

Christina Lang was charged with one count of arson contrary the *Criminal Code*, s 268. I conducted the trial as a single judge in place of a trial by jury. I found that on 16 April 2020, Ms Lang unlawfully set fire to her residential unit in Warrane, but at the time was affected by symptoms of a schizoaffective disorder to such an extent that she was rendered incapable of knowing that it was an act she ought not do. She was therefor not guilty of arson by reason of insanity. My reasons were published on 12 October 2022 in *Tasmania v Lang* [2022] TASSC 61.

The procedure for dealing with persons found not guilty by reason of insanity is governed by the *Criminal Justice (Mental Impairment) Act* 1999, s 21. I may make a restriction order, release Ms Lang and make a supervision order, make a treatment order, release Ms Lang subject to conditions or release her unconditionally. I am to apply the principle that restrictions on Ms Lang's freedom and personal autonomy should be kept to the minimum consistent with the safety of the community: s 34. I must have regard to the nature of Ms Lang's mental impairment or other condition or disability, whether she is, or would if released be, likely to endanger another person or other persons generally, whether there are adequate resources available for her treatment and support in the community, whether she is likely to comply with the conditions of a supervision order and any other matter I consider relevant.

In accordance with s 21, I have considered the reports of a medical practitioner nominated by the Chief Forensic Psychiatrist, and one other expert, about Ms Lang's condition and the possible effects that releasing her may have on her behaviour. I must also have considered a report provided by the Attorney-General under s 33 about the attitude of Ms Lang's next of kin and any victim. The delay since completion of the trial resulted from the need to obtain those reports.

Dr Rajan Darjee gave evidence at trial. He is a consultant forensic psychiatrist engaged by the Statewide Forensic Mental Health Service. He reviewed Ms Lang's family and personal circumstances and her medical and psychiatric history. The conclusion I reached at trial was based on acceptance of Dr Darjee's opinion. Ms Lang is already treated in the community by the community mental health service. At the time of the fire she was subject to a treatment order. However she suffered an acute relapse of a schizoaffective disorder with psychotic and depressive symptoms when she stopped her medication. She subsequently went through a period of intensive treatment and by the time she was interviewed by Dr Darjee there was no evidence of her psychotic symptoms. She had good insight into her condition and the possibility of relapse. In Dr Darjee's opinion, she did not require a supervision order because the assertive treatment, monitoring, support and supervision by her current mental health team, who she trusts and who know her well, is all that is required. Those who currently treat her are able to respond quickly to any relapse or to any risk she poses.

I also have a report dated 23 March 2023 from Dr Victoria Jackson. Dr Jackson is also a consultant forensic psychiatrist engaged by the Tasmanian Forensic Mental Health Service and was nominated by the Chief Forensic Psychiatrist to prepare a second report about Ms Lang. It is not necessary to restate all that is contained in Dr Jackson's comprehensive and helpful report. In substance, she is in substantial agreement with Dr Darjee. She agrees that Ms Lang's chronic schizoaffective disorder is stable. Ms Lang is well-engaged with services and fully compliant with her medication. Her condition is, in Dr Jackson's opinion, optimally managed

by her community mental health team, and ongoing treatment and care by that team will keep her well and minimise the risk of future harm to herself and others. I would add that this fire emphasises the need for monitoring and compliance. I have every reason to believe that those now responsible for treating Ms Lang understand that need and have the means available to them, in the hopefully unlikely event of non-compliance or relapse, to quickly respond to the extent necessary to protect Ms Lang and the community. The Attorney's report includes a statement by Ms Lang's daughter, who is her next of kin. She describes her mother as being "in a good place" and confirms the contents of the psychiatric reports.

In accordance with the *Criminal Justice (Mental Impairment) Act 1999*, s 21(f), I order that Ms Lang be released unconditionally.