

CHAPTER 5

Family life and personal relationships

Legislative changes have made some progress in addressing inequalities in family life and relationships but fundamental challenges remain.

'Just having to put up with the bullshit of males saying the women's job is in the house looking after the kids and cooking tea for the male when he gets home from work. Quite a lot, I wish I was a male and not have to put up with all the bullshit of males pushing females around.' – A 20-year-old mother of two, when asked what was the worst thing about being female, *Giving Women Voice*, 1990⁶⁶

'My mum doesn't have time to go out, she has to cook, clean, do everything, but my dad does nothing ... women are responsible for everything!' – Lydia, *Making it Happen*, 2012⁶⁷

Amartya Sen has pointed out that ‘often there are fundamental inequalities in gender relations within the family or the household’.⁶⁸ Legislative changes have made some progress in addressing inequalities in family life and relationships but fundamental challenges remain.

Children

Australian women have more choices about their relationships than their mothers and grandmothers had. This includes greater choice about whether or not, and when, to have children. Just over 50 years ago — in 1961 — oral contraceptives first went on sale in Australia, and some 11 years later they became more widely available when ‘the Pill’ was included on the Pharmaceutical Benefits List. This gave women greater control in decisions around motherhood, and the fertility rate subsequently dropped.

Australian women were clearly keen to make decisions about whether and when to have children. Teenage mothers now account for a very small number of first-time mothers; the ABS reported in 2013 that the number of teenage mothers was the lowest in a decade.⁶⁹

Abortion law reform means that safe legal abortion is now available,⁷⁰ sparing many women from suffering and even death. However, the debate over this issue is not entirely over, with some conservative state and federal politicians continuing to raise

objections to legalised abortion in parliament and the media.

Marriage and divorce

Australian women now also have greater choice about whether to stay in a marriage, or to marry at all. Many couples live together before they are married, or never marry, and it is now more socially acceptable for couples (or single women) to have children without being married.

Before 1975, the *Matrimonial Causes Act 1959* provided 14 grounds for divorce, including attempted murder, failure to comply with ‘a decree of the restitution of conjugal rights’, desertion and adultery. The onus of proof was on the spouse who wanted the divorce. There was a booming business in private detectives, and as the legal process was expensive, divorce was often only accessible to the wealthy. In 1975, the *Family Law Act* introduced ‘no fault’ divorce based on the irretrievable breakdown of the relationship, demonstrated by 12 months of separation. This allowed couples to divorce without having to find a partner at fault.

Following this legislation, the divorce rate initially doubled from 1.3 divorces per 1000 resident population in 1974 to 2.6 in 1979. It remained steady around 2.7 per 1000 until 2003, and then fell gradually to 2.1 in 2013.⁷¹

Although divorce itself is more accessible, women often face financial vulnerability and hardship following relationship breakdown; and a study by Matthew Gray and his colleagues found that the negative economic impacts of divorce can also affect later life.⁷²

The national Child Support Scheme was introduced over 1988 and 1989 in recognition of the need for both parents to contribute to the costs of supporting their children after divorce. The Child Support Agency calculates the amount of child support that is payable depending on factors such as income and percentage of care, and enforces orders or agreements. There have been changes to the scheme over the years (and to the courts' approach to divorce and child custody generally), with major reforms in 2008 signalling a 'much greater emphasis on shared parental responsibility and a growing recognition of the importance of both parents remaining actively involved in their children's lives after separation'.⁷³ Despite these changes, concerns remain about the extent to which parents — especially fathers — avoid their responsibilities to support their children.

Violence

'... our father used to belt us up all the time, because he was a very heavy drinker and he used to belt my mother up and eventually they made us Wards of State because we had nowhere to live. We were just sleeping just anywhere and he wouldn't provide – whatever money he got he drank. And my mother had to go to work – well she couldn't look after us, so in the finish the welfare just said "That's it"' – A 49-year-old woman, *Paying the Price for Sugar and Spice*, 1985⁷⁴

'One of my younger brothers who sponsored us – he was the worst one. He didn't want us to adapt or learn Australian culture ... every time I used to come home he used to beat me. Every day when I finished English classes, I would go to the job and when I came home he would beat me. I said to him, "Until you kill me I'm not going to stop"' – A woman who participated in the Stepping Stones program in 2014⁷⁵

For many years, violence against women and children was a hidden issue. However, due largely to women's passionate and sustained advocacy, there has been greater social recognition of the issue of violence, and governments are now actively involved in funding services and community campaigns concerning domestic violence.

The first women's refuge and the first rape crisis centre in Australia were established in the early 1970s, and many more have been established since, along with other services and supports for women and children who experience violence.

Violence against women is now more widely recognised and condemned. Research suggests that increasing numbers of Australians acknowledge that violent behaviours towards women are 'very serious', and that violence against women takes many harmful forms, not just physical violence. In July 2013, the Federal and Victorian Governments announced the formation of the Foundation to Prevent Violence Against Women and their Children, an independent, national organisation chaired by former Australian Democrats senator Natasha Stott Despoja. The foundation's purpose is to raise awareness about violence against women and children and promote and facilitate community action to address and prevent it.

