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THE SUPREME COURT OF  
THE NORTHERN TERRITORY

SCC 21918328

THE QUEEN

and

SEBASTIAN RABUNTJA

(Sentence)

MILDREN AJ

TRANSCRIPT OF PROCEEDINGS

AT ALICE SPRINGS ON FRIDAY 18 OCTOBER 2019

Transcribed by:  
EPIQ

HIS HONOUR: Sebastian Rabuntja, you have pleaded guilty to aggravated robbery, the circumstance of aggravation being that you caused harm to Lovejit Singh. The maximum penalty for that is life imprisonment.

The facts of this matter are that on Monday, 6 May 2019, Mr Singh started work as a taxi driver at 5:00 in the afternoon. At 11:35 pm, he was sent to a job at 11 Lander Court to collect three passengers. When he got to the address, he had to wait for about a quarter of an hour for the passengers to arrive.

At about 5 minutes to 12:00, the three passengers arrived and got into the taxi. Lavina Brown sat in the front passenger seat, Zachary Rabuntja sat in the rear seat behind the driver, and you sat in the rear seat behind Lavina. All three of you were intoxicated.

Mr Singh wanted the taxi fare to be paid up front and he talked to you about that, as well as with the others. You informed him that you did not have any money to pay for the taxi. So, he told all of you to get out of the taxi.

You then yelled at Singh and you raised your right hand towards him. Singh was frightened that you were going to hit him, so he got out of the taxi. He stood near the driver's side door. The keys were still in the ignition.

Zachary got out of the taxi and started talking with Mr Singh. Lavina Brown still sat in the passenger seat, but she was calling out for Mr Singh to get back into the vehicle.

You got out of the taxi and you went up to Mr Singh and punched him on the right side of his face on the cheek. That caused Mr Singh to fall to the ground and to feel pain. Mr Singh stood up and then you punched him again a further two times, hitting him on the left shoulder.

Mr Singh was frightened and ran away from the taxi and contacted the police. You chased him for a bit. After you chased him, you went back to the taxi. You told Lavina Brown to get out.

You then got into the taxi and you drove away. You drove around about the Larapinta area for about 15 minutes and then you drove to Lander Court again and stopped.

In the meantime, two police officers had arrived at Lander Court and they saw you sitting in the taxi. The engine was still running and the headlights were on. Mr Singh told the police that you were the one who had assaulted him and stolen his taxi.

The police told you to get out of the taxi and you did. You were then arrested and taken to the Alice Springs Watchhouse. About an hour later, you were given a breath analysis and you had a reading of .219.

At the time, you did not hold a driver's licence. There was no damage to the taxi.

Mr Singh suffered pain which increased during the night, and he was unable to complete the rest of his shift. He did not return to work for a few days because of the pain. You were asked by the police to tell them your story, but you said you did not want to.

Mr Singh says that he feels pain, but there was no injury, and that he got really scared. He also says that he lost about \$200 in takings and he was also worried at the time that there might be some damage to the taxi; but, as it happens, he was worrying about something that did not happen.

I note that there are matters pending in the Local Court for driving without a licence and driving while intoxicated, but I am not going to touch that. That is not something for me to worry about today and you will not be punished for that by me.

So, Mr Rabuntja, I have to look at what is called the objective seriousness of the offence. That means I have to work out what are the really serious things that happened. So, I note the following things:

You punched him to the right side of the cheek and you caused him to fall to the ground. You then stood up and you punched him twice to the left shoulder. He suffered pain, but no significant injuries.

He was able to escape from you immediately after the second assault and was able to call for help. He was really scared by the robbery and he was not able to complete his shift, which caused him to lose a small amount of money. He is still worried a little bit when he is working at night.

You stole his taxi and you drove it around Larapinta for 15 minutes. The vehicle was not damaged and was recovered by the police. You did not steal any money of anything else from the vehicle. You did not use a weapon.

All this happened around midnight. None of the other people involved in the taxi with you were involved in the offending. You acted alone.

You were drunk with a reading of 0.219. You did not plan to do this. It was just a spur of the moment thing. You got angry because you were drunk.

The taxi driver did not do anything to upset you. It was all your fault. The actual assault did not take very long.

Mr Rabuntja, you have a lot of prior convictions. The first thing I notice is that you do not have any prior convictions as a juvenile. Your first offending appears to have happened when you were 18.

You have got four prior convictions for aggravated assault for which you have received short prison sentences. In 2015, you were convicted of driving a motor

vehicle causing harm or death. That time, you were sent to gaol for 4 years, suspended after 2 years.

