Jane and Richard met at university and later married. They had two children together, and finally separated after 25 years. Both are tertiary educated, however Richard assumed the primary earner role early in the relationship and priority was given to his professional advancement. Jane supported Richard’s career pursuits—which involved a number of relocations, here and overseas—and became the primary carer of their children who are in their mid to late teenage years. The children live with Jane and have limited contact with Richard who continues to live and work overseas and returns periodically. There are no Family Court parenting orders, however there are consent orders dealing with the settlement of marital property between Jane and Richard and access to children during school holidays. Jane had completed a Graduate Diploma whilst raising the children, and had been in unrelated paid employment for brief periods when the family was based in Australia. However she had not attained any significant experience or career progression as caring for the children was her main priority. Just prior to separation Jane accepted a full-time job that for the first time utilized her degree. She supports herself and the children from her modest income; and under the terms of the consent orders, Richard is discharged from any responsibility to pay child support. The property settlement entitles Jane to funds from the sale of a house property, which she intends to use to purchase a home for her and the children.

Marrying so young, Jane had little experience of relationships or what to expect. Richard always earned a high salary and from the outset took charge of their finances and purchases. As a couple they bought a number of real estate properties, which he referred to as his own, despite their being registered in Jane’s name and clearly shared assets. Without the qualification and experience she’d hoped to obtain, Jane could only work in low-paid positions; and, after having children and living as expats overseas, was unable to work at all. Richard belittled Jane for her lack of financial contribution, and regularly monitored her weekly spending against the allowance he had allocated that was often insufficient for essentials. She was required to show Richard receipts for all of her expenditure. Richard could become enraged when he believed Jane had overspent or acted without his approval, and would often throw and break items precious to Jane to show his displeasure with her and to intimidate her. Early in the relationship when Jane freely expressed her opinions with Richard, he threw a coffee cup toward her head which flew out an open window and travelled 5 metres before smashing on the neighbour’s brick wall. On another occasion he ripped up certificates of her achievement in music. If she went out he would call her regularly to check on her movements and who she was with. Over time Jane tried to follow his instructions so as to avoid his angry outbursts; however she found herself becoming increasingly isolated, anxious and depressed, diminished by Richard’s abuse, and lacking in self-esteem. Meanwhile, she was caring for two children, for the most part by herself, and coping with the additional challenges of establishing a home and friendships, and raising a family in various overseas locations. Despite Jane’s ‘anything-for-peace’ approach, Richard repeatedly criticised her mothering and homemaking abilities; and the children would often express concern for how she was feeling after Richard had finished his abusive rants.

Jane became distressed about how one of the children was coping and behaving and managed to get Richard’s approval to spend money on therapy on the basis that it was about the child. It was during this time that Jane realised that she needed help herself, and began attending therapy sessions in secret, knowing that Richard would be outraged and refuse to pay if he found out.

Jane describes an emotionally traumatic separation that was prolonged over five years as she struggled to find ways to persuade Richard to address the problems in their relationship together. Jane felt she had to try hard to do what she could to save the marriage, but at the same time was learning to understand and deal with the fact that Richard had controlled her behavior for so many years. She decided that it was best to return to Australia, settle the children into their final years of high school, retrain, get a job and try to rebuild herself while Richard remained in his overseas position. When he visited from time to time, Jane tried to arrange couple counselling, but Richard would either get angry or disengage.

Eventually Jane felt the marriage was over and she engaged solicitors to take the necessary steps to deal with issues relating to the children and property. In the years that followed Jane spent $100,000 of her own and family funds on legal fees, an outlay that has significantly eroded her financial resources. She reports having competent and supportive advisers, however believes that they were unable to effectively deal with Richard’s evasive, manipulative and dishonest conduct in relation to disclosure of income and assets, preservation of assets, child support, mediation, and settlement of consent orders. She reports that Richard would send numerous emails to her solicitors based on the assumption that her solicitors would read them and then charge her. She feels that it perhaps would have been preferable to take the matter to trial where Richard’s conduct and credibility could have been assessed by a court, but concedes the merits of her legal advice that the financial and emotional cost of this option would have been prohibitive. Richard continued to humiliate Jane through this process by cutting off services and insurance, cancelling the children’s school enrolments, and reneging on agreements. In particular he reneged on a signed Mediation agreement for settlement. Richard also systematically used the Child Support system to continue the emotional and financial abuse. For instance, despite several international flights and maintaining business interests and assets overseas, Richard was able to convince Child Support that he had no income. Richard has also driven onto the property Jane is renting after she asked him not to. She finds him intimidating and at one stage considered applying for a protection order against him. Jane reflects that at no point has Richard ever been held accountable or borne any consequences for his abusive behaviour.

When the consent orders were finally put before the court for approval, the judge acknowledged they were unjust and inequitable to Jane, but the reality of her situation dictated that she would be unable to afford the cost of having the multiple contested matters adjudicated on by the court. While Jane knows that she did not receive the share of the marital assets that she was entitled to, she feels fortunate that her settlement funds will be sufficient to be financially comfortable provided she continues working and spends prudently. She is finally able to work toward full registration in her chosen career, which she was unable to pursue previously.