

David Conrad Woolley you pleaded guilty to two counts of arson on complaint 2261/2024 in the Magistrates Court, Hobart, on 8 October 2024, and were committed for sentence.

The offending occurred in or about September 2023. This matter has, through a combination of circumstances, taken almost a year to proceed from your plea to sentence. Today's hearing is the culmination of what has been a significantly delayed process. Care has to be taken when there is delay between a plea and sentence, because it can affect the efficacy or viability of available sentencing dispositions, and colour the prism through which offending is seen. It is for that reason that I set out some of your communications at the material time and the victim impact statements.

You were charged with two co-accused, Nicole Lynn Humes and BAH, and were 40 years of age at the time of your offending.

The complainants are Tim and Jane Palfreyman.

Stacey Leggate is your wife. I understand that you have three children with Ms Leggate. Although still married and cohabitating together at the relevant time in 2023, you and Ms Leggate were no longer in a relationship.

In September 2023, Ms Leggate entered into an agreement to rent the property at Blair Street, Lutana. The property is owned by the complainants, Tim and Jane Palfreyman, and was insured through Australian Associated Motor Insurers Ltd.

You and Ms Leggate lived together at the property with your children until 28 September 2023. You were not a party to the rental agreement for Blair Street and you were staying at that house while searching for another property at which to reside.

On 28 September 2023, there was an electrical fire contained at the meter box of Blair Street. The incident resulted in your family vacating the residence and the property remaining unoccupied thereafter. However, some of the family's belongings remained at the residence.

In October of 2023, you met Ms Nicole Humes on TikTok and entered into a sexual relationship. Nicole Humes is the mother of BAH.

On or around November 2023, you and Nicole Humes had a phone conversation. During that conversation, you requested that that Nicole Humes find someone to burn down the property at Blair Street. You told Ms Humes that you had left the front door of the property open. Shortly after this conversation, Nicole Humes directed BAH to burn down the property at Blair Street.

During the night of 2 November 2023, you sent messages to Nicole Humes seeking to have the property burnt down that evening. At approximately 11.30 pm, BAH, his partner and a number of unknown individuals walked from Nicole Humes' residence at Harlow Road to Blair Street. BAH had some 500 millilitres of petrol in a drink bottle which he sourced from Nicole Humes' lawnmower.

When he arrived at Blair Street, BAH opened the front door of the property and poured petrol over the front door entryway and across the wooden decking situated at the front of the residence. BAH then set the fuel alight using a cigarette lighter and fled the scene. An unknown individual notified emergency services of the subsequent fire.

The fire was extinguished. However, there was extensive fire and smoke damage to the house's structure and content. A fire scene investigation report was prepared, and the total damage was estimated at \$350,000 in relation to that fire.

The shed located at the back of the property was not impacted by the fire.

During process of setting the fire you asked Nicole Humes to provide you with updates, including requesting photos and information as to the response of emergency services.

Nicole Humes sent you a photo of the fire, which was visible from her residence, and informed you when the fire crews arrived at the property.

On 3 November 2023, you congratulated Nicole Humes on the fire. On the same day you requested her to have someone burn down the shed at Blair Street. You texted Ms Humes:

"Shed is still up. LOL. Half a job. XX"

And:

*"There is stuff in the shed of hers to burn that too, please.
LOL XXXX"*

You requested that the shed be burnt that day, stating:

"Get that done tonight to the home. Fuck the slut. XX"

On or around 3 November 2023, Nicole Humes directed BAH to burn down the shed at Blair Street. Throughout 4 and 5 November 2023, you repeatedly asked Ms Humes when the fire would occur. You instructed Nicole Humes that the shed door was open.

On 5 November at approximately 11.30 pm, BAH walked from Harlow Road to Blair Street. Again, he carried a small quantity of petrol which he had sourced from Nicole Humes' lawnmower. When BAH arrived at Blair Street he opened the door of the shed and poured fuel over its interior.

BAH set the fuel alight using a cigarette lighter and fled the scene. An unknown individual notified police emergency services of the fire.

The fire was subsequently extinguished. However, there was again extensive fire and smoke damage to the shed structure and contents, damage which was assessed at approximately seventy thousand dollars. The wooden fence bordering the Blair Street property was also partially burnt by the fire. I was provided with photographs of the damage received as Exhibit P-1.

