

STATE OF TASMANIA v LAWRENCE JOHN COLLINSON
COMMENTS ON PASSING SENTENCE

GEASON J
18 MARCH 2021

Mr Collinson you have pleaded guilty to a single count of unlawfully trafficking in firearms between 17 November 2019 and 25 December 2019, by selling or otherwise disposing of the firearms when you were not the registrant of those firearms.

Between 8.30pm on 6 September 2012 and 5.45am on 7 September 2012 a shed located at Campania was entered and a firearm safe opened and 11 firearms were stolen including a Sako 75 serial number 924269.

Between 8.00am on 14 April 2017 and 1.00am on 16 April 2017 a shed at Brighton was forcibly entered and access was gained to a locked firearm safe inside the shed. A number of items were stolen including a McMillan 300 rum serial number 1309555D.

It is not alleged that you were responsible for that offending. Rather that it provides a background to the charge against you. As to that, the State's case is that sometime prior to 17 November 2019 you were asked by another person to move the two firearms to which I have referred. Between 17 November 2019 and 25 December 2019 you met with a purchaser in the carpark of a business known as Brighton Firearms. That person purchased both firearms – the McMillan for \$3000 and the Sako 75 for \$2000.

You provided ammunition with each firearm.

On 15 June 2020 as part of the permanent amnesty on firearms, the purchaser surrendered firearms in his possession including those two firearms. He provided a statutory declaration confirming that he had purchased these from you.

You were contacted by police in September 2020 and voluntarily attended the Sorell Police Station where you participated in a video record of interview.

You admitted that you had sold the firearms to that person sometime between 17 November 2019 and 25 December 2019; that you had been offered them by a person of dubious character; that you did not personally know this person but that you were aware of that person's reputation; that you were asked to move the firearms; that you were in possession of them for a day or two; that you sold the firearms for a total of \$5000; and that you may have provided ammunition with each of them.

You told police that you made about \$100 from the sale of each rifle. You told police that the firearms had come to this State from Canada – which is what you had been told. You had no paperwork for either gun and provided none. You were aware that a McMillan rifle in good condition could be worth up to \$10,000. You also told police that you had been the holder of a Tasmanian Firearm Dealers Licence for 13 or 14 years and that you were aware of the procedure involved in the transfer or sale of firearms in this State.

You entered a plea of guilty to this charge on 11 December 2020. That early plea entitles you to a sentencing discount and I will reduce the sentence I would otherwise have imposed by 20% in recognition of it.

You appear before this Court without relevant prior conviction, though I note a dishonesty offence some considerable time ago, so long ago, that in my view its effect on sentence should be regarded as having been exhausted.

You accept through counsel that general deterrence is the primary sentencing consideration to which the Court is required to have regard in fixing sentence. Trafficking in firearms is at the pinnacle of offences created by the *Firearms Act*, but not every case of trafficking in a firearm is as serious as another. There are degrees of seriousness and your case exhibits an example of the offence which I regard as being at the lower end. In that regard, I accept your counsel's submission that the risk to the community associated with your offending is not as significant here as it is in some cases. You knew the person to whom the firearms were sold; you had been to his property; you knew that he had proper storage facilities for firearms and that he was familiar with the safe use of them. That person was of good character so far as you knew, and in my view, that judgment was sound given that he surrendered the firearms under the amnesty.

I accept that the firearms were not made available for sale at large, and generally, I have regard to your familiarity with firearms, noting that you have been in the Army and that you have been a firearm dealer, having been licenced for a number of years.

I accept that you are remorseful for this conduct and I consider that the process of being charged and appearing in Court will have had a salutary effect upon you.

I note your current personal circumstances, including your accommodation arrangements following your separation. I accept that those circumstances are difficult.

In all I consider that your remorse, your early acceptance of your guilt, your cooperation with police and the impact of the curial process will operate to discourage further offending such that the need for personal deterrence in framing the sentence is reduced.

But as I said at the start, the need for general deterrence is the paramount sentencing consideration in relation to your offending, and whilst it does not mean that the Court cannot have regard to the actual circumstances it means that the sentence which the Court imposes must operate to deter others from engaging in similar offending. It is for that reason that I intend to impose a sentence, the operation of which I will suspend, which serves to mark that consideration. The duration of the sentence will reflect the low-level of seriousness of the offending in this case.

The sentence of the Court is two months' imprisonment; I have determined that in the circumstances it is appropriate to suspend the operation of that sentence in order to afford you an opportunity to avoid the consequences of your offending by being of good behaviour for a period of 12 months. During that period you must not commit another offence punishable by a term of imprisonment or the sentence that I have just imposed may be activated.

The suspension of your sentence enables the Court to express denunciation for your conduct, deter others by making it clear that a sentence of imprisonment will typically be the consequence of an offence such as this and at the same time reflect the fact that this offending is at the lower end of the scale of seriousness.

The net effect of the sentence which I have just imposed is that, so long as you are of good behaviour for a period of 12 months and commit no offence punishable by a term of imprisonment, the two month sentence which I have imposed will not be activated.