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NORTHERN TERRITORY OF AUSTRALIA

LOCAL COURT

No: 21725104

POLICE

and

BERNARD CORBETT

JUDGE BORCHERS

TRANSCRIPT OF PROCEEDINGS

AT TENNANT CREEK ON 6 JUNE 2017

Transcribed by:
DTI

HIS HONOUR: Yes.

MR BHUTANI: May it please the court, Bhutani appearing, your Honour. It was my intention to deal first with the in custody youth matter of Bernard Corbett, which we're seeing if the responsible adult is available at the moment. If Bernard could be brought from the watchhouse.

Your Honour, just to indicate, his responsible adult today is Betty Corbett, his grandmother. Also in the courtroom, Margaret Shaw, your Honour, who is a senior social worker with the Barkly Child and Youth Mental Health Team, Mr Stuart Wiley, and Ms Beryl Gregg, a volatile substance abuse nurse from a team here in Tennant Creek.

Bernard before the court, your Honour. This matter is ready to proceed by way of plea.

CHARGES READ BY MR LYONS

MR LYONS: To that charge: guilty or not guilty?

THE DEFENDANT: Guilty.

MR LYONS: Does your Honour also have breach file for breached good behaviour bond on two matters?

HIS HONOUR: Yes.

MR LYONS: The defendant in the matter is Bernard Corbett. The victims are Bluestone Motor Inn, ANZ Bank Tennant Creek and Middle Earth Chinese Restaurant. 9:30 pm, Tuesday 23 May 2017, the defendant was at the Bluestone Motor Inn on Paterson Street with co-offenders Jake Foster and Bernard Corbett who were observed there by Constable Christopher Gunn, while conducting patrols in the area.

Around 11:30 pm, Bluestone CCTV captured the defendant, Jake Foster and Natrelle(?) Foster entering the motel. A short time later the defendant climbed onto the roof and turned the CCTV cameras whilst Jake Foster and Natrelle Foster tried door handles of vehicles and rooms to see if they were unlocked.

A short time later the defendant jumped off the roof and landed on the roof of a Toyota Prado, Northern Territory Government registration 828 441, causing damage to the roof of the vehicle. Around midnight on Saturday, 27 May 2017, the defendant was with Jake Foster, Sylvani Hogan(?) and an unknown co-offender at Haddock Street park, consuming alcohol, causing himself to become intoxicated.

At 4:52 am, the defendant, Hogan, Foster and the unknown co-offender attended the ANZ automatic teller machine on Paterson Street to withdraw funds. A short

time later, the defendant and the unknown co-offender kicked the door to the ANZ several times, (inaudible) into the bank.

The offender and the unknown co-offender entered the bank and attempted to steal money from the safe while Foster and Hogan remained outside in the street. 5:04 am, the defendant and his three co-offenders left the bank and walked over to the police CCTV camera trailer on the other side of the road.

The defendant attempted to climb on top of the trailer, however, he was unsuccessful. A short time later, the defendant and his co-offenders pried open the metal frame to the door of the Middle East(sic) Chinese shop, broke the glass door and entered the shop.

The defendant stole small golden cat statue with Hogan and Corbett, while Foster stole a pink beverage from the fridge. The defendant broke the statue outside the restaurant on concrete. A short time later, the defendant and his co-offenders left the area.

12:42 pm, the defendant was located by Constable Aaron Chapman at House 6 Village Camp and observed to be wearing the same clothes as in the CCTV footage. The defendant was cautioned and placed under arrest by Constable Chapman, in the presence of his responsible adult, Sonja Larry(?) and was then conveyed to the watchhouse.

At 1:12 pm, the defendant participated in a s 140 conversation with Sergeant Noonan. He declined to participate in a record of interview. The ANZ Bank Doug's Place, CCTV trailer and Middle Earth all have CCTV footage capturing the defendant, Sylvani Hogan and the unknown co-offender.

At no time did any of the victims give the defendant or his co-offenders permission to enter, damage or steal any of their property. He made no admissions to any of the offending. Those are the facts for that matter, your Honour.

MR BHUTANI: Those facts are admitted, your Honour.

