

Family Violence and a flawed Child Support System

The harsh reality of abuse and poverty

***The Joint Select Committee on Australia's
Family Law System***

January 2020

The National Council
& of Single Mothers
Their Children Inc.

(www.ncsmc.org.au)

Eliminate and respond to violence, hardship and inequality for single mothers and their children.

Who we are

The National Council of Single Mothers and their Children Incorporated (NCSMC) is an organisation dedicated to single mothers. The Council has become a platform whereby both the community and the Government can communicate.

NCSMC can comment on policy and legislation and ensure that the *lived experience* is heard. NCSMC provides information, referrals and assistance to single mothers through our electronic platforms.

In the past year we have responded to tens of thousands individual requests whilst our information posts can reach up to 100,000+ per week.

One of our greatest strengths is our expertise and commitment in working with and for the advancement of women and children who are affected by poverty, hardship and/or Domestic Violence.


Safety First

The National Council of Single Mothers and their Children Inc are dismayed that this inquiry has been instigated whilst key findings and learnings from significant inquiries, events and reports remain outstanding, presenting a sense that this Inquiry is duplication.

We agree that Family Law is complex, it holds a position of great importance, it must operate with the trust of the Australian community and most of all it must place safety above every other consideration. It is our view that a more progressive investment would be a Royal Commission into the Family Law and its socio-legal environment including child-support.

A Royal Commission would command the level of expertise and impartiality that can lead to substantial and progressive findings.

Despite our reservations of this Inquiry, the National Council of Single Mothers and their Children Inc (NCSMC) are committed to engagement with the Inquiry and trust that evidence, fairness and safety will be the key drivers of reforms.



"Family Court is the
most effective weapon
a family violence
perpetrator has"

We bring to the Committee's attention rich learnings and findings from past reports and inquiries that should not be overlooked. They include, but are not limited to:

- Australian Law Reform Commission; Family Law -for the Future —An Inquiry into the Family Law System (March 2019);
- Women's Legal Services of Australia and is in their Safety First in Family Law (2019);
- A better Family Law system to support and protect those affected by family violence (2017);
- The Family Law Council's interim and final reports on Families with Complex Needs and the Intersection of the Family Law and Child Protection Systems (2015 and 2016);
- The report of the Victorian Royal Commission into Family Violence (2016);
- The Special Taskforce on Domestic and Family Violence in Queensland, Not Now, Not Ever (2015);
- The Victorian Coroner's Court Finding – Inquest into the Death of Luke Geoffrey Batty (2015);
- The Australasian Institute of Family Studies Evaluation of the 2006 Family Law Reforms (2006) and Evaluation of the 2012 Family Violence Amendments (2015);
- The Australian Law Reform Commission's report – Family Violence – A National Legal Response (ALRC Report 114) (2010);
- Bravehearts' Abbey's Project paper on the Family Law system (2016).

They all speak of gaps, identify safety concerns and highlight the position of vulnerability that can be associated with Domestic Violence and the quest to seek and stay safe.

"I lost time,
resources, my home,
faith in the system,
friends, family & my
children lost their
childhoods"

Our submission is informed and influenced from the "lived experience" – one of the most advantageous perspectives. Our lens is most typically from self-litigants, who are affected by domestic violence including women who are trapped in abusive circumstance, have left, have fled and/or contending with post-separation violence. These women are often the primary carer of children and possibly dealing with financial hardship compounded by inadequate income support and flawed child support compliance. It is their quotes that are contained in this submission and are also found on page 21 to 30. We hope that the Committee will respect the women through reading their statements. Its piquant, real and commands action.

Our Recommendations

Safety First in Family Law

1. The removal of the presumption of equal shared parental responsibility to ensure that children's safety is central and granted primacy when determining parenting arrangements.
2. The removal of the presumption of equal shared parental responsibility to eliminate abusive ex-partners the option to intervene and/or control where women and children reside.

It remains a concern that the presumption of equal shared parental responsibility is being improperly relied upon, such that the safety of children is not being appropriately prioritised in many Family Law matters. The removal of the presumption can re-orientate a cultural shift and practice that prioritise children's safety and well-being.

Furthermore, the presumption of equal shared parental responsibility enables abusive ex-partners to intervene and then control where women and children reside. The current Family Law legislation can prevent or legally force women and children to return to a community that was the place of their abuse, and within the proximity of the abuser and/or their extended networks. This occurs even when relocation has been supported by State child protection service, State police service and/or the State Domestic Violence service system. Women should be fully supported to seek out the best environment that will protect them and their children.

3. The proposal to merge the Family Court with the Federal Circuit Court should be abandoned and replaced with the ALRC recommendation to establish Family Courts in all State and Territory jurisdictions, along with an increase of funds to immediately address the backlog and delays.

Legal assistance

4. Women affected by Domestic Violence to have access to affordable and/or free legal representation. It is unacceptable that women who are affected by Domestic Violence are then forced to commence or continue with their court proceedings as a self-litigant thus compromising the safety for them and their children. Furthermore, as they seek to protect themselves, financial resources are drained or completely exhausted hampering their capacity to commence a safer life for themselves and their children.
5. Family Consultants to be engaged by the Court itself, with a reduced and/or an agreed fee schedule, and a process of accreditation and peer review.
6. Legal assistance and other support services, including services available for interventions, need to be adequately funded to ensure that all parties (not just those with resources to fund legal assistance) have access to justice, including but not limited to:
 - 6.1 the National Partnership on Family Advocacy and Support Services.
 - 6.2 the Health Justice Partnerships.

7. Pursue policy reform to better identify and manage litigation abuse. The courts can, and have, been used by perpetrators of violence to continue their abuse and to gain an advantageous position. Litigation abuse erodes safety, affects paid work and care commitment and it can result in the victim of violence to “just to give up”, as they no longer have the financial resources or capacity to continue.

It costs money to seek and stay safe

A consistent theme from women who seek our support and/or engage in surveys confirm that a lack of financial resources is a key reason why women are forced to return to the hands of their abuser and the place of their abuse. The consequences of family and Domestic Violence extend beyond current legislation and therefore so should the remedies.

8. Immediately implement a mutual obligation exemption for women who head-up a sole parent family and is affected by Domestic Violence. This would enable them to retain the equivalent of Parenting Payment Single until their youngest child is 16 years of age. A frugal amount of \$780.70 per fortnight but with the chance of survival when compared to the Newstart Allowance which is \$604.70 per fortnight. The more generous threshold of the Parenting Payment Single can increase financial resilience as more earnings can be retained.
9. Replace the Crisis Payment with an upfront payment (between \$6,000 to \$9,000) to those affected by Domestic Violence. This better reflects the financial needs of women as they seek to establish a life for themselves and their children which is free from violence. This amount is aligned to the [“Relocation Assistance to Take Up a Job”](#) as well as the \$7,000 assistance provided by the Victorian Government which supports women to create a safer, more stable life for themselves and their children, a recommendation that arose from the Victorian Royal Commission.
10. Immediately remove the 7-day eligibility timeframe so women who are contending with domestic violence can access to this payment and to extend eligibility to women who are not yet in receipt of income support.

Child-support

The terms of reference include “any improvements to the interaction between the Family Law system and the child support system”. NCSMC has expertise in the area of child-support and have made six recommendations plus submitted a recent report which was a collaboration with Swinburne University. The report; ‘Debts and Disappointment: Mother’s Experience of the Child-Support System’ December 2019, is an addendum and to this submission.

11. Trial a State Guaranteed Child Support Payment, as recommended by the 2015 Parliamentary Inquiry into the Child Support Program. It would be sensible to commence an agreed trial for women affected by Domestic Violence including postseparation financial abuse. The only safety mechanism for women in the child-support scheme is the option not to pursue child-support. The current policy places the burden upon the victim to have knowledge of the exemption process, undertake the application process and then hopefully be granted an exemption. Penalties and/or failures for not pursuing child-support can reduce critical Family Tax Benefit Part A resources. A State Guaranteed Payment would be a second option for

women and children affected by domestic violence. Currently, the system provides a perverse incentive that financially reward abusive payers (typically men), as they may be exempt from paying any form of child support.

