



PROTECTIVE COLLECTIVE

31 July 2026

Department of Social Services

To Department of Social Services

Consultation on the Second Action Plan (National Plan to End Violence against Women and Children 2022-2032)

Introduction

My name is [REDACTED] I am founder of Protective Collective¹, which is part of a worldwide movement of Family Law Reform, with a focus on child safety, gendered violence, coercive control and legal systems abuse, perpetrator tactics and systems targeting women and children reporting male violence.²

My research includes the deaths of women and children, including by suicide, femicide and infanticide in relation to domestic violence and legal systems abuse.

I have worked with all facets of society including First Nations community, LGBTQIA+ and people living with disabilities.

I attach my resume that details my background and work that includes being shortlisted for [REDACTED] 2025, and work with the Australian Government in changing the Family Law Act 1975, between 2022 and 2025.

I have followed closely the recent inquiries into Australian system responses to women and children reporting sexual violence, both on a National level and State level.

I acknowledge the Australian Governments' commitment to end gendered violence in one generation³ and my work is aligned with this commitment.

¹ www.livelihoodrevolution.org/protectivecollective

² <https://documents.un.org/doc/undoc/gen/g23/070/18/pdf/g2307018.pdf?OpenElement>

³ <https://www.dss.gov.au/national-plan-end-gender-based-violence>



For the purposes of this submission I will be focusing on the gendered violence occurring against women and children reporting male violence in the form of:

- Child sexual abuse;
- Post separation domestic violence;
- Family violence;
- Sexual violence;
- DARVO (Deny Attack credibility of reporter Reverse Victim and Offender);
- Legal systems abuse;
- Perpetrator tactics;
- Family Law Field alignment with perpetrators and embedded mythology about women and children reporting violence,

This systemic harm and lawfare against women and children, must be a priority in this new chapter as not addressing it is allowing the family courts to become even more of a safe haven for men who use violence and for the legal field to profit from their violence.

I am available for consulting and support with co-designing the second action plan.

Kind Regards

[Redacted signature]

[Redacted contact information]



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Gendered drivers of FDSV and Coercive Control effects

Gender inequality, a lack of accountability of male violence, and gendered stereotyping and deferring to men as decisions makers in the ‘private’ space of home, all underpin gendered violence.⁴

Coercive control is a pattern of violent behaviours towards a person and children, that exert power and control, and include monitoring and stalking mainly committed by men⁵. The coercive controller tailors their offending to the situation. The aim is to make the targets wholly under his control, eroding their ability to trust their reality and to only obey him. When he senses he is losing control, the offending escalates. The entrapment and sense of helplessness in the targets, being the impacts of coercive control offending, leads to suicide and murder. With 76% of murders happening on separation, and most arguments that precede the murder are about child custody⁶ An unrelenting campaign of harm culminating in the suicide of their target, is murder in slow motion. More research in Australia needs to be done on this.⁷

Coercive control is a gendered crime and may also be described as a condition of entrapment that renders its victim hostage -like in the harms it inflicts on their dignity, liberty, autonomy and personhood as well as to their physical and psychological integrity.⁸ Coercive control “diminishes a person’s liberty and can have devastating impacts on a person’s perception, personality, sense of self, sense of worth, and feeling of security^{9 10}

Family law as a sector

“Non-specialist workforce: *In this context, services and practitioners whose primary function is not responding to domestic, family and sexual violence, violence against women and children or other forms of gender-based violence, but which may come into contact with victim-survivors. These services are not specialists in violence but often represent key points of engagement or disclosure, such as **family law and legal assistance (e.g. Legal Aid, community legal centres)**, financial advisors, parenting support*

⁴ https://www.ourwatch.org.au/link-between-gender-inequality-and-violence?gad_source=1&gad_campaignid=23315081466&gbraid=0AAAABCCHxd-qK39UDs3HICgT3Y9iITPuf&gclid=Cj0KCQiAkPzLBhD4ARIsAGfah8iIOyeD40cK-3mRVqQ_f2HZAJo7h-L5HBU7Fq7cUFIQS3_sebnYRuoaAlzbEALw_wcB

⁵ Myhill, A. (2015). Measuring Coercive Control: What Can We Learn From National Population Surveys? What Can We Learn From National Population Surveys? *Violence Against Women*, 21(3), 355-375. <https://doi.org/10.1177/1077801214568032> (Original work published 2015)

⁶ <https://www.thelaurarichards.com/resources/coercivecontrol>

⁷ <https://www.theguardian.com/society/2022/feb/27/suicide-by-domestic-violence-call-to-count-the-hidden-toll-of-womens-lives>

^{8 12} Evan Stark *Coercive Control: How Men Entrap Women in Personal Life* (Oxford University Press, 2007) p. 15.

