

Mr Campbell, you have pleaded guilty to two counts of trafficking in a controlled substance.

The first count relates to trafficking in cocaine, which took place between 11 and 13 January 2017. The trafficking is constituted by some specific acts, in particular possession of a substantial amount of the drug with the intention of selling at least some of it, preparing the drug for sale and selling some of it from your partner's house to a small number of customers. The quantity involved is the subject of some dispute, but it is agreed that it was, at least, a substantial amount. From the information provided to me, I infer that this would involve a quantity of the drug valued in the tens of thousands.

The second count is constituted by your operation of a drug dealing business in cocaine and MDMA between 14 March and 11 June 2018. During the whole of this period, you were residing in Queensland. The factual basis of the crime asserted by the prosecution, which is not disputed by you, is that on a number of occasions, you instigated and arranged the importation into Tasmania of considerable quantities of cocaine and MDMA, with the intention of selling those drugs in this State. Specific acts of importation which are alleged as part of the drug dealing business include sending 73.6 g of cocaine to Tasmania by post, on a further occasion arranging for another man to take 167.7 g of cocaine to Hobart via an airline flight, and on another occasion sending 3,244 MDMA tablets to a former girlfriend by post. The drug courier was detected and apprehended at the Hobart airport, charged with drug trafficking and sentenced to 15 months' imprisonment, part of which was suspended. The total value of the cocaine involved in the above importations is asserted to be between \$85,000 and \$120,000. The potential value of the MDMA tablets involved in the importation is asserted to be \$129,760. In addition, you had possession of various quantities of the drugs at your parents' house in Tasmania and police found you in possession of 1,270 MDMA tablets. Your intention was to sell these drugs in Tasmania. The potential value of the MDMA found in your possession was \$50,800.

I infer from messages found on your mobile telephone that you purchased the drugs in Queensland for the purpose of sale in Tasmania. It is not asserted that you were trafficking drugs to customers in Queensland, but, in any event, such criminal conduct would not be the subject of the charge before me. I am concerned with trafficking activity which relates to the importation into and the potential distribution of the illicit drugs in Tasmania.

There are a number of aggravating features with respect your conduct across both counts. In particular:

- (a) Both counts involve trafficking on a significant scale. The conduct relevant to count 2, in particular, manifests many aspects consistent with the conduct of a significant operation on a commercial basis. Your methodology involved some sophistication. You utilised encrypted messaging services in order to communicate with suppliers and with the persons recruited by you to execute the importation. You utilised various methods of importation, presumably to avoid detection and interference with your operation. The use of the courier was particularly audacious and involved some sophistication. The drugs were wrapped in layers of paper towels soaked in methylated spirits and coffee, presumably – and this is my inference – to avoid detection by a drug detection dog. A similar methodology was used in respect of the parcel containing the MDMA

tablets. Police also found two firearms, one of which had been recently stolen, in your parents' premises in Tasmania. They were secreted in a wall cavity. It is not conceded by you, nor pressed by the prosecution, that you had specific possession of these firearms, nor that you had any intention to use them for a specific purpose in connection with your drug trafficking business. However, it is conceded that you had access to them. The location of firearms in and around a drug trafficking operation is not of itself an aggravating feature of the crime of trafficking. However, it can indirectly affect the assessment of sentence because it can provide some circumstantial evidence which informs the nature and scale of the operation. This is particularly so in a case based on a *Giretti* style business. It is not disputed by your counsel that I should take the presence of the firearms at your parents' house into account in this general way, notwithstanding that you do not concede the matters which I have specified. However, the relevance of your access to those firearms in respect of sentencing is marginal, in my view, because same merely confirms rather than adds to my impression of the scale of the business, formed in any event on the basis of the other evidence to which I have referred.