Again you asked Nicole Humes to provide you with updates of the fire, including requesting information as to the response of emergency services. Ms Humes informed you when emergency service arrived at the property. When Nicole Humes told you that she heard an explosion from the fire, you sent a message:

"Oh –

Laughing emoji:

what the fuck. LOL.

And then:

Is it still going?

Laughing emoji."

During the police investigation into these crimes, police lawfully obtained text messages sent during the relevant period between you and Ms Humes. On 31 January 2024, you attended Glenorchy Police Station and participated in an electronically recorded interview with police.

You told police that you did it to get back at Stacey Leggate because you were angry and upset with her about an alleged affair, albeit an affair which she denies. It does not appear that you considered how your conduct might affect the owners of the property, your children or others, or if you did that did not dissuade you from your criminal conduct – you acted recklessly, selfishly and callously.

During your relationship with Nicole Humes, you discussed Ms Leggate's alleged affair with Ms Humes and your frustration with Ms Leggate. You told police that Ms Leggate told you lies about the alleged affair, and that you did not think the arson would actually go ahead. That account is not supported by the legally obtained text messages between you and Ms Leggate and is not accepted by the State. I do not accept that explanation.

Nicole Humes sent a picture of the fire to you on 2 November. You had a rough idea who would light the fires but you said that you did not know it would be BAH. Prior to the fire on 5 December 2023, you told Nicole Humes that the roller door of the shed would be unlocked. You did not pay any money or give any property to Nicole Humes for arranging the fires.

Your purpose in organising the fires was to hurt Ms Leggate. Most of the remaining property at the residence belonged to Ms Leggate. You did not receive any financial benefit from the fires. Only Ms Leggate was named on the lease and insurance policy. You did not have any contact with the insurance company regarding the claim after the fires.

You were charged and bailed to appear in court. You pleaded guilty to these charges on 8 October 2024. A compensation order in favour of the complainants and Ms Leggate is sought by the State pursuant to s 68(1) of the *Sentencing Act 1997* in an amount to be assessed.

Of your co-accused, Nicole Humes pleaded not guilty to these crimes and is committed for trial in this Court and BAH pleaded guilty to these crimes in the Youth Justice Court and has been sentenced.

You have spent no time in custody in relation to these matters. Ms Leggate and the complainants, Tim and Jane Palfreyman, have elected to provide victim impact statements in relation to this matter and they have been provided to the Court. I have described your conduct as reckless, selfish and callous, that description simply mirrors the victim impact statements. I read them now to remind you of the impact your conduct has had and to inform the sentencing disposition in this matter.

The first is that of the complainants, Tim and Jane Palfreyman. Their victim impact statement is dated 12 March 2025, and it read:

The burning down of our house has had a profound impact on our lives over the last 18 months. While for the last couple of years, it has been an investment property, this home is far more to us than that. It was our first home. We created countless memories in it and developed a strong attachment to it. We purchased and moved into the property in 2010 as our first significant purchase as a couple. In 2011, we brought our dog home to it. In 2012, we got married while living there and Jane prepared on the wedding day there.

In 2014, we brought our first son home to it, and then our second son in 2016. All of our biggest moments and memories in our life occurred in that house and now when we look at the charred remains, it makes us feel heartbroken. As well as the emotional impact of having something you love being destroyed, there has also been a significant psychological impact related to the stress of dealing with the fallout of the fires.

When the incident occurred, we were awoken shortly after midnight by police knocking on the front door, bringing us the bad news. Constantly since that moment, we have had to deal with one thing after another. For example, we had to prepare for and undergo a formal interview with the insurance investigator before our insurance claim could be accepted, which brought significant anxiety.

We've had to deal with constant emails, meetings and phone calls with the real estate agent and insurance companies, and contracts, council permits, building materials, et cetera. We have needed advice on tax, insurance and legal issues. All of this has resulted in a significant drain on our time and there has been lingering stress that has now been going on for 18 months and will likely continue for some time.

One example of an issue that has created particular stress for us, is our financial position as a result of the fires. We rely on the rental income from this property to help us service our mortgages, pay our groceries and keep ourselves afloat financially. Our landlord insurance has been covering our rental payments since the first fire at the property in September 2023.

That rental cover is only guaranteed for 12 months, so since September 2024, we have lived in constant fear that our insurance company will cease paying our rental loss cover. If they do this, this will put us in immediate and major financial distress. Thankfully, so far, the insurance company has agreed to keep covering this to date but could at any time stop. Rebuilding/repairing has not really commenced yet, so we're unsure as to how much longer we are going to be at risk.

