

# AGREEMENT TO IMPLEMENT THE EARLY CHILDHOOD CARE AND DEVELOPMENT POLICY PARTNERSHIP

## PARTNERSHIP AGREEMENT TO IMPROVE OUTCOMES UNDER CLOSING THE GAP FOR EARLY CHILDHOOD CARE AND DEVELOPMENT

ESTABLISHED BY THE JOINT COUNCIL ON CLOSING THE GAP

UNDER THE AUTHORITY OF THE NATIONAL AGREEMENT ON CLOSING THE GAP

### Preamble

The National Agreement on Closing the Gap (the National Agreement) makes provision for the establishment of policy partnerships under Priority Reform One: Formal Partnerships and Shared Decision-Making. Policy partnerships are partnerships created for the purpose of working on discrete policy areas, such as education, health or housing (Clause 30, National Agreement).

The National Agreement states at Clause 38, that by 2022, the Joint Council will establish a joined-up approach to five policy priority areas, between the Commonwealth, states and territories and Aboriginal and Torres Strait Islander representatives. The five policy priority areas are:

- a) justice (adult and youth incarceration)
- b) social and emotional wellbeing (mental health)
- c) housing
- d) early childhood care and development
- e) Aboriginal and Torres Strait Islander languages.

The National Agreement states that policy partnerships should include the strong partnership elements articulated at Clause 32 unless Aboriginal and Torres Strait Islander people, communities and organisations choose not to pursue elements (Clause 35).

For the purpose of this Agreement to Implement, Early Childhood, Care and Development encompasses several sectors including early childhood education, child care, maternal and child health, child safety and children and families. Additionally, there will be intersecting areas of interest such as disability and housing.

A dedicated and coordinated approach in the early childhood development and care sectors is critical to improving outcomes for Aboriginal and Torres Strait Islander children. Increasing a child's opportunities in their early years is foundational to improving outcomes across their life course. Supporting children and their families to thrive, and develop to meet their learning potential in the first five years of life, will set them up for future life opportunities and success in education, employment, long-term health and connection to community. This partnership builds on existing commitments under the National Agreement and strategies that have been developed in partnership with the early childhood development and care sector.

### **Strong partnership elements**

The Early Childhood Care and Development Policy Partnership (ECPP) is consistent with the Partnership Agreement on Closing the Gap and the National Agreement on Closing the Gap. The strong partnership elements at Clauses 32 and 33 of the National Agreement apply to the ECPP.

## Purpose

1. The purpose of this Agreement is to establish a mechanism for the Parties to develop a joined-up approach to Aboriginal and Torres Strait Islander early childhood care and development policy, with a focus on:
  - a. ensuring Aboriginal and Torres Strait Islander children (0-5 years) are born healthy and remain strong, nurtured by strong families and thrive in their early years; and
  - b. ensuring children's safety and care in family and addressing the impacts of child protection systems on children's health, wellbeing and development.
2. The primary function of the ECPP is to make recommendations to the Joint Council about improving early childhood outcomes of Aboriginal and Torres Strait Islander children.

## Objectives

3. The objectives of the ECPP are to:
  - a. Establish a joined-up approach between all governments and Aboriginal and Torres Strait Islander community representatives to address early childhood care and development outcomes of Aboriginal and Torres Strait Islander children.
  - b. Give a focus to the Priority Reforms in the National Agreement, and how they can be harnessed to make the changes needed to ensure that Aboriginal and Torres Strait Islander children are born healthy, supported to thrive with strong families and proud in culture.
  - c. Identify specific reforms to support Aboriginal and Torres Strait Islander children to achieve their potential in the early years, to be set up for long-term success.
  - d. Identify opportunities to work more effectively across governments, reduce gaps and duplication and improve outcomes under Closing the Gap.
  - e. Identify opportunities to work more effectively across the Coalition of Peaks and community organisations, reduce gaps and duplication and improve outcomes under Closing the Gap.
  - f. Support efforts to implement the National Agreement including meeting targets for the Priority Reform areas and socio-economic outcomes.
  - g. Drive Aboriginal and Torres Strait Islander community-led outcomes on Closing the Gap, and support community-led development initiatives.
  - h. Enable Aboriginal and Torres Strait Islander representatives, communities and organisations to negotiate and implement agreements with governments to implement all Priority Reforms and policy specific and place-based strategies to Support Closing the Gap.

