



Sentencing Remarks & Judgments

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IN THE DISTRICT COURT

CRIMINAL JURISDICTION

ADELAIDE

FRIDAY, 7 DECEMBER 2018 AT 10.03 A.M.

BEFORE HIS HONOUR JUDGE BOYLAN

NO.DCCRM-18-1292

R V ALAN HUGH MELVILLE CORKILL

HIS HONOUR IN SENTENCING SAID:

Alan Hugh Melville Corkill, you pleaded guilty in the Magistrates Court to one count of deception and to one count of improperly accepting a benefit. The maximum penalty for the first of those crimes is imprisonment for 10 years and, the second of them, imprisonment for four years.

In May of 2017, the South Australian Department of Premier and Cabinet advertised a vacant position, the position of Chief Information Officer. Your co-accused, or I should say your former co-accused, your sister, Veronica Theriault, applied for that position. She needed a number of referees in support of her application. You provided a false reference for her, if I may describe it that way, by holding yourself out as having worked under her at 'Wotif', knowing full well that neither you nor she had ever worked there.

As a result of your conduct, she dishonestly obtained the benefit, namely, the position as Chief Information Officer. That is the first count to which you have pleaded guilty.

Your sister began working at the department in August 2017. After she had begun there, she obtained a contract position of employment for you. You improperly accepted a benefit, a contract of employment, in circumstances where you had helped your sister to obtain a job, knowing that she was obtaining it by deception, and your contract was a reward for your part in helping her, namely, supplying a false reference.

For the time that you were employed at the department, you earned some \$23,000. There is no suggestion that you in any way performed poorly in your duty, subject to the contract of employment, but the fact remains that you were not entitled to receive those monies, given the way you had been appointed to the position.

In sentencing you I have taken into account the submissions of counsel, your antecedent report and a number of references.

I treat you as a first offender; your only prior convictions are for motor vehicle offences, now all more than 20 years old.

I do not sentence you on the basis of your having engaged in similar uncharged conduct in the past. I am not satisfied that that has occurred.

You are a 41-year-old man, married, with three children, now 11, nine and seven.

You were educated to year 11 level. After you had finished school, you had a number of positions, but eventually began and successfully completed an apprenticeship as a boilermaker. Over the years you have worked at various jobs and you ended up owning your own business, but unfortunately, owing to the consequences of the global financial crisis, that business failed and you became bankrupt some four to five years ago. You are now fully employed as a project manager. Your wife works at a part-time job in a school. She earns a modest salary.

You own your house jointly with your wife and her family, your share is about 15%.

I accept that you have a good work history and that you have shown yourself to have had a good work ethic over the years.

The general theme of the references which I have read are that you are a hard worker, a loving and devoted father and husband and that this offending is out of character. I accept what your referees say about you.

I also accept, although it is certainly no excuse, that at the time you committed these offences, you did not realise how seriously the law regarded your conduct. Well, you must well and truly understand how serious the offences are, now as you stand here waiting to be sentenced. And these are serious offences. People in the position which your sister obtained have access to much sensitive information. In addition to that, of course, only people suitably qualified should be employed in government departments.

I accept that personal deterrence in your case is of little importance, but general deterrence in cases such as this remains of great importance. In my view, a sentence of imprisonment is the appropriate penalty.

I note that you are entitled to a 30% discount, owing to the timing of your plea.

I shall fix one sentence. But for your pleas of guilty, I would have sentenced you to imprisonment for 18 months. The sentence of the court is that you be imprisoned for 12 months and 18 days. I fix a non-parole period of seven months.

On account of your age, your prior good character, your stable personal situation, the fact that you have the support of family and friends and the fact that you are unlikely to offend again, I think that both you and our community are best served by my suspending that sentence and I do so upon your entering into a bond in your own recognisance in the sum of \$500 to be of good behaviour for two years.

In your case, I do not think it necessary that you be under supervision during the period of the bond.

Your counsel raised the question of compensation. I am not going to make a compensation order. I am told, and I accept, that you are not currently in a position to pay compensation but that you may be able to do so in the future. In those circumstances, compensation can remain as a possible civil claim.

Come forward to enter the bond.

Have I covered everything, Ms Attar?

MS ATTAR: Yes, thank you.

HIS HONOUR: Mr Edwardson?

MR EDWARDSON: Yes, your Honour.

BOND ACKNOWLEDGED

ADJOURNED 10.10 A.M.