

The defendant has pleaded guilty to one count of trafficking in a controlled substance, namely MDMA, and I have agreed to deal with a summary offence of possessing a controlled drug, namely OxyContin. On 9 March 2016, Tasmania Police attended the Australia Post distribution centre in Mornington and seized an express post parcel. It was addressed to Joe Booth at an address in Blackmans Bay and was from an address in Cambridge Street, Sydney. The parcel had been x-rayed by Australia Post and contained a large quantity of tablets wrapped in packaging. Tasmania Police examined the parcel and found that it contained 759 tablets of MDMA. A trafficable quantity is 10 grams, so there was roughly over 10 times the trafficable quantity in the parcel.

Tasmania Police replaced the MDMA with an inert substance and returned it to the Australia Post distribution centre for delivery. The parcel was delivered to the Blackmans Bay post office and a collection card was delivered to the unit, which is a rental property owned by the defendant.

On 10 March 2016, at approximately 2.40pm, Tasmania Police were conducting surveillance of the post office and observed the defendant arrive and ask for the parcel in the name of Joe Booth. The defendant left the post office with the parcel and was on his way back to his workplace nearby when he was intercepted by police. He participated in a record of interview and said the following. That his friend ordered the parcel off the internet for him and then he paid his friend in cash. This was the first time he had done that. He was aware of what was in the parcel. He paid between \$3,000 and \$4,000 for it. He uses the tablets to have a good time and he gives some tablets to his friend, that is the MDMA tablets.

Tasmania Police told the defendant they intended to search his motor vehicle and asked him if there was anything he would like to disclose prior to the search. He disclosed a blister pack containing 6.5 milligrams of OxyContin tablets. The defendant said he got the tablets from a friend to help him sleep and that he does not have a prescription for them.

The defendant later participated in a further record of interview but made no comment as to who Joe Booth is; no comment as to where the tablets came from and no comments as to whether he was selling them. He said that he uses ecstasy and has done so on and off every couple of weeks for the past seven years, with the exception of a two-year period when he had a girlfriend. Otherwise, most weekends he takes between two and six tablets. MDMA tablets have a street value of approximately \$25, so the defendant had the potential to make \$18,975 if the tablets were sold.

The defendant is now 28 and has no relevant prior convictions. I take into account that the defendant has pleaded guilty and has co-operated with police, but he received 150 tablets more than he ordered and that he had planned to keep only 300 of the tablets for himself which he did not intend to sell.

The Crown accepts the defendant's plea of guilty on the basis of his possession of a trafficable quantity. I take into account that the defendant has an excellent employment record and is well thought of by his employer, who has been supportive of him and is happy to retain his employment in a responsible position. I take into account that being charged has brought home to the defendant that by his actions he jeopardised everything that he had worked for and could have lost everything, including his house. He has stopped taking any illicit substances and has re-adapted his lifestyle. I take into account that on all indications his offending is isolated and he is not likely to reoffend.

Trafficking in all prohibited substances is a serious criminal offence. Offenders like the defendant who traffic in MDMA commit a serious crime relating to a harmful drug with deleterious consequences for the individual user and society. They can expect to go to prison unless circumstances warrant suspension of part, or all of, that sentence, and/or the imposition of some other penalty in conjunction – such as a fine or a community service order. In the present case, given that the Crown accepts that the defendant had no actual as opposed to deemed intention to sell the MDMA, taken

with all of the other circumstances, in particular the lack of any relevant prior convictions, the early plea of guilty and co-operation with police, and the defendant's insight into his offending and his strong employment history. I am satisfied that a wholly suspended sentence of imprisonment, coupled with a community service order is an appropriate penalty.

The defendant is convicted on all counts. He is sentenced to five months' imprisonment, the whole of which is suspended on condition that he not commit any offence punishable by imprisonment for a period of two years. In addition, the defendant is ordered to undertake 105 hours of community service. I point out that possessing and using MDMA in itself is an offence punishable by imprisonment, so any further possession or use of MDMA, or cannabis, or any such illicit substance could see the suspended sentence of five months' imprisonment invoked and brought into effect if the defendant were convicted of such an offence during the period of the suspended sentence.

I make the usual victims of crime levy order.