



# Submission to the Victorian Royal Commission into Family Violence 2015

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## **Acknowledgements**

CSMC would like to acknowledge the State Government of Victoria for instigating the Victorian Royal Commission into Family Violence and in doing so recognising the importance of addressing this issue for all Victorians.

We would like to acknowledge all the single mothers who have contacted CSMC and in particular those who agreed to share their stories for this submission. Single mothers are among the most under-acknowledged and hardest-working women in our community. These women often go without to ensure their children are provided for and, despite facing some of the greatest challenges, are responsible for raising healthy, happy children who will go on to be highly productive members of our community.

CSMC would also like to acknowledge the following people for their significant contribution to developing this submission to the Victorian Royal Commission into Family Violence:

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## **Executive Summary**

Leaving a violent and abusive relationship does not resolve the family violence issues for many single mothers who use our service. In 2014 alone Council of Single Mothers and their Children (CSMC) identified family violence as a significant issue in the lives of around 60% of the more than 2000 women who contacted our telephone Support Line. The continued behavior of their children's fathers ensures women and children experience ongoing poverty, homelessness, increased mental health issues, compromised wellbeing and, in some cases, increased scrutiny by child protection.

Family violence is perpetrated by abusive men post separation not only through continued harassment and violence but also through more covert measures that aren't always recognised, such as the manipulation of parenting orders, the failure to comply with child support arrangements, and in many cases the committing of financial fraud. Emotional manipulation of children against their mothers is another tactic that serves to control aspects of women's lives post separation.

Men are supported in their ongoing abuse through biases and inadequacies in the legal and court systems as well as through government agencies that can, at times, act against single mothers. Lack of funding in the housing sector also contributes to homelessness amongst women and children, forcing many back into the violent situation from which they fled.

The premises of this submission to the Royal Commission into Family Violence are based on the issues raised by women who contact our service and is compiled with their input (*Note: Names have been changed and all identifying details erased to protect individuals privacy*).

This submission is supported by anecdotal evidence from single mothers. These are mere fragments of the stories women tell us.

## Recommendations

CSMC recommends:

- Mechanisms are developed to regularly monitor and review parenting arrangements where family violence has been identified and men held accountable for their failure to comply with these arrangements
- Child Support Agency (CSA) to develop greater understanding of the role withholding child support plays in the ongoing financial abuse of mothers
- DHS to further develop screening and risk identification strategies to identify financial abuse within the current family violence identification framework and implement the strategy across the DHS agencies, with particular focus on training frontline staff within CSA
- An overhaul of the current child support system to improve collection and payment of child support including harsher penalties for consistent non-payments, late payments or infrequent payments
- Family Tax Benefit debts incurred by the payee as a result of lump sum late child support payments should be waived or transferred to the payer as a penalty for late payment
- Men's behavior change programs to strongly emphasise child support payments are a parental responsibility, not a bargaining chip
- Financial institutions and utility companies review their policies on joint accounts and debts incurred in the context of family violence
- Utility companies and financial institutions provide the option for account holders to have their names removed from joint accounts and the debt formally separated so each party is only liable for their half
- Officers of the Family Court receive further training to identify and understand the significant impacts of coercion and control in family violence, regardless of whether or not it occurs in the presence of physical violence

**Recommendations** (continued)

- A red flag to be immediately raised if there is an obvious imbalance of power in cases that come before the Family Court i.e. when one parent is able to retain consistent counsel and the other is not, or if one party is self-representing
- Where family violence has been identified or is suspected the Family Court must prioritise safety for *both* women and children and in doing so must also take into account the family's full history of engagement with the Family Court and the entire justice system, not just the preceding 12 months
- More legal weight to be applied to the investment of care women put into their children in settlement procedures and recognition for the benefits men receive from the unpaid work women deliver to their families is essential
- Consequences must be applied for consistent failure of the nonresident parent to attend access visits
- Matters that fall outside the domain of Family Court should not be dismissed without further investigation as these issues may prove to be part of the pattern of overall controlling behavior
- Priority housing needs to be available to women escaping family violence so they have access to safe and affordable housing regardless of where they live, including greater access to emergency accommodation and refuges; financial assistance for bond and rent in advance to secure housing
- A greater injection of funds is needed for women escaping family violence, who require access to the Housing Establishment Fund for rent in advance, rental arrears or housing repairs and funding for removal costs, storage and / or replacing household furniture
- Extension of the 7 day time frame available for people accessing Crisis Payments from Centrelink in recognition of the ongoing costs associated with family violence

## **Council of Single Mothers and their Children (CSMC)**

### *Background*

CSMC is a statewide community organisation with a membership base of more than 2500 single mother families. CSMC is funded by the Victorian Department of Education and Training (DET) to provide telephone support, information and referral and by The R. E. Ross Trust to provide emergency relief to single mothers and their children throughout Victoria.

