

False Representation

s.29B (Cth) Crimes Act 1914

s 29B Impose or endeavour to impose upon the Commonwealth or any public authority under the Commonwealth by any untrue representation, made in any manner whatsoever, with a view to obtain money or any other benefit or advantage

Maximum Penalty: 2 years

Repealed: 24.5.2001

	Case (age if known)	Offence	Amount	Plea	Record	Sentence	Appeal	Facts
1.	Winchester (1992) 58 A Crim R 345	s.29B	\$24,586.80	PG	no record for SS fraud	MT 12m AT 4m	AA 12 GBB CSO would have been appropriate but already served one month	Female - continued to collect supporting parents benefits - Nov 1984 - Dec 1987
2.	Hull NSWCCA 14.10.1994	3 x s.29B	\$76,000	PG	nil	3y released on recog after 18m	AA 12m PD.	Female - overpayment of pensions - failure to notify changes - no use of false names Repayment being made through pension and mortgage on the house – age - tragic history with government institutions and health
3.	Godbier NSWCCA 27.3.1997	3 x s.29B	\$40,224	PG	False pretences	6m PD	AD	Receipt of unemployment and sickness benefits over 7 years – failed to mention wife's employment Ill health
4.	Herrera NSWCCA 6.6.1997	11 x s.29B	\$90,073	VG	Priors, include stealing	2y 3m NPP 15m	AD	Receipt of social security benefits over 7 years in 3 names Mother of 4y son - suffering depression and anxiety disorder.

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5.	Redden (77) Redden (female) (74) NSWCCA 18.7.1997	s.29B s.29B		PG	nil	4y GBB \$12,000 fine 4y GBB \$12,000 fine	Crown AD.	Elderly couple – received service pensions from Dept Veterans Affairs over 10 years - non-disclosure of interest in property Full restitution - ill health of wife.
6.	Karaiskakis (30) NSWCCA 3.4.1998	29 x s.29B	\$226,971	PG	nil	14m released on recog after 2m	AD	Used position and knowledge as tax auditor to obtain false tax refunds - opened false bank account. All money recovered - good subjective features - young daughter suffering serious illness
7.	Molesworth (68) [1999] NSWCCA 43	7 x s.29B	\$73 327.32	PG		18m NPP 12m	AD	Received widow's pension while employed and falsified records. Motivated by gambling addiction and break up of destructive marriage – lonely - no likelihood of making full reparation.
8.	Hart (74) [1999] NSWCCA 204	s.29B	\$75,597	PG	similar offence	300h CSO	Crown AD (exceptional medical condition of appellant)	Female - failed to declare receipt of husband's superannuation payments after his death - continued to receive pension - overpayments made over ten years – Non-disclosure less serious than positive misrepresentation Suffering poor health
9.	Lopez (22) [1999] NSWCCA 245	4 x s.29B	\$23,891.66	PG		6m	AA 18m PD (1m PSC)	In receipt of two social security payments over 4 year period - needed money to bring wife out from Peru - stopped claiming second payment 12 months prior to being discovered. Arrangement made to repay money from salary - contrition and remorse - delay in proceedings.
10.	White (23) [2001] NSWCCA 343	5 x s.29B	\$41,179	PG (20%)	nil	18m NPP 9m	AA FT 2m 3w (already served) PD 15m NPP 6m	Claimed and received differing benefits from DSS to which she was not entitled in her mother's name. Good character - repaying debt to Cth - single mother of child - hardship to child

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11.	Thompson (2002) 130 A Crim R 24 [2002] NSWCCA 149	36 x s.29B	\$20,190	VG		3y 9m NPP 2y 6m	AA To rearrange sentences - total sentence retained	Administrative officer of Centrelink fraudulently obtained money over 4 months. Bad health of wife and offender
12.	Higgins (35) (2002) 133 A Crim R 385 [2002] NSWCCA 407	3 x s.29B	\$52,599.26	PG	record for drugs and dishonesty	18m released on recog after 6m	AA 6m 12m recog (cumulative)	Collected benefits over 5 years - used assumed names and false documentation Suffering HIV
13.	Hunt [2002] NSWCCA 482	2 x s.29B	\$30,354.06	PG	fraud, stealing, assault	PD 2y NPP 18m	Crown AD	Used false particulars to obtain Newstart Allowance - received \$23,669.60 over three years whilst receiving valid Disability Support Pension – received \$7,864.46 over nine months under similar circumstances.
14.	Sanchet v DPP [2006] NSWCCA 291	40 x s.29B 21 x s.135.1(5) (Cth) <i>Criminal Code</i> [5y]	\$402,967	PG (1/3 plea and assist)		6y NPP 4y	AD	High degree of planning and sophistication – offences committed over four years using 22 false identities Traumatic background – Kuwaiti – suffering PTSD and depression - assistance

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15.	McGuiness (60) [2008] NSWCCA 80	s.29B 3 x s.29B s.135.1(5) (Cth) <i>Criminal Code</i> [5y] s.135.1(5) (Cth) <i>Criminal Code</i> [5y] s.135.1(5) (Cth) <i>Criminal Code</i> [5y]	\$55,132	PG (20%)	Nil	9m 3m 3m 9m 12m <u>Total:</u> 2y Released to recog after 10m	AA 6m 3m 3m 6m 9m <u>Total:</u> 12m Released to recog after 4m 20d (immed)	Received partner allowance over 6 years without disclosing part time employment – included falsely signing document Husband sentenced for related offences – poor health – all money repaid by appeal – delay in prosecution – money used to support household
16.	Charkawi [2008] NSWCCA 159	2 x s.29B 4 x s.135.1(5) (Cth) <i>Criminal Code</i> [5y]	Over \$106k	PG (10%)	dishonesty	4y NPP 2y 6m	AD	Over 6 years used false identities to obtain social security payments – well-planned. Able to repay \$45k
17.	Ord [2008] NSWCCA 162	3 x s.29B 6 x s.135.1(5) (Cth) <i>Criminal Code</i> [5y]	\$75k	PG		18m released to recog after 10m 2w	AD	Claimed welfare benefits by falsely stating she had care of her children when children were in care of grandparents. Care of young child at time of sentence – no longer drug dependent.
18.	Yarak [2008] NSWCCA 298	3 x s.29B 3 x s.135.1(5) (Cth) <i>Criminal Code</i> [5y]	\$75k	PG (25%)	Nil	2y released on recog after 15m	AD	Over 7y period claimed single parenting payments whilst employed full-time. Care of young child at time of sentence.
19.	Ivanovic (53-58) [2009] NSWCCA 28	4 x s.29B 3 x s.135.1(5) (Cth) <i>Criminal Code</i> [5y]	\$49,012.64	PG	Dishonesty	2y 9m released to recog after 12m	AD	Received pensions over 5y period while employed or in receipt of other pension or workers compensation payments Physical disabilities - reparation

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Last updated: Dec 2017

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