Grandcarers SA

Submission to the South Australian Government Regarding the Carer Recognition (Miscellaneous) Amendment Bill 2025

Submission from Grandcarers SA, July 2025

1. Introduction

Grandcarers SA welcomes the opportunity to comment on the Carer Recognition (Miscellaneous) Amendment Bill 2025 and urges the South Australian Government to take this opportunity to correct a long-standing gap in carer recognition: the exclusion of informal kinship carers, in accordance with the recommendations from the 2024 Review of the Carers Recognition Act.

These carers, who are overwhelmingly family members such as grandparents, aunts, uncles or siblings, step in to raise children when parents are unable to do so, often due to mental illness, addiction, incarceration, or death. They provide around-the-clock care, stability, and love to some of the state's most vulnerable children.

Yet, because these arrangements are informal and outside of statutory child protection orders, these carers remain legally invisible and excluded from recognition under the current Act and the proposed amendments.

This submission argues that unless informal kinship carers are explicitly included in the definition of "carer", the legislation will continue to discriminate against the very individuals who are shouldering a substantial burden of care in South Australia.

2. Informal Kinship Carers: South Australia's Hidden Carers

Kinship care refers to care provided by a member of the child's extended family or social network when their parents are unable to care for them. There are two primary forms of kinship care:

- Formal (statutory) kinship care is arranged by the child protection system, with financial and casework support.
- Informal kinship care occurs outside the formal child protection framework, usually through the Department of Child Protection removing children from their parental home, family agreements or in response to a crisis.

It is estimated that over 7000 children are being cared for under full time caring arrangements with about 4000 Informal Kinship Carers across South Australia. Despite the essential nature of their role, these Informal Kinship Carers are excluded from the Carers Recognition Act 2005, and as currently drafted, the 2025 Amendment Bill will not change this.

3. Why the Bill Must Change

The proposed Carers Recognition (Miscellaneous) Amendment Bill 2025 presents an opportunity to remedy a significant inequity. However, its current drafting reinforces the very invisibility it should aim to correct.

Section 5(2)(b) of the proposed Bill states:

"A person is not in a care relationship… if the person provides personal care, support or assistance… as a volunteer for a charitable, welfare or community organisation, other than an approved kinship and foster care organisation."

This clause entrenches the exclusion of informal kinship carers by linking recognition to organisational affiliation or formal status.

Informal carers, who are not registered with any agency and are not part of the child protection system, remain unrecognised under this definition.

This omission is not merely symbolic. Exclusion from the Act means:

- These carers are excluded from a range of supports and services that are available to formally recognised carers.
- They are not acknowledged as stakeholders in service planning and development.
- Public sector agencies are not obligated to consider their needs in policy or workplace arrangements.
- Carer-focused resources and initiatives can legally exclude them.

In short, their full time care of children is treated as invisible, despite its immense social value.

4. The inclusion of Informal Kinship Carers is supported by the 2024 Review of the Carers Recognition Act

The 2024 statutory review of the Carers Recognition Act 2005 (SA), commissioned by the Minister for Human Services and led by Richard Dennis AM PSM, provides authoritative and timely support for the legislative inclusion of informal kinship carers.

Recognition of Informal Kinship Carers

The review explicitly acknowledges the growing importance of informal kinship carers, who assume full-time caregiving roles outside formal child protection arrangements. The reviewer found strong stakeholder consensus that these carers must be recognised in the Act.

Key excerpts from the review include:

"Grandparents and other relatives who are carers are often referred to as 'informal kinship carers,' and the recognition of such carers was recommended in a number of submissions and discussions, including the submission that was made by Grandcarers SA."
(Review, p. 21)

"This type of law should reflect the needs and interests of persons who are fulfilling this important role in our community."
(Review, p. 23)

The review also notes that recognising informal kinship carers would be consistent with reforms in other jurisdictions, such as the ACT and Tasmania, which already include informal carers within their legislative frameworks.