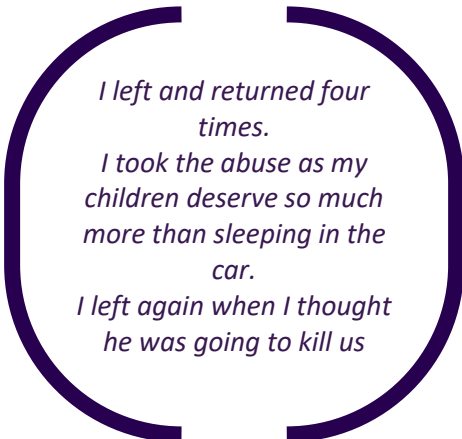
12. Develop an administrative mechanism to enable swift identification of superannuation assets by parties to Family Law proceedings, leveraging information held by the Australian Taxation Office:
 - 12.1 Amend the Family Law Act 1975 (Commonwealth) and relevant regulations to reduce the procedural and substantive complexity associated with superannuation splitting orders, including by simplifying forms required to be submitted to superannuation funds.
 - 12.2 Amend the Family Law Act 1975 (Commonwealth) to prevent the 'hiding of superannuation' for child support customers who have a debt and for superannuation to be accessed.
 - 12.3 Amend the Family Law act 1975 (Commonwealth) to compel child-support customers to lodge an annual taxation as per the described annual dates. The practice of minimising income to avoid taxation and subsequently to avoid or minimise child support is a practice of financial abuse.
13. We seek the implementation of policies and practices that take into consideration the payment or the non-payment of child-support when determining parenting arrangements as well as the inclusion of payments in the formation of national credit ratings. Too often we speak to women who are affected by litigation abuse, contending with safety concerns and the volatility of non or erratic payments of child-support.
14. The stated debt of \$1.6 billion, which does not include debt in private collect arrangements or the debts that have been written off, indicates that the current child support system is not fulfilling its role to the detriment of the Australian children, often an intentional form of financial abuse. We ask the Committee to recommend an inquiry into compliance and that it is undertaken by an independent and appropriately skilled entity such as the Productivity Commission.
15. Remove the Maintenance Income [Test](#) which will uncouple child support and family tax benefits. This will immediately cease the practice of payees (mostly low-income mothers) receiving a family tax benefit debt because of the actions of the payer and the reluctance for DHS-CS to ensure "actual" income rather than "provisional" are accepted. It will make inroads and compensate for the current child support debt. The current low thresholds reduce FTB (and rent assistance) by 50 cents for every dollar of child maintenance above **\$1,653.45 per annum**. It is completely out-of-step with the financial realities of families and falls way below a more sensible amount set for low income families, who are not in receipt of maintenance, which is a reduction of 20 cents for each dollar of income over **\$54,677 per annum**. Removing the maintenance income test will solve a range of problems and is a key recommendation in the additional report.
16. Reinstate the "Child Support National Stakeholder Engagement Group" a collaborative network which included inter-government, socio-legal, not-for-profit organisations, and academic institutions. An engagement group that could work together to respond to systemic

matters that affected the lives of families separated, primacy was granted for child-support matters and or when the policy interacted with other national policies. A critical portal of accurate information for grassroots organisations as they supported families with timely and accurate information in a complex system.

Domestic Violence & Financial Hardship

Women experiencing Family and Domestic Violence and Financial Hardships cannot “just leave”. Women speak about feeling ‘trapped’. They fear that they won’t be believed or that their experience will be trivialised. Women speak about concerns that they won’t get the help and support that they so desperately need. After many years of verbal abuse, they may start to believe the words and that, somehow, they are responsible or worthless.

Women talk about their sense of isolation due to the violence and the image others may hold of the abuser, that he is ‘a really good guy’ or that he holds a ‘position of influence’ within their community. Furthermore, it is possible that she will not have any money, or have limited access to money, and/or she will feel such paralysing fear she will be unable to leave or even be able to see a way to be safe.



*I left and returned four times.
I took the abuse as my children deserve so much more than sleeping in the car.
I left again when I thought he was going to kill us*

Statistics tell us that separation is the most dangerous time for women and children fleeing violence and that separation is in itself not a guarantee of safety. The NSW Coroner Michael Barnes reported that:

“Separation, in fact, can be the most dangerous time, because it seems to be based on a need for the perpetrator to control his intimate partner. That can go quite quickly from controlling, jealous behaviour to fatal violence.”

We work with women who endure hardship which can span a lifetime because of the effect of Domestic Violence. The harsh reality of what lies ahead for these women is struggling on Newstart to keep a roof over their head and food on the table, let alone cover expenses for clothing and education that all children require.

NCSMC is in awe of every mum who has spoken, reached out and ‘done her darnedest’ to protect herself and her children, often against the collective power of a naïve culture and a failed system. Even with such incredible resolve, the reality of poverty will impact greatly on her and her children. The health burden of intimate partner violence can be reduced by supporting women and children’s long-term recovery in the aftermath of violence. However, as a country, we fail these women on so many levels.

If her youngest child is eight years or older her income support will be the Newstart Allowance, an unemployment payment, which is below the poverty line and has not been increased for over 21 years. It is beyond comprehension that any women and their children, let alone those escaping violence, are expected to survive and provide for themselves and their children on this payment. Background evidence to support the consultations on the fourth action plan (2019 - 22) to reduce violence against women and their children stated:

"It's not enough to simply focus on prevention and crisis response. Family and Domestic Violence can have a range of significant negative consequences for women's long-term recovery and ability to sustain social and economic participation."

Supporting evidence found that women who reported that their household would have difficulty "suddenly raising \$2000 within a week for something important" had experienced violence from partner at a rate of 5.8% compared to 2.1% of women who reported that this amount could be raised ¹

The National Council of Single Mothers and their Children Inc. brings to the Committee's attention the fact that women affected by family and Domestic Violence do not have an exemption, despite a range of most welcomed exemptions granted to Single Principal Carers who are foster caring, non-parent relative caring under a court order, home schooling, distance education or have a large family. The [exemptions](#) also enable Single Principal Carers to retain the same amount as the Single Parenting Payment, which is currently [\\$780.70](#) per fortnight. These exemptions are sensible and most welcomed. Excluded from exemption, Single parents affected by family and Domestic Violence languish on Newstart which is [\\$604.70](#) per fortnight.

8. Immediately implement a mutual obligation exemption for women who head-up a sole parent family and is affected by Domestic Violence. This would enable them to retain the equivalent of Parenting Payment Single until their youngest child is 16 years of age. A frugal amount of \$780.70 per fortnight but with the chance of survival when compared to the Newstart Allowance which is \$604.70 per fortnight.

"Bring back the single parent pension we can't even feed our kids Raise Newstart we can't afford a roof over our heads.... Reasonable access to the disability pension for those who have survived years of abuse and it's not going to get better within the short term, we are being victimised, shamed, humiliated and retraumatised through Centrelink and job Providers and so we end up homeless... without hope and our kids see that there is no justice and loose hope and end up a mess themselves."

"What is better, my safety or living in the car with my 13-year-old daughter? I really don't know any more."

The crisis payment can be vastly improved for women and or children who are unsafe and desperately seeking safety, it does not operate as intended by the Government and expected by the community. The **"seven-day"** time frame to apply for a payment otherwise ineligible is out of step with the reality of a family affected by domestic violence. If timeframe restrictions are in place, we suggest **28 days** but certainly no less than 21 days. Furthermore, the payment offers **no** support for women who are trying to seek safety whilst a lack of finances is their obstacle. Current eligibility rules prohibit access for women who are not in receipt of income support. The eligibility guidelines currently condemn these women and families to longer periods of living with their abuser along with extended exposure to harm and violence. The situation has been compounded by the removal of the "intent to claim"

¹ Webster, K. (2016). A preventable burden: Measuring and addressing the prevalence and health impacts of intimate partner violence in Australian women (ANROWS Compass, 07/2016). Sydney, NSW: ANROWS.

due to the Social Services Legislation Amendment (Welfare Reform) [Bill](#) 2017 which now prohibits women from taking active steps with DHS as part of their preparation to leave a violent domestic setting, and replaced by extended waiting periods.

