

Submission to the Parliamentary Inquiry into the Recognition of Unpaid Carers

About the writer

I am a psychologist with over 30 years experience in child welfare prior to 15 years in research and consulting. <https://findanexpert.unimelb.edu.au/profile/169314-meredith-kiraly> I have specialised in kinship care research, consulting and advocacy, and have an extensive publication record. I am currently engaged in an advocacy initiative regarding recognition and support for informal kinship carers, a large, hidden and unrecognised cohort. This submission relates to the lack of recognition accorded to kinship carers under the 2010 Carer Recognition Act. Research evidence to support the submission can be provided on request, and I would be pleased to discuss the issues outlined below further.

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Overview

Kinship Care is defined as ‘family-based care within the child’s extended family or with close friends of the family known to the child, whether formal or informal in nature (United Nations, 2010, page 6).’ In Australia, ‘formal kinship carers’ provide care under statutory orders of the State and Territory child protection services, and receive an associated kinship care allowance. ‘Informal kinship carers’ receive no care allowance.

Kinship carers are a little-recognised group with significant unmet needs for support. They are predominantly women, many single. Around half are grandparents; others include aunts and uncles, older siblings, other relatives, and friends or community members known to the family. Indigenous kinship care families are over-represented. Many grandparent carers have health issues; some are also caring for their own aged parents or spouses. Trauma within the family generates intrafamilial tensions and conflict. Research over 30 years has demonstrated that among the many issues they face, the overwhelming one is financial hardship, and for a large proportion, frank poverty. Indigenous kinship carers have an even greater level of poverty. Quotes from a large survey of kinship carers conducted by the Social Policy Research Centre, University of New South Wales (Brennan et al., 2013), include:

The major challenge is financial. It is a continual battle to make ends meet (page 97).

I have no other problems with my grandchildren, I love them dearly and they bring me so much joy, but I need money (Page 97).

I wish we didn’t have to raise our grandchildren ... with our retirement fund (page 100).

Kinship carers are largely invisible to the Federal Government. The lack of recognition for kinship carers is wide-ranging:

- Kinship carers are not recognised as **Carers**.
- Young kinship carers are not recognised for services to and benefits (e.g. scholarships) for **Young Carers**.
- Kinship carers are not recognised as **parents**. They are not eligible for parental leave and parental leave pay. They are not recognised as parents in relation to authority to access children's official documents such as Medicare cards and birth certificates, or to provide signed consent for children's medical treatment, school excursions or sports activities.
- Kinship carers are not recognised as **adoptive parents**, even when their role continues from the children's infancy until adulthood.
- Kinship carers who are not grandparents miss out on the (limited) entitlements for **grandparent carers**.
- Non-relative kinship carers (e.g. family friends) are not recognised as **foster carers**.
- Informal kinship carers are **not financially supported** by the States and Territories as formal kinship carers are.
- Informal kinship carers are not recognised as eligible to receive the **Double Orphan Benefit** unless both of the children's parents have died, or one parent has died and the other is missing or long-term incarcerated, even though many have similar levels of parental unavailability (e.g. both missing or in prison).

Terms of Reference of the Inquiry

House of Representatives Standing Committee on Social Policy and Legal Affairs will inquire into and report on the provisions and operation of the Carer Recognition Act 2010 (the Act) in relation to unpaid carers, with a view to reform through legislative amendment. Limited to the Objects of the current Act, the inquiry will have regard to:

- *The effectiveness of the Act and the associated Statement of Australia's Carers in raising recognition and awareness of the unpaid caring role, including its obligations on public service agencies*

Kinship carers are carers. They provide 24/7 care to the vulnerable sons and daughters of vulnerable adults whose parenting capacity has been impaired by mental illness and/or substance dependency, disability or other health issues.

The 2010 Commonwealth Carer Recognition Act does not recognise kinship carers. Kinship carers thus struggle to be visible, and are largely excluded from the services available from Carer Associations across Australia and other services for carers.

➤ **Developments in the policy landscape at Commonwealth level since the Act's passage in 2010**

1. **Every State and Territory of Australia has a Carer Recognition law.** However, recognition of kinship carers in State and Territory Carer Recognition legislation is fragmented and discriminatory. The Acts in NSW, SA, WA, Queensland and NT were in force before the 2010 Commonwealth Carer Recognition Act. None of these five Acts recognise kinship carers, however the later State or Territory Acts recognise specific subgroups of kinship carers, and one, the ACT Act, recognises all kinship carers.
 - The Queensland Carers (Recognition) Act 2008 was amended in November 2010 to include **all grandparent carers** in its definition of a carer.
 - The Victorian Carers Recognition Act was passed in 2012. Despite the formal definition of a Carer being someone who is not paid to provide care, the Victorian Act recognises **statutory kinship carers, but not informal kinship carers.**
 - The ACT Carers Recognition Act was passed in 2021. It recognises **all kinship carers** in its definition of a carer.
 - The Tasmanian Carer Recognition Act was passed in 2023. It recognises **informal kinship carers but not formal kinship carers.**
2. **The Parliamentary Friends of Grandparent Carers** has been established to hear from Australian grandparent carers and consider policy responses to the issues they raise. This Friends group has recently re-registered for the 47th Parliament. I have a meeting with the Co-Convenors on Tuesday 8 August 2023 to help plan activities going forward.
3. **The Senate Inquiry into Grandparents who take primary responsibility for raising their grandchildren** reported in 2014. Few of its recommendations were implemented. Relevant recommendations included:

