

Janelle McConnon, you plead guilty to trafficking in a controlled substance, methylamphetamine. I also agreed to deal with your plea of guilty to the summary charges of using methylamphetamine, possessing a glass pipe and plastic container for use of that drug, and possessing cannabis and cannabis seeds. The trafficking which is the subject of the charge occurred in the 2½ months between mid-March 2020 and 1 June 2020. During that period you made sales of methylamphetamine and imported three quantities of the drug from interstate intending to sell it or believing it was to be sold. On 27 April 2020 you arranged for a package containing 199.2 grams of methylamphetamine, hidden in a DVD player, to be sent via Australia Post to your home in Launceston. The package was intercepted by the police. On 22 May 2020 a controlled delivery of a previously intercepted package was made to your home. Inside the package was 3.5 grams of methylamphetamine taped inside a birthday card. On 26 May 2020 another package sent from Victoria addressed to your home was intercepted. This one contained 111.6 grams of methylamphetamine in a plastic bag concealed inside a power tool battery charger. A controlled delivery of the package took place on 1 June 2020 and the police followed shortly afterwards armed with a search warrant. They found you in your bedroom, with a screwdriver and wearing gloves, opening the parcel. They also found the glass pipe and the plastic container, and a small amount of cannabis and cannabis seeds. In the meantime the police had searched your banking records and found, between 16 March and 29 April 2020, a series of electronic deposits consistent with payment for methylamphetamine. Later analysis of your phone records between 25 April 2020 and 27 May 2020 showed numerous messages consistent with you having negotiated the sale of methylamphetamine throughout that period.

You were interviewed later on the day of the search. You admitted that you used methylamphetamine, purchased it on the dark web and arranged for it to be posted to you at your home.

You are aged 45. You have one child born unexpectedly when you were 18, and who now is 27. You have had health problems since you were 25 caused by complications from surgery. You have demonstrated an industrious employment record, most recently in food services within the health department. References attest to your hard work and desire to do well. In about 2016 you found yourself responsible for care of your elderly parents and were offered methylamphetamine as a means of managing stress and fatigue. You soon became addicted and were a heavy user. Your only relevant prior conviction is in 2018. You were fined by a magistrate for using and possessing, but also selling a controlled drug.

The State is unable to assert that much can be gained about the scale of the trafficking from the text messages and bank records. Something can be inferred from the total quantities found. Your counsel submits on your behalf that you enabled the delivery of the first package but it was for collection by others. It matters little. You facilitated the obtaining and distribution of methylamphetamine for sale. You admit that the second, much smaller amount, and the larger third amount was for you to use and sell. You claim that you did not introduce others to the drug but that you imported the drug to use yourself and sell the rest within a close network of persons who also used the drug and had difficulty accessing locally as a result of the pandemic.

That, of course, is no excuse. You were responsible for importing into this State a considerable amount of the drug. Even on the value you say you were selling at, it was worth almost

\$100,000. Other evidence relied upon by the prosecution indicates that, especially during the pandemic, it could have been worth substantially more. It is apparent from the phone and bank records that sales were occurring even before the delivery at the end of April, which must have been other methylamphetamine in addition to the quantities I have referred to. It has frequently been said in this court that those who traffic in illicit drugs can expect harsh punishment. You, more than most, would understand that Ice is highly addictive and damaging to health. It causes great harm to those who become addicted to it and the people around them. Its use and trade generates a great deal of other criminal activity, especially serious crimes of dishonesty and violence.

