

You have pleaded guilty to one count of arson contrary to the *Criminal Code*, s268.

On Sunday 8 February 2015 you were at the Royal Hobart Hospital, having been taken there by police at 12.30pm for a mental health assessment. At about 2:50pm you were released from the hospital and caught a taxi to your home at Mockridge Road, Clarendon Vale. You had been living there alone since your father's death some months before. The unit was owned by Housing Tasmania.

You decided you were going to set fire to the unit. When you arrived home you placed two aerosol cans in the microwave, placed a blanket over a heater, and piled items onto a chair in the living area and set fire to them. You then left the unit.

The fire smouldered for some time in the corner area of the living room where the chairs were located, causing burning to the walls and furniture. There was significant heat and smoke damage to the living, dining and kitchen areas. A passer-by saw smoke and the fire service was called. The fire was extinguished before it could spread. Police were also called.

A family friend of yours drove past and saw the fire engines. She called you and told you that there was a fire at your unit. You responded, "*Yes I know. I done it myself*". You told her that you were not happy with life and how things were going. You said you were on your way to your sister's house. You walked to your sister's house in Landers Circle. You told your sister that you had set the fire because you were sick of the place, because of the memories of your father. You said you thought you had murdered your father because you had bashed him on the head, and he had then died of cancer. You said that Housing would not give you another house because you were in arrears.

Police arrived shortly after. You told them that you had lit the fire and that you knew you had done the wrong thing. You were taken into custody, interviewed and made admissions. You said you did not regret what you had done as your father would not haunt you anymore and hopefully you would not have to look at the same walls and have the same memories.

Following the interview, you were charged and bailed. You were then taken to the Royal Hobart Hospital for a mental health assessment and were released from there shortly after.

The total cost to repair the damage to the unit was \$57,744.46. Your counsel has indicated that you do not oppose a compensation order in respect of that amount.

You are just turned 21. You were 19 at the time of this offending. You receive a youth allowance and have a background of mental health issues although you were not deemed unfit to stand trial in this matter. A report was obtained from a psychiatrist, Dr Michael Evenhuis, in December 2015. He concluded that you had profound personality deficits and had struggled with unstable mood, an inability to cope and recurrent suicidal ideation since the death of your father. He was of the view that your long term prognosis might be more positive if you remained in the community and engaged in appropriate treatment.

The crime of arson that you have pleaded guilty to is a serious crime. It will in most cases attract an immediate custodial sentence to act as a deterrent to people from committing this type of crime. I propose to take a different course of action in your case.

Having regard to the terms of Dr Evenhuis' report, notwithstanding the seriousness of your offending, I am of the view that an immediate custodial sentence is not appropriate. You are young, you have no prior matters, you have pleaded guilty and there are mental health issues underlying your offending. Those factors suggest, in my view, that a sentence which sees you remain in the community is the

more appropriate one even though I will impose a custodial sentence wholly suspended. In my view, a custodial sentence in itself, even if wholly suspended, is an appropriate deterrent.

In all the circumstances the orders of the Court are that:

1. You are convicted of one count of arson contrary to the *Criminal Code*, s268.
2. You are to serve 10 months' imprisonment. The execution of that sentence is wholly suspended on condition that for a period of two years you commit no offence punishable by imprisonment.
3. You are to be subject to a probation order for a period of 12 months. It is a condition of that order that you accept such assessment and treatment as may be directed by your supervising probation officer in relation to mental health issues.
4. You are to pay a victim of crime compensation levy of \$50 within 28 days.
5. Pursuant to the *Sentencing Act* 1997, s68, you are to pay by way of compensation to the Director of Housing the sum of \$57,744.46.