

# FINANCIAL

**The Weaponisation of  
Child Support in Australia**

# ABUSE

Kay Cook, Adrienne Byrt, Rachael Burgin,  
Terese Edwards, Ashlea Coen, Georgina Dimopoulos

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**Author affiliations:**

Kay Cook, Adrienne Byrt, Rachael Burgin and Ashlea Coen are employees of Swinburne University of Technology. Georgina Dimopoulos is an employee of Southern Cross University. Terese Edwards is the CEO of the National Council of Single Mothers and their Children.

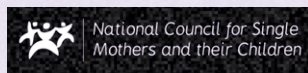
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# Financial Abuse: The Weaponisation of Child Support in Australia

Kay Cook  
Adrienne Byrt  
Rachael Burgin  
Terese Edwards  
Ashlea Coen  
Georgina Dimopoulos

**March 2023**





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We acknowledge the Traditional owners of the lands on which we live and work, and pay our respects to their Elders past and present. We also acknowledge the Traditional owners of the lands across Australia on which the survey participants and readers of this report may be located.

**These lands were never ceded and always were and always will be Aboriginal land.**

We thank the 540 participants who took part in the survey. The questions were at times confronting and examined issues that may have brought up recollections of trauma and abuse. We are deeply grateful for each and every response, as without these data, we cannot push the government to make the necessary changes. As authors, we feel the weight of responsibility entrusted to us to deliver the message that so many women want the government to hear.



# Acronyms and abbreviations

<b>ABS</b>	Australian Bureau of Statistics
<b>AIFS</b>	Australian Institute of Family Studies
<b>ALRC</b>	Australian Law Reform Commission
<b>ANROWS</b>	Australia's National Research Organisation for Women's Safety
<b>ATO</b>	Australian Taxation Office
<b>CSS</b>	Child Support Scheme
<b>CWES</b>	Centre for Women's Economic Safety
<b>DPO</b>	Departure Prohibition Order
<b>DSS</b>	Department of Social Services
<b>FTB</b>	Family Tax Benefit
<b>FTBA</b>	Family Tax Benefit Part A

<b>HILDA</b>	Household Income and Labor Dynamics in Australia
<b>HRSCSPLA</b>	House of Representatives Standing Committee on Social Policy and Legal Affairs
<b>JSCAFLS</b>	Joint Select Committee on Australia's Family Law System
<b>LGBTIQA+</b>	Lesbian, Gay, Bisexual, Transgender, Intersex, Queer, Asexual +
<b>MAT</b>	Maintenance Action Test
<b>MIT</b>	Maintenance Income Test
<b>NCSMC</b>	National Council of Single Mothers and their Children



# Glossary

<b>Agency Collect</b>	Child support payments received and transferred via the Department of Social Services.	<b>Jobseeker payment</b>	A government income support payment provided to job-seekers that includes job search activity requirements.
<b>Child support</b>	Money paid for the purpose of financially supporting children following parental separation.	<b>Maintenance Action Test</b>	The requirement that a separated resident parent seeks child support from the child's non-resident parent.
<b>Economic abuse</b>	A suite of behaviours that limit a victim-survivor's access to resources, restrict or sabotage their employment, induce financial harms or control their expenditure.	<b>Maintenance Income Test</b>	The inclusion of child support income in the calculation of a parent's Family Tax Benefit Part A payments. The MAT reduces the value of FTBA by 50 cents for every dollar of child support received above an arbitrary threshold.
<b>Exemption</b>	Government permission to be excluded from the requirements of the Maintenance Action Test and the Maintenance Income Test.	<b>Non-resident parent</b>	The parent who has a minority of the overnight care of children.
<b>Family payments</b>	Government payments provided to families to help with the costs of raising children.	<b>Parenting Payment Single</b>	A government income support payment provided to single parents with a resident child under 8 years of age.
<b>Family Tax Benefit Part A</b>	An income tested government payment paid per child to a parent with at least 35% overnight care.	<b>Payee parent</b>	The parent intended to receive child support payments.
<b>Family violence</b>	Violent, threatening, abusive or controlling behaviour within current or former family relationships, including intimate partnerships. It includes physical, sexual, verbal, emotional and financial violence.	<b>Payer parent</b>	The parent liable to pay child support.
<b>Financial abuse</b>	A sub-type of economic abuse whereby victim-survivors endure financial harms, restrictions on their access to money or are coerced into repaying someone else's debts.	<b>Private Collect</b>	Child support payments received by the payee directly from the payer.
		<b>Resident parent</b>	The parent who has a majority of the overnight care of children.
		<b>Safety by Design</b>	An approach to service design that puts user safety at the centre of decision-making.



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Each dollar of child support above an arbitrary threshold, whether paid or unpaid, can cut 50 cents off each dollar of separated mothers' Family Tax Benefit.



# Executive summary

This report draws on post-separation lived experience to demonstrate the insidious ways that the Australian Child Support Scheme can be used and abused to jeopardise the financial safety of recipient parents and their children. This abuse primarily affects women, who continue to carry the burden of unpaid care work in Australia (and internationally) and are overrepresented as victim-survivors of family violence.

Evidence shows that single parent families in Australia – of which nearly eighty-three per cent are headed by single mothers – experience higher rates of poverty than any other family type, and that older women are the fastest growing population group to experience homelessness in Australia. **Given single mothers' financial vulnerability, the Australian Government must ensure that women's financial safety is protected and prioritised.**

The Australian Government's 2022-23 Women's Budget highlighted the financial insecurity that women endure post-separation. Recent action by the Government to centre gender equality in policy-making, such as through the establishment of the Women's Economic Equality Taskforce, has foregrounded the gross gendered imbalance in unpaid caring responsibilities that women continue to shoulder. Single mother families bear an inordinate burden navigating work and care amid the ongoing threat of poverty as they raise their children.



As a result of the opportunity costs of care, such as limitations on access to the workforce or education, women are disproportionately reliant on the Government for benefits and payments. Financial security then, is a pressing social issue for women in Australia, particularly post-separation. This report highlights that post-separation, mothers can experience serious and ongoing financial abuse. When malicious ex-partners weaponise the Child Support Scheme, the results can be devastating, and stand in stark contrast to the original purpose of the Scheme: to ensure that parents are financially supporting their children following parental separation.

**Child support, also termed child maintenance, refers to money to be paid by a non-resident parent to a resident parent for the purpose of financially supporting children following parental separation.**

The Australian Child Support Scheme is closely linked to Family Tax Benefit (FTB) payments. FTB is a two-part, means tested payment to support families with children. Single parents, who are most often mothers, are required to apply for child support, to avoid their FTB Part A (FTBA) payments being reduced to the base rate (currently \$63.56 per child, per fortnight).

## Payer



Usually the father who has minority care.

## Payee



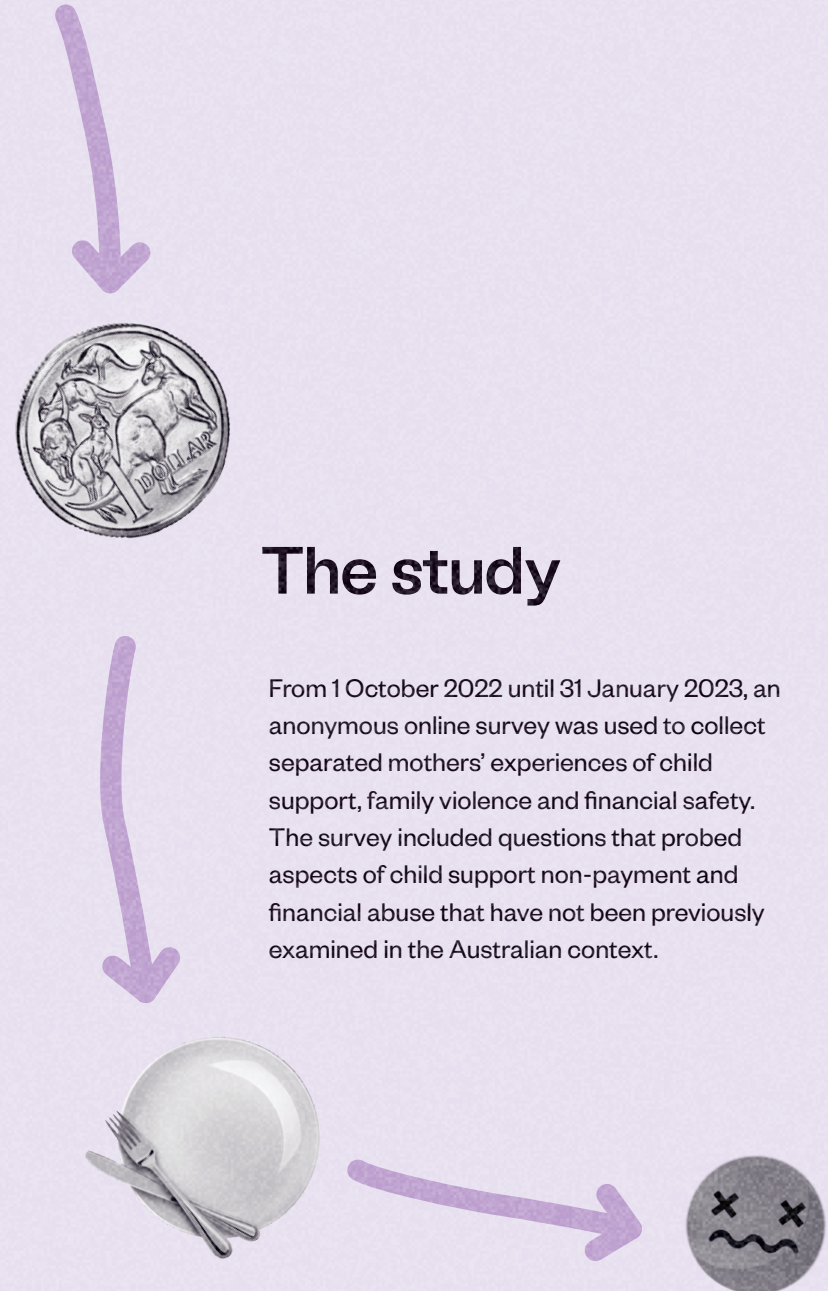
Usually the mother who has majority care.



However, FTBA is also reduced by child support (known as the Maintenance Income Test, or MIT). For every dollar of child support a single mother is liable to receive above a set threshold of \$1,752 per annum, each subsequent dollar of FTBA is halved. This significant reduction in FTBA is automatic and applied even when child support is not paid, in cases where payees collect child support money directly from their ex-partner (referred to as Private Collect). While child support can work well for parents who work together in their children's best interests, the reduction of mothers' FTBA leaves child support open to misuse and manipulation by abusive ex-partners.

In this report, we explore the ways that the Child Support Scheme can be used to financially abuse women, and the devastating impacts of this abuse on mothers' and children's lives. The findings show that separated mothers endure lasting impacts to their financial security, emotional and mental wellbeing, food security, and housing safety through child support-facilitated financial abuse, sometimes long after separation.

These impacts occur in a policy context where legislated loopholes that enable financial abuse have been incrementally widened throughout the evolution of the Child Support Scheme since its inception in 1988. In this report, we identify how these loopholes can be closed to better protect women and children's financial safety.





## The participants

540 respondents provided data for the survey. Due to the survey design, not all respondents answered every question, as irrelevant questions were not presented to respondents. Given the sensitive and potentially traumatic nature of the content, participants were able to skip questions concerning family violence. Owing to these arrangements, by the end of the survey, 312 participants had completed the final question.



**99%**

identified as female



**96%**

were single, sole or re-partnered parents with a dependent child under 18



**81%**

received a family payment, including those who also received wages or salary



**5%**

of mothers, and 6 per cent of their children, identified as Aboriginal or Torres Strait Islander



**64%**

were the main carer of their child(ren)



**70%**

had a child support agreement in place



## Key findings

The misuse of the Child Support Scheme has significant and long-lasting impacts on all areas of mothers' and their children's lives. Women's first priority is to close the loopholes that enabled financial abuse and child support non-compliance.



# 80%


of women reported that their ex-partner **had replaced physical abuse with financial abuse via child support** as a way to control them since they separated.

While separation puts women at heightened risk of violence, leaving an abusive relationship does not mean that the violence will end. Only thirteen per cent of women who experienced abuse within a relationship reported that the violence stopped after separation. Instead, for most women, the type of abuse just changed. These women reported that child support provides perpetrators a mechanism to control them from afar. As they are required to engage with the Child Support Scheme, this time, they are unable to escape.



  
**88%**

of women respondents had experienced someone controlling their money or finances, occurring over years or decades.



## Experiences of child support–facilitated financial abuse

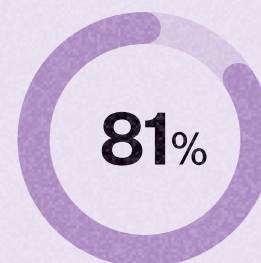
A confronting finding was that eighty-eight per cent of respondents had experienced someone controlling their money or finances. For the four hundred and thirty-four women who had experienced financial control by an ex-partner, they reported that financial abuse had occurred over years, if not decades. For many, the violence is still ongoing..

Post-separation abuse was endured by the majority of respondents (72%). For nine per cent of those women who experienced abuse, the abuse started during or after separation. Only thirteen per cent of respondents no longer experienced family violence (financial or other forms) once they had separated from their partner.

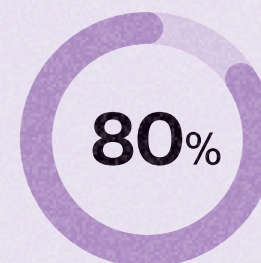


## Tactics of financial abuse

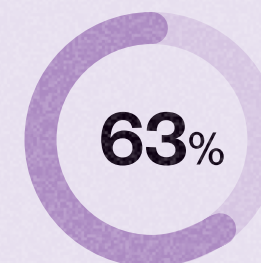
For the women who reported that someone had controlled their money or finances, government systems – including the Child Support Scheme – were identified as common tools for perpetrating abuse.



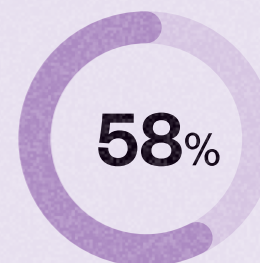
experienced the deliberate withholding or non-payment of child support



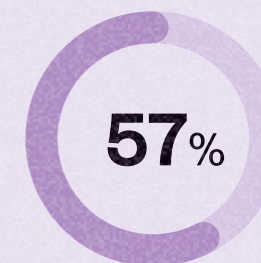
experienced deliberate minimisation of child support liabilities



were threatened with their children not being returned



experienced excessive court actions, or threats of legal action against them



were reported or were threatened to be reported to government agencies (Australian Taxation Office, Centrelink, Child Support Change of Assessment process) as a way to cause financial harm



Amid a suite of complex and coercive ways to enact financial control, the most common forms of abuse were control over finances, and the deliberate withholding of child support. The withholding of child support is a form of violence that can only begin post-separation.

