

Mr Barrett, you have pleaded guilty to six counts of fraud contrary to s 253A of the *Criminal Code*. You entered your pleas of guilty at an early point in the Magistrates Court and have been committed to this Court for sentence. The offending occurred between May and November 2021. During that time you were employed by Roadways Pty Ltd. As part of your employment you were allowed access to a fleet vehicle and a fuel card. On 29 November 2021 a number of irregular fuel transactions were detected in respect to a Caltex fuel card allocated to a Mitsubishi Triton. Subsequently, CCTV footage was obtained from the relevant petrol stations which identified you as making a number of irregular transactions. On 6 December 2022 your employment was terminated as a consequence of unrelated disciplinary matters. You were spoken to about a number of the fuel transactions. You admitted to the company that you had unlawfully taken a substantial quantity of fuel. You had been using fuel cards in respect to two different vehicles to acquire fuel for yourself. In total the unlawful transactions made by you involved 15,231.50 litres of fuel, being a combination of diesel and petrol, with a total value of \$24,208.06.

On 16 January 2023 you were spoken to by police. You made a number of admissions. You told police that you unlawfully used the fuel cards to provide fuel for your personal vehicles as well as your friend's vehicles. You also admitted to police that you would use the fuel card to fill 44 gallon drums with fuel and on-sell those to your friends. You told police that you did not know how many times you had taken fuel or when it had first started.

You are now 38 years of age. You have a number of prior convictions involving driving offences but a relatively limited recorded history of offending for matters of dishonesty. You pleaded guilty to some stealing offences when you were a youth. More recently you have been required to serve a period of imprisonment for driving offences, particularly offences of driving whilst disqualified. You had an unfortunate upbringing. You were subject to a care and protection order from a young age and were raised in foster care. It led to a transient lifestyle and you found it difficult to settle in any one school or with any one group of friends. Nevertheless, you successfully completed school and obtained an apprenticeship as a baker. Unfortunately, that was lost to you when the business was sold. You then went on to work in the construction industry, mainly in concreting, before obtaining work with Roadways. You were employed there for a period of approximately five years.

At the beginning of 2021 your wife suddenly left the marriage and took with her your young children. This caused great upheaval and upset for you. You also discovered that she had left you with substantial debts. You were struggling financially and emotionally and it was against this background that you committed these crimes. Initially, I am told you used the fuel card only to free up some cash to cover basic household expenses but as your behaviour continued undetected, your offending became more brazen and you began filling drums with petrol and on-selling the fuel to others. I note your offending did not voluntarily desist but only came to an end when your employment was terminated. Whilst the amount involved was not as high as often seen by this Court in cases of employee fraud, it is nevertheless far from an insignificant amount, and would undoubtedly have had a deleterious effect upon the company. It remains to be seen whether the Company will ever be compensated for its loss.

I note your early pleas of guilty and the full admissions you made to police. They count in your favour. I accept both are reflective of your remorse. I am told that you are willing to

make restitution and, in fact, have made some enquiries about obtaining a personal loan in order to do the same, but have not yet been able to do so. More recently, things have stabilised for you. You have obtained new employment and you have also formed a new relationship.

Unquestionably, this was a dishonest and brazen manipulation of your employer's system for your own financial gain. The conduct is serious because it involves a breach of trust. Abuse of trust by employees towards their employers is unfortunately not all that uncommon. General deterrence is a most important sentencing consideration. The sentence I impose must send a very clear message to both you personally and others who may be minded to act in a similar vein, that it is simply unacceptable.

Taking into account all relevant considerations, I am satisfied a period of imprisonment is necessary but that it should be suspended to give you the opportunity to prove that the recent changes in your life have brought about stability and there will not be a repeat of this type of behaviour.

Mr Barrett, you are convicted on all matters. I impose one sentence. You are sentenced to a term of imprisonment of seven months. The execution of the whole of that period of imprisonment is suspended on condition that you do not commit any crime punishable by imprisonment for a period of two years.

I make a compensation order in favour of Ian Harrington Group, trading as Roadways Pty Ltd for an amount to be assessed.