



SNAICC
National Voice for our Children

EARLY YEARS STRATEGY

April 2023

ACKNOWLEDGEMENT

SNAICC acknowledges the Traditional Owners of the lands on which we live and work and pays respects to their Elders past and present. SNAICC offices are located on the lands of the Wurundjeri People of the Kulin Nation, and SNAICC operates nationally. SNAICC acknowledges Traditional Owners of all lands and waters across this continent and pays respects to Elders past and present.

ABOUT SNAICC

SNAICC – National Voice for our Children (SNAICC) is the national non-government peak body for Aboriginal and Torres Strait Islander children. SNAICC works for the fulfilment of the rights of our children, in particular to ensure their safety, development and well-being.

The SNAICC vision is an Australian society in which the rights of Aboriginal and Torres Strait Islander children, young people and families are protected; our communities are empowered to determine their own futures; and our cultural identity is valued.

SNAICC was formally established in 1981 and today represents a core membership of Aboriginal and Torres Strait Islander community-controlled organisations providing services in the areas of child and family welfare, early childhood education and care, and the social and emotional wellbeing of children and young people.

SNAICC advocates for the rights and needs of Aboriginal and Torres Strait Islander children and families and provides resources and training to support the capacity of communities and organisations working with our families.

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KEY RECOMMENDATIONS

Recommendation 1: That the vision of the Early Years Strategy aligns with that of the National Aboriginal and Torres Strait Islander Early Childhood Strategy and the National Agreement on Closing the Gap.

Recommendation 2: That the implementation of the Strategy results in:

- a) *Equitable wellbeing and health outcomes for all Aboriginal and Torres Strait Islander children, starting in the first 1000 days.*
- b) *The realisation of Aboriginal and Torres Strait Islander peoples' human right to self-determination.*

Recommendation 3: Government's efforts are focused on the following policy priorities:

- a) *Addressing the full spectrum of social determinants of Aboriginal and Torres Strait Islander well-being through a 'joined up' approach from across government.*
- b) *Ensuring that Aboriginal children and their families can access high quality universal services, including early childhood education and care, that are founded on local Aboriginal and Torres Strait Islander cultures and strengthen Aboriginal children and families' connection to culture.*
- c) *Promoting self-determination by building the capacity of the Aboriginal Community Controlled sector.*
- d) *Focusing on prevention by supporting efforts that promote best outcomes starting in the first 1000 days (period from conception to the end of a child's second birthday) and help keep Aboriginal and Torres Strait Islander children with their families.*
- e) *Implementing the priorities, and responding to the needs of Aboriginal and Torres Strait Islander peoples, including as described in the National Aboriginal & Torres Strait Islander Early Years Strategy and the First Aboriginal and Torres Strait Islander Action plan for "Safe and Supported."*

Recommendation 4: That the Early Years Strategy includes processes for its governance bodies to collaborate with the governance of Safe and Supported: National Framework for Protecting Australia's Children 2021-2031.

Recommendation 5: That the Early Years Strategy details specific aligned actions and opportunities to undertake collaborative effort with the Action Plans for Safe and Supported: National Framework for Protecting Australia's Children 2021-2031.

Recommendation 6: All policies impacting Aboriginal and Torres Strait Islander children and their families are developed in consultation with Aboriginal and Torres Strait Islander communities and organisations and are reflective of their priorities and needs.

Recommendation 7: Policy priorities are adequately resourced and subject to ongoing evaluation in partnership with local Aboriginal Community Controlled Organisations to ensure that they are achieving their intended outcomes.

Recommendation 8: Commit to preferential and increased funding toward ACCOs, who provide strength-based and culturally appropriate prevention and early intervention services, that address the wide-spectrum of social determinants of Aboriginal well-being.

Recommendation 9: That ACCOs are supported to lead the design and delivery of systems, services and practice which impact Aboriginal and Torres Strait Islander children and their families.

Recommendation 10: That the Commonwealth provides dedicated flexible funding appropriate to the needs of integrated Aboriginal and Torres Strait Islander early years and family support hub including Aboriginal Children and Family Centres (ACFCs) and Multipurpose Aboriginal Centres (MACs), including expanding the number and coverage of ACCO integrated early years hubs to address gaps in ACCO service availability.

Recommendation 11: Support Aboriginal services that are not National Quality Framework (NQF) approved services.

Recommendation 12: Amend the National Quality Framework and Quality Standards in collaboration with Aboriginal and Torres Strait Islander people to ensure that mainstream ECEC services meet the needs of all children:

- a) *Commit to the co-design of NQS in Quality Area 5 and 6, as well as measuring success of implementation, with Aboriginal Communities and ECEC providers.*
- b) *Commit to a process of shared decision making with Aboriginal and Torres Strait Islander organisations to design a unique, culturally strong regulatory framework for ACCO ECEC services.*

Recommendation 13: That the activity test, which can act as a barrier to ECEC access, is removed for all Aboriginal and Torres Strait Islander families.

Recommendation 14: ACCO ECEC services are provided with adequate, long-term and flexible funding which will allow them to continue their important work.

Recommendation 15: Invest in local workforce attraction, retention and qualification, particularly in regional, rural and remote areas by:

- a) *Funding the co-design, with ECEC services, of education and training models which support ACCO ECEC to train local Aboriginal people on country.*
- b) *Subsidising or covering the cost of wage increases for Aboriginal and Torres Strait Islander ECEC staff.*

Recommendation 16: That the Government allocates quarantined resources to support ACCO provision of and/or oversight of:

- a) *Healing supports to address ongoing intergenerational trauma.*
- b) *Antenatal (including maternity care) and postnatal services that offer continuity of care.*
- c) *Early childhood education and care.*
- d) *Early support services that focus on reducing the risk of child removal.*

Recommendation 17: That the Strategy is underpinned by the following principles:

- a) *Human rights. Specifically, that the Government supports the establishment of policies that honour Australia's national and international obligations in accordance with the United Nations Declaration of the Rights of Indigenous Peoples and the Convention on the Rights of the Child.*
- b) *Family-centred practice. Policies and service systems must be designed with an understanding that for Aboriginal and Torres Strait Islander children's well-being cannot be fostered in isolation from connection to family, kinship, and strong cultural identity.*
- c) *Progressive universalism. To address social inequities policies be designed to combine universal measures with targeted measures which focus additional resources to Aboriginal and Torres Strait Islander families who face the greatest barriers to accessing universal services.*
- d) *Accountability. SNAICC calls for the establishment of a National Commissioner **for Aboriginal and Torres Strait Islander Children**, in accordance with the Paris Principles.*
- e) *Data sovereignty. The Government embed Indigenous Data Governance protocols and principles developed by the Maiam nayri Wingara Indigenous Data Sovereignty Collective in the use (including collection, access, storage and analysis) of data in relation to all aspects of ECEC, Child protection and services which support the well-being and health of Aboriginal families.*

Recommendation 18: That the Strategy is developed with consideration given to the Social and Emotional Wellbeing framework (Gee et al., 2014).

INTRODUCTION

SNAICC welcomes this opportunity to contribute to the Commonwealth Government's Early Years Strategy. We commend the Commonwealth for its commitment to the wellbeing of Australian children and its emphasis on the first five years of a child's life, which has a significant impact on their wellbeing and health across the life-course. We also welcome the Commonwealth's focus on 'reducing siloes' in the provision of services and programs for children and their families, as we believe this will foster a more cohesive service system and ultimately boost the impact of Commonwealth investment.

SNAICC has a deep understanding of the needs of Aboriginal and Torres Strait children and their families, based on extensive and long-standing relationships with Aboriginal and Torres Strait Islander community controlled organisations (ACCOs) and stakeholders. Our input to this Strategy is informed by consultations with our members and Aboriginal and Torres Strait Islander community members (representative quotes from our consultation have been included), the research evidence, as well as extensive nation-wide consultations with families conducted as the foundation for the [National Aboriginal and Torres Strait Islander Early Childhood Strategy \(NIAA 2021\)](#) and the [Safe and Supported: National Framework for Protecting Australia's Children 2021 – 2031 – Aboriginal and Torres Strait Islander First Action Plan 2023-2026](#).

By drawing on these resources, this submission addresses issues that have been identified by Aboriginal and Torres Strait Islander peoples as central to the wellbeing of their children and families. Our hope is that this will support the Commonwealth to develop and implement an Early Years Strategy which is responsive to the unique needs and experiences of Aboriginal and Torres Strait Islander peoples.

The submission is presented in the form of responses to key questions outlined in the Early Years Strategy: Discussion Paper. Each section begins with key recommendations specific to the corresponding question.

RESPONSE TO KEY QUESTIONS

Q1. Do you have any comments on the proposed structure of the Strategy?

