

The defendant has pleaded guilty to one count of trafficking in a controlled substance, methylamphetamine, between 1 October 2014 and 25 June 2015. The defendant's activities were uncovered when a suspicious parcel, addressed to him, was reported to police by Australia Post. Police found that it contained a vacuum sealed bag, holding 83.1g of what proved to be crystal methylamphetamine, or Ice. The drug was replaced with an inert substance and the parcel delivered to the address. Very shortly after, police went to that address which was the defendant's home. They found a snaplock bag containing .2g of methylamphetamine and other drug associated items including a used smoking device. The also located the parcel. When interviewed the defendant said that he was a regular Ice user, had drug addiction and gambling problems, and was in a lot of debt, to the extent of about \$22,000. He said he was expecting the delivery as he had been asked to sell it by a person in New South Wales. He thought the quantity in the bag would be worth about \$15,000. The defendant admitted arranging parcels containing the drug to be sent into Tasmania to him over about the last 8 months. The quantities were between half to one ounce, on average about half an ounce. He paid \$7,000 an ounce. He bought the drugs from a person in New South Wales who was associated with a friend of his and whose number he was given when discussing poor quality and high prices of the drug in Tasmania. He also said he had personally brought amounts of the drug into the State when he flew from New South Wales, those amounts varying between 3.5g and about 20g. Once he received the drug he would pay for it. Sometimes he would take the money to New South Wales with him; at other times he would transfer it to a bank. He used about 2g a week, and he sold the rest in three different quantities; 3.5g known as an 8-ball, 1.7g, and .5g, for \$1,500, \$750 to \$800, and \$250 to \$300 respectively. He only sold to three or four people and was owed about \$4,000. Sometimes he had difficulty in selling it. He used the money he received for living expenses and gambling, which he did daily. He hoped to make about \$5,000 from the parcel that he was to receive that day. He had been given one week to sell it and he was going to deliver the proceeds in person. The Crown case, based on detailed calculations derived from the defendant's admissions, is that he imported about 212.5g, or about 7 1/2oz of methylamphetamine, and sold about 142g, or a little over 5oz. Using sales of the two larger quantities, the return would have been between \$60,000 and \$82,500, and the Crown seeks a pecuniary penalty for the lesser amount. Although there was no evidence of the potential value of what was sold if sold in much smaller quantities, it can be readily inferred that it is considerably more than that amount.

The defendant is now 44 years old. He has a record for offending in this State as well as in New South Wales and Queensland. The history goes back to 1990 and, in the main, it is comprise of offences of dishonesty and violence, along with driving offences. Prominently, in Queensland in 1998, he was sentenced to 4 years' imprisonment with a non-parole period of 12 months for the crime of stealing. However, his only recorded drug offending is in this State and is recent. In July 2015 in the Magistrates Court, he was fined for possession and use of methylamphetamine on 3 April 2015, over two months before the police search which led to this charge. Before those drug matters, in the defendant's last recorded offending was in October 2003 for driving matters. Accordingly, up until recently he has been of good character and before these recent drug matters he had no drug offending history. The defendant is originally from Tasmania but has spent time interstate and returned at times, most recently in 2014. He had full-time employment as a truck driver until he gave it up because of problems with depression. He has a history of mental health problems going back

to when he was about 10 years old. The onset of the depression seems to stem from the breakdown of a relationship in Queensland in 2013 which he found very traumatic. He attempted suicide and was hospitalised. He was given medication but it did not help him. He turned to illicit drugs for help, and found Ice to have a sedative effect, something which, although unusual, is apparently not unheard of. However, his underlying issues remained and he has been hospitalised a few times since, including a voluntary admission to a psychiatric ward. His situation was not improved by forming a new relationship during this period. He kept his drug importation and use from his partner, and he is very conscious that he has let her down. Since being on bail for this matter he has sought rehabilitative help from two different organisations. That has proved reasonably, but not completely, successful. It is put that in addition to the plea of guilty, I should take into account his full co-operation with police which extended to providing information beyond his personal involvement. The plea of guilty speaks for itself. I accept that the defendant is entitled to additional credit of some weight for his co-operation. The Crown says that the information was, for one reason or another, not particularly productive, but that is not the fault of the defendant. There is no suggestion the information was false or misleading. The information could have been of significance, and it is of significance that the disclosure of the information may have exposed him to a degree of personal risk. I am told that his level of indebtedness remains high and there is no reasonable prospect of him paying the pecuniary penalty order. There might be some explanation for the defendant's addiction which could attract a sympathetic approach, but he was not selling drugs just to fund his addiction. He was obtaining money for living expenses for gambling, and to try to cover his debts. There is no evidence of a pathological gambling habit of such a nature so as to warrant leniency. The most that can be said is that he has voluntarily taken steps towards his rehabilitation.

Mr Deakin, trafficking in controlled substances is a serious crime. Methylamphetamine, particularly in its crystalline form, is a drug which causes very considerable harm to individuals and their families, and significant disruption in the community. Although some of the drug was to satisfy your addiction, you imported the drug into the State over about 8 months and sold it for profit, with much that profit wasted on gambling. You continued on with your trafficking activities even after you were detected by police in possession of the drug in early April 2015. That the sales of this drug were often in larger quantities is somewhat concerning. It is possible that the purchasers kept it for personal use but there is at the least a real risk that those people broke it down into much smaller quantities and sold or distributed it at a profit, and thus expanded considerably the number of people who received the drug. I take into account your personal circumstances, I take into account the plea of guilty and I take into account the degree of cooperation you afforded to the police, as I have outlined. However the extent of your illegal activity demands an immediate term of imprisonment notwithstanding an absence of serious drug offending history, but your offending history as it is, your personal situation, and the other matters which weigh in your favour justify the suspension of part of the term. You are convicted and sentenced to 18 months' imprisonment to commence on 21 March 2016, the execution of 6 months of which is suspended on condition that you commit no offence punishable by imprisonment for a period of two years following your release. I think it is appropriate in your case, because of your circumstances to make a probation order, and I make such an order for 12 months to commence on your release. Special conditions of the order are that you undergo assessment and treatment for alcohol or drug dependency, submit to testing for alcohol or drug use, and submit to medical, psychological or psychiatric assessment or treatment, all as directed by a probation officer. You will have to report to a probation officer at 114 Bathurst Street within one clear working day of your release.

I accept that there are no reasonable prospects of you satisfying the pecuniary penalty order sought, and as I have no discretion to order a lesser amount, I will not make the order. However, I order that you pay the costs of analysis in the sum of \$300. I order the forfeiture of the property listed in police property seizure records numbered 131949, 131950, except items 11 and 12, 131946, along with items 1, 1(a) and 1(a)(i) on record 131948. There is a victims of crime compensation levy of \$50 which will have to be paid within 28 days of your release.