9. Replace the Crisis Payment with an upfront payment, between \$6,000 to \$9,000, to those affected by Domestic Violence. This better reflects the financial needs of women as they seek to establish a life for themselves and their children which is free from violence. This amount is aligned to the "Relocation [Assistance](#) to Take Up a Job" as well as the \$7000 assistance provided by the Victorian Government which was an outcome of the Royal Commission.

"Needs to be more support for domestic violence survivors and information where to get the support. Especially financial and emotional support".

"Government to pay child support (use means to collect from intended payer) to minimise the number of single parents living below the poverty line, children should not have to suffer due to being in a single parent family which is beyond their control. Allow mediation for just assets. Have children's care separate to assets".

"If I was able to financially afford not to collect Centrelink and child support I would not bother as they both only put my mental health in danger of collapse and our safety at risk. I hope that this inquiry will have a positive outcome for the children involved in DV cases, but I highly doubt it will and that makes me angry and sad but above all else disappointed to be an Australian".

Single mothers are often one of the poorest family groups in Australia and the contend with this hardship whilst trying to access or forced to attend the court system to protect them and or their children. In preparation for this inquiry NCSMC facilitated a national survey. The financial vulnerability and dire circumstances of the families are rarely factored into family law however they loom largely in the lives of single mothers and their children. The survey found that basic requirements were often out of their financial capacity as indicated by nearly 2/3 of survey respondents (**67.5%**) who stated that they had **difficulty in buying groceries each week and or they skipped meals** and suffered poor nutrition. Furthermore 56% indicated that there was a regular difficulty in paying utility bills accompanied by late payment fees. Maintaining a car and keeping it on the road also was identified as a significant problem for well over half of the respondents (52.5%). Social isolation for their children was a recurring theme with 41% of the respondents stating that they don't or the children attend small family events, with over half of the respondents (**52.5%**) **stating that their children no longer participate in sport or other activities because of the associated costs or fees**. Housing stress, homelessness including couch surfing, sleeping rough and being unsafe was a regular feature for women whilst they were are attending court.

Whilst attending court have you been affected by any of the following?

ANSWER CHOICES	RESPONSES
Have difficulty paying the mortgage	17.50%
Have difficulty in payment rent, fallen behind and or have been evicted	37.50%
Have difficulty in buying groceries each week, skipped meals or poor nutrition	67.50%
Child/children can no longer participate in sport or other activity as I cannot afford uniform/equipment/fees	52.50%
Have difficulty in paying utilities and had late payment fees	56.25%
Utilities have been disconnected	16.25%
Child/children missed medical appointments or other healthcare needs	27.50%
Struggle with school fees, books & uniform	47.50%
Cannot afford school camps or other school costs	36.25%
Inadequate clothing eg coat in winter, inappropriate footwear	30.00%
Reduced or ceased internet access	27.50%
Reduced or ceased mobile phone	32.50%
Difficulty in running and maintaining a roadworthy car	52.50%
Cannot afford health or household insurance	46.25%
Forced to change schools	16.25%
Used payday lenders	16.25%
Cashed in superannuation	21.25%
Accessed charities for basics such as food	43.75%
Rely upon family and or friends	55.00%
Do not have enough \$ to stay safe	25.00%
Used all of our savings	58.75%
Conflict in the home because we don't have enough money	22.50%
Child hiding notes from school where about money or where payment is required	12.50%
Child wanting to drop out of school and or get a job because of money	12.50%
Self or children don't attend small social or family events because of money	41.25%
Given up the family pet	15.00%
Other	12.50%

In May 2017, NCMSC wrote a submission to the Parliamentary [Inquiry](#) into a better Family Law system to support and protect those affected by family violence. This engagement included a national online survey known as Domestic Violence and Economic Security. The survey found that 22% of respondents had returned to their place of abuse and to the hands of their abuser because they did not have access to adequate financial support. Every woman and child deserve to live free from violence and with dignity. We must do more than to force women to make the unthinkable choice of accepting abuse or not been able to provide the basics for their children.



Imagine packing your twin girls aged 7 into a car and fleeing

A new life begins, built out of stoic determination; resolve to be free from the violence, the yelling, the threats and the fear.

A small but safe home was their shelter, their sanctuary, the girls could sing and laugh, and it was never too loud.

Goodnight meant a good night.

Mum was not yet in paid work, she needed to be nearby and did volunteer work at the school. It kept them close and for these girls this meant safe.

Imagine losing it all because the girls celebrated their eighth birthday and mum was denied the parenting payment. She could not afford to keep her house.

The Australian Child-Support Scheme

“In the best interest of the children”

The current Child Support system in Australia is enabling the non-payment, part-payment and late payment of owed child support, leaving many single mother households struggling to cover the full or majority of the costs of raising their children. The system can be characterised as volatile underpinned by poor compliance which has remained largely invisible to government remedies. Some families do not use child support system but for many other families there are two distinct agreements, which are Child Support Collect or Private Collect.

- Child Support Collect: Department of Human Services - Child Support determines the child support amount using the statement formula that requires the income of the payee and payer, the ages of children and the percent of care. It is the role of the DHS to transfer the payment between parents for the benefit of the care and wellbeing of the children.
- Private Agreement: Department of Human Services - Child Support determined the amount of child support using the statement formula, but the transfer remains “private” between parents. Child Support Agency actively encourage the Private Agreement and with figures consistently exceeding child support collect customers it forms 51.5% of the case load (DHS Annual [Report 2018-19](#) p111) but has been upwards to 55% in previous years. The preferred and promoted method of DHS is problematic for women. NCSMC always advises women not to use private collect as there are too many hazards associated with this agreement including the inability for DHS-CS to recover unpaid child support. Typically, the most that can be recovered is the last three-months of debt and this is when debt can be proven.

The Department of Human Services (DHS) submission to the House of Representatives Standing Committee on Social Policy and Legal Affairs (2014) contained information that presented the realities whilst challenges some of the prosecuted “myths” associated with child-support. The “the annual rate of collection” table located on next page (page 13) identifies that of the 16 amount categories (presented by DHS) the most amount transferred was in the first and lowest bracket of “**0 to \$500 per annum**”. It is concerning that additional information provided by the DHS stated that of the 138,359 child support collect customers that were in the (lowest bracket) of **0 to \$500 per annum**, 60,839 cases had a debt².

² Department of Human Services, August 2014, Parliamentary Inquiry into the Child Support Program-Supplementary Submission 99.1

Debt as at August 2014³:

- \$977 million of the total debt is associated with domestic cases;
- \$388.6 million is associated with international cases;
- \$178.1 million of debt is less than 1 year old;
- \$608.9 million is between 1 year and 5 years old;
- \$375.2 million is between 5 years and 10 years old; and
- \$203.3 million is older than 10 years.

It is important to note that commentators do not accept the stated debt figures as correct and describe the statistics as 'air brushed' as the Department only records and report on the debts that arise from a Child Support Collect agreement, which is the least used form of transfer and nor does it include debts that have been written off.