***Recommendation 1:** That the vision of the Early Years Strategy aligns with that of the National Aboriginal and Torres Strait Islander Early Childhood Strategy and the National Agreement on Closing the Gap.*

It is critical that the vision of the Early Years Strategy aligns with that of the National Aboriginal and Torres Strait Islander Early Childhood Strategy's goal, which is *to ensure that all Aboriginal and Torres Strait Islander children have the best possible start in life and are given every opportunity to reach their full potential*. This shared vision highlights the importance of addressing the historical and contemporary systemic barriers that impact the health, wellbeing, and development of Aboriginal and Torres Strait Islander children. By aligning the Early Years Strategy's vision to this goal, it can work towards improving early childhood development outcomes for Aboriginal and Torres Strait Islander children through a culturally responsive, strengths-based approach that recognises and builds on the strengths and resilience of children and families. This alignment is essential for achieving improved outcomes for children and closing the gap in health, education, and social outcomes for Aboriginal and Torres Strait Islander children.

Likewise, it is essential that the Strategy aligns with the outcomes outlined in the National Agreement on Closing the Gap. Essential to attaining this objective are the priority reforms, which include increased community-controlled service delivery, shared decision-making on policies and programs, shared access to data, and reform of mainstream government institutions. By aligning with these aims, the early years strategy can guarantee that Aboriginal and Torres Strait Islander children have access to culturally safe, responsive, and developmentally supportive early childhood education and care programs.

SNAICC urges the government to ensure that the development of all policy priorities that address the needs of Aboriginal and Torres Strait Islander children and families, as well as indicators of progress, are led by Aboriginal and Torres Strait Islander peoples. This means engaging in meaningful and ongoing consultation with Aboriginal and Torres Strait Islander communities, leaders, and other stakeholders. It also means undertaking shared decision-making in partnership with Aboriginal and Torres Strait Islander people to design policies and indicators that are truly reflective of their needs, aspirations and priorities. This will support the development of policies that are culturally responsive, evidence-based, and reflective of the diverse needs of Aboriginal and Torres Strait Islander communities across Australia. Moreover, this

acknowledges the wealth of knowledge, and strengths of Aboriginal and Torres Strait Islander peoples and upholds their right to self-determination.



Q 3. What mix of outcomes are the most important to include in the Strategy?

Recommendation 2: Implementation of the Strategy should result in:

Equitable wellbeing and health outcomes for all Aboriginal and Torres Strait Islander children, starting in the first 1000 days.

The realisation of Aboriginal and Torres Strait Islander people's human right to self-determination.

***Alignment with the National Agreement: Target 2 and 4.
Priority Reform 1 and 2.***

Starting in the first 1000 days (i.e. beginning from conception), all Aboriginal and Torres Strait Islander families and children must have equitable access to the resources and conditions that support equitable wellbeing and health outcomes.

Experiences and environments during the early years affect life-long outcomes (Moore et al., 2017). As such, addressing inequities and supporting the best start to life for everyone, irrespective of socioeconomic status, race, or gender, must be an ethical and economic imperative for this government.

This can be achieved by re-examining the existing, outdated policy priorities, which, as evidenced by history, only serve to widen the gap between outcomes for Aboriginal and Torres Strait Islander children and their non-Aboriginal counterparts. SNAICC's proposed new policy priorities are described in the following section (response to question four).

Realisation of Aboriginal and Torres Strait Islander people's human right to self-determination.

For too long, governments have decided what works and what doesn't for Aboriginal and Torres Strait Islander children and families. Australian governments have implemented assimilatory policies separating children from families based on false assumptions about Aboriginal and Torres Strait Islander cultures. It is our hope that implementation of the Strategy will bring about the systemic change that is needed to address the legacy of colonisation and the Stolen Generations and move towards a future in which Aboriginal and Torres Strait Islander people are in control of decisions made about their children and families.

Aboriginal and Torres Strait Islander people's right to self-determination is espoused by the United Nation Declaration on the Rights of Indigenous Peoples. This is discussed in greater length in our response to question seven, where the recommended guiding principles of the Strategy are outlined.

“The Early Years Strategy should make clear Aboriginal community control of Aboriginal Early Years. I don't mean in terms of service delivery, but custodianship of the whole system - identification of priorities and approaches, design of responsive service systems, and custodianship of those systems.”

Q 4 (d. policy priorities). What specific policy priorities should be included in the Strategy and why?

Recommendation 3: *The Government's efforts are focused on the following policy priorities:*

Addressing the full spectrum of social determinants of Aboriginal and Torres Strait Islander well-being through a 'joined up' approach from across government.

Ensuring that Aboriginal children and their families can access high quality universal services, including early childhood education and care, that are founded on local Aboriginal and Torres Strait Islander cultures and strengthen Aboriginal children and families' connection to culture.

Promoting self-determination by building the capacity of the Aboriginal Community Controlled sector.

Focusing on prevention by supporting efforts that promote best outcomes starting in the first 1000 days (period from conception to the end of a child's second birthday) and help keep Aboriginal and Torres Strait Islander children with their families.

Implementing the priorities and responding to the needs of Aboriginal and Torres Strait Islander peoples including as described in the National Aboriginal & Torres Strait Islander Early Years Strategy and the First Aboriginal and Torres Strait Islander Action plan for "Safe and Supported."

**Alignment with the National Agreement: Target 2, 3 and 4.
Priority Reform 1 and 2.**

Recommendation 4: *That the Early Years Strategy includes processes for its governance bodies to collaborate with the governance of Safe and Supported: National Framework for Protecting Australia's Children 2021-2031.*

Recommendation 5: *That the Early Years Strategy details specific aligned actions and opportunities to undertake collaborative effort with the Action Plans for Safe and Supported: National Framework for Protecting Australia's Children 2021-2031.*

Recommendation 6: *All policies impacting Aboriginal and Torres Strait Islander children and their families are developed in consultation with Aboriginal and Torres Strait Islander communities and organisations and are reflective of their priorities and needs.*

Alignment with the National Agreement: Priority Reform 1.

Recommendation 7: *Policy priorities are adequately resourced and subject to ongoing evaluation in partnership with local Aboriginal Community Controlled Organisations to ensure that they are achieving their intended outcomes.*

Alignment with the National Agreement: Priority Reform 2 and 3.

Policy context and alignment

Central to the success of the Strategy, is its ability to leverage existing policy frameworks and mechanisms intended to enhance the safety and well-being of Aboriginal and Torres Strait Islander children, including:

- National Aboriginal and Torres Strait Islander Early Years Strategy
 - Safe and Supported: The National Framework for Protecting Australia's Children 2021-2031 (Safe and Supported)
 - Early Childhood Care and Development Sector Strengthening Plan (ECCD sector strengthening plan)
 - National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030 (National Strategy)
 - National Plan to End Violence Against Women and Children 2022-2023 (National Plan)
- and the forthcoming Aboriginal and Torres Strait Islander Action Plan

It is imperative that the Strategy is designed in a manner which reinforces the overarching objectives and corresponding actions assigned to these policy frameworks. This includes, facilitating actions related to the provision of early supports within Safe and Supported, such as embedding the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle (Prevention,

Partnership, Placement, Participation and Connection) and ensuring that all policies and actions are trauma-informed, culturally safe, and inclusive.

Alignment with *Safe and Supported: National Framework for Protecting Australia’s Children 2021-2031*

In order for the Early Years Strategy to work effectively to prevent avoidable and harmful child protection intervention in the lives of Aboriginal and Torres Strait Islander children and families, it must align with *Safe and Supported: National Framework for Protecting Australia’s Children 2021-2031* (Safe and Supported).

Safe and Supported will be implemented through an Aboriginal and Torres Strait Islander Action Plan, and a First Action Plan which will apply to all children. The national Aboriginal and Torres Strait Islander Leadership Group, made up of Aboriginal and Torres Strait Islander specialists and leaders in child and family wellbeing from around the country, is a partner in Safe and Supported, with equal decision-making authority to governments.

Aboriginal and Torres Strait Islander communities frequently report that fragmentation of policy and program responses, and funding, contribute to poorer outcomes for Aboriginal and Torres Strait Islander families and communities. As such, the Strategy must prioritise breaking down siloes and mutually reinforcing efforts between Safe and Supported and the Early Years Strategy.

Safe and Supported is focused on reform in child protection system, and child and family services. However, action across the social determinants of child protection involvement is required to reduce the rates of Aboriginal and Torres Strait Islander children going into out-of-home care. The Early Years Strategy has an opportunity to prioritise responses that prevent child protection involvement and complement Safe and Supported Actions.