⁹ AIHW *Family, Domestic and Sexual Violence in Australia* <https://www.aihw.gov.au/family-domestic-and-sexual-violence>

¹⁰ Annexure A



services, broader Family and Relationship Services (FaRS). It also includes universal service systems like health and education.”¹¹

These people are not frontline workers yet are being continually deferred to as the ‘experts’ when it comes to DV and SV in family law courts and when giving ‘advice’. This segregating of them as a non specialist workforce, should extend to downgrading their ‘authority’ in favour of lived experience – where it is currently the opposite.

The Family Law Field Actors are positioning themselves as experts in child sexual violence and gendered violence in particular.

Family law sector profiting from violence against women and children.

Parental alienation legal abuse tactic – a cover for men who use violence, including incest

35 billion dollar industry floated on asx

Parental alienation ideology was created in the 1980s by psychiatrist Dr Richard Gardner as a deliberate alternative explanation for allegations of child sexual abuse in Family Court settings to absolve child sexual offending Fathers¹². Dr Gardner was a strong proponent for incest¹³ and his ideology was not ever peer-reviewed, with his research being largely self cited, and has not ever been endorsed or legitimised by any recognised psychiatric or psychological body, university, or professional association anywhere in the world. In fact, its use has been prohibited in Family Courts worldwide by the United Nations in 2023.¹⁴

Despite this, parental alienation ideology has continued to be used purely within family courts, primarily through its use by lawyers and unaccredited court appointed experts and Judges. Dr Gardner himself embedded this ideology into family court proceedings through his work as a family court report writer.

“PA” and its descriptors has proven highly successful, precisely because it co-opts the trauma symptoms of child sexual abuse, but then recasts them as evidence of manipulation by a ‘parentally alienating Mother’. While it is acknowledged that parent child relationships can be fractured, the evidence shows that such fracturing often occurs after parental alienation ideologies are invoked and their prescribed “cure” is enacted (being reversal of custody to the reported perpetrator of violence) as a part of the end to end implementation of coercive

¹¹ <https://engage.dss.gov.au/wp-content/uploads/2026/05/second-action-plan-consultation-paper.pdf> page 17 (ANROWS)

¹² The Judiciary’s Role in the Etiology, Symptom Development, and Treatment of the Parental Alienation Syndrome (PAS) Dr Richard A Gardner

¹³ “*Pedophilia may enhance the survival of the human species by serving procreative purposes*”. Gardner, R.A. (1992). True and False Accusations of Child Sex Abuse . Cresskill, NJ: Creative Therapeutics. (pp. 24-5)

¹⁴ <https://documents.un.org/doc/undoc/gen/g23/070/18/pdf/g2307018.pdf?OpenElement>



control and post separation domestic violence. This fracturing is called “CAMS” Child and Mother Sabotage¹⁵ due to its gendered violence nature.

The business model comes into play due to Dr Richard Gardners, again unaccredited and non empirically evidenced, ‘cure’. The harms of which I go into below.

The cure begins with a ‘diagnosis’ of parental alienation by an unaccredited ‘expert’ or family court report writer. The cure is a reversal of custody to the reported child sex offender, and the Mother if not completely banished, gets to see her child at private unaccredited and unregulated private supervised contact centres – usually run as a side business by family court report writers (FCRW). The children are sent to get ‘parental alienation reunification therapy’ (PART) to be told that their Mothers coached them into believing that they were sexually assaulted when they actually were not, again PART is run as a side business by FCRW also running private supervised contact centres. (NB: PART is not accredited, and it is uninsurable as it is deemed abuse by public liability insurance). Children attend PART with the reported child sex offending Fathers and in some cases, children are forced to apologise to the Fathers. This entire scenario is put forward by Independent Childrens Lawyers in Australia and lawyers practicing family law. Claiming ‘parental alienation’ (PA) is seen as the golden ticket to overcome reports of child sexual abuse and domestic violence. This is implemented worldwide.¹⁶

To the best of my knowledge, the business model really takes off, when the fee sharing arrangement is in place. FCRW diagnoses PA (and its descriptors) and that the Child needs to be subject to the PA cure – they name one of their ‘colleagues/friends’ as the preferred PART and private supervised contact centre also a ‘colleague’ or acquaintance that will then nominate them in a different Family Law matter. Or the Mother is assigned a contact centre by the ICL, from his preferred list of private contact centres. These private contact centres will have a list of private lawyers and ICLs – who recommend them regularly – to ‘suggest’ to the Mothers and clients of the private contact centre to ‘help them get out of this’. These lawyers will have a preferred list of FCRW that align with their parental alienation defence. And so the cycle continues.

