

Possess cannabis with intent to sell or supply **and offer to sell or supply cannabis**

s 7(1)(a) Misuse of Drugs Act

Prior to 1 January 2014

Transitional Sentencing Provisions: Each of the two tables is divided into thirds based on the three relevant periods of Sentencing Provisions:

- Post-transitional provisions period
- Transitional provisions period
- Pre-transitional provisions period

These periods are separated by a row which shows when the transitional provisions were enacted, and another showing when they were repealed.

Glossary:

cult	cultivate
methyl	methylamphetamine
MDMA	3,4-Methylenedioxy-n, Alpha Dimethylphenylethylamine (Ecstasy)
hydro	hydroponic
poss	possess
wiss	with intent to sell or supply
immed	immediate
imp	imprisonment
susp	suspended
conc	concurrent
cum	cumulative
PG	plead guilty
TES	total effective sentence

No.	Case	Antecedents	Summary/Facts	Sentence	Appeal
20.	<p><i>The State of Western Australia v Polmear</i></p> <p>[2013] WASCA 291</p> <p>Delivered 23/12/2013</p>	<p>33 yrs at time sentencing.</p> <p>Convicted after PG.</p> <p>Criminal record; mainly traffic offences; minor drug offences.</p> <p>Upbringing was itinerant and dysfunctional; victim of sexual and physical abuse.</p> <p>Never met biological father; mother had chronic issues with illicit substance and alcohol abuse.</p> <p>Heavy user of cannabis since 13 yrs - ceased 4 yrs ago; regular user of methyl.</p> <p>Significantly reduced his drug use since arrest; had 12 relapses over 12 mths.</p>	<p>Offered to sell/supply methyl x 19. Offered to sell/supply cannabis x 2. Sold methyl x 1. Conspire to sell/ supply methy x 9.</p> <p>Police intercepted a number of telephone communications involving the respondent. Among the intercepted communications were telephone conversations between the respondent and unknown persons in which the respondent offered to sell or supply prohibited drugs or various weights and types – cannabis and methyl.</p> <p>Police also intercepted telephone conversations between the respondent and his partner. On 9 occasions the respondent and his partner conspired with each other to sell or supply methyl. One sale was personally effected by the respondent at a carpark.</p> <p>Police executed a search warrant at the respondent's house and located mobile phones various indicia of drug dealing.</p> <p>Total amount of methyl 46.2g. Total amount of cannabis offered 6 oz. Total amount of money discussed between \$18,600 and \$21,750. Taken at its lowest, the respondent averaged \$300 a day on drug sales between the period of communication intercept.</p>	<p>6 mth PSO.</p> <p>Initially denied involvement.</p> <p>Sentencing judge acknowledged he had been dealing extensively in illicit drugs as a 'relatively low quantity street level'.</p> <p>Dealing principally to support his drug addiction.</p>	<p>Allowed.</p> <p>PSO order set aside.</p> <p>Remitted to District Court for sentence by a different Judge.</p> <p>At [29] The present case is not one where it would be open to the learned sentencing judge, even if the respondent successfully completed the pre-sentence order, to impose anything other than a term of immediate imprisonment. ..</p> <p>At [33] ... there is nothing in the circumstances of this case to reasonably justify a departure from the imposition of the ordinarily appropriate sentence of a term of imprisonment. It is not uncommon in cases of dealing in dangerous illicit drugs for offenders to have taken positive steps towards rehabilitation ...</p>
19.	<i>Pittard v The State</i>	43 yrs at sentencing.	Ct 1: Poss methyl wiss, 54.65g at 20-21%	Ct 1: 6 yrs imp.	Dismissed – refused on