The Strategy and Safe and Supported share the common objective of facilitating key outcomes of the Closing the Gap Agreement. To that end, it is essential that there is alignment in governance and implementation of these frameworks, particularly in supporting Target 12, which is to reduce the overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care by 45% by 2031.

Key actions and opportunities are outlined below:

| ABORIGINAL AND TORRES STRAIT ISLANDER ACTION PLAN | | |
|--|---|---|
| Action | Activity | Deliverable |
| Action 2: Investing in the Community-Controlled Sector: Shift towards adequate and coordinated | <p>a) Develop a National Child and Family Investment Strategy:</p> <ul style="list-style-type: none"> The strategy will work in collaboration with Safe and Supported to shift towards adequate and coordinated funding of early, targeted, healing-informed culturally safe | <ul style="list-style-type: none"> A National Child and Family Investment Strategy focusing on a clear set of national principles and actions to drive funding priorities within the child and |



ABORIGINAL AND TORRES STRAIT ISLANDER ACTION PLAN

| Action | Activity | Deliverable |
|--|--|---|
| funding of early, targeted and culturally safe supports for Aboriginal and Torres Strait Islander children and families. | <p>support services that are effective in supporting children and families, and are delivered by ACCOs.</p> <ul style="list-style-type: none"> The strategy will prioritise increasing the proportion of services delivered by ACCOs. <p>Deliverables of the strategy will help inform jurisdictional efforts under activities b to f below.</p> | <p>family service system.</p> <p>Timing: 5 years (2023–24 to 2026–27)</p> |
| | <p>b) Co-design with ACCOs and Aboriginal and Torres Strait Islander child and family peaks (or leadership where no peak yet exists) a plan to strengthen ACCOs, which considers their aspirations, evidence-based service models of culturally appropriate care, and workforce and infrastructure needs.</p> <p>c) Develop a market strategy to support ACCO capacity and establish market transition approaches that increase the proportion of services delivered by ACCOs. This includes mapping the growth, spread and location of new ACCOs and building the capability of existing ACCOs against where the need is going to be across a jurisdiction.</p> | <ul style="list-style-type: none"> Jurisdictional ACCOs market development strategies, which include workforce, infrastructure and market transition approaches. <p>Timing: 1 year (2023)</p> |
| | <p>d) Develop jurisdictional frameworks and plans for recommissioning family support services to achieve quarantined, proportional funding directed to ACCOs to provide services for Aboriginal and Torres Strait Islander children and young people. This may be through redistributing existing resources to ACCOs.</p> <p>Jurisdictional plans include specific priorities for family support services that address the issues associated</p> | <ul style="list-style-type: none"> Jurisdictional commissioning frameworks and investment strategies that deliver dedicated future investment in ACCOs, and which supports self-determination and exercising of authority. |

| ABORIGINAL AND TORRES STRAIT ISLANDER ACTION PLAN | | |
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| Action | Activity | Deliverable |
| | with child protection intervention, including harmful use of drugs and alcohol, domestic violence and mental health. | Timing: 2 years (2024 and 2025) |
| | <p>e) Develop Aboriginal and Torres Strait Islander community-led, place-based commissioning models to increase local control over funding priorities and allocation.</p> <p>f) Commence implementation of new commissioning models in each jurisdiction and monitor progress and results in partnership with Aboriginal and Torres Strait Islander people.</p> | Timing: 1–3 years (2023 to 2025) |
| | <p>g) Reform funding models and procurement policies to direct proportionate funding and address systemic barriers to support the growth of the ACCO sector, to ensure it is funded in line with the level of system representation and community need.</p> | <ul style="list-style-type: none"> Redesigned jurisdictional funding models and procurement policies that include increased local control over funding priorities and allocation, encouraging properly funded local systems with local accountability, and capacity to enable self-determination. <p>Timing: 1–5 years (2023 to 2027)</p> |
| Action 8: Social Determinants of Child Safety and Wellbeing: Work across portfolios impacting Aboriginal and Torres Strait Islander | <p>a) Strengthen the interface between policies and service systems supporting children and families, and those addressing the social determinants of child safety and wellbeing. This includes to:</p> <ul style="list-style-type: none"> advocate and engage with portfolio service systems in the areas of early childhood development, adult and youth justice, domestic | <ul style="list-style-type: none"> Establish an agreed communication and collaboration process/approach between Safe and Supported and other national initiative governance structures representing social determinants of child safety and wellbeing. |

| ABORIGINAL AND TORRES STRAIT ISLANDER ACTION PLAN | | |
|---|---|---|
| Action | Activity | Deliverable |
| children and families | and family violence, disability, health and mental health, drugs and alcohol, education, housing, social security and employment services. | Timing: Over the course of the Action Plan (2023 to 2026) |
| | <p>b) Actively support a holistic and coordinated response to the achievement of the targets under Closing the Gap. This includes the following Australian Government measure:</p> <ul style="list-style-type: none"> As a first step, the Improving Multidisciplinary Responses for Aboriginal and Torres Strait Islander children and families with multiple and complex needs (IMR) initiative will be implemented (commencing in 2023). Governments and the Leadership Group will determine the priorities of this action over the course of the First Action Plan. <p>A targeted and focused approach will be taken in prioritising other joint initiatives.</p> | <ul style="list-style-type: none"> Undertake joint initiatives as agreed by all Parties. Implement the IMR program that supports community-led redesigned service models for Aboriginal and Torres Strait Islander children and families with multiple and complex needs. <p>Timing: Over the course of the Action Plan (2023 to 2026)</p> |
| | <p>In line with Action 7 (Disability) of the Safe and Supported First Action Plan:</p> <p>c) Partner with Aboriginal and Torres Strait Islander communities and their organisations, including ACCOs and peak bodies, on specific issues and supports required for children, young people, parents and/or carers who live with disability or developmental concerns.</p> <p>d) Governments will also collaborate and support the</p> | <ul style="list-style-type: none"> A program of work co-led with Aboriginal and Torres Strait Islander communities and their organisations, including ACCOs and peak bodies (consistent with the principles of Closing the Gap): |

| ABORIGINAL AND TORRES STRAIT ISLANDER ACTION PLAN | | |
|---|--|---|
| Action | Activity | Deliverable |
| | implementation of related disability initiatives, including the Disability Sector Strengthening Plan and <i>Australia's Disability Strategy 2021–2031</i> , to ensure that their application includes specific and dedicated actions to advance the safety and wellbeing of children and families. | <ul style="list-style-type: none"> ○ to ensure accessible and responsive services which meet the needs of Aboriginal and Torres Strait Islander children, young people, parents and/or carers who live with disability or developmental concerns; and ○ to support the development of ACCO service providers and disability sector organisations, including attracting support workers, allied health professionals and specialist roles throughout the service system in line with the Disability Sector Strengthening Plan. ● Timing: Over the course of the Action Plan (2023 to 2026) |

| FIRST ACTION PLAN | | |
|---|---|---|
| Action | Activity | Deliverable |
| Action 1: Early supports: Address the social determinants of child safety | b. Strengthen the interface between policies and service systems supporting children and families, and those addressing the social determinants of safety and wellbeing. | b.i. Establish an agreed communication and collaboration process/approach between Safe and |

| FIRST ACTION PLAN | | |
|---|---|--|
| Action | Activity | Deliverable |
| and wellbeing through early and targeted support and improved access to services for vulnerable children and families. | <ul style="list-style-type: none"> This includes advocating and engaging with portfolios in the areas of early childhood development, adult and youth justice, domestic and family violence, disability, health and mental health, drugs and alcohol, education, housing, social security and employment services. | Supported and other national initiative governance structures representing social determinants of wellbeing (including those listed at Appendix A). Timing: Over the course of the First Action Plan, from 2023. |
| <p>Action 7: Disability: Ensure effective and timely responses for parents and carers living with disability and children and young people with disability and/or developmental concerns:</p> <ul style="list-style-type: none"> at risk of entering the child protection system in out-of-home care, or transitioning to adulthood from out-of-home care. | <p>a. Develop mechanisms to ensure an effective interface between child and family services and the National Disability Insurance Agency (NDIA) that supports timely responses and information sharing.</p> | <p>a.i. Child and family services and the NDIA have mechanisms in place to ensure an effective interface that supports timely responses for eligible parents, children and young people with disability at risk of coming into contact with the child protection system, in out-of-home care and young people transitioning to adulthood from out-of-home care. The interface mechanisms will include:</p> <ul style="list-style-type: none"> operational working arrangements escalation processes priority triggers information and data sharing arrangements, and ongoing arrangements to support engagement between parties |

