

# FEDERAL / STATE RESPONSIBILITY FOR CHILD WELFARE SERVICES

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## INTRODUCTION

In Victoria at the present time a major review is being undertaken into child welfare practice and legislation. The importance of this task is two-fold. Not only do children have to gain from a sensitive and workable final Report, but families too could find that they will be offered the support they need to assist in the difficult task of raising children today. It is hoped that the Review Committee will not concentrate solely on the rights of the child, but will also give due recognition to the rights of the family to a caring and protective environment.

The Victorian Government was the first state government to adopt a family policy approach to dealing with the child. This was confirmed by the Norgard Report (1976) and formed the basis of a submission by the Victorian Minister of Social Welfare to the Federal Minister of Social Security (1977) which culminated in the Family Support Services Scheme being set up the following year. This joint federal/state program officially recognised the interaction of children's rights and needs with those of their parents.

In the six years that the Family Support Services Scheme (FSSS) has been operating it has become apparent that there are two distinct types of

services required — personalised services to families in need and developmental services to families on a more general basis. The tradition in Victoria has been for an established network of voluntary agencies to provide crisis-orientated services to children and families at local level. This continues to be the main emphasis within the Department of Community Welfare Services based on the notion that the State's role is to provide secondary support to families. The Federal Government has responsibility for primary policy initiatives and universal child care. Attempts to provide more universal services at local level by way of neighbourhood centres and information services have suffered from the need to divert limited resources to helping families in need.

The Federal Government has been involved in children's services since the early '70's. The economic boom of that time created a demand for female labour and this led to the problem of 'latchkey kids'. So the Child Care Act 1972 was passed to provide child care for families in need. Since that time successive governments have failed to agree on the proper basis for child care — whether it should only be provided for those in need or universally available. The present Labor Government is committed to the principal that "access to community child care is a right" and consequently the Department of Social Security, through its Children's Services Program, is working towards this objective. The demand is growing however for a range of other services, including alternatives to full-time day care. Occasional day care and after school care are seen as necessary supports to the family, as well as financial counselling, family education program, family counselling and the like. There is a

current move within the D.S.S. to make child care centres more multifunctional and therefore more flexible for families, but problems are arising over funding. Funding is based on the number of children catered for and consequently there is a reluctance to take children on a casual basis. It is time that the Federal Government assessed its role in relation to child care and to services for families and children in general.

Since the passing of the Human Rights Commission Act 1981 it would seem that the Federal Government has a statutory obligation to provide services for families. Incorporated in the Act is the United Nations Covenant on Civil and Political Rights which provides that 'the family is the natural and fundamental group unit of society and is entitled to protection by society and the state' (Article 23 (1)). The obligation to the child is somewhat different. Article 24 (1) provides 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'. Read in conjunction with the Declaration of the Rights of the Child, which is also included in the Human Rights legislation, such special protection 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' (Principle 2).

It could be suggested that the provision of the universal child care is not in the 'best interests of the child'. Child care based on need may well be for the benefit of the child if two incomes are required to support the family, but when this is not the case the availability of child care would appear to be for the benefit of parents, not the child. Universal services to the family, on the other hand, would clearly be for the protection of the family unit as required by the Human Rights legislation.

Whilst not wishing to deny that universal child care may be an important factor in promoting family stability, it should nevertheless be seen as only one of many services that can assist the family. Education in life skills, starting in the schools and going through to old age, offers enormous scope for improving interpersonal relationships and individual competence. Counselling at the different stages of family development, particularly the crucial pre-marriage and early marriage periods when couples are known to be at their most receptive level, could have a marked impact on the rate of family breakdown and consequently on the need to rely on govern-



ment services. More should be done in informing the public of the availability of specialised services so that these can be used when problems arise rather than waiting until a crisis stage is reached.

It is unrealistic to expect state governments to fund these universal services to families. The demand for personalised assistance must naturally take priority in the states' welfare budgets, and in any event, since the Human Rights legislation the Federal Government has primary responsibility for promoting family stability. Since the provision of children's services is no longer seen as the sole focus for family support, it is appropriate that a change of structure take place within the Department of Social Security. This is in line with current thinking that the image of welfare, and the way it is administered, has to be updated to make it more responsive to current social needs. The creation of a new Ministry for Community Services is one of the possibilities being discussed.

Whilst the creation of such a Minis-

try would help to place welfare in a more favourable light, it does not solve the problem of compartmentalisation within government. The Australian Law Reform Commission referred to this problem in its report on child welfare and pointed out that in the competition and division between various Federal agencies, there is a great opportunity to avoid responsibility and never see the activities of governments in a coherent way.

It is therefore suggested that an independent Commission be set up to coordinate welfare matters on a national level. Because the family is the recognised base unit in society, it is appropriate that such a body be called a Family Commission. This would bring together certain functions currently dealt with by the Attorney-General's Department in relation to family law, namely the funding of marriage counselling and pre-marital courses which are more appropriately welfare matters.

Consideration could also be given to removing the Family Court Counselling

Services into a welfare context so that people can see its role as a helping one, rather than an adjunct to divorce.

In many ways the Family Commission would resemble the Human Rights Commission since both have the primary function of improving social conditions, educating the community, and acting as a public watchdog of government activity. The importance of major policy decisions, particularly in relation to income maintenance, housing, education, health and employment, has long been recognised and this caused the Royal Commission on Human Relationships (1977) to recommend that all government policies be assessed for family impact before implementation. In light of the Human Rights legislation this would now appear to be a statutory requirement, which could be carried out by the Family Commission. To assist in this and other policy matters, the Institute of Family Studies could be subsumed as the Commission's research arm.