

Mr Lane, you have pleaded guilty to one count of wounding, one count of assault and one count of perverting justice.

The crimes of violence were committed during the course of a serious family violence incident, which occurred on 23 June 2024, at the family home. You and your partner had been in a relationship for about two years. You each had children from prior relationships, and those children lived with you.

The violence occurred at about 2 am, after you and the complainant had been drinking and playing cards with friends. For no apparent reason apart from intoxication, you became angry when the complainant said that she wanted to go to bed. The wounding occurred when you took up a hatchet axe, pushed the complainant to the ground, and while she was lying on her back, placed the axe against her throat. You pushed the blade into her throat, causing a small laceration. Fortunately, she was able to get away from you, take the axe from your possession and dispose of it. Shortly after this, you went into the bedroom of the complainant's sleeping 10-year-old son, woke him and began to lecture him, I assume in a drunken and nonsensical way. The complainant and your 25-year-old niece, who was also staying at the house, attempted to get you out of the room and away from the child. During this, you pushed the complainant aside and then punched her to the left side of her face. It is obvious that you punched her with considerable force because she suffered a noticeable black eye. You then approached the complainant while you were holding a hunting knife. However, you threw the knife away before doing anything with it. You have not been charged with a separate offence in relation to the knife.

Police arrested you at the house soon after. You were denied bail and have been held in custody since then, a period of approximately 8 months.

The complainant attended the emergency department of the Launceston General Hospital later that morning. She underwent a clinical examination and a CT scan. She had suffered injuries as a result of your attack, which included the visible bruising and pain to her left eye, bruising of the neck and a 2 cm laceration on the front of her neck caused by the axe. This was closed with two sutures and a dressing was applied. The complainant was at the hospital for most of the day.

The pervert justice crime relates to an attempt by you to have two witnesses, including your niece, withdraw their statutory declarations with respect to the events which occurred during the family violence incident. You telephoned your sister from prison and asked her to speak to them with a view to having them withdraw the statements. This occurred about one month after you had been remanded in custody. There is no suggestion that anything actually happened as a result of this request.

You are 29 years of age. You have one daughter from a prior relationship who was living with you at the time of the family violence incident. However, as a result, she now lives with her mother on the north-west coast. Apart from a drink driving offence committed in May 2021, you had no prior convictions at the time that you committed these crimes, but since then you have been convicted of some family violence offences. One of these was a common assault committed against a different complainant in December 2023. The only information I have about this

offence is what is contained in the record of prior convictions, which suggests that it included causing an injury to her chin and lip with a knife. However, your counsel claims that it was not a serious incident and this seems to be consistent with the punishment imposed by the magistrate. There are also six breaches of an interim family violence order relating to that complainant, which I am told involved contact in breach of the order but no other form of physical violence. You were sentenced by a magistrate on 13 November 2024 to an 18 month community correction order, which will commence upon your release from prison. Apart from what I have described, there is nothing else in your criminal record.

You have a reasonable employment history, which includes working in the meat industry. A significant feature of your employment history is your service as a member of the Army Reserve between 2015 and 2022. During that time, you performed some full-time service, during which you were deployed overseas on at least two occasions. During these deployments, you were exposed to some traumatic incidents. One of these involved attending the scene of a traffic accident during a posting to Asia, where a child died in your arms. You have also suffered trauma in your personal life. In particular, in October 2023, your mother passed away after suffering from cancer for a brief period. A psychologist has diagnosed you with post-traumatic stress disorder, and considers that this condition was affecting you at the time that you committed the family violence. In fact, the psychologist is of the view that the condition affected your capacity to control anger and is also linked to your excessive consumption of alcohol. You were clearly intoxicated at the time of these events and although that intoxication does not mitigate or excuse your behaviour, it does provide some context and explanation for conduct which might otherwise be considered largely out of character.

