

**The Parliament of the Commonwealth of Australia**

**CHILDREN IN INSTITUTIONAL AND OTHER FORMS OF CARE**

**A NATIONAL PERSPECTIVE**

**Report of the Senate Standing Committee on Social Welfare**

**JUNE 1985**

Australian Government Publishing Service  
Canberra 1985

© Commonwealth of Australia 1985  
ISBN 0 644 04095 5

## MEMBERS OF THE COMMITTEE

34th Parliament\*

|                               |                              |
|-------------------------------|------------------------------|
| Senator R.C. Elstob           | (South Australia) (Chairman) |
| Senator M.S. Walters          | (Tasmania) (Deputy Chairman) |
| Senator F.I. Bjelke-Petersen  | (Queensland)                 |
| Senator P.F.S. Cook           | (Western Australia)          |
| Senator R.A. Crowley          | (South Australia)            |
| Senator P.J. Giles            | (Western Australia)          |
| Senator the Hon. A.J. Messner | (South Australia)            |
| Senator G. Sheil              | (Queensland)                 |

### *Secretary*

C.J. Shrosbree

The Senate

Parliament House

Canberra

(Telephone 062-726709)

*\* Former members of the Committee during the inquiry were Senators N. Bonner (Queensland), D.J. Grimes (Tasmania), J. Haines (South Australia) and B.F. Kilgariff (Northern Territory).*

## CONTENTS

|   | <i>Page</i> |
|---|-------------|
| <i>Terms of reference and conduct of the inquiry</i>  | vii         |
| <i>Recommendations</i>  | ix          |
| <br>  |             |
| <b>CHAPTER 1 INTRODUCTION</b>   | 1           |
| • Range of substitute care services   | 1           |
| • Number and characteristics of children in substitute care   | 2           |
| • Reasons for the placement of children in substitute care  | 5           |
| • Incidence of child abuse  | 7           |
| • Legal status of children in substitute care   | 8           |
| • Cost of substitute care   | 9           |
| <br>  |             |
| <b>CHAPTER 2 CHANGING ATTITUDES AND APPROACHES TOWARDS INSTITUTIONAL AND OTHER FORMS OF SUBSTITUTE CARE</b> | 13          |
| • Historical background   | 13          |
| • De-institutionalisation and other changes in public policy  | 13          |
| • Development of preventive policies  | 15          |
| • Changing approaches towards the treatment of Aboriginal children in care                                  | 17          |
| • Changing approaches towards the treatment of disabled children in care                                    | 19          |
| • Changing approaches towards the treatment of young offenders in care                                      | 21          |
| <br>  |             |
| <b>CHAPTER 3 ROLE AND RESPONSIBILITY OF THE COMMONWEALTH GOVERNMENT</b>                                     | 24          |
| • Development of the Commonwealth's role  | 24          |
| • Constitutional basis for the Commonwealth's role  | 25          |
| • Present forms of Commonwealth Government assistance   | 28          |
| <br>  |             |
| <b>CHAPTER 4 ADOPTION AND FOSTER CARE</b>   | 33          |
| • The practice of adoption  | 33          |
| • The practice of foster care   | 35          |
| <br>  |             |
| <b>CHAPTER 5 INSTITUTIONAL CARE</b>   | 43          |
| • Trends in the number of children in institutional care  | 43          |
| • Types of institutional care   | 45          |
| • Children in non-government institutional care   | 46          |
| • Children in government institutional care   | 47          |
| • Future role of institutional care   | 48          |
| • Educational needs of children in institutional care   | 51          |

|                  |   |                   |
|------------------|---|-------------------|
| <b>CHAPTER 6</b> | <b>EFFECTIVENESS OF PRESENT SUBSTITUTE CARE ARRANGEMENTS</b>  | <i>Page</i><br>57 |
|                  | • Evaluation of substitute care services  | 57                |
|                  | • Adequacy of statistics  | 58                |
|                  | • Quality of substitute care  | 59                |
|                  | • Funding of substitute care  | 60                |
|                  | • Application of assessment and planning procedures   | 61                |
|                  | • Integration of services   | 64                |
|                  | • Exchange of information and conduct of research   | 65                |
| <br>             |   |                   |
| <b>CHAPTER 7</b> | <b>THE CHILDREN'S SERVICES PROGRAM AND PREVENTIVE SERVICES</b>  | 68                |
|                  | • Range of services   | 68                |
|                  | • Early childhood services and services for school-aged children  | 69                |
|                  | • Services for children with special needs  | 70                |
|                  | • Family Support Services Scheme  | 70                |
|                  | • Effectiveness of the Children's Services Program  | 71                |
| <br>             |   |                   |
| <b>CHAPTER 8</b> | <b>CONCLUSION</b>   | 75                |
|                  | • Requirements of children remaining in substitute care   | 75                |
|                  | • Possible repercussions of recent government initiatives   | 76                |
|                  | • Need for the co-ordination of welfare services  | 80                |
|                  | • Establishment of a national children and families commission  | 81                |
| <br>             |   |                   |
|                  | <b>Dissent by Senators F.I. Bjelke-Petersen,<br/>the Hon. A.J. Messner, M.S. Walters and G. Sheil</b>                                   | 89                |
| <br>             |   |                   |
|                  | <b>APPENDIXES</b>   |                   |
| 1.               | Witnesses   | 92                |
| 2.               | Organisations and individuals who presented written submissions to the Committee  | 95                |
| 3.               | Substitute care centres and agencies visited by the Committee   | 98                |
| 4.               | Statistics relating to children in substitute care  | 99                |
| 5.               | Commonwealth financial assistance available to families with dependent children   | 110               |
| 6.               | Commonwealth financial assistance available to organisations and individuals providing institutional and other forms of substitute care | 114               |
| 7.               | Development of the Commonwealth's role in the provision of child care and family support services 1972-1985                             | 117               |
| 8.               | United Nations Declaration of the Rights of the Child   | 120               |

## TERMS OF REFERENCE AND CONDUCT OF THE INQUIRY

On 27 May 1982 the Senate referred the following matter to the Committee for inquiry and report:

an examination of children under institutional and other forms of care, with particular reference to:

- the overlap between Commonwealth and State responsibility in the care and protection of young people up to 18 years of age;
- the types of care available;
- the role of institutional care;
- the changing direction of and attitudes towards institutional care;
- the alternatives to institutional care;
- the type of youth in care;
- the legal status of young people;
- the cost of care;
- the circumstances behind the placement of youth in care;
- the effect of care on young people; and
- Aboriginal youth in care.

At the time, the Committee noted that although a number of investigations into this area had been undertaken recently at the State level, little work had been carried out on a national basis. It considered that in view of the changing nature of substitute care generally and the national importance of the future welfare of children, an inquiry of this nature was both warranted and timely. The Committee also had a particular interest in this field because its previous inquiry into homeless youth (1982) had revealed that a large number of youth with a background of institutional care subsequently became homeless.

The inquiry was advertised in the national press on 29 June 1982 and individuals and organisations were invited to submit their views to the Committee. The Committee also sought written submissions from relevant Commonwealth, State and Territory government departments and authorities, non-government welfare agencies, private care institutions and associations, and others. Over 150 submissions were received and considered by the Committee together with a large volume of supporting material.

Public hearings were held in Sydney on 15 November 1982 and Melbourne on 26 November 1982. On 4 February 1983 the proceedings of the Committee were suspended as a result of the double dissolution of the Commonwealth Parliament. The Committee was re-established in the new Parliament on 21 April 1983 and on 5 May the Chairman of the new Committee, Senator Ron Elstob, announced in the Senate that the Committee had resolved to continue the uncompleted inquiry. The Committee's program of public hearings resumed in June 1983 in Adelaide; subsequent hearings were held in Perth and Hobart in July and August respectively.

On 6 September 1983 the Committee received an additional reference from the Senate. Further proceedings in connection with the inquiry into children in institutional care were deferred while arrangements were made to conduct the two inquiries concurrently. As an interim measure, the Committee formed a Sub-committee to continue the institutional care reference. The Sub-committee held public hearings in Canberra and Brisbane in October 1983 and in Melbourne during the early part of 1984. A total of nine public hearings was held during the inquiry.

As part of its investigations the Committee visited residential care centres in the States and held informal discussions with many groups and individuals, including children, their parents, foster care agencies and foster parents, residential care administrators and staff, and others.

The transcript of formal evidence taken at the public hearings is available for inspection at the Senate Committee Office, the Australian National Library and the

Commonwealth Parliamentary Library. Witnesses who appeared before the Committee are listed in Appendix 1. Individuals and organisations who presented written submissions to the Committee are listed in Appendix 2. A list of centres visited by the Committee and Sub-committee is given in Appendix 3.

### **Acknowledgements**

The Committee acknowledges the co-operation and assistance provided by all witnesses who gave evidence at public hearings and by others who contributed to the inquiry through written submissions. It also records its appreciation of the assistance provided by children in institutional and other forms of care, their parents or foster parents, and other individuals and organisations concerned with the provision of substitute care as well as government and non-government agencies directly responsible for the delivery of care services.

## **RECOMMENDATIONS**

The Committee recommends that:

### **Foster Parents' Allowance —**

1. the Commonwealth Government introduce a national foster parents' allowance to replace existing allowances for foster parents. *(paragraph 4.25)*
2. the national foster parents' allowance —
  - a) fully compensate foster parents for the cost of maintaining children placed in their care;
  - b) be automatically indexed on a regular basis in line with variations in the cost of living; and
  - c) include a separate component representing the Family Allowance that would otherwise be payable to the foster child's natural mother or father. *(paragraph 4.25)*
3. the Minister for Social Security in consultation with State and Territory Ministers responsible for child welfare matters determine appropriate administrative arrangements for the payment of the national foster parents' allowance. *(paragraph 4.25)*

### **Children in Residential Institutions Program —**

4. in determining an organisation's eligibility for funding under the Children in Residential Institutions Program, the Commonwealth Government require State and Northern Territory education departments to place greater emphasis on (a) projects that encourage and assist children in institutional care to participate in education or training at least until they have completed a full secondary education or its equivalent; and (b) projects that prepare and equip those leaving residential institutions with independent living skills. *(paragraph 5.40)*

### **Evaluation of substitute care services —**

5. the Commonwealth Government promote the evaluation of substitute care services by assisting State and Territory government and non-government welfare departments and agencies to determine appropriate evaluation criteria and develop procedures for the establishment and maintenance of on-going evaluation programs. *(paragraph 6.5)*

### **National statistics of children in substitute care —**

6. the Minister for Community Services, through WELSTAT, give priority to the expansion of the present range of statistics on the characteristics of children in substitute care to include data on such matters as the reasons for children being placed in care (i.e. apart from whether they are placed in care because their welfare is at risk or because they have committed an offence), the duration of care arrangements, the number and nature of successive admissions, and the outcome of substitute care placements. *(paragraph 6.9)*



### **Training programs for substitute care personnel —**

7. the Commonwealth Ministers for Community Services and Education, in consultation with State and Territory Ministers responsible for child welfare matters and non-government welfare organisations —
  - a) investigate the needs of government and non-government substitute care agencies for both pre-service and in-service training for personnel;
  - b) review existing pre-service substitute care training courses and programs in technical and further education institutions and other tertiary institutions and, where necessary, support the development and implementation of suitable diploma and certificate courses; and
  - c) examine the need for government financial assistance to meet the cost of replacing substitute care personnel participating in in-service activities and determine the most appropriate means of providing support for staff release and the replacement of staff attending in-service training programs.

*(paragraph 6.12)*

### **Assessment and planning of substitute care placements —**

8. the Commonwealth Minister for Community Services seek the co-operation of State and Territory Ministers responsible for child welfare matters and non-government welfare agencies to establish a set of universally acceptable guiding principles for (a) the initial and continuing assessment of children requiring substitute care and (b) the development of a planned approach towards the placement of children in care.
9. the Commonwealth Government introduce a special substitute care grants program to assist government and non-government welfare agencies in the implementation of proper assessment and planning procedures for the placement of children in substitute care, including the design and maintenance of appropriate client data collection, storage and retrieval systems.

*(paragraph 6.25)*

### **Dissemination and exchange of information —**

10. the Minister for Community Services seek the co-operation and assistance of State and Territory Ministers responsible for child welfare matters and non-government welfare agencies in devising appropriate mechanisms for promoting the dissemination and exchange of information concerning new developments and exemplary practices in the provision of institutional and other forms of substitute care (e.g. through the establishment of a national clearinghouse for studies related to children in substitute care and the joint sponsorship of regular national seminars, workshops or conferences).

*(paragraph 6.33)*

### **Family Support Services Scheme —**

11. the Family Support Services Scheme be continued and expanded by the Commonwealth Government.

*(paragraph 7.20)*

### **The Child Care Act 1972 —**

12. the *Child Care Act 1972* be either amended or replaced to reflect more accurately the Commonwealth's present and future role and policy direction in the provision of assistance for child care and associated family support services.

*(paragraph 7.23)*

### **Establishment of a national children and families commission —**

13. the Commonwealth Government introduce legislation providing for the establishment of a national statutory authority to be known as the Australian Children and Families Commission to advise the Government on matters of policy concerning the development of welfare programs for children and families, and to develop strategies to improve the overall planning and co-ordination of such programs in co-operation with other Commonwealth departments, State and Territory governments, local government authorities and non-government agencies responsible for the provision of these programs.

*(paragraph 8.41)*
14. the Australian Children and Families Commission be directly responsible to the Commonwealth Minister for Community Services.

*(paragraph 8.41)*
15. the Commission comprise no more than nine members, including two representatives of State or Territory government welfare authorities, two representatives of the non-government sector, one Aboriginal representative, two representatives from other client groups, one representative with specialist qualifications, and a chairman appointed by the Minister for Community Services.

*(paragraph 8.42)*
16. the Commission consult regularly with interested community groups and organisations, and establish an appropriate consultative mechanism for this purpose.

*(paragraph 8.43)*
17. in addition to providing advice on child and family welfare policy matters and developing strategies to improve the planning and co-ordination of welfare programs, the Australian Children and Families Commission have the following functions:
  - a) the development of a set of guiding principles and national goals for the promotion of the well-being of children and families;
  - b) the on-going assessment of the effect on family functioning, including the economic status of families, of Commonwealth, State and Territory legislation and programs of family support;
  - c) the provision of advice to the Minister for Community Services on the effectiveness of such legislation and programs, including the formulation of recommendations relating to —
    - (i) the development of improved methods of family support, including measures aimed at preventing family disruption, and
    - (ii) the allocation of financial assistance to government and non-government organisations for the development, establishment and maintenance of appropriate specific purpose programs for children with particular needs such as those in institutional and other forms of substitute care, children who have offended against the law, homeless children, children who are victims of abuse, and children disadvantaged through intellectual or physical disability, ethnic or cultural background, or geographical isolation;
  - d) the provision of technical assistance and advice to the States and Territories for the evaluation of children's welfare programs and associated community services for families;
  - e) the conduct, promotion and co-ordination of research, together with the exchange of ideas and the dissemination of information, in relation to developments occurring within the child and family welfare field both in Australia and overseas; and

- f) the continuing review of the education and training needs of persons involved in the delivery of child and family welfare programs. *(paragraph 8.44)*
- 18. the Institute of Family Studies be incorporated as the research arm of the Australian Children and Families Commission. *(paragraph 8.44)*

## CHAPTER 1

### INTRODUCTION

**1.1** Institutional and other forms of care represent the organised provision of alternative or substitute parental care for children by adults other than a child's parents. Substitute child care arrangements available within the community range from baby-sitting, occasional, part-time and full-day care at one extreme to full-time, long-term and permanent substitute care at the other extreme. The former type of care is regarded as temporary and is provided for children who reside permanently with their parents, whereas the latter arrangements provide care for children without parents or children whose parents, for various reasons, are unable to support them. Thus, at one end of the continuum of alternative forms of parental care, substitute child care services are designed to complement parental care while, at the other extreme, services are intended to replace parental care.

**1.2** For the purposes of this report, the Committee has limited the term 'substitute care' to the provision of care for children on a more or less full-time basis that in effect replaces parental care and in which primary responsibility for the day-to-day care of a child is assumed by persons other than the child's parents. This may include adoption, short-term or long-term foster care and institutional care.

**1.3** It can be argued that child care services such as those provided through a crèche or similar establishment constitute forms of institutional care in that children are cared for regularly and for a large part of their early life in an institutional setting. At some stage in the care of their children, many parents will seek the assistance of this type of part-time 'institutional care' either on a regular or irregular basis. For some parents, however, certain factors give rise to the need for longer-term or full-time 'substitute care', whether through adoption, fostering or institutionalisation.

**1.4** The Committee has chosen to use the term 'substitute care' in preference to the commonly-used term 'out-of-home care' because it believes the latter term carries with it an implication that alternative forms of full-time care for children are not provided in family homes or home settings but are confined to care in institutions. The Committee also wishes to express its concern at the outset of the report at the fact that the term 'institutional care' still bears negative connotations acquired in the past and that, as a result, both institutions and the children residing in them continue to suffer from a degree of stigmatisation. The Committee does not believe this view of care for children in institutional establishments is warranted: on the contrary, it considers that institutional care plays a valuable role within the wider spectrum of substitute care services and that there is a continuing need for this form of care by some children.

**1.5** Finally, for the purposes of its inquiry, the Committee has defined a child as a person who is under the age of 18 years and an adult as a person aged 18 years and over.

#### **Range of substitute care services**

**1.6** The types of substitute care services available for children in Australia in part reflect the purposes for which care is provided. The role of substitute care may be either protective or corrective or a combination of both. While there is a range of alternatives, it is not necessarily true to say that the range is available to all children or that each child is placed in the most appropriate type of care. The range of available substitute care alternatives reflects government policy, bureaucratic practices, prevailing ideology and the need for short-term or long-term placement.

**1.7** The main forms of protective care are adoption, foster care, and institutional care. Other forms of protective care are provided by relatives or friends who are not a child's legal guardians; through independent living in publicly provided accommodation where supervision or contact with welfare agencies may be minimal or unnecessary; and through youth refuges which provide emergency or crisis accommodation for children on a temporary basis. These latter facilities are typically utilised by older homeless children who need refuge, advice and assistance to help them establish a more stable life position. Corrective care is normally provided through institutional care either in juvenile corrective institutions or prisons although recent initiatives in this area to develop community-based alternatives reflect a growing trend towards prevention and rehabilitation as opposed to correction.<sup>1</sup>

### **Number and characteristics of children in substitute care**

**1.8** It is not possible to state with any degree of accuracy the total number of children placed in substitute care in Australia as statistics collected by various agencies at the national level such as the Australian Bureau of Statistics and the Department of Social Security vary considerably.<sup>2</sup> Data compiled by the Bureau of Statistics reveal that in 1984 there were at least 30 309 children living in some form of substitute care. As at June 1984 this figure represented 9757 children in foster care, 7258 children in institutional care, and 1133 children under the guardianship of the State or under other official orders who were either in the care of adults other than their parents or relatives, or were living independently. Also included in the overall figure were 2770 children who were adopted during the year 1983-84, and 9391 children under the guardianship of the State or under other official orders who, at June 1984, were recorded as living with their parents or other relatives. This latter figure should be treated with caution as it is not known what proportion of children in this category were in fact living with relatives other than their parents, and who would therefore be classified as being in an alternative form of parental care. Further details of the number of children in substitute care are provided in Tables 1-4, Appendix 4.

**1.9** As there is often considerable movement of children in substitute care, particularly in foster care and institutional care, with some returning home to their parents, some being adopted and some older children becoming self-supporting, the annual caseloads of substitute care organisations are probably significantly higher than the official population of children in care at any one time would indicate. Furthermore, the above figures relating to children living in the care of relatives or friends or living independently apply only to children under State guardianship or other official orders. Because not all children in these forms of substitute care are placed under government or other orders, the available data on these children do not provide a true representation of the incidence of children relying on the care of relatives or friends or living independently.

**1.10** While it is difficult to be precise about the number of children in substitute care at any one particular point in time, it is clear there has been a continuing downward trend in the number of children being placed in substitute care during the last decade or so. The Committee has estimated that, on the basis of figures published by the Australian Bureau of Statistics, the Department of Social Security and State welfare departments, the overall number of children available for adoption or being placed in foster care or institutional care has fallen from approximately 39 600 in 1972 to 22 500 in 1984.<sup>3</sup> Similarly, the number of children placed under the guardianship of the State has declined. Figures prepared by the Bureau of Statistics and the Social Welfare Research Centre at the University of New South Wales<sup>4</sup> show that the number of children under State guardianship in 1972 was 26 846 or an estimated rate of 5.9 per thousand of the population under 18 years of age compared with 22 661 in 1979 (5.1 per thousand),

18 566 in 1980 (4.2 per thousand), 17 259 in 1981 (3.8 per thousand), and 16 395 in 1982 (3.6 per thousand).<sup>5</sup> This decrease has, however, varied considerably between the States. As shown in Table 5, Appendix 4, South Australia achieved the greatest decrease with a reduction of nearly two-thirds of its population under guardianship between 1972 and 1982. This was followed by Western Australia and Victoria with reductions of 52 per cent and 48 per cent respectively. By comparison, the size of the population under guardianship in Queensland remained relatively static throughout this period.

**1.11** It is worth noting that while there has been a decline in the number of children placed under the guardianship of the State in Australia there has been an increase in the number of children under State guardianship in the United Kingdom as well as in the United States of America.<sup>6</sup> It is also significant that the proportion of children under the guardianship of the State in Australia is almost half that of the rate for England and Wales. It has been suggested that these variations are due in part to the fact that State governments in Australia take a more favourable view of the family as a child-rearing institution than their British counterparts, and that greater prominence has been given to coercive intervention by local welfare authorities in the United Kingdom than has been the case in Australia.<sup>7</sup>

**1.12** Statistics of children in other categories of care also reflect a decline in the incidence of substitute care placements. Data from the Australian Institute of Criminology show that the number of children in juvenile corrective institutions has declined from 1824 as at 1 July 1977 to 985 as at 30 June 1984.<sup>8</sup> Other figures show that the number of children under guardianship in prison has fallen from 73 in 1980 to 21 in 1982.<sup>9</sup> In recent years there has also been a reduction in the number of children with disabilities entering residential care.<sup>10</sup>

**1.13** Apart from generalised observations about the type and nature of children entering care, there is little official data of a comprehensive, comparable and conclusive nature available at the national level concerning the basic characteristics of children in substitute care. As a result, the Committee can only make tentative conclusions in this area. Children are admitted to substitute care at all ages from birth to adolescence. They may be placed in care individually or as members of small or large sibling groups. They range from normal functioning children to children with severe behavioural, physical, intellectual, educational and social disorders. Of those placed under the guardianship of the State, there are almost twice as many boys as girls. Likewise, of those children placed in juvenile corrective institutions and prisons, the vast majority are boys. On the other hand, many more girls than boys are placed in institutional care in their teenage years for status offences.<sup>11</sup>

**1.14** Evidence suggests there have been a number of significant changes in the characteristics of children coming into substitute care in recent years. Today children tend to be older, entering care at the age of at least 10 years rather than in the middle childhood years of six to eight or earlier as has been the previous pattern. It is also apparent that today many more children come from broken or blended families.<sup>12</sup> The proportion of children who have severe behavioural problems, are emotionally disturbed, or have particular disabilities also appears to have increased. This is especially the case for children entering institutional care.

**1.15** In 1982 the Victorian Department of Community Welfare Services stated that children requiring residential placement in the 1980s appeared to need more intensive care and treatment than the residential care population of ten years ago.<sup>13</sup> Comments made to the Committee by residential care staff in most States visited supported this view. Others have noted that the level of handicap and disability present in residents in institutions for the disabled has also increased over the last decade.<sup>14</sup> However, as documented elsewhere,

it may not be unreasonable to assume that, as most States attempt to place children in forms of care other than institutional care where possible, those children who are difficult to place are likely to remain in institutions.<sup>15</sup>

**1.16** Two categories of children continue to be over-represented in substitute care: Aboriginal children and children with disabilities.<sup>16</sup> Aboriginal children are disproportionately represented in both protective care and corrective institutions in all States and the Northern Territory in comparison with their proportional representation in the general population. For example, it has been estimated that in Western Australia, 54 per cent of children in foster care and 57 per cent of children in residential care are Aboriginal although Aboriginal people comprise only 2.4 per cent of the total population of that State. In the Northern Territory the proportion is higher where 60 per cent of children in residential care and 93 per cent of children in foster care are Aboriginal although Aboriginal people in the Northern Territory represent 24 per cent of the Territory's total population. In South Australia where Aboriginal people represent less than 1 per cent of the total population, one out of six children under State care and control is Aboriginal. Although official figures are not available, the Committee understands that approximately 30 per cent of children in residential care in Queensland are Aboriginal although Aboriginal people comprise only 2 per cent of the total population. In New South Wales it is believed that 15 per cent of children who are placed in some form of substitute care are Aboriginal despite the fact that Aboriginal people comprise less than 1 per cent of the total population of that State.<sup>17</sup>

**1.17** Estimates of the prevalence of children with disabilities in substitute care vary but, according to the latest national 'Survey of Handicapped Persons' conducted by the Australian Bureau of Statistics in 1981, 1 264 600 Australians (or 8.6 per cent of the population) were identified as being handicapped of whom 166 700 were aged 0-19 years.<sup>18</sup> Of this group, 6500 (or 4 per cent) were placed in substitute care, mainly residential institutions. While the majority of disabled children in substitute care are in specialist children's homes, a significant proportion are in conventional institutional centres. It is hoped that this separation represents some movement towards placing such children in 'normal' settings. However, it is a matter for concern if, as has been suggested, children in non-specialist institutions are so located by accident rather than design as this may preclude access to the specialist services and facilities they need. It is not possible to ascertain from the data available whether children with disabilities are placed in non-specialist institutions intentionally or not. It is apparent, however, that this situation has changed little since 1979 when the survey by Gregory and Smith of non-government children's homes and foster care revealed that 22 per cent of children who were identified as having moderate or severe intellectual disabilities were in ordinary children's homes or foster care, as were 15 per cent of those children with moderate or severe disabilities affecting their mobility.<sup>19</sup>

**1.18** Unlike other categories of children in substitute care, a high proportion of disabled children are placed in large residential institutions (i.e. residences comprising 20 to 40 children or more). It has been argued that the continued provision of large-scale institutional care for disabled children can be justified on economic grounds because it provides more efficient access to specialist services. On the other hand, some States have achieved considerable success in transferring children with disabilities to small residential units indicating that other factors may outweigh economic considerations.<sup>20</sup>

**1.19** There are various explanations for the overall decline in the number of children being placed in substitute care and for the changing characteristics of those in care. Major factors have been the introduction by the Commonwealth Government in July 1973 of income benefits for single supporting parents and the increased availability of

Commonwealth and State funded community child care facilities and other preventive neighbourhood programs and services that have assisted many parents to keep their children at home rather than relinquish them to the care of State or voluntary welfare agencies. A further factor has been the growing reluctance of State and Territory government and non-government welfare authorities to remove children from their natural parents. This trend has developed largely in response to changing social attitudes towards the appropriateness and desirability of placing children in substitute care, notably institutional care, and the belief that the admission of a child to substitute care should only occur when all other possibilities of maintaining the child within the family have been exhausted.<sup>21</sup> The efficacy of this approach is examined later by the Committee, particularly in terms of the need for welfare agencies to weigh up carefully the value to the child of placing him or her in substitute care against the effects on the child, especially in terms of emotional and behavioural development, of remaining in an essentially unstable and unsatisfactory home environment.

**1.20** The decrease in the number of children in substitute care can also be attributed to a range of other factors, including the decline in fertility rates, particularly since the mid-1960s, reflecting changing social and moral values and attitudes, the increased use of contraception and abortion, and a preference for smaller families. On the other hand, the increasing incidence of marital breakdown, divorce and remarriage, unemployment and other socio-economic pressures has affected the ability of some parents to care for their children in the home.

### **Reasons for the placement of children in substitute care**

**1.21** Children may be placed in substitute care either by their natural or adoptive parents acting voluntarily in a private capacity, or by the State acting in accordance with certain statutory provisions. Parents may place children in care because of such factors as family breakdown, poverty, illness, inability to cope or because particular treatment, programs or facilities are required as, for example, by emotionally disturbed children or physically and intellectually disabled children. A child is admitted involuntarily to care by the State because he or she has been found guilty by a court, juvenile panel or other similar authority of committing an offence against the law or as the result of an order by a children's court on welfare grounds, that is, because the child's physical, mental, emotional or moral welfare is at risk.

**1.22** Due to the lack of comparable data, detailed information about the reasons for the admission of children to substitute care (e.g. the number of children placed in care because of child abuse, parental neglect, delinquency or homelessness), is not available at the national level. The only official statistics published relate to children placed in substitute care under State guardianship or other official orders. These statistics are compiled by the Australian Bureau of Statistics and only differentiate between those children placed in care because they have committed an offence against the law and those whose welfare is considered to be at risk and who are therefore regarded as being in need of care and protection. This information relates predominantly to children admitted to government residential homes as most children under guardianship orders are placed in these centres. The statistics reveal that the majority of children under State guardianship are placed in care because of concern for their welfare. This is, however, far more the case for girls than for boys. For example, in 1984 only 107 out of 1319 girls under guardianship were placed in substitute care for reasons relating to offences committed against the law, whereas the majority of boys (1559 out of 2875) were placed in care as a result of committing offences. Other details are provided in Table 6, Appendix 4.



**1.23** Further information that provides a national perspective is available from several other sources, including the 1979 survey by Gregory and Smith, a study conducted in the same year by the Australian Council of Social Service and the report of a review of the Children in Residential Institutions Program (a Commonwealth-funded education program) by a research team under the direction of Professor J. Ward of Macquarie University in 1983 and 1984.<sup>22</sup> On the basis of these reports and evidence received by the Committee, the reasons for the admission of children to protective and corrective care can be broadly divided into two categories: one constituting the primary reasons and the other representing secondary factors. It should, however, be stressed that the reasons for admission to substitute care are normally closely inter-related.

**1.24** The primary reasons for removing a child from its family are the precipitating causes of a child's need for substitute care and may include one or more of the following: parental neglect; child abuse; homelessness; parental and family conflict or breakdown; concern for a child's general welfare (e.g. because of unfit, improper or incompetent guardianship); disordered social behaviour on the part of the child (delinquency, truancy); physical and intellectual disability; and emotional disturbance. In their survey, Gregory and Smith found that the three most frequently mentioned primary reasons for the admission of children to institutional care were family breakdown, concern that the child's welfare was at risk, and the inability of parents to cope. These factors were also identified as the main reasons for the placement of children in foster care. Family illness was also a significant factor. Overall, the results of this survey revealed that in at least 79 per cent of cases examined, the primary reasons for the admission of children to care were attributable to factors apart from the child's behaviour.<sup>23</sup> Similarly, the findings of the review by Ward showed that children were admitted to institutional care mainly as a result of 'family-social' difficulties. A breakdown of the precipitating causes identified by this study is provided in Table 7, Appendix 4.

**1.25** Secondary factors that may contribute to the 'crisis' situation leading to the removal of children from their home environment are generally related to a family's immediate economic and social circumstances. Since the 1930s, family research has demonstrated the impact on family life of inadequate income resulting from unemployment, unstable job tenure and low job prospects. In turn, lower socio-economic status, family conflict, and withdrawal from wider social contact exacerbate financial problems and may contribute to family breakdown. More recent studies by Elder have shown how the effects of unemployment on adults spill over into effects on children.<sup>24</sup> Poverty caused by unemployment does not simply mean a shortage of food, clothing, adequate housing, heating, or schooling. It also has other costs. For example, in a Californian study of the effects of inflation on 8000 families, Steinberg and others found that increases in child abuse were preceded by periods of high job loss.<sup>25</sup>

**1.26** Research by the Australian Council of Social Service and others has shown that the socio-economic background of families with children in substitute care is also characterised by a predominance of single parent status families, minimal levels of education attainment, and poor state of health.<sup>26</sup> A recent report by English and King makes particular reference to the poverty of single mothers and their children, and draws attention to the following factors: single mothers depend for the most part on welfare payments; the majority receive no significant maintenance from the father of their children; they have limited access to a wide range of goods and services, including day-care services for their children; their housing is generally below community standards; they are less likely to have access to motor vehicles or a telephone; they have fewer household goods; and their children are less likely than other children to complete secondary schooling, tertiary education or to have any post-school training.<sup>27</sup>

**1.27** Although no definitive conclusions are offered by the above reports, the inter-relationship between the lack of material resources and family breakdown leading to the admission of children to substitute care is highlighted. The study by the Council of Social Service particularly noted the link between the lack of economic resources and the general inability of parents to cope with the demands of family and community life, and commented that to this extent substitute care acts as a dumping ground for children when parents can no longer care for them. Many submissions presented to the Committee reinforced these views.<sup>28</sup>

**1.28** Evidence also shows that some parents of children in substitute care exhibit signs of inadequate preparation for, or understanding of, the responsibilities and tasks involved in the nurturing and care of their children. Parents who have grown up with the disadvantages of social isolation, dependence, ignorance, poverty, and chronic illness or a combination of these problems, and who also lack initiative and self-reliance, are more likely than others to rear children in their own image. Often such parents lack family or neighbourhood support to help them cope with their child-rearing responsibilities. They also tend to be least able to use community-based services, such as child care systems, if available, to best advantage. In these circumstances, they believe the only recourse open to them is to relinquish their children to the care of others.

**1.29** The Committee considers that as children are placed in care primarily because their families, for various reasons, are unable to provide adequately for them or to take advantage of those community services available, then the need for substitute care must be viewed in its broadest preventive context. This in turn means that public policy must address more rigorously such problems as unemployment, income maintenance, the provision of adequate housing, and the capacity of the education system to equip all members of the community with the necessary skills and knowledge to cope with the demands of adult family life, particularly the increasing social isolation and fragmentation of families arising from industrial and economic change. It also means that effective and accessible community-based family support services must be available where children are at risk of being removed from their families and placed in substitute care.

### **Incidence of child abuse**

**1.30** A matter of particular concern to many contributing to the inquiry was the apparent increasing incidence of child abuse within the community. In defining child abuse it is necessary to recognise the varied nature of this problem. Child abuse may occur through acts of commission (i.e. instances of active abuse of a child by a parent or guardian either through physical violence, sexual abuse or exploitation) or through acts of omission (i.e. where there is a failure by a parent or guardian to provide sufficient material or emotional support for a child). Until recently, definitions of child abuse have tended to concentrate chiefly on physical cruelty on the part of parents — the ‘battered child’ syndrome.<sup>29</sup> The definition has now been broadened to include the behaviour not only of parents but also of other caregivers who have responsibility for children, for example, the State as the custodian of the welfare of children placed under guardianship, teachers and others.

**1.31** Child abuse is not a new phenomenon but has aroused deep public concern in recent years largely because of the increasing awareness amongst the medical and legal professions, psychologists, social workers, residential child care personnel and others of the prevalence of the problem. This concern has led to the formation in many Western countries, including Australia, of child protection societies. Most State governments in Australia have now introduced mandatory reporting systems in which medical practitioners and, in some cases, others in public positions such as nurses, dentists, police officers, teachers and child care workers are required to notify either State welfare

departments or child protection agencies of incidents of child abuse. Most welfare departments have also established special child protection units in recognition of the growing and widespread nature of this problem. National and international conferences have also been convened to address this issue. Forthcoming meetings in Australia include two national conferences to be held in Canberra by the Australian Institute of Criminology — one on domestic violence in November 1985 and the other on child abuse in February 1986. The Sixth International Congress on Child Abuse and Neglect organised by the International Society for the Prevention of Child Abuse will also be held in Australia in 1986.

**1.32** It is not possible to estimate the incidence of child abuse in Australia as no national figures are collected. Even in those States where reporting is mandatory and where compulsory reporting provisions have increased the number of cases being brought to official notice, the number of cases is believed to be seriously under-reported.<sup>30</sup> In 1977 the Royal Commission on Human Relationships reported that 13 500 cases of child abuse occurred each year throughout Australia.<sup>31</sup> One writer in this field has estimated that this figure is more likely to be in the vicinity of 46 000 cases annually.<sup>32</sup> In 1984 the New South Wales Department of Youth and Community Services reported 11 318 cases of child abuse in that State alone.<sup>33</sup>

**1.33** In relation to the specific area of sexual abuse of children, again, only a small proportion of such offences is reported; it is believed the figure of reported cases could be as low as 10 per cent.<sup>34</sup> Statistics from both Australia and overseas indicate that 90 per cent of cases of sexual offences against children are committed by close family members — usually the natural father — and that girls are the victims in eight out of ten cases. Moreover, the offenders often have no apparent psychiatric disorders and appear to be 'average' members of the community. They also tend to be representative of the widest socio-economic spectrum.<sup>35</sup>

**1.34** In addition to the paucity of comparable data available at the national level in this area in Australia, a number of other difficulties relating to the prevention of child abuse were brought to the Committee's attention. These included the inadequacy of present reporting methods, the inappropriateness of present legal procedures used in child abuse cases, the ineffectiveness of existing social welfare agencies to deal with this problem, and the need for legislation covering children's rights. The Committee considers that because the issue of child abuse goes beyond the subject matter of this inquiry and because it is a problem that extends outside the separate jurisdictions of each State and Territory, an inquiry at the national level into the incidence of child abuse and its implications for the community as a whole is warranted.

### **Legal status of children in substitute care**

**1.35** The legal status of children placed in substitute care varies depending on whether a child is placed in care by its natural or adoptive parents acting voluntarily in a private capacity, or by the State acting in accordance with statutory provisions. In the case of voluntary admissions to care, excluding adoption, the legal guardianship of the child normally remains with the natural parents. However, guardianship of a child may be transferred voluntarily from a parent or other guardian to the State as a result of an application by, or with the consent of, a child's parents or custodian.<sup>36</sup> Once a declaration or court order is made in this way it cannot be revoked or cancelled merely because the parents or guardians of the child wish him or her to be returned.<sup>37</sup> In the case of adoption, the guardianship rights of the natural parents are completely and permanently withdrawn and, in terms of the law, the child acquires the status of a child born to the adopting parents. For children admitted to care involuntarily, the legal guardianship of the child is generally transferred from the child's parents or guardians to the State.

**1.36** Children placed under the guardianship — custody, care and control — of the State, excluding adoption and immigration cases, have as their legal guardian the Minister, Director or other official of a State or Territory welfare department. In these cases the guardianship of the child is conferred on the Minister or his delegate under State and Territory legislation other than legislation controlling the adoption of children or the *Immigration (Guardianship of Children) Act 1946*.<sup>38</sup> Cases involving migrant children, such as unaccompanied refugee minors, come within the responsibility of the Minister for Immigration and Ethnic Affairs as soon as they enter Australia. There are at present 454 refugee children under the guardianship of the Minister.<sup>39</sup> In these cases the Minister delegates his guardianship functions to the appropriate State or Territory Director of Welfare who in turn assumes responsibility for these children in the same manner as would be the case for other children placed under the care and control of the State.

**1.37** Legislative arrangements governing the State guardianship of children vary from jurisdiction to jurisdiction as do the policies and practices that are followed by State and Territory welfare departments in the administration of their statutory provisions relating to guardianship. In general, the guardian of a child is granted extensive authority to make major decisions affecting the child such as determining the right of access by the child's natural parents, consenting to medical treatment for the child, permitting the child's marriage to a minor, and approving interstate travel by the child. Under these provisions guardians do not, however, have the authority to permit the adoption of a child without the prior consent of the child's natural parents. The transfer of a child's legal guardianship from his or her natural parents does not necessarily mean that the child's guardian has the actual physical care and control of the child. This is most commonly the case for children placed under the guardianship of the State where the legal authority over the child is vested in the relevant Minister or the Minister's delegate but where the day-to-day care of the child is provided by others.

**1.38** Although most of those under State guardianship are children, that is, persons under the age of 18 years, some may be aged 18 years and over as in the case of certain disabled people who remain under the care and control of the State into adulthood. A majority of children under guardianship are placed in foster homes or in government residential child care establishments; a limited number are placed in non-government care centres; while others live with relatives or independently.

### **Cost of substitute care**

**1.39** The Committee was unable to assess either the overall cost of providing substitute care or the relative costs of various types of care. This was due largely to the lack of uniformity and comparability in figures provided by both government and non-government welfare organisations responsible for the administration of substitute care programs. Costing procedures applied in this area differ widely both in terms of the way accounts are presented and in the nature of items that are included or excluded from such accounts. For example, capital costs will vary between church-based organisations and others if the former have the use of properties, the cost of which has long since been amortised or which have been gifts. Recurrent costs will vary because some organisations are exempt from paying municipal rates and charges. Similarly, if religious staff are engaged to provide care, the operating costs of an organisation which benefits from such contributed services will be significantly lower than those of an organisation which must meet full labour costs. Likewise, cost variations arise from differences in industrial and staffing policies between organisations and between States. Furthermore, some services calculate average running costs on the basis of average occupancy rates, while others calculate costs on the basis of capacity rates. Some organisations also provide a wide range of services that are costed and included in the total care expenditure figure, while

other organisations do not include all services in the accounting process, or may provide only a narrow range of services.

**1.40** Because of these variations in financial procedures, it is not possible to make valid comparisons between the different types of substitute care services or compare costs between the States and between the government and non-government sectors of providing similar types of substitute care. Nevertheless, a number of broad observations relating to the cost of care can be made. There is no doubt that the cost of providing substitute care for children is substantial. For example, it was estimated that in 1980-81 the total cost to the New South Wales Government of providing substitute care was \$50 million or an average amount of \$120 per child per week.<sup>40</sup> It is also clear that institutional care is the most costly form of substitute care while non-institutional care is the least expensive option. In South Australia the cost to the Government of providing residential care in 1980-81 ranged from \$341 to \$1673 per child per week. This compared with an average weekly cost to the Government of \$39 for each child placed in foster care.<sup>41</sup> Figures from New South Wales indicate that the cost of institutional care during the same period ranged from \$260 to \$1150 per child per week, while the cost to the Government of foster care ranged from \$30 to \$34 per child per week.<sup>42</sup>

**1.41** The cost of providing secure residential care is normally greater than the cost of other forms of residential care. Figures for Victoria show that in 1981-82 the average weekly costs per child for children placed in reception centres and youth training centres were \$585 and \$485 respectively, while the average weekly costs per child in government-run institutions and other forms of residential care such as family group homes were \$300 and \$190 respectively. For governments, residential care provided by the non-government sector is a considerably less expensive option than care in government-run institutions. In New South Wales figures show that, for 1980-81, the cost of institutional care provided by the government sector amounted to an average of \$317 per week per child while the average cost to the Government of supporting institutional care provided by the non-government sector amounted to \$38 per week per child. Information from the other States and Territories shows comparable substitute care cost structures and similar variations in costs.<sup>43</sup>

**1.42** The Committee also found that, for disabled children, hospital and nursing home care was the most expensive option in almost every circumstance. Unless 24-hour care is essential to the management of the child's disability, the options of community residential accommodation (such as family group homes) and domiciliary care are significantly more cost-effective than hospital or nursing home accommodation.<sup>44</sup> The cost of community support services for families such as day care also compares favourably with the cost of substitute care services. For example, in 1982 the Office of Child Care estimated that the total cost of providing a full-day place for a child fell within the range of \$35 to \$85 per week.<sup>45</sup>

**1.43** On the basis of the above figures, there is little doubt that the cost to governments of maintaining children in a family environment, notwithstanding payments to foster parents and expenditure on day care, respite care and other family support services, is considerably lower than the cost of providing institutional care for children, particularly in government-operated institutions. Certainly some States, notably South Australia, are making more extensive use of substitute family care systems as an alternative to residential care systems, not only because community-based care systems are seen to be more beneficial to many children in need of substitute care but also because they offer a more cost-effective option. This is a welcome development although it does not mean that the provision of non-institutional forms of substitute care and family support services can or should replace institutional care in all cases.

