

STATE OF TASMANIA v PETER BILL ZAWACKYJ
COMMENTS ON PASSING SENTENCE

2 MARCH 2020
BLOW CJ

Peter Bill Zawackyj, you have pleaded guilty to two charges of unlawfully setting fire to property and one charge of arson. These charges relate to three fires that you started at Kingston early on the morning of 3 May last year. You were homeless. Psychiatrists say that you are mentally ill. I understand you do not agree with them.

The first fire that you started was at the Kingborough Medical Centre. You set fire to some cardboard boxes and some bags of rubbish. That fire spread and did about \$3,000 worth of damage to the building. I am sentencing you on the basis that no one suggests that you intended to damage the building. That was an unintended consequence of what you did. But it still counts against you that you caused that damage.

The second fire you started was in a Salvation Army donations bin. You set fire to the contents. Some tradesmen noticed the fire and put it out. The first fire got put out by the Tasmanian Fire Service.

The third fire that you started was at the Leap Health Centre in Kingston. You pleaded guilty to arson in relation to that fire. In other words, you have acknowledged that you foresaw that it was likely that the building would catch alight. In fact, you broke in and set fire to papers that you found on the lower level of the building. The same tradesmen saw that fire and the fire service arrived and put it out. That fire caused about \$5,000 worth of damage. There is no logical reason why you should have started these fires.

You have now been in custody for 10 months. The time has come for you to be let out. I am going to impose a sentence that will see you let out some time this week.

I convict you on all three charges. I sentence you to 12 months' imprisonment with effect from 3 May 2019. I suspend eight weeks of that sentence on condition that you commit no offence punishable by imprisonment for a period of 12 months. I make a community correction order to operate for 12 months from your release from prison, with conditions that (a) you must, during the operational period of the order, submit to the supervision of a probation officer as required by a probation officer, and (b) you must, during the operational period of the order, submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer.

There are four applications for compensation orders. I adjourn those applications sine die. That means I adjourn them without fixing a date for them to come back on.

I hope you are able to stay on the medication that you are on. I hope you are able to get some help from the probation officer. The sentence that I have imposed means that you have to be released, I think no later than this Saturday, although the prison authorities could release you earlier if you are given remission. I hope that the probation service are able to help you find somewhere to live. I hope they take you in at Bethlehem House.