CSMC has been supporting single mother families and working for positive changes to systems, services and community attitudes since 1969. Our telephone support line receives more than 2000 calls per year from women parenting alone and the community and government organisations supporting them.

Approximately 15% of first time callers to the Support Line self identify family violence as a major contributing factor in their decision to separate from their partners; however even the most cursory digging reveals the problem to be much deeper. It would be a conservative estimate to suggest family violence plays a definitive role in the lives of around 60% of the single mother families who contact us for support.

Many of these women have fallen through the cracks of frontline family violence services and present at CSMC still dealing with the effects of previous and current family violence.

## **Addressing the gendered nature of family violence**

CSMC acknowledges there are single fathers who struggle under some of the same burdens faced by single mothers; however single mothers face greater social challenges in their roles as parents and family violence plays a significant role in the lives of many of these women.

As a community, we certainly cannot afford to dismiss men's overall experiences of violence and the impacts of family violence on men must be acknowledged. It's important to note however, the perpetrators of violence against men are generally other men. According to a recent report by the NSW Coroner's Domestic Violence Death Review Team from a period spanning ten years to 2010, "There were no cases where a woman was a domestic violence abuser who killed a male domestic violence victim" (Domestic Violence Death Review Team, Sydney 2015). We would expect similar findings to apply in Victoria.

It is CSMC's position, while men's experience of family violence is genuine and needs wider community validation, it does not negate the clearly gendered nature of family violence, which overwhelmingly impacts women and is overwhelmingly perpetrated by men (Victorian Dept. of Justice 2012).

For this reason, and due to the cohort we represent, CSMC's submission to the Royal Commission will focus exclusively on single mothers' experiences of family violence and in particular their experiences of post separation family violence and violence from other family members, such as children.

## **Overview**

At the core of every abusive relationship is the need for the abuser to maintain dominance and control. Controlling men are invariably guided by a belief system that entitles them to view women and children as possessions: A position strengthened and upheld by many of our cultural and gender norms, particularly around our social expectations of motherhood.

While physical violence is the most widely acknowledged form of family violence, psychological abuse and other forms of coercive control can be present even in the absence of physical aggression.

Psychological and emotional abuse is often hidden and many of the controlling behaviors that underpin coercive violence against women are trivialised and at times culturally normalised. As a result, many women don't realise they are being abused and many men may not recognise their own behaviors as abusive.

The long-term impacts of non-physical forms of aggression are not trivial however, and contribute in no small way to women and children's experiences of poverty, homelessness, poor mental and physical health and social isolation.

Many controlling strategies used by abusers are indirect, subtle and psychologically traumatic, involving threats of harm, humiliation and insults, and financial or legal abuse. Women are also subjected to cyberstalking, harassing emails and texts, verbal abuse, drive bys and a number have discussed having their property and cars vandalised.

Women who share parental responsibilities with an abusive partner or ex-partner are particularly vulnerable to non-physical forms of violence and threats. Children often become the conduit controlling men use to perpetrate this violence. Perpetrators of violence often deliberately misuse the systems that have been set up to help families such as the Child Support system and Family Court to maintain control over women and children.



## **Co parenting in the context of family violence**

In CSMC's experience, mothers place their children's needs above their own. However this love and protection women exhibit is often subverted by abusive men and used as a weapon to inflict emotional trauma upon them.

Violent men often disguise their need to maintain power and control as love and concern for their children. Too often though children become the vehicle these men use to maintain an abusive presence in the mother's life. Children are used to monitor and control women's behavior and sometimes become the device through which men inflict the violence.

