

Ms Williams, you have pleaded guilty to one count of assault.

The crime was committed on 2 March 2023. It was perpetrated against your partner. You and she had been in a relationship for approximately four years and were at her apartment. During the course of an argument, you threw a stainless steel drink bottle full of water in her direction. The bottle hit her on the face, causing a cut under her eye and displacement of her nasal bone. You did not intend to hit her, but you accept that you were subjectively reckless when you threw the bottle at her.

The physical injuries were relatively serious. Surgery was required to fix the injury to the complainant's nose. It seems that the complainant decided that she could not continue with her employment given that the assault had occurred in the apartment which was provided by her employer. The financial consequences of losing her employment were and still are significant. She also continues to suffer ongoing psychological consequences as a result of the assault. She has been diagnosed by a psychiatrist with post-traumatic stress disorder and continues to receive treatment for that condition.

You are now 31 years of age. You have no prior convictions whatsoever. You have the full-time care of your 10-year-old daughter and you also have a son who lives with his father. You are not currently in employment and have been diagnosed with a functional neurological disorder which causes seizures and is believed to be induced by stress.

Although you did not intend to hit the complainant with the bottle nor cause her injury, what you did was very dangerous. It was a petulant and dangerous display of anger. It seems also that you were intoxicated at the time and I regard that as an aggravating factor because of the lack of control caused by the effect of the alcohol. Other aggravating factors are that your daughter was present in the premises at the time, although she did not see the assault, and what you did constituted family violence. Importantly, the attack amounted to a breach of the trust inherent in the relationship between you and the complainant, and also arising from the fact that you were in her home at the time. You and your partner should have been able to argue without your resort to violence. On the other hand, by way of mitigation, I accept that you are remorseful, and further that you should receive credit for your early plea of guilty. The early plea is consistent with your stated remorse and also avoided the need for the complainant to give evidence at a trial.

Having regard to these factors, I am of the view that although I think imprisonment is an appropriate sentencing option it is not necessary to impose an immediate term of imprisonment. I intend to impose a wholly suspended sentence, although the suspension of the sentence will be made conditional upon the performance of community service in order to maintain the punitive effect of the order.

Accordingly, the orders I make are as follows:

- (a) You are convicted of the crime to which you have pleaded guilty;
- (b) You are sentenced to a term of 4 months' imprisonment, the whole of which will be suspended for a period of 24 months on the following conditions:

- i that you are not to commit another offence punishable by imprisonment during that period.
- ii that you will perform community service for a period of 84 hours. The court notes that the sections referred to in s 24(5A) of the *Sentencing Act* apply to this condition. For the purpose of those provisions:
 - a you must report to a probation officer at the office of Community Corrections in Launceston within 3 clear days of today and
 - b the operational period of the order is 24 months.