## Scope

4. Noting that other socio-economic outcomes impact early childhood care and development and that intersections with other outcome areas will require consideration, the ECPP will focus on issues and actions that will deliver progress towards Outcomes **2, 3, 4, 12 and 13** of the National Agreement:
  - a. Outcome 2: Aboriginal and Torres Strait Islander children are born healthy and strong.

- b. Outcome 3: Aboriginal and Torres Strait Islander children are engaged in high quality, culturally appropriate early childhood education in their early years
  - c. Outcome 4: Aboriginal and Torres Strait Islander children thrive in their early years.
  - d. Outcome 12: Aboriginal and Torres Strait Islander children are not over-represented in the child protection system.
  - e. Outcome 13: Aboriginal and Torres Strait Islander families and households are safe.
5. The ECPP will have oversight<sup>1</sup> and drive development of policy reforms outlined in the *National Aboriginal and Torres Strait Islander Early Childhood Strategy and Early Childhood Care and Development Sector Strengthening Plan*.
6. Topics in scope for consideration are:
- a. Issues and actions that progress the objectives of the ECPP, including establishing a joined-up approach to supporting Aboriginal and Torres Strait Islander children in their early years, reducing gaps and duplication, and giving effect to the transformational Priority Reforms of the National Agreement.
  - b. Issues and actions that can be directly linked to progressing the socioeconomic targets and indicators related to early childhood care and development in the National Agreement.
  - c. Issues and actions that progress the Priority Reforms as they relate to early childhood care and development. This may include:
    - i. Review of existing, or creation of new partnerships related to early childhood care and development, including place-based partnerships to support Priority Reform One
    - ii. Review of the community-controlled early childhood care and development sector and plans to strengthen the sector in line with Priority Reform Two
    - iii. Embedding Priority Reform Three by pursuing transformation of mainstream agencies, including across the portfolios of early childhood education and care; maternal and child health; child protection and safety; and children and families, as well as connection to cross-cutting issues (such as disability and housing)
    - iv. Issues relating to the structure and operation of the mainstream institutions and services that disproportionately and unfairly impact Aboriginal and Torres Strait Islander people, also under Priority Reform Three
    - v. Review of data available and needed to develop evidence-based and locally responsive policies in accordance with Priority Reform Four
  - d. Issues and actions that relate to the drivers of early childhood care and development outcomes, including socio-economic drivers and targets that have a direct and tangible effect on improving early childhood outcomes for Aboriginal and Torres Strait Islander children.
  - e. Issues and actions related to prevention and early intervention.

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<sup>1</sup> Note that Joint Council, through PWG, is the governance mechanism for the Early Childhood Care and Development Sector Strengthening Plan (ECCD SSP), as per Page 5 of the ECCD SSP.

7. The Parties to the ECPP will have authority to determine by consensus whether a topic is in scope or not. If the Parties are unable to agree on whether a topic is in scope, the dispute resolution processes may be triggered.
8. Matters which are considered out of scope for the ECPP may be referred to other bodies or mechanisms for consideration in line with powers of the ECPP set out in this document.

### Chairing arrangements

9. The ECPP is co-chaired by a representative of the Coalition of Peaks and a representative of the Commonwealth who are Parties to the Agreement. The co-chairs are indicated in Schedule A.
10. The co-chairs are responsible for agreeing meeting agendas, chairing meetings, and overseeing and monitoring the work of the ECPP.

