Fraud

s.192E(1) (NSW) *Crimes Act*

192E(1) A person who, by any deception, dishonestly:

(a) obtains property belonging to another, or

(b) obtains any financial advantage or causes any financial disadvantage,

is guilty of the offence of fraud.

Maximum penalty: **10 years**

Commenced: **22.2.2010**

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
1.	**Matthews** [2014] NSWCCA 185	2 x s.192E(1)(b) Sched: 2 x s.192E(1)(b)	total approx $1200	PG (25%)	2y 4m NPP 1y 9m Total: 2y 9m 13d NPP 2y 2m 13d	AA 2y NPP 12m Total: 2y 3m NPP 1y 3m	bad record – breached parole	Used credit cards in other people's names to purchase goods – unsophisticated and little planning On appeal – SJ erred in making correction to starting date and increasing total sentence by 2 months and 13 days – original sentence manifestly excessive
2.	**Tweedie** (27) [2015] NSWCCA 71	27 x s.192E(1)(a) 4 x Att s.192E(1)(a) Larceny s.166 certificate: 7 x GIC	$25,000-$30,000	PG (25%)	Indicative: 1y 6m / 2y 1y 6m / 2y 1y 4m 2w Aggregate: 4y NPP 3y	AD	lengthy – driving, drugs and violence – breached parole	Male used stolen credit cards over six weeks to purchase or attempt to purchase goods from retail outlets – found in possession of stolen credit cards and stolen goods – stole wallet from bag in doctors surgery - systematic, frequent and fraudulent use of stolen credit cards Rejected evidence of remorse On appeal: sentence not unjust or unreasonable

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
3.	**Zhao** [2016] NSWCCA 179	s.192E(1)(b) Sched: s.192E(1)(b)	$US 730,733 $US 190,224	PG (10%)	3y NPP 20m	AD	nil	Female – involved in complex fraud of overseas company in business dealings over several months – multiple false identities – considerable planning and sophistication – high degree of dishonesty Dependant 2y child – remorse – special circumstances
4.	**Holloway** (54) [2017] NSWCCA 17	10 x s.192E(1)(b)	$269,291	VG	4y NPP 2y 6m	AD	nil	CEO of Australian branch of British company created false invoices over 10 months and had company pay cash – money went to offender's account although may not have been sole beneficiary – acquitted of 69 charges under s.176A for similar conduct in the preceding years – breach of trust – degree of planning – mid-range Health problems On appeal: verdicts not inconsistent – sentence not excessive
5.	**Johnston** (40 at sentence) [2017] NSWCCA 53	s.192E(1)(b)	$1.257m	PG (25%)	6y 6m NPP 4y	AD	Nil	Senior accountant for mining company – made 156 false invoices over three years Gambling addiction – some reparation – undertaken rehabilitation program
6.	**Siwek** (70) [2017] NSWCCA 178	5 x s.192E(1)(b) 4 x s.178BA(1) *[5y]* Sched: 3 x s.178BA	$1.7 million	PG	Aggregate 6y NPP 3y 8m	AD	Nil	2005 – 2012: offences committed over period of 9 years - worked as accounting manager with multi-national corporation based in America which banked with Australian bank – entrusted with task of sending electronic funds transfers - transferred funds to bank account to which he had access - breach of trust. Good character – gambling addiction – repaid $450k

