

**STATE OF TASMANIA v BENJAMIN JOSEPH HEAZLEWOOD 31 OCTOBER 2025**  
**COMMENTS ON PASSING SENTENCE BRETT J**

Mr Heazlewood, you have pleaded guilty to one count of aggravated assault, one count of committing an unlawful act intended to cause bodily harm and one count of possession of a prohibited firearm. You have also pleaded guilty to the summary offences of possession of a firearm without the appropriate licence, possession of stolen firearms, possession of ammunition, failing to take precautions to ensure the safekeeping of firearms and ammunition, breaching a police family violence order by having possession of the firearms, possession of cannabis, possession of methylamphetamine, possession of a smoking device and resisting police officers.

The crimes and offences were committed on 18 July 2024. On that night, you were staying at a motel located in a residential area in Georgetown. You were in possession of three firearms. They included a .22 calibre Ruger self loading rifle which is a prohibited firearm and was the firearm used by you to commit the other crimes on the indictment. The barrel of this rifle had been sawn off, and it was modified so that a silencer could be attached to it. The other firearms in your possession were also rifles. The three firearms had been stolen but you told police that you acquired them for significant sums of money. However, you declined to name the person or persons from whom you had purchased these weapons. You also had in your possession a significant quantity of ammunition, the majority of which was capable of use in the firearms. In total, there were 1,031 rounds. The stolen firearms and ammunition were stored by you in your utility motor vehicle which was parked in the car park of the motel. Clearly, by simply leaving them in the vehicle, you had not stored them safely, but there was an added element of danger given that the ammunition was also stored there.

During the course of the night, a woman accompanied by a 16-year-old female, came to your room at the motel. This woman had earlier threatened and robbed another woman. The woman who had been robbed had contacted the complainant to seek assistance. The complainant rode his motorcycle from Launceston to Georgetown in response to that request. He visited the home of the woman who had committed the robbery but she did not answer the door. She and the complainant knew each other because they had been in an on-off relationship. She was obviously scared by this visit to her home and went to the motel, to seek your assistance. She did so in the company of the 16 year old female.

At about 3:34 am, the complainant rode his motorcycle to the motel. He rode past and then came back to its carpark. You and the woman emerged from your room. You went to your motor vehicle and retrieved the Ruger, which was either already loaded or which you then loaded with .22 calibre ammunition. The complainant saw you do this and commenced to ride away. As he did so, you discharged the firearm twice towards him. You fired from a distance of approximately 30 m.

Immediately after this, you and the two females left the motel and went to the older woman's house, which is located in a residential street in Georgetown. About five minutes later, the complainant arrived at the house and parked at the top of the driveway. He revved his motorcycle to indicate his presence there. The woman came outside the front door and spoke briefly to him. You then came outside carrying the Ruger and stood on the front steps. The complainant was seated on his motorcycle. You pointed the Ruger directly at him from a distance of approximately 9 m and fired the rifle twice. One bullet struck him in the chest. CCTV footage demonstrates

that the time period between complainant arriving at the house and the discharge of the weapon was six seconds.

The complainant rode off immediately after being shot. You and the females went back to the motel, where you were later arrested by police. During the course of the arrest, you struggled violently with four officers. The violence of the struggle caused you all to fall onto a table and a television was destroyed. The police located and seized the firearms and the ammunition.

After the shooting, the complainant spent some time attempting unsuccessfully to get assistance from a relative. He was eventually assisted by local residents and provided with first-aid by police. He was taken by ambulance to the Launceston General Hospital, but due to the extent of his injuries, was transferred to the Royal Hobart Hospital. He suffered serious injuries as a result of the shooting, in particular an entry wound in his chest and an exit wound in his upper back. The internal wound extends between these points, along the side of his chest cavity. He also suffered serious injuries affecting his lungs and chest cavity, a rib fracture and soft tissue injury. He underwent surgery and was discharged from hospital seven days later. I have received and read his impact statement. He describes considerable ongoing physical and psychological impact, which is consistent with what would reasonably be expected as a result of a trauma of this nature.

You are 47 years of age and single. You have a lengthy and significant criminal history. It starts from when you were a youth and shows that you have been offending consistently since then. Much of it relates to repeated driving offences but there are also several convictions for common assault, family violence offences, including breaching orders, and other offences such as burglary and stealing. You have been sentenced to terms of suspended and actual imprisonment on a number of occasions. In 2016, you were sentenced to a drug treatment order but this order was cancelled and the custodial period activated approximately 10 months later. In 2019, you were sentenced by this Court to imprisonment for attempting to interfere with a witness. In the same year you received a sentence of imprisonment for several offences which included breaching a police family violence order, resisting police and a number of counts of assault. In 2023, you were sentenced to further imprisonment for family violence offending which included assaults and breaching an order. Part of this sentence was suspended but the suspended sentence was activated in 2024 because of further offending. This sentence together with a cumulative sentence for the new offending, which together totalled five months and four days, was imposed on 7 October 2024 and backdated to 17 July 2024. I note that you have been in custody since your arrest on 18 July 2024. Despite the extent of this record, the only matter relating to firearms is a conviction for possessing a firearm without a licence in 2001.