ENDNOTES

1. The Committee has not examined the role of training centres, therapeutic centres, hospitals, nursing homes, boarding schools and other specialist institutions other than in regard to the provision of residential care.
2. This discrepancy is illustrated best by comparing estimates of the number of children in institutional care made by the Australian Bureau of Statistics and the Department of Social Security in their respective publications: *Children in Care, Australia 1983*, previously *Persons Under Guardianship and Children in Substitute Care, Australia*, Catalogue No. 4410.0, Canberra, July 1985; and Department of Social Security, *Annual Report 1983-84*, pp. 135-36.
3. Australian Bureau of Statistics, *Adoptions, Australia, 1982-83 and 1983-84*, Catalogue No. 4406.0; *Children in Care, Australia*, previously *Persons Under Guardianship and Children in Substitute Care, Australia*, Catalogue No. 4410.0; Department of Social Security, *Annual Report 1983-84*; and State Welfare Department Annual Reports 1972-84.
4. J. Carter, *Protection to Prevention: Child Welfare Policies*, SWRC Reports and Proceedings No. 29, January 1983, Social Welfare Research Centre, University of New South Wales, Sydney, January 1983, p. 24.
5. Comprehensive information concerning the number of children placed under the guardianship of the State from 1982-84 is unavailable as a number of States no longer differentiate between guardianship orders and other official orders in their statistical returns to the Australian Bureau of Statistics.
6. G.Y. Steiner, *The Futility of Family Policy*, The Brookings Institution, Washington, D.C., 1981.
7. Carter, op. cit., pp. 53-56.
8. Australian Institute of Criminology, *Juveniles Under Detention*, No. 7, 7 September 1977 — No. 31, 3 December 1979 and *Persons In Juvenile Corrective Institutions*, No. 1, 12 January 1982 — No. 27, 16 October 1984.
9. Australian Bureau of Statistics, *Persons Under Guardianship and Children in Substitute Care, Australia*, June 1980 — June 1982, Catalogue No. 4405.0.
10. For example, in 1983 the Richmond Report provided information on five hospitals catering for intellectually disabled children in New South Wales which showed that their bed capacity had been reduced annually between 1977 and 1982 by 2 per cent to 5 per cent while net admissions had varied from plus 16 per cent in 1978-79 to minus 23 per cent in 1981-82. For further details see D.T. Richmond, *Report of the Inquiry into the Health Services for the Psychiatrically Ill and Developmentally Disabled*, New South Wales Department of Health, Sydney, March 1983. See also N. Shirayev, 'In-Patient Services for the Mentally Retarded in New South Wales — Some Statistics', in G. McIntyre and T. Parmenter (eds), *Preparation for Life: Programs for Mentally Handicapped People in Australia in the 1980s*, Prentice-Hall, Sydney, 1981.
11. A status offence may be defined as an act of a non-criminal nature which is considered to be an offence if committed by a person of a particular status (e.g. a child). Examples of status offences include truancy, being in moral danger or being uncontrollable.
12. *Transcript of Evidence*, Submissions, p. 1082.
13. Victorian Department of Community Welfare Services, *Annual Report 1981-82*, Victorian Government Printer, Melbourne, 1983.
14. Shirayev, op. cit.
15. J. Ward and others, *A Review of Children in Residential Institutions Program — Report to the Commonwealth Schools Commission*, Special Education Centre, School of Education, Macquarie University, Sydney, October 1984, pp. 19-20.
16. For the purpose of the report, the Committee has used the phrase 'people with disabilities' to describe those persons who have a physical or mental impairment, disability or handicap.
17. *Transcript of Evidence*, Submissions, p. 1083.
18. Australian Bureau of Statistics, *Handicapped Persons, Australia 1981*, Catalogue No. 4343.0, Canberra, October 1982.
19. G. Gregory and N.J. Smith, *Particular Care — The Report of the National Survey of Non-Government Children's Homes and Foster Care (Including Homes for Physically and Intellectually Handicapped Children)*, 30 June 1979, Children's Bureau of Australia, cited in *Transcript of Evidence*, Submissions, p. 1174.
20. For example, since 1976 the New South Wales Health Commission has aimed to establish units for the disabled comprising no more than 30 beds which are generally divided into four or five family units.
21. Committee of Inquiry into Residential Child Care (B. Grant, Chairman), *Report*, Perth, 1976, p. 37.
22. Gregory and Smith, op. cit.; D. Hanson, *Why Are They In Children's Homes?: Report of the ACOSS Children's Home Intake Study*, AGPS, Canberra, 1979; and Ward and others, op. cit. Further information is provided by B.A. English and R.J. King, *Families in Australia*, Family Research Unit, University of New South Wales, Sydney, 1983; and the early work of L.J. Tierney, *Children Who Need Help — A Study of Child Welfare Policy and Administration in Victoria*, Melbourne University Press, Melbourne, 1963.
23. In only 8 per cent of cases was the child's behaviour directly identified as a primary reason for being admitted to care (Gregory and Smith, op. cit., pp. 33 and 51). See also the New South Wales Residential and Alternate Care Task Force (Mr V.J. Dalton, Chairman), *Final Report*, Sydney, February 1982, Appendix C. This report concluded there was overwhelming evidence to show that child-related problems were insignificant compared with parental problems as the basis for a child's admission to care. For other comments on this matter

- see the New South Wales Association of Child Caring Agencies' report, *Young People in Care Speak Out*, Sydney, 1980, p. 11.
24. G.H. Elder, Jr., *Children of the Great Depression*, University of Chicago Press, Chicago, 1974 and 'Historical Change in Life Patterns and Personality', in P. Baltes and O. Brim (eds), *Life-Span Development and Behavior*, Volume 2, Academic Press, New York, 1979.
25. L.D. Steinberg, R. Catalano and P. Dooley, 'Economic Antecedents for Child Abuse and Neglect', *Child Development* 52, 1981, pp. 975-985. See also J. Garbarino, 'A Preliminary Study of Some Ecological Correlates of Child Abuse: The Impact of Socio-economic Stress on Mothers', *Child Development* 47, 1976, pp. 178-85.
26. *Transcript of Evidence*, Submissions, pp. 171-72, 503-04, 529-30, 1427-33. Data collected by the Australian Council of Social Service on the occupational and educational background of the parents as well as the type of family accommodation used, revealed that 17-25 per cent of fathers were unemployed; 80 per cent of mothers, including single mothers, were listed as unemployed; a high proportion of parents in the sample worked in low status manual jobs in comparison with the general population; few parents in the sample had attended school beyond Grade 9; and only 20 per cent of families owned their own home compared with over 70 per cent of the general population.
27. English and King, op. cit.
28. *Transcript of Evidence*, Submissions, pp. 171-72, 503-4, 529-30, 1079-83 and 1427-33; and J. Edwards, G. Gregory and D. Oakley, 'Australian Children in Substitute Care', *Australian Child and Family Welfare* 8, 1, 1983, pp. 10-14.
29. In 1979 the State Welfare Administrators agreed to adopt a common definition of an abused or maltreated child. This defined a non-accidentally injured or maltreated child as 'one who is less than eighteen years of age whose parents or other persons inflict or allow to be inflicted on the child physical injury by other than accidental means or gross deprivation which causes or creates a substantial risk of death, disfigurement, impairment of physical or emotional health or creates or allows to be created a substantial risk of such injury other than by accidental means. This definition includes sexual abuse or sexual exploitation of the child'. For further discussion of the definition of child abuse see J. Hamory, 'Child Abuse: An Overview of Recent Developments' in J. Scutt (ed.), *Violence in the Family*, Australian Institute of Criminology, Canberra, 1980; and Australian Law Reform Commission (Dr J.A. Seymour, Commissioner), *Child Welfare*, Report No. 18, AGPS, Canberra, 1981.
30. *ibid.*, p. 297; and J. Scutt, *Even in the Best of Homes: Violence in the Family*, Penguin, Ringwood, 1983, p. 39.
31. Royal Commission on Human Relationships (Justice Elizabeth Evatt, Chairman), *Final Report Volume 4*, AGPS, Canberra, 1977, p. 163.
32. P. Boss, *On the Side of the Child: An Australian Perspective on Child Abuse*, Fontana-Collins, Melbourne, 1980, p. 72.
33. G. Williams, 'The Vulnerable Children', *The Sydney Morning Herald*, 23 January 1985.
34. B. Naylor, 'The Law and the Child Victim', *Legal Service Bulletin* 10, 1, 1985, p. 12.
35. In the United States evidence suggests that the majority of reported cases of child abuse involve families from lower socio-economic groups, although proportionately more unreported cases may occur in families in higher socio-economic groups. (*Seymour Report*, op. cit., p. 289.)
36. J. Crawford, *Australian Courts of Law*, Oxford University Press, Melbourne, 1982; cited in *Transcript of Evidence*, Submissions, p. 1106.
37. Such orders are, to that extent, coercive and may have to be set aside by judicial order, for example, by the Supreme Court.
38. The principal State and Territory legislation governing the State guardianship of children includes the following Acts: the Child Welfare Act, 1949 (N.S.W.); *Community Welfare Services Act* 1978 (Vic.); *Children's Services Act* 1965-80 (Qld); Children's Protection and Young Offenders Act, 1979-80 and the Community Welfare Act, 1972-80 (S.A.); *Child Welfare Act, 1947* (W.A.); *Child Welfare Act* 1960 and the *Residential Domestic Assistance Act* 1947 (Tas.); *Child Welfare Act* 1980 (N.T.); and the *Child Welfare Ordinance* 1957 (A.C.T.).
39. The 454 refugee children under the guardianship of the Minister for Immigration and Ethnic Affairs are mainly boys aged between 14 and 17 years who have come from camps in Thailand.
40. *Dalton Report*, op. cit., p. 119.
41. *Transcript of Evidence*, Submissions, p. 320.
42. *Transcript of Evidence*, Submissions, p. 1113; and *Dalton Report*, op. cit., p. 116.
43. *Transcript of Evidence*, Submissions, pp. 1114 and 1616.
44. MSJ Keys Young Planners, *Disabled Persons' Accommodation*, Australian Housing Research Council Project No. 119, June 1982, pp. 116-17.
45. *Transcript of Evidence*, Submissions, p. 1114.

## CHAPTER 2

### CHANGING ATTITUDES AND APPROACHES TOWARDS INSTITUTIONAL AND OTHER FORMS OF SUBSTITUTE CARE

#### Historical background

**2.1** The historical basis for the provision of substitute care in Australia is to be found in the early days of colonial settlement. In the first half of the nineteenth century, orphan schools or barracks were set up by governments and churches to accommodate the significant number of neglected and destitute children. Many of these children were taken into care not only because they were orphans or had committed offences but also because of the inability of their parents to provide for them. During this period welfare policy was based on the traditions and practices of British poor law and was dominated by the concept of indoor relief through the establishment of reformatories, workhouses and industrial schools where children were trained in habits of industry and order. It was not until many years later that provision was made for external forms of assistance such as direct cash payments, public housing, and health and welfare services. The philosophy behind this early policy emphasised the removal of children from what was considered to be the malign and corrupting influence of their parents and the placement of them in 'asylums' away from their families and society.<sup>1</sup>

**2.2** Towards the end of the nineteenth century the barrack system was largely replaced by the 'boarding-out' system as a result of increasing concern about the effect on children of placement in large asylums and training institutions. This system signalled the beginning of foster care. It not only recognised the value of the individual and the importance of family life, but also placed emphasis on giving 'neglected' children a 'fresh start' in life, albeit away from their own parents. Legislation giving increased statutory recognition to private persons and voluntary organisations willing to take charge of neglected children reflected this changed emphasis. The main function of government departments was to establish central depots to receive children committed to care by the courts and then to arrange for their transfer to approved voluntary institutions, approved private homes or approved employers.

**2.3** During the early part of the twentieth century child care theory and practice continued to be dominated by the concept of child removal. Over time the 'boarding-out' system decreased in importance and from the 1930s was superseded by the placement of children in approved voluntary institutions. For example, by 1955 in Victoria, 60 per cent of State wards in substitute care were placed in voluntary institutions and only 21 per cent were boarded out; the remaining children were placed in adoptive homes, supervised employment or public welfare institutions.<sup>2</sup> Up until World War II and for some time later child welfare policy was concerned primarily with decisions about the responsibilities of parents, particularly the legal procedures to be followed in the removal of children and the proper authority to be exercised by those to whom legal or de facto guardianship had been transferred. Concern with legal accountability was reflected in the administration and staffing of child welfare institutions. As a result minimal attention was paid to developing creative programs of child care.<sup>3</sup>

#### De-institutionalisation and other changes in public policy

**2.4** By the 1940s welfare organisations began to acknowledge the importance of keeping the child within its natural family. Studies conducted following the Second World War drew attention to the adverse effects of institutional care on child development. This



concern gained momentum during the 1950s and 1960s when attitudes were increasingly influenced by theories about child attachment, child development and maternal deprivation. It led government and non-government child welfare agencies to review the institutionalisation of children in particular, and their respective child welfare policies in general, and culminated during the 1950s in a drive towards 'de-institutionalisation'. This process involved the closure of many large institutions and the replacement of this form of care with the practices of adoption and fostering. Enthusiasm for foster care, however, declined in the face of high breakdown rates, difficulties in recruiting suitable foster parents and the lack of government commitment to the provision of adequate support services.<sup>4</sup>

**2.5** The de-institutionalisation of residential care was followed by other reforms involving the modification and decentralisation of large residential establishments, the division of older buildings into smaller living units, the elimination of dormitory-style care and the development of alternative concepts such as family group homes. Since this time there has been a gradual movement of children out of large-scale institutions into smaller units although these are often located on the same site or in the same locality as the original establishment. These changes are still continuing, reflecting the trend towards providing institutional care in a form resembling the family setting as closely as possible.

**2.6** In the last decade the provision of residential care services for children has also been influenced by the concept of normalisation.<sup>5</sup> This principle aims to create conditions which allow children removed from their own family environments to live as normal a life as possible. The principle is applied most commonly to those who are intellectually disabled, but is equally relevant to other groups, such as children who are physically disabled, or children placed in corrective care. This conceptual approach also emphasises the need for the localisation of services so that, where possible, children are maintained in a familiar environment. Importance is also attached to the participation of all relevant parties in the decision-making processes leading to the placement of the child in substitute care.

**2.7** More recently, other changes have been introduced which emphasise the planning and, where appropriate, permanency of a child's placement in care. Further developments stress the importance of applying diversionary measures in the first instance to prevent the admission of children to care. In most cases restoration to the natural family is a key concept and objective. These principles are embodied in recent innovations such as the adoption in Western Australia and elsewhere of elements of the permanency planning approach developed in the United States of America, the introduction of the diversionary program for female adolescents in Queensland (known as the Proctor Program), and the development of the Intensive Neighbourhood Care Scheme for young offenders in South Australia.

**2.8** These changes in public policy reflect a significant shift during the past decade from a child-centred focus to a focus on the child as part of the family. Previously, government and non-government policies and programs concentrated on the provision of institutional or other forms of substitute care and directed little attention towards the reasons for the admission of children to care. In effect, there was a disproportionate emphasis on the single task of arranging substitute care as an end in itself. The primary responsibility for the welfare of the child was considered to rest with parents who were expected to maintain their children with as little assistance from outside agencies as possible. Unaided, many families were unable to meet these responsibilities. Such policies not only reinforced social and economic divisions within the community but also resulted in 'child welfare' acquiring negative connotations that have proved difficult to erase.

**2.9** The importance of child-parent relationships in meeting the emotional and personal developmental needs of children is now widely recognised. It is generally accepted that the child should be raised in his or her own family wherever possible. Moreover, it is also agreed there should be adequate income maintenance provisions and community support services available to families with dependent children — parent education courses, homemaker services, counselling services and day care facilities — to assist in this process. Thus, an orientation towards the family and the family within a community context is viewed as the most appropriate perspective for child welfare policy planning and service delivery. This approach is being reflected in the development of preventive strategies aimed at providing support for families at the local level to prevent family breakdown and avoid the need for children to be removed from their homes and placed in substitute care.

### **Development of preventive policies**

**2.10** The concept of prevention can be viewed in terms of primary, secondary and tertiary prevention. In the social welfare field, the primary level of prevention usually refers to those processes and instrumentalities that aim to strengthen support systems for families, but without singling out any individual or family believed to be at risk. In secondary prevention, intervention is focussed on individuals or families because they are considered to be at risk. The tertiary level of prevention is regarded as the point at which rehabilitation becomes necessary because the primary and secondary stages of preventive care have not been effective or appropriate. Most preventive services fall within the secondary and tertiary levels. However, because of the interdependency between the three levels of preventive strategies, the effectiveness of measures provided at the secondary and tertiary levels is necessarily limited by the adequacy of forms of assistance at the primary level. The success of preventive policies applied at the secondary and tertiary levels is also limited by the dangers of labelling and stigmatisation.

**2.11** Evidence received by the Committee emphasised the need for governments to attach greater importance to the development of primary preventive programs aimed at overcoming or minimising the precipitating causes of family breakdown and subsequent relinquishment of children to substitute care. Preventive services of a primary nature are most effectively applied at the local community level. The sharing of resources and responsibility by community members can often help foster both neighbourhood participation and service delivery at the grass roots level and thereby ensure that services and facilities are both relevant and accessible. In short, the objective of this approach is to promote the well-being of the family through the development of local networks of supportive and preventive services with maximum community participation and control.

**2.12** In the absence of more appropriate preventive welfare services, the school is often seen by default as the one institution where family needs for support can be identified and preventive measures instituted. Often problems at home are manifested in a child's behaviour at school, as for example through truancy, poor motivation and school performance, disruptive and anti-social behaviour, juvenile delinquency and other practices such as alcohol consumption, drug abuse and the inhalation of volatile fumes and substances (i.e. petrol, glue and aerosol sniffing). However, schools generally do not have sufficient or appropriate resources to deal with these situations and it does not seem reasonable to suggest that they should take on a preventive or interventionist role in this area without proper support structures and trained staff. Similarly, it seems unreasonable to expect kindergarten and day care centres, where the needs of families for additional support may also be reflected in a child's behaviour, to intervene without the necessary skills and resources required for this work.

**2.13** The provision of adequate and accessible health services, embodying preventive health care as well as medical treatment, is an important element in the spectrum of local community services for the promotion of the welfare of children and their families. As the Commonwealth Department of Health pointed out, there has been a tendency in Australia for the institutional health sector to be better developed than the community sector.<sup>6</sup> The Department saw the further development of appropriate community health services, including crisis management services and domiciliary support services, as highly desirable. It claimed that such developments could reduce the need for some children to be admitted to substitute care or reduce the period of care required.

**2.14** During the 1970s there was mounting pressure on both Commonwealth and State governments to direct more attention towards the development of primary preventive services designed to assist families in the task of raising children. At the federal level, the Commonwealth Government has gradually made available a range of direct cash payments to families with dependent children and, since 1976, has supported the provision of certain in-kind benefits such as day care and other community-based family support services. At the State and Territory government level, comprehensive policies for children and families have developed and in most States are supported by new legislation.<sup>7</sup> Recent reviews of departmental structures and practices, and the regionalisation of services also reflect a growing emphasis on preventive programs.<sup>8</sup> Despite these changes in public policy, the traditional approach towards directing resources to establishing networks of government and non-government services to provide stop-gap assistance to families in crisis persists in most States. Regrettably, the responsibility of governments to direct assistance to helping those in immediate need continues to override attempts to develop and promote longer-term preventive strategies, particularly at the primary level.

**2.15** The need for preventive policies and programs has arisen largely as a result of the changing nature of the contemporary family, the increasing pressures on family life, and because of changing attitudes towards the role of government in assisting families in their child-rearing responsibilities. Since the early 1970s the family has undergone significant change, not only in its structure and composition, but also in its role and function within society. The nuclear family, in particular, has been subject to new tensions by changes to the traditional roles of family members, especially the increasing participation of women in the paid workforce. The greater mobility of families, together with the expansion of dormitory suburbs and growing suburban isolation, has meant that traditional support structures provided by extended family and community networks no longer exist for many. This period has also witnessed an increase in the number of single parent families, a higher incidence of marital breakdown, and an increase in the number of children who experience a series of family situations ranging from two parent families to single parent families, blended or reconstituted households.

**2.16** Other factors that have influenced demands for change by governments towards the provision of preventive services are related to the present socio-economic climate, particularly the growth in unemployment, in which many families are no longer capable of providing adequately for their members' needs. Changing attitudes within the community have in turn lent greater support to the notion that governments should assume more direct responsibility for the basic social and economic well-being of families, especially those who are disadvantaged by circumstances and situations beyond their control.

**2.17** The significance of these changes is reflected in the increasing reliance of the family with dependent children on outside agencies to assist in their child-rearing tasks. For example, the growing demand for all types of child care services has been well

documented.<sup>9</sup> A degree of dependence on such community services is now viewed as a common aspect of ordinary family life whereby certain needs of children, parents and the family unit itself are met. It is, however, of concern to the Committee that, if the generally well-functioning family is becoming increasingly dependent on assistance from these external sources, then the needs of those families that have difficulty functioning at a minimally acceptable level must necessarily be far greater. In this respect, the issue of substitute care needs to be considered in the context of the ability (or inability) of the disadvantaged family to cope alone with its child-rearing tasks and it is therefore in response to these needs that preventive policies and programs should be framed.

### **Changing approaches towards the treatment of Aboriginal children in care**

**2.18** Early policy and practice concerned with the placement of Aboriginal children in substitute care differed markedly from those for non-Aboriginal children. Differences in approach were embodied in separate laws pertaining to the care and treatment of Aboriginal children and the rights of their parents.<sup>10</sup> The child care practices of the nineteenth century and early twentieth century which were dominated by the physical removal of children from what was perceived to be the undesirable influence of their parents, together with subsequent government assimilation and integration policies, were particularly detrimental to the well-being and future of Aboriginal children, their families and their communities.

**2.19** The historical background to the placement of Aboriginal children in substitute care has been characterised not only by their involuntary removal from their families but also by their placement under the control of non-Aboriginal people either in missions, orphanages, government welfare institutions or domestic service. Evidence shows that during the 1950s and 1960s there was considerable unofficial adoption traffic in Aboriginal children who were moved to other States by non-Aboriginals.<sup>11</sup> Because of the increasing popularity of foster care during this period, large numbers of Aboriginal children were also fostered with white families. It is significant that the success of this measure was limited and characterised by high breakdown rates.<sup>12</sup> Although studies undertaken in the post World War II period recognised the adverse effects of a child's removal from his or her family and placement in institutional care, the impact of such treatment on Aboriginal children was underestimated. Aboriginal children not only endured maternal deprivation but also suffered from feelings of alienation with an accompanying loss of Aboriginal identity, customs and values. This contributed to a disproportionate number of Aboriginal children remaining within the welfare system or being admitted to correctional care.

**2.20** While there are no longer deliberate public policies of removing Aboriginal children from their parents and communities, Aboriginal people have continued to face other difficulties in the child welfare area. A major problem has been the reluctance of welfare authorities to accept the basic differences between Aboriginal and non-Aboriginal societies in terms of family concepts and child care practices, particularly the concept of the extended Aboriginal family and the complex system of kinship relationships and obligations that are of fundamental importance in the Aboriginal child-rearing process. A further difficulty has been the lack of any official recognition of the importance to Aboriginal people of their Aboriginality. Submissions received from Aboriginal groups stressed the need to recognise Aboriginal cultural identity and heritage and the importance of Aboriginal people having primary responsibility for the placement of Aboriginal children in substitute care.

**2.21** The negative attitude held by most welfare authorities towards the appropriateness of placing Aboriginal children in the care of their own people has persisted until recently. It was not until the mid-1970s that official recognition was given to the value of establishing Aboriginal-based child care organisations for the purpose of keeping or re-uniting Aboriginal children with their own or other Aboriginal families. Moves to set up such organisations began following the participation of Aboriginal people in the first national conference on adoption held in 1976. The establishment of the first Aboriginal child care agencies in Victoria and New South Wales heralded the beginning of a new direction for Aboriginal child welfare policy and practice in Australia. Similar agencies now exist in all States and Territories except Tasmania and the Australian Capital Territory.<sup>13</sup> In carrying out their functions these organisations share the following aims and objectives:

- the preservation of Aboriginal families and the prevention of institutionalisation;
- the collocation of siblings in institutions and the re-uniting of families;
- the development of self-help programs and the provision of resources which are supportive of Aboriginal families, within both Aboriginal and non-Aboriginal communities; and
- the development of culturally relevant policies for Aboriginal child and family welfare services.

**2.22** Despite the establishment of Aboriginal child care agencies and wider recognition of the importance of Aboriginality to Aboriginal children, their families and communities, it is a matter for concern that Aboriginal children continue to be over-represented in substitute care; continue to be placed in institutions far removed from their families and communities; and continue to be fostered with white foster parents. There are a number of possible explanations for this. During the inquiry the Committee received evidence in several States that the placement of Aboriginal children in white foster homes or institutions is unavoidable in some cases despite attempts to place them with Aboriginal families. This is because Aboriginal families are either not available or, for various reasons, are unable to accept responsibility for foster children. Evidence of this situation related predominantly to children living in large urban centres. Notwithstanding this evidence, the Committee believes the continued over-representation of Aboriginal children in substitute care and the removal of these children from their communities can be attributed in the main to the low level of direct involvement of Aboriginal people in the decision-making processes affecting the placement of their children in care.

**2.23** Recognition of the role of Aboriginal child care agencies by State welfare departments has unfortunately been slower than might have been hoped. Only in Victoria is there a requirement that the Aboriginal child care agency be consulted in all cases involving the placement of Aboriginal children, although informal consultation and referral occur between State welfare authorities and Aboriginal child care agencies in other States. The success of the Victorian agency in resolving Aboriginal family problems, finding Aboriginal placements for children, and working effectively with white families caring for Aboriginal children has been notable.

**2.24** Aboriginal people are now seeking the following three reforms in connection with the placement of their children in substitute care: the acceptance and application of an Aboriginal child placement principle; greater participation in the planning of child care placements and the administration of the child welfare system; and legal recognition of these measures. The Aboriginal child placement principle embodies the concept that, wherever reasonably possible, Aboriginal children should, as a first preference, be placed with a member of the child's extended family; secondly, that they should be placed with other members of the child's community; and thirdly, that they should be placed with other Aboriginal families.

**2.25** The importance of the Aboriginal child placement principle has been recognised at the Commonwealth level through the Minister for Aboriginal Affairs who has agreed to consider the need for Commonwealth legislation covering Aboriginal adoption and fostering where appropriate action has not been taken by State and Territory welfare authorities. Following this initiative, joint Commonwealth/State working parties have been established in the States and the Northern Territory to consider, in consultation with Aboriginal people, future policy development in this area. The Committee understands that all State and Territory Welfare Ministers have accepted the Aboriginal child placement principle although to date only the Northern Territory has incorporated the concept in legislation.<sup>14</sup>

**2.26** The Committee believes Aboriginal participation in the child welfare system should be promoted and facilitated at all levels, and endorses the conclusions and recommendations of the 1982 report of the Australian Law Reform Commission on the custody, fostering and adoption of Aboriginal children which proposed that the involvement of Aboriginal people in decisions directly affecting them should be given legislative support.<sup>15</sup> The Committee also considers that participation should be further facilitated by ensuring that Aboriginal child care agencies are provided with adequate resources to carry out their functions. These agencies provide the most effective means for delivering child welfare services that are sensitive and responsive to Aboriginal attitudes and cultural needs, and are accessible to Aboriginal people. The Committee welcomes the recent establishment of a national body to represent these agencies but believes that government support for the body must be matched by the provision of adequate financial assistance if it is to fulfil its role in this area of child welfare.

### **Changing approaches towards the treatment of disabled children in care**

**2.27** Early child welfare policies and practices relating to disabled children also focussed on the removal of the child from the family and the child's committal to institutional care. In the past, residential care for disabled children has not, in general, been humane, with a high incidence of neglect and overcrowded conditions. Until recently, government funding of substitute care services for disabled children gave little attention to providing for their social and educational development and, in the main, was directed towards large residential institutions administered under a custodial system of care. The emphasis on institutional care and the under-development of domiciliary and community support services have been major factors inhibiting the participation of disabled children (and adults) in the community.<sup>16</sup>

**2.28** Problems arising from the segregation of these children from the wider society have been compounded by community attitudes and government funding policies towards different diagnostic categories. For example, public resources and manpower have tended to be more readily available for services catering for the needs of those with physical disabilities than for the needs of those with mental disabilities. In addition, professional assessment and diagnostic services have not been available to determine the needs of persons with similar disabilities but different levels of handicap and different service requirements. Past service provision has therefore tended to place all disabled children in the same type of care.<sup>17</sup>

**2.29** Attitudes towards the disabled are changing. In Australia, as in many other Western countries, the object of recent legislation has been to reduce the social and economic consequences of illness and disability for individuals, their families and the community at large. It is now recognised that there are humanitarian as well as economic

reasons for the public to invest in the promotion of health, the prevention of illness and the rehabilitation of disabled people. Increasing attention has been given to understanding the costs of ill health to the individual as well as to society and to the assessment of the effectiveness and costs of alternative efforts to improve the health and well-being of the population.<sup>18</sup> Moreover, there is greater awareness today of the personal, social and economic problems arising from hospitalisation and institutionalisation, with moves towards greater provision of health and social care within the community.<sup>19</sup>

**2.30** National campaigns and international initiatives have helped promote awareness of the rights of disabled people to share in as many aspects of community life as possible. As reflected in the Declaration of the 1981 International Year of Disabled Persons, 'thinking on human rights (has) led to international recognition that handicapped people should be accorded the same status and treatment as the rest of society'.<sup>20</sup> In an attempt to ensure the fuller participation, equality and integration of disabled people within the community, concepts such as 'de-institutionalisation', and 'normalisation' are of particular importance for children with disabilities living in substitute care. Such concepts have special implications for the application of early intervention programs, the type of substitute care used, the provision of education services and facilities, and the availability of support services for families with disabled children living at home.

**2.31** A further change in attitudes towards the care of children with disabilities can be seen in the emphasis now being placed by some academic and professional authorities on the need for a 'developmental model' of residential care for the disabled, particularly children. This model is usually contrasted with the traditional 'custodial model' (now widely regarded with disfavour) and the still prevalent 'medical model' in which the handicapped condition is deemed a chronic illness best dealt with by a high level of professional medical care. While these models are by no means mutually exclusive, it is argued that the developmental model recognises that disabled people are capable of progressively developing skills through appropriate training. On the other hand, the medical and custodial models give rise to perceptions and the categorisation of disabled people as 'sick'. They also tend to provide a range of support services within a single establishment or infrastructure which minimises contact with the general community. In addition, they are characterised by staffing regimes dominated by medical and paramedical personnel and an absence of social skills therapists and other support staff. For children with disabilities for whom early intervention is particularly important, the medical model may well overlook or neglect crucial socialisation and education needs.<sup>21</sup>

**2.32** This is not to say that all institutional facilities could or should be disbanded. The critical issue is the degree to which the 'institutional' characteristics of regimentation and de-personalisation which create barriers between the disabled and the wider community can be avoided or at least minimised. Initiatives by governments and others that have attempted to achieve this have been taken in the education area (e.g. through the introduction in 1977 of the Commonwealth Government's Children in Residential Institutions Program and, more recently, the Severely Handicapped Children's Program introduced in 1981), in the provision of direct financial assistance to families caring for their disabled children at home (e.g. through the introduction in 1975 of the Handicapped Child's Allowance), and in the trend towards the de-institutionalisation of care (e.g. through the expanded Handicapped Persons Welfare Program). Despite these developments, changes in policy and attitudes affecting the provision of child care arrangements for children with disabilities have tended to be slow, limited and often exploratory in nature. As a result, children with disabilities and varying degrees of handicap are among those still over-represented in institutional and other forms of substitute care.

## **Changing approaches towards the treatment of young offenders in care**

**2.33** Changing policies towards protective care have been accompanied by a commitment to the development of community-based alternatives to institutional corrective care. Most States and Territories have conducted reviews of their corrective services for young offenders and have advocated the use of community-based care combined with training and rehabilitation programs.<sup>22</sup> Many States are now applying diversionary principles whereby children are directed away from the courts in the first instance and are dealt with by special juvenile aid panels designed to assist them in addressing the social, economic or personal problems which may have led to the commitment of offences, and to determine what disciplinary and/or rehabilitation measures are necessary or appropriate in light of the young offender's background or family circumstances.<sup>23</sup> Law enforcement agencies and the courts are also demonstrating a greater sensitivity to the problems of young people in crisis as well as a greater reluctance to charge, convict or institutionalise young offenders.<sup>24</sup>

**2.34** The de-institutionalisation approach towards children who have offended against the law has been tested for a number of years in other countries. For example, in New Zealand 'periodic detention centres' have been developed where the concept of reparative work within the community is applied in conjunction with limited deprivation of freedom. These centres vary in their mode of operation, but most follow a rigid disciplinary model and make provision for young offenders to undertake community work, education and recreational pursuits. Periods of formal detention are kept to a minimum enabling detainees to continue their schooling, training or employment and face the normal responsibilities of community life.<sup>25</sup>

**2.35** Possibly the most notable development in this area has occurred in South Australia with the introduction in 1979 of the Intensive Neighbourhood Care Scheme. Under this Scheme, young offenders are placed with carefully selected and trained foster parents as an alternative to being placed under secure care in either remand or detention centres. A majority of cases are remand cases where the normal period of placement is approximately two weeks. Children who commit more serious offences are placed under longer-term care ranging from three months to a maximum period of one year. The main aim of the Scheme is to keep children out of secure care and to expose them to the benefits of a stable home life. Although the attitude of the courts was somewhat cautious when the Scheme was introduced, it is now well accepted by the judiciary, and it is unusual for a recommendation concerning the placement of a young offender under the Scheme not to be accepted. Reviews of the Scheme's effectiveness have been encouraging, showing that the behaviour of young children placed under this system has improved and that the rate of recidivism has been reduced significantly amongst this group.



## ENDNOTES

1. In 1811 the colony of New South Wales provided asylum for the mentally retarded and insane and probably included children among its admissions. In 1826 the New South Wales Orphans' Schools Act gave official recognition to private organisations in the provision of community services for children. In South Australia the Adelaide Lunatic Asylum was opened in 1852 and the Parkside Asylum was opened in 1870, both accepting imbecile children. Since 1898 Minda has provided care for intellectually disabled children in South Australia and the Northern Territory. In 1861 the Sisters of Mercy established a home for Queensland's orphaned children in rented cottages at New Farm. In Victoria the Social Welfare Department reported in 1883 that 8199 children had been placed in institutional care.
2. L.J. Tierney, *Children Who Need Help — A Study of Child Welfare Policy and Administration in Victoria*, Melbourne University Press, Melbourne, 1963, p. 22.
3. *ibid.*, p. 22.
4. D. McCotter and H. Oxnam, *Children in Limbo — An Investigation into the Circumstances and Needs of Children in Long-Term Care in Western Australia*, Report and Appendices, Department for Community Welfare, Perth, 1981.
5. W. Wolfensberger, *The Principle of Normalization in Human Services*, National Institute on Mental Retardation, Toronto, 1972.
6. Commonwealth Department of Health Submission, September 1982.
7. For example, in 1984 the Queensland Minister for Welfare Services and Ethnic Affairs tabled the Family and Community Development Bill and stated that the key aspect of the Bill was the preservation of the family. He commented that 'The well-being of the family unit is fundamental to the growth and development of any community, and thus every concerned Queenslanders will have a commitment to the provision of services and programs that support and assist family functioning'. He also stated that 'A principle which is adopted in the Bill is that in the first instance all efforts must be made to assist families responsible for the rearing of children, to provide adequate care and nurturing for their children within the family context.'
8. See also *Transcript of Evidence*, Submissions, pp. 1456-58: Residential and Alternate Care Task Force (Mr V.J. Dalton, Chairman), *Final Report*, Sydney, February 1982; McCotter and Oxnam, *op. cit.*; and the Welfare and Community Services Review (J. Carter, Review Director), *The Wellbeing of the People*, Western Australian Government Printer, Perth, August 1984.
9. Department of Social Security, *Annual Reports*, 1976-84; various surveys of child care services by the Australian Bureau of Statistics 1980-84; T. Sweeney and A. Jamrozik, *Perspectives in Child Care: Experience of Parents and Service Providers*, SWRC Reports and Proceedings No. 44, Social Welfare Research Centre, University of New South Wales, Sydney, April 1984; and I. Keniston and the Carnegie Council on Children, *All Our Children — The American Family Under Pressure*, Harcourt Brace and Jovanovich, New York, 1977.
10. In New South Wales the denial of parental rights was given legislative sanction in 1915 with an amendment to the Aborigines Protection Act, 1909 which permitted children to be removed and put into service without parental consent. In 1921 the New South Wales Aborigines Welfare Board Annual Report stated that 'the continuation of this policy of disassociating the children from camp life must eventually solve the Aboriginal problem'. Certainly, no value was placed on the concept of Aboriginality. In fact many of the policies of the native welfare and Aboriginal protection boards were based on assumptions of genetic inferiority and a belief that the Aboriginal people were a dying race. In 1911 the New South Wales Aborigines Welfare Board Annual Report stated that 'to allow these children to remain on the Reserve to grow up in comparative idleness in the midst of more or less vicious surroundings would be, to say the least, an injustice to the children themselves, and a positive menace to the State'. For further information see P. Read, 'The Stolen Generations — The Removal of Aboriginal Children in New South Wales 1883 to 1969', paper prepared for the Aboriginal Children's Research Project (New South Wales Family and Children's Services Agency), New South Wales Ministry of Aboriginal Affairs, 1982.
11. *Transcript of Evidence*, Submissions, p. 1119.
12. *ibid.*, p. 1120.
13. A further recent initiative by Aboriginal people has been the development of multi-purpose Aboriginal child care centres. These centres combine early educational services and child care and parent education activities. The centres are complementary to and interrelated with the Aboriginal child care agencies and together combine developmental, remedial and advocacy approaches towards meeting the welfare needs of Aboriginal children and families.
14. Advice on this matter was received from the Department of Aboriginal Affairs on 28 May 1985. The Australian Law Reform Commission is currently examining the need for a Commonwealth Aboriginal child placement Act.
15. Australian Law Reform Commission, Reference on Aboriginal Customary Law (Dr J.R. Crawford, Commissioner), *Aboriginal Customary Law: Child Custody, Fostering and Adoption*, Research Paper No. 4, August 1982.
16. Family Services Committee, *Families and Social Services in Australia — A Report to the Minister for Social Security*, AGPS, Canberra, 1978, Vol. 1, p. 70. For example, disabled people in institutions who may have preferred to live in the community were often unable to do so largely because they were constrained in their

choice of housing. This was due to the limited range of accommodation available as well as the lack of appropriate support services to meet their needs.

17. *Transcript of Evidence*, Submissions, p. 1127.

18. Family Services Committee, op. cit., p. 67.

19. Hospitals and Health Services Commission, *A Review of the Community Health Program*, AGPS, Canberra, 1976.

20. Royal Commission on Human Relationships (Justice Elizabeth Evatt, Chairman), *Final Report, Volume 5*, AGPS, Canberra, 1977, p. 114.

21. *Transcript of Evidence*, Submissions, p. 1180.

22. Recent reviews include the reports by E.J. Edwards, *The Treatment of Juvenile Offenders: A Study of the Treatment of Juvenile Offenders in Western Australia as Part of an Overall Review of the Child Welfare Act*, Department for Community Welfare, Perth, July 1982; Australian Law Reform Commission (Dr J.A. Seymour, Commissioner), *Child Welfare*, Report No. 18, AGPS, Canberra, 1981; the Victorian Child Welfare Practice and Legislation Review Committee (Dr T. Carney, Chairman), *Discussion Paper*, September 1983; and Committee of Enquiry into Child Care Services in Victoria (Mr Norgard, Chairman), *Report*, Government Printer, Melbourne, 1976.

23. *Seymour Report*, op. cit., p. 80.

24. Commonwealth Department of Education and Youth Affairs, *Children and Young People in Institutional Care*, Canberra, June 1984.

25. *ibid.*

## CHAPTER 3

### ROLE AND RESPONSIBILITY OF THE COMMONWEALTH GOVERNMENT

3.1 Historically, public responsibility for child welfare matters, particularly the provision of substitute care for children, has rested with State governments both in the delivery of child welfare services and the supervision and subsidisation of non-government sector activities. It has only been in recent times that responsibility for the funding and administration of certain substitute care programs and related welfare services for children and their families has been shared between the Commonwealth and the States.

#### Development of the Commonwealth's role

3.2 The Commonwealth Government entered the field of child welfare in 1941 by introducing a national scheme of child endowment which provided direct financial support to all parents to assist in the maintenance of dependent children.<sup>1</sup> The introduction in 1942 of a uniform taxation system under Commonwealth control gave the Commonwealth increased financial capacity, permitting it to intervene in many areas once held to be the exclusive constitutional domain of the States, including the area of child welfare. During World War II the Commonwealth Government extended its role when it gave temporary assistance to organisations to subsidise costs incurred in expanding their services to provide care for the children of women working in essential industries.

3.3 While the basis of the States' responsibility for child welfare was the care and protection of children, the Commonwealth's role in the development of services for children and the provision of financial assistance for families was at that time perceived to be in the national interest. For example, during the Second World War the provision of assistance for the care of children was seen as a means of enabling women to enter the workforce and thus increase and sustain the war effort. It was also the case in the 1950s and 1960s when the Commonwealth was concerned to obtain full economic value from its immigration program and later in the 1960s to find a new source of labour for an expanding economy.<sup>2</sup>

3.4 It has been argued that the entry of the Commonwealth into the child welfare field was both tentative and instrumentalist — tentative because the Government presented its role as one of encouragement and assistance, or supplementation, while at the same time disclaiming any responsibility; and instrumentalist because it legitimised the entry of women into the workforce which traditionally had been regarded as being in conflict with their 'primary roles' as wives and mothers. Commonwealth interest in such matters as child care was therefore seen as a means to an end rather than an end in itself.<sup>3</sup>

3.5 As commented in the previous chapter, it was not until the 1970s that pressure was brought to bear on the Commonwealth Government to direct more attention and financial assistance towards the family, and particularly the child in the family.<sup>4</sup> This resulted in a number of initiatives being taken at the federal level during the early 1970s, including the passing of the *Child Care Act* 1972, the introduction in 1973 of income maintenance payments for single parents supporting children (then known as the Supporting Mother's Benefit), the establishment of the Social Welfare Commission in 1973, the establishment of the Interim Committee of the Children's Commission in 1974, the passing of the *Children's Commission Act* 1975<sup>5</sup> and the *Family Law Act* 1975, and the establishment of the Children's Services Program in 1976. During this period demands were also made for the development of a national family policy, reflecting growing acceptance of the view that the provision of assistance to families with dependent children was not only a government responsibility but, in effect, a national responsibility.<sup>6</sup>

**3.6** In 1981, recognition of the Commonwealth's obligation to provide services for children and families was endorsed statutorily with the passing of the *Human Rights Commission Act* 1981. This Act incorporated the United Nations Covenant on Civil and Political Rights which states that 'the family is the natural and fundamental group unit of society and is entitled to protection by society and the State'. It also outlines the State's obligation to the child: namely, that 'the child shall have ... the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State'. When read in conjunction with the Declaration of the Rights of the Child, which is also incorporated in the Act, protection of the child includes the right '(to) be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration'. On the passing of this legislation the Commonwealth acquired a clear mandate for the promotion at the national level of the well-being of the child and the stability of the family.

### **Constitutional basis for the Commonwealth's role**

**3.7** Matters on which the Commonwealth can make laws are set out in the Constitution, chiefly in section 51. Although the Commonwealth has become increasingly involved in the child welfare area in recent years, albeit gradually and haphazardly, there is no specific constitutional power given to the Commonwealth in the area of child welfare.<sup>7</sup> Possible constitutional bases for the Commonwealth Government's involvement in child welfare matters can, however, be found in various sections of the Constitution; namely, sections 51(xxi), 51(xxii), 51(xxiiiA), 51(xxxvii), 81 and 96. Sections 51 (xxi) and (xxii) possibly provide the most direct role for the Commonwealth in this area by empowering the federal Parliament to make laws in respect of 'Marriage' and 'Divorce and matrimonial causes; and in relation thereto, parental rights, and the custody and guardianship of infants', respectively.

