

Mr Heath, you have pleaded guilty to the aggravated burglary of a house, the burglary of a shed at the same address and several counts relating to the stealing of a substantial quantity of property, including firearms, from those premises.

The first of those crimes occurred at about 12pm on 9 June 2016. At that time, you and your female companion decided to burgle the shed when you realised that the home owners were not at home. You stole a quantity of property which included a toolbox. When you examined the toolbox after the burglary, you saw that it contained ammunition. You returned to the property because you thought it likely that there would be firearms in the house, given the presence of ammunition in the toolbox. You broke into the house, searched it thoroughly and spent a considerable period of time attempting to break into the two firearm safes, which you located during the search. You used a variety of tools in this endeavour, including a crowbar, a blockbuster and an angle grinder. You were only able to successfully access one safe, from which you stole four firearms. In addition to those firearms, you also stole a significant amount of property, including a large amount of ammunition, from the house. The total value of the property stolen by you, including the firearms, is estimated to be \$28,219. You caused a significant amount of damage to the house during the course of the commission of the crimes. The cost to clean and replace damaged property is estimated at a further \$15,140.85.

You were quickly identified by police as the culprit because of forensic evidence left by you at the scene, and were taken into custody on 18 June 2016. You made full admissions to police and have pleaded guilty at an early opportunity.

You told police that you went back to the house after burgling the shed because you were specifically looking for firearms. Your intention was to steal and sell firearms *"on the street"* in order to obtain money to buy drugs. Soon after committing the crimes, you sold or swapped for drugs, some of the property, including all of the firearms. You purported to identify to police the persons to whom you gave the firearms and the other property, but police have not been able to recover any of the property, including any of the firearms.

You are 31 years of age. You have a significant drug problem. I have already noted that your motive for committing the crimes was to obtain money to buy drugs. Despite your drug problem, you have a reasonable industrial record and you have the support of your former partner and your father. You claim to hold a commitment to rehabilitation. You have been assessed recently by the Magistrates Court as a suitable candidate for a drug treatment order.

You have a significant history of offending, although, until recent times, your offending has been mainly comprised of traffic and minor drugs offences, together with some comparatively minor stealing offences. However, on 11 March 2016 you were sentenced in the Magistrates Court for a number of offences, including a burglary and several counts of stealing, committed by you in late 2015 and early 2016. You were subject to a suspended sentence of imprisonment in respect of those matters at the time that you committed these crimes. That sentence has been activated and served by you since being arrested for these crimes.

There are a number of aspects of your conduct which are particularly serious. You committed the aggravated burglary for the specific purpose of stealing firearms so that you could sell

them illegally. This is precisely the behaviour that was targeted by the amendments to the *Criminal Code* in 2013, which inserted the provision that makes the stealing of firearms a crime. You then sold these firearms to persons who obviously desired to obtain firearms illegally, and, although I must accept that you did your best to help police locate those persons, the firearms have not been recovered. Those firearms are now in the community illicitly. The potential for harm and adverse impact to the community from such a state of affairs, which was caused directly by your criminal conduct, is obvious. You also caused a significant amount of damage to the burgled house in your desperation to take the firearms from the gun safes. Your actions constituted a significant violation of the security and privacy of the homeowner. You did all this while subject to a suspended sentence imposed, in part, for similar offending only a few months earlier.

Your crimes require the imposition of a significant sentence of imprisonment. In fixing that sentence, I will take into account your co-operation with police and your pleas of guilty. I will also allow for your early release on parole in order to accommodate any real commitment shown by you towards rehabilitation whilst you are in prison.

Accordingly, the orders I make are as follows:

- (a) You are convicted of each of the offences to which you have pleaded guilty.
- (b) You are sentenced to a global term of 21 months imprisonment, which will be backdated to the 23 September 2016.
- (c) Pursuant to s 17 (2) of the *Sentencing Act* 1997, I order that you not be eligible for parole until you have served 12 months of that sentence.
- (d) You will pay victims of crime compensation levies of \$ 400 within 28 days of your release from prison.
- (e) I make compensation orders in favour of:
  - a Comminsure
  - b Anthony Hoving
  - c Dee-Anne Hoving
  - d Cameron Marsh

in sums to be assessed. I adjourn assessment sine die.