

Mr Power has pleaded guilty to a charge of trafficking in a controlled substance, and to nine summary offences which I will deal with under s 385A of the *Criminal Code*.

He trafficked in cannabis for a little over ten months, between 30 March 2020 and 10 February 2021. On the latter of those dates, police officers searched his car and his residence. They found a total of 124.8 grams of cannabis in various places, as well as one large cannabis plant, two medium sized cannabis plants, and ten cannabis seedlings. Messages on his mobile phone revealed that he had been carrying on a business involving the cultivation and sale of cannabis since 30 March 2020. He had at least eight customers and was selling the drug on a regular and consistent basis. Police officers seized some cash from him. The sum seized included \$3000 from the proceeds of drug sales.

The nine summary offences were all committed on the day of the police searches. The summary charges, and my comments in relation to them, are as follows:

- Driving with a prescribed illicit drug, namely methylamphetamine, present in his oral fluid. This charge resulted from police officers administering an oral fluid test after intercepting Mr Power's vehicle on Molesworth Road at Sorell Creek.
- Possession of a controlled drug, namely methylamphetamine, at his home. Police officers located 1.2 grams of methylamphetamine in a small snaplock bag in his wardrobe.
- Two charges of possessing ammunition when not the holder an appropriate firearm licence. Police officers found a single .22 calibre round of ammunition in his car. At his home, police officers located two homemade chopping boards with various types of ammunition inlaid into each of them. They also located a total of 40 pieces of ammunition - shotgun cartridges and bullets of various sizes. Mr Power intended to make more chopping boards with pieces of ammunition inlaid into them. That is to say, he intended to use the ammunition in works of art, not in firearms.
- Two charges of possessing a restricted substance, namely testosterone and Tramadol. Police officers located five vials of steroids in the house.
- Two charges of possessing a thing used for the administration of a controlled drug. The police officers found a bong in the laundry and an Ice pipe in the kitchen cupboard.
- Possessing a firearm to which a firearms licence may not be issued. The item in question was a stun gun. It was found on top of a fish tank in the lounge room. Mr Power purchased it online. It is similar to a Taser.

Mr Power is now 34 years old. His only significant prior convictions are related to driving offences. He has drink driving convictions dating from 2007 and 2009, and a conviction for driving with illicit drugs in his oral fluid in February 2020. One of those drugs was methylamphetamine. He is single, but has three children who were born of past relationships. He was unemployed at the time of his apprehension, but is now in steady employment. He is purchasing his home, with mortgage finance. His counsel told me that he dealt in cannabis during a difficult time in his life when he was undergoing a personal crisis following the breakdown of the relationship with his second partner. He has now stopped using drugs. What he did was out of character. His trafficking involved small transactions, and sales to a small number of people.

Mr Power will have to be fined and disqualified in relation to the driving offence. The drug-related money seized by the police will have to be forfeited. Otherwise, I think the most appropriate penalty is a wholly suspended sentence. That should act as a deterrent against similar further offending, if a deterrent is needed.

Kyle Dion Power, I convict you on all charges. On complaint 4860/21 (the drug driving charge) I order you to pay a fine of \$800 within 28 days and disqualify you from driving for six months. On count 1 on the indictment and counts 3, 4, 5, 8, 9, 11, 12 and 13 on complaint 3145/21, as a global penalty, I sentence you to four months' imprisonment, wholly suspended on condition you commit no offence punishable by imprisonment for a period of 12 months. I order that \$3000 of the monies seized by the police be forfeited to the State of Tasmania, and the balance refunded to Mr Power.