| FIRST ACTION PLAN | | |
|-------------------|--|--|
| Action | Activity | Deliverable |
| | | Timing: Consultation within 18 months – 2023 to 2024. Delivery 2024 to 2025. |
| | <p>b. In consultation through existing jurisdictional disability stakeholder mechanisms:</p> <ul style="list-style-type: none"> • Improve the early identification, information, supports and referral pathways of children and young people with disability and/or developmental concerns and parents and carers with disability to enable timely access to child and family supports and, for those eligible, to specialist disability services through the National Disability Insurance Scheme (NDIS). • Ensure child and family service systems, universal service pathways and the NDIS are accessible, family-centred and responsive to the needs of children and young people and parents and carers with disability. | <p>b.i Practice guidance, training and implementation support for child and family services as well as consideration of training and implementation support for associated universal services to increase staff capability in understanding, identifying and working with people with disability to access appropriate services (including diagnostic services) and services provided through the NDIS (including specific regard to First Nations people with disability and culturally and linguistically diverse people with disability).</p> <p>b.ii. Practice guidance, training and implementation support for NDIA staff to increase capability in understanding the unique needs of vulnerable children and the systems that support children, young people, parents and carers with disability in contact with child and family services (including</p> |

| FIRST ACTION PLAN | | |
|-------------------|----------|--|
| Action | Activity | Deliverable |
| | | <p>specific regard to First Nations people with disability and culturally and linguistically diverse people with disability).</p> <p>Timing: Consultation within 12 months – 2023.</p> <p>Delivery in 2024.</p> <p>For specific disability actions for Aboriginal and Torres Strait Islander children</p> |

A range of other actions under the Aboriginal and Torres Strait Islander Action Plan which align, including improving systems accountability through establishing National and State and Territory Commissioners for Aboriginal and Torres Strait Islander Children and Young People (Action 7), and building the evidence base for best practice in Aboriginal child and family support (Action 3).

Critically, both the Safe and Supported Action Plans highlight the need for collaboration between governance mechanisms for Safe and Supported and other relevant policy frameworks.

In accordance with principles of Partnership and Shared Decision-Making, SNAICC recommends that there are independent Aboriginal and Torres Strait Islander-led processes for the Safe and Supported Aboriginal and Torres Strait Islander Leadership Group to work with independent Aboriginal and Torres Strait Islander leadership for the Early Years Strategy.

Taking a social determinants approach

To achieve the above stipulated outcomes, it is imperative that priority is given to policies which are designed to address the full spectrum of social, political, and environmental determinants of Aboriginal and Torres Strait Islander well-being. These include, but are not limited to: poverty, housing, neighbourhood quality, loss of cultural identity, intergenerational trauma, and systematic and interpersonal discrimination and racism (World Health Organization, 2021).

This requires long-term commitment from across government and a ‘joined up’ approach. This demands a re-examination of policies that have historically been viewed as inconsequential to early childhood development (housing, environmental, transportation policies etc) and a coordinated approach to improving early childhood outcomes for Aboriginal and Torres Strait Islander children. Moreover, policy and service delivery frameworks must be reflective of the fact that in addition to the ‘traditional’ social determinants, for Aboriginal and Torres Strait Islander families, the experience of racism is a robust social determinant of health and well-being, and that



cultural connectedness (also a social determinant) is a strong social determinant of well-being for Aboriginal children and families.

To that end, key policy priorities which address the social determinants of wellbeing include:

Facilitating cultural connection and identity: In the context of universal services, this requires mainstream services to be culturally safe and responsive to the needs of Aboriginal and Torres Strait Islander families and to have meaningful partnerships with Aboriginal Community Controlled Organisations in their communities. Priority should also be given to supporting cultural practices and ceremonies, preserving cultural heritage, and ensuring that Aboriginal and Torres Strait Islander languages are preserved and taught.

Addressing discrimination and racism: Promoting cultural awareness and respect, creating and enforcing anti-discrimination laws, and supporting initiatives that promote intercultural understanding.

Addressing poverty: Providing income support, increasing access to culturally safe education and training opportunities, and creating employment opportunities that are appropriate for the needs of Aboriginal and Torres Strait Islander communities.

“Families need jobs to provide for families.”

Addressing food insecurity: Taking a multi-faceted approach that responds to the unique needs and circumstances of each community. Overall, the government can address this issue by adequately funding First Nations led food programs, working with suppliers to increase the availability of healthy food in remote Aboriginal communities (including creating incentives for suppliers to stock fresh products in Aboriginal communities), supporting traditional First Nations food systems (hunting, fishing, and gathering food from the land) by funding initiatives that promote these traditional practices, and addressing poverty.

“Rents are sky high! This leads to food insecurity (food is) the first thing that goes; adults don’t eat to make sure kids have food at school so they aren’t reported to child protection”

“In rural towns, some areas airlift food. Access to good quality produce (is a problem) if you’ve only got one supermarket, there’s a monopoly. \$22 for powdered milk!”

Addressing housing and homelessness: Investing in the construction and maintenance of quality housing that is affordable, culturally appropriate, and meets the needs of Aboriginal and Torres Strait Islander families. There is also an urgent need to address the complex issues that increase the likelihood of homelessness,

such as mental health and drug and alcohol issues, by taking a holistic approach that addresses these issues concurrently. Targeted strategies, such as increasing the Commonwealth Rent Allowance by 50 per cent should be simultaneously implemented (Australian Council of Social Services, 2022).

“(We need to) look holistically...there is a housing crisis. Can we take this on? (children) need houses to be strong.”

“We (Central NSW) there’s no water – they’re trucking it in. (we need) essential services.”

Enhancing neighbourhood quality: Investing in community infrastructure such as parks, community centres, and cultural facilities, improving access to public transport, and supporting local businesses.

To be effective, it is imperative that all policies are developed in consultation with Aboriginal and Torres Strait Islander communities and organisations and reflect their priorities and needs. Progress toward these must be regularly evaluated in partnership with local Aboriginal Community Controlled Organisations. Finally, policies must be adequately resourced and supported by ongoing monitoring and evaluation to ensure that they are achieving their intended outcomes.

Q5 Promoting self-determination by building the capacity of the Aboriginal Community Controlled sector

Recommendation 8: *Commit to preferential and increased funding toward ACCOs, who provide strength-based and culturally appropriate prevention and early intervention services, that address the wide-spectrum of social determinants of Aboriginal well-being.*

Alignment with the National Agreement: Target 3 and 4. Priority Reform 2.

Recommendation 9: *Support ACCOs to lead the design and delivery of systems, services and practice which impacts Aboriginal and Torres Strait Islander children and their families.*

Alignment with the National Agreement: Priority Reform 2.

Recommendation 10: *That the Commonwealth provides dedicated flexible funding appropriate to the needs of integrated Aboriginal and Torres Strait Islander early years and family support hub including Aboriginal Children and Family Centres (ACFCs) and Multipurpose Aboriginal Centres (MACs), including expanding the number and coverage of ACCO integrated early years hubs to address gaps in ACCO service availability*

Alignment with the National Agreement: Target 3 and 4.

Enacting self-determination for Aboriginal and Torres Strait Islander people is critical to designing and implementing effective policies that achieve better outcomes for Aboriginal and Torres Strait Islander children. For too long, governments have decided what works and what doesn't for Aboriginal and Torres Strait Islander children and families. The need for this to change is acknowledged in the current National Agreement on Closing the Gap which prioritises formal partnership and shared decision making with Aboriginal and Torres Strait Islander people.

Aboriginal and Torres Strait Islander community-controlled organisations (ACCOs) are among the few Aboriginal and Torres Strait Islander organisations that are governed by, and entirely accountable to, the local Aboriginal and Torres Strait communities they serve, making them a best practice example of the implementation of the right to self-determination as enshrined in the United Nations Declaration on the Rights of Indigenous Peoples. ACCOs also play a key role in addressing the cultural and social determinants of wellbeing for Aboriginal and Torres Strait Islander children.

“(We’re) living in a system that wasn’t built for us....so it doesn’t meet our needs...if services are delivered by an ACCO then probably ‘yes’ [we have a say in how services are provided] if not, probably ‘no’ [don’t have a say in how services are provided].”

The National Agreement to Closing the Gap acknowledges the significance of meaningful partnerships with local Aboriginal and Torres Strait communities and organisations and has committed Australian governments at all levels to build “a strong and sustainable Aboriginal and Torres Strait Islander community-controlled sector delivering high quality services to meet the needs of Aboriginal and Torres Strait Islander people across the country.”¹

“No one better to serve Aboriginal communities than Aboriginal people.”

“That the community distrusts Government is reflected in the debate about the [Indigenous] voice to parliament. The ‘voice of community’ is about ACCOs and designing our own services.”

