

Ms Schreiweis, you have pleaded guilty to the crimes of trafficking in methylamphetamine and dealing with the proceeds of crime. You have also pleaded guilty to a number of summary offences, in particular, a number of minor offences relating to the possession of various types of illicit drugs, summary firearms offences concerning the firearms, firearms parts and ammunition to which I will refer, two counts of possessing a smoking device, one count of using methylamphetamine and one count of manufacturing methylamphetamine.

Between 1 June 2016 and November 2017, you conducted a commercial enterprise in the trafficking in methylamphetamine. You did so in association with a man with whom you were in a relationship. During the relevant period, that man, to whom I will refer as Mr A, resided on and off in Tasmania and the rest of the time in Queensland. You resided in Tasmania with your children throughout the trafficking period.

The prosecution asserts that the trafficking was carried out continuously throughout the relevant period and the business was of a reasonable size. Your involvement in the business included:

- (a) importing methylamphetamine from Queensland for sale;
- (b) packaging and/or preparing methylamphetamine for sale;
- (c) possessing the drug with the intention of selling it;
- (d) bartering and exchanging methylamphetamine; and
- (e) selling methylamphetamine.

The extent of the trafficking activity cannot be precisely determined on the facts presented by the prosecution, but can be roughly gauged from various aspects revealed during the course of the police investigation. These include the following:

- (a) On 29 August 2017, police intercepted a vehicle in which you and Mr A were travelling. They located in the vehicle various drugs, including a total of 10.5 grams of methylamphetamine, as well as a small notebook containing weights and prices for methylamphetamine. The drugs were contained in a number of snaplock and cryovac bags. The vehicle had one number plate missing, and the other displayed a false registration number. You admitted to police that the vehicle was a rental car, that you and Mr A had replaced the real number plates with the false one, and that you had covered the rental company sticker with tape and spray-painted over it. This had been done for the obvious purpose of avoiding police interception. You also admitted having placed the methylamphetamine in the bags, after purchasing a larger quantity.
- (b) On the following day, police searched your residence at Primrose Sands. The search located drugs and drug-related paraphernalia, which included a relatively small quantity of methylamphetamine. Other items located which are consistent with trafficking activity include:
 - (i) the components of a firearm, in particular a shortened .22 barrel with the identification mark ground off, a wooden rifle stock and a .22 bolt and trigger assembly;

- (ii) a large quantity of snap lock and cryovac bags;
 - (iii) digital scales;
 - (iv) two tick books.
- (c) Police also located materials and equipment relevant to the manufacture of methylamphetamine. I note that you have been charged with the minor offence of manufacturing this drug, and your intention to do so is also consistent with various internet searches made by you and the content of some communications located on your mobile telephone. However, the prosecution accepts that your attempts to manufacture methylamphetamine were not part of the trafficking activity, and that you were doing so solely for the purpose of your own use, and not for sale.
- (d) During subsequent interviews, you admitted ownership of the drugs and drug-related paraphernalia located during the search. You admitted knowledge of the firearm but denied ownership. However, you admitted handling and/or moving the firearm, and taking a photograph of the firearm with your mobile phone. You also admitted that you had made no attempt to hand the weapon into police after locating it.
- (e) Police downloaded data from your mobile phone and a computer tablet which had been found in your possession in the rental car. There were numerous text messages which are consistent with you importing, possessing and selling drugs between February and August 2017. The messages are consistent with the conduct of an ongoing trafficking operation being conducted in conjunction with another person. There is also discussion about the possibility of sourcing the illicit drugs from Melbourne.
- (f) Police identified 10 occasions between 14 January 2017 and 28 July 2017 when you travelled between Tasmania and Brisbane, Queensland. The purpose of some of these trips, I am told about half of them, was to purchase methylamphetamine and then import same into Tasmania, for your own use and also for sale. It is clear from text messages located on the said devices that you were smuggling the drugs on your person into Tasmania while travelling on domestic airline flights.
- (g) You were sending significant sums of money to Mr A by post. In November 2017, police arrested Mr A in Queensland. They located two express mail packages in his possession, which contained cash in the total sum of \$64,050. This had been sent to him by you. The cash was divided between a number of cryovac bags. One package contained \$34,200 and the other \$29,850. Mr A was subsequently convicted of a crime related to the possession of this money, and sentenced to 15 months' imprisonment. I am told, however, that he was not, and has not been, charged with the trafficking that enabled that money to be accumulated. Text messages downloaded from your phone refer to other sums, an amount of \$50,000 which was being carried by you on your person during one of the trips to Queensland, and another an amount of \$10,000, which was in your possession in Tasmania.
- (h) Police carried out a further search of your property on 21 November 2017. They found a significant quantity of drugs and other drug-related paraphernalia. In particular, the following was located:
- (i) A total of 44.3 grams of methylamphetamine, as well as a variety of other drugs.

