

STATE OF TASMANIA v DANIEL SCOTT JOHNSTON
COMMENTS ON PASSING SENTENCE

BRETT J
2 APRIL 2026

Mr Johnston, you have pleaded guilty to one count of cultivating cannabis for sale. You have also pleaded guilty to some associated summary offences, in particular possession and use of cannabis, possession of seven rounds of ammunition, possession of a firearm and failing to take all reasonable precautions for the safekeeping of the firearm and the ammunition.

The cultivation occurred between 24 January and 28 February 2022. During this period, you planted and grew 75 cannabis plants, as well as dividing and transplanting 40 cannabis cuttings. This occurred at your house at St Leonard's. Police found the cannabis plants and associated growing paraphernalia, as well as the firearm and ammunition during a raid conducted on last day of that period, 28 February. By your plea, you admit that you cultivated the cannabis for the purpose of sale.

You are 49 years of age. You have a child who was living with you when you committed this crime. You tell me that you have now separated from your wife. You have a modest criminal history, which until you committed this crime, consisted exclusively of traffic offences. You have since been found guilty of driving with illicit drug present in your oral fluid and in early 2026 were convicted of a minor offence of cultivation and possession of cannabis. These offences had been committed about a year after the crime with which I am dealing. You do not seem to have committed any other offences since the offending in this case came to light.

Your explanation for this offending is that you were struggling financially at the time and were persuaded by a friend to engage in this activity to obtain money. There is no suggestion that you did actually receive any money from this activity. You were given the rifle as a form of protection. You assert to me that you regret that you involved yourself in this conduct and have provided an assurance that you will not get involved in criminal activity of this nature again. I accept this expression of regret and remorse as genuine. It is consistent with your plea of guilty and your lack of relevant prior convictions.

In my view, the appropriate sentence is punishment by way of the performance of a significant amount of community service. You have been assessed as suitable for such an order.

I convict you of the crime and the offences to which you have pleaded guilty and make a community correction order. You must comply with the order for a period of 18 months, and that period shall commence today. The core conditions of the order require you to report to a probation officer and you shall do so at the office of Community Corrections in Launceston within three clear days of today. In addition to the core conditions, the order shall also include a special condition that you will perform community service for a period of 150 hours.

Pursuant to section 38 of the *Misuse of Drugs Act* 2001, I order that all items listed on miscellaneous property receipt number 310520 be forfeited to the State of Tasmania

Pursuant to section 149 (1) of the *Firearms Act*, I order that the firearm and ammunition seized by police be forfeited to the Crown.