MR LYONS: I tender a series of photographs in relation to the damage that was caused and also with CCTV footage stills and it also depicts the clothing that – sorry, your Honour, it just depicts the clothing that the defendant was wearing at the time.

MR BHUTANI: That's by consent, your Honour.

HIS HONOUR: Yes. I mark the information for courts as exhibit 1 and the photographs as exhibit P2.

EXHIBIT P1 Information for courts.

EXHIBIT P2 Photographs.

MR LYONS: And, your Honour, the defendant currently has \$3810 of outstanding fines.

HIS HONOUR: Yes.

Thank you, yes.

MR BHUTANI: Thank your Honour. Your Honour, Bernard comes before the court as still a very young offender for all purposes. He's 13 years of age before the court and it is conceded he comes to court with like offences on his record, your Honour. He also comes before the court, your Honour, with an extremely difficult set of circumstances that I will address through the course of this plea, but with undoubtedly, challenges, your Honour, that are very difficult for anyone of any age, but particularly for a young man from a background such as Bernard's at his young age of 13.

He is engaged with a range of support services here in Tennant Creek, given the people here in the courtroom and the hope is that Tennant Creek will continue to remain the best place for Bernard as he does have, not only family support here, but also those support services earlier mentioned, your Honour.

Your Honour, in terms of the offending, it is really hard to characterise it in any other way than, not only juvenile, but rather brazen, your Honour, as aside from being multiple premises in front of CCTV cameras. There's no other way to really put it any higher than quite a brazen and open assault upon a various number of premises here in Tennant Creek - - -

HIS HONOUR: What about the words, 'extremely serious'?

MR BHUTANI: Yes, your Honour. It is conceded it is very serious offending, particularly - - -

HIS HONOUR: Objectively extremely serious.

MR BHUTANI: Well, your Honour, I would naturally put that I think there are other offences that would take – would be all too serious, but objectively, yes, it is a serious offence. There are multiple premises over a short amount of time. They are often broken into, but what I urge your Honour to take into account is that thankfully, none of the premises had people in them at the time.

Thankfully, the overall loss wasn't all that great - - -

HIS HONOUR: Well, how do you know? Have we got quotes yet?

MR LYONS: No, your Honour, but I would – I haven't got any quotes back from the ANZ Bank as yet.

HIS HONOUR: So, we've got a roof of a Toyota Prado. We've got the door of the ANZ Bank, which I noticed, because I went to the ANZ Bank, it's wooden now, so it needs a new door. The door of the Chinese restaurant and a statue, which presumably is now an expense.

MR LYONS: The last time that Middle Earth got their doors broken it was over \$3000.

HIS HONOUR: Yes. Yes.

Client coming up with the money, is he, Mr Bhutani?

MR BHUTANI: No, your Honour, as you've heard he already has a considerable amount of outstanding - - -

HIS HONOUR: Family going to pay the money, are they, Mr Bhutani?

MR BHUTANI: Not that I know of.

HIS HONOUR: Who is going to pay the money, Mr Bhutani?

MR BHUTANI: Your Honour, it's a difficult situation. Unfortunately - - -

HIS HONOUR: No. No. Tell me, who do you think might pay the money, Mr Bhutani?

MR BHUTANI: It will unfortunately fall upon the ratepayers – the insurance payers here, the residents in Tennant Creek.

HIS HONOUR: Yes. Exactly.

MR BHUTANI: And, that's understood, your Honour, and it isn't shied away from that the damage will be considerable - - -

HIS HONOUR: So, do you think the restaurant – who's going to pay for the restaurant? I mean the bank's a big business, we know they make a fortune, that's alright. We know the Northern Territory Government just borrows money from taxpayers from the rest of Australia to pay for its liabilities.

But, who's going to pay for the restaurant? Would you think the owners of the restaurant can afford it, Mr Bhutani?

MR BHUTANI: Well, it is unfortunate, your Honour, that the insurance rates are going up because of reoccurring offending like this. It is - - -

HIS HONOUR: What's the main shop in the main street of Tennant Creek?

MR BHUTANI: I'm not sure, your Honour.

HIS HONOUR: Well, it's an empty shop, isn't it. And, why would it be an empty shop, do you think?

