

# Submission to the Parliamentary inquiry into a better family law system to support and protect those affected by family violence



## ABOUT THE ONE IN THREE CAMPAIGN

*One in Three* is a diverse group of male and female professionals – academics, researchers, social workers, psychologists, counsellors, lawyers, health promotion workers, trainers and survivor/advocates. The Campaign aims to raise public awareness of the existence and needs of male victims of family violence and abuse; to work with government and non-government services alike to provide assistance to everyone affected by family violence; and to reduce the incidence and impacts of family violence on Australian men, women and children. You can find out more about the Campaign by reading our [5 Year Report](#)<sup>1</sup> released in March 2015.

One in Three receives no funding and operates on an entirely voluntary basis. As such we currently lack the time and resources to provide a more substantial response to this inquiry.

## GENDER, FAMILY VIOLENCE AND THE FAMILY LAW SYSTEM

We would like to address the first Term of Reference of this inquiry: *How the family law system can more quickly and effectively ensure the safety of people who are or may be affected by family violence.*

The research evidence is clear that, as far as the broad population of Australia goes, women on average are affected by family violence in greater numbers and at greater levels of severity than are men on average<sup>2</sup>. However, men do make up a *significant* minority of victims of family violence overall (around a third), can experience severe and ongoing violence and abuse<sup>3</sup> (even domestic homicide, where one male is killed every ten days on average<sup>4</sup>), and there are very few resources or services available to support these men<sup>5</sup>.

The demographic of concern to this inquiry, however, is not the population of Australia as a whole, but those men, women and children who are about to go through family separation, are in the process of separating, or who have recently separated. These are the people who will most likely end up having some degree of contact with the Family Law system.

The best and most recent data on this demographic was published in 2015 by the Australian Institute of Family Studies (AIFS). Their *Experiences of Separated Parents Study (Evaluation of the 2012 Family Violence Amendments)*<sup>6</sup> is based upon interviews with a nationally representative sample of 6,079 parents who had separated between 1 July 2012 and 31 December 2013:

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<sup>1</sup> [http://www.oneinthree.com.au/storage/pdfs/1IN3\\_5\\_Year\\_Report\\_2015.pdf](http://www.oneinthree.com.au/storage/pdfs/1IN3_5_Year_Report_2015.pdf)

<sup>2</sup> See referenced overview of recent family violence research findings at <http://www.oneinthree.com.au/overview/>

<sup>3</sup> See <http://www.oneinthree.com.au/stories/> and Tilbrook, E, Allan, A, and Dear, G (2010). *Intimate Partner Abuse of Men*. East Perth: Men's Advisory Network, May 26, 2010. [http://www.oneinthree.com.au/storage/pdfs/ECU\\_Final\\_Report.pdf](http://www.oneinthree.com.au/storage/pdfs/ECU_Final_Report.pdf) (accessed May 26, 2010).

<sup>4</sup> See [https://www.youtube.com/watch?v=qE80Na\\_XR3c](https://www.youtube.com/watch?v=qE80Na_XR3c)

<sup>5</sup> Every major recent state or federal government inquiry into family violence has acknowledged both the existence and needs of male victims of domestic and family violence, and the lack of existing services to assist these men and boys, recommending that governments do more to provide such services. E.g. The NSW Government Legislative Council's Standing Committee on Social Issues' 2012 report on Domestic violence trends and issues in NSW, the federal Finance and Public Administration References Committee's 2015 report into Domestic violence in Australia, and the Victorian Royal Commission into Family Violence.

<sup>6</sup> Kaspiw, R., Carson, R., Dunstan, J., De Maio, J., Moore, S., Moloney, L. et al. (2015). *Experiences of Separated Parents Study (Evaluation of the 2012 Family Violence Amendments)*. Melbourne: Australian Institute of Family Studies.. Retrieved November 22nd, 2015, from [https://aifs.gov.au/sites/default/files/efva-esps\\_0.pdf](https://aifs.gov.au/sites/default/files/efva-esps_0.pdf).



