

Mr Hepworth you have pleaded guilty to attempted arson.

You were aged 51 at the time of the offending. The complainant is Carolanne Berry with whom you had been in a relationship for 20 years. You separated in 2011, and formally divorced in 2019.

At the time of the offence, you and complainant remained joint owners of a property at 99 Renfrew Circle in Goodwood, however there was an ongoing dispute about what should happen with that property. At the time, you resided there with your adult son. The complainant had not resided at the address for some time and was no longer contributing to the mortgage repayments.

At approximately 2.15pm on 29 January 2020 the complainant rang you and spoke to you about selling the house. You said you wanted to finish some renovations before it was sold.

At approximately 8:25pm that evening you were home alone. You had consumed a significant quantity of alcohol during the day. You were observed by neighbours to place a motorised bike and a 9kg gas bottle outside the house.

Those neighbours heard you yelling that you were going to blow the house up. Using a blow torch, you set fire to the motorised bike and the gas bottle. The neighbours recorded some of this conduct on a mobile phone, the footage of which has been played to the Court.

You started second fire outside the house and you set two further small fires in the backyard.

Neighbours called 000 and sought assistance from the Tasmania Fire Service and police.

You fled over the back fence and through the yards of neighbours. You said to one neighbour *"shut all your windows and doors - my house is going to go boom"*.

When emergency services arrived at the house, they found the following:

- A small fire in the front yard with a motorised dirt bike and open gas bottle nearby.
- A small fire to the right of the house with an open gas bottle.
- Two small fires in the back yard – one next to a lawn mower and another against the hot water cylinder. There were several gas bottles knocked over nearby which were still discharging gas.
- There was an open gas bottle inside the residence.

Police searched the house and cleared the rooms to ensure nobody was inside. A dog was located inside the house and was taken outside.

The surrounding area was searched and you were located a short distance away in Goodwood Road. You were holding a wine bottle. You resisted officers during the arrest and said that your *'missus'* was trying to take you for half of your house. You appeared to police to be highly intoxicated.

You were arrested and taken to the Hobart Police Station, but due to your level of intoxication you were not interviewed. The following morning you participated in an video recorded interview where he stated the following under caution:

- That you had gone to a friend's house early in the afternoon and consumed alcohol there.
- That you rode a motorised bike to the address; that you assumed you rode that bike home, although you did not recall doing so.
- You said you did not recall anything else that happened. The next thing you recalled was waking up in the cells.
- You confirmed that you had have several gas bottles at the residence
- That the house did not have any fire-related damage prior to your going to his friend's house on that afternoon, the day before.
- When shown stills from the recording taken by a neighbour, you confirmed the person in the footage was you.
- You said you did not recall attempting to burn down the house.
- You said you had a problem with alcohol and needs assistance.

The property was not insured. The actual damage done to the house was, fortunately minimal, except for some burnt weatherboards on the side of the house, there was no other significant damage. It is accepted by the State that dwelling itself did not catch fire.

It is asserted by the State that, pursuant to s 7(c)(1) of the *Family Violence Act* 2004, this is a family violence offence, and accordingly, should be recorded as such on your record of prior convictions, in accordance with s 13A(1) of the *Family Violence Act*. I accept that submission.

I have received a detailed pre-sentence report in relation to you. It records a troubled childhood characterised by significant family violence inflicted upon your mother by your father, and your frequent movement between family members, friends, foster carers, teachers, women's shelters and boy's homes.

You have a history of mental illness. You have attempted suicide twice in the last two years. On one occasion you were stopped by members of the public on the Bowen Bridge and on another occasion you consumed six bottles of medication. This occurred shortly after the death of your brother who committed suicide in 2019.

You have an anxiety diagnosis with depression and you are currently medicated for that conditions. Drinking exacerbates it. Prior to your incarceration in 2020, you would spend your days and nights drinking.

You acknowledge the seriousness of your offending, describing it as "stupid" and effectively amounting to throwing away your own life savings.

According to the report you have abstained from alcohol use for about 10 months. It is suggested that you will benefit from participation in an addiction program, a course with which I agree and one I intend to impose.

Whilst this offence is, as I have noted, properly recorded as a family violence offence, I note the current circumstances between you and your former wife, and note that no family violence order is sought. She in fact wants you to return to the house to complete the renovations.

The penalty I impose today must reflect the fact that your conduct was extremely dangerous, placing others at risk, and threatening significant damage to property. It must punish you, and deter others from similar dangerous behaviour.

I should also recognise the significant improvements that you have made.

In sentencing you I need to give appropriate consideration to your personal circumstances including your mental health issues. Ongoing engagement with healthcare professionals, as well as abstinence from alcohol use will significantly improve the chances of your avoiding future offending and to that end I intend to adopt the recommendations in the presentence report.

In the circumstances I intend to impose a term of imprisonment to mark the seriousness of your conduct, but to suspend the operation of that period of imprisonment to reflect the matters to which I have referred and to encourage your self-improvement and rehabilitation.

Mr Hepworth I convict you. I sentence you to 12 months' imprisonment wholly suspended on condition you commit no offence punishable by a term of imprisonment for a period of 2 years.

I make a community corrections order for a period of 18 months, and in addition to the core conditions impose the following additional conditions:

1. That you must submit to medical, psychological, or psychiatric assessment or treatment as directed by a probation officer; and
2. That you must undergo assessment or treatment for alcohol and drug dependency as directed by a probation officer.

I make a further order that you must attend, participate in and complete the EQUIPS Addiction Program as directed.

As I have noted, this will be recorded as a family violence offence.