

Ms Bennett has pleaded guilty to one count of assault contrary to s 184 of the *Criminal Code*. The particulars of the offence are that on 5 February 2023 at Bridgewater in Tasmania she unlawfully assaulted the complainant by punching her to the face and kicking to her to the back. The complainant resided at an address in Bridgewater at the time of the offence. Ms Bennett's friend, Mr Mansfield lived nearby. On Sunday, 5 February 2023, at about 7pm, the complainant and a male neighbour were outside her residence playing with her dog for a short time. At this time Mr Mansfield's dog ran towards the complainant's dog and commenced to attack her dog. The complainant's neighbour picked up the complainant's dog and took the dog into her residence. When Mr Mansfield approached his dog and the complainant outside the complainant's residence, the complainant said to him "why can't you keep your dog on a leash like the rest of us", in response Mr Mansfield said words to the following effect "don't tell me what to do you old mole I will get my girlfriend to come punch your head in before I do". Mr Mansfield then called out to Ms Bennett who was nearby in the yard of his residence. He said to her words to the following effect "punch this old moles head in before I do". Ms Bennett then approached the complainant throwing punches in the air as she walked towards her. She spat at the complainant's feet then punched her to both sides of the face on several occasions. The complainant then fell to the ground, while on the ground she was kicked to the back by Ms Bennett.

The complainant was winded and unable to stand. The complainant's neighbour then assisted her to return to the complainant's house. A week later, on Sunday, 12 February, the complainant experienced significant pain on her right side rib area as well as breathing difficulties. A neighbour arranged for an ambulance to transport her to hospital. At the Royal Hobart Hospital the complainant's injuries were assessed as at least two broken ribs on her right side, swollen red and tender areas over her lower chest and upper abdomen on both sides, chest wall hematoma and fluid around her right lung. The complaint remained in hospital until discharged on 20 February 2023. During that time her right lung was drained for two days. She was unable to walk unaided. She required intravenous pain relief and antibiotics. The complainant then reported the assault to police on 23 February 2023 and signed a statutory declaration.

Police interviewed Ms Bennett. She admitted to being at Mr Mansfield's house on 5 February 2023 but denied knowing the complaint, seeing her on 5 February 2023 or assaulting her. Despite saying she did not know the complainant, she told police that she heard the complainant had fallen down some stairs. Ms Bennett then admitted knowing the complainant. She described her and her dog to the police. She admitted to briefly meeting her on a few occasions when the complainant's dog had been aggressive towards Ms Bennett.

The complainant was subsequently readmitted to hospital on 23 February 2023 and discharged on 7 March 2023 due to worsening chest pains. She was diagnosed with a hematoma which was managed with intravenous antibiotics and she has been assisted by therapy and she is expected to make a full recovery.

Ms Bennett is a relatively young offender. She is now 23 years of age. She has no relevant prior convictions. She has been the subject of domestic abuse of the hands of a former partner. The current offending occurred at a time of great personal upheaval. She has been engaged in the Salvation Army Bridge Program since her release from prison in respect of this matter of 5 August 2024.

Ms Bennett has spent 63 days in prison as a consequence of the current offending. Given her guilty plea and lack of prior relevant offending, the Court considers that Ms Bennett should be sentenced to time served, that is 63 days in prison in respect of this offence and the Court so orders.