



Australian  
Human Rights  
Commission

# Inquiry into Grandparents who take primary responsibility for raising their grandchildren

**AUSTRALIAN HUMAN RIGHTS COMMISSION SUBMISSION TO  
THE SENATE STANDING COMMITTEES ON COMMUNITY AFFAIRS**

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ABN 47 996 232 602  
Level 3, 175 Pitt Street, Sydney NSW 2000  
GPO Box 5218, Sydney NSW 2001  
General enquiries 1300 369 711  
Complaints info line 1300 656 419  
TTY 1800 620 241

Australian Human Rights Commission  
[www.humanrights.gov.au](http://www.humanrights.gov.au)

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## **1 Introduction**

1. The Australian Human Rights Commission makes this submission to the Senate Standing Committee on Community Affairs for its Inquiry into grandparents who take primary responsibility for raising their grandchildren.
2. Australians are living longer and healthier lives and are able to contribute to the workforce, community and family for longer. Family structures are adjusting to these changing demographics and new possibilities. Australia can expect to see greater intergenerational cooperation and an increasing number of grandparents who provide primary care for their grandchildren. In these circumstances, it is important that the policy and legal frameworks that facilitate these caring relationships are robust and supportive of the rights of grandchildren and grandparents.
3. Caring is valuable, necessary work undertaken by paid care workers and unpaid carers. It occurs within a system of relationships in our society and is crucial to Australia's social and economic fabric.
4. Grandparents assuming the role of primary carer can arise in situations of family fracture. This role can be complicated by family conflict, mental illness, substance abuse, homelessness, child abuse or neglect, or family violence. Such circumstances can make grandparents and the children they care for, whether formally or informally, more vulnerable. Often grandparents have taken on the care of their grandchildren in an emergency situation and may be unprepared for becoming a carer again.
5. Recent Australian research on grandparent carers indicates that this group can fall through the gaps of the support systems that provide both financial and non-financial assistance. This is particularly the case for informal grandparent care providers. Accordingly, all grandparent care arrangements, but particularly informal care arrangements, should be more widely recognised and engaged by support services.
6. The focus of the Commission's analysis in the present submission is on how to use and expand existing support services to ensure grandparents are appropriately supported in their important caring task.
7. The Commission examines several areas:
  - Financial resources for grandparent families
  - Assistance for informal grandparent carers
  - Practical and non-financial support
  - Grandparent/ grandchild families requiring special protection
  - Recognition of the role and contribution of grandparent carers
  - Further research and data collection.

## 2 Human rights context

8. Promoting the rights of both grandparents and the grandchildren receiving their care is mutually beneficial. Improving the supports for grandparent carers will enable those carers to better provide for the grandchildren in their care.
9. The particular experience of grandparents acting as primary carers raises human rights challenges. This submission will focus on these rights and make recommendations for their better implementation.
10. Intergenerational cooperation is an explicit human rights goal. It is articulated in the UN International Plan of Action on Ageing.<sup>1</sup> As a UN member state, Australia participated in the development of this plan which emphasises the need to “strengthen solidarity among generations and intergenerational partnerships... and to encourage mutually responsive relationships between generations”.<sup>2</sup> The implementation of the plan requires “recognition of the crucial importance of families, intergenerational interdependence, solidarity and reciprocity for social development”.<sup>3</sup>
11. Grandmothers provide the majority of grandparent care. As a signatory to the UN *Convention on the Elimination of Discrimination Against Women* (CEDAW), Australia has a responsibility pursue all appropriate means of eliminating discrimination against women.<sup>4</sup> The UN Committee on the Elimination of Discrimination against Women has recognised the needs of older women, specifically grandmothers, stating:
 

*...parties should adopt special programmes tailored to the physical, mental, emotional and health needs of older women, with special focus on women belonging to minorities and women with disabilities, as well as women tasked with caring for grandchildren and other young family dependants...*<sup>5</sup>
12. The right to an adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions, is recognised in the *International Covenant on Economic, Social and Cultural Rights* (ICESCR).<sup>6</sup> This right is a fundamental human right which Australia has committed to uphold by ratifying the ICESCR. Providing appropriate and accessible support to grandparent carers and their grandchildren is consistent with Australia’s obligations, especially given the comparative disadvantage of families in which grandparent/s provide the primary care for a child.
13. The right to an adequate standard of living is echoed in article 27 of the *Convention on the Rights of the Child* (CRC).<sup>7</sup> While the primary responsibility for caring for a child falls on parents or carers, as a party to the CRC, Australia has undertaken to assist those responsible for the child to implement this right by providing material assistance and support. Article 18 requires Australia to assist parents and legal guardians in their child-rearing responsibilities and article 26 recognises the right of children to benefit from social security.<sup>8</sup>
14. Article 19 of the CRC is about protecting children from violence, abuse and negligence.<sup>9</sup> While, there is no official Australian data, the reasons grandparents may assume responsibility for their grandchildren are often connected with parents’ capacity to provide suitable and adequate care. Research conducted in

2013 by the Social Policy Research Centre (SPRC) “Grandparents raising grandchildren: Towards recognition, respect and reward” states that “much of the local and international literature indicates that parental substance abuse underlies much of the growth in kinship care in recent years”.<sup>10</sup> Other reasons include: risk of child abuse or neglect, death of the parent(s), parental incarceration, parents’ mental health problems and disability of grandchildren.

### 3 Who are grandparent carers?

15. Families are varied and complex. The longer Australians live, the more likely it will be that family households span over several generations. Often, family members may all support and care for each other and it is not always possible to identify the “primary” carer or carers.

16. In addition, grandparents may come to care for their grandchildren in a variety of ways; through orders of state, territory or Federal court processes, state or territory care and protection arrangements, or informally, through family agreement. Grandparents may also come to care for their grandchildren at short notice and the period over which grandparents are the primary carers may be short or long term. Some of the arrangements that occur are as follows:

- **Formal (statutory) care** – includes grandparent carers who are raising grandchildren as a result of orders from the Australian Family Court or Federal Magistrates court or a state or territory Children’s Court, Youth Court or Magistrate’s Court.<sup>11</sup>
- **Informal care** – includes those grandparents who do not have a federal, state or territory order in place. Typically, their arrangements have been made through private family negotiations. They may or may not be known to state or territory child protection authorities.<sup>12</sup>
- **Kinship care** – the most common type of home-based out-of-home care which is defined as “overnight care for children aged 0-17 years, where the state or territory makes a financial payment or where a financial payment has been offered but has been declined by the carer”.<sup>13</sup> Kinship placements are most often with grandparents. They may fall into either category of “formal care” or “informal care”, depending on whether the arrangement arises as a result of a formal process.

