



The Secretary, Mr Chris Moraitis PSM
Attorney-General's Department
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BARTON ACT 2600
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16 November 2017

Re: Australia's draft report on the Convention on the Rights of the Child

Dear Secretary,

Thank you for the opportunity to comment on this important document.

The Council of Single Mothers and their Children, Inc. is a non-profit organisation based in Victoria with a nearly fifty-year history of seeking to improve the lives of single mother families. While single mothers in Australia today are a very diverse group in terms of education, class, language and culture, we have in common a drive to ensure the wellbeing of our children.

CSMC advocates for the rights of all single mother families, with particular effort on behalf of those most vulnerable to poverty, social security and child support, family law and housing issues. We also provide specialist support and member services to more than 2500 single mother families annually.

Women become single mothers for many reasons including family violence, marital breakdown, the death of a husband or partner, or an unexpected or a planned pregnancy. Negative stereotypes have resulted in misrepresentation of single mothers, which we work to correct.

Evidence demonstrates that poverty and the low economic status of single mothers create more disadvantage for their children than the fact they live with a sole parent. Significant numbers of fathers are not paying reasonable child support; most employers do not offer flexible work options; and quality childcare can be unaffordable even for two parent families. Thus, single mothers face many challenges that often go unrecognized in policy and the community.

CSMC believes Australia's future is dependent on the success of our children's development regardless of their parent's circumstances. Research demonstrates that the conditions under which women are able to raise their children are critical to the life outcomes for each child and thus, to the social and economic outcomes for the country. We therefore contend it is in Australia's best interests to support and empower single mothers socially and economically.

Please find our comments below.

Regards

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General comments

CSMC recognises that the current government has inherited many of the issues we raise. We are concerned however that an increasingly punitive response to welfare and employment issues is not conducive to the kinds of empowerment that enable single mothers to parent their children.

We have limited capacity to comment on this document and therefore confine our comments to key issues we deal with on a regular basis.

Standard of living, Social security and Resources for children (Arts 4, 18, 26-27)¹

A single mother heads thirteen percent of Australian families. Sixty-three percent of the 785,000 single mother families rely on social security payments for at least some years of the child's life.

Forty percent of children living in single parent families are living in poverty.

This is a shocking statistic that however embarrassing, must be acknowledged and remedies nominated to address it. This is largely the result of the combined actions of two previous governments (Howard 2006 and Gillard 2012) that have moved single mothers from the Parenting Payment Single to the Newstart Allowance, effectively cutting the family income by well over \$100 per week. Translated into real terms, this means less to spend on children's education, clothes and shoes, nutritious food, stable accommodation, sport and social activities, and occasional treats.

Through our telephone support line, funded by the Victorian government through the Department of Education, we see the financial and emotional stressors on single mothers and their children when lack of finances mean a struggle to afford attendance at local public schools.

We provide:

- Information, referral and support on issues relating to children's access to education. This often includes providing the mother with information about financial hardship provisions in all government department schools, helping her deal with school staff who single out children whose parents are behind in paying school fees and, in some cases, informing the Department about the actions of the schools.
- Primary and secondary education packs donated by the Brotherhood of St Laurence. These packs are very basic and the gratitude with which they are received says a great deal about the family circumstances. The packs contain stationery, notebooks and folders and helpful as they are, they do not go very far toward meeting the increasing requirements of schools that children have personal devices including calculators and tablets.
- With help from a philanthropic trust, CSMC provides financial assistance with secondary school costs including costs of devices, books, uniforms and shoes.
- Information about available government and community resources. These can be critical. In one instance where a school was threatening both the single mother and her teenage child over an unpaid school fee, a Catholic charity stepped in and paid the account. This provided the critical relief and time to enable us to assist the mother address the issue with the Department and the Minister for Education. Whilst we managed a successful resolution in one instance, we know there are many others where single mothers do not have help and in desperate circumstances, consider taking their children out of school or turning to illegitimate means to pay the bills.

¹ Concluding Observation 20, OPSC Concluding Observation 19.

Evidence shows it is not growing up in a single parent household that disadvantages children, but poverty. Knowing their mother is struggling and their father is not contributing is a great mental and emotional burden to many children. It can lead variously to children who are high achievers determined to never be poor again; who drop out of school to take work that seems will alleviate the stress but in fact compounds it; or who struggle with long term mental health issues.

In addition to education costs, we see financial challenges when former partners continue forms of family violence. This can mean women bear the cost of relocating homes and changing schools, forego child support for their safety, are penalised by Centrelink when intermittent child support payments come through, and pay costly legal fees when they are ineligible for free representation. Added to this are rising utility costs and unplanned events such as a car breaking down and it is easy to see how the family finances can become a burden for children and impair their mother's ability to parent well.

CSMC wants every child to:

- Have access to sports and other cultural activities;
- Enjoy life without worrying about the lack of money;
- Never feel ashamed or less than their peers because they don't have essentials;
- Be well fed and live in stable and suitable accommodation.

Child Support Payments

The Department of Human Services annually transfers around **\$3.5 billion** to support approximately **1.2 million children**, or close to a quarter of Australian children under 18 years. Governments figures show **\$1.53 billion child support payments are outstanding** and this is without accounting for any unpaid child support in privately made arrangements. As women are 82% of all single parents, it is mainly fathers not paying.

Issues of non-payment, underpayment and delayed payment all seriously compromise the income and budgets of single mothers and the wellbeing of children.

CSMC recognises the stated intention of the current government to ensure all child support payments are made in a timely fashion but as the problem is now one of several years standing, we believe it must be acknowledged.

