

David Thomas, you plead guilty to trafficking in a controlled substance. On 11 October 2019 you were the subject of a random vehicle check as you drove through Colebrook. You were found in possession of a bag containing 180.4 grams of cannabis leaf. You had \$11,200 in cash in a bag in your pocket. When your home in Colebrook was searched, the police found 30 cannabis seedlings, cannabis seeds and various quantities of leaf and stalk. They also found a toolbox in the bush off the driveway which contained 1.136 kilograms of bud and stalk. That weight included the stalk. When interviewed, you admitted that for each of the last four years you had planted cannabis grown from seed from which you produced about 10 plants each year. The stalk and bud found by the police were from the crop grown in the previous year, from which you had obtained a total of about 1½ pounds of usable cannabis. The 30 seedlings were the next planned crop from which you hoped to again grow 10 plants to maturity and obtain about 2 pounds of cannabis. You admitted also that each year you sold and swapped the cannabis you grew. The less valuable and leaf stalk material found by the police was left over from previous crops. Between March and October 2019 you had sold about 10 ounces to a small number of regular customers for a total of about \$2,000. About half the sales were for cash and the rest for exchange or barter. Some of the sales were arranged in person and others by text message. You also gave some away but none was for personal use. You claimed that over the period of about four years you had made about \$12,000 and that you carried the cash with you because you did not want it to be stolen from your home.

Consistently with your admissions the Crown asserts that you are to be sentenced on the basis that for the four year period covered by the indictment, between October 2015 and October 2019, you made somewhere between \$8,700 and \$11,100. The seedlings were evidence that the pattern of selling would have continued.

You are now aged 58. You are single, having never married, and you have no children. You make a small income from wood hooking, seasonal work and screen printing, and do not resort to Centrelink benefits. The only prior conviction of any relevance is from 1991 when in New South Wales you were put on a good behaviour bond for cultivating and using cannabis.

Your plea of guilty and admissions to the police are in your favour. The scale of trafficking and the proceeds of it were relatively small and used to help fund your very modest lifestyle. Sales were limited to a small group of friends and acquaintances. On the other hand, you cannot claim that your criminal conduct arose from addiction or some human frailty, or was isolated or impulsive. You operated a low level commercial enterprise for four years, and intended to continue. You will, of course, have to forfeit that part of the money which was seized from you by the police which the State says was the proceeds of drug sales.

I think that for you, as for many other first time offenders in cases like this, a relatively short, suspended sentence is the appropriate sentence. In that way the Court's and the community's condemnation of trafficking in drugs can be recorded, but you can be given the opportunity to avoid having to serve the term I am about to impose, provided you do not re-offend. You must understand that if you offend in any serious way, then it is highly likely you will go to prison.

David Thomas, you are convicted. I order pursuant to s 11(1)(a) of the *Crime (Confiscation of Profits) Act 1993*, that \$8,700 of the cash seized on 11 October 2019 be forfeited to the State of Tasmania as tainted property. The balance is to be returned to you. You are sentenced to imprisonment for four months. I wholly suspend that term for 18 months. 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, the Court must order that you serve that term unless it is unjust.