MR BHUTANI: Because, the insurance rates are difficult to pay because of this type of offending, your Honour.

HIS HONOUR: Yes. That's exactly right. So, where are we now? We are at a prevalent serious offending.

MR BHUTANI: Yes, your Honour.

HIS HONOUR: Yes.

MR BHUTANI: The prevalence of the offence, your Honour, shouldn't outweigh the general seriousness of the offending. It shouldn't mean that Bernard is made an example of, just because it is an overly prevalent offence.

HIS HONOUR: No, but you said that how many – Mr Bhutani, how many businesses has your client broken into already?

MR BHUTANI: He does come with priors, it's conceded.

HIS HONOUR: No. Count them up, tell me. Put it on the record, tell me how many businesses your client has broken into?

MR BHUTANI: I'd have to review his record, your Honour.

HIS HONOUR: Please do so.

You may do also, sergeant. We can have an agreement on this on how many premises this young person has broken into.

MR BHUTANI: It's my reading of the information for courts, your Honour, it would be five.

MR LYONS: That's correct, your Honour, five buildings and then there's three enter dwelling houses.

HIS HONOUR: Thank you.

Yes. Go on.

MR BHUTANI: With many of those, your Honour – well with all of them proceeding without conviction, your Honour, and going through the Youth Justice Court.

HIS HONOUR: I'm not asking you that. I'm asking you how many times has he broken into buildings?

MR BHUTANI: Yes.

HIS HONOUR: I'm not asking you how he was dealt with. I'm asking you how many times he's been breaking into buildings.

MR BHUTANI: Yes, your Honour, I didn't - - -

HIS HONOUR: Now I will ask you, when was the last time he was dealt with for breaking into buildings?

MR BHUTANI: 19 March, your Honour.

HIS HONOUR: March?

MR BHUTANI: Yes, your Honour.

HIS HONOUR: And, these offences took place in May?

MR BHUTANI: Correct.

HIS HONOUR: Yes. Okay. Thank you. And, just a couple of other preliminary matters, 23 May was a school day, is that right?

MR LYONS: It was, your Honour.

HIS HONOUR: It was a school day.

MR LYONS: A Tuesday.

HIS HONOUR: Was he at school that day?

MR BHUTANI: I do have his school attendance records here. I don't know if it has the specificity of individual days. Yes. It appears he was, your Honour.

HIS HONOUR: On Wednesday?

MR BHUTANI: It actually appears he wasn't the night – yes, he was, as per my reading of this, it does appear that he was there the next day.

HIS HONOUR: And, who was looking after him on the nights the 23rd and 27 May? You say he's got lots of family support, who was actually exercising parental control over him on those two nights?

MR BHUTANI: Well, he has been moving around slightly, your Honour, so I would have to take those instructions - - -

HIS HONOUR: Well, please. Please.

MR BHUTANI: He would have been living at House 6 Village Camp with - - -

HIS HONOUR: Yes. Who was exercising parental control?

MR BHUTANI: Yes. Yes, your Honour, with Bronwyn Foster.

HIS HONOUR: Right. Who's she?

MR BHUTANI: She's the grandmother. She's outside the courtroom, your Honour.

HIS HONOUR: Well, get her in.

MR BHUTANI: Certainly, your Honour.

HIS HONOUR: I want to know why she didn't report him missing to the police. Right. Mr Bhutani, I want you to get some instructions from Mrs Foster and ask her where she thought Bernard Corbett was at 5 am on 27 May.

MR BHUTANI: I will do that, your Honour. I just seek to correct the record, I re-read the attendance report. On my reading it appears that there was unexplained absences on Monday 22nd, the 23rd and the 24th of May surrounding the time of this offending. If I might be excused?

(Inaudible) that his address is 6 Village Camp. There are some seven children residing including co-offenders, namely Jake Foster. On that specific evening, or on evenings around that date, another grandson of Ms Foster was sick at a separate address that she went to care for, making sure that – well, where she went to care for and therefore, didn't notice the absence of Bernard and presumably - - -

HIS HONOUR: Okay. Well, who was looking after them?

MR BHUTANI: I don't have those instructions. She was taking care of another grandchild at that point.