<p><i>of Western Australia</i></p> <p>[2013] WASCA 126</p> <p>Delivered 21/05/2013</p> <p>Co-offender of</p> <p><i>Jenkin v The State of Western Australia</i> [2014] WASCA 226</p>	<p>Convicted after trial; however made sensible concessions at trial.</p> <p>Modest criminal record.</p> <p>In a stable relationship; good record of employment</p> <p>Long history of illicit drug abuse.</p> <p>Co-offender Forman charged with 11 Cts on indictment and 6 Cts on s32 notice. PG to all and sentenced to TES 6 yrs imp. EFP.</p> <p>Co-offender Jenkin charged with poss methyl wiss and poss MDMA wiss. Convicted after trial and sentenced to TES 6 yrs imp. EFP.</p>	<p>Ct 2: Poss MDMA wiss, 58.75 g, 199-200 Pills.</p> <p>Ct 3: Poss cannabis wiss, 113.04g.</p> <p>Police officers in Geraldton had Trevor Forman under surveillance. He was seen to travel from Geraldton to Perth to acquire methyl and ecstasy from the appellant.</p> <p>In the early hours of 20 July 2012, the appellant supplied quantities of methyl and ecstasy to Foreman.</p> <p>Forman later drove from the appellant's home. Police stopped the vehicle on the Grand Highway near Dongara. Hidden inside the tailgate the police discovered a cryovac sealed bag containing two packages of drugs. One package contained methyl and the other MDMA.</p> <p>At the same time as Forman's car was being searched, police executed a search warrant at the appellant's home. Next to the appellant's bed two bags were found which contained a total of \$108,030 in cash.</p> <p>In the appellant's shed, police found two vacuum-sealing machines, vacuum bags, clipseal bags, heat shrink plastic, sets of electronic scales and a large quantity of a cutting agent.</p>	<p>Ct 2: 1 yr imp (cum).</p> <p>Ct 3: 6 mths imp (conc).</p> <p>TES 7 yrs imp.</p> <p>EFP.</p> <p>Sentencing judge found the appellant was Forman's supplier and Forman was a dealer who would, in turn, supply those drugs to his customers in the Geraldton area.</p> <p>Sentencing judge found the offences were committed in the context of an established relationship between the appellant and Forman and were not a 'one-off transaction' between the two men.</p> <p>Sentencing judge found that although police did not find any documentation that showed that the appellant was a</p>	<p>papers.</p> <p>At [56] Miller AJA's analysis (in <i>Bosworth</i>) does not amount to a sentencing matrix... It is not the case that whenever an offender is convicted of an offence of possession between 3g and 65g of methylamphetamine with intent to sell or supply, he or she must receive a term of imprisonment between 2 and 5 years.</p>
--	---	--	---	--

			Police found cannabis separated into three identical bags, together with a grinder which had been used to chop up the cannabis.	commercial dealer in drugs, the appellant conducted his business on a cash basis; Found that 'most if not all' of the cash found was the proceeds of his drug dealing. Moderate risk of re-offending.	
18.	<i>Sandwell v The State of Western Australia</i> [2012] WASCA 15 Delivered 25/01/2011	Convicted after PG. No prior criminal record. Good employment history. Since arrest attended counselling sessions with respect to long term cannabis use.	1x Cult cannabis wiss 147 seedlings 1 x Poss cannabis wiss 2.3 kilograms 1x Poss cannabis wiss 209 grams Police stopped vehicle driven by appellant for a random breath test. Noticed smell of cannabis from vehicle. Search of vehicle found cannabis totalling 2.3 kg. Appellant's house was subsequently searched. Police discovered 209 g of high quality cannabis head material, and 147 cannabis seedling growing in a bathroom. Not commercial dealer – cannabis for own use and that of friends.	12 mths imp. 12 mths imp. 6 mths imp. TES 12 mths imp.	Dismissed – leave refused on papers. At [16] Affirmed position in <i>Wong v The Queen</i> (2001) 207 CLR 584 that while quantity of drug important factor in sentencing it is not the sole factor to be taken into account.
17.	<i>Lester v The State of Western Australia</i> [2011] WASCA 128	50 yrs at time sentencing. Convicted after fast-track PG. Minor prior criminal record –	1 x Cult cannabis wiss 6 mature plants, 18 seedling. 1 x Poss cannabis wiss 2kg head material, 1.68kg dry leaf material. <u>s 32 offences:</u>	18mths imp. 18 mths imp. TES 18 mths imp.	Dismissed. At [21]-[23] since 2001, courts repeatedly stated more serious view of cannabis trade