Across Australia, ACCOs continue to deliver placed based services tailored to community need. These apply an holistic model of care resulting in better health and wellbeing outcomes for Aboriginal and Torres Strait Islander children and families. Despite this, ACCOs continue to receive far less funding for these services proportionally than non- Indigenous organisations. In some cases, funding has been stripped from ACCOs. For example, in 2014, the Abbott government ceased federal funding for Aboriginal and Torres Strait Islander Children and Family Centres (ACFCs). The 38 ACFCs, had been established across the country under Closing the Gap in 2009, with funding committed by Commonwealth and state governments. They provide an array of integrated services designed to meet locally determined priorities and needs for Aboriginal children and families. The flexible, inclusive and community-based approach of ACFCs has been successful in facilitating the participation of Aboriginal and Torres Strait Islander children to access high-quality early childhood education programs, many for the first time. Since the removal of federal funding, ACFC have been caught in the crossfire of State-Commonwealth politics.

“Aboriginal kids learn differently. They learn by doing rather than scribbling on a board. Kids like to ‘get in and do it’ and would thrive more if this happened... there is no flexibility in funding to deliver this, for example to sit down out bush. There’s no dollars for the program or to fund Old People to provide a language nest. There’s

¹ <https://www.closingthegap.gov.au/national-agreement/national-agreement-closing-the-gap/3-objective-and-outcomes>

no funding to pay the Elders, no money for ‘working with children’ checks.”

As indicated above, supporting ACCOs, and thereby promoting Aboriginal and Torres Strait Islander peoples’ right to self-determination, necessitates appropriate, ‘flexible’ and long-term funding commitments that allow ACCOs to make autonomous decisions regarding how to best support and meet the needs of their community. This will ultimately facilitate the transfer of power and resources back to Aboriginal and Torres Strait Islander communities, allowing ACCOs to take the lead rather than catering to short-term funding agendas that may be culturally inappropriate or limited. ‘Flexible’ funding emphasises that the allocation of funds is not contingent on pre-determined outcomes and/or outputs established by funders, including government. This has the practical effect of enabling ACCOs to set goals that have been defined and prioritised by the community and provide services that engage and support families. The adverse impact of non ‘flexible’ funding on ACCOs and families was captured by one SNAICC member organisation:

“The idea behind the Aboriginal Child and Family Centres and the old MACS (Multifunctional Aboriginal Children’s Services) centres- you had a bucket of money that you were able to use to suit the community....you weren’t given \$20,000 for this and \$50,000 for that, you could use that money, you still had to account for it but when it’s a bit looser you can respond to those needs in the community in a better way.”

Similarly, the uncertainty of short-term funding cycles significantly misaligns with the long-term commitment required to address the complex social determinants of health. Research suggests that place-based initiatives, such as ACCOs, that address complex socioeconomic issues should be viewed as a 25-year investment (Burgemeister et al., 2021), with some benefits for children becoming apparent only when they reach adulthood.

Q6 Improving access to quality ECEC

Recommendation 11: Support Aboriginal services that are not National Quality Framework (NQF) approved services:

Recommendation 12: Amend the National Quality Framework and Quality Standards in collaboration with Aboriginal and Torres Strait Islander people to ensure that mainstream ECEC services meet the needs of all children.

- a) Commit to the co-design of NQS in Quality Area 5 and 6, as well as measuring success of implementation, with Aboriginal Communities and ECEC providers.
- b) Commit to a process of shared decision making with Aboriginal and Torres Strait Islander organisations to design a unique, culturally strong regulatory framework for ACCO ECEC services.

Alignment with the National Agreement: Target 3 and 4. Priority Reform 3.

Recommendation 13: The activity test, which can act as a barrier to ECEC access, is removed for all Aboriginal and Torres Strait Islander families.

Alignment with the National Agreement: Target 4.

Recommendation 14: ACCO ECEC services are provided with adequate, long-term and flexible funding which will allow them to continue their important work.

Alignment with the National Agreement: Priority Reform 2.

Recommendation 15: Invest in local workforce attraction, retention and qualification, particularly in regional rural and remote areas by:

- a) Funding the co-design, with ECEC services, of education and training models which support ACCO ECEC to train local Aboriginal people on country.
- b) Subsidising or covering the cost of wage increases for Aboriginal and Torres Strait Islander ECEC staff.

Alignment with the National Agreement: Priority Reform 2.

Overwhelming evidence shows that high-quality early education programs have an overall positive effect on children’s physical and mental health, school readiness, and social and academic outcomes. However, within the context of ECEC, there is no explicit requirement for ECEC services to embed culture into their curriculum, raising critical questions regarding the appropriateness, cultural safety and inclusivity of ‘mainstream’ ECEC services for Aboriginal and Torres Strait Islander children and families. This is problematic because early learning programs that do not reflect the culture and knowledge of the local Aboriginal community are not seen as culturally safe and tend not to be used by families in that community.

“We need culturally appropriate education for parents... Children not strong in culture show up in the Justice system at an earlier age.”

The ECEC community-controlled sector address this gap while addressing the social determinants of Aboriginal and Torres Strait Islander wellbeing by incorporating a broad range of wrap-around and integrated services in addition to ECEC. These unique services are also rooted in Aboriginal learning principles and values that focus on the child in the context of family, community and culture. The impact of this is increased engagement by the whole family and ultimately Aboriginal and Torres Strait Islander children who are resilient and strong in their culture.

Local Aboriginal staffing of ACCO ECEC services is essential to their capacity to provide culturally safe care. As such, efforts must focus on developing and funding of strategies that enable the employment, training and retention of Aboriginal and Torres Strait Islander People.

“We need more staff on the ground in community to provide transport and provide services locally.”

As a sector, ECEC faces a critical shortage of qualified staff, a problem exacerbated by poor remuneration (Dean, 2022). While acknowledging that low wages have a significant impact on staff retention, it must be noted that ACCO-run ECEC provides services to communities where socio-economic disadvantage is often widespread, and providers cannot pass on the cost of wage increases to families without severely limiting children’s access to care. Staff shortages are especially acute in rural and remote areas. The Kimberley Development Commission has profiled several examples of ECEC services which have developed training programs and processes to assist the recruitment and retention of Aboriginal staff from their local community as ECEC educators.² Not only does this approach minimise the need to provide housing and other incentives to entice an external workforce to the region, it concurrently facilitates the employment of local Aboriginal and Torres Strait Islander staff who have a commitment to and connection with their local community.

² Kimberley Development Commission (December 2022) Sector Profile # 1 Childcare in the Kimberley accessed 17/1/23 from: <https://kdc.wa.gov.au/sector-profiles/childcareinthekimberley/>

In addition, there is evidence that Aboriginal and Torres Strait Islander families, particularly those in regional and remote areas, are disproportionately disadvantaged by structural and administrative barriers to accessing ECEC, such as the activity test (Australian Institute of Family Studies, 2022; Impact Economics and Policy, 2022).

“As a society we recognise the importance of public education but ...have created a system where such access is not affordable to those likely to benefit most.”

While SNAICC welcomes increased childcare subsidies and guaranteed ECEC access of 36 hours per fortnight for Aboriginal and Islander children, we note that 1) this falls significantly short of the 30 hours ECEC per week which has been shown to provide positive outcomes for vulnerable children; and 2) this does not fully address the barriers to ECEC access imposed by the activity test. The requirements of the activity test are difficult to navigate for some families who are unsure as to which activities satisfy the test’s guidelines, or who have fears about the financial consequences of incorrectly reporting their activity. Moreover, the activity test equates ECEC with workforce participation, instead of being a fundamental right for all children.

“There are clear reasons why our kids can’t access childcare and it’s all due to childcare subsidy.... We’ve got kids enrolled on paper and we’re just sitting there holding their spots, waiting for them to be childcare subsidy approved. One mother’s been locked up and the grandmother has taken the child on, but the grandmother can’t get the childcare subsidy. It’s been eight weeks.”

Finally, despite the critical services they provide, ACCO ECECs receive inadequate funding (described above). For those ACCO ECEC services which fall within the scope of the National Quality Framework, (NQF), the current quality and regulatory frameworks fail to acknowledge or address the unique needs and circumstances of Aboriginal and Torres Strait Islander communities, and do not value the unique cultural services they provide. This serves as a barrier to sector development and quality improvement. Furthermore, there are no nationally consistent regulatory standards for Aboriginal and Torres Strait Islander services that are not within the scope of the NQF and therefore not assessed under its National Quality Standard (NQS). To address this, efforts must be made to examine the requirements of the NQF in partnership with the Aboriginal and Torres Strait Islander sector and consideration must also be given to service types and contexts, specifically those services funded under the Child Care Fund-Restricted (CCCF-R) for which the NQF may not be an appropriate regulatory framework. **Consideration should also be given to developing a unique framework and standards which apply to Aboriginal and Torres Strait Islander services.**

Q7 Keeping families together – focusing on prevention

Recommendation 16: *That the Government allocates quarantined resources to support ACCO provision of and oversight of:*

Healing supports to address ongoing intergenerational trauma.

