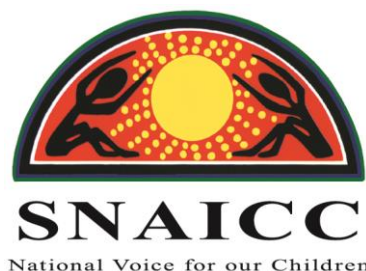


# **SUBMISSION TO DEPARTMENT OF SOCIAL SERVICES FOUNDATIONAL SUPPORTS CONSULTATION**

Children under 9 with developmental concern, delay and/or disability

December 2024



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## **Acknowledgement**

SNAICC shows respect by acknowledging the Traditional Custodians of Country throughout Australia and their continuing connections to land, waters and communities. SNAICC's head office is 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. We acknowledge and respect their continued connection to Country, care for community and practice of culture for generations uncounted.

## **About SNAICC**

SNAICC is the national non-government peak body for Aboriginal and Torres Strait Islander children. We work for the fulfilment of the rights of our children, to ensure their safety, development, and well-being.

SNAICC has a dynamic membership of Aboriginal and Torres Strait Islander community-based child care agencies, Multi-functional Aboriginal Children's Services, child and family centres, crèches, long day care child care services, pre-schools, early childhood education services, early childhood support organisations, family support services, kinship and foster care agencies, family reunification services, safe houses,, services for young people at risk, community groups and voluntary associations, government agencies and individual supporters.

Since 1981, SNAICC has been a passionate national voice representing the interests of Aboriginal and Torres Strait Islander children and families. At the heart of SNAICC's work is championing the principles of community control and self-determination as the means for sustained improvements for children and families – whether in child protection and wellbeing or early childhood education and development. Today, SNAICC is the national peak body for Aboriginal and Torres Strait Islander children and for the sector supporting these children. Our work comprises policy, advocacy, and sector development. We also work with non-Indigenous services alongside Federal, State and Territory Governments to improve how agencies design and deliver supports and services for Aboriginal and Torres Strait Islander children and families.

As the national peak body for Aboriginal and Torres Strait Islander children, SNAICC consults with its member organisations and Aboriginal and Torres Strait Islander leaders to ensure the experiences, needs and aspirations of our leaders, our sector and ultimately, our children and families are the foundation for our submissions and recommendations.

## **A note on language**

In this submission the term '(integrated) early years services' refers to services that provide childcare, early learning and pre-school services (ECEC) alongside integrated child and family health, wellbeing, development and social supports with a focus on supporting the education and development of children aged 0 to 5. Most ACCO integrated early years services, though not all, provide ECEC as the core service, around which other offerings are built.

Further, our consultations show that many families also benefit from integrated health services provided by Aboriginal and Torres Strait Islander community-controlled health services (ACCHOs). While we note the importance of an integrated community-controlled service system comprised of both ACCOs and ACCHOs working together, for the purposes of this submission we largely constrain our recommendations to the ACCO early years sector.

Additionally, in SNAICC's consultations with Aboriginal and Torres Strait Islander community-controlled early years services and peaks on development of a new 'early childhood intervention' practice framework, participants commonly said they do not use the term 'early childhood intervention' because of its negative connotations for Aboriginal and Torres Strait Islander families and communities. 'Intervention' is widely associated in our communities with statutory child protection regimes that lead to the removal of children from families. As a result, for the purposes of this submission, we have used the term 'early childhood developmental supports' to refer to early childhood developmental assessment and intervention practices and services.

## **Executive summary**

The opportunity to thrive in childhood should be available to all children, regardless of their learning abilities, their early childhood environments, or their socioeconomic and geographic circumstances. To achieve this fairness, we must ensure that no child, for any reason, is denied access to the early learning and developmental opportunities which allow them to thrive and grow up happy and healthy. Towards these ends, SNAICC welcomes the opportunity to engage with the Department of Social Services' consultation process for the design, development and implementation of a foundational supports strategy and system.

### **Aboriginal and Torres Strait Islander children stand to benefit disproportionately from foundational supports**

Among Aboriginal and Torres Strait Islander children we see disproportionately high rates of developmental vulnerability and disability. Despite this, Aboriginal and Torres Strait Islander children and their families regularly miss out on the service systems put in place to support early assessments, identification and delivery of developmental supports for children who need them. There are persistent service gaps and barriers to access in ECEC. These are mirrored in the disability services market; for significant numbers of Aboriginal and Torres Strait Islander families, accessing the NDIS is challenging enough, while many more families who do hold plans find it or impossible to access appropriate services in their communities.<sup>1</sup> Even when services are available, they are often not culturally safe for Aboriginal and Torres Strait Islander children and families. The development of foundational supports system presents an opportunity to redress these inequities and systemic failures.