*This report presents the findings of a core element of the Evaluation the 2012 Family Violence Amendments project – the Experiences of Separated Parents Study (ESPS). The research, commissioned and funded by the Australian Government's Attorney-General's Department (AGD), is based on a comparison of two nationally representative samples of the Survey of Recently Separated Parents (SRSP): the SRSP 2012 cohort of parents, who had separated between 1 July 2010 and 31 December 2011 (n = 6,119); and the SRSP 2014 cohort of parents, who had separated between 1 July 2012 and 31 December 2013 (n = 6,079). The family violence amendments introduced by the Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011 came substantially into effect on 7 June 2012 and, as such, the SRSP 2012 survey represents parents' pre-reform experience of the family law system, and the SRSP 2014 represents parents' post-reform experience of the system.*

*The samples for the two surveys were derived from the Department of Human Services—Child Support (DHS-CS) database and substantially replicate the approach applied in the Longitudinal Study of Separated Families (LSSF). The LSSF research program involved a national, longitudinal study of parents who had at least one child under 19 years of age, who separated after the 2006 reforms to the Family Law Act 1975 (Cth) (FLA), and who were registered with the DHS-CS. Data collection for the LSSF took place in 2008 (Wave 1), 2009 (Wave 2) and 2012 (Wave 3). Together, these studies allow an understanding of the experiences of separated families over a substantial period of time.*

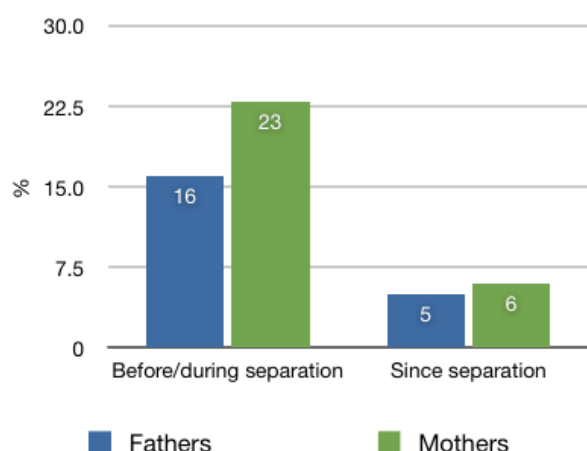
*The core focus of the SRSP 2012 and 2014 studies were on investigating parents' experiences of family violence and safety concerns (including children's exposure to family violence) and their experiences in disclosing family violence and safety concerns to family law system professionals.*

Key findings from this report in terms of the gender breakdown of separating parents who experienced family violence and abuse before, during or after separation are as follows:

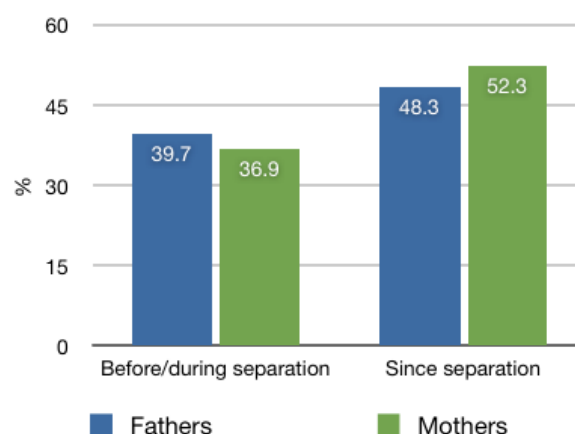
Males (fathers) made up:

- 41.3% of parents who reported experiencing physical hurt (with or without emotional abuse) before/during separation and 45.5% of parents who reported experiencing physical hurt since separation

**Parental experience of physical hurt inflicted by focus parent before and since separation, by parent gender, 2014**



**Parental experience of violence or abuse inflicted by focus parent before/during and since separation, by parent gender, 2014**

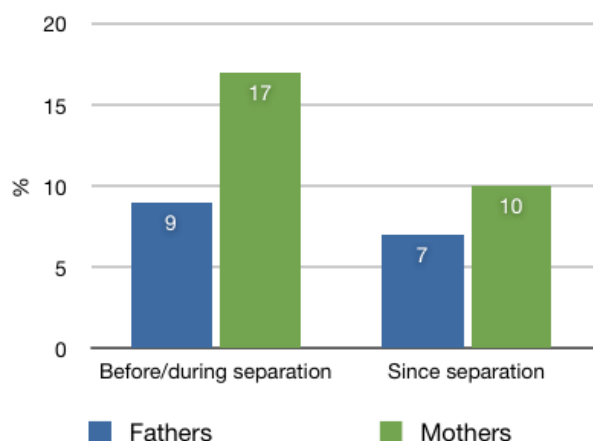




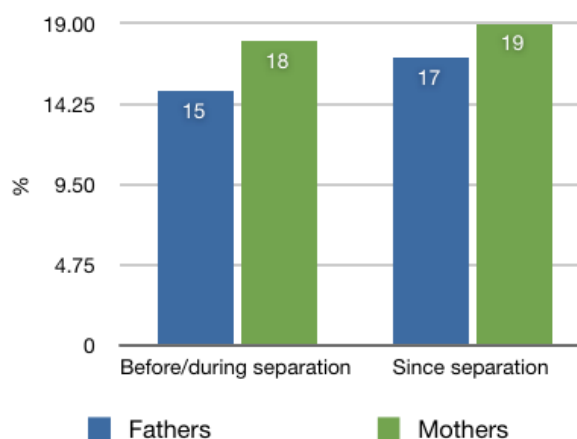
Males (fathers) made up:

- 51.8% of parents who reported experiencing emotional abuse alone before/during separation. In 2 out of 11 types of emotional abuse, fathers reported experiencing abuse “often” at equal or higher rates than mothers.
- 34.6% of parents who reported experiencing between 21 and 55 incidents of emotional abuse before/during separation, and 45.5% of parents who reported between 11 and 20 incidents

**Total frequency of parental experience of emotional abuse score of 21-55, by parent gender, 2014**

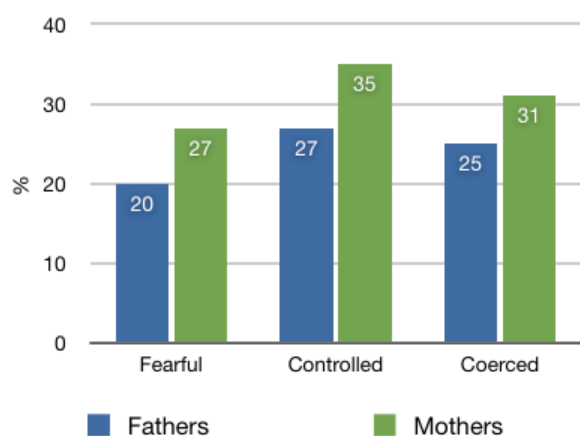


**Total frequency of parental experience of emotional abuse score of 11-20, by parent gender, 2014**

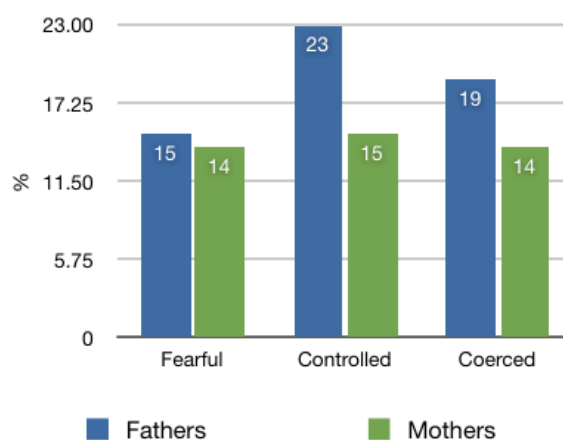


- 42.6% of parents who reported experiencing the highest levels of severity of fear (9 or 10 on a 10-point scale) before/during separation, 43.5% of parents who reported experiencing the most severe control, and 44.6% of parents who reported experiencing the most severe coercion

**Ratings of feeling fearful, controlled or coerced because of focus parent's behavior before/during separation, by parent gender, 2014**