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7.	**Ngati** (31) [2018] NSWCCA 32	4 x s.192E AOABH Possess unreg firearm	$2400	VG PG PG	2y 8m NPP 2y 12m 2y 8m NPP 2y Aggregate: 6y 6m NPP 5y	AD	Extensive	Involved in using card taken from victim by co-offenders to withdraw cash from ATM on four occasions – on unrelated occasion involved in assault on victim with two others – punched victim in neck and head – firearm found during search of house – fraud offences at lower end of scale Prospects of rehabilitation low –married with four children
8.	**Clinton** (74) [2018] NSWCCA 66	7 x s 192E(1)(b) s.178BA *[5y]* s.254 *[10y]* Sched: 19 offences	$299,000	PG (30% plea and assist)	Indicative: 13m – 3y 13m 3y 6m Aggregate: 5y 8m MPP 3y 9m	AD	Dishonesty	2008 – 2014: joint criminal enterprise with co-offender - acting as business adviser, obtained personal and financial details from clients seeking finance – passed information to co-offender - used to submit fraudulent applications to financial institutions – obtained credit card accounts and loans, created number of businesses and obtained business banking accounts – obtained over $1 million - $299,000 to offender - repetitive and regular offending involving sophisticated and planned acquisition of credit cards, personal loans and mortgage funds - below mid-range Age – ill-health
9.	**Woods** [2018] NSWCCA 261	s.192E(1)(b)	$809,510	PG (25%)	5y NPP 3y	AD		Female – employee in charge of payments to sub-contractors in large transport and warehouse company – 155 fraudulent transactions over 5 years – significant position of trust – planning and forethought
10.	**Richards** (47) [2019] NSWCCA 199	2 x s.192E(1)(b) Breach of bond for dishonesty offence	$457,704.26 $31,040	PG (25%)	Aggregate: 5y 3m NPP 3y 6m 6m (concurrent)	AD	record for dishonesty offences – breached bond	Female – 2012-2016 - worked as bookkeeper for owner of gymnastics business – subcontractor – took over financial side of business and moved money into own account and account of friend – breach of trust – substantial harm to victim No attempt to repay money – no remorse – evidence of childhood sexual abuse, gambling and depression provided limited mitigation

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11.	**Whyte** (33-40) [2019] NSWCCA 218	8 x s.178BA *[5y]* 19 x s.192E(1)(b)	$2.906m	VG	Aggregate: 11y NPP 6y 6m	AA Aggregate: 10y NPP 6y 6m	nil	Female – trusted office administrator of family business – close relationship with family – instructed customers to make payments to personal account over 7 years – sophisticated and significant degree of planning – gross abuse of trust – mid range Mother of two daughters – conduct of trial a mitigating factor under s.22A – special circumstances On appeal – judge erred in finding motivation of financial gain an aggravating factor
12.	**Raine** [2020] NSWCCA 32	s.192E(1)(b) Sched: possess 0.11g meth	$682,923	PG (25%)	3y 6m NPP 2y 4m	AD	minor and irrelevant	Employee of Tabcorp used knowledge and access to computer to duplicate unclaimed tickets and claim winnings – abuse of trust – Jan 2013-July 2016 – worked with wife although more culpable – financial gain – sophisticated and well thought out fraud – mid-range
13.	**Robinson** (52-3) [2020] NSWCCA 41	s.192E(1)(b)	$515,905	PG (25%)	6y NPP 3y 10m	AA 4y 6m NPP 2y 10m	extensive – all Local Court matters – breached conditional liberty	Over 8.5 months obtained $515,905 in loans from pawn broking business in 120 transactions – falsely represented was to receive million dollar payout for asbestos claim – never made claim – arranged for 'solicitor' to verify claim – series of criminal acts – upper mid-range Contrition and remorse – limited prospects of rehabilitation – Aboriginal male with stable background - ongoing serious health issues related to loss of eye to cancer – mental health issues – developed alcohol addiction after loss of eldest child On appeal – sentence manifestly excessive in view of finding of mid-range seriousness
14.	**PC** (37) [2020] NSWCCA 147	11 x s.192E(1)(b) Sched: 10 x s.192E(1)(b)	$4.6m	PG (35% combined)	Aggregate: 12y NPP 8y	AD	Record for similar offences – current offences committed while on parole and bail	Over 2.5 years obtained money from friends and acquaintances falsely representing he would make investments - $3.6m unaccounted for – breach of trust – use of false documents Guarded prospects of rehabilitation On appeal: error in failure to distinguish between individual offences for indicative sentences – no lesser sentence warranted

