

## ***The Queen v Haji-Noor* [2007] NTCCA 7 (18 May 2007) – Northern Territory Court of Criminal Appeal**

‘Aggravated assault’ – ‘Coercive control’ – ‘Control’ – ‘Controlling behaviour’ – ‘New partner’ – ‘Not manifestly inadequate’ – ‘Prosecution appeal against sentence’ – ‘s 188(2)(b) Criminal Code (NT)’ – ‘Separation’

Charges: Intentionally causing grievous bodily harm x 1; Aggravated assault x 1; Possession of cannabis x 1.

Appeal type: Prosecution appeal against sentence.

Facts: The respondent attacked his former girlfriend and her new partner with a baseball bat ([22]-[23]). The aggravated assault charge was in relation to the respondent attacking his former girlfriend, leaving her with bruises, and the grievous bodily harm charge was in relation to the attack on the former girlfriend’s new partner, leaving him with permanent disability ([25]). There had been a history of domestic violence in the relationship between the defendant and his former girlfriend ([9]-[18]). The sentencing judge imposed a head sentence of 8 years and 6 months’ imprisonment ([4]). In relation to the aggravated assault charge, the respondent was sentenced to 2 years and 6 months’ imprisonment ([34]).

Issues: One issue was whether the sentence for the aggravated assault charge was manifestly inadequate.

Decision and Reasoning: The Court held that the sentence for the aggravated assault charge was within range.

Justice Angel at [31] quoted the sentencing judge:

The crimes of violence of the type you have committed are prevalent and too often occur against the background of a breakdown in a domestic relationship complicated by problems of access to children. Women in these situations are particularly vulnerable. They are entitled to such protection as the law can give them. Deterring you and other men who are minded to behave like you towards their female partners is an important factor in the exercise of the sentencing discretion.

I need to add this. It is not uncommon for men in your position to harbour a belief that their former partner had been unreasonable. Nor is it uncommon for violent men in your position to harbour a belief that the former partner has brought the violence on themselves by being unreasonable. You and others like you must learn that only you are to blame for the situation in which you now find yourself.

Justice Southwood added at [183]:

Domestic violence is a leading contributor to death, disability and illness in the community. Such violence affects the whole community. Medical and hospital treatment for the victims of domestic violence is extremely costly and imposes a considerable strain on the health system and those who work in it.

The violence perpetrated by the respondent 'was part of a pattern of fundamentally oppressive and coercive behaviour in which the respondent deliberately engaged to dominate and control Ms Hawksworth' [185].