HIS HONOUR: Fine. Who was looking after these young people? He's a 13-year old. He's supposed to be at school the next day. So, who was looking after him? Who tucked him into bed, give him the nightly meal, was going to get up, give him his breakfast and get him off to school? Who was doing that? It's called parental responsibility.

MR BHUTANI: Yes, your Honour, and if I might actually address on that - - -

HIS HONOUR: No. No. I want to know who was looking after this young person on the evening of 27 May?

MR BHUTANI: And, this has to do with that point, your Honour, that there's been significant difficulties, or significant - - -

HIS HONOUR: So, is the answer no one?

MR BHUTANI: I just don't know.

HIS HONOUR: Well, please ask. I want to know.

MR BHUTANI: I interpret that the responsible adult who was initially notified as Ms Sonya Larry, your Honour, would have been at the premises providing supervision and - - -

HIS HONOUR: Who was that person?

MR BHUTANI: That is co-offender, Jake Foster's mother.

HIS HONOUR: So, you can go back to this point that you've made that he's got significant family support. So, we got to the point where he doesn't go to school, unexplained absences on 22nd, 23rd and 24th of May and he's rampaging around the community in the early hours of the morning on the 22nd, because no one's looking after him.

MR BHUTANI: Well, if I might address your Honour on that point?

HIS HONOUR: But, they're the facts, aren't they?

MR BHUTANI: Absolutely. But, if I can contextualise it, your Honour.

HIS HONOUR: No. No. Let's just agree on some facts.

MR BHUTANI: And, those are agreed, your Honour.

HIS HONOUR: They're agreed facts.

MR BHUTANI: Yes.

HIS HONOUR: And, what does my order say in March, that he signed and he said he'd agreed to? What did it say? He would go to school every day.

MR BHUTANI: Yes, your Honour.

HIS HONOUR: Right.

MR BHUTANI: If I might contextualise, the last few months in Mr Corbett's life, your Honour, now your Honour's probably aware of a death that took place in the Tennant Creek community that's now really being investigated as a murder. That is Bernard's mother and the primary suspect at this stage is his father, who is currently serving a significant time on remand at the Alice Springs Correctional Centre, being investigated for the death of his partner and Bernard's mother.

Now that, your Honour, by all accounts, by all service providers here in the courtroom today, which I'm happy to call as well, has obviously taken a very significant toll on Mr Corbett. But, I think it's really well reflected - - -

HIS HONOUR: Well, call them. I'd like to know how they relate that to breaking into people's property including that. Call one of them, anyone you like and get that person to tell me how grief results in breaking into banks.

MR BHUTANI: Very much so. If I might - - -

HIS HONOUR: Please.

MR BHUTANI: If I might first, your Honour, tender – and I might finish my point, tendering the school attendance records from a period prior to April and a period later on. Sorry, a period from April and a period to April. It really shows a very remarkable noticeable difference in attendance, 79 percent down to 26 percent. And, this is at a time after he's just lost his mother.

But, by all accounts, your Honour, that ongoing alcohol misuse and other issues in the family have really resulted in Bernard being of quite low mood, suffering social anxiety. I've also got notes that he struggles to make and maintain long term friendships and really does take solace in the company of his two younger sisters, your Honour.

HIS HONOUR: Sorry. Say that again.

MR BHUTANI: That he really takes solace in the company of his two younger sisters.

HIS HONOUR: How old are they?

MR BHUTANI: Seven and eight?

HIS HONOUR: So, why wasn't he with them at night?

MR BHUTANI: Sorry, 12 and 13 - - -

HIS HONOUR: Okay. So, if he's so concerned about them, why is he out on the streets at 5 am?

MR BHUTANI: They were residing in Ali Kurung at that time, your Honour. And, really - - -

MR LYONS: It's by consent, your Honour.

HIS HONOUR: Thank you. Yes. Go on.

MR BHUTANI: Now, Mr Bligh(?) and Ms Shaw, who's providing assistance and support to Bernard is that she notes he has a depressed mood, feelings of hopelessness, purposelessness. It fluctuates depending on the situation and that he is particularly, because of these situations, vulnerable to peer pressure and negative influences.

