

Mr Johnston, you have pleaded guilty to one count of persistent family violence. The violence occurred between on or about 1 August 2021, and on or about 8 May 2024. The violence commenced within the first 12 months of the relationship and continued in a reasonably frequent manner for a substantial part of the relationship.

Towards the end of 2020, you and the complainant met. At that time, you were aged 22 and the complainant was aged 17. You quickly developed a significant relationship with her. Two children were born to the relationship, a son in July 2021 and a daughter in September 2022.

For much of the relationship, you perpetrated a course of serious family violence. You would regularly be verbally abusive towards her, calling her a number of distasteful names. You would threaten to kill her. You would threaten to slit her throat. You would accuse her of wearing "skanky" clothing when she was going out. You required her to provide you with passwords to her laptop and phone, and you would go through her electronic devices and question her about her communications.

You would not allow the complainant to have any control over finances within the relationship, including the family benefit received by her. You would criticise the complainant, telling her she was not a good mother and was not attending to the housework properly. You used threatening conduct and demeaning and abusive comments to control and dominate her. The complainant had a number of mental health difficulties, and you would also on occasion, make disparaging remarks about her receiving treatment for the same.

During the relationship you worked on a number of rural properties, many of them in isolated areas. The complainant would be at home with the children; she was often without transport and felt isolated from friends and family. A source of support she did have was members of your family. On occasion she would raise with them concerns about your behaviour, but it seems little was done, and there was no intervention.

The State rely upon seven specified occasions of family violence in proving the persistent family violence charge, but those occasions occurred against a background of reasonably constant violence and intimidatory, abusive and controlling behaviour. Your behaviour left the complainant feeling scared and overwhelmed. She felt trapped in a sadly, all too familiar cycle. She was scared and intimidated by your violence, yet reliant on you for support. She was confused by your declarations of love for her and the children whilst at the same time you were hurting her. After episodes of violence, you would apologise, beg for her forgiveness and ask her to marry you. Whilst I accept there were undoubtedly some happy moments within the relationship, the complainant generally endured many years of your violent, abusive and controlling behaviours. It is through that lens that the individual acts of violence need to be assessed. Your behaviour had a cumulative effect upon the complainant, with each act of violent or threatening behaviour exacerbating the impact of the earlier behaviour and reinforcing a pattern of emotional and physical cruelty. I will sentence on the basis that the seven identified occasions were not isolated occurrences.

The first of the specified occasions occurred in August 2021. You, the complainant and your five-week-old son were away for a weekend. You were drinking alcohol. This upset the complainant. When she questioned you, you pushed her onto the ground and started choking

her. You placed your hands around her neck and squeezed. Her breathing was affected. You then struck her to the right side of her face. The baby was in the room when you assaulted the complainant. Eventually, the complainant was able to get off the ground. You locked her outside of the room whilst the baby remained inside with you. Obviously, given the violence you had just displayed, the baby being alone in the room with you would have been very concerning for the complainant. As a consequence of this assault, the complainant was left with a reddened neck and general soreness.

Not long after this occasion, in the Spring of 2021, a second assault occurred. The complainant was breastfeeding the baby. You were angry and upset and demanded to view the complainant's phone. When she asked why, your anger increased. She refused to hand over the phone. You grabbed her by the hair and pulled her head backwards. She was still breastfeeding the baby. You let go and she was able to place the baby in the cot. After she did so, you shoved her, causing her to fall to the ground near the cot. You then grabbed at her legs and pulled at her trousers. You were attempting to wrestle the phone from her. Eventually, she handed it over and you smashed it on the door frame of the bedroom. She picked up the baby and placed him into a rocker. At this point, you grabbed her from behind by grabbing hold of the back of her neck. You held her and pushed her down onto the floor hard, squashing her face into the floor. You threatened to pour out some cat litter that was nearby. She was begging you to stop. Eventually, you did so and left.

Following this incident, a police family violence order was issued on 20 March 2022, which included conditions that you not threaten, harass, abuse or assault the complainant, nor enter her premises or damage her property. On 14 April 2022, the police family violence order was replaced by a family violence order, which had the same conditions but permitted entry to her residence and provide for an alternate place of safety.

The third occasion occurred in breach of the family violence order. At this time, the complainant was pregnant with your daughter. The night before the incident, you were drinking and playing loud music in a shed at the property where you were living. The complainant asked you to turn the music down, but you declined. Consequently, the complainant had difficulty sleeping. Your son woke in the early hours of the morning. The complainant attended to him but also said to you that you needed to get up, given you were the one who had kept everybody awake. She said to you words to the effect of "You're not sleeping in just because your hung over cos you wanted to drink all night". You responded by abusing the complainant and telling her to "fuck off you scab". You told her to go away and repeatedly called her names. You said to her "you can tell Charl about it at your next counselling appointment if you make it...if you're not dead". Charl was a reference to the complainant's psychologist.