**3.8** On the basis of sections 51 (xxi) and (xxii), the Commonwealth has enacted the Family Law Act which gives it jurisdiction over the custody and maintenance of children where these matters fall within the ambit of the Act. Constitutional coverage does not, however, extend under the Act to all possible custody and maintenance disputes. The Act states that the parties to a marriage have the joint custody of a 'child of the marriage' until the child reaches the age of 18 years<sup>8</sup>, which means that custody or maintenance cases that are not concerned with a 'child of the marriage' (e.g. children of de facto relationships), are outside the ambit of the Act and remain within the legal jurisdiction of the States.<sup>9</sup>

**3.9** Following amendment of the Act in 1983, the definition of a child of the marriage was extended in an effort to take the Commonwealth's power in this area to its constitutional limit.<sup>10</sup> Under the *Family Law Amendment Act* 1983, the categories of children deemed to be children of the marriage were expanded to include children of either of the parents, or a child who had been previously adopted by either of them, provided the child was a member of the household of the husband and wife at the relevant time, or was a child who was treated by the husband and wife as a child of their family.<sup>11</sup> The revised definition still excludes children of de facto couples, and seems also to exclude children of single mothers and orphaned children who were never subject to the Family Court's jurisdiction while their parents were alive. Custody disputes concerning these children continue to take place in State courts.<sup>12</sup> The 1983 amendment was introduced following the unsuccessful attempt at the Constitutional Convention held that year to secure support for amending the Constitution to bring all custody and maintenance matters within the Commonwealth's jurisdiction and thus avoid the unfortunate situation of some children in a household having their custody determined in a State court, while other children of the same household are subject to the jurisdiction of the Family Court.

**3.10** The Family Law Amendment Act further increased Commonwealth control over children of marriages by giving the Family Court jurisdiction to make a child of the marriage a ward of the court. This was achieved by adding 'welfare of the child' to the list of matters concerning the custody, guardianship or maintenance of children in respect of which proceedings under the Family Law Act can be instituted. This has given the Family Court powers that have traditionally been exercised by State Supreme Courts within their wardship jurisdictions. It can, for example, administer a child's property, order that a child not associate with given persons, and protect a child from unwarranted medical procedures. Section 10 of the Family Law Act was also amended by the 1983 Act to make it clear that the Family Court has no power to make a custody order which would override an order made under State child welfare legislation committing a child to the guardianship of a State Minister. The Act also inserted for the first time a definition of 'custody' and 'guardianship' which are the terms used in section 51(xxii) of the Constitution.<sup>13</sup> The amendments made by the 1983 Act represent one view of the extent of the Commonwealth's power flowing from section 51(xxii). As yet, these extensions are largely untested although the High Court considered certain aspects of the amendments in Cormick's case heard in August 1984.<sup>14</sup>

**3.11** On the basis of section 51(xxii) the powers of the Commonwealth over the welfare of children are thus limited to the extent that they are tied to divorce and matrimonial causes and the regulation of the custody and guardianship of children in these cases.<sup>15</sup> The Commonwealth cannot, for example, regulate the custody of children where breaches of the criminal law are involved. These remain matters for State law. Children of Aboriginal tribal marriages are also excluded from the Family Court's jurisdiction and the Family Court has restricted power to consider custody applications by third parties (e.g. grandparents) against a child's parents.<sup>16</sup>

**3.12** Section 51(xxiiiA) provides the Commonwealth Parliament with the power to make laws for 'The provision of maternity allowances, widows' pensions, child endowment, unemployment, pharmaceutical, sickness and hospital benefits, medical and dental services (but not so as to authorise any form of civil conscription), benefits to students, and family allowances'. The extent of this power was examined in the case, *British Medical Association v. The Commonwealth*.<sup>17</sup> Although the main issue in the case concerned the meaning of civil conscription, the extent of the Commonwealth's power was also discussed generally. A majority of the Court held that the power conferred on the Commonwealth by this section was limited to the provision of benefits. As stated by Latham CJ, 'The power is not a power to make laws with respect to, e.g. pharmaceutical benefits and medical services. It is a power to make laws with respect to the provision of such benefits and services. A power to make laws with respect to medical services might well be held to be a power which would authorize a law providing for the complete control of medical services rendered by any person to any other person and so would enable the legislature to control the practice of the medical profession completely or to such less extent as Parliament might think proper.'<sup>18</sup> In other words, it was held that while the Commonwealth may well be able to provide medical and pharmaceutical benefits to the public, it was not able to regulate the sale of pharmaceuticals or control the medical or pharmaceutical industries.<sup>19</sup> Similarly, while the provision within the Constitution governing child endowment gives the Commonwealth some power with regard to children, it seems to be limited to the payment of direct financial assistance.

**3.13** Other doubts have been expressed as to the extent to which this power can be used beyond making direct cash payments. McMillan, Evans and Storey have argued that while it is clear the Commonwealth can, in addition to making cash payments, provide some services and facilities, it is not clear what the full extent of the Commonwealth's power in this area is. For instance, it has been questioned whether the Commonwealth can provide

or directly fund re-training schemes, domiciliary care, and housing assistance for homeless persons. Similarly, doubts have been raised as to how far the Commonwealth can broaden its function beyond assisting needy individuals, to assisting welfare target groups or even whole communities. There is also a doubt as to whether it can establish or directly fund such services and facilities as child care centres, women's refuges, family planning services, accommodation for the disabled, school to work transition programs, and community development or assistance projects.<sup>30</sup>

**3.14** While it seems that legislation such as the *Homeless Persons' Assistance Act 1974* which makes provision for the payment of grants to organisations providing food and accommodation for homeless people (including, as required by the Act, children over 16 years of age) is based on section 51(xxiiiA), some commentators, including the former Attorney-General, Senator Gareth Evans, have expressed doubts as to where it fits into the structure of the section.<sup>31</sup> If this Act is validly based on section 51(xxiiiA), it would appear to extend the section's understood meaning. Such an extension would therefore enable the Commonwealth to enact similar laws for the benefit of all children in need.<sup>32</sup>

**3.15** A further potential source of legislative power for the Commonwealth within the child welfare area could flow from section 51(xxxvii) of the Constitution. Under this section it is possible for the States to refer law making powers to the Commonwealth. One of the referenda voted on at the 1984 December federal election proposed the insertion of a new provision in the Constitution expanding this section and permitting certain powers to be transferred between the Commonwealth and the States. This referendum was defeated. In the past, the States have, however, referred some powers to the Commonwealth. These have mainly been during wartime and most State Acts referring matters to the Commonwealth have now either expired or been repealed. Nevertheless, it is open to the States to refer aspects of child welfare to the Commonwealth.<sup>33</sup>

**3.16** Given a liberal interpretation of the Commonwealth's appropriations power derived from section 81 of the Constitution, it is possible for the Commonwealth to finance activities which do not fall directly within its power. Section 81 states that 'All revenues or moneys raised or received by the Executive Government of the Commonwealth shall form one Consolidated Revenue Fund, to be appropriated for the purposes of the Commonwealth in the manner and subject to the charges and liabilities imposed by this Constitution'. The issue of what constitutes the 'purposes of the Commonwealth' was discussed in the *Australian Assistance Plan* case in 1975.<sup>34</sup> Under the Plan, Commonwealth funds were to be disbursed directly to regional councils throughout Australia to be spent on regionally-based social welfare programs devised by the councils themselves. Opponents of the Plan argued that the range of services to be administered by the councils extended beyond the matters upon which the Commonwealth could legislate.<sup>35</sup> A majority of the judges who considered this aspect of the case held that 'the purposes of the Commonwealth were not limited to powers given to the Commonwealth in the Constitution'.<sup>36</sup> They maintained it was up to Parliament to determine the 'purposes of the Commonwealth' for the operation of section 81.

**3.17** Since then the case has been taken to signify a broader interpretation of the Commonwealth's appropriations power. It seems that this power could enable direct grants to be made to child welfare bodies. It has been argued that direct funding is sometimes more appropriate than using section 96 grants to the States because it avoids 'damaging and wasteful duplication, fragmentation, expense and political wrangling'.<sup>37</sup> However, the use of section 81 in a manner that is perceived by the States to infringe upon their rights may well create problems of its own. The extent to which this awareness modifies the Commonwealth's approach towards funding through section 81 is the measure of the limitation of the Commonwealth's powers under this section.

**3.18** Under section 96 of the Constitution, the Commonwealth has considerable regulatory control in certain areas such as education despite the fact that it has no specific constitutional legislative power in this field.<sup>38</sup> This section provides that 'During a period of ten years after the establishment of the Commonwealth and thereafter until the Parliament otherwise provides, the Parliament may grant financial assistance to any State on such terms and conditions as the Parliament thinks fit'. It is therefore possible, for example, for the Commonwealth to control the provision of child care services by making grants to the States, specifying exactly how the money is to be spent.

**3.19** In effect, virtually any purposes and conditions can be imposed on a grant, including the stipulation that the States make a matching grant. These purposes and conditions are not limited to matters over which the Commonwealth has exclusive or concurrent constitutional power; a Minister can use his executive power to impose conditions on grants without reference to Parliament. However, the acceptance by the States of monies earmarked in this way, is an act of choice; the Commonwealth has no power to compel the States to accept and the States have not always taken up the option. The power of the Commonwealth derived through the use of section 96 is, to this extent, determined by the States. The reliance of the States on federal funds to finance their social welfare programs, combined with the power of the Commonwealth to make section 96 grants for virtually any purpose and on any conditions, has allowed the Commonwealth to intervene in many aspects of welfare once held to be the exclusive constitutional province of the States.

**3.20** The Commonwealth also derives authority over child welfare matters through provisions contained in the Constitution regarding Aboriginals, the Territories and immigrants. Under section 51(xxvi) of the Constitution, the Commonwealth may make special laws on behalf of Aboriginal people.<sup>39</sup> However, the full extent of the Commonwealth's powers in this area, including its power to act on behalf of Aboriginal children, has not been exercised to date. Under sections 52(i) and 122, the Commonwealth has responsibility for the welfare of children in the Australian Capital Territory and, until 1978, the Northern Territory. Child welfare is now one of the matters for which the Northern Territory Legislative Assembly is directly responsible pursuant to arrangements made by the Commonwealth for self-government in the Territory following the enactment of the *Northern Territory (Self-Government) Act 1978*. Under section 51(xxvii), the Minister for Immigration and Ethnic Affairs has conferred on him an official guardianship role in relation to unaccompanied refugee minors.

### **Present forms of Commonwealth Government assistance**

**3.21** Within this constitutional framework, the Commonwealth currently provides a range of direct cash payments either on a universal basis to families with dependent children or to particular groups such as single parents, families with disabled children, persons supporting orphans and low income families. The Commonwealth also allocates funds for the provision of a range of in-kind benefits that are made available to families with dependent children through a network of community-based child care and family support services. These forms of direct and indirect assistance reflect the development of preventive policies and programs that are intended both to support the family unit and to assist some families to care better for the needs of their children and avoid the necessity of relinquishing their children to the care of the State or non-government welfare organisations.

**3.22** Income support payments provided directly by the Commonwealth include the Family Allowance, the Supporting Parent's Benefit, the Family Income Supplement, the Handicapped Child's Allowance, and the Mobility Allowance. Other forms of direct financial assistance include additional payments for particular welfare beneficiaries who have children in their care such as widows, invalids and the unemployed; taxation concessions available to income earners with children; and assistance provided through special programs designed to help families meet their housing needs. The Commonwealth Government also provides a Double Orphan's Pension to assist in the provision of care for a child without parents. A secondary objective of this benefit is to provide some financial incentive for families to care for orphans, rather than placing them in institutional care. Details of the above measures are given in Appendix 5.

**3.23** Financial assistance allocated by the Commonwealth for community-based child care and family support services is administered through the Children's Services Program. This program was introduced in 1976, although the Government first gave recognition to its intention to assist families with dependent children in this way when it introduced the Child Care Act in 1972.<sup>30</sup> (For an account of the historical development of the Commonwealth's role in this area see Appendix 7.) Participation by the Commonwealth through the Children's Services Program has had an important impact on the provision of substitute care services insofar as it has lent support to the prevailing emphasis on the need for the development of preventive welfare services and has contributed indirectly to reducing the number of children placed in institutional or other forms of substitute care. The Commonwealth's role in this area is discussed further in Chapter 7, 'The Children's Services Program and Preventive Services'.

**3.24** The Commonwealth also provides financial assistance to organisations responsible for the provision of institutional and other forms of substitute care through a number of specific purpose programs. These include the Children in Residential Institutions Program, grants to nursing homes and hospitals, grants provided for Aboriginal child welfare, the Handicapped Children's Benefit and the Handicapped Persons Welfare Program. These programs are discussed in subsequent chapters and Appendix 6. Organisations and individuals (e.g. foster parents) providing substitute care are also eligible for direct Commonwealth financial assistance through the Family Allowance and the Double Orphan's Pension. Details of these payments are also given in Appendix 6.

**3.25** In addition to these forms of assistance, the Commonwealth Government supports a number of other child and family services, including family planning associations, marriage counselling services and pre-marital education programs. It also funds the operation and research activities of the Institute of Family Studies<sup>31</sup>, supports the Child Accident Prevention Foundation of Australia<sup>32</sup> and, under the Supported Accommodation Assistance Program, provides financial assistance towards the capital and operating costs of non-profit voluntary welfare organisations and local government agencies which provide temporary accommodation, meals and welfare services for homeless people, including homeless young people aged from 16 to 25 years.

**3.26** Finally, as part of its responsibility for child welfare in the Australian Capital Territory, the Commonwealth Minister for Territories has conferred on him an official guardianship role for wards of the Australian Capital Territory. The Commonwealth is also directly responsible for two residential care centres in the Territory — the Quamby Remand Centre and the Belconnen Remand Centre — the only residential care institutions under the immediate control of the Commonwealth.<sup>33</sup> In 1981 the Australian Law Reform Commission tabled a report in the federal Parliament on child welfare in the Australian Capital Territory and recommended the introduction of a new ordinance designed to cover both protective and corrective aspects of child care in the Territory.<sup>34</sup> It is understood that



the Commonwealth Government is moving towards the implementation of this recommendation. In part, this move can be seen as the Commonwealth setting an example to the States for what it believes to be appropriate and adequate legislation governing the well-being of children.

#### ENDNOTES

1. Prior to World War II, financial assistance was appropriated by the Commonwealth during the late 1930s for the establishment of a Lady Gowrie Child Care Centre in each State for the purpose of providing a 'model' child health and education program.
2. During the late 1960s the Commonwealth introduced scholarships for trainee pre-school teachers and provided capital funds to assist pre-school teacher training colleges to expand in order to meet increased student-teacher enrolments.
3. T. Sweeney and A. Jamrozik, *Services for Young Children: Welfare Service or Social Parenthood?* SWRC Reports and Proceedings No. 19, Social Welfare Research Centre, University of New South Wales, Sydney, March 1982.
4. The economic boom of this period also created a demand for female labour which in turn led to the emergence of the growing problem of 'latchkey' children.
5. The *Children's Commission Act* 1975 was assented to on 11 June 1975 but was never proclaimed.
6. The notion of a national family policy and the view that the provision of assistance to families was the responsibility of government were not new. A number of European countries already had family policies, some more broadly based than others. In Australia, the need for such a policy was identified by the Commission of Inquiry into Poverty (1972-76); the Social Welfare Commission (1973-75); the Interim Committee of the Children's Commission (1974); and the Royal Commission on Human Relationships (1974-77).
7. L. Ward, *Commonwealth Powers Over Childcare*, Legislative Research Service, Parliamentary Library, October 1984, p. 1. See also Department of Education and Youth Affairs, *Children and Young People in Institutional Care*, June 1984.
8. See section 61(1) of the *Family Law Act* 1975. Section 73 makes a similar provision in relation to maintenance. Under section 5(1) of the Act a 'child of the marriage' was deemed to be a child born to both parties after the marriage and also 'a child adopted since the marriage by the husband and wife; or a child of the husband and wife born before the marriage'.
9. De facto relationships are not regarded as marriages under the Family Law Act. A child of a de facto relationship can only be considered a 'child of the marriage' and therefore subject to the Act if one of the partners subsequently marries.
10. *Family Law Amendment Act* 1983, sections 5 and 5A.
11. In particular, the new Act covers ex-nuptial children of either the husband or the wife where the child is at the relevant time ordinarily a member of their household; a child who has been and is at the relevant time treated by the husband and wife as a member of their family if at the relevant time that child is ordinarily a member of their household (this would include a child from either the husband's or wife's previous marriage and could possibly include a foster child); and a child born to the mother as a result of a medical procedure (defined as either artificial insemination or the implantation of an embryo).
12. Ward, *op. cit.*, p. 7.
13. Section 60A of the Act defines 'custody' as pertaining to 'daily care and control', whereas 'guardianship' is defined as everything not so specified.
14. In the case *Cormick v. Cormick*, the High Court considered the validity of paragraph 5(1)(f) of the Act concerning children not born to or adopted by either spouse, but living as a member of the household. In this case, which did not involve divorce proceedings, Mrs Cormick sought custody of a child born to her unmarried daughter arguing that she had raised the child as one of her own children. The High Court held that paragraph 5(1)(f) was not a valid exercise of the Commonwealth's power over marriage. As a consequence paragraph 5(1)(f) was invalidated in relation to non-divorce custody disputes although it still could be operative in relation to divorce custody disputes.
15. Ward, *op. cit.*, p. 9.
16. Section 61(4) of the Family Law Act exceptionally allows the Court to decide on custody between third parties and a parent, where the other parent, having obtained a custody order over the child, has died: see for example, *St Clair v. Nicholson* (1981) 33 ALR 537. The Family Court may also have jurisdiction under section 4 (definition of 'matrimonial cause' paragraph (f)), in restricted cases, see for example, *Fountain v. Alexander* (1982) 40 ALR 441.
17. *British Medical Association v. The Commonwealth* (1949) 79 CLR 201.
18. *ibid.*, 242.
19. Ward, *op. cit.*, p. 10.
20. J. McMillan and others, *Australia's Constitution: Time for Change?* George Allen and Unwin, Sydney, 1983, pp. 88-89.
21. M. Crommelin and G. Evans, 'Explorations and Adventures with Commonwealth Powers' in G. Evans (ed.) *Labor and the Constitution 1972-1975*, Heinemann, Melbourne, 1977, p. 38.
22. Ward, *op. cit.*, p. 12.
23. *ibid.*, p. 2.
24. *Victoria v. The Commonwealth* (1975) 134 CLR 338. The case involved a successful challenge by the Victorian Government to the Commonwealth Government's proposed Australian Assistance Plan.
25. McMillan and others, *op. cit.*, p. 84.
26. *Victoria v. The Commonwealth* (1975) 134 CLR 338.

27. McMillan and others, op. cit., p. 89.
28. The Constitution confers no explicit (exclusive or concurrent) powers on the Parliament with respect to education.
29. Prior to amending the Constitution in 1967 through the *Constitutional Alteration (Aboriginals) Act 1967*, section 51(xxvi) of the Constitution allowed the Commonwealth to legislate with respect to 'The people of any race, other than the aboriginal race in any State, for whom it is deemed necessary to make special laws'.
30. The Child Care Act was assented to on 2 November 1972.
31. The Commonwealth allocated \$1.3 million to the Institute of Family Studies for the financial year 1984-85.
32. The Child Accident Prevention Foundation of Australia was established in 1979 by a group of paediatric surgeons, lawyers and other concerned individuals for the purpose of increasing public awareness of child safety and accident prevention. Funds for the Foundation are received from both Commonwealth and State governments, the business sector and the public. Before the 1980 federal election the Fraser Government announced it would establish a new National Children's Foundation concerned with matters relating to the well-being of children and families. A major aim of the Foundation was to provide a national focus for child abuse. Negotiations aimed at establishing the Foundation were, however, unsuccessful.
33. The Commonwealth Minister for Health also has responsibility for the delivery of services for mentally and physically disabled children in the Australian Capital Territory.
34. Australian Law Reform Commission (Dr J.A. Seymour, Commissioner). *Child Welfare*, Report No. 18, AGPS, Canberra, 1981.

## CHAPTER 4

### ADOPTION AND FOSTER CARE

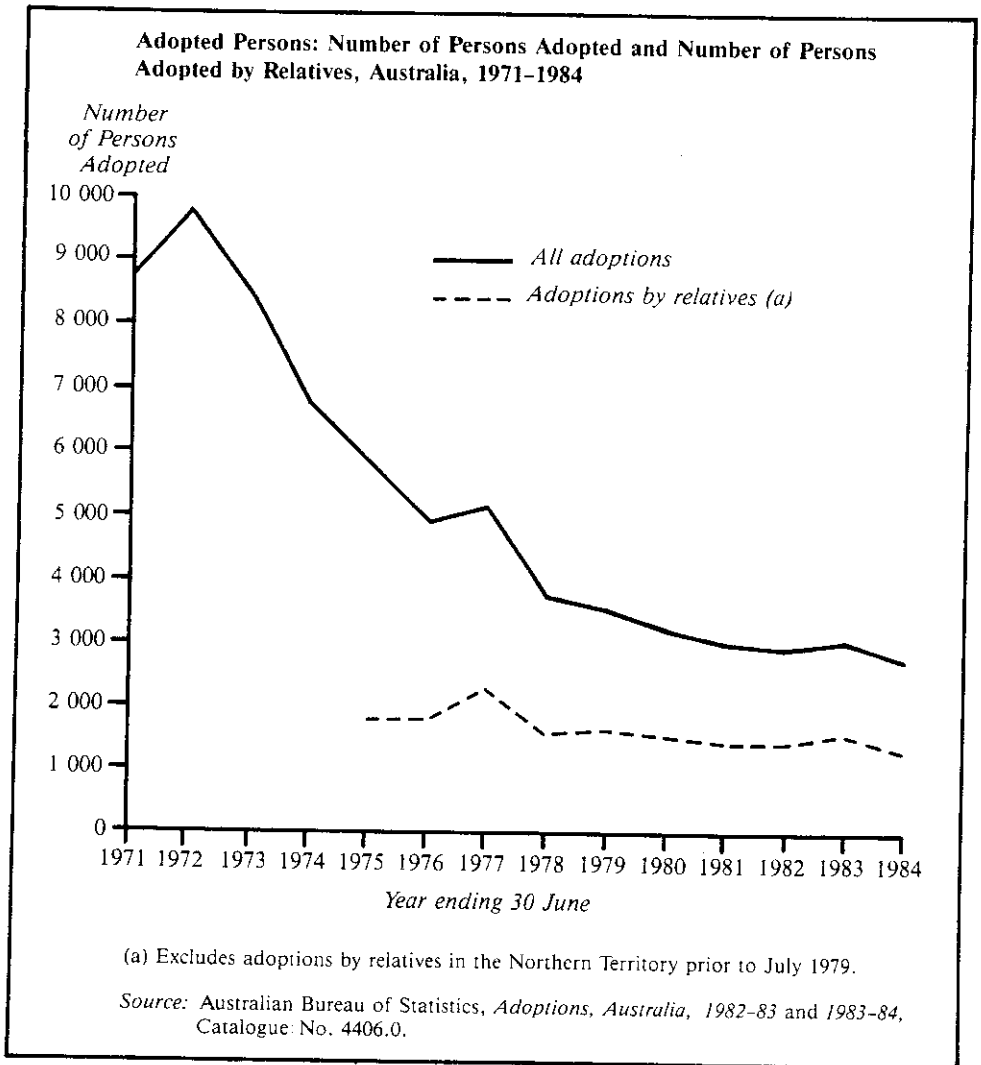
#### The practice of adoption

**4.1** Adoption is the legal process whereby the guardianship of a child is permanently transferred to the care of another person(s) after the natural parent(s) has relinquished the right to care for the child. It is therefore the most permanent form of substitute care. Adoption orders can generally only be made by judicial order, after a court or tribunal has considered the welfare of the child and determined that the parent's consent has been given, or properly waived. The adoptive process is most frequently used when, for a variety of legally defined reasons, the child's natural parents are unable or unwilling to care for the child.

**4.2** The legal process of adoption was first introduced in Australia by the Western Australian Parliament when it enacted the *Adoption of Children Act* 1896. The practice gradually became established in law in all States and Territories and from its beginnings has remained a matter of State and Territorial jurisdiction. Despite the passing of legislation during the period 1964-68 which aimed at introducing some uniformity in this area, particularly with regard to matters of jurisdiction and the recognition of interstate and inter-country adoptions, present adoption procedures vary considerably from State to State. For example, in Queensland adoption is an administrative process effected by an order of the Director of the Department of Children's Services and does not require judicial authorisation. In the Australian Capital Territory and the Northern Territory jurisdiction over adoption lies with the Supreme Court. In Victoria it rests with the County Court or Supreme Court, and in Western Australia adoption procedures are the responsibility of the State Family Court. In New South Wales and South Australia adoption is a matter for special adoption courts or tribunals, and in Tasmania adoptions are dealt with by magistrates.<sup>1</sup> The non-legal aspects of adoption arrangements in Australia are left to approved State adoption agencies or societies with the notable exception of the adoption of children by relatives.

**4.3** The Australian Bureau of Statistics estimated that in the year ended 30 June 1984, 2770 children were adopted in Australia. This represented a decrease of 302 compared with the previous year.<sup>2</sup> As can be seen from the following graph, this reduction continues the downward trend in the number of children adopted in Australia which, with only minor exceptions, has been evident in national adoption statistics for more than a decade. A breakdown of the number of children adopted in each State and Territory since 1971 is provided in Table 1, Appendix 4.

**4.4** In 1983-84 just over half (52.4 per cent) of all adoptions were by relatives of the adopted children, continuing the pattern of an increase in the proportion of adoptions by relatives since 1974-75 when separate statistics on relative and non-relative adoptions first became available. Only in the last three years have adoptions by relatives outnumbered adoptions by non-relatives, the proportion being 50.3 per cent, 50.4 per cent and 52.4 per cent in 1981-82, 1982-83 and 1983-84 respectively. Of the number of children adopted in 1983-84, 84 per cent were born in Australia, 87 per cent were born ex-nuptially, 49 per cent were born to mothers aged 19 years and under, and, at the time of adoption, 33 per cent were aged less than two months and 67 per cent were aged less than one year.



**4.5** Evidence received during the inquiry supported the view that formal adoption practices have proved to be a successful means of providing substitute care for many children. Through adoption, a child is offered the benefits of permanent parental care and the advantages of secure and lasting relationships within a family. Adoption can spare children the problems often encountered in other substitute care arrangements, particularly the difficulty of coping with the uncertainty of his or her present and future position. It also provides support and contact for children beyond adolescence in a way that both voluntary agencies and government departments find difficult to maintain.<sup>3</sup>

**4.6** The Committee has noted certain changes in the community's attitude towards the practice of adoption which were reflected in the first national adoption conference in Australia held in 1976 and the subsequent growth of self-help adoption groups in most States. A major development in this field has been the growing recognition within both the community and official welfare agencies that the adoptive process is suitable not just for

babies and infants but for a much wider range of children than has previously been considered in this country. These children may include those in long-term institutional care without hope of being reunited with their families and those with some handicap or disability. Both practice and research overseas demonstrate the positive role of adoption in planning substitute care placements for children with special needs, particularly older children. It is, however, important to recognise that when adoption is chosen for the placement of these children, all the resources and support of good foster care practice are required.

**4.7** The need to improve the circumstances of children with special needs in substitute care by promoting the alternative of adoption has been recognised in the establishment of special government units such as the Special Needs Adoption Unit in the Victorian Department of Community Welfare Services. While these initiatives have been accompanied by some developments in the provision of professional pre-adoption and post-adoption services for both adoptive children and their parents, a number of child care workers indicated to the Committee that they felt they did not have the necessary skills, insight, knowledge or experience to recommend adoption as a form of permanent planning for children requiring substitute care or even suggest it as a placement option. In the past, such doubts have been reinforced by difficulties encountered in finding suitable families willing to adopt children other than healthy babies and infants, and by an absence of information on successful older-age adoptions.

**4.8** The Committee's attention was drawn to a number of other issues relating to adoption. These included the adequacy of present inter-country adoption procedures; the implications of adoption for ethnic minorities, particularly Aboriginal children; and the right of access to original birth records and personal documents by adopted persons. Most witnesses who commented on these matters were critical of the variations between the States in adoption laws, regulations and practices especially as they relate to inter-country adoptions and access by those adopted to original birth records.<sup>4</sup> The Committee agrees that the existence of these differences is unsatisfactory and urges both government and non-government welfare agencies to seek greater uniformity in official adoptive policies and practices throughout Australia.

### **The practice of foster care**

**4.9** Foster care is a generic term used to refer to a wide range of family-based substitute care arrangements whereby a child lives temporarily apart from his or her natural or adoptive parents and is cared for by substitute parents in their family home. Different types of fostering have developed in response to requirements for substitute care for children in different family circumstances. These range from formal governmental guardianship arrangements to more informal practices between parents, other family members and friends. Fostering may be a short-term or long-term arrangement. In either event, it does not involve a permanent transfer of legal guardianship to the foster parents and, under formal arrangements, is revocable by the responsible Minister or his delegate unless steps are taken to formalise the status quo through an adoption order.

**4.10** Short-term or temporary foster care is provided when substitute family care is needed for a child for a short period only. It includes the provision of emergency foster care for children of families where basic functioning is satisfactory but where temporary substitute care is required as in cases of parental illness or accident. Short-term foster care also covers pre-adoptive fostering used immediately prior to the adoption of babies and infants. Finally, it can include planned short-term foster care where the placement of a child away from his or her family for a period of up to six months is part of a wider plan

involving the child's eventual family reunion or permanent placement elsewhere. Foster care provided for periods over six months is generally referred to as long-term foster care. Fostering arranged on this basis may take one of three forms: 'permanent' foster care, foster care used with a view to proceeding with an adoption order, and indefinite foster care.

**4.11** The placement of children in foster care is normally arranged by an approved non-government welfare agency or State welfare department. State welfare departments are primarily responsible for the placement and supervision of foster children under the guardianship of the State while non-government welfare agencies generally assume responsibility for other children in need of foster care. Direct financial assistance is provided to foster parents by the States and the Territories in the form of a foster care allowance. The purpose of the allowance is to assist parents in the maintenance and support of foster children in their care. Separate arrangements may be made for the provision of a clothing allowance although in most States and Territories this payment is not an automatic entitlement but is dependent on the receipt of a claim for reimbursement of expenses by the foster parent. Reimbursement is also available in most States for major medical and pharmaceutical expenses following a claim for such costs.

**4.12** The Australian Bureau of Statistics has estimated that, on the basis of the payment of foster care allowances, 9757 children were in foster care placements in Australia at 30 June 1984. A breakdown of this number for each State and Territory is provided in Table 2, Appendix 4. No estimate of the number of foster homes in use in 1984 is available. However, the Bureau has reported that at June 1982 there were 7731 foster homes in use throughout Australia. A breakdown of the number and size of foster homes in each State and Territory for 1982 is provided in Table 8, Appendix 4.

**4.13** Trends in the number of children in foster care are unclear. As illustrated in the following graph, the number of children under the guardianship of the State who were placed in foster care during the period 1972 to 1982 fell from 8581 to 5951. The extent to which this decline can be attributed to decreasing foster care placements is, however, uncertain as the number of children under the guardianship of the State also declined during these years. On the basis of data available for the last five years when records of the number of both those under the guardianship of the State and other children placed in foster care are available, the number of foster placements fell less significantly from 10 252 in 1980 to 9757 in 1984. Further details of the decline in the number of children placed in foster care are provided in Tables 9 and 10, Appendix 4.

**4.14** In recent years a number of other changes in the characteristics of children in foster care have occurred. For example, between 1980 and 1982 the number of children in foster care who were under the guardianship of a State or Territory welfare department declined by 8 per cent while the number of other children in foster care increased by 33 per cent. Related to this change was a decline of 10 per cent in the number of children placed by welfare departments and an increase of 49 per cent in the number placed by non-government organisations. Despite the declining number of children in foster care, this form of substitute care continues to be regarded as an important and valuable placement option in all States and Territories.<sup>5</sup> Fostering is also considered suitable because it can be used in various forms enabling a broader range of children, such as physically and intellectually handicapped children, emotionally disturbed children and some juvenile offenders, to be placed in this form of care.

Number of Children Under Guardianship in Foster Care 1972-82 (a)



(a) Information concerning the number of children in foster care is only available from Annual Reports of State Welfare Departments and generally only relates to children under the guardianship of the State. Although the Australian Bureau of Statistics has published information for the period 1980-1984 covering all children in foster care, no significant trend is apparent as yet.

Source: State Welfare Department Annual Reports 1972-78; Australian Bureau of Statistics, *Persons Under Guardianship and Children in Substitute Care*, 1979-1982, Catalogue No. 4405.0.

4.15 In its submission to the Committee, the New South Wales Association of Child Caring Agencies commented that short-term foster care in which parental involvement is sustained through frequent visiting is a particularly valuable form of substitute care whereby the foster parents' role is an unambiguously 'professional' caregiving one which allows children to maintain a close relationship with their families. Under this arrangement, separation traumas for the child, its natural family and foster family are less likely to be permanently damaging. Because placements are of limited duration, foster parents tend to be better able to withstand the demands of their role. Furthermore, agencies are more likely to provide back-up services and advice to assist with various aspects of the child's care. The effectiveness of this form of care does, however, depend on the way in which it is applied. Short-term foster care should not be allowed to continue and become an indefinite arrangement. Agency expectations of the foster family also need to be made explicit and the length of placements stated clearly, preferably in writing.



**4.16** Long-term foster care provided on a more or less permanent or quasi-adoptive basis was considered by such fostering organisations as the New South Wales Association of Child Caring Agencies to be a second-best alternative to adoption. It was, however, viewed as a reasonable, if limited, option particularly if safeguarded from disruption through granting the foster parents guardianship of the child. In its submission, the Association noted that this form of care is more often the 'best achievable' rather than the 'most desirable' permanent option.<sup>6</sup> It also suggested that it is particularly suitable for the child where restoration with his or her natural family is next to impossible or undesirable; where a child has formed relationships in the foster home that should not be broken; where the foster parents are unwilling or unable to adopt; or where the child is opposed to or distressed by the prospect of adoption (e.g. if it involves moving the child from a familiar neighbourhood, friends and school, or changing his or her name).

**4.17** Long-term foster care used on a semi-permanent basis is often appropriate when parents refuse to relinquish a child for adoption in spite of their negligible interest in caring and providing for the child. The New South Wales Association of Child Caring Agencies also made the observation that, in certain circumstances, foster parents may choose to continue the long-term foster care arrangement rather than adopt a child because, under existing provisions, the foster parents lose not only the foster care allowance and the support provided by the fostering agency, but become liable for all the child's expenses.<sup>7</sup>

**4.18** Evidence presented to the Committee shows that long-term foster care used in circumstances where adoption is the ultimate goal is often appropriate when an alternative form of substitute care is required while a child's adoption order is being processed and finalised. This form of long-term fostering may also be suitable for children, particularly older children, who have mixed feelings about adoption that can only be resolved by allowing them time to accept and adjust to their new situation. While it is usually preferable to help children resolve their feelings before placement, in some cases placement may need to be more rapid. This form of care may also be useful as an intermediate step preceding adoption to demonstrate to the natural parents relinquishing their child that the child is happily settled in a new family. The main criticism of long-term foster care where adoption is the goal, is that it can result in ambivalence and procrastination about the child's permanent placement either with its natural family or through adoption. The New South Wales Association of Child Caring Agencies claims that using foster care with a view to adoption has been commonly seen as a compromise arrangement for children in need of permanent placement but whose natural parents will not agree to adoption and, as a result, is of benefit to no-one but the natural parents.<sup>8</sup>

**4.19** Indefinite long-term foster care which is both impermanent and uncertain, is regarded by many foster care organisations as a limited and unsatisfactory form of substitute care appropriate only for children who need family care pending the arrangement of a permanent placement or restoration to the natural family. It was suggested to the Committee that it is through this form of substitute parenting that the ambiguities of fostering emerge, that is, where the foster parents can undertake the role of either substitute parents or neutral caretakers. It was argued for example, that the caretaking role invariably gives rise to a lack of commitment and lack of personal interest in the child which adversely affects the child's emotional development and may lead to further personal problems and breakdown in relationships for the child. This form of care is seen by many as particularly undesirable for all parties concerned if it is allowed to continue unchecked and thus drift on indefinitely.<sup>9</sup>

**4.20** In view of the various forms of foster care available, it is understandable that the role of foster parents and the status of foster children can easily be misunderstood. In the past, this has led to confusion and trauma for both children and adults in the fostering relationship. In an attempt to overcome some of these problems, most State and Territory welfare departments have established special units employing professional field officers who are responsible for the recruitment and training of foster parents and the provision of advice and other support services for them. Emphasis is placed on intensive contact with the child's family and foster parents to effect restoration as soon as possible or to establish a long-term alternative placement for the child within the shortest possible time. Evidence shows that where the special departmental units are functioning well, there has been an increase in the availability of suitable foster parents and a decrease in the breakdown rate of foster placements.

**4.21** In all the States it visited, the Committee was impressed by the commitment of foster parents to the children for whom they were responsible and the considerable personal sacrifices willingly made by them in fulfilling their role. In every case, their prime concern for both the immediate and future well-being of the children placed in their care, whether on a short-term or long-term basis, was evident. The Committee strongly believes foster care provides an essential form of substitute care for many children and, when compared with the cost of alternative forms of care, such as institutional care, is a highly cost-effective substitute care arrangement. The Committee also considers fostering has wider potential application than conventionally thought. In this respect, it applauds the initiatives taken in South Australia through the development of the Intensive Neighbourhood Care Scheme which selects and trains foster parents to care for young offenders who would otherwise be committed to juvenile corrective institutions.

**4.22** Two additional matters of concern were brought to the Committee's attention during the inquiry: first, the variation in the value of foster care allowances between the States (notwithstanding differences in the cost of living between them); and secondly, the overall inadequacy of the level of allowances, particularly for older and more difficult children in care. As shown in the following table, the base rate of the allowance payable for children in foster care falls between the range of \$30.40 and \$55.60 a week depending on the age of the child and the State or Territory in which the child lives. As stated earlier in this chapter, reimbursement is available in most States for major medical and pharmaceutical expenses provided a claim for such costs is presented to the appropriate government authority. Likewise, reimbursement is provided for limited clothing costs incurred following receipt of a claim for such expenses. The maximum value of the annual clothing allowance ranges between \$136 in Victoria and \$380 in South Australia. Differences in the above allowances also exist in some States between children who are under the guardianship of the State and children who are not, and between boys and girls.

**4.23** On the basis of research carried out by the Children's Welfare Association of Victoria, the Family Substitute Care Section of the Victorian Department of Community Welfare Services and the Institute of Family Studies, the Committee believes present allowances for foster parents are inadequate even when Family Allowance entitlements are added. For example, the Children's Welfare Association of Victoria found that the cost of maintaining a child was \$41 per week in 1981-82 (approximately \$49 in 1985 prices) for primary school age children and \$66 per week in 1981-82 (approximately \$80 in 1985 prices) for teenage children.<sup>10</sup> These estimates of cost represented a minimum and

**Summary of Weekly Foster Care Allowances Paid by State and Territory Governments as at 1 October 1984**

| <i>State or Territory<sup>(a)</sup></i> | <i>Base Rate<br/>(depending on age—<br/>\$ per week)</i> | <i>Pocket Money<br/>(depending on age—<br/>\$ per week)</i> |
|---|--|---|
| Tas.                                    | 30.40-34.20  | 1.25-4.80   |
| Vic.                                    | 35.00-45.00  | included  |
| S.A.                                    | 39.10  | 1.10-4.40   |
| A.C.T.                                  | 37.00  | 50c.-5.00   |
| N.S.W.                                  | 39.00  | 2.80-5.00   |
| W.A.                                    | 32.00-37.50  | 1.00-5.00   |
| Qld <sup>(b)</sup>                      | 48.90-55.60  | included  |

(a) The Committee was unable to obtain figures for the Northern Territory. (b) The Queensland Government pays an initial allowance of \$57.40 to \$64.15 during the first four weeks of a child's placement in a foster home.

are supported by the findings of the recent report of the Institute of Family Studies, *Cost of Children in Australia*.<sup>11</sup> While foster parents, representatives of foster care agencies and others agreed that present foster care allowances are not sufficient to compensate parents for the day-to-day maintenance of foster children in their care, they were concerned to emphasise the dangers of commercialising foster care. In particular, it was argued that, if a separate component representing remuneration for professional services were to be included in the foster allowance, as has been suggested by some, it may attract people to this field for the wrong reasons.

**4.24** The Committee was also advised that Family Allowances are often not transferred by the Commonwealth Department of Social Security from the natural parent to the foster parent and that social workers are reluctant to pursue the matter through fear of disrupting care arrangements. An impasse is therefore reached in which welfare agencies are unable or unwilling to obtain the Family Allowance for the child's foster parents because they are not prepared to jeopardise the security of the child's substitute care placement should the natural parent demand the return of the child to retain eligibility for the payment of the Family Allowance. In such instances the return of the child to the natural parent may well place the child in an environment where his or her welfare is again at risk. The Committee believes this is an unacceptable position and one that should be redressed as soon as possible.

**4.25** In conclusion, the Committee believes there is a need to rationalise the provision of allowances for foster parents — first, to avoid the present variations in the value of foster parent allowances paid by the State and Territory governments and, secondly, to ensure uniformity of practice in the payment of Commonwealth Family Allowances. The evidence received by the Committee indicates that it is not uncommon for foster parents to be out of pocket through meeting foster care expenses. The Committee regards this as an untenable arrangement and considers that the value of foster parent allowances should reflect more accurately the real and increasing costs involved in providing proper care for

a fostered child. The Committee therefore **recommends that the Commonwealth Government introduce a national foster parents' allowance to replace existing allowances for foster parents. It further recommends that the national foster parents' allowance —**

- a) **fully compensate foster parents for the cost of maintaining children placed in their care;**
- b) **be automatically indexed on a regular basis in line with variations in the cost of living; and**
- c) **include a separate component representing the Family Allowance that would otherwise be payable to the foster child's natural mother or father.**

The Committee also **recommends that the Minister for Social Security in consultation with State and Territory Ministers responsible for child welfare matters determine appropriate administrative arrangements for the payment of the national foster parents' allowance.**

#### ENDNOTES

1. H.A. Finlay, *Family Law in Australia*, Butterworths, Sydney, 1979, pp. 319-51.
2. Australian Bureau of Statistics, *Adoptions, Australia 1982-83*, Catalogue No. 4406.0, Canberra, May 1984.
3. N. Bell, *Lost in Care: Planning and Review in Out-of-Home Care*, New South Wales Association of Child Caring Agencies, 1981, Committee Exhibit No. 2.
4. The Victorian Government proposes implementing the *Adoption Act* 1984 this year. As a result, new rights and opportunities will become available for the first time in Australia for adult adoptees in Victoria to obtain information concerning their biological origins.
5. J. Ward and others, *A Review of Children in Residential Institutions Program — Report to the Commonwealth Schools Commission*, Special Education Centre, School of Education, Macquarie University, Sydney, October 1984. See also *Directions for Residential Care: A Report to the Minister for Youth and Community Services*, Department of Youth and Community Services, Sydney, June 1983.
6. Bell, op. cit.
7. *ibid.*
8. *ibid.*
9. *ibid.*
10. G. Withers, Children's Welfare Association of Victoria, 'New Financial Reporting System', *Australian Child and Family Welfare* Parts I and II, 8, 1983. Prices for 1981-82 have been updated to 1985 figures on the basis of Consumer Price Index increases over the period 30 June 1982 – 30 June 1985.
11. K. Lovering, *Cost of Children in Australia*, Working Paper No. 8, Institute of Family Studies, Melbourne, August 1984.

