

Mr Adams, you have been found guilty by a jury of one count of arson. The crime occurred in the early hours of the morning of 25 April 2020. You set fire to the Housing Tasmania unit you were living in. It is my task to find facts for sentencing purposes consistent with the jury verdict. I may only make findings adverse to you if satisfied beyond reasonable doubt they have been proved, and I may only make findings of fact in your favour if they are proved on the balance of probabilities. The issue on the trial was as to your intent. In essence, you suggested to the jury that the fire had started accidentally. The jury clearly rejected this proposition, as do I. Your explanation as to the cause of the fire, as outlined in your record of interview, was inconsistent, implausible and at times, nonsensical. I am satisfied beyond reasonable doubt that you intentionally set fire to the building.

You were agitated on the evening of 24 April 2020. Neighbours in the unit complex in which you lived saw you behaving erratically. You had obviously consumed a considerable quantity of alcohol. You sent a text message to a friend indicating you were concerned about the possibility of being evicted from your housing unit. You were observed to throw a saucepan through a window in your unit. Shortly after you were seen leaving your unit and you were heard yelling. You were obviously angry. Flames were then observed in your unit by neighbours and police and the fire service were called. I am satisfied that you deliberately introduced a mobile ignition source into some flammable material that was in a cupboard in your unit. This caused the fire. I am also satisfied that before starting the fire you had caused damage to the unit by upturning furniture within the unit, including the fridge and the couch. This speaks to your level of agitation. After setting fire to your unit, you left. You did not seek assistance for the fire. You did not alert any neighbours to the fire. When you left the unit, you took with you a number of your personal possessions, including photo albums. You walked out onto an adjacent street. Police were, by that time, in the area. Instead of seeking assistance from the police, you tried to walk away from them. All of this material satisfies me that you deliberately set fire to your unit. The fire destroyed your unit. It also caused considerable damage to the neighbouring unit. Both units had to be demolished. The damage caused by the fire was in excess of \$200,000.

You were 41 when the crime occurred. You are now 44. You are a disability pensioner. You suffer with an intellectual disability and a speech impediment. You have a good relationship with your parents, although a somewhat difficult one with your siblings. Your parents have supported you through the main of your life and you have often lived with them. They are now too elderly to provide ongoing care for you. You have held employment spasmodically over the years, although your impairments have made the obtaining of long term employment challenging. You have a difficulty with the consumption of alcohol. You commenced drinking alcohol from about the age of 15, and for much of your life have consumed alcohol on a daily basis. You regularly consume alcohol to the point of excessive intoxication. You have also had issues with illicit drug use for many years. Often, when affected by alcohol and/or drugs, you display aggressive behaviours. This is reflected in your record of prior convictions. Many of the offences appearing have been committed by you when affected by alcohol. They include offences of violence against both person and property, matters of dishonesty, offences against police, driving offences and bail offences. You have a long history of non-compliance with the law. You have been sentenced by this Court to periods of imprisonment for the crimes of wounding and assault in 1999 and causing grievous bodily harm and assault in 2008. That latter matter involved you setting fire to a person. You were on bail for offences against police

and disorderly conduct charges when this arson occurred. A sentence of personal deterrence, as well as general deterrence and denunciation, is clearly demanded.

Obviously, your crime was very serious. The arson destroyed your Housing unit and the neighbouring unit. The financial loss was significant. There were considerable risks involved in lighting the fire. Your unit sat within a complex of several other units. You must have appreciated that there were other people resident in those units. Your behaviour exposed them to serious risk. You did nothing to warn them. Instead you walked away. The dangers, not only for yourself but also for the other residents who lived nearby, were obvious. The occupants of nearby units had to be evacuated for their own protection. The fire spread to the unit co-joined to yours but there was also a risk the fire would spread further to more outlying buildings. There was the risk to firefighters and emergency services who had to attend to extinguish the fire. Moreover, your crime resulted in the destruction of public housing, which is a scarce commodity and in great demand for the purpose of housing vulnerable and disadvantaged persons.

There is little to mitigate the seriousness of your offending. You are not entitled to the benefit which would flow from a plea of guilty. You have shown no remorse nor insight into the gravity of your behaviour. I note the comments in the pre-sentence report, which I obtained in respect to you, indicating you consider your conviction for this crime to be a consequence of a corrupt investigation.

The seriousness of your crime mandates the imposition of a substantial sentence of imprisonment. There is some suggestion in the pre-sentence report that in the time since the commission of this crime, you have abstained from the excessive consumption of alcohol and addressed your illicit substance abuse, although such measures do not appear to have been supported by any form of counselling or the like, and given the entrenched, long term nature of your difficulties, such support is necessary, in my view, if you are going to be able to maintain abstinence into the future. A Community Correction Order may have been helpful in that regard, but I think the preferable course is to make allowance for parole at the earliest opportunity and leave it to the parole board to determine the appropriate arrangements for release at the relevant time.

Mr Adams, you are convicted of the crime of arson and sentenced to a term of imprisonment of two years and four months. This will be backdated to commence on 12 January 2023 to take into account time spent in custody and not otherwise allocated to a sentencing order. I order that you are not eligible for parole until you have served one-half of that sentence of imprisonment. I make a compensation order in favour of Homes Tasmania in a sum to be assessed and I adjourn that assessment sine die.