

STATE OF TASMANIA v CASEY RENEE SINIUK
COMMENTS ON PASSING SENTENCE

26 AUGUST 2024
WOOD J

The defendant, Casey Renee Siniuk, has pleaded guilty to the crime of dangerous driving contrary to s 172A of the Criminal Code and related summary offences that arose out of the same incident: evading police (aggravated circumstances), drive a motor vehicle while exceeding prescribed alcohol limit, possess thing used for administration of controlled drug, and use a controlled drug.

On 19 August 2023, the defendant was at her former partner's home in Oatlands. They had been drinking and had an argument. Having discovered her partner had been unfaithful, the defendant was distressed. She got in her vehicle, a Volkswagen Tiguan, and drove south. Her former partner contacted police and reported the defendant was intoxicated and that he believed she was driving to her home in Tea Tree.

Police officers were dispatched to locate her. Police received a report from a concerned member of the public who reported observing the vehicle travelling on the wrong side of the Midland Highway at Kempton.

The highway between Kempton and Dysart, just north of Bagdad, is a single carriage way except for slip lanes and overtaking lanes, with a metal barrier dividing the southbound and northbound lanes. There are three sections where the dividing barrier is broken; the last of these is at the intersection of the Midland Highway and Clifton Vale Road.

Police officers first sighted the defendant at Bagdad, approximately 1 kilometre north of the junction of the Midland Highway and East Bagdad Road. Police observed the defendant heading south in the northbound lane, on the incorrect side of the barrier.

Police officers activated their emergency lights and flashed their high-beam lights in an attempt to alert the defendant. The defendant continued travelling towards the police vehicle. This driving gives rise to the offence of evading police (aggravated circumstances). Initially, police were unable to move their vehicle out of the path of the defendant's vehicle as there was a metal barrier to their left, and the dividing barrier to their right. When the defendant was approximately 400 metres from the police vehicle, they manoeuvred their vehicle to the left onto a small grassed area of the highway at a break in the metal barrier. The defendant drove past the police vehicle still in the wrong lane and did not slow down.

The defendant had to have been travelling on the wrong side of the road for a minimum of approximately 3 kilometres as the distance between Clifton Vale Road, being the last break in the dividing barrier between Kempton and where she was seen by police, is approximately 3 kilometres. If she had remained on wrong side of the road from where she was seen by a concerned member of the public at Kempton, the distance is approximately 10 kilometres.

The police conducted a U-turn and pursued the defendant in order to intercept her, concerned about the high level of risk to the public. This necessitated the police travelling at speed on the incorrect side of the road. The police kept their emergency lights activated and increased their speed to 130 km/h in order to keep up with the defendant.

The defendant continued to travel south in the northbound lane. The police flashed their lights on high beam to alert oncoming vehicles. There were approximately four vehicles in the

defendant's path. The defendant remained on the incorrect side of the road until Bagdad, where she crossed to the correct side of the road. Police deactivated their lights and sirens and slowed to the speed limit. The defendant accelerated away, and police lost sight of her vehicle. The distance from where the police tried to intercept her and the location where she crossed to the correct side of the highway at Bagdad is approximately 1 kilometre.

A second police unit deployed road spikes on the off-ramp at the intersection of Tea Tree Road and Midland Highway. The defendant failed to stop, and the vehicle's front right tyre was spiked. The defendant continued to drive onto Tea Tree Road before crossing back onto the Midland Highway.

Once back on the Midland Highway, the defendant travelled for a further distance of approximately 2.18 kilometres with the front tyre spiked before coming to a stop in the southbound emergency lane at Brighton. The police vehicle pulled in behind the defendant's vehicle, and she was arrested and conveyed to the Bridgewater Police Station. She made frank admissions about her consumption of alcohol and 'ice' before driving, and her personal circumstances which gave rise to her driving.

She submitted to a breathalyser test and a reading of .16 was returned. Two 'ice' pipes were found amongst her possessions. She was detained until sober, charged, and then bailed.

The defendant is 38 years of age. She has held a driver licence for 17 years and has no convictions for any driving offences. She is normally a responsible driver.

The defendant lives at Tea Tree with her three children aged 17, 9 and 8. Her life revolves around caring for and spending time with her children. They live in a unit on her parents' property which is a stable residence but not an ideal situation.

She was in a relationship with her ex-partner and the father of her children for 22 years. They separated a month before the time of the offence. At the time of offending, the defendant had discovered his infidelity and confronted him about it. They were both very intoxicated and had a heated argument. Her memory of her driving is very poor.

