

Mr Woodhouse, you have pleaded guilty to one count of Criminal Code assault. On Friday, 10 March 2023, the complainant, Mr Stevens, was at the Top of the Town Hotel in Burnie. He had been there for several hours and had been drinking heavily. He was intoxicated.

Shortly, prior to the hotel's closing time, you arrived and purchased some alcohol from the adjacent bottle shop. You were in the company of others. Meanwhile, several others, not associated with you, had gathered in the carpark area between the hotel and the bottle shop. Some of those persons became involved in a physical altercation. Mr Stevens was one of the people out in the carpark. He was unsteady on his feet and visibly affected by alcohol. Because of the altercation in the carpark, police were called.

They arrived at approximately 12.40am. One of the officers, Constable Stewart, ran from the police vehicle towards the group in the carpark and was yelling "come on guys, break it up.... break it up". As she ran towards the group, she observed Mr Stevens push you. This was captured on body worn camera. The push had little effect upon you, and you did not appear to be moved by the force of the push. You responded by swinging a round arm, hook style punch, which appeared to be delivered with considerable force. This punch struck Mr Stevens' on the left side of his face. Mr Stevens took no evasive action. Upon impact, his head was propelled to the right. He lost consciousness and fell to the ground. You then walked away. You were quickly arrested by nearby police.

Mr Stevens was unconscious and unresponsive on the ground for approximately 30 seconds. He was subsequently transported by ambulance to the Northwest Regional Hospital. CT scans revealed a comminuted depressed fracture of the right frontal bone, extending to the roof of the right eye socket and multiple nasal bone fractures. Mr Stevens was treated with pain relief and antibiotics.

I have received an impact statement from Mr Stevens. He has been badly affected by your crime. Because of the obvious facial injuries, he did not return to his family home for some time after the assault as he did not want his children to see his injuries. He had trouble in sleeping and had ongoing pain in his face for several weeks. He continues to experience pain intermittently and treats it with paracetamol. He is unable to use anything stronger because of his need to drive machinery in his employment. He was unable to return to work for approximately one month after the assault. This had a financial impact upon him. He now feels generally anxious and hyper-vigilant and is apprehensive in social settings where he does not know people.

When you were spoken to by police, you claimed you were acting in self-defence. Having observed the body worn camera footage of the incident, there is nothing about your actions that could be justified in self-defence. Whilst I accept Mr Stevens pushed you, and may well have said something to you, you were not impacted by his behaviour in any material way. Your response was extreme. Striking another person to the head and face area, particularly when they are intoxicated and standing on a hard surface, is an inherently dangerous thing to do. It is obvious from the footage that Mr Stevens was not expecting the blow. His level of intoxication meant that he was particularly vulnerable, and not in a position to properly defend or protect himself.

Violence in and around licensed premises is sadly all too common. You and others must understand that even a single blow can, and often does, cause serious injury and even loss of life. The injuries occasioned to the complainant were bad enough but could easily have been far worse. General deterrence and denunciation are prominent sentencing considerations.

You are 24 years of age. You will be 25 in December. You have a long history of criminal offending, which started when you were a youth. You were sentenced to several periods of detention as a youth, predominately for dishonesty and driving offences. You have also been sentenced to periods of imprisonment as an adult for offences of dishonesty. I note that in April 2021, you were sentenced by this Court for the crime of aggravated armed robbery. You were sentenced to imprisonment for a period of 18 months. That involved you and another person using a knife to rob a disabled man of a phone and set of car keys.

I note at the time this crime occurred; you were on bail for having committed an offence of common assault. You subsequently pleaded guilty to that offence. That offence involved you grabbing hold of the complainant and kicking and punching him. For that offence, and several other offences, including breach of bail and driving whilst disqualified, you were sentenced in the Magistrates Court on 24 October 2024, to a period of four months' imprisonment. The execution of that period of imprisonment was wholly suspended on condition that for a period of 12 months, you commit no offence punishable by imprisonment. That period of suspension has now expired, and there is nothing before me to suggest you have breached the terms of it. That is consistent with what you told me during the sentencing hearing, namely that over the last 12 to 18 months, you have been making a concerted effort to curb your criminal conduct and improve yourself. You are now in a stable relationship. You are a father to three children. You have a 20-month-old daughter to a previous relationship, and to your current relationship, you have an 18-month-old son and a one-month-old daughter. You say that becoming a father has made a big difference to you, and you wish to be a good role model for your children. You have had some intermittent employment and are currently working with a job provider in the hope of securing something more permanent. I will return to the issue of employment shortly.

When measured against your history of prior offending, and the persistent nature of that, the last 18 months does appear to represent a positive change for you. It is the first time, in a long time, that you have not offended, and it does appear as though you are making something of an effort to stabilise your life. You say you have addressed your long-term difficulty with alcohol and drugs and claim that you have not used either alcohol or methylamphetamine for approximately 12 months now. Because of the positive changes you told me you had made, including a representation that you had current employment, I had you assessed as to your eligibility for home detention.

Unfortunately, the content of the home detention report diminishes somewhat your assertions of positive change. It discloses that you do not, in fact, have employment and appear to have misrepresented that. There are nevertheless aspects of the report that seem hopeful. It indicates you are exhibiting a readiness for change, have insight into the harm you caused your victim and are wanting to move away from your past lifestyle. Despite what you said about the employment, you are assessed as suitable for a Home Detention Order.

An immediate sentence of imprisonment is undoubtedly warranted for a crime of this nature. I have given careful consideration to whether there is an alternate sentence which meets all relevant sentencing aims – particularly those of general deterrence and denunciation – because I do detect that there are some indicators of positive change within you. On balance however,

I have determined a Home Detention Order is not suitable. It is a sentencing order which requires a defendant to take some responsibility to ensure compliance with its conditions. Given the misrepresentations you made, I am not satisfied you are in a position whereby you are willing to accept and act upon those responsibilities. A period of imprisonment is the only viable sentencing outcome. I have decided to recognise the efforts you have made in terms of not offending and addressing your drug and alcohol difficulties, by suspending a portion of the sentence, to encourage you in your ongoing rehabilitation.

I make the following orders. You are convicted of the crime of assault and sentenced to imprisonment for a period of ten months, commencing 14 August 2025 to take account of time already served in custody. The last four months of that sentence will be suspended on condition that for a period of two years, you commit no offence punishable by imprisonment.

I make a compensation order in favour of Matthew James Stevens in an amount to be assessed.