### **The development and implementation of foundational supports must be developed in partnership with Aboriginal and Torres Strait Islander people**

For the foundational supports strategy and system to best work for Aboriginal and Torres Strait Islander children and families, Commonwealth, state and territory governments must uphold their commitments under the National Agreement on Closing the Gap by designing, developing and implementing the system in partnership with Aboriginal and Torres Strait Islander people and their representative organisations, including by not limited to the Early Childhood Care and Development Policy Partnership and the Coalition of Peaks. It must be aligned to the National Agreement by prioritising ACCOs as providers of first choice with a dedicated and fit-for-purpose commissioning model (Priority Reform 2).

### **The system needs to prioritise ACCOs to realise its objectives**

SNAICC recommends that the system is developed with the following key characteristics to optimise its effectiveness and impact for Aboriginal and Torres Strait Islander children and families. Foremost among these is prioritising ACCOs to implement foundational supports, both general and targeted, for their communities. For this to be done effectively, it requires that governments:

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<sup>1</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability 2023, 'Final Report – Volume 9, First Nations people with a disability. Retrieved from: <https://disability.royalcommission.gov.au/publications/final-report-volume-9-first-nations-people-disability>. pp. 170-187.

- Develop foundational supports to be integrated into place-based, locally-specific early learning and developmental services will enable children of all developmental diversities to learn and develop within the supportive contexts of their families and communities, providing nurturing early learning and development experiences and environments.<sup>2</sup>
- Invest in new ACCO integrated early years services in communities without them
- Reform how ACCO integrated early years services are funded so they are enabled and empowered to meet the diverse needs of their communities, children and families.
- Partner with ACCOs to develop a fit-for-purpose approach to commissioning foundational supports which aligns to, builds on, and enhances these wider integrated early years funding reform efforts.
- Invest robustly in development of the local Aboriginal and Torres Strait Islander early years workforce, including providing qualifications in key foundational support disciplines such as ECEC, allied health, therapy, psychology and more, and investing in community controlled Registered Training Organisations to lead and sustain this workforce development
- Through the dedicated ACCO funding model, provide consistent and adequate funding for ACCO services to attract, train, develop and retain educators and practitioners qualified in key foundational supports disciplines, so that the burdens of implementing foundational supports do not fall on the already-overburdened Aboriginal and Torres Strait Islander ECEC workforce.
- Investing in national, regional and/or local backbone supports and capacity building to ensure ACCOs are equipped and supported to take on delivery of foundational supports to their communities.

### **The system needs to be culturally safe and accountable to communities**

Far too regularly, Aboriginal and Torres Strait Islander children and families encounter systems which are there to support their health, wellbeing, educations and safety, but do not adequately or systematically possess the cultural capability to make for truly culturally safe environments. Moreover, there is limited oversight or means by which communities can hold government service systems and their actors to account. The foundational supports strategy should therefore articulate cultural safety as a specific objective of the system, leading to actionable plans to develop system-wide cultural capability. The system should have robust oversight and accountability mechanisms, and data collection and monitoring which is built on Indigenous Data Sovereignty, enabling Aboriginal and Torres Strait Islander people to hold government to account.

Below we articulate a set of recommendations which respond to these system priorities and needs. Taken together, these recommendations move Commonwealth, state and territory governments towards developing foundational supports to effectively meet the needs of Aboriginal and Torres Strait Islander children and families.

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<sup>2</sup> Heckman J. and Mosso, S. 2014, 'The economics of human development and social mobility,' Retrieved from: <https://www.annualreviews.org/content/journals/10.1146/annurev-economics-080213-040753>; Brennan, D 2013. 'Joining the Dots: Program and Funding Options for Integrated Aboriginal and Torres Strait Islander Children's Service: Options paper prepared for SNAICC.

SNAICC welcomes the opportunity to engage further with the Department in the design, development and implementation of foundational supports for Aboriginal and Torres Strait Islander children and families.

