

CHAPTER 8

CONCLUSION

8.1 The overall decline in the number of children in institutional and other forms of substitute care in recent years would appear to indicate that recent policies of both the Commonwealth and State governments have been effective in reducing the need for substitute care. In particular, Commonwealth initiatives to provide income support for single parent families and other forms of assistance such as day care, family support services, low cost housing and other preventive programs have contributed to this trend. The change in focus in child welfare policies of government and non-government bodies from the child in isolation to the family unit has also helped diminish the need and demand for substitute care. However, the apparent success of these initiatives and policies can be questioned on a number of grounds. First, they have had less impact on those children remaining in substitute care, particularly children from certain disadvantaged groups in the community who continue to be over-represented in care. Secondly, a number of recent policy initiatives, generally regarded as progressive developments in the child and family welfare field, may be contributing indirectly to problems in other welfare areas.

Requirements of children remaining in substitute care

8.2 While the Committee supports the increasing emphasis now being placed on preventive measures, particularly measures aimed at avoiding the removal of children from their families to substitute care, it also acknowledges that there is likely to be a continuing demand for substitute care for some children. In planning for these children, it is important that public policy takes into account the special physical, emotional, educational and social developmental needs of the children; that the importance of contact between the child and his or her family is recognised; that security, continuity and quality of care is provided; and that substitute care programs and facilities are structured to meet these needs.¹ It is the Committee's view that the effectiveness of future policies and programs to assist these children can be enhanced by taking the following action at the national level:

- introducing uniform and increased foster care allowances;
- improving educational programs for children in institutional care;
- promoting improvements in the quality of care available to children in institutional care;
- assisting agencies to develop appropriate assessment and planning procedures for the placement of children in substitute care;
- improving collections of statistical data on children in substitute care;
- supporting the development of appropriate evaluation models for the use of organisations responsible for the funding and administration of substitute care programs; and
- facilitating the dissemination and exchange of information and ideas about recent developments, emerging trends and new approaches towards the provision of substitute care.

Accordingly, the Committee has made a series of recommendations relating to each of these areas.

8.3 It is a matter of considerable concern to the Committee that despite recent increases in the provision of community services for families with dependent children, attempts to address the overall welfare needs of those most at risk within the community, particularly those children who continue to be over-represented in care, have been less effective than envisaged. It is clear that the basic reasons underlying the placement of children in substitute care and the circumstances of children at risk have changed little over the years. As noted earlier in the report, families of children in substitute care are still predominantly the poorest, the most disadvantaged and the most vulnerable. One explanation for the lack of effectiveness of recent measures designed to promote family stability and prevent the placement of children in substitute care is that the success of government initiatives is necessarily dependent on the extent to which governments also address wider socio-economic problems. As commented by various witnesses, given the prevailing economic climate and associated social problems, the successful implementation of preventive policies and programs is beyond the scope of welfare agencies alone, whether government or non-government, and can probably only be achieved by substantial changes to the economic and social structure of society in which higher priority is accorded to disadvantaged families. Essentially, such structural change necessitates a more equitable distribution of resources within the community through the provision of guaranteed employment and income, taxation reform, and large-scale programs for education, housing and personal welfare. The central concern of these changes should be the development of government policies and programs that help to ensure the economic viability of the family unit and promote the well-being of the child.

Possible repercussions of recent government initiatives

8.4 While there was general agreement on the value of child and family welfare policies and programs emphasising principles of de-institutionalisation, normalisation, restoration of the child to the family and prevention, evidence received by the Committee suggested that these initiatives may be giving rise to certain negative 'program effects' manifested in other welfare problems. Examples include the increasing number of homeless youth requiring different forms of government intervention, the rising proportion of children with severe emotional and behavioural problems being placed in substitute care, and the growing dependence of many families with children on the welfare State. Thus, the view was put to the Committee that the recent decline in the number of children in both protective and corrective care does not necessarily reflect a decline in the number of children living in precarious circumstances, that is, children who are deprived of what might be regarded as an acceptable level of care and protection by their parents and who may therefore be in need of substitute care or other direct family assistance.²

8.5 The information brought to the Committee's attention during this inquiry and its previous inquiry into homeless youth indicates, for example, that while certain income security benefits and other forms of government-funded support may assist some families to maintain their children, particularly during their early years, the long-term effects of these programs may be less favourable than initially envisaged.³ It was suggested that, for certain children from poorly functioning families, State intervention under present policies and practices may have merely been deferred until the children leave home of their own volition, often becoming homeless youth. In fact, while the number of children in substitute care is falling, evidence shows that the number of homeless children requesting refuge accommodation is increasing.⁴

8.6 The most recent information available on the operation of youth refuges funded under the Youth Services Scheme shows that during the first 12-month period of the Scheme's operation between October 1980 and September 1981 there were over 12 000 requests for emergency accommodation at refuges funded under the Scheme.⁵ The

National Committee for Evaluation of the Youth Services Scheme estimated that, because some agencies had failed to return data for the full period of their operation, the total number of requests during this period would have been closer to 15 000.⁶ Recent advice from a number of refuges around the country indicates that demand for this form of accommodation is continuing to grow.