He is also still of a very young age, your Honour, and some of the co-offenders that he was with are of older ages. But, the ongoing plan, your Honour, is to have him - - -

HIS HONOUR: Sorry. The oldest is 18, is that right?

MR BHUTANI: Yes. One of them is being dealt with in the adult jurisdiction.

HIS HONOUR: Yes. He's 18, just turned 18. The others are all his age.

MR BHUTANI: As per my material - - -

HIS HONOUR: Jake Foster, how old is Jake Foster?

MR LYONS: I think he's about 17, your Honour.

HIS HONOUR: He's a youth.

MR BHUTANI: Yes. He's still being dealt with in the Youth Justice Court, your Honour, and he's 15 years of age.

HIS HONOUR: Your client, you keep on saying 13. But, what's your client going to be tomorrow?

MR BHUTANI: Yes, your Honour. He's unfortunately, going to be turning 14 and while some of the co-offenders were 15 and 18 years of age, naturally, where he's lacking the support, having gone through a very traumatic incident, he's obviously turning for support in other places and looking for guidance and acceptance by some of his people who attend his school and otherwise, that he is residing with.

Now, your Honour, the ongoing or future plan for Bernard is that there is further psychiatric assessment with a clinical psychologist, or child youth psychiatrist which is due to visit Tennant Creek on 19 June 2017. And, that he continues individual therapy here in Tennant Creek through the Youth Mental Health Team.

In terms of other aspects - - -

HIS HONOUR: When did he start with the Youth Mental Health Team?

MR BHUTANI: Your Honour, I'm of the understanding that there's been limited, or difficulty in engaging him, but there was one one-on-one session that took place on 20 April.

HIS HONOUR: So, he's had one session?

MR BHUTANI: Yes, your Honour.

HIS HONOUR: Right. One session. 20th of April.

MR BHUTANI: Yes, your Honour.

HIS HONOUR: He's had no sessions since then?

MR BHUTANI: Yes, your Honour, I don't think that's obviously - - -

HIS HONOUR: Because he's – no sessions since then?

MR BHUTANI: Not that I'm aware of, your Honour.

HIS HONOUR: No. Right. So, he's had one session?

MR BHUTANI: Yes, your Honour.

HIS HONOUR: Yes.

MR BHUTANI: And, obviously, all his future plans are dependent on Bernard's engagement with them.

HIS HONOUR: And, why has there been no session since 20 April?

MR BHUTANI: I only understand because of the difficulty in engaging with him.

HIS HONOUR: Difficulty engaging him. Yes.

MR BHUTANI: And, in the context of the imprisonment of his father and the - - -

HIS HONOUR: Where is clinical psychiatrist coming from?

MR BHUTANI: I'd have to get those instructions. Alice Springs, your Honour.

HIS HONOUR: Who is the clinical psychiatrist?

A PERSON UNKNOWN: Dr Megan Chambers, your Honour.

HIS HONOUR: Thank you.

MR BHUTANI: In terms of other points of concern that previously existed with Bernard, your Honour, there's been no further reports of volatile substance abuse. It was a concern. And, while he does still have an open case, my understanding with

the VSA team, there is an ongoing, sort of, intervention or assistance in terms of that guard.

At this stage, the focus for Bernard, or the way to make him best move forward is really to help him address and assist him through the grief and trauma that he is currently going through before trying to focus on more concrete future plans in terms of further training and education. I know that's difficult, your Honour, given such a young age. But, as your Honour can see with his current attendance rate of 26 percent, it is – he's obviously having trouble engaging with the providers and the education system and that's what's resulting or yielding in this behaviour.

Now, unless I am able to assist specifically any further, your Honour, there was some specific difficulties taking instructions from Bernard in the watchhouse. There are no free cells in the watchhouse. He is currently sharing a cell with Mr Jake Foster. Obviously, your Honour can imagine trying to take instructions from a youth when he is sitting next to his co-offender is somewhat difficult, but particularly that a youth of - - -

HIS HONOUR: Your services had – he was in Alice Springs was he not?

MR BHUTANI: Yes.

HIS HONOUR: Yes. And, you had solicitors see him in Alice Springs. Is that right?

