

STATE OF TASMANIA v LISA LYN HARWOOD
COMMENTS ON PASSING SENTENCE

30 MAY 2024
BLOW CJ

Ms Harwood has pleaded guilty to a charge of trafficking in a controlled substance, namely methylamphetamine. The charge relates to a period of just under three months, from about 2 July 2021 to about 22 September 2021.

During that period Ms Harwood played an active role in a drug trafficking business operated by Kellie Maree Umgeher, usually known as Kellie Rhodes. This is the second time that she has pleaded guilty to a charge of this nature in relation to her participation in that business.

The first charge related to trafficking activities in late June 2020. At that time she went to Melbourne, took delivery of just under a kilogram of methylamphetamine from Ms Rhodes' supplier, packaged it, and mailed it all to Hobart in three separate parcels. She was arrested on 24 June 2020 and charged with trafficking in a controlled substance. She was on bail in relation to that charge during the period to which the second charge relates. In February of last year another judge sentenced her to 3 years and 4 months' imprisonment on that charge, with a non-parole period of 20 months. That non-parole period will expire in about three months' time.

Police officers conducted a surveillance operation in relation to Ms Rhodes' trafficking business during the months to which the present charge relates. They intercepted phone communications, conducted covert physical surveillance, and used a surveillance camera near Ms Rhodes' home. On multiple occasions during the relevant period they obtained evidence of Ms Harwood participating in the drug business, including evidence of her arranging sales and deliveries to customers, making sales to customers, being asked to collect money from customers, and depositing money into Ms Rhodes' bank account. None of the sales effected or negotiated by Ms Harwood appears to have been for more than \$1,800. The total amount that she deposited into the bank account was only \$280. The full extent of her trafficking activity cannot be known. The evidence establishes trafficking activity on her part on many days, but by no means most days, during the relevant period.

Ms Rhodes was 33 years old at the time of this offending and is now 36. She has some relatively minor prior convictions, mostly for driving offences. In 2011 she was given a suspended sentence for her third drink driving offence and ordered to perform some community service for driving while disqualified. In 2020 she was given two wholly suspended sentences, each of four months' imprisonment, on driving charges. Those charges included four counts of driving with illicit substances in her blood or her oral fluid. She breached the conditions of those suspended sentences by trafficking in methylamphetamine in the period to which the present charge relates. She had not been sent to prison until she was sentenced on the earlier trafficking charge.

She is single. She has one child who is 17 years old. She was living in another State for several years until 2019, when her marriage came to an end and she returned to Tasmania. At that stage she became addicted to methylamphetamine. Ms Rhodes was her supplier. They developed a friendship. She was not paid for the work that she did for Ms Rhodes, but was rewarded with quantities of methylamphetamine for her personal use.

The police operation in 2021 ended with a search of Ms Rhodes' home on 22 September 2021. Ms Harwood was in the house. Police officers found 1.59 grams of methylamphetamine there, as well as a quantity of drug related equipment, two firearms and some ammunition.

From the time of that search, the authorities moved remarkably slowly. Fifteen months later, in December 2022, Ms Harwood was offered an opportunity to take part in an interview. She declined. On 27 January 2023, shortly before Ms Harwood was sentenced on the first trafficking charge, she was charged with the second trafficking offence. Her first appearance on the charge was in the Magistrates Court on 24 March 2023. The police did not disclose any of their surveillance evidence to her counsel until September 2023. She was committed for trial the following month, and made her first appearance in this Court in January. Although it is now nearly three years since the period of offending, her plea of guilty has come at an early stage in the proceedings.

Ms Harwood was at liberty from the time of the police search in September 2021 until early 2023. She took positive steps towards her rehabilitation during that time. She was bailed with strict conditions, and adhered to them. She has numerous convictions for breaches of bail conditions, but the last of them was in September 2021. She worked in her father's refrigeration sales and service business before going to prison. She will return to work in that business once she is released, presumably on parole.

In the time that she has been in custody since last February she has proved to be a most industrious prisoner. She has worked in the prison as a cleaner and in the garden. She is undertaking full-time pre-tertiary studies by correspondence through the University of Queensland. She has obtained certificates in First Aid and Mental Health First Aid, and is working as a Red Cross volunteer through a prison program. She is actively involved in a recovery program run by Anglicare for people who have had substance dependencies.

The only appropriate sentence in this case is a cumulative sentence of imprisonment. That is because of the hideous nature of methylamphetamine, the harm that it does to its users, and the harm that they cause to the community. I am required to exercise a little leniency because I will be imposing a sentence that comes on top of the substantial sentence that was imposed on Ms Harwood last year. Because of that factor, and because of the excellent progress that she appears to have made towards her rehabilitation, I have decided to suspend part of this new sentence and to fix the shortest possible non-parole period.

Lisa Lyn Harwood, I convict you and sentence you to two years' imprisonment, cumulatively with the sentence that you are presently serving. I suspend 10 months of this sentence on condition that you commit no offence punishable by imprisonment within two years after your release from prison. You will not be eligible for parole until you have served 7 months of this sentence. I make an order for costs pursuant to s 36B of the *Misuse of Drugs Act 2001* requiring you to pay the costs of drug analysis in the sum of \$1,247.