8.7 The Committee's attention was also drawn to the fact that of those children living in refuges during 1980-81, 27 per cent were aged between 12 and 15 years, 41 per cent were aged between 16 and 17 years, and 11 per cent were aged 18 years. Further, over 12 per cent had been accommodated previously in residential care institutions or foster care, 9 per cent were still under the guardianship of the State and 3 per cent had previously been under State guardianship.⁷ While children with substitute care backgrounds, including those under the guardianship of the State, may well have become homeless and sought refuge accommodation for the same reasons as other homeless youth — family conflict, loss of support networks and inability to obtain and maintain independent accommodation — it is a matter for concern that those under the protection of the State or who have been identified by government and non-government agencies as being in need of care are now in effect without either family or State support. The Committee believes that these trends in youth homelessness point to a need to reappraise present substitute care policies and funding priorities for services to assist children who leave home of their own accord, who are unable to support themselves, who need a more sheltered and stable environment than can be offered by youth refuges, and whom most State welfare departments are now reluctant to bring before the authorities as being in need of care and protection and place in other forms of care.

8.8 The increase in the number of homeless children in need of assistance is in itself an issue requiring urgent attention. Claims that many of these children would have been successfully adopted or placed in foster homes or institutional care under earlier policies and practices and therefore not been in need of care as adolescents are open to debate. On the one hand, the Committee's attention was drawn to instances which appeared to demonstrate that the effect of various government initiatives on some children has been simply to postpone, rather than avoid, the intervention of the State in their lives. On the other hand, evidence of such cases was insufficient to suggest that attempts by governments and others to maintain children within their families have not been worthwhile. Nevertheless, the Committee considers that the emergence of a situation where the achievements of one public program can indirectly and unintentionally diminish the effectiveness of other programs, or even create new problems, serves to highlight the need for better planning, co-ordination and evaluation of community services in this field.

8.9 It is widely acknowledged that the introduction of the Supporting Parent's Benefit has allowed many hundreds of thousands of children (including youth) to remain with their families rather than being placed in substitute care, and at a much lower cost. It has also been claimed by such authorities as the Institute of Family Studies that many one parent families on Supporting Parent's Benefits, though living below the poverty line, are in fact doing a better job and producing more capable and better adjusted children than many intact families that are characterised by conflict and other associated problems. However, it was argued during the inquiry that policies of de-institutionalisation and other 'progressive' developments in the child welfare area, particularly the emphasis given to maintaining the child within his or her natural family, may not necessarily always be in the best interests of the child. As commented in Chapter 1, evidence indicates that an increasing number of emotionally disturbed older children and children presenting with severe behavioural problems are now being admitted to substitute care, predominantly institutional care. There is also evidence that the level of emotional disturbance and behavioural problems amongst these children is greater than in previous years.

8.10 While there is little empirical data that might be used to ascertain the causes of these trends, the Committee believes they highlight the dangers inherent in policies that underestimate the role of substitute care and early childhood intervention, and place undue emphasis on the maintenance of the child within its natural family or promote the early and, at times, premature restoration of children to their families. This is not to infer that fewer resources should be channelled towards assisting families in their child-rearing functions, particularly those disadvantaged or subjected to circumstances beyond their control. Rather, it is suggested that the prevailing philosophical basis of substitute care policies and programs and its effect on present government funding arrangements may also require reappraisal. The Committee is concerned that unless the benefits of substitute care are weighed up carefully against the effects on children of remaining in an unstable or otherwise unsatisfactory home environment where the security of the child continues to be at risk, the number of older children with severe emotional disturbances and behavioural problems requiring substitute care may continue to rise.

8.11 It was also suggested to the Committee that one program effect of the improved availability of government assistance to certain groups within the community (whether assistance is provided in the form of direct cash payments such as Supporting Parent's Benefits or by way of in-kind benefits provided through schemes such as those funded under the Children's Services Program) has been to enable an increasing number of 'absent' parents who have never contributed, or who have ceased to contribute, to the maintenance of their children to avoid responsibility for the care and support of their children. This in turn has added to the growing dependency of many families with children on the welfare State. Single supporting parents can be either left to face their child-rearing responsibilities alone from the birth of their children or, alternatively, are given primary responsibility for child care by the Family Court following divorce or separation proceedings. The latter arrangements are normally made on the condition that the non-custodial parent provides some financial support for the children of the relationship. Often these obligations are not met, or are not enforced, leaving the custodial parent dependent on the State for assistance.