This is called the ‘repugnant market’ coined by Grant Wyeth¹⁷. Further on if Mothers then try to make application into the Court to change the Orders, she is met with the “Game”. The “Game” is that Mothers must apologise and say she made it all up and that she now has ‘insight’ that she ‘lied’, anything else, and the Court will not entertain any change.

The Family Law Council has also admitted that Mothers attempting appeal on these matters, rarely get one¹⁸. This is despite many appeals being made on the smallest of issues. This shows in itself, a very concerning bias.

This business model is lucrative, unregulated, unregistered and has no oversight and has not specifically ever been inquired into in Australia. USA States, such as Arizona, Idaho and Texas held public hearing and inquiries into it in 2025. With more to come. Change in laws

¹⁵ <https://dremmakatz.substack.com/p/from-parental-alienation-to-abusers>

¹⁶ He Said She Said, Dr Charlotte Proudman (2025)

¹⁷ <https://www.grantwyeth.com/p/the-best-interests-of-the-abuser>

¹⁸ <https://www.ag.gov.au/families-and-marriage/publications/protecting-victims-family-violence-including-children-family-law-system-disincentives-disclosing-family-violence-and-child-abuse-and-responding-systems-abuse-terms-1a-and-1b-2024>



are fast progressing to stop this repugnant market that has caused many deaths including suicide, able to be widely publicised in the USA due to the fact that they are not as gagged and silenced as women and children in Australia and the UK. In the USA successful civil suits are being brought against ICLs and Judges for implementing the harmful ‘cure’, when in fact the children were being sexually abused. In a landmark UK case regarding parental The UK in (O v C [2025] EWFC 334), confirms that findings of “alienation” based on unqualified practitioners cannot stand. This has been a groundbreaking landmark precedent in the highest court of the UK.

The only people opposing these laws, are the people making money from PA, such as the aforementioned.

The law field in Australia is worth an estimated 35 billion dollars¹⁹, with a large part of that unavoidably being Family Law. Even if there is a small fraction capitalising off of violence against women and children, then is surely too much. As we see in the submission, it is causing deaths and untold trauma.

No data has ever been kept by the Family Law Courts in Australia on how often PA is implemented and its cure, not any figures on results of child sexual abuse. And they are allowed not to publish Judgements.

There are no accurate figures on the multitude of private untrained, unaccredited supervised contact centres in Australia and how much money they bring to the economy. Suffice to say, in my opinion, there is no incentive for these centres to promote an exiting of ‘parentally alienating’ Mothers and there is also no way to complain about these unregulated centres that the Family Court of Australia Judges are ordering children into. These centres charge in excess of \$160 per hour.

Government contact centres at \$20 per hour are the only ones that can be complained about, and they are few and far between with approximately 20 in total in Australia. I have heard from staff at these centres and users of the centres, that the majority of users are now ‘parentally alienating’ Mothers. No figures are being kept on supervised contact centre users suiciding, despite it being accepted by the Australian Family Court that it is not good for children long term.

The repugnant market and the extent of fee sharing arrangements and financial incentives to keep the PA ideology going in Family Court, has not been inquired into in Australia and therefore I can only offer my opinion and analysis. I submit it needs to be fully inquired into to gauge the extent and harm being caused. Because in my opinion, these people are profiting from violence against women and children in some capacity.

Gap - Systems Response to Sexual Violence State vs Federal– Family Law Response “Parental Alienation”

¹⁹ <https://www.ibisworld.com/australia/industry/legal-services/560/>



If one reports incest to State or Territory, one is not allowed to be penalised when acting in good faith although you will be arrested and charged if you do not report.