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15.	**Singh** (23-26) [2020] NSWCCA 353	3 x s.192E(1)(b)	$3,286,125	PG	Aggregate 6y NPP 4y	AD	Nil	Defrauded company over 3y period between 2013 and 2016 - employed as assistant accountant. Premeditation, degree of sophistication and major breach of trust.
16.	**Abellanoza** [2021] NSWCCA 4	4 x s.192E(1)(b) s.193B(1) 2 x s.193B(2) Sched: 3 x s.192E(1)(b)	$3,739,773 $130,135 $61,000 & $119,975	PG (25%)	Aggregate 8y NPP 5y	AD	Nil	Female – 2010-2018 - worked for travel company as a branch accounting supervisor - amended bank account details of certain payees of company to accounts under her control – withdrew money in cash – proceeds of crime offences involved cash withdrawals to enhance applicant's lifestyle and also transacted through gaming machines after which cheques for "winnings" deposited into bank accounts under applicant's control - gross breach of position and trust – planning and organisation - duration, repeated nature, and reasonable complexity of frauds Good character – anxiety, major depressive and gambling disorder
17.	**McLaren** (41-47) [2021] NSWCCA 12	17 x s.192E(1)(b) s.193B(2) Proceeds of crime	$7.6m	PG (25%)	Aggregate: 16y NPP 12y 7y 6m (concurrent)	AA Aggregate: 12y NPP 9y 7y 6m (concurrent)	Nil	2010-2017 - defrauded 15 victims – took money for investment on false representations – failed to invest money as agreed upon – used false documents and multiple bank accounts – motivated by greed - offending across very broad mid-range, some at very top of range and some at lower end Family estrangement – employment record On appeal: unbalanced approach resulted in manifestly excessive sentence

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
18.	**Edelbi** (28-30) [2021] NSWCCA 122	Participate in criminal group: s.93T(1) *[5y]* 5 x Dishonestly make false statement: s.192G(b) *[5y]* 5 x s.192E(1)(b) Sched: 10 x s.192G(b)	Total claims $46,060 – total money obtained $33,000	PG (combined 45%)	Aggregate 3y NPP 2y	AA 1y 11m ICO (taking into account 13m custody)	nil	Owners and directors of physiotherapy business made fraudulent insurance claims over 2 years – used false invoices and false appointment records – 'sustained period of deception … a sophisticated scheme' – representative counts – breach of trust – offender managed financial accounts – around mid-range offending Mental health issues – remorse – good prospects of rehabilitation – assistance On appeal – failure to consider ICO – risk of re-offending best addressed by ICO
19.	**Cordoba** [2021] NSWCCA 144	2 x.s192E(1)(b) s.166 certificate: Give false / misleading evidence at public inquiry Sched: 1 offence	$1.7 million	PG (15%)	Aggregate 8y NPP 6y	AD	Dishonesty	Multiple offences occurred over 7 months – held senior manager position in educational institution with procurement responsibilities – set up own company - raised purchase orders and approved payments to himself - 50 purchase orders and payments - second offence charged another company $50k. Breach of trust – significant planning and sophistication - on significant personal income - used funds in part to purchase second property
20.	**Toller** (47) [2021] NSWCCA 204	14 x s.192E(1)(b)	$1,744,220	PG (not stated)	Aggregate 8y NPP 5y	AD	Driving. On CSO and bond.	2014–2017 - defrauded 14 victims, some elderly – induced victims to invest with service – money used for personal and gambling purposes – created false brochures, contracts and statements showing high returns – considerable planning and organisation – victims suffered substantial losses.
21.	**Ristevski** [2022] NSWCCA 38	3 x s.192E(1)(b) 3 x Larceny: s.117 Sched: 15 x s.192E(1)(b); 3 offences		PG (25%)	Aggregate 4y NPP 3y	AD	Prior record related to drug problem - on bail.	July 2019 - stole purses and handbags of shoppers at various supermarket locations – used credits cards and/or sums of cash to purchase items including prepaid Visa and Mastercards, tobacco and lottery products. CCA: failure to consider remorse and contrition – no lesser sentence warranted

