



Summary of Judgment

DPP (CTH) v PAUL ROBERT MUNRO

[2019] VSCA 89

14 May 2019

The Court of Appeal (President Maxwell, Justice Beach and Justice McLeish) has allowed an appeal by the Commonwealth Director of Public Prosecutions against a sentence of 10 years and 3 months' imprisonment, with a non-parole period of 6 years, imposed by the County Court for six offences involving the importation of firearms. The Court found that the sentence imposed in the County Court was manifestly inadequate, and resented the respondent to a total effective sentence of 15 years, with a non-parole period of 11 years.

The respondent had pleaded guilty to four charges that involved the importation of firearms, and two charges involving attempted importations. The firearms included a number of fully automatic machine guns capable of firing up to 1,000 rounds of ammunition per minute.

For over three and a half years, the respondent engaged in persistent, planned, sophisticated offending to bring into Australia weapons 'capable of mass murder in a very short time'. The only purpose of such weapons was their use in the threatened or actual taking of human life in the course of criminal activity.

The Court said that general deterrence was, self-evidently, a consideration of the highest importance for offending of this kind, and that it was not reasonably open to the sentencing judge to impose the total effective sentence and non-parole period which he did.

The Court observed that the importation of weapons is a very serious offence, and the importation of fully automatic machine guns of the kind imported in this case was at the highest end of seriousness. The offending in this case was made worse because it continued after the respondent was made aware that at least one of the weapons he had imported had been seized by police from a person subsequently charged with trafficking commercial quantities of methamphetamine.

A sentence of 15 years' imprisonment was required to reflect the aggregate criminality of the offending. In light of mitigatory matters personal to the respondent, it was appropriate to impose a non-parole period of 11 years.

NOTE: This summary is necessarily incomplete. It is not intended as a substitute for the Court's reasons or to be used in any later consideration of the Court's reasons. The only authoritative pronouncement of the Court's reasons and conclusions is that contained in the full reasons for judgment.