

Callen Best, you plead guilty to cultivating a controlled plant for sale and to one count of possessing a controlled plant. On 3 March 2021 the northern drug squad located three compounds of cannabis plants on Crown land near the Tomahawk beach. Within the three compounds were a total of 57 plants. Two of the compounds were fenced. All of the plants were well spaced, well-tended, mature and healthy, at the flowering stage with significant budding. They were three to four weeks from full maturity. In one of the compounds was about half a kilo of freshly harvested manicured heads of cannabis on a drying rack. The plants were mostly in pots, which were irrigated via a series of PVC pipe, pumps and tanks from three medium size swimming pools full of water which were painted and draped with shade cloth to conceal their presence. You were found by the police about to start one of the irrigation pumps.

Once you were apprehended you showed the police around the compounds and where you had dug a water spring. Later, at your home, the police found another single plant in a pot. That is the subject of a separate charge. You agreed to be interviewed and admitted that you had constructed the compounds, purchased and constructed all of the equipment, planted the cannabis from seed in November 2020, and then regularly attended them to fertilise and irrigate. This was the first time you had grown cannabis and you did research from the internet. You chose the location from having camped there. Your intention was to harvest and sell the crop for an anticipated return of about \$2,000 per plant, just over \$100,000, and the money was to be used to fund the purchase of a food truck. You told the police that the single plant was for a family member, who used cannabis to help with mental health issues.

The police estimate that the crop would have produced about 34 kilograms of dried cannabis which, if sold wholesale in quantities of a pound, would have been worth more than \$225,000. At the time you were arrested you had not yet organised sales or investigated a market. If sold in smaller quantities the value could have been considerably more, but the State does not dispute that you did not have the skills or contacts to organise street sales.

You are 26. You have no relevant prior convictions. You have been in full time paid employment since leaving school in Grade 10. You have stable employment, at the moment part time, but in a position of some responsibility. You have a chronic hip problem which has required multiple surgeries. References from friends and family members attest that you have led a productive and responsible life, and that you have a strong appreciation of the wrong that you have done.

Organised cultivation of cannabis, particularly when motivated purely by profit, would ordinarily require the imposition of a prison sentence. Sometimes, for young first time offenders, a sentence can be wholly or partly suspended. Having regard to your admissions and co-operation with the police, your early plea of guilty, your age, lack of prior convictions, strong employment record and what I regard as a strong chance of rehabilitation, I do not regard a sentence of actual imprisonment to be necessary. However I also consider that a wholly suspended sentence is not sufficiently punitive in light of the scale and nature of your enterprise. For that reason I have concluded that home detention is the appropriate sentence. It will carry a significant restriction on your liberty while enabling you to continue your employment if it remains available to you, as I am told it will.

Callen Best, you are convicted on both counts. On complaint 31419/21, count 3, possession of the single plant, I record a conviction and make no further order. On the indictment I make a home detention order. The operative period of the order is 10 months from today. 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 leaving Court you report to the office of Community Corrections at 111 Cameron Street Launceston, 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 later be given, 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, 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 while the order is in force:

- you must submit to the supervision of a Community Corrections 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 maintain an active mobile phone service, provide the contact details to Community Corrections and be contactable at all times.

This order comes into effect immediately. You must understand that if you do not comply with the conditions, 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 imprisonment would be highly likely.