

STATE OF TASMANIA v TROY DONALD GRINING
COMMENTS ON PASSING SENTENCE

5 FEBRUARY 2026
JAGO J

Mr Grining, you have been found guilty by a jury of four counts of assault, occurring on two separate dates. You were indicted on eight counts of assault, but the jury found you not guilty of four of the counts. The counts for which the verdicts of guilty were returned occurred in May 2021 and August 2022. The jury's verdicts are consistent with the jury being satisfied beyond reasonable doubt of the complainant's account where there was corroborating evidence. In respect to the incident in May 2021, there was a neighbour who gave evidence consistent with the events described by the complainant. In respect to the events of August 2022, the complainant's son gave evidence consistent with her account. It is for me, of course, to make findings of fact consistent with the verdicts. Generally, I considered the complainant, in all essential respects, gave a reliable account of the incidents that comprised the counts of assault upon which the guilty verdicts were returned.

I therefore make the following findings. At the relevant time, the complainant was your wife. You initially met her through the complainant's sister and spoke with her on-line. At that time, the complainant and her son were living in South Africa. The complainant came for a holiday to Tasmania in the early part of 2019. Thereafter, she and you commenced a romantic relationship. She returned in May 2019, with her son, and the three of you began living together in your home in Strahan. You were married in August 2019.

The relationship was initially a happy one, but within a few months, issues began to arise. The complainant was concerned about you maintaining friendships with previous female partners and was also concerned about what she considered to be your heavy alcohol consumption. You were concerned about the complainant's cannabis use. As time went on, the issues between you became more pronounced and arguments became a regular and persistent feature of the relationship.

I am satisfied that a feature of the arguments was that you would suggest to the complainant that she was ungrateful, and you would threaten to return her to South Africa. I am also satisfied that both of you would call each other names and the arguments would, at times, become quite heated.

On 25 May 2021, the date of the first assault of which you were found guilty, you returned to the residence after you had been consuming alcohol. There was an argument. You told the complainant that she was ungrateful. When she challenged you about your comment, you suggested that you would "show her ungrateful" and you proceeded to walk to an outside patio area where the complainant kept a number of pot plants. Tending the pot plants was a treasured hobby for the complainant, but the pot plants had become a point of contention between the two of you as you considered that the pot plants were staining the decking on which they sat. On this evening, you went out to the patio and started smashing the pot plants. This upset the complainant, and she begged you to stop.

Whilst you were not charged with any matter pertaining to the destruction of the pot plants, given they were matrimonial property, the fact that you behaved in this violent manner speaks to your level of agitation, your loss of control and provides the context in which the assault you perpetrated upon the complainant occurred. Your elevated state must have heightened her concern over your behaviour, and her fear of what you may do to her.

The complainant was screaming at you to stop smashing the pot plants. You responded by pushing her backwards into the sliding patio door frame. She fell onto the edge of it. She felt pain and subsequently had bruising and soreness in the area of the impact. The complainant's son was in the lounge room when this incident occurred and witnessed, at least, part of it. Your behaviour upset him. Shortly after, you left the house and went to a shed on the property. The complainant and her son commenced cleaning up the broken pot plants. In what could only be described as childish but controlling behaviour, you turned the lights to the residence off from where you were in the shed. The complainant went to the shed, located the switch board and turned them back on. You watched her do this from where you were seated in the shed. She returned to the house and again commenced cleaning up the mess you had created. You turned the lights off twice more before she realised you were in the shed and challenged you about it.

The remaining three counts of assault all occurred on 28 August 2022. It was a Sunday. There was an argument that morning. From your perspective, you had an expectation the complainant would rise early and assist you with some tasks around the home. From the complainant's perspective, she was expecting a sleep-in and believed that you were deliberately creating a loud noise in the kitchen. It is not necessary for me to determine whose perception was accurate. I am satisfied there was a heated argument in which there was name calling, and accusations. You then left the residence for the majority of the day.

You returned home about 8 o'clock that evening. Again, I am satisfied you had been consuming alcohol and you were affected by it. I also find that you were agitated because the complainant had told you earlier in the afternoon, via a text message, that she was not making dinner that evening. Upon returning home, you went to the kitchen. The complainant was in the bedroom, settling her son. You called out to her, demanding that she come and speak with you about the argument that had occurred that morning. The complainant told you to wait until she settled her son. I am satisfied you became increasingly agitated, and at one point you went to the son's bedroom and made a sarcastic and unnecessary comment to her. You again demanded that she come to the lounge room and speak with you.