	Delivered 8/06/2011	including poss drugs in 1998 & 2001. Began using cannabis at 17 yrs and became addicted. Stable upbringing; good employment history until injured in industrial accident in 1990.	1 x Poss cannabis. 1 x Poss smoking implement. Police executed search warrant at appellant's home. Portion of a shed was converted into a concealed hydroponic growing room with a sophisticated set-up (indicative of commercial intent). 6 mature plants found and 18 tissue cultivated seedlings growing in a separate chamber. Police also found digital scales and \$2,100 cash.	Remorseful; engaging in treatment for addiction.	is to be taken given the correlation between cannabis and mental illness and progression to harder drugs. Deterrence main consideration and past 5 yrs has seen a considerable firming up of sentences for other prohibited drugs – applies to cannabis as well.
16.	<i>Russell v The State of Western Australia [No 2]</i> [2010] WASCA 159 Delivered 4/08/2010	35 yrs at time offending. Convicted after fast-track PG. Prior criminal record - traffic offences and one possess cannabis (fined). Unremarkable family background; good references; good work history. Significant medical difficulties since birth – chronic asthma, sever lower back pain from spinal fusion, eczema and obesity; depression; low self esteem.	1 x Offer sell/supply cannabis 1/2 ounce. 1 x Offer sell/supply cannabis 14g. 1 x Offer sell/supply cannabis 1 ounce hydro. Also convicted additional 18 sell/supply offences (MDMA, methyl) and 3 driving offences. Categorised as mid range user/dealer. Offending period approx 2mths. Claimed dealing drugs to fund addiction to ecstasy that had developed after becoming immune to effects pain-killers .	12 mths imp. 12 mths imp. 6 mths imp. Sentence ranges 3mths – 4yrs imp. TES 7 yrs 6 mths imp. EFP. Participated in program, at Cyrenian House on bail; remorse; good prospects rehabilitation.	Allowed – on totality only (individual sentences for cannabis offences not disturbed). TES reduced to 6 yrs. EFP.
15.	<i>Waldron v The State of Western Australia</i>	Convicted after trial.	1 x Poss cannabis wiss 216g. 1 x Poss MDMA wiss 48.4g, 200 tablets.	12 mths imp. 3yrs imp.	Dismissed – leave to appeal refused at hearing.

	<p>[2010] WASCA 63</p> <p>Delivered 7/04/2010</p>		<p>Appellant's car stopped by police in targeted stop. Appellant and passenger searched – found bag with 200 tablets MDMA concealed in appellant's groin region and bag with small amount cannabis in passenger's bag.</p> <p>Appellant's home searched later that evening – found \$3300 hidden in clock; 216g cannabis in bag in appellant's wardrobe; smoking implement; 9 cannabis plants appellant cultivating.</p>	<p>TES 4yrs imp.</p>	
<p>14.</p>	<p><i>McLeod v The State of Western Australia</i></p> <p>[2009] WASCA 233</p> <p>Delivered 22/12/2009</p>	<p>31 yrs at time sentencing.</p> <p>Convicted after PG. Manufacture offence committed while on bail other offences.</p> <p>Prior criminal record – drug offences (cannabis); no terms imp previously imposed.</p> <p>2 children.</p> <p>Began using cannabis at 13 yrs; heavy alcohol use 15-22yrs; diagnosed ADHD; stopped using ADHD medication and used methyl instead.</p>	<p>1 x Cult wiss cannabis. 1 x Poss cannabis wiss.</p> <p>1 x Attempt to manufacture methyl. s 32 notice 26 drug offences.</p> <p>Appellant and co-offender planted 300 cannabis seedlings – plants matured and result was approx 100 plants between 4-7 ft. Appellant stopped on driving offence and, due to smell in car, police found 1.85kg cannabis.</p> <p>While on bail, appellant subject of surveillance and telephone intercepts.</p> <p>Appellant and co-offender found producing methyl following Australian Customs interception of package of 559g ephedrine powder being sent to appellant (powder</p>	<p>18 mths imp. 18 mths imp. 2 yrs 6 mths imp. Sentence range 3-6 mths imp.</p> <p>TES 4 yrs 10 mths imp.</p> <p>EFP.</p>	<p>Dismissed.</p>

