

STATE OF TASMANIA v JASON JAMES NICHOLLS
COMMENTS ON PASSING SENTENCE

5 DECEMBER 2023
BLOW CJ

Mr Nicholls has pleaded guilty to seven charges of computer-related fraud. While working in managerial positions for a car rental company, he misappropriated a total of \$134,230.99 over a period of about 3 ½ years from 9 November 2018 to 2 May 2022. He committed these crimes by processing 247 refunds and crediting the refunds to seven different bank accounts of his own. There is one charge for each of those seven bank accounts.

The proceeds of these crimes were used to finance gambling activities and to pay for food, entertainment, and other goods and services.

On 4 May 2022 the state manager of the car rental company learned that some refunds had been credited to accounts that were not those used by the customers in question. An audit was commenced. After about \$30,000 worth of fraudulent refunds had been detected, the state manager contacted Mr Nicholls and told him that his employment was suspended. He said at that stage that he did not know anything about the matter. On 11 May 2022 at a meeting with the state manager he admitted being responsible for some of the transactions, said that he was sorry for what he had done, and said that it was drug and alcohol related. His employment was terminated at that point. The company audit continued and a police investigation followed.

During November 2022 Mr Nicholls attended a police station, took part in an interview, and made full admissions. He was proceeded against by summons early this year. He pleaded guilty to 247 charges on his second appearance before a magistrate on 15 August 2023. For the sake of simplicity he was indicted on seven "rolled up" charges in place of the original 247. He has made several promises to repay the money, but none has been repaid.

Mr Nicholls is now 41 years old. He was aged 36 to 39 when he committed these crimes. He has a prior conviction for stealing, involving a quantum of \$6,671, in 2005, for which he received a wholly suspended sentence of 3 months' imprisonment and was ordered to perform 84 hours of community service.

Mr Nicholls is single. He has no children. He is unemployed. He was working for Telstra until July of this year, when media publicity about this case resulted in him being suspended, after which he left that employment.

He regrets committing these crimes. He has taken steps to address his gambling and alcohol problems. It counts in his favour that he made full admissions to the police and pleaded guilty at an early stage. He has made substantial contributions to the community as a netball coach and as a football goal umpire.

However the only appropriate penalty for offending over such a long period on such a large scale is a sentence of imprisonment. Some common mitigating factors are absent in this case. He has not repaid any money. He did not stop before he was caught. He is not a first offender. However I will impose the shortest possible non-parole period because I consider that there is a good chance of rehabilitation in this case.

Jason James Nicholls, I convict you and sentence you to 2 years' imprisonment with effect from 9 November 2023. You will not be eligible for parole until you have served 12 months of this

sentence. I order you to pay Apex Car Rentals Pty Ltd the sum of \$134,230.99 as compensation for its losses.