MR BHUTANI: Yes, your Honour.

HIS HONOUR: Yes.

MR BHUTANI: A solicitor saw him on 29 May, while he appeared in custody.

HIS HONOUR: Yes. So, you've had a lot of opportunities to speak to him.

MR BHUTANI: Well, yes, your Honour. I got to speak to him today to try and get some further personal instructions as to where he wants to be residing - - -

HIS HONOUR: Well, tell me where he wants to reside.

MR BHUTANI: Well, he wants to continue residing here in Tennant Creek.

HIS HONOUR: And, what's he going to do?

MR BHUTANI: Well, continue attending school here.

HIS HONOUR: But, he doesn't attend school.

MR BHUTANI: Well, he does to a limited to degree.

HIS HONOUR: Well, let's read some of these, okay. Let's read some of these: '2nd May. Came to school late, Bernard and Shaquille Walker were not in class; too busy jumping on walls around the school. Got them in the class eventually at 12:20 pm. Then they ran away.'

The next day, 'Arrived late. Didn't attend class. Left the grounds before the end of the school.' 4 May, 'Stuart Wiley rings up and says they're going to Ali Kurung.' 5 May, 'Gone to Ali Kurung.' 8 May, 'Too tired to come to school.' 9 May, 'Came late, left school grounds before HG,' not sure what that is, 'and didn't return.'

Not there 10 May, not there 11 May, not there 12 May. Came on 15 May, but didn't go to lessons, went home. 16 May, didn't attend any lessons. 17, 18, 19 of May, didn't turn up; no explanations. 22nd, 23rd, 24th, 25th, 26th didn't turn up, no explanations.

MR BHUTANI: I'd say, your Honour, that's almost an unfair characterisation in that your Honour's looking - - -

HIS HONOUR: I'm reading the – I'm reading the report - - -

MR BHUTANI: Yes. If I might finish - - -

HIS HONOUR: - - - the individual absentee report. So, it would appear from 4 April, your client's hardly been to school.

MR BHUTANI: Yes. Yes, your Honour. After his mother was killed. But, if you compare that - - -

HIS HONOUR: But, you just told me he wants now to go and live at home, where he is not supervised and he doesn't go to school, but that's where he wants to go.

MR BHUTANI: Well, your Honour, there isn't a magical wand - - -

HIS HONOUR: So, why is it now that suddenly, he wants to go home and go to school, which he couldn't do before?

MR BHUTANI: Your Honour, I'm not saying that Bernard will walk out of the courtroom and be attending Tennant Creek High School a hundred percent of the time.

HIS HONOUR: But, he will. I've ordered him.

MR BHUTANI: And, as much as a court order might - - -

HIS HONOUR: No one is looking after him to send him there.

MR BHUTANI: Well, there are obviously difficulties, your Honour, with his home and care situation and it is not that any order your Honour might think to impose isn't going to change his situation.

HIS HONOUR: So, what should I do, Mr Bhutani?

MR BHUTANI: Well, we are in a difficult - - -

HIS HONOUR: So, do you want me to go back to the good behaviour bond and say, change it, so he only has to go to school when he wants to?

MR BHUTANI: No, your Honour. Well, it would have been ideal, your Honour, in circumstances like this, I think, for a community work order - - -

HIS HONOUR: Rubbish. That wasn't put to me and you know precisely why it wasn't. Because, you and your colleagues have a mantra. And, the mantra is, he's in the Youth Court. He's too young to do that, he's got to get a good behaviour bond and that's what he got.

MR BHUTANI: Sorry. I'm suggesting that on this one. I'm suggesting that on this file.

HIS HONOUR: He's not getting a good behaviour bond, Mr Bhutani. I'm thinking of gaol, so you go prepare yourself by getting a presentence report.

MR BHUTANI: Well, your Honour, I'm suggesting that that would have been an ideal circumstance. Unfortunately, community work isn't available. I didn't say a good behaviour bond. I'm saying community work order. Unfortunately, it is not available for youths and so unfairly, what happens to youths in the Tennant Creek Youth Justice Court is naturally, the sentencing imposition increases even though the history of the defendant and objective seriousness may not warrant that increase.

