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THE SUPREME COURT OF  
THE NORTHERN TERRITORY

SCC 22340896

THE KING

and

RICHARD JOHN MCDOUGALL

(Sentence)

BURNS J

TRANSCRIPT OF PROCEEDINGS

AT DARWIN ON THURSDAY 7 MAY 2026

Transcribed by:  
EPIQ

HIS HONOUR: Richard McDougall, on 22 January 2026 a jury convicted you of the following charges. Count 1, a charge that on 17 December 2023 you exposed a person who I will refer to as GH, a child under the age of 16 years, namely 13 years, to an indecent act by yourself. The maximum penalty for this offence is ten years' imprisonment.

Count 2, a charge that on the same day you procured GH, a child under the age of 16 years, namely 13 years, to perform an indecent act. The maximum penalty for this offence is also ten years' imprisonment.

Count 3, a charge that on the same day you committed an act of gross indecency upon GH, a child who was under the age of 16 years, namely 13 years, and in circumstances where GH was under your care. The maximum penalty for this offence is 20 years' imprisonment.

Count 4, a charge that on the same day you had sexual intercourse, namely fellatio, without his consent and knowing about or being reckless as to the lack of consent. The maximum penalty for this offence is life imprisonment.

And count 6, a charge that on the same day you had sexual intercourse, namely fellatio, with GH without his consent, knowing about or being reckless to the lack of consent. The maximum penalty for this offence is also life imprisonment.

It is for me to determine the facts upon which you are to be sentenced. Any facts which I find must be consistent with the verdicts returned by the jury. Any fact which would tend to make the offence more serious or call for greater punishment must be found beyond reasonable doubt. On the other hand any fact which tends to mitigate this offending needs only to be established on the balance of probabilities.

I make the following findings of fact. At the time of this offending you were 67 years old and the victim was 13. You and the victim's mother were in a de facto relationship and the victim was under your care as your de facto stepson. All three of you resided together in your house in Stapleton.

On Sunday 17 December 2023 you commenced drinking beer at 8 am and continued drinking throughout the day. Later that afternoon you went to Litchfield Tavern. At about 6 pm you returned home to your address in Stapleton and continued to drink beer in the backyard in an area under the Banyon tree. Present with you was a friend who I will refer to as CH. The victim joined you in the backyard sitting on a chair next to you.

At about 7 pm you walked a short distance to urinate in the yard. The victim followed you and urinated also. When you were finishing the victim made a joke about shaking your penis whereupon you turned to the victim and directed him to shake your penis. The two of you then returned to sit on your chairs under the Banyan tree.

A short while later CH left leaving you and the victim alone together. Once CH had left you, while sitting on your chair, you spread your legs and directed the victim to masturbate with you. The victim complied and both of you sat on your chairs and masturbated simultaneously. The victim could see your penis while he masturbated and his penis was likewise exposed to you. These are the facts relevant to counts 1 and 2.

After a short time you asked if you could touch the victim's penis. You then pulled down the victim's shorts and took hold of his penis and continued to manipulate it back and forth masturbating the victim. These are the facts relevant to count 3.

You subsequently asked the victim to fetch you a beer from the freezer which he did. He went outside and returned to you and gave you the beer. You then asked the victim to kiss your penis goodnight and exposed your penis to him. You then directed the victim to kneel in front of you on the ground and perform fellatio on you. The victim complied. This is the basis of count 4.

You then directed the victim to stand in front of you. The victim wanted to return inside the house however you told him you wanted to taste him and for him to come in your mouth. You pulled down the victim's pants and underwear, grabbed the victim's buttocks with both hands and performed fellatio upon him. After about three or four minutes you stopped and the victim pulled his pants back up.

You then explained to the victim what a golden shower meant and that you wanted to watch the victim shower. The victim said nothing and returned inside the house and went to bed. Around one or two minutes later you went to the victim's bedroom and asked if he was okay. The victim just nodded. You went to the living room and watched television. Throughout this incident the victim complied with your directions because he was under your authority and was afraid not to comply.

At about 4 pm on Monday 18 December 2023 the victim disclosed the allegations to his mother while you were away from the residence at Litchfield Tavern. She then called the 000 emergency hotline and reported the incident. During the call the victim was handed the phone and told the operator what had occurred the previous evening.

At 7:44 pm that evening you were placed under arrest and conveyed to the Palmerston Police Station. At 9:55 pm a police officer administered a caution and informed you that you were under arrest for sexual assault of a child. You replied, "All I can say it was consensual."

At 11:52 am on 19 December 2023 you participated in an electronically recorded interview. You said that you had consumed alcohol throughout the day and evening and recall urinating next to the victim in the backyard. The victim asked you if he could shake your penis and you let the victim do so but you had no further memory of the events.