## CHAPTER 5

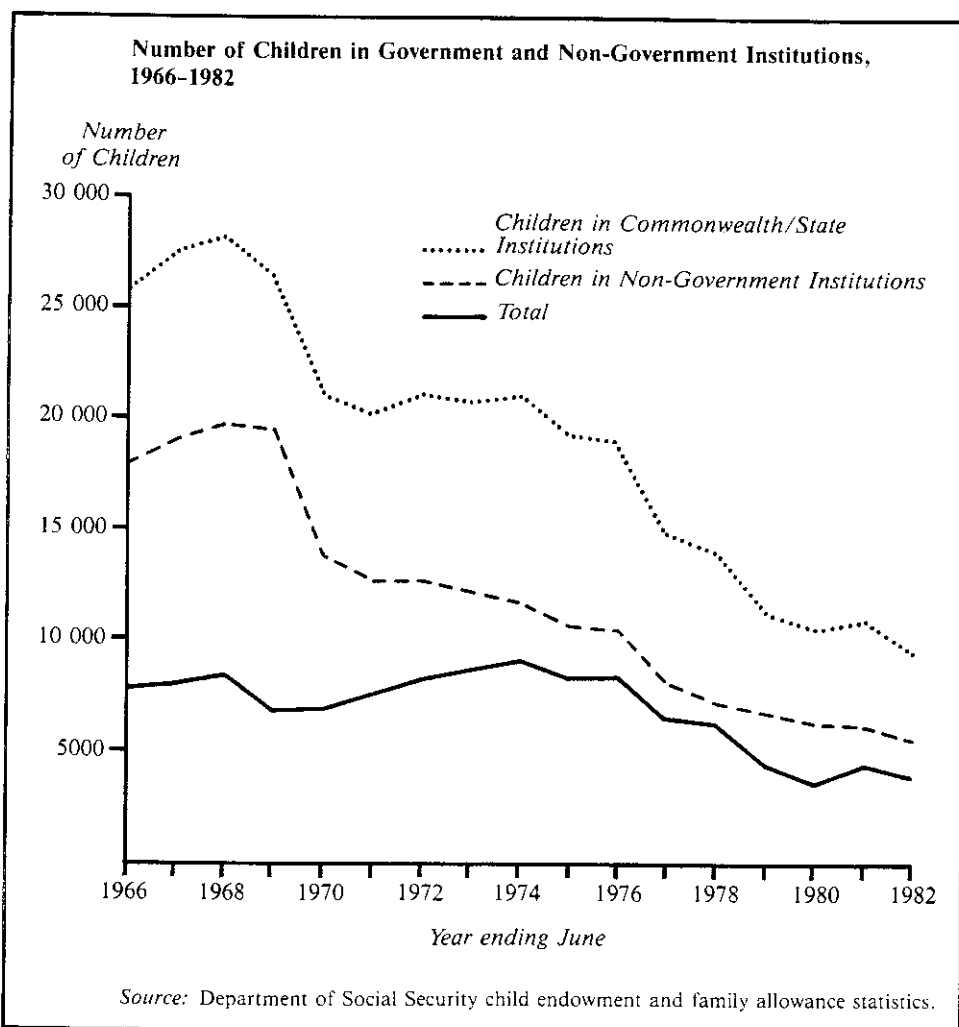
### INSTITUTIONAL CARE

**5.1** Institutional care is provided for children who, temporarily or permanently, and either under the guardianship of their parents or the State, are unable, are not permitted, or are unwilling to live with their parents or adoptive parents. In this form of care, full accommodation is provided, together with at least some personal care. The care may also involve protection, control, corrective treatment or detention, as well as medical and nursing treatment for children who are physically and/or intellectually disabled or socially maladjusted (i.e. children who are uncontrollable, recalcitrant or who have other behavioural problems). Institutional care is provided in residential establishments normally operated for the specific purpose of meeting the needs of children requiring substitute care. Residential establishments primarily providing education or health services for children and general purpose hospitals and nursing homes are normally not included in definitions of institutional care.

#### Trends in the number of children in institutional care

**5.2** Data from the Australian Bureau of Statistics indicate that at 30 June 1984 there were 7258 children in institutional care in Australia. However, as noted in Chapter 1, this figure underestimates the actual number of children in this form of care because it excludes children in institutional care in Queensland who are not under the guardianship of the State. Other statistics indicate that there could be up to 1900 children in this category of institutional care.<sup>1</sup> Other estimates of the overall number of children in institutional care also show a larger care population than that derived from Bureau of Statistics data. For example, the Department of Social Security has calculated that on the basis of the payment of Family Allowances, there were 10 644 children in institutional care in 1984.<sup>2</sup> While this figure represents an overestimation because it includes students aged up to 24 years, the percentage of students in the 18-24 year age group is believed to be small, possibly only 4 to 5 per cent. Further details of the number of children in institutional care in 1984, including a breakdown of the number for each State and Territory, are given in Table 3, Appendix 4.

**5.3** As illustrated in the graph below, the institutional care population has decreased markedly since a peak was reached in 1968. In that year children in institutional care totalled 27 938 and comprised 0.72 per cent of all Australian children. This compares with 0.15 per cent of children in institutional care in 1984. During the last decade or so the number of children in this form of care has fallen by 65 per cent. The decrease is most marked during the early 1970s when the Commonwealth Government introduced the Supporting Mother's Benefit and took other initiatives in the child care field. It also reflects the intent of individuals, voluntary organisations and governments to keep children out of institutions wherever possible and to return them to their parents or place them in alternative types of substitute care such as foster care as soon as practicable. Figures released by the Australian Bureau of Statistics this year show a marginal increase in the number of children being placed in this form of care for both 1983 and 1984, reflecting a change in the declining trend in the institutional care population. It is significant that this increase has only occurred within the non-government sector; the number of children in institutional care within the government sector has in fact continued to fall.<sup>3</sup>



**5.4** In 1982, the latest year for which comparable data are available on a national basis, there were approximately 760 institutional establishments being operated by both government and non-government organisations throughout Australia. Although the majority of establishments (530) were operated by non-government organisations, several institutions operated by government welfare departments accommodated considerably greater numbers of children. Despite this fact, the trend in both government and non-government welfare organisations is away from the traditionally large institution towards smaller centres. Between 1968 and 1982 the average number of children in each institution decreased from 57 to 17 children. Data indicate that in 1981, 54 per cent of government operated institutions and 44 per cent of non-government operated centres catered for five or fewer children. In 1982 the majority of children were located in institutions catering for fewer than 30 residents and there were almost three times as many children in the non-government sector as in the government sector. A comparison of the

size and number of government and non-government institutional establishments in each State and Territory can be made from Tables 11 and 12 in Appendix 4.

### **Types of institutional care**

**5.5** Institutional care is provided through a range of facilities differing in size and location, in the nature of programs offered, and in the characteristics of the resident children. The variety of facilities categorised as 'institutional' or 'residential' ranges from family group homes (including scattered homes and clustered homes) to campus homes, congregate care centres, juvenile hostels, juvenile corrective institutions, and prisons. Specialist care, including the provision of nursing or medical care, is provided by hospitals and nursing homes for children who are physically and/or intellectually disabled.

**5.6** A family group home is a residential child care establishment consisting of a single dwelling in which usually not more than 10 children are cared for in a family setting by house parents who act as substitute parents to the children.<sup>4</sup> Although a relatively recent development, this model of residential care which attempts to replicate normal family living as far as possible by providing a stable nurturing environment and integrating the group home in the wider social environment of the local community, is gaining increasing popularity. Family group homes may be owned by State or Territory welfare departments, other government authorities or non-government organisations. These agencies also employ the house parents.<sup>5</sup>

**5.7** There are two main types of family group homes: scattered homes and clustered homes. Scattered family group homes are single group homes which, although operated by the same agency, are located separately (or 'scattered') in the community. In a clustered family group home the grounds of the home adjoin those of another group home or other residential child care facilities operated by the same agency. Clustered family group homes do not as a rule have any form of on-site centralised administration or control.

**5.8** A campus group home is a residential child care establishment consisting of two or more dwellings that do not share cooking or eating facilities but have some form of on-site centralised administration or control. These homes may also have support staff such as psychologists and social workers located on site.

**5.9** Congregate care is the term used to describe the older residential care facilities which in the past accommodated large numbers of children. These establishments may care for more than 20 children and consist of either a single dwelling that is not a family group home, or two or more dwellings that share cooking and/or eating facilities. Juvenile hostels which cater mainly for children aged 15 years and over who have left school comprise another form of congregate care. They may provide personal care, protection, control, corrective treatment or detention as well as full board. Some hostels are also used as half-way houses for children released from corrective institutions. This classification excludes two other types of residences even though they may be called 'hostels' by the operating agency: centres mainly providing secure detention for child offenders or children on remand for alleged offences (these are classified as juvenile corrective institutions), and establishments catering mainly for children who are aged under 15 years and/or children who are still at school (these may be classified as family group homes, campus homes, or congregate care centres).



**5.10** Institutions providing care for children with disabilities range from hospitals and nursing homes to group houses, half-way houses and hostels. The former institutions usually provide care by trained nursing staff on a 24-hour basis. Accommodation is generally in large buildings with dormitory-type facilities although, as noted earlier in Chapter 2, attempts are now being made to de-institutionalise the residential environment of these establishments. In theory, only those children requiring total care, that is, those who need constant care and supervision with daily living on a 24-hour basis, require this form of institutional care. However, in practice, this is not always the case.

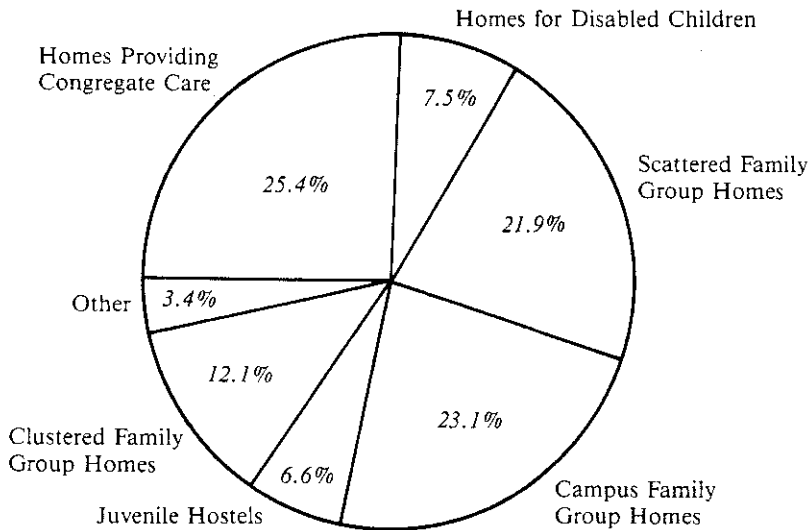
**5.11** The above forms of care are designed to provide protective care and can be administered either by government or non-government welfare agencies. Corrective care, however, is provided only by the State which is empowered by legislation to assume from parents, under certain circumstances, responsibility for the control of children. Various forms of corrective care are available for child offenders or children on remand for alleged offences. While these children are normally placed in juvenile corrective institutions, in some cases they may be placed in prisons even though such establishments may be called 'youth training centres'. A juvenile corrective institution is a residential child care establishment that has, as one of its aims, the secure detention of the majority of its residents through direct measures designed to prevent them from leaving the grounds of the establishment at all, or for reasons other than school attendance, work, participation in activities supervised by the establishment, or authorised home leave. The institutions provide secure care for child offenders, children on remand for alleged offences, and uncontrolled or recalcitrant children.

**5.12** Children aged 15 years or over who are convicted of serious offences or who are habitual offenders tend to be placed in prisons or youth training centres. Juvenile offenders may also be placed in remand centres or State welfare departmental reception centres that provide temporary care for children on remand until their cases have been heard and they can either return to their families or be placed elsewhere. The type of corrective care provided depends on the seriousness of the offence, the placement alternatives available within the locality and the previous history of the offender.

### **Children in non-government institutional care**

**5.13** Of the 7258 children in institutional care in 1984, a majority (4518 or 62 per cent), were placed in non-government institutions. No up-to-date official information is available at the national level on the distribution of these children between the various types of institutional care provided by the private sector.<sup>6</sup> The most comprehensive information relates to 1979 and is derived from the national survey of non-government children's homes and foster care by Gregory and Smith.<sup>7</sup> As illustrated in the diagram below, this study found that of the children placed in non-government institutional care in that year, the highest proportion (25 per cent) was placed in congregate care. However, when the proportions of children placed in scattered family group homes (22 per cent) and campus homes (23 per cent) are taken together, a majority of children (45 per cent) were placed in smaller centres simulating family home settings. Of the remaining children, 12 per cent were placed in group care, 8 per cent were placed in homes for children with disabilities, 7 per cent were placed in hostels, and 3 per cent were placed in other forms of care. The survey by Gregory and Smith also showed considerable variation between the States and Territories in the proportion of children located in each type of institutional care reflecting the different practices and emphases placed on the institutionalisation of children by the non-government welfare sector in each State and Territory. Further details are provided in Table 13, Appendix 4.

### Children in Non-Government Institutional Care, June 1979



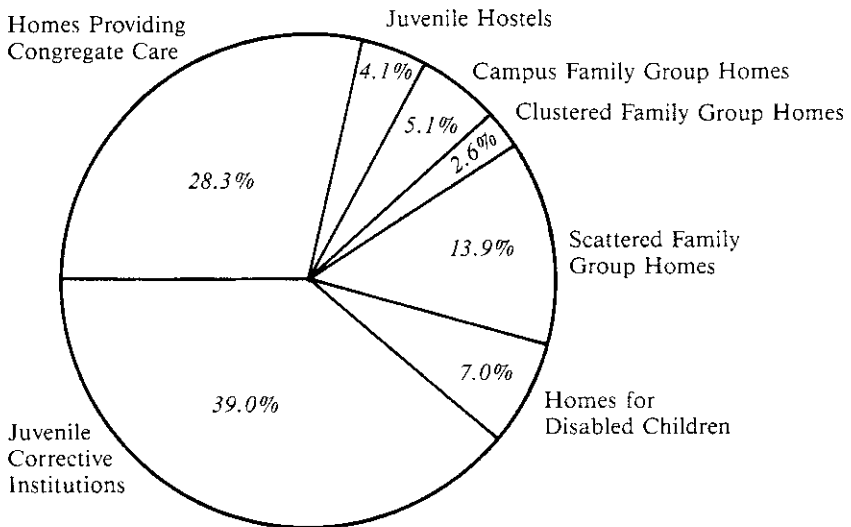
Source: G. Gregory and N. J. Smith, *Particular Care—The Report of the National Survey of Non-Government Children's Homes and Foster Care (Including Homes for Physically and Intellectually Handicapped Children)*, 30 June 1979, Children's Bureau of Australia, 1982.

### Children in government institutional care

**5.14** In 1984 there were 2740 children in government-run institutions. This figure represented 38 per cent of all children in institutional care at that time. It is not possible to comment on the distribution of children between the various categories of care within the government sector for 1984 as figures are unavailable for this year. Data published by the Australian Bureau of Statistics for 1982, the latest year for which such statistics are available, show that the highest proportion of children in government care (39 per cent) were placed in juvenile corrective institutions. As illustrated in the diagram below, this was followed by 28 per cent of children in conventional institutional establishments providing congregate care, 17 per cent of children in scattered and clustered family group homes, 7 per cent in homes for disabled children, 5 per cent in campus homes, and 4 per cent in juvenile hostels.

**5.15** As with children placed in non-government institutions, there was considerable variation between the States and the Territories in the number of children placed in the various forms of institutional care — again reflecting differences between the States and the Territories in their policies and practices. For example, figures compiled by the Bureau of Statistics for 1982 show that the proportion of children in family group homes ranged from 6 per cent in New South Wales to 67 per cent in Tasmania, although no children were recorded as being placed in this form of care in Queensland or the Australian Capital Territory. In the States and Territories recorded as providing congregate care (i.e. all except South Australia, Tasmania and the Australian Capital Territory), the proportion of children in this form of care ranged from 77 per cent in the Northern Territory to 17 per cent in New South Wales. Further details are contained in Table 14, Appendix 4.

**Children in Institutional Care Centres Operated by State and Territory Welfare Departments, June 1982**



Source: Australian Bureau of Statistics, *Persons Under Guardianship and Children in Substitute Care, Australia, June 1982*, Catalogue No. 4405.0.

**Future role of institutional care**

**5.16** Institutional care has long been the subject of vehement criticism by those concerned with child care theory and practice. Much has been said and written about the faults and disadvantages of institutional care and the detrimental effects it can have on the emotional, cognitive and social development of children.<sup>8</sup> Conversely, it has also been demonstrated that, for some children, a good institution may be a more satisfactory environment for a child's growth and development than a poor home.<sup>9</sup> Whether institutional care has a beneficial or harmful effect on children therefore remains debatable. Because many of those who are institutionalised come from deprived and unstable backgrounds, it is difficult to isolate problems children experience while they are in an institution from factors that can be attributed to their home environment or other previous life experiences outside the institution.

**5.17** As part of its inquiry, the Committee sought the views of those most affected by these arguments — the children themselves. It found that the reaction of the children towards institutional care varied considerably. Some found this form of care a relief from the environment from which they had come, while others found the lack of privacy, personal space, freedom, security, love and affection, almost unbearable. For those children from broken homes who spoke to the Committee, the argument that the family was the only appropriate place for the rearing of children was not necessarily convincing when their personal experiences belied it. For these children, fostering also was often not an appropriate solution.<sup>10</sup> Of the children the Committee met, most agreed that small institutions were preferable to large ones because the smaller the home the more likely it was that sound personal relationships, trust and freedom could be achieved.

**5.18** In general, children in institutional care are disadvantaged when compared with children living at home. Inevitably, they lack the support and advocacy that parents provide for their children, particularly during their early years.<sup>11</sup> This is mainly because the primary orientation of staff working in residential institutions is towards the physical care of the children rather than their emotional, intellectual and social development. More specific criticisms relate to the instability of relationships, the lack of personal attention and interest from staff, including the lack of encouragement for residents to proceed with their education beyond the compulsory school years, the absence of appropriate role models which particularly affect long-term residents subjected to repeated staff changes, and the loss of the range of normal family experiences.

**5.19** A recurring theme in much of the information received by the Committee, especially during its informal discussions with children resident in institutions, was the poor public image of institutional care and the stigmatisation felt personally by the children in their everyday experiences both at school and in the wider community. The children's comments highlighted the degree of ignorance and misconception within society about themselves and the places in which they lived. A number claimed that teacher attitudes often contributed to their isolation as a group and reinforced negative responses by their peers.<sup>12</sup> Several suggestions were made as to how the image of institutions and children in institutional care could be improved. In particular, attention was drawn to the need to develop public education and information programs, and to introduce a component in pre-service and in-service training courses for teachers which dealt with the special problems and needs of children in institutional care.

**5.20** Recent reforms in both protective and corrective institutional care, such as the movement towards de-institutionalisation and the development of family group homes, have attempted with some success to redress the negative image of this form of substitute care. It is worth noting that the de-institutionalisation process, with its emphasis on alternatives that aim to replicate the family environment, also has its critics as does the trend towards the early (and perhaps sometimes premature and ill-considered) 'permanent' placement of children with substitute families. While these recent developments are officially held to be 'in the best interests of the child', there are those who claim with some degree of justification that the primary concern of welfare agencies in winding down residential institutions and making greater use of alternative arrangements is to reduce substitute care costs by diverting children to less expensive alternatives such as foster care and youth refuges.<sup>13</sup>

**5.21** Overall, the Committee found that institutional care plays an important role in providing a form of substitute care for children with special needs and may often be the best and most appropriate type of care for certain children at a particular point in time. Specific advantages of institutional care cited in evidence were as follows:

- it meets the needs of children who reject or are rejected by other forms of care.. particularly the needs of disturbed or older adolescent children who do not respond positively to care in a family environment;
- it provides space and flexibility for the treatment of children with severe emotional and behavioural problems;
- it provides a variety of people for the resident child to relate to — both adults and peers — especially where the child requires a less intense relationship with parental figures;
- it may provide more appropriate education facilities for residents who experience schooling difficulties in the wider community (intensive remedial and social education may be available at the internal school);
- it caters for siblings by accommodating them together or at least close to each other;

- it allows communal resources, such as recreational and sporting facilities, to be pooled for the mutual benefit of all residents;
- it allows for greater tolerance of behaviour which would not be acceptable in other forms of care;
- it is preferred by some children because, in their view, it facilitates family restoration and preserves contact with natural families more easily than foster care which can create confusion in personal loyalties and relationships; and
- it provides a necessary form of care for certain children with disabilities. (In particular, it caters for disabled children who either need or choose to move back and forth between various categories of care reflecting the fact that the type of residential care required by a disabled child can vary over a child's lifetime, as the child's disabilities become more or less severe and as the child and/or the child's family becomes more or less able to cope with his or her disability.)

**5.22** In the Committee's view, institutional care is and should continue to be an important component of the substitute care system. It is, however, necessary to recognise the distinctiveness of its role within the wider spectrum of child care and community services and to ensure that it does not, as in the past, constitute the only choice because of the unavailability of alternative forms of care or the absence of adequate community-based family support services. The Committee found that this is not always the case, particularly with regard to disabled children. In fact, despite official recognition in government policies of the value of de-institutionalisation and the integration of the disabled within the community, the development of alternative forms of care and the promotion of preventive measures designed to reduce the institutionalisation of disabled children has been slower than expected. While the Committee acknowledges the need for institutional care for certain children with disabilities, it is concerned that some are forced into this type of care because of the lack of suitable alternatives.

**5.23** Evidence presented to the Committee indicated, for example, that the unavailability of suitable and affordable housing often leaves parents with no real choice but to place their disabled children in institutional care. Many families who are financially disadvantaged are unable to meet the additional costs associated with their child's disability. In particular, the present level of government financial assistance available to such families, specifically those with severely disabled children, is normally insufficient to meet the costs of housing modifications, aids and appliances. The Committee also found that State housing authority accommodation is often restricted because of the length of waiting lists or, alternatively, is not available in an area where the disabled child has access to special facilities and support services. Landlords are often reluctant to modify dwellings or meet the costs of modifications. Other evidence revealed discrimination by real estate agents against families with disabled children.<sup>14</sup>

**5.24** A further obstacle to the de-institutionalisation of the disabled is the community's general ignorance and antipathy towards them and their families. This is regularly demonstrated in residents' objections to development applications that seek to establish family group homes or hostels for the disabled in residential areas and is also reflected in local council regulations which discriminate against disabled people by classifying such residences as boarding houses, nursing homes or hospitals.

**5.25** The Committee also found that often parents find themselves trapped into leaving their disabled child in institutional care because of the fear that, should they bring the child home to see if they can cope, only to find they cannot, the child may lose his or her place in the institution and they must then find another suitable institution in which to place the child. When a child does return home, the degree of emotional trauma suffered by families is often underestimated as is their need for counselling, respite care,

emergency help, assistance at meal times and bath times, help with shopping, and assistance with their child's therapy, training and education. Overall, the Committee found that support services for such families are either unavailable, inadequate, or inaccessible: for instance, most services tend to be located in metropolitan areas and are only available in normal working hours. The Committee believes that because of these limitations and the effect they have on the viability of alternative forms of care, many disabled children who might otherwise be able to remain at home continue to be placed in institutional care.<sup>15</sup>

### **Educational needs of children in institutional care**

**5.26** In terms of educational opportunities, children in residential institutions represent a particularly disadvantaged group within the community when compared with other children. They generally lack the varied forms of stimulation and educational support typically provided in a normal family environment and also lack assistance to participate in out-of-school activities. Their schooling also suffers because of interrupted attendance and frequent changes in schools. Although increasing awareness of the disadvantages of institutional care has led to changes in child care practices over the years, it has proved difficult to overcome the specific educational handicaps faced by these children. One inhibiting factor has been the extremely diverse target population, varying from profoundly intellectually disabled children in long-term hospital placements to adolescents in correctional institutions. In addition, the delivery of appropriate supplementary educational services is complicated by differences among residential institutions in terms of size, composition, administrative authority and patterns of child care.

**5.27** The review of the Children in Residential Institutions Program conducted by Professor Ward and others of the Macquarie University in 1983 and 1984 estimated that in 1983, 15 per cent of all children in residential care did not receive any schooling. Among these children, 5 per cent aged between 5 and 14 years, and 26 per cent aged between 15 and 18 years did not receive either full-time or part-time education. The review found that the highest rate of non-participation in education was among children over the official school leaving age. Groups particularly affected were those in congregate, remand and/or correctional facilities, and mentally disabled children.<sup>16</sup> Other research has also shown that the number of children with disabilities resident either in institutions or at home that do not have access to educational services is significant.<sup>17</sup> This is a matter of some concern because of the acknowledgement by governments and others of the rights of disabled children to education and social and personal development. It was in recognition of the educational and social needs of children in institutional care that the Commonwealth Government, through the Commonwealth Schools Commission, introduced the Children in Residential Institutions Program in 1977 and the Severely Handicapped Children's Program in 1981.

#### *Children in Residential Institutions Program*

**5.28** The Children in Residential Institutions Program provides supplementary educational support for children living in institutions conducted by government or non-government organisations. There are four main aims of the Program: to provide educational and related services for children in institutional care leading to more satisfactory levels of school achievement; to bring the life experiences of institutionalised children closer to those of children living in family surroundings; to provide special opportunities of a social, recreational and educational nature for such children to compensate for some of their disadvantages; and to maximise the potential of such children to lead normal lives when they leave the institution.<sup>18</sup>

**5.29** Institutions participating in the Program are 'declared' to be eligible by the Commonwealth Minister for Education on the advice of the State Ministers for Education. Applications from institutions for funding are reviewed by State committees and recommendations for funding are made on the basis of specific project priorities determined by these committees.<sup>19</sup> Large traditional institutions as well as small family group homes come within the scope of the Program. Foster homes, hostels or boarding establishments, and women's refuges are not, however, eligible for assistance, nor are institutions in the Australian Capital Territory.<sup>20</sup> In the 1984 Budget the Commonwealth Government allocated \$2.3 million for the Program.

**5.30** The review by Ward found that despite a relatively modest expenditure, the Program has provided a necessary and valued support to a large number of institutionalised children who are severely disadvantaged, both educationally and socially. In many cases it has been the only means by which compensatory educational experiences can be gained by such children. Child care staff especially welcomed the Program as it has provided funds that would not otherwise have been available for the development of innovative projects offering some compensation for the lack of a normal family life and equipping some children approaching the age at which they must leave the institution with independent living skills.<sup>21</sup>

**5.31** Despite its overall effectiveness, a number of criticisms were levelled at the Program. Many of these were attributable to the Program's funding arrangements, particularly the exclusion of children placed in foster care and children placed in certain types of residential care. It has been argued that the distinction made in the Program's guidelines between children in foster care and those in other forms of care such as family group homes is unfair and unrealistic as today there are very few real differences between such forms of care, especially when some family group homes are responsible for fewer children than some foster homes. In a number of States, children placed in foster care by private agencies are among the most educationally disadvantaged in the community, since, unlike children under government guardianship, they do not have access to government allowances for pocket money or funds for other purposes such as school camps, excursions, and other extra-curricular activities.

**5.32** It has also been claimed that many of the children living in institutional care are denied the benefits of the Program because eligibility for grants is based on the type and nature of the institution in which they live rather than on their needs for educational support. While this approach is administratively efficient, notably where congregate care is provided and large numbers of children are catered for through a relatively small number of residential units, it may not be equitable as only those children living in approved or 'declared' institutions are eligible to participate in the Program. For example, an agency providing long-term residential care may obtain funding for projects that assist children with severe educational deficiencies during their period in care, but is normally not eligible for funding if the same children are placed in other programs run by the same agency such as preventive programs designed to avoid the need for further institutionalisation. Nor will the agency receive funds for children who have ceased to reside permanently in the residence but who are still in close contact with, or supported by, the agency. Similarly, funding is not available for 'umbrella' programs which may include the provision of day care for children or the provision of self-contained units for families in crisis and in need of short-term accommodation.<sup>22</sup>

**5.33** This situation is further aggravated by the fact that criteria used by State committees to determine different types of institutions' eligibility for funding vary significantly between the States. Such variations in funding criteria have in turn led to inconsistency, uncertainty and confusion among government authorities and substitute

care agencies as to the types of institutions that should be entitled to funding under the Program. In addition, adherence to the present funding policy may in practice have the effect of discouraging agencies from attempting to implement de-institutionalisation programs.

**5.34** Thus, while the focus of the Program is on meeting the educational needs of children in residential care, its operation tends to be limited to the extent that it covers only those resident in particular types of institutions. In a number of respects, these anomalous funding arrangements will worsen as the dichotomy between the traditional institution and alternative forms of care becomes increasingly blurred with welfare organisations attempting to move more and more children out of large institutions and into smaller residential units. The Committee believes eligibility for funding should be extended to reflect the educational needs of all children in residential care, including those in foster care, rather than being based on the nature and type of residence providing care. The Committee also believes organisations in the Australian Capital Territory responsible for the placement of children in substitute care should be eligible for funding under the Program as they are under the Severely Handicapped Children's Program.

**5.35** One of the original aims in setting up the Children in Residential Institutions Program was to direct resources towards promoting the educational progress of children in residential care. However, the review by Ward revealed that low priority is attached to this objective by many State committees.<sup>24</sup> In some States, policy decisions have at times restricted the introduction and/or scope of projects aimed at supplementing a child's school program. Examples have included an unwillingness to fund projects that provide tutorial assistance within institutions, a reluctance to fund the salaries of remedial staff, and a strict insistence on projects only operating outside school hours, thus reducing the opportunities to develop close professional working relationships between residential tutorial staff and school staff.<sup>24</sup>

**5.36** The Committee considers the Commonwealth Government's education policy for children in residential care should be consistent with its education philosophy and commitment for all children; namely, a commitment to 'the provision of equal educational opportunities for all Australian children and to the achievement of more equal outcomes from education across the Australian community'.<sup>25</sup> The Committee therefore believes that greater emphasis should be placed on projects funded through the Children in Residential Institutions Program that aim to encourage a child's progress at school, including projects that provide educational assistance through tutoring, remedial help, the purchase of books and other educational resources, and the provision of suitable facilities for study. Support should also be made available to encourage and assist older children to participate in vocational training and other education programs.

**5.37** Another criticism of the Program highlighted by Ward related to the limited priority attached by some State committees to projects designed to prepare and equip older children with independent living skills. Examples of such projects include the publication of booklets designed to teach independent living skills and the introduction of 'bridging' programs which enable residential care agencies to place older children in rented cottages with minimal adult supervision for trial periods as a means of preparing them for their impending departure from the institution to live independently. The relevance of such programs became clearly apparent to the Committee which found that many children moving out of residential care are ill-prepared and poorly equipped for independent living. Such children are also disadvantaged because, unlike their peers leaving the family home, they do not have the benefit of the support systems usually provided by parents once their children move away from home, nor do they have the backing of their families if they are unable to cope with independent living.



**5.38** The Committee believes agencies caring for children in residential institutions have a basic responsibility to ensure that, where appropriate, such children acquire the skills necessary for independent living as adults. This is particularly the case where the State has undertaken a custodial role as a substitute for the family. The Committee also believes there is a special need for children who have left school but are still living in residential care to be provided with independent living skills, since these children comprise a group who are doubly disadvantaged by their lack of supportive family networks and by their failure to remain within the education system.

**5.39** The review by Ward commented on several other shortcomings, particularly in relation to the Program's failure to extend the range of normal life experiences to more children in care. Projects designed to broaden the general experiences of such children through recreational, social and community-based activities are regarded by the Committee as important for the development of self-esteem and self-confidence in the children. The Committee considers it is unfortunate that some State committees are opposed to the continued funding of these projects which they regard as having little direct relevance for the educational or social needs of children in institutional care.

**5.40** Many of the deficiencies of the Children in Residential Institutions Program would be largely overcome were it to receive additional resources. However, within present funding constraints, the Committee believes that priority should be attached to projects that aim to supplement school programs and that provide older children in residential care with independent living skills. The Committee therefore **recommends that in determining an organisation's eligibility for funding under the Children in Residential Institutions Program, the Commonwealth Government require State and Northern Territory education departments to place greater emphasis on (a) projects that encourage and assist children in institutional care to participate in education or training at least until they have completed a full secondary education or its equivalent; and (b) projects that prepare and equip those leaving residential institutions with independent living skills.**

#### *Severely Handicapped Children's Program*

**5.41** In an attempt to improve the participation of disabled children in education, the Commonwealth Government introduced the Severely Handicapped Children's Program in 1981. This Program aims to assist severely disabled children, whether resident in institutions or at home, to realise through education their potential for independence and self-esteem.<sup>26</sup> Funds provided under the Program may be used for the early identification of the needs of children for educational assistance; the development and implementation of special education programs; the co-ordination of multi-disciplinary services for disabled children and their families; the provision and training of special education teachers and support personnel; the purchase and design of equipment and materials; and the monitoring and evaluation of such projects. In the 1984 Budget the Commonwealth Government allocated \$3.7 million for the Program.

**5.42** In addition to this Program, the Commonwealth also provides financial assistance through grants to the States for the integration of children with disabilities into regular schools in line with its aim of providing these children with the opportunity of participating fully in the life of the community. Assistance is also provided for disabled children below school age through the Commonwealth's Early Special Education Program which was introduced in 1985 to support education services for disabled children by promoting the learning skills of these children and preparing them for integration into regular schools.<sup>27</sup> The Committee welcomes these initiatives and believes the Commonwealth Government's continued and increased support of such programs provides an important means of meeting the special educational needs of disabled children in residential care.

ENDNOTES

1. Department of Social Security. *Annual Report 1983-84*. AGPS, Canberra, 1984, Table 43, p. 136.
2. *ibid.*, Table 42, p. 135.
3. Australian Bureau of Statistics, *Children in Care, Australia 1984, previously Persons Under Guardianship and Children in Substitute Care, Australia*, Catalogue No. 4410.0, Canberra, June 1985.
4. To qualify as a family group home, the home must be run similarly to a normal family home; in particular, meals must be prepared in the home and the house parent(s) and children must eat together as a family group. Usually at least one house parent is employed to care for the children by the organisation operating the family group home. Alternatively, the house parent(s) may receive the equivalent of a salary in the form of rent-free accommodation or an honorarium (this model is followed in Tasmania and Western Australia). The house parent(s) may be assisted by other staff, and may have regular days off, and the usual types of leave.
5. If the dwelling is provided by the substitute parent(s) (who may own it, be paying it off, renting it, or occupying it rent-free for reasons other than that it is used for substitute care), it would not normally be regarded as a family group home or any other type of residential child care establishment. Instead it would probably be classified as a foster home.
6. While the survey by the Macquarie University Review Team which examined the Commonwealth Schools Commission's Children in Residential Institutions Program in 1983 provides more recent data on children in residential care, it does not identify the number of children placed in the different types of institutional care. (See J. Ward and others. *A Review of Children in Residential Institutions Program — Report to the Commonwealth Schools Commission*, Special Education Centre, School of Education, Macquarie University, Sydney, October 1984.)
7. G. Gregory and N.J. Smith, *Particular Care — The Report of the National Survey of Non-Government Children's Homes and Foster Care (Including Homes for Physically and Intellectually Handicapped Children)*, 30 June 1979, Children's Bureau of Australia, 1982.
8. U. Bronfenbrenner, *The Ecology of Human Development — Experiments by Nature and Design*, Harvard University Press, Cambridge, Mass., 1979; B. Tizard and J. Rees, 'A Comparison of the Effects of Adoption, Restoration to the Natural Mother, and Continued Institutionalisation on the Cognitive Development of Four-year-old Children', *Child Development* 45, 1974; W. Wolfensberger, *The Principle of Normalization in Human Services*, National Institute on Mental Retardation, Toronto, 1972; and W. Dennis and P. Najarian, 'Infant Development Under Environmental Handicap', *Psychological Monograph* 71, 436, 1957.
9. Tizard and Rees, *op. cit.*
10. R. Page and G.A. Clark. *Who Cares? Young People in Care Speak Out*, National Children's Bureau, London, 1972, p. 50.
11. Bronfenbrenner, *op. cit.*
12. Many of the children's comments reinforced the views of those who participated in the New South Wales Camp Speakout in 1979. This camp was attended by 100 secondary school children from all types of residential care units in New South Wales and was aimed at giving these children an opportunity to share with each other their thoughts, feelings and experiences of life in care and encouraging them to accept the responsibility of considering how they themselves could take positive steps to overcome difficulties they saw in the substitute care system. A report of their views was published in 1980 by the New South Wales Association of Child Caring Agencies entitled, *Young People in Care Speakout*.
13. F. Ainsworth, 'Emergent Perspectives in Child Care: Issues in Developmental Understanding — Policy and Service'. *Australian Child and Family Welfare* 8, 3, 1983.
14. *Transcript of Evidence*, Submissions, p. 1140.
15. *Transcript of Evidence*, Submissions, p. 1132.
16. Ward and others, *op. cit.*, pp. 55, 104-5.
17. A study for the Commonwealth Schools Commission conducted in 1978 and 1979 identified almost 1100 (or 38 per cent) of children living in health authority institutions who did not have access to full-time education programs. The great majority (850 or 30 per cent) of these children did not engage in any educational or related activities. For further information, see the discussion of the Survey of Special Education in Australia undertaken by the Schonell Educational Research Centre for the Schools Commission in 1979, cited in the *Schools Commission Report for the Triennium 1982-84*, March 1981, pp. 176-177 and pp. 183-186. In 1981 the Australian Bureau of Statistics' Survey of Handicapped Persons also found that a substantial number of handicapped children did not attend school. Of handicapped children aged between 5 and 20 years in households, 49 per cent were not attending school. The percentage of handicapped children in this age group resident in institutions not attending school was higher, representing 52 per cent.
18. Commonwealth Schools Commission, *Program Guidelines 1984*, AGPS, Canberra, April 1984, p. 42.
19. The Children in Residential Institutions Program State committees comprise representatives of government and non-government organisations providing residential care; religious bodies; and parent and teacher groups. For further information on this aspect of the Program see Ward and others, *op. cit.*, pp. 31-40.
20. Commonwealth Schools Commission, *op. cit.*, pp. 42-3.
21. Ward and others, *op. cit.*, pp. 123 and 143.
22. *ibid.*, pp. 35 and 108.

23. *ibid.*, p. 37.
24. *ibid.*, pp. 2-3, 87, 123-4, and 141.
25. Australian Labor Party, *Platform Constitution and Rules 1984*. National Secretariat, Barton, A.C.T., 1984, p. 53.
26. Commonwealth Schools Commission, *Program Guidelines 1985*. AGPS, Canberra, March 1985, p. 39.
27. Funds are also provided for the special education needs of disabled children who are below school age under the Severely Handicapped Children's Program and the Children in Residential Institutions Program. (*ibid.*, p. 36.)

## CHAPTER 6

### EFFECTIVENESS OF PRESENT SUBSTITUTE CARE ARRANGEMENTS

**6.1** During the inquiry the Committee was presented with conflicting views about the effectiveness of present substitute care arrangements. On the one hand, there was enthusiasm about recent changes regarded as progressive innovations. Such changes include the implementation of de-institutionalisation policies, the emphasis on the concept of early restoration, and the adoption of improved assessment and planning procedures for the placement of children in substitute care. On the other hand, some witnesses expressed reservations about these changes claiming they merely represented variations in administrative practice, and commented that, in effect, substitute care practices had changed little over the past century, even though they may now be carried out more humanely. While the Committee acknowledges the efforts by both the government and non-government sectors in attempting to redress deficiencies in past approaches towards the delivery of substitute care services, particularly through the emphasis on key concepts such as de-institutionalisation and restoration, the findings of various studies, the comments of children on their experience of care, and other factors brought to the Committee's attention all raise questions about the effectiveness of the present substitute care system.

**6.2** It was argued before the Committee that, regardless of the form of substitute care, children still spend too long in care, are subjected to too many changes in care arrangements, are too readily discharged and re-admitted to care, and have too little parental contact while in care. The Committee believes these criticisms are symptomatic of deficiencies that continue to limit the effectiveness of present substitute care arrangements. Problems highlighted during the inquiry included the lack of evaluation of substitute care services, the inadequacy of statistics on the number and characteristics of children in substitute care, poor standards of care provided by some substitute care agencies, insufficient government financial support, the absence of proper assessment and planning procedures in the placement of children by some welfare organisations, the lack of integration between the various components of the child welfare system, and the minimal exchange of information and ideas between welfare agencies and between the States on recent developments and changes in substitute care policy and practice.

#### Evaluation of substitute care services

**6.3** To date, substitute care arrangements have been poorly evaluated. As a result, information about the effectiveness of individual services and overall substitute care programs is limited. This raises the question as to what factors have been identified and taken into account in the past by policy makers and administrators first, in assessing the need for substitute care services and facilities; secondly, in formulating policies and strategies to meet those needs; thirdly, in allocating funding priorities that reflect the changing nature of society and the varying circumstances of children requiring care; and finally, in establishing objectives and criteria against which the impact of various policies and programs can be assessed. It appears that decisions concerning these matters are normally made on the basis of past practices, individual preferences and beliefs, and a limited range of data provided by some welfare organisations.<sup>1</sup>

**6.4** During its public hearings and visits to substitute care centres and agencies, the Committee sought information on the impact of recent initiatives and changes in approach towards the treatment of children in substitute care. While some information was provided in respect of particular organisations or institutions, respondents providing a wider

account of the effectiveness of present arrangements and approaches tended to rely on anecdotal evidence and personal experience. In fact, many contributors to the inquiry acknowledged that much of their material was based on opinion, belief or hearsay. They often found it difficult to be precise about the effectiveness of their programs and maintained that the demands of their caseloads left little time or resources for evaluation purposes.

**6.5** The Committee believes that if governments are to be properly accountable for public expenditure in this area and if the formulation of future government policies and strategies is to promote improvements in the provision of substitute care, particularly for those children currently over-represented in care, then there is a need for programs and facilities to be more closely monitored and more thoroughly evaluated. The Committee considers the time for reform by the States in this area is long overdue and that the Commonwealth should now take a lead in this respect and provide the impetus required to encourage the evaluation of substitute care services. It therefore **recommends that the Commonwealth Government promote the evaluation of substitute care services by assisting State and Territory government and non-government welfare departments and agencies to determine appropriate evaluation criteria and develop procedures for the establishment and maintenance of on-going evaluation programs.**

#### **Adequacy of statistics**

**6.6** Criticism was levelled at both the Commonwealth and State governments during the inquiry concerning the lack of statistics available at the national level on children placed in substitute care. Statistical collections prepared by the Australian Bureau of Statistics in collaboration with WELSTAT provide the main sources of information.<sup>2</sup> These collections include two series: 'Children in Care', previously known as 'Persons Under Guardianship and Children in Substitute Care' which is a new series providing data on children in foster care and institutional care; and the annual series, 'Adoptions', first published in 1980. Statistical information on the number and characteristics of children with disabilities and the type of accommodation and institutional care utilised by them is provided by the 'Survey of Handicapped Persons' which was conducted by the Australian Bureau of Statistics in 1981. The Australian Institute of Criminology also publishes national statistics on children in juvenile corrective institutions in each State and Territory.<sup>3</sup>

**6.7** Until this year, no official statistical information was available at the national level on the number of children in institutional care who were not under the guardianship of the State and who were not placed in government-run institutions. As the majority of children in institutional care were not under State guardianship, the national data available were of limited value. This situation existed despite the fact that statistics on children in substitute care, including those in institutional care who were not under the guardianship of the State and who were not placed in government-run institutions, were collected and published by each State and the Northern Territory. This information was of limited value, however, because of the lack of uniformity between the various governments in their statistical definitions, classifications, and recording systems. In an attempt to overcome this problem WELSTAT developed standard criteria for the compilation of national statistics on children in institutional care who were not under the guardianship of the State. Although the co-operation and assistance of the States and the Northern Territory were obtained in supplying this information, it was not until recently that sufficient data were returned by all States and Territories to allow the compilation and publication of the new statistical series, 'Children in Care', covering all children in substitute care, to proceed.

**6.8** While the Committee welcomes this development, it is concerned that data available at the national level still do not provide information on the characteristics of children in substitute care apart from details of age and sex. The Committee believes there is a need for additional information relating to such factors as the duration of care, the frequency of admission to and discharge from care, the presence of siblings, and the outcome of care (e.g. whether a child returns home or proceeds to an alternative form of care). More detailed information is also required on the reasons for children being placed in care (i.e. apart from whether they require care because their welfare is at risk or because they have committed an offence). Statistics on the reasons for substitute care could cover such precipitating causes as parental neglect; child abuse; homelessness; parental and family conflict or breakdown; unfit, improper or incompetent guardianship; disordered social behaviour on the part of the child (delinquency, truancy, etc.); physical and intellectual disability; and emotional disturbance.

