

LAWS6091: SPECIAL INTEREST TOPIC ALL YOU NEED IS LOVE...

TALIA NARDI UNDER SUPERVISION OF DR MIRELLA ATHERTON

ABSTRACT

In the past 15 years, Australia has seen a surge in the occurrence and number of reports of romance scams. The scams are a type of fraud, typically masterminded by international criminal organisations, that involve taking advantage of vulnerable people looking for a romantic partner. The scam may occur on a range of platforms and is not strictly confined to social networking or dating applications, with many reported scams being facilitated via email or text message also. Further, most romance scams embody a similar anatomy as discussed in this article. The lifecycle typically involves contact being made with the victim, grooming time, love bombing and a small request for financial assistance, followed by the main event, ‘the sting’. In 2022, Australia reported a record \$3.1 billion lost to scams, with romance scams being the second most common type. This article looks at the prosecution of such scams in various jurisdictions including at a State and Territory, Federal and International level. It also evaluates the steps being taken by banks, financial institutions, dating applications and social networking platforms and provides recommendations about what further could be implemented in order to ensure consumer safety.

I INTRODUCTION

‘All You Need is Love’ – the title of the Beatles’ 1967 hit song and a psychology-backed statement about intrinsic human needs and their connection to the achievement of self-realisation.¹ Love and belongingness are ranked third in Maslow’s Hierarchy of Needs elucidating the emotional exigency for interpersonal relationships and human connectedness.² In an increasingly technological world, people are considering new methods and platforms to seek fulfilment of this need, whether it is through social networking or dating applications. Dating apps have surged in popularity in the past 15 years, with many single Australians (and non-singles) using one or multiple apps to navigate and negotiate relationships.³ In 2022, more than three million Australians were using dating apps to foster either long-term relationships, short-term connections or a ‘hook-up’ to fulfil the integral emotional need enunciated by Maslow.⁴ However, computer-based match-making technology had its apparition in the 1960s and is not a new concept, with personal ads originally being traced back to the seventeenth century.⁵ As such, the quest for love and an inextricable human connection is a tale as old as

¹ Valeria Sabater, ‘According to Abraham Maslow, All You Need is Love’, *Exploring your mind* (Web Page, 21 December 2022) <<https://exploringyourmind.com/according-to-abraham-maslow-all-you-need-is-love/>>.

² Saul Mcleod, ‘Maslow’s Hierarchy of Needs’, *Simply Psychology* (Web Page, 1 June 2023) <<https://www.simplypsychology.org/maslow.html>>.

³ J. Bailey, ‘Changing the game’, *The Age* (online, 12 February 2012) <<https://www.theage.com.au/lifestyle/changing-the-game-20120211-1sy90.html#ixzz1mTfkGD2D>> cited in Lisa Portolan and Jodi McAlister, ‘Jagged Love: Narratives of Romance on Dating Apps during COVID-19’ (2022) 26 *Sexuality & Culture* 354, 356.

⁴ ‘Millions of Australians use dating apps. Criminals are weaponizing them’, *SBS News* (online, 24 January 2023) <<https://www.sbs.com.au/news/article/millions-of-australians-use-dating-apps-criminals-are-weaponising-them/6duiz8fyw>>.

⁵ C. Macleod and C. McArthur, ‘The construction of gender in dating apps: An interface analysis of tinder and bumble.’ (2018) 19(6) *Feminist Media Studies*, 822 cited in Lisa Portolan and Jodi McAlister, ‘Jagged Love: Narratives of Romance on Dating Apps during COVID-19’ (2022) 26 *Sexuality & Culture* 354, 356.

time and something that will never cease to exist due to the deep-rooted cultural obsession with romantic love.⁶

Storytelling is a fundamental facet of human experience. Romance plots are discernible in a significant portion of the media consumed today and the universal familiarity with them cannot be contested.⁷ It is argued that such plots have become ‘culturally sanctioned templates for interpreting reality around us’.⁸ The human obsession with love and the romance plot can often mean that once a story is created about someone and the relationship had with that person, humans will endeavour to continue it consistently, ignoring any conflicting information that arises.⁹ Such human tendencies are the bedrock utilised by those facilitating romance scams to deceive and defraud their victims of millions.

II ANATOMY OF ROMANCE SCAMS

Romance scams are a type of fraud that became apparent in about 2008,¹⁰ as a result of the increase in popularity and usage of the internet. These scams are commonly referred to as online dating romance scams, sweethearts scams and romance fraud and are classified as Advance Fee Fraud.¹¹ Frequently, this particular type of fraud is masterminded by international criminal groups on platforms that may include online dating and social networking sites.¹² Perpetrators of romance scams contact the victim on these platforms and pretend to initiate a personal romantic relationship with them, typically via a fake profile.¹³ Once the scammer has established contact with their victim, they will typically redirect further communication to an alternate external platform such as email or instant messenger.¹⁴

Following this, they commence grooming time, which involves developing a hyper-personal relationship with the victim with the intention of establishing a greater level of trust.¹⁵ The magnitude of intimacy increases through the sharing of personal information and pictures. The scammer will also ‘love bomb’ the victim, by contacting them frequently throughout the course of the day to rapidly profess their feelings to encourage them to develop feelings in return.¹⁶ In the grooming stage, the victim will also try to get to know the scammer better in an attempt to correlate their first impressions with reality, to substitute fact for fiction, truths for stories.¹⁷

⁶ Alexandra N. Fisher, ‘Single? The Key to Belonging May Be Closer Than You Think’, *Society for Personality and Social Psychology* (Blog Post, 7 April 2021) <<https://spsp.org/news-center/character-context-blog/single-key-belonging-may-be-closer-you-think/>>.

⁷ Valeria Sabater, ‘According to Abraham Maslow, All You Need is Love’, *Exploring your mind* (Web Page, 21 December 2022) <<https://exploringyourmind.com/according-to-abraham-maslow-all-you-need-is-love/>>.

⁸ Ibid.

⁹ Christian Kopp et al, ‘The Role of Love stories in Romance Scams: A Qualitative Analysis of Fraudulent Profiles’ (2015) 9(2) *International Journal of Cyber Criminology* 205, 213.

¹⁰ Monica Whitty and Tom Buchanan, ‘The Online Romance Scam: A Serious Cybercrime’ (2012) 15(3) *Cyberpsychology, Behavior, and Social Networking* 181.

