

Shaun William Bennett, you have pleaded guilty to a charge of trafficking in a controlled substance, namely cocaine, on 18 July 2024.

At the time of your involvement in this offending, Tasmania Police were undertaking investigations into the distribution of cocaine within Tasmania by another person, who I will refer to as "Mr A". A Telephone Interception Warrant was obtained in relation to Mr A's telecommunication service. On 18 July 2024, Tasmania Police lawfully intercepted a phone conversation between you and Mr A. During that conversation, Mr A asked you to prepare a quantity of cocaine for supply to another person, who I will refer to as "Mr B". Tasmania Police also intercepted a phone conversation between Mr A and Mr B. During that conversation, Mr A arranged a time for Mr B to meet with you to supply him with a quantity of cocaine.

Later that afternoon, you went to a house associated with Mr A in the northern suburbs of Hobart. You left that address about 20 minutes later carrying a green Woolworths' shopping bag and went home. Mr B then attended the same house about half an hour after you left and departed shortly afterwards. A short time later, Mr B was located by Tasmania Police in Glenorchy. He was searched and police located 112 grams of cocaine in his possession.

It is the State's case that you prepared this quantity of cocaine for sale to Mr B.

Meanwhile, a telephone search warrant was obtained for your residence which was executed shortly after you arrived. You were located in the laundry of the property. The green Woolworths' shopping bag you had been carrying was found hidden behind the laundry door. Inside that bag was 188.8 grams of cocaine in a solid brick form, digital scales containing traces of cocaine, a quantity of new snap lock bags and a quantity of snap lock bags containing traces of cocaine. A wider search was conducted of your address and police found in your bedroom and in the roof cavity of the house a Tupperware container containing traces of cocaine, another Tupperware container containing traces of cocaine and a snap lock bag, two snap lock bags containing traces of cocaine, two digital scales containing traces of cocaine and a teaspoon containing traces of cocaine. You were subjected to a personal search by Tasmania Police and 2.88 grams of cocaine was located on you within a snap lock bag.

It is the State's case that you were transporting the cocaine in the green Woolworths' bag for the purposes of sale and that you are criminally responsible for trafficking 300.8 grams of cocaine on that day, the 18 July 2024. This is over 12 times the trafficable quantity of cocaine prescribed by Schedule 1, Part 2 of the *Misuse of Drugs Act* 2001, being 25 grams. The State submits that cocaine is commonly sold for \$350 a gram and \$9,500 an ounce. On that basis, the cocaine trafficked by you had an approximate value of \$105,000 if sold in one-gram lots.

Following the search of your home, you were placed under arrest and taken to the police station where you participated in an electronically recorded interview. You told police that you personally used cocaine and had commenced using yourself years ago, and used it on a weekly basis. You said there would be cocaine in your system. You admitted the green Woolworths' bag was yours and agreed that the substance in the bag was cocaine. You told police that the cocaine was yours and that you were the sole owner of it. You said that you had no idea how

much cocaine was in the bag. You told them you put it behind the door of the laundry as you heard a noise and wanted to hide it, but your intention was ultimately to hide the cocaine in the roof where you had hidden the drug in the past. You told police the 2.88 grams of cocaine located on you was for your own personal use, which is accepted by the State. You otherwise made no admissions relevant to your trafficking of the cocaine.

You originally pleaded not guilty to this crime on 23 January 2025 but indicated on 17 March 2025 that this matter would resolve by way of a plea of guilty.

