

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**

(Criminal Jurisdiction)

Criminal Case No. 122 of 2009

PUBLIC PROSECUTOR

-V-

VANESSA LINI

Coram: Justice N. R. DAWSON

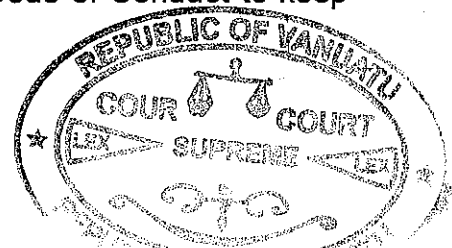
Date of Sentence: 15th December, 2009

Counsel: Mr. L. Malantugun for Public Prosecutor

Mr. E. Nalyal for Accused

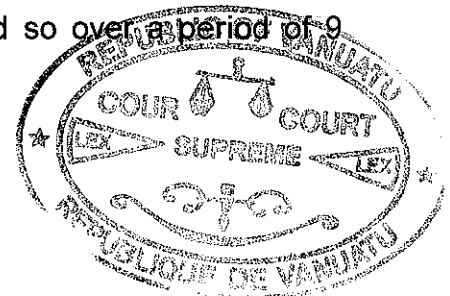
SENTENCE

1. Mrs. Lini you appear in Court today for sentencing on two charges. The first the charge of Theft which has a maximum sentence of 12 years imprisonment. The second is a charge of Obtaining Money by Deception which also has a maximum sentence of imprisonment for 12 years for that offence also.
2. I note that you are 31 years of age and you have three children aged between the age of 3 and 9 years of age. The facts relating to your offending are this. You were a bank officer at the Westpac Banking Corporation in Port Vila and for 3 years you were an International Support Officer. You were then appointed and promoted to the position of Investigation Officer where you worked for a further 1 ½ years. You therefore worked with the Westpac Bank for a total of 5 years. When you began working with the bank, you were briefed as to the bank's Code of Conduct which requires honesty and integrity and you were given you own personal copy of that Code of Conduct to keep



for yourself and to read. You were obviously a very respected officer within the bank because of your work ethic and your ability while you were working at the bank. That led to your being promoted to a senior position with a better salary and you also received bonuses for your work. However you used your position as an Investigation Officer to divert money into a joint account belonging to you and your husband. On the first occasion you transferred VT 10,677,603 to that joint account and on another occasion you transferred from another account VT 302,939. You also deposited VT 600,000 to an account of your mother's. When the allegations of your fraudulent activities were put to you, you acknowledged them to the authorities.

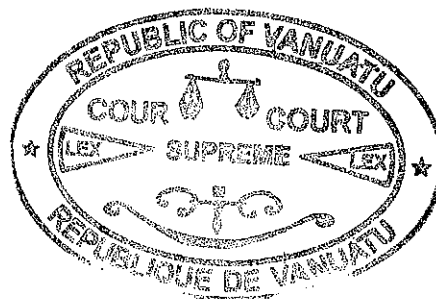
3. I note that you have no previous convictions on your record whatsoever. I have received submissions from the prosecution and also from your defence counsel which I have read and I have also seen and read the probation report that has been prepared on your behalf.
4. In sentencing you it is necessary to denounce your behaviour. You behaved very badly to the employer who trusted you. A sentence needs to be imposed that will act as a deterrent. I make it very clear to you that this sort of offending cannot be tolerated and also to sent a message to other people that they cannot behave in this way. Your sentence needs to reflect the particular gravity of your offending which involved over VT 11,000,000 being stolen by you. You are entirely responsible for your offending. You had no one assisting you. You did it all yourself.
5. The aggravating features include the abuse of trust and authority that you indulged in by taking advantage of your employer in order to steal this money. There was clearly a considerable degree of premeditation and planning in your offending as the offending had a degree of sophistication about it which only a person in your position would have been able to use to your own benefit. You also offended more than once and did so over a period of 9 months.



6. In mitigation you entered guilty pleas at an early stage and you also cooperated with the police and authorities once your offending was discovered. You have also previously been a person of good character and you had no previous convictions on your record. You have also offered compensation but you have not yet been able to make any payments. I am now informed this morning that you have been working for the last 3 weeks but you have not made any contact with Westpac to arrange any compensation payments.

7. Your probation report says that you say it was your own lust of money that manipulated you to offend and that you sorry for what you did but it does note that you minimize the seriousness of your offending by saying that the money you took was spent on families and your community when they needed money and you also seemed to be blaming your employers by saying they knew there was money in your account and they should have known about the transactions which were made and should have done something earlier. Mrs. Lini you cannot blame your employers. They trusted you to do that work and you abused that trust. The fault is entirely yours, not theirs. The report notes that she was having a medium risk of offending given the fact that you have minimized the seriousness of your offences.

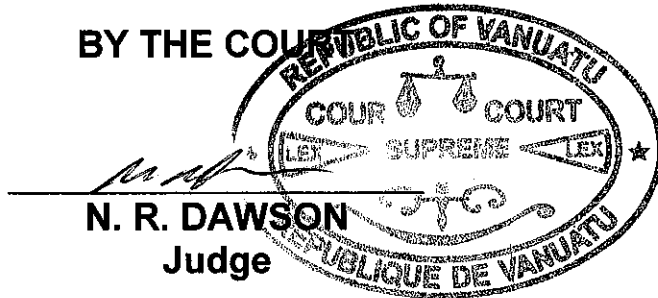
8. Mrs. Lini you are obviously an intelligent person. You had a very good job which you were able to do very well and you appeared to be a respected person in your own community. But that has now all been lost because of your greed and your dishonesty. You cannot blame anyone else. You made the decisions and you did this yourself. Given the amounts that you stole and the gravity of your offending imprisonment is the inevitable result for sentencing you today.



9. I have taken into account the terms suggested by both prosecutor and your defence counsel. In my view the appropriate starting point for your offending after taking into account the aggravating factors is a term of imprisonment of 5 years. I take into account the mitigating factors I have mentioned and you are convicted and sentenced to a term of imprisonment of 3 years on both charges to be served concurrently. That means you have a total of 3 years imprisonment to be served for both offences.
10. You have the right to appeal this sentence. For any appeal you must lodge a notice of appeal within 14 days of today's date.

Dated at Port Vila, this 15th day of December, 2009

BY THE COURT



N. R. Dawson
N. R. DAWSON
Judge