17. The National Framework for Protecting Australia’s Children 2009-2020 articulates as a national priority “improving support for carers”. One of the actions under this priority is to “expand training and support for grandparent and kinship carers, including Indigenous and culturally and linguistically diverse kinship carers”.<sup>14</sup>

18. **Recommendation 1 – That the national priority of ‘supporting carers’ in the National Framework for Protecting Australia’s Children 2009-2020 refer to the important role of grandparent carers. Reference to this should be recorded in the annual reports to the Council Of Australian Governments (COAG).**

### **3.1 How many grandparent-grandchild families are there?**

19. There is limited data on how many grandparents have primary responsibility for the care of their grandchildren.
20. Kinship care, of which grandparent care is the largest subcategory, is growing in Australia. In 2012, 47 per cent of all out-of-home care placements were with relatives or kin, translating to 18 621 children in kinship care as of 30 June 2012.<sup>15</sup> Additional to kinship carers there are arrangements formalised through court processes and informal care arrangements.<sup>16</sup>
21. While the exact number cannot be known, from the results of the 2006 Census, it can be concluded that, at that time, there were between 8 050 and 63 520 families in which grandparents assumed the primary responsibility for a child. This huge discrepancy results from the fact that no relationship of caring is identified.
22. The minimum number of 8 050 is the number of families in which there are only grandparents and a child under 15 years. The maximum number of 63 520 includes all other families where there are grandparents and grandchildren present, including where the child is over 15, and where a parent or other relative is also present.<sup>17</sup>
23. In addition to these figures it is important to note the contribution grandparents, often grandmothers, make to child care, even if they are not the primary carer for the child.
24. In 2011 it was found that those infants aged less than two whose mothers were employed and where the infants regularly attended either formal or informal child care, 62 per cent were in grandparent care.<sup>18</sup> Grandmothers provide significant support for grandchildren, both as primary caregivers and as providers of informal child care.<sup>19</sup>

### **3.2 What we know about grandparent families**

25. The 2013 research by the SPRC indicates that grandparent headed families are more likely to exhibit features which may lead to social and economic disadvantage.
26. **Grandmother carers** - Consistent with caring roles across the community, the large majority of grandparent care is provided by grandmothers. In the 2006 Census, 88 per cent of one grandparent families were grandmother families and grandmothers were the grandparent in 80 per cent of families with one parent and a grandparent.<sup>20</sup>
27. **Financial disadvantage** - Grandparent families are more likely to be disadvantaged than other family types. An analysis of the 2006 Census data showed that around 35 per cent of one grandparent families had an income of less than \$499 per week (in 2006 dollars).<sup>21</sup> This does not necessarily show a connection between raising grandchildren and poverty, but may reflect that older people are less likely to be in the workforce than working aged parents.<sup>22</sup> In addition, grandparent carers often have to bear the financial cost of establishing a suitable and stable care environment for the child.<sup>23</sup>

28. **Employment** - Grandparent carers have additional demands on their time and financial resources when they assume care of a grandchild. Because caring is labour-intensive, many may be forced to leave paid employment, however some may be required to take on additional work to meet financial demands.<sup>24</sup> In Australia, employment of any type is less likely for kinship carers than foster carers.<sup>25</sup> Research from the United Kingdom found that almost half of working kinship carers gave up work when they became carers and three in ten reduced their hours.<sup>26</sup>
29. **Grandchildren's health** – the SPRC reports that more than 50 per cent of respondents to their survey reported that at least one of their grandchildren had physical problems, and more than 80 per cent had emotional or behavioural problems. Grandparents reported abuse and abandonment by parents as the cause of many psychological symptoms and physical injuries.<sup>27</sup>
30. **Grandparent's health** – The SPRC reports that 62 per cent of grandparents perceive that their health has deteriorated due to taking care of their grandchildren. Almost half of grandparents reported that they had a long-term illness or disability.<sup>28</sup>
31. **Aboriginal and Torres Strait Islander children** - in 2011-2012, Aboriginal and Torres Strait Islander children were nearly ten times more likely to be in out-of-home care than non-Indigenous children. Around 69 per cent of these children were placed with the child's extended family, Indigenous community, or with other Indigenous people.<sup>29</sup> Many placements are with grandparents.
32. **Other factors** - Some studies have shown that grandparent carers (compared to foster parents) are less likely to have completed higher levels of education.<sup>30</sup> Further, grandparent-headed families are more likely to live in regional areas than other family types.<sup>31</sup>
33. Grandparent carers face specific challenges reflecting the generational gap between grandparents and their grandchildren. The differences between the challenges of parents and grandparents highlight the need for special recognition of the rights of older people and those children who are living with their grandparents.

#### **4 Financial resources for grandparent families**

34. Grandparent carers are more likely to face economic disadvantage. This may result from the fact grandparents are significantly less likely to be employed than foster carers or parents with children.<sup>32</sup> It may also result from an inability, unawareness or unwillingness to access Government support.
35. Grandparents may use a number of income sources to help pay for grandchild care needs, such as retirement savings and investments, income from employment and State, Territory or Federal Government payments. The often unexpected costs involved with establishing living environments for children, as well as purchasing bedding and furniture, places additional stress on grandparent carers.

36. Given the financial impacts on both grandparent carers and their grandchildren, grandparent carers should be able to access to financial support they need and/or have support in the workplace that enables them to continue to earn an income.

