

False Verified Statement: s 193

Legislation

193 False verified statements

- (1) A person who makes a verified statement that the person knows is false in a material particular when the person is required by law to make the statement in the form of a verified statement commits a crime.

Maximum penalty—7 years imprisonment.

- (2) The person can not be arrested without a warrant.

- (3) In this section—

verified statement means—

- (a) a statement made on oath or under another sanction that may by law be substituted for an oath; or
- (b) a statement verified by solemn declaration or affirmation.

Commentary

A 'verified statement' means a statement made on oath or other sanction, affirmation or declaration: s 193(1).

The statement must contain a material particular which is false. A particular is material if it was of such significance that it was capable of affecting the decision of a person who would be acting on the statement.

The prosecution does not have to show that the defendant knew that the particular was material, his or her belief in that regard is irrelevant. It is for the judge to decide that issue: *R v Millward* [1985] QB 519; (1985) 80 Cr App R 280; *R v Traino* (1987) 27 A Crim R 271. But see *R v Davies* (1974) 7 SASR 375, in which case there is discussion as to whether the rule appropriate to perjury applies with respect to this particular offence.

The defendant cannot be convicted upon the uncorroborated testimony of one witness: s 195 *Criminal Code*. See also s 195A.

Suggested Direction

The prosecution must prove that:

- 1. On an occasion on which the defendant was making a statement touching on any matter which statement was required by law to be made on oath.**
- 2. The defendant made a statement touching such matter.**
- 3. The statement contained a material particular which was false.**
- 4. A particular is material if it was of such significance that it was capable of affecting the decision of a person who would be acting on the statement. [The trial judge should direct as to whether a particular is material or not.]**
- 5. The defendant knew it was false at the time.**
- 6. The defendant verified the statement on oath etc.**

The defendant cannot be convicted upon the uncorroborated testimony of one witness.