When she repeated that she was still settling her son, your agitation increased. You called her a number of names. Not wanting her son exposed to your behaviour, the complainant approached you and tried to guide you from her son's bedroom. She told you that if you touched her, she would call the local police. At that point, your behaviour became violent. You grabbed hold of the complainant, pulled her through the doorway and then pushed her into the door frame. You then grabbed her by the collar of her nightgown, lifted her up and pushed her forcefully onto a single seat couch. She landed on her back with her legs hanging off the side of the couch. You pressed your knee onto her chest, near her collarbone, you were leaning into her, forcing your weight onto her. You placed both of your hands around her neck, and squeezed. I am satisfied that the pressure you applied to her neck was considerable. It caused her pain and the complainant was unable to breathe properly. She felt scared.

The complainant was trying to remove your hands from around her throat. She was struggling with you and in doing so, scratched you. She was asking for you to stop. At this point, the child had come from his bedroom and was also screaming at you to stop. The child tried to grab your hands and release the pressure from his mother's throat. Eventually, you let go of the complainant's throat, but you then you raised your fist in her direction as though to punch her. She believed you would punch her. The child screamed at you not to hurt his mother. You raised your fist a second time and again threatened to punch her. Eventually, you moved away from the complainant and left the residence. The complainant and her son huddled

quietly for a period of time at the residence, but then too, departed the residence. She went to her sisters. Her sister described her demeanour upon arrival as "obviously upset and crying a lot...shaking and quivering".

The complainant was left with a sore and tender throat. She later saw a general practitioner. The general practitioner did not note any obvious injuries.

You were arrested on 22 September 2022. You spent 42 days in custody before being bailed.

I have received an impact statement from the complainant. I have also received a psychological assessment report in respect to her. I do not repeat the contents in detail as she has requested, I read her impact statement to myself. It is sufficient to say that she has been deeply affected by your conduct, and I am satisfied your abuse has taken a significant toll on her mental and emotional wellbeing. The statement also sets out the significant psychological and emotional impact your conduct has had upon her son. I accept that a degree of circumspection needs to be exercised in respect to this material as it is clear from the evidence that both the complainant and her son had experienced difficulties whilst living in South Africa, and there were pre-existing mental health difficulties. That said, the type of impact the complainant describes for both her and her son is typical of the harm that crimes of this nature commonly cause. Put simply, family violence causes long term, profound and pervasive harm, which is why it must be condemned and punished.

It is a significantly aggravating aspect of your conduct that you assaulted the complainant in front of her son. In my view, such behaviour speaks to the intensity of your anger and your loss of control. In respect to the last occasion, such was the extent of your violence, that the child felt compelled to intervene.

You are now 56 years of age. You were 50 when these crimes occurred. At the time of the assaults, you had no prior convictions for matters of violence. You had some prior convictions under the *Road Safety (Alcohol and Drugs) Act*. You were, however, on bail for matters of violence which had occurred on 13 December 2020. On that date, you committed two counts of criminal code assault, one count of aggravated assault, which was committed against this complainant, and one count of recklessly discharge a firearm, together with a number of summary offences related to the destruction of property. This criminal conduct involved you attending at your brother and sister-in-law's home, in a state of considerable agitation. There, you assaulted your brother. You then left, returned to your residence and collected a firearm. When Ms Grining tried to stop you leaving the residence with the firearm you pushed her aside. You returned to your brother's property, where you committed further assaults and property damage.

When I sentenced you for those matters, I described your behaviour as highly dangerous, spiteful and destructive. It was serious criminal conduct. You were sentenced on 12 September 2023, to a single sentence of 18 months' imprisonment, the whole of which was suspended for a period of two years on condition that you commit no offence punishable by imprisonment during that time. That suspended sentence has now come to an end. There is no suggestion that you have breached it.