Antenatal (including maternity care) and postnatal services that offer continuity of care.

Early childhood education and care.

Early support services that focus on reducing the risk of child protection involvement.

Alignment with the National Agreement: Target Area 2, 3 and 4. Priority Reform 2.

Aboriginal and Torres Strait Islander families have robust cultural practices in family life and child rearing and know how to keep their children safe and to raise them to be active contributors to family and community life. However, the legacy of the Stolen Generations has disrupted vital kinship systems and impacted the capacity of affected parents to provide nurturing care. To address this, policies must place a greater emphasis on prevention, beginning in the first 1000 days, which is known to have life-long impacts on wellbeing outcomes. Central to this are policies that are designed with the intent to strengthen families and support parents to provide safe and nurturing environments for their children so that Aboriginal and Torres Strait children can be raised within their families and communities.

Child protection intervention and its impacts on Aboriginal and Torres Strait Islander families & communities

Child protection intervention affects Aboriginal and Torres Strait Islander children, families and entire communities disproportionately compared with non-Indigenous children and families. The extent of child protection intervention in the lives of Aboriginal and Torres Strait Islander children and families is such that it is a significant issue affecting the wellbeing of a large proportion of Aboriginal and Torres Strait Islander children and families. In 2021-22, 182.2 in every 1,000 Aboriginal and Torres Strait Islander children in Australia was the subject of a child protection notification, compared with 31.9 in every 1,000 non-Indigenous children (SCRGSP, 2023).

The reasons for this disproportionate intervention into the lives of Aboriginal and Torres Strait Islander children and families include systemic racism, intergenerational trauma, and a systemic focus on tertiary intervention at the expense of early, preventative support (SNAICC, 2021b). During SNAICC's consultations for Safe and Supported, one of the most common barriers identified by Aboriginal and Torres

Strait Islander peoples and families to accessing help was the fear of having their children removed (Ibid.).

In 2020-21 30.7% of Aboriginal and Torres Strait Islander children for whom a notification to child protection was substantiated were identified as being subject to neglect (AIHW, 2022). A further 47.7% of Aboriginal and Torres Strait Islander children for whom a notification to child protection was substantiated were identified as being subject to emotional abuse, which includes exposure to domestic and family violence (Ibid.). These rates are higher for Aboriginal and Torres Strait Islander children than non-Indigenous children (Ibid.). Socio-economic factors such as poverty, inequality, poor access to services, and higher rates of mental health concerns and challenges with substance use, all contribute to these outcomes (SNAICC, 2022: pp. 45-47).

Child protection involvement does not lead to greater safety for a large proportion of Aboriginal and Torres Strait Islander children and families subject to child protection intervention. The removal of children causes intergenerational trauma and prevents them from accessing culturally safe support, free from judgment (Gee et. al., 2014).

The current child protection system requires significant reform to achieve Target 12 under the National Agreement on Closing the Gap, to reduce the overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care by 45% by 2031. Despite the national commitment, Aboriginal and Torres Strait Islander children continue to be heavily overrepresented (SNAICC, 2022).

If efforts are not accelerated under *Safe and Supported: National Framework for Protecting Australia's Children 2021-2031* (Safe and Supported), the population of Aboriginal and Torres Strait Islander children in out-of-home care is likely to increase by up to 50% in the next 10 years, making up almost half of all children in out-of-home care (SNAICC, 2022: pp. 43-44).

Aboriginal and Torres Strait Islander led early supports, which adopt a holistic approach to service delivery, are necessary to prevent children from being removed from their families. The lack of funding for Aboriginal Community Controlled Organisations (ACCOs) to facilitate early support limits opportunities for Aboriginal and Torres Strait Islander children to remain safely with their families. To effectively support Aboriginal and Torres Strait Islander children in their early years, the Early Years Strategy must facilitate investment into universal and targeted early support services to prevent Aboriginal and Torres Strait Islander children and families from child protection involvement.

Intergenerational trauma as a driver of child protection involvement and the need for healing

An important underlying contributor to involvement with child protection for Aboriginal and Torres Strait Islander people is the impact of trauma. Trauma is the “response of the mind and nervous system to a life-threatening experience that is so overwhelming it leaves the individual unable to come to terms with it” (Healing Foundation, 2015). Aboriginal and Torres Strait Islander children can directly experience traumatic events, or experience trauma through exposure to the

traumatic experiences of their family and community members of forced removals, colonisation, dispossession, and discrimination. Intergenerational or historical trauma is passed between generations through cycles of emotional and psychological injury, affecting children and families' wellbeing, functioning, safety, health and cultural connection (Atkinson et. Al., 2010: pp. 135–144).

The Stolen Generations are Aboriginal and Torres Strait Islander people subjected to forcible removal from their families and communities by governments, welfare bodies and churches to be placed in institutions, adopted or fostered by non-Indigenous families, as a matter of policy. Aboriginal and Torres Strait Islander children who were removed were often subjected to abuse and neglect (Bringing Them Home, 1997: Part 2, Ch. 2). It is estimated that up to 1 in 3 Aboriginal and Torres Strait Islander children were removed under forcible removal policies (Ibid.), resulting in widespread inter-generational effects on Aboriginal and Torres Strait Islander families and communities.

The ongoing impacts of the collective trauma of forcible removal policies continue to affect Aboriginal and Torres Strait Islander people, including communities' relationships with child protection today (Kickett & Stubbley, 2020). Stolen Generations survivors are more likely than other Aboriginal and Torres Strait Islander people to experience a range of adverse health, social and wellbeing outcomes including contact with police, experiences of violence, homelessness, poor mental health, and experiences of discrimination, which can contribute to contact with child protection (AIHW, 2018).

To address the ongoing impacts of intergenerational trauma on Aboriginal and Torres Strait Islander families and communities, there is a need for Aboriginal and Torres Strait Islander led healing and trauma-informed support for Social and Emotional Wellbeing to be prioritised and resourced under the Early Years Strategy.

The rise in removal of Aboriginal and Torres Strait Islander infants at birth
SNAICC is alarmed by recent evidence which highlights an increase in the number of 'at-risk' pregnant Aboriginal women being reported to child protection services, as well as an increase in the number of Aboriginal and Torres Strait Islander newborns and infants (<1 year of age) entering out-of-home care (O'Donnell et al., 2019). In 2020-21 200.9 in every 1,000 Aboriginal and Torres Strait Islander infants in the population was subject to child protection involvement (AIHW, 2022).

Inequities in access to antenatal care for Aboriginal and Torres Strait Islander women, and fear of child protection involvement contribute to unequal outcomes for Aboriginal and Torres Strait Islander babies and children (SNAICC, 2021a: pp. 74-76). Lack of culturally safe antenatal services for Aboriginal and Torres Strait Islander women is a major barrier to achieving better outcomes for Aboriginal and Torres Strait Islander children in the first 1,000 days.

Separating infants from their mothers, family, kin, supports and Country serves to perpetuate social and cultural dislocation, as well as the collective and intergenerational trauma, of Aboriginal and Torres Strait Islander peoples. It is also contrary to the objectives of the Aboriginal and Torres Strait Islander Child

Placement Principle and the Australian Government Closing the Gap commitments. Moreover, it deters Aboriginal and Torres Strait Islander women from accessing mainstream health services, results in grief and cumulative loss, and has long-term adverse health and well-being outcomes for Aboriginal women, their babies, families and communities (SNAICC, 2021a: p. 30). Aboriginal and Torres Strait Islander children's inherent right to family and culture is also protected by Article 30 of the Convention on the Rights of the Child (UN General Assembly, 1989) and reflected in the right to self-determination enshrined in Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples (UN General Assembly, 2007).

“(We need) early education services for young, first-time mums during pregnancy (e.g. information on gestational diabetes) ... (we have an example of a) Midwifery program that provides continuity of care... and outreach programs providing education and discussion in the home for first time mums (e.g. ‘Building Baby Brain’) a group education program about the effect of trauma on developing baby’s brain in utero.”

The Early Years Strategy must support a redesign of maternity and neonatal services so that they are ACCO-led and facilitate access to culturally responsive and trauma-integrated maternity care, shown to significantly increase attendance and engagement in antenatal care and reduce preterm births by 50% (Kildea et al., 2021). Furthermore, the Strategy must include funding for ACCOs to educate mainstream services on how to deliver culturally responsive trauma-integrated care for Aboriginal and Torres Strait Islander people, incorporating and relearning Aboriginal and Torres Strait Islander ways of communicating effectively about sensitive issues, including using Dadirri, yarning and storytelling, are critical (Chamberlain et al., 2020).

