

Stephen Hipworth, you plead guilty to manufacturing a controlled precursor intended for use in manufacture of a controlled drug for sale. I also agreed to deal with your plea of guilty to the summary charges of possessing a controlled drug, possessing a controlled plant, possessing smoking devices, possessing ammunition without a licence and possessing a firearm part.

In July 2020 you lived in unit leased by Georgina Bourke from Homes Tasmania at Newnham. Late in the morning of 30 July 2020 the police executed a search warrant. You were using the unit as a clandestine laboratory for the attempted manufacture of methylamphetamine, some of which, if you succeeded, you intended to sell. When the police arrived you were actually standing over the stove engaged in the process. You had looked up what to do on the internet. In the course of the search the police found all of the drugs, chemicals and equipment necessary for the manufacture of methylamphetamine. There were various substances, both in liquid and solid form, containing pseudoephedrine and over 250 tablets containing pseudoephedrine. Pseudoephedrine is a controlled precursor to methylamphetamine. You were in the process of extracting or refining the pseudoephedrine and were thereby manufacturing it. Once pseudoephedrine is extracted hypophosphorous acid and iodine are used to convert it to methylamphetamine. Other substances which may be used in the process included hydrochloric acid, dimethyl sulfone, caustic soda, acetone and iodine. All of those various substances were in the unit as well as filters, glass flasks, beakers and bowls, connectors, a condenser, a distillation head and electronic scales.

Despite all of these efforts no methylamphetamine was produced. That is not to say you might not have succeeded had you not been apprehended, but the nature of your set up was relatively small scale and far from sophisticated.

During the search the police also found a bag containing 6.2 grams of cannabis, a snap lock bag with trace amounts of methylamphetamine, two and a half MDMA tablets and four glass smoking devices. Those things are the basis of the summary possession charges. It is not asserted by the State that you actually produced the trace of methylamphetamine which was found, and so you were not charged with actually manufacturing that drug or trafficking in it. The police also found six .22 bullets and a firearm trigger mechanism. Which are the basis of the summary firearm offences.

Your personal circumstances were outlined to me by your counsel and in a report from Community Corrections which I requested to enable assessment of your suitability for home detention. You are presently aged 50. You experienced a traumatic early life resulting in homelessness from about age 17. You had some seasonal work but in 2003 you suffered serious injuries in a car crash and since then have been in receipt of a disability support pension because of the physical and psychological injuries you suffered. You have a long term issue with illicit drugs which the injuries made worse. You claim to suffer from PTSD and anxiety. In 2008 you were fined for cultivating, possessing and using cannabis and possessing ecstasy. In 2013 you were fined for trafficking in cannabis and possessing methylamphetamine. Otherwise your record is mostly for driving offences although some concern use of illicit drugs. During the period leading up to this crime you were heavily addicted to methylamphetamine. You were partly motivated by a wish to produce the drug for your personal use to save money but by your plea you admit that your intention was also to sell the drug. You told the author of the assessment report that you had "hit rock bottom" and your actions resulted from desperation.

Your plea of guilty is in your favour. There has been a delay in finalising the matter not attributable to you and so your plea should be treated as a relatively early one. Delay is not mitigating per se but it has enabled you to cease your use of illicit drugs. With the assistance of medical and psychological treatment you have abstained from drug use since you spent a short time in custody for other offending in 2022. According to the assessment report you have, since you ceased using illicit drugs, withdrawn from social life in an attempt to maintain your sobriety.

Methylamphetamine is a drug which causes much damage to persons and the community. Those involved in its trade must expect punishment as a deterrent to others. I formed the preliminary view that, for those reasons, no sentence other than actual imprisonment would be appropriate. On further reflection, in light of the contents of the assessment report, I have decided to allow an opportunity to avoid actual imprisonment. You have been assessed as suitable for home detention. For five months you have been living in a caravan at Longford. Until then you were homeless or living with friends. Notwithstanding the nature of your present accommodation it has been assessed as suitable and you have been assessed as suitable. Home detention will be especially onerous for you. You will be confined to that accommodation and accordingly, such an order will carry a significant punitive element. Prison will have no rehabilitative effect and likely will undo the efforts you have made to withdraw from use of illicit drugs.

For those reasons I will make a home detention order. I accept that aspects of the order may be challenging for you but you are to be sentenced for a serious crime and the only appropriate alternative is actual imprisonment.

