

Mr Pankiv, you have pleaded guilty to one count of making a false statutory declaration and one count of attempting to dishonestly acquire a financial advantage. In August 2022 you were the owner operator of an apiary business known as North West Apiaries. You held an insurance policy with WFI Insurance in respect to this business. On 26 August 2022 you lost a number of beehives as a consequence of a significant rain event. You made a claim to WFI Insurance on that same day. You were told on 30 August your claim was rejected as the loss was occasioned as a consequence of an act of nature. You received written confirmation of the rejection of the claim on 8 September 2022.

On 10 September 2022 you contacted police and reported that 20 of your beehives had been stolen from a site at Kindred. You subsequently swore a statutory declaration in which you confirmed you had placed 20 beehives at a site at Kindred on 29 August 2022 and when you returned there on 9 September 2022, you found they had been stolen. You said the beehives were valued at \$10,000.

On 12 September 2022 you made a claim to WFI Insurance for this loss. In your claim you advised the 20 beehives had been stolen. You said that each hive was valued at approximately \$500. On 30 September 2022 your claim was referred for investigation by the fraud and investigations department. On 20 October 2022, WFI Insurance arranged for a private investigator to interview you. During that interview you maintained the beehives had been stolen. On 26 October 2022 you withdrew your insurance claim. On 14 February 2023 the insurance company accepted your withdrawal. The private investigator nevertheless advised Tasmania Police as to his concerns pertaining to the legitimacy of the claim.

On 11 March 2023 you were interviewed by police. You initially maintained your account but eventually made admissions. You agreed you did not place the 20 beehives at Kindred. You agreed you made a false claim when you claimed the beehives had been stolen. You said you did it in an endeavour to recoup your loss from the legitimate claim that had been rejected. You said that you lost about \$4,000 when that claim was rejected. You admitted knowing that you had done the wrong thing by swearing the false statutory declaration and making the false insurance claim. During the record of interview you became upset and apologetic.

You are 48 years of age. You have a very limited prior criminal history involving driving and traffic matters. You have no prior convictions for matters of dishonesty. You have a good industrial history. You conduct your apiary business predominantly as a hobby but make some money from it during the January to March season. I am told you took out the insurance policy so that you could access appropriate areas for your hives on a property that was owned by a company. They required you to be insured before they would allow access. When you lost your hives as a result of the heavy rainfall, you were somewhat frustrated by the fact your insurance claim was rejected. You expressed the same to a friend. He suggested that you say the hives had been stolen. You contacted the insurance company and enquired whether in those circumstances a claim would be approved. You were told there would be a need for a police report. It was this that prompted you to report the matter to police.

I note that ultimately you did not pursue the claim with the insurance company, you made full admissions to police at interview and you have pleaded guilty to this matter at a very early

opportunity. I accept that dishonesty is out of character for you, but you did maintain this falsity for a period of time, and in circumstances where it was being questioned. It was not a spontaneous lie but one which you took some time to consider and then adhered to for a period of time. I note your false declaration did not result in any loss to the insurance company but there is nevertheless the need to impress upon both you and others, the inherent importance of being honest in making declarations and claims to insurance companies. False declarations and false claims can cause considerable loss and engage considerable resources during investigation. People who engage in conduct of this nature are nearly always sentenced to imprisonment, not only to punish, but because of the most important need to deter others. In your case, there is a very good reason for me to suspend the period of imprisonment I have determined it is appropriate to impose. I consider, however, there needs to be some immediate impact upon you, so I also impose a fine.

Mr Pankiv, you are convicted on the indictment. You are sentenced to imprisonment for two months, which I wholly suspend for a period of 18 months on condition you commit no offence punishable by imprisonment during that time. You are fined the sum of \$1,000.