**6.9** The Committee considers the compilation of comprehensive and comparable data on the characteristics and reasons for the admission of children to care is necessary if government funding authorities and others are to evaluate the effectiveness of different substitute care programs, assess the impact of changes in public policy, and plan for the development of future services. Accordingly, the Committee **recommends that the Minister for Community Services, through WELSTAT, give priority to the expansion of the present range of statistics on the characteristics of children in substitute care to include data on such matters as the reasons for children being placed in care (i.e. apart from whether they are placed in care because their welfare is at risk or because they have committed an offence), the duration of care arrangements, the number and nature of successive admissions, and the outcome of substitute care placements.**

### **Quality of substitute care**

**6.10** The effectiveness of substitute care depends largely on the development of policies and the organisation of services that provide care of a high standard which in turn facilitates the optimal development of the child. In evidence received during the inquiry, particularly comments by young people on their experience of substitute care, several shortcomings in the quality of care were brought to the Committee's attention. These included the lack of continuity in care arrangements; the impersonal and sometimes authoritarian attitudes held by some substitute care parents; the application of certain rules, particularly in institutions for disabled children (e.g. regulations disallowing personal belongings and restrictions applying to the timing and regularity of visits by parents to institutions and by children visiting home); the lack of continuing contact with natural parents; the separation of siblings; the absence of appropriate stimulation; and a concentration on a child's behaviour rather than on his or her needs, rights and perceptions. By and large many of these deficiencies were attributed to staffing problems experienced by welfare agencies.

**6.11** Both government and non-government welfare agencies were found to encounter serious difficulties in attracting and retaining well qualified and experienced child care staff. Agencies reported they are often unable to employ a sufficient number or range of personnel either for institutional care purposes or to provide foster care. The Committee was advised that, in some instances, agencies have to resort to appointing staff with fewer qualifications and less preparation for the type of work required of them than considered desirable. In certain States it was claimed that these problems are aggravated by inadequate training opportunities available for substitute child care personnel. It was also apparent that the emotional demands of the work and its stressful nature, together with low levels of remuneration, result in very high rates of staff turnover. Many welfare

agencies consequently experience difficulties in maintaining continuity of child care personnel, creating an environment for the child in care as unstable as that from which he or she has been removed. The Committee also found that the degree of variation in standards of care (i.e. in the number, range, qualifications, levels of remuneration, and ratio of staff to children) is considerable, both between welfare agencies and between States, in the provision of comparable forms of substitute care.

**6.12** The Committee stresses that these criticisms should not be taken to mean that it received any evidence of improper or inadequate basic care provided. In all States it visited, the Committee was impressed by the dedication shown by people working in this area. It agreed, however, that the problems identified above reflect an unsatisfactory situation and one that would not be tolerated in other human service areas. In particular, the Committee believes there is a need to improve both pre-service and in-service training opportunities for substitute care personnel. It therefore **recommends that the Commonwealth Ministers for Community Services and Education, in consultation with State and Territory Ministers responsible for child welfare matters and non-government welfare organisations —**

- (a) **investigate the needs of government and non-government substitute care agencies for both pre-service and in-service training for personnel;**
- (b) **review existing pre-service substitute care training courses and programs in technical and further education institutions and other tertiary institutions and, where necessary, support the development and implementation of suitable diploma and certificate courses; and**
- (c) **examine the need for government financial assistance to meet the cost of replacing substitute care personnel participating in in-service activities and determine the most appropriate means of providing support for staff release and replacement of staff attending in-service training programs.**

#### **Funding of substitute care**

**6.13** The limitations of substitute care programs were also attributed to inadequate funding levels and unsatisfactory funding arrangements. Levels of funding were criticised for their tendency to discriminate against the non-government sector and favour the provision of the less costly forms of substitute care such as foster care and youth refuges to the detriment of institutional care. It was also claimed that funding levels have not kept pace with recent cost-of-living increases. Funding arrangements were criticised because of discrepancies in entitlements between children under the guardianship of the State and others in care, the uncertainty of funding, restrictive legislative requirements and/or time-consuming administrative procedures for funding under certain programs<sup>4</sup>, and the lack of clear policy statements relating to the terms and conditions of funding.<sup>5</sup> Alternative funding arrangements proposed include the provision of more bulk funding for programs rather than per capita funding and increased recurrent and capital funding.

**6.14** It was maintained that present levels of financial resources are not only preventing agencies from engaging sufficient numbers of appropriately qualified personnel to provide quality substitute care, but are also imposing constraints on the capacity of such agencies to diversify their services and thus give greater effect to current policies such as de-institutionalisation, the early restoration of children to their families, and proper assessment and planning of substitute care placements. It was further submitted that until additional funds are made available, agencies will continue to be constrained in their ability to upgrade accommodation facilities, work more closely with parents, and provide a wider range of other services such as after-care and respite care, both recognised as essential to meeting the needs of the children in care and the children's parents.

**6.15** The Committee found a number of fundamental inconsistencies in the funding arrangements for substitute care programs in all States and Territories. These were often not related to the different needs of children but reflected the categorisation of certain groups of children (e.g. guardians and non-guardians), the characteristics of the institution or substitute care program into which children are placed, as well as the historical nature of funding arrangements. The Committee also believes that the provision of government financial support for substitute care programs is in most cases inadequate, especially with respect to assistance provided for the non-government sector. The fact that this sector is under-resourced is a matter for particular concern as it bears a disproportionate share of the burden of providing substitute care services.

**6.16** The allocation of funds for substitute care programs rests primarily with the governments of the States and the Northern Territory. The determination of appropriate levels and methods of funding is therefore their responsibility. However, the Committee believes there is a need for present funding arrangements to be reviewed by the States and the Northern Territory to ensure first, that substitute care services and facilities are provided and maintained at the highest possible standard so that the physical, emotional and social developmental needs of children in care are fully met, and secondly, that funds for substitute care services are distributed equitably between the government and non-government sectors.

### **Application of assessment and planning procedures**

**6.17** During the inquiry, government and non-government welfare organisations were criticised for failing to apply adequate assessment procedures to determine the needs of children requiring admission to care (including ascertaining the circumstances that precipitated the intervention and removal of the child from the family in the first place) and failing to devise adequate plans and goals for the placement of children in substitute care. It was argued that as the early restoration of a child to its natural family is a goal pursued by most organisations providing substitute care services, welfare authorities have a responsibility to investigate more thoroughly the reasons for a child's placement and to make available greater assistance and advice to the child and its family based on such assessment processes. In particular, it was maintained that if no initial professional assessment is made of a child's needs and the reasons for his or her placement in care, and if no plan of intervention is subsequently set in motion, there can be no clear purpose or goal in applying measures to promote the child's future development and to facilitate family restoration or placement in a permanent alternative. Evidence indicated that too often the outcomes of various forms of intervention are fortuitous and depend on matters external to the intervention itself.

**6.18** The seriousness of this shortcoming is compounded in light of the concept of *parens patriae* whereby government and non-government welfare agencies responsible for the decision to remove a child from his or her family, either through their own intervention or in response to a request from a child's parents, also have a duty to ensure not only that the quality of care provided is satisfactory, but that a child's development is adequately promoted and that the consequences for both the child's and the family's future justify the agencies' initial intervention.

**6.19** The Committee found that the absence of clearly defined policies and procedures relating to the proper assessment and planning of a child's placement in care, whether with the intention of restoring the child to its natural family or, alternatively, placing the child elsewhere on a permanent basis, has contributed to the following negative factors:



- the continuing predominance of the practice of removing and placing children in substitute care, despite the acceptance in principle of the 'family-community support' concept and the passage in some States of community welfare Acts;
- the excessive duration of substitute care for some children;
- an unacceptably high re-admission rate for other children, in many cases reflecting premature discharge, a discharge process that leaves the child and family ill-prepared for the child's return, the long-term nature of crises in some families, and the failure of support services to provide adequate help to overcome such problems;
- a continuing high breakdown rate in foster care placements;
- the frequent separation of siblings and the removal of children from the geographic area and social community with which they are familiar;
- the lack of recognition of the individuality of children and the inappropriate grouping of certain children, particularly disabled children (e.g. the placement of the elderly with the young, and the developmentally handicapped with the mentally ill);
- high rates of recidivism among young offenders; and
- the absence of on-going assessment of the changing needs of children over time, particularly disabled children, which can lead to 'learned helplessness' and dependence.

**6.20** Inadequate assessment and planning procedures have also added to the growing trend for some children to become 'lost' in the welfare system and become victims of 'welfare drift' (i.e. being moved from one unplanned short-term placement to another). The problem of welfare drift was first documented in the 1950s and 1960s in the United States of America. It became apparent there and subsequently in the United Kingdom that reform was needed and the problem was addressed using the concept of 'permanency planning' which has been hailed as a successful approach in both countries. 'Permanency planning' is the term used to describe the speedy and permanent placement planning process needed to ensure that children do not drift in and through the welfare system. Within this process, priority is given to the maintenance or restoration of the child to his or her natural family and, failing that, to the relinquishment of the child for adoption or some other permanent alternative placement. Thus, in the first instance, permanency planning entails channelling all possible support resources to the family of the child in care. The success of this stage depends, however, on the availability and accessibility of a range of locally based, adequately resourced and professionally staffed family support services.

**6.21** Recent reports on substitute care by the Department for Community Welfare in Western Australia and the New South Wales Task Force on Residential and Alternate Care have lent support to the concept of permanency planning.<sup>6</sup> However, opponents to this approach, both overseas and in Australia, contend that it can result in rushed placements and the too-easy termination of parental rights, a particular problem for more vulnerable and less articulate families. It has also been argued that, because it focusses on crises, permanency planning has really only provided more efficient administrative control systems and has done little to promote the development of general family policy or the improvement of child care and other child welfare practices.<sup>7</sup> The proponents of permanency planning acknowledge the dangers and agree that the successful implementation of this approach occurs when comprehensive family support services are available and priority is accorded to the restoration of the child to its family.

**6.22** While the appropriateness of adopting the permanency planning model may be debatable, the need for welfare agencies to adopt better assessment and planning procedures is, in the Committee's view, essential to ensuring that children are placed in the most appropriate form of substitute care in the first place; that they do not remain in care unnecessarily or, alternatively, are not discharged prematurely; and that they do not become victims of welfare drift. It became apparent during the inquiry that the adoption of suitable assessment and planning procedures is inhibited by the inability of some organisations to develop and maintain appropriate client data collection, storage and retrieval systems. Without such mechanisms it is not possible to ascertain whether initial placement decisions are made in the best interests of the child, nor is it possible for a child's progress to be charted and reviewed on a regular basis. It was claimed by a number of agencies that the demands of day-to-day administration and limited resources prevent them from developing and maintaining proper records and systematically analysing client data. Some were also reluctant to allocate resources to this function in the absence of standard criteria for the assembly of such data.

**6.23** The failure of welfare organisations to seek and maintain basic information on their clients was identified by Gregory and Smith in their survey of children in non-government residential care. Their research found, for example, that survey respondents did not know whether some children in their care had brothers or sisters; whether a child in their care was the eldest in the family of those children in care from the same family; whether siblings were resident in another non-government child care centre; and, in a small number of cases, whether a child's siblings were resident in the same institution. The survey also revealed that, in a surprising number of cases (1114), respondents did not know with whom the child had been living prior to admission; whether some children had been admitted previously to their own agency; or if children had ever been admitted to care by another agency. The authors of the survey concluded that the adequacy of an agency's work with a child and his or her family must be questioned if such basic information about the child's life experiences is not known to those who are given responsibility for the care of the child.<sup>6</sup> The Committee supports this view and believes the situation has changed little since this survey.

**6.24** The assembly of such basic information on children in care is necessary for a number of reasons. First, the presence or absence of siblings, parents and relatives immediately places certain limitations on the planning of a child's placement. Secondly, lack of information about the reasons for the admission of a child to care and about the marital, economic, educational, employment and housing circumstances of parents must limit the capacity of agencies to assess what a child's parents can achieve with or without further outside assistance and may thus result in unrealistic expectations by the agency, the family and the child. Thirdly, assessment of a child's educational standard, school performance, social adjustment and personal behaviour, both before and during placement, is necessary to determine the type of short-term or long-term care required for the child. The Committee's attention was drawn particularly to the need for proper assessment and planning procedures to be followed in the placement of Aboriginal children. This issue has already been discussed in some detail in Chapter 2.

**6.25** As a prerequisite to improving the overall effectiveness of present substitute care practices and as a means of preventing welfare drift, the Committee believes it is necessary that a set of universally acknowledged guiding principles be developed to assist in the assessment and planning of a child's placement in substitute care, and that individual substitute care agencies be encouraged to develop and maintain appropriate data collection, storage and retrieval systems. The Committee accordingly **recommends that the Commonwealth Minister for Community Services seek the co-operation of State and Territory Ministers responsible for child welfare matters and non-**

government welfare agencies to establish a set of universally acceptable guiding principles for (a) the initial and continuing assessment of children requiring substitute care and (b) the development of a planned approach towards the placement of children in care. The Committee further recommends that the Commonwealth Government introduce a special substitute care grants program to assist government and non-government welfare agencies in the implementation of proper assessment and planning procedures for the placement of children in substitute care, including the design and maintenance of appropriate client data collection, storage and retrieval systems.

### **Integration of services**

**6.26** A major obstacle to improving the effectiveness of present substitute care policies and programs is the lack of integration between the substitute care system and the general child welfare system. For example, the isolation of institutional care programs from other elements of the welfare system such as day care and the provision of general family support services has been the subject of particular criticism. Until recently, there has been a tendency to place institutional care at one end of the continuum of child welfare services and community child care at the other end. Some argue that this dichotomy should not exist today, that it has adversely influenced child welfare planners over the last twenty years or more, that it has caused many welfare administrators to resist sharing the use of community facilities, and has contributed to the negative connotations of institutional care.

**6.27** While it is erroneous to assume that all services labelled 'community-based' are necessarily progressive, innovative or enlightened, particularly when such assumptions are made before any evaluation has taken place, it should also not be assumed that services which are institutionally-based or residentially-based must be regressive, again before any evaluation has occurred. The Barclay Report published in Britain in 1982 reviewed the place of residential care and day care programs in the generic service structure of public and private care arrangements." It raised the possibility of moving residential care services into the centre of the service system and redefining them in terms of family support services with outreach elements directed at meeting the particular needs of various groups within the community. A residential centre operated in this way may offer a range of services (occasional care, respite care, long-term care, parent education, child counselling, etc.) and be very much 'community-based'.

**6.28** The use of institutional centres for the purpose of providing respite care for families with disabled children illustrates well how a residential facility could be used more widely were it better integrated with other child and family welfare services. Evidence shows that many more families would be able to keep their disabled children at home if respite care facilities were more readily available. Establishments providing accommodation for disabled children may have vacancies from time to time which can be used for planned respite care or even for unplanned respite care on occasions. In addition, it is not uncommon for organisations to set aside a limited amount of approved accommodation to cater for emergencies (e.g. to assist in times of carer illness or crisis). Nevertheless, the general shortage of appropriate accommodation for disabled children in the community is such that the majority of these facilities ultimately develop into long-term residential centres which are usually able to allocate only minimal bed capacity for short-term or emergency cases. Also, government funding requirements normally stipulate that such homes be conducted on a full-time basis and be utilised to full capacity for a majority of the time. On the other hand, there are a number of under-utilised or former residential care facilities that have been closed or are only partially utilised which

may be suitable for other purposes such as respite care. To date, there has been little attempt to integrate these services or to introduce arrangements for the shared use of facilities.

**6.29** The development of an integrated approach towards the administration of institutional care programs and other child care and welfare services, including the shared use of buildings, would also help overcome the considerable stigmatisation and isolation from the community, both physical and social, of many institutional care centres. During the inquiry, the Committee was encouraged to hear of a former institution being used as a base from which an expanded range of welfare services is being provided to meet the needs of children and families in a particular locality. The Committee welcomes this development and believes such practices should be encouraged.

**6.30** The Committee also believes there is a need for welfare services for particular groups of children such as the disabled, Aborigines and young offenders to be more closely integrated with other child welfare programs. While separate departments or units may have been established initially in recognition of the special needs of these target groups, the Committee is concerned that this practice may act to disaffect or isolate these children from developments in the mainstream of welfare thought and service delivery. As noted by the Social Welfare Policy Secretariat, the policy and administrative separation of care for Aboriginal and disabled children from the mainstream of general child care and public welfare policy has probably contributed to a slower de-institutionalisation process for these particular groups.<sup>10</sup>

#### **Exchange of information and conduct of research**

**6.31** The Committee supports the view that the effectiveness of present substitute care policies and programs could be improved by greater interchange of information and ideas between the States and Territories (and between the government and non-government sectors) concerning developments occurring both within Australia and overseas in the field of substitute care. With regard to the conduct of research, it became apparent to the Committee that there is little co-ordination in Australia between research projects being undertaken in this area by various organisations and research institutes, and that the results of research are not always brought to the attention of the relevant welfare authorities or agencies. The isolation in which the States and Territories tend to operate, despite their common objectives and problems is, in the Committee's view, a matter for serious concern and reflects the fragmented way in which substitute care programs and associated child and family welfare services are being provided in Australia today.

**6.32** The Committee was advised that on several occasions individual States have allocated considerable funds for the development of new schemes, involving significant preliminary research and investigation, although similar strategies were already on trial elsewhere. Had the results of the earlier endeavours been more widely disseminated, other States and welfare agencies may have benefited or at least avoided unnecessary duplication of effort and waste of resources in ascertaining the applicability of such alternative approaches for their own requirements. Often new projects being developed in one State towards the treatment of particular groups of children have direct relevance and application to similar target groups elsewhere (e.g. the development of the South Australian Intensive Neighbourhood Care Scheme for young offenders). These projects may be regarded as being of national significance in improving the overall effectiveness of policies and programs for children requiring institutional and other forms of care. However, the value and potential of such initiatives are rarely fully realised because of the small scale of the projects and because of the limited dissemination of information to promote and facilitate their adaptation elsewhere.

6.33 The Committee believes the Commonwealth should take the initiative in fostering the exchange of ideas and the dissemination of information, including the results of research, between the States and Territories (and between the government and non-government sectors) about recent developments occurring both within Australia and overseas in the substitute child care field. The Committee therefore **recommends that the Minister for Community Services seek the co-operation and assistance of State and Territory Ministers responsible for child welfare matters and non-government welfare agencies in devising appropriate mechanisms for promoting the dissemination and exchange of information concerning new developments and exemplary practices in the provision of institutional and other forms of substitute care (e.g. through the establishment of a national clearinghouse for studies related to children in substitute care and the joint sponsorship of regular national seminars, workshops or conferences).**

## ENDNOTES

1. J. Carter, *Protection to Prevention: Child Welfare Policies*, SWRC Reports and Proceedings No. 29, Social Welfare Research Centre, University of New South Wales, Sydney, January 1983.
2. WELSTAT is a joint State and Commonwealth project concerned with the standardisation and improvement of social welfare statistics. The project which was established by the Council of Social Welfare Ministers in 1976 is managed by committees consisting of representatives from each State and Territory welfare department, the Commonwealth Department of Community Services, the Australian Bureau of Statistics, the Policy Co-ordination Unit (formerly the Social Welfare Policy Secretariat), and the National Committee on Health and Vital Statistics. The project is serviced by the WELSTAT Secretariat which is located in the Department of Community Services in Canberra.
3. This is a quarterly series entitled, *Persons in Juvenile Corrective Institutions*.
4. To be eligible for financial assistance under the *Nursing Homes Assistance Act 1974*, for example, an organisation must meet certain Department of Health requirements. These regulations have been the subject of criticism by some voluntary organisations who argue that while they are obliged to conform to departmental requirements for financial reasons, adherence to such rules is not always in the best interests of their clients. While many people need a high level of long-term medical and/or nursing care, many others, including children with physical and/or intellectual disabilities, need training and rehabilitation rather than long-term medical or nursing care. Certain agencies caring for the disabled thus see the imposition of various funding criteria conflicting with the objectives of their services.
5. For example, the present limitation on recurrent funding under the Handicapped Persons Welfare Program means that an organisation can base its funding on grounds of economic necessity as the rationale for a medically oriented approach even in areas where a nursing home environment may be extremely restrictive, inappropriate to the organisation's clients needs and a decided barrier to their social integration.
6. D. McCotter and H. Oxnam, *Children in Limbo — An Investigation into the Circumstances and Needs of Children in Long-Term Care in Western Australia*, Report and Appendices, Department for Community Welfare, Perth, 1981; and Residential and Alternate Care Task Force (Mr V.J. Dalton, Chairman), *Final Report*, Sydney, February 1982.
7. A.J. Kahn, *Studies in Social Policy and Planning*, Russell Sage Foundation, New York, 1969.
8. G. Gregory and N.J. Smith, *Particular Care — The Report of the National Survey of Non-Government Children's Homes and Foster Care (Including Homes for Physically and Intellectually Handicapped Children)*, 30 June 1979, Children's Bureau of Australia, 1982, p. 120.
9. National Institute of Social Work Working Party (P.M. Barclay, Chairman), *Social Workers, Their Role and Tasks*, Report to the Secretary of State for Social Services, Bedford Square Press, London, 1982.
10. *Transcript of Evidence*, Submissions, p. 1123.

## CHAPTER 7

### THE CHILDREN'S SERVICES PROGRAM AND PREVENTIVE SERVICES

7.1 The Commonwealth Government provides funds through the Children's Services Program for the establishment and operation of a range of child care and related welfare activities for children and families. The Office of Child Care within the Commonwealth Department of Community Services is responsible for the administration of the Program under which grants are made available for projects sponsored by local government authorities and non-profit community organisations. When the Program first commenced operation in June 1976, funds were directed mainly towards the development of pre-school services. However, with the subsequent establishment of a network of pre-schools throughout Australia by 1978, together with the acknowledgement by State governments that pre-school funding was primarily their responsibility and also growing public demand for other types of services for children, funding priorities within the Program inevitably changed.<sup>1</sup> While a block grant arrangement has been maintained with the States and the Northern Territory to provide recurrent funding for pre-schools<sup>2</sup>, the Children's Services Program now provides funding for a wider range of services.<sup>3</sup>

#### Range of services

7.2 Projects supported under the Children's Services Program fall within three broad categories: early childhood services and services for school-aged children; services for children with particular needs; and services for families provided through the Family Support Services Scheme. Until January this year the Children's Services Program also funded emergency accommodation and ancillary services for homeless youth under the Youth Services Scheme. This Scheme is now administered by the Commonwealth Government's Supported Accommodation Assistance Program. Since its inception the Children's Services Program has also supported research activities, the evaluation of projects, the conduct of conferences and workshops, and the dissemination of information to improve public awareness of particular aspects of child care.<sup>4</sup> The Office of Child Care also co-operates with professional and voluntary organisations which have an interest in early childhood development including kindergarten unions, day nursery associations and the Australian Early Childhood Association. The table on the following page sets out the range of services and activities funded under the Program in 1984.

7.3 In the last Budget the Commonwealth allocated \$160.8 million to the Children's Services Program for 1984-85. This included \$124.6 million for early childhood services, services for school-aged children and services for children with special needs; \$33.09 million for grants to the States and the Northern Territory for pre-schools; and \$3.1 million for projects funded under the Family Support Services Scheme. Additionally, the Office of Child Care stated in January this year that State, Territory and local governments would provide \$14 million during 1984-85 plus approximately 140 blocks of land and supervisory staff to oversee the construction of new child care centres. As a result of these combined efforts, the Commonwealth Government has undertaken to provide an extra 20 000 child care places over the next two financial years.<sup>5</sup>

7.4 Under the Children's Services Program funds can be provided either as capital grants for the provision of facilities and the purchase of equipment; as recurrent grants which contribute towards service operating costs, including staff salaries, administrative expenses and fixed overheads; or as special needs subsidies which enable service administrators to offer rebates of fees for low income families. Some services supported by the Program are funded wholly by the Commonwealth and others are funded jointly by the Commonwealth and the States or the Northern Territory.

**Number of Services by State and Territory and Service Type Receiving or Approved to Receive Children's Services Program Support as at 30 June 1984 (Excluding Pre-School and Vacation Care Services)**

| <i>Service type</i>                           | <i>N.S.W.</i> | <i>Vic.</i> | <i>Qld</i> | <i>S.A.</i> | <i>W.A.</i> | <i>Tas.</i> | <i>A.C.T.</i> | <i>N.T.</i> | <i>Total</i> |
|---|---------------|-------------|------------|-------------|-------------|-------------|---------------|-------------|--------------|
| Child care services and neighbourhood centres | 181           | 170         | 82         | 61          | 68          | 32          | 18            | 23          | 635          |
| Family day care                               | 74            | 67          | 44         | 27          | 7           | 10          | 8             | 4           | 241          |
| Outside school hours care                     | 121           | 72          | 47         | 25          | 36          | 18          | 19            | 4           | 342          |
| Family and child assistance services          | 51            | 41          | 24         | 21          | 31          | 3           | 6             | 5           | 182          |
| Advice and resource services                  | 44            | 47          | 12         | 9           | 12          | 6           | 10            | 4           | 144          |
| Family Support Services Scheme                | 22            | 26          | 11         | 10          | 15          | 14          | 5             | 8           | 111          |
| Youth Services Scheme                         | 21            | 22          | 13         | 5           | 6           | 6           | 1             | 1           | 75           |
| Adolescent services                           | —             | —           | 3          | 2           | 1           | —           | 1             | —           | 7            |
| Child care in women's refuges                 | 36            | 17          | 21         | 11          | 13          | 6           | 2             | 2           | 108          |
| Research/development                          | 4             | 1           | 2          | 2           | 2           | —           | —             | 1           | 12           |
| Miscellaneous services                        | 1             | 1           | —          | 2           | 1           | —           | 1             | 1           | 7            |
| <b>Total</b>                                  | <b>555</b>    | <b>464</b>  | <b>259</b> | <b>175</b>  | <b>192</b>  | <b>95</b>   | <b>71</b>     | <b>53</b>   | <b>1864</b>  |

Note: "Advice and resource services" includes services previously shown under titles "children's service staff" and "playgroup association support"; family and child assistance services includes services previously shown under title "services for disabled children" and other family support services not funded through the Scheme.

Source: Department of Social Security, *Annual Report 1983-84*, AGPS, Canberra, 1984, p. 90.

### **Early childhood services and services for school-aged children**

**7.5** Early childhood services and services for school-aged children include pre-school education; centre-based and home-based day care provided on a full-day, occasional or emergency care basis; playgroup care; child care in women's refuges<sup>6</sup>; before-school and after-school care; and vacation care. In supporting the development of child care services, the Commonwealth Government has three major priorities: the expansion of the number of available child care places; the maintenance of existing services; and the introduction of an effective fee relief system for day care users.<sup>7</sup> In outlining the Government's objectives in funding these services, the Office of Child Care has stated that the provision of an adequate network of children's services is recognised as essential to participation in the workforce for many families but, more importantly, single parent families and particularly those headed by women.<sup>8</sup> Special attention is now being given to the development of work-related child care facilities which is regarded as a high priority in the context of the Government's policies on 'equality of opportunity in employment and affirmative action'.<sup>9</sup> Increased emphasis is also being given to the provision of occasional care places in recognition of the needs of mothers at home.<sup>10</sup>

**7.6** In the funding of general purpose child care projects, priority of access is given to children (and families) considered to be in special need because of their social or economic circumstances.<sup>11</sup> Children with particular social needs include those of working or sole parents, children who are considered to be at risk and children with sick or incapacitated parents. For families in economic need who cannot afford to pay the



maximum child care fee, subsidisation of fees is provided on a sliding scale from a pool of funds available to the child care facility.<sup>12</sup>

### **Services for children with special needs**

**7.7** The Children's Services Program provides financial assistance for a range of day care and other related services for special groups of children within the community such as disabled children, Aboriginal children, children of newly arrived migrant families, and geographically isolated children. Services for children with disabilities include early intervention programs; parent relief and support services; training and counselling for parents, child care workers and disabled children; mobile toy libraries; special playgroups; and transport services. These projects are, in part, designed to avert the need to institutionalise disabled children wherever possible.

**7.8** Services for Aboriginal children include those provided by Aboriginal organisations, particularly Aboriginal child care agencies which receive special grants under the Program. Similarly, the Program funds a number of special projects that recognise the need for children from non-English speaking backgrounds to have access to child care services that are suitable to their needs. These include grants to ethnic organisations to establish their own child care centres; grants to other groups to provide bilingual resource material, teaching aids and advisory assistance to child care personnel working with pre-school aged migrant children in day care centres, kindergartens, neighbourhood houses and family day care schemes; and grants to family support programs to assist migrant families, particularly migrant women.<sup>13</sup>

### **Family Support Services Scheme**

**7.9** The Family Support Services Scheme began in 1978 and was originally a national three-year pilot scheme funded by the Commonwealth Government through the Children's Services Program. The Scheme was introduced in order to test various types of community-based services designed to enhance family functioning and assist parents in their child-rearing responsibilities, particularly in times of crisis. Information obtained from the pilot scheme was intended for use in policy formulation regarding the provision of services for families. Following the most recent extension of the Scheme, approved in the 1984-85 Budget context, a separate Budget allocation of \$2.39 million was provided for the nine-month period to 30 September 1985. These funds were appropriated to maintain existing services pending the report of a joint Commonwealth-State working party on the future funding of family support services.

**7.10** Projects selected for funding under the Family Support Services Scheme include homemaker services; financial counselling; family and child counselling; advocacy in income security claims, rent arrears and legal matters; emergency housing and material aid for families where children run the risk of being placed in substitute care; child abuse prevention programs; and crisis and respite care for parents with disabled children.<sup>14</sup> Family support service delivery methods vary from project to project: some are centre-based, that is, they operate from an office, a church or other community centre, while others operate using outreach workers visiting families in their homes.

**7.11** Support provided through these services is intended to help prevent family breakdown and assist in reducing the number of children requiring substitute care.<sup>15</sup> A further objective of the Scheme is 'to provide a stimulus to innovative thinking in State and non-government organisations regarding the provision of child and family support services'.<sup>16</sup> The Scheme also aims to promote flexibility of service delivery and, where possible, client groups are encouraged to design their own projects within broad

guidelines according to their own community needs and perceptions. In this regard, the Scheme acknowledges the multicultural nature of Australian society and the stress placed on families because of cultural differences: submissions for funding from Aboriginal and ethnic organisations have therefore been particularly sought. Importance is also attached to developing programs that facilitate local access to and management of projects by sponsoring agencies that have local community acceptance and are able to promote maximum community participation and self-help in the planning and administration of services.

**7.12** During its initial stages, it was suggested that if the Scheme were to contribute to the effectiveness of local child care and family support service delivery networks, a more co-ordinated approach towards the provision of these services at the grass roots level was required. This has been achieved in some areas by the development through the Scheme of multi-purpose facilities or neighbourhood centres which act as focal points for the location of several services and for the provision of information and advice about other services available within the community.

### **Effectiveness of the Children's Services Program**

**7.13** There was general agreement among those contributing to the inquiry that the Commonwealth Government's initiative in promoting the development of primary-based preventive services through the Children's Services Program has assisted many families in fulfilling their child-rearing responsibilities and has helped avoid the need to relinquish children to the care of the State or non-government welfare agencies. It was also claimed that the Program has provided a new impetus for welfare organisations to develop alternative strategies towards the delivery of welfare services for children and families.

**7.14** In relation to the latter point, the Western Australian Department for Community Welfare stated that projects funded under the Children's Services Program have encouraged leadership and innovation at the local level and have provided evidence of the capacity of communities to plan, develop and implement their own child care and family support services. On the other hand, it was argued that the extent of the Commonwealth's influence in promoting new ideas and initiatives through the Program has been more limited and that the Office of Child Care is viewed in and by the States solely as a source of financial support, rather than as a stimulus for the development of new ideas on child and family welfare matters.<sup>17</sup> Nevertheless, the Program has provided a potential basis for the development of new concepts in this area and has offered the opportunity for innovation, particularly in relation to wider community participation in service delivery. The Committee agrees with the view that, regrettably, government and non-government welfare organisations have not, by and large, taken full advantage of that opportunity.<sup>18</sup>

**7.15** Despite the Commonwealth Government's expanding role in this area, there are indications that a strong element of ambivalence towards child and family welfare matters continues to exist on the part of the Commonwealth. Until 1983 this was particularly apparent when viewed in light of the level of Commonwealth funding provided for the Children's Services Program which had declined progressively in real terms since 1976.<sup>19</sup> This occurred in spite of the fact that the scope of the Program was continually broadened from providing funds for pre-school and early childhood day care services to funding family support schemes, care for school-aged children and services for youth.

**7.16** Increases in funding for the Program since 1983 have permitted the development of new and expanded child care services, notably extended hours services, 24-hour services, and the establishment of work-based child care centres. Although the Government announced in May this year that it would reduce funding under the Program by '\$15 million in 1985-86 and \$30 million in a full year', it also stated that it would not allow these cuts to affect its 'undertaking to provide an additional 20 000 child care places over the next three years'.<sup>20</sup> Nevertheless, many voluntary agencies and local government welfare groups sponsoring child care and family support services maintained prior to this change that increases granted since 1983 had been insufficient to absorb the constantly growing number of referrals to their services, and argued that the Commonwealth's planning under the Program did not take sufficient account of rising infrastructure costs or constantly increasing requests for assistance resulting from worsening economic conditions.

**7.17** Because demand continues to exceed the provision of services in this area, it is essential that the available funds be put to the most effective use. In this respect, the Committee welcomes the Government's recent introduction of a needs-based planning approach towards the distribution of funds through the Children's Services Program as opposed to the former submission-based funding model which favoured more articulate and organised (although perhaps less needy) applicant groups. The purpose of the planning approach is to ensure that funds are directed towards the provision of services in areas of greatest need and that a more equitable distribution of resources is achieved. This new policy should also minimise the ad hoc and discretionary distribution of funds that has at times characterised the support of projects under the Program. The Committee believes, however, that the success of the Government's revised approach towards funding will depend largely on the effectiveness of consultations between the Commonwealth and State government and non-government welfare organisations to develop appropriate criteria for identifying target groups and determining funding priorities.

**7.18** The Children's Services Program was also criticised for its emphasis on the provision of child care services which was considered to be detrimental to the provision of other services, especially other forms of community-based preventive services. It was claimed that while the availability of child care is an important factor in promoting family stability, it is nevertheless only one of many forms of support required to assist the family unit. It became apparent to the Committee that there is growing demand within the community for a wider range of locally-based preventive services such as those sponsored by the Family Support Services Scheme. In particular, local agencies identified the need for more resources to be directed towards parent education programs, pre-marital and family counselling services, respite care services for parents with disabled children, child abuse prevention programs, financial counselling services, homemaker services, and the publication and dissemination of information about the availability of community services.

**7.19** While there were moves within the former Department of Social Security to make child care centres more multifunctional, progress in this direction has been limited by funding arrangements. The Committee believes there is a need for the federal Government to assess its overall role in relation to child care and to general community-based preventive services for both children and families. It therefore hopes that the joint Commonwealth-State review of the Family Support Services Scheme will not judge the Scheme in isolation but will evaluate it in relation to the provision of complementary child care services.

**7.20** The Committee considers it is unrealistic to expect State and Territory governments to assume sole responsibility for the funding of universal preventive services for families with dependent children and accepts that the demand for assistance by families in crisis must take priority in the planning and delivery of State welfare programs. Attempts by State governments in the past to provide preventive services at the local level have invariably suffered from the need to divert limited resources to helping those in immediate need. Bearing in mind these considerations, the Committee believes that the Commonwealth, through the Family Support Services Scheme, should play a more significant role in the support of preventive care services, particularly at the primary level and act as a catalyst in the development of preventive programs for children and families. **It therefore recommends that the Family Support Services Scheme be continued and expanded by the Commonwealth Government.**

**7.21** Many contributors to the inquiry maintained that the Commonwealth should provide more assistance and advice in the planning, design and administration of community child care and family services and accept greater responsibility for the outcome of projects supported under the Children's Services Program. The Committee agrees with the view that there has been a tendency in the past for some agencies to establish new services as quickly as possible in order to satisfy growing demand but that such services have been established without sufficient regard to their appropriateness for the communities they serve. At times, lack of project planning and co-ordination have resulted in unsatisfactory design of child care centres and neighbourhood facilities, inappropriate methods of management (whether through a neighbourhood management committee or a local government council) and, in certain instances, unsatisfactory mechanisms for community participation.

**7.22** It was also argued that the effectiveness of the Program has been limited by the absence of any explicit statement by the Commonwealth Government concerning the Program's overall aims and objectives, although certain statements concerning the purpose of particular aspects of the Program, such as the funding of child care services, have been made from time to time.<sup>21</sup> It was suggested that this, together with the lack of guaranteed funding for some projects, has given the Program an air of uncertainty and has reduced its potential value. The Committee believes the Commonwealth's future participation in the Children's Services Program should be accompanied by a clear statement of policy regarding its objectives in this area.

**7.23** The development of such policy should also entail a review of the legislative basis for the Commonwealth's involvement in child care and family welfare matters. In particular, the relevance of the *Child Care Act* 1972 requires close examination. This Act provides principally for the allocation of grants to the States for the purpose of establishing child care centres. Under the Act child care is defined as 'the care of pre-school aged children'. In view of the range of services and facilities now supported by the Commonwealth through the Children's Services Program, the Committee considers the Act is an inappropriate basis for the Commonwealth to be providing funds in this area. Accordingly, **it recommends that the *Child Care Act* 1972 be either amended or replaced to reflect more accurately the Commonwealth's present and future role and policy direction in the provision of assistance for child care and associated family support services.**

## ENDNOTES

1. By 1978 the provision of capital funding to assist in the implementation of the Children's Services Program was completed and pre-school education was almost universally available.
2. Due to legislative requirements, pre-schools in the Australian Capital Territory are funded through the Commonwealth Department of Education (via the Australian Capital Territory Schools Authority) rather than under the Children's Services Program. This was also the case in the Northern Territory until 1979 when pre-school funding was transferred from the Commonwealth Department of Education to the Department of Social Security and became part of the Children's Services Program.
3. On 14 May 1985 the Treasurer announced during his speech to the Parliament on the 1985-86 Budget cuts that the Government would terminate grants to the States for pre-schools from 31 December 1985. For further details see P.J. Keating, M.P., Treasurer, *1985-86 Budget Initial Expenditure Savings Measures — Statement*, 14 May 1985, AGPS, Canberra, 1985, p. 24.
4. Examples of conferences and workshops supported by the Office of Child Care have included conferences of Family Day Care Scheme co-ordinators and training workshops for administrators and staff of Aboriginal child care organisations.
5. Department of Community Services, Office of Child Care, *The Commonwealth Government and the Provision of Children's Services*, Canberra, January 1985.
6. Child care services in women's refuges became eligible for funding under the Children's Services Program in 1978-79. This enabled refuges to employ child care workers, purchase toys and equipment, and provide financial assistance towards the use of outside child care services.
7. Department of Community Services, Office of Child Care, op. cit.
8. *ibid.*
9. *ibid.*
10. *ibid.*
11. In 1979 the Department of Social Security estimated that 95 per cent of children attending family day care and 78 per cent of children attending centre-based day care were from groups considered by the Commonwealth to require priority of access due to special need. The incidence of special needs children was highest in the regular care types of services. For example, 88 per cent of children in regular centre-based day care were classified as being in special need of care. (Department of Social Security, *Annual Report 1979-80*, AGPS, Canberra, 1980, p. 43.)
12. The basis for determining whether a family is in economic need and, if so, the amount of reduction to be offered, varies from service to service reflecting both the needs of the locality and the circumstances of the individual. The rebate is available for one parent families, migrant families in which either parent is in the first three years of permanent settlement in Australia, families where one of the parents is sick or incapacitated, and families in possession of a Health Benefit Card, a Health Care Card or a Pensioner Health Benefit Card.
13. Department of Social Security, *Annual Report 1978-79*, AGPS, Canberra, 1979, p. 36.
14. A small amount of funds may also be used for emergency cash relief purposes.
15. Department of Social Security, Office of Child Care, *National Overview of the Family Support Services Scheme*, March 1984, pp. 4-6.
16. *ibid.*, p. 4.
17. C. Picton and P. Boss, *Child Welfare in Australia: An Introduction*, Harcourt Brace Jovanovich, Sydney, 1981.
18. *ibid.*
19. T. Sweeney, *An Analysis of Federal Funding of Children's Services — A Sourcebook*, SWRC Reports and Proceedings No. 22, Social Welfare Research Centre, University of New South Wales, Sydney, May 1982, p. 6.
20. P.J. Keating, M.P., Treasurer, op. cit., p. 11. The apparent inconsistency between the Treasurer's reference to the fact that an additional 20 000 child care places would be provided over the next three years and the earlier statement by the Office of Child Care that these places would be provided over the next two financial years may be due to the use of calendar years in one case and financial years in the other.
21. Department of Community Services, Office of Child Care, op. cit.

## CHAPTER 8

### CONCLUSION

**8.1** The overall decline in the number of children in institutional and other forms of substitute care in recent years would appear to indicate that recent policies of both the Commonwealth and State governments have been effective in reducing the need for substitute care. In particular, Commonwealth initiatives to provide income support for single parent families and other forms of assistance such as day care, family support services, low cost housing and other preventive programs have contributed to this trend. The change in focus in child welfare policies of government and non-government bodies from the child in isolation to the family unit has also helped diminish the need and demand for substitute care. However, the apparent success of these initiatives and policies can be questioned on a number of grounds. First, they have had less impact on those children remaining in substitute care, particularly children from certain disadvantaged groups in the community who continue to be over-represented in care. Secondly, a number of recent policy initiatives, generally regarded as progressive developments in the child and family welfare field, may be contributing indirectly to problems in other welfare areas.

#### **Requirements of children remaining in substitute care**

**8.2** While the Committee supports the increasing emphasis now being placed on preventive measures, particularly measures aimed at avoiding the removal of children from their families to substitute care, it also acknowledges that there is likely to be a continuing demand for substitute care for some children. In planning for these children, it is important that public policy takes into account the special physical, emotional, educational and social developmental needs of the children; that the importance of contact between the child and his or her family is recognised; that security, continuity and quality of care is provided; and that substitute care programs and facilities are structured to meet these needs.<sup>1</sup> It is the Committee's view that the effectiveness of future policies and programs to assist these children can be enhanced by taking the following action at the national level:

- introducing uniform and increased foster care allowances;
- improving educational programs for children in institutional care;
- promoting improvements in the quality of care available to children in institutional care;
- assisting agencies to develop appropriate assessment and planning procedures for the placement of children in substitute care;
- improving collections of statistical data on children in substitute care;
- supporting the development of appropriate evaluation models for the use of organisations responsible for the funding and administration of substitute care programs; and
- facilitating the dissemination and exchange of information and ideas about recent developments, emerging trends and new approaches towards the provision of substitute care.

Accordingly, the Committee has made a series of recommendations relating to each of these areas.

**8.3** It is a matter of considerable concern to the Committee that despite recent increases in the provision of community services for families with dependent children, attempts to address the overall welfare needs of those most at risk within the community, particularly those children who continue to be over-represented in care, have been less effective than envisaged. It is clear that the basic reasons underlying the placement of children in substitute care and the circumstances of children at risk have changed little over the years. As noted earlier in the report, families of children in substitute care are still predominantly the poorest, the most disadvantaged and the most vulnerable. One explanation for the lack of effectiveness of recent measures designed to promote family stability and prevent the placement of children in substitute care is that the success of government initiatives is necessarily dependent on the extent to which governments also address wider socio-economic problems. As commented by various witnesses, given the prevailing economic climate and associated social problems, the successful implementation of preventive policies and programs is beyond the scope of welfare agencies alone, whether government or non-government, and can probably only be achieved by substantial changes to the economic and social structure of society in which higher priority is accorded to disadvantaged families. Essentially, such structural change necessitates a more equitable distribution of resources within the community through the provision of guaranteed employment and income, taxation reform, and large-scale programs for education, housing and personal welfare. The central concern of these changes should be the development of government policies and programs that help to ensure the economic viability of the family unit and promote the well-being of the child.

