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THE SUPREME COURT OF
THE NORTHERN TERRITORY

SCC 22225255

THE KING

and

JASON TIPILOURA

(Sentence)

KELLY J

TRANSCRIPT OF PROCEEDINGS

AT DARWIN ON WEDNESDAY 13 NOVEMBER 2024

Transcribed by:
EPIQ

HER HONOUR: Jason Tipiloura, you have pleaded guilty to one charge of recklessly endangering serious harm to DJ. That was the lady on the bus. It is made worse by the fact that you used a pair of scissors, which is a weapon. And the maximum penalty for that offence is imprisonment for 10 years.

I am going to talk about what you did.

On the morning of Monday 15 August 2022, DJ was at a bus stop on the Stuart Highway in Parap. She was going to Palmerston to visit her mother and she was waiting for a bus. You went up to her and asked her if she could give you some money. She said she could not give you any money.

You got angry and you said to her, "I'll stab you, you dumb motherfucker." You took some scissors out of your backpack and waved them at the lady. That made her afraid. Then the Palmerston bus arrived and that lady got on the bus and she asked the bus driver to help her and to call security.

You ran towards her and you stabbed her in the head near her right ear with the scissors, and you said to her twice, "Fuck off." So she was bleeding from her head. She got a 2-centimetre cut on her temple. Then she had to go to the Royal Darwin Hospital to get treatment.

That was all witnessed by other people and it was shown on the CCTV footage. You walked away a little way, and the bus driver shut the bus door. Then that bus drove off and the security people came.

On 17 August, that is two days later, police arrested you. You said you did not want to talk to police about what happened, and that is your right.

I am going to talk a little bit about you now.

You do have a criminal history. You have got five convictions for unlawful entry, eight for stealing, two for breach of bail, seven for aggravated assault, three for property damage, three for breaching suspended sentences and two for going armed in public.

Your lawyer told me a little bit about you, about your background. You were 48 years old when you committed this offence. You are a Tiwi man from Wurrumiyanga. You were raised on Tiwi by your aunty. Your mother and father passed away when you were only 10, which is sad.

You completed up to year 10 at Xavier High School, but you did not go to school regularly, and I am told you cannot read and write. But you started playing AFL at school, and you kept that up into your 20s. I am told that you like hunting and fishing and you teach local boys in the community how to hunt and how to fish. You have been through men's ceremony. You lived in the community over there on Tiwi for most of your life.

You told your lawyer you would like to get a job. Maybe you can, maybe you cannot. But you told your lawyer you would like to start up the Ramingining Football Club again. Maybe that can happen, maybe it will not.

I read a psychiatrist report from Dr Danny Sullivan. You have a longstanding diagnosis of schizophrenia. That is a mental illness, and you are getting treatment for that through the clinic at Wurrumiyanga. He says you also have, what he calls, a severe substance abuse disorder. That means you have had too much alcohol and too much cannabis for a long time. Maybe you have stopped that now, which is good.

He said you might also have an intellectual disability and some other disabilities that he talks about in the report. I am taking all that into consideration in sentencing you.

I need to talk to you a little bit about the things I have to think about in sentencing you. This was a serious violent offence. The victim was a 26-year-old pregnant woman. And the attack was not provoked. You asked her for money, but she said no. But she had a right to say no. And you attacked her with scissors, and that caused her a lot of pain and fear and distress.

I have to send a message that the court disapproves of this sort of violence. I have to impose a sentence that will discourage you and other people from violent offending. But I am not putting as much emphasis on that as I would in another case because of your mental illness.

And because of your mental illness, you are not as much to blame for this offending as someone else would be who did not have that mental illness and did the same thing. Also, your mental illness would make it more difficult for you in prison than for someone who did not have that mental illness.

These things also make you more dangerous, and I need to think about community protection. But I also have to think about rehabilitation. Dr Sullivan recommends an NDIS package that connects you to culture and community, and I am told that that is being organised.

You pleaded guilty, and I can give you a lesser sentence for that. I am going to reduce your sentence by 20 percent. That means taking nearly a quarter off. If you had not pleaded guilty, I would have said imprisonment for 3 years. Taking off that 20 percent, you will be convicted and sentenced to a term of imprisonment for 2 years and 5 months, starting on 7 September 2024.

You are doing well in the community, and I do not think you should go back to prison, so I am going to order that your sentence be suspended forthwith. That means from now. These are the conditions on your suspended sentence. I am fixing an operational period of 2 and a half years.

That means, for the next 2 and a half years, you must not commit any other offences punishable by imprisonment. Because if you do, then you will be brought back to the court, and you might have to serve that 2 years and 5 months sentence on top of any other sentence that you get. So that is very important. The other conditions are these.

- 1) During that operational period of 2 and a half years, you are to be under the supervision of a Probation and Parole officer, you must obey all reasonable directions from a Probation and Parole officer.
- 2) You are to live at Wurrumiyanga or such other place as the Probation and Parole officer approves. At an address approved by the Probation and Parole officer.
- 3) You are not to go any place that the Probation and Parole officer tells you not to go.
- 4) You are to undertake assessment, counselling or treatment as directed by the Probation and Parole officer.
- 5) You are to cooperate with the mental health team at the Wurrumiyanga clinic.
- 6) You are to tell a Probation and Parole officer of any change of address or employment within two working days after the change.
- 7) You are not to leave the Territory except with the permission of a Probation and Parole officer.
- 8) You must appear before the Court if directed by a Probation and Parole officer.

That is it. I will just check with the lawyers if I missed anything out. That is all. I have finished now. And Mr Tipiloura, I wish you well with that regime.

And Ms Dunne, thank you very much for assisting the Court as an interpreter this morning.

THE INTERPRETER: All right. Thank you.

MS PORTER: Your Honour, can the suspended sentence be sent to the Wurrumiyanga Police Station for Mr Tipiloura to sign?

HER HONOUR: Yes. Okay. Thank you.

Well, thank you. We will terminate that connection now.
