

STATE OF TASMANIA v NATHAN GREGORY DOBSON
COMMENTS ON PASSING SENTENCE

19 JULY 2023
JAGO J

Mr Dobson, you have pleaded guilty to one count of possession of stolen firearms, contrary to s 107A(1) of the *Firearms Act* 1996. I am also dealing with your pleas of guilty to summary charges of possess a firearm and ammunition when not the holder of a firearms licence of the appropriate category, possess shortened firearm, possess firearm part and possess thing used for the administration of a controlled drug. For reasons that will become apparent I decline to deal with a charge of use a firearm when not the holder of a firearms licence of the appropriate category. I am not satisfied beyond reasonable doubt that you used the firearm in the manner required by the *Firearms Act* and thus could not be satisfied that charge has been proved.

On 13 April 2021, you were a passenger in a motor vehicle which evaded police. You exited that motor vehicle in Canning Drive in East Devonport. When you exited the motor vehicle, you had with you a stolen and shortened H & R Break Action 410 shotgun. It had been shortened to a length of less than 65 centimetres. Members of the public who were in the immediate area, saw you in possession of the shortened firearm. It caused them alarm as some of them were of the belief that you had discharged it. A jury found you not guilty of recklessly discharging a firearm. I could not be satisfied beyond reasonable doubt that you, in fact, fired the firearm or held it so as to cause a reasonable belief that it would be fired, but your possession of it, coupled with the manner in which you exited the motor vehicle and the noise that I suspect was made by the motor vehicle, caused two young persons to believe they had heard the firearm discharge. It caused them sufficient concern that they telephoned triple zero. It was undoubtedly a confronting situation for them and is one of the very reasons why crimes of this nature are serious.

You ran through a nearby park and jumped the fence into the rear yard of a residence. You were subsequently found by police in the shed in the backyard of that residence. You still had the firearm with you. It had by this time, been wrapped in a wetsuit and placed on top of a wardrobe. You also had possession of a smoking device. Later that same day, police searched the residence where you were staying. They found ammunition and firearm parts. You did not hold a firearms licence which authorised you to be in possession of any of this material. The firearm was subsequently examined and found to be in working order.

Following your arrest, you made comments to police officers suggesting that your possession of the firearm was for protective purposes. You told police "*When you've got people walking around wanting to knock you, what would you do?*" Your possession of the firearm for such reasons is a matter of great concern. 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, at times, dishonesty. Carrying a loaded firearm in a vehicle presents obvious risks and when you take that firearm out into the public, the risks are only exacerbated. The firearms legislation exists for very good reason and is directed at regulating firearms within the community in order to keep the community safe. The cavalier attitude you displayed towards your possession of this firearm indicates a complete disregard for compliance with the law and community safety and wellbeing. Your record of prior convictions strongly suggests you are actively involved in a criminal lifestyle. Your criminal history is a lengthy one. You have many, many prior convictions for driving offences and convictions for matters of dishonesty, drug offences and violence. You have been sentenced to imprisonment on several occasions. You have no prior convictions for similar matters contrary to the provisions of the *Firearms Act* but your history of prior offending generally indicates you have scant regard for the law

and your obligation to comply with it. That, in my view, only enhances the risks associated with your possession of this firearm. General deterrence is obviously an important sentencing consideration. So to, in my view, is personal deterrence.

You are now 37 years of age. Prior to your recent incarceration you had a good relationship with your 11 year old child and would regularly have that child in your care. On 13 May 2022, you were sentenced in this Court by Brett J for the crime of dangerous driving and associated summary offences of evading police with aggravated circumstances, two counts of driving whilst disqualified and other associated summary matters. You received a total term of imprisonment of three years, commencing on 4 January 2022. You are eligible to apply for parole as at 3 July 2024. Totality is obviously a principle to which I must be minded, and the sentence I impose necessarily be more lenient than might otherwise be appropriate.

I am told the time you have recently spent in custody has given you cause to reflect upon your lifestyle. Your parents and siblings refuse to have anything to do with you because of the manner in which you live your life. That is a matter I am told that causes you considerable upset and you are desirous of changing your ways and endeavouring to repair your relationship with your family. Whether you are genuine in your expression of such intentions remains, of course, to be seen. You have struggled with a serious drug addiction since about 2014. That drug addiction is reflected in your record of prior offending. I note you pleaded guilty to the charge for which you are to be sentenced. That counts in your favour.

This is a serious matter. The unlawful presence of firearms within the community and their availability to, and use by, criminals is a matter of great concern to the public. Their presence within the community generally creates significant risk, and sometimes actual harm to victims and the broader community. The fear that the presence of such firearms within the community can create is evidenced by what occurred here. Two young persons were scared because of your behaviour. The serious nature of this crime is also demonstrated by the fact Parliament have deemed it indictable.

In all of the circumstances I am satisfied a period of imprisonment is the only appropriate sentencing response. You are convicted of all matters. In respect to the charge of possess ammunition when not the holder of the appropriate firearms licence, and possess a thing used for administration of controlled drug, both of which are non-imprisonable offences, I make no further order. On all other charges, I impose a single sentence, you are sentenced to nine months' imprisonment cumulative to any period of imprisonment currently being served. I order that you are not eligible for parole until you have served five months of that period of imprisonment. I order the forfeiture of the seized firearm, firearm parts and ammunition.