

Madison Ansell, you have pleaded guilty to three counts of Criminal Code assault, one count of wounding and some related summary matters, being three counts of breach of Police Family Violence order, one count of motor vehicle stealing and one count of drive whilst disqualified. The offences occurred over a two day period in September 2022. The complainant is SF, with whom you have been in a relationship for approximately five years. Together, you have one son. The complainant also has a son to a previous relationship. In respect to that child, you play a parental role.

On 21 July 2022, you were served with a Police Family Violence Order, a condition of which was that you must not directly or indirectly threaten, abuse or assault the complainant. The Police Family Violence Order was operative for a period of 12 months. The first assault occurred on either 6 or 7 September 2022 at the complainant's home. You were present there but had been asked to leave by the complainant. You spat on the complainant and said to her, "If you say that again". The complainant replied by saying words like, "What would you do?". You responded by grabbing hold of the complainant around her throat, and held on for two to three seconds, before letting go. These behaviours amount to the first count of Criminal Code assault and also a breach of the Police Family Violence Order.

The second assault occurred after you and the complainant had been spending some time together at her home, speaking about the state of your relationship. The conversations had gone on at length and had occurred at various points throughout the night and into the following morning. On several occasions you had accused the complainant of being unfaithful in the relationship. At around 1.30 in the afternoon on 8 September you asked the complainant to take you to Wynyard. She did so but explained to you that she was on a time limit as she needed to be back in time to collect her elder child from school. Your younger son was travelling with you in the car.

On the drive to Wynyard, you again began to accuse the complainant of being unfaithful. Upon arrival in Wynyard you attended at a car wreckers to collect a part. Because there was going to be a delay in it being available, the complainant said she would need to return to Burnie to collect her child from school. You and the complainant began to travel back to Burnie before you demanded that she return you to Wynyard. The complainant did this and drove you back to Wynyard. Upon arrival in Wynyard she asked you to get out of the motor vehicle. You refused to do so. You then leaned over the complainant whilst she was seated in the driver's seat with the vehicle running but with her foot on the brake so the vehicle was stationary, and put your hands around her throat and squeezed. The complainant was unable to breathe. She believed she may have passed out for a brief period of time. When she "came too", she noticed her sunglasses had fallen off and she experienced an "echoing" sensation. This behaviour amounts to the second count of Criminal Code assault and also a breach of the Police Family Violence Order.

You screamed at the complainant to drive. You then began to elbow her in the head. The complainant told you she was feeling sick. You responded by elbowing her again, this time in her left side to both her arm and to her cheek. All of this was occurring whilst the complainant was endeavouring to drive the motor vehicle and you were yelling at her to do so. As the complainant continued with the journey, you kept hitting her. Eventually, she stopped the motor vehicle and tried to exit the car. You yelled at her to get back into the vehicle, grabbed

hold of her and pulled her back towards you and then struck her with a torch. The accumulation of this behaviour is the third count of Criminal Code assault and also a breach of the Police Family Violence Order. The complainant again tried to exit the vehicle. As she did so, you bit her to her back. This caused a wound. Eventually, the complainant managed to escape the vehicle. You drove off in the vehicle, with the child still in the car. At the time, you were disqualified from driving. This behaviour amounts to the offences of motor vehicle stealing and drive whilst disqualified.

The complainant attended the Wynyard Police Station. Paramedics were called and she was advised to attend hospital. When medically examined, she was found to have red marks in a horizontal distribution along her neck, a laceration on her right forehead extending along the side of her face, swelling behind her left ear, a red area on her back and an ulcerated lesion to the back, being a bite wound. The laceration to her head was sutured and the bite wound was treated conservatively with dressings.

You were later located with the child. You were arrested and you have been in custody since that date.

No victim impact statement is provided from the complainant, but I have no doubt the incident was a distressing and frightening one for her. Your behaviour in driving off in the motor vehicle with the young child inside must have increased her level of fear and anxiety, particularly given the violence you had displayed towards her immediately prior to your departure.

