

Ms Hughes you have pleaded guilty to one count of perverting justice. On the evening of 3 January 2021, your then partner, Mr Pinner, took his mother's motor vehicle from her residence, without her permission. As he was driving it away, he collided with a brick wall, before continuing. Both your partner's mother and a neighbour observed your partner to be the driver of the motor vehicle.

Your partner later telephoned his mother, told her where the car was and told his mother that it was you who had driven the motor vehicle. Your partner's mother contacted you and you confirmed that you had been the driver of the motor vehicle. Police spoke to you on 4 January 2021. Under caution you told police that you were solely responsible for taking the motor vehicle and that your partner had not been involved. You were subsequently arrested and participated in a record of interview. You maintained during the record of interview that you had been responsible for driving the motor vehicle and denied your partner had any involvement. Police did not believe your claims in the record of interview and continued with their investigations. Your partner was arrested and charged with motor vehicle stealing. That matter is still before the courts.

You are 25 years of age. You have no relevant prior convictions although you have a number of convictions for driving offences and some subsequent convictions under the *Misuse of Drugs Act*. You had a very difficult upbringing. You were taken into welfare at a young age. You lived in various foster homes. You were subject to considerable physical abuse in some of those homes. You are currently making a claim pursuant to the State Compensation Scheme. At the time of this incident you were in a defacto relationship with Mr Pinner. The relationship was violent and controlling. You were subject to daily physical abuse. Some of it was quite extreme. For example, on your 18th birthday Mr Pinner had smothered you until you lost consciousness.

On this day, Mr Pinner was drunk. The two of you had argued. You both walked to his mother's house, apparently with the intention of seeking a lift. You stayed outside the residence whilst Mr Pinner went in. When he came back out he got into his mother's motor vehicle, reversed it at speed, collided with the wall, and then drove forward. He told you to get into the car, which you did. He drove it back to your place, locked the car and gave you the keys. He told you to say that you had been driving the motor vehicle because he was on a bail condition prohibiting him from driving a motor vehicle. Because of the nature of the relationship you had with Mr Pinner, and your fear of him, you did as you were told. It is noteworthy that police did not believe your claims, continued their investigation and Mr Pinner was, in fact, charged and the matter will be determined via the usual processes.

Perverting justice is always regarded as a serious crime because of its tendency to subvert the justice system. You lied in the hope of trying to protect your partner from criminal consequences. I accept, however, your motivation for doing so was grounded in fear of what he might do to you if you did not comply with his demand. Persons who are convicted of this crime are almost always sentenced to imprisonment not only to punish but to send a very clear message to those who might be tempted to act as you did, that prison is the likely outcome. That is so, even, as in this case, the attempt to avoid detection was ultimately unsuccessful. Here, however, I am of the view that the circumstances justify an individualised sentencing

approach. I accept you have been the victim of violence at the hands of Mr Pinner and complying with his demand to say you were the driver, was seen by you as a means of self-protection. The relationship with Mr Pinner has now ended. There is very little likelihood, in my view, that there will be a repeat of this type of behaviour. You are considered suitable for Community Corrections. I consider that to be the most appropriate sentencing response.

You are convicted and I make a Community Correction Order for an operational period of 12 months from today. The statutory core conditions of a Community Correction Order are imposed. Those conditions will be set out in a document that will be provided to you. In summary, they will include the following conditions that will apply for the entire operational period:

- You must not commit an offence punishable by imprisonment;
- You must report to a probation officer as required by the probation officer;
- You must comply with the reasonable and lawful directions of a probation officer or a supervisor;
- You must not leave or remain outside of Tasmania without the permission of a probation officer; and
- You must give notice to a probation officer of any change of address or employment before or within 2 working days after the change.

I also impose the following special conditions:

- You must during the operational period of the order submit to the supervision of a probation officer as required by the probation officer;
- You must comply with directions regarding referrals to and compliance with alcohol and drug services and family violence services;
- You must undergo assessment and treatment for alcohol or drug dependency if directed to do so by a probation officer;
- You must for the duration of the operational period of the order submit to medical, psychological or psychiatric assessment or treatment if directed to do so by a probation officer; and
- You must attend, participate in and complete the EQUIPS addiction program if directed to do so.

There will also be an order that within the operational period you perform 70 hours of community service and that you comply with any directions given to you by a probation officer or community service supervisor and satisfactorily perform those hours as directed by a probation officer or community service supervisor.

I order that you must report to Community Corrections, Devonport by no later than 5pm tomorrow for induction into the order.