When asked if you recalled the specifics you only replied with words to the effect of “Did I do that?” and “I’m not a very good role model” and that you were remorseful. You told police that whatever happened GH agreed to it, “Whatever we were doing we were doing it together.” And you went on to say, “He wanted to do it as much as I did.” When asked whether you knew the age of consent you replied, “16 isn’t it?”

I received a victim impact statement prepared by the victim’s mother and dated 6 February 2026. The victim’s mother speaks of the victim requiring counselling for sexual assault. She states that he has engaged in self-harm requiring hospitalisation for a period of ten days. His health has suffered due to distress and she has been hospitalised as well.

She states that the victim has engaged in destructive behaviour in the family home including damaging property and arguing with his mother and refusing to attend school. She states that the victim is still unsettled in daily activities and requires further counselling. She and her family have also been financially affected by your incarceration.

It is clear that your criminal actions have had a lasting detrimental effect upon the victim and his wider family. I accept that none of the offences were particularly protracted or involved physical force being applied to the victim to enforce your demands. This was unnecessary because of the position of trust and care that you held over the victim as his stepfather.

The victim’s young age is also an aggravating circumstance. All of this offending involved skin to skin contact with the victim placing the victim at risk of contracting disease. With regard to those charges which alleged that you had sexual intercourse with the victim without his consent and knowing about or being reckless as to the lack of consent I find on the balance of probabilities that you were reckless as to lack of consent on the part of the victim. This does not substantially reduce your moral culpability because you knew that the victim was only 13 years old and could not consent to engage in a sexual activity with you.

You were born in Ashburton, New Zealand and you are the youngest of four children. Your parents provided for you materially but your father regularly misused alcohol. You told the author of the pre-sentence report that initially your parents did not give you much attention but this later changed and they started spoiling you. Your parents are now deceased and your brothers no longer speak to you since your conviction for this offending. You made a brief comment about being molested at age 14 by a family friend but you did not divulge any further details.

You were married in 1997 and that relationship produced a child in 1979. The marriage ended in 1981 and you later entered into a second marriage in 1985 which lasted four years. After the end of that marriage you moved to Australia in 1989. You have continued to have contact with your son until recently.

In Australia you entered into a new relationship which lasted 30 years until the death of your partner in 2018. In 2021 you entered into a relationship with the

mother of the victim of these offences. You reported that this relationship was positive and you were a father figure to the victim.

You left school in 1972 and thereafter worked in numerous industries including trucking, agricultural, meat processing and mining. You have always maintained employment.

You told the author of the pre-sentence report that you are concerned about being deported to New Zealand after you are released from prison. I accept that this is a real concern. You told the author of the report that you have been consuming alcohol socially for many years and you acknowledge that you are an alcoholic. You stated that your alcohol abuse escalated significantly after your partner's death in 2018.

At the time of this offending you were residing on a property which you owned in Stapleton. You have since sold this property. You have limited supports in the Northern Territory. Community Corrections have attempted to identify appropriate residential rehabilitation programs but there are none willing to consider a referral in the light of the nature of your offending.

Whilst remanded in custody you have not participated in any interventions or programs partly because you are housed in protection. Whilst accommodated under protection status access to mainstream programs is restricted. An institution report states that you are employed within the protection sector as a carer.

Since your incarceration in December 2023 you have received regular personal visits and have also maintained contact with people via telephone. You have undergone one breath test and one urinalysis test, both returning negative results.

Due to you being a New Zealand citizen and being a person of interest to the Australian Border Force and the nature of your crimes you will remain at medium security classification whilst in prison.

The author of the pre-sentence report stated that you may benefit from engaging in interventions such as with Relationships Australia to address offending behaviours and CatholicCare NT for alcohol misuse and mental health. You have expressed willingness to engage in recommended interventions designed to mitigate further offending and address your contributing factors.

The author of the report notes that you expressed some victim empathy. You maintained to the author of the pre-sentence report that you have no memory of most of the events the subject of charges of which you were convicted. I have grave doubts about the truth of that proposition but I am unable to find beyond reasonable doubt that you are lying on that issue.

Based upon your lengthy history of alcohol abuse and your consumption of alcohol on 17 December 2023 it remains a possibility that you have no memory of these events or at least most of them. That, of course, does not mean that you did

not understand that what you were doing was wrong or that you were incapable of forming the intention required for each offence. The jury's verdicts establish that you had formed the necessary intention for each of the offences.

I was provided with a report prepared by Ms Oliver, a psychologist, dated 17 March 2026. She undertook an assessment involving clinical interview, behavioural observations, review of available background information and administration of selected psychometric screening measures.

Ms Oliver noted a longstanding history of alcohol consumption beginning in adolescence. You have a chronic pattern of high-level alcohol use which continued throughout your adult life. Screening tests indicated elevated depressive symptoms with moderate anxiety symptoms which may reflect situational distress associated with your legal circumstances and custodial environment.