## Recommendations

1. The design and development of the foundational supports strategy and system is undertaken by Commonwealth, state and territory governments through shared decision-making and in formal partnership with Aboriginal and Torres Strait Islander people, communities and their representative organisations, particularly the Coalition of Aboriginal and Torres Strait Islander Peaks.
2. The foundational supports system is designed, developed and implemented such that no Aboriginal and Torres Strait Islander family is without free, high quality and culturally safe early childhood developmental support services, regardless of the remoteness of where they live, their income level or any other socioeconomic determinant or factor. To achieve this vision, Commonwealth state and territory governments should:
  - a. provide funding to establish and sustain ACCO integrated early years services empowered to provide general and targeted foundational supports in all communities, underpinned by the dedicated funding model (Recommendation 5)
  - b. prioritising ACCOs, provide interim funding through the ECEC Inclusion Support Program to provide foundational supports to all Aboriginal and Torres Strait Islander families in all communities, including funding for mobile provision of foundational supports in regional and remote locales.
3. In the design, development and implementation of the foundational supports strategy and system, Commonwealth, state and territory governments integrate foundational supports into integrated early years service settings through place-based and locally-specific approaches, in order to provide natural and holistic settings for developmental supports in children's early years.
4. In the design, development and implementation of the foundational supports strategy and system, Commonwealth, state and territory governments prioritise early years ACCOs as providers of first choice for foundational supports in their communities.
5. Commonwealth, state and territory governments commit to developing and fully implementing in partnership with Aboriginal and Torres Strait Islander people a dedicated supply-side, needs-based, reliable and sustainable funding model for early years ACCOs, and
  - a. in the design, development and implementation of the foundational supports strategy and system, Commonwealth, state and territory governments commit to commissioning foundational supports through building on and enhancing the early years ACCO funding model

6. Commonwealth, state and territory governments provide dedicated and sufficient funding to build and develop local Aboriginal and Torres Strait Islander early years workforces to provide foundational supports to their communities, through
  - a. funding 12,000 places across ECEC Certificate III, Diploma and Bachelor of Early Childhood Education courses, key foundational supports roles including Lead Practitioners, and other relevant qualifications in related disciplines, including paid practicums, for local Aboriginal and Torres Strait Islander potential educators and students,
  - b. establishing an innovation fund to support the delivery of Aboriginal and Torres Strait Islander early childhood education and care workforce development initiatives, developed in partnership with Aboriginal and Torres Strait Islander people and prioritising ACCOs
  - c. investing in and prioritising the establishment and expansion of Aboriginal and Torres Strait Islander Registered Training Organisations with specialisations in early childhood education and care, allied health, psychology, occupational therapy and associated disciplines required to effectively deliver foundational supports.
7. Commonwealth, state and territory governments provide dedicated, long-term and adequate funding for national, regional and/or local tailored, backbone supports and capacity building of the ACCO integrated early years services in order to ensure they are empowered and sufficiently resourced to effectively deliver foundational support services to their communities.
8. In the design, development and implementation of the foundational supports strategy and system, Commonwealth, state and territory governments
  - a. centre Aboriginal and Torres Strait Islander ways of knowing, being and doing, their unique conceptions of disability, and their child rearing practices
  - b. fully embed culturally safe service provision as a primary objective of the foundational supports strategy
  - c. commit to working in partnership with Aboriginal and Torres Strait Islander people and organisations to improve cultural competency at all levels of the foundational supports system, and work towards building a system in which cultural safety is experienced by all Aboriginal and Torres Strait Islander children and families, and
  - d. provide sufficient funding for improvements in the cultural capability of all foundational supports institutions, practices, systems and workforce, and
  - e. fully adopt, embed and implement in all policy, systems, institutions and workforces the forthcoming recommended practice framework for supporting children with disability and developmental vulnerability (Early Childhood Targeted Action Plan Action 2.4)
9. In the design, development and implementation of the foundational supports strategy and system, Commonwealth, state and territory:



- a. establishes an Aboriginal and Torres Strait Islander-led independent accountability mechanism for the foundational supports system
- b. includes clear outcomes, targets and measurable indicators with data sources developed in partnership with Aboriginal and Torres Strait Islander people
- c. provides adequate funding to build the technical capacities of ACCOs to effectively collect, maintain and use data on foundational supports and associated developmental outcomes and indicators to provide a strengths-based picture of developmental diversity in their communities
- d. requires Commonwealth, state and territory governments to report regularly to the Joint Council on Closing the Gap and the National Cabinet, and these reports are available to the public.

