

Nathan Leigh Stebbings has pleaded guilty to one count of trafficking in controlled substances, namely methylamphetamine and oxycontin between 28 May 2017 and 21 December 2017.

On 21 December 2017 police officers searched the house where the defendant was living, his mother's home in West Hobart. He co-operated with the search and pointed out drug-related items, sachets and a set of digital scales. His mobile phone was seized and forensically examined. The police had seized two mobile phones from the defendant under different circumstances in September 2017 and they were also examined.

It was found that there were hundreds of messages relating to the sale of methylamphetamine and oxycontin. In relation to methylamphetamine, the analysis established that the defendant communicated with approximately 24 different people in relation to sourcing, and negotiations to sell this illicit drug for money. It was evident that the defendant also accepted stolen property as payment. Evidently, the defendant was selling to people in quantities ranging from under a point deals \$50, a point (0.1g) for approximately \$100, and half an eight ball (1.75 g).

The messages demonstrate that during the period 28 May 2017 to 21 December 2017 the defendant sent and received messages on a daily basis relating to the sale of methylamphetamine. One of the messages indicated that he "moved a \$1000 a day". He had customers that regularly contacted him wanting to source methylamphetamine. He regularly sold methylamphetamine in deals of less than a point.

In relation to oxycontin, he supplied it to about another 5 individuals on a much smaller scale. Mainly, he sold tablets, either individually for \$40 or in slides, 10 tablets for \$260.

It can be seen that the defendant was involved in a drug-dealing business, trafficking in both drugs from 28 May to 21 December 2017 involving a continuing trade or business which involved him purchasing and on-selling those two drugs. He sold to a circle of people he knew were drug users. Once he had a request from a purchaser, he would source the drug from a drug supplier and then obtain the money from the purchaser, buy the drug and give most of the drug to the purchaser and keep some of the drug for his own use. It was not a money making business, his reward was a small amount of the drug which supported his addiction.

The defendant is 44 years of age. He has prior convictions, the most relevant is a conviction for selling controlled drug in 2011, which attracted a two month wholly suspended sentence. Also he has a conviction in 2017 for possess controlled plant or its products, convictions imposed in 2017 for another seven charges involving possession of drugs, and in 2018 one month imprisonment wholly suspended was imposed for two charges of possess controlled plant. At the same time the court imposed one month of actual imprisonment for an offence of driving whilst disqualified.

He has a history of chronic drug use. He used cannabis for a number of years from when he was about 20 years of age. In 2006, he was involved in a car accident when he sustained a head injury. He was prescribed pain relief medication including oxycontin. He sought illicit substances to help manage the pain he was experiencing, including morphine, Valium, Xanax and Rohypnol and developed an addiction, leading to a dependency on these substances. At approximately 32 years of age, he was introduced to methylamphetamine and became addicted very quickly. It became an expensive habit to maintain which motivated him to take part in this crime of trafficking to support his addiction.

After the police search and the defendant's arrest, his mother's tenancy was terminated and she re-located to Melbourne. He re-evaluated his life and decided to stop offending. The period of imprisonment, in November 2018, mentioned earlier, provided a period of detoxification from illicit drugs. Since his release from prison he has cut links with pro-criminal associates. Presently, he is abstinent from drugs.

The defendant suffers from emphysema, is prescribed medication by his general practitioner, Dr Yong, and attends a respiratory clinic every two months to monitor his lung function. He has limited work history and because of his health he is in receipt of a disability support pension.

He has been assessed for a drug treatment order and is assessed as suitable and eligible for the program. Dr Yong supports the defendant's involvement in the program and is of the view that it would be good for him. The defendant has also been assessed as suitable for a community correction order and it is recommended in order to provide him with additional support.

I am satisfied that it is appropriate to make the orders recommended, a drug treatment order and community correction order. Their purpose is rehabilitative but they have a punitive aspect and punitive consequences if breached. The defendant must be well aware he is poised on the brink of a lengthy gaol sentence and seems motivated to make the most of this opportunity and to put his offending behind him.