Now, your Honour, looking at his history, yes, it is lengthy. But, it isn't as if – in my submission, your Honour, he isn't beyond rehabilitation in any sense. His first entry upon his record are in September 26, less than a year ago, your Honour. So, yes, it is naturally concerning that there is this quick flurry in increase.

But, it isn't as if he's been offending for years and years and is beyond rehabilitation. And, the focus of this court should remain that of rehabilitation and imprisonment whether suspended or not, your Honour, should remain an absolute last resort. In my submission, Bernard isn't at that point of last resort, your Honour, particularly taking into account his personal circumstances; the presumable grief and trauma he's going through.

I can see no benefit to Bernard firstly, but particularly to the community in sentencing him to a term of imprisonment. Authorities suggest, your Honour, that to

address underlying offending behaviours is to benefit the entire community and would address in satisfying many of the criteria in the imposition of a sentence.

Unless I am able to assist further, your Honour.

HIS HONOUR: Thank you.

Yes, Sergeant Lyons.

MR LYONS: Your Honour, just to clarify something, the actual serious offence with Sadie Foster and Baden Corbett occurred on 20 January 2017, so that's some six months ago now, well five and a half months ago that that incident actually happened.

Your Honour, what's being forgotten in all of this is the victims in this matter, with the Middle Earth Cafe being targeted by probably every court session we have here, with youth. In Tennant Creek there's always something involving the Middle Earth. It's in the middle of town. It appears to be a target.

Your Honour, the ANZ Bank, as your Honour has quite rightly said, they're a business that can afford to replace their windows with insurances and what like. But, the victims in this matter are the Northern Territory Government, the ANZ Bank and Middle Earth. Due to the youth crime in this town, which is very prevalent and almost, as your Honour saw yesterday with the amount of youth files that were in court, and youth were involved in another unlawful entry again last night in another business, which investigations are still going on with that.

That aside, the community in general has had enough of youth breaking into their businesses, breaking into houses and nothing happening. There's no responsibility. They don't take responsibility for their actions and consequently, the defendant before the court now is on a good behaviour bond.

He was put on there about two months ago and can't abide by any of the conditions that were put on there. So, your Honour, detention would be beneficial for this young person, be it in Alice Springs or Darwin, where he can seek the help from the psychiatrists, or the psychologists that he is required to see.

MR BHUTANI: I haven't made any submissions on the issue of conviction, does your Honour wish to hear from me on that?

HIS HONOUR: No. I'm getting a report. You've had plenty of opportunity to address me further.

Yes.

A PERSON UNKNOWN: My apologies, your Honour. But, Mr Corbett does have a Community Work Order as well.

HIS HONOUR: Does he? Thank you.

Yes. Please stand up. You came before my court in March of this year, at which time you were about to be dealt with for a number of offences. Those offences had mainly been committed in Tennant Creek. Included in those offences were the fact that you went to Dion Beasley's house. You know who Dion Beasley is, because everyone else does in Tennant Creek. And, you deliberately damaged the car, which is used to transport him and his wheelchair, with absolute no regard to the difficult situation that Dion Beasley finds himself in. No regard for the distress that you caused his carers.

You were given an opportunity. Given an opportunity which you signed and you agreed in court. You were legally represented. You had lawyers constantly representing you for a long period of time and you stood in court, and presumably they spoke to you and impressed upon you the importance of staying out of trouble.

They would have said to you that the court's concerned about the fact that you're a young person and that you need to demonstrate that you can stay out of trouble. I accept that there have been difficulties in your family, but Mr Bhutani said two things to me at the beginning of his submission. One is that you have family support.

There are people in court here, but there is no one exercising parental control over you. You're rampaging around the streets at night and no one cares. I haven't heard from the police that anyone rang the police, or contacted the police to say that you were missing after midnight, because no one cares.

The second thing that he said is that you have significant engagement with community groups. You've had one session in April and the reason why you haven't had more is because it's been too difficult to engage you. That is, that you haven't wanted it. I've heard that you initially, were committed to school. I've read the report. I've read it out to Mr Bhutani.