The deliberate withholding of child support by a payer non-resident parent was a startling finding. Of all women in the sample, sixty-four per cent had experienced the deliberate withholding of child support. For women who had also experienced other forms of financial abuse, this figure increased to eighty-four per cent.

**The misuse and manipulation of the Child Support Scheme was central to women's experiences of financial abuse following separation, and thus is the focus of this report.**

In addition to withholding child support, ex-partners were reported to perpetrate abuse through the Child Support Change of Assessment process, such as by seeking to have their child support liabilities lowered on fraudulent or frivolous grounds, by calling the Centrelink 'dob-in line' and claiming that the payee is committing fraud to receive increased FTBA payments, or by way of the Australian Taxation Office (ATO) whereby payers minimised their taxable incomes or avoided lodging tax returns in order to lower their child support liabilities.

While all separated mothers are required to seek child support as a condition of their FTBA eligibility (known as the Maintenance Action Test, or MAT), women who experience family violence can seek an exemption. Some women reported being threatened to pursue an exemption so that payers did not have to make child support payments. But other mothers reported threats or punishments because they had sought an exemption – as this identified the payer as 'violent' to Services Australia.



Ex-partners' coercive control was enacted through threats:

to reduce child support payments



52%

to not lodge tax returns in order to deliberately lower payments, or avoid payment increases



27%

Nearly one in ten women (9%) reported being punished by their ex-partner because they applied for an exemption from the MAT on the grounds of a fear of violence.



Respondents also noted that ex-partners:



threatened them to accept privately collected child support payments, which makes it easier for non-payment to go undetected and more difficult for payees to pursue debts, and/or;



told them that they would not lodge tax returns unless mothers did what they wanted, meaning that the child support amount owed would not be calculated in relation to payers' actual income, resulting in child support underpayments.





The insidious forms of financial abuse identified here – which women experienced through government systems – have not been well understood by the policymakers or program administrators. Research has shown that single mothers find Services Australia processes to be deliberately misleading, as women are:

- 1** coaxed into the Child Support Scheme even when exemptions may be available on the basis of family violence;
- 2** urged to collect payments privately so that state administrative costs are reduced, and;
- 3** ushered into the family payment calculation system that best minimises the Government's Family Tax Benefit Part A outlays.

All of these administrative decisions occur at the expense of the financial safety of single mothers and their children.

Instead of allowing systems to be used to enact financial abuse, Safety by Design should be at the heart of the Child Support Scheme and Family Tax Benefit program. This will protect women at risk of financial abuse, and in doing so, provide financial safety for all child support payees.

The non-payment of child support is a significant issue. But, in addition to losing out of much-needed child support money, mothers who collect child support privately have their family payments reduced - whether child support is paid or not.

There are also other ways that child support is used for financial abuse. Perpetrators can minimise payments by hiding or reducing their taxable income. Women in our survey indicated twenty-seven different ways that they had been, or were still, controlled through their ex-partner's misuse of the Child Support Scheme.



## Impact on single mother families

The shockwaves of financial abuse are felt by single mothers on a day-to-day basis as their safety, housing, food security, and employment security can be severely impacted. Of the victim-survivors of financial abuse in our survey, ninety-one per cent reported that the financial impacts of their situation impacted on them 'a lot'.

Almost half of women (46%) indicated that financial abuse had caused them to skip meals or experience food insecurity. Sixty per cent of respondents noted that they had foregone medical treatment or medication as a result of financial abuse. Over half (53%) reported that financial abuse meant that they struggled to provide the basics each fortnight.

Significantly, women reported that their housing was impacted most by the deliberate minimisation of child support (69%) and the withholding of child support (66%). For single mothers, who are trying to raise their children in safe, adequate housing, the Child Support Scheme was noted as the key vehicle through which financial abuse could be enacted.

The financial abuse that single mothers experienced sent shockwaves through all aspects of their lives.



46%

indicated that financial abuse had caused them to skip meals or experience food insecurity.



53%

reported that financial abuse meant that they struggled to provide the basics each fortnight.



60%

had foregone medical treatment or medication as a result of financial abuse.



69%

reported that their housing was impacted most by the deliberate minimisation of child support



# Summary of the recommendations

In light of these distressing findings, we put forward five key recommendations to close the loopholes that provide pathways for abusive and coercive ex-partners to enact financial abuse through the misuse of the Child Support Scheme. Financial abuse destroys the financial safety of single mothers and their children.

## 1

### Close the loopholes that allow child support to be minimised or not paid

Rules that prioritise payer autonomy over payee safety or place the burden of a payer's non-compliance on the payee need to be removed. The onus should be on the payer to do the right thing.

## 2

### Decouple social security from child support

The government must stop forcing the poorest mothers experiencing financial insecurity to 'contribute' to the cost of running the Child Support Scheme through reduced Family Tax Benefit payments.

## 3

### Compel child support payers to lodge tax returns

Ensuring timely tax returns will ensure that mothers and children receive their correct entitlements, and do not become liable for the payment of government debts as a result of the actions of an ex-partner.

## 4

### Encourage and reward child support payment by linking non-compliance to payer's credit ratings

A greater incentive would be to include child support compliance in the calculation of consumer credit scores.

## 5

### Introduce a child support guarantee, paid by Services Australia when payers do not make payments.

A guaranteed child support payment, paid by the Government, is a practical option for women who are affected by family and domestic violence. The Government – rather than individual women – could be the child support payee in such cases, continuing to seek collection and enforce compliance of the payer, to ensure that violent ex-partners are not rewarded for their abusive behaviour.



# Introduction

This report draws on the lived experiences of 540 separated parents. Their survey responses reveal how the Australian Child Support Scheme can be used by malicious ex-partners to jeopardise women's financial safety. The results present a troubling account of the effects of financial abuse on mothers and children. But they also identify opportunities for reform that could drastically improve women's and children's lives.





# Background

## Understanding coercive control and financial abuse

Perpetrators of family violence maintain power and dominance over their intimate partners through a multitude of abusive behaviours, broadly defined as coercive control (Stark, 2007; Department of Social Services (DSS), 2022a).

**Coercive control can include, among other acts, social abuse, threats, sexual coercion, and financial abuse which loom as dark clouds of ongoing violence that hang over the lives of women.**

A body of literature shows that financial abuse forms part of this cluster of violent acts under a broader intention to maintain and enact coercive control (Boxall and Morgan, 2021; Bullock et al., 2020; Camilleri et al., 2015; Corrie, 2016; Corrie and McGuire, 2013; 2016; DSS, 2022a; Gupta et al., 2013; Johnson et al., 2022; Hadeed and Lee, 2010; Keatley et al., 2021; Kanougiya et al., 2021; Kutin et al., 2019; Lay and Corrie, 2016; Littwin, 2012; Postmus et al., 2016; Stark, 2007; Smallwood, 2015).

Financial abuse is often endured alongside a web of other forms of abusive behaviours, including physical and sexual violence (Joyner and Mash, 2011; Hing et al., 2022). Financial abuse was recently highlighted in the *National Plan to End Violence against Women and Children 2022-2032* ('the National Plan') as a complex and powerful form of intimate partner violence through which victim-survivors endure abuse such as restrictions of access to money or repaying their partners' debts.

Financial abuse is a sub-type of economic abuse. Economic abuse involves a suite of behaviours that limit a victim-survivors' access to resources, restrict or sabotage their employment, induce financial harms, and control their expenditure. Among this insidious and all-encompassing pattern of behaviours, financial abuse pertains to the use of financial products and services, such as banking, credit, insurance or other systems, to manipulate victim-survivors' income, assets, debts and liquidity. Employment sabotage involves an abusive partner restricting access to work, training or education, or stalking a victim-survivors' workplace (Johnson et al., 2022). Recent research has examined how Australian financial institutions, and insurance and essential service providers can be used by perpetrators to enact financial abuse. As well as private, third-party organisations, government systems such as child support and taxation arrangements, which we explore here, have also been implicated (Cook, 2019; 2021; 2022; Cook and Natalier, 2013; Natalier, 2018; Patrick et al., 2007; 2008).



Recent research has pointed to the gendered nature of financial abuse where men's misogyny and traditional gendered expectations on women can drive male perpetrators to enact financial abuse (DSS, 2022a; Gupta et al., 2013; Hing et al., 2022; Ranganathan et al., 2021; 2022). Over the course of an intimate relationship, financial abuse can become increasingly insidious as the perpetrator's financial control takes hold and women's access to day-to-day resources such as period products or groceries is diminished (Bhandari and Sabri, 2020; Hadeed and Lee, 2010; Hing et al., 2022; Kaitillia et al., 2022).

If women are able to leave their abusive male partners, which is already hampered by financial abuse designed to make leaving difficult, **financial abuse can continue, long after separation.**

**The lasting effects of such abuse are endured through poverty, and difficulty accessing safe housing or secure employment** (Bullock et al., 2020; Cardenas et al., 2021; Cortis and Bullen, 2016; Fahmy and Williamson, 2018; Hing et al., 2021; Hing et al., 2022; Johnson et al., 2022; Spearman et al., 2022; Stylianou, 2018). Women of colour within marginalised groups often endure more acute economic impacts after leaving an abusive partner (Bullock et al., 2020; Cardenas et al., 2021; Joyner and Mash, 2011), which highlights the necessity of interrogating financial abuse and child support through an intersectional lens.



## What we know about post-separation financial abuse in Australia

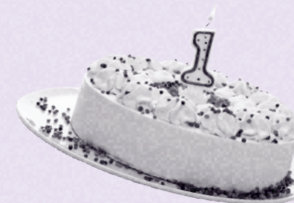
Women and women's support organisations have long raised concerns about the Child Support Scheme. Liz Brannigan's (2004) landmark report entitled *His money or our money: Financial abuse of women in intimate partner relationships* was the first to articulate the sites, causes and consequences of women's financial abuse. In 2013, Good Shepherd ANZ and Uniting Care Kildonan consulted with the family violence and financial counselling sectors to understand how separated mothers experienced financial abuse well beyond the end of their relationship. The subsequent reports (Camilleri et al., 2015; Corrie, 2016; Corrie and McGuire, 2013; 2016; Lay and Corrie, 2016) have been highly influential in the field of financial abuse.

These reports followed the articulation of financial abuse by the Australian Law Reform Commission (ALRC) Inquiry into Family Violence and Commonwealth Laws, which identified child support as a key site of concern, dedicating four chapters of the final report to child support issues (ALRC, 2011a; 2011b). The ALRC (2011b, p. 83) provided illustrative examples of financial abuse, such as, 'coercing a partner to relinquish control over assets; coercing a person to claim social security payments; preventing a person from seeking or keeping employment; and the practice of 'humbugging' in Indigenous communities—that is, demanding money from relatives, often by the use of stand over tactics'.






While 'direct' financial control over income and assets within households or multi-generational families obviously remains important, research on financial abuse has evolved to also include more subtle forms of abuse, whereby victim-survivors may be financially exploited or sabotaged by perpetrators without direct contact to them (Sharp-Jeffs, 2015; HRSCSPLA, 2021). For example, in instances where women have left physically violent relationships, direct physical contact between parties is often limited, or prevented by police intervention. But, as Cortis and Bullen (2016, p. 100) note, 'violent ex-partners may intensify financial abuse when other forms of control are lost, using financial matters as a way to continue to control women's lives after separation'. Here, **when opportunities for direct financial control are limited, financial systems provide newfound or enhanced opportunities to exert control over an ex-partner or provide the opportunity to inflict harms through indirect means** (Cook, 2021; HRSCSPLA, 2021; Natalier, 2018).




For women leaving violent or coercive relationships, 'sexually transmitted debts' (Taylor and The Women and Credit Task Group, 1990) may carry on long after relationships have dissolved. In addition, new harms can be inflicted if financial affairs remain entangled – as is often the case when divorce proceedings are protracted (which is especially relevant when violence is involved), or where children's financial needs must continue to be jointly met over a prolonged period. **Women are disproportionately likely to remain responsible for financially providing for their children's immediate needs, while being disproportionately dependent on others to provide the financial resources to do so** (Cook and Skinner, 2019). Gendered patterns of earning and caring provide a useful lever for perpetrators of financial abuse (Cook et al., 2019; HRSCSPLA, 2021), and **the financial system can be used to intervene in women's financial stability at critical times, for example, to deplete funds immediately before Christmas, children's birthdays or the start of the school year, or when rent/ mortgage, loan, or other repayments are due.**





Early conceptualisations of the sites of financial abuse – such as the examples provided by the ALRC – typically focused on the direct interception of the victim-survivor’s income or assets, termed financial control (Sharp-Jeffs, 2015), and typically focused on intimate partner relationships, or relationships of close proximity. In 2018, Women’s Legal Service Victoria (WLSV) and the Economic Abuse Reference Group (EARG) addressed the ways organisations such as private banking institutions and utility services can respond to financial abuse when identified through engagement with customers enduring financial control (Bond et al., 2018). These social welfare services identified the need for ongoing advocacy and intervention within financial systems to influence reform across sectors. Recently, in partnership with the Centre for Women’s Economic Safety (CWES), Catherine Fitzpatrick (2022) reiterated the need for systemic intervention into financial abuse and the opportunity for financial institutions to adopt ‘Safety by Design’ principles to intervene in financial abuse as it is enacted across banking platforms. **However, over a decade since the ALRC report, and despite the ongoing implication of the social security system in the process of financial abuse, there has been little change in how the system identifies or responds to the financial harm it facilitates.**

In 2022, the Joint Select Committee on Australia’s Family Law System recommended that Section 4 of the Family Law Act 1975 (Cth) (‘the Family Law Act’) be amended to recognise persistent underpayment and/or non-payment of child support as relevant factors in determining the existence of family violence. The Government has noted the recommendation. Furthermore, the Government’s response to the findings stated that the Attorney-General’s Department is commencing preliminary discussions with states and territories to progress a national definition of family and domestic violence. Consideration of the recommendation to recognise child support non-compliance may form part of this work, including whether a change to the definition of ‘abuse’ or ‘family violence’ in the Family Law Act is necessary. These examples demonstrate how financial abuse extends well beyond direct interception of income or assets to include the use of financial systems to coerce or sabotage, such as allocating financial penalties or debts to victim-survivors, sabotaging credit histories, defaulting on repayments, or using, accessing or withholding financial information or resources to orchestrate other harms, for example.





