



# Family Services Australia

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Mr Peter Slipper MP  
Committee Chairman  
House of Representatives Legal and Constitutional Affairs Committee  
PO Box 6021  
Parliament House  
Canberra ACT 2600

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Submission No. 113  
Date Received

Dear Mr Slipper MP,

Re: Inquiry into Older People and the Law

Family Services Australia (FSA) welcomes the Inquiry into Older People and the Law (the 'Inquiry'). We also wish to thank the committee for alerting us to this Inquiry and inviting us to provide a submission. Unfortunately we have been unable to prepare a detailed written submission at this time due to resource limitations. Instead we wish to provide some broad observations and would be prepared to expand on these and provide further analysis, if further opportunities arise in the course of the Inquiry.

By way of background information, FSA is a national network of organisations that deliver family relationship services. These services include the recently established Family Relationship Centres (FRCs) as well as Family Counselling, Family Dispute Resolution, Parenting Orders Programs, Children's Contact Services, Specialist Family Violence Services, Men and Family Programs, Relationship Education and Skills Training. These services are resourced through the Family Relationships Services Program (FRSP) which is jointly funded by the Attorney-General's Department and the Department of Families, Community Services and Indigenous Affairs.

FSA member organisations operate across more than 250 locations in city, suburban, regional and rural areas throughout Australia. These organisations are diverse in size and in their relationship to a broad range of not-for-profit community organisations. They may be, for example, associated with a Community Legal Centre, be an independent community based incorporated association or company, or part of a large church network. Many are also involved in the provision of State and Territory Government funded services including child protection, out of home care and family support programs.

There are a range of circumstances in which FSA member organisations work with older people within a legislative context, some examples include:

- Grandparents of children whose parents are undergoing or have experienced separation - this can also include relocation (where one parent moves away) and/or re-partnering (creating step or blended families) (*context: Family Law Act and decisions of the Family Court*);
- Older people experiencing relationship difficulties and separation - this is not uncommon when children leave home creating an 'empty nest' (*context: Marriage Act, Family Law Act*).
- Grandparents of children requiring out-of-home care, where the grandparent may or may not provide care (*context: State/Territory Child Protection legislation, Social Security Act*).

The Committee will be aware that the Australian Government's Family Law Reform Agenda has sought to better recognise and protect the relationship that children and young people experiencing parental separation have with their grandparents and extended family networks. It is difficult to evaluate the impact of recent changes to the Family Law Act at this early stage but anecdotal evidence suggests that grandparents are engaging more actively in dispute resolution processes following parental separation.

Family dispute resolution practitioners are increasingly engaging grandparents in the negotiation of post-separation parenting agreements and/or asking parents to consider the importance of maintaining

relationships between children and grandparents. FSA member organisations are also responding to the need to better support grandparents affected by the separation of their son or daughter through information, counselling and access to other supports. We have been particularly pleased to find that grandparents are accessing the Family Relationship Centres in higher numbers than we tend to see in other family relationship services.

More could be done to support grandparents affected by the relationship difficulties and/or separation of a son or daughter. Suggestions include:

- Community education (eg media campaign, pamphlets, website) to raise awareness of the effects of family conflict on children and the value of focusing on children's wellbeing during separation - including allowing children to maintain positive relationships across extended family networks.
- Targeted information for grandparents explaining the changes in family law, the role of grandparents in family law matters, where and how to access supports and services.
- Further research and training for practitioners to promote good practice in engaging extended family in family counseling and family dispute resolution across Indigenous and culturally and linguistically diverse population groups.

FSA member agencies also work with older people (usually grandparents but sometimes other relatives) that are providing regular care to children. This care may be provided as a result of decisions by the Family Court and/or State/Territory child protection agencies to remove children from parental care or it may be caring that is provided while parents are at work or temporarily unable to provide care due to health, mental health or drug and alcohol issues. The nature of support can be very diverse; this may include providing family counselling or relationship education, facilitating peer support groups or practical assistance with arranging respite care or child care etc. An example from one of our member agencies is *"we invite grandparents to attend a 'Keeping Children Safe' program, so they can get some insight as to why children may have been removed from their parents and the impacts and warning signs for them to watch for in the grandchildren. This provides the grandparents with some context of the trauma both children and parents may have experienced."*

Older people providing care to children have a range of needs including:

- Accurate information and advice, including assistance with family law and child protection processes;
- Access to supports and services such as child care and financial assistance;
- Support with parenting skills and managing difficult behaviour that children may have developed as a result of abuse, neglect or chaotic lives;
- Back-up care when sick or injured;
- Community education to reduce stigma and promote acceptance of grandparents as primary carers (eg school systems and community supports such as playgroups).

Despite there being some great examples of innovative practice in this area the support that is provided to grandparents tends to be ad hoc rather than systemic as there is a lack of specific funded programs and agencies lack capacity to dedicate the resources needed for this work. FSA believes that a more consistent focus on the needs of grandparents, coordinated at a national level would have a significant positive benefit for older people, their sons and daughters and most importantly their grandchildren.

Please don't hesitate to contact FSA if you would like us to explain or elaborate on any of the points made in this letter.

Yours Sincerely



Samantha Page  
Chief Executive Officer