

STATE OF TASMANIA v BRADY JOHN LUDBEY
COMMENTS ON PASSING SENTENCE

28 JULY 2026
JAGO J

Brady John Ludbey, you have pleaded guilty to two counts of assault. Both counts arose from an incident which occurred on 12 September 2023 and involved the same complainant. At the time of the crimes, you were aged 23. The complainant was aged 17.

The background to your criminal conduct is as follows. Your brother, Wayne Michael Ludbey, who, at the relevant time, was aged 29, had come to believe that the complainant had stolen items from his storage container. On 12 September, he saw the complainant walking along the Strahan Esplanade. He pulled up adjacent to where the complainant was walking and demanded the return of some property. He was angry. He grabbed hold of the complainant by the scruff of his jumper and pushed him up against the utility that he was driving. He then pushed his head into the vehicle causing it to strike the top of the utility. This caused the complainant pain and blood streamed from his head into his right eye. Wayne Ludbey continued to try and force the complainant into the front passenger seat of his utility.

Meanwhile, you pulled up to the same area. It is not clear from the facts that have been presented to me whether your attendance was pre-planned or entirely coincidental. In any event, you exited the vehicle you were in and went to assist your brother. By this time, it must have been apparent the complainant was injured and distressed. You did nothing to try and diffuse the situation. Rather, you approached the complainant in the front passenger seat of your brother's utility and pushed the seatbelt across the front of the complainant's neck and held it there. He was struggling and trying to get out. You held the seatbelt there for some time. The complainant felt like he was choking, although I am told you held your arm between the seatbelt and the complainant's neck. The pressure of your arm onto his neck would, nevertheless, be consistent, in my view, with the complainant feeling as though he was choking.

By holding the complainant in the front passenger seat with a combination of the seatbelt and your arm, you deprived him of his liberty. This allowed Wayne Ludbey to return to the driver's seat of his utility. You closed the front passenger side door, trapping the complainant inside the vehicle with your brother. Your brother then drove off with the complainant. The complainant was understandably scared and entirely uncertain as to what fate awaited him.

Initially, your brother told the complainant that he was going to take him to the police station. Apparently, this was your belief also, although that belief must have very quickly dissipated as your brother did not drive to the police station. Instead, he drove the complainant to his property at [address redacted]. This is where the storage container was located. You followed your brother to that location, although approached the location from a different entry point to that of your brother. By this point, you must have appreciated that your brother was not simply trying to passively resolve the issue of the alleged theft. The complainant was bleeding, he had been forced into a motor vehicle against his will, and he had been taken to your brother's property rather than the authorities.

When Wayne Ludbey arrived at the property with the complainant, he told the complainant to get out. The complainant did so. Wayne Ludbey then kicked the complainant's legs out from under him. Each time the complainant stood up, Wayne Ludbey would repeat the process. You were not present to see this, and you are not charged with this part of the criminal activity. You were present, however, when your brother started to tie the complainant up. He used an Atlas strap to tie his hands. You assisted in tying the complainant up by handing your brother a zip

tie, which was used over the top of the Atlas strap to restrain the complainant's hands. You were then present when Wayne Ludbey pushed the complainant into a shipping container. You handed your brother another zip tie, which was used to tie up the complainant's legs. By this point, the complainant was restrained with both his hands and legs tied and, in essence, he was trapped in the shipping container. Your brother left the container. You stood between the complainant and the only exit point of the shipping container. In so doing, you deprived the complainant of his liberty and your presence must have added to his stress and anxiety.

It is at this point that the State accept, generously in my view, that your criminal responsibility came to an end.

Thereafter, however, you brother continued to assault the complainant in a serious manner. At one point, he re-entered the shipping container holding a running chainsaw. He stopped revving the motor but pushed the chain against the complainant's neck. You told him to put the chainsaw down. Wayne Ludbey then picked up a piece of wood and used it to strike the complainant across the face and arm. He struck him with the piece of wood to the wrists approximately 10 to 15 times. At no point did you seek to intervene. Thereafter, your brother sprayed the complainant with water from a hose and left him trapped inside the shipping container. The door to the shipping container was padlocked with a chain, leaving the complainant scared, cold and trapped inside the shipping container. Again, you did nothing to prevent this occurrence and for several minutes, did not intervene to release the complainant.