8.12 It can be argued that our society, through the present child welfare and family law systems, tolerates and indeed condones a certain degree of negligence on the part of absent parents who, in the knowledge that their children will be provided for by the welfare State, either never accept the obligation to contribute to the support of their children or, having been required by the legal system to assist in this way, refuse to comply with maintenance orders without suffering any consequences for this failure.* In Australia, as in many other Western countries, the cost of providing public financial support for single parent families is not insignificant. First, single parents supporting children are a sizeable and growing proportion of the population. Secondly, a large number of single parent families, particularly those headed by women, live below the poverty line and are dependent on government support. Finally, the number of non-custodial parents who fail to accept responsibility for contributing to the maintenance of their children is increasing.

8.13 The Committee acknowledges that, in certain cases, non-custodial parents are unable to contribute to the support of their children because of their financial situation which has been brought about either by the impact of divorce and its consequent matrimonial property settlement or because of other factors such as unemployment. This does not, however, weaken the argument that both parents have an on-going responsibility for the support of their children and that the availability of government financial assistance is not intended to enable parents to transfer their responsibilities to the State when they themselves are in a position to provide support.

8.14 In an attempt to overcome this problem, increasing attention is being given both within Australia and overseas to the need to develop procedures that will improve the enforcement of maintenance orders.⁹ In the United States of America, for example, there have been calls for the introduction of a national 'social child-support system' under which all parents who live apart from their children would be liable for a child-support tax levied on their gross income.¹⁰ The tax would be proportional according to the number of children to be supported. This approach is based on the principle that individuals who become parents incur a moral obligation to share their incomes with their children. Other maintenance enforcement arrangements have already been implemented in several countries, including Canada, New Zealand and the United Kingdom. Enforcement procedures have also existed in Australia for some time but, with the exceptions of South Australia and Western Australia, their application has been described as haphazard and unsatisfactory.¹¹

8.15 In 1983 the Commonwealth Attorney-General requested the Family Law Branch of his department to inquire into methods of improving maintenance enforcement and collection procedures within Australia. This inquiry reported in February 1984¹² and recommended that an independent national maintenance agency be established to facilitate the enforcement and collection of maintenance payments.¹³ The report envisaged that such an agency would have three primary policy aims: to reduce the financial hardship of single parents supporting children, to preserve the integrity of the judicial system by ensuring that maintenance orders were enforced, and to reduce social security expenditure insofar as this was possible and reasonable.¹⁴ The inquiry estimated that a national maintenance collection agency could save the federal Government up to \$25 million per annum (after the deduction of administrative costs) in expenditure on social security pensions and benefits, supplementary assistance and legal aid.¹⁵

8.16 It is a matter for concern that the Government's introduction of the Supporting Parent's Benefit and other family support programs may have assisted and even encouraged, albeit unintentionally and indirectly, some parents to avoid or abrogate too easily their responsibility for the welfare of their children in the knowledge that their offspring will be provided for by the State. The Committee therefore supports the findings of the National Maintenance Inquiry, particularly the recommendations concerning the establishment of an independent national maintenance collection agency. However, it believes that before these recommendations are proceeded with, the Government must ensure that their implementation will not give rise to other adverse program effects.

8.17 In this respect, the Committee considers, for example, that unless certain conditions are applied, the application of maintenance enforcement mechanisms may force single parent families now in receipt of government benefits to return to a situation of financial dependence on an unwilling provider and to the very circumstances which resulted in their seeking support from the State in the first place. Furthermore, the enforcement of maintenance payments may act to disqualify some needy single parent families from eligibility for fringe benefits normally available to recipients of Supporting Parent's Benefits. For many single parent families this would entail a considerable loss of real disposable income. The Committee therefore considers that unless such potentially negative program effects are protected against, the disadvantages of the above recommendations may well outweigh their benefits.

8.18 The Committee believes the above range of issues reflect a more general problem within the present child and family welfare system in Australia today — that is, the lack of a co-ordinated approach at the national level towards the planning, delivery and evaluation of policies and programs in this area. In bringing together the findings of its inquiry, the Committee considers this to be the most serious problem affecting the present

and future development and implementation of Commonwealth and State government and non-government community services including those aimed at improving the type and quality of institutional and other forms of substitute care for children.