You called the complainant further names and told her that she was "a piece of shit like your fucking mum". You grabbed her by the throat and pushed her up against a wall. You held onto her by the throat. She fell to the floor. She was pregnant and she tried not to fall onto her unborn baby. Once she was on the ground, you leaned over her and choked her. You squeezed her neck with your hands. You then punched her in the face, arms and legs. The complainant screamed out "Don't fucking touch me, I'm pregnant". This did not deter you. You continued with the assault. You kneed her directly to her pregnant stomach. Your son was present during this assault. He was screaming. The complainant was terrified for her own safety and that of her unborn child.

During this incident, the complainant had her phone recording. I have heard that recording. It is confronting. Your behaviour was obviously intense, nasty and demeaning.

The fourth occasion of assault occurred in October 2022. The complainant tried to leave the property at Woolnorth where the two of you were living, following an argument. She had her newborn daughter and infant son in the rear of the vehicle. You drove an ATV in front of her vehicle to prevent her from leaving. There was a slight collision. You went to the car, opened the door and began to pull the complainant from the driver seat. She still had her seatbelt on. You pulled her from the car and out onto the grass. You punched her to the face, arms, legs and stomach. The children were in the vehicle and in a position whereby they could see and hear your violence. They were upset and crying. The complainant took photos of her injuries following this assault. Again, she was left with redness and bruising.

The fifth occasion occurred in February 2023. The complainant was getting ready to go to your sister's baby shower. At one point she asked you if you were okay. You reacted in an agitated manner, telling her that you were not okay, because you had found out that the complainant had spoken to a friend about the violence within the relationship. The complainant tried to appease you, but her endeavours were unsuccessful. You grabbed her by the upper body, pushed her down onto the bed and held her by her upper chest. You called her a "dog" and a "disgrace" and told her that she would be lucky if you did not kill her. Fortunately, the complainant's younger brother entered the room and defused the situation. You left. Again, the complainant was left with redness to her upper chest because of this assault.

Shortly after this incident, the complainant left the residence and went to live with her mother. She reported the violence to police on 15 March 2023. On 21 March 2023, you were arrested. You participated in a record of interview. You denied any violence within the relationship. In respect to the incident that occurred in October 2022, when there was the collision between the vehicle and your ATV, you suggested that it was in fact the complainant who had "flipped out". You denied that you had assaulted her. You denied that you would speak to her in an abusive manner and you denied that you had made any threats towards her. You suggested to police that it was the complainant who had mental health difficulties. The comments you made to police during that record of interview strongly indicate that, at that point at least, you had no insight into the appalling nature of your conduct, nor any preparedness to accept responsibility for your conduct.

You were charged and then bailed by the Magistrates Court on 23 March 2023. You first appeared in the Supreme Court on 24 July 2023 on an indictment for persistent family violence. You were on bail and awaiting trial in respect to that indictment when further instances of violence occurred.

This sixth specific occasion was a further matter of assault which occurred on 26 September 2023. The complainant was at your residence with the two children. In the early hours of the morning, you woke her and questioned her about messages that you had seen on her phone. There was an argument. You persistently questioned her, and you were demanding that she answer you. If she declined to do so, you would punch her to the upper arm and leg. The complainant was upset. She was crying. At one point, you placed a lit cigarette onto her left foot. This burnt her and caused her pain.

The complainant took photographs of the injuries you caused during this assault. She was left with bruising to the upper arm and leg, and an obvious cigarette burn on her foot. The following

day she discovered dents on the side of her vehicle, the most obvious inference being that you had caused such damage in your state of anger.

In March 2024, there was a further episode involving property damage. You smashed a window in the bedroom where the complainant and her son were. Glass shattered over both of them. Your son was upset and crying, and the complainant was frightened about what you might do.

The seventh specific occasion occurred in May 2024. The complainant was at home with the two children. You arrived home and you were agitated. You made a remark to the complainant about your wish to be with another woman. Understandably, the complainant asked you to leave. As you went to do so, you punched the complainant with a closed fist to the left side of her head. It connected with her ear. It caused pain, redness and swelling. She lost her balance and stumbled backwards. There was a wrestle. You and the complainant ended up in the laundry area of the house. You put your arm around her throat and squeezed tightly. You lifted her from the ground with all the pressure being applied to her neck and throat area. The complainant experienced difficulties in breathing and felt as though she was going to pass out. She believed that you would kill her. This constitutes an act of strangulation. The next recall the complainant has is seeing her two children standing in front of her. The appearance of the children was it seems fortunate as you stopped your assault upon the complainant and left. At some point, during this incident, you also punched the complainant with a closed fist. A friend arrived shortly after you left. She found the complainant on the floor, crying.