**The opportunities afforded by financial – including Government – systems proliferate the tactics through which financial abuse can be enacted.** These opportunities proliferate in

situations when victim-survivors are already vulnerable (Cook, 2021; Cook et al., 2015; Maury et al., 2020; Natalier et al., 2016), and where it may be commonplace for other people to act or to provide or access information on their behalf, for example, during the process of separation, when English language skills are limited, in instances of poor health, age, disability – including acquired brain injuries due to violence – or due to age or poor financial literacy. Within the field of financial abuse research in Australia, the use of Government systems – such as child support, tax and migration systems – to enact financial abuse and manipulate women's income have received the most attention. This attention has come from the Government (ALRC, 2012; DHS, 2012; HRSCSPLA, 2021), advocacy groups (Cameron, 2014; Cook et al., 2019; Corrie and McGuire 2013; WLSV, 2018) and researchers (Cook, 2021; Cook, 2013; Natalier et al., 2016; Singh, 2020; Singh and Sidhu, 2020). However, there has been little Government action to remedy these abusive affordances. Indeed, as is shown in the timeline on page 74, the Child Support Scheme has been reformed over the same time period to make it more able to be used as a weapon for financial abuse.

Previous research has identified that women are disproportionately likely to experience financial abuse (Gupta et al., 2013; Hing et al., 2022), but this fact is not well recognised or responded to within systems that can serve as gatekeepers or guardians of women's financial safety and security (Camilleri et al., 2015). The National Council of Single Mothers & their Children (NCSMC) presented a submission and gave evidence to the House of Representatives Standing Committee on Social Policy and Legal Affairs (HRSCSPLA) Inquiry into Family, Domestic and Sexual Violence. The submission highlighted that the latest Parliamentary Inquiry Examining Child Support and Family Law (2021) acknowledged that parents' non-compliance with their child support obligations is equivalent to 'stealing from children'. It called for urgent action to reduce the existing child support debt levels and to promote the ongoing, prompt payment of assessed child support. It also called for amendments to the Family Law Act to recognise the non-payment of child support as a relevant factor when determining the existence of financial abuse.

**The NCSMC recommended that payments be linked to credit ratings, as the decision to avoid, minimise or be defective in upholding the child support agreement was 'more about choice' than capacity and enabled by the ineffective system.**



## Single mothers' safety and economic security

Academics and advocates have long known the dire economic circumstances that mothers face after leaving a violent partner. Yet, Anne Summers' (2022) analysis of Australian Bureau of Statistics data was the first time that benefit payments, the transition to single parenthood, and family violence statistics have been drawn together at a national level.

Summers' report, 'The Choice: Violence or Poverty', shows that single mothers are overrepresented among victims of family violence. **Sixty per cent of single mothers had experienced physical and/or sexual abuse by a previous partner, compared to seventeen per cent for all women over eighteen years.** These women experienced violence prior to becoming single parents, with seventy-five per cent reporting that their former partner's assaults, threats, or controlling or emotionally harmful behaviour were the main reason the relationship ended.



Summers' report paints a dire picture of the challenges faced by single parents, including their experience of family violence and the inadequacy of benefit payments, highlights the untenable choice that victim-survivors face between safety or poverty. However, while Summers' report has a much-needed focus on the current inadequacy of benefit payments, what is largely absent is a focus on how abusive ex-partners can threaten women's safety and poverty post-separation, through ongoing financial abuse.

Both Summers and the National Plan (DSS, 2022) recognise financial abuse as a form of domestic and family violence; one that can have a significant impact on single parents, particularly women. However, there is limited research and data on the prevalence of financial abuse in Australian single parent households. There are limited statistics available on the relationships between child support, single parents, and financial abuse. Here, Summers (2022) notes that non-resident payer parents often deliberately withhold child support payments that single parents are entitled to, and this can contribute to their financial insecurity. **The strings attached to child support payments, and their use as a tool of control and coercion send financial shockwaves through single mother families that impact all areas of their financial safety and security.**



## Why conduct this research now?

The Australian Government has recently taken action to increase considerations of gender equality in policy and budget decision-making, including through the establishment of the Women's Economic Equality Taskforce. The Government's industrious initiative seeks to integrate a gender perspective in policymaking. Furthermore, the Government has refocused attention on the motherhood penalty that women experience as a result of the opportunity costs of care. In doing so, the Government has reaffirmed that women in Australia continue to shoulder the majority of unpaid work and caring responsibilities as they try to balance work and family, all of which is exasperated in single mother families.

**The Australian Child Support Scheme remains highly gendered, and payment failures contribute to the high poverty rates experienced by single mother families. This is at odds with principles to reduce gender inequity.** In March 2022, women comprised eighty-five per cent of payees, and seventy per cent of payees who have care of the children the vast majority of the time (more than eighty-six per cent of the year) (DSS, 2022c).



Australian Bureau of Statistics data demonstrates that single parent families are Australia's most impoverished family type, with 35% of children and adults living in single parent households living in poverty (Davidson et al., 2020). The lack of financial certainty emanating from the Child Support Scheme is keenly felt by women on very low incomes. For example, child support payees have a median adjusted annual taxable income of \$32,420 (DSS, 2022c).



The October 2022-23 Budget included a gender impact assessment pilot and the publication of a reworked Women's Budget (Commonwealth of Australia, 2022). In the Women's Budget, financial insecurity was recognised as a consequence of separation or divorce, through the resultant reduction in household disposable income. Moreover, the Budget Statement noted that when child support payments – which aim to ensure that children are supported by both parents following separation – are not paid, the financial shortfall can further diminish a single mother's financial security. In response, in this report, we examine what happens to single mother families when child support is not paid – but go further by examining what happens when the system is used for ill-intent.

When separated parents get along, and transfer child support payments amicably, the Child Support Scheme can work well. Indeed, research has found that payments can reduce the likelihood of single mother family poverty by twenty-one per cent (Skinner et al., 2017). **But, when parents are in conflict, and payments become a battleground, the Child Support Scheme can be used as a weapon. In this report, we don't focus on the experience of parents who have no issues with paying or collecting child support. Instead, we focus on the experiences of women who feel that they are being failed – or even harmed – by the system.** We focus on these women to demonstrate the immediate need for



intervention to prevent the Child Support Scheme from being used to perpetrate financial abuse. By focusing on the most impacted women, we make recommendations that can make child support safer and more effective for everyone; particularly women and children living in poverty.

The Government recently responded to the Joint Select Committee Inquiry into Australia's Family Law System (Parliament of Australia, 2021). It agreed, by June 2023, to convene a consultative forum of stakeholders with expertise and interest in the Child Support Scheme; positively reversing a previous outcome that effectively sidelined the Child Support National Stakeholder Engagement Group which convened its final in-person meeting in November 2014.

The gendered inequalities and structural disadvantages inherent within the Child Support Scheme are inconsistent with the Government's focus on gender. The current gender policy and budget landscape coincide with this report's publishing.



# What is child support?

Child support, also known as child maintenance, is money to be paid by a non-resident, or minority time, parent (usually the father, and referred to as payers) to a resident, or majority time, parent (usually the mother, and referred to as payees) for the purpose of supporting children following parental separation.

The Australian Child Support Scheme is a government program that aims to ensure that parents contribute financially to the cost of raising their children, even after separation or divorce. The Scheme is overseen by the Department of Social Services and delivered by Services Australia, based on the principle that children should have a right to be financially supported by both parents. Payments can be managed between the parents, known as Private Collect, or through Services Australia, known as Agency Collect.

## Private Collect

Child support payments received by the payee directly from the payer.

OR

## Agency Collect

Child support payments received and transferred via the Department of Social Services.

**Mothers are entitled to child support payments, as set out in the Child Support Scheme, on behalf of their children.**

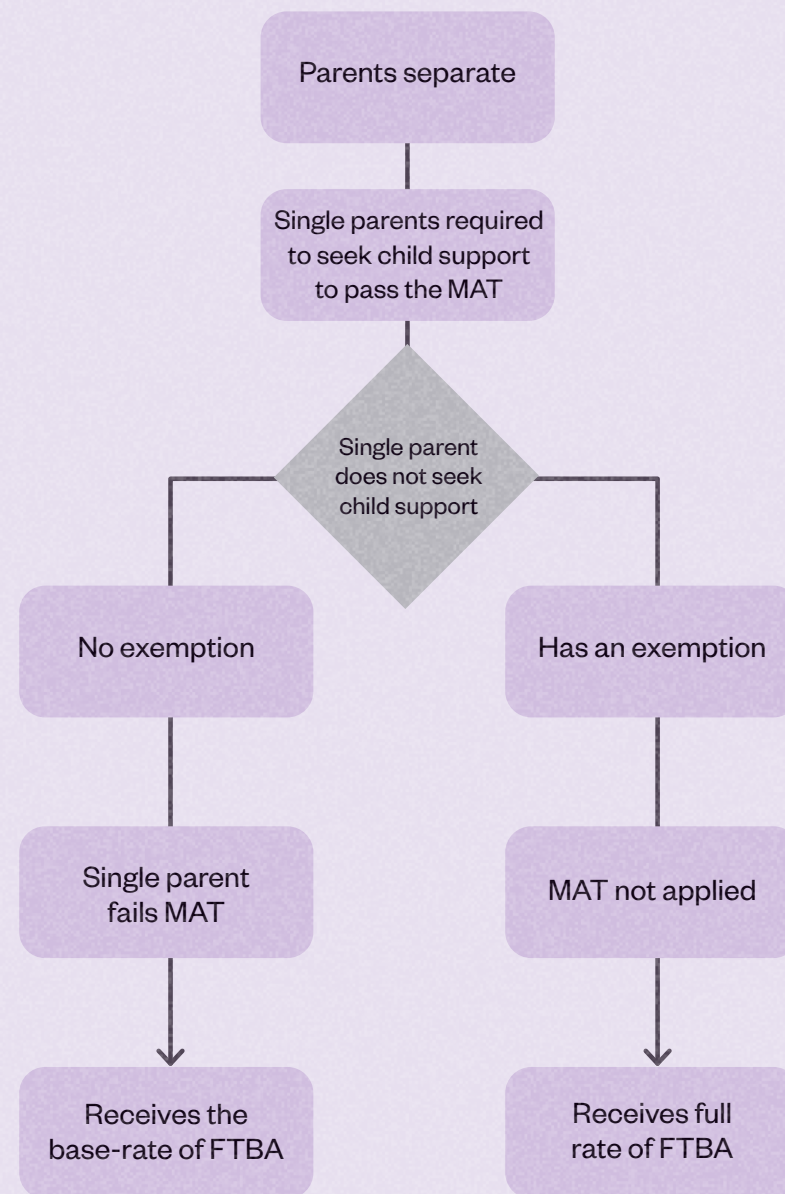
Children's right to child support is enshrined in the United Nations Convention on the Rights of the Child (1989), through Article 27 which states that children have the right to 'a standard of living adequate for the child's physical, mental, spiritual, moral and social development', and imposes a responsibility on states to 'take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child'. An object of the Child Support (Assessment) Act 1989 (Cth), laid out in section 4(2)(e), is to ensure that 'Australia is in a position to give effect to its obligations under international agreements or arrangements relating to maintenance obligations arising from family relationship, parentage or marriage'.



The amount of child support to be paid is calculated using a formula that takes into account the income of both parents minus an equal 'self support amount' and the number of nights per year the child spends with each parent. A child support determination can also take into other relevant factors such as children's education or health care costs. Childcare is explicitly excluded from the calculation of child support unless these costs exceed five per cent of the payee parent's income (DSS, 2023). Parents can agree on a different amount of child support, as long as it is more than what would be required under the formula.

**Family Tax Benefit (FTB)** is a two-part payment that helps with the cost of raising children. Child support affects what is known as Family Tax Benefit Part A (FTBA).

Parents can opt out of the Child Support Scheme if their incomes are so high that they don't qualify for FTB. All other parents must seek child support (a requirement known as the Maintenance Action Test, or MAT) - or seek an exemption from the Scheme - in order to be eligible for FTBA above the base rate, currently \$63.56 per child, per fortnight. FTBA payments are then reduced by 50c per dollar, for every assumed dollar of child support above a threshold of \$1,752 per annum (known as the Maintenance Income Test, or MIT) - often regardless of whether the child support is paid.



**Figure 1: Applying for child support**





Child support can legally be minimised by payers reducing their taxable incomes. This reduces the extent to which children share in the resources of both of their parents.

According to the Department of Social Services (DSS, 2022b; 2022c):

**774,213 cases**

were in the Child Support Scheme in the 2021-2022 financial year

**88%**

of payees are female

**85%**

of parents passed the Maintenance Action Test, including 14 per cent who were exempt and one per cent whose outcome was pending

**50%**

of cases are Private Collect and 50 per cent are Agency Collect

**\$54,125**

Payers in Private Collect have \$6,000 higher annual incomes than payers in Agency Collect

**\$33,961**

Payees in Private Collect have \$2,000 lower annual incomes than payees in Agency Collect

**20%**

of child support cases are for the minimum amount of child support, which is currently \$320 per annum; 27 per cent of cases are for less than \$500 per annum

**22%**

of payers had child support calculated using a method other than an Australian Tax Office return



The government's target is for fewer than fifteen per cent of women to fail the MAT and receive only the base rate of FTBA payments (Department of Social Services, 2022b). **Those who fail the MAT are likely to be vulnerable women, such as those experiencing violence, women with low literacy, culturally and linguistically diverse women and Indigenous women. Rather than having an 'acceptable' number of women failing the MAT, children in such families should be supported to receive their full child support and FTBA entitlements.**

Statistics on the child support caseload and payment figures paint a complex picture of the financial security of payers and payees. Largely absent in these figures are the experiences of mothers who pay child support. As Maria Vnuk (2010) has said previously, mothers who pay child support – are 'merged or omitted' from population statistics. Similarly, in administrative datasets and population surveys, questions about paying and receiving child support are too imprecise and sample sizes for paying mothers are too small to adequately capture how child support is experienced by women payers, particularly those experiencing family violence (Cook et al., 2015). Mothers report that they can end up paying child support because 'on paper' they look like they earn more than their ex-partner, and fathers say that they have overnight care of children for more than they do.



**1/3 of payees  
receive below  
\$10 a week**

The discrepancy between payers' and payees' median annual incomes within each of the two collection method cohorts (i.e. Agency or Private Collect) raises concerns about whether Private Collect payees are particularly vulnerable to financial abuse. **In addition, the fact that almost a third of the caseload has orders below \$10 per week is of significant concern and indicates potential deliberate minimisation of payer taxable incomes and thus child support liabilities.** A Ministerial Taskforce convened almost two decades ago in 2005 noted that 'tax minimisation and avoidance are both significant problems for the Child Support Scheme'. Similarly, Shepherd (2005) found in his analysis of Child Support Agency (now known as Services Australia – Child Support) data around the same time period that, forty per cent of payers with a 'major' child support debt had also failed to lodge tax returns. Since 2005, compliance programs have been introduced (Department of Human Services, 2011), but the proportion of payers who have not lodged tax returns, and the proportion of parents with liabilities less than \$500 per annum, have remained steady over the last five years, and are currently measured at twenty-two per cent and twenty-eight per cent, respectively (DSS, 2022c).