(ii) This amount of methylamphetamine is estimated to have a potential street value of between \$15,674 and \$44,300, depending upon the mode of sale. At least some of the methylamphetamine was intended for sale. You claim that you did not own these drugs; that they were owned by Mr A. However, it is conceded that you were guarding and concealing them on behalf of Mr A, knowing that he would sell them. I do not think that this is a distinction of significance with respect to your moral culpability for the trafficking charge. It is accepted that Mr A was a key proponent of the business, and that your participation was largely constituted by providing him with assistance at his direction. I regard this as an example of that participation.

(iii) The following property was also located:

Quantities of unused snap lock bags and a cryovac roll.

Electronic scales.

A significant quantity of cutting agent.

A .32 calibre pistol, which was loaded with ammunition, together with other loose ammunition, \$915 in cash, which is subject of count 2. This cash constitutes the proceeds of sale of the trafficking business.

- (i) A subsequent examination of your mobile telephone revealed text message exchanges in which you were seeking assistance from associates in Queensland to source drugs. Your proposal to those people was that you would transfer large sums of cash to them, which they would then use to purchase drugs on your behalf. The drugs would then be given to an associate in Queensland, presumably for the purpose of being imported into Tasmania.
- (j) During an interview with police after the search on 21 November 2017, you admitted that you had been selling "a couple of balls" of methylamphetamine a week continuously for about four years. A "ball" is 3.5 grams of methylamphetamine, and these were being sold by you for \$1,200 each. Over the period charged in the indictment, this would equate to gross sales of approximately \$170,000.

I agree with the prosecution's assertion that these indicia point to the conduct of a reasonably significant trafficking operation during the relevant period. The trafficking conduct was continuous and conducted over a significant period of time. It was clearly a commercial operation, conducted for profit. It involved the transfer of significant amounts of cash, being the proceeds of sale of the drugs. On a number of occasions, you travelled to Queensland to purchase or otherwise obtain possession of methylamphetamine, and then imported same back into Tasmania for the purpose of sale, as well as for your own use. I infer that the importation involved trafficable quantities of the drug. Towards the end of the period, you were attempting to secure other sources of supply. You continued with the operation, apparently without pause, after you were initially detected by police. The presence of firearms found at your premises during separate searches in August and November 2017, and the use of the rental vehicle which had been disguised and modified to avoid detection by police, also provide some indication of the scale and nature of the trafficking business.

Your counsel concedes the scale of the overall enterprise, but asserts that your involvement in the operation was largely subordinate to Mr A. The extent of your participation in the trafficking enterprise is obviously relevant to assessment of your moral culpability. It is

asserted that it was essentially his operation, although it is conceded that you assisted him as directed. This included selling drugs, transferring substantial sums of money to him in Queensland, and of course the journeys and the smuggling that I have referred to. Towards the end of the period, you increased your involvement in selling in order to help him defray a substantial drug debt. You were also selling modest amounts to a closed group of customers on your own behalf, independently of Mr A. The importation of methylamphetamine by carrying the drugs on your body on five occasions is admitted.

