

STATE OF TASMANIA v ELIZABETH WENDY EDEN
COMMENTS ON PASSING SENTENCE

26 MARCH 2025
JAGO J

Ms Eden, you have pleaded guilty to one count of trafficking in a controlled substance, contrary to s 12(1) of the *Misuse of Drugs Act*. The trafficking charge relates to a period between 1 September 2023 and 26 April 2024, in which you, on an on-going and recurring basis, sold three different substances, namely methylamphetamine, cocaine and MDMA. I have also agreed to deal with your pleas of guilty to a number of related summary charges, namely use amphetamine; use MDMA; possess ketamine; possess cannabis; and supply cannabis.

On 26 April 2024, police executed a search warrant at your residence. They located in various areas of your house, significant quantities of illicit drugs, which were concealed through various means. In total, they found 30.76 grams of methylamphetamine; 70.19 grams of cocaine; 58.32 grams of MDMA and a further 145 MDMA capsules. They also found 111.03 grams of cannabis. Additionally, police located electronic scales, a significant number of snap-lock bags with residue from various substances, two quantities of cash and a tick sheet. In the pantry, there was \$620 cash found, and in your handbag, there was \$6,195 found.

The tick sheet detailed drugs that buyers had purchased from you on credit. There were over 30 names recorded on the tick sheet, with amounts totalling over \$38,000. During the search, your mobile phone was seized and analysed. It revealed a number of messages indicative of you sourcing and selling quantities of controlled substances throughout the indictment period.

You were subsequently arrested and interviewed by police. You told police that you had been using methylamphetamine since you sustained a serious back injury when you were about 45. You said you used it to help you numb your back pain, and that you used it approximately twice per week. You also admitted to using MDMA. You made admissions as to the recent use of both substances, hence some of the summary charges.

You also admitted to police that you had been selling drugs. You told police that you had started selling in about June 2023 and initially sold only methylamphetamine, selling it predominately to friends in relatively small quantities. You sourced it from the supply you had for yourself. You said however that by August 2023, your speed sales had "ramped up". You also told police that from September 2023, you were selling MDMA and cocaine.

You told police that you had about 15 regular customers, and that you would predominately sell the methylamphetamine in grams and balls. You would sell a gram for \$180 and a ball for \$500. You told police you sold the cocaine by the gram for \$400 per gram and would sell MDMA capsules for \$25 each. You said that some customers would buy 30 capsules at a time.

You told police that you were transacting about 20 drug sales per week. An understanding of the scale of your operation can be gleaned from your description to police about the quantity of drugs you were sourcing. You told police that from September 2023, you were obtaining three ounces of speed at a time and selling at least an ounce of it per month. You were also purchasing an ounce of cocaine per month for about \$9,000 and would sell it for \$375 a gram, making about \$1,500 per ounce. You purchased MDMA at \$3,400 per ounce and would sell it by the point or capsule. You told police that you sold on average, 50 MDMA capsules per week, plus an additional one gram of loose MDMA per week. You told police that you did not have a drug debt, so you were obviously making a profit from your drug trafficking business. You said the cannabis was given to friends and that you did not make money from that.

You admitted to police that the \$6,195 found in your handbag was from the sale of illicit substances. You also told police that many of the amounts recorded on the tick sheet were indicative of money owed for drugs, but some entries related to money that you had loaned to people for other purposes, such as vehicle repairs. You told police that the amount on tick for the drugs had to be pre-approved by your supplier.

As is often the case, the Crown cannot particularise with precision the quantity of illicit substances you sold. Your business was a growing one and the number of sales escalated from June 2023 to April 2024. You had around 15 regular customers and generally would transact 20 sales per week. The amount of money you spent per month purchasing drugs, the cash you had from drug sales and the entries on the tick sheet, satisfy me that this was a mid-level trafficking enterprise, directed at generating profit, rather than arising from a personal use situation. I accept that you would have used a portion of the MDMA and methylamphetamine for yourself, but, I am satisfied, that predominately this was a profit generating exercise.

You are 47 years of age. You grew up in a stable family environment. In 2000, you married your ex-husband. There were two children born to that relationship. Sadly, your second child passed away from sudden infant death syndrome when he was about seven months old. Thereafter, your relationship experienced difficulties and the relationship eventually came to an end. You formed another significant relationship in 2017 and relocated with that partner to Queensland. You returned to Tasmania in 2021. That relationship came to an end when you were charged with these offences.

You have a strong employment history. You have worked in aged care and in health services for many years. You have been employed with the Department of Health for over 20 years. Your employment with the Department largely came to an end because of these charges. You are hopeful that, into the future, you may be able to obtain work in the landscaping and gardening industry as you have an interest in that field.