## Child support compliance

In 2021-22, Services Australia reported collecting \$1.74 billion in child support payments from \$1.74 billion in Agency Collect liabilities. While this looks like 100 per cent of child support liabilities were collected, it is not stated how much of the \$1.74 billion collected was for payers' outstanding child support debts. As such, payees may still experience shortfalls in the expected child support payments.

**Mothers' reports and independent research suggests that, despite Government claims of full compliance, child support underpayments are significant.**



While the suggestion of full compliance is foregrounded in the Department of Social Services' Annual Report, where they note that the value of liabilities equals the value of child support collected (DSS, 2022b), what is not reported directly by the Department is that, in 2021, there was \$1.69 billion in unpaid child support liabilities (Senate Affairs Legislation Committee, 2022). In addition, this figure only includes debts related to fifty per cent of the caseload who receive payments through Agency Collect.

Payments made through Private Collections are regarded as one hundred per cent compliant – meaning that one hundred per cent of owed child support is assumed to have been paid – a figure that the Government has admitted is inaccurate since as early as 2015 (HRSCSPLA, 2015).

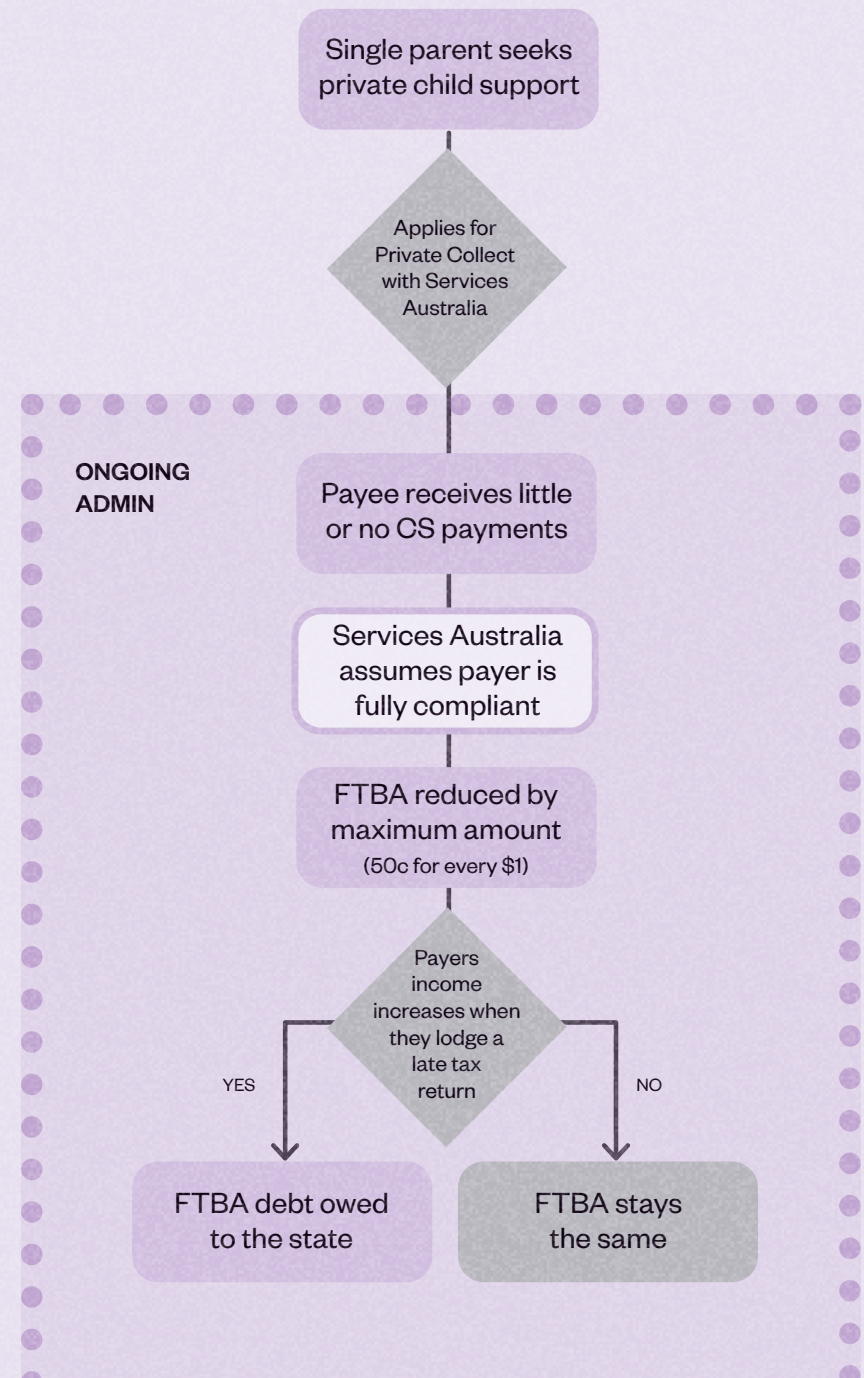


If parents receive child support payments privately, child support doesn't even need to be received to reduce mothers' FTBA payments. In these cases, child support is assumed to be one hundred per cent compliant. Instead of the amount of received child support being considered in the calculation of FTBA, it is the 'expected' amount of child support that is used to reduce FTBA entitlements. The problem with this situation is that when a payer's income retrospectively changes, such as when the payer lodges their tax returns years late, a payee's FTBA payments are also retrospectively altered. This causes significant FTBA debts that the child support payee then owes to the Government.

The Government knows that Private Collections are unlikely to be fully paid, yet Government policies have promoted the use of Private Collect over Agency Collect. The onus is on the Government to ensure that single mothers using Private Collect are not disadvantaged by this inaccurate assumption in FTBA calculations.

**This report focuses on payers who deliberately fail to lodge tax returns, actively seek to minimise their child support liabilities, or fail to make payments in order to evade their responsibilities and inflict financial harms on their ex-partner.** Despite efforts to increase compliance, amendments to child support over the last two decades have made it easier – not harder – for perpetrators to use the Child Support Scheme and Family Tax Benefit system as a financial weapon.

**Figure 2: The Private Collect process**





## Women's concerns with child support

The broad areas of concern that have been identified over decades of research, advocacy and practice with single mothers are:



### 1 INADEQUATE ENFORCEMENT

Women may struggle to enforce payment of child support, particularly if the other parent is self-employed or earning an income in cash (see also Carson et al., 2022, pp 44-46).

### 2

#### INACCURATE ASSESSMENT

The accuracy of child support assessments can be impacted by incorrect or incomplete information, leading to incorrect payments.



### 3

#### UNFAIR FORMULA

Many women believe that the child support formula does not take into account all of the costs associated with raising children.



### 4

#### LACK OF SUPPORT

Women may feel unsupported in navigating the Child Support Scheme, which can be complex and difficult to understand.

### 5

#### LONG WAIT TIMES

The process of resolving disputes over child support can take a long time, causing frustration and financial stress for women and their children.





In addition to ongoing advocacy work, there have been many reviews of the Child Support Scheme, most recently conducted by the Joint Select Committee on Australia's Family Law System (JSCAFLS), which commenced in September 2019 and submitted its final report in December 2021. During this time, the Committee produced three interim reports.

While the first two interim reports focused on the family law system, the Third Interim Report of the Joint Select Committee, tabled in November 2021, was dedicated to examining the Child Support Scheme. Within this report, a section dedicated to 'Financial abuse and family violence after separation' reports that 'many submitters to the inquiry expressed concerns regarding situations where child support is used to perpetuate financial abuse after separation' (JSCAFLS, 2021, p. 30).

The Australian Institute of Family Studies' (AIFS) submission (AIFS, 2020) to the JSCAFLS drew on data from the Longitudinal Study of Separated Families and the Experiences of Separated Parents Study (Kaspiew et al., 2015) to reveal that payee parents experiencing domestic violence were less likely to report receiving child support payments in full or on time. The Third Interim Report cites the AIFS submission to indicate how late or partial child support payments could be used by malicious ex-partners to 'create significant challenges for [resident] parents who rely on child support payments to care for their children' (Parliament of Australia, 2021, p. 31).

Given the connections between child support and family violence, and the poor outcomes for payee parents who are in a financially vulnerable position, the Committee made several recommendations:

#### **Recommendation 6**

The committee recommends the Australian Government regularly assesses the compliance rates of Private Collect arrangements and publishes the resulting information.

#### **Recommendation 7**

The committee recommends the Australian Government reconsiders the feasibility of conducting a trial of a limited financial guarantee for either vulnerable families or a randomised sample of Child Support Scheme clients.

#### **Recommendation 8**

The committee recommends the Productivity Commission undertakes an inquiry into the Child Support Scheme to review compliance with assessments of child support made by the Child Support Registrar.

#### **Recommendation 11**

The committee recommends that section 4 of the Family Law Act 1975 be amended to recognise persistent underpayment and/or non-payment of child support as relevant factors in determining the existence of abuse.

#### **Recommendation 12**

The committee recommends that staff within Services Australia undertake enhanced training to ensure they can effectively identify child support cases where domestic or family violence may exist, and that they are equipped with the skills and knowledge to provide timely advice and assistance.



In response to the Joint Select Committee report, the Government has 'noted' Recommendations 6, 7 and 11, has 'agreed in principle' to Recommendation 8 and has 'agreed' to Recommendation 12.

As such, this report provides key insights into how the Government can progress work in the areas identified for reform.

Even though women continue to report significant experiences of financial abuse post-separation, **little is known about what this financial abuse looks like, how it is experienced by single mothers.** In response, a research team from Swinburne University of Technology and the National Council for Single Mothers and their Children **undertook the first study of its kind to document and quantify the financial abuse experienced by separated mothers.**



# Loopholes that can be weaponised

Over time, changes to child support and family payments have created loopholes that can be weaponised by malicious ex-partners to enact financial abuse.

## BUILDING THE SYSTEM

1986

### Child support scheme principles decided

The Cabinet Subcommittee on Maintenance set out the Scheme's principles: (1) legislative formula; (2) automatic wage withholding; (3) collection through the tax system; (4) inclusion of non-benefit-recipient parents.

1989–90

### Child support formula introduced

Administrative assessment of child support liabilities came into effect. Family payments reduced by 50 cents for each dollar of child support over an arbitrary threshold.

1987

### Child support bill introduced

The Bill declared child support as an entitlement. It also incentivised Government action, as child support reduced mothers' family payments. Poor women paid for the Scheme.

1988–89

### Child support scheme created

Creation of the Child Support Agency within the Australian Taxation Office. Payments distributed by the Department of Social Security.

## BUILDING THE LOOPHOLES

Right from the start, the Child Support Scheme has required low-income women to pay for the system that is designed to help them. The Maintenance Income Test takes money from low-income women's Family Tax Benefits to pay for the Child Support Scheme. In 1988-89 and 1989-90, respectively, the Government estimated that the Scheme would recoup \$120 million and \$193 million in reduced family payments.

1994

### Private agreements prioritised

The Joint Select Committee on Certain Family Law Issues report was responsive to the payers' discontent. Private collections – with no or minimal oversight – were prioritised over agency collections, whilst wage-withholding became optional.


1998

### Child support moved out of the ATO

The Australian Taxation Office was no longer involved in the transfer of payments, meaning that income data was less readily available for use in the child support formula.



The Government has admitted that the 2017 Family Tax Benefit Part A change 'limits the right to social security' but claims that the measure was necessary and proportionate.



**2003**

**Women ignored by the Standing Committee**

The House of Representatives Standing Committee inquiry did not address compliance, and ignored concerns of payees, instead recommending the appointment of a Taskforce to consider a new 'fairer' formula.

**2005**

**'Fairer' formula a win for high-income payers, and a loss for low-income**

A Ministerial Taskforce of six men and two women appointed to design a new 'fairer' formula.

**2008**

**'Fairer' formula created levers for abuse**

The 'fairer' formula was implemented. It benefitted high income men and made low-income payees worse off. Each dollar of parental income and night of overnight care became battlegrounds for manipulating child support.

**2017**

**Family Tax Benefit overpayments vigorously pursued**

When payers' incomes are retrospectively recalculated after a late tax return, Private Collect payees must pay back 'overpaid' FTBA. This would save the Government \$23 million in Family Tax Benefit Part A.

**2006**

**Payers got more control over spending**

Child support payers were given more opportunity to direct how child support payments could be spent by recipients, in some cases even without agreement

**Welfare to work introduced for single parents**

New benefit recipients with a youngest child over 8 moved onto lower Newstart (now JobSeeker) from Parenting Payment Single, which makes Family Tax Benefit Part A income more important for financial security

**2013**

**Mothers lost out when fathers missed tax returns**

The Government changed the method for estimating payer income where no tax return was lodged. This resulted in mothers' Family Tax Benefit Part A being reduced by \$78.7m over four years.

**Mutual obligations requirement extended to all single parents with children over 8**

All existing Parenting Payment Single recipients were required to seek work and moved onto Newstart (now Jobseeker), which reduced mothers' payments.



# Methods

## Online survey

From 1 October 2022 until 31 January 2023, an online survey was used to collect separated mothers' experiences of child support, family violence and financial safety. The survey was anonymous and used 126 multiple-choice questions to reduce the emotional and time-burden on participants. Some questions allowed respondents to provide additional details as short answer comments.

Prior to the survey's distribution ethics approval was obtained from Swinburne University of Technology and the survey was piloted with ten advocates and women with previous experience of child support receipt. The survey content was developed from demographic and child support questions used in national panel surveys, such as the Household Income and Labor Dynamics in Australia (HILDA) and Longitudinal Survey of Australian Children studies, as well as the authors' previous survey on child support payments (Cook et al., 2019). **New questions were developed to probe the aspects of child support non-payment and financial abuse that have not been previously examined. As a result, the survey sheds light on the significant issues with the Child Support Scheme, but also flags the need for far greater research in this area.**

## Participant recruitment

The survey was distributed by the National Council of Single Mothers and their Children via their Facebook and Twitter accounts. In addition, the recruitment ads were shared widely across the single parent and family violence sectors.

In total, five hundred and forty people provided survey responses. However, four per cent ( $n = 23$ ) of respondents who were not single, sole or re-partnered parents with a dependent child under eighteen were exited from the survey following this first question.

