

Matthew Hingston, the defendant, has pleaded guilty to one count of assault. I am also dealing with his pleas of guilty to summary offences of possessing a firearm to which a firearms licence may not be issued, possessing a dangerous article in a public place, possessing body armour without a permit, five charges of possessing a controlled drug, and one of possessing a thing used for the administration of a controlled drug. These offences were committed on 21 May 2023. The complainant in the assault, Waqas Aslam, was going about his business as a taxi driver when set upon by the defendant. The facts are that about 3.45pm on 21 May, Mr Aslam was dispatched to a fare at an address in Kingston. When he arrived, the defendant got into the front passenger seat, and placed a small suitcase on the back seat. He directed Mr Aslam to an address in Glenorchy. When driving down the Southern Outlet the defendant retrieved the suitcase and removed a small baseball bat and black handcuffs and said to Mr Aslam, "You don't know me, I am a dangerous man on this planet". He then retrieved a plastic bag containing various pills and said "I have pills if you want to work up to seven days straight I can give them to you". He then swallowed three or four of the various pills. The defendant then showed Mr Aslam a vial of liquid, also taken from the suitcase. Mr Aslam felt unsafe and asked him to put everything back on the back seat. When they arrived at the address in Glenorchy, another man came out and got in the back seat. This man gave the defendant some pills and an e-cigarette, which the defendant then used and blew smoke in Mr Aslam's face. The pair directed the complainant to another address in Glenorchy. At that address another man appeared and gave the defendant an item in a brown sheath. The defendant then directed Mr Aslam to return to the original address in Kingston. When they were still in Glenorchy, the defendant removed a large machete from the sheath and showed it to the other man in the taxi. He said words to the effect of "Party start boy" and then, "I don't want many population on this planet". He and the other man laughed. At this point Mr Aslam became frightened and was looking at for a police car for assistance. While on the Brooker Highway near Glebe, the defendant produced what was said to be a "taser", but more correctly a "stun gun", and then tried to force Mr Aslam to drink some of the liquid from the vial he had earlier produced. He did this by holding the stun gun near to the complainant's face for approximately four minutes whilst it was activated. There is no suggestion that force was actually applied. Mr Aslam drove straight to the police station and got out of the car, at which point the defendant and the other man were detained by police. A search of the defendant and the taxi revealed the following items, the stun gun, a machete, a soft body armour plate, a small baseball bat, five individual sachets containing methamphetamine, one vile of hydromorphone – an opioid – three Suboxone tablets, 48 loose mixed tablets which included diazepam, a spray device containing LSD and a glass smoking device. I note that the defendant has spent 114 days in custody before being bailed.

The defendant is now 35 years old, with a history of drug use from a young age. He has a relatively lengthy history of prior offending, mostly drug and traffic related. Of significance are convictions for assault in June 2014, although the penalty imposed would suggest it was not a serious matter, and assault police and resist arrest in October 2015. There are convictions for arson and stealing in August 2018. He was then sentenced to 18 months' imprisonment, nine months of which was suspended on conditions for 12 months. On 21 November 2023, and so after the commission of these present offences, the defendant was sentenced in the Magistrates Court to three months' imprisonment in respect of a number of offences, including a range of firearm offences committed on 28 November 2022. In turn, that range included possessing a firearm for which a licence may not be issued, possessing a loaded firearm in a

vehicle in a public place, two charges of possessing a loaded firearm in a public place when not the holder of a firearms licence, and possessing ammunition when not the holder of a licence. I have a report from Forensic Mental Health service dated 16 April 2024 and a community based suitability assessment report dated 23 April 2024, along with counsel's submissions. The defendant seems to have an unremarkable upbringing except to the extent there is a suggestion of a possibility of physical abuse by his father. He did well academically but left school half way through grade 10. He had begun to use drugs in grade 7, initially cannabis, and then progressing to amphetamines. He started to sell drugs at school and was suspended on a number of occasions. He reported that he was generally anxious and drugs made him feel better. He did go to college for a short time but did not finish. After that he has had a number of different jobs. He met his first partner when he was 17 and the two have a daughter now 16. They were living together when they were the victims of a violent home invasion by people looking for drugs. Both the defendant and his then partner were seriously injured. The defendant had to spend some time in hospital and he now suffers symptoms of PTSD arising from that incident. He is also described as having an anti-social personality disorder, which is a pervasive pattern of disregard for, and violation of, the rights of others. He also meets the criteria for multiple Substance Use Disorders which involve cognitive behavioural and physiological symptoms arising from continued substance abuse. His substance abuse has been a long standing problem, and it is said, intensive treatment of this disorder is required. In July 2018, at the same time as receiving a suspended term of imprisonment, he was made the subject of a probation order for 12 months with alcohol and drug assessment and treatment conditions. I was told he gained some benefit from that but relapsed. At the time of this offending he seems to have been disconnected from any support networks, had anti-social associates, was effectively homeless, transient and abusing drugs. Since being granted bail he has become much more settled. He is now on a disability support pension and in a stable relationship with a woman with whom he lives along with her two year child. He also cares for his older daughter from the previous relationship, assisted by his mother in that respect. He has voluntarily undertaken treatment for opioid addiction from September 2023 and, I was told, has made significant strides to conquering his drug problem. He is generally much better situated given his family support network. I take into account the pleas of guilty. Counsel advised me that the defendant does now recognise the impact of his actions. I accept that he is keen to continue on his pathway to rehabilitation. He has been assessed as suitable for an order with a community based supervision condition.

The particulars of the assault are confined to the holding of the "taser" or stun gun near to Mr Aslam's face and activating it. That is an assault by threatening gesture. However put in context, the defendant, in company for a part of the journey subjected Mr Aslam to at least quite an uncomfortable, and at times terrifying experience, to the extent he felt compelled drove to the police station. He was just doing his job, and workers in his situation need the protection of the law. Condemning this sort of conduct and attempting to deter others from engaging in it are priorities. The defendant would seem to have been affected by drugs at the time, and this would have added to Mr Aslam's fear and uncertainty. Given the convictions for the offences committed in November 2022, this offending and the objects found by police, the defendant would seem to have had an unhealthy obsession with firearms and associated objects. The nature of the nine summary offences which I am dealing should not be overlooked, and they do have significance because of the prior history. At the same time there are matters that operate in the defendant's favour as I have noted. In particular he seems to have a much more stable life with support, and I accept that there are reasonable prospects of his rehabilitation.

Mr Hingston, I have set out the facts, your relevant personal circumstances and the matters that I need to take into account. This was a stupid, belligerent and frightening thing you did to a taxi driver just trying to do his job. It was done in the context of a series of rather bizarre and alarming acts towards him. In light of your history of offending and in light of that imprisonment is appropriate and for a greater period than that you have already served, but I will suspend the execution of the balance and ensure that you have some supervision and assistance in the community. You are convicted of all matters and sentenced to six months' imprisonment to commence on 9 January 2024, with the balance from today suspended on condition that you commit no offence punishable by imprisonment for a period of two years. I make a community correction order for a period of 18 months, conditions of which are that you submit to the supervision of a probation officer as required, attend educational and other programs including the EQUIPS Aggression Program as directed, and undergo assessment and treatment for drug dependency as directed by a probation officer. You will have to report in person or by telephone to a probation officer at 111 Cameron Street Launceston by 5pm tomorrow 3 May 2024. I order the forfeiture of the "taser"/stun gun, the machete, the body armour and the smoking device seized by police.