#### **Possible repercussions of recent government initiatives**

**8.4** While there was general agreement on the value of child and family welfare policies and programs emphasising principles of de-institutionalisation, normalisation, restoration of the child to the family and prevention, evidence received by the Committee suggested that these initiatives may be giving rise to certain negative 'program effects' manifested in other welfare problems. Examples include the increasing number of homeless youth requiring different forms of government intervention, the rising proportion of children with severe emotional and behavioural problems being placed in substitute care, and the growing dependence of many families with children on the welfare State. Thus, the view was put to the Committee that the recent decline in the number of children in both protective and corrective care does not necessarily reflect a decline in the number of children living in precarious circumstances, that is, children who are deprived of what might be regarded as an acceptable level of care and protection by their parents and who may therefore be in need of substitute care or other direct family assistance.<sup>2</sup>

**8.5** The information brought to the Committee's attention during this inquiry and its previous inquiry into homeless youth indicates, for example, that while certain income security benefits and other forms of government-funded support may assist some families to maintain their children, particularly during their early years, the long-term effects of these programs may be less favourable than initially envisaged.<sup>3</sup> It was suggested that, for certain children from poorly functioning families, State intervention under present policies and practices may have merely been deferred until the children leave home of their own volition, often becoming homeless youth. In fact, while the number of children in substitute care is falling, evidence shows that the number of homeless children requesting refuge accommodation is increasing.<sup>4</sup>

**8.6** The most recent information available on the operation of youth refuges funded under the Youth Services Scheme shows that during the first 12-month period of the Scheme's operation between October 1980 and September 1981 there were over 12 000 requests for emergency accommodation at refuges funded under the Scheme.<sup>5</sup> The

National Committee for Evaluation of the Youth Services Scheme estimated that, because some agencies had failed to return data for the full period of their operation, the total number of requests during this period would have been closer to 15 000.<sup>6</sup> Recent advice from a number of refuges around the country indicates that demand for this form of accommodation is continuing to grow.

**8.7** The Committee's attention was also drawn to the fact that of those children living in refuges during 1980-81, 27 per cent were aged between 12 and 15 years, 41 per cent were aged between 16 and 17 years, and 11 per cent were aged 18 years. Further, over 12 per cent had been accommodated previously in residential care institutions or foster care, 9 per cent were still under the guardianship of the State and 3 per cent had previously been under State guardianship.<sup>7</sup> While children with substitute care backgrounds, including those under the guardianship of the State, may well have become homeless and sought refuge accommodation for the same reasons as other homeless youth — family conflict, loss of support networks and inability to obtain and maintain independent accommodation — it is a matter for concern that those under the protection of the State or who have been identified by government and non-government agencies as being in need of care are now in effect without either family or State support. The Committee believes that these trends in youth homelessness point to a need to reappraise present substitute care policies and funding priorities for services to assist children who leave home of their own accord, who are unable to support themselves, who need a more sheltered and stable environment than can be offered by youth refuges, and whom most State welfare departments are now reluctant to bring before the authorities as being in need of care and protection and place in other forms of care.

**8.8** The increase in the number of homeless children in need of assistance is in itself an issue requiring urgent attention. Claims that many of these children would have been successfully adopted or placed in foster homes or institutional care under earlier policies and practices and therefore not been in need of care as adolescents are open to debate. On the one hand, the Committee's attention was drawn to instances which appeared to demonstrate that the effect of various government initiatives on some children has been simply to postpone, rather than avoid, the intervention of the State in their lives. On the other hand, evidence of such cases was insufficient to suggest that attempts by governments and others to maintain children within their families have not been worthwhile. Nevertheless, the Committee considers that the emergence of a situation where the achievements of one public program can indirectly and unintentionally diminish the effectiveness of other programs, or even create new problems, serves to highlight the need for better planning, co-ordination and evaluation of community services in this field.

**8.9** It is widely acknowledged that the introduction of the Supporting Parent's Benefit has allowed many hundreds of thousands of children (including youth) to remain with their families rather than being placed in substitute care, and at a much lower cost. It has also been claimed by such authorities as the Institute of Family Studies that many one parent families on Supporting Parent's Benefits, though living below the poverty line, are in fact doing a better job and producing more capable and better adjusted children than many intact families that are characterised by conflict and other associated problems. However, it was argued during the inquiry that policies of de-institutionalisation and other 'progressive' developments in the child welfare area, particularly the emphasis given to maintaining the child within his or her natural family, may not necessarily always be in the best interests of the child. As commented in Chapter 1, evidence indicates that an increasing number of emotionally disturbed older children and children presenting with severe behavioural problems are now being admitted to substitute care, predominantly institutional care. There is also evidence that the level of emotional disturbance and behavioural problems amongst these children is greater than in previous years.



**8.10** While there is little empirical data that might be used to ascertain the causes of these trends, the Committee believes they highlight the dangers inherent in policies that underestimate the role of substitute care and early childhood intervention, and place undue emphasis on the maintenance of the child within its natural family or promote the early and, at times, premature restoration of children to their families. This is not to infer that fewer resources should be channelled towards assisting families in their child-rearing functions, particularly those disadvantaged or subjected to circumstances beyond their control. Rather, it is suggested that the prevailing philosophical basis of substitute care policies and programs and its effect on present government funding arrangements may also require reappraisal. The Committee is concerned that unless the benefits of substitute care are weighed up carefully against the effects on children of remaining in an unstable or otherwise unsatisfactory home environment where the security of the child continues to be at risk, the number of older children with severe emotional disturbances and behavioural problems requiring substitute care may continue to rise.

**8.11** It was also suggested to the Committee that one program effect of the improved availability of government assistance to certain groups within the community (whether assistance is provided in the form of direct cash payments such as Supporting Parent's Benefits or by way of in-kind benefits provided through schemes such as those funded under the Children's Services Program) has been to enable an increasing number of 'absent' parents who have never contributed, or who have ceased to contribute, to the maintenance of their children to avoid responsibility for the care and support of their children. This in turn has added to the growing dependency of many families with children on the welfare State. Single supporting parents can be either left to face their child-rearing responsibilities alone from the birth of their children or, alternatively, are given primary responsibility for child care by the Family Court following divorce or separation proceedings. The latter arrangements are normally made on the condition that the non-custodial parent provides some financial support for the children of the relationship. Often these obligations are not met, or are not enforced, leaving the custodial parent dependent on the State for assistance.

**8.12** It can be argued that our society, through the present child welfare and family law systems, tolerates and indeed condones a certain degree of negligence on the part of absent parents who, in the knowledge that their children will be provided for by the welfare State, either never accept the obligation to contribute to the support of their children or, having been required by the legal system to assist in this way, refuse to comply with maintenance orders without suffering any consequences for this failure.\* In Australia, as in many other Western countries, the cost of providing public financial support for single parent families is not insignificant. First, single parents supporting children are a sizeable and growing proportion of the population. Secondly, a large number of single parent families, particularly those headed by women, live below the poverty line and are dependent on government support. Finally, the number of non-custodial parents who fail to accept responsibility for contributing to the maintenance of their children is increasing.

**8.13** The Committee acknowledges that, in certain cases, non-custodial parents are unable to contribute to the support of their children because of their financial situation which has been brought about either by the impact of divorce and its consequent matrimonial property settlement or because of other factors such as unemployment. This does not, however, weaken the argument that both parents have an on-going responsibility for the support of their children and that the availability of government financial assistance is not intended to enable parents to transfer their responsibilities to the State when they themselves are in a position to provide support.

**8.14** In an attempt to overcome this problem, increasing attention is being given both within Australia and overseas to the need to develop procedures that will improve the enforcement of maintenance orders.<sup>9</sup> In the United States of America, for example, there have been calls for the introduction of a national 'social child-support system' under which all parents who live apart from their children would be liable for a child-support tax levied on their gross income.<sup>10</sup> The tax would be proportional according to the number of children to be supported. This approach is based on the principle that individuals who become parents incur a moral obligation to share their incomes with their children. Other maintenance enforcement arrangements have already been implemented in several countries, including Canada, New Zealand and the United Kingdom. Enforcement procedures have also existed in Australia for some time but, with the exceptions of South Australia and Western Australia, their application has been described as haphazard and unsatisfactory.<sup>11</sup>

**8.15** In 1983 the Commonwealth Attorney-General requested the Family Law Branch of his department to inquire into methods of improving maintenance enforcement and collection procedures within Australia. This inquiry reported in February 1984<sup>12</sup> and recommended that an independent national maintenance agency be established to facilitate the enforcement and collection of maintenance payments.<sup>13</sup> The report envisaged that such an agency would have three primary policy aims: to reduce the financial hardship of single parents supporting children, to preserve the integrity of the judicial system by ensuring that maintenance orders were enforced, and to reduce social security expenditure insofar as this was possible and reasonable.<sup>14</sup> The inquiry estimated that a national maintenance collection agency could save the federal Government up to \$25 million per annum (after the deduction of administrative costs) in expenditure on social security pensions and benefits, supplementary assistance and legal aid.<sup>15</sup>

**8.16** It is a matter for concern that the Government's introduction of the Supporting Parent's Benefit and other family support programs may have assisted and even encouraged, albeit unintentionally and indirectly, some parents to avoid or abrogate too easily their responsibility for the welfare of their children in the knowledge that their offspring will be provided for by the State. The Committee therefore supports the findings of the National Maintenance Inquiry, particularly the recommendations concerning the establishment of an independent national maintenance collection agency. However, it believes that before these recommendations are proceeded with, the Government must ensure that their implementation will not give rise to other adverse program effects.

**8.17** In this respect, the Committee considers, for example, that unless certain conditions are applied, the application of maintenance enforcement mechanisms may force single parent families now in receipt of government benefits to return to a situation of financial dependence on an unwilling provider and to the very circumstances which resulted in their seeking support from the State in the first place. Furthermore, the enforcement of maintenance payments may act to disqualify some needy single parent families from eligibility for fringe benefits normally available to recipients of Supporting Parent's Benefits. For many single parent families this would entail a considerable loss of real disposable income. The Committee therefore considers that unless such potentially negative program effects are protected against, the disadvantages of the above recommendations may well outweigh their benefits.

**8.18** The Committee believes the above range of issues reflect a more general problem within the present child and family welfare system in Australia today — that is, the lack of a co-ordinated approach at the national level towards the planning, delivery and evaluation of policies and programs in this area. In bringing together the findings of its inquiry, the Committee considers this to be the most serious problem affecting the present

and future development and implementation of Commonwealth and State government and non-government community services including those aimed at improving the type and quality of institutional and other forms of substitute care for children.

### **Need for the co-ordination of welfare services**

**8.19** It is symptomatic of the lack of co-ordination of Commonwealth and State functions that despite fundamental changes which have occurred in the structure of Australian society, particularly as they have affected the family, there has been no recent comprehensive national assessment of the needs of the Australian community for child and family welfare services, including substitute care services; no overall planning in the allocation of either Commonwealth or State funds appropriated for the establishment, development and maintenance of welfare services, or for research and planning in relation to those services; and no investigation of the education and training needs of those responsible for the delivery of such services. Moreover, there has been no nationwide evaluation of programs to ensure that first, needs are being met; secondly, adequate standards are being maintained; thirdly, waste of resources and duplication of effort are being avoided; and finally, programs that are introduced to meet the needs of children and families in one area are being co-ordinated with and complement programs in other areas so that the achievements of one program do not indirectly and inadvertently diminish the impact of other programs or create new social problems.

**8.20** No unified picture of child and family welfare in Australia has emerged during the inquiry either from the evidence presented to the Committee or from published reports. Instead, the Committee has gained an impression that the provision of child and family welfare services, and particularly substitute care services, is an area in which there is little co-ordination and communication between the States and the Territories and the Commonwealth in the development of new policies and practices, and that it is one in which service delivery is fragmented, lacking in design and cohesion, and inadequate in its coverage. At the local level, the Committee found that services are often reactive, show little, if any, evidence of forward planning and tend to operate in isolation from other services. Too much time seems to be devoted to direct service delivery and not enough to co-ordination and outreach activities. As a result, problems identified by one agency are often not referred to other more appropriate agencies, nor are other practitioners in the field, including informal 'gatekeepers' such as doctors, infant welfare sisters, school teachers, and so on made aware of what resources are available for their clients.

**8.21** Overall, the significance of these findings is that the potential of many new initiatives is not fully realised, particularly in terms of their possible application in a wider context. Worse than this, it is not possible to state with any degree of certainty whether financial resources now allocated either by the Commonwealth or the States are being used efficiently, effectively or equitably. The seriousness of this situation is compounded by the growing multiplicity of Commonwealth and State government and non-government departments, authorities and agencies involved in the separate development and implementation of child and family welfare policies and programs. At the Commonwealth level alone, there are over 14 major departments and authorities responsible for the independent funding and administration of such programs.

**8.22** The Committee has already commented in the previous chapter that it believes many of these problems can be attributed in part to the fact that, despite its increasing involvement in this area, especially through the provision of child care and family support services funded under the Children's Services Program, the Commonwealth has failed to make any clear statement of national policy regarding its role and responsibility vis-a-vis

the States and the Territories in the long-term planning and provision of welfare programs for children and families. It has also been suggested that while the intervention of the Commonwealth in this area in 1976 through the Children's Services Program was instrumental in improving community services and promoted the development of desirable preventive programs, it also contributed further to the existing ad hoc manner in which welfare programs were being devised and implemented.

**8.23** As noted earlier in the report, submissions received during the inquiry also argued that greater Commonwealth effort should be directed towards policies and processes that assist general family functioning rather than towards the support of service categories which, for example, make a distinction between child care as a Commonwealth responsibility and child and family welfare as a State and Territory responsibility. While it is possible to differentiate between categorical programs supported by the Commonwealth through the Children's Services Program on the one hand, and those provided by the States and Territories on the other hand, because of the increasing reliance of families on outside child care and family support services, the delineation between Commonwealth and State programs is becoming less clear and less practicable. Indeed, the growing inter-dependency between child care and other child and family services points to a need for a more comprehensive approach towards the development and implementation of such measures.

**8.24** The Committee believes the Commonwealth has an important role to play in the future provision of community services for children and families, particularly in the area of preventive welfare. Since the introduction of the Children's Services Program, there has been an expectation that the Commonwealth will respond with financial assistance and advice to initiatives taken by the States and Territories to improve these services. There is no reason to believe that this expectation will diminish in the future: on the contrary, the growth in demand for Commonwealth assistance over the last decade suggests that pressure on the Commonwealth will increase. However, until greater attention is given at the national level to clarifying the roles and responsibilities of the Commonwealth and the States in this area, then the present confusion, fragmentation and lack of planning and co-ordination of policies and programs will continue to beleaguer the provision of efficient community services.

### **Establishment of a national children and families commission**

**8.25** The Commonwealth has seen fit to legislate in the area of human rights through the *Human Rights Commission Act* 1981 and in the area of family law through the *Family Law Act* 1975 which involves the regulation of family life as it relates to divorce and the custody and maintenance of children. Action has been taken in these areas in response to certain changes within the community and also in recognition of the need for a national approach. Similarly, the Commonwealth should respond to other developments that have affected Australian society and accept greater responsibility at the national level for ensuring that the overall framework within which public policies and programs are devised is capable of both responding to the changing social needs of the community and facilitating a more co-ordinated approach towards the development and delivery of community services for children and families.

**8.26** The Committee therefore believes there is a need for the Commonwealth to legislate for the establishment of a body at the national level that has responsibility first, for the development of policy and the provision of advice to the Commonwealth Government on matters affecting the well-being of children and the stability of the family and, secondly, for the promotion, through co-operation and consultation with the States and Territories, of a better planned and co-ordinated approach towards the provision of

community services throughout Australia. It is the Committee's view that a national body with this role should be independent of existing Commonwealth executive departments and thus be in a position to provide the government of the day with impartial advice on the welfare needs of children and families. It is envisaged that this body would be directly responsible to the Minister for Community Services.

**8.27** As part of its function of promoting the stability of the family, the new body would be required to examine the means of maintaining the family entity as the fundamental group unit in society. This would involve the continuing review of the effect on family functioning, including the economic status of families, of federal and State legislation and family support programs. Priority would be placed on ensuring that the welfare needs of special groups within the community were met, particularly those most vulnerable, such as the unemployed, low income families, single parent families, and families who are disadvantaged because of racial and cultural background, and geographical and social isolation.

**8.28** With respect to the welfare of children, the new body would be required to develop a set of guiding principles that would formalise national standards and goals for their well-being. It is envisaged that these would be based on the principles adopted in the United Nations Declaration of the Rights of the Child.<sup>16</sup> As an on-going function it would also have responsibility for assessing the needs of the Australian community for welfare services for children, particularly those whose needs may not be met through the development of policies and programs directed towards ensuring the stability of the family unit. Such special needs groups include children in institutional and other forms of substitute care, children who have offended against the law, homeless children, disabled children, migrant children, Aboriginal children and children who are victims of abuse. In carrying out this function, the new body would obtain a national overview of the adequacy of children's services and would be in a position to identify gaps in service delivery. On the basis of such assessments, it would make recommendations to the Commonwealth Government concerning the need for special purpose programs that could be developed and implemented, either by the new body or by the most relevant Commonwealth department or authority, in consultation and co-operation with the States and Territories.

**8.29** The proposed national body could also have the function of educating the community and acting as a public watchdog of government activity, for example, in relation to the effects on the family of government policy decisions concerning income maintenance, taxation, law reform, housing, education, health and employment. To assist the new body in its public watchdog role and other policy analysis, the Institute of Family Studies could be subsumed as the national body's research arm. A further role for the national body would be to promote the evaluation of child and family welfare programs, for example, through the provision of technical advice and assistance to the States and Territories.

**8.30** Finally, the Committee believes a national body of this nature could serve as an important point of central focus for community organisations and client groups as well as for government and non-government organisations directly involved in the delivery of child and family welfare services. It is becoming increasingly apparent that, under existing arrangements, the welfare needs of children have been gradually submerged by other competing interest groups seeking assistance from government, for example, the aged.<sup>17</sup> In a recent report on trends in the incomes of Australian families, the Department of Social Security showed that the welfare of the elderly has improved steadily over the last 20 years whereas, for the first time since the Depression, a high proportion of Australian children now face being trapped in a cycle of poverty.<sup>18</sup>

**8.31** It has been estimated that of all children in Australia, a disturbing 15 per cent or approximately 800 000 now live below the poverty line compared with 8 per cent or approximately 250 000 when the Henderson Poverty Commission carried out its inquiry in 1972. These are predominantly the children of the unemployed and the single parent (the widowed, separated, divorced or never-married parent) who rely on government pensions and benefits for support. On the basis of the Department's analysis, a single mother with two small children, is worse off in real terms today than a woman in her position 20 years ago. The Institute of Family Studies has calculated that between 48 and 60 per cent of one parent families have incomes below the poverty line. It has also estimated that almost one in every four families with children has an income after tax which leaves them in financial hardship.<sup>19</sup>

**8.32** By comparison, the aged, for example, have fared better. In 1972 this group comprised 42 per cent of the poor. By 1979 they comprised 18 per cent of the poor and children comprised 40 per cent of the poor.<sup>20</sup> This shift has been due to two main factors. On the one hand, the elderly have become a smaller proportion of the poor as other groups have entered poverty due to increased unemployment, rising housing costs and the breakdown of marriages. Additionally, the elderly have experienced a real improvement in their living standards. It has been suggested that recent retirees are probably better off than any previous generation of the elderly, particularly if they own their own homes and are married.<sup>21</sup> This is not surprising when it is considered that three-quarters of all aged pensioners today own their own homes. By contrast, 70 per cent of single parents rent accommodation.<sup>22</sup> Nevertheless, most aged pensioners are far from wealthy. For example, over half derive most of their income from the Age Pension. On the other hand, aged pensioners' needs are relatively modest. In this respect, it has been found that it is the young, not the elderly, who now seek help from charitable organisations such as the Salvation Army to pay for food, electricity, and other necessities.<sup>23</sup>

**8.33** It has also been argued that the aged, supported by the soon-to-be-aged and a good proportion of the rest of the community who, understandably, have an interest in their own retirement in the future, have proved to be a powerful political lobby. The situation for many thousands of families with dependent children who are in poverty is markedly different. Children cannot vote, the general community has little self-interest in improving the lot of children since their own childhood is passed, children have only their parents to rely on and, in the case of many single parents and unemployed parents with dependent children, they are too impoverished and dispirited to organise and press for reforms. Needless to say, those children in institutional and other forms of substitute care who do not have the benefits of parental support and advocacy on their behalf are the most disadvantaged.

**8.34** In many respects, the rapid growth in poverty amongst families with children in recent years is a perplexing development. Since the 1970s, the number of children in Australia has declined and the number of elderly people has increased. This might have led to expectations that children would fare well and other groups such as the aged would fare badly. Fewer children should mean less competition for scarce resources such as welfare services. But the reverse has been true. According to the Department of Social Security, Commonwealth and State government expenditure on the aged is double that per capita spent on children. This apparent paradox is further complicated by the fact that single pension recipients receive the same basic pension as the aged and have also shared in its real increase. However, recipients with children, unlike others including aged pensioners, have suffered a decline in their real income over the last decade, the main reason being that Commonwealth benefits paid for children are not indexed. Because these additional payments for children amount to a higher proportion of the overall package for sole parents, their non-indexation has had far greater effects on this group than on others.<sup>24</sup>

**8.35** Studies by the Department of Social Security, the Institute of Family Studies and others reveal that it is children and their families who represent the 'new poor', those most at risk being the children of one parent families. One commentator has reported that of all household types, it is families with children that have fared worst under existing taxation arrangements, with large families attracting the greatest penalties.<sup>25</sup> The Institute of Family Studies has shown that, up until recently, the severe retraction of public housing has fallen most heavily on low income families with children. The Institute has also pointed out that cuts in government spending in other areas have had a proportionately greater effect on families with children, as resources have been directed away from public health, welfare and education programs. The Institute has further argued that the meagre sums spent on child care and other family support services by both State and Commonwealth governments have placed Australia well behind countries with which it is often compared. In places such as Sweden, France, Germany, Denmark and Israel, policies have been developed which recognise the importance of children's services to both the well-being of families and the alleviation of economic inequality.<sup>26</sup>

**8.36** The Committee believes that if Australia is to have a sound basis on which to build its future, then the growing numbers of children living in poverty and the long-term consequences of this for the nation as a whole must be addressed in a more comprehensive and forward-thinking way than has been the practice in the past. The formation of a statutory authority at the national level is seen as a mechanism through which greater equitability can be achieved in the distribution of the community's resources for child and family welfare purposes. The Committee considers it is only through these measures that the welfare of many thousands of families with children to support will be enhanced and the problems and pressures facing thousands more will be alleviated.

**8.37** In making its recommendation for the establishment of a statutory authority, the Committee is concerned to stress that it is not intended that the Commonwealth, through the formation of such a national body, should assume direct responsibility for the delivery and administration of community services for children and families. Rather, the proposal recognises the need to address child and family welfare problems at the national level and to ensure that, through consultation and co-operation with the States and Territories, the future provision of services through the multiplicity of Commonwealth, State and Territory government departments and non-government welfare agencies is achieved in a more planned and co-ordinated manner across Australia. In this sense, the body would be similar in purpose to the proposed National Children's Commission for which legislation was passed in 1975 but which was never established.<sup>27</sup>

**8.38** During its deliberations on this matter, the Committee questioned whether it would be preferable for the proposed functions to be carried out by the recently established Department of Community Services. After careful consideration, the Committee concluded that the arguments against this proposal were outweighed by the arguments in favour of the formation of a separate body. There were a number of reasons for this decision. First, it was felt that an executive department would not be able to exercise the same degree of independence and impartiality as a statutory authority in the formulation of its advice to the Government. By its very nature, a statutory authority provides an alternative advisory or decision-making apparatus independent of the executive, whereas a department is required to provide advice formulated in the light of political considerations. This does not always guarantee that advice offered will reflect the real needs of the community. Only with an independent view of the nation's needs is it possible to ensure that the distance between what is politically desirable and what is actually required, is kept clearly in the public's view.

**8.39** Secondly, the creation of a separate body would allow the direct representation of a range of community views and interests that would not otherwise be possible through the conventional structure of a government department. The departmental model characterised by a Minister at the head, with collegial decision-making and diffused responsibility, is normally inappropriate where it is desirable to include in management representatives of a range of community interests, including representatives of State and Territory government and non-government organisations with other philosophies and priorities.<sup>28</sup> Thirdly, the Committee is of the view that a separate body which has State government and non-government representation and is largely removed from the executive arm of the government of the day would be viewed more favourably in the States and Territories and would therefore provide a more suitable mechanism than an executive department. Without this level of acceptance, the potential to facilitate better communication and co-operation between the States and the Commonwealth and to develop strategies for improving the planning and co-ordination of welfare services would be impeded.

**8.40** Fourthly, an independent body may fulfil a 'buffer' role whereby public policies are moderated through the concept of a middle-man authority so that decisions affecting particular groups can be made independently of short-term considerations.<sup>29</sup> Finally, the Committee considers the establishment of a separate organisation would be a more effective means of focussing Commonwealth attention on this area. It would also enable the functions of government to be seen in a more coherent way rather than as is presently the case where competition and division between the relevant departments allows them opportunities to avoid certain responsibility for the outcome of their activities.

**8.41** The Committee therefore recommends that the Commonwealth Government introduce legislation providing for the establishment of a national statutory authority to be known as the Australian Children and Families Commission to advise the Government on matters of policy concerning the development of welfare programs for children and families, and to develop strategies to improve the overall planning and co-ordination of such programs in co-operation with other Commonwealth departments, State and Territory governments, local government authorities and non-government agencies responsible for the provision of these programs. The Committee further recommends that the Australian Children and Families Commission be directly responsible to the Commonwealth Minister for Community Services.

### Composition

**8.42** The Committee believes the composition of the Commission should be as representative as possible of the major government and non-government groups within the child and family welfare area. It therefore recommends that the Australian Children and Families Commission comprise no more than nine members, including two representatives of State or Territory government welfare authorities, two representatives of the non-government sector, one Aboriginal representative, two representatives from other client groups, one representative with specialist qualifications, and a chairman appointed by the Minister for Community Services.

### Consultation

**8.43** The Committee also believes that in discharging its responsibilities, the Commission should take account of the fullest range of views and should therefore be required to consult with community-based organisations and other interest groups in formulating its advice to the Minister. In this respect, the Commission would provide a channel for the views of communities, groups and individuals on welfare needs and



priorities, expectations and aspirations. It therefore recommends that the Commission consult regularly with interested community groups and organisations, and establish an appropriate consultative mechanism for this purpose.

### **Functions**

**8.44** The Committee recommends that, in addition to providing advice on child and family welfare policy matters and developing strategies to improve the planning and co-ordination of welfare programs, the Australian Children and Families Commission have the following functions:

- a) the development of a set of guiding principles and national goals for the promotion of the well-being of children and families;
- b) the on-going assessment of the effect on family functioning, including the economic status of families, of Commonwealth, State and Territory legislation and programs of family support;
- c) the provision of advice to the Minister for Community Services on the effectiveness of such legislation and programs, including the formulation of recommendations relating to —
  - (i) the development of improved methods of family support, including measures aimed at preventing family disruption, and
  - (ii) the allocation of financial assistance to government and non-government organisations for the development, establishment and maintenance of appropriate specific purpose programs for children with particular needs such as those in institutional and other forms of substitute care, children who have offended against the law, homeless children, children who are victims of abuse, and children disadvantaged through intellectual or physical disability, ethnic or cultural background, or geographical isolation;
- d) the provision of technical assistance and advice to the States and Territories for the evaluation of children's welfare programs and associated community services for families;
- e) the conduct, promotion and co-ordination of research, together with the exchange of ideas and the dissemination of information, in relation to developments occurring within the child and family welfare field both in Australia and overseas; and
- f) the continuing review of the education and training needs of persons involved in the delivery of child and family welfare programs.

In connection with the proposed Commission's research function, the Committee recommends that the Institute of Family Studies be incorporated as the research arm of the Australian Children and Families Commission.



Senator Ron Elstob  
*Chairman*

June 1985

ENDNOTES

1. New South Wales Association of Child Caring Agencies, *Young People in Care Speakout*, Sydney, 1980, p. 8.
2. *Transcript of Evidence*, Submissions, pp. 182-83.
3. Senate Standing Committee on Social Welfare, *Homeless Youth*, AGPS, Canberra, 1982.
4. *Transcript of Evidence*, Submissions, p. 1160.
5. National Committee for the Evaluation of the Youth Services Scheme, 'One Step Forward' — *Youth Homelessness and Emergency Accommodation Services*, AGPS, Canberra, 1983.
6. *ibid.*, p. 43. Data also show that the overall rate of demand for accommodation increased during the Scheme's first year of operation from 2387 in the October-December 1980 quarter to 3755 in the July-September 1981 quarter.
7. *ibid.*, p. 52. See also *Transcript of Evidence*, Submissions, pp. 1082-83.
8. The extent to which non-custodial parents default on their obligations to provide support for their children was found to be widespread within Australia by the National Maintenance Inquiry. The inquiry concluded that up to 40 per cent of maintenance orders were never complied with. The inability of the Courts to enforce maintenance orders under the *Family Law Act* 1975 is well established and, as the National Maintenance Inquiry commented, maintenance provisions under the Family Law Act are seen widely as the Act's greatest weakness.
9. M. Harrison and others, 'Child Support — Public or Private', paper presented at the Conference on Family Law organised by the Law Council of Australia and the Federal Council of Bar Associations and Law Societies, Hobart, November 1984. See also I. Garfinkel and E. Uhr, 'A New Approach to Child Support', *The Public Interest* 75, 1984.
10. Garfinkel and Uhr, *ibid.*, pp. 111-22.
11. Family Law Council, *Annual Report 1981-82*, AGPS, Canberra, 1982, p. 31. In South Australia, a family maintenance branch exists within the Department for Community Welfare to provide free legal advice and to assist in the negotiation of assistance agreements or, where this is impractical, to obtain and enforce maintenance orders. A central accounting system and other facilities are also provided for the receipt and disbursement of maintenance payments. In Western Australia, the Family Court has established a central unit for the collection and enforcement of maintenance payments. While the operation of this unit is considered effective, it is limited to the extent that no financial assistance to obtain maintenance orders is provided other than through the State's Legal Aid Commission or private practitioners. Elsewhere, maintenance enforcement is dealt with by Courts of Petty Sessions or Courts of Summary Jurisdiction. With the exception of metropolitan courts, there are generally no staff working full-time on maintenance matters. While services provided through these courts are free of charge, they are generally fragmented, do not have modern accounting systems and lack sufficient capacity to assist applicants to obtain maintenance orders or have them enforced.
12. Attorney-General's Department, *A Maintenance Agency for Australia — The Report of the National Maintenance Inquiry*, AGPS, Canberra, 1984. The report was tabled in the Senate on 29 February 1984.
13. The Joint Select Committee on the Family Law Act, which reported to the Parliament in 1980, dealt with the enforcement of maintenance orders and also recommended the establishment of a centrally-based maintenance agency. (Report of the Joint Select Committee on the Family Law Act (Mr P.M. Ruddock, M.P., Chairman), *Family Law in Australia*, AGPS, Canberra, 1980.) This proposal involved the creation of an agency within the Commonwealth Department of Social Security which was to operate in close co-operation with the Family Court and the Courts of Summary Jurisdiction under the Family Law Act.
14. Attorney-General's Department, *op. cit.*, p. 291.
15. *ibid.*, pp. 274 and 290.
16. The Declaration of the Rights of the Child is reproduced in Appendix 8.
17. A. Horin, 'Suffer the Little Children', *The National Times*, 19-25 April 1985.
18. P. Whiteford and others, 'Trends in the Incomes of Australian Families', paper presented at the 54th ANZAAS Congress, Canberra, 1984.
19. Institute of Family Studies, *Newsletter*, No. 10, August 1984, p. 3.
20. Horin, *op. cit.*
21. *ibid.*
22. Australian Bureau of Statistics, *General Social Survey: Australian Families, May 1975*, Catalogue No. 4107.0, Canberra, 1980.
23. Horin, *op. cit.*
24. The Family Allowance has been increased only twice since its introduction in 1976. Its real value has declined by 23 per cent. The real value of the mother's/guardian's allowance to single parents has declined by 20 per cent since 1976 despite an increase in the last Budget from \$8 to \$10. The real value of the additional benefit for children to sole parents has declined by 9 per cent over the decade despite an increase in the last two Budgets from \$10 to \$12 and then to \$14. The extra \$14 a week for a child compares starkly with the extra \$60 a week paid for being a married rather than a single pensioner, i.e. having another adult to support rather than a child. The inadequacy of the \$14 is also shown by figures from the Institute of Family Studies which has calculated that it costs \$16.69 a week to feed and clothe a two-year-old, \$18.20 for an eight-year-old and \$27.68 for an 11-year-old, excluding the cost of housing, medical, dental, transport and child care needs.

25. P. Saunders, *Equity and the Impact on Families of the Australian Tax-Transfer System*, Institute of Family Studies, Melbourne, 1982.
26. Institute of Family Studies, *Early Childhood Services — Submission to the Victorian Government Review of Early Childhood Services*, Melbourne, September 1983.
27. The Act governing the Children's Commission was assented to on 11 June 1975 but its provisions were never implemented due to the Double Dissolution of the Parliament on 11 November 1975.
28. Royal Commission on Australian Government Administration (Dr H.C. Coombs, Chairman), *Appendixes*, Vol. 1, Appendix 1.K, 'Statutory Authorities', AGPS, Canberra, 1976, p. 331.
29. *ibid.*, p. 320.

**Dissent by Senators F.I. Bjelke-Petersen, The Hon. A.J. Messner, M.S. Walters, and G. Sheil**

This report is a dissent to recommendations concerning the establishment of an Australian Children and Families Commission. We do not detract from the main body of the report which we support, but simply do not accept its recommendation of the establishment of a new Australian Children and Families Commission as part of the solution to the problems affecting children outlined in the report.

In Chapter 8 of the report, the functions of the Commission are outlined as follows:

- to advise the Government on matters of policy concerning the development of welfare programs for children and families, and to develop strategies to improve the overall planning and co-ordination of such programs in co-operation with other Commonwealth departments, State and Territory governments, local government authorities and non-government agencies responsible for the provision of these programs;
- to consult regularly with interested community groups and organisations, and establish an appropriate consultative mechanism for this purpose;
- to develop a set of guiding principles and national goals for the promotion of the well-being of children and families;
- to assess the effect on family functioning, including the economic status of families, of Commonwealth and State legislation and programs of family support;
- to advise the Minister for Community Services on the effectiveness of such legislation and programs, including the formulation of recommendations relating to —
  - (i) the development of improved methods of family support, including measures aimed at preventing family disruption, and
  - (ii) the allocation of financial assistance to government and non-government organisations for the development, establishment and maintenance of appropriate specific purpose programs for children with particular needs such as those in institutional and other forms of substitute care, children who have offended against the law, homeless children, children who are victims of abuse, and children disadvantaged through intellectual or physical disability, ethnic or cultural background, or geographical isolation.
- to provide technical assistance and advice to the States and Territories for the evaluation of children's welfare programs and accompanying community services for families;
- to conduct, promote and co-ordinate research together with the exchange of ideas and the dissemination of information in relation to developments occurring within the child and family welfare field both in Australia and overseas; and
- to review the education and training needs of persons involved in the delivery of child and family welfare programs.

Many of these functions are currently being conducted by the Office of Child Care, through the Children's Services Program, and the Institute of Family Studies.

The Office of Child Care was established within the then Department of Social Security in 1976 to administer the Children's Services Program and to provide policy advice to the Government on children's services and related support needs. At the time of its establishment, the Minister responsible stated that 'The Office will be identifying gaps in services, and implementing a program to investigate the requirements of particular communities for children's services and how those can be provided to ensure that services

effectively recognise all needs.' The Office of Child Care is currently located within the Department of Community Services.

The functions of the Institute of Family Studies, as required by the *Family Law Act 1975*, are:

- to promote, by the conduct, encouragement and co-ordination of research and other appropriate means, the identification of, and development of understanding of, the factors affecting marital and family stability in Australia, with the object of promoting the protection of the family as the natural and fundamental group unit in society; and
- to advise and assist the Attorney-General in relation to the making of grants, out of moneys available under appropriations made by the Parliament, for purposes related to the functions of the Institute and the supervising of the employment of grants so made.

In 1979, the Director and First Board of Management of the Institute agreed on a much more specific interpretation of the Act's wording, and this has guided the first four years of the Institute's operation. The guidelines set down are:

1. To conduct research on factors affecting family life and family structures in Australia. The aim here is to develop a more objective and comprehensive understanding of how families of different types are affected by current situations and by ongoing social change.
2. To supervise research on family matters sponsored by the Institute through grants made to outside bodies and/or individuals by the Attorney-General. In all such cases the research will be designed to suit the Institute's overall priorities and Institute staff will be involved in the research. Target dates, progress reports and the nature of the final report will be established by the Director and Board of the Institute.
3. To undertake continuing analysis of how changes in government policy (e.g. taxation, employment, trade, welfare, education, health, etc.) affect families of different types within the Australian social structure.
4. To serve as a central repository of information about past, current and projected research on the family in Australia, for consultation by scholars, teachers and practitioners in those professional fields concerned with the interactive processes of personal relationships.
5. To act as a consultancy service to provide expert advice and assistance to those working with families or conducting research on the family.
6. To educate both the public and professionals dealing with families through the dissemination of information about Australian families and social changes affecting them.
7. To act as an independent organisation to evaluate the effects of marriage counselling, premarital education and other services, including those areas of the law aimed at assisting families (e.g. the operations of the Family Courts).

We believe therefore that there is little need to establish a new Commission to carry out work that is already being done by two existing bodies and so dissent from all recommendations relating to the establishment of the Australian Children and Families Commission.

Late last year, the Government removed from the Department of Social Security responsibility for programs relating to community support services and included these in a new Department of Community Services.

We support that change and believe that the new Department will develop many of the functions envisaged for the proposed national children and families commission.

Further, we believe that the Office of Child Care should continue to operate in its current form. This would seem all the more logical given the new departmental structure of the Department of Community Services which contains Offices of Aged Care, Child Care and Disability Services.

We believe that retention of the Institute of Family Studies to provide independent advice on the needs, direction and impact of public policy in the family area, particularly as it affects children, will meet many of the objectives set for the proposed national commission. The Institute has demonstrated through its past work its capacity to assess government policies affecting children and families and promote new ideas and innovations in this area.

We draw attention to the Institute's 1983-84 annual report and its recommendations concerning the structure and powers of the Institute. We support these and urge the Government to implement the recommended changes as quickly as possible.

Senator F.I. Bjelke-Petersen  
Senator the Hon. A.J. Messner  
Senator M.S. Walters  
Senator G. Sheil

## APPENDIX 1

### WITNESSES

- Amos, Ms E., Deputy Principal, Winlaton Youth Training Education Centre, Special Services Division, Department of Education, Carlton, Vic.
- Bates-Brownsword, Mr H.J., Administrator, Anglican Child Care Services, Walkerville, S.A.
- Bath, Mr H.I., Regional Director, Dr Barnardo's in Australia, Downer, A.C.T.
- Bath, Mr R.R., Chairman, Little Para House Association Inc., Elizabeth Vale, S.A.
- Baxter, Mr R.M., Supervisor, Cottage Programs, Anglican Child Care Services, Walkerville, S.A.
- Belcher, Miss D.M., Anglican Health and Welfare Services, West Perth, W.A.
- Bird, Mr G., Superintendent, Roland Boys' Home, and Vice-President, Children's Residential Care Association, Hobart, Tas.
- Booth, Mrs S.B., Social Work Consultant, Consultative Committee on Residential Child Care, East Perth, W.A.
- Bowman, Mrs W.A., Social Welfare Co-ordinator, Catholic Social Welfare Commission, Brisbane, Qld.
- Burns, Brother Gerald, Director, St Vincent's Boys' Home, Westmead and Member, New South Wales Association of Child Caring Agencies, North Parramatta, N.S.W.
- Carmody, Miss S., Social Work Co-ordinator, Centrecare-Youthcare, Perth, W.A.
- Chapman, Sister Philippa Mary, Principal Officer, Adoption and Supervisor of Child Care, Centacare Catholic Family Welfare Agency, Hobart, Tas.
- Christie, Ms J.C., Vice-President, Victorian Association of Child Care Executives, Burwood, Vic.
- Cleary, Brother Brian, Administrator, Clontarf, Bentley, W.A.
- Coe, Ms I., President, Aboriginal Children's Service, Redfern, N.S.W.
- Collett, Mr L., Vice-President, Foster Parents' Association of Western Australia, Perth, W.A.
- Collins, Mr L., Co-ordinator, Wu Chopperen Medical Services Emergency Child Care Program, Cairns, Qld.
- Constable, Mr C.R., Secretary, New South Wales Catholic Social Welfare Committee, Sydney, N.S.W.
- Cook, Ms S., Turana Youth Training Education Centre, Special Services Division, Department of Education, Parkville, Vic.
- Cotton, Ms D.J., Vice-President, Foster Parents' Association of Western Australia, Perth, W.A.
- Couche, Mr W.S., Director, Anglican Health and Welfare Services, West Perth, W.A.
- Crawford, Mr D., Acting Director, Mental Retardation Division, Health Commission, Melbourne, Vic.
- Crossley, Ms R., Brunswick, Vic.
- Crowe, Mrs S., Secretary and Treasurer, Association for the Welfare of Children in Hospital, Queensland Branch, Fig Tree Pocket, Qld.
- Darmody, Ms M., Principal Executive Officer, Policy Research and Development, Office of Child Care, Department of Social Security, Woden, A.C.T.
- Dean, Mr W.A., Enmore, N.S.W.
- Farrelly, Mrs M., Social Worker, Tally Ho Youth Services, Wesley Central Mission, Glen Waverley, Vic.
- Ferguson, Ms P., Co-ordinator, Interchange, North West Region, Canterbury, Vic.
- Fleming, Mrs L.M., Administrator, Silky Oaks Children's Haven, Manly West, Qld.
- Foskett, Mr R.A., Secretary, Capital Territory Health Commission, Canberra, A.C.T.
- Graham, Mrs M.W., Administrator, Aboriginal and Islander Child Care Agency, West End, Qld.
- Grant, Miss B., Chairman, Consultative Committee on Residential Child Care, East Perth, W.A.
- Grant, Mrs L.R., Director, Kids' Friends, Dr Barnardo's in Australia, Downer, A.C.T.
- Gregory, Mr G.M., Trustee, Australian Association of Social Workers, Victorian Branch, Collingwood, Vic.
- Gregory, Sister Mary, Co-opted Member, New South Wales Catholic Social Welfare Committee, Sydney, N.S.W.
- Guthrie, Ms P.K.A., Northern Regional Co-ordinator-Trainer, Family Homemaker Service, Anglican Child Care Services, Walkerville, S.A.

Halliday, Father Dennis, Vice-Rector, Boystown, Engadine and Executive Member, New South Wales Association of Child Caring Agencies, North Parramatta, N.S.W.

Hansen, Mr O., Family Welfare Liaison Officer, Centrecare Children's Cottages, Beverley, W.A.

Harathunian, Mr A., Welfare Officer, Marribank Family Centre, via Katanning, W.A.

Harris, Mrs M., Counsellor, Marymead Children's Centre, Narrabundah, A.C.T.

Harris, Ms S.J., Beaconsfield, W.A.

Hickey, The Reverend Monsignor, Episcopal Vicar for Social Welfare, Catholic Social Welfare Commission of Western Australia, Perth, W.A.

Hughes, Mr R., Youth Care Co-ordinator, Careforce, and Member, New South Wales Association of Child Caring Agencies, North Parramatta, N.S.W.

Jackson, Rev. G.R., Director of Professional Services, Burnside Homes for Children and Member, New South Wales Association of Child Caring Agencies, North Parramatta, N.S.W.

Jewell, Ms M.R., Dianella, W.A.

Johnson, Mr S., Co-ordinator of Inner Urban Units, Tally Ho Youth Services, Wesley Central Mission, Glen Waverley, Vic.

Jones, Mr A.M.R., Psychologist, Mental Health Branch, Capital Territory Health Commission, Canberra, A.C.T.

Kennedy, Mr B., Co-ordinator, Catholic Social Welfare Commission, Brisbane, Qld.

Kennedy, Mrs R.J., St Peters, S.A.

Kerrison, Mr A., Manager, Kennerley Children's Homes, Clarendon, Tas.

Kilby, Father Clement Bernard, Director, Centacare Catholic Family Welfare Agency, Hobart, Tas.

Lambart, Mr D.J., Director, Policy and Projects, Capital Territory Health Commission, Canberra, A.C.T.

Langlois, Mr J.W., Director, Clarendon Children's Homes and President, Children's Residential Care Association, Hobart, Tas.

Layton, Mr R.A., Director, Department for Community Welfare, Adelaide, S.A.

Lingard, Mr I., Director, Tally Ho Youth Services, Wesley Central Mission, Glen Waverley, Vic.

Llewellyn, Sister Vivienne Annetta, Co-opted Member, New South Wales Catholic Social Welfare Committee, Sydney, N.S.W.

