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Ms Megan Mitchell
National Children's Commissioner

By email to: kids@humanrights.gov.au

1 June 2018

Dear Ms Mitchell,

Submission reflecting on the state of children's rights in Australia

Thank you for the opportunity to contribute to this important review.

FamilyCare is the main provider of child and family services in the Goulburn Valley and West Hume Region of Victoria. FamilyCare commenced operations in 1984, has its base in Shepparton with offices in Wallan, Seymour and Cobram and an outreach presence in Kinglake, Alexandra and Kilmore. The Agency employs around 110 staff and involves 60-70 volunteers.

FamilyCare also provides targeted aged-care and disability support services, particularly for carers, as well as a variety of innovative community development activities. On issues relevant to FamilyCare's clients and when practical to do so, FamilyCare contributes to public policy discussions and debates.

Our main peak body for child and family services activities is the Melbourne-based Centre For Excellence in Child and Family Welfare (CFECFW). We have been provided with a copy of the CFECFW submission and would like to endorse the views the Centre has expressed on behalf of its membership.

There is an issue the CFECFW has raised in its submission on which we would like to make further comment. It relates to the basic health and welfare provisions in the United Nations Convention on the Rights of the Child.

In May 2011 the Commonwealth Government announced a series of place-based welfare reform trials in ten communities around Australia. Shepparton and Hume were the only two trial sites in Victoria. Shepparton is the only Victorian community also subject to a trial of Income Management. The Place-based trials have evolved since their commencement, however some features have remained consistent, including:

- Many of the reform activities are mandatory for prescribed benefit recipients and deliver penalties including the suspension or cancellation of benefits for non-compliance; and
- Single parents, often with very young children, have been disproportionately impacted by the trials.

The CFECFW referred directly to the *ParentsNext* program, which is one of the Shepparton trial activities. *ParentsNext* is about to undergo some changes but as currently configured, parents in Shepparton who have children aged between six months and six years of age and who have been unemployed for more than six months, will generally be required to participate. Those parents must engage with a *ParentsNext* provider and develop and stick to a mandatory participation plan. Failure to engage, or meet participation plan commitments can result in the suspension or cancellation of Parenting Payments.

There is limited data available on the prevalence or impacts of suspensions. We are however aware that they have occurred and self-evidently, reducing some or all of an already limited income would cause significant additional stress. Parenting Payment is primarily intended to provide support for the care of children. In FamilyCare's view there is no safe or appropriate way to suspend or cancel that payment. Action of that type places children in the care of the penalised parent at increased risk.

In our child and family services work and in particular as regional host of the Child FIRST Alliance and intake / assessment system, FamilyCare and its staff are acutely aware of always acting in the best interests of children. The main Victorian legislation, *The Children, Youth and Families Act 2005*, sets out the Best Interest Principles, at section 10. Factors relevant to determining action to be taken in the best interests of children include:

- Section 10(3)(a) the need to give the widest possible protection and assistance to the parent and child as the fundamental group unit of society and to ensure that intervention into that relationship is limited to that necessary to secure the safety and wellbeing of the child;

- Section 10(3)(j) the capacity of each parent or other adult relative or potential care giver to provide for the child's needs and any action taken by the parent to give effect to the goals set out in the case plan relating to the child.

We submit that conditional welfare programs which threaten the financial capacity of parents will impact the wellbeing of children. There is, as far as we are aware, limited and inconclusive evidence that the threat or actuality of financial penalty is a useful way to make or sustain change. Nor has there been any genuine commitment to test alternatives, for example encouragement and reward, rather than obligation and penalty.

There are many ways in which children growing up in Australia benefit from systems and supports that are amongst the best in the world. The growth and expansion of conditional welfare programs are however placing children in already vulnerable families at increased and entirely preventable risk.

Yours sincerely,



David Tennant
Chief Executive Officer