You are now 35 years of age. You have a lengthy recorded history of offending. You have 17 prior convictions for breaching various forms of Family Violence Orders in respect to the same complainant. You also have prior convictions for assaulting the complainant. From an early age, there have been convictions for driving offences, dishonesty offences, bail offences, and drug offences. In 2014, you were sentenced by this Court, for the crimes of aggravated burglary and aggravated armed robbery. You received a sentence of four years and nine months' imprisonment. You were released on parole but subsequently had it revoked. In 2020, you were sentenced for a number of offences of breaching Police Family Violence Order and matters of assault in respect to this same complainant. You received a sentence of two months' imprisonment. Later that same year, you were sentenced for a variety of offences, including driving offences and breaches of Family Violence Order, to a Drug Treatment Order. You were not able to successfully complete that programme and were re-sentenced to a period of imprisonment. More recently, in August 2021, you received a further period of imprisonment for driving offences and breaches of a Family Violence Order.

I accept that you have had a difficult upbringing. Your father was murdered when you were eight years of age. Prior to his death, he had been a violent man and you had witnessed much family violence within the home. From a young age, you would try to assist your mother when your father was violent towards her, but that often resulted in your father turning his violence towards you. When your father was murdered, you struggled to come to terms with your emotions. You had lost his father whom you loved, but there was also some sense of relief given the violence that he had brought to the family home. You struggled to come to terms with your conflicting emotions and developed a number of behavioural issues. It led to you spending time in Ashley Detention Centre. Whilst there, you were both physically and sexually abused. You have recently received compensation from the redress scheme in respect to the treatment you endured at Ashley Detention Centre.

Your upbringing also saw you resort to drug use from an early age, and you have grappled with a drug addiction for most of your adult life. Your drug addiction has been the cause of regular arguments in your relationship with the complainant. I am told you acknowledge that your drug use made you paranoid and would lead to you accusing the complainant, unjustifiably, of behaving in certain ways.

You have tried to address your drug addiction on several occasions, and there have been periods where you have been able to abstain from substance use but to date there has not been any success in terms of maintaining abstinence in the longer term. I am told that you are hopeful that with the money you have received from the redress scheme, you will, upon your release, be able to afford to relocate and make a fresh start and secure the assistance you need to finally address your drug addiction.

There is no question that your behaviour towards the complainant was simply appalling. The injury she sustained required medical attention. I have seen photographs of the bite that you inflicted upon her and, quite frankly, it is nasty and I have no doubt it was painful. The act of choking the complainant when she was in charge of a motor vehicle was a particularly dangerous thing to do. It seems she lost consciousness for a moment. In those circumstances, the motor vehicle could easily have rolled, causing further harm. All unlawful violence is unacceptable, but violence within relationships, and family violence, is a particular matter of community concern. It is often difficult to detect, frequently involves vulnerable victims and is an insidious problem within our community. It involves a breach of trust. When it occurs in front of young children, as it did here, it is particularly concerning. It is now well understood that exposing young children to violence can adversely impact upon them in a myriad of ways. The child's presence during the assault on 8 September is an aggravating factor at law. Courts need to strongly condemn family violence and take steps to deter others from engaging in it.

I take into account your plea of guilty. I accept that it has saved the complainant the ordeal of giving evidence in what would have been difficult emotional circumstances for her. She continues to support you and wants to see you obtain assistance for your difficulties. Beyond the guilty plea, however, there is nothing which really mitigates your behaviour. On any view, it was appalling and inexcusable. I take into account your history of breaching Family Violence Orders and your history of having previously assaulted this complainant. You have shown a complete disregard for orders directed at protecting her and have also shown a disregard for her safety and well-being, both physically and emotionally. Your history of offending generally also indicates an attitude of disregard for the law.

Taking into account all matters, the only appropriate sentence is a substantial period of imprisonment.

Mr Ansell, you are convicted of all matters to which you have pleaded guilty. I impose one sentence. You are sentenced to two years and three months' imprisonment, commencing 8 September 2022. I order that you not be eligible for parole until you have served 15 months of that sentence. Pursuant to s 13A of the *Family Violence Act*, I order that all matters, save for the motor vehicle stealing and drive whilst disqualified offences, be recorded as Family Violence offences on your criminal history.