

N.B. Copyright in this transcript is the property of the Crown. If this transcript is copied without the authority of the Attorney-General of the Northern Territory, proceedings for infringement will be taken.

---

THE SUPREME COURT OF  
THE NORTHERN TERRITORY

SCC 22207738

THE KING

and

ROBERT JAMES MORRISON

(Sentence)

KELLY J

TRANSCRIPT OF PROCEEDINGS

AT ALICE SPRINGS ON WEDNESDAY 6 NOVEMBER 2024

Transcribed by:  
EPIQ

HER HONOUR: Mr Morrison, I am going to sentence you now. You can stay sitting down while I do that because I need to talk to you about quite a number of things.

Robert Morrison, you have pleaded guilty to one count of intentionally supplying a commercial quantity of cannabis to Robert Paterson and Allen Paterson, the maximum penalty for which is imprisonment for 14 years; and one count of intentionally possessing a trafficable quantity of cannabis, the maximum penalty for which is imprisonment for 5 years or a fine of 500 penalty units.

I am going to talk about what you did. As of 7 March 2022, you were 53 years old and your wife, Andriyani Morrison, was 51. You were both temporarily living in a room in Tennant Creek, but you had also been spending time living and working in a roadhouse at Aileron, not far from Ti Tree.

You both knew Robert Paterson. He was 64 years old and living in Tennant Creek, as was his son Allen Paterson who was 26. For over a year before March 2022, Robert and Allen Paterson had been regularly obtaining a pound or multiple ounce quantities of cannabis and selling it for commercial gain in Tennant Creek.

The Paterson drug dealing business involved frequent collaboration with you. You and your wife were together one of two main wholesale suppliers of cannabis to that drug dealing business. Your life and work arrangements throughout 2021 and the first few months of 2022 involved travel away from Tennant Creek to places where you could obtain pound or other quantities of cannabis, and then bringing that cannabis back to Tennant Creek to provide the Paterson drug dealing business with the cannabis.

Your wife's role was more limited and included recording and monitoring drug sales and expenses and providing agreed quantities of cannabis to the Patersons in Tennant Creek when you were away. Your drug dealing business was independent from that of Robert and Allen Paterson, but the two businesses were closely associated.

Robert Paterson regarded you as a transporter of cannabis into Tennant Creek whom he could rely on. And for much of the charged period, you were the principal supplier for the Paterson drug dealing business. The Paterson drug dealing business also had a close association with some other local drug dealers including Robert Paterson's sister, Linda Baker and her husband and with Kristy Smith who, like you, was bringing cannabis into Tennant Creek from elsewhere.

Robert Paterson often communicated with Allen Paterson, with you and with other drug dealing associates by phone and text. Your wife maintained a ledger recording sales of cannabis by you and associated expenses and they recorded the acquisition of cannabis for sale in pound amounts or multiple ounces.

In January 2022, the drug dealing business of the Patersons had come to the attention of police, and the Tennant Creek Criminal Investigation Branch commenced

an operation investigating that business. The operation involved telephone intercepts pursuant to a warrant. It also involved physical surveillance checking the frequency and duration of visits by local people to the Patersons.

The telephone surveillance continued for a period of about three-and-a-half months, and during that time, Robert Paterson engaged in telephone conversations with Allen Paterson and with various associates including you, and you and Robert Paterson engaged in telephone conversations relating to cannabis supply.

On 5 March 2022, you and Robert Paterson had a telephone conversation which reflected the business and personal relationship between you. You discussed how things were going with his drug dealing operations and you arranged for Robert and Allen Paterson to get some cannabis from you, from your business, to tide them over.

Now, part of that conversation is transcribed in the agreed facts which is exhibit P1. I am not going to read them out. Now, police intercepted that telephone conversation and as a result, they executed a search warrant at your home. They searched your home and they found a plastic bag containing around about a pound; that is 454 grams of cannabis plant material in the wardrobe.

They also found in that same wardrobe five 28 gram bags of cannabis plant material; so that was the material that was referred to in the telephone conversation between you and Mr Paterson. Police also located evidence of supply of commercial amounts of cannabis, boxes of sandwich bags, three handwritten ledgers.

Later on that day, your car, a Mitsubishi Triton was intercepted by police in Tennant Creek. You were driving. Your wife was in the front seat and police found and seized 10 grams of cannabis in the car. You were both arrested and taken to the Tennant Creek watchhouse.

On 8 March 2022, you took part in an electronically recorded interview where you made some limited admissions; that is, admissions to possessing a commercial amount of cannabis plant material that had already been found in your home and the cannabis found in your car. But you also said that you used your car to transport the seized cannabis to Tennant Creek.

Andriyani Morrison also took part in an interview with police. She admitted that she had assisted you with the cannabis supply business and that she had written those ledger notations and that they related to the purchase of cannabis and expenses and sale.