Annual rates by collection: DHS 2014

A. Annual rates by collection status of case³⁴

Annual Rate	Child Support Collect	Collect %	Private Collect	Private %	Grand Total
\$0 - \$500	143,843	52%	134,107	48%	277,950
\$501 - \$1,000	10,251	48%	11,104	52%	21,355
\$1,001 - \$2,000	29,962	49%	30,859	51%	60,821
\$2,001 - \$3,000	25,665	47%	29,111	53%	54,776
\$3,001 - \$4,000	26,895	46%	31,432	54%	58,327
\$4,001 - \$5,000	18,650	45%	22,833	55%	41,483
\$5,001 - \$6,000	21,373	44%	26,893	56%	48,266
\$6,001 - \$7,000	14,767	42%	20,034	58%	34,801
\$7,001 - \$8,000	10,814	42%	14,841	58%	25,655
\$8,001 - \$9,000	8,868	41%	12,651	59%	21,519
\$9,001 - \$10,000	7,805	42%	10,748	58%	18,553
\$10,001 - \$20,000	31,236	38%	51,146	62%	82,382
\$20,001 - \$30,000	5,248	34%	10,294	66%	15,542
\$30,001 - \$40,000	961	30%	2,205	70%	3,166
\$40,001 - \$50,000	164	32%	354	68%	518
\$50,001 +	78	32%	164	68%	242
Grand Total	356,580	47%	408,776	53%	765,356

³ Department of Human Services, August 2014, Parliamentary Inquiry into the Child Support Program- Submission 99

Single mothers are predominantly the primary carer and are more vulnerable to the failings of the child-support system. It is known that child-support scheme provides capacity for perpetrators of violence to continue and or commence postseparation abuse. Mothers who have left violent men state that high levels of unpaid child support can be an intended outcome from abusive and controlling ex-partners⁴. Economic abuse has the potential to affect women's economic, physical, and psychological wellbeing and this impact is occurring often in the context of elongated years in the court which can include litigation abuse. Research has found that deliberate failure to pay or partial or late payment of child support and under-reporting of taxable income can operate as forms of domestic family violence, specifically, economic abuse⁵. Furthermore, research has linked the practice of non-lodgement of tax returns to the poor child support compliance.⁶

Recommendation 12

The stated debt of \$1.6 billion, which does not account for child support debt in private collect arrangements or debts that have been written off, indicates that the current child support system is not fulfilling its role to the detriment of the Australian children, often an intentional form of financial abuse. We ask the Committee to recommend an inquiry into compliance and that it is undertaken by an independent and appropriately skilled entity such as the Productivity Commission.

"Government to pay child support (use means to collect from intended payer) to minimise the number of single parents living below the poverty line, children should not have to suffer due to being in a single parent family which is beyond their control. Allow mediation for just assets. Have children's care separate to assets".

A State guaranteed trial was a policy recommendation from the Inquiry and can be found in the Committees report, 'From Conflict to Cooperation – Inquiry into the Child Support Program'. The Committee recommends that the Australian Government:

examine the social and economic impacts in other jurisdictions of a limited child support guarantee system, conduct modelling to assess if there is capacity to apply such a limited guarantee to the Australian context, and then consider the feasibility of conducting a trial of a limited guarantee for either vulnerable families or for a random sample of Child Support Program clients. [Recommendation 25](#) (pg14)

The only safety mechanism for women in the child-support scheme is the option not to pursue child-support, this places the burden upon the victim to have knowledge of the exemption process, undertake the application process and then hopefully be granted an exemption. A State Guaranteed Payment would be a second option for women and children affected by domestic violence. Currently,

Natalier Kristine, 7 June 2018, State Facilitated Economic Abuse: A Structural Analysis of Men Deliberately Withholding Child Support.

⁵ *ibid*

⁶ Cook Kay, Volume 11, Number 2: June 2013, Child support compliance and tax return non-filing: A feminist analysis, Australian Review of Public Affairs

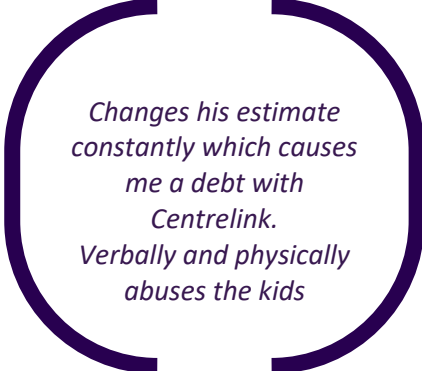
the system provides a perverse incentive that financially reward abusive payers (typically men), as they may be exempt from paying any form of child support.

Recommendation 12

Trial a State Guaranteed Child Support Payment, as recommended by the 2015 Parliamentary Inquiry into the Child Support Program. It would be sensible to commence an agreed trial for women affected by Domestic Violence including postseparation financial abuse.

Non-lodgement of tax returns: Australians with an enforceable child support liability must lodge an annual tax return as per prescribed dates or use the DHS portal. The lodgement of a tax return should not be negotiable and have no legal recourse. The perennial issue of not having an accurate and timely assessment of income corrodes the overall effectiveness of the Child Support Scheme.

The long-standing issue of child support payers exercising their choice to minimise and or avoid taxation and subsequently child-support was not responded to by the 2011–12 federal budget measurement which changed the way non-resident (payer) parent income is calculated for those who fail to lodge tax returns rather than increased lodgement compliance. Single parents in receipt of assistance through the Department of Human Services are compelled lodge an annual tax return or complete the DHS online option, within the prescribed time frames, otherwise they risk reductions in family tax benefits and supplements. There are no such compulsions for child support payers.



Changes his estimate constantly which causes me a debt with Centrelink. Verbally and physically abuses the kids

The default assessment for payers who choose not to lodge a tax return of more than two years is a calculation of ($\frac{2}{3}$ MATWE, or the last known lodgement indexed by CPI) clearly it is a failed policy response to the outstanding matter, and this (loophole) erodes the efficacy of the scheme Furthermore, a family payment debt to the government, mostly from payees (receiving mothers) can be an outcome of reconciling a 'provisional' income against the actual income. This matter featured in the **'From Conflict to Cooperation – Inquiry into the Child Support Program' report:**

The Committee recommends the Australian Government amend current policy to ensure that the penalties applicable to the non-lodgement or late lodgement of tax returns are enforced for all clients of the Child Support Program. The penalty should allow for defences where the individual has a reasonable excuse for non-lodgement, such as circumstances outside their control. Consideration should also be given to the annual indexation of the penalty. A working group comprising representatives of the Australian Taxation Office, the Department of Social Services and Department of Human Services should be established to recommend the size of the penalty. Recommendation 7 ([page 5](#))

The Australian Government stated that they 'agree in-principle with this recommendation'.

The Government will investigate the best ways to ensure the lodgement of tax returns as part of the support of the Child Support Program. This will include an examination of the way in

which the current penalty regime is enforced and how it could be improved, including the regularity of enforcement, and the nature and size of the penalty. The Government will also examine other measures aside from penalties that may encourage compliance.

Recommendation 13

Develop an administrative mechanism to enable swift identification of superannuation assets by parties to Family Law proceedings, leveraging information held by the Australian Taxation Office.

13.1 Amend the Family Law Act 1975 (Commonwealth) and relevant regulations to reduce the procedural and substantive complexity associated with superannuation splitting orders, including by simplifying forms required to be submitted to superannuation funds.

13.2 Amend the Family Law Act 1975 (Commonwealth) to prevent the 'hiding of superannuation' for child support customers who have a debt.

13.3 Amend the Family Law act 1975 (Commonwealth) to compel child-support customers to lodge an annual taxation as per the described dates. The practice of minimising income to avoid taxation and subsequently to avoid or minimise child support is a practice of financial abuse.

"Something must be done to enforce lodgement of tax returns and the ability to simply provide an estimated, verbal income. How this continues to be acceptable is simply beyond me. I am owed far more than CSA have estimated".

"Child Support system needs an overhaul. Receiving parents should not be penalised for payments received or not received. Government should pay and then claim this from the paying parent. Then they would be guaranteed to get it rather than letting payers get away with not paying. If someone has experienced DV then the government needs to pay a basic payment instead - otherwise the victim receives nothing!! How can that be fair?"

NCSMC attended the National Plan to Reduce Violence against Women and their Children consultations in Adelaide on 17 September 2018. There is a nexus between the post-separation violence abuse and/or control and the flaws in the current child support scheme. It is manifested within sporadic, partial and/or non-payment of child-support. The current child support scheme will allow a payer to hide their actual income through accepting a 'provisional income' which can span years and not enforcing the lodging of an annual tax return.

