

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) [2003] NSWCCA 169	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 barrellled shotgun) four Lithgow repeating rifles Mauser repeating rifle New England firearm rifle BSA rifle Zado Crvena Zastava rifle

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2.	Howard (63) [2004] NSWCCA 348	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.	KC (52) [2009] NSWCCA 110	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.	Parkinson [2010] NSWCCA 89	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	SNPP 10 years (drugs and firearms) 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.	Parkes (23) [2013] NSWCCA 167	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	SNPP 10 years 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	SNPP 10 years 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					
		s.51(1A)		3y 6m NPP 1y 9m			
	Le (27)	s.51(1A)	PG	4y 6m NPP 2y	Crown AD	Nil	
		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) [2013] NSWCCA 36	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.	Sward (48) [2014] NSWCCA 259	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	SNPP 10 years 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.	Z (23) [2015] NSWCCA 274	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	SNPP 10 years (7 years s.33 offence / 3 years firearm possession) 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.	Godfrey (21) [2016] NSWCCA 271	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	SNPP 10 years 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.	Harris (a pseudonym) [2019] NSWCCA 236	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		SNPP 10 years 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.	Kember (48) [2020] NSWCCA 152	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	SNPP 10 years 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.	Jones (pseudonym) [2021] NSWCCA 106	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		SNPP 10 years 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>Alamaddine (No.3) (22) [2018] NSWSC 681 Johnson J</p> <p>[2020] NSWCCA 232</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>SNPP 10 years 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>

Last updated: May 2021

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