Stephen Hipworth, you are convicted on count 2 on the indictment and on complaint 35192/20A, counts 4, 5, 6, 9 and 10. In light of the sentence I am about to impose on the indictment I make no further order on those counts on the complaint. I order that the following items be forfeited to the State:

- all items listed on drug exhibit sheet 265583;
- all items listed on miscellaneous property sheet 293830 except for items 20,24,26, 44, 53, 56, 57, 70, 74, 75, 85, 86, 87 and 88; and
- all items listed on miscellaneous property sheet 293821.

I assess the reasonable expense of and attending the analysis and examination of the controlled substances in the sum of \$6,623 and order that you pay that sum as part of the costs of the prosecutor within 28 days. If you require longer you will have to apply to enter into a repayment arrangement. I make a compensation order in favour of Homes Tasmania and adjourn the assessment of the amount of that order to a date to be fixed.

On the indictment I make a home detention order. The operative period of the order is 15 months from today. I specify the premises at which you are to reside during the operational period of the order as [home detention premises] or such other address as may be approved by a probation officer. I order that immediately upon your leaving Court you report to the office of Community Corrections at 111 Cameron Street Launceston, for induction into this order, and a further explanation as to its full terms. There will be conditions that during the operational period of the order:

- (a) you must not commit an offence that is punishable by imprisonment;
- (b) you must reside at the home detention premises;
- (c) you must be at the home detention premises at all times unless:

- you are travelling to or from, or are at, premises at which you are seeking urgent medical treatment or dental treatment; or
 - because it is necessary to not be on the premises in order to avoid, or minimise a serious risk of, the death of, or injury to, you or another person; or
 - with the approval, of a probation officer or prescribed officer, given –
 - (i) so as to enable you to comply with a special condition; or
 - (ii) so as to enable you to seek or engage in employment; or
 - (iii) so as to enable you to attend an educational or training course or activity; or
 - (iv) so as to enable you to attend a rehabilitative or re-integrative activity or program; or
 - (v) so as to enable you to attend a court; or
 - (vi) for any other purpose approved by the probation officer or prescribed officer.
- (d) you must permit a police officer, probation officer or prescribed officer to enter the home detention premises;
- (e) you must permit a police officer to –
- (i) conduct a search of the home detention premises; and
 - (ii) conduct a frisk search, within the meaning of the *Search Warrants Act 1997*, of you, at the home detention premises or at any other place or premises; and
 - (iii) take a sample of a substance found on the home detention premises or on the person of you;
- (f) you must comply with any reasonable and lawful directions of a probation officer or prescribed officer, including any directions as to the kind of employment, or the place of employment, of you;
- (g) you must submit to electronic monitoring, including by wearing or carrying an electronic device and:
- (i) you must not, nor permit another person to, tamper with, damage or disable any device used for the purpose of the electronic monitoring; and
 - (ii) you must comply with all reasonable and lawful directions given to you in relation to the electronic monitoring including in relation to the installation, attachment or operation of a device or system used for the purpose of electronic monitoring by a police officer, a probation officer or prescribed officer or another person whose functions involve the installation or operation of a device or system used for the purposes of electronic monitoring;
- (h) you must, if directed to do so by a police officer, probation officer or prescribed officer, submit to a breath test, urine test, or other test, for the presence of an illicit drug;
- (i) you must, if directed by a probation officer or prescribed officer to engage in a personal development activity, counselling, or treatment, engage in the activity, counselling or treatment in accordance with any directions given by the probation officer or prescribed officer;
- (j) you must submit to the supervision of a Community Corrections officer as required by that officer;
- (k) you must not take any illicit or prohibited substances. Illicit and prohibited substances include any controlled drug as defined by the *Misuse of Drugs Act 2001*, and any medication containing an opiate, benzodiazepine, bupropion, hydrochloride or pseudoephedrine, unless you provide written evidence from your medical professional that you have been prescribed the relevant medication;
- (l) you must maintain in operating condition an active mobile phone service, provide the contact details to Community Corrections and be accessible for contact through this device at all times.

This order comes into effect immediately. You must understand that if you do not comply with the conditions, imprisonment is likely. If you breach the order by committing another offence,

the order must be cancelled unless there are exceptional circumstances, and in that case imprisonment would be highly likely.