

Mr Harding, you have pleaded guilty to one count of arson.

You committed this crime, in company with another man, on 3 October 2022. In the early hours of that day, you and your accomplice entered and set fire to a house in Devonport. You did this by piling furniture, cardboard boxes and other items into the middle of the living room and setting fire to that material with portable lighters. The fire quickly spread and neighbours called the fire service. Firefighters attended and extinguished the fire. The fire destroyed one half of the house and caused damage to other areas. The value of the damage is estimated to be approximately \$400,000. There was also damage to contents valued at \$50,000.

Your co-accused had previously lived in this house, with the son of the owner. You have never lived there, but you also knew the owner's son and had spent time there. The house was, however, unoccupied at the time of the fire, and had been boarded up since June 2022. You claim that it was derelict and had been broken into by others a number of times. You told police that you were very drunk when you went to the house and that your intention was to steal items from it. The decision to light the fire was spontaneous and you were encouraged by your companion, who described the owner as a pedophile. It seems that you took some pride in what you had done. You returned to the house several hours after the fire and took videos showing its damaged and burnt condition, and posted these on social media. You were boasting about lighting the fire.

You were 18 years of age when you committed this crime and you are now 19. You have no prior convictions of significance. You experienced some difficulties in your childhood but you have a strong and stable relationship with your mother and a good relationship with some of your siblings. You have been diagnosed with anxiety and attention deficit hyperactive disorder and have a relatively lengthy history of illicit substance use. You also have more recently developed a problem with alcohol, and I note again that you were under the influence of alcohol when you committed this crime.

This was a very serious crime. It was a vindictive and pointless act which caused significant damage to this house. The act of setting a house located in a residential area on fire is extremely dangerous. There is always a risk that the fire will spread to neighbouring properties. In this case, neighbours in at least one adjoining property were so concerned that they evacuated their house and hosed water onto it to protect it from the fire. Further, there is significant risk to firefighters and others who might seek to intervene. General deterrence is an important sentencing consideration.

However, in your case, I must also take into account your age and lack of prior convictions. I think that your rehabilitation deserves significant emphasis. The presentence report makes it clear that you will benefit from structured support in the community upon your release from prison. I accept that you have some insight into the seriousness of your offending and you have expressed remorse. You entered a plea of guilty in the Magistrates Court at an early opportunity and this is consistent with your expressed remorse. The objective seriousness of the crime and the need for general deterrence requires the imposition of a significant sentence of imprisonment, but I am of the view that the sentencing objectives in this case can be met by suspension of a significant portion of that sentence. I will impose structured supervision as a condition of suspension.

The orders I make are as follows: You are convicted of the crime to which you have pleaded guilty. You are sentenced to a term of 16 months' imprisonment, which will be backdated to commence on 8 March 2023. The balance of that period of imprisonment will be suspended for a period of 18 months on the following conditions:

- (a) that you are not to commit another offence punishable by imprisonment during that period.
- (b) that you will be subject to the supervision of a probation officer. You must comply with this condition for a period of 18 months. That period will commence as at tomorrow. The court notes that the conditions referred to in s 24 (58) of the *Sentencing Act* apply to this condition. These include that you must report to a probation officer at Community Corrections Devonport by close of business tomorrow.

In addition to the core conditions the order shall also include the following special conditions:

- you must, during the operational period of the order, attend educational and other programs as directed by the court or a probation officer;
- you must submit to the supervision of a probation officer as required by the probation officer;
- you must undergo assessment and treatment for drug dependency as directed by a probation officer;
- you must submit to testing for drug use as directed by a probation officer;
- you must undergo assessment and treatment for alcohol dependency as directed by a probation officer;
- you must submit to testing for alcohol use as directed by a probation officer;
- you must submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer;
- you must attend, participate in and complete the EQUIPS addiction program, as directed.

I make a compensation order in favour of Adrian Hall and/or an appropriate insurance company, the terms of the assessment will be adjourned sine die.