In terms of the impact of the psychological stress, late last year in 2024, Jane, on the instruction of her GP, went on six weeks of personal leave from work due to anxiety, of which these events were a significant contributor. Jane is undergoing regular counselling and medical check-ups to help her recovery. Tim is constantly feeling stressed, as on top of his full-time job, he's now having to assume a role as project manager in dealing with police, insurance, real estate, accountants, DPP, et cetera, to help get our life back on track.

From a financial perspective, this saga has also had an impact. We paid three thousand dollars in insurance excesses, which has affected our day to day living. We have also needed to use a portion of our leave entitlements at various times, for example, at the time of the incident to deal with the immediate police, real estate and insurance matters, then to take off work for investigating interview and personal leave for medical issues.

Historically, this property was a key part of our lives, but into the future, we were also relying on it to help support us to achieve our financial lifestyle and retirement goals, which might also be impacted. However, at this stage, it can't be known if we will suffer further financial loss or not until the process is over. Overall, the impact of this crime has impacted heavily on us emotionally, psychologically and financially. Unfortunately, it's likely to continue for some time yet.

I'll now read the victim impact statement of Stacey Leggate, dated 17 February 2025:

I'm not even sure where to begin, or even if words can describe how this crime has impacted my children and myself. At 36 years old, I would never have thought I'd be in a situation of literally losing everything I owned, including all my children's belongings, my grandma's things, all the photos, including ultrasounds. These things – I can never look back on. Things that are irreplaceable. The kids would say that they miss their belongings and this was so heartbreaking, and all because of someone's horrible actions.

Financially, after the fires, I had to take about a month off work due to wanting to look after my kids and not being able to concentrate at work. I was unreliable and felt like I was letting down my employer. The stress ... of having to rebuild our lives and try to pay normal bills was next level. I had to fight the insurance company, as they denied the claim due to the accused living at the property. The stress of trying to rebuild for my kids was something I would not wish upon anyone.

After the fires, we all stayed at my sister's in a two-bedroom unit: B, 12, M, 7, and myself in one room, my sister and her partner in another, the accused on the lounge. My mum had my

14-year-old son, M, stay at her house as it was too much for him being cramped into such a small place with so many people.

There were so many sleepless nights. As a mum, I certainly felt like a failure because I couldn't give my children the stability of their own home in this time. I've never felt so sick to my stomach or understand how someone could do this to their own children, and act so innocent for months – not to lose sleep, to watch their own children go through all of this with no guilt.

The day he made full admissions and was charged, the accused continued to lie to me and told me the cops were trying to pin the fires on him. I did not know what to believe, and still to this day, I don't truly know what happened and why. My mum came to stay at the house once this information of making full admissions came out, out of fear she would lose her daughter and grandchildren.

In the process of all of this, my eldest son wanted to stay with the person he looks up to, his dad. M has not had the stability that he needs. He has turned to using drugs. He has put holes in my rental property, smashed my TV, resulting in losing my bond and having to replace more things. But most of all, we have lost our bond. Yes, this is relevant because this behaviour all started after the house fires once we knew the accused was responsible.

We – me and the kids – were so mentally drained we needed a break, so I stopped the kids seeing their dad and blocked him on all their devices.

My son B unblocked his dad on his mobile phone and was trying to hide it and lie about the contact. I could see that keeping B from the accused was hurting B, and I couldn't do that to my kids, so I let the contact continue. Still to this day my children and I hate night-time. It took nearly 12 months to get M to sleep in her own bed. At times, if the kids hear noise at night time, they come running in to me. I sleep with the TV on as I hear noises, it freaks me out. I hate being home alone at night.

My thoughts are, if someone could do this to us that was meant to love us for 14 years, what else could he do to us? All that being said, this is far from over for my kids and I, and there will be ongoing impacts for a long time. I'm starting to see a counsellor due to the ongoing impacts on my mental health. I believe M and B need counselling, but they won't go. M has had some support from the school social worker.

You do not have any relevant prior convictions in relation to arson. You have convictions in 2012 for common assault and breaching a family violence order, in 2013 a conviction of being in possession of stolen property in the form of \$7,500, which was subject to a suspended sentence, subsequently activated in 2015. In 2015, you have a conviction for making a false

statutory declaration and false statement. In 2022, you have a conviction for destroying property. Your other prior convictions are miscellaneous summary matters, including traffic offences, breaches of bail and failure to appear.