Need for the co-ordination of welfare services

8.19 It is symptomatic of the lack of co-ordination of Commonwealth and State functions that despite fundamental changes which have occurred in the structure of Australian society, particularly as they have affected the family, there has been no recent comprehensive national assessment of the needs of the Australian community for child and family welfare services, including substitute care services; no overall planning in the allocation of either Commonwealth or State funds appropriated for the establishment, development and maintenance of welfare services, or for research and planning in relation to those services; and no investigation of the education and training needs of those responsible for the delivery of such services. Moreover, there has been no nationwide evaluation of programs to ensure that first, needs are being met; secondly, adequate standards are being maintained; thirdly, waste of resources and duplication of effort are being avoided; and finally, programs that are introduced to meet the needs of children and families in one area are being co-ordinated with and complement programs in other areas so that the achievements of one program do not indirectly and inadvertently diminish the impact of other programs or create new social problems.

8.20 No unified picture of child and family welfare in Australia has emerged during the inquiry either from the evidence presented to the Committee or from published reports. Instead, the Committee has gained an impression that the provision of child and family welfare services, and particularly substitute care services, is an area in which there is little co-ordination and communication between the States and the Territories and the Commonwealth in the development of new policies and practices, and that it is one in which service delivery is fragmented, lacking in design and cohesion, and inadequate in its coverage. At the local level, the Committee found that services are often reactive, show little, if any, evidence of forward planning and tend to operate in isolation from other services. Too much time seems to be devoted to direct service delivery and not enough to co-ordination and outreach activities. As a result, problems identified by one agency are often not referred to other more appropriate agencies, nor are other practitioners in the field, including informal 'gatekeepers' such as doctors, infant welfare sisters, school teachers, and so on made aware of what resources are available for their clients.

8.21 Overall, the significance of these findings is that the potential of many new initiatives is not fully realised, particularly in terms of their possible application in a wider context. Worse than this, it is not possible to state with any degree of certainty whether financial resources now allocated either by the Commonwealth or the States are being used efficiently, effectively or equitably. The seriousness of this situation is compounded by the growing multiplicity of Commonwealth and State government and non-government departments, authorities and agencies involved in the separate development and implementation of child and family welfare policies and programs. At the Commonwealth level alone, there are over 14 major departments and authorities responsible for the independent funding and administration of such programs.

8.22 The Committee has already commented in the previous chapter that it believes many of these problems can be attributed in part to the fact that, despite its increasing involvement in this area, especially through the provision of child care and family support services funded under the Children's Services Program, the Commonwealth has failed to make any clear statement of national policy regarding its role and responsibility vis-a-vis

the States and the Territories in the long-term planning and provision of welfare programs for children and families. It has also been suggested that while the intervention of the Commonwealth in this area in 1976 through the Children's Services Program was instrumental in improving community services and promoted the development of desirable preventive programs, it also contributed further to the existing ad hoc manner in which welfare programs were being devised and implemented.

8.23 As noted earlier in the report, submissions received during the inquiry also argued that greater Commonwealth effort should be directed towards policies and processes that assist general family functioning rather than towards the support of service categories which, for example, make a distinction between child care as a Commonwealth responsibility and child and family welfare as a State and Territory responsibility. While it is possible to differentiate between categorical programs supported by the Commonwealth through the Children's Services Program on the one hand, and those provided by the States and Territories on the other hand, because of the increasing reliance of families on outside child care and family support services, the delineation between Commonwealth and State programs is becoming less clear and less practicable. Indeed, the growing inter-dependency between child care and other child and family services points to a need for a more comprehensive approach towards the development and implementation of such measures.

8.24 The Committee believes the Commonwealth has an important role to play in the future provision of community services for children and families, particularly in the area of preventive welfare. Since the introduction of the Children's Services Program, there has been an expectation that the Commonwealth will respond with financial assistance and advice to initiatives taken by the States and Territories to improve these services. There is no reason to believe that this expectation will diminish in the future: on the contrary, the growth in demand for Commonwealth assistance over the last decade suggests that pressure on the Commonwealth will increase. However, until greater attention is given at the national level to clarifying the roles and responsibilities of the Commonwealth and the States in this area, then the present confusion, fragmentation and lack of planning and co-ordination of policies and programs will continue to beleaguer the provision of efficient community services.

Establishment of a national children and families commission

8.25 The Commonwealth has seen fit to legislate in the area of human rights through the *Human Rights Commission Act* 1981 and in the area of family law through the *Family Law Act* 1975 which involves the regulation of family life as it relates to divorce and the custody and maintenance of children. Action has been taken in these areas in response to certain changes within the community and also in recognition of the need for a national approach. Similarly, the Commonwealth should respond to other developments that have affected Australian society and accept greater responsibility at the national level for ensuring that the overall framework within which public policies and programs are devised is capable of both responding to the changing social needs of the community and facilitating a more co-ordinated approach towards the development and delivery of community services for children and families.

