

STATE OF TASMANIA v TAMIEKA JANE MACAULAY-CLOSE

27 SEPTEMBER 2023

COMMENTS ON PASSING SENTENCE

ESTCOURT J

The respondent, Tamioka Jane Macaulay-Close, pleaded guilty to one count of perverting justice contrary to s 105 of the *Criminal Code*, and one count of possessing a controlled plant contrary to s 25 of the *Misuse of Drugs Act* and was sentenced on 23 March 2021 by me to a Community Correction Order for a period of 24 months, with conditions which included orders that she must, within that period, satisfactorily perform community service, as directed, for 98 hours, and she must not commit any offence punishable by imprisonment. Since the making of that order the respondent performed only 18 and three quarter hours of community service.

On 13 October 2021, a final warning letter was sent to the respondent providing her with 14 days to contact her probation officer. She failed to do so. Subsequent to my order, the respondent also committed numerous summary offences. She was sentenced for those in the Devonport Magistrates Court on 24 February 2023, where she was handed 21 days wholly suspended sentence of imprisonment and a Community Corrections Order for a period of 18 months, with specific conditions as to educational programmes and medical psychological and psychiatric assessment. Apparently she has not engaged with that order either.

Perverting justice is a serious crime calling up the consideration of general deterrence. However, given the respondent's circumstances as related to me by her Counsel, Mr Pedder, including family violence, transience, family loss, misuse of drugs and the fact that she completed at least a portion of her community service hours as ordered by me, I am not going to impose an immediate custodial sentence. I note the respondent's desire to rehabilitate and her abstinence from drugs.

I grant the application to review the Community Correction Order and substitute for the sentencing order I made on 23 March 2021, a sentence of five months' imprisonment, which sentence I wholly suspend on condition that the respondent commit no offence punishable by imprisonment for a period of 12 months.