Resourcing for Aboriginal and Torres Strait Islander Community Controlled early supports

Urgent action is required to address the continued removal of Aboriginal and Torres Strait Islander children from their families. This can be achieved through the allocation of adequate and long-term funding that supports prevention initiatives such as parenting support programs, family violence prevention programs, addressing food insecurity and improving access to affordable housing.

Resourcing in child protection system nationally is weighted towards tertiary intervention, with a small fraction for universal prevention and targeted early support. The vast majority of national child protection funding is directed at tertiary out-of-home-care services (60.4%) (SNAICC, 2022). In the 2021-2022 financial year, only 16.95% of the national budget for child protection expenditure was directed to family support services and intensive family support services, which work with families to address risk factors for children and prevent child protection involvement (Ibid.).

Although 2020-21 saw a slight increase in child protection funding across all jurisdictions, the proportion of expenditure allocated to family support services remains concerningly low across most states and territories.

Furthermore, many jurisdictions do not fund Aboriginal and Torres Strait Islander Community Controlled Organisations (ACCOs) sufficiently to provide the early supports required for Aboriginal and Torres Strait Islander children and families (SNAICC, 2022: p. 42). This underinvestment in prevention has occurred over years, and for most jurisdictions has changed little. For instance, the de-funding of Aboriginal and Torres Strait Islander Child and Family Centres detailed above in this submission outlines the removal of resources from holistic family support, which has never been restored. By reversing this situation and adequately implementing preventive policies, government can help prevent the unnecessary removal of Aboriginal and Torres Strait Islander children from their families and ensure that they can grow up in safe and stable environments with their families and communities.

ACCOs are uniquely positioned to promote and facilitate prevention strategies, starting in the first 1,000 days. ACCOs provide a broad range of education, family and early intervention services ranging from community-based playgroups to fully integrated early education and family support hubs which provide holistic wraparound services to families. These services have a significant impact on preventing child protection intervention, support self-determination in child protection and work to ensure children are connected to their families, communities, cultures and Country.

Holistic and culturally safe support services offer compassionate support, provide opportunities to develop parenting skills, reduce isolation and offer holistic healing approaches (Austin & Arabena, 2021). In consultations for this submission, SNAICC members highlighted that ACCOs must be resourced to partner with a range of health, disability, and education services to provide effective support for Aboriginal and Torres Strait Islander children and families. In many cases, ACCOs delivering early childhood services provide a level of service integration and coordination in a broadly fragmented service system, and facilitate access to affordable services for Aboriginal and Torres Strait Islander families and children.

The Early Years Strategy must facilitate significant increased investment into ACCOs to deliver early childhood and family supports to provide holistic support and education to Aboriginal and Torres Strait Islander parents and families. This must include resources to ACCOs to support parents to foster cultural ways of promoting children's social and emotional well-being, addressing the effects of trauma, and practical strategies to help and available culturally safe support services.

Q7. What principles should be included in the Strategy?

Recommendation 17: *That the Strategy is underpinned by the following principles:*

Human rights. Specifically, that the Government supports the establishment of policies that honour Australia's national and international obligations in accordance with the United Nations Declaration of the Rights of Indigenous Peoples and the Convention on the Rights of the Child.

Family-centred practice. Policies and service systems must be designed with an understanding that for Aboriginal and Torres Strait Islander children's well-being cannot be fostered in isolation from connection to family, kinship, and strong cultural identity.

Progressive universalism. To address social inequities policies be designed to combine universal measures with targeted measures which focus additional resources to Aboriginal and Torres Strait Islander families who face the greatest barriers to accessing universal services.

Accountability. SNAICC calls for the establishment of a National Commissioner for Aboriginal and Torres Strait Islander Children, in accordance with the Paris Principles.

Data sovereignty. The Government embed Indigenous Data Governance protocols and principles developed by the Maiam nayri Wingara Indigenous Data Sovereignty Collective in the use (including collection, access, storage and analysis) of data in relation to all aspects of ECEC, Child protection and services which support the well-being and health of Aboriginal families.

Alignment with the National Agreement: Priority Reform 3 and 4.

SNAICC maintains that all policy and implementation measures under the Strategy should be informed to support the following principles:

1. Human rights

Aboriginal and Torres Strait Islander peoples have been subject to colonisation, dispossession, discrimination, marginalisation, and significant breaches of human rights across multiple areas, historically and in contemporary Australia, not least in the protection of cultural heritage and land rights and in the treatment of persons in contact with the criminal justice and child protection systems. The practices and impacts of colonisation continue in the present day, including through the policies of governments and public institutions, as well as the actions of private corporations

and individuals, extending cycles of intergenerational trauma, disrespect and injustice, and contributing to broader political, economic, social and cultural disadvantage and barriers to wellbeing.

The application of human rights principles is foundational to addressing the current state of affairs by supporting the development of policies that respect, protect, and fulfil the fundamental rights and freedoms of all Aboriginal and Torres Strait Islander peoples. Key elements of human rights principles which must be incorporated into the development of new policies include, non-discrimination, equity, participation, inclusion, accountability and transparency.

Non-discrimination: Policies should not discriminate against any person or group on the basis of their race, ethnicity, gender, sexual orientation, religion, or any other personal characteristics.

Equality: Policies across all government departments must be designed to promote equity and eliminate discrimination in all areas, including access and participation.

Participation and inclusion: All policies should be designed through an authentic process of co-design. This is particularly important for policies which impact the lives of Aboriginal and Torres Strait Islander children and families. Aboriginal and Torres Strait Islander people and Aboriginal Community Controlled Organisations must be engaged through a meaningful process of co-design to assume leadership on the design and implementation of policies and programs that affect them and their families.

When applying rights-based principles, we urge the government to develop policies which are in line with Australia's national and international obligations under the following human rights conventions:

United Nation Declaration on the Rights of Indigenous Peoples (UN General Assembly, 2007) (UNDRIP)

SNAICC emphasises the significance of the UNDRIP, particularly in the context of article 3's explicit articulation of the right to self-determination: "*Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*"

The fundamental principle underlying the entirety of the UNDRIP is self-determination. As the Expert Mechanism on the Rights of Indigenous Peoples assert in their recent report³: "*All the rights in the Declaration are indivisible, interdependent and grounded in the overarching right to self-determination. The exercise of self-determination is therefore indispensable for indigenous peoples' enjoyment of all their other rights, including, importantly, land rights (articles 25-28, 30 and 32) and political participation (articles 18-20 and 34).*"

³ Report of the Expert Mechanism on the Rights of Indigenous Peoples, Efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: indigenous peoples and the right to self-determination. <https://undocs.org/A/HRC/48/75>

To ensure that the Strategy meets its intended outcomes, we urge the governments to support the development of policies which honour the UNDRIP.

Finally, SNAICC shares concerns voiced by the Australian Law Council⁴ that, despite announcing support for the UNDRIP in 2009, Australian governments and parliaments have not yet ratified and implemented its standards in any formal or comprehensive manner. We support recommendations put forth by the Australian Law Council that the Australian government should give serious consideration to creating a national action plan for domestic application of the UNDRIP.

Convention on the Rights of the Child (CRC)

In embedding principles of human rights, it is imperative that the Strategy supports the development of policies which align with the CRC and adequately address concerns raised by the Committee on the Rights of the Child (2019), including:

- The limited involvement, leadership and participation of Aboriginal and Torres Strait Islander communities and organisations in the development of solutions impacting their children;
- The continuing overrepresentation of Aboriginal and Torres Strait Islander children in alternative care, often outside their communities;
- The enduring overrepresentation of Aboriginal and Torres Strait Islander children and their parents and carers in the justice system;
- The disparities in health status of Aboriginal and Torres Strait Island children; and
- That efforts made to close the gap for Aboriginal and Torres Strait Islander children remain insufficient.

To ensure that the Strategy meets its intended outcomes, we urge the governments to support the development of policies which honour the CRC, with particular attention to:

Article 30: *“In those States in which ethnic, religious, or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion or to use his or her own language.”*

General Comment No 7: *“Implementing child rights in early childhood”* which stresses that young children’s experiences are significantly shaped by their culture, and the opportunity to play an active role in their family and community. Emphasis is placed on the unique vulnerability of young children to discrimination, poverty, and other adversities that significantly undermine their well-being, and the importance of addressing these. Importantly, there is an emphasis on the need for ECEC services to be culturally relevant and to achieve this by *“working with local communities rather by imposing a standardised approach to early childhood care and education.”*

⁴ <https://www.lawcouncil.asn.au/media/media-releases/australia-must-formally-adopt-un-declaration-on-rights-of-indigenous-people>

General Comment No 11: (GC11; United Nations, [2009](#)): “*Indigenous children and their rights under the Convention*” – asserts that, when determining the best interest of Indigenous Children, government bodies must always “*consider the cultural rights of the indigenous child and his or her need to exercise such rights collectively with members of their group. As regards legislation, policies and programmes that affect indigenous children in general, the indigenous community should be consulted and given an opportunity to participate in the process on how the best interests of indigenous children in general can be decided in a culturally sensitive way. Such consultations should, to the extent possible, include meaningful participation of Indigenous children.*”

2. Family-centred practice

Policies and service systems must be designed with an understanding that for Aboriginal and Torres Strait Islander children, well-being cannot be fostered in isolation from connection to family and kinship, strong cultural identity, connection to country, sovereignty, and Indigenous knowledges.

