

A jury found the defendant, Ms Bennett, not guilty on the ground of insanity, of one count of attempted arson. On 10 December 2016, Ms Bennett was living in a one bedroom unit in a complex of unit owned by Housing Tasmania. She had lived there for about three years. At about 10pm on that day, Ms Bennett set three separate fires within the unit. The first was immediately inside the front door, the second was beneath a window in the dining/lounge room area directly opposite the front door, while the third was near a kitchen window. In each case, Ms Bennett set fire to curtains or blinds. It seems that she locked the doors and windows, went to her bedroom and lay down on the bed. A passing motorist noticed the fire at the top of the complex. He went to assist. He tried to force the door open and break the glass in it but was unable to do so. He used a chair to break the bedroom window of the unit. At this time he was being helped by two other men who lived in the units. When trying to establish who may be inside, Ms Bennett told them to "go away" and "fuck off". Fire and police personnel went to the scene. Firemen entered and found her. Setting fire to the curtains and blinds with the intention of setting fire to the structure of the building was a suicide attempt. Expert evidence from Dr Jordan at the trial revealed a long history of significant depressive illness, complicated by moderate personality dysfunction. Shortly before this incident Ms Bennett was struggling with issues caused by other residents, and with her father's illness with dementia. He said that in Ms Bennett's mental state, she was incapable of knowing that the acts were ones which she ought not to do, and the jury was satisfied of that. The estimated value of the damage to the unit is \$40,000, and I take into account that people were out at risk in the rescue attempts and in extinguishing the fire. I have reports from Dr Jordan dated 1 May 2019 and from Dr Corbu dated 20 May 2019. Dr Jordan canvasses the various options that are open under the *Criminal (Mental Impairment) Act*. He notes there has been no need for any further psychiatric admissions since discharge from the psychiatric unit in January 2017. He notes that Ms Bennett has now been compliant with her medication and treatment for over two years since the incident. He believes she has adequate capacity to make decisions about her treatment.

Dr Corbu notes four psychiatric admissions from 2013 through to the one following the fire in December 2016. In that period there were three suicide attempts, one by walking in front of traffic, one by overdosing on multiple medications, and the third being the present matter. Dr Corbu says Ms Bennett has a good prognosis regarding a risk of re-offending based on her lack of previous similar offences, minimal drug history, and ability to commit to treatment and making changes in her life. She suffers from chronic depression and responds only partially to treatment, needing ongoing psychological support, social networking and engagement in meaningful activities. She also has a personality vulnerability and emotional difficulties. Both doctors recommend conditional release. I have to be guided by the principle that restrictions on Ms Bennett's freedom and personal autonomy should be kept to the minimum consistent with the safety of the community. On the basis of the evidence and the facts and opinions expressed in the two reports, I am satisfied that it is appropriate to make such an order. Ms Bennet, this order is designed to assist you and hence the community, and is not intended to punish. I order you be released on the conditions that for a period of two years from today, you:

- 1 Continue with the current management plan in relation to your mental health as administered by your general practitioner.

- 2 Submit to such medical, psychological or psychiatric assessment or treatment or therapy as directed by a medical practitioner or clinician with Forensic Mental Health Services. (FMHS).
- 3 Comply with all reasonable and lawful directions of a medical practitioner or clinician with FMHS in relation to appointments with other professionals, and any other matters incidental to any treatment or therapy recommended.
- 4 Notify FMHS of any deterioration in your mental health of which you becomes aware.
- 5 Notify FMHS of any proposed change of residence, and keep FMHS notified of a current telephone contact number.

For the purposes of this purposes of this order, there is a further condition that you report to Forensic Mental Health Services at 4 Liverpool Street, Hobart within three clear working days of today.