Then, for a number of reasons, the responses for any particular question were less than 517. For example, people do not always continue through to the end of a survey, which may be particularly the case for busy single mothers. As such, the sample size became smaller as the survey progressed, with 312 respondents completing the final question. In addition, the survey design provided the option for women to skip entire sections of the survey if they found the questions distressing or were free to leave answers blank. Finally, the survey question logic meant that questions not relevant to a respondent's circumstances were not shown. As such, the number of respondents reported for any particular question is not equal to the total number of respondents who took part.



Ninety-nine percent of respondents identified as female. As such, we refer to survey participants as ‘women’ or ‘mothers’ from here on, although we acknowledge that two participants identified as male, two as non-binary and one as ‘other’.

**Our use of the terms, 'women' and 'mothers' is not designed to diminish the important experiences of men as child support recipients, and LGBTIQ+ parents. Rather, we use these terms to characterise the experiences of the overwhelming majority of survey recipients.**

Dedicated research is needed to understand the post-separation experiences of these cohorts, so that specific findings and relevant recommendations can be developed to reflect their circumstances.

Participants were located across Australia, with all states and territories represented. The proportion of respondents from each state followed the same order as the distribution of the Australian population (ABS 2022b), with the largest number of participants located in New South Wales (NSW), then Victoria, followed by Queensland. However, compared to national figures, there was a slightly smaller proportion of participants from NSW, Queensland, Western Australia and the Northern Territory in our survey sample, with a slightly greater proportion of participants from South Australia, Tasmania and the Australian Capital Territory. The proportion of participants from Victoria was identical to the proportion of the national population (25.5%). As a result of these figures, we are confident that the results reported here apply to the whole Australian geographic population context.

Culturally, our sample was less diverse than the Australian population, and so cannot be generalised to all single mothers in Australia. Fifteen percent of our survey respondents reported being born overseas, compared to twenty-nine per cent for the Australian population (ABS, 2022a). In addition, countries of birth listed by participants were predominantly western, English-speaking nations, such as England, the United Kingdom (UK), New Zealand, Scotland and the United States of America (USA) (figure 1). While the majority of the Australian population born overseas originate from the UK (ABS, 2022a), participants from India and China – Australia's second and third largest sending countries – were notably absent.





Five per cent of participants (n = 22) identified as Aboriginal or Torres Strait Islander, a higher percentage compared to the Australian population (3.3%) (Australian Institute of Health and Welfare, 2022). Mothers reported that six per cent (n = 28) of their youngest child living with them was Aboriginal or Torres Strait Islander. However, as the sample sizes are extremely small, and given the need to engage with community when conducting research that reports on Indigenous experience, our report does not disaggregate the unique experiences of Aboriginal and Torres Strait Islander mothers from the overall, and disproportionately white, sample.

**It should be noted that child support is a western, colonial concept related to the nuclear family, and as such it does not readily apply to Indigenous families, although Indigenous families are compelled to participate in the Scheme.** As research from New Zealand illustrates (Keil and Elizabeth, 2017; 2022), Māori and Pasifika familial financial norms do not readily align with western, previously nuclear family, child support principles. **Given high rates of poverty and reports of family violence, the implications for Indigenous women's financial security are particularly important. Such a study would need to be led by, or conducted in partnership with, Indigenous women.**

Studies conducted in Malaysia (Md Nor, 2022; Md Nor et al., 2018; Md Nor et al., 2019) and with culturally diverse communities in Australia (Singh, 2020; Singh and Sidhu, 2020) similarly complicate the relevance of the Government-prescribed purpose and function of child support as it applies to non-western family forms. This disjuncture – alongside our recruitment strategy – may explain the low number of culturally and linguistically diverse women in our sample. Future research should seek to recruit participants through diverse community networks, and pilot surveys and recruitment materials with these communities to ensure their appropriateness.

Additional studies are required to foreground the needs and experiences of women most vulnerable to financial abuse and most marginalised from mainstream service practices and requirements. Such research will ensure that the child support and related family payments systems prioritise their financial safety, irrespective of cultural alignment with norms prescribing ex-nuclear-family financial transfers.



Of the 289 women who provided details, fifty-six per cent were separated, thirty-five per cent were divorced, while eight per cent had re-partnered.

60 per cent of respondents reported that they got along with their ex-partner 'very poorly/badly' with another 12 per cent reporting 'poorly'. As such, this is likely a more aggrieved sample than the general child support population. It will be useful for further research to examine how widely the issues described in our findings are reported by the entire population of women in the child support system, or where more targeted interventions are possible based on relationship tenor. In addition, the following results may be either a cause or a consequence of the poor relationship, but we can't tell from our cross-sectional survey.

The mean age of mothers' youngest child was eleven, equating to an 'average' child being born in 2012. Mothers had, on average, 2.3 children, which is higher than the birthrate in 2012, which was 1.93 (ABS, 2022d).



## Income and family payment characteristics

58 per cent of the sample's main income is derived from wages or salary, and 41 per cent from Government payments. But, 81 per cent receive some form of government payment. The remainder were either not Australian citizens (1%) or were ineligible (18%).

Of those receiving a government payment, 26 per cent relied most on Parenting Payment Single and 15 per cent on JobSeeker, while 23 per cent received FTB only. 58 per cent of respondents received payments for more than 5 years, with another 39 per cent receiving payments for 1-5 years.





## Child support characteristics

Sixty-four per cent of mothers had the main care of their child(ren), with twenty-seven per cent having a shared care or joint parenting arrangement. As noted earlier, these figures exclude women who had minority care of their child and those who paid child support.

Of the women who had primary or shared care of children, seventy per cent had a child support order in place, with twenty-four per cent saying that they did not have an order, and a further five per cent noting 'not applicable'. These two latter groups could include people who have an exemption as well as those who have not engaged with the system.

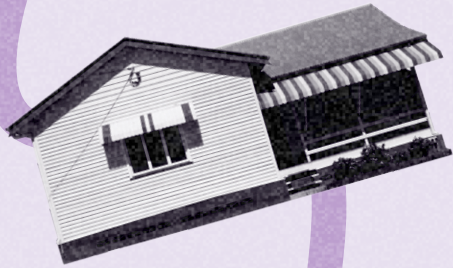
For those with child support agreements, 75 per cent had orders decided by the department, with 21 per cent making private, court-ordered or other agreements.

In terms of collections, 67 per cent receive payments via the department, 14 per cent receive privately, 16 per cent receive via neither source. Our sample has a higher proportion of Agency Collect cases than the Department of Social Services caseload, which is approximately 50/50.

**8 per cent of respondents expected to receive no child support in the previous month, while 34 per cent actually received nothing in the previous month.** Of the women who reported that the amount they received was not the amount they expected, 76 per cent reported that this was not by agreement with their ex-partner.







Financial abuse sends shockwaves through single mothers' lives, including their mental health, whether they can afford food and healthcare, their housing security, what they can provide for their children, and whether or not their family can afford to socialise with friends and family.



# Findings: Weaponising child support

A startling figure from the survey was that **eighty-eight per cent of respondents had experienced someone else having control over their money or finances. Of these women, ninety-five per cent reported that this control was being exerted by their ex-partner. Fifty-nine per cent of the women who had experienced financial abuse reported that this control was still happening.**

The women who answered this question did not include women who were now child support payers. While these women were exited from the survey at this point, their comments and other research indicate that such women are often 'set up' as child support payers due to income and care-time manipulations by financially abusive ex-partners. Some of the open-ended responses provided by these women were provided here.

The omission of child support payers' experiences is a significant blind spot. Maria Vnuk (2010) has previously reported on the experiences of mothers as child support payers, finding a dearth of research on such women's experiences. As such, further research on the experiences of financial abuse for women as child support payers is urgently required.

“My children’s father has [not] submitted a tax return since we were separated 12 years ago. Child support have produced an estimate which is approximately half of my income. This means for 10 years I received \$39 per fortnight for 3 children. Due to nursing workload care arrangements are more even (50/50) and due to the above child support calculation I now pay child support to him at the rate of 15 times more than he was paying me. He has readied his tax returns to file next August when my youngest child is 18.”

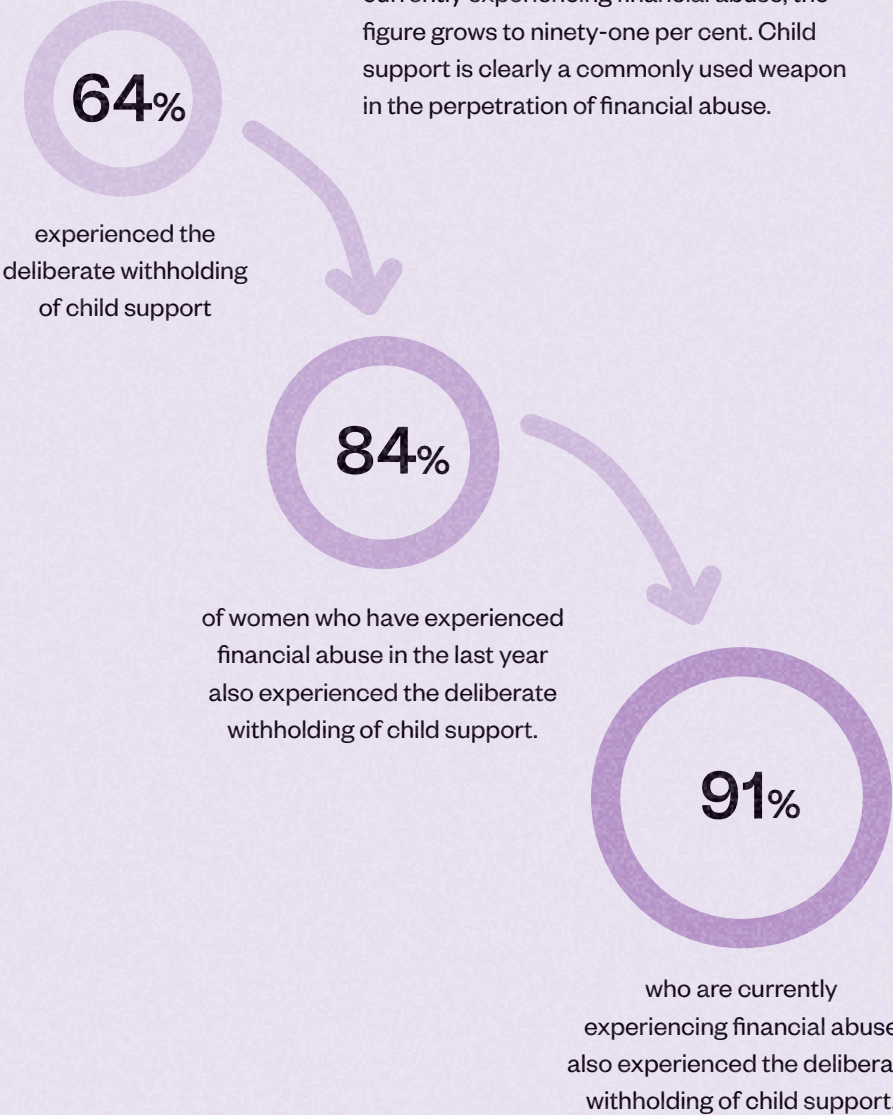
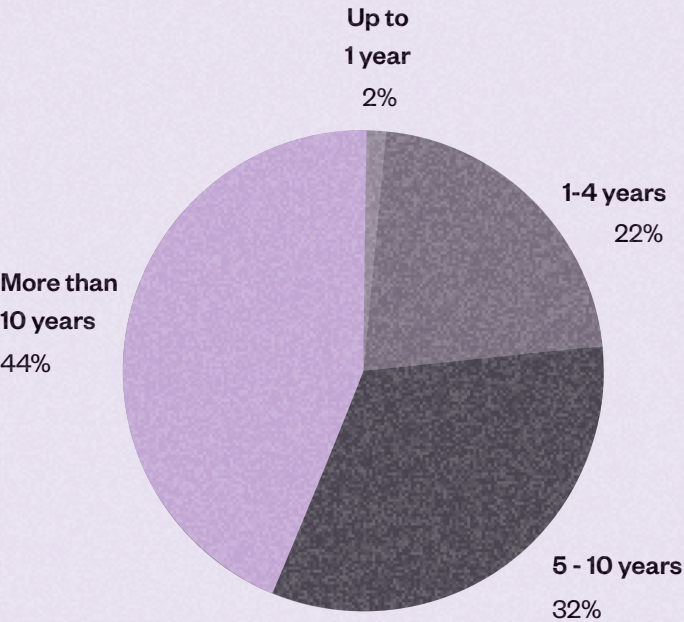
“[The survey hasn’t asked about] the worst child support abuse - severely battered controlled women being forced to PAY TO their abuser child support - living in poverty while he lives the high life on his high income, bashing and abusing the kids in the little time he hasn’t dumped them in childcare 11 hours a day so he can continue being a workaholic, but demanding you pay HIM child support so he has more money to give to his greedy lawyer to make more false allegations against you while covering up his own ongoing abuse of the children, while you can’t afford basics like medication or treatment for the injuries he gave you, but you can’t get legal aid even though you meet their low income cut off requirements, because legal aid don’t want to take on the ex’s deceitful greedy lawyer.”



# Financial control by an ex-partner

For the 434 women who had experienced financial control by an ex-partner, they reported that financial abuse had occurred over years, if not decades (Chart 1). Forty-four per cent of women reported that the control had persisted for more than a decade, with thirty-two per cent reporting the control had occurred over the past five to ten years. Only two per cent of women reported that they felt financially controlled for less than one year.

Chart 1: Years of ex-partner financial abuse

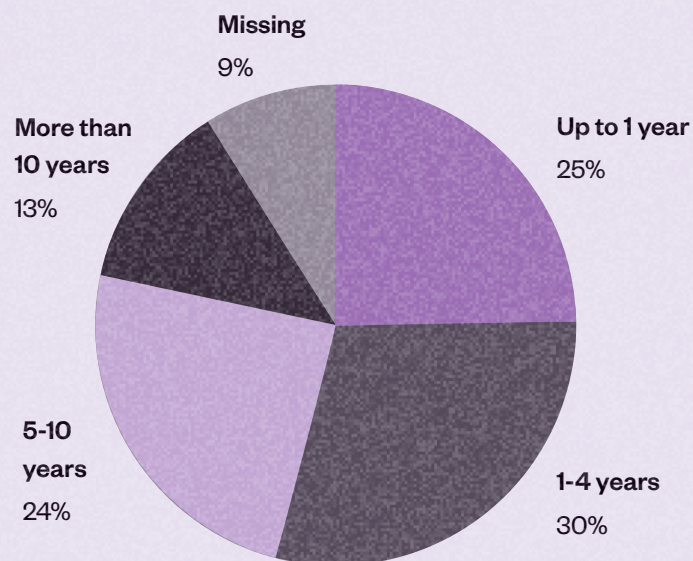


For all women in the sample, sixty-four per cent had experienced the deliberate withholding of child support. When you focus in on women who had experienced financial abuse, this figure increases to eighty-four per cent. When looking at only those women who are currently experiencing financial abuse, the figure grows to ninety-one per cent. Child support is clearly a commonly used weapon in the perpetration of financial abuse.

