

Mr Scott, you have pleaded guilty to one count of dealing in firearms whilst not the holder of a firearms dealer's licence contrary to s 11(1) of the *Firearms Act* 1996. You have also pleaded guilty to various related summary offences, being:

- Fail to comply with prescribed storage of ammunition requirements; and
- Three counts of possess an unregistered firearm.

On 29 November 2023, police attended the residence where you lived with your parents. Police spoke to you about some firearm matters and you told police that you had been working on a project. You then produced to police three firearms, being one .22 calibre homemade single shot air rifle and two .22 calibre homemade single shot pistols. All three firearms were unregistered. Police also found a small quantity of .22 calibre air rifle pellets, which were not stored in accordance with licencing requirements.

At the relevant time you held a Category A, B and H firearms licence, but you did not hold a firearms dealer's licence.

You told police that you had a passion for firearms and that you had, out of interest, manufactured the three firearms that you surrendered. You explained to police that you had watched a video of an air rifle being manufactured and you were interested to see if you could design and manufacture something similar. You showed police the plans where you had designed the firearms, and told police you wanted to see if you could "prove a concept". You said you had no intention to remove the firearms from your property. You admitted to police that you knew you were not permitted to manufacture the firearms but you stressed to police that you had no intention to do anything criminal with the firearms.

You are guilty of dealing in firearms because you manufactured the three firearms. The term "dealing" is defined within the *Firearms Act* to include manufacturing. There is no evidence to suggest that you were going to sell or distribute the firearm or use them in any inappropriate manner. I note you were fully cooperative with the police.

You have no recorded criminal history. You are 47 years of age. You have had an industrious work history. You served as a police officer in the New South Wales force between 1995 and 1999. You were then employed as a firefighter in the New South Wales between 2003 and 2013. You have also worked as a training officer. More recently, you relocated to Tasmania to provide care for your aging parents and to assist them on their small, rural property. I take into account your early pleas of guilty to these matters. You pleaded guilty when the matters were in the Magistrates Court and when you were unrepresented. You appeared in this Court unrepresented and have expressed your remorse for your actions.

I accept your manufacture of these firearms arose from a personal interest in seeing whether you could successfully construct the firearms from concept through to a finished functional product. The ammunition charge related to some 15 air rifle pellets that were in a tin, but not within a firearm's safe. You voluntarily surrendered those to police. Other ammunition and firearms were properly stored at the premises. I accept the pellets in the tin were an oversight on your behalf.

Being charged and presented to Court has been a salient experience for you and there is minimal risk, in my view, of further offending. There is little need for specific deterrence in this sentencing exercise.

In sentencing for any firearm offences, however, general deterrence is always an important consideration. Parliament has put in place a strict regime in respect to the possession and use of firearms. Its purpose is directed at providing community protection through the licensing and regulation of firearms and to endeavour to ensure only responsible persons with appropriate licences have access to, or capacity to deal with firearms. For the crime of dealing in firearms, a gaol sentence is often imposed. Community safety is paramount. Having said that, I regard this offence of dealing in firearms, involving the making of three firearms out of interest, with no suggestion of selling or supplying, to be at the lower end of the scale of seriousness when compared to examples involving large scale trade in firearms.

Given the conduct that was associated with the dealing with firearms charge, your personal circumstances, including your absence of prior convictions, and your otherwise good character, I am satisfied I can appropriately deal with this matter by the imposition of a fine. I have given careful consideration to whether there is a need for conviction in this instance. Because of the weight general deterrence must attract in any sentencing exercise involving firearms, I have determined it is appropriate that I convict you of all charges. I make that order and impose a fine of \$3,000.