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THE SUPREME COURT OF
THE NORTHERN TERRITORY

SC 20803473

THE QUEEN

and

THOMAS RAMBLER

(Sentence)

MARTIN, CJ

TRANSCRIPT OF PROCEEDINGS

AT ALICE SPRINGS ON FRIDAY 9 OCTOBER 2009

Certified a true transcript of a record.

Transcribed by:
Merrill Legal Solutions

HIS HONOUR: Mr Rambler you have pleaded guilty to unlawfully causing serious harm to the male victim. Your offence is in a different category from almost all of the offences of causing serious harm which are currently coming before the Criminal Court.

On Tuesday 14 August 2007 you were drinking at the Barrow Creek Camp. There is nothing in the Crown facts to suggest that you were grossly intoxicated. During the evening you got into an argument with the son of the victim. It turns out there was a misunderstanding. Unfortunately, the argument escalated into a physical fight and the victim and another son of the victim attempted to intervene. The victim walked between you and his son and said, 'Ya knocking my sons around. You might as well fight me.' You replied, 'You're my grandfather and you don't really fight with me.' The victim threw a punch at you and in response you struck the victim to the left side of the jaw with a clenched fist and broke his jaw.

Your plea of guilty has been accepted on the basis that, although you were entitled to use a degree of force in self-defence, you used too much force when you broke the victim's jaw. The injuries required surgery at the Royal Darwin Hospital and subsequent examination at an outpatient's clinic reported good progress. You have told me in your victim impact statement that you still have wires in your jaw. The victim has told me that he is sad about the fight because you are family. The victim has said it is now two years ago and he has forgiven you. He has told me that you said sorry to him last year, and for the victim, the matter is finished. The victim has said that you are a good family man and he does not want you to go to gaol.

In some situations the wishes of the victim cannot be given much weight. That applies particularly in the case of vulnerable women who have been violently abused by their partners, frequently on more than one occasion. However, in the particular circumstances of this matter, the wishes of the victim carry significant weight.

You are 32 and you were married at the young age of 16 and the relationship continues today. There are five children of the marriage, four of whom are of school age and one at pre-school. You reached only primary school education leaving you largely illiterate. Since a young age when you left school you have worked consistently as a stockman and with the current employer for over 10 years. You live in a community close to Barrow Creek and the station on which you work is not far from Barrow Creek. Your employer is aware of what has happened and your work is open to you as soon as you can return. I am told that family brought you to Alice Springs for today's hearing and you plan to return immediately.

As I have said, your offending is in a far different category from most of the offences of this type that come before the Criminal Court. This is the type of case in which it is appropriate to allow you to continue with your productive life. There is nothing in your background to suggest that you are likely to get into this sort of trouble again. Although you have previously offended against the law, the vast majority concern driving offences and there is no previous offence for assault.

You are convicted. Had it not been for your plea of guilty I would have imposed a sentence of 18 months imprisonment. After allowing for your plea of guilty I impose a sentence of 13 months imprisonment and I note that you have already spent one day in custody. That sentence is suspended immediately and the operational period of the suspension is 18 months. There is only one condition: that as soon as reasonably practicable, you return directly to the Barrow Creek area, meaning Barrow Creek your home and your work locality.

Mr Rambler, you walk out of here today, but you've got 13 months imprisonment hanging over your head. So for the next 18 months stay out of trouble; no problem. For the next 18 months, if you get into trouble then you come back here and you will be liable to go to gaol. And today you sign all the papers, you leave here, go with your family and go straight home. That is a condition. You have to go straight home. No going into town and drinking; none of that. If you go into town and drink, they will bring you back here and I will put you in gaol. So you go straight back to Barrow Creek with the family today. All right?

Thank you, is there anything further?

MR TAPUELU: As your Honour pleases.

MR ROBERTS: No, your Honour.

HIS HONOUR: Thank you, I will adjourn now.