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22.	**Kareem** [2022] NSWCCA 188	s.192E(1)(b) s.192E(1)(b) s.193D(1)	$663,090	PG (10%)	Indicative 3y 9m 1y 11m 2y 8m Aggregate 4y NPP 2y 4m	AA Indicative 3y 1y 8m 2y 3m Aggregate 3y 7m NPP 2y	Nil	2013-2017 - with co-offender engaged in joint criminal enterprise to defraud ANZ Bank - scheme established by co-offender - involved creating false identities to apply for loans and credit cards - lesser role – co-offender set up false accounts and made applications for loans and credit cards Professional accountant – motivated by greed CCA: error in sentencing based on material contained in co-offender's agreed facts Remorse – special circumstances – young family
23.	**O'Brien** (late 30's) [2022] NSWCCA 234	3 x s.192E(1)(b) Sched: 4 offences	$800,000	PG (5%)	Aggregate 5y 6m NPP 3y 6m	AD	Nil in Australia - significant history and imprisonment overseas.	Pretended to be qualified tradesman - purported to complete 'home repairs' that were defective; in some cases - rectification works cost hundreds of thousands of dollars - seven victims, most elderly and vulnerable; one victim lost her home Drug and alcohol problems – disabled son suffers spina bifida - struggled to support family - some money obtained from offending went towards support of family
24.	**Carnaby** (68) [2022] NSWCCA 250	15 x s.192E(1)(b) 4 x recruit another to assist in criminal activity: s.351A(1)	$2.56 million	VG	Indicative: 2y – 3y 6m 2y 6m Aggregate 9y 9m NPP 5y 5m	AD	Similar offences of dishonesty.	Applied for finance for himself and third parties to purchase luxury motor vehicles - applications to finance companies made on basis of false documents - obtained credit / fraudulent loans of $2.56 million– recruited persons to assist in criminal activity – total loss to finance companies $2.29 million – offences over 3 years - significant planning and sophistication – motivated by greed, gambling and status. Special circumstances - advanced age, ill-health - prospects of rehabilitation guarded

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25.	**Kapua** (35) [2023] NSWCCA 14	6 x Att s.192E(1)(b) 2 x s.192E(1)(a) s.192C(2) Sched: 2 offences	Over $1.37m $8,903	PG (25%)	Indicative: 18m – 3y 6m 6m / 12m 6m Aggregate: 6y NPP 4y 3m	AD	Length record in Victoria and NZ including dishonesty – breached CCO	Over four month period used stolen or assumed identities to apply for financial advantage – persistent – some planning –small amount of advantage actually obtained – below mid-range Female – disadvantaged life – Bugmy factors – mental health issues – funding drug use – genuine remorse: On appeal: no error in declining to reduce moral culpability for mental health issues – no error in assessment of seriousness of offences
26.	**Harris** (25) [2023] NSWCCA 44	6 x s.192E(1)(b) 2 x Att s.192E(1)(b)	$60,000	PG (25%)	Indicative 12m 10m Aggregate: 3y NPP 2y	AA Indicative 12m 10m Aggregate: 2y 10m NPP 18m	Fairly lengthy including dishonestly offences	Applied for and received grants for small businesses affected by bushfires – provided false information – two attempts unsuccessful – motivated by greed – degree of sophistication and planning Difficult and disadvantaged childhood On appeal: failed to advert to effect of existing sentence on sentence ratio
27.	**Kelly** (29-34) [2023] NSWCCA 104	31 x s.192E(1)(b) Sched: 59 x s.192E(1)(b)	$6.7m	PG (25%)	Aggregate: 13y NPP 8y	AD	nil	Sustained course of fraudulent misconduct over 5y involving 90 victims and $6.7m – employee of investment company used false documents and forged signatures to have unclaimed money paid into bank accounts controlled by offender Prior good character On appeal: inconsistencies in indicative sentences do not undermine appropriateness of aggregate sentence