# Strategic Context

## Self-determination

SNAICC advocates for the full enactment of self-determination in all legislation, policies, and strategies. For too long, governments have decided what works and what doesn't for Aboriginal and Torres Strait Islander people and communities without delivering meaningful and tangible positive change for our children and families. Enacting self-determination is critical to designing and implementing effective early childhood education, development and care systems policies that achieve better outcomes for Aboriginal and Torres Strait Islander children.

Self-determination describes the right of Aboriginal and Torres Strait Islander peoples to autonomy and self-governance.<sup>3</sup> The *Safe and Supported, National Framework for Protecting Australia's Children 2021-2031 (Safe and Supported)* commits to progressive systems transformation that has Aboriginal and Torres Strait Islander self-determination at its centre and defines self-determination as:

*a collective right of Aboriginal and Torres Strait Islander peoples to determine and control their own destiny. It is a right of Aboriginal and Torres Strait Islander peoples to exercise autonomy in their own affairs and to maintain and strengthen distinct political, legal, economic, social and cultural institutions.*<sup>4</sup>

In alignment with the *National Agreement on Closing the Gap*, SNAICC advocates for the full enactment of self-determination in all legislation, policies, and strategies. The United Nations Expert Mechanism on the Rights of Indigenous People under UNDRIP connects the capacity of Indigenous peoples to meet their children's needs with their ability to exercise self-determination.<sup>5</sup>

## Human rights foundations

Australia has ratified seven international human rights treaties including the Convention on the Rights of the Child (UNCRC) and the Convention on the Rights of Persons with Disabilities (UNCRPD).<sup>6</sup> Australia has also endorsed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).<sup>7</sup>

International frameworks are important because they provide guidance for governments on how they should approach legislation, policy, and practice for upholding human rights. They are also

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<sup>3</sup> SNAICC 2022, 'The Family Matters Report 2022: Measuring trends to turn the tide on the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care'. Retrieved from: <https://www.familymatters.org.au/wp-content/uploads/2022/11/20221123-Family-Matters-Report-2022-1.pdf> pg. 90.

<sup>4</sup> Department of Social Services 2021, 'Safe and Supported: the National Framework for Protecting Australia's Children 2021-2031 (the National Framework)'. Retrieved from: [https://www.dss.gov.au/sites/default/files/documents/12\\_2021/dess5016-national-framework-protecting-childrenaccessible.pdf](https://www.dss.gov.au/sites/default/files/documents/12_2021/dess5016-national-framework-protecting-childrenaccessible.pdf), pg. 51.

<sup>5</sup> United Nations Human Rights Council 2021, 'Rights of the Indigenous child under the United Nations Declaration on the Rights of Indigenous Peoples'. Retrieved from: [G2121979.pdf \(un.org\)](https://www.unhcr.org/refugees/pdf/G2121979.pdf), pg. 2

<sup>6</sup> Attorney-General's Department, 'International Human Rights System'. Retrieved from: [https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/international-human-rights-system#:~:text=Australia%20is%20a%20party%20to,Forms%20of%20Racial%20Discrimination%20\(CERD\)](https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/international-human-rights-system#:~:text=Australia%20is%20a%20party%20to,Forms%20of%20Racial%20Discrimination%20(CERD))

<sup>7</sup> Ibid.

useful for measuring how much or how little Australia is protecting human rights. All Australian governments have an obligation to ensure that all Australians have full enjoyment of their rights. Specifically, the Australian Government has a critical role to play in protecting children's rights, from creating a culture where these rights are valued, to ensuring that all children and families have the resources, supports and services they need to ensure equitable enjoyment of rights such as rights to culture, education and care, health, housing and safety.<sup>8</sup> Despite these obligations, many rights remain unprotected in Australia because they have not been fully reflected in Australian legislation.

Within Australia, Aboriginal and Torres Strait Islander children experience greater vulnerability than non-Indigenous children, as demonstrated by their stark overrepresentation in the child protection and youth justice systems, and worse health and education outcomes. Aboriginal and Torres Strait Islander children's rights are critical for healing from the ongoing legacy of colonisation and for the continuation of the world's longest surviving cultures. Aboriginal and Torres Strait Islander children with disabilities experience greater socioeconomic vulnerability resulting from ableist discrimination and stigma which remains prevalent in Australian society, culture and institutions.