I record a conviction and I impose a drug treatment order. As for the order, the custodial part of the order is a term of 12 months' imprisonment. Mr Stebbings, you will not be required to serve any part of that sentence unless you are ordered by a court to do so as a result of you not complying with the treatment and supervision part of the order, which has the following conditions.

The core conditions of the drug treatment order are as follows:

- (a) You must not, in Tasmania or elsewhere, commit an imprisonable offence.
- (b) You must attend court, as directed by a court.
- (c) You must report to a court diversion officer at Community Corrections, 114 Bathurst Street, Hobart, Tasmania, by midday tomorrow.
- (d) You must undergo such treatment for your illicit drug use problem as is specified by a court from time to time.
- (e) You must report to, and accept visits from your case manager or court diversion officer.
- (f) You must, unless there are special circumstances, give your case manager and court diversion officer at least 2 clear working days' notice before any change of address.
- (g) You must not leave Tasmania except with the permission, granted either generally or in a particular case, of a court.
- (h) You must comply with all the lawful directions of a court.
- (i) You must comply with all reasonable directions of your case manager and court diversion officer concerning the core conditions and program conditions of this order.

I impose the following program conditions as part of the order:

- (j) You must submit to drug testing including random drug testing and urinalysis as directed by your case manager or court diversion officer.

- (k) You must submit to detoxification or other treatment, whether or not residential in nature, as directed by your case manager or court diversion officer.
- (l) You must attend counselling and medical appointments, assessments and treatment as directed by your case manager or court diversion officer.
- (m) You must attend vocational, educational, employment, rehabilitation or other programs as directed by your case manager or court diversion officer.
- (n) You must submit to medical, psychiatric or psychological treatment as directed by your case manager or court diversion officer.
- (o) You must not use any mood or mind altering substances, synthetic substances, or any unidentified substances.
- (p) You must not associate with anyone who you know may use any mood or mind altering substances, synthetic substances, or any unidentified substance.
- (q) You must not use any prescription medication without approval from a General Practitioner and you are only to take prescribed medication in accordance with directions from the medical practitioner.
- (r) You must maintain a working mobile phone for the purpose of notification of all court mandated drug appointments and you must remain contactable by means of that phone at all times.
- (s) You are to reside at [address specified], or at any address approved by a member of the court mandated diversion team, and that you not be absent from these premises between the hours of 9pm and 7am and you must present to a police officer between those times when required to do so, unless you have prior approval from your court diversion officer to be absent.
- (t) You must appear at the Magistrates Court at Hobart on 13 August 2020 at 11:00 am and at every time and place to which proceedings against you may be adjourned;
- (u) You must attend the Magistrates Court in Hobart at any other time and place as directed by the Court, your case manager or court diversion officer.

I also make a community correction order for a period of 12 months from today. You will be subject to the supervision of a probation officer for that same period of 12 months.

The community correction order is subject to the following conditions:

- You must not during the operational period of the order being a period of 12 months, commit another offence punishable by imprisonment
- You must report to a probation officer within one working day at 114 Bathurst Street, Hobart.
- You must report to a probation officer as required by the probation officer.
- You must comply with all the reasonable and lawful directions of your probation officer.
- You must not leave or remain outside Tasmania without the permission of your probation officer.
- You must give notice to your probation officer of any change of address or employment before, or within two working days of the change.

In addition to the usual core conditions that attach to a community correction order, there are two other conditions that I impose:

- You must during the order attend educational and other programs as directed by your probation officer.
- You must submit to the supervision of a probation officer as required by your probation officer.

I make the forfeiture orders as sought in relation to items 4 and 5 on property receipt no 166955, items 6,8 and 9 on receipt 166956, 13,14,15 and 16 on receipt 166957 and items 18, 20 and 21 on receipt 166958.