

STATE OF TASMANIA v DYLAN WILLIAM BRADY
COMMENTS ON PASSING SENTENCE

13 MARCH 2026
CUTHBERTSON J

Dylan William Brady, you have pleaded guilty to a charge of dangerous driving. The course of driving the subject of the charge was undertaken while your then partner and two children, aged 3 years and 11 months respectively, were also in the car.

About 12.50pm on 15 April 2025, you were at your partner's address. This was in breach of a family violence order that was then in place which prevented you from being within 300 metres of or entering any premises where your partner and children were living. You got into a Nissan X Trail with your partner and two children and drove to Huonville and then towards Kingston. Police were contacted about your presence at your partner's address and were later informed that you were all travelling in the X Trail.

At about 1:25pm, two police officers were driving south on the Huon Highway, towards Huonville. They saw the X Trail you were driving travelling in the opposite direction towards Kingston. They conducted a U-turn and caught up with you. You turned into Sandfly Road. Police activated the emergency lights and siren and attempted to intercept your vehicle.

Your partner had, by this stage, become fearful of your manner of driving. She climbed into the backseat with the children and held onto them as you continued to drive. Rather than stopping when police attempted to intercept you, you accelerated heavily to an approximate speed of 130 kph. The particular portion of Sandfly Road on which this occurred is a 70 kph zone. You crossed a solid white line, onto the incorrect side of Sandfly Road and remained on the incorrect side of the road as you drove around a sweeping bend. Police discontinued the attempt to intercept you and lost sight of your car.

Another person was driving on Sandfly Road, heading towards Margate, with her step-daughter and four year old grandson in the vehicle. You approached her vehicle at speed, getting very close to the rear of her car. You overtook her on double white lines, before swerving back onto the correct side of the road.

At the end of Sandfly Road in Margate, you turned left onto the Channel Highway, before turning right onto Howden Road. At approximately 1:35pm, another person was driving on Howden Road when you approached the rear of his vehicle at speed. You crossed a solid white line and moved onto the incorrect side of the road, without indicating, and overtook the vehicle on a blind corner. At that stage you were travelling at approximately 90 kph in a 60 kph zone.

About four minutes later, another person was driving along Howden Road. As she neared a 50 kph speed sign, you approached the rear of her car at speed and drove closely behind her. She pulled over to the side of the road to avoid a collision. You accelerated away before applying your brakes heavily just before the 50 kph speed sign, creating smoke and noise. You then accelerated away out of sight of the other car.

You then drove from Howden Road onto Brightwater Road, before turning onto Roslyn Avenue in Blackmans Bay. You then turned from Roslyn Avenue into Gourlay Street, at speed, before stopping the vehicle in Gourlay Street. Police located your car in Gourlay Street at approximately 1:44pm. Your partner and two children were walking away from the vehicle and were all crying. You were located at a unit in Gourlay Street and placed under arrest. You told police you had not been involved in the incident and were at Gourlay Street all morning.

You were taken to the Hobart Police Station. You provided a sample of oral fluid. Under caution, you admitted to using methylamphetamine earlier that morning. Results later confirmed the presence of methylamphetamine in your oral fluid. You were formally interviewed by police and again denied any involvement in the incident and repeated your claim that you were at Gourlay Street.

At the time of your driving, you were the holder of a learner's driver's licence. You were not accompanied by a fully licensed driver.

You have a number of relevant prior convictions in Western Australia. In May 2016, you were fined and disqualified on two separate occasions for charges of reckless driving involving excessive speed. In February 2017, you were again convicted of reckless driving that is described in your record as "inherently dangerous (to escape pursuit by police)". There are associated charges of driver failing to stop and having no authority to drive. You received an effective period of seven months' imprisonment for those offences and were also disqualified. In September 2017, you were again convicted of driver failing to stop and having no authority to drive. You were sentenced to six months' imprisonment on those offences. In November 2017, you were convicted of aggravated reckless driving, together with no authority to drive and driver failing to stop. The offences of aggravated reckless driving and driver failing to stop both attracted a two year period of imprisonment. There were orders made for concurrency. In addition, you have a number of prior convictions in Western Australia for other serious offending. You were sentenced in February 2020 to four and a half years' imprisonment for entering a dwelling without consent, with intent to commit an offence. That offending was accompanied by charges of being armed or pretending to be armed in a way that may cause fear and doing an act or omission causing bodily harm. You have a number of other dishonesty offences, motor vehicle stealing charges, breaches of bail and drug related matters on your Western Australian record.