In September 2024, the complainant reported the further violence to police. You were subsequently indicted for the crime of strangulation. You were committed to the Supreme Court in November 2024. A new indictment was filed for persistent family violence, encompassing the offending behaviour from August 2021 until May 2024. Your trial was listed to commence on Monday, 16 February 2026. The matter was prepared for trial. The complainant was briefed. I am told the complainant found being prepared for trial a distressing experience. Ultimately the trial did not proceed. You entered a plea of guilty shortly before the trial was due to commence.

Whilst I accept the plea of guilty retains some value because the complainant was obviously saved the ordeal of having to give evidence in a trial before a jury, it was a late plea of guilty and the complainant had to endure the trauma of being briefed and prepared for trial, and had the weight of expectation that she would be required to give evidence. Because of that, the value of the plea in the sentencing exercise has, in my assessment, been diminished.

Your behaviour towards the complainant was disgraceful. Not only did you cause her physical pain and harm, but you treated her in a degrading and humiliating manner. You assaulted her and threatened her in an effort to control and dominate her. Your violence was, at times, extreme. The act of strangulation to the point of her experiencing breathing difficulties and feeling as though she may pass out, and the assaults where you applied pressure to her neck and her breathing was impacted, are particularly serious forms of violence. Such acts can very easily cause substantial physical injury, particularly when pressure to the neck area is being applied by a person who is in a state of uncontrolled anger and emotional dysregulation, as I find you were. Your assault upon her when she was pregnant and the violence you directed towards her stomach and the unborn baby is reprehensible. Not only did you cause her harm, but you showed no regard whatsoever for the wellbeing of the unborn child.

Your violence resulted in complainant being left with redness, swelling, bruising and general soreness on many occasions; but your acts of violence could easily have had far worse consequences. Moreover, your overall pattern of using abuse, threats and violence to control, demean and belittle the complainant is to be condemned.

The complainant has been deeply and perhaps permanently affected by your behaviour. She read her impact statement to the Court. She bravely and eloquently described the significant toll your behaviour has had upon her and the children. She genuinely feared for her life and the constant worry she felt about protecting the children must have been emotionally exhausting. In addition to the physical harm, she experienced emotional and mental anguish, her self-esteem has impacted, she was constantly anxious, hypervigilant and emotionally conflicted.

It is a significantly aggravating feature of your crime that much of the violence occurred whilst young children were present, and in circumstances where it was almost inevitable that they saw and heard the violence. It speaks to the intensity of your anger and loss of control that you were willing to perpetrate violence upon the children's mother, in front of them, when they were physically present and at risk of harm also. It is well understood that the exposure of children to family violence has a significantly deleterious impact upon their development and psychological wellbeing. They were obviously distressed and upset on many of the occasions, and even given their young ages, it is likely they suffered harm; the full extent of which may not be appreciated for many years. You showed no regard for your children when you treated their mother in this way. Your behaviour involved a terrible breach of trust in respect to both the complainant and the children.

You are 29 years of age. You have relevant prior convictions. In 2017, you were convicted of destroy property, injure property and three counts of common assault. I am told the assaults occurred in a family violence context and were perpetrated upon a previous partner. They all involved you grabbing that partner around the throat, so very similar conduct to that which you perpetrated upon the complainant also. It is of concern that you seem to keep repeating this pattern of behaviour. It is consistent with an attitude of wanting to dominate and control your partners. Additionally, you have prior convictions for dishonesty matters and offences against police. In May 2023, you were sentenced by the Magistrates Court for the unlawful possession of firearms, which also amounted to a breach of the family violence order that was then operating.

You have a strong industrial record. Since completing your education at the end of Year 10, you have held constant employment predominately in the agricultural sector. You have held various farming positions, including more recently being elevated to a senior farm hand, with Greenham Farms. I have been provided with a reference from your employer. It clearly indicates that in terms of your work performance, you are well regarded. To the extent that the reference comments upon your behaviour being "uncharacteristic", I reject it. Your violence towards the complainant went on for several years and the acts of violence were not isolated occurrences. They cannot be said to be uncharacteristic.

I have also been provided with a reference from the Circular Head Aboriginal Corporation. Whilst I accept the indication within the reference that you have made positive contributions to the community generally, to the extent the reference speaks to your character, I place minimal weight upon it. Sentiments such as "he has consistently demonstrated a strong commitment to his family responsibilities" simply cannot be reconciled with the facts of this matter.

