

Nazih Abbas has pleaded guilty to three counts of conspiracy. On three occasions he conspired with Alle Sleman to commit the crime of dishonestly acquiring a financial advantage. The agreement involved arranging for a motor vehicle owned by the defendant, on two occasions, and Mr Sleman on one occasion, to be damaged and then making an insurance claim claiming the vehicle had been the subject of an accident and obtaining payment from the particular insurance company.

On 26 February 2011 the defendant parked his 2003 Holden Commodore in Albert Road in Moonah. By agreement with the defendant, Mr Sleman hired a Hertz removal truck, drove it to Moonah and crashed it into the side of the Commodore, effectively writing it off. The defendant reported it to police. His vehicle was insured with RACT Insurance and his wife reported the damage to the insurance company by telephone. The defendant claimed to police that he had parked his car in Albert Road before commencing work as a taxi driver and returned to find it damaged. The defendant had the vehicle insured for \$13,300, about \$3,000 above the Glass's Guide for a model of that type in good condition. RACT paid out \$13,300. The defendant had purchased the vehicle five years before for \$12,999. It had been insured with RACT for nearly two years.

On 16 September 2011 Mr Sleman parked his Mercedes Benz in a car park in Moonah. It was a 1993 model that he had purchased in July 2011 for about \$1,000. He had it insured with AAMI for \$14,820. On the same day, the defendant and Mr Sleman went to Hertz and the defendant hired a truck. The truck was driven into Mr Sleman's vehicle. Some damage was caused to the truck and Mr Sleman paid the excess of \$300 to Hertz. Mr Sleman subsequently made a claim by telephone to AAMI. He asserted he had no knowledge of the cause of the damage. After standard deductions, he received a net payment of \$13,979.

On 14 May 2012 Mr Sleman rented a Hertz truck which was crashed into a vehicle owned by the defendant, a 2003 Holden sedan. The defendant had that vehicle parked in Barossa Road in Glenorchy. The defendant had purchased that vehicle in June 2011 for \$6,500. It was insured with RACT for \$8,500. A claim was made by telephone and payment was made to the defendant in the sum of \$8,500.

The total paid by the insurance companies in respect of these three counts was \$36,620.

The defendant is 40 years of age. He was born in Syria. He was the eldest of nine children and concluded his formal schooling in grade 6 to commence employment. It was a cultural expectation that he would work and provide for his younger siblings. By 15 years of age he was working as a concreter and he maintained that employment until he left Syria. He came to Australia in 2002 when he was approximately 26 years of age. The defendant is married and he has four children, aged 12 years and under. He and his wife run a small family business. The business operates from 6.30am to 8pm seven days per week. Together, he and his wife manage the business and care for their children.

As background, I note that at the time of offending the defendant was unemployed and struggling financially. He had known Mr Sleman for some time. I note that the defendant had the lesser role in the commission of these three crimes-and that he has since ended his association with Mr Sleman.

I consider that the defendant is unlikely to commit further crimes. He is a productive, hard-working family man. He has support in the community and is well-regarded. He has no prior convictions at all. He has pleaded guilty, accepts his wrong-doing and consents to compensation orders.

Crimes such as these, involving insurance fraud, are difficult to detect. It is necessary for the courts to make it clear that they are serious crimes warranting imprisonment. After all, here there were three separate instances of conspiring to defraud and a substantial amount was lost by the insurance companies. Yet, given the defendant's circumstances, his lesser role, and that I do not think that he needs to serve any period in prison in order to be deterred from further offending, I am satisfied that the sentence may be wholly suspended.

I record convictions. I impose a term of imprisonment of nine months, the execution of which is wholly suspended on condition that for a period of two years Mr Abbas not commit any offences that could attract a term of imprisonment.

There is a victims of crime compensation levy of \$150 which must be paid within 28 days. I make a compensation order in favour of RACT Insurance in the sum of \$21,800 and AAMI in the sum of \$14,820.