

24 October 2008

Committee Secretary
Community Affairs Committee
Department of the Senate
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Parliament House
Canberra ACT 2600

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Dear Committee Members,

This written submission raises concerns about the impact of the *Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Bill 2008* ('the Bill') on Aboriginal children and families.

We welcome and respect the Australian Government's commitment to education for all children. However, we have concerns that the measures contained in the Bill would have an unjust and negative impact on Aboriginal children and families. Whilst we agree with the rationale behind the Bill, we believe that in practice it will not serve its intended purpose and will disproportionately affect Aboriginal communities, compounding existing school attendance problems that exist within these communities.

The Bill does not address the issues underlying non-enrolment and persistent non-attendance at school. Instead, it punishes parents, and in turn, their children, by depriving them of welfare payments and thereby perpetuating the cycle of poverty that causes non-attendance in the first place. Whilst it seems simple to make a link between parental responsibility and school attendance, non-attendance is often a manifestation of more complex issues. In the case of communities with significantly lower school attendance rates, the presence of such underlying issues cannot be ignored and will not be addressed by measures designed to punish through deprivation.

For many people in remote communities, poverty is a key factor in school attendance problems. Overcrowded housing in the Northern Territory and in other remote areas throughout the country makes having a routine and having space to prepare for school very difficult. Suspending or cancelling welfare payments will inevitably put additional strain on families and make it more difficult to establish the routine and stability that are essential for effective education.

Supportive and safe environments at home are also essential to ensuring regular attendance at school. Depriving families of welfare benefits will only make things worse. As is well documented, issues of drug, alcohol and child abuse are central to social dysfunction in many indigenous Australian communities. The Government must address these issues if it is to improve school attendance of Aboriginal children.

We submit that directing greater Government resources towards programs that encourage children to attend school through specialised family support networks is essential. We also believe that schools with high non-attendance rates, such as those in Aboriginal communities, must receive specialised support from the Government to help encourage attendance. Our concern

is that this Bill does not ensure much-needed support structures for families and for schools with special needs.

Finally, we believe that the Bill does not provide adequate guidance to the Secretary and his or her delegates in regards to administration of the proposed measures. Of particular concern are the use of broad and (apparently) undefined terms such as “reasonable steps”, “reasonable excuse” and “special circumstances” in assessing whether parents have done enough to ensure enrolment and attendance of their children at school. It is easy to determine whether parents have done all they can to ensure enrolment of their child at school. The issue we have is in assessing whether parents have done all they can to ensure their child’s *attendance*. Measuring reasonableness with respect to parental discipline and guidance is fraught with problems, and often children’s behaviour can belie efforts made by parents to steer them on the right track.

We stand opposed to the Bill and urge the Government to abandon it in favour of more effective measures to promote attendance at school.

We support the submissions of ATSILS (Qld), ACOSS, WA Aboriginal Legal Service, National Welfare Rights Network (ACT), Centrecare, Ms Julia Mansour, WACOSS and Australian Human Rights Commission.

Yours sincerely,

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