¹¹ Monica T. Whitty, ‘Do You Love Me? Psychological Characteristics of Romance Scam Victims’ (2018) 21(2) *Cyberpsychology, Behavior, and Social Networking* 105,108.

¹² Monica Whitty and Tom Buchanan, ‘The Online Romance Scam: A Serious Cybercrime’ (2012) 15(3) *Cyberpsychology, Behavior, and Social Networking* 181 cited in Monica T. Whitty, ‘Do You Love Me? Psychological Characteristics of Romance Scam Victims’ (2018) 21(2) *Cyberpsychology, Behavior, and Social Networking* 105,108.

¹³ Monica T. Whitty, ‘Do You Love Me? Psychological Characteristics of Romance Scam Victims’ (2018) 21(2) *Cyberpsychology, Behavior, and Social Networking* 105,108.

¹⁴ Christian Kopp et al, ‘The Role of Love Stories in Romance Scams: A Qualitative Analysis of Fraudulent Profiles’ (2015) 9(2) *International Journal of Cyber Criminology* 205, 207.

¹⁵ Monica T. Whitty, ‘Do You Love Me? Psychological Characteristics of Romance Scam Victims’ (2018) 21(2) *Cyberpsychology, Behavior, and Social Networking* 105,108.

¹⁶ ‘Romance Scams’, *Crime Stoppers* (Web Page) <<https://crimestoppers.com.au/resource/romance-scams/>>.

¹⁷ Christian Kopp et al, ‘The Role of Love stories in Romance Scams: A Qualitative Analysis of Fraudulent Profiles’ (2015) 9(2) *International Journal of Cyber Criminology* 205, 212.

The scammer often conveys an invented story, carefully curated for building a plausible frame for the request for financial assistance.¹⁸

As a result of the scammer's constructed 'perfect narrative', the victim will develop an emotional bond and is kept in an exciting positive state due to the continuous re-presenting of new and better-overlapping stories.¹⁹ Throughout the grooming stage, the scammer will test the water and request small gifts or favours to determine the success of the grooming phase and ascertain if the victim is ready for the next step.²⁰ To successfully request financial support from the victim, the scammer will often do so within the context of an elaborately fabricated story, to ensure the victim does not get suspicious about this plea.²¹

Following the request for small-scale financial assistance, the perpetrator will alter the trope of the story subtly to allow for 'the sting' stage to commence.²² 'The sting' involves the request for a considerable amount of funds from the victim, which increases the risk of the whole operation dramatically. In this stage, some victims will catch on to the fact that they have been scammed and may withdraw from the relationship. However, in many cases, the victim will fulfil the perpetrator's request and transfer the funds in an attempt to follow the story, as people tend to hold on to their story and go to great lengths to ignore inconsistent information.²³ The success of the romance scam is elucidated in this stage as it will confirm whether the scammer has established enough trust during the grooming phase to let the victim ignore the inconsistencies arising or warnings being presented from external sources.²⁴

III ROMANCE SCAMS – THE FACTS AND FIGURES

Australians lost a record \$3.1 billion to scams in 2022, an 80% increase in total losses recorded in 2021.²⁵ According to data collected by Scamwatch, a website run by the Australian Competition and Consumer Commission (ACCC), reported financial losses in 2022 totalled excess of \$569 million, which was an increase of 76% compared to losses reported in 2021.²⁶ In terms of the amount lost to scams, dating and romance scams were ranked second only to investment scams. In 2022, Scamwatch alone received 3699 reports of romance scams with 32.1% of them incurring financial losses as a result.²⁷ Due to the sensitive and emotional nature of the topic, many romance scams go unreported.²⁸ The gravity of the scams is therefore believed to be much greater.

¹⁸ C. Budd and J. Anderson, 'Consumer fraud in Australasia: Results of the Australasian consumer fraud taskforce online Australia surveys 2008 and 2009' (2009) *Technical and Background Paper*, 43.

¹⁹ R.J. Sternberg, 'Love is a story: A new theory of relationships' (1999) *Oxford University Press* cited in Christian Kopp et al, 'The Role of Love stories in Romance Scams: A Qualitative Analysis of Fraudulent Profiles' (2015) 9(2) *International Journal of Cyber Criminology* 205, 212.

²⁰ Monica T. Whitty, 'Anatomy of the online dating romance scam' (2013) 28(4) *Security Journal* 443 cited in Christian Kopp et al, 'The Role of Love stories in Romance Scams: A Qualitative Analysis of Fraudulent Profiles' (2015) 9(2) *International Journal of Cyber Criminology* 205, 212.

²¹ Christian Kopp et al, 'The Role of Love stories in Romance Scams: A Qualitative Analysis of Fraudulent Profiles' (2015) 9(2) *International Journal of Cyber Criminology* 205, 213.

²² *Ibid.*

²³ *Ibid.*

²⁴ Christian Kopp et al, 'The Role of Love stories in Romance Scams: A Qualitative Analysis of Fraudulent Profiles' (2015) 9(2) *International Journal of Cyber Criminology* 205, 213.

²⁵ 'ACCC calls for united front as scammers steal over \$3bn from Australians', *Scamwatch* (Blog Post, 2023)

<<https://www.scamwatch.gov.au/news-alerts/accc-calls-for-united-front-as-scammers-steal-over-3bn-from-australians>>.

²⁶ *Ibid.*

²⁷ 'Scam statistics', *Scamwatch* (Web Page, 2022) <<https://www.scamwatch.gov.au/scam-statistics?scamid=13&date=2022>>.

²⁸ 'Keep safe from romance scams', *National Australia Bank* (Web Page) <<https://www.nab.com.au/about-us/security/online-safety-tips/romance-scams>>.