Your Tasmanian prior convictions include numerous breaches of interim family violence orders and of family violence orders (11 in total), drug and driving offences, dishonesty matters and a charge of escape.

You have been in custody on this matter for 330 days. At the time of this driving, you were subject to two suspended sentences which had been imposed in the Magistrates Court on 2 April 2025, that is less than a fortnight before committing this offence. The State made an oral application, pursuant to s 27(4) of the *Sentencing Act*, for an order that you serve the part of each of the sentences held in suspense.

The facts relating to the suspended sentences are as follows. On 19 February 2025, you and your partner drove to Bunnings in Kingston with your children. The two of you placed a number of power tools and other items in your car and pram while browsing the store. You paid for about \$19 worth of items before returning to your car. As you left Bunnings timber yard in your car, you were questioned by an employee about the items you had not paid for. You told the employee to just let you go, which they did. The value of items stolen was \$885.96. You and your partner were identified from CCTV footage.

Police attended your partner's address on 27 February 2025 to search for you. Your partner told police you were not there. Police entered the property and, after conducting a search, found you in the roof space. You said, "You got me, I'm coming out". You were repeatedly told to

stop moving by police, but continued to do so. You then fell through the roof and into the patio area at the back of the house. Police nearby yelled at you to stop but you fled out the rear door, jumped over the rear fence and ran through the rear paddocks despite police telling you to stop. You were subsequently arrested in the front yard of another property.

You pleaded guilty to four counts of breach of family violence order by being within 300 metres of your partner and children on both 19 February and 27 February 2025, by entering the premises where your partner and children were living on 27 February 2025 and by going within 300 metres of those premises that same day. You were sentenced to five months imprisonment on those charges, backdated to 22 February 2025 with the balance suspended from 2 April 2025 for two years. You also pleaded guilty to charges of stealing and escape. You were sentenced to 3 months imprisonment which was wholly suspended for three years on those charges. It was a condition of suspension of both sentences that you not commit another offence punishable by imprisonment during the period the orders were in force.

You are 33 years old. You had an unfortunate childhood, including experiencing abuse as a child against the background of your mother's own struggles. Like many children who have experienced childhood deprivation, you commenced using drugs which has, in turn, led to your offending conduct which has become more prevalent since 2015.

Following your last release from prison in Western Australia, you decided to relocate to Tasmania with your then partner and two children. Although that relationship is no longer on foot, you have a good relationship with your former partner's mother who brings the children to see you at the prison. You have two older children in Western Australia and have a good relationship with them and their mother.

I am told this offending has brought home to you the need to address your drug use. You accept that you act impulsively when under the influence of methylamphetamine. You have no real support in this State. While in prison, you have accessed a Respectful Men's programme. You have participated in 14 sessions, which have assisted you develop some insight into your use of drugs and how it impacts your behaviour. I am told you now appreciate how your conduct and behaviour impacts on your children. You have expressed a desire to be a good father for your children and not repeat the patterns that you experienced in your own childhood. You recognise that you need assistance to work on these issues. You also recognise that your relationship with your former partner is now at an end. You wish to remain single and work on yourself and your relationship with your children. You have previously had employment as a bricklayer and enjoy playing football. You recognise the need to remove yourself from poor associates.

Your counsel argued it would be unjust to activate the suspended periods of imprisonment given the different type of matters involved, none of which were driving offences. As to your prior matters in Western Australia, it has been eight years since you last received a period of imprisonment for a serious driving offence.

You have pleaded guilty to the charge on the indictment. You first appeared in this Court on the matter in October last year. It was indicated the matter was a trial and it was adjourned to 17 March 2026 for a directions hearing. In the meantime, you were granted bail on 22 January 2026. Your bail was suspended a few days later. On an appearance before me on 4 February 2026, an indication was given that the matter may resolve. You ultimately pleaded guilty on 26 February 2026. I accept the plea came at an early stage. You indicated you wished to plead

prior to the indictment or crown papers being filed. It has saved the Court and the DPP valuable time.

Your conduct in driving on this occasion was very serious. You should not have been driving at all. You were identified as driving in a dangerous manner for a period of about 19 minutes. It was during the middle of the day, and there were a number of other road users on the road. Your conduct had the real potential to lead to a terrible outcome, particularly when travelling on the wrong side of the road around blind corners. It was fortunate that you did not cause a collision. One road user had to pull over to avoid one.

