

THE STATE OF TASMANIA v JACK IAN GEORGE DONKIN 4 DECEMBER 2025
COMMENTS ON PASSING SENTENCE

JAGO J

Jack Donkin, you have pleaded guilty to two counts of assault, one count of unlawfully injuring property and one count of assaulting a police officer. I have also agreed to deal with your pleas of guilty to a number of related summary offences being four counts of breach of police family violence order, one count of destroy property, one count of resist a police officer and one count of use abusive language to a police officer. All crimes and offences were committed on 27 November 2022. The civilian victim is your former partner, Danielle Gardham. At the time, you were aged 30 and the complainant, aged 33. You had been in a relationship for approximately eight years and had lived together during that time. The complainant had two children from a previous relationship who also lived with you. Your relationship with Ms Gardham had come to an end approximately 10 days earlier. On 17 November 2022, a police family violence order had been served upon you requiring you to not directly or indirectly threaten, abuse or assault Ms Gardham and not damage any of her property. Following the incident that gave rise to the issuing of the police family violence order, you had moved out of Ms Gardham's residence. I note you claim you had stayed at the residence overnight a couple of days prior to this incident. That may have been so, but it was clearly Ms Gardham's belief that she had made it clear to you that the relationship was at an end.

On the evening of 26 November, Ms Gardham held a social event at her residence. One of the people who attended was the father of her eldest child, a Mr Nathan Jenkins. Ms Gardham posted a picture on a social media account which showed Mr Jenkins at her residence. This obviously upset you because throughout the evening and into the early hours of the following morning, you sent several text messages and tried to call Ms Gardham on a number of occasions. Appreciating, given your concerted endeavours to contact her, that you might be agitated, Ms Gardham locked the back laundry door. This was a door that was typically left unlocked by her. Presumably, because you did not get an answer to your messages and phone calls, you decided to attend her residence, arriving there at about 5.45am on 27 November. By this time, you had consumed a lot of alcohol, and you were very drunk. You broke the glass to the laundry door to gain entry. When you did this, you suffered a laceration to your hand which bled heavily. You walked into Ms Gardham's bedroom. She was in there with Mr Jenkins. This angered you. You jumped onto the bed where Mr Jenkins was. You and Mr Jenkins scuffled, and he left the bedroom. You then turned your anger to Ms Gardham. You flicked blood at her from your bleeding hand. Some of this blood landed on her face. This constitutes one of the counts of assault. Ms Gardham yelled at you. You then abused her calling her a "mutt" and a "cunt". Abusing her was a breach of the police family violence order. You then grabbed hold of Ms Gardham and ripped off her shirt. You placed both your hands onto her and pushed her forcefully into a bedside table. When Ms Gardham tried to get up, you struck her to the right side of her face, near her ear, causing her to fall back onto the bed. This constitutes the second count of assault and also a breach of the police family violence order. When Ms Gardham attempted to leave the bedroom, you again pushed her, and she fell onto her hands and knees. As a result of the assaults, Ms Gardham suffered bruising to her knees, elbow and face. Ms Gardham was able to get out of the bedroom. You then punched several holes in her bedroom door. This constitutes the offence of destroy property and a further breach of the police family violence order.

By this time another occupant of the residence had contacted police. When they arrived, you were still inside the residence. One of the police officers who had attended, Constable Young, knew you from previous dealings. He approached you but as he did you exited through a rear

sliding door. Police instructed you to stop. You refused to do so and continued to walk away. One of the officers reached out and grabbed at your arm, to effect an arrest, but you pulled away. You then raised your arm and flicked it forward, spraying blood droplets directly into the face of Constable Young. This constitutes the crime of assaulting a police officer. Police then arrested you. Whilst endeavouring to restrain you, you struggled and refused to allow your hands to be placed behind your back. This behaviour amounts to the offence of resist a police officer. During the arrest process you abused police, calling them several unsavoury names. This behaviour constitutes the offence of use abusive language to a police officer.

Flicking blood at police is a dreadful thing to do. Constable Young was required to have two blood tests to check for infectious disease. The tests were six months apart. Fortunately, the tests were negative, but the delay associated with receiving such results was a stressful and uncertain period for Constable Young.