Instead, whilst the complainant was locked in the shipping container, you and your brother went to the residence of [name redacted], with whom the complainant had been living. Your brother told the occupant that he was looking for items belonging to him. His room was searched and some items were removed. Your preparedness to accompany your brother to this home and remove items again indicates that you were, at a minimum, acquiescing to his conduct.

Whilst I acknowledge the State have accepted your plea on the basis of a level of criminal responsibility that ends at the point I have identified, your failure to do anything whilst your brother continued to assault the complainant and then trapped him inside the shipping container, speaks in clear terms to your level of moral responsibility. You knew your brother was behaving terribly towards the complainant, who was only 17 years, and you were willing to, at the very least, turn a blind eye to it. I find it difficult to reconcile such an amoral attitude with the character references that have been provided.

After the complainant had been left in the shipping container for about 10 to 15 minutes, you used an angle grinder to open the door. You then used a fishing knife to remove the Atlas strap and zip ties, returned the complainant's phone to him and told him to go home. There is no suggestion that, beyond that, you checked on his well-being.

The complainant was left with several injuries. He had significant bruising to his left eye and cuts to the right side of his forehead, below his hairline. He had a scratch on his right cheek and a cut on his right eyebrow. His lip was swollen. He had red marks on his left cheek, bruising and redness on his left ear. There was redness with abrasion to both sides of his neck. He had redness and markings on his wrists from the ties and straps which had been tightened around them. He also had markings on his legs and a long linear mark across his left arm where he had been struck with the piece of wood.

The complainant was transported to the North West Regional Hospital. He underwent x-rays and CT scans. Ultimately, his injuries were treated conservatively.

You are now 26 years of age. You have no relevant prior criminal history. Indeed, the only matters on your criminal record involve traffic infringement notices. You are married. You have two children, one aged three and one approximately seven months. You have a good industrial history. You are currently training to be a diesel mechanic. You also run a fishing charter business. You have several financial commitments. I take into account generally, the numerous character references that have been provided. They all attest to your good character, describing you variously as being honest, reliable, courteous, responsible, caring and respectful towards others. They speak of this incident as being out of character for you and not consistent with the attributes that they have observed, although in my view, these references do not disclose that the authors have an appreciation of the full extent of your conduct on this day. I have already noted my concern as to the irreconcilable nature of your conduct and reference material. I accept however, the comments are consistent with the absence of prior criminal history and the absence of any further wrongdoing since this occurrence, nearly three years ago, suggesting your behaviour this day was something of an aberration.

That said, you chose to become involved in a very serious act of violence for entirely unjustifiable reasons. I am told that essentially you became involved because of your brother and inserted yourself into this matter in an endeavour to support him. I accept your behaviour was more moderate than that of your brother's, but what you did was nevertheless very concerning. One cannot lose sight of the fact that the complainant was only 17 years of age. He was a child. You joined in a serious assault upon him, which left him with several injuries. It has also left him with psychological harm. I have no doubt that he was terrified during the ordeal and the victim impact statement I have received indicates he continues to be affected by it. There was a degree of vigilantism involved in your conduct. Your brother believed that the complainant may have stolen from him. He set upon a plan to extract retribution, and you joined in on it. Those who think it is appropriate to take the law into their own hands, need to very clearly understand that it is not, and the Court will respond strongly to such behaviour to send a very clear message that such conduct is unacceptable.

Clearly, a period of imprisonment is warranted. The question I have grappled with is whether I should suspend that period of imprisonment in whole or in part. I accept that this behaviour is out of character for you, as evidenced by your lack of offending before and after this incident. I also accept your involvement in this matter came about because of a misplaced desire to support your brother. That is relevant to my assessment of whether there is likely to be a repeat of this type of offending. Considering those matters, I have determined that I ought to suspend the whole of the period of imprisonment I am about to impose.

I make the following orders. Brady John Ludbey, you are convicted of two counts of assault. I impose one sentence. You are sentenced to imprisonment for a period of eight months. The whole of that sentence will be suspended for a period of two years on two conditions: firstly, that you do not commit another offence punishable by imprisonment during that period; and secondly, that you satisfactorily perform 98 hours of community service.

As to the Community Correction Order, it will have an operational period of 12 months. That means you must perform 98 hours of community service within the 12-month period. It also attracts all of the statutory core conditions referred to in s 24(5A) of the *Sentencing Act*. You

will be provided with a copy of those conditions in writing. I direct that you must report to Community Corrections, Burnie, by close of business tomorrow.