You were remanded in custody on 6 February 2026 following a breach of your Supreme Court bail. I am told that since then, you have reflected upon your behaviour and now acknowledge how appalling it was. You have offered your apology to the complainant. You recognise that you have a difficulty with regulating your emotions and need assistance in this regard. Moreover, I am told you also now recognise the negative impact that your methylamphetamine use has had upon your conduct. You have struggled with your use of that substance since you were about 15 when you were given the drug by an adult member of your local football club. Very quickly you became a regular user of it. When you were 16, you developed a relationship with an older female. That female was the victim of the prior matters of family violence that I have referenced. That relationship, I am told, revolved around drug use and by the time that relationship ended your drug use was well entrenched.

To your credit, you have been able to maintain employment despite your drug use. I am told you largely kept your drug use hidden from your family but, of course, the complainant was aware of it and sadly bore the consequences of it.

You have made endeavours to address your drug addiction. In 2023 you sought out support from YFCC and you remained a client of that service until April 2025. Towards the end of 2024 you attended as an in-patient at the Salvation Army Bridge Residential Programme. You completed that program in May 2025 and I am told that you have not used methylamphetamine since completing that programme. I have been provided with a drug screen test which is consistent with that submission. I am also told that you are determined to maintain your abstinence so you can be a positive factor in your children's lives. It counts in your favour that you have undertaken steps to address your drug addiction, but of course, your violence towards the complainant went on for some three years. You continued to use methylamphetamine during that time, despite the counselling, and despite the fact, you must have appreciated the harm that you were causing to your family. The complexities of recovering from a drug addiction are appreciated by the Court, but it is of note that the relationship with the complainant had come to an end before you became sufficiently committed to your rehabilitation to enrol at an inpatient facility. So, whilst I accept your Counsel's submission that rehabilitation remains a relevant sentencing consideration, it is to be balanced against the objective seriousness of the offending and the need to impose a sentence that very clearly condemns conduct of this nature. Moreover, the asserted development of insight into the wrongfulness of your conduct and the underlying causes of your behaviour, does not in my view diminish, to any significant degree, the need for the sentence to specifically deter you. The development of such insight is, it seems, relatively recent, coinciding with your incarceration, as you maintained a plea of not guilty in respect to this crime until just before the trial was due to commence. In my view, your prospects for rehabilitation are best reflected by the imposition of a minimum non parole period.

You are fortunate to have the support of family, who I am told are committed to providing you with assistance into the future. You also have the ongoing support of your most recent employer. Sadly, your mother is very unwell. She has Stage 4 cancer and is likely to pass whilst you are incarcerated. The grief and pain associated with that realisation is, I accept, significant. Whilst it is obviously your own conduct, that has placed you in that predicament, I nevertheless accept that serving a gaol sentence, in those circumstances, knowing you are unlikely to be able to be with your mother during her final months, makes incarceration particularly onerous.

The family violence perpetrated by you was serious. At times your conduct was brutal and cruel, and involved a significant degree of coercive control. The very nature of family violence is that it often remains hidden within the relationship and the complexities of it are such that victims often find it difficult to disentangle themselves from the relationship, particularly where children are involved. That is exactly what occurred here. The complainant often kept quiet about your violence. When she did raise concerns with members of your family, it appears it was largely brushed away. If she spoke to others about it, and you found out, there would be further violence. She was trapped, confused and isolated and consequently she endured violence and abuse over a not insignificant period of time.

As has been so often stated, family violence is to be deplored. It is a matter of great concern not only to the Court, but the community at large. Sadly, it is all too common, and the Court has an obligation to impose sentences which unequivocally convey the denunciation of such conduct.

As I have noted, there is some mitigatory benefit in your plea of guilty, but it is not an overly weighty consideration in my assessment, given the late stage at which it was entered. I accept your plea of guilty provides some vindication for the complainant, but your willingness to acknowledge your wrongdoing and accept responsibility for your behaviour, was a long time coming. There is nothing within the facts of the offending which justifies any leniency.

Taking all matters into account, my assessment is that the only possible sentence is a significant term of imprisonment. I make the following orders.

You are convicted of the crime of persistent family violence. You are sentenced to a term of imprisonment of six years, commencing 28 January 2026 in order to reflect the time you have already spent in custody. I order that you will not be eligible for parole until you have served one-half of that period of imprisonment.

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.

I am also satisfied it is appropriate to make a serious family violence perpetrator declaration, and I do so. The declaration will remain in force for a period of five years.

Pursuant to s 36 of the *Family Violence Act*, I make a family violence order in favour of the complainant. It will be in terms of the family violence order dated 12 June 2025, save that the relevant address in orders 4, 5 and 6 will be ** address**; and order 5 will have the following additional words included, "save and except for a bona fide attendance at **school**". The order will remain in force until it is varied or revoked by a court of competent jurisdiction.