

Robert Williams, you plead guilty to trafficking in a controlled substance. I also agreed to deal with your plea of guilty to three summary charges, using methylamphetamine, possessing cannabis and possessing pseudoephedrine. Just after 9 pm on 21 June 2020 the police found you at your partner's home in Launceston. They found a total of 144.28 grams of methylamphetamine in various quantities in the kitchen and pantry, but mostly in three larger amounts of 20.8 grams, 87.6 grams and 32 grams respectively. The police also found \$1054 in cash, zip lock bags, digital scales and your phone. On the phone were messages exchanged with three people evidencing sales by you to them of methylamphetamine during the course of the previous two months or so. The methylamphetamine in your possession would potentially have returned between \$37,000 and \$43,000, depending on the quantity of the individual sales.

You are aged 37. As a young man you were heavily exposed to the criminal influence of members of your immediate family, including drug use and violence. You started using illicit drugs at 13. After your mother died when you were 15 you progressively graduated to more harmful and addictive substances. You resorted to crime. Your record for dishonesty starts early. Between 2002 and 2006 you committed many offences and served detention and imprisonment. You absconded to South Australia in 2006 where, to your credit, you spent about six years working as a painter without offending. You were arrested after returning to Tasmania in 2012 and you served a term of imprisonment for drug offences and numerous offences of dishonesty committed before you left. Even on your release you continued to offend. You served terms of imprisonment for dishonesty, firearms and drug offences in 2013, for aggravated burglary and firearm offences in 2016, and more recently for family violence, dishonesty, bail and driving offences. You were due to be released on 30 November 2021. You have a lengthy history with Community Corrections and your record of compliance with community based orders and parole is very poor. That is largely because of your inability to refrain from drug use when in the community.

When you were arrested on this occasion you were obviously under the influence of substances. The State does not dispute your assertion that you intended to use at least some of the methylamphetamine. The value attributed to it includes the portion you would have used. The sales you made were to a relatively small number of existing users within your circle of associates, and were to obtain funds to facilitate your own use. Your motivation was, at least in part, the misguided view that it was better to sell drugs than to commit other types of crime. Your record, particularly for dishonesty, is contributed to in large part by your addiction. It is not asserted that you trafficked in cannabis, or that you had any intention to use the pseudoephedrine you possessed to manufacture another drug. You have no prior convictions for trafficking.

It is obvious that return to prison is unlikely to address the cycle of drug use and crime that you have, for the most part, been subject to for more than 20 years. There are some signs that you want things to change. Over the last couple of years, when in the community, you have engaged positively with the alcohol and drug service. You were working satisfactorily with a probation officer during 2020 and early 2021 until you went back into custody. You have expressed a desire to change your lifestyle but environmental factors, your family and your pro-criminal associates, and your inability to adjust to life in the community have made this very difficult. You have not previously been offered the opportunity to undertake a drug

treatment order. You say that you are willing to make the changes required to successfully complete the program. You pose a very high risk of re-offending. Unless something is done to address the factors which lead to your offending you are destined to spend much of the rest of your life in prison. For all of those reasons you have been assessed as eligible and suitable for making a drug treatment order. I will make the order which is aimed primarily at your rehabilitation rather than punishment. I expect, and you should understand, that it will be challenging and demanding. It will be up to you, with the support you will be given, to make the most of the opportunity being given to you.

Robert Williams, you are convicted on the indictment and on each of the summary counts. I order that the sum of \$1059.50, together with the 10 glass smoking devices, 2 plastic smoking devices, empty snap lock bags and digital scales all seized by the police on 21 June 2020 are forfeited to the State. On complaint 32945/20, count 4, possessing cannabis and count 6, possessing pseudoephedrine, I make no other order. On the indictment and on count 3 on that complaint, using methylamphetamine, I impose one sentence. 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 18 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 Launceston at 2.15 pm on 22 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. you must not associate with, or be found in the company of, Stephen Williams and Marcus Williams;
2. throughout the duration of the order you must reside at [address] and not be absent from that address between the hours of 10 pm and 7 am and present to a police officer, your court diversion officer or case manager if required to do so;
3. you must not use or possess any controlled substance within the meaning of that term in the *Misuse of Drugs Act 2001*;

4. 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;
5. you must submit to random testing for the presence of drugs 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 for assessment, and if deemed suitable, participate in and complete any vocational, educational, employment, rehabilitation or other programs, including the EQUIPS Addiction Program and the Family Violence Offenders Program, 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.