

Mr Gleeson, you were found guilty by a jury of one count of possessing a controlled plant or its products. You were acquitted of a charge of trafficking in a controlled substance. Subject to what necessarily follows from the verdicts, it is my duty to determine the facts for sentence. The charges arose out of a search conducted at your residence on 26 May 2020. Police found \$6,000 cash in a wardrobe in a bedroom. They also found under the house a hydroponic set up comprising various grow rooms. Within one such room was four seedlings, in another room there were two cannabis plants at a slightly more mature stage and then in a third room, two further plants, again at a more mature stage. It was obvious the cannabis plants were being grown in cycles. Police also found in various locations and within various containers, a little over four and a half kilograms of cannabis, some of which was cannabis bud, and some of which was cannabis leaf and stem.

You co-operated with the police search. When interviewed you admitted you had established the hydroponic set up and admitted possession of all of the cannabis, although you did suggest some of it belonged to another person. You said you were a regular user of cannabis for pain relief. You gave evidence on your trial. You said that you had previously had two knee reconstructions, which had been problematic because of an infection that developed, leaving you with considerable pain and swelling in your knee. You also had a quad bike accident in approximately 2004, in which you sustained 14 broken ribs and your lung was perforated. That injury also left you with considerable pain. In 2013 you suffered a workplace accident which resulted in three prolapsed discs. This also resulted in ongoing pain.

You have been prescribed a number of pain relief and anti inflammatory medications over the years. You have experienced bad side effects from some of that medication. In particular, your use of anti-inflammatory medication has caused you stomach issues. You said you have been a cannabis user since your early 20's, but in more recent years, you had established the hydroponic set up intending to provide yourself with a constant source of cannabis to be utilised by you for pain relief. You also said that in 2020 you were helping your step-mother by making cannabis butter to help her with her pain. She was suffering from cancer. She has since passed away. The cannabis that was found at your house that was described as "bush cannabis" had been given to you by your step-mother with the intention that you would make that cannabis butter for her. As to the cash found, you said that was the repayment of a loan you had made to a friend for the purchase of a motor vehicle.

The jury must have been satisfied that the explanation you gave in your evidence was more likely than not true.

You are now 58 years of age. You do not work because of the workplace accident I have referenced and your residual physical impairments. You have a number of prior convictions under the *Misuse of Drugs Act*. In 1994 you were convicted of possessing a prohibited substance, in 2008 you were convicted of trafficking in a controlled substance, and in 2010 you were convicted of possessing and using a controlled plant. This history indicates that you knew the risk of punishment you assumed by possessing the cannabis as you did on this occasion.

Parliament has made cannabis a controlled plant and hence a controlled substance and its possession, save for some heavily regulated exceptions, in any form, for any purpose is illegal.

Although not to be sentenced for any commercial dealings, actual or intended, factors of denunciation and general deterrence remain important. The amount of cannabis you had in your possession was considerable and there is always a risk that such large amounts of cannabis may fall into the wrong hands and find its way into the market.

This crime occurred four years ago. I take into account that you have now consulted with a medical professional and are authorised to possess medicinal cannabis for your pain needs. Therefore the risk of you further offending is minimised in my view.

In all of the circumstances, I am satisfied it is appropriate to deal with this matter by the imposition of a fine. If you are unable to pay a fine immediately, arrangements can be made for you to pay it over time. Mr Gleeson, you are convicted of possessing a controlled plant. You are fined the sum of \$3,000. You have 28 days in which to pay the same. I order that the four drums seized by police during the search be forfeited to the State of Tasmania.