### Parties

11. The Parties to the Agreement are all Australian Governments, the Coalition of Peaks, and other Aboriginal and Torres Strait Islander representatives as outlined in Schedule A.
12. Continuity of membership and attendance at meetings is critical to the effective functioning of the ECPP.
  - a. Coalition of Peaks representatives will confirm their attendance with the Peaks' co-chair prior to meetings. If they are unable to attend the Peaks' co-chair will nominate an alternative representative in consultation with the relevant Peak. If the member misses three meetings the co-chair will ask them to reconsider their ongoing membership.
  - b. Other Aboriginal and Torres Strait Islander representatives will also confirm their attendance with the Peaks' co-chair prior to meetings. They have been selected in their own right and it will not be appropriate for them to nominate someone else if they cannot attend. If the member misses three meetings the co-chair will ask them to reconsider their ongoing membership and advise the Coalition of Peaks. In such an event, the Coalition of Peaks may remove the member and call expressions of interest for a replacement.
  - c. Government representatives will confirm their attendance with the Government co-chair prior to meetings. If a Government representative is unable to attend a meeting, then the jurisdiction will nominate an alternative representative.
13. The Parties to the Agreement are listed at Schedule A.
14. Subject to the agreement of co-chairs, additional representatives may be invited to attend the meeting of the ECPP in support of the work of the ECPP.

### Roles and responsibilities

15. All Parties are jointly responsible for:
  - a. Developing a joined-up approach to the early childhood care and development policy area including:
    - i. identifying opportunities to work more effectively across governments
    - ii. reducing gaps and duplication, and
    - iii. improving Aboriginal and Torres Strait Islander children's early childhood outcomes.

- b. Agreeing the priorities and work plan for the ECPP
  - c. Conducting and commissioning research and studies, analysing data and information, preparing reports
  - d. Developing recommendations and taking forward action through the implementation approaches of the National Agreement, and
  - e. Tracking and reporting on progress.
16. The government Parties will:
- a. Liaise with other agencies in their jurisdiction to develop cross-agency perspectives to inform the work of the ECPP
  - b. Engage with other organisations to seek expert advice
  - c. Engage with relevant Ministers and seek Ministerial clearance of key actions ahead of ECPP agreement as required
  - d. Consider how recommendations of the ECPP and actions agreed can be implemented in their jurisdiction, including through the implementation planning process or more urgent action
  - e. Communicate the work of the ECPP to other agencies in their jurisdiction
  - f. Share data with Aboriginal and Torres Strait Islander representatives, where government is the owner of that data and privacy or other requirements allow, to inform shared decision-making.
17. The Coalition of Peaks Parties will:
- a. Liaise across the Coalition of Peaks and their membership and bring the perspectives of the Aboriginal and Torres Strait Islander people, communities and organisations, their expertise, and their lived experiences to the deliberations of the partnership;
  - b. Provide opportunities for Aboriginal and Torres Strait Islander people, communities and organisations to inform them of their concerns and how they might be ameliorated (resolved).

### Term

- 18. The Agreement comes into effect on the date of signing and continues for an initial period in line with the term of the National Agreement on Closing the Gap July 2020.
- 19. The ECPP will be reviewed after a three-year term. The process for this review will be established by the Drafting Group in consultation with ECPP Parties, agreed by the Partnership Working Group and advice provided to Joint Council which will endorse a decision on next steps.

### Amendment

- 20. The Agreement can be amended at any time by agreement of the Parties.
- 21. The ECPP will consider whether any amendments are required to this Agreement, its membership and its forward work plan at least once each year.