Children's feelings are exploited as tools to deliberately destabilise and undermine the mother. This behavior creates resentment and conflict when, for example she doesn't concede to plans or promises made without her consultation. Children are drawn into the conflict when they are used as messengers or exploited for information on their mother's activities and can sometimes themselves become unwitting perpetrators of the abuse.

Controlling men will hold women to standards of parenting they themselves can't adhere to. Threats to take the children and/or to harm them or threats to call children's services regularly form part of the mechanisms these men use to continue their abuse.

Petty tactics, such as returning children in poorly fitting, damaged or dirty clothing or refusing to return clothes the mother has bought, are also common. Such actions contribute to the financial duress experienced by many single mothers. One single mother told of her humiliating experience at each changeover at the local police station: In full view of the public and police the child's father would remove the toddler's designer clothes so the mum could dress her child in the basic outfits she struggled to afford. This was not only embarrassing for the mother it was distressing for both her and her child. This is a story CSMC has heard numerous times in various forms from mothers contacting our service.

Other common tactics include put downs and lies to turn children against their mothers, not returning children at the agreed time or day to disrupt the mother's plans, using payments for children's expenses as a bargaining chip, and splurging money and gifts on the children when they are with dad, while refusing to pay child support. These strategies serve to erode the mother's authority and are corrosive to women's relationships with their children.

Over the last number of years CSMC has seen a rise in calls from women struggling to manage their children's violent behavior and from women whose children are struggling with mental health and other issues directly linked to their mother's experience of abuse and the stressors caused by the abusive behaviors of their fathers. Although there is growing awareness around child perpetrators of family violence there is still very little community support for women who experience this violence. CSMC has heard from at least one mother who was so afraid for her safety she sought, and was granted an Intervention Order against her sixteen year old son. The son and his brother had been previously living with their abusive father, who had originally fought the mother for custody, but kicked the boys out when they became too big to dominate and control.

Because the son subject to the Intervention Order was still a minor Children's Services was called in; however rather than providing support for the family to deal with the violence the mother found herself facing charges of neglect. She was essentially being forced between facing criminal charges or accepting her violent son back into her home.

### **Parenting orders**

Negotiating care arrangements can be difficult when family violence is present. Disputes over shared care are a common reason women find themselves subjected to ongoing violence. Even where parenting orders are in place, many men either refuse to abide by the terms of the agreement or, conversely, rigidly comply, refusing to negotiate around special circumstances as another way to maintain control.

Another common complaint we hear too often at CSMC is of fathers who increase their care arrangements simply as a means to reduce their financial child support responsibilities. Women tell us these fathers fight hard for increased access only to refuse it when the time comes to take the children. Others undermine women's ability to plan ahead or create stability in their children's lives by constantly swapping or reducing the time the children spend in their care.

When fathers don't show up for access it places an unfair burden on mothers, particularly where it has been negotiated to reduce child support. CSMC recently spoke to a mother whose ex husband regularly doesn't show up for access and refuses to take his children for half the school holidays as set out in their agreement, even though he fought for this arrangement. This mother has been told she can't legally enforce the father to have his kids. In the meantime Child Support has based its assessment on the court mandated parenting arrangements and to get a change of assessment she will need to go back to Family Court. Going back to court to have the parenting orders reviewed is costly and emotionally destructive. Many women tell us they have simply given up, stating things like, "It's just easier to let it go".

On the other hand women who refuse access to fathers where there is a legally binding agreement are subject to serious consequences, including threats of jail time, even in cases where it is the child who is refusing access or the woman has serious safety concerns for her children.

While there are no consequences for failure to support or uphold their commitment to their children, there will be men who exploit this. CSMC recommends mechanisms be developed to regularly monitor and review parenting arrangements and that men are held accountable for their failure to comply with these arrangements.

### **Economic abuse**

Controlling men are often well aware of their economic power, especially when the relationship involves children (Branigan 2004; VLFC 2006). It is estimated financial violence is significant to approximately 50% of family

violence perpetrated against women nationally (ABS 2012). A Monash University Centre for Women's Studies and Gender Research report puts this figure at 80 per cent for Victorian women (Evans 2007).

Economic abuse features heavily in the lives of many single mother families. It is a significant contributor to the poverty, deprivation and poor health outcomes experienced by many women raising children alone. Economic abuse threatens women and children's financial security and undermines women's ability to acquire or preserve the economic resources she needs to maintain her self-sufficiency. It continues to be one of the most universal vehicles through which abusive men continue to exert control over women's lives post separation (McDonald 2013; Evans 2007; Branigan 2004).