Your antecedents are set out in my September 2023 sentencing comments, and I do not stay to repeat them in full. It is sufficient to say that until you committed the crimes to which I have just referred, you were a well regarded, largely law-abiding member of our community. You

operated a successful tourism business with your brother. There was a significant falling out between you and your brother and sister-in-law, which I accept caused you significant stress and angst and culminated in you behaving as you did on 13 December 2020.

The crimes for which I am now sentencing you occurred after the incident with your brother and sister-in-law, and whilst you were on bail for those matters. I accept the stress associated with the breakdown of your relationship with your brother and the subsequent dissolution of the family business, of which you had been an integral part, may still have been operating upon you at the times these crimes occurred, but that in no way excuses your behaviour. Indeed, it is an aggravating factor that you were on bail for crimes of violence when these assaults occurred. You should have appreciated that you were not coping, that you were consuming too much alcohol and that you were becoming increasingly agitated. But instead of taking responsibility for your own conduct and addressing it, you became violent within the family home.

I accept there has been a considerable delay in this matter being able to come to trial. On its own, simple delay is not a mitigating factor but where there is evidence of rehabilitation, it is a factor that can weigh towards leniency. For several years now, you have resumed being law abiding and there has been no suggestion of repeat offending. The lack of violent behaviour before December 2020 and after August 2022, does suggest that your conduct was linked to the events surrounding the business break down, the animosity that developed within the family and what I am satisfied was, an increase in your use of alcohol. It seems your relationship with alcohol has now settled, and I am told there is no longer a difficulty. You are in a new relationship with a supportive partner. There is no suggestion that that relationship has been tainted by any violence. You have good employment awaiting you once this matter is finalised. All of that amounts to cogent evidence of rehabilitation.

The family violence perpetrated by you, however, was serious. Whilst the first incident of assault was towards the lower end of seriousness in terms of the amount of violence used and the injury caused, it occurred in circumstances whereby you were displaying highly aggressive and agitated behaviour. The second occasion of assault was particularly serious. It involved you applying considerable pressure to the throat of the complainant, to the extent she was unable to breathe properly. Acts of this nature are inherently dangerous and can easily result in serious injury or death, particularly when committed by a person in a state of high emotion and intoxication, therefore preventing them from being able to appropriately or accurately judge or moderate the amount of force being applied.

Given the passage of time since the occurrence of these crimes, the absence of repeat behaviour, and the evidence of rehabilitation, there is an argument that specific deterrence is not a weighty consideration in this sentencing exercise. What tends against that conclusion, however, is your lack of insight, remorse and preparedness to accept any responsibility for your conduct, including matters like acknowledging the extent of your alcohol consumption, and the difficulty it was causing, at the relevant time. To be blunt, Mr Grining, I have observed you and listened to your evidence over two separate trials now, and it is blatantly obvious that you have very little insight into the seriousness of your conduct, and you are simply unwilling to acknowledge or take responsibility for what has been, at times, terrible behaviour. For that reason, I am of the view, that specific deterrence does remain an important sentencing consideration, and as with all instances of family violence offending, general deterrence and denunciation are also important sentencing considerations.

In my view, the only possible sentence is a term of imprisonment, but given the passage of time since these events, the fact the events occurred at a difficult time in your life, your prior good character, the fact you were compliant with the period of suspended imprisonment I imposed in September 2023, and the fact you served some time in custody as a consequence of this conduct, I have concluded - albeit with some hesitation – that it is appropriate that the sentence I impose be wholly suspended. I will also impose a fine so there is some immediate punitive impact.

I make the following orders. You are convicted of the four counts of Criminal Code assault. I impose one sentence. You are sentenced to imprisonment for a period of 15 months. The whole of that period of imprisonment will be suspended for a period of two years on condition that you not commit another offence punishable by imprisonment during that time. You are fined the sum of \$5,000. I make a compensation order in favour of **[redacted – name of the complainant]**.

Pursuant to s 13A of the *Family Violence Act*, I direct that these crimes be recorded on your criminal record as family violence offences. I am not satisfied it is appropriate to make a serial family violence offender declaration, and I decline to do so.

I make a Family Violence Order in favour of **[redacted – name of the complainant]** for a period of five years from today. It will be in terms of the Interim Family Violence Order dated 22 September 2022, save that the protected person will be referred to as **[redacted – name of the complainant]** and the relevant address will be **[address redacted]**.