

**STATE OF TASMANIA v ADAM BRIAN HALL**  
**COMMENTS ON PASSING SENTENCE**

**23 JUNE 2020**  
**BRETT J**

Mr Hall, you have pleaded guilty to one count of aggravated burglary and one count of attempted arson. You have also pleaded guilty to the summary offence of destroy property.

On 27 July 2019, you broke into an empty house, smashed a number of windows with a metal pole and then left. Approximately 1½ hours later, you returned and re-entered the house. You smashed some more windows and then set fire to curtains in the lounge room and kitchen. You did this by spraying aerosol fly spray onto the curtains and then lighting them with a cigarette. Your intention was to set fire to the house, although you told police that you did not think that these fires would destroy the entire house. After setting fire to the curtains, you left. You were seen leaving by people who knew you. The fire brigade attended quickly and extinguished the fires. Fortunately, the damage was relatively limited. The total cost of repair has been estimated at \$7,176.86

You acted in this way because you were angry and frustrated as a result of a personal dispute with a friend who used to live in the house. The house is owned by his mother but he was no longer living there when you committed these crimes. In fact, it was not occupied and was empty at the time.

There is a suggestion that in the intervening period between your attendances at the house, you had searched for petrol because you intended to set a larger fire. You dispute this was your intention. In any event, you will be punished only for what you did, not for what you might have thought about doing. I accept that you acted impetuously, but the reality is that you committed the offences over an extended period of time and on your second visit to the property. There was clearly an element of premeditation and persistence apparent in your conduct.

You are now 19 years of age and were 18 when you committed these offences. You had a childhood characterised by physical and emotional abuse and exposure to criminal and antisocial behaviour. These issues seem to have been reflected in behavioural problems when you were at school and you have, since leaving school, continued to have issues relating to anger, violence and substance abuse. Despite all this, you have no prior convictions. A psychologist has confirmed that you do not suffer from mental illness, although he does consider that you have an antisocial personality disorder, with a tendency towards impulsive and dysregulated behaviour. It would seem that this tendency was on display in the criminal conduct which brings you before the Court.

I am told that this has all been a wake-up call for you and that you are keen to take this opportunity to change your life for the better. You have demonstrated this by an early plea of guilty. You have recently undertaken some employment courses and are still keen to pursue your ambition to join the Army. Whether this conduct will preclude that career choice is unclear. Finally, you have voluntarily entered into a repayment plan with the insurer of the house to pay for the repair of the damage and you have been making payments in accordance with that payment plan. I accept this as a tangible demonstration of your remorse and commitment to reform.

This was serious criminal conduct. You set fire to someone else's house for no good reason, and as an act of petulance and anger. Fortunately, the damage was limited but it could have

been much worse. The setting on fire of a building, particularly a residential house, always involves considerable risk to others, including the occupants of other buildings which may be affected by the fire, as well as to firefighters and other emergency services personnel who have to deal with the fire. It was a very dangerous and selfish thing to do and general deterrence is an important sentencing consideration.

However, I must also have regard to your age and general background, including your lack of prior convictions. I accept that you have a genuine commitment to rehabilitation and it seems to me that this is a case where the sentence should place considerable emphasis upon encouraging and supporting that commitment. A presentence report has recommended supervision. Accordingly, it is my intention to make a community correction order. Although such an order is primarily intended to foster rehabilitation, it also involves considerable punishment. There will be an ongoing obligation to comply with supervision and the knowledge that a breach of the conditions of the order can potentially see you resentenced for these offences. I also intend to include a condition which will require the performance of community service.

Accordingly, I convict you of the crimes and offence to which you have pleaded guilty and make a community correction order. You must comply with the order for a period of 30 months, and that period shall commence today. The core conditions of the order require you to report to a probation officer and you shall do so at the office of community corrections in Hobart within three clear days of today. In addition to the core conditions, the order shall also include the following special conditions:

- (a) you must, during the operational period of the order, personally attend educational and other programs as directed by the Court or a probation officer;
- (b) you must, during the operational period of the order, submit to the supervision of a probation officer as required by the probation officer;
- (c) you must, within a period of 30 months, satisfactorily perform community service, as directed by a probation officer or a supervisor, for 126 hours;
- (d) you must, during the operational period of the order, submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer.

Pursuant to s 68(1) of the *Sentencing Act* 1997, I order that you pay compensation in favour of RACT insurance in the sum to be assessed and I adjourn that assessment sine die.