

STATE OF TASMANIA v AIDEN JAMES SMITH
COMMENTS ON PASSING SENTENCE

4 APRIL 2025
JAGO J

Mr Smith, you have pleaded guilty to five counts of attempted fraud. The crimes occurred between May and November 2020. In that time you came into possession of some personal identification material, including some bank cards in the name of Phillip Cooper. You used that documentation to fraudulently apply for loans and credit cards in the name of Mr Cooper. On 15 May 2020 you applied for an ANZ personal loan in the amount of \$12,650. You were unsuccessful in obtaining it. On 11 August 2020 you applied for another loan, this time in the sum of \$1,000 from Credit Corporation Financial Services. Again, you were unsuccessful in obtaining it. On 12 August 2020 you applied for an ANZ credit card with an \$8,000 limit. You were unsuccessful in obtaining it. On 16 August you applied for a loan with Open Pay in the sum of \$1,900. Again, you were unsuccessful in obtaining it and then finally on 16 November 2020, you again applied for a loan with ANZ in the sum of \$5,150 and, once again, were unsuccessful in obtaining it.

Many of the applications you submitted were scant in detail. You provided residential addresses and phone numbers that were linked to you. You provided and used email accounts that were linked to you. The endeavours you made to obtain these funds were relatively unsophisticated and given the paucity of information that was contained within the applications, it was almost inevitable that the applications would be rejected. You did, however, at one point, open a bank account in Mr Cooper's name in an endeavour to convince the financial institution that your application was legitimate.

Even though, ultimately, you were unsuccessful in any of your attempts, your use of Mr Cooper's name and personal details was disturbing for him. He was contacted by financial institutions and advised that these endeavours to obtain loans in his name had been made. Your actions had the potential to impact him financially, and also impacted his credit rating.

Police conducted a search at your residence on the 17 August 2022. At that time they seized a number of personal cards and identification in the names of various people, including a bank card in the name of Mr Cooper.

You were arrested. When you participated in a record of interview you denied that you had endeavoured to obtain any of the funds that I have outlined. You denied making any applications utilising Mr Cooper's name.

Whilst it is of course relevant that you did not, in fact, gain any funds, you made fairly persistent endeavours over a six month period to do so. As noted, your behaviour had the potential to adversely impact Mr Cooper because it is reasonable to infer that you would not have made any payments in respect to any of the loans or credit cards given your financial position at the time, had you been successful in any of these fraudulent applications.

You are now 36 years of age. These matters have taken a considerable time to resolve. They involved a relatively lengthy investigation which was, of course, hampered by your denials during the record of interview. The complaint in respect to these charges was not laid until December 2022. You were committed to the Supreme Court in March 2023. Thereafter, I am told there was a period of time in which discussions were occurring, directed at resolving the matter. In June 2024, however, you failed to appear and a warrant was issued for your arrest. The matters have only recently come back before the Court.

Delay, per say, is not a mitigating factor but it is appropriate that I take into account what has occurred in the interim. At the time these crimes were committed you were in the grips of a drug addiction. I am told that you had had no difficulties with drugs until you were about 28. Indeed, up until that age, you had lived an industrious life. You had completed Year 11, gone on to complete part of an apprenticeship before obtaining work at Simplot, where you worked your way up to the position of a Team Leader. You were engaged in the community, playing a number of sports with different clubs, and were in a long-term and stable relationship.

At around the age of 28, a son was born to your relationship. That apparently put pressure on the relationship and it came to an end. Whilst it was a mutual decision to separate, you nevertheless struggled with the end of the relationship and that was exacerbated by difficulties which were associated with care arrangements in respect to your son being negotiated. I am told you struggled emotionally.

One evening, at a social function, you were introduced to methylamphetamine. Initially, your use of that substance was limited and you were able to maintain your employment, but as so often happens given the insidious nature of that drug, by late 2017 you were using it in significant quantities. You failed a drug test at your employment and you lost that employment.

I am told over the next six years your life revolved around methylamphetamine. At the height of your addiction you were spending approximately \$1,000 per day in purchasing methylamphetamine. You were spending your time with other drug users and you began to commit crimes to support your habit. You also became involved in gambling. You lost all of your savings. You sold a motor vehicle, a motorbike and other assets all to support your drug and gambling addictions. You withdrew money from your superannuation, which was also lost to drugs and gambling.

This chaotic period of your life is reflected in your prior convictions. Before these crimes were committed, you had a number of convictions for offences contrary to the *Road Safety Alcohol & Drugs Act* and other driving offences, as well as convictions for matters of dishonesty, drug offences and bail offences. Since these crimes, you have gone on to commit many further offences of a similar nature, including offences of unlawful possession of property, which related to possessing bank cards belonging to other persons. Between February and September 2023 you were sent to gaol for driving offences, matters of dishonesty, including several charges of computer related fraud, offences contrary to the *Misuse of Drugs Act* and bail offences.

I am told that since your release from custody in September 2023, you have not used illicit substances. You have cut off all contact with prior associates and you are determined to live a more positive lifestyle. Whilst I accept that there does certainly appear to be a vast improvement in terms of offending in more recent times, I note it could not yet be categorised as a complete transformation. You were sentenced in October 2024 for offences which occurred predominately prior to your incarceration, but which also included a charge of unlawful possession of property, being bank cards and a fuel card from June 2024. You were given a Community Correction Order for that offending and it seems you have been engaging well with that order including completing community service hours.

I am told you have formed a new relationship which is positive and stabilising. You have begun to repair previously damaged family relations and you have reconnected with pro-social friends. You have obtained employment at a mechanics workshop three days per week. All in all, you are in a far more stable position than when these crimes occurred.

I accept that during the period of offending your life was chaotic and that you have recently taken significant steps to address what was a substantial drug addiction. Even though you did not obtain any funds, your behaviour, nevertheless, involved serious criminal conduct. Attempting to obtain funds through the falsification of documentation puts financial institutions at risk, causes angst for innocent persons who may have their details inappropriately used, and it also involves considerable time and expense in terms of investigations. General deterrence is an important sentencing consideration.

I take into account your plea of guilty but of course, it came very late in the piece and after you had failed to appear, and you did not co-operate in any way with the initial police investigation. Notwithstanding the improvements you have made in your life, the seriousness of the crime requires a proportionate response, and that must be a period of imprisonment. I am satisfied however, that given the positive steps you have undertaken towards your rehabilitation, you should be given the opportunity to avoid immediately serving it and extend a chance to continue with the efforts you have been making. You should be under no illusion however, Mr Smith, that if you fail to embrace this opportunity and re-offend it is highly likely that you will be sent to gaol. The law is a judge must activate a suspended sentence upon breach, unless it is unjust to do so.

I make the following orders. You are convicted of all crimes to which you have pleaded guilty. You are sentenced to imprisonment for a period of 12 months, the execution of which will be wholly suspended on condition that for a period of two years from today, you commit no offence punishable by imprisonment.