It was aggravating that the dangerous driving occurred in the context of attempting to avoid interception by police. It has been recognised by this Court that the desperation attendant on attempting to outrun police heightens the risk to other road users and police undertaking their lawful duties. In your case, you were also prepared to drive this way when your partner and two young children were in the car with you. Not only did you display disregard for other road users, you put your own family, including the children you love, at considerable risk by your manner of driving. It is a further aggravating feature that you drove while methylamphetamine was in your system, another factor increasing the risk associated with your conduct. Further, you have a significant history of committing like offences in Western Australia. The imposition of significant periods of imprisonment do not appear to have deterred you. Your use of methylamphetamine on this occasion is likely to have contributed to your decision to drive in the manner in which you did. Although you have, through your counsel, expressed a desire to address your drug use, there is no information before me to suggest that you have taken any meaningful steps to do so to date. I accept it is difficult to access offence specific programs in the prison, particularly when on remand. You have previously had the benefit of a community corrections order which would have exposed you to opportunities to address your drug use, but you have spent much of the period since it was imposed in custody due to your ongoing offending. It is important to impose sentences for dangerous driving which denounce such conduct and deter others who might be tempted to engage in such behaviour. In your case, specific deterrence is also an important consideration. In light of these matters, your personal circumstances and your plea of guilty, I see no alternative but to impose a sentence of imprisonment. I will also impose a community corrections order to operate from your release from custody to provide you support to address the factors which have contributed to you offending.

As to the application made by the State in relation to the suspended sentences imposed on 2 April 2025, I am satisfied that you have committed a new offence in breach of the condition of suspension. I must activate the sentences held in suspense and order you serve it unless I am of the opinion it would be unjust to do so. I am not of that opinion. In *Tanner v Brown* [2011] TASSC 59, Wood J noted at [96] that ordinarily a suspended sentence is meant to operate as a last chance and there are sound reasons in principle for activating the sanction in the event the person breaches it. Her Honour also noted at [94] that "the objective of the suspended sentence option as reformatory as well as penal is to be borne in mind". Relevant factors to the formation of the opinion include those which indicate progress made by an offender towards their rehabilitation, the disproportion between the original offence and the breaching offence or offences, whether the nature of the breaching offence suggests the offender has lapsed into a non-law-abiding way of life, or reverted to criminal conduct comparable to the offence for which the suspended sentence was imposed. The factors which may give rise to an opinion that it would be unjust to activate a sentence are, however, not closed: per Wood J at [88].

While the suspended sentences I am considering were not imposed for driving offences, they were imposed only a short period of time prior to you engaging in the course of dangerous driving. It is significant, in my view, that you were attempting to evade interception by police when you commenced driving dangerously. One of the offences for which you received a suspended sentence was an escape where you fled from police. I consider the conduct is comparable. There is no suggestion you made any progress towards rehabilitation in the 13 days between the imposition of the suspended sentences and your dangerous driving. The circumstances suggest you paid no heed to those suspended sentences when you decided to act in the way you did. You breached the suspended sentences by committing a serious offence which put the community at risk. It could not be sensibly argued that there is an element of disproportion between the original offences and the breach offence. In fact, the breach offence is more serious than the original offences.

The activation of the suspended sentences and the issue of totality are matters I have taken into account when arriving at the appropriate sentence for the dangerous driving charge. It is necessary that the aggregate of those sentences be proportionate to your overall criminality and not be too crushing in light of your background and prospects. I also intend to make an order for parole.

Dylan Brady, you are convicted on the charge of dangerous driving. You are sentenced to 15 months imprisonment, backdated to 17 April 2025 to take into account the period of time you have spent in custody. You are disqualified from driving for a period of three years from your release from custody. I also make a community correction order for a period of 12 months from your release from custody. The core conditions of that order, set out at s 42AO of the *Sentencing Act*, will be specified in the memorandum of sentence 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. You must report to a probation officer at the office of Community Corrections at 75 Liverpool Street Hobart by close of business the day following your release from custody. In addition, I impose the following special conditions that you must, during the operational period of the order:

- (a) attend educational and other programs as directed by a probation officer;
- (b) submit to the supervision of a probation officer as required by the probation officer;
- (c) undergo assessment and treatment for drug dependency as directed by a probation officer;
- (d) submit to testing for drug use as directed by a probation order;
- (e) submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer.

Pursuant to s 27(4B) of the *Sentencing Act*, I order that you serve those parts of the sentences of imprisonment imposed on 2 April 2025 which are held in suspense cumulatively to the sentence of imprisonment imposed on the dangerous driving charge. Finally, I order that you be eligible for release on parole after serving half of each of the sentences imposed or activated by me.