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THE SUPREME COURT OF  
THE NORTHERN TERRITORY

SCC 22226109

THE KING

and

ANNETTE HOWIE

(Sentence)

GRANT CJ

TRANSCRIPT OF PROCEEDINGS

AT DARWIN ON WEDNESDAY 6 NOVEMBER 2024

Transcribed by:  
EPIQ

HIS HONOUR: Ms Howie, you have pleaded guilty here today to the offence of aiding and abetting two other individuals to take a child under the age of 16 years, namely 5 years of age, out of the lawful custody of that child's father against his will. The maximum penalty for that offence, having regard to that complex of aggravating circumstances, is imprisonment for 7 years. That is clearly an offence of considerable seriousness.

The agreed facts have been received into evidence and read out here in court here this morning. I do not intend to repeat those facts, but I note that your commission of this offence was restricted in the temporal sense to a period of time between 18 August, when you first became aware that the child had been abducted, and a decision you made jointly with your husband on 19 August 2022 to make arrangements for the child and her mother to be presented to police. You told your husband within a relatively short period of time of finding out that the child had been abducted in breach of a lawful custody order, and made those arrangements I have already mentioned to have them present to police.

You are presently 69 years of age. You have no prior convictions and, more than that, you are clearly a person of entirely unblemished character. I also accept your barrister's submission that this is an early plea having regard to the negotiations that have been proceeding with the Crown in relation to the factual basis on which the plea was to be entered.

Having regard to your good character, your unblemished record and your age, together with what I infer were the motivations for your participation in these events, I have determined to find you guilty of this offence without recording a conviction. The question then arises whether any further sanction needs to be imposed.

I do not consider that you present any risk at all of further offending of this type, or indeed of any offending, that would require or warrant the making of a good behaviour order.

I had considered the imposition of a fine, but, in my opinion, there is a clear tension in this case between the serious nature of offending of this general type and the inappropriateness of imposing a serious financial sanction on you having regard to your character and your involvement in the offending as I have described. The imposition of a fine at a level that properly reflected your good character and your limited involvement would perhaps send the wrong message in terms of the seriousness of the offending.

I also take into account the fact that you have now been on bail for something in excess of 2 years on relatively stringent conditions, which in itself has provided some form of sanction.

Having regard to all of those matters, I have determined to find the accused guilty of this offence without recording a conviction and have determined further to order the immediate release of the offender with no further provision.

Yes. Anything arising from that, Mr Read.

MR READ: Nothing arising, your Honour.

HIS HONOUR: Mr Tippett.

MR TIPPETT KC: Nothing.

HIS HONOUR: Yes. Thank you for your attendance.

MR READ: The only matter is I can indicate there will be a filing of a nolle prosequi in relation to Phillip Howie this afternoon.

HIS HONOUR: Yes, but does there need to be any discharge of Mr Howie on the filing of a nolle, or does that simply cut across anything else that might be there? Is Mr Howie on bail as well?

MR READ: My recollection is it cuts across everything, and he can be released from bail now.

HIS HONOUR: Yes. Well, to the extent that it is necessary, I make a prospective order discharging Philip Howie from bail or any other obligation once that nolle has been filed.

MR READ: As your Honour pleases.

HIS HONOUR: Yes.

Anything further from the defence, Mr Tippett?

MR TIPPETT: No.

HIS HONOUR: No. Yes, thank you for your attendance.

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