Presumption of Shared Care

Nice Title - Dangerous Consequences

Why we must remove the 'Presumption of Shared Care' so the reorientation and cultural shift ensures that the child welfare and safety is granted primarily.

It remains a concern that the presumption of equal shared parental responsibility is being improperly relied upon such that the safety of children is not being appropriately prioritised in many Family Laws matters. The removal of the presumption can re-orientate a cultural shift and practice that prioritise children's safety and well-being.

Furthermore, the presumption of equal shared parental responsibility enables abusive ex-partners to intervene and then control where women and children reside. Current Family Law legislation can prevent or legally force women and children to return to a community that was the place of their abuse and in the proximity of the abuser are and/or their extended networks. This occurs even when relocation has been supported by State child protection service, State police service and/or the State Domestic Violence service system. Women should be fully supported to seek out the best environment that will protect them and their children.

One in six Australian women have experienced physical and/or sexual violence by a cohabiting partner since the age of 15 (Australian Bureau of Statistics [ABS], 2017). While domestic and family violence (DFV) is experienced by both men and women, it overwhelmingly affects women and children (National Council to Reduce Violence Against Women and Their Children, 2009). On average, one woman a week is killed by her current or former partner⁷ⁱ

Recommendation 1

The removal of the presumption of equal shared parental responsibility to ensure that children's safety is central and granted primacy when determining parenting arrangements.

Recommendation 2

The removal of the presumption of equal shared parental responsibility to eliminate abusive ex-partners the option to intervene and or control where women and children reside.

"My ex ended up taking my children due to him not allowing me to relocate. I ended up moving anyways and now fighting to get my kids back. He was a Violent and intimidating Man. He thinks he still has control."

"I moved. The report writer provided him my suburb within the report, without my knowledge or consent. Abuser has moved 3kms away."

I couldn't prove abuse because he wasn't physically violent, but he drank, was verbally and sexually abusive toward me, he kept me and our 4 kids in substandard accommodation and withheld money. When I left him, I tried to move 7 hours north to an area where I could rebuild life and work toward buying a property. I had a job lined up, a rental property, the kids enrolled in schools and Preschool. He wouldn't let me take the kids saying it would have a negative impact on his ability to have a relationship and took me to court for 50/50 shared care. Thankfully the judge gave him standard every second weekend and half the school holidays, but within a month of the end of our court settlement he moved 4 hours away with his fiancé and her kids. He has taken the kids to his place maybe twice and hasn't seen them now for 3 years.

"Fingers crossed you get somewhere. It's beyond devastating that we have to stay here. I am a single mother, 2 jobs, no family support whatsoever, pushing shit up a hill month after month financially (and in many other aspects). I work so hard for us to keep going and provide a nice life for us! I would love to move out to the country (even agreed to stay here for the chance to have a relationship with his child) and live a more affordable life and more peaceful one but I am

⁷ Heather Douglas & Rachna Nagesh (2019): Domestic and family violence, child support and 'the exemption', Journal of Family Studies, DOI: 10.1080/13229400.2019.1653952

NOT ALLOWED. I am actually only allowed 4 weeks a year to travel!!!! Just had my first real holiday with my daughter in 4 years. Next year I hope to see my family, but then I will only be allowed 4 weeks in the UK. Then I won't be able to have any other time overseas for that year (not that I can afford it, but I would like to work towards a holiday and the motivation to see my family helps me keep focussed and do over time!) I am completely shattered and broken by this system. It's taken all my money (\$100k in lawyers) and too much extent I still don't have my freedom. It's something I try and not think about too much and manage well when I am triggered!!! A mother should be able to travel and see their family. A mother should be allowed to relocate and get away from abusive ex partners. We are the ones that have suffered and done all the work to keep healing and trying to start and live a better life for our kids!!! The Power these men have and the way they use it to keep punishing us, is beyond... Good luck!!! ♥♥♥

"I moved less than an hour away from my ex to get on with my own life. We had been to court in 2012 settled but he would not sign to sell our marital home so I could be paid my settlement to buy another house for me and the kids. I moved to get on with my life and hopefully force him to sell the house and finalise the orders 6 years after we agreed in court. Within months of moving he went straight to his lawyers wanted 50/50 care (could barely get him to take the kids an extra night other than his weekends every fortnight prior to this) then demanded I move back and live within a 5 kilometre radius of his home) by this stage I had a new job after finishing university to rebuild my life, kids in new schools. I had to fight hard in the family court to have it removed from the parenting orders. I absolutely refused to be controlled and told where to live. He was happily shackled up with his new partner and had the freedom to move wherever he wanted but I had no ability to choose. I questioned why he can decide where I can live and if he decides to move to (place deleted) tomorrow, he has that absolute right. There is something very wrong with the system."

"I wanted/needed to move interstate to be with family on account of PTSD and the stress associated with aggressive verbal, financial and psychological abuse from my ex and no support. I had to face an intimidating mediation session with him and his new partner and was only granted a two-week holiday. I couldn't return as I was depressed and being psychologically tortured alongside severe sleep deprivation caring for a baby that didn't sleep. I desperately needed my family. I asked for permission to move with very generous offers of visitations and trips back. Instead my ex tried to get full custody on the grounds I was an unfit parent. Fortunately, I had a very good judge who saw through the barrister, the room full of friends he brought to the court case with him and their ridiculous affidavits against me. My ex forfeited when he realised, he would have to be psychologically examined too - and would have to pay for it. Instead he told everyone he "lost", sent me a hand delivered bouquet of funeral flowers worth a months' worth of child support and continued a torrent of verbal and financial abuse - but at least I was able to move away."

"I'm wondering where I stand when the ex is in jail. He's not allowed near us because of an FVO currently and faces jail soon, according to the order I can't, and I've been too scared to seek a change because he hasn't been near the kids. Family court just helps them continue abusing us."

What women said about this inquiry

Women were surveyed about their thoughts on this inquiry and what they would like to tell the members of Parliament. A small number of respondents' (4%) indicated support for this Inquiry to proceed whilst 47% wanted a Royal Commission into the Family Law system. There were significant concerns about the trust and faith of Senator Pauline Hanson as Deputy chair noting her public comments and policy positions, leading to the belief of a distinct lack of impartiality. Well over half of respondents, 53% indicated that they were concerned that the Deputy Chair has spoken about "women lying in court". Studies continuously find that family and domestic violence remains underreported with a raft of reasons including but not limited to:

- Fear of relationship failure prevented women disclosing abuse,
- Feeling to blame for the 'failed' relationship or abuse,
- Feelings of guilt, shame and embarrassment for entering into, and remaining in, situations of domestic violence,
- Disclosing past abuse was perceived as labelling themselves as 'victims' in direct opposition to their current sense of identity.⁸

Furthermore, women stated that they would be labelled or not believed in the socio-legal environment but most importantly it would lead to poorer outcomes during custody and parental orders. To add to the underreporting and the incomplete picture, there's no national standard for recording domestic and family violence incidents, nor is there nationwide consistency for recording police callouts to deal with these situations, resultant in a lack of comparable data across states and territories. However, we do know that Indigenous women were 32 times more likely to be hospitalised due to family violence as non-indigenous women (2000 1415). Through national population surveys the rates of partner violence has remained stable since 2005 ([AIHW](#)). However, rates of women being hospitalised because of family violence and the number of people accessing services, including police, hospital, child protection and homeless services, are both on the [rise](#).

What would you like to tell the Members of Parliament?

ANSWER CHOICES	RESPONSES
▼ Please proceed with the inquiry	4.11%
▼ We don't need another inquiry	13.70%
▼ We don't trust Pauline Hanson as a Deputy chair	32.88%
▼ We need a Royal commission on the family Law system	46.58%
▼ Other	2.74%

⁸ Deborah Loxton, Natalie Townsend, Dominic Cavenagh, and Liana Green, October 2017, Measuring Domestic Violence in Longitudinal Research. Research Centre for Generational Health and Ageing University of Newcastle.