Ms Oliver stated that symptoms of depression and anxiety are not established causal factors in sexual offending against children and do not explain the cognitive behavioural patterns described in relation to the present offending. Ms Oliver noted that you reported drinking heavily at the time of this offending. She stated that alcohol use can function as a behavioural disinhibitor and may reduce behavioural restraint or impulse control in intoxicated states.

However, alcohol use does not generate sexual interest in children and is not considered a causal driver of sexual offending behaviour against minors. In the current context alcohol may have been a situational facilitator reducing inhibitions rather than a causal explanation for your conduct. Ms Oliver also had difficulty explaining your alleged amnesia of the circumstances of this offending.

Ms Oliver stated that you did not demonstrate recognition of the inherent power and responsibility differential between yourself as an adult and the victim as a 13-year-old. You repeatedly questioned why the victim had not been charged with assaulting or molesting you asserting that he had initiated the alleged interaction.

Ms Oliver stated that this effectively reverses the expected victim-offender dynamic by positioning the child as responsible for the alleged behaviour while minimising the adult's responsibility to establish and maintain appropriate boundaries. Ms Oliver stated that you did not demonstrate direct remorse towards the victim.

Ms Oliver expressed the opinion that you appear to meet criteria for an alcohol use disorder severe in early remission in a controlled environment. Any reduction in alcohol use occurring within a controlled environment should not be interpreted as evidence of sustained remission outside of custodial conditions.

Ms Oliver undertook a risk assessment. Her conclusions were that you present as a cognitively intact individual with a longstanding history of chronic alcohol misuse and a pattern of responding to the present characterised by impression

management, externalisation of responsibility and attempts to attribute responsibility for the alleged interaction with the victim.

The combination of impression management, selective claimed amnesia specific to the offending of the alleged behaviour and the repeated reframing of the complainant as the initiator of the interaction introduces significant inconsistencies within your narrative account.

These features suggest a defensive narrative structure in which responsibility for the alleged behaviour is minimised while the victim's behaviour is emphasised. Alcohol intoxication may act as a situational disinhibitor that could reduce behavioural inhibition and impaired judgment in interpersonal situations.

Considering all matters together the available information suggests to Ms Oliver that any future risk would most likely arise in contexts characterised by alcohol intoxication, poor boundary recognition and interpersonal conflict where responsibility is externalised. Conversely, risk may be reduced in context involving structured supervision, abstinence from alcohol and environments where appropriate boundaries and accountability are clearly maintained.

Ms Oliver recommended that you engage in a structured sexual offending treatment program and that you engage in alcohol and other drug treatment. Any supervision in the community should include abstinence from alcohol or other intoxicating substances. You should also be required to participate in further psychological treatment or rehabilitative programs as deemed appropriate.

You have a limited criminal history suggestive of alcohol abuse for which contains no prior sexual offending. Whether you will be deported to New Zealand upon your release from prison is presently unknown. I accept that the burden of imprisonment may be greater for you than for someone not in a similar position because there remains considerable uncertainty about your country of residence until such time as a decision is made by the Minister. As deportation is not certain, however, it is not appropriate to take into account that you will, in fact, be required to leave Australia.

You are not entitled to the leniency that would have been available to you had you entered pleas of guilty to these charges. Your prospects for rehabilitation are guarded. You are 69 years old and the present offending is out of character. On the other hand, you have shown little remorse for your crimes and your risk of re-offending is connected to your commitment to avoid alcohol use after you leave prison and your willingness to engage in programs in prison. These are presently unclear. In addition, you have little support in Australia and no clear plans for your release into the community. I will now pass sentence.

On count 6 I record a conviction and you are sentenced to 3 years and 6 months' imprisonment commencing on 18 December 2023 and expiring on 17 June 2027.

On count 4 I record a conviction and you are sentenced to 3 years and 6 months' imprisonment commencing on 18 June 2024 and expiring on 17 December 2027.

On count 3 I record a conviction and you are sentenced to 2 years' imprisonment commencing on 18 April 2026 and expiring on 17 April 2028.

On counts 1 and 2, on each charge I record a conviction and you are sentenced to 12 months' imprisonment in each case commencing on 18 August 2027 and expiring on 17 August 2028.

The total term of imprisonment which I have imposed is 4 years and 8 months commencing on 18 December 2023 and expiring on 17 August 2028. I set a non-parole period of 3 years and 4 months commencing on 18 December 2023 and expiring on 17 April 2027.

Now, is there anything arising from that?

MS HOPPER: No. Thank you, your Honour.

MS WILD: No. Thank you, your Honour.

HIS HONOUR: Thank you.

I will adjourn until the next matter is ready to proceed.

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