

STATE OF TASMANIA v KURT KERRY JACKSON
COMMENTS ON PASSING SENTENCE

25 November 2025
JAGO J

Kurt Kerry Jackson, you have pleaded guilty to one count of Criminal Code Assault. You committed the crime on 4 January 2025. The crime was committed against your former wife, whom I shall refer to as "K".

You and K had been married for about 20 years but had separated approximately 10 years earlier. There are three children to the relationship aged 17, 15 and 12. In the lead up to January 2025, you had recommenced living at the same property as K, but you were staying in a granny flat at the rear of the property. You and K had not resumed any form of intimate relationship.

By 4 January 2025, issues had developed between you and K in respect to you continuing to live at the property. She had asked you to move out. It seems you had done so but had left the main of your possessions at the property. On 4 January 2025, K and the three children, had been out and returned to the home. They were inflating an inflatable toy, intending on heading out again. You arrived at the address. K enquired why you were there. You told her that you were there to collect some property. K told you that whilst you were there, you could clean up some other items you had left at the front of the property. She also verbally abused you, calling you a "junkie". A verbal argument ensued. It became heated. You advanced towards K and picked up an inflation tank and pushed her with it, causing her to stumble backwards. Your 15-year-old son was in the immediate area when this occurred and observed it. Your younger son was also there, but he ran back inside the house.

K ran towards the car trying to move away from you. You followed her. You grabbed her by the throat with one hand and squeezed. You then threw her into the car and grabbed her around the body and proceeded to drag her in and out of the car. Whilst the complainant's arms and legs were outside of the car, you slammed the car door at least three times, banging into her legs and arms which were still protruding.

Whilst K was lying in the vehicle, you again grabbed her by the throat, pushed hard upon her jaw and pulled her hair. These acts continued for quite some time. Your 15-year-old son was watching all of this. Whilst you were assaulting her, you uttered several threats, telling her that you would kill her. The complainant was understandably terrified. Your son could hear K attempting to scream and talk to you. He described her as sounding "muffled and hurt". K called out to her son to call police. You said that if police were contacted, you would kill her.

Your son pleaded with you to stop. Initially, you did not do so. Your son was forced to intervene and grab you from behind and try to pull you away from his mother. The fact that your anger and violence was to the extent that you would not listen to your son and desist, and he was forced to intervene, places your moral culpability at the highest of levels.

After your son pulled you away, you drove off. The complainant waited for police. She vomited whilst she was waiting. When police arrived, they observed her to be highly distressed. Your son told police that you had been "choking" his mother. Police observed obvious injuries on K. She had swelling and bruising to her neck, bruising to the left side of her body and legs and swelling and bruising to her jaw. Photographs were taken of K the following day. Those photographs show injuries consistent with what police observed. K was left heavily bruised after your assault.

You were arrested at about 10pm that evening. You have been in custody since.

I presume the injuries to K healed in time; I am not told anything to the contrary. Given the bruising and swelling, I have no doubt, however, that she was sore for several days. No impact statement is provided, but it is obvious from what has been described that K found the situation terribly frightening and upsetting. Similarly, I have no doubt your son found the situation terrifying. He would undoubtedly have been upset, scared and confused by what was happening. He acted bravely in intervening but should never have been put in that situation. It is well understood that exposing young children to family violence can, and almost inevitably does, have significant adverse impacts upon them. You showed no care whatsoever for the well-being of your son given you were prepared to behave as you did in front of him.

You are 44 years of age. Your criminal history is an important factor in sentencing. In 2001, you were convicted of a crime of assault in this Court. In 2006, you were convicted of a matter of common assault. In 2007, you were again convicted of a crime of assault in this Court. In 2009, you were convicted of a matter of common assault. In 2012, you were convicted of a crime of assaulting a police officer contrary to the Criminal Code. In 2012, you were also convicted of two counts of common assault in the Magistrates Court. In 2017, you were convicted of a matter of common assault in this State, and also offences of reckless conduct endangering serious injury and unlawful assault in Victoria. In 2019, you were convicted of a further crime of Criminal Code assault in this Court. Whilst none of the Criminal Code assaults relate to family violence, you clearly have a propensity to resort to violence when angry. The matter of common assault that were you convicted of in 2017 was committed against K. It involved a nasty assault. You placed a screwdriver under her chin and threatened to stab her. You then spat in her face and hit her to the side of her face. When she attempted to drive away, you punched the window of her car causing glass to shatter all over her. Further, in 2021, you were convicted of three counts of breach Police Family Violence Order, all of which related to K.

