



The Law Reform and Sentencing Council Secretariat
Department of Communities and Justice
31 Belvoir St
SURRY HILLS NSW 2010
Email: sentencingcouncil@justice.nsw.gov.au

Friday 11 November 2022

Dear Members of the Sentencing Council,

Re: Review of Fraud and Fraud-Related Offences

Please accept this letter as Domestic Violence NSW's submission in response to the Sentencing Council's call for submissions for fraud and fraud-related offences in New South Wales.

About Domestic Violence NSW

Domestic Violence NSW is the peak body for specialist domestic and family violence services in NSW, providing a representative and advocacy function for over 150 specialist domestic and family violence services and the women, families and communities they support.

Our member services include crisis and refuge services, transitional accommodation and community housing providers, family support services, Aboriginal controlled organisations, specialist Culturally and Linguistically Diverse organisations, specialist homelessness service providers, men's behaviour change programs and networks, community organisations working with high-risk communities, specialist women's legal support services, women's health services, women and children's support services and Safe at Home programs.

Domestic Violence NSW acknowledges that we work on Aboriginal land and pay respect to Elders past, present and emerging. We also acknowledge the adverse impacts of colonisation on Aboriginal and Torres Strait Islander communities and the high rates of violence perpetrated against Aboriginal women and their children.

Fraud and Fraud-Related Offences

Domestic Violence NSW supports the submission of Women's Legal Service NSW in full. Financial abuse is a prominent element of coercive control, with expert groups, such as the Economic Abuse Reference Group (EARG), set up to combat the complex issue.

There are the easily recognisable signs of financial abuse, such as having a victim-survivor's pay deposited directly into the perpetrator's bank account, victim-survivors having no access to their own money without asking permission, and a perpetrator stealing a victim-survivor's cash. However, there are also forms of economic abuse that are harder to recognise. These forms include the victim-survivor being coerced into

committing fraud by the perpetrator, particularly identity offences. Victim-survivors may also commit fraud as a coping mechanism. This may look like committing fraud to pay for alcohol, other drugs, and gambling to numb the pain of their trauma.

We note provisions noting the ways in which victim-survivors can be entrapped by perpetrators have been incorporated into the *Evidence Act 1906 (WA)* and the *Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022 (Qld)*. Domestic Violence NSW supports Women's Legal Service NSW in their calls for domestic and family violence, of which coercive control is the foundation, to be considered in the context of mitigating factors in sentencing for fraud offences.

Domestic Violence NSW agrees to our submission being made public. If you would like to discuss any aspect of this submission, please contact me on (02) 9698 9777 or at ceo@dvnsw.org.au.

Yours sincerely

Delia Donovan
CEO, Domestic Violence NSW