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28.	**Baydoun** (29) [2024] NSWCCA 65	4 x s.192E 2 x s.192E (Cth offences) Dishonestly deal with information: s.480.4 *Criminal Code* Use carriage service to menace: s.474.14 *Criminal Code* Contravene order under s.3LA(6) *Crimes Act*	$162k	PG (15%)	Indicative 9m 12m Aggregate 2y 3m Cth offences: Aggregate 1y 3m Total: 3y 3m NPP 2y	AA Aggregate sentences confirmed but indicative sentence for State offences backdated for pre-sentence custody.	Limited.	Used encrypted messaging application (Telegram) to communicate with person with username "The Russian" - The Russian provided offender with passwords and login details for bank accounts of victims - offender made withdrawal (or attempted withdrawal) of $162k from accounts of six victims - called victims' banks to set up new "two factor" authentication, locking out victims from accounts - identity theft. Remorse. CCA: SJ failed to make finding on objective seriousness for s.3LA(6) offence – error as to discount for plea guilty – no lesser sentence warranted on re-sentence – sentence backdated to take into account 3 days pre-sentence custody
29.	**Martino** [2024] NSWCCA 93	s.192E(1)(b) Sched: s.192E(1)(b)	$58,005.37	PG (10%)	2y 3m NPP 1y 8m	AD	Offences committed in custody – significant record for fraud and sexual offences	Used identification documents of victim to fraudulently induce superannuation firm to rollover victim's superannuation into offender's account – offences committed while offender serving sentence – amount rolled over in two transactions – planned – moderately serious Limited genuine remorse – prospects of rehabilitation poor – special circumstances

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30.	**Fineff** [2024] NSWCCA 102	12 x s.192E(1)(b)	$3.355m	PG (30%) comb)	Aggregate: 9y NPP 5y 4m	AD	Nil	Financial planner used trusted position and personal relationship to defraud 12 clients over 3y 5m –6 clients aged in 70s and 80s - obtained personal loans from victims to purchase shares – money lost in gambling – grave breach of trust – well planned, deliberate, sophisticated – repeated use of false / misleading documents Difficult childhood – gambling addiction, PTSD and personality disorder – good character – some recovery of money – excellent prospects of rehabilitation
31.	**McInnes** (45-55) [2024] NSWCCA 104	2 x s.192E(1)(b) Sched: s.178BA	$2m	PG (25%)	Indicative 5y 3m 4y 6m Aggregate 7y NPP 4y	AD	False statements with intent to obtain financial advantage, corruptly receiving benefits, attempt obtain money by deception.	Defrauded employer, large company, of over $2 million over 11-year period (August 2007 to October 2018) – employed at senior level as national sales manager – 53 individual fraud offences - sophisticated scheme whereby submitted false invoices for services never provided – monies used for residence, property investment and boat. Difficult to assess prospects of rehabilitation - no clear explanation for actions, other than greed – special circumstances due to heart condition.
32.	**Nosti** (58) [2024] NSWCCA 158	5 x s.192E(1)(b) Sched: 3 x .192E(1)(b)	$6.76m	PG (25%)	Aggregate: 9y NPP 5y 6m	AA Aggregate: 7y 6m NPP 4y 6m		Financial controller and manager of high school – offences over 9-year period (2010-2019) - GST refunds from Taxation Office transferred into applicant's personal accounts – severe gambling addiction – serious but not sophisticated offences – position of trust. Good prospects rehabilitation - unlikely to reoffend. CCA: Error in manner offences on Form 1 documents taken into account – SJ erred in viewing offending as involving total $7.4 million over 14y period

