

Matthew Cameron, you plead guilty to two counts of trafficking in a controlled substance, one count of possessing a controlled drug and one count of dealing with property suspected of being the proceeds of crime. I also agreed to deal with your plea of guilty to summary offences: six counts of possessing a thing used for administration of a controlled drug, one count of possessing a controlled plant, two counts of possessing a controlled drug, two counts of using a controlled drug, and one count of stealing.

On 2 March 2016 drug investigation officers searched the home in which you lived with your partner in West Launceston. They found a total of 4.9 grams of MDMA in both powder and tablet form, and 1.0 gram of methylamphetamine. The drugs were in zip lock bags in the house or on your person. They also found drug paraphernalia including five ice pipes, digital scales, unused zip lock bags, a bag of a cutting agent, and \$460 in cash. Your mobile phone was seized. Examination of the Facebook account disclosed messages amounting to obvious drug transactions including one in which you stated you were owed \$45,000 for drugs.

On 25 March 2016 your house was searched again. More drugs, drug paraphernalia and cash was found including:

- in the main bedroom four zip lock bags each containing methylamphetamine in quantities of either 1.0 gram or about half a gram, two cryovac bags each containing 12 grams of cannabis, four glass smoking devices and two mobile phones;
- in the kitchen, a zip lock bag containing 1.4 grams of MDMA in the form of six tablets, two tablets, one MDMA and one MDA under the fridge, 0.6 grams of methylamphetamine in a zip lock bag, bags containing just over 1.2 kilograms of poppy seed, and a cryovac machine;
- in a hidden locked room in the garage, a bag containing 36 MDMA tablets weighing 10.5 grams, 11.1 grams of methylamphetamine in the form of a yellow solid, 12.5 grams of methylamphetamine in a colourless crystalline form hidden in a cavity in the room, a bag containing two MDMA tablets and 12 MDMA paper tabs, nine smoking devices and \$8,105 in cash, most of which was hidden.

Analysis of a phone found during the search disclosed evidence of more drug transactions including a tick list evidencing debts to you for drug sales totalling about \$46,000. When you were interviewed you told the police you were an Ice addict, admitted that you had used methylamphetamine and MDMA and admitted having stolen the poppy seeds from your employer when you worked as a security guard from a poppy processing facility. They were worth about \$10 and had no criminal purpose. However you denied ownership of the cash and Ice and denied that you had sold drugs or intended to sell drugs.

On 3 May 2016 a car you were driving was intercepted and searched by the police. They found an ice pipe and a Taser. You had \$7,800 in cash hidden in your trousers which the State asserts was the proceeds of drug sales.

On 12 May 2016 your house was searched again. The police found seven smoking devices, two zip lock bags each containing traces of methylamphetamine, unused zip lock bags, digital scales and two iPhones. On one of the phones was a Facebook conversation evidencing the sale of 1.75 grams of methylamphetamine by exchange for a 4WD motor vehicle.

The conduct to which I have referred thus far forms the basis of the first count of trafficking. You are to be sentenced on the basis that between 1 January 2016 and 12 May 2016 you trafficked in methylamphetamine, MDMA and MDA by conducting a business of selling drugs. That is, during the course of that period of about four and a half months you were engaged in a regular and continuous drug selling activity of a commercial and systematic kind. You sourced the drugs and on-sold them to other dealers and drug users for cash or goods. In addition to all of the paraphernalia in your possession, some indication of the scale and extent of the trafficking is given by reference to the known sales and the value of the cash and drugs found in your possession: a total of \$16,365 in cash was seized, you were owed \$45,000 for Ice, you were found in possession at various times of Ice worth, depending on how it was sold, between \$10,000 and \$17,000, speed worth between \$1,800 and \$11,100 and ecstasy worth between \$740 and \$3,700.

A little over a year later, on 24 June 2017, you were found by the police riding a bicycle in Invermay with 24.7 grams of methylamphetamine Ice, in a zip lock bag. It was worth somewhere between \$7,000 and \$24,700. Your house was searched. The police found a zip lock bag containing 0.2 grams of Ice, three Ice pipes, numerous unused zip lock bags and digital scales with traces of methylamphetamine and cocaine. You were indicted for trafficking, but the State accepts your plea of guilty to possessing a controlled drug, the methylamphetamine, you had with you on the bicycle, in satisfaction of that charge. The small amount of Ice found at your home is the basis of the separate possession charge to which you have pleaded guilty.