You were arrested that evening. You spent 58 days in custody before being bailed. I note your plea of guilty to the crimes and offences. It came at a very late stage. The matter was listed for trial and all witnesses had been briefed. I am told, however, that there were some extenuating circumstances relevant to the late plea. Apparently, there was an issue with disclosure and the labelling of some body-worn camera footage. I am further told, that viewing that footage had an impact upon your pleas because prior to then, you had little appreciation of what you had done because of your level of intoxication. It is of note that your pleas of guilty has saved the complainant from the ordeal of having to give evidence. She comments in her impact statement that she was very stressed in the lead up to the trial and was relieved when advised she was not required to give evidence. Your crimes have had a terrible impact upon Ms Gardham. She is now hypervigilant and anxious. She has become socially withdrawn but is also scared to be alone at the house. Her sleep has been affected. She has experienced flashbacks. The children, who were in the home at the time and heard this, have also suffered. Her daughter, in particular, has had to access a counsellor. It is fair to say the impact of your crimes upon her has been significant.

I note, however, that you do not accept that. In comments you made to the author of the home detention report, you suggested the complainant "set you up" and the only one who had suffered trauma or loss was you. You went on to say: "it hasn't wrecked her life ... she hasn't had to go to Court at all, she just got to write a letter from home". Such comments highlight in the most unequivocal manner that you have no comprehension of the seriousness of your conduct and the devastating impact family violence has upon women and children. The attitude you display is very concerning and indicates risk factors for further offending are still present. Specific deterrence is a weighty consideration in this sentencing exercise.

You are now 33 years of age. You have two convictions for matters of common assault from January 2011. The sentence imposed - an undertaking to be of good behaviour for 12 months - would suggest they were lower-level assaults. You also have a number of convictions contrary to the *Road Safety (Alcohol and Drugs) Act* consistent with you having a long-term difficulty with drug abuse. I am told that at the time this incident occurred you were using cannabis heavily. You were also struggling with the excessive use of alcohol. It seems your use of such substances commenced when you were young and stems from a very difficult upbringing. Your father committed suicide when you were seven. Your mother struggled with drug dependency for most of your childhood. Home life was fairly chaotic. Because of the difficulties within your family home, you finished school at the start of grade 8. Since then, to your credit, you have obtained a number of qualifications and positions of employment, including obtaining

your Coxswains Ticket which allows you to captain boats up to 12 metres. You have spent considerable time working in the fishing industry. More recently you have obtained employment as a concreter. I have a reference from your current employer. Your employer speaks highly of you and you are obviously a valued member of his workforce. I am also told that in more recent times you have taken steps to address your drug addiction. You have obtained a script for the use of medicinal cannabis to help you manage some ongoing pain issues. Further, I am told you now abstain from the use of illicit drugs and have also reduced your alcohol consumption. You are in a far more stable and positive situation than when these crimes occurred. There is no suggestion that there has been any breach of the police family violence order protecting the complainant, nor any other form of offending since the commission of these crimes. You have also resumed seeing your two sons, from a different relationship, on a regular basis.

At the time this incident occurred, you were apparently of the understanding that you and Ms Gardham were continuing to work on your relationship. You had stayed at her residence two nights earlier. When you realised she was in the company of Mr Jenkins, you became upset and angry. Fuelled by an excessive consumption of alcohol, you attended and behaved in the violent and aggressive manner that I have outlined. Your excessive consumption of alcohol undoubtedly played a part in all of this, but it does not, to any extent, excuse or lessen the seriousness of your conduct. As has been frequently pointed out, the prevalence and devastating impact of violence perpetrated against women within relationships, and as relationships come to an end, is well recognised across Australia by both courts and the community. Family violence is all too common and a serious social problem. Your inability to appreciate the impact your crimes have had upon the complainant and the children who were in the home, is a very concerning aspect of this matter. The existence of the police family violence order at the time these crimes were committed is also an aggravating feature. Flicking blood at a person is a spiteful and demeaning form of assault. It introduces the very real risk of infectious diseases. Whilst I am not told of Ms Gardham undertaking any tests, probably because of the nature of the relationship she had previously shared with you, Constable Young was exposed to that ordeal and awaiting the results was a difficult time for him.

