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THE SUPREME COURT OF  
THE NORTHERN TERRITORY

SCC 21835872

THE QUEEN

and

MARLEE VENESS

(Sentence)

GRAHAM AJ

TRANSCRIPT OF PROCEEDINGS

AT ALICE SPRINGS ON THURSDAY 12 SEPTEMBER 2019

Transcribed by:  
EPIQ

HIS HONOUR: In the matter of Veness, the offender pleads guilty to stealing with aggravation the sum of \$486,055.05 from Arafura Helicopters Pty Ltd.

The maximum penalty for the offence is 14 years' imprisonment.

At the outset, I say that this is a very serious offence. It extended over a long period and has had dramatic impact on four innocent people.

The facts are that Mr Curr and Mr Griffiths are the directors of Arafura Helicopters. The company provides helicopter flights for the commercial and tourism sector in Central Australia.

The offender was the personal assistant to Mr Curr. Her duties included paying invoices, included banking. She resigned in June 2017 and in July 2017 Mr Curr noticed there was a significant overdraft in a bank account. He confronted the offender and she admitted stealing about \$50,000. However, upon a reconciliation being undertaken, it seemed that the amount stolen in 2016 and 2017 alone was \$250,000.

Subsequently, the owners of the business have taken possession of certain items of personal property of the offender, with her consent, and they have also received \$67,000 in cash as part restitution.

This did not stop the company being served with a winding-up order by the Australia Taxation Office, because tax payments supposed to have been made by the offender had not been paid. It turned out, after a full audit, that in all, the offender stole this \$486,000 from the company.

The funds were spent, it seems, on personal and lifestyle goods and services. The offending had very little sophistication; however, it extended over a long period. She has made full admissions and she has now repaid \$232,692.48. There is \$253,362.57 outstanding. The victims, sensibly and practicably understand that the likelihood of that being repaid is virtually nil. However, I will make an order that money be repaid in case the offender comes into money. And there will be a stay of a few years, which I will come to later.

The offender has no convictions. She is 24 years of age. She completed year 10 and undertook a course at TAFE College in Business Management. She was employed by a firm of solicitors. She did some seasonal work and worked as a freight coordinator and livestock administrator for over two years. Her background is unremarkable.

She then relocated to Alice Springs to take up the position with the helicopter company. She was only in Alice Springs a few weeks before she met her partner, and they have been in a de facto relationship for about five years and it continues. They have a child who turns 2 years old in November this year and she is pregnant with her second child, who is due very shortly.

Whilst in Alice Springs, she and her partner lived at a station, which they managed. However, she is not working at present.

The defence, sensibly, conceded that a sentence of immediate prison was the expected and usual punishment in a case of this nature. I have been asked to take into account, and do, the fact that the plea was entered into at an early opportunity and that she should be afforded the usual full discount for that. I also accept that she has demonstrated remorse and that she does not have a criminal history.

It was submitted that her prospects of rehabilitation are good and this is based, it seemed, partly on a report by psychiatrist, Dr Sullivan. However, a perusal of this report indicates that she probably suffers from an adjustment disorder associated with her current legal predicament. In other words, she is sorry for herself.

The offender has written a letter to the court apologising to the victims and there are also references filed from Sandover Pastoral Company, which employed the offender, and a Mr Davis, the station owner. He speaks highly of her. And clearly, she had good qualities and has been a hard worker at times. I do accept that there are some prospects of rehabilitation, which I take into account.

The victim impact statements in this case are both compelling and poignant. In 2011, Mr Curr and Mr Griffiths purchased Alice Springs Helicopters. Two men seeking to continue a small business. They are to be commended for this. As the business grew, a competent administration employee was required and the offender became employed.

It only took her four months before she began stealing from these people. The activity went undetected. They were both obviously concerned in the management of the actual business of flying helicopters.

As the activity remained undetected, the consequence was the business struggled and the partners and their families suffered major emotional stress. There was debt, pilots were laid off and the lifestyles of the partners were affected. While this was going on, the offender was lavishly spending on herself.

What is doubly poignant in this case is that the partners, the two families, treated the offender as a member of the families. So it is not just stealing money. She betrayed their trust in a heartless and prolonged way, and understandably, they have been left devastated by what she has done.

I conclude that the most significant factors that I should take into account in the imposition of a penalty are personal and general deterrence. This was a crime that was undertaken over a period of years and was as a consequence of greed. As I have said, it nearly broke the owners of the company.

The offender and the community have to recognise there are going to be substantial penalties for this type of crime. They would say, "Money crime? There are real victims," as can be ascertained from the victim impact statement.

In addition, punishment is significant factor. The offender has to be denounced for what she has done. Actions bear consequences.

I take into account that rehabilitation is a relevant factor and I take into account her age, her family situation and the child that is expected, the fact that she has got a partner, and her lack of previous convictions.

I do not conclude this is an offence where part of the term of imprisonment should be suspended. This is notwithstanding the section 103 report, which is favourable and indicates the offender is suitable for supervision. As I have said, this was extremely serious offending and it caused great harm to four innocent people.

The offender is sentenced to 7 years' imprisonment. There is a discount of 25 per cent for her plea and therefore the penalty is 5 years and 3 months, with a 50 per cent non-parole period. She is ordered to repay Arafura Helicopters Pty Ltd the sum of \$253,362.57 and there will be a stay of five years for payment of same.

Any other matters?

MR ROBSON: No, thank you, your Honour.

HIS HONOUR: We are now adjourned.

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