

9 DECEMBER 2022
ESTCOURT J

On 23 October 2017 Christopher John Worker was found guilty by a jury of one count of cultivating a controlled plant for sale, and pursuant to s 385A of the *Criminal Code*, I agreed to deal with some associated offences under the *Misuse of Drugs Act* 2001 at the same time. All offences were committed on 23 June 2016 and I sentenced the respondent on all matters on 14 December 2017.

He was sentenced to a period of nine months' imprisonment, the execution of which was wholly suspended upon the condition that he commit no offence punishable by imprisonment for two years. He was also ordered to perform 98 hours of community service, and was made subject to a probation order for a period of two years. Since then, the respondent has completed only 21 community service hours, leaving 77 hours remaining to complete the order. The respondent has failed to attend Community Service appointments as directed by a probation officer on 34 occasions out of 46. He has had six recorded attendances, nine authorised absences, 25 unauthorised absences and he has been stood down on six occasions.

I canvassed the respondent's personal circumstances in my comments on passing sentence in 2017. In all of the circumstances, the State seeks an order under s 36(6) of the *Sentencing Act* and I grant that application.

I cancel the Community Service Order and in lieu thereof the respondent is sentenced to 11 days imprisonment, which sentence I wholly suspend on condition that he commit no offence punishable by imprisonment for a period of 12 months and satisfactorily complete 77 hours of community service. I make a Community Correction Order with an operational period of 12 months, and in addition to the statutory core conditions, I impose a special condition that within the operational period of the order the respondent complete 77 hours of community service.

I direct that the respondent attend at Community Corrections who, I understand, are operating from the Hobart Reception Prison at 29 Liverpool Street, Hobart while they move to other premises. I direct that Mr Worker attend there before 5.00pm on Monday, 12 December 2022.