

STATE OF TASMANIA v HANNAH McMASTER
COMMENTS ON PASSING SENTENCE

19 NOVEMBER 2024
MARSHALL AJ

Hannah McMaster has pleaded guilty to one count of trafficking in a controlled substance, namely methylamphetamine, between 24 November 2022 and 5 April 2023 at Cambridge, Tasmania. The trafficking was in the course of Ms McMaster's involvement in a business being conducted primarily by two other people. The business was a regular and ongoing commercial enterprise, the importation of methylamphetamine, hereinafter referred to as Ice, into Hobart and its possession and sale. Ms McMaster acted as a courier between 24 November 2022 and 5 April 2023 as she made eight return trips to Melbourne. The drugs she imported had a street value of between \$317,000 and \$634,000 approximately, depending on how they were sold.

When Ms McMaster returned to Hobart from her journey to Melbourne on 5 April 2023 police seized from her \$4,500 in cash and 63.65 grams of Ice. These items as well as Ms McMaster's mobile phone with incoming messages were seized by police. When interviewed by police Ms McMaster was cooperative and has assisted police in the apprehension of co-accused. She has made significant detailed admissions about how the criminal enterprise she was involved in worked. She pleaded guilty in the early stages of the proceedings, she is remorseful for her offending and has no relevant prior convictions.

Prior to being apprehended she had a reasonably good industrial record, holding gainful employment since leaving school. Her employment prospects for the future have been severely curtailed as a result of her offending. For the past 18 months she has been the fulltime carer for her 18 month old child. She has not reoffended whilst on bail for this offence.

Ms McMaster currently lives with her partner of the last 4 years who is the father of her youngest child. She has two other children from a previous relationship, one is 18 years old and the other is a 15 year old who stays with Ms McMaster every second weekend and for one week during school holidays. Ms McMaster suffers from a major depressive disorder. This was exacerbated with post-natal depression after the birth of her first child. It was further exacerbated by the births of her other two children. Her mental health is stable at the moment, thanks to the support of her partner and her reliance on prescribed medication which she adheres to consistently.

Ms McMaster ceased using Ice in May 2023, not long after being apprehended. She has no desire to use any illicit substance ever again. She attributed her offending to her socialising with the wrong crowd as well as her poor mental health at the time. The breakup of a previous relationship which was abusive and controlling as well as the taking of illicit substances contributed to her poor decision-making, leading to her being a courier for an Ice importation business.

The use of Ice is a scourge on the Tasmanian community. It has damaged so many lives and fuelled a cycle of crime. Trafficking in Ice is a very serious offence. Notwithstanding Ms McMaster's lack of recent prior convictions and contritions, given the magnitude of the enterprise she was involved in, the Court has formed the view that she deserves a custodial sentence. If the Court was not minded to make a Home Detention Order, it would have sentenced Ms McMaster to a term of imprisonment of 12 months, noting that it may have suspended part of that sentence. The Court has received a pre-sentence report from Community Corrections about Ms McMaster's suitability for a Home Detention Order. She has been assessed as suitable for a Home Detention Order and all the home detention options available

have been discussed in that report. The Court has considered the pre-sentence report. It notes that Ms McMaster consents to a Home Detention Order being made. Ms McMaster, under that order, would be compelled to reside at premises in relation to which the Court is satisfied is suitable for a Home Detention Order to be made. I have considered that factor and am of the view that the premises are appropriate. Each person who has attained the age of 18 and resides at the premises at which Ms McMaster is to reside during the operational period of the order has consented to a Home Detention Order being made in relation to Ms McMaster.

Relevant considerations as defined by s 42AC(3) of the *Sentencing Act* 1997 do not arise. The offence is not a family violence offence, a sexual offence or an offence involving violence. The operational period of the home detention order will be a period of 12 months commencing today. The following are conditions of the order:

- 1 Ms McMaster must not, during the operational period of the order, commit any offence that is punishable by imprisonment.
- 2 During the operational period of the order she must reside at [address specified] and be there between the hours of 6pm and 6am on weekdays, and between 2pm and 10am on weekends unless otherwise approved by a probation officer.
- 3 During the operational period of the order Ms McMaster must permit a police officer, probation officer or prescribed officer to enter the home detention premises and allow such officers to conduct a search of the premises or to conduct a frisk search within the meaning of the *Search Warrants Act* 1997, of Ms McMaster at the home detention premises or elsewhere and take a sample of whatever is found on those premises.
- 4 During the operational period of the order, Ms McMaster must comply with any reasonable and lawful direction of a probation officer or prescribed officer.
- 5 During the operational period of the order, Ms McMaster must submit to electronic monitoring. That monitoring is subject to the following conditions:
 - You must not remove, tamper with, damage, disable or interfere with the proper functioning of any electronic device or equipment used for the purpose of electronic monitoring;
 - You must not allow anyone else to remove, tamper with, damage, disable or interfere with the proper functioning of any electronic device or equipment used for the purpose of electronic monitoring;
 - You must comply with all reasonable and lawful directions given to you in relation to electronic monitoring including in relation to the installation, attachment or operation of a device or a system used for the purposes of electronic monitoring by:
 - (a) A police officer;
 - (b) A probation officer or prescribed officer; or
 - (c) Another person whose functions involve the installation or operation of a device or system used for the purposes of electronic monitoring.
 - Ms McMaster must attend at the Community Corrections Office, 75 Liverpool Street, Hobart for induction onto this order at 10am on Wednesday 20 November, 2024.

- During the operational period of the order Ms McMaster must maintain in operating condition an active mobile phone service, provide contact details to Community Corrections and to be accessible for contact during the operational period of the order at all times.
- During the operation period of the order, Ms McMaster must not take any illicit or prohibited substances. Illicit and prohibited substances include:
 - (a) any controlled drug as defined by the *Misuse of Drugs Act* 2001;
 - (b) Any medication containing an opioid, bendodiazopan, bupropion, hydrochloride or pseudoephedrine unless you provide written evidence from your medical professional that you have been prescribed the relevant medication.
 - (c) You must not during the operational period of the order, if directed to do so by a police officer or community corrections officer refuse to submit to a breath test, urine test or other tests for the presence of any illicit substances.

Given Ms McMaster's child rearing responsibilities for an 18 month old, the Court does not consider it appropriate to additionally order community service as a sentencing tool in addition to the home detention order.