- (b) The quantity of the drugs involved also supports the conclusion that the trafficking was on a significant scale. There was clearly a significant commercial aspect to the trafficking operation, in particular that involved in count 2. It is asserted by your counsel that the trafficking was motivated solely by your desire to support your significant drug habit. It is clear that you do have a significant problem with illicit drugs, and I will return to this shortly. I have no doubt that this was a significant motivation for you becoming involved in drug trafficking, but whatever the purpose to which you put the proceeds, the drug trafficking business relevant to count 2 involved quantities of drugs with significant potential value, and hence was capable of reaping significant profit. You told the author of the forensic mental health report that the trafficking funded your lifestyle, as well as your drug habit. I interpret this to mean that you were using the funds gained, or expected to be gained by you from drug trafficking, for the purpose of funding your living expenses, as well as paying for your drug habit. As I have already indicated during the course of argument, I do not think you were acquiring large quantities of wealth as a result of this, but you were living off the drug trafficking. I think is consistent with the other demonstrated features of the operation.
- (c) Your commission of both crimes occurred in circumstances which demonstrates a disregard for the law and lawful authority, and a strong commitment to the unlawful activity of drug trafficking. At the time of committing count 1, you were on bail in respect of an unresolved charge of selling cocaine. At the time of committing count 2, you were on bail, at the least, in respect of the charge of trafficking to which count 1 relates. Further, this was not the first time you had committed the crime of trafficking in a controlled substance. In 2011, you were convicted and sentenced to a suspended term of imprisonment in respect of a crime of trafficking committed in 2009. On 30 June 2017, you were sentenced for four counts of importing a border controlled drug, which you had committed in late 2010. The sentence imposed was 21 months, but you were released immediately on a recognisance release order, which was conditional upon you being of good behaviour for a period of two years. Clearly, you were subject to that order at the time that you committed count 2. It is apparent that none of these orders or sentences deterred you from the serious offending involved in that count.

You are 32 years of age. Apart from the drug-related offending I have already discussed, your criminal record consists only of traffic offences. You have a supportive family, and you were

raised in a loving and supportive environment. Despite this, you have had a long-standing problem with illicit drugs. You commenced using cannabis when you were 14 years of age and progressed to harder drugs as you grew older. The forensic mental health report and information from your counsel suggests that you currently have a significant addiction to cocaine. However, your substance abuse has extended to other drugs and to alcohol. The report discusses psychological factors that have contributed to the development of your drug problem. These include long-standing psychological factors such as difficulty in identifying and managing emotions, and social anxiety. The report notes the social and learning difficulties and bullying that you experienced at school. You also made limited disclosure of some abuse – I do not intend to go into the details – but this abuse occurred during your childhood and away from your home environment. The opinion of the report author is that it is probable that such abuse did occur. The report author concludes that your early use of substances was a coping response to these various problems and experiences. I agree with your counsel that this is relevant to general background in terms of how you became involved in this criminal conduct. However, the report author also points out that this pattern of behaviour has become entrenched in adulthood, and that is connected, as well, to the financial and social benefits which you perceive come your way because of drug trafficking. I think this conclusion must be accepted. It is consistent with your record of offending, the scale of conduct involved in the commission of these crimes, and your continuation of drug trafficking in defiance of bail obligations and sentencing orders of the court. In other words, the problems in your childhood explain how you came to have a drug problem, how you became involved in drugs and drug use, including into your adult life. But, as an adult, you have made choices, and those choices have included becoming involved in the criminal activity with which I am dealing.

The report also considered your attitude to and potential for rehabilitation. The author's opinion is that your attitude towards rehabilitation is not well considered. There is little evidence that, to date, you have demonstrated any real commitment to rehabilitation. I accept that to a considerable extent, again, as your counsel has submitted, that this is probably wrapped up in the underlying problems. There is also no doubt that your family are very concerned about you, and your counsel has outlined efforts they have made to assist you to deal with your drug problem. However, the kind of activity in which you were engaged in committing these crimes involved deliberate decision-making inconsistent with a true commitment to rehabilitation. You were apprehended as you were committing the crime, and have been in custody ever since. Having said that, you have now pleaded guilty to these charges, and have had time while in custody to reflect on your future. I will take your pleas of guilty into account in your favour, and in particular, as some indication of acceptance of responsibility and a general desire to rehabilitate and to lead a law abiding life. You should be provided with the opportunity to pursue rehabilitation, but this must also be balanced against the demonstrated need to emphasise personal deterrence in the formulation of the sentence. Further, the predominant sentencing consideration in respect of criminal conduct of this nature must be general deterrence. The importation and dissemination of illicit drugs throughout Tasmania results in grave and widespread social consequences. Those who choose to become involved in such activity must appreciate that the consequence will be severe punishment.

Mitchell Campbell, you are convicted of the crimes to which you have pleaded guilty. You are sentenced to a global term of imprisonment of 4 years and 6 months, which will be backdated to 13 June 2018. In order to facilitate any potential demonstrated by you for rehabilitation, I will provide for your early release on parole. Accordingly, I order that you not be eligible for parole until you have served one half of that sentence.

I make the following further orders:

- (a) Pursuant to s 36B of the *Misuse of Drugs Act*, I order that you pay costs of analysis in the sum of \$20,920.
- (b) Pursuant to s 38 of the said Act, I order that the property listed in the property seizure record receipts listed by the prosecutor during the course of his submissions be forfeited to the Crown.