#### **4.1 Grandparents and work – age discrimination**

37. While grandparents raising their grandchildren come from a wide age range (from 30s to 90s), the majority tend to be aged in their 50s and 60s.<sup>33</sup> Many grandparent carers may not be retired from the workforce when they assume responsibility for their grandchildren.
38. The number of older workers in Australia is slowly increasing; however, across the population, people in these age groups are less likely to be employed. In 2011, the ABS reported that 3.3 million Australians aged over 55 were not working. This includes people who are retired and people who are unemployed and seeking work.<sup>34</sup>
39. Of crucial importance to many older Australians, including grandparents, is their right to work as recognised in ICESCR<sup>35</sup> and to participate in the workforce without discrimination on the basis of their age.
40. The *Age Discrimination Act 2004* protects the rights of people of any age to be free of discrimination in the workforce. However, a 2013 survey commissioned by the Australian Human Rights Commission found that age discrimination was experienced by 35 percent of Australians aged 55 to 64 years and 43 percent of Australians aged 65 and older.<sup>36</sup>
41. Negative attitudes and stereotyping create a subtle, but very real, barrier to older people in the workforce. Because many grandparent carers exit the workforce to care for grandchildren, they can experience difficulties reentering the workforce due to age discrimination.
42. ***Recommendation 2 – That the Australian Government continue to address negative attitudes to older people and obstacles to older people’s workforce participation to ensure that grandparents who need to and want to work are able to remain in or re-join the labour force.***

#### **4.2 Grandparents and work – valuing the contribution of unpaid carers**

43. Proper supports should be in place for those grandparents who choose to remain in the workforce while providing the primary care of their grandchild or grandchildren.
44. Women (including grandmothers) undertake the largest share of unpaid caring work.<sup>37</sup> The impact of unpaid care on workforce participation and full-time employment is highly gendered.
45. It is now widely accepted that enabling women with caring responsibilities and older Australians to remain in the workforce is vital for the productive capacity of



the Australian economy. Beyond this, enabling grandparent carers to continue to work will have positive outcomes for the grandchildren for whom they care.

46. Given the unpaid care resides predominantly with women, it follows that women also face the greatest economic impact in terms of retirement income and savings. In the 2009-10 financial year the average superannuation balance for men (\$71,645), was almost double that of women (\$40,475).<sup>38</sup>
47. The rights to gender equality, non-discrimination, decent work and the related accommodation of family and caring responsibilities within the right to work are articulated in several international human rights instruments, such as the UN *Convention on the Elimination of Discrimination Against Women* (CEDAW) the *Covenant on Economic Social and Cultural Rights* and the International Labour Organization *Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities* (No 156).
48. Recent amendments to The *Fair Work Act* 2013 expanded the right to request flexible working arrangements. Grandparent carers may make this request on the basis that they have the responsibility for the care of a child who is school age or under, or because they themselves are 55 or older.<sup>39</sup>
49. The Commission draws the Committee's attention to our 2013 report, *Investing in care: recognising and valuing those who care*.<sup>40</sup> The report explores the nature of unpaid care and its impact on workforce participation and retirement incomes and savings. The report articulates a number of options for reform, particularly in the retirement incomes and savings systems to properly recognise and value unpaid caring work.
50. The Commission also prepared a Toolkit for employers which provides practical examples for employers of mechanisms that workplaces can use to support unpaid carers, including grandparents, and help them to meet their caring responsibilities.<sup>41</sup>
51. ***Recommendation 3 – a) That the Committee consider the “Options for reform” identified by the Commission in our [Investing in Care](#) report, particularly as they relate to retirement incomes and savings systems, in order to properly recognise and value unpaid caring work.***  
***b) That further research be conducted to investigate workplace strategies to support the specific needs of employees who are grandparent carers.***

### **4.3 Current financial supports**

52. The 2013 report by the SPRC found that there was broad agreement across sectors and jurisdictions that grandparents and their grandchildren have support needs that are not being met.<sup>42</sup>
53. Grandparent carers are entitled to supports under both Commonwealth and State and territory jurisdictions.
54. Commonwealth support includes Family Tax Benefit A, Family Tax Benefit B and the parenting payment (and others). Grandparents may also be eligible for Grandparent Child Care Benefit which covers the full cost of approved child care

for up to 50 hours for each child per week.<sup>43</sup> Centrelink requires evidence that a caring relationship exists, however does not require these arrangements to be formalised.

55. There are benefits for grandparents that provide care for a child for at least two or more nights per fortnight. They may be eligible to receive Rent Assistance, a Health Care Card, Remote Area Allowance, Child Care Benefit, Child Care Rebate and access to the lower threshold of the Medicare Safety Net.
56. Grandparent advisers are in selected Centrelink service centres to support grandparents who are caring full-time for their grandchildren.
57. While grandparents are entitled to these supports, grandparent carers may be unwilling to access these benefits because they fear repercussions from their children, the parents of the grandchildren. In such cases the middle generation may receive the payment depriving the grandparent carers and thus their grandchildren of needed financial support. Fear on the part of grandparents that prevents them from claiming benefits may stem from intimidation or violence from their children or the fear that their children will remove their grandchild from the safety of the grandparents' care.<sup>44</sup> Such situations are often exacerbated by a volatile family situation that may have arisen due to abuse or drug misuse.
58. ***Recommendation 4 – a) That the entitlement and application procedures for Commonwealth benefits are reviewed and amended to ensure grandparents are receiving the financial support they are entitled to. (It is acknowledged this is a complex problem given the range of family relationships and the potentially difficult circumstances that may lead to a child being cared for by grandparents.)***  
***b) That the number of grandparent advisers in Centrelink offices is increased and that those advisers are skilled in assisting grandparents in dealing with complex family situations.***
59. State allowances are designed to reimburse for child and household expenses. There is a large variation between states and territories.<sup>45</sup> With the exceptions of Tasmania and New South Wales, state and territories do not provide allowances to informal carers.<sup>46</sup> In contrast, each state and territory provides identical rates to foster carers and formal kinship carers.<sup>47</sup>
60. ***Recommendation 5 – a) That states and territories work to expand existing support services (notably those that foster carers and formal kinship carers are entitled to) to grandparent carers, regardless of whether the caring arrangement is formalised.***  
***b) State and territories could consider information sharing with the Commonwealth to ensure the best and most recent information is available, both for the ease of the agency and the family receiving the support.***  
***c) States and territories could consider methods to target payments at the most vulnerable families.***

## **5 Assistance for informal grandparent carers**

61. Grandparents who have “formal” care of their grandchildren are more likely to be able to access support services.<sup>48</sup> Informal grandparents may not access vital information and services for carer assistance and personal support.
62. Grandparents who do not have formal custody of their grandchildren express frustration in accessing the information they need to care properly for their grandchildren. Examples include medical records, school records, and providing consent to obtain a passport for their grandchild. Grandparents may also experience uncertainty about what may happen to their grandchildren in the event of their ill-health, death or the parents of the children seeking to resume custody.