"I am angry that the govt is even wasting so much time and taxpayer dollars when they already know what needs to be done. Putting Hanson on the inquiry makes a mockery of the whole thing. Victims of DV are already far too often not believed, re-traumatised through the police and various court processes, financially destroyed, isolated from friend's family and support systems and far too often murdered. Hanson has made her pro perpetrators, antivictim stance very clear. She must not be a part of this inquiry".

"Needs impartiality & panel members experienced in Family & Domestic Violence & culturally sensitive particularly Australian Indigenous cultural awareness".

"I feel like many victims and survivors will be further victimised and for lack of a better word punished for speaking up resulting in the family violence "epidemic" worsening."

"Upset that the April 2019 report by the Australia Law Reform Commission still hasn't been followed. Why not? "

"This inquiry is a slap in the face to Domestic Violence victims and their children. There is already no justice. No respect left. No accountability for the trauma these acts have on the children and that is so wrong and concerning."

Family violence and a flawed child-support system

The voices of women who live this harsh reality

The National Council of Single Mothers and their Children Inc are deeply grateful to the women who have taken the time, the emotional toil for their truth, the lived reality to influence and be included in this submission. We trust that the Committee will pay the respect and read statements, vignettes and insights which are contained from page 21 to page 30.

"Parental rights are being put far before the best interests of the children. It is destroying the lives of these poor, innocent kids".

"Family Court is the most effective weapon a family violence perpetrator has. Family Court literally destroyed mine and my children's life. I previously had a great job, my own place, considerable life savings and a great life - ended up homeless with breast cancer and lost my children. Forced to live with Family Court issues every day of every week of every year, for many years and still going. I no longer have a life, nor can I contribute to society. Being in Family Court was not my choice but being stuck there dealing with blatantly false allegations and vexatious litigation is deemed acceptable. Coercive control is invisible in the Family Court. Family violence housing assistance provided by State Government, multiple protection orders, local support services stating this was one of their worst family violence cases, yet family violence allegations deemed "unfounded" by Family Court. Your word and your children's words have zero weight. It's

institutional gas-lighting. Internal Court Consultant found family violence at the start of proceedings - but simply ignored by all other Court officials. Lost my children because of "future risk" of not facilitating a relationship between the Father and our child. Report writer paid 6 times an annual single parenting pension, ignored objective evidence of child abuse and family violence - no training in Family violence, nor is this required. ICL just regurgitated report "findings". Complete waste of time, money and our lives, and the family violence and linked child abuse is now the worst it's "ever been".

"The court system is a mess and has co-contributed to extended family violence. Our Court Report Writer was the most damaging contributor. As a self-represented participant I was up against an opposing solicitor, who was aggressively adversarial and also made up lies and extended the court process beyond anything human, particularly by refusing to try and negotiate or agree to any versions of final orders - making herself likely \$100 000 from my ex in the process. Uncoupling child support and parenting orders in my opinion is a destructive change to the system - as men love winning access to their kids (no issue with this unless there are safety issues) but then love even more, refusing to financially help raise those children, due to their perception that the mother will somehow gain from this, or that they seek pleasure in denying any support - financial or otherwise- to the mother or children. Not paying child support should be chargeable, punishable criminal offence".

"My children, went through so much mental health issue due to being ordered to spend time with their father who mentally abused and manipulated their minds whilst having contact for 6 to 8 hours a day and every second weekend this was ordered by the family courts, I finally after 6 long years had residence of our children after 3 family court reports with the family courts making interim order after interim order until we finally went to trial for the second time which lasted 3 days or a 10 day trial, before a judge turned around and took the Father's Care away it was the worst five to six years of my life being in and out of the family court system for every month of those 5 to 6 years. The children's father has also avoid paying child support payments for 16 years by not working and has kept our children from having a good education and ensured our children have lived in poverty as I never want to be with another person again after how I was treated by their father. So being a single parents is the worst as our government's views, I have chosen to be around for my children's wellbeing after the abuse they have suffered for years at the hands of the family courts treatment and misguided court orders their fathers manipulation in application after application after application after application and not being able to finish studies to improve myself with education due to not being able to afford the child care during course hours..."

"I have been frightened to access any psychological supports for years due to concerns records could be subpoenaed, when it is his actions that has caused the majority of my depression, anxiety, and concerns for my safety."

"I was alone and unsupported trying to protect my child. The only experience I had with child protection was my daughter's dad using them to harass me. I made a formal complaint which was upheld, but it was more work at a stressful time of single parenting after abuse trying to protect my child."

"He has sent the police around for a 'welfare check' (my then 82 year old mother was looking after our daughter while I was away for work - my ex said he 'was concerned she had had a fall' when she did not answer his constant barrage of phone calls to her home phone number."

"There are so many complex issues when family violence is involved. The children have suffered so much and the only thing that has helped their mental health is the 3 of us going into hiding and moving 2,500kms away from our home and our supports and our family and friends, to be safe."

"8 years post separation he continues to lodge frivolous and vexatious court applications, uses family and friends to threaten, manipulate and try to coerce, breaches family court orders and restraining orders, has recently at a VRO hearing in the children's court for a restraining order to protect my child from him managed to convince the judge to force me to tell him where we are living, even though he has no access and it was not necessary for him to know where we are living. This has placed us directly back in danger. He still tries to access my family to try and manipulate them. He has tried to blackmail me, which the Police ignored when I came to them with the blackmail letter. The Officer I dealt with was so awful to me that I left in tears without even a report number. About two years after the blackmail threat he carried out the blackmail when I was running as a candidate in local council elections. It was actually the council that reported it to the Police. The Police did nothing. The situation was not helped by the fact that the Police refused to let me report the original blackmail attempt. We know that the only way to escape him is that eventually we will have to leave Australia in secret and live somewhere overseas. My daughter and I are Australian. He is a (country removed) It is disgraceful that the Australian system has put us in a position where we know the only way we will ever secure our long term safety is to run away from our own friends, family, job, house and country".

"My ex partners violence began when I was pregnant and intensified over the following 5 years to the extent I feared for my life. When we first separated, my ex repartnered quickly and was not particularly interested in maintaining a relationship with his children. He would still harass me by phone and text and make complaints to my employers and generally make trouble for me around our town but the physical violence stopped. This changed when I tried to move to another state. He initiated proceedings to stop us moving even though we had already moved and to force me to pay all costs associated with our sons travel to visit him in spite of him earning \$200,000 a year and me earning \$70,000. The court process was horrendous. He never asked for actual care of our child yet continuously raised untrue issues and concerns about my parenting and personal life. He would ring my employers and tell them I had mental health issues and a history of violence and was unsafe to children (I was employed as the manager of a

at the time). He isolated me from my family and friends by doing the same. I lived in a constant state of anxiety and dread for years. The independent children's lawyer was not independent. He continually sided with my expartner and called me a nasty woman who was trying to alienate my child from his parent even though that never happened. My ex had no interest in our child before we moved and used the court process to terrorise me. During contact visits my ex became violent with his new partner and my son became very scared of him, I didn't raise this with the court as I was concerned that I would be accused of alienation given what the independent children's lawyer had already said. In the end, I moved back to our home state but to the capital city. By this time, both my children and I were anxious and a little depressed. My youngest son refused to go to school. Psychological assessments conducted by the court indicated that he was experiencing anxiety associated with the court process and was using school refusal as a way to control his circumstances. Since he wasn't going to school, custody was given to my ex. On hearing this news, my son collapsed and had to be hospitalised. He was 11 years old at the time and kept

saying, "I didn't know this could happen." He was distraught. Federal police were called by my ex to transport him to his fathers location. I then moved back to our home town so that I could be closer to my son. I still had to fight for another 2 years to regain custody of my child in spite of every psych report indicating that I was a good mother and my child wanted to reside with me. When he turned 13, my ex started to become violent with my child. I reported this to the court but they did not take it seriously. My ex was interviewed by the police and told them I was using my child in a custody battle. I was finally granted shared care and my son moved in with me permanently when he was 14 and hasn't seen his father since. I know that this doesn't sound like much, but it was the most harrowing experience of my life. I had several breakdowns and spent time in mental health facilities. My life has never been the same. I live in constant fear and feel unable to control my own life and circumstances. 6 years later and I am still working through this. My ex was still contacting my employers even after the court process ended. I literally lost a job because of this. It was a 6 month contract and they decided it was easier to just let me go than put up with whatever this was. It just never ends."

