

You have pleaded guilty to one count of trafficking in a controlled substance, namely MDMA, contrary to the *Misuse of Drugs Act 2001* (the Act), s12(1). Your counsel also applied for this court to deal with a number of summary matters on complaint 1217/16. These are two counts of using a controlled drug namely MDMA and ICE contrary to the Act, s24, one count of using cannabis contrary to s25, one count of possession of a controlled drug namely MDMA, one count of possession of cannabis and one count of possession of a smoking device. You have pleaded guilty to all these summary matters. That of possession of MDMA in my view should not be dealt with separately but be subsumed in the trafficking charge. The Crown does not oppose the application and in the circumstances I will deal with all matters together

At the end of 2015, you attended the Falls Festival at Marion Bay with friends.

At about 3pm on 30 December 2015, security staff at the festival told police about suspicious activity in a car near the front entrance. You were sitting in the car. As police approached the car, you left it with a white box. You entered the festival grounds with the box and handed it to another girl. You then sent her a text which read, "Ditch, strip search". She however was stopped and searched by police who found 119 MDMA (ecstasy) tablets inside the white box that you had handed her.

Police then searched you and you produced two MDMA tablets. Police seized your mobile phone.

You were arrested and taken into custody. At about 8pm the same night, police executed a search warrant at your home. They seized 40 MDMA tablets, about 25 grams of cannabis, and a pipe for smoking methylamphetamine. You were later interviewed. You admitted taking the MDMA tablets to the festival intending to sell some and use some. You bought 100 of them on 19 and 20 December for \$25 each and had already sold about 35. You were planning on selling the tablets for \$40 each at the festival. You had previously used your Facebook account to arrange the sale of MDMA. You started buying in bulk and selling to make money. Between August and December 2015, you said you had made about \$3,000 profit from selling MDMA. You said you used the money you made to buy MDMA and for everyday living expenses.

You also admitted to police using cannabis, and using the device found at your home to smoke ICE (methylamphetamine). You had used both in the fortnight or so before new year. You also took an MDMA tablet on the way to the festival.

You are 30 years old and have no relevant prior matters. At the time of this offending you were a part time sales assistant. You have worked at various jobs, usually retail, since the age of 15. You began using recreational drugs quite early.

In April 2015, your hours at work were reduced and you began struggling financially. You had debts totalling about \$30,000. You began using ICE as a result of a now ex-partner, which use got you into more financial trouble, and you lost your job. You saw selling drugs as an easy way to get money and in particular saw the Falls Festival as an opportunity. You were intercepted at the gate of the festival and made full admissions to police.

I sought a pre-sentence report so that various sentencing options might be considered. It seems that, notwithstanding having attended some drug counselling, you still struggle with being able to abstain and use alcohol to excess to help you. You have continuing financial problems and suffer anxiety. You have stopped associating with friends involved in drugs and have tried to stop your party life attitude. Your mother and current partner are supportive of you. It seems clear that you need help and support if you are to successfully step away from the lifestyle which saw you become involved in drug use and then selling, and a sentence to provide that in part is appropriate. It is noted the trafficking was over a relatively short period. While the profit you made from selling might seem

perhaps somewhat high, I do not consider that this is in any way, shape or form a sophisticated commercial enterprise.

Having said that, any sentence also needs to reflect that you were distributing highly addictive and harmful drugs into the community for personal gain. Any sentence needs to act as a deterrent for you and others who might be minded to do what you have done.

In all the circumstances, the orders of the Court are that:

1. You are convicted of one count of trafficking in a controlled substance, namely MDMA, contrary to the *Misuse of Drugs Act* 2001 (the Act), s12(1), two counts of using a controlled drug namely MDMA and ICE contrary to the Act, s24, one count of using cannabis contrary to s25, one count of possession of cannabis contrary to s25, and one count of possession of a thing used for the administration of a controlled drug contrary to s23.
2. You are to serve a period of ten months' imprisonment. The execution of that sentence is wholly suspended on the following conditions, namely
 - a. that you be of good behaviour for a period of three years,
 - b. that you complete 150 hours of community service, and
 - c. that you be the subject of and comply with all terms of a probation order for a period of 12 months. This includes complying with all reasonable directions of your supervising probation officer during that period.
3. Pursuant to the *Crime (Confiscation of Profits) Act* 1993, you are to pay a pecuniary penalty to the State in the sum of \$3,000.
4. Pursuant to the *Misuse of Drugs Act* 2001, s38, you are to forfeit to the State items 4 and 4A on property seizure record (receipt) number 103121, items 8 and 9 on property seizure record (receipt) number 103122 and item 2 on property seizure record (receipt) number 151401.
5. You are to pay a victim of crime compensation levy of \$ 150 within 28 days.