### Decision-making

- 22. The ECPP is guided by the principle that decision-making is shared between governments and Aboriginal and Torres Strait Islander people. Shared decision-making is:
  - a. By consensus, where the voices of Aboriginal and Torres Strait Islander Parties hold as much weight as the governments'

- b. Transparent, where matters for decision are in terms that are easily understood by all Parties and where there is enough information and time to understand the implications of the decision
- c. Where Aboriginal and Torres Strait Islander representatives can speak without fear of reprisals or repercussions
- d. Where a wide variety of groups of Aboriginal and Torres Strait Islander people, including women, young people, elders, LGBTQI and Aboriginal and Torres Strait Islander people with a disability can have their voice heard
- e. Where self-determination is supported, and Aboriginal and Torres Strait Islander lived experience is understood and respected
- f. Where relevant funding for programs and services align with jointly agreed community priorities, noting governments retain responsibility for funding decisions
- g. Where partnership Parties have access to the same data and information, in an easily accessible format, on which any decisions are made.

### Recommendations

- 23. The ECPP may make recommendations under this Agreement and will provide those recommendations via the Partnership Working Group to the Joint Council for its information, unless the recommendation is for an action to be taken to Joint Council for agreement.
- 24. All recommendations made pursuant to this Agreement are made by consensus of the Parties. Recommendations are non-binding.
  - a. Recommendations of the ECPP made to Joint Council will only be made public with the express agreement of Joint Council.
- 25. Recommendations may be made as national recommendations or may apply to a specific member or other party. Recommendations should not duplicate existing efforts in a particular jurisdiction and should be tailored to existing structures and jurisdictional drivers. It is not the intention that jurisdictions would have to report against all the recommendations of the ECPP as some may not be applicable.
- 26. Actions to respond to relevant recommendations would be included in each Parties' annual implementation plan updates where publication of the recommendations is endorsed by Joint Council. Specific actions should be considered and taken forward through jurisdictional partnership arrangements for implementation plans, to enable actions to be tailored to the specific circumstances of each jurisdiction. Progress on actions against recommendations should be outlined in Parties' annual reports.
- 27. Beyond incorporating actions to respond to the recommendations in implementation plans, Parties may take more urgent action if appropriate.
- 28. Where recommendations are agreed by Joint Council - and these fall under a Commonwealth and state and territory, or legislated governance authority - they will be referred to the relevant authority for consideration or implementation, as appropriate.
- 29. The extent to which recommendations have been implemented by jurisdictions and other organisations will be reported as part of the ECPP reporting process (set out under the Reporting section of this Agreement).

## Referring matters

30. The ECPP may refer matters which it deems out of scope to an appropriate mechanism for consideration.
31. By agreement, the Parties may establish sub-structures or working groups as required to progress recommendations or explore specific topics arising under the ECPP. Where possible, Parties should rely on existing structures, including existing jurisdictional and regional arrangements to progress recommendations.

## Expert advice

32. Subject matter experts, including people with lived experience, may be invited to attend meetings of the ECPP from time to time for the purpose of presenting on topics being considered by the ECPP or to provide expert advice. Experts must be agreed by Parties before being invited to attend a meeting.

## Data sharing

33. In line with Priority Reform Four, parties should endeavour to share available data and information with Aboriginal and Torres Strait Islander representatives and government organisations through the ECPP. This will assist the ECPP to have clear understanding of context, to make evidence-based recommendations and to gauge progress toward the targets. The ECPP may agree to ask Parties to collate and provide relevant data, and Parties will endeavour to do so as far as possible.

## Reporting

34. Policy partnerships will be a standing item at Joint Council. This standing item will include a verbal update on how the ECPP is progressing, including jurisdictional updates on actions taken to support the objectives of the ECPP.
35. In addition to verbal updates, the ECPP will report annually in writing to the Joint Council on:
  - a. Recommendations it has made
  - b. Actions being taken to implement recommendations
  - c. Progress against the objectives of the ECPP
  - d. Progress against any relevant Priority Reforms and socio-economic targets in the National Agreement
  - e. Any other updates
36. The written report will, where possible, draw on existing reporting and not add additional reporting burdens. It will compile information from all the jurisdictional implementation plans on how recommendations of the ECPP are being addressed. It will also include a short summary of how the ECPP is progressing, and a list of any recommendations made by the ECPP.
37. The ECPP annual report to Joint Council will be tabled via the Partnership Working Group. The Partnership Working Group may prepare additional materials or responses to accompany the report.
38. Actions arising from recommendations of the ECPP which are incorporated into Implementation Plans will also be reported on through the annual public reports (clause 118

and 119 of the National Agreement). These reports should also include a specific reference to the ECPP and its progress.