## **The unique rights of Aboriginal and Torres Strait Islander children**

Aboriginal and Torres Strait Islander children's rights include those owed to all children as well as their unique rights as Indigenous Peoples. The rights of all children are set out in the UNCRC and are specific to children, their contexts, and needs. The convention contains 54 articles and is based on four core principles:

- Non-discrimination
- Devotion to the best interests of the child
- The right to life, survival and development and
- Respect for the views of the child<sup>9</sup>

The UNCRC also contains articles that are especially important to Aboriginal and Torres Strait Islander children such as the right to enjoy their culture, and to learn and use the language and customs of their Indigenous Nations. The United Nations Committee on the Rights of the Child has provided important guidance on how the UNCRC must be implemented to protect the rights of Indigenous children. This guidance reaffirms that the active protection of Indigenous children's rights requires dedicated attention and the application of special measures.

Among a wide range of rights obligations to which Australia has signed on, the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) contains articles on the rights of children with a disability to an inclusive education system at all levels and lifelong learning

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<sup>8</sup> Australian Human Rights Commission, 'An Introduction to Human Rights'. Retrieved from: <https://humanrights.gov.au/our-work/education/introduction-human-rights#:~:text=their%20human%20rights,-.Human%20rights%20are%20a%20set%20of%20principles%20concerned%20with%20equality,from%20fear%2C%20harassment%20or%20discrimination.>

<sup>9</sup> UNICEF 2019, 'Four principles of the Convention on the Rights of the Child'. Retrieved from: [Four principles of the Convention on the Rights of the Child | UNICEF](#)

opportunities, and that children with disabilities are enabled to access education on equal basis with others in the communities in which they live. Moreover, the Convention articulates an obligation on all Australian governments to take all necessary measures and supports to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children, and in the general education system.<sup>10</sup>

The Commonwealth Government has a pivotal role to play in protecting Aboriginal and Torres Strait Islander children's rights. In the development of the foundational supports system, it is essential that the unique rights of Aboriginal and Torres Strait Islander children and families are upheld and advanced, through:

- building and supports inclusive natural settings for all Aboriginal and Torres Strait Islander children to learn and develop at their own pace, alongside their peers, and in ways that strengthen their cultural identities, health and social and emotional wellbeing,
- investment in the Aboriginal and Torres Strait Islander community-controlled sector, as a practical expression of self-determination, and
- commit to building systems and institutions which are culturally safe for all Aboriginal and Torres Strait Islander children and families, celebrates their identities and culture, are absent of systemic racism or discrimination, and empower and enables them to contribute and feel safe to be themselves.

## **National Agreement on Closing the Gap**

In July 2020, the Australian Government, all state and territory governments, and the Coalition of Peaks signed the National Agreement on Closing the Gap (National Agreement). The National Agreement's Priority Reforms seek to change the way governments work with Aboriginal and Torres Strait Islander communities, organisations, and people across the country. They have strong alignment with a number of rights recognised in the UNDRIP.

The Priority Reforms must inform all government action including legislation, policy, and practice, whether these actions are targeted for Aboriginal and Torres Strait Islander peoples or impact them as part of the general population. The Priority Reforms are listed below.

### **1. Formal Partnerships and Shared Decision Making**

Aboriginal and Torres Strait Islander people are empowered to share decision-making authority with governments to accelerate policy and place-based progress on Closing the Gap through formal partnership arrangements.

### **2. Building the Community-Controlled Sector**

There is 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.

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<sup>10</sup> United Nations 2006, 'Convention on the Rights of Persons with Disabilities.' Retrieved from: <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

### 3. Transforming Government Organisations

Governments, their organisations and their institutions, are accountable for Closing the Gap and are culturally safe and responsive to the needs of Aboriginal and Torres Strait Islander people, including through the services they fund.

### 4. Shared Access to Data and Information at a Regional Level

Aboriginal and Torres Strait Islander people have access to, and the capability to use, locally relevant data and information to set and monitor the implementation of efforts to close the gap, their priorities and drive their own development.<sup>11</sup>

Despite commitments by all governments to make significant, deliberate progress on the Priority Reforms, the Productivity Commission's Closing the Gap review found that governments are not adequately delivering on these commitments. The review found that governments are, by-and-large and despite isolated instances of good practice, continuing-with-business as usual without prioritising a systematic approach to reform, are unwilling to share power with Aboriginal and Torres Strait people, and are too readily making decisions which contradict the National Agreement, leading to no noticeable or meaningful change in the Priority Reforms or socioeconomic outcome areas.<sup>12</sup>

### Closing the Gap targets

An objective of the National Agreement is to overcome the entrenched socioeconomic disparities faced by too many Aboriginal and Torres Strait Islander people, so that their life outcomes are equal to all Australians. To support this, the National Agreement includes 19 national socio-economic targets across areas that have an impact on life outcomes for Aboriginal and Torres Strait Islander people.

