

Mr George, you have pleaded guilty to one count of being unlawfully armed in public. You are also being dealt with for breaching a suspended sentence of one day's imprisonment, imposed on you on 5 August 2024 the breach being by your commission of this crime.

The crime was committed soon after 9am on 8 November 2024. It started with an argument between your father, with whom you were living, and NBN contractors, who were doing some work on the footpath outside your house. It seems that your father became unreasonably abusive towards the contractors. He was yelling at them from inside the house. You were sleeping when the argument started, but you were woken by your stepmother, who told you that someone was trying to attack your father and that you should grab the saw and go and help. This was untrue, the problem was being caused by your father. However, you did not know this, you heard only yelling and what you had been told by your stepmother. In accordance with her instructions, you took up a chainsaw, started it and ran outside revving it loudly as you approached the contractors. Understandably, they were terrified, and were forced to drive or run away, with you chasing them while revving the chainsaw. As one truck drove away, you chopped at its mudflap causing superficial damage. You have pleaded guilty to a charge in the Magistrates Court in respect of that damage, and will be dealt with by that court when this case is over.

There is no victim impact material, but it is a reasonable proposition that what you did would have caused great fear among the contractors. I think that you derive some mitigation because the situation was largely of your father and step-mother's making. Of course, you are the one in Court, not them, although they must bear considerable moral responsibility for what took place. However, at the end of the day, you were the one who took chainsaw started it, and used it to threaten and terrify the contractors. They did not deserve this, they were simply doing their job and from what I have been told, had agreed to help your father out with some excess soil. The use of a weapon to create this kind of disturbance and threat is completely unacceptable. The sentence must reflect that.

You are 20 years of age, and were 19 when you committed this crime. You are in receipt of NDIS benefits due to impaired intellectual capacity and early-onset ADHD. The pre-sentence report also notes that you have been diagnosed with autism. You have suffered trauma as a result of your father's conduct towards others. Your father has been a poor role model and has encouraged you to become involved in criminal and antisocial behaviour. You have developed significant problems with both alcohol and illicit drugs including methylamphetamine. You are the father of a three-year-old child, who you see once a fortnight. You have a lengthy criminal history which includes numerous offences against public order such as unlawfully possessing dangerous articles in a public place, destroying property, recklessly throwing a missile to the danger of another person, disorderly conduct and using abusive language to a police officer. There are also driving offences including reckless driving and evading police. All of this says to me that you have a propensity for the type of offending that was demonstrated when you committed the crime with which I am dealing. I note that the suspended sentence was imposed for offences which included disorderly conduct. There would seem to be a need to impose a sentence in this case which deters you from continuing this type of behaviour.

In my view, the appropriate sentence is a partially suspended sentence of imprisonment. Serving some time in prison will hopefully drive home to you the importance of obeying the law. It will also address the need for general deterrence. The partial suspension of the sentence reflects your age and mental health concerns and your early plea of guilty. It will also facilitate community based supervision, which I will discuss shortly. I was asked to consider home detention as a sentencing option, but I am simply not confident that you would comply with the strict requirements of such an order. In this regard, I note not only the history of your poor compliance with community-based sentencing orders as set out in the presentence report but also the fact that you did not cooperate in the preparation of that report and did not come to Court when required for sentencing. It was necessary for me to issue a warrant for your arrest and you were at large for a considerable period of time. Not surprisingly, the presentence report assesses you as requiring a very high level of intervention and recommends a period of community-based supervision. Although your performance in respect of prior sentencing orders of this nature is poor, you have been deemed suitable for such intervention. In order to ensure your compliance with these orders, I intend to make community supervision a condition of suspension of the sentence. In other words, if you do not comply with the conditions of the community-based supervision you will be in breach of the terms of suspension and it is highly likely that, in that case, you will need to serve the balance of the sentence in prison.

The orders I make are as follows:

- 1 You are convicted of the crime to which you have pleaded guilty:
- 2 The suspended sentence of one day imprisonment imposed on you on 5 August 2024 is activated and will be backdated to 16 January 2026. You are not eligible for parole in respect of that sentence.
- 3 For the crime of being unlawfully armed in public, you are sentenced to imprisonment for a term of 8 months, which will be served cumulatively on the activated suspended sentence. The balance of the sentence after you have served three months in prison will be suspended for a period of 18 months on the following conditions:
 - a that you are not to commit another offence punishable by imprisonment during that period.
 - b that you will be subject to the supervision of a probation officer. You must comply with this condition for a period of 18 months. That period will commence from when you lawfully cease to be imprisoned under this sentence. The Court notes that the conditions referred to in s 24(5B) of the *Sentencing Act* apply to this condition. These include that you must report to a probation officer at Burnie within three clear days of the day that you lawfully cease to be imprisoned under the sentence. In addition to the core conditions the order shall also include the following special conditions:
 - (a) *you must, during the operational period of the order,*
 - i *attend educational and other programs as directed by the court or a probation officer;*

- ii submit to the supervision of a probation officer as required by the probation officer;*
- iii undergo assessment and treatment for drug dependency as directed by a probation officer;*
- iv submit to testing for drug use as directed by a probation officer;*
- v undergo assessment and treatment for alcohol dependency as directed by a probation officer;*
- vi submit to testing for alcohol use as directed by a probation officer;*
- vii submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer;*
- viii attend, participate in and complete such programs including the EQUIPS addiction program and the EQUIPS aggression program as directed by a probation officer.*

c You are not eligible for parole in respect of the operative part of the sentence.

- 4 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 of all of the above sentences is three months and one day commencing on 16 January 2026.
- 5 I am satisfied that the chainsaw used by you in this crime which was seized by police is tainted property within the meaning of the *Crime (Confiscation of Profits) Act 1993*. Pursuant to s 16 of that Act, I order that the chainsaw be forfeited to the State of Tasmania. I specify its value at \$50.