The defendant has long-standing mental health conditions and has a complex psychiatric diagnosis with features of Complex Post-Traumatic Stress Disorder, chronic schizophrenia, and comorbid substance use at times of heightened stress. She was drinking alcohol on a daily basis at the time of her offending.

The separation from her former partner was made more difficult because he was her primary support person when she was unwell and in times of high stress.

Approximately a week after her offending, she required hospitalisation pursuant to a treatment order and was willing and compliant with the support provided. She was referred to the Royal Hobart Hospital Acute Care Team which provided her with community-based care and support for several weeks, and discharged from her treatment order. I have a report from Dr Mark Millar of the Acute Care Team, and he describes her as motivated to address her substance use and that she had self-referred to Holyoake for counselling.

She has been seeing a general practitioner with a mental health speciality, Dr Gabrielle Peacock, for the past seven years and in a letter dated 26 March 2024, Dr Peacock describes the defendant as needing medical treatment and psycho-social support.

She notes that the defendant is currently seeing Mission Australia and is in the process of applying for National Disability Insurance Scheme support. It is hoped that this extra support will stabilise her situation.

She has reduced her consumption of alcohol. She continues to consume methamphetamine and she is engaged with Holyoake to assist with her use of illicit substances.

I have a report from Community Corrections dated 26 July 2024 which indicates the defendant would benefit from community-based supervision to assist with her mental health, illicit substance use, associations, and other aspects of her circumstances.

She has experienced some punishment already. Members of her community are aware of her offending, and she feels the associated stigma and shame. She has found the court proceedings difficult.

I take into account the defendant pleaded guilty to the charges at an early stage. This has saved the community the cost of a trial and enabled the matter to be resolved expeditiously.

This is a particularly serious incident of dangerous driving. The defendant was so intoxicated that she was oblivious to the fact she was driving on the wrong side of the highway and oblivious to the presence of police. She drove on the incorrect side of the road into the face of oncoming traffic for at least four kilometres. She drove at excessive speed, and continued driving when her tyre was punctured. Her driving could easily have resulted in a head-on collision. On a highway, in those circumstances, the consequences may well have been fatal.

I note the defendant is genuinely remorseful and ashamed about her driving. She feels fortunate to be alive and grateful that no one was hurt by her actions.

The sentence must be heavy enough to be an effective deterrent to others and to mark the seriousness of this crime and its potential for terrible harm. There is, however, minimal need for specific deterrence.

Having regard to all the information before me, including a reference that has been provided, I accept that the defendant's conduct is out of character. Given her personal circumstances, the positive steps she is taking to improve her mental health, and her commitment to continuing to engage with intervention and support, I consider a wholly suspended sentence of imprisonment is just and appropriate.

I record convictions on the crime of dangerous driving on indictment, and convictions on the summary offences.

In relation to the dangerous driving, I impose 9 months' imprisonment wholly suspended on the condition that the defendant is not to commit any offence which could attract a term of imprisonment for a period of two years. Ms Siniuk, you are obliged to attend Community Corrections at 75 Liverpool Street Hobart no later than 4.00 pm tomorrow and report to a probation officer.

As further conditions of the suspended sentence, you are to be subject to a period of supervision of a probation officer for the same period of two years, obliged to report as required by the probation officer, and comply with all of the reasonable and lawful directions of a probation officer. You must not leave or remain outside Tasmania without the written permission of your probation officer and you must also give written notice of any change of your employment or

your residential address before or within two working days of the change. You must undergo assessment and treatment for drug dependency as directed by your probation officer and comply with directions regarding referral to drug and alcohol counselling and drug rehabilitation programs.

The defendant should be subject to a period of licence disqualification. I take into account that she has already been disqualified from driving for a period of 12 months. I note her circumstances and that she lives in a rural area with school-aged children and limited support. I impose a period of 9 months disqualification from today.

On the charge of evading police (aggravated circumstances), I take into account that this conduct is an aspect of circumstances of the dangerous driving. I impose an additional period of 1 month imprisonment wholly suspended on exactly the same conditions, I impose 6 months' disqualification to run concurrently with the 9 months imposed on the dangerous driving.

For the offence of drive a motor vehicle while exceeding prescribed alcohol limit, I impose a fine of \$1,010 and 12 months' disqualification backdated to 19 August 2023.

On the two summary offences under the *Misuse of Drugs Act*, I record convictions without further penalty.

I make an order pursuant to s 38 of the *Misuse of Drugs Act* that the two glass smoking devices seized from the defendant's vehicle, item 1 on property seizure record receipt 227578, be forfeited to the State of Tasmania.