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THE SUPREME COURT OF

THE NORTHERN TERRITORY

SCC 22522215

THE KING

and

MELSHANE RICHARDSON

(Sentence)

BARR J

TRANSCRIPT OF PROCEEDINGS

AT ALICE SPRINGS ON THURSDAY 8 OCTOBER 2026

Edited in chambers

Transcribed by:
EPIQ

HIS HONOUR: Melshane Richardson, you have entered pleas of guilty to two counts charged on the indictment dated 17 September 2026. Both of the offences were committed at Hermannsburg on 16 March 2025.

By your plea of guilty to count 1, you admit that you negligently caused serious harm to a female FR. The offence carries a maximum penalty of imprisonment of 10 years.

By your plea of guilty to count 2, you admit that you engaged in conduct in contravention of a domestic violence order with the circumstance of aggravation that your conduct involved harm or a threat to commit harm to the female victim. That offence carries a maximum penalty of imprisonment of 5 years.

You were born on 11 January 2007 and so you were 18 years and 2 months old at the time of offending. The female victim was born in February 2009, so was just 16 years old.

I want to say something now about your background and personal circumstances, based on information provided to me by your counsel.

You were raised by your mother and grandmother in Hermannsburg. Your father died when you were about 14 years old. You told your counsel that you had a good life growing up. Your parents got along well. They were strict. They encouraged you not to drink or hang out with people who might get you into trouble. Your mother worked in the school and encouraged you to attend school. You played football, you rode horses and you went hunting and fishing. Occasionally, your counsel told the court, you witnessed violence engaged in by extended members of your family, but it seems that was the exception. You helped to look after younger members of your family, including your brothers and your cousins.

You attended school up to the age of 16, leaving in 2023. You subsequently worked at the Ntaria Tjuwanpa Arts Centre as a painter; however, the length of the period or periods you were engaged in that work is unclear.

You told your lawyer that you do not drink alcohol or use other intoxicating substances. However, as the agreed facts state at par 7, you were drinking in the evening of 16 March 2025, although the extent of your intoxication is not known.

It appears you are a talented footballer playing in Hermannsburg and also in Alice Springs. The reference received as exhibit D6 attests to your qualities as a player and a leader, and also as to your cultural connections.

Your counsel contends that you have strong family and community supports around you. It is regrettable that those supports were not effective in preventing you from engaging in violence towards the young victim.

I want to say something now about the facts of your offending.

You and the victim were in a domestic, intimate partner, relationship.

On 8 July 2024, you were served with a Confirmed Nationally Recognised Domestic Violence Order. That order was in force until 7 July 2026. The order was made for the protection of the victim and restrained you from committing domestic violence against the victim. Domestic violence includes physical abuse. You were also restrained from approaching, contacting or remaining in the company of the victim when under the influence of alcohol.

On 21 October 2024, you were granted bail to appear at the Alice Springs Youth Justice Court on 4 April 2025. The conditions of bail required you to live at a designated address, not to break the law and not to have any contact, directly or indirectly, with FR.

Your offending took place in the evening of 16 March 2025. You were drinking in Hermannsburg and you came into possession of a machete. At approximately 1 am, the victim was walking in the area with her 14-year-old female friend. You saw the victim. You went up to her and asked her to go with you. You and she started arguing.

During the argument, you swung the machete around, striking the victim once on her right hand causing a deep laceration. The victim ran away from you, jumping a fence to escape. As a result of jumping the fence, she received a small laceration to her leg. She then called her aunty asking for help. The aunty found the victim and took her to the Ntaria Clinic.

After the victim attended the clinic for her injuries, she was transported to the Alice Springs Hospital. There, she underwent surgical repair of the extensor digitorum communis tendon and the extensor indicis proprius tendon. The injuries sustained by her constitute serious harm. If left untreated, the injuries would have resulted in a loss of function of the index finger.

You admit that you were negligent as to causing serious harm.

On 17 March 2025, you attended Ntaria Police Station where you were arrested and processed into custody. After being cautioned, you denied assaulting the victim.

I want to say something now about your criminal record.

You had not been *convicted* of any criminal offences prior to 16 March 2025. However, on 8 July 2024, you had committed a male-on-female aggravated assault in which the victim was threatened with a weapon. The victim of that assault was also FR. You were on bail and had not been sentenced for that offence when you re-offended against FR on 16 March 2025.

