

SJG, you plead guilty to persistent family violence. Your plea carries with it the admission that between 1 September 2019 and 4 May 2020 you committed offences involving violence on at least three occasions against a person with whom you were in a significant relationship. Six specific occasions are identified. Five of the offences were assaults. The final offence was rape. I will refer to the victim, with respect to her, as the complainant. At the relevant time she was aged 54 and 55. You were aged 31. Your friendship began in about May 2019. She lived in a town on Tasmania's east coast. You lived elsewhere but spent time in the same town, and in August 2019 you began living there. You began to see her more often and your relationship became a sexual one. You spent time between your own home and the home in which she lived with her daughter and her daughter's partner. In February 2020 you moved into her home to live.

The first offence was committed in the latter part of 2019. You became angry when the complainant's daughter and her partner did not eat a meal you had cooked. When the complainant intervened you demanded that she leave with you. You grabbed her hair and dragged her from the house into the driver seat of your car. At your insistence she drove you to your home but, after you arrived, she managed to elude you and drive away.

The next offence was committed on 8 January 2020 at the complainant's home. By then her daughter had moved out. You had been drinking. You abused the complainant and accused her of having sexual relations with other men. While she was sitting on a couch you grabbed her around the neck and squeezed with such force as to cause bruising around her throat. She managed to push you off, but then you punched her twice to the left side of her face, once to her jaw and once near her temple. You then pushed her into a brick fireplace, bruising her back down her spine. She managed to escape only when you fell asleep and she was forced to spend the night sleeping in her car in a service station car park. When the complainant's sister saw her two days later, she had two black eyes, bruising to her back and marks on her throat.

The third occasion was on 3 April 2020. Again, you were affected by alcohol. You became angry, paranoid and abusive. Even after she went to bed you entered her bedroom to make repeated accusations of her infidelity, demanding to see messages on her phone. Eventually, you dragged her out of the bed by her ankles to the floor. As she fell she cut her foot on a sliding door mirror. The cut was sufficiently serious to leave a scar.

The fourth offence was committed during the evening of 30 April 2020. Again affected by alcohol you complained about her cooking and, ignoring her fear of you, you stepped forward and head butted her to the forehead. The blow was hard enough to not only cause her pain but make her feel as if she may pass out. Even after striking her you abused her again.

The fifth offence occurred on 3 May 2020. Affected by alcohol you accused the complainant of sleeping with your friend, threatened her with violence, including that you would put her head in the fire pot. Later in the day you pushed her into the stove by pushing her with two hands from behind on the back of her head.

The final offence was committed early in the morning of the following day, 4 May 2020. Sick with worry about the abuse she had been subjected to over a prolonged period, the complainant had not eaten for days and had just vomited. She was in bed. You demanded oral

sex. When she refused you became angry, forced her arms over her head, and, without her consent, penetrated her vagina with your penis. The sexual intercourse continued for about five minutes until you ejaculated. She lay there hoping you would stop. Even after raping her, you spent a good part of the rest of the morning making repeated threats, in the most demeaning and humiliating terms, that unless she agreed to further sexual relations with you, you would tie her to the bed and rape her again. During the late morning she accompanied you to the supermarket. After further threats of violence, she sought refuge inside. She called her family and the police were notified. You were arrested the same day and you have been in custody since then.

You are now aged 32. You had an unremarkable upbringing and since leaving school in grade 10 you have held employment doing farm work and then on fishing boats. You have a very poor record over more than ten years for violence. Much of the violence has been perpetrated against women. In 2008 you were made subject to an undertaking for assaulting your then partner by pushing and punching her and pulling her hair. In August 2011 you were given a partly suspended four month sentence for the serious assault of a male. In April of 2014 you were sentenced to 50 hours' community service for the assaulting a female with whom you were in a casual sexual relationship during the previous year. In July 2015 you were sentenced to imprisonment for two months, wholly suspended, and probation, for two common assaults of a female with whom you were in a relationship. You punched her arm and broke her nose. In December 2018 you were imprisoned for four months for assaulting a female with whom you had been in a relationship for 18 months by striking her with a torch, and for numerous breaches of a family violence order. On 18 March 2019 you were sentenced to imprisonment for two months, wholly suspended for two years, for common assault of a male by punching him to the face. The offences which form the basis of the crime for which you are now to be sentenced constitute a breach of that suspended sentence, which remained in force at the relevant time. It therefore must be activated unless it is unjust, and there is no proper basis for that conclusion.