			substituted by Customs).		
13.	<p><i>The State of Western Australia v Atherton</i></p> <p>[2009] WASCA 148; (2009) 197 A Crim R 119</p> <p>Delivered 25/08/2009</p>	<p>44-45 yrs at time offending.</p> <p>Convicted after trial.</p> <p>Cts 8 & 9 committed whilst on bail for cts 1-7.</p> <p>Minor prior criminal record - had not previously served a term of imprisonment.</p>	<p>Ct 1: Poss methyl wiss 142.2g at 9-10%. Ct 2: Poss methyl wiss 855.4g at 13%. Ct 3: Poss cannabis wiss 50.4g. Ct 4: Poss cannabis wiss 133g. Ct 5: Poss cannabis wiss 353g. Ct 6: Poss MDMA wiss 655g at 28%. Ct 7: Poss MDMA wiss 342g at 9%. Ct 8: Poss methyl wiss 28.7g at 19 – 33%. Ct 9: Poss MDMA wiss 31.77g at 28-30%.</p> <p>Quantities of drugs and cash found indicated higher level of commercial dealing.</p>	<p>Ct 1: 3 yrs 4 mths imp. Ct 2: 6 yrs 8 mths imp. Ct 3: 8 mths imp. Ct 4: 8 mths imp. Ct 5: 12 mths imp. Ct 6: 5 yrs 4 mths imp. Ct 7: 3 yrs 4 mths imp. Ct 8: 16 mths imp. Ct 9: 16 mths imp.</p> <p>TES 8 yrs imp. EFP.</p>	<p>Allowed.</p> <p>TES reduced to 11 yrs imp.</p> <p>At [175]-[179] Sentences imposed for cts 1, 2, 6 and 7 outside range of sound exercise of sentencing discretion.</p>
12.	<p><i>Eacott v The State of Western Australia</i></p> <p>[2009] WASCA 112</p> <p>Delivered 25/06/2009</p>	<p>Age not mitigating factor.</p> <p>Convicted after PG – originally charged cult cannabis wiss. Offered PG to poss wiss after trial listed for cult cannabis.</p> <p>Antecedents ‘not good’ at [19].</p>	<p>1 x Poss cannabis wiss 51.47kg dried.</p> <p>Also convicted 5 counts receiving.</p> <p>Appellant and co-offender planted number cannabis plants in bush. Appellant pulled over by police and GPS tracking device placed on car. Vehicle tracked period of months. Car stopped by police and co-offender arrested – appellant not found but cigarettes and mobile phone on car dashboard. Car contained several tubs of dried cannabis.</p> <p>Appellant’s home later searched - \$7000 found hidden; maps of area cannabis planted; tubs and string like those found at</p>	<p>2 yrs 3 mths imp.</p> <p>Sentence ranges 3 mths-9 mths imp.</p> <p>TES 3 yrs 9 mths imp.</p>	<p>Dismissed – totality only issue, individual sentences not challenged.</p> <p>At [18] ‘...the cases provided by the appellant suggest that the sentence imposed on the appellant for possession of cannabis was moderate.’</p>