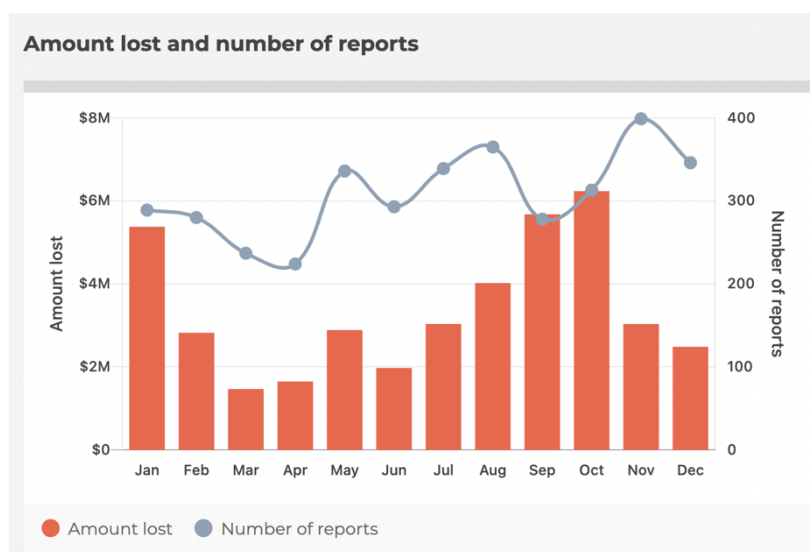


Figure 1: Amount lost and number of reports for dating & romance scams in 2022.
Source: <https://www.scamwatch.gov.au/scam-statistics?scamid=13&date=2022>

Although romance scams have been seen to target all age groups, reports to Scamwatch have identified that those over 55 years old lose the most money, with those over 65, in particular, reporting a loss of \$12,943,160 in 2022.²⁹ This trend is likely stemming from the technological vulnerability of the age group and scammers particularly targeting older people who have a greater chance of having the wealth that they are seeking.³⁰

Both men and women are just as likely to be defrauded by dating and romance scams, with males accounting for 54.4% of the number of reports, followed closely by females at 43.5% and gender X with 2.1% of reports.³¹ Despite this, the amount lost to such scams was much higher for females, who accounted for 66.5% of the total amount lost in 2022.³² In this year alone, women in Australia lost a total of \$27,046,438 to dating and romance scams.³³

According to reports to Scamwatch, the delivery methods of romance scams vary. The two most common platforms used for delivery of the scam in 2022 were mobile applications, such as dating applications, and social networking. The next most utilised methods were email, text messages and the internet. Social networking surprisingly incurred the highest amount lost by far with \$15,930,724 in 2022. This was almost double the amount lost via the internet and mobile applications with \$8,800,787 and \$8,081,757 respectively.³⁴

IV LAW AND REGULATORY FRAMEWORKS

A Australian State and Territory Laws

²⁹ 'Scam statistics', *Scamwatch* (Web Page, 2022) <<https://www.scamwatch.gov.au/scam-statistics?scamid=13&date=2022>>.

³⁰ Nicola Field, 'Romance scams: It's not love, actually' *Money Magazine* (Blog Post, 19 April 2023)

<[³¹ 'Scam statistics', *Scamwatch* \(Web Page, 2022\) <<https://www.scamwatch.gov.au/scam-statistics?scamid=13&date=2022>>.](https://www.moneymag.com.au/how-to-spot-a-romance-scam#:~:text=Men%20are%20just%20as%20likely,%2413.6%20million%20lost%20by%20men.>.</p>
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³² *Ibid.*

³³ *Ibid.*

³⁴ *Ibid.*

In Australia, individual states and territories have differing legislation for fraud offences committed in their jurisdiction.³⁵ In New South Wales, fraud is prosecuted under section 192E of the *Crimes Act 1900* (NSW). Pursuant to the Act, it is ‘an offence for a person who, by any deception, dishonestly obtains property belonging to another or obtains a financial advantage or causes any financial disadvantage’.³⁶ The obtaining of the property may still be classified as dishonest, even if the person is willing to pay for the property.³⁷ The obtaining of the property or causing of the financial disadvantage must be a result of the perpetrator’s deception but it is not necessary to show that the victim suffered the loss.³⁸ An intention to defraud by false or misleading statements is the most common fraud charge and carries a sentence of five years imprisonment.³⁹ However, New South Wales courts take fraud very seriously and if found guilty under the Act, scammers may be liable for 10 years imprisonment under section 192J.

By way of comparison, in the Northern Territory, ‘fraud’ is not explicitly defined under the *Criminal Code Act 1983* (NT). Instead, there are multiple fraud-related offences with criminal deception being paramount pursuant to section 227 of the Act.⁴⁰ Under this legislation, a person found guilty of criminal deception is liable to receive the same punishment prescribed had they stolen the property, being seven years imprisonment.⁴¹

B Australian Federal Laws

There is no federal legislation for the prosecution of romance scams. Instead, the Commonwealth Director of Public Prosecutions (‘CDPP’) merely deals with fraud offences involving the commonwealth, including tax, social security and general fraud.⁴² These specific types of fraud may vary from the making of false statements to advanced tax evasion schemes. Part 7.3, Division 134 of the *Criminal Code Act 1995* (Cth) defines the fraud offences dealt with under commonwealth law and dictates the maximum penalties available for offenders. For a federal or commonwealth fraud offence dealt with as an indictable offence, the Code prescribes a maximum penalty of 10 years imprisonment.⁴³

C Other Jurisdictions

1 United Kingdom

In England and Wales, romance scams are prosecuted by the Crown Prosecution Service (‘CPS’) which is an independent body that makes decisions independently from the police and government.⁴⁴ The CPS prosecutes thousands of cases every year with online fraud, which encompasses romance scams, being one of their most common

³⁵ ‘Fraud Offences in Australia’, *Australian National Character Check* (Web Page) <<https://www.australiannationalcharactercheck.com.au/Fraud-Offences-in-Australia.html>>.

³⁶ *Crimes Act 1900* (NSW) s 192E(1).

³⁷ *Ibid* s 192E(2).

³⁸ *R v Ho* (1989) 39 A Crim R 145; *Flack v R* [2011] NSWCCA 167 [37].

³⁹ ‘Fraud’, *Australian Criminal Law Group* (Web Page) <<https://aclawgroup.com.au/criminal-law/offences/dishonesty-offences/fraud/>>.

⁴⁰ ‘Fraud in the Northern Territory’, *gotocourt.com.au* (Web Page, 12 January 2023) <<https://www.gotocourt.com.au/criminal-law/nt/fraud/#:~:text=A%20person%20who%20is%20guilty,Territory%20is%20seven%20years%20imprisonment.>>.

⁴¹ *Ibid*.

⁴² ‘Fraud’, *Commonwealth Director of Public Prosecution* (Web Page) <<https://www.cdpp.gov.au/fraud/>>.

⁴³ ‘Fraud Offences in Australia’, *Australian National Character Check* (Web Page) <<https://www.australiannationalcharactercheck.com.au/Fraud-Offences-in-Australia.html>>.