To that end, the overarching goal of policies affecting Aboriginal and Torres Strait Islander families must be to create the conditions that support caregiving and caregivers and ensures that children can remain in the care of their families.

SNAICC urges the government to ensure that all policies impacting Aboriginal and Torres Strait Islander children and families are designed to ensure that they can access services that are founded on local Aboriginal and Torres Strait Islander cultures and strengthen Aboriginal children and families’ connection to culture. Key family-centred principles which are particularly significant include:

Cultural identity: The significance of a strong connection to cultural on the development of a strong sense of identify and resilience among Aboriginal and Torres Strait Islander children is supported by an extensive body of evidence (Dockery & Colquhoun, 2012; Dockery, 2020; Lohoar et al., 2014; Salmon et al., 2019). Evidence also shows that connection to culture improves the effectiveness of programs for Aboriginal and Torres Strait Islander parents and caregiver and improved early childhood development outcomes (McCalman et al., 2017).

Strength-based: Acknowledging the strengths and resilience of families and communities and prioritising working with families and community to identify and capitalise on strengths.

Holistic: This includes understanding that Aboriginal and Torres Strait Islander children's health and wellbeing is linked to their culture, family and community, and land. Understand the significance of cultural identity and fostering this is critical.

Empowerment and self-determination: This necessitates an emphasis on engagement with Aboriginal and Torres Strait Islander families, communities, and organisations to ensure that they take the lead in all planning and decision-making processes affecting their communities and children.

3. Progressive universalism

Progressive universalism is an approach to social policy that acknowledges that applying a universal approach without concurrently addressing barriers to access can exacerbate social inequities. As such, the overall aim is to address inequities by combining universal measures with targeted measure which focus additional resources to those who face the greatest barriers to access.

Universal ‘one-size-fits-all’ policies that fail to recognise and address the diverse needs (including level of need) of different communities and populations have been proven ineffective. To that end, SNAICC advocates for a progressive universal approach that offers universal platforms with targeted implementation strategies that are proportionate and responsive to the unique needs of Aboriginal and Torres Strait Islander families and children. Central to this approach is the reduction of access barriers to the greatest extent possible by embedding strategies and policies which build the capacity of Aboriginal Community Controlled Organisations, which are designed by and for the local Aboriginal and Torres Strait Islander communities in which they operate.

SNAICC supports recommendations put forth by the 2019 Concluding Observations of the Committee on the Rights of the Child⁵: *“The Committee recommends that the State party strengthen its support to: (a) Aboriginal and Torres Strait Islander organizations, including through capacity-building initiatives and increased resource allocation, and that it prioritizes them as service providers.”*

4. Accountability.

Accountability mechanisms play a critical role in improving outcomes for Aboriginal and Torres Strait Islander children and families by providing a framework for ensuring that government policies and actions are transparent, monitored, and evaluated against measurable outcomes. This approach helps to ensure that resources are effectively used, and policies are responsive to the needs and aspirations of Aboriginal and Torres Strait Islander peoples. However, to be effective, accountability mechanisms must be culturally sensitive and incorporate the perspectives, voices, and knowledge of Aboriginal and Torres Strait Islander peoples. This requires a shift in traditional power dynamics and a commitment to genuine partnership, engagement, and collaboration.

To support accountability, SNAICC calls for the establishment of a National Commissioner, in accordance with the Paris Principles⁶:

Entrenchment in law

The National Commissioner should be established via standalone federal legislation with sufficient detail to ensure a clear mandate and independence. This should include the National Commissioner’s role, powers, funding, lines of accountability, and term of office.

⁵ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/316/49/PDF/G1931649.pdf?OpenElement>

⁶ <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris>

Human rights mandate

The National Commissioner should be legislatively empowered to protect and promote the rights of Aboriginal and Torres Strait Islander children and young people in Australia.

Cooperation with other human rights bodies

The National Commissioner should develop, formalise, and maintain working relationships with other domestic institutions established for the promotion and protection of the rights of Aboriginal and Torres Strait Islander children and young people.

Ensuring pluralism

Consistent with best practice in self-determination the National Commissioner should be an Aboriginal or Torres Strait Islander person.

Selection & appointment of decision-making body

The establishing legislation should set out a transparent and participatory selection and appointment process for the National Commissioner based on identified and objective criteria that is publicly available. The legislation should also mandate that Aboriginal and Torres Strait Islander young people be involved in the selection process for the National Commissioner.

Independence from government

The establishing legislation should provide that the National Commissioner be independent from Government, be free from political interference and stipulate clear details relating to tenure.

Adequacy of funding

The National Commissioner should have both financial independence and adequate resources to perform the mandated duties.

Public reporting

The National Commissioner should be mandated to publish annual and special reports, highlighting any key developments of the office and setting out the National Commissioner's opinions, recommendations and proposals with respect to matters affecting Aboriginal and Torres Strait Islander children and young people. These reports should be publicly available and tabled with parliament.

5. Data sovereignty

Aboriginal and Torres Strait Islander data sovereignty is intrinsically linked with Aboriginal and Torres Strait Islander peoples' right to sustain, control, protect and develop their cultural heritage, traditional knowledge and cultural expressions (Walter et al., 2021). Moreover, Accurate and appropriate data is the foundation upon which place-based initiatives such as ACCOs identify priorities and make decisions, as well as providing a mechanism to monitor the effectiveness of universal services for Aboriginal and Torres Strait Islander People. Collecting and reporting data about Aboriginal and Torres Strait Islander communities in a way that is culturally safe and

community owned is an essential part of Aboriginal place-based initiatives, including ACCOs.

Aboriginal data sovereignty is practiced through Aboriginal data governance which ensures that data collection supports the priorities of Aboriginal and Torres Strait Islander communities and organisations, implements agreed standards for quality control, and supports the availability of data in a timely manner (Lowitja Institute, 2021).

We urge the Government to support Indigenous Data Governance protocols and principles developed by the Maimayri Wingara Indigenous Data Sovereignty Collective⁷ (2018) in the use (including collection, access, storage and analysis) of data in relation to all aspects of Early Childhood Education and Care, Child protection and services which support the well-being and health of Aboriginal families. This includes:

1. Exercise **control** of the data ecosystem including creation, development, stewardship, analysis, dissemination and infrastructure.
2. Data that is contextual and disaggregated.
3. Data that is relevant and empowers sustainable self-determination and effective self-governance.
4. Data structures that are accountable to Indigenous peoples and First Nations.
5. Data that is protective and respects our individual and collective interests.

⁷ maimayriwingar.org

Q8. Are there gaps in existing frameworks or other research or evidence that need to be considered for the development of the Strategy?

Recommendation 18: *That the Strategy is developed with consideration given to the Social and Emotional Wellbeing framework (Gee et al., 2014).*

Alignment with the National Agreement: Target 4.

In addition to the frameworks already noted in the discussion paper, SNAICC recommends that the Social and Emotional Wellbeing (SEWB) framework (Gee et al., 2014) is also utilised to inform the development of the Strategy. This will ensure that Aboriginal and Torres Strait Islander ways and knowledge are acknowledged, respected, and embedded in the Strategy.

“Current systems privilege non-Indigenous knowledges and responses (that is, “treatment”), but these may not work well for us.”

The SEWB framework is a comprehensive approach to promoting and understanding mental health and overall wellbeing in Aboriginal and Torres Strait Islander communities by identifying key domains of SEWB which place Aboriginal and Torres Strait Islander culture as central to SEWB. This is illustrated in Figure 1 (Gee et al., 2014) which shows that the concept of self is rooted in a collective perspective that views the self as inseparable from, and embedded within, family and community.



Figure 1. SEWB from an Aboriginal and Torres Strait Islanders' Perspective

The SEWB framework is a holistic and culturally responsive approach that recognises the interconnectedness of social, emotional, spiritual, and cultural dimensions of wellbeing. It promotes a strengths-based approach that builds on Aboriginal and Torres Strait Islander peoples' resilience and cultural strengths while addressing the ongoing challenges of colonization and historical trauma

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