

STATE OF TASMANIA v JACK ADAM HUGHES
COMMENTS ON PASSING SENTENCE

5 AUGUST 2024
WOOD J

Jack Adam Hughes has pleaded guilty to a crime on indictment of dangerous driving and to a number of summary offences that arose from the same driving incident: evading police (aggravated circumstances), use unregistered motor vehicle, using a motor vehicle with no premium cover, and dishonestly alter or display a document in a way calculated to deceive.

On Tuesday 13 December 2022 at approximately 2:00 pm, the defendant was driving a blue Mitsubishi Lancer along Kenbrae Avenue towards Chapel Street in Glenorchy.

Two police officers were patrolling the area in an unmarked police vehicle, a Subaru Outback. They entered Kenbrae Avenue from Chapel Street and were travelling in the opposite direction to the defendant. They observed that the Mitsubishi did not have a registration plate on the front of the vehicle and after they passed the Mitsubishi, they conducted a u-turn. The rear registration plate did not relate to any vehicle registered in Tasmania.

The police followed the defendant's vehicle as it turned left onto Chapel Street and left again onto Pitcairn Street. Another police vehicle travelling towards the Mitsubishi pulled into its path and stopped in order to intercept the Mitsubishi, activating their emergency lights and sirens. The defendant, however, accelerated heavily around the police vehicle and continued along Pitcairn Street before turning right onto Sussex Street. He then commenced a course of dangerous driving.

As the defendant turned onto Sussex Street, he drove on the wrong side of the road at an estimated speed of 80 km/h in a 50 km/h speed zone.

He turned right onto Galston Road before turning left onto Continental Road. At both intersections he failed to give way to oncoming traffic.

The defendant drove on Continental Road towards Main Road at an estimated speed of 80 km/h in a 50 km/h zone.

He turned left onto Main Road, pulling out in front of other motorists on the road and forcing them to take evasive action to avoid a collision with his vehicle.

He almost collided with a sign in the middle of the road and had to brake hard, causing the tyres to emit smoke. He drove on the wrong side of the road towards oncoming traffic before returning to the correct lane.

Still on Main Road, Glenorchy, he overtook several vehicles, travelling on the incorrect side of the road as he did in the face of oncoming traffic.

The defendant was travelling at an estimated speed of 100 km/h on Main Road, which is a 50 km/h zone. Police officers discontinued their attempt to intercept his vehicle.

He turned left onto Marys Hope Road before turning onto Riverview Parade. He drove into the carpark of Rosetta Primary School at high speed before braking harshly to come to a stop. He exited the vehicle and ran into the school grounds. One of the police officers chased the defendant through the school grounds. There were numerous young children in the grounds at that time. The defendant jumped a gate to find the other police officer on the other side. She yelled at him to stop but he ran past her before jumping over a fence. Police officers conducted an extensive search of the area but did not locate the defendant.

The vehicle had been unregistered and uninsured since 7 April 2022.

The defendant was arrested on 12 January 2023. He participated in a video-recorded interview. He denied being the driver and said he was not involved, and that at the time he was at a friend's house at Risdon Vale, declining to provide any details of where or who he was with. He was detained for court and released the next day.

The length of driving was approximately three kilometres. The traffic on Main Road, Glenorchy, was particularly busy and it is of particular concern that he drove into the school carpark at a high speed, noting the time of day and that there were a lot of children moving about on the school grounds.

The defendant was 23 years of age at the time and has a few prior convictions since 2018: one for speeding; one for operate vehicle in public place in an unnecessary execution of speed, acceleration, or loss of traction; and one for failing to carry and produce driver licence.

He is presently unemployed, receiving a Centrelink benefit. He is in a de facto relationship and his partner is very supportive. Last month their child, a daughter, was born.

He has a good relationship with his parents and they are also supportive of the defendant and his young family. He has a sound industrial record. He completed an apprenticeship in the building industry and obtained work with a building company.

His life unravelled after developing an addiction to drugs, particularly methamphetamine. At first, his use was occasional and then over time it crept up until it was daily use. He experienced the death of people close to him, namely a close friend, his grandfather and his partner's grandfather, and he became isolated and used drugs more frequently. His use became so detrimental that it led to him leaving his employment. He associated with young people who were engaged in criminal behaviour. He was affected by drugs on the day he drove.

In the same period of heavy drug use in which the dangerous driving was committed, he committed other offences including four offences of drive a motor vehicle whilst a prescribed illicit drug was present in oral fluid, offences of motor vehicle stealing, and an offence of evading police. In relation to this period of offending generally, he is described in a court mandated drug diversion assessment report prepared for the Magistrates Court dated 4 October 2023 as appearing remorseful, and it is noted that he stated he felt ashamed to think about his offences.

The defendant has reflected on the danger that he placed others in. Since offending, he has been engaged with drug counselling and support at Holyoake since June last year. He initiated that engagement, expressing a desire to the counsellor to make long-term changes and to abstain from using ice. He is described as having made genuine efforts to do this and he has gained insight and understanding about his drug use, and has developed prevention strategies. Further, he has significantly reduced his consumption of illicit substances and continues to engage with Holyoake to address his ongoing use.

I note that because of these positives, that is, his motivation and self-initiated progress, he was considered not suitable for the court mandated drug diversion program.

I have a recent report from Holyoake which indicates that the defendant has continued to make good progress, he has continued to attend weekly individual counselling sessions, and has been offered a place in the Gottawanna program starting tomorrow.

He has had a period of five months' work with an asphaltting business. Now he is working with his father in motorcycle renovations and seeking full-time work.

I have a report provided by Community Corrections and the author notes that the defendant has knowledge and understanding that his illicit substance use contributed to his offending. He is strongly motivated to stay out of prison. He is suitable for community-based supervision.

Mr Hughes, you drove when affected by drugs and while the course of driving was not lengthy, it involved excessive speed, and driving on the wrong side of the road and into the path of other vehicles, and there was a substantial risk of danger to road users. There was a real prospect of a collision at speed and, consequently, a real prospect of serious injury or death to a motorist or passenger. Since offending, you have demonstrated a responsible attitude in addressing your drug use and you are motivated to continue to make further progress and abstain altogether. You have good support and strong incentives to turn your life around and to be a good father and partner and a productive member of your community. I am satisfied that in view of the way you are turning your life around, your relative youth, and your remorse, an actual term of imprisonment is not required.

You are convicted of the crime of dangerous driving and the summary offences that I have referred to. On the crime of dangerous driving, you are sentenced to a term of six months' imprisonment wholly suspended on conditions that you not commit any offences that could attract a term of imprisonment from today for a period of two years. You are obliged to attend Community Corrections no later than 4:00 pm tomorrow. As a condition of the suspended sentence you are to be subject to the supervision of a probation officer for the same period, two years from today, and must comply with all the reasonable and lawful directions of your probation officer.

You must not leave or remain outside of Tasmania without the written permission of your probation officer and you must also give written notice of any change of your employment or your residential address before or within two working days of the change.

There are some specific conditions recommended by Community Corrections to provide you with assistance:

- You must, during that period of two years from today, undergo assessment and treatment for drug dependency as directed by your probation officer;
- You must, during that period, submit to medical, psychological, or psychiatric assessment or treatment as directed by a probation officer.

I impose a period of two years' licence disqualification and your licence is cancelled.

On the offence of evading police (aggravated circumstances), I impose an additional period of three months' imprisonment wholly suspended on exactly the same conditions.

I impose six months' disqualification, concurrent with the period of two years imposed on the dangerous driving. Again, your licence is cancelled.