

STATE OF TASMANIA v SALLY ANNE WALTERS
COMMENTS ON PASSING SENTENCE

29 MARCH 2018
BLOW CJ

Ms Walters has pleaded guilty to 44 charges relating to the fraudulent misappropriation of money in the course of her employment by a travel agent. She committed these crimes over a period of 17 months, between 14 April 2014 and 14 September 2015. The total amount taken by her during that period was a little under \$46,000.

Ms Walters was employed at the Ulverstone branch of a travel agency as a team leader. Her eldest child was about 19 years old when this offending started. He started using drugs when he was 16 years old, commenced using Ice when he was 18, and had incurred enormous drug debts that he was unable to pay. Some very worrying people started phoning Ms Walters, visiting her home, and insisting that the debts had to be paid. She feared for the safety of her son. She resorted to misappropriating money that belonged to her employer and its customers. Every dollar that she misappropriated was taken in order to pay or reduce her son's drug debts. She was not a drug user herself.

At times she stole cash that had been paid by customers instead of banking that cash. At times, when customers were entitled to refunds, she paid the refund moneys into credit card accounts of her husband and herself. At times, when the employer held funds belonging to customers, she transferred some of the customers' funds to the credit card accounts of her husband and herself. At times she provided customers with manually created receipts showing the payments that they had made, and then created false receipts in the employer's computerised invoicing system. At times she transferred funds from her own bank account to cover shortfalls that she had created.

The charges to which she has pleaded guilty comprise 29 charges of computer-related fraud, 7 charges of stealing, 6 charges of insertion of false information as data, and 2 charges of using a computer with intention to defraud. The fraudulent transactions involved money paid by or refundable to over 30 customers. The total that Ms Walters took was \$45,980.77. She paid back a total of \$2,917.27. The employer is out of pocket by \$43,063.50.

Ms Walters' fraudulent activities did not cease until she was caught. She resigned from her employment. She was the principal breadwinner in her household. Her husband was working part-time, and earning much less than her. There are two children of their marriage, who are now aged 8 and 11. The couple separated as a result of these crimes coming to light. Ms Walters' husband found full-time work in the south of the State. The couple have resumed living together. They now live in Hobart.

Ms Walters is 40 years old. She has no prior convictions. She is working about 10 to 20 hours per week in a casual position. If she does not go to prison, her employer will allow her to retain that employment. One of her young children has psychological problems, and needs a high degree of care. If Ms Walters goes to prison, her husband is the only person who could give that child the necessary care. He would therefore need to reduce his working hours, or possibly even to resign from his employment.

Ms Walters is embarrassed and ashamed of what she did. She would like to repay her former employer in full. If she does not go to prison, and therefore retains her employment, she will be able to make repayments by way of instalments. I will be making a compensation order which the employer will be able to enforce as a judgment.

This was a serious case of embezzlement. It involved dozens of criminal acts over a period of 17 months. It no doubt caused great inconvenience to the employer, as well as financial loss. However, because Ms Walters has no prior convictions, because she committed these crimes only for the purpose of saving her wayward son from harm, and because of her remorse, I do not think it is necessary to send her to prison. I think the most appropriate penalty is a wholly suspended sentence, with a condition requiring her to perform a substantial amount of community service.

Sally Anne Walters, I convict you and sentence you to 8 months' imprisonment, wholly suspended on conditions that (a) you are to perform 210 hours' community service; and (b) you are not to commit any offence punishable by imprisonment for a period of two years. I order you to pay Flight Centre Travel Group Ltd \$43,063.50 as compensation for its losses.

I reduce the amount payable by you in respect of victims of crime compensation levies to \$500.