



Review of the Carers Recognition Act 2005

Submission by Grandcarers SA

Grandcarers SA formed 21 years ago as Grandparents for Grandchildren. It grew out of need and disadvantage experienced by grandparents when finding themselves caring full time for their grandchildren, on an informal basis due to the inability of the parents of the child(ren) to provide a safe and nurturing environment.

Grandcarers SA currently support over 1200 South Australian clients who are the primary carers for over 2000 children. The majority of our clients are informal grandparent carers, with 85% being female and an average age of 65.

Our client supports currently include personal, peer and limited financial assistance.

Recognition of Informal Kinship Carers

This submission focusses on Part 3 c) of the purpose and focus of the Review; “Whether additional kinds of carers should be recognised under the Act”.

Informal Kinship Carers are a little-recognised group with significant unmet needs for support. Despite being the children's primary and full-time carers, they are not supported by the state.

Dr Meredith Kiraly¹, (University of Melbourne) estimates there are more than 100,000 children in informal kinship care in Australia. From national population percentages for each state, this suggests there are about 7000 children in informal kinship care in SA.

Dr Kiraly has described informal kinship care families as being overwhelmed by poverty and a lack of government support.

Nationally, informal grandparents/kinship carers are predominately women, many single and with very limited resources. Around half are grandparents; other include aunts and uncles, older siblings and other relatives. Indigenous kinship carers are over represented in the statistic of children in out-of-home care with around half in kinship care.

Informal Kinship Carers are not recognised as custodial parents. They are not eligible for parental leave and parental leave pay. The Informal Kinship Carer is not recognised as a parent concerning authority to access children's official documents, such as Medicare cards and birth certificates, or to provide signed consent for children's medical treatment, school excursions or sports activities.

¹<https://www.abc.net.au/news/2023-0>



Due to the definition of 'Carer' under Section 5 of the Act, Informal Kinship Carers are invariably excluded, thereby placing a barrier to them gaining much needed supports, e.g. through the Carer Gateway.

Inclusion in Carer Recognition legislation

South Australia is currently one of four states or territories that does not recognise Informal Kinship Carers.

They are recognised under the Carer Recognition Acts of:

- Victoria
- Tasmania
- Queensland
- Australian Capital Territory

Whilst not formally recognised in Western Australia, Informal Kinship Carers are provided with annual state payments for each child in their informal care.

Informal Kinship Carers that care for a child on an informal basis are currently not recognised under either the Commonwealth or South Australian law unless the child is disabled, or has an illness they cannot access support services via carer associations that are supported by government.

As a consequence South Australian Informal Kinship Carers cannot access supports such as, counselling or respite services through the Carer Gateway, unless the child in their care is disabled or has an illness.

Trauma is not included within the meaning of a person who has a disability under the Disability Inclusion Act 2018.

However, it is important to note that (anecdotally) it is clear that the majority of children who have been removed from the family home (due to domestic violence, sexual abuse, drug/alcohol abuse, parental mental health issues etc), have been traumatised by their experience with their parents and/or the process to remove them to a place of safety with Informal Kinship Carers.

In many cases this removal and placement has been generated by the Department of Child Protection, who offer no supports to the Informal Carers once they have fulfilled their legislated expectation of finding the child a place of safety.

Recommendations

Grandcarers SA is asking the South Australian Government to include **Informal Kinship Carers** within the definition of 'carer'.

Currently the meaning of carer under section 5 of the *Carers Recognition Act 2005* is:



Subject to this section, a person is a **carer** for the purposes of this Act if he or she is a natural person who provides ongoing care or assistance to –

- (a) a person who has a disability within the meaning of the *Disability Inclusion Act 2018*; or
- (b) a person who has a chronic illness, including a mental illness within the meaning of the *Mental Health Act 1993*; or
- (c) a person who, because of frailty, requires assistance with the carrying out of everyday tasks; or
- (d) a person of a class prescribed by regulation.

We advocate adding:

- (e) a child or young person, if the person is the primary informal kinship carer of the child or young person.

Precedent for this addition can be found in the *Carer Recognition Act 2023 (Tas)* which also includes a definition of what child means – a person under 18 years of age.

The reason given for inserting Informal Kinship Carers of a child under the carer definition for Tasmanian law is that it would assist in the development and delivery of informed, effective and evidenced-based policy, programs and projects to support and recognise unpaid carers, including unpaid kinship carers in Tasmania.

We advocate replicating this within the *Carers Recognition Act 2005 (SA)* for the same reason in that Informal Kinship Carers, once recognised, would result in consistent development and delivery of informed, effective and evidenced-based policy, programs and projects.

We are also advocating for:

- a. The Department for Child Protection be added to the list of State Departments having responsibilities under the Carer Recognition Act
- b. A 'Statement of Position' be provided by the Department of Child Protection at the time that each child is placed with an Informal Kinship Carer, identifying that the child is placed in the care of the Informal Kinship Carer under the recommendation of the Chief Executive Officer of the Department of Child Protection
- c. Legislation to be introduced to provide an automatic 'parental responsibility' status to Informal Kinship Carers where the Department of Child Protection have placed a child with an Informal Kinship Carers
- d. Legislation is introduced to provide an automatic 'Guardianship' status to Informal Kinship Carers after an ongoing two-year period of caring for their kin's children
- e. Long Term Guardianship (Specified Person) is offered to Informal Kinship Carers at the time of placement and is finalised with 13 weeks of placement.