

Mr Ralph, the defendant, has pleaded guilty to three firearms offences contained in an indictment. They are, possess a prohibited firearm when not the holder of an appropriate licence, trafficking in firearms and possessing a stolen firearm. I am also dealing with his pleas of guilty to 14 summary offences. Some of these relate to the two firearms the subject of the indictment. There are 4 charges of failing to comply with prescribed firearm storage requirements, and one of failing to take all precautions to ensure the safe keeping of a firearm, two charges of possessing an unregistered firearm, two charges of possessing a silencer, and one each of manufacturing a silencer, failing to comply with storage requirements for ammunition, possessing a firearm with altered identification marks, altering identification marks, and carrying out a restricted activity without a permit. All of these matters came to light following the defendant's dealings with a Ruger Mk I pistol. He lawfully purchased this in May 2018. In around August 2019 the bolt and trigger mechanism broke. At some point between about July 2019 and January 2020, the defendant came into possession of a duplicate action for the pistol. Given the pistol's state he dismantled it and sold parts. In early 2020, he had the duplicate action engraved with the same serial number as possessed by the original pistol. He then went to a Police Station where he surrendered the newly engraved action, representing it to be the action from the firearm registered to him, and requesting it be destroyed. The effect of this was that the police registration system would show the firearm with the particular serial number was surrendered when that was not in fact the case. While processing the pistol as a surrendered firearm, police noticed a number of discrepancies; in particular the serial numbers were engraved and not stamped. Inquiries of the previous owner revealed that the surrendered action was not part of the pistol he sold to the defendant. Police then obtained a search warrant for the defendant's home. The defendant took police to a shed at the rear of the property where he opened a number of safes for inspection. Police found a Smith & Wesson revolver that was in an open drawer, two silencers which were in one of the firearm safes, and a homemade silencer on a bench. The Smith & Wesson revolver is the subject of count 2 on the indictment, the alleged act of trafficking being the act of receiving it as a proscribed by s 110A(2)(c)(ii) of the *Firearms Act*. It was not registered and in any event, the serial numbers had been removed. During the further search of the defendant's home, police found a Browning semi-automatic .22 rifle that had been disassembled and stored in a length of poly-pipe that had been sealed at both ends. The defendant admitted that it was not registered said it had belonged to his grandfather. Later investigations revealed that the firearm was stolen in 2000. As a "Category C" firearm, this was a firearm that the defendant's licence did not allow him to have. All of this gives rise to counts 1 and 3 on the indictment and two of the summary charges relating to possession and storage. During the search the defendant directed police to an air rifle which was leaning against a wall next to a shed door. There was a small amount of air rifle pellets on a nearby bench. This air rifle was not registered, and was not stored correctly. Inside the safe police found a large quantity of reloading propellant, later weighed at 6.5kg, the limit allowed being 5kg. Additionally, inside the house, police found two further revolvers both of Ruger brand in a case on the floor, in the defendant's bedroom. Both were registered to the defendant but were not stored correctly. All firearms and ammunition were seized. The defendant was taken to the police station where he was interviewed and he made a number of admissions. As to the Ruger Mk I, he said that the bolt and trigger mechanism broke, he was asked if he was interested in selling the parts so he dismantled it. He realised he should have handed the receiver in. He left it attached to the barrel and sold them together. He was not willing to say to whom but admitted he did not use a firearms dealer. He admitted having the spare receiver engraved and handing it to police, thinking he was in the right by having the

firearm removed from his licence, but realises it was wrong. As to the Smith & Wesson revolver, he said he bought it from a person who he did not want to name. The numbers had been removed when he got it, he knew he had purchased an illegal firearm. As to the Browning semi-automatic .22, he repeated that it belonged to his grandfather and admitted that it was not registered because he knew it was a prohibited firearm and he does not have a licence for the relevant category. He said that it was a keepsake and he agreed that it was not stored properly. He also said that the air rifle was not registered because it was a keepsake and it was not in a safe because he did not want to put unregistered firearms in with the registered ones. He admitted that he knew silencers were illegal, and said he used one when shooting rabbits. As to the two Ruger revolvers, he said was in the process of cleaning them that morning, but got called to work and would have finished cleaning them after he got back from work, and then put them away.