### **5.1 Formalising arrangements through the court processes**

63. Families can formalise caring arrangements through consent orders which can be registered through the Family Court or the Federal Magistrates Court. There is no cost to registering consent orders. However this option is only available if all parties agree. This option is not viable for families that have fractured.<sup>49</sup>
64. In cases where there is dispute, grandparents can apply to the Family Court for parenting orders. Such proceedings can have high emotional and financial costs and can be traumatic for all family members. Because grandparents may be more likely to own assets, such as the family home, they may not qualify for legal aid.<sup>50</sup>
- 65. Recommendation 6 - That states and territories review the legal aid rules to ensure that grandparent carers who wish to go through processes to formalise their caring arrangement can do so.**

### **5.2 Other ways to recognise informal grandparent carers**

66. Grandparent carers may not wish to formalise their caring arrangements for reasons beyond financial constraints. Reasons to keep care arrangements informal may include:
- unwillingness to exacerbate family tension by initiating formal processes
  - distrust of official processes and institutions
  - fear of oversight, interference and intrusion into their family’s privacy
  - fear that for health or financial reasons they will be found unfit to care for children
  - unwillingness to go through approval processes, such as a “working with children check”.
67. It is consistent with the rights of children that there are appropriate approval processes for all carers. All states and territories require carers to be approved.<sup>51</sup> However, training that is required of foster parents may not be required of kinship carers in all states and territories. Further there are some limited exceptions to the

requirements for kinship carers, such as short time periods where no “working with children check” is required in emergency situations.<sup>52</sup>

68. Given the unknown, potentially large and almost certainly growing number of informal carers that may not be accessing support, there is a strong case for work to be done to find the least invasive and onerous ways of allowing those carers to come forward and be identified. This is not an easy task.
69. Any method of identification must balance the fears of these processes that grandparents may have with the requirement that children be cared for by approved carers.
70. In addition, any processes which give a broader range of adults access to information about children, must be balanced with the rights to privacy of children. The UN Committee on the Rights of the Child expressed concern that Australia “does not have comprehensive legislation protecting the right to privacy of children”.<sup>53</sup>
71. ***Recommendation 7 - That the Commonwealth Government and states and territories investigate the possibility of official but non-court based options for recognising “informal” grandparent carers to enable them to access information about the grandchildren in their care, taking into account:***
- ***the fears grandparents may have regarding onerous processes and oversight;***
  - ***the complex family circumstances that may give rise to circumstances where grandparents informally care for children;***
  - ***the privacy rights of children;***
  - ***the need to ensure that carers of children are subject to appropriate approval processes.***

## **6 Practical and non-financial support**

72. The generational gap between grandparent carers and their grandchildren can mean that they require extra information and support in order to best care for their grandchildren. In addition, grandparents often alter their life plans and expectations when they assume a caring role. This psychological adjustment can be made easier if they are supported.
73. Services for grandparent carers include respite, childcare, formal and informal support groups, and training and education. Grandparents also need to be aware of their rights to Government support and to request flexible working arrangements.
74. It is assumed that many grandparent carers with firsthand experience of gaps in support will inform the Committee’s views on the most critical areas to address. The Commission notes two ideas for practically supporting grandparent carers.

### **6.1 Consolidation of information**

75. The SPRC notes that grandparents struggle to access support and practical help:

*Given the difficulties that grandparents have in negotiating service systems, and the complexity of these systems—with family payments from Commonwealth governments, kinship care payments from state/territory governments, and support groups and other services provided by state, local and NGO agencies—the importance of improving the accessibility of these systems was consistently identified.<sup>54</sup>*

76. There is a strong case to consolidate information into the one easily accessible publication.
77. The Age Discrimination Commissioner in her out-reach with older Australians found that many older people do not know where to go to get information on issues that affect them as they age. To remedy this, the Australian Human Rights Commission has published a 242 page “one stop shop” publication covering issues older people may need to consider in retirement – superannuation, financial decision making, health care, housing, government support, and many others. This publication is called “Your Rights at Retirement” and is currently in its third print run after being launched midway through last year.<sup>55</sup> It has been translated into Italian, Greek and Cantonese. The popularity of this publication demonstrates how much it was needed. [Your Rights at Retirement](#) provides a template for a national resource for grandparent carers.
- 78. Recommendation 8 – That an appropriate NGO or government body be funded and tasked to write a national resource consolidating all information and practical support that may be required by grandparent carers – including their entitlements, access to respite, childcare, and contact details for peer to peer support groups.**

## **6.2 Seniors and technology**

79. The social and educational settings of children’s experience may be different to when grandparents raised their own children. For example school processes and educational methods have changed, grandparents may know little about current social risks to younger people such as cyberbullying, or grandparents may have little or no experience with modern technology.
80. While internet usage is increasing for older people, less than half of over 65s are online, with merely 37 per cent going online in 2010-11. That leaves a total of 1,790,000 Australians over 65 who are not online.<sup>56</sup> In comparison, in June 2010, young people aged 14 -17 years old had the highest rate of internet use in Australia with 91 per cent spending time online every week.<sup>57</sup>
81. In Australia, cyberbullying affects at least one in ten students.<sup>58</sup> A lack of knowledge of technology can mean grandparents cannot support their grandchildren if they are experiencing online harassment.
82. At the 2003 World Summit on the Information Society, the United Nations proposed that “national e-strategies address the special requirements of older people, persons with disabilities, children, especially marginalized children and other disadvantaged and vulnerable groups, including by appropriate educational administrative and legislative measures to ensure their full inclusion in the

Information Society”.<sup>59</sup> The ability to access, receive and impart information is a human right recognised in article 19 of The Universal Declaration of Human Rights 1948.<sup>60</sup>

- 83. Recommendation 9 – a) That linkages are established between grandparent carer programs and support groups to programs that assist and encourage older Australians to use the internet, such as Broadband for Seniors. b) Further, that programs that assist and encourage older Australian to use the internet to be expanded and promoted.**

## **7 Grandparent/ grandchild families requiring special protection**

84. The *Convention on the Rights of the Child* sets out the rights of specific groups of vulnerable children including mentally or physically disabled children (article 23) and children belonging to a linguistic, ethnic or religious minority or of Indigenous origin (article 30).