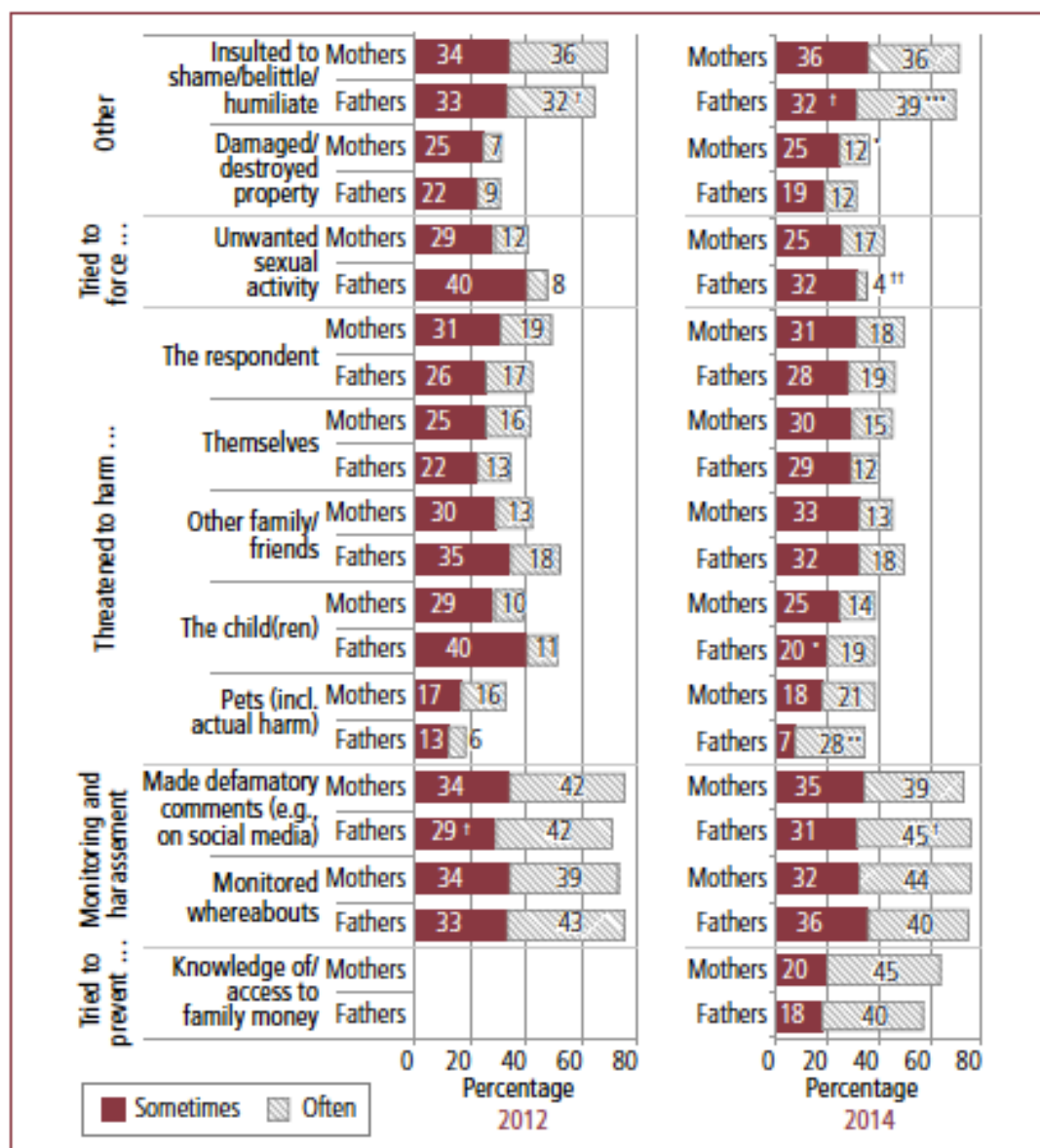


**Ratings of feeling fearful, controlled or coerced because of focus parent's behavior since separation, by parent gender, 2014**



Males (fathers) made up:

- 47.4% of parents who reported experiencing emotional abuse (with or without physical hurt) since separation. In 4 out of 13 types of emotional abuse, fathers reported experiencing abuse at equal or higher rates than mothers. In 7 out of 11 types of emotional abuse, fathers reported experiencing abuse “often” at equal or higher rates than mothers.



Notes: Data have been weighted. Results are presented for parents who reported experiencing emotional abuse “sometimes” or “often”, as a percentage of participating parents reporting emotional abuse. Data not shown where sample sizes for care-time categories were smaller than 50 responses. Parents who reported experiencing specific forms of emotional abuse since separation were asked: “And how often, on average, (since the separation) has <focus parent> [forms of emotional abuse]”. In 2012, the “control” questions (whether tried to prevent access to money, contact with family/friends and use of telephone/car) were only asked of parents who were living under the same roof at the time of interview. In 2014, these questions were asked of all participating parents. Percentages do not sum to 100.0% as multiple responses could be selected. Statistically significant differences between 2012 and 2014 within a given population are noted: \*  $p < .05$ ; \*\*  $p < .01$ ; \*\*\*  $p < .001$ . Statistically significant differences between mothers and fathers within a given population (years) are noted: \*  $p < .05$ ; \*\*  $p < .01$ ; \*\*\*  $p < .001$ .

