

Mr Bell, you have pleaded guilty to one count of dangerous driving, contrary to s 172A of the *Criminal Code*, you have also pleaded guilty to associated summary offences of drive whilst disqualified; evade police (aggravated circumstances); possess controlled plant, possess thing used for administration of a controlled drug; and using a controlled plant, namely cannabis. I will deal with the summary matters pursuant to s 385A of the *Criminal Code*.

On Wednesday, 17 September 2025, at approximately 12 noon, two police officers observed you standing adjacent to a Suzuki motorcycle on Gilbert Street, at Latrobe. Police knew who you were, and they knew that you were disqualified from driving. You had, in fact, been disqualified for a period of nine months on 25 June 2025.

Police observed you mount the motorcycle and ride away in an easterly direction, along Gilbert Street. Because police knew you were disqualified, they activated their lights and sirens and pursued you. You looked over your shoulder, observed police, but failed to stop. Rather, you accelerated harshly and rode up onto the footpath and then continued to ride away in an easterly direction. You travelled approximately 150 metres along the footpath, at a speed of between 60 and 70 kilometres per hour. When you reached the Latrobe Fire Station, you re-entered the roadway and continued to ride away. At this point, police de-activated their lights and sirens, but continued to follow you. They saw you turn left onto Percival Street, at a high speed and without indicating. This is a residential area and has a posted speed limit of 50 kph. Police estimated you were travelling at approximately 100 kph. At this point, police lost sight of you.

You were subsequently arrested on 22 September 2025 at Ulverstone. Police located the motorcycle involved in the incident, under a blanket in the backyard. When police searched you, they located a small quantity of cannabis and a used smoking device.

You participated in a record of interview. You admitted to police that you should not have been riding the motorcycle. You said you panicked when you saw the police and just "took off". You also admitted to using cannabis.

In considering the objective seriousness of this matter, I note the distance you travelled was relatively short. You drove the motorcycle at speed, however, on a footpath in the main street of Latrobe where there are many businesses and, at 12 noon on a Wednesday, it is likely that there would be several pedestrians present. It seems that no pedestrians were, in fact, on the footpath area when you rode along it. This is most fortuitous, because given the speed at which you were travelling, any collision with a pedestrian could have caused very serious injury. You were also driving at an excessively high speed in a residential area. I am not told of any other road users having to take evasive action because of your driving, but of course in a residential area, that is always a possibility. Other road users and pedestrians, are not expecting a vehicle to be travelling at such high speeds in a residential area. The risk is obvious. It is also relevant that the driving occurred in the context of you endeavouring to avoid police. That adds to the potential danger of the driving as your focus is directed to that purpose, rather than being alert to the question of the safety of other road users.

All that being said, I assess the level of seriousness associated with this course of driving behaviour, as falling towards the lower end. It was a relatively brief act of driving, although it

is aggravating that you should not have been riding the motorcycle at all given your disqualification.

You are 45 years of age. You have a very lengthy and concerning criminal history, particularly for matters of dishonesty and driving offences. You have many prior convictions for driving whilst disqualified, driving whilst not the holder of a driver's licence, and breaches of the *Road Safety (Alcohol and Drugs) Act*. Additionally, you have many prior convictions for offences under the *Misuse of Drugs Act*, bail offences, and matters of violence. You have a previous conviction for evade police.

I note on 28 February 2025, you received a global sentence of eight months' imprisonment (commencing 25 October 2024) for various offences of dishonesty, bail offences, offences against police and offences contrary to the *Misuse of Drugs Act*. That sentence ended on 24 June 2025. These offences occurred within three-months then of your release from custody. A review of your prior convictions suggests that this is not uncommon. It seems you have great difficulty complying with the law when you are in the community, and it is a reasonable inference to conclude that you are largely institutionalised.

It is trite to say you are not to be re-sentenced for your prior convictions, but you have for many, many years shown a complete unwillingness to comply with the law. Specific deterrence is a weighty consideration in the formulation of sentence. Clearly, the sentences imposed upon you in the past have not provided sufficient impetus to encourage you to change your ways.

You had a terrible upbringing. Your father was physically violent and provided no guidance or support. You were subjected to sexual abuse by a family member. You left home at an early age. Before too long, you developed a significant drug addiction. You have grappled with that addiction all your life and it has been the reason behind much of your offending and your chaotic and dysfunctional lifestyle. You have also experienced significant mental health difficulties, undoubtedly connected to, and exacerbated by, your ongoing drug use.

I am told that you recognise the need for, and desire assistance, in respect to your drug addiction and your mental health issues. You have been receiving counselling from the Tasmanian Aboriginal Centre whilst you have been in custody. It can only be hoped that in time, some of this counselling will lead to positive change, but I note that you have received the benefit of sentences directed at encouraging your rehabilitation in the past, seemingly without success.

I take into account your plea of guilty to these matters. It has a utilitarian value but beyond that, there is very little to mitigate your offending. You should not have been driving at all, given your disqualification, and when you saw the police following you with their lights and sirens on, you should have stopped and accepted responsibility for your wrongdoing. Instead, you drove off in a dangerous manner, showing a complete disregard for the law and a disrespect for other road users and pedestrians.

You drove on a main street in a business area, where it could reasonably be expected, given the time of day, that there would be many people. You mounted a footpath, not caring as to the risk you presented to pedestrians. The danger associated with your driving is obvious. Driving in such a manner could very easily have resulted in serious consequences for others. General deterrence, denunciation and community protection are important sentencing

considerations. A strong response is required from the Court in order to deter others and endeavour to make the roads safer for members of the public.

The only appropriate sentence is a substantial period of imprisonment. I make the following orders. You are convicted of the crimes and offences to which you have pleaded guilty. In respect to the drug offences, counts 4, 5 and 6 on complaint 54280/2025, I make no further order. For the crime of dangerous driving and the offence of drive whilst disqualified, I impose a single sentence. You are sentenced to a period of imprisonment of 18 months, commencing 22 September 2025. I order that you not be eligible for parole until you have served 12 months of that sentence of imprisonment. You will be disqualified from driving for a period of two years, commencing on the day of your release from prison.

In respect to the offence of evade police with aggravated circumstances, I impose a sentence of imprisonment of six months, cumulative to the period of imprisonment just imposed. You will not be eligible for parole until you have served four months of that sentence.

On the charge of evade police, I order that you be disqualified from driving for a period of twelve months, cumulative to the disqualification period imposed in respect to the dangerous driving charge.

For the purposes of s 92A(3) of the *Sentencing Act*, I specify that the total term of imprisonment which you are liable to serve in respect to the above sentences is 24 months, commencing on 22 September 2025. The total period you must serve before becoming eligible for parole is 16 months. The total driving disqualification is for a period of three years, commencing on the date of your release from prison.