In 2010 the federal Labor government had committed to a twelve-year strategy, from 2010 to 2022, to reduce violence against women and children. It is unclear at this stage what changes the current Coalition government will make, although it commenced consultation on the next phase of the strategy in January 2014. Some workplaces have begun implementing policies and strategies to support employees who experience domestic violence.

However, the Workplace Gender Equality Agency reported that only one-third of employers had a specific domestic violence policy or strategy in 2013–14.⁷⁶

More men are also speaking out against men's violence against women, but there is still a long way to go. Research suggests that many in the community still hold 'violence-supportive attitudes' which 'justify, excuse and minimise or hide physical or sexual violence against women'.⁷⁷ Legal reform has reflected changed attitudes towards domestic violence, but in some states, legal loopholes still allow perpetrators of family violence to seek reduced sentences, claiming that they were provoked, or were acting in self-defence.

Intimate partner violence continues to have a major impact on women's lives and health. It is the 'leading contributor to death, disability and illness in Victorian women aged 15 to 44, being responsible for more of the disease burden than many well-known preventable risk factors such as high blood pressure, smoking and obesity'.⁷⁸ Other data suggests that, on average, one woman is killed every week in Australia by a current or former partner.⁷⁹

The ABS personal safety survey showed that in 2005:

- 40% of women and 50% of men had experienced some form of violence, and 19.1% of

women and 5.5% of men had experienced sexual violence

- 76% of the 1.7 million people who had experienced violence from a current and/or previous partner in their lifetime were women
- 16.6% of women and 5.7% of men had experienced violence by a current and/or previous partner in their lifetime
- the most frequent perpetrators of physical assault against women were, first, male current or previous partners, and second, male family members or friends.⁸⁰

Acts of violence also attract significant economic costs for the community. It was estimated in 2009 that violence perpetrated against women alone cost the Australian economy \$13.6 billion each year. By 2021 this figure is predicted to increase to \$15.6 billion.⁸¹ In 2013, KMPG estimated the cost of violence against women and their children at 'roughly 1.1% of Australia's GDP'.⁸²

The demand for services for women and children who experience violence shows no abating, yet many services face uncertainty over funding and inadequate resources.

'I knew I couldn't survive living with him. We had no hope, we were constantly in debt, but I was thinking of [my son], you know, I couldn't just piss off and leave without a cent to me name. So when they said I could have a pension, then I could plan to go.' – A 32-year-old woman, *Paying the Price for Sugar and Spice*, 1984⁸³

Poverty and family violence

Intimate partner and family violence plays a key role in women's poverty across the life course. Women in abusive relationships may experience financial abuse, with limited access to funds. Yet because women and their children are more likely than men to experience economic hardship after separation, women may fear the financial consequences of leaving an abusive relationship. Often women are forced to leave the family home to escape domestic violence, which can cause them and their children to become homeless, as the costs associated with finding and establishing a new home are high, especially in a tight rental market. Women may also face health care costs related to the physical and psychological consequences of trauma and injury.

At the same time, women may be faced with legal costs of the divorce, property settlements and parenting arrangements. Women's ability to meet these costs is compromised if they do not have an independent source of income — some women may have been forbidden to work outside the home, or may have worked for their husbands in a family business.

Megan

Megan's explanation of her present financial troubles began many years earlier when she separated from a substance-abusing husband, at whose hands she had experienced family violence. Her husband had left Megan with significant debts including outstanding bills, mortgage repayments and three years of unpaid rates. At the time, Megan's dominant concern had been saving her house and securing her physical safety and that of her children. She was [now] the primary carer for her children and was relying on income support payments as a single mother. She found herself in financial difficulty and behind on her mortgage repayments. A friend helped her to claim family tax benefits which enabled her to pay off the unpaid rates. However, by this stage judgment had been entered in relation to the mortgage arrears and Megan was receiving letters threatening to auction her house. 'I didn't know what to do. I wanted to keep a roof of my kids' heads and I needed to keep life as normal as possible for them.'

Megan was referred by a Centrelink worker to a special case worker who helped her to access her superannuation early. She was able to save her home but could not meet her basic household expenses such as food and bills. A friend suggested applying for a credit card: 'We didn't have enough food to eat, we didn't – so I was just basically buying food and clothes and things with that credit card that they gave me.' – *Like Juggling 27 Chainsaws*, 2013⁸⁴

Women may lose their jobs as a consequence of domestic violence — for instance, if an abusive partner prevents them from going to work, if they are distracted, tired or unwell, or if they are unable to work due to concerns about their partner knowing their whereabouts. Some unions have recognised the impact that family violence has on women’s ability to maintain employment and have successfully argued for clauses that provide for family violence leave. Such initiatives are important to enable women to keep their jobs as they deal with the immediate effects of family violence. But more needs to be done, and it is hardly surprising that women feel trapped in abusive relationships, or consider returning to abusive partners, in the face of poverty and financial insecurity. Research underlines the importance of a strong and effective social security system to provide women with real options.