Maddock, Miss M.A., State Liaison Officer for Children in Residential Care, Department of Education, Hobart, Tas.

Marris, Mr B.R., Supervisor, Residential and Community Youth Services, Department for Community Welfare, Hobart, Tas.

Martin, Rev. Mr G.S., Superintendent, Port Adelaide Central Mission Inc., Port Adelaide, S.A.

McClure, Mr P., Social Worker, Anglican Health and Welfare Services, West Perth, W.A.

McCotter, Ms D.A., Chief Clinical Psychologist, Department for Community Welfare, Perth, W.A.

Mitchell, Mr B., Associate Director, St Anthony's Home for Children, Footscray, Vic.

Morgan, Miss L., Acting Senior Special Education Officer, Special Services Division, Department of Education, Carlton, Vic.

Morrissey, Sister Mildred, Program Director, Marymead Children's Centre, Narrabundah, A.C.T.

Munro, Mrs J.A., Administrator, Aboriginal Children's Service, Redfern, N.S.W.

Murnane, Ms M.P., Deputy Director, Department for Community Welfare, Hobart, Tas.

Ngui, Mrs R.M., Social Worker, Mofflyn Child and Family Care Services, East Victoria Park, W.A.

Nunn, Mrs P., Social Worker, Marribank Family Centre, via Katanning, W.A.

Oddie, Mr D., Cottage Parent, Clarendon Children's Home, Kingston Beach, Tas.

Oostryck, Mr F., Social Worker, Mofflyn Child and Family Care Services, East Victoria Park, W.A.

Owen, Mr L.S., Member, Australian Association of Social Workers, Victorian Branch, Collingwood, Vic.

Oxenberry, Dr R.B., West Beach, S.A.

Penrith, Miss B., Field Officer, Aboriginal Children's Service, Redfern, N.S.W.

Poulos, Mr E.C., Policy Project Officer, New South Wales Association of Child Caring Agencies, North Parramatta, N.S.W.

Quirk, Mr P.A., Executive Director, New South Wales Association of Child Caring Agencies, North Parramatta, N.S.W.



Ridley, Rev. R.H., President, Victorian Association of Child Care Executives, Burwood, Vic.

Rosenbaum, Mrs M., Co-ordinator, Interchange, Inner East Region, Canterbury, Vic.

Ross, Mr G., Manager, W.R. Black Handicapped Children's Centre, Chelmer, Qld.

Saunders, Ms E.K., Senior Social Worker, Spastic Society of Victoria Ltd., South Yarra, Vic.

Semple, Mr D.L., Assistant Director, Institutional Services, Department for Community Welfare, Perth, W.A.

Simmons, Mr W.J., National Project Officer, Association for the Welfare of Children in Hospital, New South Wales Branch, Parramatta, N.S.W.

Smith, Brother Paul, Director, Boys' Town, Beaudesert, Qld.

Smith, Mr L.E., Administrator, Mofflyn Child and Family Care Services, East Victoria Park, W.A.

Spencer, Dr W.G., Treasurer, Australian Society for Inter-Country Aid Children Adoption Agency Inc., Greenacres, S.A.

Stout, Rev. A.G., Secretary, Victorian Association of Child Care Executives, Burwood, Vic.

Telford, Mr B., Assistant Director (WELSTAT), Department of Social Security, Woden, A.C.T.

Thorpe, Ms M., Program Director, Victorian Aboriginal Child Care Agency, Fitzroy, Vic.

Tierney, Dr L.J., Reader, Department of Social Studies, University of Melbourne, Parkville, Vic.

Tommy, Ms J.M., Co-ordinator, Aboriginal Child Care Agency of Western Australia, East Perth, W.A.

Wall, Mr J., Assistant Secretary, Welfare Branch, Department of Territories and Local Government, Canberra, A.C.T.

Ward, Mr F.H., Manager, Lorna Hodgkinson Sunshine Home, Gore Hill, N.S.W.

Ward, Ms K., Co-ordinator, Mamre Respite Care Centre for Handicapped Children, Kedron, Qld.

Were, Dr K.F., Acting Assistant Director, Special Education and Special Services, Department of Education, Adelaide, S.A.

Westover, Mr D.A., Principal Education Officer, Department of Technical and Further Education, Adelaide, S.A.

White, Sister Christina, Administrator, St Vincent's Home, Nudgee, Qld.

Williams, Mr K., Assistant Director-General, Department of Community Welfare Services, Melbourne, Vic.

Wilmore, Mrs P.M., Supervisor, Family and Substitute Care Unit, Department for Community Welfare, Perth, W.A.

Wilson, Mrs P., Senior Social Worker, Mental Health Branch, Capital Territory Health Commission, Canberra, A.C.T.

Wilson, Ms T., Director, Community Boarding Programme, Dr Barnardo's in Australia, Downer, A.C.T.

Wood, Ms E.J., Co-ordinator, Interchange, Western Region, Canterbury, Vic.

Yavu-Kama, Mrs C.D., Care Assistant, Marribank Family Centre, via Katanning, W.A.

Young-Wright, Mrs J., Acting Co-ordinator, Intellectual Handicap Section, Mental Health Branch, Capital Territory Health Commission, Canberra, A.C.T.

## APPENDIX 2

### ORGANISATIONS AND INDIVIDUALS WHO PRESENTED WRITTEN SUBMISSIONS TO THE COMMITTEE

Aboriginal Child Care Agency of Western Australia, Perth, W.A.  
Aboriginal Children's Service, Redfern, N.S.W.  
Aboriginal Hostels Limited, Woden, A.C.T.  
Action for Children, Sydney, N.S.W.  
Amos, Ms E., Nunawading, Vic.  
Anglican Child Care Services of Adelaide, Walkerville, S.A.  
Anglican Diocese of Canberra and Goulburn, Reid, A.C.T.  
Anglican Health and Welfare Services, Diocese of Perth, West Perth, W.A.  
Annie Kenney Young Women's Refuge, Hobart, Tas.  
Association for the Welfare of Children in Hospital, New South Wales Branch, Avalon Beach, N.S.W.  
Association for the Welfare of Children in Hospital, Queensland Branch, Fig Tree Pocket, Qld.  
Australian Association of Social Workers, Victorian Branch, Richmond North, Vic.  
Australian Capital Territory Children's Advisory Committee, Canberra, A.C.T.  
Australian Catholic Social Welfare Commission, Sydney, N.S.W.  
Australian Centre for Brain Injured Children, Mordialloc, Vic.  
Australian Council of Social Service Inc., (ACOSS), Sydney, N.S.W.  
Australian Society for Inter-Country Aid Children Inc., Bridgewater, S.A.  
Autistic Children's Association of New South Wales, Artarmon, N.S.W.  
Baptist Community Services, Marsfield, N.S.W.  
Bathurst Youth Service, Bathurst, N.S.W.  
Bebee, Mrs L., Parkdale, Vic.  
Bindi Centre, Alice Springs, N.T.  
Boto, Ms L., Townsville, Qld.  
Boys' Town Engadine, Engadine, N.S.W.  
Capital Territory Health Commission, Canberra, A.C.T.  
Catherine McAuley Residential Child Care Centre, Wembley, W.A.  
Catholic Family Welfare Bureau, Archdiocese of Adelaide, Adelaide, S.A.  
Centacare, Catholic Family Welfare, Hobart, Tas.  
Centrecare Children's Cottages, West Perth, W.A.  
Child Welfare Advisory Council of New South Wales, Sydney, N.S.W.  
Chisholm, Mr R., Senior Lecturer in Law, University of New South Wales, Kensington, N.S.W.  
Clarendon Children's Homes, Kingston Beach, Tas.  
Clontarf, Bentley, W.A.  
Commonwealth Department of Aboriginal Affairs, Woden, A.C.T.  
Commonwealth Department of Education and Youth Affairs, Woden, A.C.T.  
Commonwealth Department of Health, Woden, A.C.T.  
Commonwealth Department of Immigration and Ethnic Affairs, Belconnen, A.C.T.  
Commonwealth Department of Territories and Local Government, Canberra, A.C.T.  
Commonwealth Schools Commission, Woden, A.C.T.  
Consultative Committee on Residential Child Care, East Perth, W.A.  
Cooke, Mr S.J., Huntingdale, Vic.  
Cooke, Ms S., Nunawading, Vic.  
Copelen Street Family Centre of the Uniting Church, South Yarra, Vic.  
Crossley, Ms R., Brunswick, Vic.  
Cunnamulla Australian Native Welfare Association, Cunnamulla, Qld.  
Dean, Mr W.A., Enmore, N.S.W.  
Dr Barnardo's Community Boarding Programme, Downer, A.C.T.  
Dr Barnardo's Kids' Friends Project, Downer, A.C.T.  
Dr Barnardo's Residential Programme, Downer, A.C.T.  
Edwards, Ms C., Yass, N.S.W.

Etheridge, Mr D.E., Wacol, Qld.  
 Family and Children's Services Agency, Sydney, N.S.W.  
 Federal Aborigines Board, Churches of Christ, Perth, W.A.  
 Forest Hill Residential Kindergarten for Emergency Care, Forest Hill, Vic.  
 Foster Parents' Association of Queensland, Clontarf, Qld.  
 Foster Parents' Association of Tasmania, Tarraleah, Tas.  
 Foster Parents' Association of Western Australia, Perth, W.A.  
 Fremantle One-Parent Centre, Fremantle, W.A.  
 Good Shepherd Youth and Family Service, Abbotsford, Vic.  
 Harris, Ms S.J., Beaconsfield, W.A.  
 Hudson, Mrs N.J., Burnie, Tas.  
 Illawarra Society for Crippled Children, Wollongong, N.S.W.  
 Infants' Home, Ashfield, N.S.W.  
 Institute of Sisters of Mercy of Australia, National Secretariat, Ryde, N.S.W.  
 Intellectually and Physically Handicapped Children's Association of New South Wales, Hurstville, N.S.W.  
 Interchange (Inner East) Host Families for Disabled Children, Canterbury, Vic.  
 Jewell, Ms M., Dianella, W.A.  
 Kennedy, Mrs R.J., Lecturer, School of Social Studies, The South  
 Australian Institute of Technology, Adelaide, S.A.  
 Kenyon, Mrs P., Seaford, Vic.  
 Kildonan Homes for Children, Uniting Church in Australia, Camberwell, Vic.  
 Link-Up, Yass, N.S.W.  
 Lisa Lodge and Hayslee Hostels, Ballarat, Vic.  
 Little Para House Association Inc., Salisbury, S.A.  
 Lorna Hodgkinson Sunshine Home, Gore Hill, N.S.W.  
 Marribank Children's Homes, via Katanning, W.A.  
 Martin, Rev. G.S., Port Adelaide Central Mission Inc., Port Adelaide, S.A.  
 Marymead Children's Centre, Narrabundah, A.C.T.  
 Mater Dei Special School, Sydney, N.S.W.  
 McDonald, Ms A., Brunswick, Vic.  
 McNaughton, Mr Q., Launceston, Tas.  
 Mercy Family Care Centre, Geelong, Vic.  
 Michael, Ms T., Bridgetown, W.A.  
 Mission of St James and St John, Anglican Child and Family Welfare Agency, West Melbourne, Vic.  
 Mission to the Streets and Lanes of Melbourne, Fitzroy, Vic.  
 Mofflyn Group Children's Homes, East Victoria Park, W.A.  
 Morgan, Ms L., Carlton, Vic.  
 Morland, Dr R.F., Head, Department of Social Welfare, Newcastle College of Advanced  
 Education, Waratah, N.S.W.  
 Newman, Senior Judge L.K., Adelaide Children's Court, Adelaide, S.A.  
 New South Wales Association of Child Caring Agencies, North Parramatta, N.S.W.  
 New South Wales Catholic Social Welfare Committee, Sydney, N.S.W.  
 New South Wales Department of Youth and Community Services, Sydney, N.S.W.  
 Ngal-a Mothercraft Home and Training Centre Inc., South Perth, W.A.  
 North Coast Children's Home, Lismore, N.S.W.  
 Northern Territory Government, Darwin, N.T.  
 Nyooongah Community Inc., Gngara District, W.A.  
 Offenders Aid and Rehabilitation Services of South Australia Inc., Adelaide, S.A.  
 Open Youth Project, Townsville, Qld.  
 Orana — The Peace Memorial Homes for Children, Burwood, Vic.  
 Orr, Ms R., Kelso, Qld.  
 Oxenberry, Dr R. V., Principal Lecturer, School of Social Studies, The South Australian Institute of  
 Technology, Adelaide, S.A.  
 Patching, Mr R., and Mrs J., Bathurst, N.S.W.  
 Prior, Rev. B.W., The Uniting Church in Australia, Parish of Camberwell, Camberwell, Vic.

Religious Congregations Committee on Social Welfare, Sydney, N.S.W.  
 Rosengren, Mrs U., Endeavour Hills, Vic.  
 Royal Australian College of General Practitioners, Sydney, N.S.W.  
 Royal New South Wales Institute for Deaf and Blind Children, North Rocks, N.S.W.  
 Silky Oaks Children's Haven, Manly, Qld.  
 Social Welfare Policy Secretariat, Commonwealth Department of Social Security, Phillip, A.C.T.  
 Somerville Community Services Inc., Darwin, N.T.  
 South Australian Child, Adolescent and Family Health Service, Adelaide, S.A.  
 South Australian Department for Community Welfare, Adelaide, S.A.  
 South Australian Health Commission, Adelaide, S.A.  
 South West Queensland Aboriginal and Islanders Advancement Society, Cunnamulla, Qld.  
 South West Queensland Aboriginal and Islanders Catholic Council, Cunnamulla, Qld.  
 South West Queensland Aboriginal and Islanders Legal Service, Cunnamulla, Qld.  
 Spastic Society of Victoria Ltd., South Yarra, Vic.  
 Spence, Mr A.J., Townsville, Qld.  
 Staniforth, Ms C., Bathurst, N.S.W.  
 St Anthony's, Footscray, Vic.  
 St Augustine's Boys' Home, Geelong, Vic.  
 St Catherine's Home, Convent of Mercy, Brooklyn, N.S.W.  
 St John's Homes for Boys and Girls, Canterbury, Vic.  
 St Joseph's, Flemington, Vic.  
 St Patrick's Home, Armidale, N.S.W.  
 St Saviour's Neighbourhood Centre, Goulburn, N.S.W.  
 St Vincent's Boys' Home, South Melbourne, Vic.  
 St Vincent's Boys' Home, Westmead, N.S.W.  
 Stretch-a-Family, Lilyfield, N.S.W.  
 Sub-Normal Children's Welfare Association, Ryde, N.S.W.  
 Sydney City Council, Sydney, N.S.W.  
 Tally-Ho Youth Services, Glen Waverley, Vic.  
 Tasmanian Department for Community Welfare, Hobart, Tas.  
 Tasmanian Education Department, Hobart, Tas.  
 The Siding, Emu Plains, N.S.W.  
 Tierney, Dr L.J., Reader, Department of Social Studies, University of Melbourne, Parkville, Vic.  
 Twenty-Ten, Darlinghurst, N.S.W.  
 Victorian Aboriginal Child Care Agency, Fitzroy, Vic.  
 Victorian Association of Child Care Executives, Burwood, Vic.  
 Victorian Consultative Committee on Social Development, Collingwood, Vic.  
 Victorian Department of Community Welfare Services, Melbourne, Vic.  
 Victorian Department of Education, Melbourne, Vic.  
 Victorian Health Commission, Melbourne, Vic.  
 W.R. Black Handicapped Children's Centre, Uniting Church in Australia, Special Caring Services  
 Division, Chelmer, Qld.  
 Wallamurra Community Centre, Gippsland and East Gippsland Aboriginal Co-operative Ltd.,  
 Bairnsdale, Vic.  
 Ward, Mr F.H., Lorna Hodgkinson Sunshine Home, West Pennant Hills, N.S.W.  
 Webster, Prof. I.W., School of Community Medicine, University of New South Wales,  
 Kensington, N.S.W.  
 Westaway, Ms B., Liverpool, N.S.W.  
 Western Aboriginal Legal Service Ltd., Dubbo, N.S.W.  
 Western Australian Catholic Social Welfare Commission, Perth, W.A.  
 Western Australian Department for Community Welfare, Perth, W.A.  
 Westhaven Association, Dubbo, N.S.W.  
 William Thompson Masonic School and Hostel, Sydney, N.S.W.  
 Yooralta Society of Victoria, South Melbourne, Vic.  
 Young People's Refuge, Leichhardt, N.S.W.  
 Youth Accommodation Coalition of Western Australia, Perth, W.A.  
 Youth Refuge Association of New South Wales, North Parramatta, N.S.W.

### APPENDIX 3

#### SUBSTITUTE CARE CENTRES AND AGENCIES VISITED BY THE COMMITTEE

Regional Office of the South Australian Department of Community Welfare, Salisbury, S.A.  
Little Para House Youth Shelter, Salisbury, S.A.  
St Mary's Home for Children, Prospect, S.A.  
Kennion Cottages, Walkerville, S.A.  
Emergency Foster Care Services, Norward, S.A.  
Catholic Family Welfare Bureau, Adelaide, S.A.  
St John's Boys' Homes, Brooklyn Park, S.A.  
Fremantle One-Parent Centre, Fremantle, W.A.  
Parkerville Children's Homes, Fremantle, W.A.  
Bridgewater Assessment Centre, Applecross, W.A.  
Nyandi Treatment and Research Centre, Bentley, W.A.  
Clontarf Boys' Home, Bentley, W.A.  
Sister Kate's Child and Family Services, Queens Park, W.A.  
Catherine McAuley Residential Child Care Centre, Wembley, W.A.  
'Laroona' Family Group Home, Battery Point, Tas.  
Clarendon Children's Homes, Kingston Beach, Tas.  
People's Action Resource Centre, Hobart, Tas.  
Cobham, St Marys, N.S.W.  
St Vincent's Boys' Home, Westmead, N.S.W.  
Barnside Homes for Children, North Parramatta, N.S.W.  
Brush Farm, Eastwood, N.S.W.

## APPENDIX 4

### STATISTICS RELATING TO CHILDREN IN SUBSTITUTE CARE

**Table 1: Number of Persons Adopted by State or Territory of Adoption Order, 1971-72 to 1983-84**

|         | <i>N.S.W.</i> | <i>Vic.</i> | <i>Qld</i> | <i>S.A.</i> | <i>W.A.</i> | <i>Tas.</i> | <i>N.T.</i> | <i>A.C.T.</i> | <i>Aust.</i> |
|---------|---------------|-------------|------------|-------------|-------------|-------------|-------------|---------------|--------------|
| 1971-72 | 4539          | 1768        | 1774       | 776         | 457         | 303         | 54          | 127           | 9798         |
| 1972-73 | 3315          | 1765        | 1678       | 649         | 717         | 268         | 29          | 121           | 8542         |
| 1973-74 | 1936          | 1557        | 1458       | 558         | 783         | 268         | 25          | 120           | 6705         |
| 1974-75 | 1799          | 1168        | 1394       | 551         | 528         | 243         | 33          | 123           | 5839         |
| 1975-76 | 1449          | 1032        | 1112       | 549         | 531         | 211         | 19          | 87            | 4990         |
| 1976-77 | 1770          | 908         | 1014       | 658         | 497         | 185         | 74          | 82            | 5188         |
| 1977-78 | 1068          | 951         | 660        | 506         | 417         | 164         | 46          | 55            | 3867         |
| 1978-79 | 1020          | 956         | 563        | 415         | 380         | 173         | 40          | 56            | 3603         |
| 1979-80 | 853           | 914         | 450        | 475         | 387         | 148         | 25          | 85            | 3337         |
| 1980-81 | 794           | 711         | 454        | 505         | 305         | 140         | 35          | 74            | 3018         |
| 1981-82 | 855           | 753         | 467        | 396         | 261         | 119         | 39          | 81            | 2971         |
| 1982-83 | 926           | 692         | 555        | 424         | 270         | 117         | 29          | 59            | 3072         |
| 1983-84 | 698           | 686         | 517        | 438         | 250         | 87          | 43          | 51            | 2770         |

*Source:* Australian Bureau of Statistics, *Adoptions Australia, 1982-83 and 1983-84*, Catalogue No. 4406.0, Canberra, May 1984 and May 1985.



**Table 3: Children Under Guardianship Order and All Other Children<sup>(a)</sup> in Residential Child Care Establishments: Sex and Age by Type of Operating Organisation, State and Territory, June 1984**

|                                     | Type of operating organisation     |     |             |       |             |      |                       |       |             |       |             |      | Total |       |        |
|-------------------------------------|------------------------------------|-----|-------------|-------|-------------|------|-----------------------|-------|-------------|-------|-------------|------|-------|-------|--------|
|                                     | State/Territory welfare department |     |             |       |             |      | Private organisations |       |             |       |             |      |       |       |        |
|                                     | Age (years)                        |     | Age (years) |       | Age (years) |      | Age (years)           |       | Age (years) |       | Age (years) |      |       |       |        |
|                                     | 0-4                                | 5-9 | 10-14       | 15-17 | Total       | 0-4  | 5-9                   | 10-14 | 15-17       | Total | 0-4         | 5-9  | 10-14 | 15-17 | Total  |
| <b>New South Wales</b>              |                                    |     |             |       |             |      |                       |       |             |       |             |      |       |       |        |
| Children under guardianship order   |                                    |     |             |       |             |      |                       |       |             |       |             |      |       |       |        |
| males                               | 9                                  | 71  | 282         | 304   | 666         | —    | —                     | 41    | 17          | 58    | 9           | 71   | 323   | 321   | 724    |
| females                             | 1                                  | 23  | 110         | 93    | 227         | —    | 2                     | 17    | 12          | 31    | 1           | 25   | 127   | 105   | 258    |
| All other children                  | 2                                  | 6   | 28          | 37    | 73          | 29   | 170                   | 350   | 165         | 714   | 31          | 176  | 378   | 202   | 787    |
| males                               | 1                                  | 4   | 19          | 17    | 41          | 45   | 134                   | 307   | 158         | 644   | 46          | 138  | 326   | 175   | 685    |
| females                             | —                                  | —   | —           | —     | —           | —    | —                     | —     | —           | —     | —           | —    | —     | —     | —      |
| <b>Victoria</b>                     |                                    |     |             |       |             |      |                       |       |             |       |             |      |       |       |        |
| Children under guardianship order   |                                    |     |             |       |             |      |                       |       |             |       |             |      |       |       |        |
| males                               | 20                                 | 41  | 190         | 103   | 354         | 23   | 92                    | 265   | 194         | 574   | 43          | 133  | 455   | 297   | 928    |
| females                             | 12                                 | 24  | 139         | 59    | 234         | 19   | 61                    | 157   | 118         | 355   | 31          | 85   | 296   | 177   | 589    |
| All other children                  | 3                                  | 1   | 58          | 47    | 109         | 24   | 75                    | 154   | 123         | 376   | 27          | 76   | 212   | 170   | 485    |
| males                               | 5                                  | 1   | 14          | 17    | 37          | 14   | 52                    | 73    | 66          | 205   | 19          | 53   | 87    | 83    | 242    |
| females                             | —                                  | —   | —           | —     | —           | —    | —                     | —     | —           | —     | —           | —    | —     | —     | —      |
| <b>Queensland</b>                   |                                    |     |             |       |             |      |                       |       |             |       |             |      |       |       |        |
| Children under guardianship order   |                                    |     |             |       |             |      |                       |       |             |       |             |      |       |       |        |
| males                               | 3                                  | 14  | 35          | 61    | 113         | 12   | 65                    | 192   | 47          | 316   | 15          | 79   | 227   | 108   | 429    |
| females                             | 3                                  | 1   | 25          | 22    | 51          | 19   | 52                    | 81    | 11          | 163   | 22          | 53   | 106   | 33    | 214    |
| All other children                  | —                                  | —   | n.a.        | n.a.  | n.a.        | n.a. | n.a.                  | n.a.  | n.a.        | n.a.  | n.a.        | n.a. | n.a.  | n.a.  | n.a.   |
| males                               | —                                  | —   | —           | —     | —           | —    | —                     | —     | —           | —     | —           | —    | —     | —     | —      |
| females                             | —                                  | —   | —           | —     | —           | —    | —                     | —     | —           | —     | —           | —    | —     | —     | —      |
| <b>South Australia</b>              |                                    |     |             |       |             |      |                       |       |             |       |             |      |       |       |        |
| Children under guardianship order   |                                    |     |             |       |             |      |                       |       |             |       |             |      |       |       |        |
| males                               | —                                  | 2   | 22          | 40    | 64          | —    | 1                     | 17    | 19          | 37    | —           | 4    | 45    | 61    | (b)110 |
| females                             | —                                  | 1   | 6           | 4     | 11          | —    | 7                     | 14    | 19          | 40    | —           | 8    | 27    | 24    | (h)59  |
| All other children                  | —                                  | —   | 12          | 19    | 31          | —    | 6                     | 18    | 19          | 43    | —           | 6    | 30    | 38    | 74     |
| males                               | —                                  | —   | —           | —     | —           | —    | —                     | —     | —           | —     | —           | —    | —     | —     | —      |
| females                             | —                                  | —   | —           | —     | —           | —    | —                     | —     | —           | —     | —           | —    | —     | —     | —      |
| <b>Western Australia</b>            |                                    |     |             |       |             |      |                       |       |             |       |             |      |       |       |        |
| Children under guardianship order   |                                    |     |             |       |             |      |                       |       |             |       |             |      |       |       |        |
| males                               | —                                  | 2   | 11          | 6     | 19          | 1    | 10                    | 48    | 29          | 88    | 1           | 14   | 63    | 38    | (c)116 |
| females                             | —                                  | 2   | 9           | 10    | 21          | 3    | 4                     | 37    | 26          | 70    | 3           | 7    | 48    | 40    | (e)98  |
| All other children                  | 2                                  | 45  | 150         | 132   | 329         | 29   | 84                    | 129   | 78          | 320   | 32          | 133  | 281   | 211   | (d)657 |
| males                               | 1                                  | 31  | 85          | 72    | 189         | 27   | 53                    | 103   | 70          | 253   | 28          | 88   | 193   | 144   | (d)453 |
| females                             | —                                  | —   | —           | —     | —           | —    | —                     | —     | —           | —     | —           | —    | —     | —     | —      |
| <b>Tasmania</b>                     |                                    |     |             |       |             |      |                       |       |             |       |             |      |       |       |        |
| Children under guardianship order   |                                    |     |             |       |             |      |                       |       |             |       |             |      |       |       |        |
| males                               | 1                                  | 2   | 11          | 13    | 27          | —    | 5                     | 24    | 12          | 41    | 1           | 7    | 35    | 25    | 68     |
| females                             | 2                                  | —   | 3           | 13    | 18          | —    | 5                     | 9     | 8           | 22    | 2           | 5    | 12    | 21    | 40     |
| All other children                  | 4                                  | 3   | 9           | 5     | 21          | 1    | 6                     | 11    | 19          | 37    | 5           | 9    | 20    | 24    | 58     |
| males                               | 1                                  | 1   | 4           | 4     | 10          | —    | 3                     | 7     | 11          | 21    | 1           | 4    | 11    | 15    | 31     |
| females                             | —                                  | —   | —           | —     | —           | —    | —                     | —     | —           | —     | —           | —    | —     | —     | —      |
| <b>Northern Territory</b>           |                                    |     |             |       |             |      |                       |       |             |       |             |      |       |       |        |
| Children under guardianship order   |                                    |     |             |       |             |      |                       |       |             |       |             |      |       |       |        |
| males                               | —                                  | —   | 2           | 1     | 3           | —    | —                     | 2     | —           | 2     | —           | —    | 4     | 1     | 5      |
| females                             | —                                  | —   | 1           | 2     | 3           | —    | —                     | 1     | —           | 1     | —           | —    | 2     | 2     | 4      |
| All other children                  | —                                  | —   | 5           | 10    | 15          | 1    | 4                     | 5     | 6           | 16    | 1           | 4    | 10    | 16    | 31     |
| males                               | —                                  | —   | —           | —     | —           | —    | —                     | —     | —           | —     | —           | —    | —     | —     | —      |
| females                             | —                                  | —   | —           | —     | —           | —    | —                     | —     | —           | —     | —           | —    | —     | —     | —      |
| <b>Australian Capital Territory</b> |                                    |     |             |       |             |      |                       |       |             |       |             |      |       |       |        |
| Children under guardianship order   |                                    |     |             |       |             |      |                       |       |             |       |             |      |       |       |        |
| males                               | —                                  | —   | —           | —     | —           | 3    | 4                     | 4     | 1           | 12    | 3           | 5    | 6     | 3     | (e)17  |
| females                             | —                                  | —   | —           | —     | —           | 3    | 2                     | 5     | 1           | 11    | 3           | 2    | 5     | 3     | (e)13  |
| All other children                  | —                                  | —   | —           | —     | —           | 6    | 4                     | 5     | 13          | 18    | 4           | 5    | 4     | 13    | (d)26  |
| males                               | —                                  | —   | —           | —     | —           | 3    | 3                     | 1     | 3           | 4     | 3           | 1    | 3     | 9     | (f)16  |
| females                             | —                                  | —   | —           | —     | —           | —    | —                     | —     | —           | —     | —           | —    | —     | —     | —      |

(a) Includes all children other than those under guardianship orders, whether subject to some order or not. (b) Includes 9 males and 8 females under guardianship placed in establishments operated by State government departments other than the Department for Community Welfare. (c) Includes 9 males and 7 females under guardianship placed in establishments operated by State government departments other than the Department for Community Welfare. (d) Includes 8 males and 11 females not under guardianship placed in establishments operated by State government departments other than the Department for Community Welfare. (e) Includes 5 males and 5 females under guardianship placed in establishments operated by government departments other than the Department of Territories. (f) Includes 2 males and 2 females not under guardianship placed in establishments operated by government departments other than the Department of Territories.



Table 4: Children Subject to Orders(a): Type of Placement, by State and Territory, June 1984 (Number)

| Type of placement                                  | State and Territory |              |              |              |              |            |            | Australia  |               |              |               |
|--|---------------------|--------------|--------------|--------------|--------------|------------|------------|------------|---------------|--------------|---------------|
|  | N.S.W.              | Vic.(b)      | Qld          | S.A.         | W.A.         | Tas.       | N.T.(c)    | A.C.T.     | Males         | Females      | Total         |
| Residential child care establishments—             |                     |              |              |              |              |            |            |            |               |              |               |
| Establishments for handicapped children            | 137                 | 113          | 15           | 36           | 24           | 4          | 1          | 4          | 198           | 136          | 334           |
| Establishments for other children—                 |                     |              |              |              |              |            |            |            |               |              |               |
| Family group homes                                 | 189                 | 723          | 204          | 24           | 63           | 64         | 11         | 5          | 737           | 546          | 1,283         |
| Campus homes                                       | 145                 | 236          | 121          | —            | 85           | 10         | —          | 31         | 385           | 243          | 628           |
| Juvenile hostels                                   | 61                  | 150          | 42           | 26           | 65           | 5          | —          | 1          | 224           | 126          | 350           |
| Juvenile corrective institutions                   | 409                 | 169          | 106          | 31           | 99           | 27         | 14         | 15         | 722           | 148          | 870           |
| Other homes for children                           | 304                 | 197          | 164          | 54           | 37           | 15         | —          | —          | 532           | 239          | 771           |
| <b>Total residential child care establishments</b> | <b>1,245</b>        | <b>1,588</b> | <b>652</b>   | <b>171</b>   | <b>373</b>   | <b>125</b> | <b>26</b>  | <b>56</b>  | <b>2,798</b>  | <b>1,438</b> | <b>4,236</b>  |
| Other residential care establishments—             |                     |              |              |              |              |            |            |            |               |              |               |
| Hospitals and nursing homes                        | 58                  | n.a.         | 30           | 1            | 2            | 3          | 1          | —          | 53            | 42           | 95            |
| Boarding schools                                   | 18                  | n.a.         | 9            | —            | —            | 1          | 2          | —          | 15            | 15           | 30            |
| Prisons  | —                   | (d)130       | 4            | 6            | 4            | 6          | 1          | —          | 151           | —            | 151           |
| Residential adult care establishments              | 8                   | —            | 67           | —            | 3            | —          | —          | —          | 43            | 35           | 78            |
| <b>Total other residential care establishments</b> | <b>84</b>           | <b>130</b>   | <b>110</b>   | <b>7</b>     | <b>9</b>     | <b>10</b>  | <b>4</b>   | <b>—</b>   | <b>262</b>    | <b>92</b>    | <b>354</b>    |
| Foster care  | 3,083               | 2,768        | 1,547        | 678          | 692          | 256        | 62         | 54         | 4,942         | 4,198        | 9,140         |
| Living with parent or other relative               | 2,747               | 1,080        | 2,018        | 802          | 1,012        | 332        | 39         | 228        | 5,816         | 2,442        | 8,258         |
| Other adults care                                  | 182                 | 14           | 118          | 73           | 124          | 19         | 3          | —          | 301           | 232          | 533           |
| Living independently                               | 356                 | —            | 185          | 9            | 19           | 12         | 4          | 15         | 351           | 249          | 600           |
| Unauthorised absence                               | 29                  | 5            | 36           | 10           | 7            | 6          | —          | 2          | 61            | 34           | 95            |
| Other placement                                    | —                   | —            | 62           | 5            | 965          | —          | 2          | —          | 772           | 262          | 1,034         |
| <b>Total</b>                                       | <b>7,726</b>        | <b>5,585</b> | <b>4,728</b> | <b>1,755</b> | <b>3,201</b> | <b>760</b> | <b>140</b> | <b>355</b> | <b>15,303</b> | <b>8,947</b> | <b>24,250</b> |

(a) Includes a small number of adults. (b) Excludes persons in hospitals and nursing homes and those living independently. (c) Excludes persons not in residential care who are under orders for offence reasons. (d) Includes youth training centres.

Source: Australian Bureau of Statistics, *Children in Care Australia, 1983-84 (Previously: Persons Under Guardianship and Children in Substitute Care)*, Catalogue No. 4410.0, Canberra, June 1985.

**Table 5: Children Under Guardianship, Australia by State and Territory, 1972 and 1982**

| <i>State and Territory of guardianship</i> | <i>1972</i> | <i>1982</i> | <i>Per cent</i> | <i>Rank order of achieved decrease</i> |
|--|-------------|-------------|-----------------|--|
| N.S.W.                                     | 5 949       | 4 076       | 31              | 5                                      |
| Vic.                                       | 7 236       | 3 788       | 48              | 3                                      |
| Qld  | 4 601       | 4 268       | 7               | 7                                      |
| S.A.                                       | 3 111       | 1 188       | 62              | 1                                      |
| W.A.                                       | 4 907       | 2 331       | 52              | 2                                      |
| Tas.                                       | 937         | 543         | 42              | 4                                      |
| N.T.                                       | n.a.        | 118         | n.a.            | n.a.                                   |
| A.C.T.                                     | 105         | 83          | 21              | 6                                      |
| Aust.                                      | 26 846      | 16 395      | 39              |  |

*Source:* J. Carter, *Protection to Prevention: Child Welfare Policies*, SWRC Reports and Proceedings, No. 29, Social Welfare Research Centre, University of New South Wales, Sydney, January 1983; and Australian Bureau of Statistics, *Persons Under Guardianship and Children in Substitute Care, Australia, June 1982*, Catalogue No. 4405.0, Canberra, July 1983.

Table 6: Children Placed Under Order(s): Reason for Order and Type of Order, by Sex, State and Territory, During Year Ended June 1984

| <i>Reason for order</i>   | <i>Males</i> | <i>Females</i> | <i>Total</i> | <i>1982-83</i> |
|---------------------------|--------------|----------------|--------------|----------------|
| <b>New South Wales—</b>   |              |                |              |                |
| Care/protection—          |              |                |              |                |
| Guardianship order        | 224          | 238            | 462          | 517            |
| All other orders          | n.a.         | n.a.           | n.a.         | n.a.           |
| Offence—                  |              |                |              |                |
| Guardianship order        | 1,165        | 57             | 1,222        | 1,357          |
| All other orders          | n.a.         | n.a.           | n.a.         | n.a.           |
| <b>Victoria—</b>          |              |                |              |                |
| Care/protection—          |              |                |              |                |
| Guardianship order        | 359          | 287            | 646          | 707            |
| All other orders          | n.a.         | n.a.           | n.a.         | n.a.           |
| Offence—                  |              |                |              |                |
| Guardianship order        | 66           | 10             | 76           | 82             |
| All other orders          | n.a.         | n.a.           | n.a.         | n.a.           |
| <b>Queensland—</b>        |              |                |              |                |
| Care/protection—          |              |                |              |                |
| Guardianship order        | 364          | 359            | 723          | 664            |
| All other orders          | 81           | 68             | 149          | 54             |
| Offence—                  |              |                |              |                |
| Guardianship order        | 324          | 39             | 363          | 487            |
| All other orders          | 430          | 59             | 489          | 519            |
| <b>South Australia—</b>   |              |                |              |                |
| Care/protection—          |              |                |              |                |
| Guardianship order        | 224          | 203            | 427          | 399            |
| All other orders          | —            | —              | —            | —              |
| Offence—                  |              |                |              |                |
| Guardianship order        | —            | —              | —            | —              |
| All other orders          | 1,038        | 156            | 1,194        | 1,251          |
| <b>Western Australia—</b> |              |                |              |                |
| Care/protection—          |              |                |              |                |
| Guardianship order        | 95           | 74             | 169          | 198            |
| All other orders          | 9            | 18             | 27           | 28             |
| Offence—                  |              |                |              |                |
| Guardianship order        | 4            | 1              | 5            | 6              |
| All other orders          | 985          | 186            | 1,171        | 1,589          |

**Table 6: Children Placed Under Orders<sup>(a)</sup>: Reason for Order and Type of Order, by Sex, State and Territory, During Year Ended June 1984 (Continued)**

| <i>Reason for order</i>       | <i>Males</i> | <i>Females</i> | <i>Total</i> | <i>1982-83</i> |
|-------------------------------|--------------|----------------|--------------|----------------|
| Tasmania—                     |              |                |              |                |
| Care/protection—              |              |                |              |                |
| Guardianship order            | —            | —              | —            | n.a.           |
| All other orders              | 20           | 23             | 43           | n.a.           |
| Offence—                      |              |                |              |                |
| Guardianship order            | —            | —              | —            | n.a.           |
| All other orders              | 224          | 52             | 276          | n.a.           |
| Northern Territory—           |              |                |              |                |
| Care/protection               |              |                |              |                |
| Guardianship order            | 50           | 51             | 101          | 93             |
| All other orders              | 128          | 114            | 242          | 20             |
| Offence—                      |              |                |              |                |
| Guardianship order            | n.a.         | n.a.           | n.a.         | (a)22          |
| All other orders              | n.a.         | n.a.           | n.a.         | (a)11          |
| Australian Capital Territory— |              |                |              |                |
| Care/protection               |              |                |              |                |
| Guardianship order            | n.a.         | n.a.           | n.a.         | 20             |
| All other orders              | n.a.         | n.a.           | n.a.         | 40             |
| Offence—                      |              |                |              |                |
| Guardianship order            | n.a.         | n.a.           | n.a.         | 101            |
| All other orders              | n.a.         | n.a.           | n.a.         |                |

(a) Includes a small number of adults.

Source: Australian Bureau of Statistics, *Children in Care Australia, 1983-84* (Previously: *Persons Under Guardianship and Children in Substitute Care*), Catalogue No. 4410.0, Canberra, June 1985.

**Table 7: Number of Children in Care by Reason for Admission, State and Territory, 1983**

| Reason for Admission  | N.S.W.      |            | Vic.        |            | Qld         |            | W.A.       |            | Tas.        |            | N.T.       |            | Aust.     |            |               |            |
|-----------------------|-------------|------------|-------------|------------|-------------|------------|------------|------------|-------------|------------|------------|------------|-----------|------------|---------------|------------|
|                       | No.         | %          | No.         | %          | No.         | %          | No.        | %          | No.         | %          | No.        | %          | No.       | %          |               |            |
| Physical/Sensory      | 274         | 7.3        | 230         | 5.4        | 245         | 15.3       | 171        | 21.3       | 100         | 7.0        | 47         | 12.3       | —         | —          | 1 067         | 8.7        |
| Mental retardation    | 1302        | 34.7       | 949         | 22.4       | 499         | 31.2       | 210        | 26.2       | 229         | 16.0       | 66         | 17.3       | 6         | 10.3       | 3 261         | 26.6       |
| Emotionally disturbed | 158         | 4.2        | 32          | .8         | 12          | .7         | 46         | 5.7        | 82          | 5.7        | —          | —          | —         | —          | 330           | 2.7        |
| Remand/Correcional    | 657         | 17.5       | 363         | 8.6        | 186         | 11.6       | 110        | 13.7       | 97          | 6.8        | 46         | 12.0       | 23        | 39.7       | 1 482         | 12.1       |
| Family/Social         | 1055        | 28.1       | 2641        | 62.4       | 525         | 32.8       | 200        | 24.9       | 861         | 60.2       | 173        | 45.3       | 29        | 50.0       | 5484          | 44.7       |
| Illness               | 306         | 8.2        | 16          | .4         | 131         | 8.2        | 55         | 6.8        | 38          | 2.7        | 50         | 13.1       | —         | —          | 596           | 4.9        |
| Information missing   | —           | —          | 4           | .1         | 3           | .2         | 11         | 1.3        | 23          | 1.6        | —          | —          | —         | —          | 41            | 0.3        |
| <b>Total</b>          | <b>3752</b> | <b>100</b> | <b>4235</b> | <b>100</b> | <b>1601</b> | <b>100</b> | <b>803</b> | <b>100</b> | <b>1430</b> | <b>100</b> | <b>382</b> | <b>100</b> | <b>58</b> | <b>100</b> | <b>12 261</b> | <b>100</b> |

Source: J. Ward and others, *A Review of Children in Residential Institutions Program—Report to the Commonwealth Schools Commission, Special Education Centre, School of Education, Macquarie University, Sydney, October 1984, p. 63.*

**Table 8: Foster Homes in Use: Number of Children Fostered(a) by State and Territory, June 1982**

| State and Territory          | Size of foster home:<br>Number of fostered children in residence |             |            |            |           |            | Total foster homes in use |
|------------------------------|--|-------------|------------|------------|-----------|------------|---------------------------|
|                              | 1  | 2           | 3          | 4          | 5         | 6 and over |                           |
| New South Wales              | 1251   | 337         | 72         | 31         | 10        | 7          | 1708                      |
| Victoria                     | 1571   | 329         | 83         | 21         | 3         | 3          | 2010                      |
| Queensland                   | 815  | 282         | 100        | 47         | 12        | 11         | 1267                      |
| South Australia              | 992  | 244         | 55         | 27         | 11        | 3          | 1332                      |
| Western Australia            | 834  | 211         | 53         | 23         | 9         | 4          | 1134                      |
| Tasmania                     | 155  | 36          | 5          | 1          | —         | 1          | 198                       |
| Northern Territory           | 33   | 5           | 2          | 1          | —         | 1          | 42                        |
| Australian Capital Territory | 32   | 6           | 1          | 1          | —         | —          | 40                        |
| <b>Australia</b>             | <b>5683</b>  | <b>1450</b> | <b>371</b> | <b>152</b> | <b>45</b> | <b>30</b>  | <b>7731</b>               |

(a) Includes those children for whom foster allowance is paid by State or Territory welfare department which in Victoria, South Australia, Western Australia, Northern Territory and Australian Capital Territory is the only organisation paying a foster allowance. In other States, information on whether other government authorities and non-government organisations are paying foster allowance is not available.

Source: Australian Bureau of Statistics, *Persons Under Guardianship and Children in Substitute Care, Australia, June 1982*, Catalogue No. 4405.0, Canberra, July 1983.

**Table 9: Children in Foster Care: Number by State and Territory of Placement, June 1980-June 1984**

|      | N.S.W. | Vic. | Qld  | S.A.   | W.A. | Tas. | N.T. | A.C.T. | Aust.  |
|------|--------|------|------|--------|------|------|------|--------|--------|
| 1980 | 2804   | 1972 | 1714 | 1514   | 1795 | 308  | 95   | 50     | 10 252 |
| 1981 | 2471   | 2380 | 1687 | 1613   | 1710 | 240  | 89   | 46     | 10 236 |
| 1982 | 2753   | 2599 | 2005 | 1826   | 1382 | 252  | 62   | 51     | 10 930 |
| 1983 | 2713   | 2874 | 1905 | 689(a) | 1348 | 250  | 73   | 64     | 9 916  |
| 1984 | 2816   | 2514 | 1992 | 678(a) | 1387 | 254  | 62   | 54     | 9 757  |

(a) Possible deficiencies may exist in the figures for South Australia for 1983 and 1984 as not all foster children not subject to guardianship orders were counted in that State for these years.