SECT 229BC Failure to report belief of child sexual offence committed in relation to child

(5) An adult who, in good faith, discloses information mentioned in subsection (1) (a) to a police officer is not liable civilly, criminally or under an administrative process for making the disclosure.²⁰

In Federal, if you report, you will be subject to discredited ideologies only accepted within the Family Court realm. In this jurisdiction, one will be labelled as a child abuser, without a criminal trial, without any representation (which is a breach of Article 11 UNHR 1 & 2)²¹, without any victim safeguards. Many lose custody for the rest of their child's childhoods and any Mother being seen as a parental alienator (and other descriptors) are seen as worse than actual convicted child sexual offenders²² in the Australian Family Court.

The loophole for child sexual offenders was made clear in Abigail Boyds MLC report of 2022,²³ ²⁴she heard from sisters-in-law project the following:

"It's common knowledge, through our professionals who work in the industry, that if a mother reports allegations that her child has been sexually violated by their father that she will lose custody. Solicitors in our region know that, so they advise women not to disclose allegations of sexual violence, because they will lose their children.

"The children in our cases—once the police bring the alleged perpetrator in for a meeting and they say, "Look, a child has made this allegation", he will say something like, "Well, she's always been a problem" and so forth. At that point, he will realise that the child is disclosing. He will go and get a lawyer, and a lawyer knows exactly where to go, and I would too: Go straight to Family Court, make an application for custody or visitation, and that's when the case literally leaves the state watch."

– Kerri Thompson

Worldwide, the Family Law Courts can institutionally entrap and frame women and children reporting violence, as perpetrators²⁵, via the parental alienation legal abuse tactic and 'defence' employed when they report male violence. It is a gendered tactic due to men and fathers being the overwhelming offenders of child sexual abuse²⁶ and family violence. "Parental Alienation" defence against child sexual abuse in Family Court is highly successful in reversing custody from Mothers to

²⁰ https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/qld/consol_act/cc189994/s229bc.html

²¹ <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

²² https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FedCFamC1F/2021/344.html?context=1;query=carlon;mask_path=

²³ <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2620#tab-reportsandgovernmentresponses>

²⁴ <https://www.parliament.nsw.gov.au/ladocs/transcripts/2998/Transcript%20of%20evidence%20-%2012%20August%202022%20-%20Committee%20on%20Children%20and%20Young%20People.pdf>

²⁵ "Framed – Women of the Family Court Underworld", Dr C Cocchiola & A Polacko

²⁶ <https://www.humanrights.unsw.edu.au/sites/default/files/documents/Identifying%20and%20understanding%20child%20sexual%20offending%20behaviour%20and%20attitudes%20among%20Australian%20men.pdf>



the reported offender in 67%²⁷ of the time via US data and this is mirrored in Australian data²⁸. In Australia there has never been an independent finding of child sexual abuse²⁹. Family Court decisions such as these defy **all statistics** that we know about child sexual abuse offending.

This cohort of women and children, who are just like any other woman and child reporting the very serious crime of incest and sexual violence to the proper authorities are rendered invisible and without support, compassion or respect once they are corralled by Police (who refuse to investigate) and Child Safety (who won't investigate if there is a protective parent) into the Family Court system.

The Family Court system is wholly inappropriate to address this crime. Statistically, these women and children will be subjected to gender bias, rape culture myth, lack of protection, legal systems abuse, lack of robust legal representation – if any – and be framed as ‘liars’, ‘alienators’ and coaches of children³⁰.

How Family Court determines Child Sexual Abuse – ‘Briginshaw Standard’

We have a criminal court and legislation in place to protect victims circumnavigating it. None of these protections are available to women and children reporting sexual violence in the Family Court. Where the outcome for these crimes are based solely on the discretion (ie, personal view) of the decision maker. This makes the Family Court open to abuse, which is compounded by the disparity in legal representation. Particularly where no Federal Judicial Commission is in place for Judicial oversight.

Protective Collective recommends that all reports of sexual violence be removed from the Family Court and that an inquiry be enacted to specifically examine how these decisions on child sexual violence are being made, their outcomes, the evidence relied upon and judicial reasoning. This needs to be followed with retroactive voiding of Orders and compensation, where harms are identified.

Some people would like to claim that the Family Court applies the balance of probabilities (being 50% plus one), meaning if the Family Court rules that the child was not sexually assaulted it is most likely true because a lower standard was applied, this is in fact not true when it comes to child sexual abuse in the Family Courts.