### Dispute resolution

39. The Parties to the ECPP will endeavour in the spirit of co-operation, good faith, and mutual trust to resolve any difficulties or misunderstandings with respect to the ECPP.
40. If the matter cannot be resolved by negotiation, the ECPP will refer the matter via the Partnership Working Group to the Joint Council for resolution.

### Meetings

41. Regular meetings of the Parties will be held as required. The Parties will meet at least four times per calendar year.
42. The forward work plan for the ECPP for its first 12 months will be determined at the first meeting of the Parties. The agenda for each meeting will be determined with input from the Parties and approved by the co-chairs.

### Secretariat support

43. A Secretariat will be established to support the ECPP by:
  - a. Preparing papers
  - b. Organising meetings including travel
  - c. Compiling the annual reports
  - d. Maintaining and updating public material
44. Secretariat responsibilities will be shared between Aboriginal and Torres Strait Islander and government leads to support shared decision-making in the development of partnership documents and agendas.
45. Papers will be distributed one week ahead of each meeting. The ECPP may agree to progress items out of session.

### Resourcing

46. In accordance with Clause 33 of the National Agreement, the Parties acknowledge that the Coalition of Peaks Parties need to be provided with adequate and ongoing financial support to enable them to engage and negotiate as equal partners. This financial support will be separate to their current funding as this is a new activity not covered by existing funding sources.
47. The Parties acknowledge that the other Aboriginal and Torres Strait Islander Parties also need to be provided with adequate and ongoing financial support to enable them to engage and negotiate as equal partners.
48. The Commonwealth will provide funding for the establishment of the ECPP, including resourcing for the ECPP Secretariat and reasonable meeting costs such as travel for the ECPP. The Commonwealth will also support the participation of the independent Aboriginal and Torres Strait Islander members of the ECPP, including through sitting fees. Members can choose not to accept fees where they may already be receiving a salary or payment from their employer.
49. Resourcing for additional activities of the ECPP will be negotiated and agreed by the Parties as they arise during the life of the Agreement. This includes the commissioning of any reports or expert evidence.



## Schedule A: Parties to the Agreement to Implement the Early Childhood Care and Development Policy Partnership

Membership as of August 2023

Coalition of Peaks representatives

**SNAICC – National Voice for Our Children, Co-Chair** – Catherine Liddle

**National Aboriginal Community Controlled Health Organisation** – Donnella Mills

**First Peoples Disability Network** – Tennille Lamb

**Tasmanian Aboriginal Centre** – Lisa Coulson

**Victorian Aboriginal Education Association Incorporated** – Neville Atkinson

**Aboriginal Family Support Services** – Sharron Williams

Other Aboriginal and Torres Strait Islander representatives

**Joanne Della Bona**

**Keara Baker-Storey**

**Darcy Cavanagh**

**Paul Gray**

**Garth Morgan**

Government representatives

Commonwealth, Co-Chair – **Kylie Crane, Deputy Secretary, Department of Education**

ACT Government – **Nicole Moore, Executive Branch Manager, Education Directorate**

NSW Government – **Gillian White, Deputy Secretary, Department of Education**

NT Government – **Gabrielle Brown, Executive Director, Department of Territory Families, Housing and Communities**

QLD Government – **Tania Porter, Deputy Director-General, Department of Education**

SA Government – **Natalie Atkinson, Head of the Office for the Early Years, Department for Education**

TAS Government – **Jodee Wilson, Deputy Secretary, Department for Education, Children and Young People**

VIC Government – **Mathew Lundgren, Executive Director, Department of Education and Training**

WA Government – **Caron Irwin, Assistant Director General, Department of Communities**