For many single mothers the crippling economic control men exert in their lives long after the relationship has ended is the greatest inhibitor to their family's economic wellbeing, good physical and mental health, housing stability and social inclusion.

When a mother is subjected to financial abuse her children are also at risk of poverty and deprivation, with all its adverse implications. The links between childhood poverty and poor social and health outcomes has been well established and the role family violence and economic abuse play in entrenching this disadvantage is clear (Corrie and McGuire 2013; Sheehan and Hughes 2001).

Men who perpetrate economic violence use a variety or a combination of means to perpetrate this abuse including underpaying, delaying or refusing to pay child support; refusing to contribute to their children's education and / or medical costs; leaving women with debt accrued in the context of the relationship; deliberate financial fraud; withholding, damaging or selling property; and engaging women in costly legal battles.

## **Failure to pay child support is financial abuse**

Australia's child support debt sits well above the \$1billion mark, with more than half of all child support payments failing to be paid in full or on time, if at all. This is a staggering figure which does not include child support owed through private collect arrangements and reveals a worrying social acceptance of men who don't provide financial support for their children.

Alarming, the 2015 Federal Budget includes measures to remove funding to the Australian Taxation Office for the Child Support Lodgment Enforcement Program from July 2015 (Dept of Treasury, Budget 2015). The Child Support system is clearly failing and removing funding to the Tax Office for child support enforcement will lead to even fewer men being held accountable for their financial responsibility to the women raising their children.

Child support in separated families can be the source of some serious tension and is quite often a precipitating factor in women's experience of violence post separation. Almost 100% of those callers to our Support Line who are in financial crisis identify unpaid child support as a major factor.

Men who avoid paying child support employ a variety of methods to shirk their responsibility to their children and the women who raise them. Hiding assets, working cash in hand, failing to lodge tax returns, minimising income, delaying, partial or ad-hoc payments and outright refusal to pay are just a few of the strategies men use to dodge their financial liability as fathers. Some men will use child support as a bargaining chip. For example, one father would only agree to sign a passport application form for his daughter's overseas school trip if mum did not apply for a change of assessment.

CSA lacks the resources and the expertise required to dig deeper into men's finances and has serious systemic issues with collection and enforcement. Additionally there is no oversight on private collection agreements, but despite this CSA continues to encourage this as an option.

It's up to the person seeking a change of assessment to provide the evidence to support this, but for many women getting this evidence is impossible, particularly where men are running their own business. Tracking assets and

finances requires the expertise of a financial investigator or forensic accountant; a costly service most women aren't in a position to employ. In cases where serious family violence is a factor getting information to support the claim can be dangerous and most women will prioritise their and their children's safety over pursuing the money owed to them.

CSA workers can sometimes be seen by women who access the Child Support service as dismissive or lacking experience around the issue of family violence and in particular, financial violence.

A persistent misperception we need to address as a community is the idea paying child support is somehow funding women's lifestyles rather than being an equitable contribution from the non-resident parent for the maintenance of their children. This pervasive, but misguided attitude fails to recognise the real cost of raising children (NATSEM 2013), what mothers themselves invest financially and the impact her role as primary carer has on her earning capacity over her lifetime, as well as the superannuation she can expect to retire on.

In spite of this, minimisation of income for the purposes of reducing child support and non-payment of child support is seen by many men as their right; an attitude supported by a Child Support system, which does not adequately assess the cost of raising children and fails to adequately enforce payment. This view is upheld by a society where motherhood is seen as somehow being its own reward and the financial impact of raising children on women as negligible.

Men who avoid paying child support may not view their actions as violence; however it is CSMC's position minimising or failing to pay child support is a form of financial abuse and as an act of economic violence it needs to be taken far more seriously. Failure to pay child support and lack of accountability around negotiated care arrangements leaves women and children vulnerable to poverty, makes them more likely to be reliant on some form of income support and impedes their ability to thrive.

CSA needs to be educated on how to identify family violence and understand the role withholding child support plays in the ongoing financial abuse of mothers. An overhaul of the current child support system needs to be undertaken to improve collection and payment of child support and must include consequences for consistent non-attendance on access visits.