She said you had been selling the cannabis in 28 gram bags for amounts which had, at times, reached \$1000 per bag. The three ledger documents were relatively unsophisticated. One was on an envelope, one was on a receipt and one was on a piece of lined paper.

They all recorded various amounts of money; between \$52,240 and \$56,500 and it appears that they all referred essentially to the same transactions. Now,

Mrs Morrison agreed to give evidence against you, if necessary, and she received a reduction in her sentence for her cooperation with the authorities.

Robert Paterson made a detailed statement about his drug dealing activities and those of associated drug dealers including you, and that was of a great deal of assistance to the authorities in that investigation into drug dealing in Tennant Creek. Robert Paterson said that from sometime in 2020, you had become his main supplier and you would bring in or arrange to be delivered amounts of 5 or sometimes 6 ounces of cannabis each fortnight, except for one or two fortnights and this continued through to early 2022.

The price that he paid you ranged from \$650 an ounce to \$750 an ounce and on one occasion \$1000 an ounce. Through the period 2021 to early 2022, you supplied at least 4 kilograms of cannabis to the Paterson drug business. That is the facts of the offending.

I am going to talk a bit about you now. You have a limited prior criminal history in Queensland which includes one minor charge of possession of dangerous drugs. You have only got driving offences in the Northern Territory. Your lawyer has given me some information about your background, personal history.

You were born in Victoria, raised in Queensland. You are one of four siblings. You have two younger brothers and an older sister who all live in Queensland. I am told you had a fairly stable upbringing and you have a close relationship with your siblings and nieces and nephews. Your mother sadly passed away when you were 28 and your father passed away only 3 months ago.

And I was told by your lawyer this morning that, owing to your bail conditions, your inability to negotiate the system, so to speak, you were unable to attend his funeral which must have been distressing. You have limited reading and writing skills. You left school in Year 8 to become a butcher's apprentice. You finished your apprenticeship over four years and moved to Darwin and worked at the Stuart Park Meatworks.

And it was during that time that you started using cannabis to relax after work. When you were 19, you went back to Queensland to assist your father in the family business, and you did another apprenticeship as a diesel mechanic and you worked for your father in that capacity in his business until your mother died. After that, you moved to Ti Tree and you were working at the Ti Tree Roadhouse doing maintenance, and you worked in other roadhouses, I am told; Barra Creek, White Cliff Well and Aileron, and from time to time, you did mechanical work, sometimes without payment, to assist community members.

You were diagnosed with chronic pancreatitis in 2008 and thereafter you have had a limited ability to continue in full time employment, and your consumption of cannabis, I am told, increased after that diagnosis and you were using it as a form of pain relief.

You have one adult son, 36 years of age from a previous relationship and you met your current wife, Andriyani, in 2014 and you married in 2015. I need to talk to you a little bit about the things I have to think about when I am sentencing you. These are serious offences as reflected in the maximum penalty of 14 years for count 1; 5 for count 2.

You were a principal in your own business and this offending was organised. You were the principal supplier for a major drug dealer in Tennant Creek. It was relatively unsophisticated offending, but it continued over a period from 2021 through to early 2022. So that is a considerable period of time during which the offences occurred.

You were charged between 1 January 2021 and 7 March 2022. The amount of cannabis you brought into Tennant Creek was a considerable amount, and I have already outlined that.

And by bringing cannabis into Tennant Creek, you contributed to enabling the Patersons to supply drugs to vulnerable people in the Tennant Creek community. I do take into account that your vehicle will be forfeited and that you are not opposing that course.

Now, I need to emphasise general and personal deterrence, in particular, general deterrence. That means, I need to impose a sentence that will discourage other people from engaging in this kind of commercial drug dealing. I also need to impose a sentence that sends a message that the court and the community disapproves of these kinds of offences.

I also need to consider rehabilitation. Your lawyer has given me some information about your health difficulties, and these are also set out in the s 103 report. You have had a stent surgically inserted in your abdomen and groin to prevent blood clotting and other complications of pancreatitis and you have found it difficult to maintain the necessary hygiene when you are in prison on remand. You have spent 23 days on remand.

I have received a report in the s 103 report that the clinics at the correctional centres both in Alice Springs and Darwin have advised that they can arrange telehealth consultation with non-prison health practitioners that can make a request to transport prisoners to in person appointments, if necessary. Medical emergencies will be dealt with at the Royal Darwin or Alice Springs Hospital, and they say that it appears that your health needs can be managed from within the prison.

You will not be able to have medicinal cannabis, but there are other pain relief medications that are available to you, and I do not accept that it will not be possible for your health needs to be managed in a custodial setting. I do note that your lawyer has tendered a report from a doctor expressing concern that your health may deteriorate in a custodial setting. But the Correction authorities have a duty to look after your health and to provide you with what medical attention you need.

