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SUPREME COURT OF VICTORIA — COURT OF CRIMINAL APPEAL**R v SUNDAR****Crockett, O'Bryan and Gray JJ****10 August 1989****SENTENCING – WELFARE FRAUD – AMOUNT OF \$84,122.57 IMPROPERLY OBTAINED – DEFENDANT SENTENCED TO A TERM OF IMPRISONMENT.**

S. appealed against an imprisonment sentence of 4½ years with a minimum of 3 years in respect of improperly obtaining \$84,122.57 in unemployment benefits. In passing sentence in the County Court on 17 May 1989, His Honour Judge Keon-Cohen said:

"Mr Sundar, you have been involved in a crime which, in my view, is abhorrent to every normal civilised decent person in Australia, and that is, ripping off the system. Under four separate names whilst working you have been in receipt of unemployment benefits to the tune of a total of just over \$84,000. The Government is fortunate that you were avaristic enough to save such moneys, for whatever purpose, in that it has been able to recover taxpayers' money spent to your benefit. As is obvious from the comments made during your plea, I regard this offence as particularly distasteful. Nevertheless, there are matters in your favour; you have pleaded guilty: you have had a difficult background and a difficult time. In any event I propose to give you a reduction in your sentence because of your plea of guilty, but I still regard the matter as being of considerable severity. There is very little that can be said in a crime such as this save that this court regards it with abhorrence. I propose to sentence you to a global term of imprisonment, making allowances for the fact that you have pleaded guilty, I propose to sentence you to a term of imprisonment of four and a half years. I fix a minimum of three years before you become eligible for parole".

Upon appeal—

HELD: Application for appeal dismissed.

CROCKETT J: Mr Sundar, we have considered your application, but we want you to know that we do not sit as a Court of Appeal to sentence you afresh. We can merely review the sentence which has been imposed by the Judge and interfere with it only if we think that he has fallen into error, or if we consider that the sentence he has imposed is manifestly excessive. Your complaint about the sentence is that it is too severe, and in those circumstances we have read the material and we have given our attention to the various mitigatory factors that operate in your favour. But having done that, we are unable to say that there is any error on the part of the Judge in his selecting the sentence that he did or that that sentence is manifestly excessive. We have to bear in mind that the offences to which you pleaded guilty were, for the great part, sentences involving imposition upon, or defrauding of, the Commonwealth in connection with what may be described as Social Service fraud. The penalties for that type of fraud are substantial. It is the type offence which it is said is not difficult to commit nor easy to detect, and in the past the courts have taken the view that when detected those offences should be punished severely. In those circumstances, it is quite impossible for us to conclude that the sentence which the Judge did determine as proper was excessive. Accordingly, we find that your application has not been made out and will have to be dismissed.