



# Sentencing Remarks & Judgments

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**ICAC**

Independent Commissioner  
Against Corruption  
SOUTH AUSTRALIA

# MAGISTRATES COURT OF SOUTH AUSTRALIA

(Criminal)

## DPP V HEARD, DALE

### Remarks on Penalty of Chief Magistrate Judge Hribal

11 March 2021

Informant: DIRECTOR OF PUBLIC PROSECUTIONS  
Prosecution: MR J SLOCOMBE  
Defendant: DALE HEARD  
Counsel: MR C ISAACS

Hearing Date/s: 11/03/2021  
File No/s: AMC-20-3959

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Dale Heard, you have pleaded guilty to one count of dishonestly dealing with documents committed between the 9 August 2016 and 31 May 2017. The offending relates to you producing or using a document knowing that it was false and intending to deceive another thereby obtaining a benefit of \$3,443.75. The maximum penalty for this offence is 10 years imprisonment and your plea of guilty entitles you to a discount of up to 30 per cent which I will apply in full.

A detailed factual summary has been prepared by prosecution and is accepted by your counsel. To summarise, in August 2013 you commenced full-time employment as a lecturer at TAFE and were a public officer employed under the *TAFE SA Act 2012*. Your duties included working as a lecturer delivering training and educational services. Part of your responsibility involved delivering courses to the meat industry including a Diploma of Quality Auditing. Whilst you are qualified to deliver that course, you are not authorised to do so on behalf of TAFE as there were others who held that responsibility.

At the relevant time, your brother Craig was employed by the Department for Primary Industries and Regions as the Leader of Standards and Verification in the food safety program. He was living at a home in Ingle Farm, his permanent address for eight or nine years. Your parents lived at Crystal Brook and that is a town that is considered a small regional community and its residents are entitled to subsidies for certain TAFE courses. Craig had previously lived at Crystal Brook many years before.

Your offending relates to falsifying a single Work Ready Registration and Consent Form which was submitted by your brother Craig. You did so in your official capacity as a Lecturer in Meat Studies and it related to your brother being granted an award in a

subject that was part of the Diploma of Quality Auditing delivered by TAFE. Craig was not involved in the falsification.

To be eligible for the small regional community funding scheme, a student must live in a small regional community as defined, the course must be predominantly delivered in a regional location and it must be of a certain public value rating. Once Craig's address was changed to Crystal Brook, he satisfied the first two eligibility criteria. Through other legitimate methods, he satisfied the third criteria.

You processed the qualification on 10 August 2016, TAFE administration did what they needed to do and your brother was issued with a statement of completion for the Diploma on 11 August 2016. The award parchment was issued in August 2018.

Craig paid \$400 in fees and received a benefit of approximately \$3,298.75.

Following investigation of this matter, the Consent Form was examined and clearly shows that the residential address of Craig had been 'whited out' and replaced in handwriting with the Crystal Brook address. The Consent Form was examined by a handwriting expert and when compared to your handwriting samples, is deemed to have been written by you to at least a 'moderate support' conclusion. You declined to participate in an interview under caution with investigators. You were charged and have pleaded guilty.

You come before the court with an old drink driving matter but no other offending.

As to your personal circumstances, you are a 51-year-old father of two adult children and have a supportive partner who is with you today. You worked as a butcher and then as a lecturer at TAFE. You have several certificates and are well qualified in the meat industry. Because of this charge, you have resigned from TAFE and there has been publicity surrounding this matter that has impacted on you and your family. You have suffered from depression and it has affected your sleep. You have consulted a counsellor.

I have received a bundle of character references from people who regard you as trustworthy, honest, hardworking and a good friend.

Prosecution submit that your offending was calculated, pre-planned and that a conviction should be recorded. They are not seeking an immediate custodial sentence.

Your counsel submits that I should proceed without recording a conviction. He submits that you would have difficulty working as a butcher because of arthritis and other injuries. You hope to work as a meat inspector and are concerned that a conviction may make that difficult.

Your financial circumstances are difficult because you have been unable to access Centrelink until recently and are in arrears with your mortgage and other loans.

In sentencing you, general deterrence and, to a lesser extent, personal deterrence must play an important part. Funding schemes such as these rely on accurate and honest information to be provided as tax payers' money is expended and a benefit received when the correct conditions are met. Your actions undermined that scheme and resulted in your brother receiving a benefit of several thousand dollars in circumstances when he was not entitled to do so.

I am of the view that the nature of your offending and the need for general deterrence outweigh all your personal considerations and require that a conviction be recorded. The recording of a conviction is itself an element of punishment and acts as a deterrent.

You have already suffered personally and financially because of your actions. No compensation is sought, although it appears that neither you or your brother have paid the additional amount that should have been paid. Your brother retained the awarded parchment.

This is a matter where a sentence of imprisonment is not the only appropriate penalty and a good behaviour bond will suffice. I will order that you enter into a good behaviour bond in an amount of \$500 for two years. It is a condition of the bond that you reappear for sentence if you breach the bond.

*Defendant indicates his preparedness to enter into the bond.*

I waive court costs; prosecution costs are not sought and I order victims of crime levy.