

You have pleaded guilty to one count of cultivating a controlled plant for sale, that is, with the intention of selling at least some of the plant that you cultivated. That is a major offence under the *Misuse of Drugs Act* and your charge is pursuant to s 7(1) of that Act. The circumstances of the offence were that you set up some equipment under your house. There was some minimal degree of sophistication in relation to the method that you employed, but I am told that you are a person who has limited experience in relation to the growing of cannabis. Accordingly, the process and the equipment that was used in the process of growing cannabis, although it did have some sophistication and included some hydroponic equipment, I think can be seen as being consistent with the explanation that you gave to police and that I have been given through your counsel.

You have no relevant prior convictions and certainly no convictions that relate to illicit drugs. You are 62 years of age. You have a good work history, and you are currently in employment. I am told that a large part of your motivation for the cultivation of the cannabis was because of your own health difficulties, in particular pain you are experiencing in relation to injuries sustained by you in two severe accidents over the last decade or so, or a little bit longer than that, I think. Also, as your doctor describes in a report I have been handed, you suffer from severe osteoarthritis, particularly in your left knee.

Your primary intention in cultivating the cannabis was to use it for your own personal use to help with pain relief. That is not contested by the Crown. It is not unusual for people in the community to believe that the use of the illegal drug, cannabis, has therapeutic benefit, particularly in relation to pain relief. I do not know whether it does or not, but the bottom line is that it is illegal, and even if it does, you cannot possess or use it, and you certainly cannot cultivate it.

You are facing a major charge because it was your intention to use a limited part of the cannabis that you grew to sell. In relation to the context of your intended selling of the cannabis, it was to be within a limited social group, and the selling, as I understand it was, in part, to be constituted by exchanging small amounts of cannabis for household items, or day-to-day items, such as salmon, and that type of thing. It certainly was not, and I do not think it has been put by the prosecution, that you were growing this cannabis in order to set up a major commercial drug trafficking operation. So I distinguish your case from other cases involving this crime.

It was illegal. You knew it was illegal. You are old enough to know better. You have blemished your record by committing these offences. In addition to your lack of prior convictions, I will take into account in your favour that you did make full admissions, you co-operated with police and you co-operated in relation to the administration of justice by pleading guilty.

Your counsel has put that whilst you are in employment, you are in relatively difficult financial circumstances, but I think the appropriate penalty in this case is a fine. There is an important element of general deterrence that is involved in sentencing for offences such as this. Cannabis is an illegal drug. There is plenty of evidence, including recent judicial comment, that indicates that cannabis is a dangerous illegal drug, and irrespective of what you or other people might think of its therapeutic benefits, it is also quite clear that it does

cause a great deal of harm in the community. The mischief in growing cannabis is that you create that drug, and the mischief in growing it with the intention of selling, even on the limited non-commercial basis that you were engaged in, is that then disseminates that drug throughout the community. So there is an aspect of general deterrence here. I suspect that you have probably learned your lesson and you will not be doing this again, but there is also a need to indicate to others who will be tempted to follow in your path that this is something that the law regards seriously and will punish.

The order I make is that you will be convicted of the offence. You will be fined the sum of \$1,000. You pay a victims of crime compensation levy of \$50. I make the forfeiture orders that are sought by the Crown.