While the introduction of foundational supports is likely to affect many of these outcomes, the following are particularly relevant to development and implementation of the foundational supports strategy and system. Following all governments commitments to the National Agreement, development of the foundational supports strategy and system must directly contribute to the targets set out below. SNAICC's recommendations in this submission provide a roadmap towards practical improvements in these outcome areas.

- Outcome 3 – Children are engaged in high quality, culturally appropriate early childhood education in their early years.
  - Target: By 2025, increase the proportion of Aboriginal and Torres Strait Islander children enrolled in Year Before Fulltime Schooling (YBFS) early childhood education to 95 per cent.
- Outcome 4 – Children thrive in their early years.

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<sup>11</sup> Australian Government, 'Closing the Gap Priority Reforms'. Retrieved from: <https://www.closingthegap.gov.au/national-agreement/priority-reforms>

<sup>12</sup> Productivity Commission 2023, 'Review of the National Agreement on Closing the Gap: Study report.' Retrieved from: <https://www.pc.gov.au/inquiries/completed/closing-the-gap-review#report>.

- Target: By 2031, increase the proportion of Aboriginal and Torres Strait Islander children assessed as developmentally on track in all five domains for the Australian Early Development Census (AEDC) to 55 per cent.
- Outcome 14 – People enjoy high levels of social and emotional wellbeing
  - Target: Significant and sustained reduction in suicide of Aboriginal and Torres Strait Islander people towards zero.

### **Formal partnership and shared decision-making**

Under the National Agreement, five policy partnerships were established to formalise shared decision-making and drive key actions for priority outcome areas – Early Childhood Care and Development Policy Partnership (ECCDPP), Housing Policy Partnership, Justice Policy Partnership, Languages Policy Partnership and Social and Emotional Wellbeing Policy Partnership.

SNAICC believes that closing the gap begins with our children. Achieving their potential in their earliest years sets Aboriginal and Torres Strait Islander children up for lifelong success. Accordingly, the ECCDPP was established under Priority Reform 1 of the National Agreement in November 2022 to establish a formal partnership committed to reforming policy and systems to improve early childhood care and development outcomes for Aboriginal and Torres Strait Islander children across the domains of early childhood education and care, maternal and child health and child protection and families. Co-chaired by SNAICC and the Australian Department of Education, the ECCDPP includes Aboriginal and Torres Strait Islander members and representatives from all state and territory governments.

Policy partnerships provide mechanisms for shared decision-making on policy and funding reform, and to embed accountability between Commonwealth, state and territory departments and peak bodies and civil society. They contribute to building cultures of true partnership and consultation, and equal weight in decision making. However, governments cannot only rely on policy partnerships to embed shared decision-making and joined-up approaches to meeting the Closing the Gap outcomes. Formal partnerships and shared decision-making must be embedded in all aspects of government policy across all content areas.

As yet, no equivalent policy partnership has been established with a focus on Aboriginal and Torres Strait Islander people with a disability, though this by no means eliminates or reduces the requirement that governments engage fully and formally in partnership with Aboriginal and Torres Strait Islander people with disabilities, leaders, communities and organisations on matters which affect them, such as the development of the foundational supports strategy and system. Further, the Joint Council on Closing the Gap has agreed the Disability Sector Strengthening Plan (DSSP) as a cross-cutting area of the National Agreement, setting out actions to guide government policy and program design. The DSSP was co-developed by First Peoples Disability Network (FPDN) on behalf of Aboriginal and Torres Strait Islander communities.

Having multiple shared decision-making mechanisms in place is critical to amplifying the voices of Aboriginal and Torres Strait Islander people and ensuring government action on community

priorities. SNAICC and other Aboriginal and Torres Strait Islander community controlled peak bodies have regularly experienced the voice of their members and communities being left out of the key policy decisions which affect them. This result in poor policy which do not meet the needs of the people it affects; we cannot afford for this to happen in the development of foundational supports, which presents a decisive opportunity to advance equitable early childhood development outcomes of Aboriginal and Torres Strait islander children nationally.

To realise these objectives, SNAICC expects that Commonwealth, state and territory governments meet their obligations to formally co-develop the long-term collective vision and approach for foundational supports for Aboriginal and Torres Strait Islander children in partnership with Aboriginal and Torres Strait Islander communities and their representative organisations, and embed true partnership in all implementation and evaluation, including but not necessarily limited to the FFPDN, NACCHO, SNAICC and the Coalition of Aboriginal and Torres Strait Islander Peak Bodies.

