

STATE OF TASMANIA v CRISTIE ANNE POTTER
COMMENTS ON PASSING SENTENCE

20 MARCH 2026
ESTCOURT J

The defendant, Cristie Anne Potter, now 49 years old, has pleaded guilty to one count of fraud, involving a benefit of \$33,752, gained from her employer, The Friends' School over a five year period between 2018 and 2023.

From 2007 to 2023, the defendant was employed by the complainant in various administrative and retail roles. From 2011 to the time of her resignation in 2023, she held the position of Retail Services Manager at the school shop. In that role she was responsible for monitoring daily transactions through the point-of-sale ('POS') system, supervising other staff members, managing the shop's budget and performing periodic stocktakes. From September 2013 until March 2022, she was provided with subsidised accommodation by the complainant and lived in an apartment located directly above the shop.

On 170 occasions between 19 February 2018 and 16 February 2023, the defendant utilised the EFTPOS terminal in the school shop to process fraudulent refunds into her personal bank accounts via her associated bank cards.

On 17 February 2023, the complainant was contacted by its financial services provider and was informed that fourteen fraudulent refunds had been processed, the total value of which was stated at \$3,384.

On 21 February 2023, the defendant was stood down pending further investigations. On 24 February 2023, the defendant resigned from her position. On 6 March 2023, she sent the complainant a handwritten letter in which she made full admissions to processing the fourteen transactions identified by the financial provider. On 24 March 2023, she was paid \$5,947.76 severance package from the complainant and the next day, she repaid the sum of \$3,384.

On 10 March 2023, the complainant's insurer engaged a forensic accountant to conduct an analysis of the fraudulent transactions. As a result of that analysis, it was uncovered that a further 156 transactions had been made where the defendant had processed refunds into her bank accounts.

On 11 December 2023, the defendant voluntarily attended the Hobart Police Station and participated in an interview but did not make full admissions. The next day she sent officers an email stating that while she was unable to detail any of the fraudulent transactions identified by the forensic accounting report, *'common sense dictated that the totality of the transactions cannot all have been legitimate'*.

Pursuant to s 68(1) of the *Sentencing Act 1997*, I make a compensation order in favour of The Friends' School and Zurich Australian Insurance Limited in an amount to be assessed.

The defendant has no relevant prior convictions and has spent no time in custody in relation to these matters.

I have seen a psychologist's report which concludes that the defendant has a significant history of childhood abuse that has resulted in maladaptive beliefs, elevated threat sensitivity, persistent shame, avoidance of seeking assistance, and a heightened sense of responsibility for

her children. These trauma-related patterns are said to provide a clear contextual explanation for her behaviour.

The State submits, quite correctly that considerations of general deterrence and denunciation loom large in cases where employees breach the trust of their employers as many employees occupy positions analogous to the defendant's where defrauding an employer is easy to perpetrate and difficult to detect. It is submitted that sentences in this context must, therefore, adequately condemn such conduct and operate as an effective deterrent to others in the community who may be minded to commit like-offending.

The State notes that the offending is of a high objective seriousness as the fraud was perpetrated over an extensive period of time, almost five years, that the total fraudulent benefit is significant and that significant cost was incurred in conducting a full-scale insurance investigation of the accused's offending. Her criminal conduct was persistent in nature and increased in frequency and value throughout the period of offending.

I accept those submissions, while there may be an explanation for the defendant's impaired decision-making, there is no suggestion that she did not appreciate the illegal nature of her acts and in the final analysis there are no significant mitigating circumstances.

The defendant is convicted of the crime of fraud and I impose a single sentence of 15 months home detention.

The order will include all of the core conditions contained in s 42AD (1) of Part 5A of the *Sentencing Act* and specifically as to s 42AD (1)(g) and (h), the following conditions:

- you must, during all of the operational period of the order submit to electronic monitoring, including by wearing or carrying an electronic device.
- during the period that you are required to submit to electronic monitoring: you must not remove, tamper with, damage, disable or interfere with the proper functioning of any electronic device or equipment used for the purpose of electronic monitoring.
- you must not allow anyone else to remove, tamper with, damage, disable or interfere with the proper functioning of any electronic device or equipment used for the purpose of electronic monitoring.
- you must comply with all reasonable and lawful directions given to you in relation to the electronic monitoring, including in relation to the installation, attachment or operation of a device, or a system, used for the purposes of electronic monitoring by a police officer; a probation officer or proscribed officer; or another person whose functions involve the installation or operation of a device, or a system, used for the purposes of electronic monitoring.

In addition the following special conditions, as recommended by Community Corrections are included: you must, during the operational period of the order, remain at *address* at all times except those hours approved by a probation officer. I have included this order because I cannot understand the recommended options)

- you must attend the Community Corrections office at Hobart for induction onto this order. You must attend during normal business and no later than 10:00 am on Monday of next week.
- you must, during the operational period of the order, maintain in operating condition an active mobile phone service, provide the contact details to Community Corrections and be accessible for contact through this device at all times
- you must submit to the supervision of a Community Corrections officer as required by that officer.