### **7.1 Children with disabilities**

85. Article 7 of the *Convention on the Rights of Persons with Disabilities* recognises that children with disabilities have the right to full enjoyment of all human rights and fundamental freedoms on an equal basis with other children.<sup>61</sup>
86. The UN Committee on the Rights of the Child recommended strengthen support measures for care of children with disabilities, and that placements into care are done with full regard to the principle of the best interests of the child.<sup>62</sup>
87. Grandchildren in kinship care, including grandparent care, often have complex needs, which may include caring for children with disabilities. However, children in these circumstances may have limited access to assistance and supports.
88. The Australian Bureau of Statistics reports that in 2009, 4 million people in Australia had a disability.<sup>63</sup> Approximately 7 per cent (290,000) were children aged 0-14. Around two thirds (67 per cent) of children with a disability required assistance with day to day activities. The vast majority (95 per cent) were receiving some form of assistance. Nine in ten (91 per cent) were receiving informal assistance, such as from family or friends, while 67 per cent were receiving formal paid assistance. However, around half (52 per cent) of children with disabilities who had need for assistance reported having their needs only partly met.
89. In 2009, there were 96,000 primary carers whose main recipient of care was their own child aged 0-14 years. Over half of these primary carers reported that they needed an improvement or more support to assist them in their caring role. Data on how many were grandparent carers is not available.
90. Despite the data indicating that there has been a significant lack of supports and services for children with disabilities (including early intervention) and their carers, the situation has been improving. For example, the Commonwealth government’s program “Better start for children with disability”.<sup>64</sup> It is also anticipated that the

situation will improve with the continued roll out of the National Disability Insurance Scheme (NDIS).

91. As new support mechanisms for children with disabilities are expanded and resources are allocated to them and their carers to direct towards supports, it will be important to ensure that grandparents who care for children with disabilities have access to the funding. For example, through recognition of their “parental responsibility” pursuant to the *National Disability Insurance Act (2013)* (Cth) and the NDIS Rules.<sup>65</sup> It will also be important to obtain disaggregated data on the number of grandparent carers of children with disabilities to gain a better understanding of this issue.
92. ***Recommendation 10 – a) That support services for children with disabilities, including early intervention programs, continue to be improved and disaggregated data be collected on the number of grandparent carers of children with disabilities.***  
***b) That in the roll-out of the NDIS, recognition of grandparents who are the primary carers be formalised in the arrangements.***

## **7.2 Aboriginal and Torres Strait Islander grandparent families**

93. Aboriginal and Torres Strait Islander grandparents are a source of great strength in Aboriginal and Torres Strait Islander communities and essential to the transmission of cultural knowledge. Qualitative research by the SPRC found that “almost universally, Indigenous grandparents believed that the continuity of cultural and kinship knowledge was of paramount importance for them and their grandchildren”.<sup>66</sup>
94. Article 14 of the *Declaration on the Rights of Indigenous Peoples*, outlines that States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.<sup>67</sup>
95. The UN Committee on the Rights of the Child expressed concern about “the large numbers of Aboriginal and Torres Strait Islander children being separated from their homes and communities and placed into care that, inter alia, does not adequately facilitate the preservation of their cultural and linguistic identity”.<sup>68</sup> The Aboriginal Child Placement Principle Placement (ACPP) is in place in all states and territories to try and maintain community and cultural connection where possible. It requires that all Indigenous children, where possible be placed with members of the child’s extended family or Aboriginal or Torres Strait Islander community.<sup>69</sup> Often these placements are made with grandparents.
96. The ACPP is consistent with UN Declaration on the Rights of Indigenous Peoples, which states at article 22 that “particular attention should be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of the Declaration”.<sup>70</sup>
97. While data is limited, we know that Aboriginal and Torres Strait Islander grandparents are involved as both formal and informal carers. This role can fit with extended family kinship structures in Aboriginal and Torres Strait Islander

communities where grandparents take an active role in caring for grandchildren as well as passing down important cultural knowledge and traditions.

98. Nonetheless, Aboriginal and Torres Strait Islander grandparents still need support to fulfil these roles. Given that arrangements are often informal, there can be difficulty accessing income support and other services. There is also a paucity of culturally secure Aboriginal and Torres Strait Islander grandparent support services.

99. ***Recommendation 11 – That work is done to implement the UN Committee’s previous recommendations to fully implement the Indigenous Child Placement Principle and intensify its cooperation with indigenous community leaders and communities to find suitable solutions for indigenous children in need of alternative care within indigenous families.***<sup>71</sup>

### **7.3 Culturally and linguistically diverse families**

100. When grandparents from CALD backgrounds become carers for their grandchildren, there are a number of additional barriers they need to grapple with including; a lack of adequate information and support; differing family structures; and ongoing connection to culture.

101. Depending on the English proficiency and literacy levels, access to plain English or translated information is a concern. Many older CALD Australians are unable to acquire a new language, have limited access to English classes, or are losing the ability to speak English due to the ageing process. Technology can be challenging to many CALD grandparents. Additionally, they may find it hard to gain this information on the telephone due to language barriers.<sup>72</sup>

102. Families from CALD backgrounds may have different family structures to the standard nuclear family model. Many households can have a number of generations living in the same household and as a result, the roles and responsibilities for caring for the grandchildren may be shared among various family members.

103. In the child protection context, it has been raised that there has been a lack of cultural competency exercised by authorities when interacting or understanding the practices of families from some cultural backgrounds. Likewise, there is often a need to ensure that families are adequately informed of their rights and responsibilities and some of the major differences that may exist from their cultures and life in Australia. This dialogue needs to be strengths-based and consultative.<sup>73</sup>

104. Where children are placed with carers from different cultural backgrounds (which may include grandparents from a different cultural background), there may be concerns about the lack of connection to the child’s cultural background. Some of the disadvantages of this loss include loss of language, cultural connection and close contact with family and community.<sup>74</sup>

105. ***Recommendation 12 – a) That all information and services for grandparent carers are made accessible through the provision of information that is in plain English, translated where possible and through***



*the use of interpreters.*

***b) Further, that peer to peer support services include grandparents from CALD backgrounds to ensure they are not isolated and have improved access to services and supports.***

## **8 Recognition of the role and contribution of grandparent carers**

106. Often grandparent carers have changed their life plans and assumed a financial burden to care for their grandchildren. Grandparent carers deserve recognition and support.