The State submits that this is a very serious example of arson, given the degree of damage caused to the properties, and the impact on the complainants and Ms Leggate. It is put that general deterrence is an important sentencing consideration when dealing with arson. This type of offence, it is said, causes considerable community harm, particularly when it impacts upon housing which is becoming a scarce commodity in our community. Clearly arson directed at residential rental housing has a significant cost upon both for those affected and the community more generally.

There are obvious risks in setting fire to residential housing to those who may be living in, or nearby, to such dwellings, to first responders and emergency service providers who respond to these dangerous incidents. They do so to mitigate the risk that such fires could spread and cause even greater damage. Your casual decision to initiate these fires has created significant risk for many.

The State submits that the significant number of aggravating factors in your offending emphasise the need for punishment, specific deterrence and denunciation. It is put that your conduct is a particularly serious example of arson. Your motivation was essentially immature and selfish, to seek revenge against your former partner without regard to the consequences.. I acknowledge that your offending was not a one-off but rather a determined and sustained course of conduct in that two separate fires were set.

Whilst you had ample opportunity to reflect on your conduct after the first fire it did not dissuade you and your messages to Nicole Humes are redolent with a lack of insight into the risks and impacts associated with the two fires. I accept the States submission that you bear a very high degree of moral culpability.

In mitigation I am told that you are 41 years of age, and that you are residing in rental accommodation on the Eastern Shore, at Midway Point in Tasmania. You are employed.

I am told that at the material time you were in effect enduring a personal crisis: Your marriage had collapsed prior to the lead-up to the crimes and I am told that was unexpected. In that regard I have a window into your attitude at the relevant time through the nature and tenor of your messages to Nicole Humes. Those messages do not suggest that you were in crisis but rather you were determined to extract revenge against Ms Leggate for what you perceived to be the hurt that she had caused you.

You pleaded guilty to these charges and the pleas of guilty were entered early in the proceedings. You have been bail compliant.

You are employed, and have been for some time, as a tyre-fitter at " Topform Excavations and Truck Hire". You are a tyre fitter to a fleet of three log trucks and a 10-yard tipper and respective trailers, and you are on call 24/7. The pre-sentence report dated 4 August 2025 confirms that you have full-time employment as a tyre fitter, in the specialised area of maintaining heavy vehicles. Your work history includes concreting, wood hooking, fibreglass work, and Pizza Hut. Your counsel says that your intention is ultimately to start your own landscaping and gardening business.

Your counsel directed my attention to the presentence report at page 2 pointing out that you

were diagnosed with epilepsy in 2023, and reported seizures that are generally brought on by periods of high stress. There is some issues in terms of high blood pressure and depression, and that you are currently treated through regular health appointments.

I was told that you received limited funding from Legal Aid for obtaining medical reports. I was provided with a letter from the Ochre Medical Centre in New Town dated 10 June 2025. That letter confirms that you are seeing a doctor and have been at that practice since February 2025. I am told you have some symptoms that, in the opinion of the doctor, are consistent with anxiety and depression, as well as some difficulties in sleeping. You were prescribed olanzapine, a temporising measure for both mood and sleep. You have completed a mental health care plan. You were referred to Salamanca Psychology in order to access that plan. You have been seen four times since then. There's been some changes in your medication.

I understand that you have a history of anxiety and depression and that it became exacerbated because of the unexpected collapse of your marriage.

I was directed to the section of the pre-sentence report titled "Attitude and Responses Toward Offending Behaviour." Again, it repeated the proposition that you did not believe that your co-offenders would go through with the arson. I do not accept that because there were two separate fires, and also the nature of your exchanges with Nicole Humes.

I raised the repetition of that explanation as indicative of a lack of insight by you into your offending, your counsel pointed to the last three lines of that section which state:

"He was able to identify victims of his offending behaviour, particularly his ex-partner and children, and acknowledged areas he still needs to address specifically, his mental health with specialised psychological services."

The pre-sentence report found that you were unsuitable for home detention, that includes concerns over a missing firearm and an unsuitable current address (see un-numbered pages 3 and 5). You were found unsuitable for community supervision as the report puts it because of your "level of criminogenic risks/needs". You were found suitable for community service. Obviously, community service for these offences is not really within the range of prospective sentences unless coupled with other sentencing dispositions.