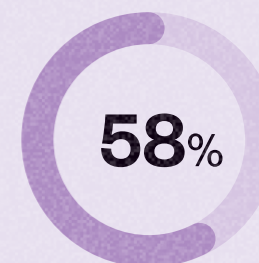


For those women who reported current financial abuse and the deliberate withholding of child support, this was a more recent – although still lengthy – phenomenon (Chart 2). Twenty-five per cent of women had experienced such abuse for less than a year, with 30 per cent experiencing it between one and four years.

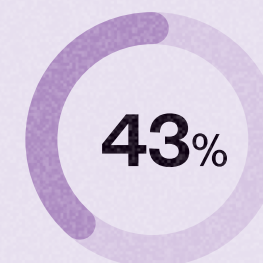
**Chart 2: Years of deliberate child support withholding, for single mothers currently experiencing financial abuse by an ex-partner**



For seventy per cent of the women who reported current financial abuse, their child support was not being paid at the time they completed the survey. The high rate of child support non-receipt amongst women who were being financially abused compares to:



of women who had 'ever' been financially abused by their ex-partner not receiving child support at the time of the survey; and



for 'all' women not receiving child support at the current time.



# Experiences of post-separation abuse

For most women (72%)



family violence began during their relationship and continued afterwards.

For 9% of women



their experience of family violence commenced during or after separation.

Only 13% of women

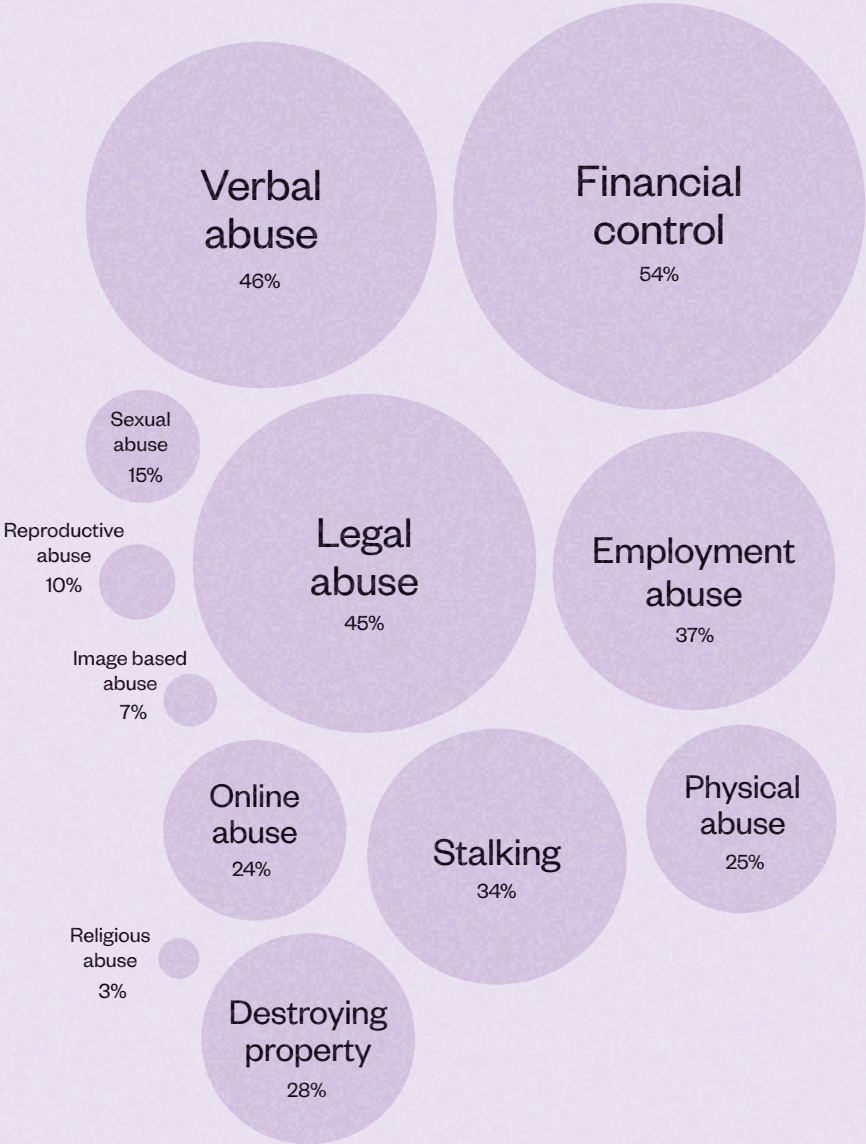


reported that the violence that began during their relationship finished when they separated.

The forms of abuse that participants had experienced are reported in Chart 3. The most common form of abuse was financial control, which included someone controlling women’s money, or them being forced to take out loans or debts.

Forty-six per cent of women had experienced verbal abuse or put downs, while only one per cent fewer (45%) had experienced legal abuse, which asked women if they had experienced excessive court actions, or threats of action, against them, such as in the Magistrates, Federal and Family Courts.

Chart 3: Forms of abuse experienced by single mothers





Over a third of women (37%) had their employment controlled, such as being forced into unsafe or unwanted work, being forced to leave paid work, or not being allowed to work despite wanting to. While only twenty-five per cent of women reported that someone had physically harmed them, their children, pets, family, and/or friends, or committed self-harm in order to cause women harm, this question may not have adequately captured the physical violence that women experienced. The rate of physical violence reported by our participants is far lower than Summers' (2022) analysis of ABS data that showed that sixty per cent of single mothers had experienced physical or sexual violence by a previous partner.

Elsewhere in the survey, eighty per cent of women reported that their ex-partner had replaced physical violence with economic abuse through child support as a means of controlling them post-separation.

**What this statistic reveals, combined with the most frequently reported forms of violence, is that women's experiences of harm are often more subtle and difficult to detect than physical forms of violence.**

Women's experiences of abuse often entailed the use of third-party systems, such as child support and associated family benefit system), the courts, banking and credit systems, women's employment and her subsequent eligibility for or access to Government benefits.

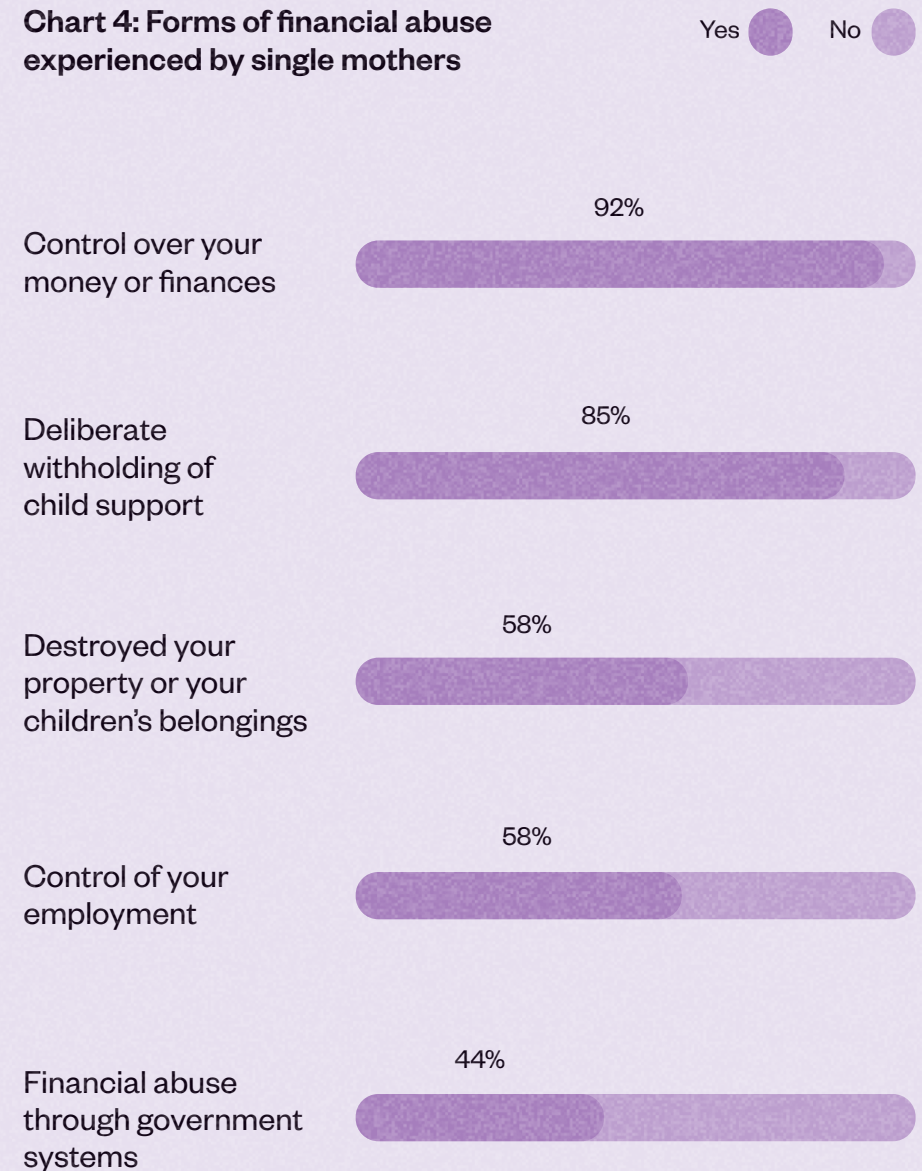
While it is well known that leaving can increase women's risk of violence (DSS, 2022a), commentary focuses mostly on women 'escaping' physical violence. For example, the National Plan (DSS, 2022a, p. 36) states, 'in many cases, violence will escalate, with women more at risk of being killed by a partner or former partner in the period leading up to and immediately following separation', while Anne Summers' (2022, p. 10) lauded report on single parents' experiences of family violence notes that for women victim-survivors of family violence, 'returning to their violent partner seemed a better choice than being homeless or trying to subsist in poverty'. Similarly, the ABS only records 'partner violence' as 'any incident involving the occurrence, attempt or threat of either sexual or physical assault' (reported in Summers 2022, p. 16). Contrary to the publicly circulated stereotypes of women 'fleeing' family violence for physical safety, our results demonstrate how family violence continues after separation, and evolves into financial abuse that can be perpetrated without direct 'access' to the victim-survivor.



Of the 429 women who provided data, **78 % reported having experienced any form of family violence**, the types of which are outlined in Chart 3. Of these women who had experienced family violence, **95% had experienced some form of financial abuse** (Chart 4), with the most common forms of abuse being control over the finances and the deliberate withholding of child support – a form of violence that can only begin post-separation.

In addition to child support withholding (85%), destroying property (59%), and employment control (58%), **44% of women reported abuse occurring through Government systems**, with ex-partners perpetrating abuse through the Child Support Change of Assessment process, the Centrelink dob-in line, and the ATO.

**Chart 4: Forms of financial abuse experienced by single mothers**





While the reported figures suggest that insidious forms of abuse such as financial and systems abuse are rife, and that child support withholding is a primary tool, these figures exclude women who had an exemption from seeking child support.

While women can seek an exemption from collecting child support through the MAT, only approximately fourteen per cent of the child support caseload has one in place (DSS, 2022c). This is a fraction of the number of women in our sample who reported current violence being perpetrated by their ex-partner.

The insidious forms of family violence that women experience, which lay beyond physical and sexual violence, do not seem to be well understood by the systems through which such violence is experienced.

Open-ended data provided within the survey revealed the fraught nature of the exemption process – with women experiencing violence not having an exemption – but also how women's fear of violence prevented them from seeking their correct entitlements.

I will NEVER report him as violent - you don't poke the bear unless you want to get bitten

We have an FVRO [Family Violence Restraining Order] so there is no contact. He just doesn't pay or do his tax return, so he's supposed to pay an artificially low amount.

Failure to report to child support that they are working, scared to as for a review as there was DV

As has been reported previously (Cook, 2022), when women are provided an exemption on the grounds of family violence, the perpetrator is essentially 'rewarded' by not having to pay child support, which the open-ended comments illustrate:

I have an exemption for mine and my child's safety so I receive zero.



While legal abuse, financial control and employment abuse were common (see Chart 3), in the question on the forms of financial violence experienced, ‘financial abuse through government systems’ was the only form of financial abuse not reported by the majority of women (see Chart 4). However, as we describe later, those who said ‘no’ to this survey question reported elsewhere in the survey that they were:

- |   |   |
|---|---|
| <p><b>1</b> threatened to accept private collect payments</p>   | <p><b>2</b> made to seek an Exemption so that no child support would be payable</p> |
| <p><b>3</b> threatened to make them accept Private Collect payments</p>                                     | <p><b>4</b> threatened to stop them from switching to Agency Collect payments</p>   |
| <p><b>5</b> told that their ex-partner would not lodge a tax return unless mothers did what they wanted</p> |   |

As such, it may be the case that the use of government systems to enact financial harm is not regarded as financial abuse. A lack of understanding of what constitutes financial abuse has been reported in the literature (Bridges et al., 2015; Glenn and Kutin, 2021). It underpins Recommendation 12 of the Joint Select Committee on Australia’s Family Law System, which seeks to ensure that Services Australia staff can effectively identify child support cases where

domestic or family violence may exist and respond appropriately. In their response to the Joint Select Committee (2021) report, the federal government agreed to consider further opportunities for Services Australia to increase capability to support customers affected by family violence.

