



Sentencing Remarks & Judgments

The sentencing remarks or judgment annexed to this cover page has been reproduced on the South Australian Independent Commissioner Against Corruption website by permission from the South Australian Courts Administration Authority.

The following statements and disclaimer apply:

Sentencing remarks

Sentencing remarks are edited to take account of suppression orders, statutory prohibitions on the identification of victims of sexual offences and on the identification of young offenders. Sentencing remarks may be edited if the general publication of them is likely to have an adverse impact on victims, witnesses and others connected with the proceedings.

A Judge or Magistrate may decline to release sentencing remarks for publication on the website if the Judge or Magistrate considers that it is not possible to edit the sentencing remarks appropriately while retaining meaning, or if the sentencing remarks cannot be satisfactorily edited on the basis indicated above.

Judgments

Judgments are sometimes edited to take account of suppression orders, or if the general publication of them is likely to have an adverse impact on victims, witnesses and others connected with the proceedings.

A Judge may decline to release a judgment for publication on the web site if the Judge believes it is not possible to edit the judgment appropriately while retaining meaning.

All sentencing remarks and judgments of the Courts of South Australia reproduced on this site are subject to copyright claimed by the Crown in right of the State of South Australia. This reproduction does not purport to be the official or authorised version. For reproduction or publication beyond that permitted by the *Copyright Act 1968* (Cth), written permission should be sought from the South Australian Attorney-General, through the Courts Administration Authority.

DISCLAIMER – Every effort has been made to comply with suppression orders or statutory provisions prohibiting publication that may apply to these sentencing remarks and judgments. The onus remains on any person using material in a sentencing remark or judgment to ensure that the intended use of that material does not breach any such order or provision. Further enquiries may be directed to the Registry of the Court in which the sentencing remark or judgment was generated.

Settled by His Honour Judge Rice for internet publication – 23/12/2015

IN THE DISTRICT COURT
CRIMINAL JURISDICTION
ADELAIDE

TUESDAY, 22 DECEMBER 2015 AT 11.25 A.M.

BEFORE HIS HONOUR JUDGE RICE

NO.DCCRM-15-1772

R v PAUL DAVID HELLANDER

HIS HONOUR IN SENTENCING SAID:

Paul David Hellander, you have pleaded guilty to one count of abuse of public office. The maximum penalty for this offence is imprisonment for seven years. Although there is a plea to a single count, as I understand the basis of the plea, it is accepted that you were involved in the conduct that formed the basis of all counts on the information.

You can, however, only be punished for the single count but at the same time that should not be viewed as an isolated occasion of abuse of public office but as an instance of a course of conduct.

You pleaded guilty at a very early stage of the proceedings and are therefore entitled to a discount of up to 30%. I see no reason to give other than the full 30% and will do so.

There is no doubt in my mind that you are contrite for your actions. Before considering your personal circumstances, I say a little about the nature of the offence and the facts of this case.

As the name of the offence makes clear, it involves an abuse of public office by a public officer. It essentially involves a breach of trust on the part of the public officer. More particularly, it involves the public officer acting contrary to standards of propriety generally and reasonably expected by ordinary decent members of the community to be observed by that public officer.

Although the aspect of personal deterrence must play a part in sentencing, general deterrence will generally play a more dominant part because deterring public officers from abusing their position is paramount.

Public confidence in public office holders needs to be maintained and general deterrence is a part of the means of ensuring that confidence.

As for the facts of your case, you have accepted that you improperly used information that you had gained by virtue of your office, with the intention of

securing a benefit for yourself. The offence date was 26 February 2013. However, some background is necessary.

The Interpreting and Translating Centre is at the moment a business unit of Communities and Social Inclusion Department. Prior to 2011 it was a unit of the Attorney-General's Department. You were the manager of ITC for about ten years.

ITC had a computerised management system that contained booking schedules, interpreter contact details, client contact details and pricing structures. It was accessible online. It was known, that is the system was known, as ITCMS.

Among other things the system allowed employed interpreters to receive assignments and lodge claim forms for work performed. As manager you had the highest rights and privileges for your own account and you also had the ability to modify all data within the system.

On 26 February 2013 you used your status within the ITCMS to grant administrator rights and privileges to a dormant ITCMS account under the name of Alessandra Logie, an elderly who had not used the system.

On 21 May 2013 you were informed that the manager of ITC was being reclassified or the position of manager of ITC was being reclassified to a higher level. You were given a number of options, including applying for the position, but it must have all seemed very ominous because the successful applicant needed financial qualifications which you did not have. You asked for time to consider your options and travelled to Greece for a previously planned holiday.

While in Greece you accessed ITCMS on numerous occasions and used the modified account of Alessandra Logie to grant administrator rights and privileges to five other accounts which are not been allocated work for a significant period of time. You later changed the names of those five accounts to the names of five British spies who were known as the Cambridge five.

You lost the ability to access ITCMS under any name on 28 May 2013.

As mentioned, the offence included an allegation, that you have by your plea accepted, that your actions were done with the intention of securing a benefit for yourself. The offence does not refer to the nature of the benefit but the prosecution submit I can be satisfied beyond reasonable doubt that you intended a commercial benefit to yourself. Some of the submissions were directed to this point and I will return to them.

I turn now to your background and personal circumstances. You are now aged 62 years. You have no antecedents and this would seem to be the only blemish on an impressive career as a linguist, writer and administrator.

