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THE SUPREME COURT OF
THE NORTHERN TERRITORY

SCC 21912293

THE QUEEN

and

STANLEY JOSEPH DAL-SANTO

(Sentence)

BLOKLAND J

TRANSCRIPT OF PROCEEDINGS

AT DARWIN ON WEDNESDAY 18 SEPTEMBER 2019

Transcribed by:
EPIQ

HER HONOUR: Stanley Dal-Santo pleaded guilty on 10 September of this year to one count of supply a Schedule 2 drug, namely, cannabis, and that the quantity supplied was a commercial quantity.

The facts are that on 24 March he flew out of Maningrida, headed for Darwin. At around that time, he came into possession of 503.33 grams of cannabis. On 25 March he drove to Jabiru and flew to Maningrida via a charter flight. Police received information about his flight. Two police officers attended Maningrida Airport and spoke to Stanley Dal-Santo.

A search of his luggage revealed a vacuum sealed bag containing 449.4 grams of cannabis concealed in a packet of potato chips, two sealed bags containing 53.93 grams of cannabis concealed inside another packet of potato chips, and approximately 1200 empty clip-seal bags and a cask of wine.

He was arrested and taken to Maningrida Police Station. He declined an interview with police. The total weight of cannabis was 503.33 grams, just over the commercial quantity threshold in the *Misuse of Drugs Act*.

Cannabis sells for approximately \$100 per gram in Maningrida. There was therefore the potential to make around \$50,000 if all of the cannabis was sold there. It is noted Maningrida is a Protected Area; however, the alcohol charge is yet to be dealt with in the Local Court.

These matters of supplying commercial quantities of cannabis are always serious matters. This occurred in an Indigenous community, where it is well-known and well-accepted what the effects of cannabis are on vulnerable sections of the community. Respected Aboriginal persons have often told the courts of the deleterious effects of cannabis in their communities.

Offending of this kind exploits vulnerable people. This has been recognised many times by the Court. The mark-up in price is extraordinary when the drugs are sold in Indigenous communities. If Stanley Dal-Santo had got away with this, his profits would have been extraordinary.

General deterrence is the dominant sentencing principle. Other factors, such as rehabilitation, are important, but are very much secondary principles in cases of this kind. The maximum penalty is 14 years imprisonment. I bear in mind the amount of cannabis was barely over the commercial threshold; however, it must still be seen for what it is; a commercial amount of cannabis that exploits vulnerable people when supplied. I bear in mind that fortunately, through the good work of police, the cannabis was not in fact supplied to any person and Mr Dal-Santo was stopped from doing so.

He does not have relevant previous convictions. He has two convictions in the Northern Territory; one for possess liquor in a Protected Area and one in 1996 for being armed with an offensive weapon. Both offences were dealt with by way of moderate fines, indicating they were not the most significant examples of offending

of that kind. He has a lengthy record in South Australia but mainly to do with traffic matters.

He was arrested on 25 March 2019 and has been in custody since then, now some five months and 20 days. That is a reasonably significant period in custody on remand.

I have mentioned he is 38 years old and without relevant previous convictions. The Court was told he was born in Adelaide and grew up in Elizabeth. He was raised by his mother, as a single mother. He has two brothers; one older and one younger. He was introduced to cannabis by his peers at around the age of 9. His consumption of cannabis became more regular during year 9 at school, when he was aged 14. It was at that age that he relocated to Darwin with his mother. He attended Darwin High School until year 10. He did not find school easy and struggled. He began to consume large amounts of alcohol and considered that he was an alcoholic. He was also smoking cannabis heavily at the time.

He became a father at a young age, at 15. The daughter's name is JX. At that time, he was trying to care for and look after his daughter, his partner and younger brother. His mother experienced mental illness, and his counsel has told the Court that he describes this as a breakdown and she was admitted into hospital in Adelaide. His younger brother suffers depression, anxiety and bipolar, but Mr Dal-Santo has not experienced mental illnesses of that kind.

