

Making a false statement to police

Anyone can talk to a lawyer for free at Tasmania Legal Aid.

To get free legal information call 1300 366 611, drop into our Hobart or Launceston office (no appointment necessary) or use the Legal Talk chat function on our website. We are open Monday to Friday, 9am to 5pm.

A lawyer can listen to your story and help identify the next steps you can take.

Telling police something that is not true is a serious crime.

What is a 'false statement'?

An example of a false statement is if you make a complaint to the police about the conduct of another person, and later on, you make a different statement about that same conduct.

Another example might be if you give evidence on oath in court which you do not believe to be true.

In these circumstances, you could be charged with the criminal offence of making a false statement to police, or perjury. Perjury means making a statement in court under oath which you know to be false or do not believe to be true.

If you are convicted of either of these offences, you will not only have a criminal record, you may also have to pay a fine or you may be imprisoned.

What if I make a false statement?

Making a false statement to the police or in court is a serious matter.

In addition to criminal penalties, there are other serious consequences for making a false statement.

- Your evidence may not be accepted in other courts, such as the Family Law Court in children's matters.
- You may not be believed by police when making a report in the future.
- If your false statement relates to family violence or sexual assault, you might make it harder for people to be believed in other cases.
- You could cause another person to unfairly suffer financial or other loss, negative backlash from the community, imprisonment and other penalties for something they have not done.
- You are diverting police and court resources away from cases of genuine need.

What should I do if I have made a false statement to police?

If you have given a false statement to police, you can contact them and say that your earlier statement is not true. Police are likely to insist that you make a new statement setting out that your earlier statement was not true.

Even if you do this, you may still be charged with making a false statement to police. However, the earlier that you tell police about your error of judgement, the more lenient the court may be in deciding a suitable sentence or penalty.

What if I have made a false statement to police and must attend

court?

You must attend court if you receive a witness summons. If you give evidence on oath confirming a false statement made previously, then this compounds the wrong you have committed.

If you are later found guilty of making a false statement, or even perjury, these circumstances will be taken into account in determining your sentence.

If you do not attend court when you have been summonsed as a witness, you may be arrested and brought to court. By not attending court, you may be leaving another person to face the possibility of a false conviction in your absence.

What if I now want to tell the truth in court?

If you must give evidence in court, and you intend to tell the court that your statement to police was false, you should ask the court beforehand for a certificate against self-incrimination under the Evidence Act. Anything you then say in court cannot be used as evidence against you if police decide to charge you with giving a false statement.

What if I pressure someone else to give false evidence in court?

If you put pressure on another person not to give evidence, or to give false evidence, then you may be charged with a serious offence of perverting the course of justice. There is a range of penalties for this offence, including imprisonment.

This is written for people who live in or who are affected by the laws of Tasmania, Australia. The law changes all the time – this information is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.