

The defendant has pleaded guilty to charges of selling a controlled plant or its products, selling a controlled drug, a second count of selling a controlled drug, a charge of possessing a controlled plant or its products, a further charge of possessing a controlled plant or its products and a charge of dealing with the proceeds of crime.

The facts are that, on 3 March 2016, police officers intercepted a white Toyota utility being driven by the defendant. The police searched the car and found a roll of cash consisting of \$755. When asked about the origin of the cash the defendant replied, "I think you know." The defendant voluntarily attended the Huonville police station where he told police that he did not currently hold a job and he was currently not receiving any pension or any other employment benefits. His main income was from selling drugs, mostly cannabis but he was also selling ecstasy (MDMA) and LSD tablets. He said he was currently owed money by four to five people, approximately \$1,000. He said that he had approximately 30 regular customers. He said he sells to a lot of street dealers who on-sell in smaller deals. He said he buys between one and one and a half pounds of cannabis a week for \$4,000 to \$4,200 per pound, which he then repackages and sells. He makes about \$800 profit on each pound he sells. He told police that he had a large quantity of cannabis at his home.

In relation to MDMA and LSD, he told police that he pays \$23 to \$24 for MDMA tablets and sells them for between \$35 and \$40. He said that he had sold 30 tablets of MDMA the previous Friday for \$30 each. He buys LSD tablets for \$10 and sells them for \$20. He sold 20 LSD tablets the previous Friday. At the conclusion of the interview the defendant gave police permission to attend and search his home. During the search police found in total 1,071.8 grams gross of cannabis, and also found \$1,095 in cash. The cannabis found at the accused's home had a value of approximately \$11,400 if sold at \$300 an ounce.

The defendant is 40 years old and has no relevant prior convictions. He is in a relationship and his partner has the care of children. He has been shamed in the small community in which he lives. He wishes to protect the reputation of the others in his life and he has cut all ties with his former associates.

I take into account that defendant pleaded guilty at an early time; that he co-operated fully with police; that in using illicit substances he was selling them to supplement his own use of illicit drugs; that he is now employed again for two days a week and is working on a business proposal for guiding tourists to freshwater fishing locations in the area in which he lives. I am told that he has overcome his own addiction and this is his first time before the Court.

Pursuant to s 11 of the *Crime Confiscation of Profits Act* 1993, I make an order pursuant to s 16 of that Act that the \$1,095 be forfeited to the State of Tasmania as tainted property. Pursuant to s 38 of the *Misuse of Drugs Act* 2001, I make an order that the two sets of scales and a "silver" clip lock bag be forfeited to the State of Tasmania.

As was recently said by Justice Wood in this Court, it may be thought that leniency is warranted given the nature of the drug compared to other illegal drugs. Certainly in recent times I speak of methylamphetamine. In the past some people have regarded cannabis as a soft drug and have not seen it as particularly harmful or potentially dangerous to the user. However it is now well known that cannabis has a range of destructive effects on the physical and mental health of users. Previously held views and assumptions about cannabis are completely at odds with well established empirical evidence, and knowledge about the adverse effects of cannabis and its association with serious short-term and long-term harm is held. To make an obvious point, a sentence and court's evaluation of the seriousness of offending cannot reflect outdated views or complacency which may exist or persist in a community about the impact of cannabis use.

Trafficking in all proscribed drugs is a serious criminal offence. Offenders like the defendant who traffic in cannabis, as well as MDMA and LSD, commit a serious crime relating to a harmful drug with deleterious consequences for the individual user and society. They can expect to be sent to prison unless circumstances warrant suspension of part or all of the sentence. In the present case, I am satisfied on the basis of the matters that I have adumbrated that a suspended sentence, combined with a community service order, is appropriate.

Accordingly, the defendant is convicted of the charges to which I have earlier referred. He is sentenced to 12 months' imprisonment, which sentence I wholly suspend on condition that he commit no offence punishable by imprisonment for a period of two years and I impose 140 hours of community service.

The defendant is to pay a victim of crime compensation levy within 28 days.