Recommended Legislative Amendment

The review recommends (Recommendation 2(4)(a)):

That Section 5(1) of the Act be amended to include as carers: "if the person providing the care, support or assistance is the primary informal kinship carer of the child or young person."
(Review, p. 15)

This directly supports Grandcarers SA's call to amend the definition of "carer" to include those providing constant, daily and unpaid care for children in the absence of their parents, regardless of legal status or agency involvement.

Alignment with the Submission's Recommendations

The findings of the 2024 review reinforce and validate the core recommendations in this submission, particularly:

- Amending Section 5 to explicitly include informal kinship carers.
- Adding a clarifying clause to confirm that carers outside statutory systems are included.

These recommended reforms would bring South Australia into line with national and international best practice and ensure the Carers Recognition Act reflects the real caregiving landscape.

5. The Consequences of Exclusion

The exclusion of informal kinship carers from carer recognition legislation has profound implications, for the carers themselves, for the children in their care, and for South Australian society.

I. Exclusion from supports and services

Informal kinship carers are excluded from a range of supports and services that are available to formally recognised carers. This includes access to government-funded respite, training, counselling and priority access to health and mental health services.

Without legal recognition, these carers are often turned away or fall through the cracks of systems that are designed around formal foster or kinship care arrangements.

II. Loss of Voice in Policy and Practice

Without recognition, informal kinship carers are routinely omitted from consultations and decision-making processes regarding carer support, service access, and resource allocation. An example being the SA Carers Council (under the auspices of the Minister for Child Protection) which excludes Informal Kinship Carers.

III. Unmet Needs and Inequity

Carers recognised under the Act benefit from principles embedded in the Carers Charter; respect, support during transitions, culturally safe services, and policy development consideration. Informal kinship carers receive none of these assurances.

IV. Ongoing Disadvantage for Vulnerable Children

Children raised in informal kinship care are often already impacted by trauma, instability, and neglect. When their carers are unsupported and unrecognised, it compounds their disadvantage, contributing to poorer educational, health, and life outcomes.

6. Legislative Recognition as the Foundation for Change

Recognition does not guarantee services or funding, but it is the necessary precondition for both.

Recognition does:

- Confer dignity and legitimacy on kinship carers' roles.
- Obligate public sector agencies to consider and consult with them.
- Enable carers to be included in data collection and evaluation.
- Allow services to be delivered equitably, based on caregiving responsibilities rather than legal technicalities.

Recognition by other jurisdictions

Across Australia, there is growing recognition of the need for reform, for example:

- ACT (2021): Recognises all kinship carers.
- Tasmania (2023): Recognises informal kinship carers.
- Queensland (2010): amended to include grandparent carers, formal and informal.

By failing to act, South Australia is falling behind.

7. A Missed Opportunity

The revised SA Carers Charter outlined in the Bill contains strong and commendable principles. However, these principles will not be realised if informal kinship carers remain unrecognised.

The legislation should reflect the reality of who carers are, not just who fits neatly into formal systems. A care relationship is not defined by a piece of paper or a service contract, it is defined by love, commitment, and responsibility. Informal kinship carers demonstrate all these, and more.

8. Recommendation - Include Informal Kinship Carers in the definition of "Carer" by:

I. Amending Section 5 to include persons providing the care, support or assistance as the primary informal kinship carer of a child or young person in the absence of parents, regardless of legal status or formal affiliation.

II. Adding a Clarifying Note or Subsection by inserting "For the avoidance of doubt, this definition includes informal kinship carers who provide day to day care and decision making without the involvement of statutory agencies."

9. Conclusion

The Carer Recognition (Miscellaneous) Amendment Bill 2025 is a timely and welcome reform. The proposed legislation will fail to reflect the true diversity of care relationships in SA, particularly by excluding those who provide daily, unpaid care for vulnerable children, often at great personal emotional, physical and financial sacrifice and with no formal support.

Grandcarers SA strongly urges the SA Government to adopt the 2024 review's recommendations in full, and to enshrine the recognition of informal kinship carers in the amended Act.

Doing so would mark a critical step forward in acknowledging the substantial and often invisible contribution these carers make to our child protection system and community wellbeing.

Grandcarers SA calls on the Government to take this moment to do what is right: to recognise, respect and include informal kinship carers, and uphold the rights and dignity of all carers.

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