107. Services should be provided with sensitivity to age, culture, and the contribution of grandparents.

108. Cultural change in our society and our workplaces is a crucial element of valuing unpaid care. Such change needs to start with addressing gender role stereotypes and social norms related to unpaid care responsibilities and participation in paid work by men and women of all ages.

109. ***Recommendation 13 – a) That Commonwealth and state and territory front line staff interacting with grandparent carers receive appropriate training so that services to grandparent carers are provided with sensitivity to age and culture. This should include support services that are culturally competent, consultative in their approach and engage with families by using approaches that have regard to the strengths of particular cultural groups (ie using a strengths-based approach).***

***b) That an education campaign that challenges stereotypes and entrenched norms about caring roles and grandparent carers be undertaken to enable Australian society to recognise a diversity of caring structures, households and relationships for women and men of all ages.***

## **9 Further research and data collection**

110. In the preparation of this submission it became clear to the Commission that more data and information about the circumstances of grandparent carers and their grandchildren is needed. The Senate Committee will note that this submission draws heavily on a major research report from the Social Policy Research Centre Report “Grandparents raising grandchildren: Towards recognition, respect and reward”. This is an excellent document, but further investigation into these issues is needed.

111. In the SPRC report identifies avenues for future research are identified:

- Understanding the experiences, circumstances, perceptions and needs of children in young people in grandparent care.
- Exploration of the depletion of grandparents’ saving and superannuation payments by the cost of raising grandchildren

- Analysis of how grandparents plan for the future and what services and supports assist them in planning.<sup>75</sup>

112. ***Recommendation 14 – That appropriate researchers be tasked and funded to carry out the additional the research avenues identified by the Social Policy Research Centre, in the 2013 publication “Grandparents raising grandchildren: Towards recognition, respect and reward”.***

113. More data is needed, especially to identify the number of informal grandparent carers. The Government should consider ways that this data can be obtained through both state and territory data collection methods, through existing ABS surveys, and/or through the Census.

114. Improved data collection, and collecting data that can be compared across jurisdictions, has been identified as a priority in the National Framework for Protecting Australia’s Children 2009-2020. The government has commissioned improvements in the Child Protection National Minimum Data Set that collects data on children and family demographics, children’s pathways into the child protection system, the type of abuse or neglect children experience and demographic information about their carers.<sup>76</sup>

115. Obtaining data from the Census would be preferable, as it is a whole population survey and, given the relatively small number of grandparent carers, estimates from sample surveys may be unreliable. Consideration should be given to including a question in the Census which identifies the “caring relationship” in grandparent families. An example of this is contained in the United States Census 2000.<sup>77</sup> See **Appendix A** for an example of this question.

116. All additional data gathered should be able to be disaggregated. Specific data should be obtained about the number of grandparents and grandchildren who are indigenous, of a culturally and linguistically diverse status, or who have a disability.

117. The ABS already conducts certain surveys which could be enhanced to gain further data on grandparent carers, including:

- The National Aboriginal and Torres Strait Islander Social Survey (NATSISS) and the National Aboriginal and Torres Strait Islander Health Surveys (NATSIHS): The ABS could review the feasibility of adding specific questions identifying grandparents with parental responsibility for grandchildren; and
- The Work Life and Family Survey (WoLF Survey) which combines the Survey of Employment Arrangements, Retirement and Superannuation (SEARS) and the Time Use Survey (Diary-based time use surveys provide accurate data concerning the extent and distribution of unpaid work and its intersection with paid work): The WoLF Survey was cancelled in 2013, which will undermine the collection of trend data across the years. The ABS should reinstate the regular cycles of the WoLF Survey, including the Time Use Survey.

118. **Recommendation 15 – a) That data is collected on grandparent carers in the Census/ through ABS surveys (including NATSISS, NATSIHS and WoLF)/ through state and territory data collection methods/ through relevant agencies.**  
**b) Further, that this data be of such quality that it can be disaggregated to identify particular vulnerable groups of grandparent families.**

## 10 Recommendations

119. **Recommendation 1** – That the national priority of ‘supporting carers’ in the National Framework for Protecting Australia’s Children 2009-2020 refer to the important role of grandparent carers. Reference to this should be recorded in the annual reports to the Council Of Australian Governments (COAG).
120. **Recommendation 2** – That the Australian Government continue to address negative attitudes to older people and obstacles to older people’s workforce participation to ensure that grandparents who need to and want to work are able to remain in or re-join the labour force.
121. **Recommendation 3** – a) That the Committee consider the “Options for reform” identified by the Commission in our [Investing in Care](#) report, particularly as they relate to retirement incomes and savings systems, in order to properly recognise and value unpaid caring work.  
b) That further research be conducted to investigate workplace strategies to support the specific needs of employees who are grandparent carers.
122. **Recommendation 4** – a) That the entitlement and application procedures for Commonwealth benefits are reviewed and amended to ensure grandparents are receiving the financial support they are entitled to. (It is acknowledged this is a complex problem given the range of family relationships and the potentially difficult circumstances that may lead to a child being cared for by grandparents.)  
b) That the number of grandparent advisers in Centrelink offices is increased and that those advisers are skilled in assisting grandparents in dealing with complex family situations.
123. **Recommendation 5** – a) That states and territories work to expand existing support services (notably those that foster carers and formal kinship carers are entitled to) to grandparent carers, regardless of whether the caring arrangement is formalised.  
b) State and territories could consider information sharing with the Commonwealth to ensure the best and most recent information is available, both for the ease of the agency and the family receiving the support.  
c) States and territories could consider methods to target payments at the most vulnerable families.
124. **Recommendation 6** - That states and territories review the legal aid rules to ensure that grandparent carers who wish to go through processes to formalise their caring arrangement can do so.
125. **Recommendation 7** - That the Commonwealth Government and states and territories investigate the possibility of official but non-court based options for recognising “informal” grandparent carers to enable them to access information

about the grandchildren in their care, taking into account:

- the fears grandparents may have regarding onerous processes and oversight;
- the complex family circumstances that may give rise to circumstances where grandparents informally care for children;
- the privacy rights of children;
- the need to ensure that carers of children are subject to appropriate approval processes.