Until we hold men fully accountable for their share of the cost of raising children and force men to compensate the women who raise these children adequately, controlling men will continue to exploit these community attitudes to justify their abusive behaviors.

### **Financial fraud against women is financial violence**

Deliberately defaulting on a bank loan or hiding income for the purposes of reducing tax is considered fraud and a serious offence. Failure to pay child support or reducing one's obligation by minimising or hiding income is also an act of fraud and should be treated as such.

Financial fraud against women is not limited to child support however, and can involve social institutions such as banks, utility providers and Centrelink.

CSMC has been contacted on many occasions by women who indicate financial fraud perpetrated against them by their former partner, which can include (but is not limited to): having signatures forged on bank accounts; bank accounts being drained of finances; being coerced into selling property or having property sold without their permission; failure by men to pay their share of jointly acquired debt; and in some instances identity theft for the purposes of obtaining credit. Following are some examples of the experiences of women who have been affected by financial fraud:

One mother described how in the course of separation her ex partner forged her signature on their joint bank account and drained it of funds, robbing her of money, which would have gone to providing for their child. Although she took the issue to the bank and could prove the signature was not hers the bank refused any responsibility and advised her she would need to report the theft to the police. In order to recover the funds this mother would have had to

undertake legal action; however the legal costs of recovering the money would have been greater than the money she was trying to recover, particularly because her ex partner had the resources and the vindictive will to fight her.

Another mother, who in the course of her marriage to a highly controlling man had given him the PIN for her personal account to 'keep the peace', discovered he had drained her account of more than \$13,000 on the day he told her their marriage was over, leaving her with no money to support their three children. When she went to the bank to report the theft the bank refused to investigate the matter. Instead she was advised she was liable for the loss as she had 'willingly' given her PIN to her husband.

One mother had loans taken out in her name by her ex husband, a senior executive with one of Australia's big four banks. It took significant time and considerable effort to prove she had not taken out these loans and to have her credit rating restored. She advised the bank where her ex husband works of the fraud; however he continues to operate in a senior role within this financial institution.

Many years after the end of her relationship (her children are now adults) this woman is still in a position where she has a credit watch on her name due to fraudulent activity, which periodically continues to this day. She is convinced this is the work of her former husband, but as she has no way to prove it she is left with little capacity to have it investigated. Meanwhile she struggles with her own and her children's health issues that have arisen as a direct result of the violence they experienced pre and post separation.

### **Sexually transmitted debt is financial violence**

While many companies, such as utility companies and banks have policies in place around working with clients experiencing financial hardship few appear to have sufficient understanding of family violence and the role it plays in financial abuse.



Essential services, such as gas, water and electricity feature heavily in women's experience of economic abuse and while utility companies have policies in place for customers experiencing financial hardship these policies and practices don't generally account for women who are victims of family violence (CUAC 2014).

It's not unusual in financially abusive relationships for women to be coerced into taking responsibility for payment of bills and when relationships break down this can become problematic, particularly where accounts are held jointly. To have her name removed from an active account or to have a joint account terminated a woman must seek permission from the joint account holder to do so, even when she is no longer living at the property. Many controlling men refuse this permission. Where joint accounts have been terminated and a debt remains some men refuse to pay their portion of the debt.

Failure to pay is not limited to utility bills and can include significant financial commitments such as mortgage repayments, rental arrears and business loans. In one instance a mother was subject to constant harassment from a financial institution pursuing her for well over \$1 million for a business loan she was coerced into co-signing during the course of her marriage. Despite demanding her co-signature on the loan the ex husband refused to give her access to the accounts so she was not aware the business had stopped servicing the loan. Nor did she realise that the expensive equipment her husband was buying for the business was being transferred into the names of his family members so she could not touch these in the divorce settlement. Despite this she was still being held liable for the debt accrued from the purchase of this equipment. When the marriage eventually completely broke down the ex husband told her in no uncertain terms he would bankrupt himself before he gave her a single cent; a threat he upheld, leaving her and their children in financial ruin.

Financial institutions and utility companies must review their policies on joint accounts and debts incurred in the context of family violence. Banks and utility

company's have a responsibility to protect their customers from fraudulent activity, including non-payment by one party on jointly accrued debt.