I am told that when you returned to Tasmania in 2021, you discovered that your son had developed a significant drug dependency, and by 2023 he had accumulated a significant drug debt. Your son asked you to assist in the payment of that debt. You initially assisted him by providing him with financial support. You felt compelled to do this because, at one point, you observed your son injured following a dispute with his supplier. It seems, despite you providing your son with money, the drug debt continued to exist as your son spent more and more funds on illicit substances.

In 2023, your son left Tasmania and you have not had much of a relationship with him since. You were then approached to pay his drug debt by his suppliers. Apparently, it had become known amongst those suppliers that you had been assisting him with payments. I am told that you were approached and threatened, and it was made clear to you that you needed to clear your son's debt. At one point, your motor vehicle was stolen, and you were told that it had been taken by your son's drug supplier as compensation for the debt. By this time, you were fearful, and you agreed to sell drugs in order to pay off your son's debt.

Simultaneously, a condition from which you suffer was causing you difficulty and in June 2023, I am told you began to use methylamphetamine and MDMA to assist with pain relief. You suffer from a condition known as "Cervical Radiculopathy". It is a disease which is characterised by nerve compression from herniated discs, or arthritic bone spurs. It leads to

pain in the neck, arm and back area. I am told you have endured this pain for several years. You have had operations directed at alleviating the pain, but they have been largely unsuccessful, hence your resort to the use of illicit substances for pain management. I am told it is likely that you will have to have further surgical management of your condition in the future, and the only place where this can occur is interstate.

I am told that you felt compelled to engage in the trafficking of illicit substances because you did not know how else to help your son and resolve the predicament he was in. I note, however, that the offending period was quite substantial and seemingly profitable. Whilst it may be that your son's drug debt was the catalyst for you to commence selling drugs, you remained doing it for quite some time. There is no suggestion that you had any intention to stop. Your activities only came to an end upon detection by police. You were involved in selling a number of substances to various customers, multiple times per week. At any point, you could have disclosed to authorities what you claim was occurring in terms of your son's drug suppliers, but instead, you chose to continue to traffic in illicit substances.

You have no relevant prior convictions. I take into account your plea of guilty. It was entered at an early stage when the matter was still before the Magistrates Court. It counts in your favour.

As has been stated by courts on many occasions, conduct which involves the dissemination of drugs into the community is to be deplored, and here, you were not just involved in disseminating one drug, but three. Illicit drugs, as you should well appreciate given what you claim occurred to your son, cause great harm to individuals and to the community at large. Those who choose to engage in the trafficking of illicit drugs must understand that apprehension and conviction will result in harsh penalties. I take into account that at the heart of this offending was a desire to assist your son, but as I have noted, this went on for a long time and involved a substantial number of sales of various substances. There is no question that this is serious criminal conduct.

General deterrence is always an important sentencing consideration. In my assessment, this offending warrants imprisonment. The question I have grappled with is whether it is appropriate that you be given the opportunity to avoid immediately serving it. I had you assessed as to Home Detention. You are not eligible for that because the home in which you sought to be detained, is intimately linked with drug trafficking.

With some hesitation, I have determined that it is in the public's interest, and, of course, your interest, to give you an opportunity to further your rehabilitation, rather than send you to gaol immediately. You have no prior convictions for matters of this nature, and your initial engagement in the trafficking does seem to be related to a concern over your son's welfare. Your previous good standing suggests you are capable of rehabilitation. You should be under no illusion, however, Ms Eden, that this was a finely balanced determination and if you were to re-offend in any way into the future, it is almost inevitable that you will be required to serve a lengthy period of imprisonment.

I make the following orders. You are convicted of all crimes and offences. I impose one sentence. You are sentenced to imprisonment for a period of 20 months. The execution of that period of imprisonment is suspended on condition that for a period of three years, you are not to commit any offence punishable by imprisonment. Further, I make a Community Correction

Order for an operational period of two years, with all statutory core conditions, and the following special conditions, which will operate for the whole of the operational period:

- 1 You must, during the two-year period, submit to the supervision of a probation officer as required by that probation officer.
- 2 You must attend educational and other programs as directed by your probation officer.
- 3 You must undergo assessment and treatment for drug dependency as directed by a probation officer. You must attend, participate in, and complete the EQUIPS addiction program if directed to do so by your probation officer.
- 4 You must submit to medical or psychological or psychiatric assessment or treatment, or psychological counselling, or indeed any of those, if directed to do so by your probation officer.

I direct that you are to report to Community Corrections, Devonport, by close of business tomorrow. Pursuant to s 38 of the *Misuse of Drugs Act*, I make a forfeiture order in respect to all items detailed on Property Seizure Receipt, dated 26 April 2024, save for item 11, being \$620 cash. I make an order pursuant to s 11(1)(a) of the *Crime (Confiscation of Profits) Act* 1993, that the sum of \$6,195 be forfeited to the State of Tasmania as tainted property.