

STATE OF TASMANIA v CAMERON JUSTIN TEGG
COMMENTS ON PASSING SENTENCE

27 JUNE 2024
MARTIN AJ

Mr Tegg, you were charged with two counts of assault and two counts of strangulation. The charges arose out of events that occurred in the early hours of 25 May 2023, in a bedroom of premises in which you were living. You pleaded not guilty to all the charges and a jury acquitted you of the first count of assault and of two counts of strangulation. The jury convicted you of the second count of assault. It is readily apparent from the competing versions of events between you and the complainant, and from a question asked by the jury shortly before returning their verdicts, that the jury did not accept the evidence of the female complainant beyond reasonable doubt. The jury was of the view that the version you gave during a police interview was a reasonable possibility and that, on your version, at the end of the incident you used excessive self defence when you punched the complainant in the face. I must sentence you on the basis of facts that I find proved beyond reasonable doubt which are consistent with the verdict of the jury.

The facts can be stated quite briefly. You and the complainant had been in a relationship since 2020. There is one child of the relationship, born in August 2021. By May 2023, your relationship was marked by constant verbal and physical confrontations, during which you were both violent to each other. Both of you were heavy consumers of alcohol. As one counsel put it to the jury, the relationship was toxic.

On the evening in question, both of you ended up drinking socially with friends in the house in which you were residing. In the early hours you went to bed and some time later the complainant joined you. The jury rejected the complainant's version that you physically attacked her without warning by jumping on her back, strangling and punching her. It is apparent that the jury found your version was a reasonable possibility, namely, that the complainant verbally and physically attacked you and you restrained her on the bed with reasonable force.

On two occasions, you let the complainant up and she tried to attack you. On the third occasion, the complainant took another swing at you, which missed. Fed up, you punched the complainant to the right side of her face, causing bruising in the form of a black eye. In your words "You cracked her". You told police the complainant was not in a fit state to be fighting you.

Although there was an occasion for you to use force to restrain the complainant and defend yourself, the jury found your punch was not reasonable. I am also of the view that your punch was not reasonable. I will sentence you on the basis of one punch causing a black eye, struck in excessive self defence. You are convicted of that offence of assault and I record it as a family violence offence.

I have a Victim Impact Statement in which the complainant speaks of being in a lot of pain and embarrassed about the black eye. She also felt ashamed. There is no suggestion that the black eye did not resolve in the normal course of events, and without complications. The remainder of the Victim Impact Statement deals with problems that arose out of the relationship, in particular, the effect on the children. There is no reason for me to doubt the accuracy of what the victim says about the problems occurring as a consequence of the relationship, but I am not hear to make any judgment, and nor were the jury, about the relationship and fault, or otherwise,

within the relationship. It is not my task to sentence you for anything arising out of the relationship other than the single punch, causing the black eye.

You are now aged 35. You share custody of the child with the complainant, seven days on and seven days off. You have supportive parents who assist you in that regard. Briefly, by way of your background, you completed Year 10 and you have had a good work history since the age of 16. You are currently unemployed having lost the opportunity to obtain government employment because of the charge and your involvement in this trial. For 25 years you have been a bowls player and volunteered at the bowls club for up to ten hours a week. You are keen to be a good father and your counsel tells me that you are remorseful.

I am not sure about the claim of remorse Mr Tegg. Given the background of the relationship, and the violence between you, there could be many reasons why you are feeling remorseful for the situation in which you and the complainant found yourselves. I am far from persuaded, even on the balance of probabilities, that you are actually sorry for the punch. I observed you during the trial, closely, and I gained a clear impression that to some extent you were treating the complainant as a bit of a joke. It is an impression that the Crown rightly pointed out that came through in your record of interview.

I cannot make any positive finding in regard to the question of remorse, nor can I make any positive finding about, generally speaking, your attitude for these types of relationships. Your only prior conflict with the law has occurred in the context of family violence offending. In 2021 you destroyed a door, the record suggests a front door, and I assume it was premises occupied by the female complainant because that offence was recorded as a family violence offence. On 18 February 2022, you breached a Family Violence Order relating to the same female complainant by going within 100 metres of prohibited premises. So, against the background of your previous family violence, here you are again in a problematic relationship, engaging, to some extent, in family violence. That raises the question as to whether you have the wrong attitude or an anger management problem, or whether it is related to alcohol, which causes such attitudes to come to the fore.

I cannot make any finding in that regard but it does suggest that you have some issues which need to be addressed, and you, Mr Tegg, and other men, must understand and accept that all forms of physical and verbal abuse by men against women in the context of domestic relationships is unacceptable. It is far too common. Men, like you, need to understand that such abuse is condemned by the community and it will be met with punishment, usually in the form of imprisonment to be served. However, your case is not typical. It is unusual. Without good cause, the complainant attacked you and kept attacking you, notwithstanding your reasonable efforts to restrain her. Finally, you went too far and punched her once. In these circumstances, bearing in mind the absence of prior offending by way of violence directly to any person, I have decided that a short sentence of imprisonment is appropriate, but I will fully suspend that sentence. I will require you to be under the supervision of a probation officer and to take some action in the future. I emphasise that this is an unusual case. You should bear in mind, Mr Tegg, that if you step out of line in this way again involving family violence, really any form of violence but particularly family violence, you cannot expect to receive any mercy at the hands of a sentencing court. Certainly, you will not receive any if you come before me again.

I impose a sentence of eight weeks' imprisonment that is suspended immediately. There is an operational period of two years and during that period of two years you are not to commit any

offence punishable by imprisonment. It is also a condition of the suspension of the sentence that you comply with the Family Violence Order. If you breach the Family Violence Order, you will be in breach of this suspended sentence and you will be at risk of being brought back and sentenced to the eight weeks' imprisonment. It is also a condition of the suspension that for the operable period of two years, you be under the supervision of a probation officer and you obey the reasonable directions of the probation officer as to your residence, place of employment, your associates and obtaining treatment by way of counselling, medical or other treatment for issues such as consumption of alcohol or other drugs, anger management and domestic relationships.

What that means, Mr Tegg, is that for the next two years you have to obey all reasonable directions of a probation officer. If you do not obey those directions, you will be in breach of the suspended sentence and you will be liable to serve that period of eight week's imprisonment. You should understand that the sentence is much shorter than would normally be imposed because you were acting in self defence until the last moment when you gave in to your anger and punched the complainant.

That condition, by the way, applies to the current family violence order, or any other family violence order that is put in place. And you are convicted of the assault.