At a minimum account holders should be able to have their names removed from joint accounts where they can show they are no longer living at the property and the debt formally separated so each party is only liable for their half. Providing access to financial counseling could also be an option.

### **Family Law and Family Violence**

It would be fair to suggest families with a history of violence are rarely able to negotiate parenting agreements through mediation. Consequently a high proportion of families ending up before the Family Court of Australia (FCA) are high conflict cases involving family violence. The FCA recognises the connection between violence and relationship breakdown and it is clear from the best practice principles the FCA understands violence doesn't always manifest as physical aggression (FCA 2014). Unfortunately for many women, best practice doesn't always translate to real outcomes. In its efforts to protect the best interests of the child the FCA appears at times to fail to recognise the abuse endured by the mother is a powerful factor that can negatively impact a child's wellbeing.

In some cases involving family violence the FCA and the legal system itself becomes part of the strategy controlling men use to manipulate and undermine women (Bagshaw and Brown 2010; Laing 2010). These men are often well resourced and can appear very charming and many women we speak with express frustration at how easily manipulated by their former spouses or partners some officers of the Family Court appear to be.

Petra's ex husband is one man who has successfully manipulated court proceedings to perpetrate abuse. Over the seven years they have been separated Petra has been dragged into court more times than she can count. Petra's ex husband has made up or exaggerated allegations, which she is then forced to defend. Many of the allegations are withdrawn or dismissed once they get to court; however, each time she goes to court, Petra is required to retain legal counsel, which is expensive.

By keeping her in a constant legal battle Petra's ex-husband has succeeded in financially devastating her and as a result her ability to afford legal representation has deteriorated. Her ex husband on the other hand, is a high-income earner with the resources to retain consistent, high caliber counsel whose pursuit of Petra on behalf of their client can only be described as ruthless. Not only have they relentlessly attacked her in court, each time Petra manages to gain some ground her ex husband's legal team stalls or argues on point, causing delay after delay and forcing costly extensions.

Despite entering the court system as a strong woman and a competent, effective mother, seven years of litigation has left Petra with no financial resources and little emotional resilience. The malicious use of the legal system and the FCA to deliberately destroy her has seen Petra lose her job and her home. Even worse, her former husband and his legal team have succeeded in using the distress she has experienced through this process to have her declared an unfit parent and a danger to her children.

Needless to say Petra has been fighting these allegations vigorously, but without adequate representation she is fighting a losing battle. Although Petra has medical evidence and professional witnesses who can dispute the ex husband's claims she is a danger to her children, she lacks the financial resources to retain legal representation and cuts to legal aid have left her without the support she needs to fight this horrific injustice. Instead of looking at the evidence and digging into the issue more deeply the court has labeled Petra as a vexatious litigant; an outrageous allegation to level at a mother whose only crime is her desperate desire to maintain contact with her children.

Another mother, Deborah, has had her case reviewed by a senior lawyer experienced in family violence litigation and she was informed the psychological, financial and legal violence she was experiencing at the hands of her ex partner were some of the more extreme the lawyer had seen. This senior lawyer also told Deborah she believed her case would be an easy one to win and advised her she could win it but she warned she didn't come cheap

and she didn't work for free. She called Deborah's ex a classic abuser and advised her there was clear evidence her case had been mismanaged by her previous lawyer, who extracted more than \$50,000 from Deborah to represent her. As she can't afford the legal fees charged by the new lawyer and is not eligible for legal aid Deborah's only option is to self-represent in court; an option that, in CSMC's experience, rarely ends well for women.

### **Risks in reporting family violence to the Family Court**

In the absence of physical injuries family violence can be hard to prove, particularly when the perpetrator is socially adept and charming in his interactions outside the relationship. Despite all evidence revealing women are more likely to understate than overstate the violence they experience, the persistent perception women exaggerate family violence is still entrenched within our social systems and in our community attitudes to violence. Although steps have been taken to address this in the FCA, officers of the court and other legal professionals are not immune to this misrepresentation.

Reporting family violence to the FCA is still considered to be risky and women discuss being advised by their lawyers not to raise the issue for fear of harming their case. Others have described judges dismissing their claims outright or ignoring the evidence, including overriding existing Intervention Orders. Petra has told us she has found herself belittled and publicly berated by one FCA Judge for raising the issue of violence.

