

Mr Radcliffe, the defendant, has pleaded guilty to one count dealing in firearms when not the holder of a dealer's licence and one count of possessing a stolen firearm. I am also dealing with his pleas of guilty to summary charges of possessing a loaded firearm in a vehicle in a public place, possessing a firearm when not the holder of a firearm licence for the appropriate category, and possessing ammunition when not the holder of the appropriate licence. These charges followed the defendant being intercepted by police at about 2.30 p.m. on 19 October 2020 for the purposes of a random breath test. At the time, the defendant's then partner was in the front passenger seat, with three associates of the couple sitting in the back. Police officers searched the car and found a shortened .22 calibre bolt-action repeating rifle inside a pillowcase at the base of the front passenger seat. There was a magazine attached to the rifle which contained 4 rounds. The defendant was arrested and a search warrant obtained in respect of his home. During the subsequent search police found a small snap-lock bag on a shelf in the bedroom which contained another four rounds of .22 calibre ammunition. When the defendant's phone was examined, it was found to contain CCTV footage of the defendant's home. That footage revealed the defendant leaving the home early that afternoon wearing gloves and carrying the pillowcase containing the firearm. When examined, the rifle was found to be in working order with the barrel shortened to about 6 centimetres. The stock had also been shortened so that it only consisted of the pistol grip. Inquiries of the defendant's partner revealed that the defendant had bought the rifle a few months earlier, and it was usually kept on his side of their bedroom wardrobe. She said that he had bought it for protection. When interviewed, the defendant agreed that he had carried the rifle earlier that day wearing gloves so that his finger prints would not be on it. He said that he believed it was loaded. He said that he had bought it for \$550 about a month earlier, and confirmed he had acquired it for protection. He explained that the firearm was in the vehicle as he had arranged to sell it to someone that day for \$600, but he would not say to whom. The Crown case is that the defendant dealt in the rifle by possessing it for the purpose of sale.

The defendant is now 22 years old. He has a record of offending including relevant matters. In January 2019 he was dealt with for possession of a stolen firearm, possessing a firearm to which a licence may not be issued, possessing a firearm when not the holder of the appropriate licence, acquiring a firearm when not the holder of an appropriate licence, and failure to comply with prescribed storage requirements. For some reason convictions were recorded on all charges except the first. At the same time he was dealt with for two minor drug offences, with no convictions being recorded. An order was made adjourning the proceedings for 2 years upon the defendant's undertaking to be of good behaviour. It follows of course that he was subject to that undertaking at the time of this offending. In May 2021 he was convicted of a number of offences which included dishonesty, drug and traffic matters. He was sentenced to a total of 9 months' imprisonment suspended on conditions for three years, and made the subject of a community correction order for 12 months with a supervision condition. I have a copy of the pre-sentence report that was before the magistrate for that appearance. The defendant reports a traumatic childhood with most of it "being a blur", as he described it. His father left the family when the defendant was 18 months old. His mother's new partner was violent to her and to the defendant. As a result, he left home when he was 13 years old. He was homeless and in the course of associating with older youths was introduced into illicit substances including methamphetamine. His use of Ice was heavy. He was also a heavy drinker for about 2 years or so from the age of 15. However, there has been a recent substantial change in his lifestyle and behaviour. I was told he has abstained from drug use since his release from custody on these

matters on 4 November 2020. He has abandoned his old associates, some of whom were with him in the car when intercepted by police. He is now living in an area away from them. He is now living with his grandfather and helping him in the administration side of a removal business. I was told that it was his involvement with drugs that led to this offending. He obtained the rifle for protection as part of that lifestyle, and was going to sell it to make some money to buy drugs.

Dealing in and possession of stolen firearms is a very serious matter. Stolen firearms are notoriously the subject of trade and use by criminal elements. There is a clear connection between such firearms and crimes of violence and dishonesty. Carrying a loaded firearm in a vehicle presents obvious risks. 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. I take into account the defendant's co-operation with police and his pleas of guilty. That the matters would resolve in this way was indicated at an early stage. I take into account the defendant's age and his personal circumstances. In particular, he seems to have made significant steps towards rehabilitating himself. I think that was recognised by the sentence imposed by the magistrate in May of this year. I am satisfied that notwithstanding relevant prior matters, I can deal with these matters in the same spirit of encouraging the defendant's rehabilitation. I note he has spent 16 days in custody on these matters.

Mr Radcliffe, I have set out the facts and what I see to be the relevant considerations. These are serious matters warranting imprisonment, particularly given that you have previously been dealt with for firearms offences. However, I think the public interest at the moment rests more with your rehabilitation than putting you in the corrosive environment of prison. I should say that you can be almost certain that any further offences of a similar type will result in immediate imprisonment. You are convicted of all matters. On all charges except the possession of ammunition charge you are sentenced to 9 months' imprisonment to commence on 12 September 2021, the execution of the balance from today is suspended on condition you do not commit any offence punishable by imprisonment for a period of 30 months. On the charge of possessing ammunition, which is not punishable by imprisonment, you are fined in the sum of \$250. I order the forfeiture of the seized firearm and ammunition. I perhaps do not need to explain this to you but of course, if you are not of good behaviour, that is if you commit any offence punishable by imprisonment within the next 30 months, you are liable to be brought back and dealt with for the activation of the suspended sentence. It is likely that a judge will activate it as the judge must do so unless it is unjust.