

Mr Jones, you have pleaded guilty to one count of perverting justice and one count of making a false statutory declaration. Clearly, both crimes arise out of the same act and conduct. You are guilty of both but you will not be punished twice. You will only be punished for what you actually did.

You committed the crimes when you falsely took the blame for an offence of evading police. This offence was committed by another person on 1 August 2018. On 18 August, you went to the police station and confessed to committing the offence. The police prepared, and you signed, a statutory declaration confirming your involvement. All of this was false because you were not involved in the offence at all. You were subsequently charged, but when the matter came to court, you pleaded not guilty and eventually told the police what you had done in signing the false declaration. You told the police who you thought the actual driver was, but you did not know this from your own knowledge because you actually had nothing to do with the offence. The police did not proceed with the original charges against you, but it was then too late to charge anyone else because of the expiry of the relevant limitation period.

You were 26 when you committed these crimes and you are now 29. You have a relatively lengthy criminal history, which is constituted mostly by driving and drugs offences. You have had a serious drug problem for some years, and you are still affected by that problem. In fact, you told police that you agreed to take the blame for the evade police offence because of a promise that you would be paid a substantial amount of money. You were desperate to get money at the time because you had significant drug debts. In fact, you were not actually paid any money.

You initially came before me for sentencing on 17 June 2020. At that time, I agreed to defer the sentence to give you an opportunity to complete a drug treatment order which had been made by the Magistrates Court in respect of other offences. You did not actually take up the opportunity presented by that order, and it was cancelled by a magistrate on 3 December 2020. Her Honour also activated a suspended sentence and was highly critical of your lack of effort in respect of the program. The prosecution has now made an application for the order deferring sentence to be revoked. When the application came before me a few months ago, I was told that you had made arrangements to pursue rehabilitation by residential treatment. I gave you more than one opportunity to pursue that treatment, but clearly you are not ready to seriously address the question of rehabilitation at this point in time. As a result, it is appropriate to proceed to sentence immediately and the order deferring sentence will be revoked.

The crimes you committed are serious because they undermine the administration of justice. In this case, your criminal conduct had actual consequences because the real culprit escaped punishment, which of course was the aim of committing the crimes in the first place. The only appropriate sentence is a sentence of imprisonment. It is also an aggravating factor that you did this for money, although I suspect you were desperate because of the drug debts. Despite this, I intend to suspend the sentence that I am going to impose to give you a chance to avoid serving it. Given what I have already said about your engagement with prior attempts at rehabilitative sentencing options, I think that community-based supervision would be pointless.

Accordingly, the orders I make are as follows:

- 1 The order deferring sentence, which was made on 17 June 2020, is revoked.
- 2 You are convicted of both crimes and sentenced to a global term of 9 months' imprisonment, the whole of which will be suspended for a period of 18 months on the condition that you are not to commit another offence punishable by imprisonment during that period. I warn you to take care to ensure that you do not commit any offences during that period. Most offences on the statute books are imprisonable offences, including a number of driving offences such as disqualified driving and drink and drug-driving. If you commit any such offence, then the Court will be obliged to have you serve the suspended sentence, unless it is of the opinion that it would be unjust for that to occur, and that would seem to be unlikely.