Additionally, you have several other prior convictions for driving offences, particularly breaches of the *Road Safety (Alcohol and Drugs) Act*, offences contrary to the *Misuse of Drugs Act*, offences contrary to the *Bail Act*, matters of dishonesty, matters involving unlawful possession of weapons, and offences against police. It would have to be said that your record of prior convictions for matters of violence is appalling, and generally, your history of criminal offending is very poor. You have been sent to gaol several times in the past.

You were raised in a dysfunctional family where violence was common. To your credit, you have a strong industrial history. You are a qualified mechanic and have spent several years working within the mining industry. Your history suggests that when employed, you are more stable and are regarded as a good worker.

It seems your problem is alcohol and an illicit drug addiction. I am told following your separation from K, you struggled emotionally and resorted to the use of both alcohol and drugs on a heavy and regular basis. A review of the Comments on Passing Sentence relevant to the previous matters I have mentioned, discloses this as a common theme. Unfortunately, despite promises to the contrary, it seems you have done little about addressing these difficulties and have not committed, in any meaningful way, to rehabilitation.

I am told that you now recognise that you need to address, in a permanent and long-term manner, these difficulties. Whilst in custody, you have undertaken some drug and alcohol counselling and have also participated in the Respectful Men programme - a course directed at family violence offenders. You have also been employed in various positions of responsibility whilst incarcerated.

I take into account that the sentence I impose will come on top of a 4-month gaol term imposed in the Magistrates Court in May of 2025 for driving offences. That sentence was backdated to commence on 4 January 2025, the date you went into custody for this offending. Whilst you have been in custody you have been subject to a number of lockdowns which, I accept, has made imprisonment more difficult, and has limited the opportunity for rehabilitative programmes. I also take into account your plea of guilty. Whilst not entered at an early stage, it retains value in the sentencing exercise as it has saved the complainant the ordeal of having to give evidence about what was obviously a distressing incident.

I accept that at times you display a number of positive qualities, for example in your employment, and as described in the letter of support provided by your friend, Ms Johnson. But your propensity for violence is very concerning. Whilst you are not to be re-sentenced for your past history, the frequency with which you resort to violence is highly relevant to the need to give significant weight to specific deterrence in formulating sentence.

Family violence of this nature is simply unacceptable and cannot, and should not, be tolerated. It must be condemned and punished by the Court. General deterrence and denunciation are primary sentencing considerations. The violence you perpetrated against K was serious. It was aggravated by the presence of your son. Despite his pleas, you persisted with your violence until he was forced to intervene. What you did to K was dangerous. It is well understood that applying pressure to a person's throat and neck area is fraught with risk. It can very quickly lead to serious injury and sometimes even death. And, when an individual had lost control, to the point you had, that risk is exacerbated.

You must have applied a considerable amount of pressure given the redness and bruising that can be seen on her neck in the photographs taken the following day. The psychological impact of such acts can also be most serious, as it is an act which is indicative of the exercise of power and control. That is obviously the message you wished to convey, because your violence was accompanied by several threats to cause her serious harm.

The only appropriate sentence is one of imprisonment. I will permit eligibility for parole, but it will only be after you have served the minimum period that I consider to be appropriate given the criminality associated with this matter, and the obvious need for specific deterrence and punishment.

I make the following orders. You are convicted of the crime of assault. You are sentenced to imprisonment for a period of 18 months, to commence on 3 May 2025. You are not eligible for parole until you have served 12 months of that sentence. Pursuant to s 13A of the *Family Violence Act*, I direct that this crime be recorded on your criminal record as a family violence offence. Pursuant to s 29A of the *Family Violence Act*, I am satisfied it is appropriate, given your propensity for violence, to make a serial family violence perpetrator declaration and I do so. That declaration will remain in place for a period of five years from today.