

time you suggested that you may have been confused about which child was involved in the fire lighting and accused your daughter of being responsible for one of the fires. She, too, was spoken to by police and denied any involvement. On 5 November, police spoke to you again about the fire lighting. This time you admitted lighting a further fire on the 24 March 2023.

You are 55 years of age. You have no relevant prior convictions involving fire lighting. Your recorded criminal history contains some traffic infringement matters and a minor matter of assault, which was dealt with by way of an undertaking without conviction. You have been married for 27 years and have three adult children. Your two sons live independently, but your daughter still lives at home. She suffers from several disabilities, and you act as her primary carer.

Following the completion of your education in Grade 10, you undertook some casual manual labour work but otherwise you have been engaged in home duties all your adult life. You had a terrible childhood. You were sexually abused by your father and have experienced trauma symptoms since childhood. I have received a forensic psychological assessment report in respect to you. It indicates that you have chronic Post Traumatic Stress Disorder, resulting from this childhood abuse. You also have a long history of anxiety and depression. Your symptoms are currently being exacerbated by the onset of menopause. The author of the report, Dr O'Donnell, opines there is a nexus between your mental health conditions and the commission of these crimes. Just before your fire lighting behaviour commenced, you confronted your father about the sexual abuse he had perpetrated upon you. Thereafter it seems you had quite an extreme emotional reaction and this fire lighting was a mechanism through which you sought to relieve your stress and anxiety.

Dr O'Donnell notes that a catalyst for engaging in fire setting behaviour is often emotional distress, with the fire lighting becoming a means of emotional expression. Dr O'Donnell also notes that at the relevant time, your mental health was being impacted by a number of factors, including a change in your anti-depressant medication, symptoms of perimenopause and the emotional aftermath of confronting your father about the childhood sexual abuse. In Dr O'Donnell's opinion, these factors, coupled with your learning difficulties and below average intellectual functioning, culminated to a point where you needed to release stress and anxiety and the fire lighting provided a release for the intense emotions you were experiencing, such as anger, sadness, frustration and feelings of powerlessness. Dr O'Donnell opines that *"the adrenalin thrill and euphoria of seeing a fire ignite provide a marked shift in the nervous system that relieves the intense negative emotions"*. There is no reason why I ought not to accept the opinion of Dr O'Donnell..

I accept that your mental health directly contributed to the commission of these crimes, and there is a consequential lessening of your moral culpability. I also accept your fragile mental health means a period of incarceration would be very difficult for you, and there is a risk that incarceration would result in further deterioration of your mental health.

Since the commission of these crimes, you have worked hard with mental health professionals to develop strategies to minimise further ongoing risk. Your medication has been stabilised and you are seeing a counsellor on a regular basis. I am told you recognise it will be necessary to maintain a relationship with mental health professionals to ensure there is no decline in your mental well-being into the future.

There is no question this was very serious criminal offending. The first fire, in particular, caused significant damage and was obviously a major risk to the surrounding areas and communities. You repeated this dangerous conduct, many times, over a number of weeks. It is most fortunate that the main of the other fires did not get out of control, but of course it cannot be overlooked that many emergency personnel resources were engaged in ensuring that did not occur.

I take into account your pleas of guilty, but remorse was not immediately evident. You, in fact, sought to blame your children for some of the fires when you were first questioned by police. Your counsel submits, on your behalf, that such a reaction was simply reflective of the panic and fear you felt when you were confronted about your behaviour. According to Dr O'Donnell, attributing blame to your children is reflective of a defensive psychological state, and is not inconsistent with you having acted in an emotionally driven manner at the time of lighting the fires. Rather, the co-existence of the two apparently inconsistent reactions is reflective of the complexity of some of your mental health difficulties. Your relationship with your son has been damaged because of what you said to police and the ongoing tension is a constant reminder of your wrongdoing. I accept that you now have a deeper appreciation of the seriousness of your conduct and continue to undertake steps to ensure risk factors are minimised.

Given the objective seriousness of these crimes, the only appropriate sentencing options are imprisonment or home detention. I had you assessed as to your suitability for home detention. You are suitable. The report, in my view, is positive and supports the contention that you are sorry for what you did and eager to ensure there is no repetition. I am persuaded that it is appropriate to impose a home detention order. However, because of the seriousness of your offending, I intend on imposing a period of home detention that is far more restrictive, and therefore punitive, than that recommended by the probation officer.

I make the following orders. You are convicted of all crimes to which you have pleaded guilty. I make a Home Detention Order for an operational period of 15 months commencing from tomorrow. That order will include the following conditions:

- you must not commit an offence that is punishable by imprisonment;
- you must reside at the home detention premises of **[address redacted]** and at all times, be present at those premises unless your absence is approved by a probation officer;
- you must for the duration of the operational period of the order, submit to electronic monitoring and have any electronic monitoring device fitted and comply with all reasonable and lawful directions given to you with respect to the operation and monitoring from such device.

There are also special conditions which will attach to the Home Detention Order. They are as follows:

- 1 You must permit a probation officer, a police officer, or other prescribed officer to enter the home detention premises.
- 2 You must permit a police officer to conduct a search of the premises, conduct a frisk search of you and take a sample of any substance that may be found on the premises or on your person.
- 3 You must submit to electronic monitoring, including the wearing or carrying of an electronic monitoring device.

- 4 You must not remove, tamper with, damage, disable or interfere with the proper functioning of that device or equipment used for the purpose of electronic monitoring.
- 5 You must not allow anyone else to remove, tamper with, damage, disable or interfere with the proper functioning of that device or equipment used for the purpose of electronic monitoring.
- 6 You must comply with all reasonable and lawful directions given to you in relation to the electronic monitoring device, including directions relating to the installation, attachment or operation of the device.
- 7 You must maintain in operating condition an active mobile phone service, provide the contact details to Community Corrections and be accessible for contact through that device at all times.
- 8 You must not take any illicit or prohibited substances.
- 9 You must not take any prescribed medication unless you provide written evidence from your medical practitioner that you have been prescribed that medication.
- 10 You must not during the operational period of the order consume alcohol and you must, if directed to do so by a probation officer, police officer, or community corrections officer, submit to a breath test, urine test or other test for the presence of alcohol.
- 11 You must submit to the supervision of a Community Corrections Officer as and when required by that Officer.

I further order that you present to Community Corrections Devonport by 10am tomorrow for induction into this order. I make a compensation order in favour of Forico Pty Ltd, in the sum of \$464,000.