



Sentencing Remarks & Judgments

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ICAC

Independent Commissioner
Against Corruption
SOUTH AUSTRALIA

Settled by His Honour Judge Boylan 3 December 2019 – Internet version

IN THE DISTRICT COURT

CRIMINAL JURISDICTION

ADELAIDE

TUESDAY, 3 DECEMBER 2019 AT 2 P.M.

BEFORE HIS HONOUR JUDGE BOYLAN

NO.DCCRM-18-1292

R V VERONICA HILDA THERIAULT

HIS HONOUR IN SENTENCING SAID:

Veronica Hilda Theriault, you pleaded guilty in the Magistrates Court to two counts of deception, to one count of dishonestly dealing with a document and to one count of abuse of public office. The maximum penalties for those offences are 10 years imprisonment for each of the counts of deception and dishonestly dealing with a document and seven years imprisonment for the offence of abuse of public office.

The charges all arise out of your employment as chief information officer at the Department of Premier and Cabinet in 2017.

Your brother Alan Corkill was jointly charged with you on the first of the counts of deception. I sentenced him last year.

In May of 2017 the Department of Premier and Cabinet was looking to fill the position of chief information officer; a position with an annual salary of \$270,000. You applied for the job and included in your application a curriculum vitae. You were interviewed for the position in June 2017. The curriculum vitae which you had supplied contained false and misleading information, especially about your education and prior employment. That false curriculum vitae led to you being interviewed for the job. Your supplying that document to the Department of Premier and Cabinet is the basis of count 3 on the information, namely, dishonestly dealing with a document.

Counts 1 and 2 both arose out of your giving false information to the department by way of giving false references.

You committed the deception the subject of count 1 with your brother. You arranged that he would supply to the department a reference in which he said that he had worked for you when you were employed at Wotif. That reference contained false information. Neither you nor your brother had ever worked at Wotif.

The deception in count 2 was your naming as referee a Ms Best, a partner at PCW. Mr McGivern, an employee of the Department of Premier and Cabinet, rang a woman whom he thought was Ms Best. The woman to whom he spoke told Mr McGivern that she had worked

for you for some time during which time you had reported to her. The woman to whom he spoke gave glowing feedback about your performance. In fact, you were impersonating Ms Best and it was you to whom Mr McGivern was speaking during that telephone conversation. The real Ms Best had not given you a reference.

Count 5, abuse of public office, arises out of your arranging for your brother to be awarded a contract. Once you had won the position at the department and were employed there, you arranged for your brother to be awarded a contract as a service integration team leader. As a result of your doing so he received some \$21,000. By your plea you have admitted that the circumstances in which you arranged for him to be awarded that contract and arranged for him to be paid above his level of skill amounts to the offence of abuse of public office.

In sentencing you I have taken into account some uncharged conduct. In order to negotiate a higher salary than that which the department was originally going to pay, you supplied the department with a falsified pay slip to show what you had been or would have been earning in the private sector. Not long before your employment was terminated, you then supplied a letter to the department saying that you were fit for work. That letter was false. You had written it, not your treating doctor.

You were employed by the department between 3 August 2017 and 19 September 2017. During that time you earned some \$33,000 by way of salary. Your employment was ended after your mental health deteriorated and the department became suspicious of you. Inquiries were made then and your crimes came to light.

In sentencing you I have taken into account all of the submissions of counsel, including some of the submission made by Mr Apps fairly early in the piece. I have also taken into account your criminal history and reports from two doctors and a psychologist. Insofar as any of those reports suggest that your bipolar disorder was the cause of your offending, I have ignored them. I have, however, had regard to them for the purposes of knowing and understanding your general background.

I have mentioned that I have taken into account some uncharged conduct. I emphasise that I do not sentence you for that conduct. It forms part of the background to your offending. I have also taken into account the fact that you have, prior to committing the offences for which I must sentence you, given false information to other employers or prospective employers. Again, I do not sentence you for that. I have taken it into account as part of your general background.

While your deceitful conduct may well have been easily discovered had appropriate and prompt checks been made, I do not regard your conduct as being without some sophistication. You plainly planned some of it and some of it was planned with your brother.

You are a 46-year-old woman, who was 44 at the time of this offending. You had a dysfunctional and a very sad childhood. Your mother was only 15 when you were born. Your father abandoned you when you were an infant. Your mother later had another child, your brother, to whom I have already referred. The two of you were neglected as children, sometimes being put into the care of others because your mother, who was promiscuous and alcoholic, was unable to care for you properly. Your grandparents did what they could for you but your grandmother died when you were only four.

During your childhood you were sexually abused by male friends or acquaintances of your mother. I accept that that was serious and sustained abuse.

You did sufficiently well at school to be able to enrol for university but you did not continue your university studies.

You have had a number of significant relationships. By your first partner you had two sons, now aged about 20 and 18. After the breakdown of that relationship, you began a relationship with, and then married, a man named Danny. You and he were living in Canada. With him you had two daughters now aged about 14 and 12. They remain in Canada but you keep in touch with them.

You have been in a stable relationship with your present partner for many years.

I accept that you have suffered from severe mental health problems for a long time. When you were 16 your grandfather died and shortly thereafter you were diagnosed with depression, but it seems that you were not treated for it, at least not medicated. On your return from Canada, after the breakdown of your relationship with your then husband Danny, you spent three weeks in hospital owing to a breakdown in your mental health. You have been diagnosed with bipolar disorder, a condition from which I accept you have suffered for many years.

In sentencing you I have taken into account those mental health difficulties. I emphasise though, and you do not dispute this, that your mental health problems were not in any way causative of the offending before me.

You do not have a serious criminal history. There is a conviction for fraud more than 25 years ago. That was a minor matter. You have also a number of motor vehicle offences.

In my view, both general and personal deterrence remain important in your case.

I note that you are now medically well managed. You are taking medication and your mental health is stable.

This is serious offending. You fraudulently obtained employment for which you were paid a large salary, and in the course of which you may have had access to sensitive material.

Owing to the timing of your pleas, you are entitled to a discount of up to 30%. There has been a long delay in my sentencing you. I first heard sentencing submissions in November last year. But, during the course of those submissions, it became apparent from the medical material then before me that your pleas of guilty may have been inconsistent with the submissions being put. Thereafter, you saw doctors in Western Australia but the difficulties with your former counsel's submissions were not resolved. Eventually you saw Dr Raeside here in Adelaide. His report was not before me, but that is not to the point. Mr Christey, who then appeared for you, made it plain in his clear and helpful submissions that your bipolar disorder was in no way the cause of your offending. Although there had been a long delay I cannot, and do not, attribute it to fault on your part. I give you the full discount of 30%.

Had I fixed separate sentences I would have allowed significant partial concurrence for counts 1, 2 and 3 and would have allowed some but less significant partial concurrency of the sentence on count 5.

But for your pleas of guilty, I would have sentenced you to imprisonment for three years. The sentence of the court is that you be imprisoned for 25 months and six days.

Bearing in mind your mental health problems for many years, I fix a non-parole period lower than I otherwise would have. I fix a non-parole period of 12 months. The head sentence and the non-parole period are to begin today.

ADJOURNED 2.13 P.M.