You have no relevant prior convictions. Your involvement in this offending comprised taking instructions from Mr A. You assert that you had no involvement in any of the negotiations for the sale of the cocaine. I am told that Mr A was essentially running a drug trafficking business and that you were not the only one present at the address Mr B later attended. The brick of cocaine was in your possession because you had been told to remove it so it would not be at a property linked with Mr A. You say you did not receive any money and had no expectation of financial benefit as a result of your activities on that day. I am told that you had your own drug habit and associated debt. By assisting Mr A, you were ensured a supply of cocaine to satisfy your own personal habit. I was told that you had known Mr A for a long period of time. You played football together and a friendship developed. You began using cocaine approximately three to four years ago. This coincided with the break down in your relationship with your former partner with whom you have a child. You knew Mr A had drugs for sale, you purchased drugs from him for your own personal use and then allowed yourself to be pulled into his activities. I am told that at the time you became involved, you did not appreciate the significance of what you were doing and did not stop to think about the consequences. It is difficult to fully accept that someone who appears to be reasonably intelligent could fail to understand the significance of being involved in the trafficking of drugs. I am told the detection of your offences has served as a significant wakeup call to you. You have addressed your drug use, although you concede that you have relapsed on some occasions since being charged. You have not sourced counselling or other assistance to help you in this endeavour.

You are 35 years old. You live with your mother. You have a good relationship with your former partner and regular contact with your child. You work fulltime as a carpet layer, employment you maintained despite your use of cocaine and development of your drug habit. You have now ceased contact with any people involved in the drug trade. I am told you now understand the serious nature of your offending.

The State submits that general deterrence and punishment are important factors to take into account when imposing sentences for this sort of drug trafficking. In this case, the State submits a large quantity of cocaine was involved which was worth a significant amount of money. The State submits that the sentence should reflect that illicit drug use is widespread in the community and leads to economic and social harms. Those harms are not only experienced by the users of drugs themselves, but motivates the carrying out of property offences and can lead to violence, for example in the context of enforcing drug debts. The detection of offending of this type is difficult and diverts police resources from other law enforcement activities.

You have been assessed for suitability for community service and are deemed suitable for such an order.

As has been frequently pointed out by this Court, the commercial trafficking of controlled substances is extremely serious. Drugs, such as cocaine, cause harm in the community. Not

only are the users of drugs harmed, but the community in general is adversely impacted by criminal conduct associated with the trade, such as offences involving the theft of property. Sentences imposed for such offending are required to attempt to deter others from engaging in similar conduct and signal condemnation of that activity.

In your case, the period of trafficking relates to one date only. The quantity of cocaine involved was moderate. Your involvement enabled the commercial drug business to operate. You have no relevant prior convictions. I accept that your offending is linked to your own drug use which you have now taken steps to address. There is also, as far as I am aware, no evidence of you receiving any financial benefit from your participation.

Given the quantity of the drug involved, it is appropriate to impose a period of imprisonment. However, I am satisfied it is appropriate to suspend that period of imprisonment in light of your early plea of guilty, the short period of time over which the offending occurred, your lack of relevant prior convictions and prospects of rehabilitation. It will be a condition of the suspension of the period of imprisonment that you perform community service.

Shaun William Bennett, you are convicted of the charge of trafficking in a controlled substance. You are sentenced to 12 months' imprisonment, wholly suspended for three years from today on condition that you commit no offence punishable by imprisonment. It is also a further condition of the suspension of your sentence that you must satisfactorily perform 75 hours community service as directed by a probation officer or supervisor, within 18 months of the date of this order. There are a number of additional conditions I am required to impose. You must report, on or before 4.00pm on Monday, 12 May 2025, to a probation officer at the offices of Community Corrections in Hobart. You must, during the operational period of the order, report to a probation officer as required by the probation officer. You must, during the operational period of the order, comply with the reasonable and lawful directions of a probation officer or a supervisor. You must not, during the operational period of the order, leave, or remain outside, Tasmania without the permission of a probation officer. You must, during the operational period of the order, give notice to a probation officer of any change of address or employment before, or within two working days after, the change. If you breach any of these conditions you may be brought back before the Court and resentenced. It is very important you understand that it is a condition of your suspended sentence that you satisfactorily perform those community service hours and that a failure to do so could result in a breach of that sentence, and you being sent to prison.

I also order pursuant to s 38 of the *Misuse of Drugs Act 2001* that the Woolworths bag, the snap lock bags, digital scales, Tupperware containers and teaspoons seized by police on 18 July 2024 (which are items 1, 2, 2a, 3-14 listed in Property Seizure Record Receipt dated 18 July 2024) be forfeited to the State.