I would accept that your trafficking was closely related to your use of and addiction to the drug. It is in your favour that you plead guilty, although your plea did not come until after your trial had commenced. The reasons for that are inexplicable. It is sometimes the case that persons found guilty of trafficking for the first time are made subject to terms of imprisonment which are wholly suspended. I do not regard that as an appropriate sentence in your case given the quantity of the drug involved. For that reason you were remanded in custody at the conclusion of the sentencing hearing on 26 November 2021. That period of custody is relevant. General deterrence is a very important sentencing consideration. On the other hand, there will be a substantial benefit to the community if the factors which led to your involvement with the sale of the drug can be addressed. The period of your trafficking was relatively short. You have been assessed as suitable for the making of a drug treatment order. You have spent more than two months in custody. I have concluded that a drug treatment order is the appropriate sentence. In accordance with the recommendations of the report I will leave it to your case manager to approve addresses either in Hobart or Launceston. The order will give priority to your rehabilitation as opposed to punishment but will require compliance with onerous conditions. If you fail to comply then a return to prison is almost inevitable.

Janelle McConnon, you are convicted on complaint 34210/20, counts 1 and 2, but in light of the sentence I will impose on the indictment I make no further order on those counts. Counts 3 and 4 on that complaint are dismissed. Complaint 34209/20 is subsumed in the indictment and dismissed. You are convicted on the indictment. On the indictment I make a drug treatment order pursuant to the *Sentencing Act* 1997, s 27B. The custodial part of the order is a term of imprisonment of 15 months. You are not required to serve all or any of the custodial part of the drug treatment order unless it is activated. It may be activated if you fail to comply with the treatment and supervision part of the order which has the following core conditions:

1. you must not, in Tasmania or elsewhere, commit another imprisonable offence;
2. you must attend the Magistrates Court of Tasmania, in Hobart at 2.15 pm on 10 February 2022 and thereafter attend the Magistrates Court or this Court as and when directed by the court;
3. you must report directly to a court diversion officer at Community Corrections, 111 Cameron Street, Launceston and in any event within two clear working days of your release;
4. you must undergo such treatment of your illicit drug use problem as directed by your case manager or court diversion officers or as from time to time specified by the Magistrates' Court or this Court;
5. you must report to, and accept visits from, your case manager or court diversion officers;
6. you must, unless there are special circumstances, give your case manager at least two clear working days' notice before any change of address;

7. you must not leave Tasmania except with the permission, granted either generally or in a particular case, of the Magistrates Court or this Court;
8. you must comply with all lawful directions of the Magistrates Court or this Court;
9. you must comply with all reasonable directions of your case manager and court diversion officers concerning the core conditions and program conditions of this order.

There will be further program conditions of the order that:

1. throughout the duration of the order you must reside at an address approved by the Magistrates Court or this Court, your court diversion officer or case manager, not be absent from that address between the hours of 10 pm and 6 am and present to a police officer, your court diversion officer or case manager if required to do so;
2. you must not use or possess any controlled substance within the meaning of that term in the *Misuse of Drugs Act 2001*;
3. you must not use any medication unless prescribed to you by a treating medical practitioner, approved by your court diversion officer and in accordance with the medication directions for use;
4. you must not consume alcohol;
5. you must submit to random testing for the presence of drugs or alcohol as directed by your case manager or court diversion officers;
6. you must submit to urinalysis as directed by your case manager or court diversion officers;
7. you must submit to oral fluid testing as directed by your case manager or court diversion officers;
8. you must submit to detoxification or other treatment, whether or not residential in nature, as directed by your case manager or court diversion officers;
9. you must not associate with persons or classes of persons as directed by your case manager or court diversion officer;
10. you must attend vocational, educational, employment, rehabilitation or other programs or as directed by your case manager or court diversion officers;
11. you must attend counselling and/or treatment as directed by your case manager or court diversion officers;
12. you must submit to medical, psychiatric or psychological treatment as directed by your case manager or court diversion officers;
13. you must maintain the use of, and remain contactable by, a mobile phone capable of sending and receiving messages about drug testing, case management and/or counselling appointments from your case manager and court diversion officers; and,
14. you must remain contactable at all times.

I order that the Makita drill battery charger and the gloves, covert camera, black stoppers, screwdriver set, iPad, iPhone, snaplock bags, sinker, A4 handwritten list, envelope and birthday card listed in Tasmania Police Property Receipts numbered 293450, 293759 be forfeited to the State.