

Mr Braslin, when you were arraigned on the indictment, in respect of each count, you pleaded not guilty to the charge of manufacturing a controlled drug for sale, contrary to s 6(1) of the *Misuse of Drugs Act* 2001, but guilty to the alternative charge of manufacturing a controlled drug, contrary to s 21 of that Act. The charge to which you pleaded guilty in respect of each count is a minor offence carrying with it a maximum penalty of a fine of 50 penalty units, or imprisonment for a term not exceeding two years. That charge is available as an alternative on an indictment charging a crime contrary to s 6(1) of the Act, by virtue of the provisions of s 36A.

The circumstances of each offence are as follows:

- (a) On 10 September 2014, police found you in possession of various items capable of being used for the manufacture of methylamphetamine. They also found equipment in the kitchen of your house set up and appropriate for the manufacture of that drug. When you were confronted by police, you threw away a glass jar containing brown liquid, smashing it and discarding its contents. A subsequent analysis of the residue of the glass jar detected methylamphetamine. When you were interviewed by police, you admitted that you had manufactured methylamphetamine on two occasions between June 2014 and 10 September 2014. The last occasion yielded a total of 13.24g of that drug.
- (b) The second charge arises from a search conducted by police on 6 July 2016. Again you were found in possession of material and equipment which, according to your admissions to police, you intended to use to manufacture methylamphetamine. When found by police, you had just finished producing a quantity of that substance.

The prosecution accepted your pleas to the alternative charges, on the basis that it was accepted that you were manufacturing the drug for your own use. Your use of methylamphetamine, as your counsel submits, is largely motivated by your attempts to deal with emotional pain arising from the breakdown of your lengthy marriage and its aftermath. A particular issue has been your former wife's pretence to be suffering from a serious cancer condition. You have been manufacturing methylamphetamine simply because it is too expensive for you to purchase. It seems you have been reliant on methodology acquired by internet research.

You are 44 years of age. You have a number of prior convictions which include matters of violence and family violence. However, you have not previously been convicted of an offence relating to illegal drugs.

The manufacture of illegal drugs is a serious matter, largely because it involves creating a substance which is highly addictive and, in the experience of the courts, has had a terrible impact on many people. However, you are to be sentenced on the basis that you only intended to use the substance yourself. In normal circumstances, for a first offence of this nature, I would think that a fine would be an appropriate penalty. However, given the difficulties that have caused you to develop a problem with methylamphetamine, I thought it prudent to obtain a short probation report. That report recommends supervision by means of a period of probation. This seems to me, in all of the circumstances, to be an appropriate

sentencing alternative. A probation order carries with it significant obligations, and hence punishment, but it will also provide you with support. The report suggests that you have made good use of community based orders in the past. I recommend that you again take full advantage of the opportunity offered to you by this order.

Accordingly, you will be convicted of both offences. I make a probation order for a period of 12 months from the date of your release from prison. All the normal conditions of a probation order will be incorporated into the sentence. These include that you will need to report to a probation officer within one clear day. The following special conditions will also apply to this order:

- (a) That you must attend educational and other programs as directed by the Court or a probation officer.
- (b) That you must undergo assessment and treatment for alcohol or drug dependency as directed by a probation officer.
- (c) That you must be submitted to testing for alcohol or drug use as directed by a probation officer.

You will pay victims of crime compensation levies of \$40 within 28 days.

Pursuant to s 36B of the *Misuse of Drugs Act* 2001, I make an order that you pay the costs associated with analysis of the drugs in the sum of \$2,200.

Pursuant to s 38 of the said Act, I make an order that items 4, 5, 6, 7, 13, 15, 18, 19, 20, 21, 22, 27, 29, 30, 31, 32, 34, 35, 43, 44, 47, 48, 49, 50 and 53 on Property Seizure Record numbers 164733 – 164736, be forfeited to the State of Tasmania.