I do not lose sight of your conduct towards police in the sentencing process. Police officers should not have to put up with the type of behaviour you displayed. Police officers regularly put themselves at personal risk in order to perform their duty on behalf of the community. These officers were simply trying to do their job. Your response to them was appalling. The police officers calmly tried to take you into custody. You refused to be compliant. You walked away from them. You had plenty of time to calm down and accept the inevitability of your arrest. Rather than stopping, you responded with violence towards police.

All of your behaviour during this incident constitutes serious criminal conduct. Punishment and general deterrence are powerful sentencing factors. As I have noted, so too, given your attitude in particular, is specific deterrence.

I had you assessed as to the appropriateness of a home detention order. The only form of home detention order for which you are deemed suitable is the curfew model. This is because of your employment and the hours that you are required to work. In my view, such an outcome is not sufficiently punitive, and is not an appropriate sentencing response to the seriousness of this criminal conduct. Instead, I intend to order a term of traditional imprisonment. I will take into account that you have already served two months' imprisonment. The question with which I have grappled is whether it is appropriate that I suspend the balance of the gaol term I intend

to impose, given the positive improvements you have made in more recent times. Those improvements suggest rehabilitation remains a relevant sentencing consideration. But that must be balanced against the strong need for general and specific deterrence. Whilst the attitude you conveyed to the author of the home detention report concerns me greatly, I have determined that I should extend to you the opportunity to demonstrate that the recent changes are genuine and permanent. I will suspend the balance of the period of imprisonment, but Mr Donkin, you need to very clearly understand that this was a finely balanced determination and if you are foolish enough to breach the terms of the conditions of suspension, it will be almost inevitable, in my view, that you will be required to serve the balance of the term of imprisonment. I am also going to impose a Community Correction Order because I am of the view that participating in the Family Violence Offenders Intervention Programme will be of value to you.

I make the following orders. You are convicted of all crimes and offences to which you have pleaded guilty. I impose one sentence. You are sentenced to a term of imprisonment of 14 months, backdated to commence on 4 October 2025. The last 12 months of that sentence is suspended on condition that for a period of 2 years from today you are not to commit any offence punishable by imprisonment. I impose a community correction order with an operational period of 12 months. The statutory core conditions of a community correction order are imposed. Those conditions will be set out in a document that will be provided to you. In summary, they will include the following conditions that will apply for the entire operational period:

- You must not commit an offence punishable by imprisonment;
- You must report to a probation officer as required by a probation officer;
- You must comply with the reasonable and lawful directions of a probation officer;
- You must not leave or remain outside of Tasmania without the permission of a probation officer;
- You must give notice to a probation officer of any change of address or employment before or within two working days after the change;
- You must if directed to do so, attend participate in and complete the Family Violence Accused Intervention programme;
- You must undergo assessment and treatment for drug and/or alcohol dependency as directed by a probation officer;
- You must submit to medical or psychological or psychiatric assessment or treatment, or psychological counselling, or indeed any of those, if directed to do so by your probation officer; and
- You must attend and participate in drug or alcohol counselling if directed to do so by a probation officer.

ADDITIONAL COMMENTS ON PASSING SENTENCE

8 DECEMBER 2025

I make a Family Violence Order for a period of two years, commencing from 4 December 2025, when I sentenced Mr Donkin.

I make a further sentencing order, pursuant to s 36 of the *Family Violence Act*. There will be a family violence order for a period of two years, in the following terms:

- Jack Ian George Donkin must not stalk [name of complainant];
- Must not directly or indirectly threaten, abuse or assault her;

- Must not be within 100 metres of, or contact her, directly or indirectly, including by any form of electronic or other communication;
- Must not enter the premises at [address redacted] where [name of complainant] is presently living, or any other place where she may, from time to time, be living or staying;
- Must not go within 50 metres of the boundary of the premises at [address redacted], or the boundary of any other premises where [the complainant] may from time to time be living or staying;
- Must not damage the premises at [address redacted], or any furniture, household effects or other items contained therein;
- Must not damage any personal or other property owned or possessed by [name of complainant];
- Must immediately surrender any firearm, part of firearm, or any ammunition or any firearm licence or permit in his possession to a police station, or a police officer;
- Must not apply for any licence or permit under the *Firearms Act* and must forfeit and immediately surrender any licence or permit held under the provisions of the *Firearms Act* to a police officer; and
- During the period of the order, the respondent must not possess any firearm, part of firearm, or any ammunition.