8.7 • the Department of Social Services and the Department of Human Services initiate a comprehensive review of support provided to grandparents raising grandchildren. As part of the review:

- the Department of Human Services establish a sub-committee within the Older Australian Working Group to enable ongoing engagement with grandparents raising grandchildren.

8.20 The Australian Government, through the COAG process:

- convene a national forum specifically for grandparents raising grandchildren and their local support groups, non-government organisations and representatives from the Commonwealth, state and territory governments, and that this forum:
- **investigate a means of recognising the role and contribution of grandparents raising their grandchildren throughout Australia;** and
- **consider effective avenues for raising community awareness and understanding of the role and contribution of grandparents** who have the primary responsibility for raising their grandchildren.

8.34 The Third Action Plan 2015-2018 [of the National Framework for Protecting Australia's Children] to elevate the strategic and policy areas associated with grandparents raising grandchildren.

8.36 The COAG: • to affirm support for the **Commonwealth's Informal Relative Caregiver's Statutory Declaration**, with a view to implementing a consistent means of recognising informal grandparents raising grandchildren within and across jurisdictions.

➤ ***The effectiveness of existing state, territory and international recognition of unpaid care (statutory or other practice)***

New Zealand leads the way internationally in recognising the unpaid care of kinship children. The NZ national government recognises the right of all children in statutory or informal kinship care arrangements to financial support through the **Unsupported Child's Benefit** paid to kinship carers. <https://www.workandincome.govt.nz/products/a-z-benefits/unsupported-childs-benefit> This benefit lifts these very vulnerable children and their carers out of poverty.

➤ ***How to better identify the role of unpaid carers in Australian society and the role of a reformed Act, with regard to:***

- ***understanding the value of unpaid care,***
- ***the needs of specific cohorts such as young carers, First Nations carers, LGBTIQ+ carers, or culturally and linguistically diverse carers,***
- ***the meaningful role that flexible workplaces play in unpaid care, and***
- ***the Government's broad agenda in relation to the care and support economy, the importance of employment participation, and a strong focus on gender equity.***

Informal kinship carers are a specific cohort of unpaid carers who need recognition and support. Most (over 90%) are women.

Informal kinship carers face unique challenges in managing often-competing demands of care and work. Children in their care frequently have additional needs requiring additional attention from their carers. Some carers need to cut back hours to provide adequate care for children. Some are unable to participate in the workforce due the needs of the children in their care or the lack of alternative childcare. Others find that they need to move to full-time work to generate income. Barriers to workforce participation include the cost of childcare and a lack of recognition of their status as a parent. They need access to parental leave and flexible working arrangements.

I conducted the first-ever study of young kinship carers in Australia (Kiraly, 2020; Kiraly, Humphreys, & Kertesz, 2021; Kiraly & Kertesz, 2021). Of 40 young kinship carers interviewed, most were young women who had put their employment or studies on hold to provide care to vulnerable children. Some were also parenting their own children, resulting in large households. Financial stress and inadequate housing were commonly mentioned stressors for the carers and children. (Deidentified) quotes from these young carers include:

*<What do policymakers need to know?> That we exist, and it's not just grandparents.
(Mandy, 30)*

I feel we are kind of marginalised in the sense that it's abnormal, so it's almost as if we don't exist. (Nicki, 23)

Not to ignore [us] I think. Because everything says that it's aimed at grandparent carers, it leaves us elsewhere. (Danielle, 27)

Just the fact that we do exist, or the fact that just because we are younger doesn't mean we can't do this. (Olivia, 29)

Our lives essentially get put on hold. I don't think they realise there's a lot of restrictions when we take on the kids, so you just hit this one spot until the children are old enough or things change. It puts your life on hold, it makes you feel lonely ... (Noelle, 29)

Any other related matters, noting that the adequacy of payments for carers is out of scope for this inquiry.

Recommendations

1. That the Federal Government amend the Carer Recognition Act 2010 to recognise kinship carers as a specific group of unpaid carers with particular needs.
2. That the Minister for Social Services and the Minister for Government Services consider how recognition of kinship carers can raise awareness of their valuable unpaid caring role and ensure that public service agencies develop policy to support them in this role accordingly.

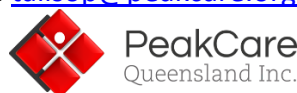
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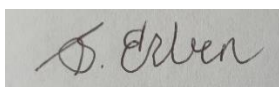
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