I also need to consider parity when I am sentencing you. Your co-offenders have all already been sentenced. Robert Paterson was sentenced to imprisonment for 4 years and 10 months suspended after 1 year and 10 months. But the starting point for him was a term of imprisonment for 8 years. He received a 40 percent reduction in his sentence for greater than usual cooperation with the authorities, including revealing additional offences.

Allen Paterson, the son, also received a sentence of imprisonment for 4 years and 10 months suspended after 1 year and 10 months. In his case, the starting point was 6 years and 6 months.

The Bakers each received sentences of 4 years and 6 months reduced from a starting point in their case of 6 years. Their sentences were suspended forthwith after service of 9 days on remand on condition of 12 months' home detention. But in their case, the sentencing judge took into account that they essentially lost their home, their home that they had lived in for a very long period of time.

Kristy Smith was sentenced to imprisonment for 2 years and 3 months reduced from a starting point of 5 years, so that is over a 50 percent reduction. I do not know the precise details of why she received that reduction, but you are not entitled to a reduction in your sentence of that magnitude.

There were several others, Neville O'Dwyer was sentenced to imprisonment for 18 months fully suspended after a reduction of 20 percent. Cory Graham, 20 months after a reduction of 20 percent, suspended after serving 1 month and 20 days. And your wife was sentenced to 2 years and 6 months reduced from 4 years.

Now, I think both counsel are agreed that the most comparable offender amongst these co-offenders is Kristy Smith and to a lesser extent, the Bakers. The Patersons' role, especially Robert Paterson, was more serious than that of some others, especially O'Dwyer and Graham less serious, as was your wife.

You have pleaded guilty and you are entitled to some reduction in your sentence for your willingness to facilitate the course of justice. Now, you cooperated to a limited degree with the authorities when you did a record of interview, although you did not admit to anything other than possession of the amounts that they already knew about and claimed that these were for personal use. You did not admit to any commercial drug dealing.

I do not accept that you are remorseful and nor can this be considered to be an early plea. So even though, on the facts that you have pleaded to, they are slightly different from the facts that you originally had faced and were going to plead to, because you are now only charged with supplying to the Patersons and the earlier set of facts alleged supply to other people as well.

Taking all of those matters into consideration, I intend to reduce your sentence by 15 percent for your willingness to facilitate the course of justice. I consider it

appropriate to impose an aggregate sentence, given that the conduct of the two are inter-related.

If it were not for your guilty plea, I would have imposed a sentence of imprisonment for 5 years, which is the same starting point as for Kristy Smith. You will be convicted of both counts and applying that 15 percent reduction, you will be sentenced to a term of imprisonment for 4 years and 3 months.

I am going to direct that your sentence be suspended after serving 6 months upon entering into a home detention order for 12 months. I had initially considered an appropriate period of time for you to actually serve would have been a period of around about 12 months, but I am taking into account your health needs and the fact that because of those health considerations, prison will be somewhat more onerous for you than someone without those health considerations.

I am also going to order forfeiture of the Mitsubishi Triton vehicle NT registration CE5500. The terms of the home detention order will be those set out in pars 1 to 5 of the s 103 report. The address at which you will be serving that home detention will be [redacted].

Now, do I backdate that by 23 days?

MR DALRYMPLE: Yes, your Honour.

HER HONOUR: So that takes us to your sentence of actual imprisonment is backdated to 14 October 2024. All right, thank you.

Is there anything further from either counsel?

MR DALRYMPLE: Just one point, just for the purposes of your Honour's sentencing remarks, the three ledgers, the lined paper ledger was by itself; it was the other two that were essentially the same.

HER HONOUR: Yes.

MR DALRYMPLE: Just so that could be pretty clear for the records.

HER HONOUR: All right, thank you. I am sorry I made a mistake there. I thought that it was all three of them reflecting at around about the same quantities.

MR DALRYMPLE: No, but they were different things. The lined paper related to a different period, it would appear.

HER HONOUR: I see.

MR DALRYMPLE: And then the other two related to the same things.

HER HONOUR: All right, thank you. Well, that will obviously be clear from exhibit P1, which are the actual agreed facts.

MR DALRYMPLE: Yes, your Honour, that is correct.

HER HONOUR: But thank you for drawing that to my attention.

---



---

HER HONOUR: I will amend the order that specifies that is being made under s 40(2). I will amend order 3(a)(iii) so that it reads that he is to be at the nominated address, except when permitted to be absent from that address by a Probation and Parole officer or in a medical or dental emergency.

And I will then add another order fixing an operational period of 12 months from the date of release.

MR DALRYMPLE: Court pleases.

MR MCGUINESS: Please the court.

HER HONOUR: And I thank you both for your invaluable assistance.

MR MCGUINESS: I thank your associate, your Honour, for making enquiries that assisted me. I'm grateful. Thank you, your Honour.

HER HONOUR: And Mr Dalrymple. All right. Thank you.

We will terminate that connection.

---