Source: Australian Bureau of Statistics, *Persons Under Guardianship and Children in Substitute Care*, 1980-1982, Catalogue No. 4405.0, Canberra, November 1981, June 1982 and July 1983; and *Children in Care Australia, 1983-1984 (Previously: Persons under Guardianship and Children in Substitute Care)*, Catalogue No. 4410.0, Canberra, June 1985.

**Table 10: Children Under Guardianship in Foster Care: Number by State and Territory of Placement, June 1972-June 1982(a)**

|      | N.S.W. | Vic. | Qld  | S.A. | W.A. | Tas. | N.T. | A.C.T. | Aust. |
|------|--------|------|------|------|------|------|------|--------|-------|
| 1972 | 4438   | 629  | 1405 | 711  | 1342 | n.a. | n.a. | 56     | 8581  |
| 1973 | 4290   | 596  | 1467 | 740  | 1339 | n.a. | n.a. | 72     | 8504  |
| 1974 | 4417   | 586  | 1512 | 749  | 1565 | 390  | n.a. | 57     | 9276  |
| 1975 | 3776   | 559  | 1503 | 670  | 1668 | 390  | n.a. | 59     | 8625  |
| 1976 | 3597   | 502  | 1621 | 627  | 1247 | 311  | n.a. | 59     | 7964  |
| 1977 | 3214   | 425  | 1763 | 630  | 1763 | 289  | n.a. | 48     | 6369  |
| 1978 | 2779   | 351  | 1980 | 578  | 1153 | 276  | n.a. | 67     | 7184  |
| 1979 | 2763   | 600  | 1574 | 593  | 1087 | 253  | n.a. | 37     | 6907  |
| 1980 | 2431   | 567  | 1506 | 576  | 1073 | 251  | 56   | 38     | 6498  |
| 1981 | 2175   | 523  | 1448 | 599  | 921  | 228  | 71   | 35     | 6000  |
| 1982 | 2069   | 567  | 1537 | 618  | 824  | 240  | 59   | 37     | 5951  |

(a) Comparable statistics for 1983-84 are not available as some States no longer differentiate between guardianship orders and other orders.

Source: State Welfare Department Annual Reports 1972-78 and Australian Bureau of Statistics, *Persons Under Guardianship and Children in Substitute Care, Australia, 1979-82*, Catalogue No. 4405.0, Canberra, June 1981, November 1981, June 1982 and July 1983.

**Table 11: Residential Child Care Establishments Operated by State and Territory Welfare Departments: Size of Establishment, State and Territory of Location, June 1982 (Number of Establishments)**

| State and Territory of location | Size of establishment: Number of children in residence |           |           |          |           |          |          |              | Total establishments operating |
|---------------------------------|--|-----------|-----------|----------|-----------|----------|----------|--------------|--------------------------------|
|                                 | 0-5  | 6-10      | 11-19     | 20-29    | 30-49     | 50-69    | 70-99    | 100 and over |                                |
| New South Wales                 | 30   | 6         | 17        | 3        | 4         | 4        | 2        | 2            | 68                             |
| Victoria                        | 61   | 10        | 3         | 1        | 1         | 1        | 2        | 2            | 81                             |
| Queensland                      | 3  | 2         | —         | —        | 3         | 1        | —        | —            | 9                              |
| South Australia                 | 5  | 5         | 2         | 1        | —         | 1        | —        | —            | 14                             |
| Western Australia               | 14   | 4         | 5         | 4        | 7         | —        | —        | —            | 34                             |
| Tasmania                        | 12   | 5         | 1         | —        | —         | —        | —        | —            | 18                             |
| Northern Territory              | —  | 3         | 2         | —        | —         | —        | —        | —            | 5                              |
| Australian Capital Territory    | 1  | —         | —         | —        | —         | —        | —        | —            | 1                              |
| <b>Australia</b>                | <b>126</b>   | <b>35</b> | <b>30</b> | <b>9</b> | <b>15</b> | <b>7</b> | <b>4</b> | <b>4</b>     | <b>230</b>                     |

Source: Australian Bureau of Statistics, *Persons Under Guardianship and Children in Substitute Care, Australia, June 1982*, Catalogue No. 4405.0, Canberra, July 1983.

**Table 12: Residential Child Care Establishments Operated by Non-Government Organisations(a): Size of Establishment, State and Territory of Location, June 1982 (Number of Establishments)**

| State and Territory of location | Size of establishment: Number of children in residence |            |           |           |           |           |          |              | Total establishments operating |
|---------------------------------|--|------------|-----------|-----------|-----------|-----------|----------|--------------|--------------------------------|
|                                 | 0-5  | 6-10       | 11-19     | 20-29     | 30-49     | 50-69     | 70-99    | 100 and over |                                |
| New South Wales                 | 48   | 42         | 21        | 7         | 7         | 2         | —        | —            | 127                            |
| Victoria (b) (c)                | 144  | 67         | 5         | 1         | 3         | 2         | 1        | —            | 223                            |
| Queensland (c)                  | 44   | 29         | 6         | 3         | —         | 1         | —        | —            | 83                             |
| South Australia                 | 22   | 5          | 4         | —         | —         | —         | —        | —            | 31                             |
| Western Australia               | 10   | 3          | 10        | 2         | 5         | 5         | —        | —            | 35                             |
| Tasmania                        | 9  | 4          | 1         | 3         | —         | —         | —        | —            | 17                             |
| Northern Territory              | —  | 8          | —         | —         | —         | —         | —        | —            | 8                              |
| Australian Capital Territory    | 2  | 2          | —         | —         | 2         | —         | —        | —            | 6                              |
| <b>Australia</b>                | <b>279</b>   | <b>160</b> | <b>47</b> | <b>16</b> | <b>17</b> | <b>10</b> | <b>1</b> | <b>—</b>     | <b>530</b>                     |

(a) Establishments which have come to the notice of the welfare departments through either their placement of persons under guardianship in the establishments or through the licensing requirements of the legislation with respect to children's homes. Coverage may not be complete. (b) Size range is based on capacity rather than children in residence. (c) Licensed establishments only.

Source: Australian Bureau of Statistics, *Persons Under Guardianship and Children in Substitute Care, Australia, June 1982*, Catalogue No. 4405.0, Canberra, July 1983.

**Table 13: Children in Residential Care Establishments Operated by Non-Government Agencies: Type of Establishment, State and Territory of Location, June 1979 (Per cent)**

| Type of establishment             | N.S.W.       | Vic.         | Qld          | S.A.         | W.A.         | Tas.         | N.T.         | A.C.T.       | Aust.        |
|-----------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Scattered family group home       | 11.6         | 31.5         | 21.6         | 16.0         | 23.2         | 29.0         | 23.3         | 25.9         | 21.9         |
| Campus family group home          | 13.8         | 21.6         | 24.2         | 1.6          | 46.8         | 25.6         | 26.7         | 74.1         | 23.1         |
| Hostel                            | 6.3          | 7.5          | 6.0          | 9.7          | 7.3          | 2.8          | 0.0          | 0.0          | 6.6          |
| Group care                        | 9.6          | 6.8          | 32.0         | 11.9         | 6.5          | 25.6         | 50.0         | 0.0          | 12.1         |
| Congregate care                   | 39.3         | 24.9         | 7.4          | 49.1         | 9.6          | 17.0         | 0.0          | 0.0          | 25.4         |
| Other                             | 3.1          | 5.8          | 0.3          | 3.5          | 2.8          | 0.0          | 0.0          | 0.0          | 3.4          |
| Disabled children's establishment | 16.3         | 1.9          | 8.5          | 8.2          | 3.8          | 0.0          | 0.0          | 0.0          | 7.5          |
| <b>Total</b>                      | <b>100.0</b> | <b>100.0</b> | <b>100.0</b> | <b>100.0</b> | <b>100.0</b> | <b>100.0</b> | <b>100.0</b> | <b>100.0</b> | <b>100.0</b> |

Source: G. Gregory and N. J. Smith, Children's Bureau of Australia, Particular Care. *The Report of the National Survey of Non-Government Children's Homes and Foster Care (Including Homes for Physically and Intellectually Handicapped Children)*, 30 June 1979, Children's Bureau of Australia, 1982.

**Table 14: Children in Residential Child Care Establishments Operated by State and Territory Welfare Departments: Type of Establishment, State and Territory of Location, June 1982 (Per cent)**

| Type of establishment             | N.S.W.       | Vic.         | Qld          | S.A.         | W.A.         | Tas.         | N.T.         | A.C.T.       | Aust.        |
|-----------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Disabled children's establishment | 13.6         | —            | —            | 17.1         | —            | 9.4          | —            | —            | 7.0          |
| Other children's establishment—   |              |              |              |              |              |              |              |              |              |
| Family group home—                |              |              |              |              |              |              |              |              |              |
| Scattered                         | 5.6          | 25.7         | —            | 30.9         | 7.8          | 67.1         | 19.2         | —            | 13.9         |
| Clustered                         | —            | 6.9          | —            | —            | 5.0          | —            | —            | —            | 2.6          |
| Campus home                       | 11.7         | —            | —            | —            | 0.4          | —            | —            | —            | 5.1          |
| Juvenile hostel                   | 4.2          | 2.0          | 2.6          | 5.3          | 8.6          | —            | —            | —            | 4.1          |
| Juvenile corrective institution   | 47.5         | 26.4         | 56.0         | 46.7         | 30.7         | 23.5         | 3.9          | —            | 39.0         |
| Congregate care home              | 17.4         | 39.0         | 41.4         | —            | 47.5         | —            | 76.9         | —            | 28.3         |
| <b>Total</b>                      | <b>100.0</b> | <b>100.0</b> | <b>100.0</b> | <b>100.0</b> | <b>100.0</b> | <b>100.0</b> | <b>100.0</b> | <b>100.0</b> | <b>100.0</b> |

Source: Australian Bureau of Statistics, *Persons Under Guardianship and Children in Substitute Care, Australia, June 1982*, Catalogue No. 4405.0, Canberra, July 1983.



## APPENDIX 5

### COMMONWEALTH FINANCIAL ASSISTANCE AVAILABLE TO FAMILIES WITH DEPENDENT CHILDREN

The Commonwealth Government provides direct financial assistance to families with dependent children through the following benefits, allowances and pensions; the Family Allowance, the Supporting Parent's Benefit, the Family Income Supplement, the Handicapped Child's Allowance, and the Mobility Allowance. Details of these forms of assistance are provided below.

#### Family Allowance

Family Allowances are payable to all people who have the custody, care and control of one or more children under 16 years of age, or one or more full-time students aged 16 to 24 years who are wholly or substantially dependent on them.<sup>1</sup> They are paid on a universal basis in recognition of the greater need for income or lower capacity to pay tax of all families with dependent children vis-a-vis those without children. A secondary objective is to reduce financial hardship particularly among large families. Unlike pensions and benefits which are designed to provide minimum income support, this program's primary objective is to promote horizontal equity between those with children and those without.

The present system of Family Allowances commenced operation in June 1976.<sup>2</sup> It superseded the earlier system of Child Endowment which was introduced by the Commonwealth Government in 1941. This system was a national scheme that replaced a similar scheme that had operated in New South Wales since 1927.<sup>3</sup> When introduced, child endowment was paid at the standard rate of five shillings a week for each child in respect of all children under 16 years of age other than the first. The Allowance was also paid for children being cared for in approved non-government institutions; however, it was not paid for those maintained in government institutions.

Today, the rate of the Allowance varies according to the number of children in a family. As at May 1985 monthly rates were as follows: \$22.80 for the first child, \$32.55 for the second child, \$39.00 for the third and fourth child and \$45.55 for each additional child. There are no specific provisions for the automatic adjustment of the rate of the Allowance. The Allowance is paid free of any income test and is not subject to personal income taxation. It is normally paid directly to the mother. At 30 June 1984 there were 2 179 152 families receiving the Family Allowance for 4 315 320 children and students.<sup>4</sup> For a description of the Allowance's applicability to those other than a child's natural parents, see Appendix 6.

#### Supporting Parent's Benefit

The Supporting Parent's Benefit is available to all sole parents who have the custody, care and control of a child aged under 16 years or a dependent full-time student aged 16 to 24 years inclusive, providing they do not receive any other pension or benefit. A qualifying child may be: a natural child of the claimant; or, in respect of a person who is separated from his/her spouse, may also include a child who, on the date on which the separation took place, was: an adopted child of the claimant; or a child in the claimant's custody, care and control. A person eligible for the Supporting Parent's Benefit includes: a widower, or a man whose de facto wife has died; a male divorcee; a separated husband or wife, or a separated de facto husband or wife; an unmarried parent; and a parent whose spouse or de facto spouse has been convicted of an offence, and has been imprisoned for 14 days or longer. The Benefit is payable at the same rate as a Class A Widow's Pension and is subject to the same income test, income taxation provisions and other conditions.<sup>5</sup> The benefit is adjusted twice yearly in accordance with increases in the Consumer Price Index. Beneficiaries are also eligible for Supplementary Assistance, Additional Payment for Children and Mother's/Guardian's Allowance and Commonwealth pensioner concessions or fringe benefits.

The Supporting Parent's Benefit is intended to provide minimum income support to single people who have the custody, care and control of a child or dependent full-time student, who have limited income, and who do not receive any other pension or benefit. A secondary objective of the program is to provide encouragement for self-help through, for example, part-time work. When the Benefit

was first introduced in July 1973 it was known as the Supporting Mother's Benefit and was only payable to unmarried mothers, deserted de facto wives, women whose de facto husbands were in prison and other separated wives not eligible for the Widow's Pension.<sup>6</sup> Previously, such persons received assistance to varying degrees mainly from State Governments. Under the *States Grants (Deserted Wives) Act* 1968, however, State Governments were generally reimbursed half of their expenditure on assistance to such mothers by the Commonwealth. Initially, the Benefit was not payable until six months after the date of the event which gave rise to eligibility. In the meantime, assistance was provided by the States with the Commonwealth generally meeting half the cost under the *States Grants (Deserted Wives) Act*.<sup>7</sup>

In 1977 the Supporting Mother's Benefit was replaced by the Supporting Parent's Benefit.<sup>8</sup> The new benefit extended to males with the sole custody, care and control of one or more children.<sup>9</sup> In 1980 the six month waiting period was removed and the Commonwealth took over full responsibility for sole parents from the first day of sole parenthood. At 30 June 1984 there were 153 589 supporting parent beneficiaries (comprising 144 680 women and 8909 men), an increase of 13 361 or 9.5 per cent over the twelve months previously. This increase is less in both absolute and proportionate terms than that recorded during 1982-83. There were 77 193 new grants of Supporting Parent's Benefit to women and 5879 new grants to men during 1983-84, as compared to 73 138 and 5401 respectively during 1982-83.<sup>10</sup>

### **Family Income Supplement**

In May 1983, a Family Income Supplement in the form of a tax free allowance was introduced to assist low-income families who are not in receipt of a social security pension or benefit or similar assistance. The Scheme provides assistance of up to \$14 a week for each child and is payable to the main breadwinner in the family if the income of the applicant (and his/her spouse) does not exceed a prescribed limit (currently \$223 per week). The total maximum rate is reduced by one half of the amount by which income exceeds this limit. The point at which entitlement to the supplement ceases altogether is also the point at which entitlement to a Health Care Card on the basis of low income ceases for a married couple with children.

Eligibility for the supplement is established on the basis of the parental income over the four-weekly period ending on the date of the claim and is reviewed every six months. Entitlement is affected within the six-month period in respect of increased income only if the parental income during the period reaches 125 per cent of the prescribed limit of the family's income as previously assessed, whichever is the higher. A person may, however, apply for an increase in the rate of the Supplement if the family's income falls at any time during the six-month period. The main breadwinner in the family may qualify, subject to residence requirements, for the allowance provided that: the person or his/her spouse has a child qualified to receive Family Allowance; the person or his/her spouse is not in receipt of other forms of income support that provide for additional payments in respect of children; and the child does not receive or attract payment of a Commonwealth income-tested pension, benefit or allowance. At 30 June 1984, there were 26 531 families receiving payments of Family Income Supplement in respect of 74 036 children. Outlays totalled \$36.1 million in 1983-84.<sup>11</sup>

### **Handicapped Child's Allowance**

The Handicapped Child's Allowance is payable to a parent or guardian of a handicapped child or of a substantially handicapped child, living at home and requiring constant or, in the case of a severely handicapped child, almost constant, care and attention. The child must be less than 16 years of age or between 16 and 24 years if a full-time dependent student, not in receipt of an Invalid Pension. There is no income test for the allowance paid in respect of severely handicapped children although in the case of substantially handicapped children the rate payable is at the discretion of the Director-General and an income test is applied. A claimant for Handicapped Child's Allowance is usually in receipt of a Family Allowance for the relevant child. The Handicapped Child's Allowance is paid monthly in conjunction with the Family Allowance at the rate of \$85 for severely handicapped children and up to that amount for substantially handicapped children.<sup>12</sup> Although there are no specific provisions for adjusting the maximum rate of Handicapped Child's Allowance, it is reviewed annually in the Budget context. The Allowance is not taxable.

The Handicapped Child's Allowance was introduced to provide special cash payments to families for the purpose of assisting them with the cost of caring for a severely handicapped child at home and thus, where possible, avoid the necessity of placing the child in an institution. Eligibility for the Allowance has been extended several times since then. In 1977 it was made available to the parents or guardians of 'substantially' as well as 'severely' handicapped children subject to a financial test of need. In November 1978 eligibility was extended to full-time students aged 16 to 24 years provided the student was not an invalid pensioner. At June 1984 there were 27 192 recipients of the Allowance in respect of 28 502 handicapped children at a cost of \$27.7 million.

### **Mobility Allowance**

In April 1983 a Mobility Allowance of \$10 a week was introduced for disabled persons aged 16 and over who are in gainful employment or undertaking vocational training and who, because of this disability, are unable to use public transport. The allowance is paid free of any income test and is not subject to income tax. At 30 June 1984, there were 9480 people in receipt of Mobility Allowance. Outlays on Mobility Allowance totalled \$4.5 million.<sup>13</sup>

### **Additional payments for beneficiaries with children**

Recipients of other pensions, allowances and benefits may also receive additional payments for their dependent children. For example, beneficiaries of the Age Pension, the Invalid Pension, Wife's Pension, Widow's Pension, Sheltered Employment Allowance, Rehabilitation Allowance, and Supporting Parent's Benefit are eligible to receive up to an additional \$14 a week in respect of each child under 16 years of age and each dependent full-time student aged 16 to 24 years inclusive. In the case of a couple who both receive pensions, the additional payment is made to only one of the couple. Except for the first child of a blind, aged or invalid pensioner or recipient of sheltered employment or rehabilitation allowance, the payment is subject to the pension income test: it is not subject to income tax. At 30 June 1984 there were 279 827 pensioners receiving additional pensions for 494 507 dependent children. Outlays on additional pensions for children were estimated to have totalled \$289 million during 1983-84.<sup>14</sup>

These beneficiaries are also entitled to a Mother's/Guardian's Allowance if they are single and have dependent children. This Allowance is paid at the rate of up to \$10 a week and is subject to the pension income test but not to income tax. At 30 June 1984 there were 241 563 pensioners receiving the Mother's/Guardian's Allowance. Outlays on these Allowances were estimated to have totalled \$87 million during 1983-84.<sup>15</sup>

People receiving Unemployment, Sickness or Special Benefit are also entitled to an additional benefit of up to \$14 a week for each child under 16 years of age and for each full-time dependent student aged 16 to 24 years inclusive. This additional payment, however, is subject to the benefit income test but, since 1 March 1984, has been tax free. At 30 June 1984 an estimated 125 800 beneficiaries were receiving additional benefits for some 274 900 children. Outlays on these additional benefits for children were estimated to have totalled \$172 million during 1983-84.<sup>16</sup>

### **Housing assistance available for families**

The Commonwealth Government finances a wide range of programs to assist in meeting the housing needs of families. The bulk of these funds is allocated to the provision of financial assistance for welfare housing purposes where emphasis is placed on providing housing and rental assistance for disadvantaged families especially families with dependent children. Programs of this nature include those administered through the present Commonwealth/State Housing Agreement which provides funds to each State and the Northern Territory under the *Housing Assistance Act* 1981 to assist low to moderate income earners obtain housing at an affordable price.<sup>17</sup> Direct Commonwealth funding under this Program totalled \$500 million in 1983-84.<sup>18</sup> Commonwealth grants are also payable under the First Home Owners Scheme which was introduced in October 1983. This Scheme replaced the Home Deposit Assistance Scheme. The Scheme provides non-repayable tax-free grants of up to \$6000 to eligible first home buyers, and is designed especially to provide assistance to low to moderate income earners. The amount of benefit is determined by the applicant's income and the number of dependent children. Expenditure on the Program in 1983-84 totalled \$141 million and

55 000 applications were approved.<sup>19</sup> Other similar programs include the Crisis Accommodation Program, the Mortgage and Rent Relief Scheme, and the Supported Accommodation Assistance Program.

---

ENDNOTES

1. The Family Allowance is not paid in respect of students who are in receipt of an Invalid Pension or Supporting Parent's Benefit. Students who are being assisted under certain prescribed educational schemes, the principal one being the Tertiary Education Assistance Scheme, also do not attract the Family Allowance. From November 1985, Family Allowances will not be paid for dependent students aged 18 years and over except in cases of specific need.
2. The term 'child endowment' was not formally replaced in the main Act by 'family allowance' until 1982 through the *Social Services Legislation Amendment Act 1982*.
3. Another similar scheme had operated prior to 1941 for Commonwealth public servants.
4. Department of Social Security, *Annual Report 1983-84*, AGPS, Canberra, 1984, p. 50.
5. As at May 1985, the maximum rate of Class A Widow's Pension was \$94.30 per week. This pension is subject to the same income test as the Age Pension for single pensioners aged under 70 years.
6. *Social Services Act* (No. 3) 1973.
7. Only South Australia and Western Australia provided any assistance to sole fathers: they were, however, eligible to claim Special Benefit.
8. *Social Services Amendment Act 1977*.
9. From November 1982, a person in receipt of a Supporting Parent's Benefit has not been taken into account as a dependent in determining the entitlement or additional entitlement of another person for pension, benefit or family allowance. This change aimed to eliminate unintended dual payments according to the principle that if a person receives full income maintenance in his or her own right, that person cannot properly be regarded as the dependent of another person for the purpose of determining that other person's eligibility for a pension, benefit or allowance.
10. Department of Social Security, *op. cit.*, p. 41.
11. *ibid.*, pp. 53-4.
12. *ibid.*, pp. 50-2.
13. *ibid.*, p. 54.
14. *ibid.*, p. 42.
15. *ibid.*, p. 43.
16. *ibid.*, p. 49.
17. The first Commonwealth/State Housing Agreement was arrived at in 1945 and was initiated largely as the result of a report from the Commonwealth Housing Commission in 1944. At the conclusion of each Agreement there has been a review and evaluation of the assistance provided. The assistance has also been evaluated in the context of other reviews of Commonwealth housing policy (e.g. the Priorities Review Staff report on housing in 1975). The present Agreement commenced on 1 July 1984.
18. *ibid.*, p. 12.
19. *ibid.*, p. 12. From 17 April 1985 the maximum grant payable under the Scheme was reduced from \$7000 to \$6000.

## APPENDIX 6

### COMMONWEALTH FINANCIAL ASSISTANCE AVAILABLE TO ORGANISATIONS AND INDIVIDUALS PROVIDING INSTITUTIONAL AND OTHER FORMS OF SUBSTITUTE CARE

The Commonwealth Government makes available financial assistance to organisations and individuals providing substitute care for children through the Family Allowance, the Double Orphan's Pension, the Handicapped Children's Benefit, the Handicapped Persons Welfare Program, the Children in Residential Institutions Program, grants to nursing homes and hospitals, and grants provided by the Department of Aboriginal Affairs for Aboriginal child welfare purposes. Each program is described briefly below.

#### **Family Allowance**

A description of the basic features of the Family Allowance is given in Appendix 5. The following account concerns the Allowance's relevance to organisations and individuals caring for children outside the child's own home. As stated in Appendix 5, Family Allowances are usually paid to the mother (including the stepmother, foster mother or adoptive mother); however, approved charitable, religious or government institutions are also paid Family Allowances for children in their care. In these cases payment of the Family Allowance in respect of all the children in the institution is arranged by way of a single group cheque paid quarterly to the management of the institution. The present rate of the Allowance paid to institutions is equivalent to the rate available for a family's third and fourth children, that is \$39 a month.<sup>1</sup> By the end of the 1983-84 financial year, the Family Allowance was being paid for 10 644 children and students in institutions.<sup>2</sup>

#### **Double Orphan's Pension**

A Double Orphan's Pension is provided by the Commonwealth Government to a guardian or an approved charitable, religious or government institution for the care of a child under 16 years, or a dependent full-time student aged 16 to 24 years inclusive, both of whose parents are dead. The Pension is also payable if one parent is dead and the whereabouts of the other parent is not known to the claimant; the other parent has been convicted of an offence and sentenced to imprisonment for at least ten years and is serving that sentence; or the other parent is an inmate of a mental hospital and requires care and treatment in that or a similar hospital for an indefinite period. Since 1981 the eligibility conditions were widened to include refugee children where both parents are outside Australia or the whereabouts of the parents is unknown. A secondary objective of the Pension is to provide financial incentives for relatives or friends to care for orphans, rather than the more expensive alternative of institutional care.<sup>3</sup>

The Double Orphan's Pension was first introduced in September 1973.<sup>4</sup> It is paid direct from the Department of Social Security to the guardian or institution, in conjunction with the Family Allowance, at the rate of \$55.70 per child per month. Although there are no specific provisions for adjusting the rate of the Pension, it is reviewed annually in the Budget context. The Pension is not income tested, nor is it taxable. The number of double orphans for whom the Pension was payable continued to increase significantly during 1982-83, due mainly to the extension of the Pension to refugee children. The number of double orphans for whom the Pension was payable at June 1984 was 6448, an increase of 375, or 6.2 per cent over the number a year earlier. In 1983-84 Commonwealth outlays for the Program amounted to \$4.2 million.<sup>5</sup>

#### **Handicapped Children's Benefit**

Since 1974 the Commonwealth Government has paid a Handicapped Children's Benefit to non-profit organisations and local government bodies conducting approved homes providing residential accommodation and care for intellectually and physically disabled children. The rate of Benefit is \$5 a day for each resident child. The Benefit terminates at the age of 16 years as young people who are disabled are then eligible to apply for the Invalid Pension. Disabled children cared for in private

accommodation are also eligible for a Handicapped Child's Allowance. This Allowance is discussed in Appendix 5.

The Handicapped Children's Benefit is provided through the Handicapped Persons Welfare Program established in 1974 under the *Handicapped Persons Assistance Act* 1974. As at 30 June 1984 there were 2820 disabled children accommodated in 186 residential facilities approved under the Handicapped Persons Welfare Program for the purposes of the payment of the Handicapped Children's Benefit. The total amount of Benefit paid during 1983-84 was \$1.6 million.<sup>6</sup>

### **Handicapped Persons Welfare Program**

The Handicapped Persons Welfare Program has been developed from a number of earlier initiatives taken by the Commonwealth Government to provide disabled people, including children, with special accommodation to allow them to engage in normal outside training schemes and employment. Commonwealth subsidies for disabled people's services were first introduced in 1963 under the *Disabled Persons Accommodation Act* 1963. This Act gave financial help towards the provision of residential accommodation for certain disabled persons engaged in sheltered employment. In 1967 the *Disabled Persons Accommodation Act* was repealed by the *Sheltered Employment (Assistance) Act* 1967. However, the provisions of the former Act were contained in the new legislation as well as new elements which further developed the Commonwealth's role. The philosophy behind the new Act was that disabled persons who were willing and able to work should be provided with suitable employment in a sheltered environment and, where practicable, with opportunities to join or rejoin the general workforce.

In 1970 the *Handicapped Children (Assistance) Act* 1970 was passed. This Act implemented a program of subsidies for eligible organisations towards the cost of facilities for the training and accommodation of disabled children under 21 years of age. The legislation was designed along similar lines to the *Sheltered Employment (Assistance) Act* and was introduced essentially because of the proven success of that legislation and the lack, at the time, of suitable training facilities for children with disabilities. The gradual expansion and change in the nature of the sheltered employment program resulted in the enactment in December 1974 of the *Handicapped Persons Assistance Act* and the introduction of the present Handicapped Persons Welfare Program. Through this program the Commonwealth provides both capital and recurrent subsidies to approved voluntary non-profit organisations and local government bodies for the purchase, construction, extension, alteration, rental and maintenance of premises that provide prescribed services for people with physical or intellectual disabilities.<sup>7</sup>

One intention of the Program is to encourage new or extended services which maximise the personal and social development of disabled persons and increase their capacity for independent living. These services aim to cater for individual needs and to provide care in a less restrictive physical, social and psychological environment. Many of the new projects approved for subsidy during the capital triennium 1980-83, for example, provided residential accommodation of a non-institutional nature. During 1983-84 a total of \$76.96 million was expended under the Handicapped Persons Welfare Program of which \$17.2 million was used for new projects and \$59.8 million was required for the ongoing support of existing services. As at 30 June 1984 voluntary organisations were receiving assistance under the Handicapped Persons Welfare Program in respect of 1227 services for some 31 000 disabled children and adults.<sup>8</sup>

### **Children in Residential Institutions Program**

Since 1977, the Commonwealth Government has paid a special grant through the Commonwealth Schools Commission to institutions to provide support for the education of children in their care. This program is described in Chapter 5, 'Institutional Care'.

### **Funding of hospitals and nursing homes**

Public hospitals do not receive direct Commonwealth grants but are funded through identified health grants to the States under existing tax sharing arrangements and through Medicare cost compensation arrangements. Private hospitals receive direct Commonwealth subsidies paid on a bed/patient basis. Payments are determined by the use of a classification system whereby private hospitals are divided into particular categories according to facilities and services offered.

Nursing homes receive direct Commonwealth funding for recurrent expenditure through the *Nursing Homes Assistance Act 1974* under which deficit financing is provided for some non-profit nursing homes; the *National Health Act 1953* under which the Commonwealth Nursing Home Benefit is paid; and the *Handicapped Persons Assistance Act* under which funding is made available for some non-profit organisations providing specialised services for persons with disabilities. Commonwealth funding of capital expenditure is also provided for some non-profit organisations under the *Handicapped Persons Assistance Act* and the *Aged or Disabled Persons Homes Act 1954*.

### Aboriginal child welfare grants

The Commonwealth Government funds a number of programs through the Department of Aboriginal Affairs which provides Aboriginal people with access to social welfare services conducted by Aboriginal organisations. These programs also aim to promote the participation of Aboriginal people in the planning, management and delivery of welfare services appropriate to their special needs. The types of programs funded for Aboriginal children include child welfare and family support services, residential care centres and general welfare and referral agencies.<sup>9</sup> Commonwealth funding for these programs is made available through Grants for the Aboriginal Advancement Program (usually provided direct to Aboriginal organisations) and through State grants provided to State welfare agencies. In 1983-84, \$6.53 million was directed through grants for Aboriginal Advancement and \$1.72 million was granted to the States for Aboriginal child welfare purposes.<sup>10</sup>

---

#### ENDNOTES

1. These rates are current for May 1985.
2. Department of Social Security, *Annual Report 1983-84*, AGPS, Canberra, 1984, p. 135.
3. Joint Committee of Public Accounts (Senator G. Georges, Chairman), *Income Maintenance Programs — Volume 2 Program Descriptions*, Report No. 213, AGPS, Canberra, 1983, p. 48.
4. *Social Services Act (No 4) 1973*.
5. Department of Social Security, *op. cit.*, pp. 52-3.
6. *ibid.*, p. 165.
7. Grants are made for the following prescribed services: training, activity therapy, sheltered employment and residential accommodation for those disabled people who use these services. Organisations providing residential accommodation for people who, because of a disability, require special accommodation to allow them to engage in normal outside employment, also qualify for a government subsidy. In July 1983 new guidelines were introduced for the capital funding program to facilitate the consideration of all projects submitted for funding.
8. Department of Social Security, *op. cit.*, pp. 80 and 163.
9. Other services supported include homemaker services; assistance for prisoners, offenders and their families; relocation assistance; employment of community and welfare workers; hostels for prior-offenders; and other accommodation services.
10. Department of Aboriginal Affairs, *Annual Report 1983-84*, AGPS, Canberra, 1984, p. 60.

## APPENDIX 7

### DEVELOPMENT OF THE COMMONWEALTH'S ROLE IN THE PROVISION OF CHILD CARE AND FAMILY SUPPORT SERVICES 1972-1985

The Commonwealth Government first gave recognition to its intention to fund a range of community-based child care and family support services when it introduced the *Child Care Act* 1972.

#### **The *Child Care Act* 1972**

Enactment of the *Child Care Act* allowed the Commonwealth Government to provide financial assistance to help establish and operate non-profit child care centres throughout Australia and to provide subsidies to permit such centres to reduce their fees for low income and special need families. The then Government considered that action was needed to ensure that sufficient good quality child care facilities were available in the community for the proper care and development of pre-school aged children whose parents were unable for a variety of reasons to make other suitable arrangements.<sup>1</sup> The concept of 'good quality' covered both physical arrangements and professional staffing. The *Child Care Act* was later to form the legislative basis for the Commonwealth's subsequent initiatives in providing grants for child care and family support services administered through the Children's Services Program. In the meantime, the government established several committees of inquiry to examine the dimensions of the need for child care and family services and to investigate the range of possible approaches towards the funding of such services. The first of these committees was the Australian Pre-schools Committee.

#### **Australian Pre-schools Committee 1973**

On 19 February 1973 the Government established the Australian Pre-schools Committee and requested that it recommend measures the Government should adopt to ensure that 'all children (are) given the opportunity to undertake one year of pre-school education and that child care centres (are) provided for below school age children of working parents and underprivileged families'.<sup>2</sup> The Committee consulted State governments and representatives of a wide range of local government, professional and voluntary organisations throughout Australia concerned with early childhood services. Up to that time, pre-school education in Australia had developed separately from other educational services. Traditionally, it had been dependent on the initiative of parents or voluntary committees for its establishment. Consequently, pre-schools developed most extensively in areas where parents were aware of the importance of early childhood learning experiences. By the beginning of the 1970s the distribution of pre-school services was uneven and considered inequitable.<sup>3</sup> With respect to child care, the Committee's consultations indicated that child care which was beneficial to the child's overall development was prohibitively costly and that existing child minding arrangements fell far short of the quality required.<sup>4</sup> It was envisaged the Committee's report which was tabled in December 1973 would form the basis for implementing what was to be known as the Interim Pre-school and Child Care Program.<sup>5</sup>

#### **The Interim Pre-school and Child Care Program**

Controversy surrounded the establishment of the Australian Pre-schools Committee and the preparation of its report, with women's lobby groups such as the Women's Electoral Lobby claiming it was biased in favour of pre-school education as opposed to day care services. As a result, the Government requested an Interim Committee of the Social Welfare Commission in January 1974 to develop proposals for a range of pre-school and child care services for consideration in the context of the 1974-75 Budget.<sup>6</sup> At the same time the Government also asked the Priorities Review Staff to examine the need for early childhood services.<sup>7</sup> In considering the 1974-75 Budget allocation for early childhood services, the Government took into account the recommendations of the Australian Pre-schools Committee, the Social Welfare Commission and the Priorities Review Staff.<sup>8</sup> The Government adopted the recommendations of these reports insofar as it decided to support a wider range of services including not only pre-school education centres and centre-based day care, but also family day care, outside-school-hours care and occasional care.



The Priorities Review Staff also recommended that a Children's Bureau be established to administer these services under the Interim Pre-school and Child Care Program. However, the Government decided that the Program would be administered by a Children's Commission and that the Special Minister of State, as Minister Assisting the Prime Minister would be responsible. In September 1974 an Interim Committee of the Children's Commission was appointed pending the establishment under statute of the Commission. The Interim Committee was given the responsibility for implementing the Interim Pre-school and Child Care Program.<sup>9</sup>

The Act for the establishment of the Children's Commission was introduced in the House of Representatives on 15 April 1975 and assented to on 11 June 1975. However, it was not proclaimed before the double dissolution of Parliament in November that year. Responsibility for the Interim Pre-school and Child Care Program remained with the Department of the Prime Minister and Cabinet until June 1976 when it was transferred to the Minister for Social Security who established the Office of Child Care within that Department to administer the Program. Since June 1976 the Program has been known as the Children's Services Program. However, prior to this the Commonwealth had established a further committee of inquiry in December 1973 known as the Family Services Committee.<sup>10</sup>

### **Family Services Committee 1973-77**

The purpose of the Family Services Committee was to report to the newly created Social Welfare Commission on the current and future welfare service needs of families in Australia. In particular, the Committee was required to examine 'the nature and range of desirable preventative, support and substitute services for families; and the roles and responsibilities of all levels of government, voluntary agencies and community groups in the provision of these services'.<sup>11</sup> During the Committee's inquiry, special emphasis was placed on the needs of families with children and on high risk groups. The establishment of this Committee reflected not only concern within the Australian community about social changes taking place, including the extent of family breakdown and the growth in single parent families, but also doubt about the relevance of existing systems of family support being provided by social welfare agencies. During this period the Commonwealth came under increasing pressure to provide more funds to improve services to children and families.<sup>12</sup>

In May 1977 the Family Services Committee presented a report to the Minister for Social Security entitled, *Families and Social Services in Australia*.<sup>13</sup> In its report the Committee concluded there was an increasing need for policies and programs to assist families in their child rearing functions. The Committee recommended that welfare services should be funded that were designed to prevent family breakdown or were of a developmental nature and which took account of the variety of family structures and functions. In particular, services which could assist families in vulnerable situations and those with special needs should be established. One central recommendation noted the need to provide social services across a range of areas, forming the basis for shared planning and funding by Commonwealth and State governments. It further recommended that a funding program of three to five years should be mutually agreed upon by the Commonwealth and State governments for the development of this minimum network of welfare services. Funds could be made available to local government and non-government agencies which would enter into agreements with the State governments as to the nature, extent and quality of the service to be provided.<sup>14</sup>

In June 1977, following the publication of the Family Services Committee report, the then Victorian Minister for Social Welfare successfully sought funds from the Minister for Social Security to support, extend and improve existing family support services in that State.<sup>15</sup> Five months later, following a meeting of Social Welfare Ministers in November 1977, a grant of \$200 000 was allocated to South Australia for the establishment of a Family Support Services Scheme for a six month period. On 31 January 1978 the Minister for Social Security approved funds for the establishment of a national three year pilot scheme to be known as the Family Support Services Scheme and to be administered by the Office of Child Care as part of the Children's Services Program.<sup>16</sup> Since then the Scheme has been extended several times, the most recent being in August 1984 when it was extended to 30 September 1985.<sup>17</sup>

## ENDNOTES

1. *Women's Budget Program, An Assessment of the Impact on Women of the 1984-85 Budget*, 21 August 1984, p. 71.
2. Australian Pre-schools Committee (J. Fry, Chairman), *Care and Education of Young Children*, Government Printer, Canberra, 1974.
3. Joint Committee of Public Accounts (Senator G. Georges, Chairman), *Income Maintenance Programs — Volume 2 Program Descriptions*, Report No. 213, AGPS, Canberra, 1983, p. 255.
4. *ibid.*, p. 266.
5. The Committee's report, *Care and Education of Young Children*, was presented to the Minister for Education on 9 November 1973 and tabled in Parliament on 11 December 1973.
6. At this stage the Commission was only an interim body as it had been appointed by the Government and held its first meeting in May 1973 prior to the introduction in October 1973 of the *Social Welfare Commission Act 1973* (assented to on 27 November 1973). The interim organisation was replaced in April 1974 once all members of the Commission had been appointed and had held their first meeting.
7. The date of the Government's request to the Priorities Review Staff was 22 January 1974.
8. The Social Welfare Commission presented its report, *Project Care: Children, Parents and Community*, to Parliament in July 1974. The Priorities Review Staff report, *Early Childhood Services*, was also tabled in July 1974.
9. Commonwealth expenditure on the pre-school education program commenced in December 1974 on the basis of 10 per cent funding for construction costs and for all approved staff in pre-schools built with Commonwealth funds. In the case of existing pre-schools the Commonwealth agreed to contribute to the cost of salary award increases since December 1973. (Department of Social Security, *Annual Report 1977-78*, AGPS, Canberra, 1978, p. 32.)
10. This Committee was appointed under section 17 of the Social Welfare Commission Act. Ministerial approval was given for the creation of the Committee in December 1973. The Committee held its first meeting on 10 May 1974.
11. Social Welfare Commission, *Annual Report 1975*, Federal Capital Press, Canberra, August 1975, p. 30.
12. Department of Social Security, Office of Child Care, *National Overview of the Family Support Services Scheme*, March 1984, p. 1.
13. The report was tabled in Parliament on 16 March 1978.
14. Family Services Committee, *Families and Social Services in Australia: A Report to the Minister for Social Security*, AGPS, Canberra, 1978, p. 2.
15. A grant of \$582 796 was approved for twelve months; this was increased by a further \$100 000 in November 1977.
16. The pilot scheme was originally referred to as the Family Support Services Program but in 1980 it was changed to Family Support Services Scheme to avoid confusion with the much larger Children's Services Program from which the Family Support Services Scheme derives its funding.
17. House of Representatives, *Budget Statements 1984-85, Budget Paper No. 1*, AGPS, Canberra, 1984, p. 136. Prior to this, the Scheme was extended in October 1980 and January 1982. The nature of the Commonwealth's future involvement in the Scheme beyond September 1985 is currently being considered by the Government.

## APPENDIX 8

### UNITED NATIONS DECLARATION OF THE RIGHTS OF THE CHILD

Unanimously adopted on November 20, 1959, by the General Assembly of the United Nations

#### PREAMBLE

Whereas the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights, and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Whereas the United Nations has, in the Universal Declaration of Human Rights, proclaimed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Whereas the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth,

Whereas the need for such special safeguards has been stated in the Geneva Declaration of the Rights of the Child of 1924, and recognized in the Universal Declaration of Human Rights and in the statutes of specialized agencies and international organizations concerned with the welfare of children,

Whereas mankind owes to the child the best it has to give.

Now therefore,

The General Assembly

Proclaims this Declaration of the Rights of the Child to the end that he may have a happy childhood and enjoy for his own good and for the good of society the rights and freedoms herein set forth, and calls upon parents, upon men and women as individuals and upon voluntary organizations, local authorities and national Governments to recognize these rights and strive for their observance by legislative and other measures progressively taken in accordance with the following principles:

#### PRINCIPLE 1

The child shall enjoy all the rights set forth in this Declaration. All children, without any exception whatsoever, shall be entitled to these rights, without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family.

#### PRINCIPLE 2

The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose the best interests of the child shall be the paramount consideration.

#### PRINCIPLE 3

The child shall be entitled from his birth to a name and a nationality.

#### PRINCIPLE 4

The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end special care and protection shall be provided both to him and to his mother, including adequate pre-natal and post-natal care. The child shall have the right to adequate nutrition, housing, recreation and medical services.

#### PRINCIPLE 5

The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.

#### PRINCIPLE 6

The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his

parents, and in any case in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother. Society and the public authorities shall have the duty to extend particular care to children without a family and to those without adequate means of support. Payment of State and other assistance towards the maintenance of children of large families is desirable.

PRINCIPLE 7

The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will promote his general culture, and enable him on a basis of equal opportunity to develop his abilities, his individual judgement, and his sense of moral and social responsibility, and to become a useful member of society.

The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.

The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavour to promote the enjoyment of this right.

PRINCIPLE 8

The child shall in all circumstances be among the first to receive protection and relief.

PRINCIPLE 9

The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form.

The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.

PRINCIPLE 10

The child shall be protected from practices which may foster racial, religious and any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood and in full consciousness that his energy and talents should be devoted to the service of his fellow men.