⁴⁴ ‘The Crown Prosecution Service’, *The Crown Prosecution Service* (Web Page) <<https://www.cps.gov.uk/>>.

examples of fraud and economic crime.⁴⁵ In November 2022, a man was convicted by CPS of five fraud-related offences, including four counts of Fraud by False Representation and one count of Supplying Articles for Use in Frauds.⁴⁶ Consequently, he was sentenced to four years imprisonment for the defrauding of £324,487 via romance scams.⁴⁷

2 *United States*

In the United States ('US'), perpetrating online romance scams can lead to an array of criminal charges prosecuted by the state's attorney.⁴⁸ In May 2023, a United Kingdom-based woman was extradited to the US and prosecuted in New York for scamming her followers of \$2 million through several romance scams and even a fake marriage to one of her victims.⁴⁹ The woman was charged with one count of conspiracy to commit wire fraud, one count of wire fraud, one count of money-laundering conspiracy and one count of money laundering. Such criminal charges in the US carry a maximum sentence of 20 years imprisonment. In addition to this, the woman was charged with one count of stolen money and one count of conspiracy to receive stolen money which carries maximum sentences of 10 and five years respectively.⁵⁰

Further, in March 2023, a man was sentenced to 54 months' imprisonment and two years of supervised release under Boston law for the facilitation of a romance scam scheme that defrauded victims of more than \$8 million.⁵¹ The man plead guilty to a range of criminal charges including seven counts of making a false statement to a bank, six counts of wire fraud and two counts of money laundering.⁵²

V PROTECTING CONSUMERS

A *Banks and Financial Institutions*

Due to the lack of explicit regulation of romance scams, there have been demands for banks and financial institutions to increase their safeguards for suspicious and fraudulent payments in an effort to combat the record amount reportedly lost to scams each year. This may include additional checks and warnings when transferring money to unknown payees, particularly to

⁴⁵ 'Fraud and economic crime', *The Crown Prosecution Service* (Web Page) <<https://www.cps.gov.uk/crime-info/fraud-and-economic-crime#:~:text=The%20CPS%20prosecutes%20thousands%20of,in%20fraud%20and%20economic%20crime>>.

⁴⁶ 'Serial romance fraudster scammed over £324,000 from victims', *The Crown Prosecution Service* (Blog Post, 3 November 2022) <<https://www.cps.gov.uk/cps/news/serial-romance-fraudster-scammed-over-ps324000-victims>>.

⁴⁷ UK Finance, 'Husband and Wife Sentenced for Combined Total of Five Years after Stealing £87K to Fund Luxury Shopping Spree' (Press Release, 23 June 2021).

⁴⁸ 'Criminal Fraud Vs. Civil Fraud – What Are The Differences?', *HG.org Legal Resources* (Web Page) <<https://www.hg.org/legal-articles/criminal-fraud-vs-civil-fraud-what-are-the-differences-52364#:~:text=Fraud%2C%20depending%20on%20the%20circumstances,person%20who%20has%20been%20defrauded>>.

⁴⁹ Katie Mather, 'Prosecutors accuse influencer of earning \$2M from running romance scams on 'older Americans': 'Devastating for vulnerable victims', *Yahoo News* (online, 22 May 2023) <https://au.news.yahoo.com/prosecutors-accuse-influencer-earning-2m-133217013.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xllmNvbS8&guce_referrer_sig=AQAAAMCn17-rahoiKQjts3u6ZfoDCc-DYQHpyYbtDDz2ACmpN5qfqJDddXajF5LzmyHthFC1ruzX1zbUJPQqyrH32pa03D5u61EJY4LwlvPNFNnar4Tn72cGOH1NRV9wcUuSvSX5T5IGUcT4gi39poPIFetHzXtEaBWBWqDxFWvFaA-OJ>.

⁵⁰ *Ibid.*

⁵¹ United States Attorney's Office District of Massachusetts, 'Money Launderer Sentenced for \$8 Million Romance Scam Fraud Scheme' (Press Release, 21 March 2023).

⁵² *Ibid.*

overseas accounts. In May 2023, the Australian Financial Crimes Exchange launched its Fraud Reporting Exchange (FRX). The FRX is a platform designed to expedite the reporting and actioning of fraudulent activities between issuing and recipient financial institutions.⁵³ The exchange does this whilst the payment is in transit between the banks and the bank can thus report the payment immediately to increase the likelihood of the payment being halted and returned to the victim.⁵⁴ Upon the launch of the exchange, 17 banks had already signed up or were in the process of doing so to prevent losses to their customers.⁵⁵ While it is not mandatory for banks to utilise the FRX, it is a step in the right direction to protect consumers.

B *Dating Applications and Social Networking*

Further, the alarming increase in romance scam victims has resulted in a push for dating apps and social networking companies to assist in raising awareness of the dangers of being scammed on their platforms. Considering more than \$8 million was defrauded from victims in 2022 via mobile applications, the companies responsible for maintaining and managing such software must be held accountable for educating their users. Match Group, the owner of Tinder, Hinge and Plenty of Fish, commenced a public awareness campaign in January 2023, intending to improve user safety. In doing this, they provided users with a range of tips about dubious behaviour that they should watch out for and suggestions for identifying a potential romance scam.⁵⁶ Some of these included: never send money to someone that you've never met in person, stay on the app for as long as possible and utilise the verification tools embedded in the dating app.⁵⁷ Whilst the campaign is a great start, dating apps should look to furthering their verification software to identify fake profiles who regularly use the app before moving to external platforms and repeating the process. The apps should also publish resources, whether short, accessible videos or infographics, to explicitly inform users of how to spot a potential romance scam and the most current ploys utilised by scammers to create a form of up-to-date register of typical romance scams in action at the time.

VI CONCLUSION

For most Australians looking for love, the possibility of being scammed by an international crime organisation is not at the forefront of their mind. However, statistics show that romance scams are on the rise and consumers need to be wary when entering into relationships with people they have not met in person. Whilst the prosecution of such offences varies between jurisdictions, it will be interesting to follow the development of the law in this area and see whether a unified and consistent approach to scams might be integrated in Australia. Further, whilst banks, financial institutions, dating apps and social networking companies are all beginning to take steps to protect their consumers, it is suggested that more needs to be done by these stakeholders to increase community awareness of romance scams and ensure greater protection for those most vulnerable.

⁵³ 'Fraud Reporting Exchange', *Financial Crimes Exchange* (Web Page) <<https://www.afcx.com.au/home-2/afcx-frx/>>.

⁵⁴ Nicola Field, 'Where the mega-rich actually invest' *Money Magazine* (Blog Post, 19 May 2023) <<https://www.moneymag.com.au/where-the-mega-rich-invest-knight-frank-wealth>>.