8.26 The Committee therefore believes there is a need for the Commonwealth to legislate for the establishment of a body at the national level that has responsibility first, for the development of policy and the provision of advice to the Commonwealth Government on matters affecting the well-being of children and the stability of the family and, secondly, for the promotion, through co-operation and consultation with the States and Territories, of a better planned and co-ordinated approach towards the provision of

community services throughout Australia. It is the Committee's view that a national body with this role should be independent of existing Commonwealth executive departments and thus be in a position to provide the government of the day with impartial advice on the welfare needs of children and families. It is envisaged that this body would be directly responsible to the Minister for Community Services.

8.27 As part of its function of promoting the stability of the family, the new body would be required to examine the means of maintaining the family entity as the fundamental group unit in society. This would involve the continuing review of the effect on family functioning, including the economic status of families, of federal and State legislation and family support programs. Priority would be placed on ensuring that the welfare needs of special groups within the community were met, particularly those most vulnerable, such as the unemployed, low income families, single parent families, and families who are disadvantaged because of racial and cultural background, and geographical and social isolation.

8.28 With respect to the welfare of children, the new body would be required to develop a set of guiding principles that would formalise national standards and goals for their well-being. It is envisaged that these would be based on the principles adopted in the United Nations Declaration of the Rights of the Child.¹⁶ As an on-going function it would also have responsibility for assessing the needs of the Australian community for welfare services for children, particularly those whose needs may not be met through the development of policies and programs directed towards ensuring the stability of the family unit. Such special needs groups include children in institutional and other forms of substitute care, children who have offended against the law, homeless children, disabled children, migrant children, Aboriginal children and children who are victims of abuse. In carrying out this function, the new body would obtain a national overview of the adequacy of children's services and would be in a position to identify gaps in service delivery. On the basis of such assessments, it would make recommendations to the Commonwealth Government concerning the need for special purpose programs that could be developed and implemented, either by the new body or by the most relevant Commonwealth department or authority, in consultation and co-operation with the States and Territories.

8.29 The proposed national body could also have the function of educating the community and acting as a public watchdog of government activity, for example, in relation to the effects on the family of government policy decisions concerning income maintenance, taxation, law reform, housing, education, health and employment. To assist the new body in its public watchdog role and other policy analysis, the Institute of Family Studies could be subsumed as the national body's research arm. A further role for the national body would be to promote the evaluation of child and family welfare programs, for example, through the provision of technical advice and assistance to the States and Territories.

8.30 Finally, the Committee believes a national body of this nature could serve as an important point of central focus for community organisations and client groups as well as for government and non-government organisations directly involved in the delivery of child and family welfare services. It is becoming increasingly apparent that, under existing arrangements, the welfare needs of children have been gradually submerged by other competing interest groups seeking assistance from government, for example, the aged.¹⁷ In a recent report on trends in the incomes of Australian families, the Department of Social Security showed that the welfare of the elderly has improved steadily over the last 20 years whereas, for the first time since the Depression, a high proportion of Australian children now face being trapped in a cycle of poverty.¹⁸

8.31 It has been estimated that of all children in Australia, a disturbing 15 per cent or approximately 800 000 now live below the poverty line compared with 8 per cent or approximately 250 000 when the Henderson Poverty Commission carried out its inquiry in 1972. These are predominantly the children of the unemployed and the single parent (the widowed, separated, divorced or never-married parent) who rely on government pensions and benefits for support. On the basis of the Department's analysis, a single mother with two small children, is worse off in real terms today than a woman in her position 20 years ago. The Institute of Family Studies has calculated that between 48 and 60 per cent of one parent families have incomes below the poverty line. It has also estimated that almost one in every four families with children has an income after tax which leaves them in financial hardship.¹⁹

8.32 By comparison, the aged, for example, have fared better. In 1972 this group comprised 42 per cent of the poor. By 1979 they comprised 18 per cent of the poor and children comprised 40 per cent of the poor.²⁰ This shift has been due to two main factors. On the one hand, the elderly have become a smaller proportion of the poor as other groups have entered poverty due to increased unemployment, rising housing costs and the breakdown of marriages. Additionally, the elderly have experienced a real improvement in their living standards. It has been suggested that recent retirees are probably better off than any previous generation of the elderly, particularly if they own their own homes and are married.²¹ This is not surprising when it is considered that three-quarters of all aged pensioners today own their own homes. By contrast, 70 per cent of single parents rent accommodation.²² Nevertheless, most aged pensioners are far from wealthy. For example, over half derive most of their income from the Age Pension. On the other hand, aged pensioners' needs are relatively modest. In this respect, it has been found that it is the young, not the elderly, who now seek help from charitable organisations such as the Salvation Army to pay for food, electricity, and other necessities.²³

8.33 It has also been argued that the aged, supported by the soon-to-be-aged and a good proportion of the rest of the community who, understandably, have an interest in their own retirement in the future, have proved to be a powerful political lobby. The situation for many thousands of families with dependent children who are in poverty is markedly different. Children cannot vote, the general community has little self-interest in improving the lot of children since their own childhood is passed, children have only their parents to rely on and, in the case of many single parents and unemployed parents with dependent children, they are too impoverished and dispirited to organise and press for reforms. Needless to say, those children in institutional and other forms of substitute care who do not have the benefits of parental support and advocacy on their behalf are the most disadvantaged.