With the Family Court Judges being allowed an incredibly wide discretion that they do not have to explain, an allowance to rely on their ‘intuition’ (U & U) and the ‘Briginshaw’ standard from circa 1930 (based on a case where a man tried to divorce his wife). This

²⁷ U.S. child custody outcomes in cases involving parental alienation and abuse allegations: what do the data show? Joan S. Meier, George Washington University Law School, Washington, D.C., USA JOURNAL OF SOCIAL WELFARE AND FAMILY LAW 2020, VOL. 42, NO. 1, 92–105

²⁸ Webb, Nola & Moloney, Lawrence & Smyth, Bruce & Murphy, Robyn. (2021). Allegations of child sexual abuse: An empirical analysis of published judgements from the Family Court of Australia 2012–2019. Australian Journal of Social Issues. 56. 10.1002/ajs4.171.

²⁹ <https://www.ag.gov.au/sites/default/files/2025-03/disincentives-to-disclosing-family-violence-and-child-abuse-and-responding-to-systems-abuse.PDF>

³⁰ <https://www.tandfonline.com/doi/full/10.1080/09649069.2024.2382501?src=recsys>



‘standard’ pre-dates the Family Court Act 1975 and has no relevance to child sexual abuse. This standard includes an inherent ‘unlikelihood’ that a crime occurred and allows the Judges to unilaterally decide whether they believe sexual violence occurred.

This is at odds with what we know about child sexual offending by Fathers³¹, with a likelihood of it occurring to be true when reported in this day and age, nearly 100 years after the Briginshaw standard. According to the ALRC 2025 report they then add to this an overlay of ‘innocent until proven guilty’³². And a declaration that they cannot rule on child sexual abuse. All of this combined, in my opinion, creates a standard of evidence that is so high, as to be completely unachievable and this bears out in the lack of findings of child sexual abuse.

For example, in the ALRC 2025 Report³³ – which did not consult with Women/Mothers and children who reported sexual violence and incest to the Family Court and the Family Court system response was the parental alienation ideology – states the following:

13.18 The standard of proof in civil matters is lower than in criminal matters. A civil matter must ordinarily be proved ‘on the balance of probabilities’, rather than the more onerous criminal standard ‘beyond reasonable doubt’. This means that it can be easier to prove alleged facts in civil actions than in criminal prosecutions. The precise standard of proof depends on a number of considerations including the gravity of the matters alleged.

....

13.20 In the case of Briginshaw, the High Court stated that the standard of proof in civil proceedings ‘will naturally vary in accordance with the seriousness or importance of the issue’,¹³ and ‘the degree of satisfaction demanded may depend ... on the nature of the issue’.¹⁴ Factors to be taken into account include: the nature of the allegation; the inherent unlikelihood of the allegation; and the consequences that would flow from the finding of fact.¹⁵ For example:

When, in a civil proceeding, a question arises whether a crime has been committed, the standard of persuasion is ... the same as upon other civil issues [but] weight is given to the presumption of innocence and exactness of proof is expected.¹⁶

In short, this means that along with a singular Judges’ ‘discretion’ bound with the “Briginshaw standard” and the ‘beyond reasonable doubt’ criminal standard plus the ‘innocent until proven guilty’ belief, this amounts to the Family Court of Australia subjecting women and childrens’ reports of sexual violence to be greater than criminal standard. Meaning, it is a standard so high, that Protective Collective have heard cases where the Father has made admissions of sexual violence, and still, the Women/Mother and Child have not been believed and a reversal of custody ala parental alienation legal abuse tactic, has been enacted.

³¹ <https://pmc.ncbi.nlm.nih.gov/articles/PMC11155224/> and <https://www.aic.gov.au/publications/tandi/tandi465> “only 10 percent of child sexual abuse cases are perpetrated by strangers (Richards 2011)”

³³ <https://www.alrc.gov.au/wp-content/uploads/2025/02/JRSV-Final-Report-Book-for-Web-final-20250211.pdf>

³⁴ <https://www.alrc.gov.au/wp-content/uploads/2025/02/JRSV-Final-Report-Book-for-Web-final-20250211.pdf> (page 393,



In my opinion, it was a significant and breathtaking oversight that only Judiciary of the Family Court were consulted on this practice via the ARLC consultation and not the cohort subjected to this legal systems abuse – that again, has been recognised by the United Nations as a legal abuse tactic and prohibited.³⁵

What these services have effectively done, and it is a systemic issue, is to hand to vulnerable persons the responsibility of conducting their own, in my opinion wrongly held, ‘child sexual abuse trials’ in Family Court and attempting to obtain protection of their children of which they are wholly unsuccessful.