"If I was able to financially afford not to collect Centrelink and child support I would not bother as they both only put my mental health in danger of collapse and our safety at risk. I hope that this inquiry will have a positive outcome for the children involved in DV cases, but I highly doubt it will and that makes me angry and sad but above all else disappointed to be an Australian."

"I couldn't get him to co-operate in mediation, police, victim support, school payments, everything was a toothless tiger. I did damage control and tried to safeguard us using every power in the land, while he lied, stole, stalked, intimidated, broke into my home and another time abducted our child for 3 weeks. It was powerless and frightening to discover in my time of greatest danger and need; nothing and no one could protect us."

"Failure to conform to social norms and live within a nuclear family unit, and are subjected to punishment, isolation, and alienation. Our efforts to protect our children are thwarted by the intensification of social and institutional regulation and control. We often endure a live a half life - without freedom or autonomy - when all we want for our children is for them to heal, be happy, and whole."

"Needs to be more support for domestic violence survivors and information where to get the support. Especially financial and emotional support."

"I have never taken my matter to family court because I have no trust in the system and don't believe my family violence will be taken seriously or taken into account with decisions made. Instead I feel forced to negotiate with my ex who I continue to feel intimidated by and based on legal advice I'm feel forced to agree to certain visitations etc, not because i believe it to be in the best interest of my child but because I am scared of the ramifications of what will happen if I don't agree. I am scared my ex will take me to family court and be awarded more time then he currently has. The system is broken, I've spoken to enough women who have gone through it to know. Judges and other staff do not have adequate training in domestic violence. They make rulings based on out dated laws, there is no consideration of the individual child and what is best for them. No consideration for the abuse the mother has faced and how that impacts the child. It's very scary and disheartening."

"Perpetrators should not be allowed to self represent"

Eliminate and respond to violence, hardship and inequality for single mothers and their children.

"Sadly, this family law inquiry is a farce and a just a personal vendetta by Pauline Hanson! Yes, the system is broken and the family law courts and CSA are just toothless tigers who can't or won't do anything to help those who are suffering at the hands of their abusers. There does need to be changes, but I'm afraid that these changes will not be in favour of those that need them when you have someone like Pauline Hanson running the show. The Focus of the courts and the CSA should always be on what is in the best interests of the child/ren, on their physical, mental, emotional and financial wellbeing."

"Single mothers are demonised for being 'bludgers' but men who expect the government to provide for their children and leave their kids in poverty are the real burden on our society."

"Children need to feel safe. It is their basic human right , alongside food and shelter."

"Our system spends months , years , forcing children into the care of parents who are not capable of child- focused parenting. It denies the children the right to adequate, timely and child focused support & protection until orders have been made, often this comes at a huge cost to the entire family both financially & emotionally. Resources are depleted and often this affects a fair and just outcome for all."

"When abuse is reported often the information is not allowed in proceedings or looked at as being biased. (named removed of NGO children service) are unable to provide written reports. And children are not allowed to access counselling without consent of both parties."

"The court system is a mess and has co-contributed to extended family violence. Our Court Report Writer was the most damaging contributor. As a self-represented participant I was up against an opposing solicitor, who was aggressively adversarial and also made up lies and extended the court process beyond anything human, particularly by refusing to try and negotiate or agree to any versions of final orders - making herself likely \$100 000 from my ex in the process. Uncoupling child support and parenting orders in my opinion is a destructive change to the system - as men love winning access to their kids (no issue with this unless there are safety issues) but then love even more, refusing to financially help raise those children, due to their perception that the mother will somehow gain from this, or that they seek pleasure in denying any support - financial or otherwise- to the mother or children. Not paying child support should be chargeable, punishable criminal offence."

"Child Support system needs an overhaul. Receiving parents should not be penalised for payments received or not received. Government should pay a basic living wage and then claim this from the paying parent. Then they would be guaranteed to get it rather than letting payers get away with not paying. If someone has experienced DV then the government needs to pay a basic payment instead - otherwise the victim receives nothing!! How can that be fair??

"My children, went through so much mental health issue due to being ordered to spend time with their father who mentally abused and manipulated their minds whilst having contact for 6 to 8 hours a day and every second weekend this was ordered by the family courts, I finally after 6 long years had residence of our children after 3 family court reports with the family courts making interim order after interim order until we finally went to trial for the second time which lasted 3 days or a 10 day trial, before a judge turned around and took the Father's Care away it was the worst five to six years of my life being in and out of the family court system for every month of those 5 to 6 years. The children's father has also avoid paying child support payments

for 16 years by not working and has kept our children from having a good education and ensured our children have lived in poverty as I never want to be with another person again after how I was treated by their father. So being a single parent is the worst as our government's views, I have chosen to be around for my children's wellbeing after the abuse they have suffered for years at the hands of the family courts treatment and misguided court orders their fathers manipulation in application after application after application and not being able to finish studies to improve myself with education due to not being able to afford the child care during course hours."

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"He has sent the police around for a 'welfare check' (my then 82 year old mother was looking after our daughter while I was away for work - my ex said he 'was concerned she had had a fall' when she did not answer his constant barrage of phone calls to her home phone number."

"There are so many complex issues when family violence is involved. The children have suffered so much and the only thing that has helped their mental health is the 3 of us going into hiding and moving 2,500kms away from our home and our supports and our family and friends, to be safe."

"8 years post separation he continues to lodge frivolous and vexatious court applications, uses family and friends to threaten, manipulate and try to coerce, breaches family court orders and restraining orders, has recently at a VRO hearing in the children's court for a restraining order to protect my child from him managed to convince the judge to force me to tell him where we are living, even though he has no access and it was not necessary for him to know where we are living. This has placed us directly back in danger. He still tries to access my family to try and manipulate them. He has tried to blackmail me, which the Police ignored when I came to them with the blackmail letter. The Officer I dealt with was so awful to me that I left in tears without even a report number. About two years after the blackmail threat he carried out the blackmail when I was running as a candidate in local council elections. It was actually the council that reported it to the Police. The Police did nothing. The situation was not helped by the fact that the Police refused to let me report the original blackmail attempt. We know that the only way to escape him is that eventually we will have to leave Australia in secret and live somewhere overseas. My daughter and I are Australian. He is a (country removed) It is disgraceful that the Australian system has put us in a position where we know the only way we will ever secure our long term safety is to run away from our own friends, family, job, house and country."

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our child for 3 weeks. It was powerless and frightening to discover in my time of greatest danger and need; nothing and no one could protect us."

"I have never taken my matter to family court because I have no trust in the system and don't believe my family violence will be taken seriously or taken into account with decisions made. Instead I feel forced to negotiate with my ex who I continue to feel intimidated by and based on legal advice I'm feel forced to agree to certain visitations etc, not because I believe it to be in the best interest of my child but because I am scared of the ramifications of what will happen if I don't agree. I am scared my ex will take me to family court and be awarded more time then he currently has. The system is broken, I've spoken to enough women who have gone through it to know. Judges and other staff do not have adequate training in domestic violence. They make rulings based on outdated laws, there is no consideration of the individual child and what is best for them. No consideration for the abuse the mother has faced and how that impacts the child. It's very scary and disheartening."

"Government to pay child support (use means to collect from intended payer) to minimise the number of single parents living below the poverty line, children should not have to suffer due to being in a single parent family which is beyond their control. Allow mediation for just assets. Have children's care separate to assets."