8.34 In many respects, the rapid growth in poverty amongst families with children in recent years is a perplexing development. Since the 1970s, the number of children in Australia has declined and the number of elderly people has increased. This might have led to expectations that children would fare well and other groups such as the aged would fare badly. Fewer children should mean less competition for scarce resources such as welfare services. But the reverse has been true. According to the Department of Social Security, Commonwealth and State government expenditure on the aged is double that per capita spent on children. This apparent paradox is further complicated by the fact that single pension recipients receive the same basic pension as the aged and have also shared in its real increase. However, recipients with children, unlike others including aged pensioners, have suffered a decline in their real income over the last decade, the main reason being that Commonwealth benefits paid for children are not indexed. Because these additional payments for children amount to a higher proportion of the overall package for sole parents, their non-indexation has had far greater effects on this group than on others.²⁴

8.35 Studies by the Department of Social Security, the Institute of Family Studies and others reveal that it is children and their families who represent the 'new poor', those most at risk being the children of one parent families. One commentator has reported that of all household types, it is families with children that have fared worst under existing taxation arrangements, with large families attracting the greatest penalties.²⁵ The Institute of Family Studies has shown that, up until recently, the severe retraction of public housing has fallen most heavily on low income families with children. The Institute has also pointed out that cuts in government spending in other areas have had a proportionately greater effect on families with children, as resources have been directed away from public health, welfare and education programs. The Institute has further argued that the meagre sums spent on child care and other family support services by both State and Commonwealth governments have placed Australia well behind countries with which it is often compared. In places such as Sweden, France, Germany, Denmark and Israel, policies have been developed which recognise the importance of children's services to both the well-being of families and the alleviation of economic inequality.²⁶

8.36 The Committee believes that if Australia is to have a sound basis on which to build its future, then the growing numbers of children living in poverty and the long-term consequences of this for the nation as a whole must be addressed in a more comprehensive and forward-thinking way than has been the practice in the past. The formation of a statutory authority at the national level is seen as a mechanism through which greater equitability can be achieved in the distribution of the community's resources for child and family welfare purposes. The Committee considers it is only through these measures that the welfare of many thousands of families with children to support will be enhanced and the problems and pressures facing thousands more will be alleviated.

8.37 In making its recommendation for the establishment of a statutory authority, the Committee is concerned to stress that it is not intended that the Commonwealth, through the formation of such a national body, should assume direct responsibility for the delivery and administration of community services for children and families. Rather, the proposal recognises the need to address child and family welfare problems at the national level and to ensure that, through consultation and co-operation with the States and Territories, the future provision of services through the multiplicity of Commonwealth, State and Territory government departments and non-government welfare agencies is achieved in a more planned and co-ordinated manner across Australia. In this sense, the body would be similar in purpose to the proposed National Children's Commission for which legislation was passed in 1975 but which was never established.²⁷

8.38 During its deliberations on this matter, the Committee questioned whether it would be preferable for the proposed functions to be carried out by the recently established Department of Community Services. After careful consideration, the Committee concluded that the arguments against this proposal were outweighed by the arguments in favour of the formation of a separate body. There were a number of reasons for this decision. First, it was felt that an executive department would not be able to exercise the same degree of independence and impartiality as a statutory authority in the formulation of its advice to the Government. By its very nature, a statutory authority provides an alternative advisory or decision-making apparatus independent of the executive, whereas a department is required to provide advice formulated in the light of political considerations. This does not always guarantee that advice offered will reflect the real needs of the community. Only with an independent view of the nation's needs is it possible to ensure that the distance between what is politically desirable and what is actually required, is kept clearly in the public's view.

8.39 Secondly, the creation of a separate body would allow the direct representation of a range of community views and interests that would not otherwise be possible through the conventional structure of a government department. The departmental model characterised by a Minister at the head, with collegial decision-making and diffused responsibility, is normally inappropriate where it is desirable to include in management representatives of a range of community interests, including representatives of State and Territory government and non-government organisations with other philosophies and priorities.²⁸ Thirdly, the Committee is of the view that a separate body which has State government and non-government representation and is largely removed from the executive arm of the government of the day would be viewed more favourably in the States and Territories and would therefore provide a more suitable mechanism than an executive department. Without this level of acceptance, the potential to facilitate better communication and co-operation between the States and the Commonwealth and to develop strategies for improving the planning and co-ordination of welfare services would be impeded.

