

15<sup>th</sup> December 2010

Committee Secretary  
Senate Legal and Constitutional Committee  
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Submission regarding the *Inquiry into the Commonwealth Commissioner for  
Children and Young People Bill 2010*

The National Council of Single Mothers and their Children Inc (NCSMC) supports the establishment of an independent statutory body. It is NCSMC's understanding that the Commonwealth Commissioner for Children and Young People would advocate at a national level for the needs, rights and views of people below the age of eighteen.

About Us

The National Council of Single Mothers and their Children has played a pivotal role since its conception in the early 1970`s. The Council has become a platform whereby both community and government can communicate; it has lead the way in obtaining a range of beneficial outcomes for families; has actively sought to reduce systemic prejudice; continually challenges existing norms, and over many years has achieved improved opportunities and outcomes for single mothers and their children.

One of our greatest strengths is our expertise and commitment in working with and for the advancement of women and children due to poverty, violence, exclusion and gender inequality. NCSMC has advocated for equality of opportunity, financial security and access to justice, legal and human rights.

NCSMC would be available to provide oral evidence or offer any other information as requested.

Regards,

*Terese Edwards*  
Chief Executive Officer



NCSMC believes the following have significant merit:

1. The promotion of the rights of children and young people.
2. The monitoring and review of laws, policies and practices which impact on service provision for Children and Young People.
3. The proposition that the approach needs to be expansive and encompasses not only neglect and abuse, but the broader concepts of overall safety and wellbeing for children and young people.
4. A body to ensure that Australia upholds its responsibility as a signatory to the United Nations Convention on the Rights of the Child and all international obligations in legislation.
5. Regardless of the citizenship or residency status for children and young people, some of the key functions should include:
  - a. Providing national leadership in monitoring and advocating for the well being of Australian children and young people;
  - b. Reviewing existing laws; proposing new policies; and conducting research;
  - c. Promoting and protecting the rights of children and young people in immigration detention, and acting as the legal guardian of unaccompanied minors who arrive in Australia without the requisite visa;
  - d. Promoting strong education programs and standards to ensure the wellbeing of our children and young people.
6. A defined and major focus for Indigenous children and young people.



The following recommendations would enhance the *Commissioner for Children and Young People Bill 2010*.

Establishment recommendations:

(1) Federal and State-relationships

The Bill needs to be considerate of the already established state-based Commissioners and Guardians for Children and Young People. It is important that there are not any unintended Federal-State consequences and roles and boundaries are defined. Clarity will support the collective capacity rather than duplication.

(2) Human Rights

The Commonwealth Commissioner for Children and Young People should be situated in the Australian Human Rights Commission signalling a human rights agenda. This would support the commissioner's responsibility in ensuring that the full range of human rights such as civil, cultural, economic, political and social are upheld.

Critical national policy recommendations:

(3) Voice of the child in the context of family violence

There is significant, consistent and contemporary evidence as commissioned by the Attorney General that presents the views of children in the context of family violence and parenting arrangements. It is important that children and young people have a voice and that their needs and considerations are elevated in the parenting arrangements. Research indicates:

- Children wanted to have their voice heard. Children who were not happy with their share cared arrangement pointed to the difficulties of living unsupervised with the parent whose behaviour seemed unpredictable or violent, and a frustration that their concerns for their safety had not been listened to in the separation process<sup>1</sup>.
- Furthermore, for many children and adolescents how happy they were with their arrangement was associated with their perception of their say.
- Children who felt they had some say in the arrangements were the happiest with the arrangements than those who had not<sup>2</sup>.

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<sup>1</sup> Family Violence and Family Law in Australia (The experience and views of Children and Adults from families who separated post-1995 and post-2006), April 2010 p181, Bagshaw D; Wendt S; Campbell A; McInnes E; Tinning B; Batagol B; Sifris A; Tyson D; Baker J; Fernandez Aria P.

<sup>2</sup> Shared Care Parenting Arrangements since the 2006 Family Law Reforms, May 2010 p124, Social Policy Research Centre NSW

#### (4) Childhood Poverty

Adequacy of income support for children and young people should be central to the role of the Commissioner for Children and Young People. This need is essential given the absence of a national anti-poverty plan. NCSMC is concerned about the level and impact of childhood poverty. According to the *ACOSS Poverty Report*, 12% of Australian children, which is over 500,000 children, lived in households with equivalent income less than 50% of the median<sup>3</sup>.

Poverty in early childhood has been identified as the single most important contributing factor to adverse outcomes for children. Severe poverty in a household with young children translates to the following circumstances<sup>4</sup>:

- a. Inability to purchase nutritious food. Developing children skip meals, eat low nutrition cheap and unhealthy foods such as cordial, packet noodles and white bread, proudly counting as a skill that they have learned not to be hungry. ABS data (2007, p.75) identifies that 6% of one parent families with dependent children went without meals compared to 1% of couple families with children.
- b. Inability to purchase prescribed and pharmacy medicines. Children's illnesses and chronic health problems go untreated.
- c. Loss of utilities due to non-payment of bills and reconnection and debt collection fees means living without electric lighting, hot water, refrigeration, cooking facilities, temperature control and washing machine. This makes it difficult to prepare home-cooked meals, wear clean clothes, stay warm, and do homework at night. ABS data (2007, p. 75) notes that 34% of sole parent families with dependent children were unable to pay utilities bills on time, compared to 12% of couple families with dependent children. Inability to pay rent leads to loss of housing, couch-surfing, sharing house with other adults, sleeping in a car, sleeping in shelters.
- d. Children accompanying homeless parents are the largest group turned away from emergency housing according to SAAP data.
- e. Inability to participate in the community due to lack of private transport, poor public transport and the difficulty of using public transport with young children.

The impact of poverty and its adverse outcomes, as detailed above, combine to inhibit children's optimum development and create an environment of chronic stress which in turn inhibits learning and social and emotional development<sup>5</sup>. This is manifesting in the rising number of young children being excluded or restricted from early childhood education and care services due to behavioural problems.

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<sup>3</sup> Poverty Report, October 2010, The Australian Council of Social Services

<sup>4</sup> Australian Bureau of Statistics, (2007) General Social Survey Australia, Catalogue Number 4155.0, Canberra, AGPS

<sup>5</sup> Evans G. and Schamberg M, (2008) Childhood poverty, chronic stress, and adult working memory