

STATE OF TASMANIA v CARLY ELIZABETH LYON
COMMENTS ON PASSING SENTENCE

31 MARCH 2020
PEARCE J

Carly Lyon, you plead guilty to one count of unlawfully setting fire to property. Just after midnight on 12 October 2019 you used a cigarette lighter, with shredded paper and toilet rolls, to set fire to a plastic skip bin in the laneway behind the Child Safety Services building in Cameron Street Launceston. Once lit, the fire gradually built up to such an extent that it generated enough heat to damage the electricity control box nearby. It caused a power outage in the area. One of the effects was that the traffic lights at the nearby intersection of Paterson Street and Wellington Street were affected.

At 5.30 am you went to the police station admitting that you had lit the fire. You told the police that you had, at about the same time, lit a number of other fires in Launceston, but there is no evidence that this was true. However you had just been released from prison after serving a sentence for lighting other fires. On 7 August 2019 Brett J sentenced you to imprisonment for 18 months from 5 January 2019 on your plea of guilty to one count of attempted arson, nine counts of unlawfully setting fire to property, one of which was under the *Criminal Code*, and two counts of lighting a fire on a day of a total fire ban. Those crimes were committed on 4 January 2019. You are now 36. In the latter part of 2018, you had very difficult problems with your mental health, self-harm and substance abuse, and your life was at a particularly low point, especially after your children were removed from your care. Brett J was told that a period of enforced abstinence as a result of having been in custody had been beneficial for you. For those and other reasons, he suspended nine months of the 18 month term.

However, this crime was committed almost immediately on your release on 4 October 2019. You had little support. You lit the fire because you were cold and homeless, and wanted to go back to prison. You have been in custody since then.

Application is made to activate the suspended part of the sentence. There is no proper basis on which I could be satisfied that it is unjust to do so. It is in your favour that you entered an early plea of guilty. Given the location of the fire, the risk to persons and other property was not as great as it might otherwise have been, but that risk always exists. You acted in a planned way, not deterred by the prospect of prison, but encouraged by it. That leaves open the obvious risk to the public if a prison sentence is not imposed. This period of custody, I am told has allowed a further opportunity for your mental and physical health to be addressed. You are now appropriately medicated and your condition is stable. I will allow for parole in this hope that you will come to appreciate the danger you pose by this type of conduct, and resolve to continue to address the factors which cause you to act in this way.

Carly Lyon, you are convicted. I make compensation orders in favour of Veolia Environmental Services (Australia) Pty Ltd in the sum of \$257.41, and Tas Networks in the sum of \$914.72. I activated the nine month suspended part of the sentence imposed on 7 August 2019 and order that it be served commencing 12 October 2019. I order that you not be eligible for parole until you have served half of that sentence. On the indictment you are sentenced to imprisonment for nine months cumulative to the term just imposed. I order that you not be eligible for parole until you have served half of that sentence.

The effect of the orders I have just made is a total term of imprisonment for 18 months from 12 October 2019. You are not eligible for parole until having served 9 months of that total term. I also make a community corrections order for a period of 12 months from your release.

The core conditions of that order will be specified in the order that you will be given in due course, and include that you not commit an offence punishable by imprisonment; that you report to and comply with the directions of a probation officer; that you must not leave Tasmania without permission; and that you must notify of any change of address. I impose a special condition that you must, during the operational period of the order, submit to the supervision of a probation officer as required by the probation officer. I also impose special conditions that you must attend educational and other programs, undergo assessment and treatment for alcohol or drug dependency, submit to testing for alcohol or drug use, and submit to medical, psychological or psychiatric assessment or treatment, as directed by a probation officer.