

The accused, Mr Gray, has pleaded guilty to one count of assault contrary to s 184 of the *Criminal Code*. The victim of the crime was his then partner, who I will call "T". The couple had been in a relationship for about two years albeit that they kept separate residences. Mr Gray spent time at T's residence and often stayed over at her house. They had no children together, they were each in their early 40's. T has five children from previous relationships, including an adult son who lives with her.

Tension arose between Mr Gray and T on Sunday, 21 April 2024 after T had discovered that Mr Gray had been detected by Tasmania Police with drugs in his system, whilst driving. T was generally concerned about Mr Gray's drug use. She asked Mr Gray to leave her house but he refused. Ultimately, both of them went to bed and fell asleep beside each other. Shortly afterwards, Mr Gray woke up in bed. T was next to him. He punched T several times in the face. After that T fell to the side of the bed. Mr Gray then pushed her into the hallway and into a clothes rack.

T's adult son heard the disturbance. He confronted Mr Gray, who then left the house on foot. Tasmania Police were contacted and arrived a short time later.

Photographs of injuries sustained by T in the assault upon her by Mr Gray were in evidence. T sustained a small puncture laceration to her right cheek and a 2.5 centimetre laceration to her right eyebrow, as well as facial bruising. She was provided with wound care and pain relief by her general practitioner the following day. The lacerations healed without complication. There has been no ongoing physical pain arising from the assault.

Mr Gray co-operated with the police when arrested. He said he believed he was being dragged off the bed and reacted. He was affected by alcohol at the time. He admitted assaulting T and accepted responsibility for her injuries.

Mr Gray, the next day, consented to the making of a family violence order. The order provides that Mr Gray, amongst other things, is not permitted to be within 100 metres of or contact T directly or indirectly. The order is operative until 23 October 2025. The State did not seek an extension of it.

Mr Gray has prior convictions for assaulting a previous partner as well as breaching a family violence order designed to protect that person. He has had previous short stints in prison, the longest being three months, in respect of those matters relevant to the previous partner. He has been in custody in respect of the current matter since 22 April 2024.

Mr Gray has a strong industrial record. He lost his job as a result of this offending. He is remorseful, as indicated by his guilty plea, and his consent to the making of a family violence order.

The offending involved in this matter is particularly serious. Paramount considerations for sentencing in this matter are general deterrence, just punishment, denunciation of the offending conduct, as well as the protection of T.

Family or domestic violence offending involves a gross breach of trust and is, in almost every case, committed against vulnerable victims. It is all too prevalent in today's society and often has deadly consequences. It is fortunate in this matter that the assault did not occur in the presence of young children. However, it could have been worse but for the intervention of T's adult son.

T failed to provide a victim impact statement but a perusal of the photographs of her injuries leads inescapably to the conclusion that the assault would have caused her physical pain and suffering. While the physical pain was not permanent, the mental scars will be. The ordeal would have been a most disturbing event for T.

The seriousness of the offending warrants a significant period of imprisonment. The appropriate period of imprisonment in the circumstances is 12 months. Given Mr Gray's co-operation with police, his remorse and consent to a non-contact family violence order, it is appropriate to make the term of imprisonment backdated to the date Mr Gray was taken into custody and suspend the balance of the sentence.

The Court makes the following orders. Mr Gray is convicted of the crime of assault. He is sentenced to 12 months' imprisonment, backdated to 22 April 2024 to take into account the time already spent in custody. The balance of the imprisonment will be suspended for a period of two years from today, on the condition that Mr Gray commits no offence punishable by imprisonment in that time. Pursuant to s 13A of the *Family Violence Act*, this crime is recorded as a family violence offence.