

Robert Williams, you plead guilty to trafficking in a controlled drug. At about 8.20 am on 9 October 2022 the police intercepted you at the Spirit of Tasmania terminal in Devonport. You had just arrived back from Melbourne where you had flown the day before. You returned with a package concealed in your underwear containing 54.2 grams of methylamphetamine in crystalline form. Later analysis disclosed it to have been 80.5% weight for weight methylamphetamine. Analysis of your phone showed text messages on that day and the following day evidencing an intention for you to sell the drug.

On 8 February 2022 I sentenced you for trafficking in methylamphetamine and other summary drug offences committed in mid-2020. I made a drug treatment order with a custodial part of imprisonment for 18 months. I published detailed sentencing comments which explained your personal circumstances, your history of drug abuse and addiction, your criminal history and the reasons why, despite the apparent seriousness of your crime, I decided to make a drug treatment order. I need not repeat all of those comments except to point out that I said that unless something was done to address the cycle of drug use and crime to which you had been subject for more than 20 years you were destined to spend much of your life in prison. You had already served long periods of custody. I explained to you that the order was aimed primarily at your rehabilitation rather than punishment, that it would be challenging and that it would be up to you to make the most of the opportunity then offered to you.

Despite my warning, this crime was committed while you were subject to the drug treatment order. Drug treatment orders, if complied with, continue for two years. The crime was committed after about nine months. You did some beneficial things while on the order. You ceased use of cannabis. You remained in contact with your case worker and attended counselling at the alcohol and drug service. You complied with the suboxone program and completed the EQUIPS addiction program. However you began to commit other offences almost immediately. Some of those offences were not related to drugs, but some were. On 22 March 2023 the drug treatment order was cancelled by a magistrate for a range of reasons, not just the re-offending but for other non-compliance. In substitution for the order you were sentenced to imprisonment for 16 months from 27 June, the reduction in two months to reflect the level of compliance with the order while it was in force. In addition, for the new offending, you were sentenced to a term of imprisonment of 12 months, four months of which was to be served concurrently with the 16 month sentence. The result was a total term of two years from 27 June 2022. The punitive effect of that total sentence is increased because no parole order was made.

It is in your favour that you pleaded guilty. It has the benefit of avoiding a trial. However given your repeated offending over many years you have little claim to any remorse. In determining the sentence I am now to impose I take into account the terms of imprisonment you are already required to serve. However the crime to which you now plead guilty involves separate criminality as to which you are entitled to little lenience. The evils of trafficking in methylamphetamine have been explained many times. The drug is a scourge on society and those who seek to profit from its sale must expect to be punished. The amount of Ice you had, if sold in point form, was worth something up to \$50,000.

Robert Williams, you are convicted. I order pursuant to s 36B(2) of the *Misuse of Drugs Act* 2021 that you pay the costs of the analysis of the drug in the sum of \$1309 and award that sum against you as part of the costs of the prosecutor. You are sentenced to a term of imprisonment

for 18 months. Because of the absence of a parole order in respect to the earlier sentence, I order that six months of that term be served concurrently with the sentences you are currently liable to serve. I order that you not be eligible for parole until you have served 12 months of that term. The effect of that is that you will, taking into account the sentences already in place, be liable to serve a total term of three years from 27 June 2022 and that you will be eligible for parole after having served a total term of two years and six months from that date.

On 18 December 2023 the sentencing orders were varied as follows:

Robert Williams, on 8 December 2023 I sentenced you on your plea of guilty to trafficking in methylamphetamine. Application is made that I vary the sentence in accordance with the *Sentencing Act* 1997, s 94, because the order was based on an error of fact, and because your circumstances were not accurately presented to the court and it is in the interests of justice to vary the sentence. On 22 March 2023 you were sentenced by a magistrate to an effective term of two years from 27 June 2022. The sentence I imposed on 8 December was based on the proposition that the magistrate who made the 22 March orders did not permit eligibility for parole. For that reason I ordered that six months of the term I imposed be served concurrently with that sentence. That was an error. In fact, an order permitting eligibility for parole after having served 12 months of that sentence was made. You became eligible to apply for parole on 27 June 2023, after having served 12 months of the two year term. The question which arises is whether the sentence I imposed should be varied because it is erroneously lenient.

I am satisfied that, as events have occurred, the error had no substantive effect. You did not pursue an application for parole. You have in fact been in custody on the charge for which I sentenced you. Had you been granted parole but remained in custody I would have taken that period of custody into account. Thus, a small adjustment to the orders I made is necessary but only for clarity and to ensure that the substance of the sentence will be unchanged.

I amend the sentencing orders made on 8 December 2023 to provide that the 18 month term I imposed on that day is to commence on 27 December 2023. The result is that, as before, you will serve a total term of three years from 27 June 2022 and you will be eligible to apply for parole after having served two and a half years of that term.