

STATE OF TASMANIA v ANDREW JAMES BELLAMY
COMMENTS ON PASSING SENTENCE

ESTCOURT J
4 SEPTEMBER 2025

The defendant, Andrew James Bellamy, aged 33 years old, has pleaded guilty to one count of aggravated burglary, one count of stealing firearms and one count of stealing.

The complainant owns and resides at the property of [address redacted] in Tasmania. A shed on his premises contained a firearms safe, in which he kept seven registered firearms and a quantity of ammunition.

On Tuesday, 8 April 2025, the defendant and his co-defendant, Luke Pearce, travelled, to [address redacted] together in a utility, with a push bike in the tray. They arrived at [address redacted] and the defendant got out of the car and walked down the driveway, removed some screws from the side of the shed and kicked the roller door in, gaining access to the firearms safe. He used an electric grinder to cut the safe open. He took out six firearms, bolts and a quantity of ammunition contained within the safe and put them in his bag. He then left the premises and returned to the ute, putting the bag in the back of the tray.

Shortly after driving away, the co-defendant received a phone call from someone. He got out and checked the bag and noticed that some bolts were missing. The person on the phone told them to go back and get them.

The defendant took the push bike from the ute's tray and rode it back up to [address redacted]. He returned to the shed and found some ammunition he had left behind, as well another rifle he had missed in the corner of the safe. He took the firearm and ammunition and came back out of the shed and up the driveway when he saw police down the street. He dropped the firearm and bag in the driveway.

The defendant attempted to ride away on the push bike but rode into the front of an unmarked police car. He was placed under arrest. All of the personal effects found on the defendant, namely a balaclava, gloves, sunglasses, cap, a quantity of keys in a headphone case and the knife and sheath were collected by police and recorded in Property Seizure Record Receipt 207454 as items 1 to 6.

The total value of the firearms stolen is estimated to be \$8,250. The total value of ammunition stolen is estimated to be \$600. All firearms and ammunition were, of course, recovered at the scene.

The defendant was transported to the Hobart Police Station where he participated in a recorded interview. He made full admissions, including that the driver had picked him up from his house earlier that day; he was told which house to go to by the driver; he saw the safe in the shed as he was told would be there; he was told to take the bullets and the bolts for the guns; he did not want to do it; he went to leave and police were there so he dropped the firearm; he did not have any choice in it; others had threatened him, his partner, his family and his dog; they had already been in his family's home and he had a gun put to his face before and was assaulted in front of his partner; he owed these people money and this was the debt he had to pay; and he feels guilty and bad.

Due to his excessive drug use prior to entering custody, the defendant had accumulated a significant drug debt he was unable to pay. Due to this debt, he was threatened in his home over payment for the drugs. He was assaulted by way of having a handgun pointed at him. Threats were made to harm his partner and his pet dog. Given the assault, he considered that the threats were real. He was told, however, that his debt would be forgiven in exchange for committing the crimes for which I am to sentence him today.

He was instructed where to go, and where the firearms would be. Upon initially completing the crime it was noticed that not all the firearms had their bolts with them and that is why he went back and returned to the address as already described.

The defendant has spent 149 days in custody which I take into account in sentencing, that is to say as to the custodial part of the Drug Treatment Order that I am going to impose.

He has a long record of past offending, including relevant prior convictions. The defendant's parents separated when he was very young, and he lived with his mother predominantly until his teenage years. His upbringing was marred by violence, substance abuse and adverse childhood experiences, stemming from his mother's subsequent relationships. His mother relocated interstate when the defendant was in his early teenage years and he moved with her for approximately 12 months before returning to Tasmania to live with his father.

The defendant's exposure to substance abuse continued in his father's care. He describes his father as an alcoholic who would allow him to drink alcohol from a young age and introduced him to cannabis at age 12. His father would sell cannabis and so he had an easily accessible supply at home. The defendant's home life and substance use impacted his engagement with education. He ultimately left school in grade 8 after struggling. His father encouraged this course and supported him to enter the workforce.

Despite the defendant's drug use, however, he has an excellent industrial history working as a concreter, painter, plasterer, scaffolder and on fishing boats. Until recent years involving longer stretches of incarceration, he had always been employed. Most recently he was employed at INCAT and believes this may be a viable option for him in the future.

Working in those industries at a young age exposed the defendant to more serious drug use. He was introduced to methylamphetamine at 16 and his recreational use quickly became an addiction. His methylamphetamine use peaked prior to his period of incarceration in 2024, when he was consuming 5-6 points of the drug a day.

He was sentenced to a drug treatment order in March 2024, however immediately failed. When he was released from custody at the beginning of 2025, he continued to use illicit substances and ultimately continued to offend. Nonetheless, I have a report from CMD which states:

"Whilst CMD do hold concerns as to Mr Bellamy's history of non-compliance and lack of engagement with previous community-based orders - including a DTO - they consider the defendant is currently presenting as being treatment ready. The defendant has advised CMD that whilst he appreciates it is not an excuse, when he was subject to a DTO in 2024, his then partner was also using methylamphetamine, which made attempts at ceasing illicit use of that drug difficult. He has expressed that the trauma of having his family threatened and

the threats to himself and the assault with the firearm, have been a 'wake up call' and he now genuinely wishes to change."

As I have reached the view that I would otherwise sentence the defendant to a term of imprisonment with no part of it suspended, the course I propose to take is to make a Drug Treatment Order.

The defendant is convicted of each of the offences to which he has pleaded guilty and the single custodial component of the Drug Treatment Order I now make, across all of those offences, is a period of 15 months' imprisonment, none of which sentence will have to be served if the defendant complies with all of the terms of the Order. I reiterate that in arriving at that custodial component of the Drug Treatment Order, I have taken into account time spent in custody.

The Order will contain all of the core and programme conditions contained in sections 27G and 27H of the *Sentencing Act 1997*. In addition, the following conditions are added to the order, they are as follows:

- That the defendant not associate with any individual determined by CMD as being an inappropriate contact;
- That the defendant be contactable via telephone at all times, and inform his Court Diversion Officer within 24 hours about any changes in his contact details;
- That the defendant is not to consume alcohol and is to submit to breath testing as directed by CMD or Tasmania Police;
- That the defendant is not to use, or associate with anyone who uses, licit or illicit drugs, synthetic drugs, unidentified drugs, or mind/mood altering drugs without the written permission of a Court Diversion Officer;
- That the defendant is not to use any prescription medication without approval from a General Practitioner or Court Diversion Officer, and must only take prescribed medication in accordance with the directions;
- That the defendant notify CMD of any prescribed medication as soon as possible;
- That the defendant obey all directions of his Court Diversion Officer or any other CMD case worker, including with respect to attending case management appointments, counselling sessions, urinalysis and any other appointments or assessments required by the program;
- That the defendant is to reside at [address redacted], or any address approved by CMD;
- That the defendant not be absent from those premises between the hours of 9pm and 7am and that he present to a police officer between those times when required to do so, unless he has pre-approval from his Court Diversion Officer to be absent.
- That the defendant comply with any family violence order, interim family violence order or police family violence order; and
- That the defendant comply with any recognised DVO, within the meaning of the *Domestic Violence Orders (National Recognition) Act 2016* in force under that Act.

Pursuant to s11(1)(a) of the *Crime (Confiscation of Profits) Act 1993* I order that items 1-6 on Property Seizure Record Receipt 207454 be forfeited to the State under s 16 of the Act. I accept that for the purposes of s 16(4) of the Act, the value of the property is nominal.

I make a compensation order in favour of the complainant, the assessment of the value of which is adjourned sine die.