



Sentencing Remarks & Judgments

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ICAC

Independent Commissioner
Against Corruption
SOUTH AUSTRALIA

Settled by his Honour Judge Boylan 3 November 2016 – Internet version

IN THE DISTRICT COURT

CRIMINAL JURISDICTION

ADELAIDE

THURSDAY, 27 OCTOBER 2016 AT 2.08 P.M.

BEFORE HIS HONOUR JUDGE BOYLAN

NO.DCCRM-16-765

R V MIGNON LOUISE THOMAS

HIS HONOUR IN SENTENCING SAID:

Mignon Louise Thomas, you have pleaded guilty to 10 counts of abuse of public office. The maximum penalty for each of your offences is imprisonment for seven years.

You committed those offences between 21 July 2012 and 4 October 2013.

You were originally charged with in excess of 200 offences, all of much the same type, during the period of the offending to which I have referred. Eventually the Director of Public Prosecutions laid the information containing 10 counts, the 10 counts to which you have pleaded guilty. I make it quite plain at the outset that I sentence you only for those 10 offences, but I sentence you on the basis that the background to your offending is a course of conduct which constituted a serious and sustained breach of trust in your position as a public officer. Each of these 10 offences is a separate incident in that sustained breach of trust.

In sentencing you, I have taken into account the submissions of counsel, your antecedent report, a victim impact statement filed on behalf of the department, a report from Dr Lorraine Lim, psychologist, and the apology which you made in open court.

You were employed as a manager at the Marni Woodlie Youth Accommodation Facility, a safe house for indigenous youth, providing accommodation and related services for Aboriginal children. Marni Woodlie is run by the Department for Communities and Social Inclusion. The services provided by Marni Woodlie included making purchases for clients for groceries, clothing, haircuts, occasional out-of-pocket expenses or for gifts on special occasions. To enable you to make such purchases, in the course of your

employment, you had access to government purchase cards and credit cards. You used those credit facilities to make purchases for your own benefit. Purchases the subject of the 10 counts before me included the purchase of a car stereo system, needles and cosmetics from a pharmacy, clothing, bed linen, groceries and gift cards. The total value of the items which you effectively stole in the 10 counts charged, I emphasise, is \$2,274.44.

Your offending arose out of your addiction to heroin. I shall come back to that in a little more detail.

You are a 49-year-old married woman still living with your husband. You and he have two children: a son who is 21 and a daughter who is 15. Both of them are still living with you. Your son is out in the workforce, your daughter still at school.

You had a distressing and dysfunctional childhood. You were adopted when you were 14 days old and have never known your biological parents. Your adoptive parents also adopted, three years later, your sister. They brought you up until they separated when you were nine years old.

Your adoptive mother was a loving and caring woman who did her best for you. Sadly, she died some eight years ago. Your adoptive father apparently was bad-tempered and you saw a deal of domestic violence while your adoptive parents were living together and, indeed, after they separated because your adoptive father would visit the house on occasions.

Owing to your father's behaviour, he found it difficult to hold a job and the family led an itinerant lifestyle until your parents separated.

When you were 10, your mother obtained custody of you and your sister by order of the Family Court. You became rebellious when you were 12 or 13 and, at 14, you began spending time with undesirable people in venues such as Hindley Street. You began drinking alcohol and using drugs. At 15 you left home permanently. By then, you were using heroin. You moved in with a 30-year-old man who was also a heroin addict. You and he had a relationship for some 10 years. That relationship was marked by domestic violence and by the pair of you using heroin. For some of that time he was a university student. You supported his and your drug habits by working, sometimes in the sex industry. You separated when you were about 27.

About the same time you met your present husband and then began a much happier and more stable period in your life. Your husband is a law-abiding man who has never had problems with drugs or alcohol. Until he felt that he had to resign from his job owing to shame and embarrassment caused by publicity surrounding your offending, he had worked as a baker. The pair of you are now unemployed.

After the birth of your daughter you went back to work. You did a TAFE course and obtained qualifications in youth work and began your employment at Marni Woodley in or about 2004 or 2005. You enjoyed your job very much, you were successful and were promoted to a managerial position.