Committing to shared decision-making in this way will comprehensively ensure that the foundational support system is comprehensively aligned to the National Agreement and all its Priority Reforms, as well as other relevant frameworks like the National Aboriginal and Torres Strait Islander Early Childhood Strategy. In turn, this will provide a structure for:

- increased investment into and support for community-controlled services and sectors that deliver culturally safe, accessible and inclusive services,
- Aboriginal and Torres Strait Islander communities having access to and capacity to use data and information about early childhood development, service exposure and access
- adequate universal coverage of mainstream organisations and services which are culturally safe, accessible and inclusive, and disability-rights informed including ECEC, child and maternal health, NDIS, hospitals, schools and government agencies.

### **Recommendation 1**

The design and development of the Foundational Supports Strategy and system is undertaken by Commonwealth, state and territory governments through shared decision-making and in formal partnership with Aboriginal and Torres Strait Islander people, communities and their representative organisations, particularly the Coalition of Aboriginal and Torres Strait Islander Peaks.

# Developing the foundational supports system in partnership with Aboriginal and Torres Strait Islander people

## The need for a universal foundational supports system

Closing the gap begins with our children. Holistic and structural solutions are required to redress socioeconomic disparities, beginning in children's earliest years and earliest educational and developmental experiences.<sup>13</sup> A core element of these solutions are early years services which provision opportunities for early assessment and identification, and the provision of appropriate and timely supports which enhance the early learning and development of children showing early signs of disability or developmental vulnerability. For Aboriginal and Torres Strait Islander children, early learning settings also provide opportunities to learn about and grow strong in culture, a critical element of their development, identities and self-esteem, and which strengthens their overall health and wellbeing.<sup>14</sup>

However, the early years services which make a difference must be genuinely universal – available, accessible, staffed by skilled workers, high quality so as to lead to positive outcomes, and culturally safe so as to foster families' continued engagement, not alienate them from the system for good.<sup>15</sup> Foundational supports must add to and enhance the early years service ecosystem, addressing identified gaps and reaching previously excluded groups of Aboriginal and Torres Strait Islander children with inclusive, tailored supports, both general and targeted.

The early years are a critical period in a child's development, creating the foundations for lifelong learning and wellbeing.<sup>16</sup> In the first years of their lives, children grow 90% of their brain, developing the capabilities they need to be happy and healthy.<sup>17</sup> A robust evidence base has established that participation in quality, inclusive early learning and development for children during these years enhances their language, cognitive and social-emotional capabilities, with lasting impacts on developmental, educational and wellbeing trajectories.<sup>18</sup>

Unfortunately, the early years services available to many Aboriginal and Torres Strait Islander children often do not bear these characteristics, leading to many children missing out. A wide

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<sup>13</sup> National Indigenous Australians Agency and SNAICC 2021, 'National Aboriginal and Torres Strait Islander Early Childhood Strategy.' Retrieved from: <https://www.niaa.gov.au/sites/default/files/documents/publications/niaa-early-years-strategy-5.pdf>, p. 5.

<sup>14</sup> Elek, C. et al (2020). 'Can early childhood education programs support positive outcomes for Indigenous children? A systematic review of international literature.' *Educational Research Review* 31. Retrieved from: <https://findanexpert.unimelb.edu.au/scholarlywork/1469168-can-early-childhood-education-programs-support-positive-outcomes-for-indigenous-children%3F-a-systematic-review-of-the-international-literature>.

<sup>15</sup> Baxter, R 2024, 'Open Letter to Minister for Education Jason Clare.' Retrieved from:

<sup>16</sup> Campbell, F et al. (2014). 'Early childhood investments substantially boost adult health.' *Science* 3434 1478-1485. Retrieved from: <https://pubmed.ncbi.nlm.nih.gov/24675955/>.

