

***Mead v Couper* [2000] WASCA 345 (10 November 2000) – Western Australia Supreme Court (Court of Appeal)**

‘Assault occasioning bodily harm’ – ‘Deterrence’ – ‘People living in regional, rural and remote communities’ – ‘Perpetrator intervention program’ – ‘Physical violence and harm’ – ‘Sentencing’ – ‘Victim’

Charge/s: Assault occasioning bodily harm.

Appeal Type: Appeal against sentence.

Facts: The appellant had been told (untruthfully) that his de facto wife of six years had been sleeping with another man. The appellant accused her of doing so and then punched her in the face with a clenched fist multiple times. The complainant fell to the ground and the appellant kicked her in the back. He then grabbed her and carried her to a nearby yard. After the complainant yelled at the appellant to let her go, he released her and raised a wooden fence post above his head in a threatening way. The complainant suffered a broken jaw, facial swelling, various cuts and a sore back. The appellant was sentenced to 18 months’ imprisonment with parole edibility.

Issue/s: Some of the issues concerned –

1. Whether the sentence was manifestly excessive or should have been suspended.
2. Whether the Magistrate erred in rejecting a supervision order coupled with an anger management course as a suitable penalty.

Decision and Reasoning: The appeal was dismissed.

1. The appellant submitted that: he had no prior convictions involving violence; he had favourable prospects of rehabilitation; he demonstrated remorse and entered an early plea of guilty; his wife did not want him to be sent to prison and a prison sentence would have a harsh effect upon his wife and children. The Court rejected these arguments. Steytler J held that the assault was ‘vicious’ and caused serious injuries. His Honour also upheld previous authorities which indicate there is a general public concern with domestic violence (see at [13]).
2. The sentencing Magistrate commented that some in the community would view a supervision order coupled with an anger management course as a ‘soft option’. Steytler J held that the Magistrate was simply concluding that the offence was so serious as to justify only a period of imprisonment and that general deterrence was of paramount concern. His Honour held that general deterrence is an important consideration in cases of domestic violence and that it was open for the Magistrate to conclude that general deterrence would not sufficiently be met by anything other than a sentence of imprisonment.