



Inquiry into the early childhood education and care sector

Productivity Commission

14 February 2024

Acknowledgements

We acknowledge the Traditional Owners of Country, recognise their continuing connection to land, water, and community, and pay respect to Elders past and present.

We acknowledge the victim-survivors of domestic, family, and sexual violence who we work with and their voices and experiences which inform our advocacy for justice, equality, and safety for women.

About Women's Legal Services Australia

Women's Legal Services Australia (**WLSA**) is the national peak body for 13 specialist Women's Legal Services in each state and territory across Australia, including two First Nations Women's Legal Services. We provide a national voice for Women's Legal Services to influence policy and law reform, and advocate to increase access to gender-specialist, integrated legal services for women.

About Women's Legal Services

Women's Legal Services provide high quality free legal services for women, including legal advice and representation, support services and financial counselling, community legal education, training for professionals, and engage in advocacy for policy and law reform. Some Women's Legal Services have operated for more than 40 years.

WLSA members include:

- Women's Legal Service Victoria
- Women's Legal Service Tasmania
- Women's Legal Service NSW
- Women's Legal Service WA
- Women's Legal Service SA
- Women's Legal Service Queensland
- North Queensland Women's Legal Service
- First Nations Women's Legal Service Queensland
- Women's Legal Centre ACT
- Wirringa Baiya Aboriginal Women's Legal Centre NSW
- Top End Women's Legal Service
- Central Australian Women's Legal Service
- Katherine Women's Information and Legal Service

Contact us

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Women's Legal Services Australia

Executive Summary

Women's Legal Services Australia (**WLSA**) welcomes The Productivity Commission's inquiry into the early childhood education and care sector and the opportunity to provide additional input into its draft report 'A path to universal early childhood education and care'.

The draft report correctly identifies that early childhood education and care (ECEC) services play a major role in the lives of young children and their families and, where accessible, have significant long-term benefits, including educational attainment, labour market success, and physical and mental health.

However, children experiencing disadvantage and vulnerability, including family violence and children from migrant families – who are likely to benefit most from ECEC services – face significant barriers to accessing ECEC, predominately due to their visa status and conditions.

WLSA welcomes the Productivity Commission's information request to expand childcare subsidy to families with restricted residency in Australia.

WLSA members regularly support women and children on temporary visas, no visas or with precarious migration status, experiencing family violence. Many of the families we work with, are ineligible to access childcare subsidy and are unable to afford childcare without a subsidy because of their residency status in Australia and limited access to other supports, including family support in Australia to help with childcare.

These restrictions have significant impact on the health, safety, wellbeing, employment and educational attainment of women and children on temporary visas, including:

- Limited or no access to safe day-to-day care for children where family violence is being perpetrated in the home
- Ineligibility to access childcare and other services due to visa status (i.e. Centrelink benefits, housing supports, Medicare) impacts women's decision to leave violent relationships with their children because they are unable to cover all of the costs on their own without support.
- When they do leave, women on temporary visas struggle to re-enter the workforce to support themselves and their children because of their visa conditions, restricted access to childcare and prohibitive costs.
- Ineligibility for other Centrelink benefits due to the 4-year new resident waiting period means women on temporary visas are unable to receive support with other basic necessities when leaving violent relationships and childcare is not able to be prioritised.
- Children experiencing violence are not able to benefit from ECEC benefits including detection of family violence risk and support from other professionals, key developmental supports and socialisation, school preparation (including exposure to English at an early age) and physical and mental health.

WLSA strongly supports the information request to expand childcare subsidy to families with restricted residency in Australia, particularly victim-survivors of domestic and family violence to ensure children experiencing disadvantage and vulnerability, including family violence and children from migrant backgrounds can benefit most from ECEC services.

Women on temporary visas experiencing violence

The National Plan to End Violence Against Women and Children 2022-3032 recognises the vulnerability of migrant women and children to family violence. We know 1 in 3 migrant and refugee women in Australia are experiencing family violence and rates are known to be even higher amongst women on temporary visas. Importantly the National Plan recognises migrant women face structural barriers other women do not, such as the impact ending a relationship has on their visa status and eligibility for social security. However, despite recognition of these issues in the National Plan, more work must be done to improve the migration system for women on temporary visas experiencing domestic, family, and sexual violence.

WLSA is encouraged by the Federal Government's commitment to improving the migration system and assisting women on temporary visas fleeing family, domestic and sexual violence. However, women continue to be exposed to unsafe situations and fall through the cracks of relevant support systems with devastating consequences for themselves and their children.

The Australian Government's Migration Strategy¹ acknowledges the need to open more opportunities for women,

..... in the workforce today, women remain over-represented in lower paying occupations and can be more vulnerable to exploitation, and their participation is constrained by the fact they tend to have responsibility for more unpaid care. They can face gender discrimination and bias. These problems are magnified for migrant women.

The expansion of childcare subsidy to families with restricted residency in Australia, particularly victim-survivors of domestic and family violence provides a **unique opportunity** to ensure women and children experiencing violence can access and benefit from ECEC services when they need it most. This has the potential to lead to better outcomes for migrant women and children. Including improvements to safety and job security

¹ <https://immi.homeaffairs.gov.au/programs-subsite/migration-strategy/Documents/migration-strategy.pdf>