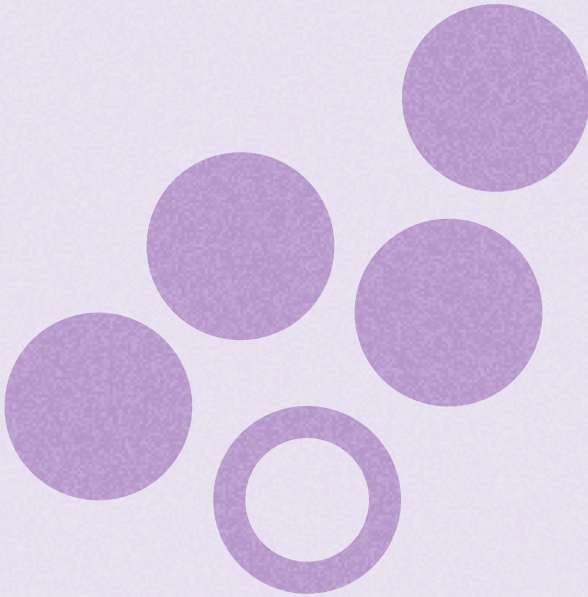
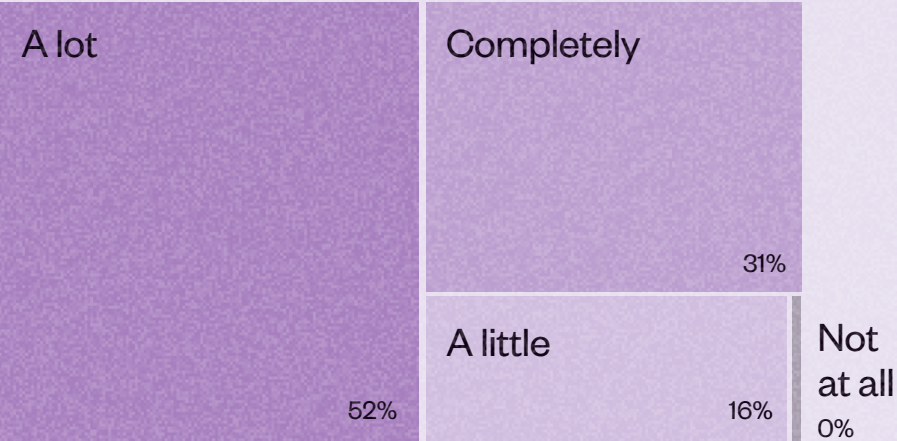
The onus is on Services Australia to ensure that child support recipients understand how the child support and family tax benefit systems could be used to enact harm and to shut down known avenues for the system’s misuse. In particular, Services Australia should intervene to prevent FTBA debts being generated for Private Collect customers when their ex-partners lodge late tax returns, and child support liabilities are retrospectively applied. At present, however, Services Australia does not ensure customers’ safety by design (Cook et al., 2021; Office of the eSafety Commissioner, 2022; Fitzpatrick, 2022; PenzeyMoog, 2021) and does not ensure a trauma-informed service that would be appropriate to the needs of family violence victim-survivors. Services Australia does not provide a transparent process or empower child support recipients to make child support decisions in their best interest or their children’s best interests. Rather, research has even shown that Services Australia processes are likely to be deliberately misleading to usher mothers into the child support and Family Tax Benefit arrangements that will provide the most financial benefits to the state (Cook, 2021) – at the expense of family violence, including financial abuse, victim-survivors. Given the current child support and Family Tax Benefit settings, child support provides an insidious vehicle for perpetrators of financial abuse to control victim-survivors.



# How separated mothers were controlled through child support

Mothers were asked how controlled they felt through child support (Chart 5), with most reporting feeling significantly or completely controlled. This is an indictment on the Child Support Scheme, and one that cannot be allowed to continue.

Chart 5: How controlled single mothers felt through child support



Four out of five women (83%) reported feeling either significantly (a lot) or completely controlled through child support.



Women indicated twenty-seven different ways that they felt controlled through child support. In addition, thirty-one percent of respondents also provided 'Other' examples.

Reduced his income immediately after CS [child support] collect was lodged. CS don't require proof.

Irregular and non payment means my family assistance amount continually changes and I receive Centrelink letters about that once or twice a fortnight. I get anxious receiving each letter, in case it is another attempt to force me onto parents next etc. And It's very difficult to plan financially when my family payment rate changes all the time.

He hides his earnings, has moved overseas, pays the absolute minimum child support while earning far more than I do. I just got a contract for better paid work now our child is older, but I lived in poverty for years putting all I had to house and feed my child, whilst going without for myself.

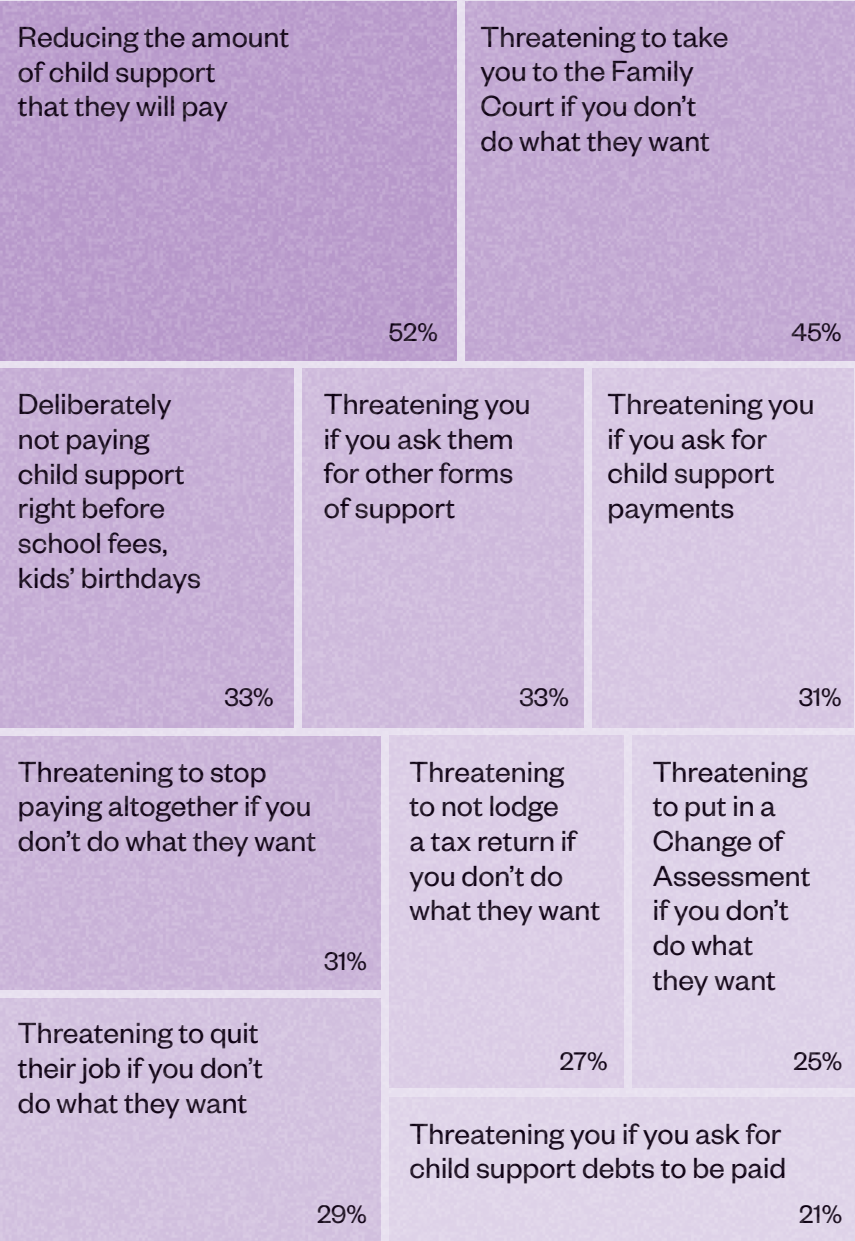
He works in sales, does change of circumstances [CSA process] whenever he can to reduce the money he owes by changing the payments to current year rather than based on previous year when he earned more money. He manipulates child support staff so easily. He owes me approximately \$300,000 separate from child support, money he took from me fraudulently and child support abuse is nothing compared to that theft but child support have also enabled him for example when he falsely claimed that he had paid me money privately. I went months without any payments while Child Support told me the onus was on him to prove he had paid. He was laughing at Child Support. There was no penalty to him for lying to a Government agency and he stalled payments for many months so it was a free loan for him. Also he delayed doing his tax and when he finally did it, I didn't get the money he owed because someone in Child Support decided the amount wasn't worth their while. This shows a complete ignorance of financial abuse. My daughter and I were living in poverty and that money would have made a big difference to us even though Child Support thought it was a small amount.



The primary ways that women felt that they were controlled through child support (Chart 6) were by their ex-partner reducing the amount they would pay without mothers' agreement (52%), ex-partners threatening to take Family Court action against them (45%), fathers deliberately not paying child support right before school fees or kids' birthdays as a threat or punishment (35%), threatening mothers if they asked for other forms of support, such as help with dental bills or school fees (33%), threatening to stop paying altogether if mothers didn't do what they wanted (31%), and threatening them if mothers asked for child support payments (31%).

Some of these findings are consistent with those of a recent report by Australia's National Research Organisation for Women's Safety (ANROWS) (Carson et al., 2022) that reported on compliance with and enforcement of family law parenting orders. The ANROWS study found that fifty-four per cent of parents and carers surveyed reported that one parent was regularly spending less time with the child than provided for in parenting orders, and that for forty-eight per cent of this subset, their child support assessment was no longer appropriate. However, forty-seven per cent of these parents and carers reported that they had not sought a new child support assessment, for reasons including feelings of futility, distrust and a lack of faith in the child support regime, particularly in cases involving family violence. For some parents and carers, the distrust had been compounded by previous experiences of systems abuse in the child support regime and the legal system. The risk of family violence was found to be a major deterrent in seeking a new child support assessment.

**Chart 6: The top ten ways that single mothers felt child support was used to control them**





While Chart 6 describes the most commonly reported ways that women reported child support being used to control them, these were by no means the only methods through which control was exerted.

Troublingly, women reported methods of coercive control that had implications for women's incomes and in particular, their family payments.



Over half (52%) reported that their ex-partner threatened to reduce the amount of child support they would pay



nearly one-third (27%) reported that their ex-partner threatened not to lodge a tax return if they didn't do what they wanted



one in five women (21%) reported being threatened if they asked for unpaid child support to be provided



fifteen per cent reported being threatened to use Private Collect



nearly one in ten (9%) were punished by their ex-partner because they applied for an exemption from the Maintenance Action Test on the grounds of a fear of violence



While the toll of the Child Support Scheme weighed heavily on mothers, one of the most concerning issues was the role that Services Australia (previously, and colloquially known as Centrelink) systems played in inflicting financial harms on women. In addition to the role of the exemption process in reducing victim-survivors' income by exempting violent partners from paying, these harms came in the form of variable Family Tax Benefit payments, and retrospectively applied Family Tax Benefit debts.

“Doesn't pay and results in not being able to give children things they need. Non-payment will result in a debt by Centrelink as I'm on disbursement otherwise I won't survive financially.”

“Uses identified men's rights activists' actions to avoid parental responsibilities. Lodges tax return early and sets the CSA schedule so that my actual income isn't applied in the assessment, and I am disadvantaged always, CSA won't recognise financial abuse.”

“He contacts cs [child support] and lies about his capacity to pay even though his tax return showed he was on \$240k, I had to pay all the money paid to me back to him and from then on he didn't pay or do tax returns.”

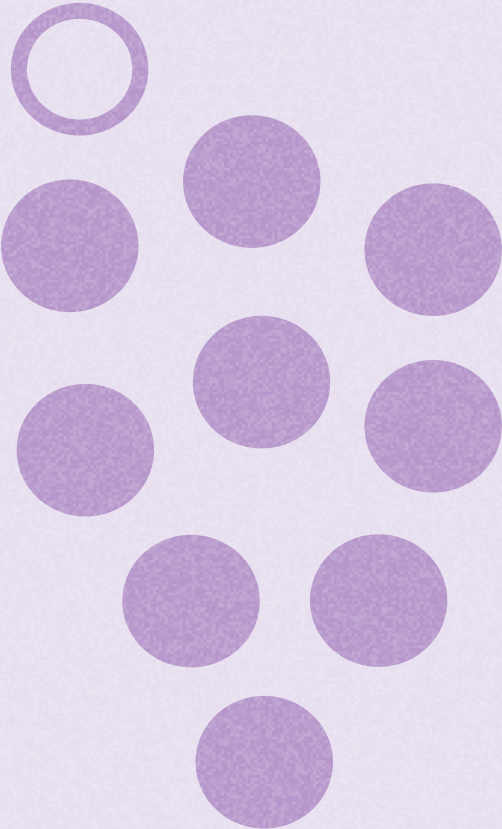
“He still has many years of tax not done so I limit using the CS [child support money] in case I get a FTB debt one day. I already have 1 FTB debt because of this exact reason.”



# Impacts of family violence on women and children

Women identified that the financial impacts of domestic and family violence had a significant effect on their mental health, as well as on their children (Chart 7).

Chart 7: Impact of financial abuse on single mothers' mental health



Nine in ten victim-survivors (91%) reported that the financial abuse impacted their mental health 'a lot', while eight per cent of respondents saying that financial abuse only had 'a little' impact. Only one per cent reporting that financial abuse had 'no impact'.

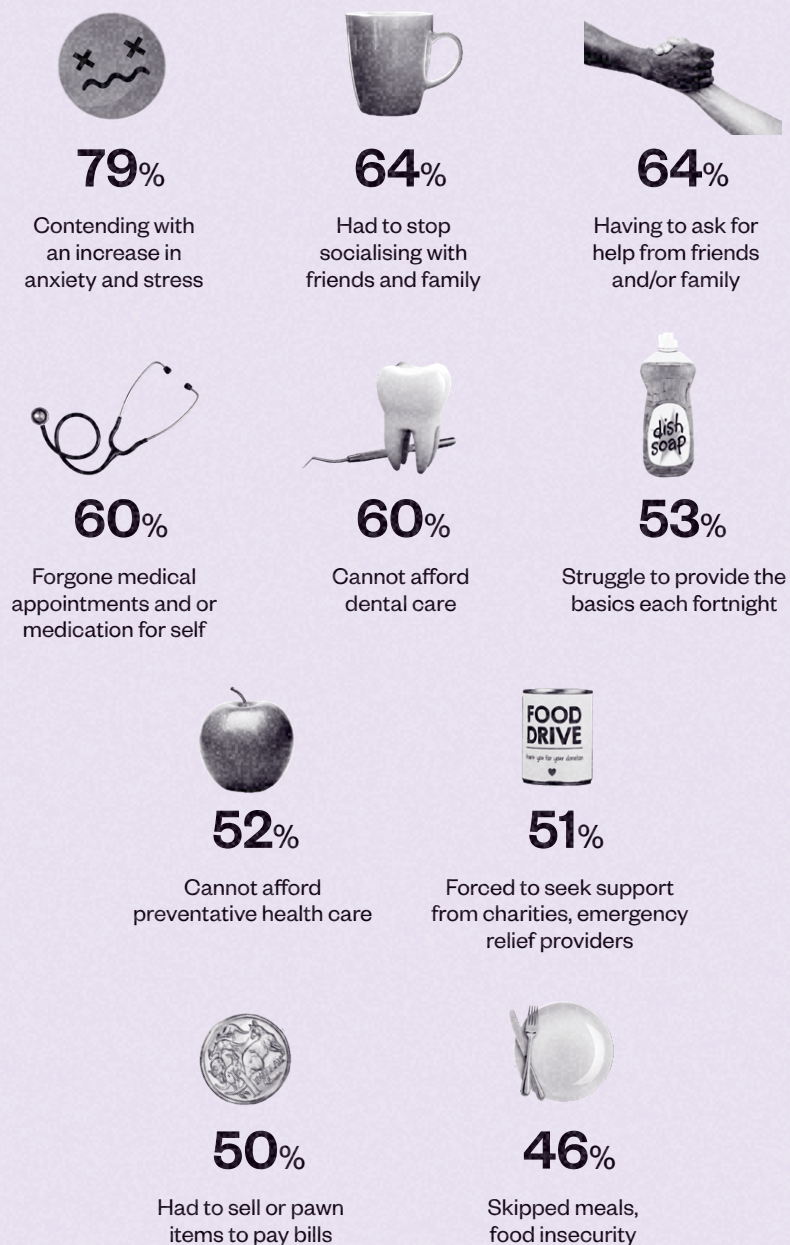


## Impact on women's daily lives

The impact of financial abuse on women's daily lives was significant (Chart 8). Almost four out of five respondents (79%) noted that the financial abuse they experienced increased their stress and anxiety. **For low-income women whose incomes were already at or below the poverty line, the stress of being financially controlled and abused would be intolerable, yet inescapable.** The stress caused by financial abuse would likely be compounded by the impact that financial abuse had on all areas of women's lives.