In terms of your general background, I am told that you have had a significant problem with drugs since an early age. Your counsel tells me that at the age of 13 or 14, as an inmate of Ashley detention centre, you were sexually abused and that this experience accounts for your drug problem. You were also involved in a serious accident in 2010 which resulted in an acquired brain injury. You have the support of your family and you are currently dealing with your mother's cancer diagnosis. It is asserted on your behalf that you have used your time in custody to work on resolving your drug problem.

I regard all of the offending committed by you as serious. Your discharge of the firearm as the complainant was leaving the motel was reckless in the extreme. Although there was in actual fact no one around, you were firing this weapon in a populated area and created considerable

danger to the public by so doing. You then shot the man in the chest from a close proximity with a high-powered rifle. Your actions were cold blooded and callous. It is purely a matter of luck that you did not kill him. There was no reason for you to commit either crime. Although I accept that you may have been apprehensive given what had transpired earlier in the evening between the two women and your uncertainty as to why the complainant was looking for her, there was no justification for shooting him. You made no attempt to seek assistance from the police or otherwise deal with the situation in a lawful way, but rather escalated your reaction to a very violent level. Your intention clearly was to cause serious injury, which was in fact the result. Both crimes are serious examples of their type. I also apply that description to your possession of the stolen firearms. Stolen firearms are of considerable concern to the community because of their involvement in the commission of crime. Your use of the Ruger is a clear example of the reason for that concern. You left the guns in your vehicle together with a large amount of ammunition. The danger inherent in doing so is obvious. Of course, your possession of these weapons was also in breach of the family violence order. As I have already discussed, you have a lengthy record for breaching such orders, so this also is of concern. The maximum penalty for each offence, that is possession of stolen firearms and breaching of family violence orders is five years imprisonment. This reflects the seriousness with which the community represented by the legislature regards such offending. Finally, I must also consider your actions in resisting police during your arrest. The struggle involved considerable violence and risk to the several police officers involved in it.

There is very little that can be said on your behalf in mitigation. Your counsel says that you were affected by drugs and alcohol at the time but properly concedes that this provides you with no mitigation. In fact, your readiness to use the weapons, including by shooting the complainant in the chest from a relatively close distance, may well have been contributed to by the disinhibition arising from your intoxication, and in that sense, the existence of an ongoing drug problem informs the need for specific deterrence and protection of the community. The primary submission made by your counsel in mitigation is that you should receive credit for your plea of guilty. However, this was a very late plea, it was only indicated a few weeks before the trial was due to commence. You should receive some credit for the utilitarian value of the plea but this is reduced because of its timing. I note also that it was not put on your behalf or is there any evidence of remorse or insight. Further, I reject your counsel's submission that your interview with police after arrest represented your cooperation with the investigation and the administration of justice. Although you admitted to police that the complainant had come to the motel and the house on the night in question, you denied firing a weapon at any time or that you had shot the complainant. You gave police a false story about having seen a black four wheel drive motor vehicle at both the motel and the house. Clearly, this was an attempt to deflect blame from yourself. In respect of the firearms, you admitted that they were in your possession and had been purchased by you, but you declined to identify the person from whom you had purchased them.

There is no question that the only appropriate sentence is a significant term of imprisonment. General deterrence, denunciation of your conduct and community protection are in my view all significant sentencing considerations. I accept that you have some interest in rehabilitation, at least in terms of attempting to deal with your drug problem. However, I am not satisfied that there was, prior to your incarceration, any significant evidence of genuine commitment in this regard, and in any event your age and the seriousness of the offending means that this consideration is of less significance than the other sentencing aims. I will take into account

totality which will include consideration of the time spent by you in custody as a result of the sentence imposed on 7 October 2024. However, the overall sentence must be proportionate to and take account of the various discrete aspects of your criminal conduct. I will backdate the sentence to take account of the time spent in custody since the expiry of the sentences imposed in October. I will make a non-parole order permitting release on parole at an early time to give the Parole Board the opportunity to respond to any genuine commitment to rehabilitation demonstrated by you while you are in custody and to take account of your plea of guilty.

The orders I make are as follows:

- a You are convicted of the crimes and the offences to which you have pleaded guilty;
- b For the crimes on the indictment and the summary offences contained in counts 4, 5, 8, 9 and 13 of complaint 33802/24, I impose a global sentence of imprisonment for a term of eight years. The sentence will be backdated to the 21 December 2024. You are not eligible for parole until you have served one half of that sentence.
- c In respect of counts 7, 10, 11 and 12 on the complaint, I impose no further punishment
- d Pursuant to s 13A of the *Family Violence Act*, I direct that count 9 on the complaint be recorded on your criminal record as a family violence offence.
- e I am satisfied that the Ruger firearm which was seized by Tasmania Police is tainted property within the meaning of the *Crime (Confiscation of Profits) Act* 1993. Pursuant to s 16 of that Act, I order that the firearm be forfeited to the State of Tasmania. I specify the value of the property as negligible.
- f Pursuant to section 149 (3) of the *Firearms Act*, I order that the remaining firearms and the ammunition seized by Tasmania police be forfeited to the Crown.