⁵⁵ 'Australian banks join new Fraud Reporting Exchange digital platform to help halt payments to scammers', *Australian Banking Association* (Blog Post, 16 May 2023) <<https://www.ausbanking.org.au/australian-banks-join-new-fraud-reporting-exchange-digital-platform-to-help-halt-payments-to-scammers/>>.

⁵⁶ Nicola Field, 'Romance scams: It's not love, actually' *Money Magazine* (Blog Post, 19 April 2023) <<https://www.moneymag.com.au/how-to-spot-a-romance-scam#:~:text=Men%20are%20just%20as%20likely,%2413.6%20million%20lost%20by%20men.>>.

⁵⁷ *Ibid.*

Have you or someone that you know been scammed by a person they are in a relationship with online?

Romance Scams

Scan the QR code below to find out more about the scams stealing millions of dollars from everyday Australians.



[HTTPS://WWW.SCAMWATCH.GOV.AU/
TYPES-OF-SCAMS/DATING-ROMANCE](https://www.scamwatch.gov.au/types-of-scams/dating-romance)

ALL YOU NEED IS LOVE... *AND YOUR CREDIT CARD

With many Australians now searching for love on the internet, social media and dating apps, the possibility of being scammed has never been higher.

WHAT IS A ROMANCE SCAM?

ROMANCE SCAMS

Romance scams are a type of fraud involving scammers taking advantage of victims looking for a romantic partner.



This may occur via social networking, mobile applications or even email.


Scammers typically use fake profiles to enter into a 'relationship' with victims and play on emotional triggers in an attempt to defraud them of money, gifts or personal details.



In 2022, it was reported that more than \$40 million was lost by Australians to dating and romance scams.



WHO IS MOST AT RISK?



Although romance scams have been seen to target all genders and age groups, reports to Scamwatch have identified that those over 55 years old lose the most to such scams, with those over 65 years old, in particular, reporting a loss of more than \$12.9 million in 2022

REGULATION OF ROMANCE SCAMS

In NSW, romance scams are prosecuted as a type of fraud under the Crimes Act 1900 (NSW).

If found guilty, scammers may be liable for 10 years imprisonment for defrauding their victims through romance scams.

ARE YOU A VICTIM OF A ROMANCE SCAM?



NEXT STEPS

If you think that you or someone you know may have been scammed, it is recommended that you:

- Report the scam to the website, app or social media site where you were first approached.
- If bank details were exchanged, contact your bank immediately.
- Report the scam to the ACCC via <https://www.scamwatch.gov.au/report-a-scam>.

THE UNIVERSITY OF NEWCASTLE
LAWS6091: SPECIAL INTEREST TOPIC
TALIA NARDI UNDER THE SUPERVISION OF DR MIRELLA ATHERTON

ALL YOU NEED IS LOVE... AND SCAM AWARENESS

For more information visit:

<https://www.scamwatch.gov.au/types-of-scams/dating-romance>



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Project Plan

Proposed Framework for Output

Abstract

Introduction

- I. What are romance scams?
- II. Growth/trends of romance scams
- III. Laws and regulations
 - a. Australian Federal Laws
 - b. Australian State Laws
 - c. Other Jurisdictions
- IV. How consumers can protect themselves from romance scams

Conclusion

Bibliography

Community Resource

- A visual resource targeted at the elderly Australian demographic – those who are most vulnerable to romance scams due to their lack of technological training.
- The resource will likely be a 1-2 page poster/brochure focused on how older Australians can protect themselves from becoming victims of romance scams.

Portfolio

- Output – article and bibliography.
- Community resource
- Course reflection
- File notes from meetings with Mirella
- Email correspondence
- Calendar and project plan

Updated Proposed Timeline

Date	Task	Completed?
11 May 2023	Send updated project plan to Mirella	Yes
14 May 2023	Finalise research and framework; start writing draft	Yes
21 May 2023	Send first draft to Mirella	Yes
26 May 2023	Send updated draft to Mirella	N/A
28 May 2023	Finalise community resource and course reflection	Yes
31 May 2023	Send final output and portfolio to Mirella	Yes

February 2023

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20 Week 1	21	22 Meeting with Mirella Atherton for project kick-off	23	24	25	26
27 Week 2	28					

March 2023

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
		1 Standing meeting with Mirella and other students	2	3	4	5
6 Week 3	7	8 Standing meeting with Mirella and other students	9	10	11	12
13 Week 4	14	15 Standing meeting with Mirella and other students	16	17	18	19
20 Week 5	21	22 Standing meeting with Mirella and other students	23	24	25	26
27 Week 6	28	29 Standing meeting with Mirella and other students	30	31		

April 2023

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
					1	2
3 Week 7	4	5 Standing meeting with Mirella and other students	6	7	8	9
10 Mid Sem Break	11	12	13	14	15	16
17 Mid Sem Break	18	19	20	21	22	23
24 Week 8	25	26 Standing meeting with Mirella and other students	27	28	29	30

May 2023

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1 Week 9	2	3 Standing meeting with Mirella and other students	4	5	6	7
8 Week 10	9	10 Standing meeting with Mirella and other students	11 Send project plan to Mirella	12	13	14 Finalise a table of research and start writing a draft
15 Week 11	16	17 Standing meeting with Mirella and other students	18	19	20	21 Send draft to Mirella
22 Week 12	23	24 Standing meeting with Mirella and other students	25	26 Send final draft to Mirella	27	28
29 Week 13	30	31 PROPOSED COMPLETION DATE				

File Note

Date	Time	Who
22 February 2023	12:00pm – 12:12pm	Mirella Atherton & Talia Nardi

- Zoom meeting with Mirella Atherton regarding LAWS6091 Special Interest Topic.
- Write up a proposal – doesn't matter if you come back in 3 weeks or 6 weeks
- Use library – romance scams/fraud in Australia
- Use articles/books/journals – peer-reviewed journals that is related to law/regulations etc
- Major output with many resources
- Abstract and intro etc
- Navigation pane in word doc
- Footnotes
- Explore what part of the topic – how niche you want to go
- How to help the community understand how to avoid this – direction so you have something to mark and promote
- Inside the topic of romance scams – you can break it up – baiting, different terminology
- Could be anywhere from 2000-10,000 words
- One page poster on what the community should know – could be a pamphlet
- Send her a photo and she will promote me
- Increased 7x in last year due to COVID and isolation
- **Australian based**
- **Law/regulations of romance scams**