Despite these recommendations I was urged by your counsel not to discount the possibility of a home detention order. I was urged to consider the following factors: (i) your employment; (ii) opportunity to be engaged in medical and psychological treatment, and (iii) the continuation of his new circumstances including your new residential arrangements and your new relationship. It was also noted as a fourth matter that there would be some need to consider possibly reconciling your relationship with your children.

I indicated at the sentencing hearing that similar offending has attracted a period of immediate imprisonment. I pointed out that arson is a particularly serious crime in which that disposition is common especially where, as here, there is sustained offending and separate fires, and, I might add, in terms of the damage that has been caused.

I was directed by your counsel to two cases being the decisions in *Shreeve* a decision of Justice Estcourt on 6 October 2023, and *Dupree* a decision of Estcourt J on 10 November 2020.

In *Shreeve* the offender was 54 years old and pleaded guilty to one count of arson and one count of unlawfully setting fire to property. There were specific mitigating factors in that

matter that do not apply here. The offender was the complainant's nephew and he was also his mother's primary carer when she was terminally ill with cancer. The offender gave a history of sexual abuse.

Unlike this matter, *Dupree* concerned a *single* count of arson. The offender was a 20 year old youth and significantly different sentencing considerations applied in that case because of his youth. The offending was not sustained as it is in this case.

Pearce J in the decision of *R v Stanton* handed down 15 November 2017 said:

"Arson is the most serious property crime. It is easy to commit, has capacity to cause serious damage to property and to expose others to risk of death and injury, including the officers of the fire service who have the responsibility to attend to such fires."

In *Stanton* the 53 year old offender set fire to a house in Ulverstone and returned and set fire to it again just a day later. The fire was motivated by a desire for retribution over a rental bond dispute. In *Stanton* Pearce J described \$20,000 damage as a substantial amount of damage having been caused. Clearly, that pales into insignificance in relation to the damage in this matter. Pearce J also noted that it is an aggravating factor that these crimes were committed for retribution, and further, "I accept that the defendant correctly believed that the property was vacant, but the chance that he may have been wrong existed".

In *R v Dougherty* a decision handed down on 8 April 2022, Pearce J sentenced a 31 year old man to 18 months' imprisonment for setting fire to the unoccupied massage parlour in which his former partner worked causing \$35,000 damage. In *R v Clark*, Acting Justice Porter in a decision dated 1 August 2018 sentenced a 31 year old man to 18 months' imprisonment with three months suspended when he burnt down a shed, set fire to a car and to some vegetation in six separate incidents following a relationship breakdown. I refer to those cases merely to identify sentences that have been imposed for arson in this State.

I accept that you are now remorseful. It appears that your level of insight into your offending has improved since the material time. I have taken into account your plea of guilty.

David Conrad Woolley, I convict you on both counts of arson contained in Indictment 88/2025. I have set out the facts of the matter, your personal circumstances and the relevant considerations. This was a terrible thing to do to the owner of the building and to your family, the risks created by your offending were considerable and the impacts on others was and has been far reaching. You did it simply out of anger and a need for revenge. A term of imprisonment to be served immediately is necessary.

You are sentenced to 15 months' imprisonment to commence immediately. I suspend three months of that term for 18 months from your release on condition that you commit no offence punishable by imprisonment during that period. I order that you not be eligible for parole until you have served six months of the term imposed. I make a compensation order in favour of the complainants, Tim and Jane Palfreyman, and Ms Leggate pursuant to s 68(1) of the *Sentencing Act 1997* in an amount to be assessed.

I make a non-publication order THAT there be no publication of the proceedings in Court in relation to the comments on passing sentence of David Conrad Woolley on the basis that the co-accused Nichole Lyn Humes is yet to have her trial heard. Further, in relation to BAH (youth) that references to his name be anonymised from any future publication due to his age.

RE-SENTENCED BY COURT OF CRIMINAL APPEAL ON 26 MARCH 2026

Orders of the Court (3 March 2026):

Sentence of imprisonment for 15 months from 8 September 2025, 3 months of which was suspended with parole eligibility after six months quashed.

Orders of the Court (26 March 2026):

Respondent sentenced to imprisonment for four years from 8 September 2025. Respondent not to be eligible for parole until he has served two years of that term.