

STATE OF TASMANIA v TRIANA JEAN WHELAN
COMMENTS ON PASSING SENTENCE

4 APRIL 2025
JAGO J

Ms Whelan, you have pleaded guilty to perverting justice. Your crime involved the provision of a falsified letter to the Devonport Magistrates Court.

On 18 July 2024, you appeared before that court in respect to an application for a restricted driver's licence. The magistrate required you to provide evidence of a negative drug test in respect to cannabis. On 29 July 2024, you provided a letter to the court registry and then to the police prosecutor, who was appearing before the court. The letter purported to outline that you had passed a drug screening test, administered on 22 July.

It seems the prosecutor only briefly scanned the letter before advising the magistrate that the letter addressed the concerns that had previously been raised in respect to your use of cannabis. The magistrate accepted this, and the restricted licence was granted. Upon further inspection it became clear that the letter contained a number of inaccuracies and concerns were raised. On 26 August 2024, police attended the clinic of the doctor who had purportedly written the letter. He confirmed he did not write, nor sign, the letter. An application to revoke your restricted licence was filed on 29 August 2024. For reasons that are not explained, it seems there was some delay before that application was dealt with. The restricted licence was ultimately revoked on 20 January 2025.

In the meantime, you had driven pursuant to the restricted licence, and on several occasions you were intercepted and charged for driving contrary to its conditions, and also for breaching the *Road Safety (Alcohol and Drugs) Act*. You were remanded in custody in respect to this matter and a number of summary offences, pertaining to driving contrary to the terms of the restricted licence, and the *Road Safety (Alcohol and Drugs) Act* breaches on 18 December 2024.

You are 36 years of age. You are aboriginal. You have had a difficult upbringing and have a fractured relationship with your family. You have experienced a number of mental health difficulties and have, at times, struggled with drug abuse. I am told you were desperate to obtain a restricted driver's licence because you had employment as a cleaner available to you, but you needed a licence to be able to undertake it. You saw employment as a means of breaking free from the cycle of drug abuse that you were caught in. Since your remand in custody, you have taken up the opportunity to undertake a number of courses, including behaviour therapy and drug and alcohol counselling.

You have a number of prior convictions for driving offences, particularly offences contrary to the *Road Safety (Alcohol and Drugs) Act*. You also have convictions for offences contrary to the *Misuse of Drugs Act* and some offences for dishonesty. All your prior convictions are consistent, in my assessment, with a person who has grappled with drug abuse.

Perverting justice is always a serious crime as it undermines the integrity of the justice system. Here, your deceit led to you being granted a restricted driver's licence in circumstances where you would not otherwise have received it. Courts need to be able to trust that documentation provided to it is valid. People who seek to deceive the Court must understand that serious consequences will flow. General deterrence is an important sentencing consideration in a crime of this nature. There needs to be a very clear message conveyed that prison will be the likely outcome for behaviour of this nature.

I make the following orders. You are convicted of the crime of perverting justice. You are sentenced to imprisonment for a period of four months, commencing 18 December 2024.