He says that I'm being unfair and I should contextualise the report and I will. I will contextualise the report in this sense: you've got no one looking after you. That's why you don't go to school. It might be somewhat stereotyping in a socioeconomic way. But, there's no one providing you with an evening meal, tucking you into bed, getting you up in the morning, giving you breakfast and sending you off to school. And, if there is, you're not listening to them.

So, I've been told that ultimately, on the 27th it was Jake Foster's mother who was looking after you after your grandmother had gone to look after someone else at some house. She'd left you with some other grandmother, who then moved you onto Jake Foster's mother, but no one knew where you were. You were out on the streets.

Yes. You might have been the youngest of the gang, but less than three months before, you stood before a court and you made a promise that you'd stay out of trouble. so, I'm not sure how you now, in your own head, rationalise the fact that you

stood here and you said, 'I won't get into trouble,' and less than three months later, you're breaking into the Bluestone. You're deliberately moving the CCTV camera so that you won't get caught. Which is clear evidence that you knew what you were doing was wrong.

Then you jumped down on the roof of a Prado. The fact that you feel sorry about what's happened in your family, how does that justify you damaging other people's property? I'm told that you're really concerned about your sisters. How does damaging other people's property and possibly going into gaol help your sisters? It doesn't.

So, you go down to the Bluestone and you damage that. And, a couple of nights later, you're out and about again. This time you kick the door in on the ANZ Bank and go inside and make a good effort to see what you can steal. You know what you're going to steal. What does a bank have? It has money. What else could it possibly be that you were in there looking for?

How does that sit with feeling grief for your family? And, then you go over the road to the restaurant and damage that door, go in and break some property. These are serious offences. They're prevalent in this community, they're a curse on this community and they're prevalent for you. You've been doing them for some time.

But, there's a break between what you did in the past and the present, and that break was when you were in custody, came before the court for a while and then made a promise; stood up, 'Yes. I'll stay out of trouble. I'll go to school.'

Now, I accept, as I have said, that there's been a bit of a breakdown in your family; a significant breakdown. But, you've dutchessed it. That means that you've taken advantage of it. You're out and about on the streets with your mates, because no one really is in a position to look after you.

What I'm asked to do today is to send you back into exactly the same situation that you were in on 27 May, into a house where someone might or might not look after you. Because, clearly while you say you've got family support and there's people here, no one is actually sticking their hand up and saying, 'I will parent this child.'

Meaning, 'I will make sure this child has meals, goes to bed, and gets to school.' There's no one. I'm also told that if you went back into the situation you'd be involved in community organisations. Well, you don't go to school and when you do go to school, you're rampaging around the schoolyard, you don't go into lessons and you haven't engaged with the Barkly Mental Health Unit. That's clear. One session and they haven't been able to do anything else with you, because you haven't turned up.

You're not going back into the community. The community can't afford you. It's quite clear that you and your family are not going to pick up the damages for what you've caused. And, presumably, and I infer this, you've got no understanding of

that. You don't know what a first world economy is. You don't know the difference between – you don't know where money comes from other than the government gives it out.

People work. People make money. If they don't make money, they starve, or they lose their businesses. And, there's a very good chance that there will be businesses in this town that won't continue after a number of years because of the number of times that they've been broken into. Because, you're not paying for it, your family's not paying for it. You don't even pay your fines.

I'm remanding you in custody, in detention. You'll get the opportunity for the psychiatrist to see you and to provide me with a report. Well, provide your solicitors with a report and they can present it to court. But, the next time you come to court before me, I want a plan that doesn't say, 'Just send me home.' Because, that's not going to happen. No one's looking after you.

I want a plan that actually says, 'I'll go to school.' Because, you made that promise and you don't do it. So, there has to be some other plan to get you to school. Not what might happen; but a real one. And also, a plan about what other activities that you'll do outside of school.

So, I'm ordering a presentence report and you will appear at 9:30 am, 13 July. That in Alice Springs. Thank you.

MR BHUTANI: The only difficulty with Alice Springs, your Honour, is the responsible adult might need to have leave to appear from here at Tennant Creek.

HIS HONOUR: We can arrange that. Thank you.

MR LYONS: Thank your Honour.

ADJOURNED