

## Perjury

### s.327 (NSW) Crimes Act

**327 Make any false statement on oath in, or in connection with, any judicial proceeding concerning any matter which is material to the proceeding, knowing the statement to be false or not believing it to be true**

**Maximum Penalty: 10 years**

**Maximum Penalty: 14 years (if offence committed intending to procure a conviction or acquittal of any person of a serious indictable offence: s.328)**

	Case (age if known)	Offence	Plea	Sentence	Appeal	Record	Facts
1.	<b>Fish</b> (28 at offence – 37 at appeal)	s.327 [10y]	VG	20m NPP 12m	AA 20m NPP 6m	Nil	Off duty police officers involved in brawl with young men – at police station young men brutally assaulted by police officers bring struck by batons as they left van – both offenders gave false evidence at Court hearings denying assaults occurred Fish – female – excellent work record – good character - difficult personal life – delay – depression – protective custody – gave evidence to protect husband (Langton) and avoid violence at home Swan: - war service in Vietnam – excellent work record – married with children - suffering PTSD – protective custody - delay
	<b>Swan</b> (42 at offences – 52 at sentence)  (2002)131 A Crim R 172 <a href="#">[2002] NSWCCA 196</a>  Co-offender: LANGTON	2 x s.327 [10y]	VG	<u>Total:</u> 2y 8m NPP 2y	<u>Total:</u> 1y 10m NPP 1y 2m	nil	
2.	<b>Treglia</b> (21 – 28 at appeal) <a href="#">[2002] NSWCCA 338</a>	s.327 [10y]	PG (20%)	4y NPP 3y	AA 3y NPP 18m	Record not detailed	Gave evidence and called witnesses supporting alibi at trial for home invasion – acquitted – premeditated and perpetuated in trial for serious offences Some progress in rehabilitation

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	Case (age if known)	Offence	Plea	Sentence	Appeal	Record	Facts
3.	<b>Langton</b> <a href="#">[2002] NSWCCA 382</a>  Co-offenders: FISH SWAN	s.327 [10y]  s.327 [10y]  Affray  3 x Assault	PG	2y NPP 18m  2y NPP 18m  FT 2y  FT 12m  <u>Total:</u> 3y 6m NPP 3y	AA 18m NPP 6m  18m NPP 3m  FT 2y  FT 12m  <u>Total:</u> 3y 6m NPP 2y 3m	Nil priors – subsequent offence of assault not taken into account on sentence	Off duty police officer involved in brawl with young men – three victims assaulted by offender and other police at station - struck by batons as they left van – later punched repeatedly – gave false evidence at Local Court hearing and District Court appeal denying assaults Reduction of 4 months for significant delay On appeal: erred in making sentences for perjury offences cumulative but also erred in making affray sentence concurrent – total NPP excessive
4.	<b>Mahoney</b> (40) <a href="#">[2004] NSWCCA 138</a>	s.327 / 328 [14y]  s.327 / 328 [14y]	PG (25%)	FT 12m  FT 15m (concurrent)	Crown AA 18m NPP 9m  2y NPP 12m  (concurrent to each other but cumulative to existing sentence)	Minor offences – supply comm qty prohibited drug	Gave false evidence at trial for supply and manufacture prohibited drug offence – when first trial aborted gave false evidence again at second trial On appeal: error in making sentences concurrent with existing sentence
5.	<b>Einfeld</b> (2010) 200 A Crim R 1 <a href="#">[2010] NSWCCA 87</a>	Pervert course of justice: s.319  s.327 [10y]	PG (12.5%)	2y 3m NPP 15m  21m NPP 14m  <u>Total:</u> 3y NPP 2y	AD		Offender's car recorded by speed camera – gave evidence in Local Court denying he had been driving: s.327 – when giving evidence identified another person as driver of car – person nominated was deceased – provided written statement to police which was false in number of particulars: s.319 Former barrister and Judge – status and experience rendered offences more serious

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6.	King <a href="#">[2011] NSWCCA 274</a>	Pervert course of justice: s.319  s.327 [10y]	PG (10%)  (25%)	16m NPP 12m  FT 12m  <u>Total:</u> 2y 3m 1y 11m 3 weeks	AD	B&E, malicious damage, larceny, arson	Convicted of arson offence – claimed brother's death affecting him at time of arson offence – brother had died after arson – falsified newspaper report in respect of date of brother's death – immature attempt to get undeserved sympathy for offence of real gravity – not designed to help him or another to escape conviction – lie easily discovered. Appalling childhood – intellectual functioning at lower end of average.
7.	Hunt (54 at sentence) <a href="#">[2019] NSWCCA 118</a>	s.327 / 328 [14y]  s.327 [10y]  Threaten witness: s.322 [10y]	PG	<u>Indicative:</u> 10y  7y  2y  <u>Aggregate:</u> 12y NPP 9y	AA <u>Indicative:</u> 5y  7y  2y  <u>Aggregate:</u> 8y NPP 6y	Record including for violence	At trial for offences of assault police in execution of duty occasioning actual bodily harm and intimidation lied about reason for being at rural property of victim – acquitted of both charges – lied at subsequent civil proceedings in relation to charges and paid two men to give false corroborating evidence – received \$300,000 payout – made threats to sister that Rebel bikies would be waiting for her if she consulted solicitor over her son's desire to withdraw statements made in support of offender's false version – deliberate attempt to pervert administration of justice over several years – threaten witness offence towards bottom of scale because not believed by sister Difficult childhood including sexual abuse – long term psychiatric illnesses – substance abuse – physical health issues On appeal: error in assessment of first perjury offence – seriousness of substantive offence relevant to assessment of perjury offence
8.	Mehajer <a href="#">[2022] NSWCCA 240</a>	2 x Pervert course of justice: s.319  s.327 [10y]	VG	<u>Indicative</u> 2y 6m / 2y  1y  <u>Aggregate</u> 3y 6m NPP 2y 3m	AD	Record although offences not stated – on bail and bonds.	Tried to secure bail conditions in court proceedings under false pretences to further business interests - swearing and use of false affidavit - provided false information as to circumstances of employment - made false statement on oath about his employment - significant planning and preparation of documentation. Requires long-term mental health treatment – special circumstances - high media profile – protective custody - depression and anxiety.

Last updated: Apr 2023

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