

STATE OF TASMANIA v KJC
COMMENTS ON PASSING SENTENCE

4 MARCH 2026
JAGO J

KJC, you have pleaded guilty to the crime of arson. On 13 March 2025, you set fire to some curtains at a property in Brooke Street, East Devonport. You sprayed a can of aerosol onto the curtains and then ignited them. The fire took hold, eventually spreading to the structure of the property. At approximately 6:00pm, nearby residents noticed flames and smoke coming from the home. Tasmania Fire Service attended and extinguished the fire.

Your plea of guilty is on the basis that although you did not intend to set fire to the structure of the house, you admit that you realised this was a likely consequence of the fire you lit, and you acted regardless of that risk. You were arrested by police on 14 March 2025. When interviewed, you initially denied lighting the fire. Police challenged you and indicated they had CCTV camera footage which put you in the relevant area at the relevant time. At that point, you agreed it "maybe" was you and claimed that if you had done it, it was because the occupant of the home was "abusing old ladies, kicking dogs and having a go at everyone who walks past". Ultimately, you told police that you were intoxicated at the time and that you set the curtain on fire using a can of deodorant, which you then ignited with a lighter.

The property at Brooke Street had to be demolished because of the extent of structural damage which was caused. The property was valued at approximately \$150,000, although given current building costs, Homes Tasmania estimate that the cost to rebuild a three-bedroom home on site would be approximately \$550,000. I accept that prior to your act of arson, there was some damage to the home. It had been boarded up and it was unoccupied. Nevertheless, the home is now totally destroyed, and the community has lost a precious commodity in the form of public housing.

You are 19 years of age. You were 18 when this crime was committed. You have no recorded criminal history as an adult but have been before youth justice courts since you were aged 15. You have been before that court for matters of violence against both person and property, matters of dishonesty and bail offences. Most significantly, in October 2023, you were sentenced for the crime of arson in the youth justice court. Without conviction, you were made subject to a probation order, including a requirement that you complete community service hours. It seems you breached that sentencing order and you were re-sentenced in May 2025 and required to complete some additional community service hours.

You have experienced a difficult upbringing. Whilst you have a very supportive mother, your relationship with her has often been difficult because of your behaviour. There is also considerable conflict between you and your mother's partner. You have no relationship with your biological father. Because of episodes of physical abuse in your early childhood, you have not had any contact with him for many years.

You left the family home when you were 13. Thereafter, your education was spasmodic, although to your credit, you completed Year 10 at the Indi School. You have been diagnosed with ADHD, anxiety and depression. Your ADHD has been exacerbated by your illicit drug use and your heavy use of alcohol. There is a family history of alcoholism. The excessive consumption of alcohol within your family home was common during your childhood. You now recognise that the amount of alcohol you consume is problematic for you and you need assistance in addressing it. To that end, you have sought counselling and have also explored the possibility of in-patient rehabilitation, but to date, have not genuinely committed to

addressing the difficulty. As with many of your youth matters, excessive consumption of alcohol directly contributed to this crime. I am told you have limited memory of the crime as you were using both alcohol and illicit substances heavily at the time. Of course, being drunk in no way excuses your criminal conduct, but given your young age, if you can obtain assistance with your substance abuse, there may be hope of you changing your ways.

I am also told that your recent remand in custody has been your first experience in an adult prison, and it has been a confronting one.

There is no question that arson is a very serious crime. It is easy to commit and has the capacity to cause serious damage to property and expose others, including the firefighters who are called upon to attend the fire, the risk of injury and death. You set fire to the house because it seems you had some notion that the occupant of that home had been nasty to others. Some misplaced sense of righteousness in no way mitigates this crime.

The act of setting fire to a home in a residential area is obviously a dangerous thing to do. Whilst this was a stand-alone residence, there is always the risk that fire will spread to neighbouring properties. Fire can act in unexpected ways, and once you had set fire to the curtains, you left and thereafter had no control over what may eventuate. I also note that whilst you claim you were aware that no one was inside the property, there was always the chance that you may be wrong. You did not enter the property to check. It is entirely feasible that there may have been a squatter inside the property, which highlights why the crime of arson is inherently dangerous, and why general deterrence is always an important sentencing consideration in a matter of this nature. There should be some reduction in the sentence because of your plea of guilty, which indicates an acceptance of responsibility, facilitates justice and avoids the need for a trial.

I had you assessed as to your suitability for supervision given your claim that you want assistance. The author of the report indicates some reservations as to the likelihood of your compliance, given your attitude to previous orders, but it can only be hoped that with maturity you will begin to understand the need to accept assistance and commit to your rehabilitation.

Imprisonment is the only appropriate sentence, but because of your still young age, and the hope that with structured supervision and support from Community Corrections, you can be encouraged to address your alcohol and illicit substance abuse and turn your life around, I am persuaded it is appropriate to suspend a portion of the sentence I intend to impose.

I make the following orders. You are convicted of the crime of arson. You are sentenced to a term of imprisonment of 15 months, backdated to commence on 15 January 2026. The last nine months of that period of imprisonment will be suspended for a period of two years on the following conditions:

- (a) That you are not to commit another offence punishable by imprisonment during that period; and
- (b) That you comply with and successfully complete a 12-month supervision order with Community Corrections. The period of that supervision order will commence on the date you are released from custody.

The conditions set out in s 24 of the *Sentencing Act* will apply to this order. These include conditions that you must report to a probation officer at Community Corrections, Devonport,

within three working days of your release from custody, and accept supervision from that probation officer. In addition to the core conditions, the order shall also include the following 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 or therapeutic counselling as directed by a probation officer; and
- you must attend, participate in and complete the EQUIPS addiction program, as directed.

I make a compensation order in favour of Homes Tasmania in an amount to be assessed.