

**STATE OF TASMANIA v CHANTEL ELIZABETH DANCE**  
**COMMENTS ON PASSING SENTENCE**

**20 MARCH 2025**  
**BRETT J**

Ms Dance, you have pleaded guilty to six counts of perverting justice. The first three relate to your attempts to avoid prosecution for a relatively minor driving charge, which also constituted a breach of bail. The other three relate to your substitution of urine samples, during your participation in the CMD program under a drug treatment order. The obvious purpose was to avoid detection of your ongoing drug taking, which was a breach of the conditions of that order.

In order to properly understand your offending, it is necessary to consider it in the context of your background and life circumstances at the time. Accordingly, that is where I will start. I am told you had a relatively dysfunctional childhood. You moved out of home when you were in year 8 at school. Your parents moved to Hobart leaving you in Launceston. You were effectively raised by your grandfather. He passed away in 2010. You were abused by a teacher during your high school years and you have received compensation in respect of that abuse. In 2016, you were the victim of a home invasion during which you were held at gunpoint. You have two children aged 17 and 11. There has been an ongoing custody battle with the father of the youngest child. In 2018, you committed a number of family violence offences largely constituted by breaching a family violence order, in respect of which the child's father was the protected person. I am told that this conduct was directly linked to your attempts to have contact with your daughter.

By 2018, your life was relatively chaotic and you were having difficulty dealing with what had happened in your childhood and in your life generally prior to then. You started to abuse illicit drugs and fell into a drug taking lifestyle. Your record of prior convictions shows that from about this time, you were committing numerous driving, minor drugs and family violence offences. This continued to be the case, with you returning to court on number of occasions and receiving some suspended sentences. It was in this context that you committed the first crimes with which I am dealing. The first three crimes related to your attempt to avoid the consequences of driving without a license and in breach of a bail condition on two separate occasions in August 2021. You firstly persuaded a friend to go to the police station and claimed that she was driving the vehicle on the relevant occasions. When that did not work, you arranged for the friend to come to court so that she could tell the magistrate that she was the driver, not you. Finally, you forged a letter which purported to be written by someone else claiming to be the driver on the relevant occasions, and had a lawyer send that to the police prosecution service in an attempt to have the charges dropped. Your offending was exposed when the supposed author the letter denied any knowledge of it and of driving on the relevant occasions. None of these attempts was successful. You were subsequently convicted of the offences that you were trying to avoid, and sentenced to 14 days imprisonment, which was served by you.

The drug treatment order was made on 16 November 2021. It included a custodial component of 18 months imprisonment. The order was imposed as a sentence in respect of the various family violence, driving and minor drugs charges which you had committed since 2018 and to which I have already referred. The order was cancelled after approximately four months on the basis that you were unlikely to continue to comply with its conditions, although not specifically for your attempts to substitute the urine samples. 17 months of the custodial component was activated on cancellation, probably reduced from 18 months because you had served some sanction days on a couple of occasions. This was added to the 14 day sentence that you had been given for the driving and breach of bail offences. Subsequently, you were sentenced to a further four month period of imprisonment for attempting to escape from custody. This made a total of 21 months and 14 days that you were required to serve. You were released on parole a few months before serving the whole sentence, but taken back into custody when your parole was revoked for breaches which involved further drug taking. The ultimate outcome was that you ended up serving the full period of 21 months and 14 days in prison.

After your release from prison, you moved to Queensland. You were still subject to bail conditions in relation to these charges and although the prosecution opposed the move, it was approved by the court. I am told that this move has had a major positive effect on your life and you have worked hard to rehabilitate yourself and leave behind your former life, in particular associated with the use of illicit drugs. You live in Queensland with your sister on a property owned by her. Your eldest daughter lives there with you. You have not committed any further offences and are drug free. You are employed on a full-time basis as a labourer with a civil construction company. You make a continuous effort to see your youngest daughter who lives in Tasmania with her father. None of this is challenged by the prosecution and I accept what I have been told about your rehabilitation. I suspect that the experience of prison caused you to make some serious life choices. I am also told that you did some courses in prison which provided you are skills which you now utilise in your day-to-day life.

Having said this, the crimes to which you have pleaded guilty are very serious. Perverting the course of justice undermines the operation of our justice system, which is of course critical to the functioning of the free society in which we live. This is not a victimless crime. When you attack our justice system, you are attacking all of us. Further, in this case you elicited the assistance of others and I regard this as an aggravating factor. For these reasons, general deterrence is an important consideration when sentencing for such crimes.

Of course, as things transpired, your attempts to avoid justice were spectacularly unsuccessful. This is not because you did not employ some level of sophistication. For example, forging the letter and having it sent to prosecution by the lawyer demonstrates that you had thought out how you wanted to go about this. There was also a degree of sophistication involved in the swapping of the urine samples. Your attempts to avoid justice were unsuccessful though, and as your counsel correctly says, this is a good example of where attempts to avoid justice can result in justice having an even greater impact on the offender. You were eventually convicted and sentenced for the driving and bail offence, and of course the drug treatment order was cancelled after a short time and you served a very significant time in prison as a result.

None of this, however, involves punishment for the perverting justice crimes. Your time in prison was punishment for the offences to which those sentences related. However, given the amount of time you have served for related matters, I think the question of totality does need to be considered in this case. In particular, I will take those prison terms into account in two ways. Firstly, I must be careful to avoid a crushing sentence when regard is had to the amount of time you have already served and your general antecedents. Secondly, and this is related to the first consideration, I can take the prison terms into account in understanding your general history, the decisions you have made and the actions you have taken since release which have led to a good prospect of rehabilitation. In the circumstances, I think that your rehabilitation is something that should be supported by the court when sentencing for these crimes.

I will also take into account your pleas of guilty. These pleas are consistent with your claim of rehabilitation and associated remorse. Further, it is clear in my view that you have pleaded guilty at the earliest opportunity. Although you only indicated the plea shortly before the trial was due to commence, you were originally charged with a much greater number of perverting justice crimes and some fraud charges, in addition to the charges to which you have now pleaded guilty, but you were only recently told that the prosecution will not be proceeding with the other matters. It is well-established that the court should not expect that you would plead guilty when facing charges to which you eventually plead guilty but which are combined with other charges which will now not be proceeded with and to which you are entitled to the presumption of innocence. All of this only occurred last week and, upon learning that the other charges will not be proceeded with, you immediately indicated your intention to plead guilty to these charges. Accordingly, in arriving at sentence, I will have regard to your pleas as indicated at an early time.

Ultimately, I have determined that the serious nature of the crimes and the need for general deterrence requires the imposition of a sentence of imprisonment. However, when I have regard

to the mitigating factors, in particular your personal circumstances, totality, the need for the court to encourage and support your rehabilitation and your early pleas of guilty, I have determined that it is appropriate to wholly suspend the sentence. Were you continuing to reside in Tasmania, I would probably have imposed some form of community supervision in combination with the suspended sentence but given to the relationship between your life in Queensland and your rehabilitation, I think it is important that you return there as soon as possible. You will still be subject to the conditions of the suspended sentence and if you commit further offences, you will be liable to serve the term of imprisonment. However, the imposition of this sentence will send a message to the community and to you about the seriousness of such conduct but also give you the opportunity to avoid spending further actual time in prison, and to get on with your life in a prosocial way.

Accordingly, the orders I make are as follows:

- a You are convicted of the crimes to which you have pleaded guilty;
- b You are sentenced to a global term of nine months imprisonment, the whole of which will be suspended for a period of 18 months on the conditions that you are not to commit another offence punishable by imprisonment during that period.