

Gary Orders, you plead guilty to trafficking in a controlled substance. The trafficking charge concerns cannabis and cannabis products. I also agreed to deal with your plea of guilty to the summary charges of possessing and using methylamphetamine, possessing a glass smoking device, and using cannabis. On 5 September 2020 you were pulled over by the police on the Bass Highway at Smithton. An oral fluid test was positive to amphetamine. You produced three snap lock bags each containing an ounce of cannabis, a total of 94.22 grams. In addition the police found two snap lock bags containing a total of 33 THC sweets called “gummy bears” weighing just over 400 grams. There were also two quantities of methylamphetamine, one in your wallet and one under the drivers’ seat, respectively containing 0.29 and 0.39 grams.

When your home was searched the police found 9 more THC gummy bears, 4 snap lock bags containing cannabis bud, a small set of digital scales, loose cannabis leaf, cannabis butter and a glass smoking device. When you were interviewed you admitted that all the drugs and drug items were yours, that you used cannabis and methylamphetamine, that you had made the gummy bears yourself using cannabis oil and gelatine, that in 2019 you planted and cultivated to maturity nine female cannabis plants and sold the 54 ounces which you harvested, and that you had been selling cannabis in the Smithton area for about two years in the form of dried cannabis and the THC sweets. Later analysis of your mobile phone disclosed text and Facebook messages to and from the phone over the course of the period of two years between September 2018 and September 2020 evidencing a continuing trade engaged in by you during that period, excluding a period of some months when you were working interstate, involving the obtaining, manufacture and sale of cannabis and cannabis confectionary products. The trafficking included not only the cannabis you grew but also in cannabis grown indoors and outdoors and purchased from a third party. You are to be sentenced on the basis that it is established, from your admissions and the terms of the text messages, that during the indictment period you sold on average about 2 ounces of cannabis a week for \$200 per ounce. Over the indictment period that is a total return of at least \$41,000. That calculation does not include any return from the cannabis jellies which were sold for \$5 each.

You are aged 34. It is in your favour that you have pleaded guilty. Apart from a relatively minor breach of a police family violence order in 2011 your prior convictions are for driving offences. You have subsequently been fined and disqualified for driving with methylamphetamine and amphetamine in your body in October 2019 and for a later breach of bail. You have had shared care of your teenage daughter. You held various positions of employment here and elsewhere until you became qualified as a carpenter and builder in about 2012. You began to grow cannabis for your own occasional use but also began to respond to requests from others to buy from you. That enterprise continued to increase until, to adopt the words used by your counsel, it got out of control. You now say you did not intend the scale of the selling to escalate to such a significant extent, but of course it did so and you must now face the consequences. Your selling of cannabis commenced well before the indictment period although you are not charged with, or to be punished for, anything which happened prior to October 2018. Your plan is, as soon as you are in a position to do so, to disassociate yourself from drug associates, perhaps by moving to live and work in other parts of Australia. I am satisfied that, if allowed the opportunity to do so, you can be a law abiding and productive member of society.

Courts in this State have made clear that trafficking in cannabis is not to be treated any less seriously than trafficking in other controlled drugs. That is because research and general

experience shows that it can have a range of potential adverse effects on mental and physical health. A sentence of imprisonment is required. It is sometimes the case that a term of imprisonment imposed on a person guilty of trafficking but without relevant prior convictions is wholly suspended. The scale of your trafficking was not large compared to some cases seen in this Court. However, I have concluded, having regard to the prolonged period of offending and the level of commerciality, organisation and planning involved, that the need for punishment and deterrence requires that some of the term to be imposed on you is to be actually served.

Gary Orders, you are convicted on complaint 54046/2020, counts 1, 5, 7, 8 and 9. Count 4 is dismissed. Count 2 is dismissed. Counts 3 and 6 are subsumed in count 1. The digital scales and glass smoking device seized by police on 5 September 2020 are forfeited to the State. I impose one sentence. You are sentenced to imprisonment for 10 months from 8 September 2021, the day you were taken into custody. I suspend 6 months of that term for 15 months from today. It is a condition of that order that while it is in force you do not commit another offence punishable by imprisonment. If you breach that condition then you will be required to serve the balance of the term, as well as any additional sentence, unless that is unjust.