			plantation. Appellant remained in hiding for several weeks before attending police station with solicitor.		
11.	<i>Hobby v The State of Western Australia</i> [2009] WASCA 108 Delivered 25/06/2009	24 yrs at time offending. Convicted after fast-track PG. No relevant prior criminal record. Relatively happy and stable upbringing; some difficulties when appellant 17 yrs relating to death of his mother	Ct 1: Offer to sell/supply amphetamine. Ct 2: Offer to sell/supply MDMA. Ct 3: Offer to sell/supply MDMA 50 tablets. Cts 4-6: Offer to sell/supply cannabis. Ct 7: Offer to sell/supply MDMA. Ct 8: Offer to sell/supply cannabis. Ct 9: Offer to sell/supply MDMA 490 tablets. Ct 10: Offer to sell/supply MDMA 20 tablets. Ct 11: Offer to sell/supply cannabis 14g. Ct 12: Offer to sell/supply cannabis 56g. Ct 13: Offer to sell/supply methyl 84g. Ct 14: Offer to sell/supply methyl 28g. Ct 15: Offer to sell/supply methyl 2.25g. Ct 16: Offer to sell/supply methyl 28 g. Ct 17: Offer to sell/supply cannabis 28g. Ct 18: Offer to sell/supply methyl 3.5g. Ct 19: Offer to sell/supply methyl 53.5g. Ct 20: Poss methyl wiss 53.5g at 19-21%. Mid-range distributor. Offending period 23 days. Initially began dealing as a favour on non profit basis but became engaged in dealing	Ct 1: 8 mths imp. Ct 2: 8 mths imp. Ct 3: 16 mth simp. Cts 4-6: 4 mths imp each Ct 7: 12 mth simp. Ct 8: 6 mths imp. Ct 9: 3 yrs imp. Ct 10: 16 mths imp. Ct 11: 6 mths imp. Ct 12: 12 mths imp. Ct 13: 4 yrs imp. Ct 14: 24 mths imp. Ct 15: 16 mths imp. Ct 16: 24 mths imp. Ct 17: 12 mths imp. Ct 18: 12 mths imp. Ct 19: 16 mths imp. Ct 20: 4 yrs imp. TES 7 yrs imp. EFP. Limited insight into seriousness of offending.	Dismissed. At [26] Submissions regarding good character missed the point that general deterrence comes to the fore. NB: The original sentence was imposed whilst the transitional provisions were in force.

			for profit at some point - engaged in selling substantial quantities of 3 different drugs.		
<i>Transitional Provisions Repealed (14/01/2009)</i>					
10.	<i>Nguyen v The Sate of Western Australia</i> [2009] WASCA 8 Delivered 13/01/2009	27 yrs at sentencing. Convicted after PG. Prior criminal record - previous interstate drug convictions relating to cannabis and heroin, plus convictions for assault and traffic offences; four outstanding Victorian warrants. Lived in Vietnam until 10 yrs old, then in refugee camps in Hong Kong until coming to Australia 14 yrs old. Heroin addiction approx 10 yrs.	Ct1: Poss heroin wiss 113g 14% (rock form). Ct 2: Poss heroin wiss 23g 26%. Ct 3: Poss methyl wiss 207g 21-55%. Ct 4: Poss BDMPEA wiss 1004 tablets. Ct5: Cult cannabis wiss 124 plants. Ct 6: Poss cannabis wiss 2.38kg. Ct 7: Cult cannabis wiss 148 plants. Ct 8: Poss cannabis wiss 7-8kg. Appellant and girlfriend in car at shopping centre. Police questioned them and appellant said from Melbourne and living in his car. When challenged by police as to living arrangements, appellant ran off and was caught after chase 100-150m. Police searched car and found drugs subject of cts 1-4 and approx \$17 000 in cash. Police investigations into houses involved in cultivation hydroponic cannabis (cts 5-8).	Ct1: 4 yrs imp. Ct 2: 2 yrs 6 mths imp. Ct 3: 4 yrs imp. Ct 4: 3 yrs imp. Ct 5: 3 yrs imp. Ct 6: 2 yrs imp. Ct 7: 3 yrs imp. Ct 8: 2 yrs imp. TES 10 yrs imp. EFP.	Dismissed.
9.	<i>Brown v The State of Western Australia</i> [2008] WASCA 48	41 yrs at time offending. Convicted after trial. No relevant prior criminal record	1 x Poss cannabis wiss over 8kgs head material and approx 4kg stem and leaf material – not yet dried.	2 yrs 5 mths imp. TES 2 yrs 5 mths imp.	Dismissed.