I have had the benefit of very useful and extensive submissions by your counsel Mr Griffin QC. I refer to the salient features of your background and present circumstances.

You were born in Preston in the United Kingdom. You had a happy, stable upbringing. At school you excelled in languages and went on to complete a degree in Classical Greek at Birmingham University.

Your mother, father and brother, your brother being your only sibling, all died within two or three years of each other when you were in your early 20s.

You then travelled to Greece and led what has been described as a Bohemian lifestyle, teaching some English and travelling. It was while you were working in Greece that you were recruited by the Victorian Education Department. After that contract finished you secured a position as a lecturer at what was then the South Australian College of Advanced Education.

By this time you were married to a lady you had met in Greece and had two sons. There were difficulties in the relationship and she returned to Greece. You tried to maintain the relationship sometimes in Greece, sometimes at a distance, but it came to an end. You met your present wife Stella in 1991 and have been together since that time. You now have blended families.

In about 1991 you were given a redundancy package from the South Australian College of Advanced Education which had by this time been absorbed into the University of Adelaide. You then spent 12 or 13 years as a freelance writer for The Lonely Planet Guide Book Company.

In 2003 you took up a position with the Interpreting and Translating Centre. In part you were a recruiter and marketing development officer. You foresaw the use that could be made of the internet to enable services to be provided remotely, not just within Australia but all manner of places around the world for a variety of purposes or applications.

You knew virtually every interpreter and translator, certainly in this State. What has been referred to as ITC's commercially sensitive information was well known to you for years as part of your work. It was in your head, you did not need a database to access it or you could simply have rung up the people concerned or emailed them if there was something that you wanted to know.

You became the manager of ITC in August of 2007 and remained, as I have said, in that role until May of 2013. Without going into all the detail, your unit was shifted from the Attorney-General's Department to the Department for Communities and Social Inclusion. The perception and reality was that ITC became less important to those then running this department.

You were excluded from policy meetings. Change was happening around you. Rightly or wrongly, for a variety of reasons, you felt humiliated, belittled

and undermined. You resented the way you were treated. Your actions in changing the account details of Alessandra Logie, her account, also involved, I must say, some element of spite on your part.

The job description for your position was re-written but no longer required a qualified professional interpreter and translator and, as I have already mentioned, did need someone with accounting qualifications that you did not possess. What had previously been a prerequisite for your position was no longer required.

It was obvious to you that the department and the ITC unit were moving on, but it did not include you. As I mentioned earlier, your position was reclassified and you were given options and considered those while you were on holidays. By the time you returned the position had been filled from within and your position as manager had come to an end. You could see your time within the department also coming to an end.

It is difficult to identify a single benefit to you, but I do not accept that there was any significant commercial benefit to you other than perhaps convenience. You wanted to show them, that is the department, that their technology was able to be breached, hence you used the names of the members of the Cambridge five. There was an element of getting back at the department, and I suppose an element of you feeling better because of those things.

Your assistance to Mr Atkinson was no more than that. You simply helped Mr Atkinson by providing him with the appropriate translators for work to be performed through Mr Atkinson's electoral office. You gained nothing out of it certainly from a commercial point of view, but what you did gain was the satisfaction of being the one approached to assist and certainly a certain amount of kudos.

It is clear from the emails to which reference was made that you foresaw the likelihood that you would be leaving, but your real exit strategy was the future use of technology in respect of which your department had, in your eyes, displayed a singular lack of foresight and suffered from inertia.

I have taken into account the very detailed report by Mr Broomhall. In his view your risk of similar offending in the future is low. He makes certain recommendations that you would see the good sense in acting upon. I must say your prospects of rehabilitation are very good, if not excellent.

I have also taken into account the bevy of references tendered on your behalf. It is clear that you are highly regarded in your field. You enjoy the utmost respect and friendship of a broad range of colleagues, both as an interpreter and translator and as a contributor to the community. That in itself should give you great comfort.

As for your offending, it is at the lower end of offences of this type. As I have said, the need to deter you from offending is minimal, but there is a need to deter other public officers from abuse of their position and power.

Whilst a short term of imprisonment is appropriate, there are a multitude of good reasons why that sentence should be suspended.

The sentence of the court is that you be sentenced to imprisonment for six months but that will be suspended upon you entering into a bond or agreement in the sum of \$500 to be of good behaviour for 12 months from today.

Mr Hellander, you understand the effect of what I have said, the overall effect?

PRISONER: Yes, I do.

HIS HONOUR: The position I reached was that I thought a sentence of imprisonment should be imposed, not really to deter you, because I suspect you don't need any future deterring, but really to deter others who may occupy senior positions as you did.

So there is a short term of imprisonment that is obviously suspended. There's a \$500 bond and you are required to be of good behaviour for 12 months from today.

I have not attached to the bond any other conditions. You are a very intelligent man. You can make your own decisions, based on Mr Broomhall's report, about what things you might think you need to do. I take it you are prepared to enter into that bond?

PRISONER: Yes.

HIS HONOUR: Come forward and sign it please.

BOND ACKNOWLEDGED

HIS HONOUR: Mr Hellander, you will be given a copy of this in a minute to take with you. The conviction that's been recorded will be on your record, so whilst I don't expect you to be back before any court, just remember that will sit there forever more. Anyway, it's time to put this sorry mess behind you. You are free to go.

ADJOURNED 11.45 A.M.