

Ms Dufty, you have pleaded guilty to five counts of fraud.

The crimes were committed between March and December 2023. You were 20 years of age at the time and were employed as a customer advisor by the National Australia Bank in its Launceston branch. The role included providing assistance to customers in person at the branch. For this purpose, you had access to the computer system which enabled you to conduct transactions on customer accounts. Typically, many of the customers who came to the branch and sought such assistance were elderly and did not have access to or use the Internet.

During the relevant period, you accessed the accounts of six elderly customers, without their authorisation or knowledge, for the purpose of misappropriating their money. You did this either by making direct withdrawals from the accounts utilising your employee access to the computer system, or in three cases, by using a debit card which belonged to the customer to purchase goods or services or withdraw money. In one of these cases, you ordered a replacement debit card for a customer, and when it was available, kept it yourself and used it to make 62 transactions for your own benefit with a total value of \$58,691. In another case, you retained a bankcard which you obtained after ordering a new card for the customer and again used it on five separate occasions to either purchase goods or withdraw cash. In total across all the offending, you misappropriated the sum of \$187,537. Most of the money was used by you to purchase products or services to support a lifestyle which you would not otherwise have been able to afford. One transaction involved the misappropriation of \$36,000, which you used to purchase a motor vehicle. Some of the unauthorised transactions were made for the purpose of transferring money back into an account from which you had already taken funds, in order to cover up your wrongdoing. Your criminal conduct was eventually discovered when the customer relevant to the fraud involving the bankcard, with the assistance of a relative, queried the relevant transactions. Your employment was immediately suspended and eventually terminated. In all cases, your employer reimbursed the customers fully.

There is no question that this is a serious case of fraud. It constituted a significant breach of the trust placed in you by your employer and the customers. While you deny that you deliberately targeted elderly or vulnerable customers, the customers concerned fell into this category because you utilised the opportunity presented by those who sought your assistance in person at the branch. You admitted to police that you knew that these customers typically did not have access to the internet and accordingly would be less likely to discover the unauthorised transactions. Having said this, your conduct could not be described as sophisticated. Although you did make attempts to cover up what you were doing by transferring funds from one account to another, and you used the debit cards presumably anonymously, the fact remains that you were logging onto the system with your own credentials in order to make the transactions and the discovery of your dishonesty was therefore ultimately inevitable. This also applies to the debit card usage because it was easily discoverable that the cards had come into your possession. The lack of sophistication is consistent with the psychological factors at play at the relevant time which I will describe in a moment. However, although it may have mitigating impact in this regard, the ease with which you were able to access these accounts also highlights the significant degree of trust placed in you by the bank and the customers. It makes the breach of trust all the more serious.

As I have already noted, you were 20 years of age when you committed this crime and you are now 22. You have no prior convictions of significance. You suffered what I accept was quite horrific trauma during your childhood and teenage years. You lived with your biological parents until they separated when you were 4 to 5 years of age. You were the third of five children. Your father, who was much older than your mother was violent to her, and you were of course exposed to this family violence. After the separation, she commenced a relationship with another man, and had another five children with him. You were extremely close to all of your siblings including those from the new relationship. Between the ages of eight and fourteen, your stepfather perpetrated a course of sexual abuse against you. You disclosed this when you were fourteen. Soon after being interviewed by police in respect of this abuse, your stepfather committed suicide. Your mother rejected the truth of your disclosures and blamed you for your stepfather's death. She ostracised you from the family and moved to Queensland with your siblings, leaving you to look after yourself in Tasmania. You demonstrated considerable resilience and internal strength by thereafter making a life for yourself, which included the employment with the bank. You have considerable natural sporting talent and you also utilised this talent to create pro social relationships and networks.