Concerningly, sixty per cent of respondents noted that they had foregone medical treatment or medication as a result of financial abuse; with the same number of women reporting that they could not afford dental care. Over half (53%) reported that financial abuse caused them to struggle to provide the basics each fortnight, with half (51%) reporting that they were forced to seek support from charities and emergency relief providers.

Figure 3: Top ten financial impacts of family violence on single mothers' daily life





**Almost half of women (46%) indicated that financial abuse had caused them to skip meals or experience food insecurity.**

McKenzie and McKay (2017) have reported on women's treatment of food as a discretionary item following the move of single mothers from Parenting Payments to Jobseeker payments. As the study's authors note, when incomes are inadequate, and housing and utility costs are fixed, food becomes one of the only household budget items that can be reduced. While McKenzie and McKay's study paints a dire picture of single mothers' food insecurity in Australia, it does not examine the role that financial abuse plays in further reducing women's income and making it more unpredictable. Our findings show that beyond the effects of a below-poverty-line income, almost half of women experienced further reductions to their food security as a result of their ex-partner's financial abuse.

In terms of what forms of financial abuse had the greatest impact on their lives, women indicated that the deliberate minimisation of child support (69%) and the deliberate withholding of child support (66%), being forced to take out loans or debts (46%) and excessive court actions, or threats of action (41%) were the most significant. Importantly, the most significant ways that women's lives were impacted by financial abuse involved Government systems, particularly the Child Support Scheme.





# Impact on women's housing

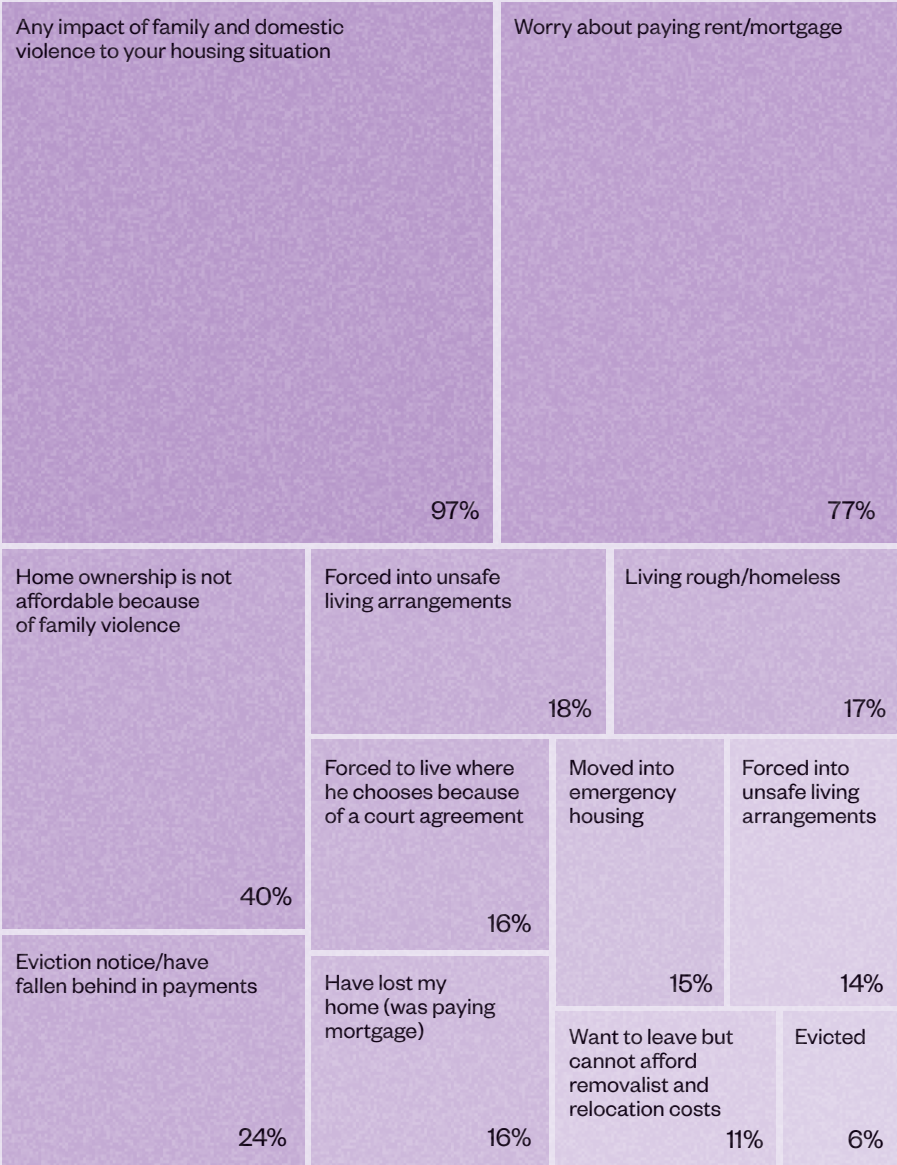
In the midst of Australia's housing crisis, and one that sees single mothers particularly affected, financial abuse had a particularly significant effect.

As has been reported by Ma and Sebastian (2021, p. 1008), in their study of single mothers' housing insecurity and coping strategies, 'some mothers were financially abused by their former partners, including those who were not providing adequate child support, and one who stole the mother's car. **These situations contributed to their financial hardships and thus placed them in a more vulnerable position in the expensive private rental market**'.

The significance of their finding is underscored by our data, where – of the women who had experienced financial abuse – almost all (97%) reported that this abuse had a financial impact on their housing situation.

For seventy-seven per cent of respondents, the impact that financial abuse had on their housing situation was worrying about paying their rent or mortgage (Chart 9). But this was not women's only concern. While thirty-three per cent of women experienced only one housing impact, on average women experienced three housing issues as a result of financial abuse, with three per cent of women experiencing seven or more.

Chart 8: The impacts of financial abuse on single mothers' housing





Of particular concern were women's reports of being forced into unsafe living arrangements (18%), living rough/homeless (17%), being forced to live where their perpetrator chooses due to court agreement (16%) and wanting to leave but not being able to afford it (11%).

The deliberate minimisation of child support (69%) and the withholding of child support (66%) had the greatest impact on women's housing issues. After child support, control over money and being forced to take out loans or debts (49%), and verbal abuse or put downs (41%) were identified as impacting on women's housing situation. Again, the misuse of the Child Support Scheme was reported by women as being the vehicle through which financial abuse was perpetrated and impacts on their housing were induced.

The misuse of the Child Support Scheme has significant and long-lasting impacts on all areas of single mothers' and their children's lives. While the current state of the Scheme leaves it open to misuse and manipulation, there are practical changes that can significantly improve the lives of single mother families.





# Life in full colour: Hope for the future

The final survey question asked women to nominate what changes would improve their financial safety, with thirteen options addressing a range of child support, income support, and other safety measures.

Overwhelmingly, the change that most women (87%) wanted was for the loopholes that allowed child support to be minimised or not paid to be closed.

The thirteen suggested areas for policy reform spanned four areas: four options provided suggestions for closing loopholes that enabled financial abuse, two suggestions sought to improve compliance, two suggestions proposed changes that would improve women's overall income security, and five suggestions addressed how Government could better responds to family violence victim-survivors. Women's preferences were ranked, providing a clear direction for our Recommendations.





# Improving child support to reduce financial abuse and improve compliance

Ranked as women's first priority was for the loopholes that enabled financial abuse and child support non-compliance to be addressed. These suggestions covered closing loopholes that allowed child support to be minimised or not paid, compelling payers to lodge annual tax returns, introducing a child support guarantee for women who do not receive payments they are entitled to, and ending the connection between child support and FTBA. Seventy-four per cent of women supported changes to reduce financial abuse, averaged across the four suggestions.

Suggestions to improve child support compliance were the second-highest ranked priority, with seventy-two per cent of women supporting these proposals, on average, across the two suggestions. The suggested changes included the Department of Social Services accessing non-compliant payers' Superannuation to pay off child support debts, and encouraging payments by linking child support compliance to consumer credit scores.

Of third ranked priority, were suggestions that change the way Services Australia and other departments treat family violence victim-survivors. These proposals were supported by fifty per cent of women, on average across the five proposals. The proposals covered such issues as Service Australia

having a Domestic Violence Hotline staffed by trauma informed workers, waiving debts to the Federal Government if they have occurred in the context of family and domestic violence, providing a once-off payment (such as a relocation allowance) to family violence victim-survivors, allowing victim-survivors early access to the Aged Pension, and suspending JobSeeker mutual obligations for at least twelve months with yearly extensions if there are ongoing court proceedings or other safety risks.

Surprisingly, of least priority to women were the two recommendations that sought to improve women's overall income security, with only forty-eight per cent of respondents supporting these two suggestions, on average. However, unlike the other areas for reform, the two income security proposals garnered vastly different levels of support from participants. Seventy-three per cent of women wanted single mothers to retain access to the Parenting Payment Single until their youngest dependent child was sixteen years of age. By contrast, only twenty four per cent of respondents supported a halt to compulsory income management. As income management only operates in select locations across Australia, this suggestion was likely not relevant to all survey participants. **As such, it is important to note that a significant proportion of respondents supported the return of single mothers to the Parenting Payment. This suggestion would reverse the egregious decisions taken in 2008 and 2013 to move single mothers onto Newstart (now Jobseeker) which made women more reliant on the unreliable income they derive from Family Tax Benefit payments.**



# Improving women's financial safety


Given our survey results, and in light of women's suggestions for improvements, we make a number of recommendations to improve women's financial safety following parental separation. Considering the startling prevalence of financial abuse reported by survey participants, our recommendations focus on those changes that close down avenues for financial coercion and manipulation.



Our survey focused on the experiences of women who were most aggrieved by the Child Support Scheme, and who had the most concerning experiences of financial abuse post separation. However, by taking a Safety by Design approach, and making recommendations that attend to the needs of the most vulnerable victim-survivors, our suggested changes will provide benefits to all mothers engaged in the Child Support Scheme.



# Recommendations: Closing the loopholes



## 1

### Close the loopholes that allow child support to be minimised or not paid

Often, financial abuse can be committed by payers 'not doing' something, such as not paying child support, not lodging a tax return, not participating in a Change of Assessment process, not showing up to court, or not taking the share of child contact that is specified in parenting orders. These behaviours can occur because the system tries to stay out of parents' lives by limiting the involvement of the Government (Ministerial Taskforce on Child Support, 2005, p 118). But this allows perpetrators of financial abuse to maintain control, appear blameless, keep victim-survivors in the dark, and make it administratively difficult for victim-survivors to recoup unpaid child support.

**Rules that prioritise payer autonomy over payee safety or place the burden of a payer's non-compliance on the payee need to be removed. The onus should be on the payer to do the right thing.**



## 2

### Decouple social security from child support

Child support received or assumed to be received reduces Family Tax Benefit Part A. Payments are reduced by 50 cents for every dollar of child support above \$1,752 per annum. In circumstances where Private Collect child support payments are not received, Family Tax Benefit Part A is reduced, regardless. For affected women, reduced family payments and no child support income can severely impact their capacity to provide for their children. In addition, for in Private Collect arrangements, child support can be weaponised to create family payment debts, which women must pay back to the state..

**The government must stop forcing the poorest mothers experiencing financial insecurity to 'contribute' to the cost of running the Child Support Scheme through reduced Family Tax Benefit payments.**

Child support avoidance and minimisation is also taxation avoidance and minimization.

## 3

### Compel child support payers to lodge tax returns

When payers do not lodge tax returns, or lodge them years late, their child support payments retrospectively change to match their new income. For Private Collect recipients, for whom payments are always recorded as compliant in Family Tax Benefit Part A calculations, retrospective debts can be generated – which the mother owes to the Government.

**Ensuring timely tax returns will ensure that mothers and children receive their correct entitlements, and do not become liable for the payment of government debts as a result of the actions of an ex-partner.**

## 4

### Encourage and reward child support payment by linking non-compliance to payer's credit ratings

At present, there are very few incentives for payers to make full and on-time child support payments. Tens of thousands of dollars of child support debt can accrue without penalty, other than payers being prevented from travelling overseas – which only impacts a small proportion of payers.

**A greater incentive would be to include child support compliance in the calculation of consumer credit scores.**





# 5

## Introduce a child support guarantee, paid by Services Australia when payers do not make payments.

When there is family violence, as our research shows is often the case, it may not be safe to either seek child support or to seek an exemption. This might explain why fifteen per cent of payees fail the Maintenance Action Test and only receive the base rate of Family Tax Benefit Part A. This is a worrying figure given that vulnerable women are most likely to fail the Maintenance Action Test, but a fifteen per cent 'fail rate' is the Government's target for an 'acceptable' number of family payment recipients receiving only the base-rate of payments (Department of Social Services, 2022b).

Research shows that a safe way for victim-survivors to navigate the dangerous Maintenance Action Test process is to seek child support privately, but not collect on it. Since the Government assumes one hundred percent compliance for Private Collect customers, and in light of Maintenance Income Test calculations that halve each subsequent dollar of Family Tax Benefit Part A for each assumed dollar of child support over the threshold, highly vulnerable women lose out on both child support and Family Tax Benefit income.

**A guaranteed child support payment, paid by the Government, is a practical option for women who are affected by family and domestic violence.**

**The Government – rather than individual women – could be the child support payee in such cases, continuing to seek collection and enforce compliance of the payer, to ensure that violent ex-partners are not rewarded for their abusive behaviour.**



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