

**STATE OF TASMANIA v SUSAN MAREE JAGO**  
**COMMENTS ON PASSING SENTENCE**

**31 MARCH 2022**  
**JAGO J**

Susan Maree Jago you have pleaded guilty to five counts of fraud contrary to s 253A of the *Criminal Code*. Your partner found a credit card that belonged to Agri Machinery. It had been lost by a previous employee of that business. The card was provided to you and on 4 February 2020 you used it to fraudulently conduct five transactions. Those transactions involved you purchasing alcohol, some Playstation 3 games, obtaining phone credit and purchasing food and schooling items. The total of the fraudulent transactions was \$590.95. The matter is in this jurisdiction because rather inexplicably offences contrary to s 253A of the Code have not been included in the amended s 71 of the *Justices Act*.

I am told that at the time the offences were committed you were financially destitute. In the weeks leading up to the offences, two of your six children had returned to live with you. The children had previously been living in a kinship care placement pursuant to a child safety order. One of the two children who returned to live with you has special needs. He suffers from autism and ADHD and exhibits very challenging behaviours. There are a number of medical expenses associated with his care. Moreover, prior to the children being returned to your care you had been employed. Upon the children coming back to you, you gave up that employment so as to attend to the special needs of your child. There was a delay in you being able to receive Centrelink benefits between the cessation of your employment and your eligibility for carer's payment. It was during this period of time when the family unit was essentially without any source of income that the offences occurred.

You are now 42. You have some prior convictions but none that I consider particularly relevant. You have a number of prior convictions for driving offences and bail offences. The only matters of dishonesty are very dated. There are offences of motor vehicle stealing and burglary and stealing which occurred in 1995 and 1996 when you were a youth. There is also a burglary and stealing matter from 1999. Given the age of these prior matters they do not carry any significant weight in the sentencing process.

You became a mother at a young age. The relationship you have had with your partner has been a difficult one at times. It has frequently been characterised by excessive alcohol use and family violence incidents. These difficulties lead to the children being removed around 2008. As I have noted two of them were returned to your care at the end of 2019, after you had demonstrated a period stability. Your special needs child continues to display a number of challenging behaviours. You have been working with a number of support agencies to try and obtain some assistance, but the extent of his challenging behaviour has created some difficulties in support agencies being prepared to offer long term assistance. The Playstation games that you fraudulently obtained were for your special needs child. I am told time on the Playstation helps manage his behaviour. After you committed the fraudulent transactions you saw a social media post in which the Agri Machinery employee was asking for assistance for the return of her lost cards and wallet. You made contact and returned the credit card to her. You offered to make payment for the fraudulent transactions. When you were subsequently interviewed by police in October 2020, you made admissions. You entered a plea of guilty to the charges in the Magistrates Court at a relatively early time, although I note there was delay in the matter being finalised following your non-appearance in court.

I accept this offending was opportunistic and occurred at a time when you were under significant financial strain. The offending was short lived, all occurring within the one day. It

was almost inevitable that you would be detected because you used your own membership card to purchase the items in EB Games. To this end the offending was relatively unsophisticated. These offences occurred back in February 2020. There is no suggestion of any further dishonest offending. You have cooperated with police and your plea of guilty has facilitated the course of justice. In all of the circumstances I am satisfied that it is appropriate to deal with these matters by way of a fine.

Ms Jago you are convicted of all matters to which you have pleaded guilty. You are fined the sum of \$850, payable within 28 days, although I note you can make arrangements to pay by way of instalments. I make a compensation order in favour of the Commonwealth Bank of Australia in the sum of \$590.95.