126. **Recommendation 8** – That an appropriate NGO or government body be funded and tasked to write a national resource consolidating all information and practical support that may be required by grandparent carers – including their entitlements, access to respite, childcare, and contact details for peer to peer support groups.
127. **Recommendation 9** – a) That linkages are established between grandparent carer programs and support groups to programs that assist and encourage older Australians to use the internet, such as Broadband for Seniors.  
b) Further, that programs that assist and encourage older Australian to use the internet to be expanded and promoted.
128. **Recommendation 10** – a) That support services for children with disabilities, including early intervention programs, continue to be improved and disaggregated data be collected on the number of grandparent carers of children with disabilities.  
b) That in the roll-out of the NDIS, recognition of grandparents who are the primary carers be formalised in the arrangements.
129. **Recommendation 11** – That work is done to implement the UN Committee’s previous recommendations to fully implement the Indigenous Child Placement Principle and intensify its cooperation with indigenous community leaders and communities to find suitable solutions for indigenous children in need of alternative care within indigenous families.<sup>78</sup>
130. **Recommendation 12** – a) That all information and services for grandparent carers are made accessible through the provision of information that is in plain English, translated where possible and through the use of interpreters.  
b) Further, that peer to peer support services include grandparents from CALD backgrounds to ensure they are not isolated and have improved access to services and supports.
131. **Recommendation 13** – a) That Commonwealth and state and territory front line staff interacting with grandparent carers receive appropriate training so that services to grandparent carers are provided with sensitivity to age and culture. This should include support services that are culturally competent, consultative in their approach and engage with families by using approaches that have regard to the strengths of particular cultural groups (ie using a strengths-based approach).  
b) That an education campaign that challenges stereotypes and entrenched norms about caring roles and grandparent carers be undertaken to enable Australian society to recognise a diversity of caring structures, households and relationships for women and men of all ages.
132. **Recommendation 14** – That appropriate researchers be tasked and funded to carry out the additional the research avenues identified by the Social Policy

Research Centre, in the 2013 publication “Grandparents raising grandchildren: Towards recognition, respect and reward”.

133. **Recommendation 15** – a) That data is collected on grandparent carers in the Census/ through ABS surveys (including NATSISS, NATSIHS and WoLF)/ through state and territory data collection methods/ through relevant agencies.  
b) Further, that this data be of such quality that it can be disaggregated to identify particular vulnerable groups of grandparent families.

## 11 Appendix A – Census Question

134. Question 19 of the United States Census 2000 “long” form requested information about the caring relationships grandparents may have for grandchildren they live with. The “long” form was received, on average, by about one in six households.<sup>79</sup>

### **Question 19, United States Census 2000**

- a. Does this person have any of his/her own grandchildren under the age of 18 living in this house or apartment?

Yes/ No – skip

- b. Is this grandparent currently responsible for most of the basic needs of any grandchild(ren) under the age of 18 who live(s) in this house or apartment?

Yes/ No - skip

- c. How long has this grandparent been responsible for the(se) grandchild(ren)? If the grandparent is financially responsible for more than one grandchild, answer the question for the grandchild for whom the grandparent has been responsible for the longest period of time.

Less than 6 months/ 6-11 months/ 1-2 years/ 3-4 years/ 5 years or more

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<sup>1</sup> United Nations, Madrid International Plan of Action on Ageing and Political Declaration, Second World Assembly on Ageing, A/CONF.197/9, April 2002. At: <http://www.un-documents.net/ac197-9.htm> (viewed 20 September 2013).

<sup>2</sup> United Nations, Madrid International Plan of Action on Ageing and Political Declaration, Second World Assembly on Ageing, A/CONF.197/9, April 2002. At: <http://www.un-documents.net/ac197-9.htm> (viewed 20 September 2013).

<sup>3</sup> United Nations, Madrid International Plan of Action on Ageing and Political Declaration, Second World Assembly on Ageing, A/CONF.197/9, April 2002. At: <http://www.un-documents.net/ac197-9.htm> (viewed 20 September 2013).

<sup>4</sup> *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), 1979. At: <http://www.ohchr.org/en/ProfessionalInterest/pages/cedaw.aspx> (viewed 10 March 2014).

<sup>5</sup> United Nations, Committee on the Elimination of Discrimination against Women, General recommendation No. 27 - forty-seventh session, 2010 - Older women and protection of their human rights, CEDAW/C/GC/27, 2010 p 8. At:

<http://www.ohchr.org/EN/Issues/OlderPersons/Pages/CEDAW.aspx> (viewed 12 March 2014).

<sup>6</sup> *International Covenant on Economic, Social and Cultural Rights* (ICESCR), 1966, art 11(1). At <http://www2.ohchr.org/english/law/cescr.htm> (viewed 10 March 2014). The right to adequate housing is also reflected in other human rights treaties, including the *Convention on the Rights of the Child* (CRC), 1989, note 42, art 27(3). At <http://www2.ohchr.org/english/law/crc.htm> (viewed 10 March 2014); the *International Convention on the Elimination of all forms of Racial Discrimination* (CERD), 1965, art 5(e)(iii) at <http://www2.ohchr.org/english/law/cerd.htm> (viewed 10 March 2014) and the *Convention on the Elimination of all forms of Discrimination against Women* (CEDAW), 1979, art 14(2)(h) at <http://www2.ohchr.org/english/law/cedaw.htm> (Viewed 10 March 2014).

<sup>7</sup> *Convention on the Rights of the Child* (CRC), 1966. At:

<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx> (viewed 10 March 2014).

<sup>8</sup> *Convention on the Rights of the Child* (CRC), 1966, art 18. At:

<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx> (viewed 10 March 2014); *Convention on the Rights of the Child* (CRC), 1966, art 26. At:

<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx> (viewed 10 March 2014).