File Note

Date	Time	Who
10 May 2023	12:00pm – 12:25pm	Mirella Atherton & Talia Nardi

- Use the navigation pane in Word to add a framework.
- Start with a framework
 - Abstract
 - Introduction
 - Conclusion
- Community Resource – targeting the elderly demographic, how does it best appeal to them
- When looking for resources, check the library, search articles on the library website ('elder scams Australia'), and narrow publication dates and laws.
- Fraud, elder scams and law are keywords to search.
- Is the scam a fraud or a different type of scam?
- Try google scholar for a greater search range.
- Putting your heart and wallet on the line: how to combat romance scams targeting the elderly – an article that may be beneficial.
- Take one article at a time and then see where it leads you.
- Draw in with the reference what is useful to you.
- Have a look at court cases.
- People scammed get recruited to scam (less so with the elderly) – recruited to get their money back.
- The main body parts are separate but are equal numbers of words.
- Having equal sections will ensure you are disciplined in directing your research.

LAWS6091: Special Interest Topic Reflection

Talía Nardi C3330267

Throughout my time at law school, I had never been particularly interested in legal research. However, after hearing great things about Dr Mirella Atherton and her projects from friends who have also undertaken a Special Interest Topic with her, I was motivated to undertake LAWS6091 under her guidance. I initially reached out to Dr Kevin Sobel-Read via email on 3 January 2023 (very early) and expressed my interest in working with Mirella to which he checked with her and they both approved. The process of enrolling in the course was made seamless as a result of both Kevin and Mirella's support.


In week 1, I had a call with Mirella where she floated the idea of researching the topic of Romance Scams. After watching *The Tinder Swindler* Netflix film in 2022, I was ecstatic about the opportunity to work on this project. Throughout the first half of the semester, I trawled through various articles and a range of testimonials from victims of such scams and my intrigue for the topic grew immensely.

Until the second half of the semester, I did not know what form my final output would take, however, I knew that I wanted it to be in a form that was as consumer accessible and easily understandable as possible. In a meeting with Mirella, we also discussed the possibility of distributing my community resource to the University of Newcastle Older Persons Legal Clinic which fuelled me even more to ensure that this project was successful and advantageous for the community.

Undertaking a Special Interest Topic provided me with the independence and autonomy that most traditional subjects do not allow, which I thoroughly enjoyed. I was able to work the research time around my life and this made the subject feel less like a chore and more like a passion project, which made a world of difference in the enjoyment. Despite the independent nature of the course, Mirella was always on hand to answer questions or provide advice in the weekly check-in Zooms which made me feel very supported. Attending the meetings with Mirella was a critical aspect of the course for me as it ensured that I stayed on track and had a clear direction for my project. However, she did not put any pressure on me whatsoever, to which I am truly grateful.

Whilst I did not stick to my original calendar deadlines and project plan that I sent to Mirella at the start of the semester, the nature of the course meant that I did not feel guilty when life got in the way and I did not have a certain thing complete by my proposed deadline. I believe this aspect of the course was a great advantage in ensuring I managed my stress and well-being throughout the semester.

Ultimately, I had a fantastic time undertaking a Special Interest Topic under the guidance of Mirella. Whilst I do not have any negatives to say about the course per se, the only thing that I believe could be improved is perhaps fewer students on the topic. I know that a few other students were also given Romance Scams as their topic which induced a slight amount of pressure as to what my final output should look like. I wanted to differentiate myself from the other students, however, due to the limited research on the topic, knew that they would all likely be similar. Whilst this is not necessarily a big deal, it may be something to note for the future.

From: Law-School Law-School@newcastle.edu.au 
Subject: RE: LAWS6091 Enrolment
Date: 9 February 2023 at 12:37 pm
To: Talia Nardi Talia.Nardi@uon.edu.au



Hi Talia,
You are now enrolled – please check your myhub for accuracy.

Cheers
Donna

Donna Jamieson

College of Human & Social Futures/University of Newcastle Law School & Legal Centre

T: 61 2 4921 8774

E: Donna.Jamieson@newcastle.edu.au

The University of Newcastle

Hunter St & Auckland St, Newcastle NSW 2300



THE UNIVERSITY OF
NEWCASTLE
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Top 200 University in the world by QS World University Rankings 2022

I acknowledge the Traditional Custodians of the land in which the University resides and pay my respect to Elders past, present and emerging.

I extend this acknowledgement to the Worimi and Awabakal people of the land in which the Newcastle City campus resides and which I work.

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From: Talia Nardi <Talia.Nardi@uon.edu.au>
Sent: Thursday, 9 February 2023 11:03 AM
To: Law-School <Law-School@newcastle.edu.au>
Cc: Mirella Atherton <mirella.atherton@newcastle.edu.au>
Subject: LAWS6091 Enrolment

Good morning Donna,

I hope you are well.

I am writing to confirm my enrolment in LAWS6091 Special Interest Topic. I have received approval from Mirella (cc'd) and Kevin to undertake a project under Mirella's supervision and was wondering if you could please manually enrol me.

Please do not hesitate to contact me should you have any queries.

Kind regards,
Talia Nardi
C3330267

From: Mirella Atherton mirella.atherton@newcastle.edu.au
Subject: Re: LAWS6091 Special Interest Topic
Date: 16 February 2023 at 7:19 am
To: Talia Nardi Talia.Nardi@uon.edu.au



Dear Talia,
Nice to hear from you and not a problem.
The zoom will stay there every week for you to drop into when you want to. Otherwise feel free to give me a call so I can get you started.
Have a great day!
Mirella.

From: Talia Nardi <Talia.Nardi@uon.edu.au>
Sent: Wednesday, February 15, 2023 9:04 PM
To: Mirella Atherton <mirella.atherton@newcastle.edu.au>
Subject: Re: LAWS6091 Special Interest Topic

Good evening Mirella

I'll be at work on Wednesday of week 1 so a zoom or phone call would work best.

Otherwise, I am happy to take a late lunch and meet you on campus if that works better.

Kind regards
Talia

On 9 Feb 2023, at 12:02 pm, Mirella Atherton <mirella.atherton@newcastle.edu.au> wrote:

Dear Talia,
I will be on campus 3-5pm on Wed of Week 1 but I am guessing zoom or a phone call might be a bit easier?
Either way not a problem. Yes it would be good to start in Week 1.
All the best,
Mirella.

