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Our Ref: DAM;lg:15.735

23 October 2015

The Hon Alan Wilson SC
Chairman
Taskforce into Organised Crime Legislation 2015

Dear Chairman,

RE: POLICE v

We act on behalf of _____, who is before the Magistrates Court at _____ charged with a number of offences against the *Drugs Misuse Act* 1986 and an offence against the *Weapons Act* 1990 ("the Weapons Act").

The Weapons Act was amended in 2012, before the raft of legislation which was introduced in 2013 and is specifically referred to in your terms of reference. However, the amendments were part of an ongoing policy of removing or limiting judicial discretion in sentencing, including by the introduction of provisions for mandatory sentences.

Section 50B(1)(c) is the section under which our client _____ is charged. _____ allegedly supplied a Category H weapon, which is a "*short firearm*". By s 50B(1)(e), the penalty is "*2½ years imprisonment served wholly in a Corrective Services facility*".

As you are aware, on a plea of guilty, there is rule of thumb that parole is ordered after service of one-third of the head sentence. Applying that rule of thumb, s 50 of the Weapons Act provides an effective mandatory head sentence of 7½ years for supply of a short firearm. The result of this is similar to the results inflicted under the VLAD legislation. Under the VLAD legislation, the mandatory sentences for vicious lawless associates will usually exceed the head sentence for the primary offence committed. In practical terms, the effective sentence for offences committed by use of the short firearm (robberies etc) will often be less than the effective sentence for supply of the firearm.

We respectfully ask the Taskforce to consider the amendments to the Weapons Act as it does its work.

Yours faithfully,


McGinness & Associates