

Mr Arnott, you have pleaded guilty to one count of trafficking in cannabis.

By comparison with other cases of trafficking, your conduct was at the lower end of the scale of seriousness. The indictment alleges that you trafficked in cannabis between 1 March and 17 June 2020, but your responsibility for this crime is based firstly on the police finding you in possession of a trafficable quantity of cannabis on 17 June 2020, and secondly your admission to police that although most of the cannabis in your possession was for your own use, you would from time to time sell or give away a small amount of it to a very limited group of three or four persons, one of whom was your cousin. In fact, you only conceded to one transaction during the trafficking period, which was the sale of an ounce of cannabis for a price of \$215. This seems to be typical of your trafficking activity, it involved the sporadic sale of small quantities to close friends or relatives.

The location of the cannabis in your possession on 17 June occurred during a police search of your home. Police found 1.08 kg of cannabis bud, together with 30 cannabis plants growing in a relatively sophisticated hydroponic cultivation system. You told police and your counsel has told me that your primary purpose in cultivating the cannabis was to acquire sufficient for your own use. You were, at that time, consuming the drug on a regular basis through the medium of cannabis butter, and for the purpose of pain relief. You have chronic back pain which started when you were a child. Your position is that you would only sell a small amount of the cannabis, which was excess to your needs, in the manner and at the rate already described. The prosecution asserts that the potential value of the cannabis found by police, were it all to be sold at market rates, was in the vicinity of \$17,000 to \$19,600. These figures are not inconsistent with your claim that your selling activity was at a low level, and casual and sporadic.

You are 33 years of age, fully employed and in a stable marriage. You have no prior convictions for drug related offences. Your prior criminal history consists exclusively of traffic related offending, although you have since been convicted of some relatively minor firearms charges. I infer from the date of the offences that the firearms were found in your premises during the drug search. Your counsel asserts that you have now disengaged from the use of cannabis. One of the reasons for this is that your wife did not know about your drug related activities and now that she has found out, strongly disapproves of them. It is submitted that you are unlikely to offend again in the future and I accept that submission. You express insight into the serious nature of the offending and have entered at a relatively early time a plea of guilty to the charge. You are entitled to credit for this plea.

Trafficking in illegal drugs at any level is a serious matter, primarily because its effect is to distribute an illicit and harmful substance throughout the community. It is a crime which invariably attracts a sentence of imprisonment as punishment. However, I accept that your offending is at the lower end of the scale of seriousness. In all of the circumstances, and particularly taking into account the low level nature of the offending, your lack of drug-related prior offending and your plea of guilty, I do not think it is necessary to impose a prison sentence. In my view, relevant sentencing principles such as general deterrence, denunciation and personal deterrence can be satisfactorily achieved by punishment which does not involve imprisonment. I intend to have you perform community service.

Accordingly, I convict you of the crime to which you have pleaded guilty and make a community correction order. You must comply with the order for a period of 30 months, and that period shall commence today. The core conditions of the order require you to report to a probation officer and you shall do so at the office of community corrections in Hobart within three clear days of today. In addition to the core conditions the order shall also include the following special conditions:

- (a) *you must, within the operational period of the order, satisfactorily perform community service, as directed by a probation officer or a supervisor, for a period of 175 hours;*

I make the forfeiture orders sought by the prosecution.