While the best interest of the child is the goal of the FCA, conversations with women reveal mothers struggling to make sense of a system where the best interest of the child appears at times to have been completely lost. In a system that rationalises its decisions around points of law what would seem fair or reasonable often times becomes irrelevant and the experiences of women suggest it's not necessarily the parent who is in the right, it's the parent who has the better legal representation or who is willing to fight 'dirty' who gets the better outcome.

Women who raise concerns for the safety of their children risk being labeled as hysterical or an alienating parent and women tell us they have been accused by officers of the FCA of having made up or exaggerated the risks to their children. One woman said the Family Court judge went so far as to yell at her, telling her the concerns she had about the effects of her ex husband's abuse was having on her children were not relevant and that she was being obstructive.

Officers of the FCA need ongoing and consistent training to understand and identify coercive and controlling acts of family violence, which may occur without the presence of physical violence. Greater recognition of the impacts of non-physical violence is vital. Bruises and broken bones heal, but emotional and financial violence can have lifelong repercussions for women and the children they are responsible for. A red flag should be immediately raised if there is an obvious imbalance of power in cases that come before the court i.e. when one parent is able to retain consistent counsel and the other is not, or if one party is self-representing. Officers of the Family Court need to take an interest in cases where families have been locked in ongoing litigation and should be required to take into account the family's entire history of engagement with the FCA and entire justice system when considering current matters.

Family violence and related incidents rarely happen in isolation and are generally part of a pattern of behavior; however women tell us Family Court Judges routinely refuse to look at anything which hasn't occurred in the last 12 months, effectively ignoring the evidence and putting women and children at risk. Where family violence has been identified or is suspected the court must prioritise the safety for both women and children, and again, in doing so, must also take into account the family's full history of engagement with the FCA and the justice system.

A harsher stance needs to be taken when one parent is being unnecessarily obstructive or when their legal counsel is deliberately utilising delaying tactics and better examination of evidence needs to occur. More legal weight needs

to be applied to the investment of care women put into their children and recognition of the benefits men receive from the unpaid work women deliver to their families is essential.

Matters that fall outside the domain of Family Court also need to be taken into consideration as these often form part of the overall pattern of controlling behavior.

### **Impacts of family violence on housing for single mother families**

A 2014 analysis of rental affordability by Anglicare found only 3.2% of listed properties across the entire Australian rental market would be suitable for women with children. Single mothers on Newstart are even worse off with only 1.4% of listed properties being affordable. The housing situation becomes even more dire when we look at the metropolitan aggregate, which reduces housing affordability for single mother families on Newstart to between 0.1 and 0.8% (Anglicare 2014).

Closer to home, data comparison by the Council to Homeless Persons has found there is only one suburb in the whole of Melbourne metro that is affordable for a single mother on an average wage looking for a two bedroom property (CHP 2015).

As the leading cause of homelessness for single mother families, family violence is forcing more and more women and children into unsafe, insecure housing and women with children are accessing homeless services in greater numbers than any other group (FAHCSIA 2008). Accessing public or social housing can take years and the majority of single mother families are in private rental properties, with some indicating they are paying more than 60% of their income on rent.

For women with a history of family violence housing is increasingly becoming a source of despair. In the last year alone CSMC received 374 calls from single mother families experiencing, or at risk of, homelessness. The majority of these calls came from women escaping family violence or who indicated a

history of family violence. A significant number of these women were living with their children in precarious situations; couch surfing, in cars, caravans, rooming housing or in overcrowded accommodation.

Where women's credit ratings have been destroyed by family violence securing housing can be virtually impossible. Discrimination against single mother families in the housing market is already rife and very few real estate agents are willing to risk renting to women with a poor credit history. This leaves women with very few options and puts children at greater risk.

Housing instability and homelessness impacts on women's capacity to work and undermines her ability to provide the important stability children need to thrive. Declining investment by successive governments in public and social housing alongside the unrelenting rise in house prices is leaving women and children increasingly vulnerable to housing instability and homelessness.

Priority needs to be given to women escaping family violence so they have access to safe and affordable housing regardless of where they live, greater access to emergency accommodation and refuges; financial assistance for bond and rent in advance to secure housing. They also require prioritised access to the Housing Establishment Fund for rental arrears or housing repairs and to emergency funding for removal costs, storage and / or replacing household furniture.