Family Court is a place that is completely without the criminal court protections and procedural ‘fairness’, to conduct this type of trial – something that, in my opinion, legal representatives and child sexual offenders, are acutely aware of.³⁶ These trials are out of step with what is expected of a criminal prosecution and therefore I advocate for all violent crime to be removed from the Family Court sphere and placed into the criminal pathway, and more supports and resources given to that arena to begin making a dent in criminal prosecutions.

All of the recommendations made by the ALRC 2025 report³⁷, aligns wonderfully for people reporting sexual violence to the criminal system, prosecutorial protections, pre-recorded evidence, trauma informed system, a victims advocate supporting them through the legal system, yet **none** of this was recommended for or is available for women and children reporting sexual violence to the Family Court of Australia – thereby segregating and creating a separate, silent and invisible class of women and children subjected primarily to incest and intimate partner violence.

Parental alienation legal abuse tactic & its “Cure” & Effects on Women and Children

The recently concluded Royal Commission in South Australian into Domestic and Sexual Violence headed by Natasha Stott Despoja, saying the following:

“The impacts of domestic, family and sexual violence on South Australian children and young people are made clear in the Silence and Inaction Report:

“For numerous young people interviewed, experiences of self-harm, and suicide attempts were directly linked to the trauma of ongoing or past violence, compounded by a lack of support, persistent feelings of powerlessness, and the absence of a safe or stable environment. Some young people described having made multiple suicide attempts, often without any sustained follow-up care or support. Others spoke of using self-harm as a coping mechanism when the psychological pain became overwhelming.”³⁸

There is a wealth of knowledge and lived experience to draw upon in this Reports released by this Royal Commission. Clearly linking violence against children to suicide and self harm. Dr Emma

³⁵ <https://documents.un.org/doc/undoc/gen/g23/070/18/pdf/g2307018.pdf?OpenElement>

³⁶ <https://www.parliament.nsw.gov.au/ladocs/transcripts/2998/Transcript%20of%20evidence%20-%2012%20August%202022%20-%20Committee%20on%20Children%20and%20Young%20People.pdf>

³⁷ <https://www.alrc.gov.au/publication/jrsv-report-143/>

³⁸ Page 73 https://www.royalcommissiondfsv.sa.gov.au/_data/assets/pdf_file/0006/1174695/With-Courage-Report.pdf



Katz, has also canvassed the harms against children who are being coercively controlled in her book “Coercive Control in Children’s and Mothers Lives”.

But what of children subjected to the ‘parental alienation cure’. In 2019, Researchers found strong links between the parental alienation ‘cure’ and child self harm and suicide³⁹:

“The children in the cases we studied showed increased depression, anxiety, and suicidal ideation after being separated from their mothers and placed in the custody of their alleged abuser. Almost a third of the children threatened to commit suicide and one nearly succeeded– requiring several weeks in intensive care after attempting to hang himself.”

“An eighth and final finding was the devastating long-term effects that erroneous family court decisions can have on vulnerable children. When children’s disclosures of abuse were ignored by the courts, the abuse tended to become more severe and the children became increasingly distressed and despondent”.

“the callous way these children were treated by the family court system can be expected to compound the harm associated with abuse.”

This study concluded that the implementation of the parental alienation ideology, was harmful, did not promote relationship with the perpetrator parent with whom the child was placed under the ‘cure’, and caused lifelong harm to the children. And outlined the prevalence of self harm in this cohort as well.

Family Law Cost

There requires a re-positioning in funding for women being subjected to violence who are separating. Currently there is no law firm that does pro bono family law work and fees are staggering.

Our members report becoming bankrupt, hourly fees of up to \$800.00, and lawyers not showing up to trial.

A lack of legal support for women and children - Community Legal Centres, being given only ‘general advice’ for 30 minutes, no representation, with women left to do the practical work, and self represent, whilst still being subjected to violence.

