

STATE OF TASMANIA v PETER GEOFFREY WEBB
COMMENTS ON PASSING SENTENCE

2 MARCH 2023
JAGO J

Mr Webb you have pleaded guilty to a charge of dealing with property suspected of being proceeds of crime. On 12 March 2021 police entered a hotel room where you were staying. Inside the room they observed a small amount of cannabis, some snap lock bags, electronic scales and \$18,440 in cash. You have also pleaded guilty to a summary charge of possessing cannabis. By your plea of guilty to the charge of dealing with property suspected of being proceeds of crime, you have acknowledged that you had possession of the money, that you knew it was there, and that there were reasonable grounds to suspect that it constituted proceeds of crime. Having possession of the property amounts to dealing for the purpose of s 66B of the *Crime (Confiscation of Profits) Act 1993*. You are not to be sentenced on the basis that you knew or believed that the money constituted proceeds of crime but rather that you acknowledge that there were reasonable grounds to suspect that it constituted proceeds of crime. You were not in the hotel room at the time police initially entered. It seems police were there in respect to an unrelated investigation and because of some erroneous information provided to them by an employee of the hotel, they by chance entered the hotel room in which you were staying. Upon locating the drugs and cash, police obtained a search warrant. They subsequently seized the property and contacted you. You participated in a video record of interview. You admitted ownership of the items found within the room. You told police that the cannabis belonged to you and that it was for your own personal use. You told police that you used cannabis two to three times per week. You told police the cash was yours and that it was a combination of winnings from the pokies and from your savings. This claim is not now pursued in the sense of a defence. Under s 66B (2) it is a defence to a prosecution for an offence of this nature if the defendant satisfies the Court that he had no reasonable grounds for suspecting that the property was substantially derived or realised, directly or indirectly, from an act or an omission constituting an offence against a law enforce in the Commonwealth, a State or a Territory. You have not sought to establish a defence pursuant to that section.

Mr Webb you are 70 years of age. You were convicted of trafficking in a controlled substance in the Burnie Supreme Court in June 2014 and sentenced to a partially suspended period of imprisonment. Beyond that you have some aged convictions for assault with indecent intent, criminal code assault and offences against police. You also has a number of convictions for driving offences. I note that you are a single divorced man. You have three adult children.

Sadly one of those children passed away in 2004. Thereafter you developed a significant depression. You do not have an ongoing relationship with your other children. You receive the age pension by way of financial support and you have no assets of significance. I note that you retired in 2010 following a long period of employment. You have a number of health difficulties, I take those into account generally. You have ongoing heart problems. You have had both stents and a pacemaker inserted. You have a hearing impairment and you also experience difficulties with excessive bleeding, investigations in respect to this condition are ongoing.

This is a serious offence. It involves a relative substantial amount of money. Many common mitigating circumstances are absent. You committed these offences as a mature man with a history of interaction with the criminal justice system. There is no real evidence of remorse. There is no suggestion that you became involved in possessing the money as a consequence of gullibility or exploitation. I note that you have co-operated in respect to the prosecution of the matter by way of your plea of guilty, but beyond that disclosed no information to assist police and have done nothing else to facilitate the administration of justice.

Criminal activity involving substantial cash transactions can be difficult to detect. Deterrent penalties are therefore appropriate for offences involving the possession of relatively significant sums of money that constitute the proceeds of crime, or the possession of such sums when there are reasonable grounds to suspect that they are proceeds of crime. A sentence reflective of both personal and general deterrence is warranted. I consider that imprisonment is appropriate but because Mr Webb you do not have a particularly grave record, because of the amount of money involved and because of your plea of guilty, I have decided I ought to suspend the period of imprisonment I impose. I make the following orders. You are convicted of all matters to which you have pleaded guilty. In respect to complaint 1233/22 I make no further order. On the charge of dealing with property suspected of being proceeds of crime you are sentenced to four months imprisonment the execution of which is wholly suspended on condition that you commit no offence punishable by imprisonment for a period of two years. I order the \$18,440 cash seized by police on 12 March 2021 be forfeited to the State of Tasmania.