"I will never be the same. My children will never be the same. The courts ordered my children to the care of a psychopath who sadistically tortured them for nearly a decade. Being given no assistance, no child support, no compensation, or help at any stage - during the crisis, or in the aftermath.... none of the funding or talk gives me any faith. No one has ever asked or ever cared what would have saved us...what should change. I promise you, the children of the share care era will be back to haunt the legislators, because you've destroyed their lives, not just mine."

"The bullying and shaming of women need to stop. Police need to take action in regard to breaches. 28 breaches reported and not one charge as they excused his behaviour."

"For ten years Post separation, myself and my children have been subjected to systemic abuse at the hands of an uneducated and ill-equipped system. Rather than keep us safe, this system exposed my children to further abuse and failed in their duty of care to ensure their psychological and physical safety."

"My children disclosed abuse to various agencies and I the protective parent was labelled a parent alienator."

"If the inquiry continues, be fair. Don't for one second point blame at the mothers who are trying to create better lives for their children. Most of us have been through enough hell in our lives as have our children. We can't deal with much more."

"This is not about men or women, this is about making this a system which promotes the well being physically, mentally, emotionally and spiritually of the child, enables the child's rights to each parent to be prioritised alongside the child's wants."

"After 5 years of himself representing and dragging out our property settlement the judge asked me to contact him directly to negotiate. He took it to the police and had me charged with blackmail! I was finally awarded sole parental rights after DV was clearly evident."

"Legislation must change making it criminal when breaching DV Orders & FC orders. Too many chances endangering primary carer's & children. Listen to the primary carer. Absent parent & the period of absence is indicative of their future involvement, why risk harm to the child. Record ALL court appointed interviews that way there can be no omissions of relevant facts. Mental health intervention & assessment of any DV perpetrator in immediate 4 weeks of Family Court applications lodged. Tighter scrutiny & registration of 'court experts' & Independent Children's Lawyers with 3 yearly rotations to assist with fresh perspectives & lessen chances of bias, prejudice, stereotyped assumptions which will result in more adverse & damaging decisions. Follow through on CHILDS BEST INTEREST not the other parent's parenting rights. Put the child first!"

"Unless you are in the law, it's really difficult to understand the steps in the process along with Learning a new language (legal) when you're stressed, scared, exhausted, worried. Suggestion that at point of separation, all assets are frozen and split and then the former couple can spend years complaining about it but moving on with life rather than wasting 6 years, no outcome other than missing out on their children's early years because you're so worried, stressed etc for them as well as your future security - particularly if your professional path has taken a hit and are primary carer."

"Government and courts and anyone involved in family law/DV need to realise just how big the problem is and how devastating to children and mothers it actually is. Take into account the past arrests and convictions of the perpetrators that include violence."

"Family court is the last option when a victim has used all other avenues to try and negotiate with their abuser. That's the worst part. They are still trying to placate their abuser while staying safe and protecting their children. To accuse women in these situations of lying and launch a new inquiry when the previous inquiries have already identified the areas needing improvement.... it's morally, socially and financially wrong. It's sick and twisted, allowing the abusers to have control for longer."

"Single mothers are demonised for being bludgers' but men who expect the government to provide for their children and leave their kids in poverty are the real burden on our society."

"Children need to feel safe. It is their basic human right , alongside food and shelter."

"Our system spends months , years , forcing children into the care of parents who are not capable of child- focused parenting. It denies the children the right to adequate, timely and child focused support & protection until orders have been made, often this comes at a huge cost to the entire family both financially & emotionally. Resources are depleted and often this affects a fair and just outcome for all."

"When abuse is reported often the information is not allowed in proceedings or looked at as being biased. (named removed of NGO children service) are unable to provide written reports. And children are not allowed to access counselling without consent of both parties."

"The family law system including child support and DV, needs to be torn to the ground and rebuilt as a tribunal with a panel that includes a judge trained in social work/psychology and law, and potentially educational psychologists/school counsellors, paediatricians, family doctors and other family advocates, even forensic accountants where property and child support are an issue. The

idea of family law as even a 'less adversarial' process should be abhorrent to anyone with a conscience. We all lose, especially the children."

"Difficulty working as he would attempt to kidnap her, and I had to keep leaving work at random times."

"Chronic stress from knowing the dire financial situation you're in and because systems like the Family Court facilitate rather than stop family violence."

"Have permanent health problems due to stress. Children all have health issues due to stress Centrelink don't give a sh\$t - can't get help as it's not autism - it's PTSD which doesn't qualify for their disability payments, even though the damage is permanent and severely affects functioning."

"I will die in debt and never be able to retire. Meanwhile I will never have a decent quality of life as I cannot afford holidays or activities for myself and my child. My child is angry with me because she can no longer have music and dance lessons because I can't afford them. I have ongoing anxiety, depression and occasional panic attacks. I am frequently suicidal. I have had a lot of problems maintaining employment, despite being professionally qualified and having extensive experience in my field, hence the financial catastrophe I am in. My quality of life is zero. Before I met the perpetrator, I was a ballroom dancer, poet, painter, flute player and very engaged in the community performing and participating in community events. I can no longer afford to dance, and I can no longer seem to create. I have lost all joy in life and that is something I used to have in abundance. I feel that I have become nothing, and my life has become nothing. I am re-traumatised at the drop of a hat I live in constant fear of what he will do next. I don't answer the phone. I get palpitations every time someone knocks on my door. At night I panic. I have nightmares and troubled sleep. I am always tired and have lost clarity of thought processes. When I met the perpetrator, I was a third of the way through my law degree."

"My ex partners violence began when I was pregnant and intensified over the following 5 years to the extent I feared for my life. When we first separated, my ex re-partnered quickly and was not particularly interested in maintaining a relationship with his children. He would still harass me by phone and text and make complaints to my employers and generally make trouble for me around our town, but the physical violence stopped. This changed when I tried to move to another state. He initiated proceedings to stop us moving even though we had already moved and to force me to pay all costs associated with our sons travel to visit him in spite of him earning \$200,000 a year and me earning \$70,000."

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He would ring my employers and tell them I had mental health issues and a history of violence and was unsafe to children (I was employed as the manager of a youth accomodation service at the time). He isolated me from my family and friends by doing the same. I lived in a constant state of anxiety and dread for years. The independent children's lawyer was not independent. He continually sided with my expartner and called me a nasty woman who was trying to alienate my child from his parent even though that never happened. My ex had no interest in our child before we moved and used the court process to terrorise me. During contact visits my ex became violent with his new partner and my son became very scared of him, I didn't raise this with the court as I was concerned that I would be accused of alienation given what the independent children's lawyer had already said. In the end, I moved back to our home state but to the capital city. By this time, both my children and I were anxious and a little depressed. My youngest son refused to go to school. Psychological assessments conducted by the court indicated that he was experiencing anxiety associated with the court process and was using school refusal as a way to control his circumstances. Since he wasn't going to school, custody was given to my ex. On hearing this news, my son collapsed and had to be hospitalised. He was 11 years old at the time and kept saying, "I didn't know this could happen." He was distraught. Federal police were called by my ex to transport him to his father's location. I then moved back to our home town so that I could be closer to my son. I still had to fight for another 2 years to regain custody of my child in spite of every psych report indicating that I was a good mother and my child wanted to reside with me. When he turned 13, my ex started to become violent with my child. I reported this to the court but they did not take it seriously. My ex was interviewed by the police and told them I was using my child in a custody battle. I was finally granted shared care and my son moved in with me permanently when he was 14 and hasn't seen his father since. I know that this doesn't sound like much, but it was the most harrowing experience of my life. I had several breakdowns and spent time in mental health facilities. My life has never been the same. I live in constant fear and feel unable to control my own life and circumstances. 6 years later and I am still working through this. My ex was still contacting my employers even after the court process ended. I literally lost a job because of this. It was a 6 month contract and they decided it was easier to just let me go than put up with whatever this was. It just never ends."