Hidden impacts of non-payment of child support include:

- Family law court decisions are sometimes based on information about the amount of child support required rather than actually received;
- Actions by Centrelink (government welfare agency) to recover monies if they are paid late but in a lump sum;
- Perceptions by Australian taxpayers and media that single mothers are over-reliant on the public system when fathers are the ones relying on not being made to pay.

IV. General principles (Arts 2, 3, 6, 12)

Best interests of the child (Art 3)

In order that Australia moves forward in leaps and bounds in regard to children, we suggest that a more holistic approach to children's wellbeing and best interests needs to be adopted through an agreed filter used by local, state and territory governments and the Federal Government to assess any by-laws, regulations, legislation and programs for their impact on children.

We believe if this were the case, measures such as breaching welfare payments could not occur in a household where there are children without provision being made to stabilise housing, education arrangements, ensure food supply and so on. That we have single mother families living in cars or in the sheds of friends because a government decision cuts a payment, even where this is later reinstated, is unacceptable.

In respect of decisions in the Family Law Courts, we note that the government is currently paying real attention to the impact of family violence on the presentation and behaviour of parties in court and to the eventual decisions made. Whilst all Australians would like to think in this area in particular the best interests of the children are paramount, CSMC sees too many instances where:

- Judges in associated courts hearing family law matters often evidence little understanding of the impacts of family violence and make decisions prioritising the access of a sometimes admittedly violent father against the wishes and safety of the children;
- Experts called by the courts similarly evidence little understanding of the impacts of family violence and make recommendations on a single meeting with the mother and/or children;
- Lawyers advise mothers to not raise questions of violence and safety however deep and legitimate their concerns for fear of "getting the judge offside".

While we acknowledge the very real improvements the government is making in these areas, we are concerned that the proposed Parenting Management Hearings are an untested model that does not appear to have any evidence basis or concern for the wellbeing of the children. Described as 'a new forum for resolving family law disputes between self-represented litigants', this model has been proposed by a member of parliament who has advocates for angry fathers who feel the family law court has acted against *their rights*. We contend that no parent (mother or father) has the *right* to a child, just *responsibilities*.

V. Civil rights and freedoms

Birth registration, name and nationality (Art 7)

We note the following statement: 'Birth certificates are important identification documents, and can only be issued to a child whose birth has been registered. State and Territory governments generally charge fees to issue birth certificates. Australian governments understand that the price of birth certificates can prevent some parents from obtaining this document. Parents on low incomes are able to apply for fee waivers to obtain birth certificates in all jurisdictions except Tasmania.'

We respectfully add that single mothers whose child's birth certificate does not have a father named because the father at the time of the birth refused to acknowledge paternity and/or refused to be named are now facing a significant and additional cost.

Where the father has, some ten or fifteen years later, agreed to be named on the certificate, even his willingness to be named is not sufficient. Most States require that 'for any parent to be added, a DNA test of acceptable standard must be provided', and the cost of this is \$1000.

There is no waiver of this fee and we are now seeing some, admittedly not many, young people in this situation unable to have their full birthright confirmed even where their father acknowledges paternity and is happy to be named. Where the father is also poor, the cost becomes prohibitive.

VI. Family environment and alternative care

Parental guidance, responsibilities and assistance in child-rearing (Arts 5, 18)

The Australian Government's *ParentsNext* program (commenced April 2016), which is apparently designed to assist parents with young children to plan for future employment and reduces welfare dependency and child poverty, is one CSMC has many concerns about.

We support the principle as stated above and know that most single mothers prefer to work.

Having some early contact with the scheme through participants and providers led us to include the following in a response to a discussion paper about the program in September 2017:

- Despite our support for single mothers to have assistance and opportunities, we do not support the compulsory nature of the program, and breaching penalties that will have negative impacts on both the mother and child/ren.
- Within the discussion of the program and its detail, we find a striking lack of consideration of the best interests of the child/ren or any evidence based analysis of potential implications on them.
- We note there has been an evaluation of the initial phase of ParentsNext, not yet released. We are deeply concerned that further expansion is taking place without transparent consideration of findings from the evaluation.
- There appears to be a lack of education options for people who already have Cert III, year 12 equivalent or SEE program. There is an assumption that the recipients are not educated at this level. For those who are, and still experiencing the levels of disadvantage that might place them in the program, we question the opportunities available to them, or for those who want a lower level of engagement than a Cert III.
- ParentsNext aims to increase female participation, including around 10,000 Indigenous women. We are concerned that available employment opportunities are not nearly as high as the number of participants with Australian data showing insufficient appropriate employment opportunities available, particularly in rural areas.
- It is clear reading some of these guidelines that the providers will be effectively outsourcing many of their responsibilities to activity host organisations such as ensuring that a participant has sufficient training and other relevant preparation to engage in an activity. This third party responsibility is an added complexity to the system.

- What obligations are on providers and activity host organisations to ensure their services are child friendly and accommodating? This is particularly important for single mothers who cannot attend appointments without their children and we note there will be no assistance with childcare costs and even if there were, appropriate places are often hard to find.
- The Department has prepared around 15 guidelines for this program, averaging over 10 pages each. Within these approximate 150 pages, there are repeated avenues for providers to make judgement calls that will have profound impacts on the lives of these parents and their children.

Mitigating factors are in many cases buried within the mass of detail and can be missed by busy practitioners working from a basic induction and overarching provider requirement. We see the stress fractures this creates in Centrelink in particular and in some Job Active Providers where people are working diligently to 'help', but rarely have the time and resources to ensure they are on top of all the relevant material and able to do their best work.

For a parent who wants to know their rights, this massive amount of documentation is also a huge barrier.