You were subsequently convicted of the aggravated assault and a related domestic violence order contravention by the Alice Springs Youth Justice Court on

21 August 2025. You were sentenced to an aggregate term of imprisonment of 5 months.

The commission of two violent assaults against the same victim only 8 months apart, in spite of the DVO served in July 2024 and the bail conditions imposed in October 2024, indicate to me that specific deterrence is a very relevant sentencing factor. I consider it disturbing that a young male has engaged in such a level of violence or threatened violence against his very young domestic partner.

The sentence I impose must be sufficient to deter you personally, to make you reflect on the consequences before you commit offences of this kind in future.

Likewise, general deterrence is very important. Courts must do what they can to deter and prevent violence by Aboriginal males against Aboriginal females, particularly in remote communities where medical assistance may not be immediately available.

During submissions, your counsel referred to a decision known as *R v Mills* in which the Victorian Court of Appeal set out a number of general propositions about the sentencing of youthful offenders, including that the youth of an offender, particularly a first offender, should be a primary consideration for a sentencing court and that rehabilitation is usually far more important than general deterrence with individualised treatment focusing on rehabilitation to be preferred.

I believe that your youth is an important consideration, but it does not result in other sentencing factors becoming irrelevant. As the Victorian Court of Appeal explained in the later decision of *Yeomans v The Queen* [2011] VSCA 277 at [46], *R v Mills* is not authority for the proposition that in the case of youthful offenders, rehabilitation is invariably the overriding factor in sentencing. The Court of Appeal cited, with approval, the observation of Maxwell P in *R v Wyley* [2009] VSCA 17 at [20] as follows:

> *Mills* constantly reminds sentencing courts, and this Court on appeal, that there is great public benefit in the rehabilitation of an offender and in maximising the prospect that the offender will carry on a law-abiding life in the future. But that consideration is not unique to young offenders, nor is there any one correct answer as to how the balance is to be struck between that consideration and others which may point towards a period or a longer period of imprisonment rather than a non-custodial sentence.

In offending of the kind that you committed, the court must impose a sentence which has some general deterrence effect, notwithstanding your age. The message has to reach younger men, including young footballers and those with whom you have cultural connections, that what you did was very wrong and that if they do the same thing, they too will go to gaol.

I want to say something now about victim impact. In her victim impact statement, Ms R refers to you having cut her hand on two occasions. The most

recent occasion, that presently being considered by this Court, was to her dominant right hand. At the time that Ms R made her victim impact statement on 16 March 2025, she was worried that she would have to miss school. She was in a state representative team for football and she was also worried about having to miss football practice.

The *Sentencing Act 1995* specifically permits victims to express their wishes in respect of the order which the court might make in relation to the offence. The victim is rightly angry with you. She says that she wants you to go to gaol for 4 years.

However, I need to explain that the court has to impose a sentence which the court considers appropriate. Some victims are very forgiving; others less so. The sentence of an offender does not depend upon the level of forgiveness extended by a victim or the level of punishment urged by the victim.

I want to say something now about the offence that you committed. An offence contrary to s 174E of the *Criminal Code* is made out if a person engages in conduct which causes serious harm to another person and the first person is negligent as to causing serious harm to the other person by his conduct.

Under s 43AL of the *Criminal Code*, a person is negligent if his or her conduct involves such a great falling short of the standard of care that a reasonable person would exercise in the circumstances and, relevant to your case, such a high risk that serious harm would result from the conduct that the conduct merits criminal punishment for the offence.

In pleading guilty, you have acknowledged that your conduct involved a gross lack of reasonable care in a situation where there was a high risk of serious harm. Your plea of guilty acknowledges your criminal negligence in causing serious harm to the victim.

Your conduct was clearly intentional. You were carrying a machete and when you saw the victim walking with her 14-year-old friend, you approached her. On the agreed facts, you swung the machete around in the course of an argument between you and the victim. I infer, beyond reasonable doubt, that you must have been swinging that machete in close proximity to the victim.

On the Crown facts, you had requested that she go with you before the argument started in which you swung the machete. I infer, beyond reasonable doubt, that you deployed the machete in order to intimidate the victim, whether to persuade her to go with you or to frighten her for not going with you.

I bear in mind that it is not alleged that you intended or foresaw serious harm as a consequence of your conduct. However, whether intended or not, the consequences of your assault were serious for the victim.

I bear in mind that there are really two victims in this case: FR, who suffered serious harm to two tendons in her right hand; and the Northern Territory community

which, as always, pays the cost of ambulance transport, evacuation, hospitalisation, surgical and medical costs. The whole community loses out as a result of your actions.

I turn now to your sentence.

There are a number of aggravating factors in your case, some directly related to the actual conduct in which you engaged and others less directly related.