You were aged between 33 and 34 years when you committed these offences, and you are now 37. Your prior criminal history is limited to traffic offences. You have four children, but they do not live with you at the present time. It seems that you had a good upbringing and did not become involved with drugs until you and your then husband started to use drugs recreationally when you were in your 20s. However, drug use was not a problem for you until your husband introduced you to methylamphetamine in your late 20s. Within a very short time, you had developed a serious addiction to this drug, and this has had a substantial impact on your life ever since.

While I can feel sympathy for you in respect of that history, and can understand the forces involved in developing that addiction, that is also the precise reason why this crime is regarded so seriously, and I add to that the not only the crime of trafficking generally, but trafficking which involves the importation of this drug into this community.

You became involved in the trafficking activity when you met Mr A. He was a friend of your former husband. You met him after moving to Tasmania after the breakup of your marriage. You claim that he involved you in his already established trafficking business in Queensland. He coerced you into assisting him with his business through controlling and threatening behaviour. He engaged in actual violence against you from time to time. He would threaten to kill you and to harm members of your extended family. You claim that you did not receive any significant remuneration for your work in the trafficking business but rather you were remunerated by a regular supply of methylamphetamine. You claim to have conducted that business in order to satisfy your serious addiction.

I accept that in a general sense, you were the subject to pressure from Mr A and that you were frightened of him. However, I think that the mitigatory effect of this circumstance is limited. The trafficking went on for a long time. It is clear from the evidence set out already that you were continually and directly involved in the business over the entire period. For significant portions of that time, A was living in Queensland and you were living in Tasmania. It is clear from your text messages and the nature of the activity, that you were acting with a considerable degree of independence. In any event, you could have reported the situation to the police at any time. I note that you did not do this, even after police had interviewed you on more than one occasion in August 2017. While I think that the controlling and threatening conduct of Mr A and your toxic relationship with him was undoubtedly a factor in your offending, I think a more cogent factor was your desire to meet the financial demands of your ongoing addiction. I note that when you were originally interviewed by Tasmania police, you denied any significant involvement in the sale of the drug and claimed that the drugs which were found were for your own personal use. It is accepted by the prosecution that you were heavily addicted to methylamphetamine and were using it regularly, but you were also conducting a significant trafficking operation. Your addiction is relevant to your moral culpability, but again its mitigatory effect is limited. Ultimately, the most significant sentencing factor in this case is the need to emphasise general deterrence and denunciation of trafficking activity of this nature. Neither of the factors referred to reduce the primacy of these considerations.

Your integral and continuous involvement in the conduct of the trafficking operation, and the nature of the operation, including its ongoing commercial character, and the fact that it was on a significant scale and involved the regular importation of drugs into Tasmania, make this a serious example of the crime. The crime of dealing with the proceeds of sale and the various summary offences are each related to the trafficking operation or to your own use of drugs. You will not be punished twice because your conduct involved more than one offence.

Your counsel has provided me with a very comprehensive report from a psychiatrist, which was prepared in April of this year. After being charged with these offences, you moved back to Queensland. Initially, it seems that you made a successful attempt to get on top of your drug problem. However, in mid-2019, Mr A was released from prison, after having served a period there, and reinserted himself into your life, with devastating consequences. You relapsed into your drug addiction, and you have been in its grip ever since, at least until your recent entry into a rehabilitation facility. In February of this year, you were the victim of a frightening knife attack, perpetrated by another man with whom you had entered into a relationship in late 2019. This relationship also was toxic, and you were subjected to considerable family violence. This culminated in the serious and frightening attack on you by that man, which included an attempt to cut your throat. The psychiatrist diagnoses post-traumatic stress disorder arising from that incident. He concludes that this disorder, in the context of your overall emotional condition, would make incarceration "particularly stressful". However, he confirms that there will be mental health care facilities in prison to deal with this, although he doubts that they would be as "intensive and well-resourced as are available in the community". The psychiatrist also opines that you were not suffering from post-traumatic stress disorder at that time of the offending, although you were dependent on methylamphetamine and subject to "poor emotional coping amidst that toxic relationship". According to the psychiatrist, while these factors were obviously relevant to your capacity to make good judgments, they were "not of a degree which would have encroached in any significant way on her ability at the time to appreciate the wrongfulness of her actions and to obscure any intent she had in participating". That conclusion, I must say, is obvious from the content of the telephone messages and your conduct in secreting material on your body during the course of trips from Queensland. I conclude that your mental condition at the time of the offending does not reduce your moral culpability for it, nor affect the need to emphasise general deterrence in the sentence. I accept that the post-traumatic stress disorder will have an effect on your experience of prison of the nature described by the psychiatrist.

