

Peter Delano Hudson 21 March 2013 (SCC 21237010)

Alcohol has been an ever present factor in your offending... You acknowledge that you have an alcohol problem and that your alcohol problem leads to violent offending. The only way that you will stay out of trouble in the future is to resolve your problem with alcohol and possibly anger management issues...

This type of offending, where a drunken Aboriginal man violently assaults his drunken Aboriginal wife or some other vulnerable person, is tragically commonplace in Central Australia. The level of alcohol consumption in many cases is simply astounding. In this case both you and your wife were heavily intoxicated. The consequent violence to others is often horrific. So it was in this case. Your wife, amongst other injuries has lost the sight of her eye...

The courts have been speaking out for years requesting that the problem be addressed. One obvious step to be taken would be to limit the flow of alcohol to people such as yourself. Regrettably, based upon my experience in the courts, the situation is getting worse rather than improving. It is unfortunate and terribly sad, that genuine efforts to curb the flow of alcohol that could address the problems of those who suffer from abuse of alcohol are not pursued.

Errol Nelson 11 October 2012 (SCC 21212193)

In the Supreme Court sitting at Alice Springs, we are faced with a seemingly never-ending stream of violence. There is one violent case after another and each case bears a remarkable and disturbing similarity to the one that preceded it. In this case, as in many others, a drunken Aboriginal man has assaulted his drunken Aboriginal wife, in circumstances where there has been no real reason for the attack. The assault is violent in nature and the level of violence is out of all proportion to the surrounding circumstances. In nearly all cases, the violence includes the use of a weapon which, generally speaking, is whatever happens to be at hand. In your case it was a knife.

On each occasion, the court makes the same or similar observations. Experience has made it plain that the answer to the problem is not in the courts imposing ever-increasing sentences. The sentences imposed are already significant. The courts must continue to impose sentences designed to deter but it would serve no purpose to make those sentences even harsher.

Other measures must be taken to address the underlying causes. Given that the abuse of alcohol is almost inevitably a factor in such offending; it seems to me an obvious starting point is to endeavour to restrict the flow of alcohol to those who abuse it.

Snowy McDonald 3 October 2012 (SCC 21214934)

I have already had cause to remark on the prevalence of offending of this kind in Alice Springs and Central Australia. Cases of this kind are regularly before the Courts and it seems unfortunately common for drunken Aboriginal men to attack their wives, partners and others in violent ways and using whatever weapon happens to be at hand.

In this case, the weapon that happened to be at hand was a broom handle. The reason for the attack is more often to do with the extent of the alcohol consumed than any other valid reason for anger. Unfortunately, I am not surprised to learn that you have no real idea what made you so angry on this night. That is a submission that I hear so very often in these Courts. In this case, as with many others, the violence is quite disproportionate to any reason that there could be for the offending. The Courts can only continue to impose heavy penalties reflecting the seriousness of the offending and hope that the message will eventually get through to people such as yourself that offending of this kind will result in significant penalties.

However, the solution to the problem is not in heavier and heavier sentences, but rather in dealing with the underlying problem. The solution to that problem or those problems is to be found elsewhere. However, a good starting point would be to effectively address the alcohol problems that exist in this community and indeed, throughout the Northern Territory.

Donovan Raggett 3 October 2012 (SCC 21214688)

Clearly alcohol is a problem for you. I regard your prospects for rehabilitation as presently advised as being poor. Personal deterrence is clearly a matter to be taken into account when determining an appropriate sentence. You have pleaded guilty to the offending and you are entitled to credit for so doing.

The drunken domestic violence that is found in Alice Springs is extremely disturbing. Cases such as this are regularly before the Court. It is unfortunately common for drunken Aboriginal men to attack their wives and others in violent ways and using whatever weapon happens to be at hand.

The reason for the attack is often unable to be recalled by the attacker and when it is recalled it is so disproportionate to the violence inflicted as not to provide a reason at all. This is yet another such case. All the Courts can do is to continue to impose heavy penalties reflecting the seriousness of the offending in the hope that the message will eventually get through that offending of this kind will result in significant penalties and deter people from proceeding as they may otherwise have done.

Unfortunately, the solution to the overall problem is to be found elsewhere. A starting point would be to effectively address the alcohol problems that exist in this community.