 2025, had 242 days attributable to this crime which will be taken into account.

The defendant is the third born of four siblings. His parents separated when he was nine or ten; he lived his grandparents and father and was raised by them at the Gepp Parade property which was a marine yard. He became involved in his father's business, his father took him out of school at a young age when he was in about grade 7 and took him on sea voyages. He

acquired skills as a deck-hand and was employed by his father in his business and did not complete his education.

His father was a disciplinarian and was hard on the defendant, who was subjected to physical violence and exposed to the use of illicit drugs as a teenager. When he was about 16 years of age he had an accident whilst working for his father in which he fractured his skull and broke his leg. He was prescribed opiates and became addicted; when the medication was reduced there was no opiate replacement therapy. He used prescription medication or other drugs to self-medicate and, much later in 2023, was placed on opioid replacement therapy, until that recently ceased when in custody.

His father died unexpectedly a number of years ago in late 2018; this was particularly difficult for the defendant who was present when he collapsed and performed CPR. His father left the estate to the children as beneficiaries. There have been legal proceedings which are ongoing and have proved to be divisive and negatively impacted on family relationships, including the defendant's relationship with his mother.

His employment history is in marine construction and he has undertaken study at the Australian Maritime College some years ago, acquiring qualifications or part completion of a Master IV ticket and a Marine Engineering Certificate II. He has been employed in other industries as well, including labouring and work as a driller's assistant at the Henty Gold Mine.

The defendant sustained another workplace injury in 2021 while working for his mother on her boat. He fell from a significant height and was hospitalised with injuries including broken vertebrae. He spent eight weeks in a coma and was prescribed opioids and pain medication. There was tension between the defendant and his mother about whether it was a workplace accident; she had informed the hospital staff that it may have been an attempt at suicide. This had significance as his memory was affected. At around the time of the crime, he had found evidence that in fact it was an accident involving him caught in a cable, and that discovery led to the argument with his mother on the day of the crime.

As mentioned, the defendant has been in custody for a significant period. This has been a particularly difficult experience. In August 2023 he was viciously assaulted by a prisoner or remandee. That same person attempted to assault him on another occasion with a makeshift weapon, and on a third occasion assaulted him and threatened him. The defendant sustained physical injury. That individual was charged with assault and wounding, but the proceedings have been discontinued due to lack of co-operation from witnesses.

The defendant has experienced significant health issues requiring hospital investigations and he has been confronted with significant delay in the organisation of those attendances.

Additionally, he has been subject to a significant number of days involving lock-downs, as have all remandees at Risdon Prison over the last year.

These additional hardships will be reflected in the sentence.

The defendant has positive plans for the future. He wishes to complete his education to a satisfactory level and update his qualifications. His mental health has been adversely affected by the ongoing dispute with his family regarding his father's estate. He acknowledges he needs a mediator to engage with his family. He needs assistance with accommodation in case his former residence is not suitable.

While the defendant has been on remand, he and his mother have reconciled, and his mother is willing to support the defendant to reintegrate into the community.

In terms of his drug addiction and pain management, he has found the opioid replacement therapy helpful but that was discontinued by prison authorities and no substitute has been provided. This has been difficult for him and he will seek to resume that therapy in the community.

I have a report from Community Corrections. He is regarded as requiring a very high level of supervision and he has significant needs that require a range of supports and intensive level of intervention. When interviewed, the defendant expressed concern about his reintegration into the community and acknowledged he needed mental health treatment, and alcohol and drug counselling which have been unavailable to him in custody. His mother has expressed a concern that formal interventions be in place on his release to avoid delays in the defendant's access to supports. There has been a pattern in the past of the defendant achieving sobriety in custody and then on release not having adequate supports in place to maintain abstinence, resulting in the defendant resuming drug use.

The author of the report notes that the defendant has a longstanding pattern of illicit substance use including heroin and other opioids, cannabis, and methamphetamine, and misuse of prescription medication.

It is noted that the defendant has not demonstrated insight into his role in the crime or the impact upon his mother or sister. His response in relation to previous community-based orders and engagement with Community Corrections has been poor, marred by non-compliance and new offending. His engagement with the drug treatment order was inconsistent. He does not acknowledge his poor compliance.

Community Corrections has deemed the defendant suitable for supervision as part of a Community Correction Order, noting a very high level of intervention is required. However, the service has significant concerns relating to his motivation and willingness to engage in interventions. There are additional concerns because of his lack of insight with regard to the impact of his offending behaviour and past non-compliance with court-imposed obligations.

I have heard from the author of the report, Ms Vollmer, today and I am informed that essential supports can be arranged to be in place for you within the next few days.

There are grave aspects to the crime you committed. Threatening to shoot someone with an imitation firearm, conveying that it is a real firearm, is a serious form of assault. Your threats were accompanied by aggressive and controlling behaviour and were repeated. This was a terrifying experience for your mother. The terror and fear you instilled and the experience she endured is in and of itself a serious consequence of your crime. Further, there was a significant prospect that this kind of traumatic experience could prove to be debilitating and lead to serious psychological consequences. Fortunately, that did not result in this case, but it so easily could have. Sentencing goals of general deterrence and denunciation are important in this case. You do not have full insight into the gravity of your crime and personal deterrence also has significance.

There is a prospect of reform and while I consider you are now motivated to rehabilitate, there are concerns and reservations about whether you can commit to the effort that will be required.

Zachary Nathaniel Galpin, I record a conviction for the crime of aggravated assault. I impose a period of imprisonment of 16 months, backdated to 5 February 2025. The balance from Tuesday, 18 November 2025 is suspended for a period of two years, on condition that you not commit an offence punishable by imprisonment for that period, and that you comply with the Community Correction Order I now impose for that same period.

The Community Correction Order I impose is subject to the statutory core conditions and is also subject to special conditions including supervision of a probation officer. The terms of the Community Correction Order include the following core conditions to apply for two years: you must not commit an offence punishable by imprisonment; you must report by 4 pm on Tuesday, 18 November 2025 to a probation officer at Community Corrections, 75 Liverpool St, Hobart; you must report to a probation officer as required by the probation officer; you must comply with the reasonable and lawful directions of a probation officer or a supervisor; you must not leave, or remain outside, Tasmania without the permission of a probation officer; and, you must give notice to a probation officer of any change of address or employment before, or within 2 working days after, the change.

You are also to be subject to the following special conditions, for the duration of the same period of two years:

- you must submit to the supervision of a probation officer as required by a probation officer;
- you must undergo assessment and treatment for drug dependency as directed by a probation officer;
- you must submit to testing for drug use as directed by a probation officer;
- you must attend alcohol and drug counselling as directed by a probation officer, and also must attend and complete any day or residential drug treatment program and relapse prevention planning;
- you must attend the Alcohol and Drug Service, New Town, for the purpose of assessment for, and if recommended by a medical practitioner, re-engagement with Opioid Replacement Therapy, as directed by your probation officer;
- you must submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer;
- you must attend an appointment with a general practitioner for the purpose of preparation of a Mental Health Care Plan as directed by a probation officer;
- you must attend educational and vocational training programs, as directed by a probation officer;
- you must attend, participate in, and complete the EQUIPS Addiction Program as directed by a probation officer; and
- you must appear at Court for review of this Order on Tuesday, 10 March 2026 at 4.15pm.