

STATE OF TASMANIA v RHONDA RUTH O'SIGN
COMMENTS ON PASSING SENTENCE

7 NOVEMBER 2023
BLOW CJ

Ms O'Sign has pleaded guilty to five crimes of dishonesty which she committed when she was the president of an organisation, named Little Athletics Tasmania Association Inc. Over a period of about 32 months, from late April 2016 to the end of 2018, she misappropriated over \$10,000.

As its name suggests, the association organises athletics activities for children aged from 3 to 15 years old. It is run entirely by volunteers. Ms O'Sign was its president from 2006 until February 2019. Fundraising activities were undertaken to finance the sending of children to athletics competitions, particularly the International Children's Games, which are held annually in different countries. The association had a fundraising bank account which was effectively controlled by Ms O'Sign.

Between 27 April 2016 and 31 December 2018 she used a credit card linked to that account to defraud the association on 22 occasions. She spent the money on things for herself and her family, including sportswear, cosmetics, books, clothes, toys, oils, and tickets to events. Count 1 on the indictment is a charge of fraud relating to those misappropriations.

Count 4 on the indictment is a charge of stealing. In August 2018 Ms O'Sign used \$2,089 from the fundraising account to purchase a Thermomix which she stole and gave to her daughter-in-law.

Count 5 on the indictment is a charge of computer related fraud. In September 2018 Ms O'Sign transferred \$2,000 from the fundraising account into her own bank account and then gave that money to a family member. She disguised the transaction as a payment for a raffle prize.

Counts 2 and 3 on the indictment relate to the falsification of documents. Those crimes were incidental to Ms O'Sign's other crimes. Count two is a charge of fraud as a clerk or servant. It relates to her creating falsified bank statements in respect of the fundraising account.

In February 2019 Ms O'Sign induced a bank officer to close the fundraising account and open a new account in its place. She did that because she hoped that would result in the legitimate bank statements for the closed account becoming unavailable to the association. To achieve closure of the account, she falsified minutes of a board meeting of the association by including a record of the board agreeing to the fundraising account being closed and a new account being opened. By presenting the falsified minutes to the bank officer and inducing him to close the fundraising account, she committed the crime of fraud. That is the subject of count 4 on the indictment.

On 19 February 2019 a board member queried a number of the transactions in the fundraising account. Ms O'Sign admitted that she had used the credit card inappropriately. She resigned the next day. The board reported the matter to the police. Ms O'Sign cooperated with the police.

In June 2020 Ms O'Sign participated in a recorded interview with police officers and made substantial admissions. She has repaid all of the money. Her counsel told me that some was repaid during the period of offending. It appears that the bulk of it was repaid after she got caught.

The amounts misappropriated by Ms O'Sign were not large, but a lot of work went into the raising of the funds that she misappropriated. In particular, children worked long hours to raise money by delivering telephone books, selling raffle tickets, and running fundraising barbecues and quiz nights.

Ms O'Sign has no significant prior convictions. She was aged 56 to 58 when she committed these crimes and is now 63. She is married with three adult children and some grandchildren. She appears to have had a good employment record. She was working full-time for the same employer for about 20 years, but when this offending was detected she was stood down from her employment and there was an enquiry into the work she had been doing. It was found that there were no irregularities.

She lives in a small community. There has been substantial publicity about her offending in that community. This has embarrassed her terribly, to the point where she has avoided going out in public. She is ashamed of what she has done. She is very remorseful and embarrassed. She has cooperated with the police, made some substantial admissions, and pleaded guilty. The case has taken a long while to come to Court but there is no suggestion that this was ever going to be a matter that would go to trial and require the giving of evidence.

I was told that in all sorts of respects Ms O'Sign's life was chaotic during the period of the offending. There were family problems involving various individuals. One of her siblings died. Another was diagnosed with cancer. There were problems in the households of two of her children. This might explain why she was not thinking clearly and why she did things that she would not have done under other circumstances, but I accept that, when one looks at where the money went, it does appear that a desire to live beyond her means was part of her motivation.

The offending covered a period of 32 months, but Ms O'Sign did voluntary work on an enormous scale for Little Athletics for some 22 years before those 32 months. She has also done voluntarily work for many years for a number of sporting organisations including a couple of football clubs. She and her husband were hoping to take on voluntarily work as carers with an organisation that provides assistance to children from households where there are significant problems. It seems likely that, because of this court case, she will not be able to do that and her husband will also be precluded from taking on that role.

She is not in good health. She suffers from glaucoma. She had a problem with a regional pain syndrome following a fracture to her wrist in the past. She had a variety of psychological symptoms following her offending coming to light, and for that she needed to seek professional assistance. She has had this hanging over her head for some years. That is something that I think I should take into account as a minor mitigating factor.

Having said all that, it is very significant that these crimes involved repeated breaches of trust over a period of nearly three years. They involved the falsification of bank statements and minutes in unsuccessful attempts to conceal the primary crimes. Because of Ms O'Sign's age, her lack of prior convictions, her repayment of the money, and the scale of her offending, I think that a wholly suspended prison sentence and a requirement that she perform some community service will together amount to sufficient punishments.

Rhonda Ruth O'Sign, I convict you and sentence you to three months' imprisonment, wholly suspended on conditions that (a) you are not to commit any offences punishable by imprisonment for a period of two years; and (b) you must complete and satisfactorily perform

140 hours of community service as directed by a probation officer or a supervisor within 18 months of today.