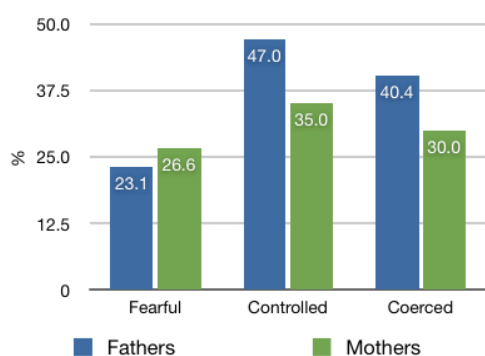
**Figure 3.4: Frequency of parental experience of emotional abuse inflicted by focus parent since separation, by parent gender, 2012 and 2014**



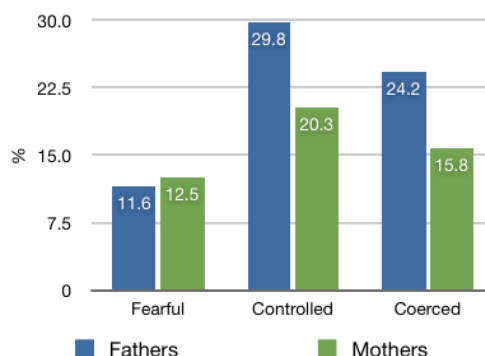
Males (fathers) made up:

- 41.2% of parents who reported experiencing between 21 and 55 incidents of emotional abuse since separation, and 47.2% of parents who reported between 11 and 20 incidents
- 46.5% of parents who reported often feeling fearful after physical violence since separation, and 48.1% after emotional abuse alone
- 57.3% of parents who reported often feeling controlled after physical violence since separation, and 59.5% after emotional abuse alone
- 57.4% of parents who reported often feeling coerced after physical violence since separation, and 60.5% after emotional abuse alone

**Frequency of focus parent's behavior making participant often feel fearful, controlled or coerced by physical violence since separation and parent gender, 2014**

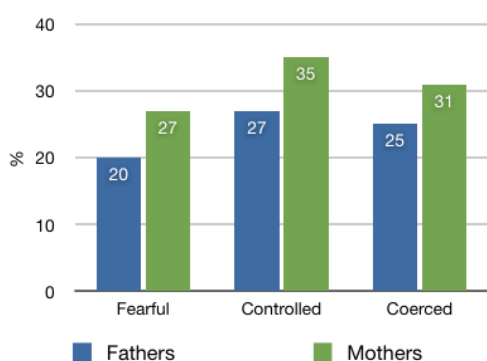


**Frequency of focus parent's behavior making participant often feel fearful, controlled or coerced by emotional abuse alone since separation and parent gender, 2014**

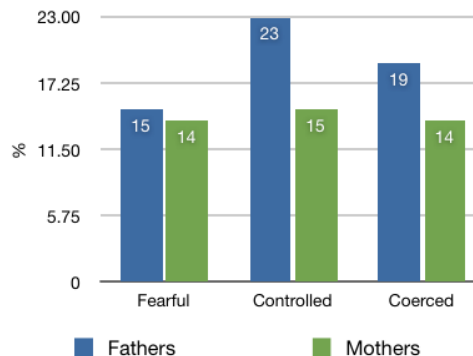


- 51.7% of parents who reported experiencing the highest levels of severity of fear (9 or 10 on a 10-point scale) since separation, 60.5% of parents who reported experiencing the most severe control, and 57.6% of parents who reported experiencing the most severe coercion.

**Ratings of feeling extremely fearful, controlled or coerced (rating of 9 or 10) because of focus parent's behavior before/during separation, by parent gender, 2014**



**Ratings of feeling extremely fearful, controlled or coerced (rating of 9 or 10) because of focus parent's behavior since separation, by parent gender, 2014**





There was no statistically significant difference between fathers and mothers in the frequency of reporting having often felt fearful after experiencing physical violence or emotional abuse since separation, and fathers were statistically significantly more likely than mothers to report having often felt controlled or coerced after experiencing physical violence or emotional abuse since separation. When it came to severity, fathers were also more likely than mothers to report experiencing the highest level of fear, control and coercion (10 on a 10-point scale) that they felt arising from the focus parent's behaviour since separation. Experiences of control and coercion were statistically significantly higher for fathers than mothers.

In summary, the AIFS data shows that there were gendered differences between men's and women's experiences of family violence and abuse before, during and after separation. Women experienced greater quantities and severity of violence/abuse in some areas and men experienced greater quantities and severity of violence/abuse in others.

**However the overall picture painted is that men and women in the demographic in contact with the Family Law system experience similar levels of family violence and abuse. It is quite a different picture than the one we see throughout the general Australian population.**

## CONCLUSION

We urge the *Standing Committee on Social Policy and Legal Affairs* to consider the needs of ALL victims of family violence and abuse equally, no matter their gender, geography, socio-economic status, age, ability, sexual preference, culture, race or religion, when undertaking this important inquiry.

On behalf of all male victims of family violence and abuse, we request that you give serious consideration to this submission.

Thank you once again for the opportunity to provide input into this inquiry.

3rd May 2017