

STATE OF TASMANIA v REX ANDREW WHILEY
COMMENTS ON PASSING SENTENCE

18 SEPTEMBER 2025
JAGO J

Rex Andrew Whiley, you have pleaded guilty to one count of perverting justice. On 7 March 2024, police observed a Mr Drew Jones driving a motor vehicle in Burnie. Mr Jones was well known to police and they immediately recognised him as the driver. Police activated their lights to intercept the vehicle. The car rapidly accelerated and successfully evaded police. Subsequently, Mr Jones was located in a nearby street. You were with him. Mr Jones was asked about driving the motor vehicle. He denied he had been the driver. You supported his lie by saying that you were the driver of the motor vehicle and not Mr Jones.

Further investigations disclosed that the vehicle had attended an address in Payne Street, Burnie. There were a number of CCTV cameras overlooking the area where the vehicle had been driven and parked. The CCTV footage clearly showed that Mr Jones was the driver of the motor vehicle and you were a rear seat passenger.

You were charged with perverting justice. Mr Jones was charged with driving offences, including evading police. Mr Jones pleaded guilty to the driving offences in the Magistrates Court.

Whilst it is relevant that your actions did not ultimately result in Mr Jones avoiding responsibility for the driving offences, the fact remains you were prepared to lie for him and help him avoid such responsibility. That is a very serious matter. In many ways, it matters not that your efforts to defeat the due course of justice were unsuccessful. The sinister aspect of this crime is the intent. You, and others who may be minded to act in a similar fashion going forward, must understand that attempts to interfere with the administration of justice will not be tolerated. General deterrence is an important sentencing consideration.

You are 23 years of age. You have one child who you regularly have in your care. You have a good co-parenting relationship with the mother of your child. You had a very difficult upbringing. Both of your parents had significant drug addiction issues. There was violence within the family home. By the time you were 13, both of your parents were in gaol. You were raised by a sister who was only about two years older than you. You have no on-going relationship with your father. In more recent times, you have repaired your relationship with your mother. You have been diagnosed with Post-Traumatic Stress Disorder, seemingly because of the traumas associated with your upbringing. You have also been diagnosed with ADHD and Bi-Polar disorder. For a long time you were not medicated for these conditions. Recently you have been placed upon mood stabilising medication, and apparently are feeling much more settled and in control. You have previously held employment as both a truck driver and in the fishing industry. Whilst you are not currently employed, you are hopeful of resuming employment in the near future.

In March 2024, you were sentenced in the Magistrates Court for a number of offences including matters of aggravated common assault, destroy property, injure property, offences against police, bail offences, three counts of common assault, and some drug offences. You were sentenced to five months' imprisonment, which was wholly suspended, and you were also required to complete an 18-month community correction order. Since the imposition of that sentence, you have been working hard to ensure you do not re-offend. The Community Correction order in fact expired on 16 September 2025. I received a brief report from

Community Corrections. It indicates that you engaged well during the supervision order, and it is noted that the probation officer observed your maturation during this period.

I take into account your still relatively young age. I also take into account your plea of guilty, that counts in your favour. It does appear as though over the last 18 months or so, you have been committed to settling down and staying out of trouble. In all the circumstances, a period of imprisonment is appropriate to acknowledge the seriousness of your conduct, but given the matters I have mentioned, it is also appropriate that I suspend the period of imprisonment I intend to impose. I will require you to undertake some community service work to ensure there is an immediate consequence for your criminal conduct.

You are convicted of the crime of perverting justice and sentenced to imprisonment for a period of four months. That sentence of imprisonment is wholly suspended for a period of 18 months from today's date. It is a condition of that sentence that you commit no offence punishable by imprisonment during that time. It is also a condition of that sentence that you satisfactorily complete 91 hours of community service. Should you fail to satisfactorily complete the community service, or should you breach the conditions of suspension, you should clearly understand that the sentence will be activated unless a judge determines it is unjust to do so. I order that you report to Community Corrections, Burnie, by close of business tomorrow for induction into the order.