8.40 Fourthly, an independent body may fulfil a 'buffer' role whereby public policies are moderated through the concept of a middle-man authority so that decisions affecting particular groups can be made independently of short-term considerations.²⁹ Finally, the Committee considers the establishment of a separate organisation would be a more effective means of focussing Commonwealth attention on this area. It would also enable the functions of government to be seen in a more coherent way rather than as is presently the case where competition and division between the relevant departments allows them opportunities to avoid certain responsibility for the outcome of their activities.

8.41 The Committee therefore recommends that the Commonwealth Government introduce legislation providing for the establishment of a national statutory authority to be known as the Australian Children and Families Commission to advise the Government on matters of policy concerning the development of welfare programs for children and families, and to develop strategies to improve the overall planning and co-ordination of such programs in co-operation with other Commonwealth departments, State and Territory governments, local government authorities and non-government agencies responsible for the provision of these programs. The Committee further recommends that the Australian Children and Families Commission be directly responsible to the Commonwealth Minister for Community Services.

Composition

8.42 The Committee believes the composition of the Commission should be as representative as possible of the major government and non-government groups within the child and family welfare area. It therefore recommends that the Australian Children and Families Commission comprise no more than nine members, including two representatives of State or Territory government welfare authorities, two representatives of the non-government sector, one Aboriginal representative, two representatives from other client groups, one representative with specialist qualifications, and a chairman appointed by the Minister for Community Services.

Consultation

8.43 The Committee also believes that in discharging its responsibilities, the Commission should take account of the fullest range of views and should therefore be required to consult with community-based organisations and other interest groups in formulating its advice to the Minister. In this respect, the Commission would provide a channel for the views of communities, groups and individuals on welfare needs and

priorities, expectations and aspirations. It therefore recommends that the Commission consult regularly with interested community groups and organisations, and establish an appropriate consultative mechanism for this purpose.

Functions

8.44 The Committee recommends that, in addition to providing advice on child and family welfare policy matters and developing strategies to improve the planning and co-ordination of welfare programs, the Australian Children and Families Commission have the following functions:

- a) the development of a set of guiding principles and national goals for the promotion of the well-being of children and families;
- b) the on-going assessment of the effect on family functioning, including the economic status of families, of Commonwealth, State and Territory legislation and programs of family support;
- c) the provision of advice to the Minister for Community Services on the effectiveness of such legislation and programs, including the formulation of recommendations relating to —
 - (i) the development of improved methods of family support, including measures aimed at preventing family disruption, and
 - (ii) the allocation of financial assistance to government and non-government organisations for the development, establishment and maintenance of appropriate specific purpose programs for children with particular needs such as those in institutional and other forms of substitute care, children who have offended against the law, homeless children, children who are victims of abuse, and children disadvantaged through intellectual or physical disability, ethnic or cultural background, or geographical isolation;
- d) the provision of technical assistance and advice to the States and Territories for the evaluation of children's welfare programs and associated community services for families;
- e) the conduct, promotion and co-ordination of research, together with the exchange of ideas and the dissemination of information, in relation to developments occurring within the child and family welfare field both in Australia and overseas; and
- f) the continuing review of the education and training needs of persons involved in the delivery of child and family welfare programs.

In connection with the proposed Commission's research function, the Committee recommends that the Institute of Family Studies be incorporated as the research arm of the Australian Children and Families Commission.