In relation to your conduct, you were armed with a weapon and you engaged in violence or the threat of violence. I refer to s 6A(1) of the *Sentencing Act*, pars (b) and (f).

A further statutory aggravating factor is that you were in a domestic relationship with the young victim. I refer to the same section of the *Sentencing Act*, par (fa).

There are two other factors which I consider to be aggravating factors, things which make your offending worse. First, you were at all times subject to a DVO with FR as the protected person. Second, you were on bail for earlier violent offending against Ms R and it was a condition of bail that you were to have no contact with her. Another condition of bail was that you not break the law.

You have entered pleas of guilty in this court and you are to be given credit for facilitating the course of justice. However, you cannot expect a full discount for two reasons. First, you did not co-operate with police and indeed, you denied the offending. Further, there is no evidence of remorse on your part, apart perhaps from the realisation that your violence has got you into trouble again.

The sentencing objectives in your case are denunciation, punishment and general and specific deterrence. I also take into account your youth, subject to matters which I have referred to already.

I do not consider that I am able to reliably assess your rehabilitation prospects.

I note that the maximum penalty is a term of imprisonment of 10 years. The legislature has fixed a maximum penalty intended to reflect that an offence contrary to s 174E is a more serious offence than an aggravated assault in which the victim is threatened with a weapon and suffers harm, for which the maximum penalty is 5 years.

In your case, I take as my starting point a term of imprisonment of 4 years.

However, I will take off 10 months for your plea of guilty.

Given that I have taken the DVO contravention into account as an aggravating factor in arriving at the sentence for negligently causing serious harm, I consider that the sentence arrived at by me should stand as an aggregate sentence.

I sentence you to an aggregate term of imprisonment of 3 years and 2 months, backdated and deemed to have commenced on 17 August 2025.

When the matter was previously before the court, I informed the court and your counsel that I was contemplating fixing a non-parole period in your case. It seemed to me at the time that that was appropriate.

However, I have considered carefully the matters which your lawyer has put to the court on your behalf and I have now come to the conclusion that I should suspend your sentence. That suspension enables you to know definitely the date of your release and to be able to and prepare for your release.

Accordingly, I suspend your sentence after you have served 1 year and 8 months. I fix an operational period of 2 years.

The conditions on which your sentence will be suspended are as follows:

1) You must report to a Probation and Parole officer within 48 hours of your release from prison.

2) You will be subject to supervision by a Probation and Parole officer and you must obey all reasonable directions, including as to where you live.

3) You must tell a Probation and Parole officer of any change of address or employment within two clear working days after the change.

4) You must participate in assessments, counselling and/or treatment as directed by a Probation and Parole officer.

5) You must, if so directed by a Probation and Parole officer and as soon as practicable in accordance with the direction, enter into any residential rehabilitation program assessed as suitable for you by your Probation and Parole officer. You will participate fully in such program or programs and do nothing to cause your early discharge.

6) You must, if so directed by a Probation and Parole officer, attend, participate fully in and complete any rehabilitation program related to male-on-female or relationship violence.

7) You must not possess or consume alcohol and you must submit to testing as directed by a Probation and Parole officer or a Police Officer.

8) You must not leave the Northern Territory without first obtaining the permission of a Probation and Parole officer.

I want to emphasise that some of those conditions are particularly important in your sentencing. The requirement for you to participate in a residential rehabilitation program, if directed to do so by a Probation and Parole officer, is very important. As

is the requirement that you participate in any male-on-female or relationship violence rehabilitation program, again, if you are directed to such a program by a Probation and Parole officer.

As you have heard me read out, I am very concerned that such a young person as yourself has engaged in violence against his domestic partner on two occasions, only eight months apart. Something needs to be done to change your approach to the females with whom you may be in a relationship. I do not want further female partners of yours to be injured by you. I do not want to see you back in court because you have offended again. So as a result, your participation in those programs is very important.

In brief then, you are going to gaol for 1 year and 8 months and you are already well into serving that sentence. After you are let out of gaol, you must then obey the rules which I have read out for 2 years after you are released. If you do not obey the rules, you will go back to gaol. If you re-offend with the 2-year period after your release, again, you will go back to gaol.

So the opportunity is there for you to complete serving your suspended sentence in the community and then to move on with your life. But the choices that you make are yours and it is up to you to ensure that you stay out of trouble and that you abide by the rules which I have read out today.

Thank you. Is there anything further from defence?

MR SULTAN: Nothing further, your Honour.

HIS HONOUR: From the Crown?

MS ROTH: Nothing further, your Honour.

HIS HONOUR: Thank you. I will adjourn to let counsel set up for the next matter.

Thank you.
