

Terry Carter, you plead guilty to receiving stolen property and possession of stolen firearms. I also agreed to deal with your plea of guilty to the summary charges of stealing, possessing an unregistered firearm, possessing a shortened firearm, possessing a firearm without a licence, possessing ammunition without a licence, possessing a firearm part, possessing cannabis, possessing cannabis oil and possessing a smoking device.

In 2021 you owned a property in an area of forest reserve at Pipers River. There were no fixed buildings on the block but you spent time there in a caravan. On 28 September 2021 the block was searched by the police. They found a Toyota Hilux utility and an excavator on a trailer parked down a bush track. The vehicle and trailer had been stolen from a commercial premises in Kings Meadows four days earlier. The combined value was \$95,500. In the same area was another trailer stolen from a different commercial premises on 27 January 2021. Elsewhere on the property was a John Deere gator stolen in June 2021 worth about \$20,000, a Suzuki motor bike worth about \$5,000 and a Nissan utility worth about \$30,000. The total combined value exceeded \$150,000.

Inside your caravan were five stolen firearms and a quantity of ammunition. The firearms were a Winchester shotgun which had been shortened, stolen from a property in rural north-west Tasmania in 2010, a Berretta twelve gauge shotgun stolen from Nabowla in April 2021, a .22 Magnum rifle stolen from Nunamara on 22 April 2019, a Baikai 12 gauge double barrel shotgun which had been shortened, stolen in October 2016, and a Winchester 94 model which was unregistered in Australia. There were 95 rounds of ammunition of differing calibre in various containers within the caravan. There were two firearm bolts, five bags of dried cannabis with a total weight of almost 650 grams, fifty one capsules of cannabis oil and four ice pipes.

It is in your favour that you pleaded guilty. Your personal circumstances were outlined by your counsel and in a pre-sentence report prepared by Community Corrections. You are aged 38. You are a single man with one child who lives with his mother. Since leaving school in grade 9 you have a long history of manufacturing and labouring work. You held stable employment in the forestry industry and lived in rented accommodation in Burnie. However when you lost your driver licence in 2020 for drug related driving offences you lost your job and began to live in the caravan full time. You were a recreational user of cannabis and methylamphetamine but at the time of this offending your use became heavy. However you have no record for dishonesty or firearm offences. You have not been to prison before. You offer various explanations for your possession of the items the police found. For the most part the vehicles and trailers were left on your property by people you knew who were involved in criminal activity. Your property became a remote storage location for your criminal associates which you permitted through loyalty to them. You did not steal those items but you realised that they were all stolen. Receiving is serious because it supports and encourages theft. For that reason it generally attracts a sentence of imprisonment. The exception is one of the trailers which you claim to have found by the side of the road at Pipers River about a month earlier. You hooked it up to your vehicle and towed it away intending to keep it. You are thus guilty of stealing by finding. The total value of the stolen items was considerable. They were recovered, although it is possible that the value of an item may have been affected before it was returned to the true owners.

You claimed in court to have accumulated the firearms over the years and used them only for vermin control on your property. That is quite an insufficient explanation for possession of stolen

firearms. It does not explain how you came to be in possession of stolen firearms and conflicts with what you told the author of the pre-sentence report, which was that you had them because you agreed to requests by your criminal friends for the firearms to be left at your property. The law provides for very heavy penalties for possession of stolen firearms because they fall outside the strict legislative regime for regulation of firearms and the very strong association between stolen firearms and other crimes of dishonesty and violence. You had no firearms licence and so you should not have been in possession of any firearms, parts or ammunition, still less six stolen guns. It does not appear that you were using the firearms, or making them available for use, for any criminal purpose, but by allowing your associates to take advantage of you and your property for storage you again encouraged the potential for the criminal use of those guns to that extent.

I accept that the cannabis, cannabis oil and pipes were for your personal use.

Since these crimes were committed you have lost your property, which was sold after you defaulted on the mortgage. There were no net proceeds and you have largely been homeless ever since. Your current accommodation arrangements are quite unstable and you do not have a driver licence. However you have not been in any further serious trouble. You told the author of the pre-sentence report that you have not used methylamphetamine since early this year and reduced your cannabis use. You already owe thousands of dollars in fines you cannot pay. Your personal circumstances mean that community service is not an appropriate sentencing option. It is obvious, even without an assessment, that you are not suitable for home detention either. The only appropriate sentence is imprisonment and the only question is whether any part of the sentence should be immediately served. I have decided to allow you the opportunity to avoid having to actually go to prison by conditionally suspending all of the term I am about to impose. The conditions will require supervision in the community with the aim of allowing you to address your financial, employment, accommodation and substance abuse issues in the community. If you commit another offence of any seriousness while the order is in force then it is almost inevitable that you will have to serve the suspended term.

Terry Carter, you are convicted on both counts on the indictment and on complaint 34956/21, counts 2 and 4 to 11 inclusive. On counts 9, 10 and 11 on the complaint I make no further order but order that the four Ice pipes referred to as item 4 on drug exhibit sheet 269200 are forfeited to the State. On the remaining charges I impose one sentence. You are sentenced to a term of imprisonment of 15 months wholly suspended for two years from today on the following conditions:

- (a) You are not to commit another offence punishable by imprisonment during that period. If you breach that condition you will be required to serve the term unless that is unjust.
- (b) During the two year operational period of the order you will subject to the supervision of a probation officer. The conditions referred to in s 24(5B) of the *Sentencing Act* apply to this condition and will be set out in the order you will be given. These include that you must report to a probation officer at the office of Community Corrections in Launceston within three clear working days of today, you must submit to supervision and comply with the directions given by your probation officer, you must not leave Tasmania without permission and you must notify of any change of address.
- (c) In addition to the core conditions, the order will also include the following special conditions that you must, during the operational period of the order:
 - i. submit to the supervision of a probation officer as required by that officer;

- ii. attend educational and other programs, undergo assessment and treatment for alcohol or drug dependency, submit to testing for alcohol or drug use and submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer.