

## Supply Pistol or Prohibited Firearm to Unauthorised Person

s.51(1A) (NSW) *Firearms Act*

s 51(1A) A person (the supplier) must not supply, or knowingly take part in the supply of, a prohibited firearm or pistol to another person unless:

- (a) the other person is authorised to possess the pistol or prohibited firearm by a licence or permit, and
- (b) prescribed documents have been produced to, and inspected by, the supplier.

**Maximum penalty:** 20 years.

**Standard non-parole period:** 10 years (conviction entered or plea taken on or after 1.1.2008)

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	FACTS
1.	Dunn (20) <a href="#">[2003] NSWCCA 169</a>	s.51(1A)  Knowingly take part in unauth supply of firearm: s.51(1)  Armed robbery  Sched: Take and drive conveyance	PG	6y NPP 3y  FT 2y 3m  3y 9m NPP 2y  <u>Total:</u> 8y NPP 5y	Crown AA 7y NPP 3y 9m  FT 2y 3m  5y NPP 3y  <u>Total:</u> 10y NPP 6y 9m	Criminal record – firearms offences breached bail	Stole car from hospital car park and used it for robbery – reversed car into bank and robbed tellers with tyre lever – stole \$40,000 – careful planning in company – brokered sale of forty firearms while on bail from first offences – guns included: two Baikal guns (including a 12 gauge double barrelled shotgun) four Lithgow repeating rifles Mauser repeating rifle New England firearm rifle BSA rifle Zado Crvena Zastava rifle

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2.	<b>Howard</b> (63) <a href="#">[2004] NSWCCA 348</a>	s.51(1A)  s.51(1A)	PG (20% all factors)	3y 6m NPP 2y  2y 3m NPP 2y 6m (concurrent)	AD	nil	Sold two pistols to undercover police officer – offered to sell two more pistols and silencer to same officer – pistols sold in Queensland knowing they would be taken to NSW CZ85 self-loading pistol - \$2500 9 millimetre Smith & Wesson self-loading pistol - \$2000 Found in possession of more firearms the subject of Qld charges Prior good character
3.	<b>KC</b> (52) <a href="#">[2009] NSWCCA 110</a>	s.51(1A)  Unauth sale of firearm part: s.51BA(2)  Unauth poss barrel for proh pistol: s.58(2)  Unauth possess pistol: s.7(1)  Unauth poss proh weapon: s.7(1) <i>Weapons Act</i>  Sched: 2 possess ammo	PG (50%)	5y 2m NPP 2y 2m  FT 10m  FT 6m  FT 2y  FT 2y  <u>Total:</u> 7y NPP 4y	AA To correct technical error – same effective sentence imposed	Length record for serious robbery and firearms offences – breached parole	Sold Norinco .45 calibre pistol with a magazine and four .45 calibre magazines with a ten round capacity for use in the pistol to undercover officer for \$3,500 – also in possession of 750 rounds of .45 calibre ammunition – found on subsequent occasion in possession of .22 calibre Jennings semi-automatic pistol, silencer for pistol, spare firearm barrel for pistol and 25 live rounds of .22 calibre ammunition Valuable assistance

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4.	<b>Parkinson</b> <a href="#">[2010] NSWCCA 89</a>	Supply comm qty methylamphet  s.51(1A)  s.51(1A)  Sched: 2 drug offences 2 weapons offences	PG (25%)	6y NPP 2y 9m  FT 3y  FT 2y  <u>Total:</u> 7y NPP 3y 9m	Crown AA 8y NPP 6y  7y 6m NPP 4y 6m  7y 6m NPP 4y 6m  <u>Total:</u> 9y 6m NPP 6y 6m	Significant although no drugs or full time custody – breached conditional liberty	<b>SNPP 10 years (drugs and firearms)</b> Over three months sold total of 563.3g methylamphetamine to undercover operative – low purity – escalating amounts – significant drug enterprise – significant financial gain – towards lower end mid-range - also sold .22 calibre pistol in working order with 96 x .22 calibre rounds – took \$3000 as payment for second firearm – supply to known drug dealer made firearms offences serious On appeal: sentences manifestly inadequate
5.	<b>Parkes</b> (23) <a href="#">[2013] NSWCCA 167</a>	2 x s.51(1A)  2 x Unauth poss proh firearm: s.7(1)  Recklessly cause GBH: s.35(2) <i>Crimes Act</i>  Sched: Poss cannabis		7y 6m NPP 5y  3y NPP 2y  4y 6m NPP 3y 4m  <u>Total:</u> 9y NPP 6y 6m	AA 7y 6m NPP 5y  3y NPP 2y  4y 6m NPP 3y 4m  <u>Total:</u> 9y NPP 6y	Minor	<b>SNPP 10 years</b> Involved in sale of two non-commercially manufactured 9mm submachine gun with large capacity magazines and sound suppressor to undercover police officer for \$15,000 each – minor player in planned and organised criminal activity History of chronic and severe substance abuse Failure to give effect to special circumstances

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6.	Truong	s.51(1A)	PG (25%)	8y NPP 5y	AD	Short record – breached bond	<b>SNPP 10 years</b> L supplied to T – T supplied to N – N supplied to undercover officer – each took profit Bruni pistol .25 calibre Melior Pistol  L ‘manufactured’ firearms by replacing handle on one and putting pieces of second one together – much discussion in relation to further supplies – offences part planned and organised criminal activity L found in possession of taser, unassembled firearm and 42.35g methamphetamines L – difficult childhood  N – supplied 14.14g and 13.42g methamphetamines – found in possession of \$50,700 cash and 19.1g methamphetamines and .32 calibre Colt pistol
		s.51(1A)		4y NPP 3y (concurrent)			
		Sched: 4 offences					
	Le (27)	s.51(1A)	PG	3y 6m NPP 1y 9m	Crown AD	Nil	
		s.51(1A)		4y 6m NPP 2y			
		2 x Manuf proh firearm: s.50A(2)		2y NPP 12m			
		Unauth poss proh firearm: s.7(1)		18m NPP 9m			
		Supply meth		2y 6m NPP 1y 3m			
		Sched: 4 offences		<u>Total</u> 7y 9m NPP 5y 3m			
	Nguyen (28) <a href="#">[2013] NSWCCA 36</a>	s.51(1A)	PG (25%)	<u>Indicative</u> 5y	AD Crown AD	lengthy	
		s.51(1A)		3y			
		2 x 25A supply meth		5y			
		Supply meth		2y			
Unauth poss pistol: s.7(1)		5y					
Proceeds of crime		2y					
s.166 certificate 9 x Driving offences		4m					
Sched: 6 offences		<u>Aggregate</u> 9y NPP 6y					

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7.	<b>Sward</b> (48) <a href="#">[2014] NSWCCA 259</a>	s.51(1A)  3 x s.51(1A)  2 x supply proh drug  s.166 certificate False report to police  Sched: 4 offences	PG	<u>Indicative</u> 4y 5m NPP 2y 5m  4y 5m NPP 2y 5m  2y 5m NPP 1y 5m  FT 6m  <u>Aggregate</u> 4y 6m NPP 2y 6m	Crown AA <u>Indicative</u> 5y NPP 3y 3m  4y 6m NPP 3y  4y  FT 6m  <u>Aggregate</u> 7y NPP 4y 6m	Old GIC offences	<b>SNPP 10 years</b> Member of bikie gang involved in drug dealing over 12 months – indictment offences involved 28gm methamphetamine and 50 ecstasy pills – supplied 4 handguns to discharge drug debt – registered owner of guns but supplied to member of bikie gang – falsely reported guns as stolen – offences just below mid-range Joined gang late in life – since left
8.	<b>Z</b> (23) <a href="#">[2015] NSWCCA 274</a>	s.51(1A)  s.51(1A)  Cause GBH with intent to cause GBH: s.33(1)(b) <i>Crimes Act</i>  Unauth possess proh firearm: s.7(1)	VG  PG  (combined 50% to all)	4y NPP 3y 3m  6y NPP 3y 10m  8y NPP 3y 9m  4y NPP 2y 7m  <u>Total:</u> 12y NPP 7y 9m	AD	Violence – breached bonds	<b>SNPP 10 years (7 years s.33 offence / 3 years firearm possession)</b> Member of criminal gang shot victim from rival gang outside victim's home – shot in both thighs – second shot while victim on ground – towards high range – sold .45 calibre Sig Sauer P220 self-loading pistol used in shooting to undercover operative – not loaded – mid-range – sold 9mm Parabellum calibre sub machine gun in working order with ammunition to same operative – above mid-range – on arrest found in possession of shortened and loaded s.357 Magnum revolving cylinder fire rifle – above mid-range Born in Iran and forced to flee with family On appeal: no error in sentence