The following year, on 7 August 2018, police received information which led to another search of your home. Evidence was found which forms the basis of the second count of trafficking and the count of dealing with property suspected of being proceeds of crime. Inside a desk drawer in the lounge room were three snap lock bags of methylamphetamine respectively containing 6.8 grams, 14.1 grams and 18.5 grams, all of which you intended to sell. In total it was worth between \$20,000 and \$40,000. The police also found \$570 in cash from drug sales, digital scales and a bag concealed in the bathroom containing 0.8 grams of methylamphetamine. That smaller quantity of methylamphetamine is the basis of a separate possession charge.

You are aged 39. You had a stable upbringing and an industrious background. You held responsible positions in the security industry and substantially completed a business degree. You owned a home. You were a valued member of a sporting club. You have two daughters now aged 12 and 15. Apart from some traffic convictions you led a law abiding life. However in 2015 you began to use illicit drugs and became addicted to methylamphetamine. You began to commit offences. I accept that your addiction is linked to the offences for which you are now to be sentenced, and the other offences you have committed since 2016. In 2016 you committed a series of driving offences including three counts within a few months of driving with an illicit drug in your blood. Short suspended sentences were imposed. You breached those offences by committing more driving offences, including reckless driving and evading the police, as well as offences of dishonesty all committed between September 2017 and the end of 2018 when you were taken into custody. You were sentenced by a magistrate on 10 April 2019 to a total term of imprisonment of 17 months from 6 November 2018. With remissions you served a term of just over a year and were released in December 2019 and have been at liberty since then.

The effect of your addiction was loss of your employment, your relationship with your children and your mother and stepfather. In about September 2018 you began to take steps to address your problems. You engaged with the alcohol and drug service. While in prison you remained abstinent from illicit drugs. Following your release you positively re-engaged with your mother and step-father and your children, with employment and with the community. You did much to get your life back in order. References I have been shown attest to your otherwise good character when free of addiction. The term of imprisonment you served made clear to you the consequences of committing serious offences. I take into account that you have already served more than a year in custody for offending committed during the same period. It is in your favour that you pleaded guilty although the pleas of guilty are not early. In light of your total offending, the stealing and each count of possessing a thing used for administration of a controlled drug are minor and warrant only a conviction. The charges of personal use of methylamphetamine and MDMA and possession of cannabis on 25 March 2016 and methylamphetamine on 7 August 2018, in light of the other sentences which will be imposed, also warrant only a conviction. The quantity of methylamphetamine found in your possession on 24 June 2017 brings that offence into a different category but does not involve intention to sell.

Against those factors in your favour I must balance the seriousness of the other crimes for which you are to be sentenced. Drug traffickers deserve harsh punishment for reasons which have been stated many times. By trafficking in drugs you sought not only to maintain your own addiction but to benefit from the addiction and misery of many others. Methylamphetamine is a drug which causes great harm in the community, both directly and indirectly. The first trafficking charge involved repeated and continuous offending over more than four months and continued even after one, and then another, and then yet another police search. It was an enterprise of substance. It was not particularly sophisticated, but involved numerous transactions, active concealment of drugs and money and possession of the type of organisational paraphernalia typically associated with drug traffickers: a cryovac machine and bags, digital scales, cutting agent and multiple mobile phones. The second instance of trafficking arose from a single search more than two years later. It involved almost 40 grams of Ice and was committed after you had had plenty of time to reflect on your conduct, when you were already the subject of one trafficking charge and while you were on bail with a condition that you were not to possess illicit drugs. Whilst recognising the importance of enabling the continuation of your rehabilitation, it is also my duty to impose a sentence which adequately punishes your criminal conduct and makes clear to you and others the consequences of crimes of this nature. I was asked to make a drug treatment order. I do not regard it as an appropriate sentence primarily because it gives priority to rehabilitation over punishment and deterrence, and the seriousness of your conduct demands a different approach. One of the sentencing orders will be home detention for which you have been assessed as suitable. There is not a significant risk of violent or sexual offending while such an order is in force. I have fashioned sentencing orders across all matters which are aimed at reflecting all of the relevant sentencing considerations, some of which are competing. You were remanded in custody on 25 August 2020 and I also take into account the 75 days you spent in custody on these matters before then.