	Delivered 26/02/2009	(traffic offences, disorderly conduct in public). Self employed; 4mth old child.	Police officers driving past appellant's house smelt cannabis and obtained a warrant. Search conducted revealed 2 bags containing head material and leaf and stem material; hydro set-up in garage with pH tester, extractor fans, rollers beneath pots, lights at side and top of plants; \$9550 in microwave.		
8.	<i>Abbott v The State of Western Australia</i> [2005] WASCA 42 Delivered 11/03/2005	37 yrs at time offending. Convicted after trial – PG to poss cannabis, trial as to intent only. Offending breached 12mth susp sentence (imposed for cult wiss cannabis). Prior criminal record - poss cannabis wiss (fined). De facto and 2 young children dependent on him; self employed. Heavy cannabis user; made steps to address addiction.	1 x Poss cannabis wiss approx 2.2kg total. Commercial operation – for financial gain. Police conducted search on appellant's house and found total of approx 2.2kg cannabis at various locations throughout the house. Also found total \$4500 cash; scales; box resealable plastic bags; list with names and amounts of money.	2 yrs imp. TES 2 yrs 8 mths imp.	Dismissed.
7.	<i>Noble v The State of Western Australia</i> [2005] WASCA 33	51 yrs at time offending. No prior criminal record. Degree ill health.	1 x Poss cannabis wiss 415g. 1 x Poss cannabis wiss approx 1kg total. Police stopped appellant's car and searched it – found bucket containing clip-seal bags	3 yrs imp. 3 yrs imp. TES 3yrs imp.	Dismissed.

	Delivered 11/02/2005		of cannabis (total weight 415g). Police searched chalet appellant staying in – found plastic bucket containing small bags cannabis head (total weight just over 1kg); \$200 cash.	EFP. No remorse – blamed co-offender but was found to be primary offender.	
6.	<i>Hodge v The Queen</i> [2004] WASCA 100 Delivered 17/05/2004	45 yrs at time offending. PG poss wiss; trial cult wiss cannabis (PG to cult only). Cult offence committed while on bail for poss offence. Difficult childhood – alcoholic mother; physical abuse; left home at 13yrs; early addiction to drugs. Suffered depression; Ross River virus; on invalid pension; heavily dependent marijuana.	1 x Poss wiss cannabis (approx 6.6kg ‘green’ cannabis total). 1 x Cult wiss cannabis (146 plants in 7 different plantations). Systematic and organised commercial operation. Poss charge related to 6.6kg ‘green’ cannabis found in bags in freezer. Accepted by court storage in that manner reduces potency. Appellant tended 7 crops for person he refused to name because of fears for safety. Role was essentially that of employee not organiser.	3 yrs imp. 12 mths imp. TES 4 yrs imp. EFP.	Allowed – failure to consider co-operation with authorities and confined to max security for own safety. TES reduced to 3 yrs imp (individual sentences not disturbed). EFP.
<i>Transitional Provisions Enacted (31/08/2003)</i>					
5.	<i>Wood v The Queen</i> [2003] WASCA 16 Delivered	Youth not mitigating factor. Late PG – after trial date set. Prior criminal record - drug offences,	1 x Poss wiss cannabis (almost 1.5kg leaf material) 1 x Poss wiss ketamine (14.6g at 18% purity). 1 x Poss wiss methyl (160g varying purity).	2 yrs imp. 18 mths imp. 5 yrs 6 mths imp.	Allowed. TES reduced to 7 yrs 6 mths imp.

	20/02/2003	including cult and poss cannabis. Divorced; two children. Regular cannabis user; using methyl as form pain relief.	Appellant's home searched under warrant and drugs above found as well as \$16085 cash; scales; snap lock bags. While on bail for offences above charged with offences below following search at house: Poss wiss methyl (36g total varying purity) Poss explosive in suspicious circumstances. Also found \$34011 cash; scales; epsom salts; snap lock bags.	2 yrs imp. 1 yr imp. TES 9 yrs 6 mths imp. Equivalent to 6 yrs imp after implementation of transitional provisions.	
4.	<i>Babel v The Queen</i> [2002] WASCA 207 Delivered 7/08/2002	44 yrs at time appeal. Prior criminal record - drug convictions with terms of imp imposed.	1 x Poss wiss cannabis (178g). 1 x Poss wiss methyl (1.498g total). 1 x Poss wiss methyl (5.57g total). 1 x Poss wiss MDMA (32 tablets). Low scale commercial dealer cannabis (using to finance habit in other drugs). Also found with drugs was \$6305 cash; clip-seal bags with prices written on them; scales (with traces cannabis, methyl and cocaine on them).	9 mths imp. 1 mth imp. 2 mths imp. 12 mths imp. TES 2 yrs imp. Equivalent to 16 mths imp after implementation of transitional provisions. EFP.	Dismissed.