Senator Ron Elstob
Chairman

June 1985

ENDNOTES

1. New South Wales Association of Child Caring Agencies, *Young People in Care Speakout*, Sydney, 1980, p. 8.
2. *Transcript of Evidence*, Submissions, pp. 182-83.
3. Senate Standing Committee on Social Welfare, *Homeless Youth*, AGPS, Canberra, 1982.
4. *Transcript of Evidence*, Submissions, p. 1160.
5. National Committee for the Evaluation of the Youth Services Scheme, 'One Step Forward' — *Youth Homelessness and Emergency Accommodation Services*, AGPS, Canberra, 1983.
6. *ibid.*, p. 43. Data also show that the overall rate of demand for accommodation increased during the Scheme's first year of operation from 2387 in the October-December 1980 quarter to 3755 in the July-September 1981 quarter.
7. *ibid.*, p. 52. See also *Transcript of Evidence*, Submissions, pp. 1082-83.
8. The extent to which non-custodial parents default on their obligations to provide support for their children was found to be widespread within Australia by the National Maintenance Inquiry. The inquiry concluded that up to 40 per cent of maintenance orders were never complied with. The inability of the Courts to enforce maintenance orders under the *Family Law Act* 1975 is well established and, as the National Maintenance Inquiry commented, maintenance provisions under the Family Law Act are seen widely as the Act's greatest weakness.
9. M. Harrison and others, 'Child Support — Public or Private', paper presented at the Conference on Family Law organised by the Law Council of Australia and the Federal Council of Bar Associations and Law Societies, Hobart, November 1984. See also I. Garfinkel and E. Uhr, 'A New Approach to Child Support', *The Public Interest* 75, 1984.
10. Garfinkel and Uhr, *ibid.*, pp. 111-22.
11. Family Law Council, *Annual Report 1981-82*, AGPS, Canberra, 1982, p. 31. In South Australia, a family maintenance branch exists within the Department for Community Welfare to provide free legal advice and to assist in the negotiation of assistance agreements or, where this is impractical, to obtain and enforce maintenance orders. A central accounting system and other facilities are also provided for the receipt and disbursement of maintenance payments. In Western Australia, the Family Court has established a central unit for the collection and enforcement of maintenance payments. While the operation of this unit is considered effective, it is limited to the extent that no financial assistance to obtain maintenance orders is provided other than through the State's Legal Aid Commission or private practitioners. Elsewhere, maintenance enforcement is dealt with by Courts of Petty Sessions or Courts of Summary Jurisdiction. With the exception of metropolitan courts, there are generally no staff working full-time on maintenance matters. While services provided through these courts are free of charge, they are generally fragmented, do not have modern accounting systems and lack sufficient capacity to assist applicants to obtain maintenance orders or have them enforced.
12. Attorney-General's Department, *A Maintenance Agency for Australia — The Report of the National Maintenance Inquiry*, AGPS, Canberra, 1984. The report was tabled in the Senate on 29 February 1984.
13. The Joint Select Committee on the Family Law Act, which reported to the Parliament in 1980, dealt with the enforcement of maintenance orders and also recommended the establishment of a centrally-based maintenance agency. (Report of the Joint Select Committee on the Family Law Act (Mr P.M. Ruddock, M.P., Chairman), *Family Law in Australia*, AGPS, Canberra, 1980.) This proposal involved the creation of an agency within the Commonwealth Department of Social Security which was to operate in close co-operation with the Family Court and the Courts of Summary Jurisdiction under the Family Law Act.
14. Attorney-General's Department, *op. cit.*, p. 291.
15. *ibid.*, pp. 274 and 290.
16. The Declaration of the Rights of the Child is reproduced in Appendix 8.
17. A. Horin, 'Suffer the Little Children', *The National Times*, 19-25 April 1985.
18. P. Whiteford and others, 'Trends in the Incomes of Australian Families', paper presented at the 54th ANZAAS Congress, Canberra, 1984.
19. Institute of Family Studies, *Newsletter*, No. 10, August 1984, p. 3.
20. Horin, *op. cit.*
21. *ibid.*
22. Australian Bureau of Statistics, *General Social Survey: Australian Families, May 1975*, Catalogue No. 4107.0, Canberra, 1980.
23. Horin, *op. cit.*
24. The Family Allowance has been increased only twice since its introduction in 1976. Its real value has declined by 23 per cent. The real value of the mother's/guardian's allowance to single parents has declined by 20 per cent since 1976 despite an increase in the last Budget from \$8 to \$10. The real value of the additional benefit for children to sole parents has declined by 9 per cent over the decade despite an increase in the last two Budgets from \$10 to \$12 and then to \$14. The extra \$14 a week for a child compares starkly with the extra \$60 a week paid for being a married rather than a single pensioner, i.e. having another adult to support rather than a child. The inadequacy of the \$14 is also shown by figures from the Institute of Family Studies which has calculated that it costs \$16.69 a week to feed and clothe a two-year-old, \$18.20 for an eight-year-old and \$27.68 for an 11-year-old, excluding the cost of housing, medical, dental, transport and child care needs.

25. P. Saunders, *Equity and the Impact on Families of the Australian Tax-Transfer System*, Institute of Family Studies, Melbourne, 1982.
26. Institute of Family Studies, *Early Childhood Services — Submission to the Victorian Government Review of Early Childhood Services*, Melbourne, September 1983.
27. The Act governing the Children's Commission was assented to on 11 June 1975 but its provisions were never implemented due to the Double Dissolution of the Parliament on 11 November 1975.
28. Royal Commission on Australian Government Administration (Dr H.C. Coombs, Chairman), *Appendixes*, Vol. 1, Appendix 1.K, 'Statutory Authorities', AGPS, Canberra, 1976, p. 331.
29. *ibid.*, p. 320.