

STATE OF TASMANIA v ELIZABETH ROSE EATON
COMMENTS ON PASSING SENTENCE

3 APRIL 2023
GEASON J

Ms Eaton, you have pleaded guilty to two counts of perverting the course of justice contrary to s105 of the *Criminal Code*.

On 4 April 2022 at approximately 9 pm, Bradley Fairley crashed his vehicle, a grey Holden Rodeo on Esperance Coast Road in Surges Bay.

At 11 pm, Constable Andrew Belbin was dispatched to that accident following a triple zero call from a passer by. The triple zero caller saw two women and a man by the accident and stated they had possibly been drinking. Constable Belbin arrived at 11.28 pm and activated his body-worn camera. He observed the grey Holden Rodeo down an embankment with significant front end damage. It was facing in the direction of the Huon Highway. There was another vehicle parked nearby and two women and a man walked up the embankment as he arrived.

You identified yourself, as did Sophie Bowden and Bradley Fairley. Mr Fairley stated he was the owner of the vehicle but he was not driving at the time. Ms Bowden said she had come from your house after Mr Fairley had been dropped off there. Mr Fairley did not identify the driver of the vehicle. Constable Belbin observed that the only seat that was clear in the vehicle was the driver's seat. The rear of the vehicle was full of tools and the front passenger footwell was full of other items.

Constable Belbin confirmed the vehicle was registered to Bradley Fairley. He observed a laceration to the side of Mr Fairley's head. He declined an ambulance. Mr Fairley stated that he had a dog in the car at the time and was cuddling the dog. The constable observed Mr Fairley was slurring his speech and smelt of alcohol. Mr Fairley was conveyed to the Huonville Police Station for a breath analysis and at 12.26 am returned and reading of 0.121. He was served with a notice requiring him to identify the driver of the vehicle.

On 11 April 2022, Mr Fairley filled out the declaration, witnessed at the Huonville Police Station stating that Elizabeth Eaton was the driver. On 10 May 2022, Constable Belbin attended your address and under caution and with the body-worn camera activated, you stated that you do not know how to drive the Rodeo, that you had only ever driven a VW Golf. You said you probably took the corner a bit too wide. You said that you were coming from Sandy Bay. You said that Bradley Fairley and the dog were with you and that you might not have had your phone on the whole time. You did not know when you came through Huonville and you could not remember when the accident happened, but perhaps it was around 7 pm.

You said you had been through a lot of stress with your ex and your memory was not great. You said you did not report the accident because you were petrified and that you had never been in an accident before. You were not aware of the requirement to do that and said that Bradley had the injury prior to the accident. You said Constable Belbin also warned you that call charge records (that is mobile phone call charge records) were being obtained and told you about perverting justice generally. Call charge records were obtained for Mr Fairley and for you. They identified that the two phones were in separate locations at the time of the crash.

Those records show that your phone was at your house connected to the wifi at the time of the crash and that it had arrived to your home at 6.58 pm. Mr Fairley's phone on the other hand entered Huonville at 8.05 pm and called your phone at that time and that call went for a significant period of time. After this phone call Mr Fairley's phone travelled for 41 minutes and at 20.56 his phone rang your phone again. Your phone called what was later identified as her uncle's home phone between 8 pm and 9 pm. Records showed therefore your phone was at home at all relevant times.

You called a number at 8.59 pm and 9.30 pm, later identified as the number of a Mr Christian Holme. Ms Eaton's phone called Sophie Bowden's phone at 10.35 pm and 1.22 pm on that day.

On the 24 June 2020, you attended the Huonville Police Station and participated in a record of interview. In that interview and under caution, you stated that on the day of the accident, you had left home about 1pm and went to Hobart and picked up Sophie Bowden and Isaak. You said that they were in town and then you took them in the accused's car to your house. You went to accused's house in Sandy Bay and left around 7 pm to go to your house. You said you do not normally drive utilities. You said you only drove VW Golfs and had never been in a bigger car than that. You said it was dark. You lost control of the car and rolled it. You said someone drove past and you went back to get tools from the car which is when you saw Constable Belbin. Bradley Fairley is the owner of the vehicle and is your partner. He was on a restricted licence at the time and not permitted to drive after 7 pm so you had offered to drive. You said you lost control on the corner having gotten a bit confident after knowing you could drive the Rodeo and took the corner a bit too fast. You said Bradley and the dog were in the car at the time. You said after the crash, someone picked you up and drove you home. You said you cannot describe that person as it was dark and they were in a rush. You went back to the accident to get the tools that had been left in the car so they did not get stolen. You said you went back to the ute with Sophie Bowden in your car. You said that this had happened pretty much straight away and that the person picked them up after the crash.

You said you think your mobile phone was in your car so it would have gone home without you. You then proceeded to offer a number of false explanations for the phone calls which had been made from your phone, the records for which showed that you were at home at the time. You made other false claims for the other evidence showing it had been connected to your home wifi.

You told police that you had two young kids and that you were feeling vulnerable. You said that you drove the car but wished you did not. You said you should have reported the accident but did not because you were "freaking out". You said that this had never happened before and you never crashed a car before. You told police that you had met Bradley Fairley in August and that he had moved in with you at the end of April. You said he was not doing anything to influence you to make your statement to the police to effect that you were driving. You said he had a head injury from being bashed the week before. You said you cannot guarantee you were not bleeding after the crash, and that Bradley had irritated his head injury in the crash. You said that you did not get any other injuries, just a sore neck.

You re-attended the police station on 28 June 2022. In that interview and under caution you admitted you were not driving the vehicle at the time, and weren't in the accident, but that you were in fact at your house. You said you wanted to help out Bradley as he helps you out so much. You said that on 4 April 2022, Bradley turned up at your house after someone had

dropped him off there after the accident. The plan was to go back to the car and get the tools out. You said when you got to the car, you grabbed a few things and then police arrived. You said Bradley had a fair few beers and was “pissed off” that his work ute rolled into a ditch with no insurance. You said Bradley did not say or do anything to get you to fill out the driver declaration demand, you just wanted to help him because you had a really bad experience with your children’s father and had never experienced the kind way Bradley treated you and your children, so you were trying to help him out. You said you did not think about it. You just thought, “I have got no priors, so I will be all right.” You said to police that if you had known when you falsely completed the driver admission statement that it was a serious matter, you would not have done it, and that you were sorry this happened.

On 6 August 2022, police attended your address. You stated to police Mr Fairley was not present but he was later located in the bedroom and placed under arrest. Mr Fairley was interviewed and stated he had driven the car and made the false statutory declaration in an attempt to get out of the driving charges.

You acknowledge to the Court that your behaviour was “stupid” and “silly” to quote your counsel. I record that I am assisted by your counsel’s submissions and I accept that your motivation was to help out someone for whom you cared. It was an ill-advised course of conduct and caused a considerable amount of extra police work some of which I have described. This is a serious category of offending for the additional workload it places on police and because it strikes at the due administration of justice. That is why it attracts more than a nominal penalty. That is also because the Court must deter others from behaving the same way. General deterrence is perhaps the most important sentencing consideration in cases such as this.

You have no relevant prior convictions, you have pleaded guilty at an early stage and that has facilitated the prompt resolution of this matter. The sentence I impose upon you must of course punish you and deter you from offending like this again. I expect that your involvement in the police investigation, and the court process will reinforce that lesson too.

I received a community corrections report in relation to you. You are considered suitable for a community based order and I think in all the circumstances that is the appropriate course to take.

On the indictment I sentence you to 100 hours of community service and you will have two years in which to undertake that community service work.