The defendant is now 54 years old. He has a record offending involving some minor traffic matters but there is nothing of any relevance or seriousness. As to other personal circumstances, he has been married for 25 years and has two adult sons. He is a qualified plumber and has worked in that industry. He was with the one employer for 6 years up to 2020 when he left to take up a position as a fly in fly out worker at a mine site in South Australia. COVID-19 restrictions in that year forced him to stay in this State. The situation now is that he is able to return to work but has to spend long periods in South Australia away from home. Generally, he seems otherwise to be of good character. I have references from his former plumbing employer, from two property owners for whom he carried out animal control, and his present work superintendent. There is also a reference from the President of a local BMX club to which the defendant has provided voluntary services of some significance since his family became involved in riding. I note that he has been a registered shooting coach for the past three years, which may make this offending all the more surprising. In relation to the various aspects of this offending, I was told that as to altering the identification of the Ruger Mk I, the defendant appreciates how foolish his actions were. Within an hour of being interviewed, he arranged for the original parts to be handed to police. As to the Smith & Wesson revolver this was purchased to be part of his collection. He acknowledges that it ought to have been registered but no explanation was offered as to why it was not. It was put that there is no suggestion he was going to sell it or dispose of it. On that basis, there is no commercial aspect to his conduct. It must be accepted that receiving a registrable firearm that is not registered, without more, is outside the scope of the ordinary notions of trafficking, but it is within the operation of s 110A of the *Firearms Act*. As to the Browning .22 semi-automatic, the defendant conceded that he was not completely honest with the police. The firearm did not belong to his grandfather, but it was an identical one to one his grandfather had, and that is why it had sentimental value to him. His frankness to the Court is appreciated. At the time he purchased it, he did not know it was stolen but in the months that followed he came to believe that it was, so that by the time of the police interview he clearly understood that was the case. Hence his dishonesty about this in the interview which, I was told, really arose from panic. As to the silencer, the defendant accepts he knew they were unlawful but says that at least one was used in the course of pest control on the properties, while the manufactured one was made for a specific firearm because of that firearm's particular characteristics. It was put that there was nothing sinister in his possession of these items. The revolvers found in the defendant's bedroom were there for cleaning purposes but in the course of that, he received a phone call asking him to do a few hours of plumbing work which he readily agreed to. It seems that he did not make it to that job because police arrived, it being his intention to clean them and put them away when he returned. Generally, he accepts that there were irregularities with storage of firearms and pellets for the air rifle, but apart from saying that he was intent on keeping unregistered firearms away from

properly stored registered ones, no real explanation was offered. Lastly, as to the excessive amount of gun powder, I was told that the defendant's shooting activity was such that a large amount of powder was used, and with COVID-19 caused shortages he had stocked up. Again, it was put that there was nothing sinister in his purpose.

The firearms legislation exists for the very well-known and obvious purpose of regulating firearms within the community in order to keep the community safe. Overall, the defendant's conduct shows complete disregard for a number of aspects of the regime of firearms control. Stolen and unregistered firearms are notoriously the subject of trade and use by criminal elements. The defendant had a prohibited unregistered firearm for which he was not licensed, which he knew to be stolen and which was not stored properly. He took possession of a revolver with obliterated serial numbers and did not store it properly. In addition he breached other identification, registration and storage requirements. There was a risk of a number of firearms including at least one handgun, falling into the wrong hands. In my view, the defendant's level of disregard borders on, if not amounts to, outright contempt for these laws. As a result, general deterrence and denunciation are important factors. At the same time, I take into account his pleas of guilty. They seem to be accompanied by extreme remorse. Those pleas were first indicated in February of this year and the matter has taken sometime to be finally resolved through no fault of his. I was told that he has suffered emotionally since being charged and has sought assistance from a GP for his mental health issues. He has now sold all of his firearms and has no present intention of being involved in shooting activities. I also take into account the extent of his co-operation with police; in particular, the return of the Ruger pistol parts, and has I have noted, his frankness in this Court. And of course, I take into account his previous good character.

Mr Ralph, I have set out the facts and what I see to be the relevant considerations. As I have said in my view, you showed complete disregard for the firearms laws in quite a number of respects. Those who want to possess and use firearms must comply with the law. The particular laws are there to protect the community. I will deal with the offences on a global basis. I consider your conduct overall warrants a term of imprisonment but given your personal circumstances, I propose to suspend the execution of the whole of the term. In addition there should also be a penalty of more immediate impact, and I will impose a fine. You are convicted of all matters and sentence to 6 months' imprisonment the execution of the whole of which is suspended on condition you commit no offence punishable by imprisonment for a period of 2 years. You will also be fined the sum of \$1,200. I order the forfeiture of the Smith & Wesson revolver, the Browning .22 semi-automatic rifle, the Ruger Single Six revolver serial number 262-89449, the Ruger Black Hawk revolver serial number 32-53344, the Shanghai model 61 air rifle, and the air pellets seized on 19 May 2020. I also order the forfeiture of all of the gunpowder seized on that day. I need to explain to you that if you commit any offence punishable by imprisonment, that is, *any* offence punishable by imprisonment within the next two years you are liable to be brought back to this Court and a judge must activate that sentence unless it is unjust to do so.