

***The Queen v Lynch* [2021] NTSC SCC22033629 (4 October 2021) (Sentence) – Northern Territory Supreme Court**

‘Aboriginal and Torres Strait Islander people’ – ‘Assault’ – ‘Coercive control’ – ‘Controlling and/or jealous behaviour’ – ‘Controlling, jealous, obsessive behaviours by the perpetrator’ – ‘Exposing children to domestic and family violence’ – ‘Following, harassing and monitoring’ – ‘Past domestic and family violence’ – ‘People living in regional, rural and remote communities’ – ‘People with children’ – ‘Physical violence and harm’ – ‘Protection order’ – ‘Sentencing’ – ‘Separation’ – ‘Stalking’ – ‘Unlawful deprivation of liberty’

Charges: 1x unlawful deprivation of liberty; 1x assault; 1x driving disqualified; 2x breaching a protection order.

Proceedings: Sentencing.

Facts: The victim was in a relationship with the offender which ended when the offender became controlling and jealous over the victim seeing her previous partner. She had a young daughter from a previous relationship and also had a child with the offender. A protection order was in place.

The offending occurred in Alice Springs. The offender, driven by his ex-wife, went to Tennant Creek where the victim was living. The offender asked the victim to go home with him with her children but she refused. He then asked her to go to the nearby petrol station to buy items for the children, which she agreed to, taking both her children, not taking any of her valuables or necessities. The offender again demanded that the victim come home with her and he refused. She suggested leaving the offender's child with him and walking home with her daughter. The offender made threats.

The offender's ex-wife began driving towards Alice Springs, away from the victim's home. She asked to be taken home and the offender refused. The offender engaged the victim in a fight regarding her resuming her relationship with her ex-partner which culminated in the offender pushed the victim's her head against the window and punching the victim in her ear while she was holding her son on her lap (aggravated assault).

Instead of driving to Alice Springs, the offender decided to have his ex-wife drive the victim and her two children to the outstation (where he was living) and the victim wanted to go home (deprivation of liberty). The charge ceased when the offender left the outstation in the morning.

Issues: Sentence

Decision and Reasoning: The overall sentence was 2 years, with a non-parole period of 12 months.

Aggravating factors included multiple prior convictions for breaches of protection order and aggravated assaults on a female, subject to current order. The fact the offender was not affected by alcohol at time of offending indicated possessive and controlling urges while sober.