I also accept that your rehabilitation is an important sentencing consideration, and that you have demonstrated your desire and commitment to that outcome. I acknowledge this, but also make the point that before you can pursue rehabilitation in a meaningful way, you must deal with the consequences of your past conduct. I did have you assessed for a Drug Treatment Order, but, as I have indicated, I do not regard such an order as appropriate, given the objective seriousness of the criminal conduct, and the appropriate sentence. In any event, I note the conclusion of the author of the report, which I also note is the subject of dispute.

Trafficking in illicit drugs, particularly methylamphetamine, is of great concern to the community. Trafficking of the nature engaged in by you results in the widespread distribution of that very harmful drug throughout the community. Importation directly increases the amount of the drug available for distribution. The insidious and addictive nature of methylamphetamine is well known. It is clear that general deterrence and denunciation are the most important sentencing considerations. I will take into account in your favour the mitigating facts I have referred to, your relative lack of prior convictions and your plea of guilty. The plea is consistent with a willingness to facilitate the administration of justice, which is a significant matter in this case, given the length and complexity of a trial, had one been required. I will also provide some ongoing encouragement to you in respect of rehabilitation in the structure of the sentence.

The orders I make are as follows:

- 1 You are convicted of the crime and the offences to which you have pleaded guilty.
- 2 For the trafficking and all summary charges other than count 5 on complaint 11821/17, count 1 on complaint 9221/17, and count 5 on complaint 11884/17, all of which are non-imprisonable offences, you are sentenced to a global term of four years imprisonment, which will commence from 25 October 2020. Because you have no prior convictions and have pleaded guilty, and in order to encourage your reform, I will suspend the last two years of the sentence. That part of the sentence will be suspended for a period of two years on condition that you do not commit an offence punishable by imprisonment during that period. You will not be eligible for parole in respect of the operative sentence until you have served one half of that sentence. That, in effect, means that you will become eligible for parole after serving 12 months in prison.
- 3 I impose no further penalty in respect of the remaining non-imprisonable offences.
- 4 I do not intend to make any other community-based supervision order, apart from the possibility of a period of parole. I am sure that you will want to return to Queensland when the operative sentence is complete, and have no doubt that that will be in your best interests. I think you have also demonstrated the capacity to access appropriate community-based resources to help you with your drug problem. The ongoing suspended sentence will provide a suitable ongoing deterrent from further offending.
- 5 Pursuant to s 36B of the *Misuse of Drugs Act* 2001, I order that you pay the costs of analysis of drugs seized on 29 August 2017 and 21 November 2017 in the sums of \$10,080 and \$3,570 respectively.
- 6 Pursuant to s 16 of the *Crime (Confiscation of Profits) Act* 1993, I am satisfied that the sum of \$915 seized by police from you on 21 November 2017 is tainted property, and I order that that money be forfeited to the State of Tasmania.
- 7 Pursuant to s 38 of the *Misuse of Drugs Act*, I make the forfeiture orders in respect of the property specified by the prosecution which will include the firearms, firearms parts and ammunition seized by police.
- 8 At the request of defence counsel, I ordered that the sentencing proceedings be held in closed court. I indicated that I would review this order. By being held in closed court, of course, that also involves a suppression application. I indicated that I would review this order when I heard something about the basis on which the application was made. Having heard all the relevant information, I am not satisfied that any perceived risk to you outweighs the need to ensure that justice is conducted in public, and that the public have full access to information concerning the circumstances and reasons underpinning this sentence. However, the only remaining requirement is that any publication must only refer to your companion in the trafficking business as "Mr A", and that will be in the comments that are published on the Court website, as well. In all other respects, I rescind the said order.