From: Talia Nardi <Talia.Nardi@uon.edu.au>
Sent: Thursday, February 9, 2023 10:59 AM
To: Mirella Atherton <mirella.atherton@newcastle.edu.au>
Subject: Re: LAWS6091 Special Interest Topic

Hi Mirella

I am available to meet at 12:00pm on Wednesday of week 1 to discuss the project. I am happy to do it in person at uni or via zoom depending on what is easiest for you! I will also commence researching in week 1 too.

Kind regards
Talia

On 7 Feb 2023, at 5:00 pm, Mirella Atherton <mirella.atherton@newcastle.edu.au> wrote:

Dear Talia,
Not a problem, no rush on this.
Usually, you and I will meet by zoom or in person somewhere around week 1 of semester to discuss the project and talk about how to start researching and writing about what you find.
I will then be available every Wednesday 12pm-1pm to discuss your progress or for you to ask questions as needed. I will block out this time now. Some weeks you may have other priorities so you can drop in and out as needed. You may send me a draft in Week 6 or submit the final product at the end. We will aim to finish the

project by Week 13.

You can ring me anytime to have a chat if you like. Also let me know when you would like to get started.

All the best,

Mirella 0416160921

From: Talia Nardi <Talia.Nardi@uon.edu.au>

Sent: Tuesday, February 7, 2023 4:44 PM

To: Mirella Atherton <mirella.atherton@newcastle.edu.au>

Subject: Re: LAWS6091 Special Interest Topic

Hi Mirella

Sorry for the delayed response, I have been moving house!

I am very interested in the romance scams project as I didn't have anything in mind as of yet. Do I need to submit an expression of interest?

Kind regards

Talia

On 29 Jan 2023, at 6:20 pm, Mirella Atherton <mirella.atherton@newcastle.edu.au> wrote:

Dear Talia,

It is great to hear from you and thank you for your email.

Yes, of course I have a lot of projects going on at the moment. I was thinking about a new one on "romance scams" but now that I have read your email I am wondering if you already have a project in mind? I am happy to supervise you on any projects to do with Banking and Finance Law. For example, it would be good for you to think strategically and work a project around what is currently needed in your workplace. Get back to me anytime.

Mirella 0416160921

From: Talia Nardi <Talia.Nardi@uon.edu.au>

Sent: Sunday, January 29, 2023 6:05 PM

To: Mirella Atherton <mirella.atherton@newcastle.edu.au>

Subject: Fwd: LAWS6091 Special Interest Topic

Good afternoon Mirella,

I hope you are well!

I am very interested in undertaking a special interest research topic in semester one 2023 under your guidance. I am currently clerking at Gilbert + Tobin in the corporate advisory team and have a keen interest in commercial law and particularly, banking and finance. Do you have any projects that I may be able to assist with?

I look forward to hearing from you soon.

Kind regards

Talia

Begin forwarded message:

From: Kevin Sobel-Read <kevin.sobel-read@newcastle.edu.au>

Subject: RE: LAWS6091 Special Interest Topic

Date: 25 January 2023 at 11:45:08 am AEDT

To: Talia Nardi <Talia.Nardi@uon.edu.au>

Cc: Mirella Atherton <mirella.atherton@newcastle.edu.au>

Hi again Talia,

Thanks for your patience! It sounds like Mirella, cc'd here, may indeed be available to supervise -- yay!! Could you please reach out to Mirella and let her know a little more of what you might like to work on? Hopefully there will be a project that fits for both of you. Please let me know!

If you have any other questions, do let me know.

Take care,

Kevin

-----Original Message-----

From: Kevin Sobel-Read

Sent: Wednesday, 11 January 2023 3:28 PM

To: Talia Nardi <Talia.Nardi@uon.edu.au>

Subject: RE: LAWS6091 Special Interest Topic

Hi Talia,

Thanks for writing and for your interest in the course! Yes, it is indeed running -- though I don't yet have each of the projects confirmed. I'm working on that.

Mirella is a really excellent supervisor to work with and hopefully she's keen to supervise more projects. I'll check in with her and will let you know. (I think she may be on leave for the next week or two, fyi, so it may take a little time. Feel free to follow up if you have any questions.)

Take care!

Kevin

-----Original Message-----

From: Talia Nardi <Talia.Nardi@uon.edu.au>

Sent: Tuesday, 3 January 2023 1:46 PM

To: Kevin Sobel-Read <kevin.sobel-read@newcastle.edu.au>

Subject: LAWS6091 Special Interest Topic

Dear Dr Sobel-Read

I hope you are well and enjoying a restful break.

I am writing to you today to express my interest in undertaking a special interest topic in semester 1 2023. I am very interested in the work of Dr Mirella Atherton and was enquiring about whether LAWS6091 is running and how I can register my interest.

I look forward to hearing from you.

Kind regards
Talia Nardi
C3330267

From: Mirella Atherton mirella.atherton@newcastle.edu.au
Subject: Re: LAWS6091 Special Interest project
Date: 1 April 2023 at 8:26 am
To: Talia Nardi Talia.Nardi@uon.edu.au



Thank you very much Talia.
Have a great week-end.
Mirella.

From: Talia Nardi <Talia.Nardi@uon.edu.au>
Sent: Friday, March 31, 2023 7:30 PM
To: Mirella Atherton <mirella.atherton@newcastle.edu.au>
Subject: Re: LAWS6091 Special Interest project

Hi Mirella,

Happy Friday!

Please see **attached** the proposed plan which I aim to follow.

Have a fantastic weekend!

Kind regards,
Talia

On 30 Mar 2023, at 3:27 pm, Mirella Atherton <mirella.atherton@newcastle.edu.au> wrote:

Excellent Talia - thank you!

From: Talia Nardi <Talia.Nardi@uon.edu.au>
Sent: Thursday, March 30, 2023 1:59 PM
To: Mirella Atherton <mirella.atherton@newcastle.edu.au>
Subject: Re: LAWS6091 Special Interest project

Hi Mirella,

I hope you are well!

Please see **attached**.

Let me know if it does not work again.

Kind regards,
Talia

From: Mirella Atherton <mirella.atherton@newcastle.edu.au>
Sent: Tuesday, 28 March 2023 11:21 AM
To: Talia Nardi <Talia.Nardi@uon.edu.au>
Subject: Re: LAWS6091 Special Interest project

Dear Talia,

Can you send me your head shot when you get a chance, it wasn't attached to the last email (I don't think).

Mirella.

