

Zachary Thomas Crossin has pleaded guilty to two counts of unlawfully setting fire to vegetation. On two dates, 5 August and 8 August 2016, he set fire to vegetation in Waverley Flora Park at Mornington. The first fire was contained to an area of 10 x 10 metres and the second to an area of 40 x 40 metres. On both occasions the vegetation burnt was low grass. It seems the defendant was in the area because his girlfriend lived close by. Both occasions were during the day and on both occasions he telephoned Tasmania Fire Service and reported the fires. On both occasions he remained in the area. On the second occasion he was seen by police officers hiding boxes of matches in some bushes. When interviewed by police, he told them that he hid the matches because he panicked. He said he had tried to put out the fire and that lighting fires helped him relieve his stress and anxiety.

The defendant was 18 years of age at the time and has since turned 19. He has no history of any offences at all. In 2015 he was diagnosed with anxiety disorder and panic disorder. Subsequently, he consulted his general practitioner and a clinical psychologist. Then in mid-2016, after a number of personal setbacks and stressors, his symptoms worsened and he became very depressed and there was significant concern about his mental health. By July 2016 he was suffering from major depression and consulting his psychologist on a fortnightly basis.

A few days before offending he had commenced taking a new anti-depressant as recommended by his general practitioner. These usually take between four to six weeks to be fully effective and in some individuals they can cause side effects including a temporary aggravation of symptoms. This happened to the defendant and he committed the offences when his already serious symptoms had become worse.

He has pleaded guilty at the earliest opportunity. He is deeply ashamed of his conduct and management of his guilt and shame has been part of his counselling sessions with his treating psychologist. He is receiving psychological therapy for his depression and anxiety. He is also prescribed medication by his treating general practitioner for his depression. His condition is improving and now he is consulting with his psychologist once a month. He is also consulting a psychiatrist in case that may assist.

He is described by his psychologist as very diligent in attending appointments and is trying multiple strategies as recommended to improve his symptoms. He is showing real initiative and taking responsibility for his mental well-being. He has many positive factors in his factor such as his responsible attitude and his enthusiastic preparedness to engage in therapy and counselling and also to make positive life choices. He has a highly supportive family and partner and he has an excellent work ethic.

It can be seen that the defendant is doing all he can to promote his chances of a healthy and productive future. There is no need for any coercive orders requiring him to continue with treatment and therapy as this has happened at his initiative and he appreciates entirely the importance of it continuing and is willing to follow all medical recommendations.

The criminal offending was closely connected to the defendant's mental condition and reduces his moral culpability. General deterrence ought not be a significant factor in this case and an individualised approach which focusses on his rehabilitation and which gives his reform prominence is appropriate. This is entirely out of character behaviour of a young man who was very unwell and is now acting responsibly to promote his mental health and to ensure there is no repetition of offending.

As a final remark, I am also mindful that the defendant's vocational future and his career prospects may be harmed by convictions for these crimes. In these exceptional circumstances a conviction is not required and I will accept from the defendant an undertaking that he will be of good behaviour and not reoffend for a period two years from today.

Do you give me that undertaking?

MR CROSSIN: Yes

I will accept that undertaking and I now release you without convictions for these crimes on the basis of that undertaking that you have given me that you will be of good behaviour and not reoffend for a period of two years from today.

There is a victims of crime compensation levy of \$100 which must be paid within 28 days.

[The sentencing order was then explained to the defendant: This means that you do not have a criminal conviction for these crimes, but you have given me an undertaking and that is treated very seriously by the courts and it is very rare for these courts to allow such matters to be disposed of by undertakings and you would appreciate that undertaking carries with it a grave responsibility on your part to comply and if you were to breach your undertaking it would mean that you could be brought back before the Court and a more serious outcome could be imposed.

I have accepted that you will not reoffend and will do all you can to continue to work with your medical practitioners to ensure your mental good health. I have accepted that undertaking and subject to you complying with that undertaking there will be no conviction and the matter is adjourned now for a period of two years.]