

The defendant, Ms Newitt, has been found guilty of one count of trafficking in a controlled substance, methylamphetamine, before and on or about 14 August 2017. The charge followed a police search of her house in Launceston on 14 August 2017, that search being triggered by her housemate having been found in possession of methylamphetamine at Devonport earlier the same day. Relevant to this case, in a small locked safe found on a bed in the main bedroom police found three snap lock bags containing a total of 30.4 grams of the drug, with one bag containing 25.1 grams. In two snap lock bags found in a laundry basket in a wardrobe in the same bedroom, police found a total of 2.5 grams of the drug. The search also uncovered a quantity of cash, many small snap lock bags, and several sets of scales. As to the methylamphetamine found on the day of the search, the only issue in the trial was that of possession. The defendant did not attempt to persuade the jury that if they were satisfied beyond reasonable doubt of her possession, the presumption of intention did not apply. On the whole of the evidence, and consistent with the jury's verdict, I am satisfied that the defendant was involved in trafficking in methylamphetamine before 14 August 2017. I am satisfied that she sold or was involved in selling the drug in that she was complicit and assisted in the selling activities of her housemate. I say that notwithstanding the denial of that situation by the housemate in her evidence. The extent of selling activity is impossible to determine. There is evidence of her involvement in one transaction but the whole of the evidence would suggest something greater. As to what was found on 14 August, it follows from the jury's verdict that the defendant is to be sentenced on the basis that she possessed the drug with the intention that at least part of it was to be sold. The evidence established that the total of 30.4 grams of methylamphetamine, if sold in the lowest marketable amount of .1 of a gram would have been worth about \$32,000. At the other end of the common retail market, sold in lots of one eighth of an ounce, the drug had a potential value of about \$20,000.

The defendant is now 41 years old. She has six convictions for driving a motor vehicle whilst a prescribed illicit drug was present in the blood. The first offence was in July 2016 with a conviction in April the following year. She was convicted of the other five on 4 May 2018 for which, along with driving whilst disqualified and some more minor matters, she was sentenced to three months' imprisonment suspended on conditions for 18 months. The driving offences happened in July, August and September 2017. I was told that the defendant has suffered for a significant period, and is still suffering, from mental health problems. She experiences paranoid delusions. She had full-time employment until the deterioration in her health made this no longer possible. That seems to have been at a time before this offending, and she was in financial difficulties at the relevant time. She was not able to maintain payments on the house and has lost it. Her mental health was also an issue at the time. The evidence showed that a number of homeless people, many of them drug users, used her home as a "drop in" centre and availed themselves of whatever facilities were available. Her counsel submitted that she was a vulnerable person and taken advantage of. That seems to be the case. I note that there seems to be no dispute that the housemate whose interception led to the search of the house, was in fact selling methylamphetamine using the house as a base. It was not suggested that the defendant was a user, although an 'ice' smoking device was found on the bed near to the small safe, and at least one other was found in the house. I also note the earlier record of driving whilst illicit drugs were present in the system, to which I have referred. However, on the evidence, the devices could have belonged to anybody. Taking all things into account, the defendant should be sentenced on the basis of some prior involvement in selling to an indeterminate extent, and on the basis that she intended to sell some of what was found in her possession. Some may

have been given away. At least as far as the smaller quantities were concerned, some may have been found and used by others. I note that the defendant has been in custody since 26 October 2020, with a total of 61 days in custody on three separate occasions before that. I was told that the delay in bringing the matter to trial was mostly as a result of the defendant's mental health difficulties causing problems maintaining the same legal representation throughout. Delay might not have the same mitigatory effect as if it were solely the Crown's responsibility, but at the same time I am prepared to recognise the realities of the situation.

Ms Newitt, methylamphetamine is a highly addictive and very dangerous controlled substance. It causes much harm in the community and is a serious source of great ongoing concern. I have given careful consideration to the question of the appropriate sentence. I take into account your lack of convictions for any offences under the *Misuse of Drugs Act*. I take into account your personal circumstances. They entitle you to some leniency. You are convicted and sentenced to 12 months' imprisonment to commence on 12 September 2020 with the execution of the balance suspended on condition you commit no offence punishable by imprisonment for a period of two years. You were assessed as unsuitable for a community correction order because of your expressed unwillingness to engage in intervention programs. But having discussed the matter with your counsel, and in view of the history, I think it is appropriate to make such an order. I make a community correction order to commence from today for a period of 18 months. You will have report to a probation officer at 111 Cameron Street Launceston by 5pm tomorrow. Special conditions of the order are that you submit to the supervision of a probation officer, attend educational and other programs, undergo assessment and treatment for drug dependency, and submit to medical, psychological or psychiatric assessment or treatment, all as may be directed by a probation officer. I want to stress that I make that order and those conditions in your interests and in the interests of the community. I order the forfeiture of items 8 and 9, and 12 to 18 inclusive on the Tasmania Police Disposal of Miscellaneous Property List dated 25 August 2017. I note that order does not include cash found in your wallet, as there was no real issue taken with the assertion on your behalf that it was not in fact tainted property.