<p>3.</p>	<p><i>R v Lyon</i> [2001] WASCA 120 Delivered 30/0720/01</p>	<p>Both convicted after fast-track PG.</p> <p><u>Lyon:</u> 37 yrs at time offending.</p> <p>Prior criminal record -22 previous convictions, including previous drug offences.</p> <p>Employed; supported family.</p> <p><u>Smith:</u> 34ys at time offending.</p> <p>Prior criminal record - 8 previous convictions with terms of imp previously imposed.</p> <p>Employed; supported family.</p>	<p>1 x Poss wiss cannabis (7.917kg total).</p> <p>Substantial commercial enterprise.</p> <p>Police raided house and found extensive structural renovations done to interior (approx cost \$100,000) – with 6 rooms set up to grow hydro cannabis. Electrical supply bypassed. Two respondents found in house with \$18,600 in cash on lunge room table.</p> <p>Respondents found to be paid to ‘babysit’ and to tend and clip crop not principal organisers – held on appeal to be error as no other credible explanation in circumstances other than to treat them as principals.</p>	<p>2 yrs 6 mths imp susp 2 yrs.</p> <p>TES 2 yrs 6 mths imp susp 2 yrs.</p>	<p>Allowed.</p> <p>TES 2 yrs 6 mths immed imp substituted.</p> <p>At [36] notes that even though cannabis still considered ‘soft’ drug, serious threat cannabis poses now more recognised by courts and there is a need to firm up sentences.</p> <p>At [8], [9], [33] and [38] - undue emphasis placed on personal circumstances in sentencing.</p>
<p>2.</p>	<p><i>Roth-Beirne v The Queen</i> [2001] WASCA 64 Delivered 14/03/2001</p>	<p>42 yrs at sentencing.</p> <p>Minor criminal record.</p> <p>Born with cleft palate – shy and reclusive; partner recently died in tragic circumstances – more reclusive; depression; interpersonal difficulties; at time sentencing suffering injuries from car accident and psycho report indicated possibility mild frontal lobe</p>	<p>1 x Cult cannabis wiss 61 hydro plants; 35 plants in yard.</p> <p>1 x Poss cannabis wiss 4.4kg dry leaf material total.</p> <p>1 x Cult opium poppy wiss 30 plants.</p> <p>PG further 8 charges in s32 notice – committed while on bail for offences above (incl poss heroin; cult wiss cannabis; poss cannabis)</p>	<p>12 mths imp.</p> <p>18 mths imp.</p> <p>12 mths imp.</p> <p>TES 18 mths imp. Equivalent to 12 mths imp after implementation of transitional provisions.</p>	<p>Dismissed.</p> <p>At [17] sentences at bottom acceptable range.</p>

		deficit.			
1.	<i>Chick v The Queen</i> [2000] WASCA 231 Delivered 30/08/2000	Convicted after trial.	1 x Poss cannabis wiss 4.7kg total. 1 x Poss cannabis wiss 3.6kg total. 1 x Poss cannabis wiss 52 plants. 1 x Poss LSD wiss 3.06g. 1 x Poss methyl wiss 106.75g. 1 x Poss ephedrine 6.69g. 1 x Poss amphetamine 0.53g. 1 x Poss ephedrine wiss 23.97g. 1 x Poss methyl wiss 181g. 1 x Poss amphetamine 0.51g.	12 mths imp. 12 mths imp. 12 mths imp. 4 yrs imp. 7 yrs imp. 3 mths imp. 3 mths imp. 2 yrs imp. 7 yrs imp. 3 mths imp. TES 11yrs imp. Equivalent to 7 yrs 4 mths imp after implementation of transitional provisions.	Dismissed.