<sup>9</sup> *Convention on the Rights of the Child* (CRC), 1966, art 19. At:

<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx> (viewed 10 March 2014).

<sup>10</sup> Brennan, D., Cass, B., Flaxman, S., Hill, T., Jenkins, B., McHugh, M., Purcal, C., & valentine, k. (2013), *Grandparents raising grandchildren: Towards recognition, respect and reward* (SPRC Report 14/13). Social Policy Research Centre, University of New South Wales, p 20. At:

<https://www.sprc.unsw.edu.au/research/publications/sprc-report-series/> (viewed 10 March 2014).

<sup>11</sup> Brennan, D., Cass, B., Flaxman, S., Hill, T., Jenkins, B., McHugh, M., Purcal, C., & valentine, k. (2013), *Grandparents raising grandchildren: Towards recognition, respect and reward* (SPRC Report 14/13). Social Policy Research Centre, University of New South Wales, p 15-6. At:

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<sup>12</sup> Brennan, D., Cass, B., Flaxman, S., Hill, T., Jenkins, B., McHugh, M., Purcal, C., & valentine, k. (2013), *Grandparents raising grandchildren: Towards recognition, respect and reward* (SPRC Report 14/13). Social Policy Research Centre, University of New South Wales, p 15-16. At:

<https://www.sprc.unsw.edu.au/research/publications/sprc-report-series/> (viewed 10 March 2014).

<sup>13</sup> Australian Institute of Health and Welfare, *Child Protection Australia 2011-12*, 2013, p 36. At:

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<sup>14</sup> Council of Australian Governments, Australia. *Protecting children is everyone's business: National Framework for Protecting Australia's Children 2009-2020 : second three-year action plan 2012-2015*, 2012, p 23. At:

[http://www.dss.gov.au/sites/default/files/documents/09\\_2012/second\\_action\\_plan.pdf](http://www.dss.gov.au/sites/default/files/documents/09_2012/second_action_plan.pdf) (viewed 10 March 2014).

<sup>15</sup> Australian Institute of Health and Welfare, *Child Protection Australia 2011-12*, 2013, p 38. At:

<http://www.aihw.gov.au/publication-detail/?id=60129542755> (viewed 26 February 2014).

<sup>16</sup> Brennan, D., Cass, B., Flaxman, S., Hill, T., Jenkins, B., McHugh, M., Purcal, C., & valentine, k. (2013), *Grandparents raising grandchildren: Towards recognition, respect and reward* (SPRC Report 14/13). Social Policy Research Centre, University of New South Wales, p 14. At:

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<sup>17</sup> Brennan, D., Cass, B., Flaxman, S., Hill, T., Jenkins, B., McHugh, M., Purcal, C., & valentine, k. (2013), *Grandparents raising grandchildren: Towards recognition, respect and reward* (SPRC Report 14/13). Social Policy Research Centre, University of New South Wales, p39. At:

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<sup>18</sup> Australian Bureau of Statistics, *4102.0 - Australian Social Trends, Nov 2013* (2013). At

<http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4102.0Main+Features10Nov+2013> (viewed 14 January 2014).

<sup>19</sup> D Brennan and B Cass 'Run faster, Nana': *Grandparents as Primary Carers of their Grandchildren: A National, State and Territory Analysis*, Draft report for ARC Linkage Partners, (2012)

<sup>20</sup> Brennan, D., Cass, B., Flaxman, S., Hill, T., Jenkins, B., McHugh, M., Purcal, C., & valentine, k. (2013), *Grandparents raising grandchildren: Towards recognition, respect and reward* (SPRC Report 14/13). Social Policy Research Centre, University of New South Wales, p 40. At:

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- <sup>25</sup> Brennan, D., Cass, B., Flaxman, S., Hill, T., Jenkins, B., McHugh, M., Purcal, C., & valentine, k. (2013), *Grandparents raising grandchildren: Towards recognition, respect and reward* (SPRC Report 14/13). Social Policy Research Centre, University of New South Wales, p 23-4. At: <https://www.sprc.unsw.edu.au/research/publications/sprc-report-series/> (viewed 10 March 2014).
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- <sup>27</sup> Brennan, D., Cass, B., Flaxman, S., Hill, T., Jenkins, B., McHugh, M., Purcal, C., & valentine, k. (2013), *Grandparents raising grandchildren: Towards recognition, respect and reward* (SPRC Report 14/13). Social Policy Research Centre, University of New South Wales, p 3. At: <https://www.sprc.unsw.edu.au/research/publications/sprc-report-series/> (viewed 10 March 2014).
- <sup>28</sup> Brennan, D., Cass, B., Flaxman, S., Hill, T., Jenkins, B., McHugh, M., Purcal, C., & valentine, k. (2013), *Grandparents raising grandchildren: Towards recognition, respect and reward* (SPRC Report 14/13). Social Policy Research Centre, University of New South Wales, p 3. At: <https://www.sprc.unsw.edu.au/research/publications/sprc-report-series/> (viewed 10 March 2014).
- <sup>29</sup> Australian Government, Annual Report to the Council of Australian Governments 2011-12, *Protecting children is everyone's business: National Framework for Protecting Australia's Children 2009-2020*, 2013, p 1 and 141. At: <http://www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/protecting-children-is-everyones-business/protecting-children-is-everyone-s-business-national-framework-for-protecting-australia-s-children-2009-2020-annual-report-2011-12> (viewed 10 March 2013).
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<sup>36</sup> Australian Human Rights Commission and Urbis, *Fact or fiction? Stereotypes of older Australians Research Report 2013*, Australian Human Rights Commission 2013, p.9. At <http://www.humanrights.gov.au/publications/fact-or-fiction-stereotypes-older-australians-research-report-2013> (viewed 10 March 2014).

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<sup>40</sup> Australian Human Rights Commission (2013) *Investing in care: Recognising and valuing those who care, Volume 1 Research Report*, (2013). At <http://www.humanrights.gov.au/investing-care-recognising-and-valuing-those-who-care> (viewed 14 January 2014).

<sup>41</sup> Australian Human Rights Commission, *Supporting carers in the workplace: A toolkit* (2013). At <http://www.humanrights.gov.au/investing-care-recognising-and-valuing-those-who-care> (viewed 7 March 2014).

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