

Mr Johnson, you have pleaded guilty to three counts of possess a prohibited firearm to which a firearm licence may not be issued. By way of s 385A of the *Criminal Code*, I am also dealing with your pleas of guilty to several related summary offences, being seven counts of possess a firearm when not the holder of a firearm licence of the appropriate category, four counts of fail to take all precautions to ensure safekeeping of firearm, and one count of possess firearm part.

The charges arise as a consequence of police attending a storage unit rented by you in respect to an unrelated matter. When they searched the storage unit, they located the following firearms, which were not held in a secure and approved gun safe:

- a replica 308 calibre rifle;
- a replica Remington 12 gauge shotgun;
- a replica Vector V2;
- a replica shotgun;
- a replica M1911 handgun;
- a replica Python 357 8mm handgun;
- a replica Glock handgun;
- a replica military style 50 calibre sniper rifle; and
- a replica military style M16 firearm.

The replica military style 50 calibre sniper rifle, the replica military style M16 firearm and the Vector V2 were all classed as prohibited firearms because they substantially duplicate assault rifles which have select fire capabilities and can operate in semi-automatic or fully automatic modes of fire. These three replica firearms, together with the other six firearms located by police, were all gel blasters firearms. I have seen photographs of some of the firearms. They have the appearance of firearms and could easily be mistaken for real firearms.

At the relevant time you were not the holder of any firearms licence. In addition to the nine firearms, police also recovered a trigger mechanism, a bolt, a barrel and slide components. Apparently, these were spare parts for some of the replica firearms.

When police spoke to you about the firearms, you were co-operative. You told police they were gel blasters, that they were yours and that you believed they were "toys you could mess around with".

Whilst there is nothing to suggest you had any sinister intent in respect to any of the firearms, there is always a risk that unlawfully possessed firearms will find their way into the wrong hands and be used in criminal endeavours. Whilst these firearms were replicas, they could readily be mistaken for real firearms, particularly if used in circumstances where the lighting was poor, emotions were heightened or there was panic. Their use in such circumstances could readily cause fear and apprehension within the community. The reasons why it is illegal to possess replica firearms which bear close resemblance to real firearms is obvious. Accordingly, the unlawful possession of prohibited firearms of this nature is a serious offence, as is any offence contrary to the *Firearms Act*, and in sentencing for such a matter, general deterrence is an important consideration.

You are 44 years of age. You have no relevant prior convictions contrary to the *Firearms Act*, but you do have some prior convictions suggestive of past difficulties with alcohol, and something of a *laissez faire* attitude towards compliance with the law. You have a number of prior convictions contrary to the *Road Safety (Alcohol and Drugs) Act*, and you also have prior convictions for disorderly conduct, using abusive language to a police officer, and other offences against good order.

You have a solid industrial history. You are currently employed on a casual basis as a forklift driver and storeman. I am told you purchased these replica firearms when you were living on a rural property in Perth in Tasmania. You purchased them from an online store in Queensland where such firearms are not illegal. You used them for recreational target shooting when you were living on that property. When you relocated to the northwest coast, you placed them into a storage unit and I am told did not give them much further thought. Whilst I appreciate that firearms of this nature may not be illegal in other places, there have been many matters of this nature proceed through the courts in Tasmania and Tasmania Police have been quite active in communicating to the community the illegality of firearms of this nature. I do not consider, therefore, a claim of ignorance as to their illegality to be of any real significance in the sentencing exercise.

I take into account your early pleas of guilty, your lack of prior convictions under the *Firearms Act*, and your co-operation with police. Given the number of firearms involved, their close resemblance to the real thing and the haphazard manner in which they were stored, coupled with the need to place a strong emphasis on general deterrence, I am satisfied that a period of imprisonment is required; however, in the circumstances it is appropriate that that period of imprisonment be wholly suspended. I also intend to impose a fine to immediately mark the Court's disapproval of your conduct and send a very clear message that firearms of this nature are unlawful.

I make the following orders. You are convicted on all counts. I impose one sentence. You are sentenced to imprisonment for a period of four weeks, the execution of which will be wholly suspended for a period of 12 months on condition that you do not commit an offence punishable by imprisonment during that time. Additionally, you are fined the sum of \$3,000. I can only give you 28 days in which to pay that amount. If you require longer, it will be necessary for you to enter into a repayment arrangement. I make an order pursuant to s 11(1)(a) of the *Crimes (Confiscation of Profits) Act* that the items numbered 1 to 12 on Property Seizure Record Receipt 199646 be forfeited to the State of Tasmania.