

Ms Irwin has pleaded guilty to a charge of trafficking in controlled substances. Over a period of more than 2 ½ years, from April 2017 to December 2019, she trafficked in eight different controlled substances. They were buprenorphine (which is contained in Suboxone strips), morphine, diazepam (also known as Valium), alprazolam (also known as Xanax), methylamphetamine, codeine, MDMA (also known as ecstasy) and cannabis. Twice during the period covered by the charge she was arrested, interviewed by the police, and bailed, and then resumed trafficking. Her trafficking was constituted by an ongoing course of conduct over the period covered by the indictment, but it varied in scale over that period, and the types of trafficking also varied over that period. She sold drugs in order to fund her own drug use. She certainly did not accumulate any wealth as a result of her activities.

Evidence obtained at the times of her first two arrests gives some insight into the scale of her trafficking activities. On 9 February 2019 Ms Irwin was arrested for some summary offences including disorderly conduct and abusing police. Police officers searched her. They found \$615 in cash in her handbag, and in her bra they found a black wallet that contained quantities of MDMA, crystal methylamphetamine and cannabis in snap-lock bags, apparently prepared for sale, as well as another \$65 in cash. The drugs in the wallet could have been sold for \$340.

On 1 September 2019 she was arrested in relation to other offending and searched. The police found 37 Suboxone strips, containing buprenorphine, in her purse. When interviewed, she said she thought they were worth \$30 each. She said she thought she had sold them to about 50 different people over about 15 months. Her mobile phone contained a number of messages relating to sales of Suboxone strips and morphine, and the offering of those drugs for sale. She had been exchanging text messages about those drugs with at least three people. One of her customers was on-selling Suboxone strips to other people. If the strips were worth \$30 each, then she had \$1,110 worth.

On 10 December 2019 she was arrested in relation to fraud offending. The police seized her mobile phone. She provided its passcode. It contained messages relating to her selling various drugs including morphine, Valium, Xanax and codeine, as well as offering those drugs for sale, over the period from 29 May 2019 to 6 December 2019. Sales were arranged with six people. No messages pre-dating 20 May 2019 were accessible on her phone.

On 5 January 2020 Ms Irwin was arrested again as a result of the information extracted from her phone. She admitted that she was involved in drug trafficking. She said she had been using a couple of points of methylamphetamine per day. A point is a tenth of a gram. She said she would occasionally sell methylamphetamine, but that she used more than she was selling. She said she was selling for two other people, and named them. She said she would sell morphine tablets, which came in three different strengths, for \$30, \$60 or \$100. She said that one of her suppliers would give her a box of 28 pills each week, which she would sell, and that that process had continued for a couple of years, finishing some months before the interview. She said that she was only doing what she had been told to do. When asked what would happen to her if she did not do it, she said that she had been bashed with a bat not long before the interview.

It is not possible to identify with precision the quantities of drugs sold by Ms Irwin over the period covered by the indictment. If it is correct that she sold 28 morphine tablets per week

over a couple of years, and the cheapest ones were \$30 each, her turnover would have exceeded \$87,000 from the sale of morphine alone.

Ms Irwin is 24 years old. She was 19 years old at the start of the period covered by the indictment, and 21 at the end. She has led a very unfortunate life. Her parents were drug users. She was exposed to violence. She left her parents' care (if that is the right word) at the age of 12. After that she lived in youth homes and with her grandparents. She was sexually abused. She has been getting into trouble with the police ever since she was 11. She has been suffering from depression and anxiety since childhood. She has five children, aged between 3 and 8. She started using methylamphetamine in about 2018 after her children were removed from her care. She associated with other drug users, and increased her drug use until she was using up to 1.7 grams of methylamphetamine per day. She started stealing to fund her drug use.

Ms Irwin has served short prison sentences for dishonesty and drug offences in 2020 and 2021 while the trafficking charge was pending. This year she was sentenced to 2 months' imprisonment, backdated to 21 January, for assaulting a police officer and bringing an unauthorised article into a prison, as well as a cumulative term of 6 months' imprisonment, 3 months of which was suspended, for dishonesty and driving offences. The only appropriate penalty in this case is a cumulative term of imprisonment. Ms Irwin has been assessed as unsuitable for a home detention order, a community service order, or a drug treatment order. Because today's sentence will come on top of 5 months in prison for other offending, it must be a slightly shorter sentence than would otherwise have been appropriate.

I have been provided with a copy of a pre-sentence report that was prepared for a magistrate a few weeks ago. The probation officer who wrote it said that Ms Irwin required a very high level of intervention from the probation service and recommended 18 months' supervised probation. The magistrate who imposed Ms Irwin's recent prison sentences did not make an order for supervised probation, probably because the trafficking charge was soon to be dealt with. In the light of that recommendation, rather than imposing a prison sentence with provision for parole, I will impose a partly suspended prison sentence, with provision for 18 months' supervised probation after Ms Irwin's release.

In this case there are factors that weigh for and against a heavy sentence. Ms Irwin sold 8 different types of drugs over a period of more than 2 ½ years. The drugs that she sold probably did a lot of harm to many people. Twice she was arrested for trafficking, bailed, and continued trafficking whilst on bail. On the other hand, she cooperated with the police and made significant admissions. She admitted to trafficking activities that the police would otherwise have been unable to prove. There have been delays in finalising this case because of the COVID-19 pandemic and protracted discussions between defence counsel and the prosecuting authorities. And of course Ms Irwin engaged in trafficking when she was quite young, easily influenced by other people, and embarking on adult life after terrible experiences in her childhood and adolescence.

Tara Mary Elizabeth Irwin, I convict you and sentence you to 18 months' imprisonment, cumulatively with the sentence you are currently serving. I suspend 9 months of this sentence on condition that you commit no offence punishable by imprisonment within 3 years after today. I make a community correction order, to operate for 18 months after your release from prison, with special conditions that, during that period, you must (a) submit to the supervision of a probation officer as required by the probation officer; (b) undergo assessment and treatment for drug dependency as directed by a probation officer; (c) submit to testing for drug

use as directed by a probation officer; (d) submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer; and (e) attend programs, including residential programs, as directed by a probation officer. I order that the sum of \$680 seized by police officers on 9 February 2019, and the mobile phones seized by police officers on 1 September 2019 and 10 December 2019 be forfeited to the State of Tasmania.