

FINANCIAL FIDELITY

Diva Solutions



INTRODUCTION



I am an advocate, survivor and innovator in the detection, prevention and resolution of this crime that has gone unnoticed for centuries. It is an imbalance of power and the well-planned agenda of another to create a co-dependency that leads to the violation of basic human rights.

WHAT IS FINANCIAL FIDELITY? IT'S NOT COERCION!

Financial fidelity refers to the concept of being faithful, honest, and transparent in financial dealings within a relationship, typically a marriage or a committed partnership. It involves:

1. **Honesty:** Being truthful about income, expenses, debts, and assets.
2. **Transparency:** Openly sharing financial information and decisions with your partner.
3. **Trust:** Maintaining trust by not engaging in financial infidelity, such as hiding purchases, debts, or accounts from your partner.
4. **Shared responsibility:** Making financial decisions together and being accountable to each other.
5. **Respect:** Respecting each other's financial goals, needs, and boundaries.

Financial fidelity is essential for maintaining trust and stability in a relationship. It helps couples work together to manage their money, plan for the future, and avoid financial stress and conflicts. Breaching financial fidelity, often referred to as "financial infidelity," can lead to significant relationship problems and even divorce in some cases. It is Coercion!

UNDERSTANDING THE CRIMES (DOMESTIC AND PERSONAL VIOLENCE) AMENDMENT (COERCIVE CONTROL - PREETHI'S LAW) BILL 2020

That law has now been passed and while it is in its infancy the framework would require further reform.

The legislation, known as "Preethi's Law," was enacted in 2020 by the New South Wales Parliament to address the issue of coercive control within domestic relationships. Named after Preethi Reddy, a dentist tragically murdered by her ex-boyfriend, this law signifies a significant step towards criminalizing such behavior. Coercive control, characterised by manipulative tactics aimed at dominating and subjugating a partner, is now recognized as a criminal offense under this legislation

WHAT IS COERCIVE CONTROL?

Coercive control is a pattern of behaviour where one person tries to dominate and control their partner or ex-partner through intimidation, humiliation, isolation, and other abusive tactics. It's a form of domestic abuse that doesn't necessarily involve physical violence, but it can be just as harmful.

Examples of coercive control include:

- Monitoring someone's activities, communications and finances.
- Isolating them from friends, family and support networks
- Threatening or intimidating them
- Controlling their access to money, transportation, employment and services
- Humiliating and degrading them
- Enforcing strict rules and punishing them for infractions
- Preventing them from making decisions or asserting independence
- There are over 75 behaviours to consider in this abuse

KEY PROVISIONS OF PREETHI'S LAW

Under this bill, engaging in coercive control against a current or former intimate partner would be a criminal offense punishable by up to 5 years in prison. In aggravated cases, such as when a child is exposed to or used in the abuse, the penalty would be up to 10 years.

For behaviour to be considered coercive control under the law, it would have to have one or more of these effects on the victim:



Making them dependent on or subordinate to the abuser



Isolating them from friends, relatives or support



Controlling or monitoring their daily activities



Depriving them of freedom or access to support services



Frightening, humiliating, degrading or punishing them.

The law would also allow certain defences, such as proving the behaviour was reasonable in the circumstances. Importantly, the law would apply even if the coercive and controlling acts occurred outside NSW, as long as they affected a person in NSW.

Current Status and Next Steps

As of April 2024, Preethi's Law has not yet passed, but may potentially pass by the end of the year. Some issues still being debated include how to define coercive control and the potential impacts on the justice system.

There are also concerns about how to effectively enforce the law, as coercive control can be difficult to prove. Police, social services, healthcare workers and other professionals will likely need significant training to identify and respond to this type of abuse.

WHAT TO DO IF YOU ARE EXPERIENCING ABUSE?

Coercive control and other forms of domestic abuse are serious crimes that no one deserves to experience. If you or someone you know is being abused, know that you are not alone, and help is available. Consider taking these steps:

- Reach out to trusted friends, family or professionals for support.
- Contact domestic violence services in your area. They can provide safety planning, counselling, legal advocacy and other resources.
- Call the police if you are in immediate danger. Coercive control is against the law.
- Remember that the abuse is not your fault, and you deserve to live free from control and fear.

Healing from domestic abuse is possible. With support and advocacy, survivors can rebuild their lives and find a path to safety, justice and empowerment.

Preethi's Law is an important step in recognising coercive control as a serious crime and expanding options for holding abusers accountable.



KEY PROVISIONS AND THEIR MEANINGS

1. Clause 1: Short Title

This clause states that the bill may be cited as the "Crimes (Domestic and Personal Violence) Amendment (Coercive Control - Preethi's Law) Act 2020."

2. Clause 2: Commencement

From July 2024, coercive control will be a criminal offence in NSW when a person uses abusive behaviours towards a current or former intimate partner with the intention to coerce or control them.

3. Schedule 1: Amendment of Crimes (Domestic and Personal Violence) Act 2007 No 80

This schedule outlines the specific changes to be made to the existing Crimes (Domestic and Personal Violence) Act 54D 1900.

a. Proposed Section

14A: Coercive Control

- Creates a new offence of engaging in coercive control against a current or former intimate partner.
- Penalty: Up to 5 years imprisonment and/or \$5,500 fine.

b. Proposed Section

14B: Aggravated Coercive Control

- Creates an aggravated form of the coercive control offense.
- Applies when coercive control conduct:
 - Is directed at or makes use of a child of the victim.
 - Occurs in the presence of a child of the victim.
 - Has or is likely to have a serious adverse effect on a child of the victim.
- Penalty: Up to 10 years imprisonment and/or \$13,200 fine.

c. Proposed Section

14C: Extraterritorial Application

- Allows the coercive control offenses to apply to conduct that occurs wholly or partly outside NSW, as long as it affects a person in NSW.

d. Proposed Section

14D: Defence of Reasonableness

- Provides a defence if the accused can prove their conduct was reasonable in the circumstances.

POTENTIAL DIFFICULTIES IN PROVING COERCIVE CONTROL

While Preethi's Law is a crucial step in criminalizing coercive control, there are some potential challenges in proving these offenses:

1. Evidence gathering:

Coercive control often occurs in private and may not leave physical evidence. Victims may be reluctant to report or testify due to fear, shame or loyalty to the abuser.

2. Establishing a pattern:

Coercive control is typically a pattern of behaviour over time, rather than a single incident. Investigators will need to piece together evidence of repeated controlling acts.

3. Proving intent:

The prosecution will need to show the accused intended to control or coerce the victim. This can be difficult if the accused claims their actions were motivated by love, concern or cultural norms.

4. Assessing impact:

The law requires proof that the coercive behaviour had certain effects on the victim (e.g. making them dependent or isolated). This may require testimony from the victim, witnesses or expert witnesses.

5. Balancing rights:

Courts will need to balance the accused's right to a fair trial with the need to protect victims from further trauma and intimidation.

Despite these challenges, having a specific offence of coercive control is an important tool for holding abusers accountable and providing justice for victims. With proper training for police, prosecutors and court personnel, as well as support services for victims, the law can be effective in combating this insidious form of domestic abuse.

It's important for anyone experiencing coercive control to know that help is available. Seeking support from domestic violence services, counsellors, and the legal system can be a path to safety and healing. Preethi's Law sends a clear message that this type of abuse is unacceptable and that victims deserve protection and justice.