I have received a psychological report from a forensic psychologist, Dr O'Donnell. The report places your offending behaviour into the context of your psychological condition at the time. Dr O'Donnell's conclusion is that you were then and still are suffering from chronic post-traumatic stress disorder which arises from your history of abuse in childhood. Dr O'Donnell has also identified some personality features indicative of the PTSD which make you susceptible to stimulus-seeking and disassociation. Dr O'Donnell identifies both of these features in your offending conduct. She considers there is a direct relationship between the psychological condition and your offending, in that it both motivated it in the sense that you were desperately seeking normality by artificially enhancing your lifestyle, and it reduced your capacity for rational decision-making. In particular, it explains why you were prepared to risk both your liberty and employment in such a reckless way, solely for the purpose of enhancing your lifestyle. Dr O'Donnell notes that you were going through difficult circumstances at the time including recovery from a serious sporting injury and relationship difficulties, and this combined with your psychological condition made you vulnerable to acting in this way.

I accept that your psychological condition is relevant to an assessment of your moral culpability. It does not however absolve you of blame. You clearly knew that what you were doing was wrong. This is demonstrated by your rudimentary attempts to cover up the unauthorised withdrawals and use of the cards. You accept that you did not need the money, it was being utilised on goods and services which were either provided to others in an attempt to reinforce relationships or which simply made you feel better. However, I am satisfied that your psychological condition is an important element of the overall context in which you committed the offences and to some extent explains your conduct. This context also includes your young age at the time, relative immaturity and lack of prior criminal history. The conclusion I draw from it is that the conduct was out of character and not likely to be repeated. This of course is relevant to specific deterrence and rehabilitation.

This conclusion is reinforced by what you have done with your life since your crimes were discovered. You were the subject of considerable public condemnation when your behaviour was exposed and publicised which made your life in Tasmania very difficult. You moved to Queensland to take up an offer to play for a second-tier Australian rules football club, which potentially provides a pathway to the AFLW. I have received a number of detailed references

including from persons in positions of authority and responsibility at the club which indicate that you have made the most of this opportunity and are widely regarded as having a positive influence at the club and in respect of other players. They all speak highly of your character. Without exception, they advocate for you and, in particular, for you to be given a second chance. Clearly, you have impressed these people to the point where they at least believe that you would not waste such an opportunity.

Of course, your welfare and future are not the only sentencing considerations. This was a serious crime committed in breach of trust and involved a considerable amount of money. I have not received any victim impact statements but the potential harm to vulnerable people cannot be understated. Further, your employer was entitled to trust you. While I will make a compensation order, and you claim that your intention is to repay the bank, from a practical point of view, this is not likely to happen to any significant extent in the near future, if at all. Further, crimes such as this are easy to commit and hide and can often be difficult to discover. There is a clear need for emphasis on the sentencing considerations of general deterrence, denunciation and community protection. While I have accepted that your psychological condition is relevant in the way I have described, I do not believe that it was so marked or had such effect that it moderates or eliminates the need to emphasise general deterrence. On the other hand, the personal factors which I have described in my view significantly reduce if not eliminate the need for an emphasis on specific deterrence. Finally, both your age and your underlying condition are relevant to the need to place considerable emphasis on rehabilitation.

In my view, given the seriousness of the offending, the only appropriate sentence is a term of imprisonment. However, when I have regard to your background, age and psychological condition, as well as your early plea of guilty, I am satisfied that I should give you the opportunity to make good on the promise you have shown, and in particular to avoid having to actually serve a period in custody. In my view, an immediate term of incarceration would jeopardise your efforts to rehabilitate. A suspended sentence of imprisonment will both mark the objective seriousness of the crimes but will provide the opportunity for you to avoid actually serve the time in prison. Of course, the fact that you have been convicted of these crimes and had such a sentence imposed will in itself result in a significant degree of punishment. It may well affect your ability to take certain career paths, such as teaching which is your current ambition as I understand it. This cannot be avoided and is an inevitable consequence of your decision to commit these crimes.

1. The orders I make are as follows:

- a You are convicted of the crimes to which you have pleaded guilty.
- b You are sentenced to a global term of 21 months imprisonment. The whole of this sentence will be suspended for a period of 2 years on the condition that you are not to commit another offence punishable by imprisonment during that period.
- c I make a compensation order in favour of National Australia Bank Limited in an amount to be assessed and I adjourn assessment of that sum sine die.