I am of the opinion that your general psychological difficulties do not directly mitigate your moral culpability for committing these serious crimes. You effectively lost your temper and acted in this appalling way because you were under the influence of alcohol. However, I accept that your psychological condition at the time is relevant to an assessment of your prospects of rehabilitation. Again, it provides context, explains why you have acted in a way which is out of character, and provides some confidence that if you address these underlying concerns, you can reform your conduct. I am satisfied that you have good prospects of rehabilitation. I accept that you have experienced genuine remorse both with respect to your conduct and its consequences on your own life and the life of the complainant, her children and, of course, your own daughter. I note you made a number of comments to the psychologist about this which I think were genuine. I will accept your early pleas of guilty, which were entered in the Magistrates Court, as further evidence of remorse. I note also that you demonstrated some insight into your underlying problems by seeking psychological help in February 2024. I accept this was a positive response to your commission of the family violence incident in December 2023 and the ongoing grief you were experiencing over the death of your mother. I accept also that since you have been remanded in custody you have sought out programs that might assist you and I note in particular that you have participated in an Equips program addressing issues relevant to your conduct on this occasion.

Having said this, there is no question that the crimes committed by you involved serious conduct. Your use of a weapon in particular is concerning. Although the complainant has not provided a victim impact statement, it is not difficult to imagine the terror she must have experienced as she lay on her back, with you over her in your drunken angry state forcibly pushing an axe blade into her throat. Although you claim that the blade was blunt, and the axe itself was of a ceremonial nature, you pushed it hard enough to cause a small wound. What is really frightening about this

is that in your drunken state, your ability to regulate with precision the force you were using must have been seriously compromised and accordingly there was a greater risk of serious, albeit unintended injury to the complainant. It is also a significant aggravating factor that you punched the complainant in the face in the presence of her 10-year-old son. The law provides for the perpetration of family violence in the presence of a child to be an aggravating factor for good reason. There is ample evidence that children who are exposed to such violence can suffer serious psychological and emotional harm that can last for many years if not for the whole of life. This was a terrible thing to do and you are rightly ashamed of your conduct.

I also think that the pervert justice crime is a serious matter. I accept that it was not accompanied by threats and after making the request, you did not take the matter any further. However, attempting to interfere with the prosecution of serious crimes such as this is a matter which undermines the proper operation of the criminal justice system. Inevitably, a sentence of general deterrence will be required for such conduct

There is no doubt that the serious nature of your conduct requires imposition of a sentence of imprisonment. However, I think you have now spent enough time in prison. As I have discussed, I have some confidence that you will utilise the community correction order made by the magistrate in a positive way. My intention is to impose a sentence which I think reflects the gravity of your conduct but I will suspend the balance of the sentence on condition that you comply with the community correction order and not commit any further offences. The purpose of this suspension is to put into practice the promise you show in respect of rehabilitation, with the assistance provided by the community corrections order.

Accordingly, the orders I make are as follows:

- a. You are convicted of the crimes to which you have pleaded guilty;
- b. You are sentenced to a global term of 18 months imprisonment, which will be backdated to the 23 June 2024. The balance of the sentence from now will be suspended for a period of 18 months on the following conditions:
 - a. that you are not to commit another offence punishable by imprisonment during that period.
 - b. that you will comply with the terms of the community corrections order imposed by the Magistrates Court on 13 November 2024.
- c. Pursuant to s 13A of the *Family Violence Act*, I direct that counts 1 and 2 be recorded on your criminal record as a family violence offence.
- d. I am required to give consideration to making a declaration that you are a serial family violence perpetrator. It is accepted that the precondition set out in s 29A(2)(b)(ii) is applicable, because you have now been convicted of at least three family violence offences, at least three of which have been committed on different days. I refer in particular to these crimes, the assault in December 2023 and each of the breaches of the interim family violence order. The legislation provides that I am to make the declaration if I am of the opinion that the declaration is warranted. In making that determination, I am to have regard to the nature and circumstances of the family

violence offences, the risk that you may commit further family violence offences and your antecedents and character. On this occasion, I am not of the opinion that a declaration is warranted. While all of the family violence is serious, it has occurred during a period when you were significantly affected by the psychological condition referred to above, and soon after your mother's death. When I consider the context of your lack of prior convictions, including with respect to family violence, your remorse and insight and the fact that you will now be subject to an 18 month community corrections order, I simply do not think that this declaration is warranted. Accordingly, I decline to make same.