

STATE OF TASMANIA v ADAM CHRISTOPHER UNDERHILL 4 NOVEMBER 2022
COMMENTS ON PASSING SENTENCE **PEARCE J**

Adam Underhill, you plead guilty to eight firearm offences. All but one could have been dealt with by a magistrate, but one, possessing a prohibited firearm, must be dealt with in this Court, so I agreed to sentence you for all of them.

At 8.30 am on 3 May 2022 the police went to your house in a suburb of Launceston partly in response to a report that you have firearms there. You were not and never have been the holder of a firearms licence. However you had two rifles capable of firing explosive projectiles, one air rifle and one imitation pistol. You also had a quantity of ammunition. One of the rifles was a .22 calibre self-loading rifle fitted with a scope. The barrel of the rifle was sawn off, shortened, and the rifle was not registered. It was in working order, although the self-loading mechanism did not operate because the barrel had been shortened. You also had a .22 Stirling self-loading rifle. It was in working order. Because it had a suppressor fitted to it, it was thereby a prohibited firearm. You also had a .177 calibre Baikal break action air rifle. It was unregistered. It was in working order capable of firing a projectile by means of compressed air. The fourth firearm was an imitation 9mm calibre Glock self-fire pistol. It was a Gel-blaster. Because it is ordinarily capable of firing in rapid succession by compressed air during one pressure of the trigger it constitutes a prohibited firearm, even though the projectiles are spherical gel balls and not bullets, and even though it was not in working order when it was seized. You also had 524 .22 calibre rounds and a quantity of .177 pellets. None of the firearms or ammunition were properly stored. Because you were not the holder of a firearms licence, or because you could not be licensed to possess these firearms, your possession of the prohibited firearms made you guilty of an indictable offence.

The result is that your plea of guilty to failing to take precautions to ensure the safekeeping of the firearms, failing to take precautions to ensure the safekeeping of the ammunition, possessing ammunition without a licence, possessing the firearms without a licence, possessing the firearms when none were registered, possessing a shortened firearm, possessing a silencer and possessing a prohibited firearm.

You are now aged 35. You have been a member of the Defence Force and since leaving the Force you have been an industrious member of society. I note that you have sole care of your 13 year old daughter. Your early plea of guilty is in your favour. You have no prior convictions for firearms offences. You were given some of these firearms by your grandfather or step-father and had been in possession of them for a considerable period. However you had applied for a firearms licence when you lived in NSW and been rejected. It follows that you must have realised that by possession of these items you were disregarding the need to comply with the law. There could have been no lawful reason for possession of the shortened rifle. The *Firearms Act* provides for very heavy penalties including imprisonment. I think in your case that a fine is the appropriate penalty but it must be sufficient to mark the Court's disapproval of your conduct.

Adam Underhill, you are convicted on each count. I impose one sentence. You are fined \$3000. I can only give you 28 days to pay that amount. If you require longer than that it will be necessary for you to enter into a repayment arrangement.