³⁹ Fitz-Gibbon, K. (2025). *Silence and inaction: Children and young people’s experiences of violence and systemic failure in South Australia*. Seque Consulting. p 29. Page 73
https://www.royalcommissiondfsv.sa.gov.au/data/assets/pdf_file/0006/1174695/With-Courage-Report.pdf



Convicted Child Sexual Offenders gaining more custody than Mothers who report child sexual abuse and Mothers who are incarcerated due to “parental alienation legal abuse tactic & cure”, without a criminal trial, significant bias and injustice

Duffield & Carlon (24 December 2021) J McClelland

In the case of Carlon & Duffield (2021)⁴⁰ by J McClelland, gave a convicted child sex offender Father, ‘supervised’ in house by his elderly parents, almost 50/50 care of his children. The Mother in this case was praised by J McClelland for not ‘parentally alienating’ the children by telling them their Father was a convicted child sex offender. Despite the fact that he offended against one of the child’s best friends, his next door neighbour.

This compared against the penalty for Women/Mothers and children reporting child sexual abuse is stark in the form of the parental alienation legal abuse tactic and ‘cure’ is abundantly more punitive than the treatment of convicted child sexual offenders.

In 2021, Researchers found that the Australian Family Court believed reports of incest only 14% of the time, and in their report that analysed data from published Judgements between 2012-2019 rarely was custody revoked, if ever from the Fathers and in fact they were favoured.⁴¹

Women Reporting Violence framed as “Alienators” and Children “Liars” and removed vs Incarcerated Women and their Children – Contact and nurturing of bond

Incarcerated Women/Mothers

Have the right to have visits once per week with their children face to face (up to four children at a time) for one hour; and multiple video call and phone calls per week, in addition to letter writing and gift giving which is unrestricted.

They retain parental responsibility of their children and are able to live with their children post incarceration as well as within programs whilst incarcerated; with many other programs in place to support their parenting.

The focus is on nurturing the mother child bond and continuing attachment. Some of these women are incarcerated for harming their children, as found by a criminal court.

Mothers deemed Parental Alienators

Parental alienation ‘cure’ – deliberately removes or reduces all parental rights and custody from women who then have to fund visits at private unregulated contact centre to see their

⁴⁰ https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FedCFamC1F/2021/344.html?context=1;query=carlon;mask_path=

⁴¹ <https://onlinelibrary.wiley.com/doi/full/10.1002/ajs4.171> Webb, N., Moloney, L. J., Smyth, B. M., & Murphy, R. L. (2021). Allegations of child sexual abuse: An empirical analysis of published judgements from the Family Court of Australia 2012–2019. *Australian Journal of Social Issues*, 56, 322–343. <https://doi.org/10.1002/ajs4.171>



children, typically two hours per fortnight. Where they may not attend unless their reported abuser agrees. With their reported abuser fielding gifts and letters and watching and recording video calls and phone calls, ie, complete control.

The focus is severing any attachment and having the Child see the Mother as ‘bad’ and having ‘coached’ them to say ‘bad things’ about their Father. A punitive “out-prison”.

Flow on effects with systems and wider community is outlined below

Parental Alienation Legal Abuse Tactic Prohibited by the UN – Australia the only country refusing to listen - Systemic Issues (echoed worldwide)

How other countries are dealing with it, whilst Australia continues to ignore women and children

In the USA, there are inquiries and public hearings being conducted State by State. Laws such as Kaydens Law and Keiras’ Law that makes training compulsory for Judges and prohibits the use of parental alienation reunification therapies are fast picking up pace.

Civil law suits being brought against the actors of the Family Courts are being filed and being won, for the harm done to women and children who have reported child sexual violence and gendered violence and been subjected to the parental alienation legal abuse tactic.

UK has generated the Harms Report and banning the use of unregulated ‘therapists’ and have admitted in open parliament Parental Alienation is a legal abuse tactic designed to help child sexual abusers and harms women and children

The UN has banned its use worldwide.

Whilst Australia continues to refuse to admit the issue

Recommendations

1. Include this as a prominent issue in the National Plan – liaise with the cohort, lived experience panels, grassroots community who are on the frontline see below
2. Only way forward is to publicly admit the harm, remove all CSA from FC, fully fund Police to properly address the issues via criminal courts – show accountability, public messaging that women and children are believed
3. Must elevate and listen to women and children and co-design with them as per the national coercive control recommendations – currently the principal 5, 6 and 7⁴² –

⁴² <https://www.ag.gov.au/families-and-marriage/publications/national-principles-address-coercive-control-family-and-domestic-violence>



4. Redirect funding into Legal Hubs that include:

- Complaints Hub
 - Workshops on how to write an affidavit
 - Practical help filling out forms, being able to download and photocopy evidence
 - Ability for women/any persons to nominate a friend or advocate to speak on their behalf self rep due to trauma/disability/English as second language etc
 - Case law updated for use
5. Self represented parties – banned from copying and having electronic copies of s67 material or sensitive material – whilst represented parties have this privilege – significant disadvantage at trial, when building a case and at hearings.

