***The Queen v Bonney* [2022] NTCCA 3 (25 February 2022) – Northern Territory Court of Criminal Appeal**

'Aboriginal and Torres Strait Islander people' – 'Alcohol misuse' – 'Not manifestly inadequate history of domestic and family violence' – 'Physical violence' – 'Sentencing' – 'Weapons'

Charges: Aggravated assault x 1, property damage x 1, unlawfully cause serious harm x 1.

Proceedings: Crown manifest inadequacy appeal against sentence.

Issue: Whether sentence manifestly inadequate.

Facts: The male respondent and female victim were in a de-facto relationship and had three primary school aged children [24]. On 19 November 2020, while intoxicated, the respondent became angry and punched the victim in the face twice. The following day, the respondent punched, kicked, and repeatedly hit the victim with a cricket bat and frying pan. The victim sustained multiple injuries, including a hand fracture that amounted to serious physical harm [8]-[9]. The respondent had previous domestic violence convictions and a history of alcohol misuse [26]. The respondent pleaded guilty to the charges and was sentenced to 3 years and 3 months imprisonment, with a non-parole period of 1 year and 8 months [2]-[3]. The Crown appealed the sentence on the ground that it was manifestly excessive.

Decision and Reasoning: Appeal dismissed.

The appellant emphasised 'principles enunciated by… Courts in relation to domestic violence offending and the need… to impose sentences which serve to protect the victim and the community and… serve as a deterrent', citing *The Queen v Wurramara* [2011] NTSC 89 (21 October 2011): 'The courts have been concerned to send what has been described as 'the correct message' to all concerned, that is that Aboriginal women, children and the weak will be protected against personal violence insofar as it is within the power of the court to do so' [32].

The appellant also cited *Emitja v The Queen* [2016] NTCCA 4 (21 October 2016): ‘As this Court has repeatedly observed before and since that statement was made, such conduct must be dealt with in a manner which reflects the serious nature of the offending and its corrosive effect on well-being in Aboriginal communities. While it may be accepted that some Aboriginal communities have an unusually high incidence of serious crimes of violence, and that the courts are powerless to alleviate the dysfunction and deprivation which underlies that violence, Aboriginal women and children living in those communities “are entitled to equality of treatment in the law’s responses to offences against them”. The protection which the law affords includes the imposition of sentences which include a component designed to deter other members of the community from committing crimes of that nature’ [33].

The Court concluded that ‘the sentence, while lenient, perhaps even very lenient, does not fall outside the legitimate limits of the sentencing discretion. The appellant has not identified any error of principle and the sentence is not so disproportionate to the seriousness of the offending as to shock the public conscience and demonstrate error in principle. It is not unreasonable or plainly unjust’ [44].