### **The role of gender inequality and social attitudes to women's unpaid labour in family violence**

Social attitudes to women's paid and unpaid work and the unacknowledged costs of raising children play a major role in the violence experienced by women. Despite the enormous cost benefit women's unpaid work delivers to the Australian economy credibility is generally only afforded to work that generates an income, with little legitimacy given to unpaid labour.

These attitudes are shaped by our entrenched gender stereotypes around motherhood and women's worth in general. The notion that a mother's love is

reward enough for raising children is naive and yet it is a value that underpins much of the social expectation of women as primary caregivers.

The failure to recognise the true cost value of motherhood and women's unpaid work creates a culture where men's violence against women is allowed to thrive. By allowing men to shirk their responsibility to the women raising their children we are essentially sanctioning their abuse.

The lack of gender equality in our society is the underlying cause of violence against women and without addressing this fundamental issue we can never hope to eradicate family violence. Where women's economic power is tied to men's women will continue to be vulnerable to men's violence.

If we are to get truly serious about family violence and men's violence against women we must address the structural inequalities women face. Addressing the gender wage gap, increasing women's representation in government, on Boards and in positions of power is vital. CSMC has therefore welcomed Premier Daniel Andrews' commitment to raising the number of women in ministerial and executive positions within the state government as a step in the right direction.

It is also important however to recognise the value women's unpaid work and motherhood delivers to our economy and ensuring fathers accept equal responsibility for the children they bring into the world is essential.



**Final word: State v Federal responsibility**

CSMC understands many of the systemic issues contributing to women and children's experiences of family violence are federal and fall outside the legislative domain of the states; however the states cannot afford to wait for the Commonwealth to take leadership on this issue. This is particularly important for Victoria where we have witnessed some of the most shocking and violent acts occurring against women and their children.

Part government responsibility in addressing family violence is in the provision of an adequate social safety net, which recognises how financial abuse and other forms of coercive control contribute to the ongoing financial instability and poverty for women and children. The erosion of income support by successive federal governments, as well as the loss of state based subsidies to support low income families serves to force women into choosing between staying in a violent relationship or facing significant poverty and hardship, effectively punishing her no matter which way she turns.

CSMC asks the Royal Commission make findings and recommendations to both State and Federal legislature and policy where appropriate.

## References

- Domestic Violence Death Review Team, Sydney (2015) *NSW Domestic Violence Death Review Team Annual Report 2012- 2013*
- Victorian Department of Justice (2012) *Measuring Family Violence in Victoria, Victorian Family Violence Database, Volume 5: Eleven Year Trend Analysis 1999 - 2010*
- McDonald, F (2013) *Spotlight on Economic Abuse*
- Evans, I (2007) *Battle-scars: Long-term effects of prior domestic violence*
- Branigan, E (2004) *His Money or Our Money? Financial Abuse of Women in Intimate Partner relationships*
- Sheehan, G, Hughes, J (2001) *Division of Matrimonial Property in Australia*
- Corrie, T, Maguire, M (2013) *Economic Abuse: Searching for Solutions*
- Department of Treasury (2015) *Budget Paper No. 2, Part 2: Expense Measures, Human Services*
- NATSEM (2012) *Cost of Kids: The Cost of Raising Children in Australia*
- CUAC (2014), *Helping Not Hindering: Uncovering Domestic Violence & Utility Debt*, Consumer Utilities Advocacy Centre Ltd., Melbourne
- Family Court of Australia and Federal Circuit Court of Australia (2014) *Family Violence Plan 2014 -2016*
- Bagshaw, D; Brown, T (2010) *Family Violence and Family Law in Australia*
- Laing, L (2010) *No Way to Live, Women's experiences of negotiating the family law system in the context of domestic violence*
- Anglicare Australia (2014) *Rental Affordability Snapshot*
- Council to Homeless Persons (2015) Media Release: Women experiencing family violence trapped by lack of affordable housing. [http://chp.org.au/wp-content/uploads/2015/04/150429-\\_family-violence-housing-affordability.pdf](http://chp.org.au/wp-content/uploads/2015/04/150429-_family-violence-housing-affordability.pdf)
- FAHCSIA (2008) *The Road Home, A National Approach to Reducing Homelessness*

