

The defendant, Mr Walker, has pleaded guilty to one count of trafficking in a controlled substance, namely cannabis. The charge arises out of a police search of his property at Bracknell on 13 May 2022. A total of 4.19 kilograms of cannabis was found. The significant items were that made up that total were firstly 52 separate snap lock bags each containing approximately 27 grams which were located in larger bags, within a plastic tub and in turn within a box found in the defendant's bedroom. Secondly, 2,711 grams of cannabis located on 3 different clothes airers in a room directly opposite the defendant's bedroom. Other bagged and unbagged smaller amounts were found in both rooms. When interviewed, the defendant admitted the cannabis was his and that he had grown it. He had grown cannabis before but in this particular year there was a much better growth. He admitted having sold around 5 ounces and although his primary intention was to smoke the cannabis he did intend to make some money. He has sold it in ounce bags for about \$200 a bag but only sold to a few friends and did not try to sell it to strangers. The Crown puts the acts of trafficking as having sold the approximate amount of 5 ounces, and being in possession of cannabis with intention of selling some of it. I was told that if the 52 bags, each containing about an ounce, were sold at an average price of \$250 per ounce, the amount is to \$13,000. The remaining cannabis if sold, would yield between \$12,500 and \$19,750 depending on whether it was sold in lots of pounds or ounces.

The defendant is now 42 years old. At the time of this offending he had no relevant prior convictions and very little recorded history of offending of any significance. I note that it seems that at the same time as he was charged with trafficking, he was also charged with selling a controlled plant but that, as I understand it, relates to his admitted conduct. He was dealt with for that at the same time as a number of unrelated offences for which he was fined, with a conviction recorded for the selling offence. In short, there is no relevant history of which account should be taken. He lives with his father at the address along with his two children aged 7 and 13. He is the carer for both his father and the children; the children's mother is not involved in their upbringing. He has full time employment and I have a letter from his employer attesting to the fact that he is a conscientious worker with a high standard of work ethic. The employer is happy to continue to employ him in the future. I am told that he spent some 14 years as a FIFO worker working in Western Australia before the mother of his children became incapable of looking after them. That prompted his return. In the course of that employment he was subject to regular drug testing and seems that he took to smoking cannabis on his return. This case involves a not unfamiliar scenario. I am satisfied he grew cannabis primarily for his own use but found he had excess. He was content to earn some money but sold only to friends. I take those circumstances into account. I also take into account the fact of his co-operation with police, his plea of guilty and that he has not opposed the application for a pecuniary penalty order. I need to take into account that the quantity that was in his possession taken at its full retail value produces quite a high figure, but I am satisfied that not all of it was intended for sale.

Mr Walker, Parliament has made cannabis a controlled substance; that is the law. As a controlled substance, commercial dealings – actual and intended – have to be treated seriously. There are good reasons for its prohibition and commercial dealings in it need to be discouraged. However, I have set out the factors which need to be taken into account in your case. Given the amount of cannabis involved and the fact of actual sales, imprisonment is appropriate to mark the seriousness of your conduct, but in all of the circumstances I will suspend the execution of

the whole of the term. You are convicted of the crime and sentenced to four months imprisonment the execution of which is wholly suspended on condition you commit no offence punishable by imprisonment for a period of 18 months. I make a pecuniary penalty order in the sum of \$1,250 in favour of the State of Tasmania and I order the forfeiture of item number 5 on police property seizure record receipt 193328. I need to point out to you that the condition on which the sentence was suspended is that you commit no offence punishable by imprisonment. There are many offences that are punishable by imprisonment. You need to be very careful. If you commit an offence punishable by imprisonment you can be the subject of an application to activate the four months term and brought back before the Court and the Court must activate that sentence unless it is unfair in the circumstances to do so.