

Mr Austen you have pleaded guilty to 2 counts of supplying a controlled drug to a child and one count of administering one of those drugs to that child.

The child in question was a female, aged 16 years, at the time of the offences. You had befriended her as part of a group of people during 2015, and she had stayed at your home on a number of occasions between then and the commission of this offence.

The crimes were committed between 10 and 12 February 2016. The child had been staying at your house together with another male person. You had in your possession prescription medication, known as physeptone, a component of which is morphine. The child was aware that you possessed this medication and she requested that you give her a tablet. You did so and she consumed the tablet orally. At a later time during that period, the child requested that you purchase, for her use, some crystal methamphetamine. You had been using this drug yourself for a period of time. You left the house, obtained a small amount of the drug and returned with it. After discussion with the child, you prepared the drug and placed it in two syringes. The child took one of the syringes and attempted to inject herself with it but was unsuccessful. She asked you to do so. You agreed, injected her with the drug and then injected the contents of the other syringe into yourself.

Your attempt to inject the drug into the child was not performed efficiently. She suffered a temporary adverse reaction.

A short time later, you walked from the house to a police station and told police what you had done. You were interviewed and detained. The child was located by police and assessed by ambulance personnel. She did not require any further medical treatment.

It has been put on your behalf that you have had long-term problems with alcohol and drug abuse and mental health issues. These problems have plagued you for a number of years. In 2014, your marriage broke up and you were expelled from your church community, after seeking assistance from them with respect to these problems. You commenced to associate with the group, of which the child was a part, in mid-2015 when you were heavily in the grip of your difficulties with alcohol and drugs. The people in this group ranged in age from the age of the complainant in this case, to adults in their 30s. You are described as a naive and generous person and believe that this group of people viewed you as an easy target and took advantage of you. They regularly stayed at your house and often imposed on you, including by forcibly taking prescription medication from you for the purpose of sale. They used drugs, and you had seen the child in question use drugs on previous occasions, including by injecting herself with methamphetamine.

You have, since the commission of these crimes, taken real action and achieved considerable progress in getting on top of your problems. You have sought professional help from a number of treatment providers and you are continuing treatment and therapy. You have re-established contact with your church and are hopeful of being accepted back into the congregation. I have been provided with a number of reports and references which corroborate, in considerable detail, your past difficulties and the considerable efforts you have made, since commission of these offences, to deal with your problems and, in particular, move past reliance on alcohol and

drugs. I am sure that your efforts at rehabilitation are, in part, due to the recognition by you of the serious impact that your abuse of these substances was having on your life. However, I accept that you experienced immediate and significant remorse in respect of your actions in relation to the commission of these offences, and that this remorse has also prompted a very considerable change in your behaviour. The existence of such remorse is evidenced in a very cogent way by your prompt decision to hand yourself in to police and admit your wrongdoing. It is quite clear that it would have been highly unlikely that your conduct would have come to light but for these actions. I also accept the early indication of the plea of guilty as evidence of genuine contrition.

You have not committed an offence like this before and have little relevant criminal history. The references I have been provided with speak persuasively and positively of your character. They suggest that the commission of these offences was out of character.

The offences themselves are serious enough, but an aggravating feature is the considerable disparity between your age and the age of the child. Whilst I accept that she was a person who had some experience with drugs and was part of a group of people who, it seems, had taken advantage of your misfortune, your relative age and your professed friendship with the child meant that you were in a position of trust with respect to her. Clearly, she was vulnerable, without proper adult role models or support, and you had a real opportunity to provide that support to her in a lawful and positive way. You squandered this opportunity and breached the trust which resided in you as an adult person. She came to no actual long-term harm as a consequence of your actions, but there was clear potential for such harm. I believe that you understand this and, in fact, came to that understanding shortly after committing the offences. I accept that that is why you went to the police station and have acted in a positive way to improve your conduct and deal with your underlying problems since that time.

An offence such as this requires emphasis on general deterrence because it is necessary to protect vulnerable children from their own immature and ill-considered decisions about taking drugs. However, in all of the circumstances and, in particular, having regard to your own difficulties, and the efforts that you have made to get over those difficulties, I do not believe that this is an appropriate case in which general deterrence ought be the predominant consideration.

I intend to impose a sentence of imprisonment in order to mark the seriousness of the offending, but will wholly suspend that sentence to take account of the mitigatory factors I have mentioned. A further reason to suspend the sentence is to require, as a condition of the suspended sentence, that you be supervised by a probation officer. A report provided to me recommends that supervision. I consider that such supervision would support and encourage your rehabilitation.

Accordingly, the orders I make are as follows:

- (a) You are convicted of each of the crimes to which you have pleaded guilty.
- (b) You are sentenced to a global term of four months' imprisonment. That sentence will be wholly suspended for a period of 12 months on the following conditions:

- (1) you are not to commit an offence punishable by imprisonment during the period of suspension;
- (2) you will be subject to the supervision of a probation officer for that period.
- (3) all of the optional and core conditions of a probation order will be incorporated into the sentence.

In relation to the charge of using a controlled drug, I record a conviction and impose no further penalty.

You will pay victims of crime compensation levies of \$150 within 28 days.