Case Study

Case Study, Suicidal Child after Parental Alienation Final Orders

In 2022, a seven year old child was reversed into the custody of her Father, a person the subject of three court orders, including Family Court, of being a no contact unacceptable risk to the child, due in part to his admissions of sexually offending against the Child.

The Child and the Mother were not informed there would be a reversal of custody and the Mother was told to produce the Child to the Court under threat of arrest. The Mother was the primary caregiver and named the protective parent by Child Safety for several years at that time.

The Child was taken to live with her Father, with only the clothes on her back, after not seeing him for 2 years, and the Child was not allowed to say goodbye to her Mother, and to ever return back to her home with her Mother, where all her belongings and community were. The Mother was only allowed to see the Child in a contact centre for two hours per fortnight for the rest of the Childs childhood, speak to the child once per fortnight for one hour via video call and only allowed to send the child a letter once per fortnight until the Child turned 18 years old.

During the Family Court trial, the Mother was accused of being a parental alienator and the Child a liar and coached for reporting incest. The Mother and Childs sexual assault case notes and police interviews were used to ‘prove’ the child was an alienated Child. The Child disclosed child sexual abuse to the Family Court Report Writer and this report writer alleged the child was a liar. The FCRW did not mandatorily report the abuse, nor did the FCRW tell the Mother – who had sole care at the time – of the disclosures. The FCRW disclosed under cross examination that they were not of the standard of a FCRW and were not trained in child sexual abuse. Despite this the Family Court heavily relied upon the FCRW. The ICL used the case notes to prove the Mother was an ‘alienator’ also, completely refusing to listen to the multiple disclosures, notifications by third parties, the psychologist reports and Fathers confessions. All criminal standard evidence.

In September 2025, when the Mother made application to change the Orders based on new information about evidence relied upon in the original trial and the Childs significant decline, as observed by her and third parties – the Father admitted that the child had written a suicide note at school one and half years earlier. He claimed he had taken her to counselling and that the child no longer needed it.

Under subpoena it was found that the Father was lying – he had never taken her to counselling and that Child had written another suicide note at the school recently and was in active suicide ideation, regularly telling the school she wanted to kill herself, and that her life was not worth living. This showed at least 18 months of suicidality, that was untreated.



The School, did not inform the Mother of this which is against the law, did not mandatorily report to Child Safety or Police and actively concealed the disclosures and notes of the Child on the school changed the records so that the Education Department was prevented from seeing the information. The school was overtly assisting the Father to conceal the suicidality to assist him in Family Court to stymie the Mother and refusing to follow Final Orders and began actively harassing the Mother.

As a result, the Mother never knew about the suicide ideation and was actively prevented from helping the Child; it was concealed from the contact centres as well, who were also prevented from helping the Child.

The Child was not ever suicidal prior to the reversal of custody. Despite numerous notifications of risk to the Child, by the Mother, concerned adults and supervised contact centre staff, Child Safety and Police refuse to intervene because of the presence of the Family Court Order. Despite them knowing that the Child was actively suicidal.

This was outlined to the new Judge in 2025, the Judge, despite saying the matter had reached the threshold of change, the Judge refused to change the Order, saying the Child being suicidal was ‘normal’.

This is the current case law in Australian Family Court, that children being suicidal is ‘normal’.

This raises serious questions about the decision making ability and mentality of Family Court Judges in Australia. Something has to change. With the Mother also being subject to suicidal ideation since the Final Orders, with her character significantly disparaged and being criminalised for simply following Government messaging of reporting incest to the State

No end to gendered violence if Family Court industry if it is not addressed as a leading cause of and perpetuation of, gendered violence and injustice, and criminalisation of Women and Children reporting gendered violence

References

National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030 Does not address family law, family court or federal court of Australia – systems response to sexual violence <https://www.childsafety.gov.au/system/files/2024-04/summary-national-strategy-to-prevent-and-respond-to-child-sexual-abuse.PDF>

<https://www.paulramsayfoundation.org.au/news-resources/the-choice-violence-or-poverty>