

STATE OF TASMANIA v ALAN ROSS WEBSTER
COMMENTS ON PASSING SENTENCE

18 MARCH 2020
PEARCE J

Alan Webster, you plead guilty to trafficking in a controlled substance. On 25 April 2019 the police went to your property at Upper Woodstock, a rural area in the Huon Valley. They found you in a shed adjacent to the house, trimming harvested cannabis. The shed was specially equipped for de-leafing, drying and storage of cannabis. There was 530 grams of cannabis head on drying racks, two buckets containing a total of 1740 grams of dry cannabis head, 100 grams of cannabis head in another container, four containers of cannabis butter, as well as snaplock bags and digital scales. There were three cardboard boxes of leaf and stalk. You planted and cultivated the cannabis in a fenced off area in your rear yard.

The basis of the trafficking charge is that between May 2018 and April 2019 you engaged in the business of selling cannabis. This arises from the admissions you made to the police. When you were interviewed you admitted that you had grown eight cannabis plants for each of the last three years, although the indictment only covers the period between May 2018 and April 2019. The cannabis the police found had been harvested in 2019. You estimated having produced about a kilogram but in fact, when weighed, it was more than twice that amount. Your primary motivation was to produce cannabis for you and your wife to smoke for relief from chronic back pain which you each experience. However you also admitted selling about a third of the yield to two other people for cash. Based on the quantity found and the admissions you made, you are to be sentenced on the basis that during 2018 you sold about 27 ounces of cannabis for between \$150 and \$200 per ounce, resulting in a return of between \$4,050 and \$5,400. Your intention and potential return for the cannabis found in your possession in 2019 would have been the same.

You are aged 61. You have no relevant prior convictions. You live with your wife and two sons aged 22 and 24, one of whom is an apprentice and still partly dependent on you. You have a sound industrial history in having been employed by the Hobart City Council for 30 years until you were made redundant. You suffered an injury to your back in a work accident about 19 years ago. In addition to back pain you suffer from other health problems including diabetes, rheumatoid arthritis and shoulder pain. You ceased using cannabis as soon as the police intervened and you now rely on prescribed and other conventional medication for treatment. Despite your redundancy and your physical problems, you obtained casual but steady employment in March 2019 as a truck driver, and you are regarded by your employer as diligent and trustworthy.

Trafficking in illicit drugs is a serious matter. A sentence of imprisonment is required to make clear to you and others that it is to be punished and condemned. However, although your production of cannabis was organised, it involved a relatively small quantity, the amount you sold was modest, and the number of people you sold to was limited. As a result, it is not a serious example of the crime. To deter you and others from making money by selling drugs a sentence of imprisonment is required, but I will wholly suspend it. You must understand that the law imposes a condition on that suspended sentence that, if you commit another offence punishable by imprisonment during the time the order is in force, a court must order that you serve the term I am about to impose unless it is unjust. In those circumstances prison would be very likely.

Alan Webster, you are convicted on the indictment. I order that the digital scales and box of unused snap lock bags, items 5, 6 and 7 on property seizure record 179878, be forfeited to the

State. I assess, in accordance with the *Crime (Confiscation of Profits) Act* 1993, s 22, the value of the benefits derived by you from the commission of the offence in the sum of \$4,050, and order that you pay to the State a pecuniary penalty equal to that sum. I may only give you 28 days to pay that amount. If you require longer, you may enter into a repayment arrangement. I sentence you to a term of imprisonment of four months, wholly suspended for 18 months.