

Seth Tatnell, you plead guilty to assault. On 6 July 2024 you had been out to dinner with your then partner and at around midnight you went to a night club. While you were there your partner told you that she had been abused by a female and her partner, a man aged 26. You believed her and thought you saw some of this happening, although some doubt about the circumstances later emerged. Emboldened by the alcohol you had consumed you went to confront him. An aggressive verbal exchange occurred. You were pulled away and he left. Very unwisely you followed him down the stairs and confronted him again in the laneway outside. You demanded he apologise. When he refused you punched him to his face. It was not a hard punch and he hardly reacted. You then pushed him in the chest with both hands. The punch to his face and the shove to his chest were both intentional unlawful applications of force and constitute the assault. Again, it was not a particularly hard push but it caused him to overbalance backwards against the large glass window at the front of the bar behind him. The window shattered, he fell through it and suffered deep cuts to both hands. His left palm was most affected. There was a deep laceration which extended to the underlying structures. You did not intend to push him through the window or cause him serious injury, but the consequences of what you did were foreseeable and you are criminally responsible for them. You desisted immediately and walked away.

The complainant was taken to hospital where his wounds were repaired, but the employment, financial, physical and emotional consequences of his injury have been significant and are likely to be very long lasting if not lifelong. Both hands were stitched and bandaged and he was unable to care for himself for a prolonged period. He relied on his partner to look after him which put considerable strain on their relationship which ended. He was left with a tight scar which required treatment at the outpatients hand clinic for well over two months and further physical therapy until March 2025. He was unable to perform his job as a sawmill operator and eventually lost that job as a result. He is left with a reduction in the range of movement in his hand. Further surgery is recommended but has not yet occurred. He has recently obtained new employment but the range of employment available to him in the future is now reduced by his impairment. There has, very understandably, also been a very real emotional impact. He experienced low mood, lost confidence and has had to seek help through counselling to cope with the impact of his injury.

You are now 26. You were 24 when the crime was committed. Your only relevant prior conviction is for a common assault committed when you were 18 for which you were fined. You are in responsible full time employment and your employer and one work colleague have written references which speak highly of you. Your prospects are good and you have taken steps to moderate your alcohol consumption. You quickly admitted what you had** done and entered an early plea of guilty. On their own, both of the assaults you committed would not have been particularly serious but for the unintended but foreseeable consequences. You were affected by alcohol but that does not lessen your responsibility. Indeed, late night assaults committed in public in or around licensed premises should be condemned and punished. Such assaults risk terrible consequences even if they are not intended.

In this case I do not think imprisonment is warranted. Instead I will make a community correction order requiring performance of community service supplemented by a fine.

You are convicted on the indictment. I make a community corrections order for a period of 18 months from today. The core conditions of that order will be specified in the order you will be

given and include that you not commit an offence punishable by imprisonment, that you report to and comply with the directions of a probation officer, that you must not leave Tasmania without permission and that you must notify of any change of address. I impose a special condition that you must, within the operational period of the order satisfactorily perform 105 hours of community service, as directed by a probation officer or a supervisor. If you breach any of those conditions you may be brought back to court and re-sentenced. You are also fined \$2,000. You have 28 days to pay that amount although you may enter into a repayment arrangement.