

The defendant, Darrell Richard Wells, has pleaded guilty to one count of trafficking in fish contrary to 264A of the *Living Marine Resources Management Act 1995* (Tas) between the period 14 August 2014 and 7 December 2015, a period of approximately 1 year and 4 months. The total amount of fish trafficked in that time was 1,730.5 kg. Of that amount 439.5 kg comprised fish of known species and 1,291 kg were fish of an unknown species. The fish of known species included Black Bream which cannot be lawfully sold as well as Garfish, Atlantic Salmon, Calamari and Flake.

The occasions of trafficking can be divided into three categories, namely, consignments to Melbourne sent through TOLL, which make up the bulk of the fish involved, and a delivery and sale to Georgetown Seafoods and consignments to Melbourne sent through unknown means.

The Crown asserts that the defendant trafficked in fish by unlawfully possessing the fish, processing it, selling or otherwise disposing of it and receiving or delivering it and transporting it.

The possession of the fish was unlawful because in the period 14 August 2014 to 12 November 2015 the defendant did not hold any commercial fishing license or other authority which permitted him to engage in commercial dealings. Further with respect to Black Bream, it is only permitted as a recreational catch.

Analysis of the defendant's banking records identified deposits totalling approximately \$7,500 attributable to his trafficking activities. In addition, he has admitted to receiving other payments in cash.

The defendant has no relevant prior convictions.

He is a 39 year old, father of two. He was born and raised in Tasmania and currently lives in St Leonards with his father.

He has work available as of Monday through an old friend who has agreed to employ him as a builder's apprentice.

As a mature man he was introduced to methamphetamines after two tragedies struck him in quick succession.

He was offered the substance by a friend who said it would assist him by numbing his pain. He initially was reluctant but succumbed and as might be expected became addicted. He has now been abstinent for over two years.

The defendant had recreationally fished for some time, he was looking for work and former senator Shayne Murphy employed him at his business, Premium Fish Tasmania.

This was his first commercial fishing job. He was employed to collect, package and transport the product. He had 2–3 people working above him to whom he was accountable. Almost immediately after he commenced work he realised that the conduct

he has pleaded guilty to was common practice for the business. Mr Murphy was sentenced for trafficking in fish in July this year

The defendant states that there were legitimate fishing practices within the business, but other times there clearly were not. This practice was not only condoned but encouraged by his senior employees.

He would receive payments into his bank accounts, but he states that he would have kept less than half of that, returning the bulk to his employers or associates.

Early on he was aware this was the wrong thing to be doing, but this was done during a time when he had a significant drug addiction, and the money he received was to fund his addiction.

At the time he did not realise that the actual quantities had grown to the extent that they had.

He spoke to police in early 2016 and ultimately make admissions to his conduct. He has never hidden his associate's involvement.

Through his plea of guilty, he accepts full responsibility for his involvement, but he was not part of setting up or planning the strategies of the trafficking. It was already in the business, that is to say, it was already how that business was conducted, and he was simply invited to cooperate and did.

This charge attracts, because of the serious nature of threats to living marine resources in this State, a special penalty. Section 267 of the *Living Marine Resources Management Act* 1995 provides that the Court must impose a special penalty equal to 10 times the value of the fish and a court must not reduce or suspend the special penalty for any reason. The special penalty in this case has been calculated by counsel for the State and is agreed in the sum of \$38,795.00.

The defendant is convicted of trafficking in fish and is fined the sum of \$4,000.

I may only allow 28 days to pay those sums although you may apply to enter into a repayment arrangement.