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9.	<b>Godfrey</b> (21) <a href="#">[2016] NSWCCA 271</a>	Att s.51(1A)  Unauth poss proh firearm: s.7(1)  Unauth poss pistol: s.7(1)  Police pursuit  3 x s.25A supply  s.166 certificate 2 offences  Sched: 4 offences	PG (25%)	<u>Indicative</u> 6y NPP 3y 9m  3y 6m NPP 2y  2y 6m NPP 1y  1y  3y  <u>Aggregate</u> 8y NPP 5y	AD	Limited	<b>SNPP 10 years</b> Attempted to sell shortened .22 rifle given to him by a friend after possessing rifle for four years - .45 calibre handgun and magazine found in bedroom – supplied methamphetamine and ecstasy over three months – substantial; drug dealer
10.	<b>Harris (a pseudonym)</b> <a href="#">[2019] NSWCCA 236</a>	2 x s.51(1A)  Failure to keep firearm safely: s.39(1)(a)	PG (50% plea and assist on appeal)	<u>Indicative:</u> 3y (each)  Bond  <u>Aggregate:</u> 5y NPP 3y 6m	AA <u>Indicative:</u> 2y NPP 1y 4m (each)  <u>Aggregate:</u> 3y NPP 2y		<b>SNPP 10 years</b> Sold two firearms to acquaintance for \$20,000 – desperate to pay gambling debts but aware purchaser unlicensed and involved in criminal behaviour - .38 super automatic calibre pistol and .357 Magnum calibre revolver – also found in possession of air pistol not safely stored – just below mid-range On appeal found error in assessment of prospects of rehabilitation and use of confidential letter of assistance – on re-sentence found moderate prospects of rehabilitation and low-medium risk of re-offending based on gambling addiction – increased discount

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11.	<b>Kember</b> (48) <a href="#">[2020] NSWCCA 152</a>	s.51(1A)  Unauth poss proh weapon:s.7(1) <i>Weapons Act</i>  Sched: 8 possess firearms offences	PG (10%)	<u>Indicative:</u> 2y 8m  11m  <u>Aggregate:</u> 2y 9m NPP 1y 5m	AD	Old offences of firearms and personal violence – noncustodial	<b>SNPP 10 years</b> Arranged for swap of .38 calibre pistol with parts missing for .22 calibre automatic Ruger pistol on behalf of friend – intermediary with no financial reward – swap made in presence of offender who did not handle second gun – in search of property found unsecured silencer (second count), seven legally stored rifles registered in name of estranged wife and ammunition – bottom of range Mental health issues – protected proceedings On appeal: no error found in consideration of ICO and parity
12.	<b>Jones</b> (pseudonym) <a href="#">[2021] NSWCCA 106</a>	s.51(1A)  Possess firearm parts while subject to Firearms Proh Order: s.74(2)  Manufacture proh firearm without licence or permit: s.50A(2)  Sched: Intimidate Proceeds of crime	PG (30% combined on appeal)	<u>Indicative:</u> 5y 2m NPP 3y 4m  1y 7m  4y 9m  <u>Aggregate:</u> 8y NPP 5y	AA <u>Indicative:</u> 4y 6m NPP 3y  1y 4m  4y 3m  <u>Aggregate:</u> 7y NPP 4y 5m		<b>SNPP 10 years</b> Involved in sale of six firearms – 4 x 45 calibre pistol, AK 47 assault rifle and Uzi with suppressor – rifle and Uzi at least imitations – found in possession of .22 calibre pistol barrel and frame – admitted to building working MAC-10 firearm Provided some assistance – reasonable prospects of rehabilitation On appeal: discount for assistance increased – SJ erred in only taking onto account value of assistance

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13.	<p><b>Alamaddine (No.3)</b> (22) <a href="#">[2018] NSWSC 681</a> Johnson J</p> <p><a href="#">[2020] NSWCCA 232</a></p>	<p>s.51(1A)</p> <p>Possess thing for terrorist act: s.101.4(2) <i>Cth Code</i></p> <p>Sched: Possess firearm 2 x Breach Firearms Prohibition Order</p>	<p>PG (15%)</p>	<p>14y 2m NPP 10y</p> <p>7y 2m NPP 5y 3m</p> <p><u>Total:</u> 17y 8m NPP 13y 6m</p>	<p>AA 12y NPP 8y 6m</p> <p>6y NPP 4y 6m</p> <p><u>Total:</u> 14y NPP 10y 6m</p>	<p>assault and firearms offences – subject to Firearms Prohibition Order – subsequent offences for refusal to answer questions before the NSW Crime Commission</p>	<p><b>SNPP 10 years</b> Supplied firearm used to shoot civilian police accountant in terrorist attack – supplied firearm to co-offender who supplied 15y shooter – had ‘good idea’ gun would be used for terrorist attack – known to be person with access to firearms and willingness to supply them – not clear whether supplied for payment – beyond bare recklessness – very high degree of criminality – supply firearm offence in most serious range Lebanese background – family support – strict custodial conditions CCA: sentencing judge erred finding offender sympathetic towards Islamic State and motivated to commit offences because of such sympathy – CCA found offender “anticipated” manner in which gun would be used; conversations showed co-offender disclosed revolver was to be used for the purposes of a terrorist attack; indifferent to substantial risk revolver would be used in a terrorist act in support of Islamic State</p>

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