In mid 2012, you began having difficulties in the workplace. It was your perception that you were being bullied and that you were not going to be appropriately qualified to be made permanent in your then fairly senior position. On top of your unhappiness in the workplace at that time, you were dealing with troubled youths, some of whom had serious behavioural problems. You did not feel that you were getting support from others in your workplace. To cope with those stressors in your life you turned to your old coping mechanism, heroin.

Once you had resumed your heroin use in the middle of 2012 you quickly developed an expensive drug habit. Again, it had to be paid for and you paid for it by committing these offences. You were spending all of your earnings on heroin and resorted to this offending to pay for day-to-day living expenses and sometimes to buy presents for your children.

You have struggled with drug addiction all of your adult life, having been on and off the methadone program over the years. It is to your credit that against your background you stayed out of trouble with the law between January 1995 and the commission of the first of these offences.

I accept that your offending was occasioned by your heroin addiction.

Your offending is, of course, very serious. As I said, it constitutes a serious breach of trust and, as I said, these 10 offences were not isolated ones. Our community is entitled to have confidence in the honesty and integrity of its public officers and in cases such as this, therefore, general deterrence is very important. You accept as much by admitting through your counsel that this is serious offending which deserves a term of imprisonment.

Yours is a sad case, indeed. After a difficult childhood and very, very difficult teenage years through to your later 20s, you had led a sordid life. Once you met your husband who, even now, continues to be supportive of you, you managed to turn your life around, albeit perhaps with occasional relapses into drug use.

I have no reason to believe that you were anything other than a good wife and mother for all of those years. You have now brought great shame on your husband and your children. I have already mentioned that your husband is so ashamed that he give up his career.

In court you apologised to your victim, the Department of Communities and Social Inclusion, to the community generally and, in particular, to your family for your criminal behaviour.

I accept that you are extremely ashamed of what you have done and that you understand the dire consequences this has had for a number of people, particularly for your husband, for your son and for your daughter.

Since this offending came to light you have once again tried to get on top of your drug problem. I have already adverted to your being on the methadone program while on bail for the last 18 months or so; there have been no breaches.

So I turn to sentence. I shall fix one sentence pursuant to s.18A of the Sentencing Act. Owing to the timing of your pleas of guilty you are entitled to a discount of up to 30% and there is no reason why I should not give you the full discount. Had I fixed separate sentences I would have ordered some, but limited, concurrency given the fact that all of the offences were committed under the umbrella of your drug addiction. But for your pleas of guilty I would have sentenced you for these offences to five years.

The sentence of the court is that you be imprisoned for three years and six months. I fix a non-parole period of two years.

Your counsel submitted that I could suspend the sentence. The director is opposed to suspension. I have given most earnest consideration to that matter and in considering it I have taken into account the following: the fact that you have stayed out of trouble for over 20 years before you committed these offences; the fact that you are back on the methadone program and have remained drug free since your arrest; the fact that you have not breached your drug conditions in a period of 18 months, and the fact that you continue to have the support of your husband and children. I have not, of course, though, overlooked the seriousness of your offending.

After my earnest consideration I have come to the conclusion that the factors which I read out constitute good grounds to suspend your sentence and I shall do so upon your entering into a bond in your own recognizance in the sum of \$100 for three years. During the whole of that three-year period you are to be under the supervision of a community corrections officer whose directions you must obey. It will be a condition of the bond that you consume no illegal drugs, that you present yourself for random testing for the presence of illegal substances in your body and that you undergo any treatment or attend any programs or counselling for drug addiction as may be directed by your supervisor. Ms Thomas, will you enter into such a bond?

PRISONER: Yes, your Honour.

BOND ACKNOWLEDGED

HIS HONOUR: Ms Thomas, if you get into any trouble with the law, any trouble, during the period of that bond, if you return a positive test for the presence of drugs in your body, if you fail to keep an appointment with your

supervisor or fail to act in accordance with your supervisor's directions, you will be brought back here with a request by the Crown that a judge of the court cancel my order suspending the sentence and ordering that you spend the time in prison; is that clear?

PRISONER: Yes, your Honour.

HIS HONOUR: It is not going to be easy with your drug history but you are going to have to succeed in that time if you are going to stay out.

PRISONER: Thank you, your Honour.

ADJOURNED 2.17 P.M.