Examination of that record indicates a significant problem with anger, exacerbated by abuse of alcohol. You sought some help from a psychologist in 2018 and 2019 but not enough to avert the conduct which led to this crime. You have not sought to excuse your conduct. The nature of your continuing abuse over a period of months reduces any claim to genuine remorse, but you have now come to an appreciation of the wrongfulness of your actions and the harm you have done. The only factor of any weight in your favour is your early admissions and plea of guilty. Importantly, the result is that the need for the complainant to experience the trauma and embarrassment of having to recall the events to which was subjected and to give evidence is avoided.

I will reduce the head sentence on account of your plea, but the only appropriate sentence is a lengthy term of imprisonment. Subject to totality and proportionality, I should impose the same sentence as if the identified acts of violence were separately charged. The seriousness of domestic violence has been repeatedly emphasised by this court. It is insidious and a matter of great community concern. The sentence must also acknowledge the element of persistent violence over the course of about nine months which, of itself, adds to the trauma to which the complainant was subject and to your overall criminality. You had the opportunity to reflect on your conduct between each attack, and desist, but you did not. The offences themselves are overlaid with ongoing serious emotional abuse and torment, domineering conduct and intimidation. You abused the trust inherent in domestic relationships. Each of the identified incidents involved the infliction of cowardly attacks on a vulnerable female unable to defend

herself, in what should have been the safety of her own home. One of the assaults involved strangulation of the complainant, a particularly dangerous form of attack, and also indicative of the exercise of power and control. The rape was committed in demeaning and humiliating circumstances and you used force to overcome her resistance. The impact of your conduct on the complainant is described in her victim impact statement. She describes the type of terrible psychological harm which is to be expected from crimes of this nature. She is traumatised and believes you have ruined her life. She no longer feels safe in her home. She requires medication to sleep. She feels anxious and afraid. She lost a great deal of weight, so much so that she required hospitalisation.

For all of those reasons, a sentence is required to punish you, to mark society's condemnation of family violence, to vindicate the victim and to make clear the consequences of such acts in the hope of deterring you and others from such conduct in the future. Your long record of violence against women makes protection of the public a factor of greater than usual importance. But for your plea of guilty I would have, allowing for totality, imposed a term of imprisonment of seven years. To allow for your plea of guilty I will reduce the sentence. I will allow for parole but only after the minimum period that justice requires you to serve.

SJG, you are convicted. I activate the two month suspended sentence imposed on 18 March 2019 and order that you serve it commencing 4 May 2020. I order that you not be eligible for parole until you have served half of that sentence. In accordance with the *Family Violence Act* 2004, s 13A, I direct that the crime be recorded on your criminal record as a family violence offence. I am not satisfied that you do not pose a risk of committing a reportable offence within the meaning of that term in the *Community Protection (Offender Reporting) Act* 2005 in the future. I make an order directing that the Registrar cause your name to be placed on the Register and that you comply with the reporting obligations under the Act for a period of eight years from your release. I think it is appropriate that I exercise my power to make a family violence order. I make a family violence order in terms of the interim family violence order made by a magistrate on 5 May 2020 except that the order I make is to remain in force indefinitely, and until revoked or varied by a court of competent jurisdiction. You are sentenced to imprisonment for five and a half years cumulative to the suspended sentence. I order that you not be eligible for parole until you have served three years of that term. I specify that the result of those sentencing orders is a total term of five years and eight months from 4 May 2020 and that you are not eligible for parole until having served three years and one month of the total term.