I make the forfeiture orders for the seized property and cash in terms of the orders listed at pages 42 and 43 of the Crown papers. The State seeks an order for costs of analysis of the controlled substances. The order is opposed on the basis that possession of the drugs of the asserted nature was quickly admitted and analysis was not reasonably necessary. I do not agree. For crimes of this seriousness it is proper for the prosecution to establish by analysis the identity

of the substance which is the subject of the charge, independently of the belief of the accused person as to what the substance may be. It is not uncommon for that belief to be wrong as it was in one minor case here. It was possible in this case that the prosecution would be put to proof of the drugs. In any event, analysis reveals matters not only relevant to guilt, but also to sentence. Pursuant to the *Misuse of Drugs Act*, s 36B, I assess the reasonable expense of and attending the analysis or examination of the controlled substances in the total sum of \$12,360 and award that sum against you as part of the costs of the prosecutor. Though not part of the sentence, the obligation to pay that sum will be a form of punishment and a reminder of the consequences of offending.

On complaint 32163/16, count 3, complaint 32164/16, counts 4, 9, 10, 11 and 12, complaint 33037/16, count 2, complaint 33980/16, count 2, complaint 33151/17, count 3, and complaint 33714/18, counts 1 and 2, that is, the smoking device, possession and use and stealing charges to which I referred earlier, I record convictions but make no further order.

On the indictment, count 1, you are convicted and sentenced to imprisonment for 20 months commencing 11 August 2020. I suspend 10 months of that sentence for two years from your release. It is a condition of that order that, while it is in force, you commit no offence punishable by imprisonment. If you breach that condition then the sentence must be activated unless that is unjust. I make no order for parole.

On the remaining matters, that is the alternative possession charge for count 2 on the indictment, which is count 2 on complaint 33151/17, and on counts 4 and 5 on the indictment, you are convicted. For those offences I impose one sentence. I make a home detention order. The operative period of the order is 15 months from your release from custody. I specify the premises at which you are to reside during the operational period of the order as [home detention premises]. I order that immediately upon your release you report to the office of Community Corrections in Hobart, for induction into this order, and a further explanation as to its full terms. The order will be subject to all of the core conditions set out in the *Sentencing Act* 1997, s 42AD(1). They will be set out in the order that you will be given in due course, but include that you will submit to electronic monitoring and must, during the operational period of the order, if directed to do so by a police officer, probation officer or prescribed officer, submit to a breath test, urine test, or other test, for the presence of an illicit drug. I specify that you must be at the home detention premises at all times unless for a relevant reason. In short, that means that you must be at those premises unless there is a need for urgent medical treatment, there is a serious risk of death or injury, or you already have the approval of a probation officer to be absent. It will be for the probation officer to determine what to approve so as to allow for employment, for treatment or rehabilitation, or for any other purpose. The conditions will include that you not commit another offence punishable by imprisonment and that you comply with all directions given to you by your probation officer. I impose special conditions that:

- you must submit to the supervision of a probation officer as required by that officer;
- you must not take any illicit or prohibited substances. Illicit and prohibited substances include any controlled drug as defined by the *Misuse of Drugs Act* 2001, and any medication containing an opiate, benzodiazepine, bupropion, hydrochloride or pseudoephedrine, unless you provide written evidence from your medical professional that you have been prescribed the relevant medication;
- you must submit to any rehabilitation or treatment program as directed by a probation officer;

- you must submit to a medical, psychological, psychiatric or physical or mental health assessment or treatment as directed by a probation officer;
- you must maintain an active mobile phone service, provide the contact details to Community Corrections and be contactable at all times.

Assuming your circumstances do not change, this order will come into effect on your release from prison. You must understand that if you do not comply with the conditions, further imprisonment is likely. If you breach the order by committing another offence, the order must be cancelled unless there are exceptional circumstances, and in that case further imprisonment would be highly likely.