

The defendant, Bradley John Kaye aged 27 years old at the time of the offending, has pleaded guilty to one count of assaulting the complainant by grabbing her around the throat and applying pressure, pushing her against a wall and grabbing her arms and body. The complainant is Nadine Jane Fisher aged 27 years old at the time. The parties were in a relationship for approximately 14 years. There are two children to the relationship. It came to an end on 7 June 2023.

On 19 August 2021, both parties were together at their residence. Their children were also present at the address. At approximately 5:00pm that day, the complainant confronted the defendant about some missing money. The pair started to argue in the lounge room of the residence. Their two year old child was present. The defendant began to yell, with the complainant walking off towards their bedroom. The defendant followed the complainant towards their bedroom. As the pair entered the bedroom, the complainant turned around to say something to the defendant. The defendant put a hand around her throat and squeezed.

The complainant could not breathe. During squeezing the complainant's throat, the defendant pushed her up against a nearby wall. The complainant estimates that her throat was squeezed for approximately one minute. The complainant estimated that he used eight out of ten force.

The complainant attempted to break the defendant's hold on her by kicking him. Their daughter entered the room and was knocked over by the pair struggling. They continued to struggle, with the defendant ripping the complainant's clothing. At some stage during the struggle the defendant removed one hand and attempted to throw or move the complainant around the room. During this, the defendant grabbed onto her arms and her left eye was bruised.

Their son saw the incident and ran away from the residence, down the road to the defendant's mother. She lived about four houses away from the residence. She attended the residence and separated the defendant from the complainant.

I have seen photographs the complainant took on the night of her injuries. They are disturbing.

The parties reconciled and continued their relationship until it came to an end in June 2023.

On 11 September 2023, the complainant attended the Bridgewater Police station to speak to police about a related matter. Whilst speaking with the police she disclosed the 2021 matter.

Section 13A of the *Family Violence Act* is applicable in this case and I record the crime as a family violence offence.

The defendant has relevant prior convictions.

I am satisfied that it is appropriate to make a Serial Family Violence Offender Declaration in respect of the defendant and I do so for a period of five years from 4 December 2024.

I make a Family Violence Order in the terms of the interim of 16 August 2024.

I have heard a victim impact statement. The complainant feared for her life. She was barely able to breathe and her toddler daughter was crying and watching. She states that she will

always remember this and blame herself because she feels that she was not strong enough to leave at an earlier time.

Violence, in particular violence against women, cannot be tolerated. This type of assault can easily cause death. This year it is reported that over 40 women died at the hands of their intimate partners in the first half of the year. That is one death every five days. The Australian community is calling for this to end and it must. The courts have a vital role to play in giving prominence to general deterrence and denunciation as sentencing considerations.

There are no significant mitigating factors in the present case. Indeed, the crime was committed in front of the defendant's children, and that is a significant aggravating factor. Moreover, this assault cannot be regarded as out of character or an isolated incident. I do take into account the defendant's plea of guilty.

The defendant is sentenced to 15 months' imprisonment and is not to be eligible for parole until he has served half of that sentence.