

Mr Woolley, you have pleaded guilty to one count of assault. You have also pleaded guilty to five counts of the summary offence of common assault.

These are family violence offences committed against your partner. They were committed by you on 16 July 2021. At that time, you and your partner had been in a significant relationship for approximately four years, but had only just started living together. You have been doing so for approximately two weeks.

You committed the assaults in your home during a protracted course of alcohol fuelled violence. You and your partner had attended a social engagement, during which you became heavily intoxicated. Your partner had insisted on going home and you were angry because you wanted to keep drinking. In your drunken anger, you assaulted her in a brutal, demeaning and dangerous way. The indictable assault was committed by you placing your hands around her neck and choking her for 7 to 10 seconds. She had difficulty breathing while you were doing so. Other assaults included applying pressure on her throat with your hand on another occasion, biting her lip, dragging her by the hair down a hallway and then pushing her back so that she fell over a box, and when she tried to leave the house, following and grabbing her and dragging her back into the house. You also squeezed a bottle of liquid over her. Eventually, she was forced to seek refuge in a neighbour's house, and she called the police.

Your partner has declined to make a victim impact statement, and I have not been given any other information with respect to injuries or impacts suffered by her as a result of your attack. However, I have no doubt that this violence would have caused her physical pain and emotional and psychological distress. Family violence of any description is not acceptable, and constitutes a breach of the trust inherent in the relationship. In this case, all of the violence was serious, but the choking was of particular concern. This court has made the point on numerous occasions that placing pressure on a person's neck can easily result in serious injury or even death, notwithstanding that that may not be the intended outcome. It is not possible to judge the amount of pressure which might cause such consequences, and in your case, your rage and intoxication meant that you had no capacity to judge or moderate the extent of your attack. General deterrence and denunciation of your conduct are important sentencing considerations.

Family violence of this seriousness would normally result in a sentence of immediate imprisonment. However, in this case, there are some other factors to be taken into account. Firstly, your age. You were 20 years of age when you committed these offences and you are now 22. You do not have a history of violent offending. Your only prior offences consisted of cautions as a youth for some relatively minor matters. There is no suggestion that you have committed any violent offences since. It seems that this was in fact an isolated example of violence. You were exposed to family violence as a child and at the time you committed these offences you had a significant problem with alcohol and some illicit drugs. You had a number of stresses in your life, and you were not coping with them well. You had also just been diagnosed with bipolar disorder and it is questionable as to whether this was properly medicated and treated at the time, although I do not have any specific evidence about this.

Since the commission of this criminal conduct, you have worked hard to get on top of these underlying problems. You and your partner have remained together and it is put to me that you have a strong relationship and have just had your first child together. You have a child from a prior relationship and you have regular contact and a good relationship with this child. You

have maintained regular employment, have sought and undertaken counselling for your drug and alcohol problems, and have been prescribed medication in respect of the bipolar disorder. According to the pre-sentence report, you responded to this offending by giving up alcohol and drugs, and have abstained from using these substances since then. I accept that you are remorseful and have relatively good insight into the circumstances which led to the commission of this offending. Your plea of guilty provides some evidence of your remorse.

Accordingly, although the criminal conduct itself was very serious, your age and personal circumstances warrant an individualised approach to sentence and an emphasis on rehabilitation. The pre-sentence report recommends a period of supervision, which may include a specific program relating to family violence. In my view, the need for general deterrence and denunciation can be satisfied in this case by the imposition of a wholly suspended term of imprisonment. Such a sentence will give you the opportunity to avoid actually serving time in prison, will operate as a deterrent from further offending and also provide the opportunity for the recommended supervision. Such a sentence is intended to encourage and support your rehabilitation, but you must comply with its terms. If you do not, then you could well be required to serve the sentence in prison.

The orders I make are as follows:

- a You are convicted of the crime and the offences to which you have pleaded guilty;
- b You are sentenced to a global term of 15 months imprisonment, the whole of which will be suspended for a period of 18 months on the following conditions:
 - i that you are not to commit another offence punishable by imprisonment during that period.
 - ii that you will be subject to the supervision of a probation officer. You must comply with this condition for a period of 18 months. That period will commence from today. The court notes that the conditions referred to in s 24 (5B) of the *Sentencing Act* apply to this condition. These include that you must report to a probation officer within 3 clear days of the day that you lawfully cease to be imprisoned under the sentence. In addition to the core conditions the order shall also include the following special conditions:
 - (a) *you must, during the operational period of the order,*
 - i. *attend educational and other programs as directed by the court or a probation officer;*
 - ii. *submit to the supervision of a probation officer as required by the probation officer;*
 - iii. *undergo assessment and treatment for drug dependency as directed by a probation officer;*
 - iv. *submit to testing for drug use as directed by a probation officer;*
 - v. *undergo assessment and treatment for alcohol dependency as directed by a probation officer;*

- vi. *submit to testing for alcohol use as directed by a probation officer;*
 - vii. *submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer;*
 - viii. *attend, participate in and complete the EQUIPS domestic abuse program as directed by a probation officer*
- c Pursuant to s 13A of the *Family Violence Act*, I direct that each crime and offence be recorded on your criminal record as a family violence offence.