From: Talia Nardi <Talia.Nardi@uon.edu.au>
Sent: Friday, March 17, 2023 3:45 PM
To: Mirella Atherton <mirella.atherton@newcastle.edu.au>

Subject: Re: LAWS6091 Special Interest project

Good afternoon Mirella

I hope you are well!

Apologies for the delay, I have been transitioning to a new job. Please see **attached** headshot.

Do you require a short blurb for the LinkedIn post or do you write that?

Kind regards
Talia

On 8 Mar 2023, at 8:50 am, Mirella Atherton <mirella.atherton@newcastle.edu.au> wrote:

Dear Talia, Olivia, Jess and Hanna,

I am touching base with you all in week 3 (we have $\frac{3}{4}$ of the semester left to go!).

At present two of you have LinkedIn with me, I have only had one photo and one plan for your work.

I might be on the train at the catchup time of Wed 12-1pm today but feel free to give me a call if you want to catch up. I am also happy to give you some more time if needed.

Mirella (0416160921)

Dr Mirella Atherton
University of Newcastle
College of Human and Social Futures
School of Law and Justice

I acknowledge the Traditional Custodians of the land in which the University resides and pay my respect to Elders past, present and emerging.

I extend this acknowledgement to the Worimi and Awabakal people of the land in which the Newcastle City campus resides and which I work.

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<Talia Nardi.jpg>

From: Mirella Atherton mirella.atherton@newcastle.edu.au
Subject: Re: LAWS6091 Romance Scams - Project Plan
Date: 10 May 2023 at 7:49 pm
To: Talia Nardi Talia.Nardi@uon.edu.au



Dear Talia,
Well done!
I look forward to seeing your progress.
Best wishes,
Mirella.

From: Talia Nardi <Talia.Nardi@uon.edu.au>
Sent: Wednesday, May 10, 2023 2:47 PM
To: Mirella Atherton <mirella.atherton@newcastle.edu.au>
Subject: LAWS6091 Romance Scams - Project Plan

Hi Mirella,

Thank you again for your helpful advice this morning, it was lovely to catch up!

Please see **attached** updated project plan following our meeting today.

Have a lovely week!

Kind regards,
Talia

From: Kevin Sobel-Read <kevin.sobel-read@newcastle.edu.au>
Subject: RE: LAWS6091/Project Course -- checking in
Date: 20 May 2023 at 3:13 pm
To: Talia Nardi <Talia.Nardi@uon.edu.au>
Cc: Mirella Atherton <mirella.atherton@newcastle.edu.au>

KS

Hi Talia,

Thanks for the update – the plan looks great!

Good luck, I look forward to seeing the results!

Take care,

Kevin

From: Talia Nardi <Talia.Nardi@uon.edu.au>
Sent: Saturday, 20 May 2023 10:58 AM
To: Kevin Sobel-Read <kevin.sobel-read@newcastle.edu.au>
Cc: Mirella Atherton <mirella.atherton@newcastle.edu.au>
Subject: Re: LAWS6091/Project Course -- checking in

Hi Kevin,

Apologies for the delayed response!

My project is progressing well! I am very much enjoying the topic of Romance Scams and am very grateful for the support Mirella has provided throughout the course.

For reference, please see **attached** my project plan which I have previously sent to Mirella. The plan details my timeline and the structure of my project.

Have a lovely weekend!

Kind regards,
Talia

On 15 May 2023, at 5:21 pm, Kevin Sobel-Read <kevin.sobel-read@newcastle.edu.au> wrote:

Hi Talia,

I hope you're well!

I just wanted to check in with you about your project in LAWS6091 – how's it all going?

Just let me know if you have any questions!

Take care,

Kevin

Kevin

DR KEVIN SOBEL-READ

Deputy Head of School, Director of Teaching and Learning
Newcastle School of Law and Justice

T: +61 2 4921 6613

E: Kevin.Sobel-Read@newcastle.edu.au

The University of Newcastle

Hunter St & Auckland St, Newcastle NSW 2300
Australia

I acknowledge and pay my heartfelt respects to the Awabakal and Worimi Peoples, on whose lands I live and work. I do so not only because of the meaningful magnitude of their relationship to these lands, but also because of the ongoing and significant ways that they, and all of the First Nations peoples of this continent and its islands, continue to contribute, every single day, to making Australia unique and special in the world.

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From: Mirella Atherton mirella.atherton@newcastle.edu.au
Subject: Re: Romance Scams DRAFT
Date: 2 June 2023 at 8:36 am
To: Talia Nardi Talia.Nardi@uon.edu.au



Dear Talia,
Yes, you can do just footnotes.
Bes wishes,
Mirella.

From: Talia Nardi <Talia.Nardi@uon.edu.au>
Sent: Friday, June 2, 2023 8:15 AM
To: Mirella Atherton <mirella.atherton@newcastle.edu.au>
Subject: Re: Romance Scams DRAFT

Hi Mirella,

I will look at implementing these changes today. Am I able to do footnotes alone as opposed to a bibliography?

Thank you so much for your feedback, I will look at getting my portfolio to you by the end of the week so my grade can be processed prior if possible.

Kind regards,
Talia

On 2 Jun 2023, at 7:26 am, Mirella Atherton <mirella.atherton@newcastle.edu.au> wrote:

Dear Talia,
This is excellent! Well done.
Your community resources are complete. Here are some suggestions for your article which is very well structured:
*change your footnotes to numbers rather than roman numerals, these should sit at the bottom of each page rather than at the end of the document
*for the section "Australian State Laws" what about the territories?
*include some articles as references if you have time rather than so many websites
I think I mentioned that I am away on the 14th June and can process your grade if you submit before or we can hold your grade as an "I" incomplete if you need more time.
Take care and best wishes,
Mirella.

From: Talia Nardi <Talia.Nardi@uon.edu.au>
Sent: Thursday, June 1, 2023 12:31 PM
To: Mirella Atherton <mirella.atherton@newcastle.edu.au>
Subject: Romance Scams DRAFT

Hi Mirella,

I hope that you are well!

I apologise that it is late and I have been unable to stick to my original proposed deadlines (I am sure you appreciate that life gets in the way).

Please see **attached** my draft output and community resources.

I have slightly veered from my original trajectory as I found an angle that was much more interesting to me. I have also highlighted the abstract and conclusion as I will do those over the next few days and the

title as I am unsure about it. I would love to hear your thoughts.

Any feedback or suggestions would be greatly appreciated and I will endeavour to finalise the project and send it to you by the end of the week in response to your comments and feedback.

Have a lovely day!

Kind regards,
Talia