

Mr Eldridge, the defendant, appears for sentencing having pleaded guilty in the Magistrates Court to one count of unlawfully setting fire to property. On 25 February 2020, he was an inmate of Risdon Prison and housed in the medium security unit. That unit comprised four "pods" containing five one bed cells, and one single two bed cell. The defendant was sharing a two bed cell with another inmate, and all other cells were occupied. The cells share a single common room which contained a dining table and two steel bench seats, a television and a kitchenette with electrical appliances. The pods are monitored by a CCTV system. At the relevant time, the prison was in lockdown. Prisoners in the unit were allowed out of their cells, but locked in the pods. At about 2.30pm the defendant was in the common room with other inmates. He made a pile of clothing on the floor between the two bench seats. Making several trips to his cell, he added pillows and blankets to the pile of clothing, and then placed two mattresses on top of the pile, draped over the seats. He then set fire to this pile. He did this by taking the foil wrapper from the top of a margarine container, putting it into the microwave with a small piece of toilet paper over the top, and turning on the microwave. This created a spark from the foil wrapper which in turn ignited the toilet paper. The defendant then placed the burning paper in the pile. The pile quickly caught fire. Within about two minutes the pod was entirely filled with smoke. Other inmates had retreated to their cells and no-one else was present in the common room at this time. The fire was extinguished by the in-cell fire suppression equipment and then with the assistance of prison staff in full breathing apparatus. All inmates of the pod were assessed by Ambulance Tasmania officers for breathing difficulties as the result of smoke inhalation. Two inmates had to be taken to hospital for further treatment. The fire damaged the two mattresses, the two bench seats and a small section of the flooring. The damage to the flooring necessitated replacement of the entire floor. Total damage is estimated at approximately \$8,200. When interviewed, the defendant made no comment.

The defendant was 24 at the time; now 25. His record of offending starts in November 2015. There are offences of dishonesty including a conviction for injuring property in November 2016. In July 2019 he was convicted of a number of offences including two counts of assaulting a police officer. Primarily though, in August 2019 he was convicted in this Court of one count of arson and sentenced to two years' imprisonment to commence on 14 July 2019. It was ordered that he not be eligible for parole until he had served one year. He was, of course, serving that sentence at the time of this offence. He did apply for parole but the process has been suspended because of this matter. The facts of that crime are that the defendant set fire to an unoccupied house in which he, along with a number of others were squatting. He was angry at one of the others. No-one was in the house at the time and the house was completely destroyed. As noted by the sentencing judge, the defendant had "a really unfortunate childhood" and "a really unfortunate life". The defendant was essentially raised by his mother; his father had chronic substance abuse issues and had no influence in his life. He had to be treated for a medical condition and suffered bullying at school. He had problems with drug abuse from a very early age but managed to get through the school system, with some home schooling along the way, to year 12 level. He has looked for work but has never had any employment. At 16 he had an argument with his mother and left home. He had various forms of accommodation for a few years but has been effectively homeless since the age of 19. In his teenage years he saw a psychiatrist a number of times. He was diagnosed with depression and prescribed medication. Before being sent to prison in 2019 he was put on an antipsychotic medication. I was provided with a short note from Tasmanian Health Service. This described the defendant as "a bit of a diagnostic dilemma". There is confirmation of prescriptions for an

antidepressant and an antipsychotic. There is reference to behavioural/personality issues, borderline antisocial traits, and a history of substance abuse leading to psychosis, with evidence of agoraphobia, social anxiety and PTSD. I was told that the defendant has found prison very difficult. As to the offence, apparently he does not remember much of this particular day. He recalls asking correctional officers to move him to another unit and says he was laughed at. He recalls being angry as a result. He can offer no other explanation than that. I was told he regrets his actions, some confirmation of which is said to be found in the fact that he first appeared in relation to the matter on 25 September 2020 unrepresented. There followed three represented appearances before entering a plea on the fourth such appearance on 24 November 2020. I note that since this incident he has been housed in maximum security. This involves long periods of being locked in a cell and with very limited freedom of movement. He is suffering from the effects of this form of incarceration.

This type of offence is unfortunately not uncommon. Setting fire to bedding and the like in prison cells creates a risk to prison officers and other inmates. It places unnecessary stress and burdens on prison officers. Events such as this defy and disrupt orderly prison management. In this case, the risk eventuated to a degree as two inmates needed treatment in hospital for smoke inhalation. Significant disruption was caused. General deterrence and denunciation are important factors. In light of the arson conviction leading to this period of imprisonment, specific deterrence is also prominent. At the same time, however, I take into account the defendant's personal circumstances and his mental health issues to the extent they provide relevant background. I take into account his relatively early plea of guilty in the Magistrates Court. I also take into account the length of the term to which he is presently subject, and that he has already suffered as a consequence of his actions by way of being moved to maximum security and by losing an opportunity for release on parole in July last year.

Mr Eldridge I have set out the facts and what I see to be the relevant circumstances. A term of imprisonment is necessary. I have to make that cumulative to your present term unless there are exceptional circumstances. None have been claimed and none seem to exist. Hopefully you can earn the right to be moved from maximum security and you may still be eligible for parole. Of course, those things are in your own hands. You are convicted and sentenced to six months' imprisonment cumulative to the term presently being served. I make a compensation order in favour of the State of Tasmania in the form of Tasmanian State Prison Services in the amount of \$8,200.