You have been dealt with for breach of suspended sentences on four occasions, and on three of these occasions, this was only in the last two years. The offending on this occasion was shortly after your supervision ended in relation to the conviction in 2015.

I am not going to punish you again for your past offending, but what your record shows is that imprisonment for violent offending has not deterred you from violent offending again. Your record also shows you have been given chances in the past to reform, but you have breached the conditions of your suspended sentences.

Now I am going to talk about your personal circumstances. You were born in Alice Springs on 23 May 1988. You are now aged 31. You were aged 30 at the time of this offence.

You were brought up in the Ampilatwatja community, which is a dry community. You have one sister and a twin brother. You are an Alyawarr speaker. You only have limited English.

Your father was killed when you were a child. Your maternal uncle helped to raise you.

There is nothing to suggest that you came from a deprived background or were subjected to violence as a child.

You attended primary school at Irrultja, travelling by the school bus. You went to Tennant Creek High School. I was told you went to year 11 and did not complete year 12 because your uncle passed away.

The neuropsychological report by Dr Lum says that you speak English, but only to the extent of being able to talk about every-day, familiar topics. It seems your education was of very limited assistance to you.

You apparently had a relationship with a former, with whom you have a child aged 10. I have not been given any information about that relationship.

You previously lived in Canteen Creek with your ex-partner and, while you were there, you did some CDP work; concreting, fencing, making sheds and gardening. You have also done some fencing work at Ampilatwatja.

You are apparently a pretty good footballer.

Your future plan is to return to Canteen Creek and to live with your brother there when you can.

Dr Lum says that you have got normal memory, but your listening memory is not so good. He carried out some tests to see how smart you are, but you did not do very well. You were assessed as extremely low to borderline.

But he says those results are probably too low and you are probably better than that. He says the lower result was probably caused by your limited schooling. There is nothing to suggest that you are suffering from any mental illness.

Your lawyer says that you have an alcohol addiction program and it might get better if you could do a residential alcohol program. You have been assessed as suitable for the CAAAPU program. I understand you are willing to go into that program.

You have pleaded guilty at an early time. You have acknowledged that you have done the wrong thing. I am going to give you a discount of approximately 20 per cent to reflect the value of your plea.

Now I am going to talk about your prospects of rehabilitation.

I consider that your prospects in the future are only moderate. A lot is going to depend on whether you can stay away from drinking too much and learning to control your anger. Maybe this can be done if you do the CAAAPU course and you stay in a dry community and you get some work.

Your lawyer argued before me that, if you were just given a non-parole period, you might fall through the cracks and not apply for parole because of your limited English and lack of education. Also, I understood your lawyer to say that you might not get parole because you do not have the ability to present yourself in a favourable light to the Parole Board.

I have more faith in the Parole Board than your lawyer. I am confident that any consideration of your suitability for parole will be addressed properly, even with your limitations. I say that because these words that I am saying to you now will be read by the Parole Board when they come to consider your case.

It has been said by the Court of Criminal Appeal that offences of this kind against taxi drivers are extremely serious. It is the responsibility of the courts to impose sentences upon people who commit offences against taxi drivers that are designed to deter passengers from engaging in criminal offences against vulnerable taxi drivers.

The sentences of the courts are passed in order to protect the people who want to use taxis and to ensure that the public service available by taxis can continue. The courts have said that we must impose sentences that make it clear to you, as well as to anyone else who might be thinking about attacking a taxi driver, that offending of this kind will not be tolerated and that those who do commit them can expect a long sentence of imprisonment.

I am now going to tell you what your sentence is.

You are convicted. But for your plea of guilty, I would have imposed a sentence of imprisonment of 6 years. I have reduced that sentence to imprisonment for 4 years and 10 months because of your guilty plea.

Because you have not been able to comply with the terms of suspended sentences in the past and because of your limited prospects of rehabilitation, you are not a suitable candidate for a suspended sentence. I fix a non-parole period of 2 years and 5 months.

Your sentence and non-parole period is backdated to commence on 7 May 2019 to take into account time already spent in custody.

So, just to go over that, you have been convicted. You have got a sentence of 4 years and 10 months. I have reduced that from 6 years.

You have a non-parole period of 2 years and 5 months, which has been backdated to start on 7 May. So, it is nearly 2 more years to go before you can be considered for parole.

Yes, thank you.

MISS VOUMARD: May it please the court.

MR DOOLEY: May it please the court.

HIS HONOUR: Anything arising?

MISS VOUMARD: No, your Honour.

MR DOOLEY: No, your Honour.

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