Regrettably, when his daughter was aged 9, her mother passed away due to kidney failure. He and his mother then raised her from that time. She is now 23 and lives in Darwin. He has been a heavy smoker of cannabis for many years. Before being arrested for this offending, he was living in Maningrida. He married a woman from Maningrida. He previously worked at the Maningrida Supermarket for around two years and has worked at the take-away shop there. While in prison, he has worked in the kitchen.

I have received a s 103 report. He is suitable for supervision. I reject his statements made to the Corrections officer that this cannabis was for his own use. He has not attempted to shift the burden. It was clearly for supply; however, I accept, given his background of use, he may well have used some. He has self-reported a long history of drug abuse.

He is suitable for the Sunrise program and for supervision by Corrections. Giving predominant weight to general deterrence but also noting the lengthy remand period, also noting police see no problems with him returning to Maningrida after completing the Sunrise program, I am prepared to suspend the balance of the sentence provided he complies with the conditions set and recommended by Corrections. In my view, they will reduce the risks of re-offending and assist in bringing the message to people who might think about offending in this way not to do so. I do think it would be beneficial for him to complete the program at Sunrise.

Given his lack of previous convictions and the plea and cooperation within the court system, if not for the plea, he could expect a sentence in the order of 2 years imprisonment; with the plea, he will be convicted and sentenced to 18 months imprisonment, commencing on 25 March this year. The balance of the sentence will be suspended from today.

The operational period for the suspended sentence is 18 months from today, during which he is not to commit another offence punishable by imprisonment, or else he may be ordered to serve the balance of the term.

So the conditions are, as indicated in the s 103 report:

- 1) He must not, during the period of the order in force, commit another offence whether in or outside of the Territory punishable on conviction by imprisonment, and that period is 18 months.
- 2) Further, for the first 12 months, he is under the ongoing supervision of a Probation and Parole Officer, obey all reasonable directions from a Probation and Parole Officer and report to a Probation and Parole Officer within two clear working days after the order comes into force.
- 3) He must tell a Probation and Parole Officer of any change of address or employment within two clear working days after the change.
- 4) He must not leave the Territory except with the permission of a Probation and Parole Officer.
- 5) He will, at the direction of a Probation and Parole Officer, immediately enter into the Sunrise residential rehabilitation program or any other program assessed as suitable, participate fully and do nothing to cause his early discharge.
- 6) He will not purchase or consume alcohol and will submit to testing as directed by a Probation and Parole Officer or a police officer.
- 7) He will not consume a dangerous drug and will submit to testing as directed by a Probation and Parole Officer for the purpose of detecting the presence of dangerous drugs.

So he is on all of the supervision conditions for 12 months from today, but the operational period is 18 months from today.

Is that understood?

MR HA: Yes, thank you, your Honour.

MR BELLACH: Thanks, your Honour, that's clear, yes, thank you.

HER HONOUR: Yes. And the commencement date is 25 March of this year.

MR BELLACH: Yes, court pleases.

HER HONOUR: All right.

Unless there are any queries - - -

MR HA: Just one thing I note for the record; I'm indebted to my learned friend for reminding me, but there is still the live alcohol charge in the Local Court, so Mr Dal-Santo is technically on remand for the Local Court till tomorrow. I anticipate it will be resolved tomorrow, so he will be released at that time.

HER HONOUR: All right well, thank you very much. He has nothing further in the Supreme Court. I was not sure about his remand status on the Local Court matter. I mean, it is probably why it is better to get these things transmitted, but I appreciate it is not always possible.

Thanks for that indication.

So your client is aware of that, is he, Mr Bellach?

MR BELLACH: Yes, I'll speak with him once the Court adjourns, just to explain what's probably going to happen as a result of that. But thanks, your Honour.

HER HONOUR: All right. And perhaps get onto Community Corrections so they can perhaps help smooth things over for his commencement at Sunrise.

MR BELLACH: Yes, thanks, your Honour.

HER HONOUR: All right, thank you.

Yes, feel free to adjourn the Court.