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33.	**Roulstone** (40) [2025] NSWCCA 7	4 x s.192E(1)(b) Sched: 12 x .192E(1)(b)	$1.3m (total $4.8m)	PG (10%)	Aggregate: 7y 6m NPP 5y	AA Aggregate: 6y 6m NPP 4y 3m	Dishonesty	Defrauded victim / friend by asking for money to start swim school business – total amount defrauded $4.8m - motivated by greed; unclear how much money spent on lifestyle or gambling / drug addictions; most funds untraced and none returned to victim - syphoned money into other bank accounts - transferred money into partner's account - funds used for overseas trips and renting apartment. Gambling addiction, substance abuse - personality disorder with narcissistic and borderline features. CCA: Error in using Form 1 offences to determine objective seriousness of offences on indictment.
34.	**Dimitriou** [2025] NSWCCA 18	s.192E	$1,867,491	VG	3y 6m NPP 2y 3m	AD	nil	Co-director of financial services company – caused false information to be submitted to bank in support of loan application – offence committed over three months – calculated and persistent offence – motivated by personal enrichment – loan secured – mid-range Limited weight given to good character in view of nature of offence – low risk of re-offending – reasonable prospects of rehabilitation On appeal: no error in considering use of details from vulnerable client and not finding low risk of reoffending reduced specific deterrence
35.	**Huang** (32) [2025] NSWSC 120 Walton J	Accessory after fact to murder s.192E(1) Sched: s.193B – proceeds of crime Cultivate comm qty cannabis	$50,000	PG (combined 35%)	Indicative 1y 9m 3y 6m Aggregate: 4y 6m NPP 3y 4m		Nil	Member of group involved in cultivation of cannabis on remote farm directed by victim and L – victim fatally choked by L in bedroom on farm – offender called to room and ordered to assist in disposal of body – used excavator to dig hole and transported body by tractor – non-exculpatory duress – six months later responded to victim's family seeking information on social media – after several months obtained $50,000 on promise of information – money never recovered – principal offender Born in China – assistance to authorities in relation to primary offender

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36.	**O'Dwyer** (58) [2025] NSWCCA 95	6 x s.192E(1)(b)	See facts	PG (combined over 40%)	Aggregate: 4y NPP 2y 4m	AD	nil	Sole director of three development companies obtained loan facilities for residential developments – falsely represented pre-sale deposits held without side-agreements - $251m worth of loans - $132,369,000 drawn down to finance construction – obtained financial advantage with no financial loss to lenders – offences committed over five years – intentional acts – unsophisticated Prior good character – remorse – good prospects of rehabilitation – unlikely to re-offend – delay – impact of mental health issues on custody On appeal: no error – not manifestly excessive
37.	**Shortland** [2025] NSWCCA 206	3 x s.192E(1)(b) Threaten witness s.322(a) Sched: 19 offences	$550k $192k $310K	PG (25%)	Aggregate: 7y 4m NPP 4y 8m	AD	Domestic violence, driving. On conditional liberty.	(2014 - 2018) Falsely told three victims he worked as a stockbroker / trader at financial firm – encouraged each victim to invest money - spent money personally – offending over 6 year period – knew victims personally and socially as friends - level of planning and sophistication "conniving and elaborate" - took advantage of vulnerable people. Gambling addiction – difficult upbringing.
38.	**Syed** (49) [2026] NSWCCA 47	6 x s.192E(1)(b)	$182,492	PG (10%)	Aggregate: 4y 9m NPP 2y 10m	AA Aggregate: 3y 9m NPP 2y	nil	(2012 – 2018) Financial controller of company – total misappropriation of $182,492 – transferred sums of money from company accounts into own bank accounts Not genuine remorse. Low risk of reoffending - pro-social" - support of family and community – living a "double life" – special circumstances; depression - reasonably good prospects of rehabilitation – delay. CCA: Error finding as aggravating factor that offender had not voluntarily desisted from offending and that offending continued up until 2019.

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39.	**Walker** [2026] NSWCCA 103	s.192E(1)(b) s.192E(1)(b) Larceny: s.117 Enter with intent: s.111 2 x Fail to appear s.166 Cert: Contravene ADVO Sched: Larceny	$6,383 $10,800	PG (25%)	Indicative: 3y 5y 3m 1y 1m 1y 6m 6m 9m Aggregate: 7y 2m NPP 4y 9m	AD	Considerable – breached conditional liberty	Over six months made 52 fraudulent transactions from partner's bank account totalling $6,383 – while in custody 'arranged' for cellmate to be placed in isolation them made fraudulent claims and threats to sister resulting in payment of $10,800 – degree of sophistication and planning – callous acts over several days Stole jewellery from containers on verandah of granny flat – later entered residence and stole further property – contravened ADVO by contacting or attempting to contact partner over 420 times while in custody – failed to appear at court on two occasions Remorse – guarded prospects of rehabilitation – at risk of institutionalisation On appeal: found indicative sentence for more serious fraud offence excessive in view of amount and period of offending but aggregate sentence not excessive

Last updated: July 2026