<sup>17</sup> Moore, T. et al 2017, 'The First Thousand Days: An evidence paper. Retrieved from: <https://www.rch.org.au/uploadedFiles/Main/Content/ccchdev/CCCH-The-First-Thousand-Days-An-Evidence-Paper-September-2017.pdf>

<sup>18</sup> Campbell, F et al. (2014). 'Early childhood investments substantially boost adult health.' *Science* 3434 1478-1485. Retrieved from: <https://pubmed.ncbi.nlm.nih.gov/24675955/>; dandolopartners 2023, 'Evidence on optimal hours of ECEC for Aboriginal and Torres Strait Islander children: Literature review.' Retrieved from: <https://www.snaicc.org.au/wp-content/uploads/2024/07/240715-Evidence-review-on-optimal-hours-of-ECEC.pdf>, p. 10.



range of complex and persistent barriers stand between many Aboriginal and Torres Strait Islander families and these early years service, including wide geographic service gaps, shortfalls in cultural safety, and chronic workforce challenges.<sup>19</sup>

The result is that Aboriginal and Torres Strait Islander children are disproportionately disadvantaged in early development and education outcomes; one in three Aboriginal and Torres Strait Islander children are developmentally vulnerable on two domains or more, compared to one in five non-Indigenous children.<sup>20</sup> This rate of developmental vulnerability has increased for Aboriginal and Torres Strait Islander children since 2018, while the rate is declining for non-Indigenous.<sup>21</sup> The Productivity Commission recently reported that progress towards Target 4 to improve child development in all five AEDC domains to 55% has worsened.<sup>22</sup>

Notably, there is a significant relationship between the level of socioeconomic disadvantage and geographic remoteness and rates of developmental vulnerability, with rates rising steadily with increasing remoteness and/or socioeconomic disadvantage.<sup>23</sup> This is important because we know that Aboriginal and Torres Strait Islander children are more likely than non-Indigenous counterparts to reside in areas with a greater concentration of persistent poverty and socioeconomic disadvantage (and are more likely to live in remote and very remote areas (17%) than all Australian children (2.4%).<sup>24</sup> This 'double jeopardy' phenomenon means that because Aboriginal and Torres Strait Islander children are more likely to experience concurrent disadvantages, they are more likely to experience inferior developmental outcomes compared to their non-Indigenous counterparts who face fewer disadvantages.

This early childhood development disadvantage is further exacerbated by an alarming trend toward a widening gap in the quality of ECEC services between Australia's most advantaged and disadvantaged communities. Evidence shows that disadvantaged children benefit most from attending high quality ECEC programs but gain nothing and may even be harmed by attending low quality programs.<sup>25</sup> Recent research shows that 'childcare deserts' continue to exist across Australia's early years system, particularly in regional and remote locales, and regions with higher incidence of socioeconomic disadvantage.<sup>26</sup> The nature and characteristics of the competition-driven ECEC market means that ECEC services set up where demand is greatest, and where they can charge higher fees; namely, wealthier and more populous locales. Many Aboriginal and Torres

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<sup>19</sup> SNAICC 2023, 'Funding model options for ACCO integrated early years services: Final Report.' Retrieved from: <https://www.snaicc.org.au/wp-content/uploads/2024/05/240507-ACCO-Funding-Report.pdf>.

<sup>20</sup> Australian Early Development Census 2021. Retrieved from: <https://www.aedc.gov.au/data-explorer/>.

<sup>21</sup> Ibid.

<sup>22</sup> Productivity Commission 2023, 'Closing the Gap Information Repository 'Socioeconomic outcome area 4'. Retrieved from: <https://www.pc.gov.au/closing-the-gap-data/dashboard/socioeconomic/outcome-area>.

<sup>23</sup> Moore, T and Arefadib N 2017, 'The state of children's health and development in rural and remote Australia. Retrieved from: [https://www.researchgate.net/publication/323166399\\_Reporting\\_the\\_Health\\_and\\_Development\\_of\\_Children\\_in\\_Rural\\_and\\_Remote\\_Australia](https://www.researchgate.net/publication/323166399_Reporting_the_Health_and_Development_of_Children_in_Rural_and_Remote_Australia)

<sup>24</sup> Australian Institute of Health and Wellbeing 2023, 'Early childhood and transition to school.' Retrieved from: <https://www.aihw.gov.au/reports/australias-welfare/childcare-and-early-childhood-education>

<sup>25</sup> Moore, T and Arefadib, N 2022, 'Tasmanian Play2Learn+ Trial: Evidence Review,' Retrieved from: [https://www.rch.org.au/uploadedFiles/Main/Content/ccchdev/2212\\_CCCH\\_TAS-Play2Learn.pdf](https://www.rch.org.au/uploadedFiles/Main/Content/ccchdev/2212_CCCH_TAS-Play2Learn.pdf)

<sup>26</sup> The Front Project 2024, 'Paving the Path: Addressing market imbalances to achieve quality and affordable childcare in more places.' Retrieved from: <https://www.thefrontproject.org.au/images/research/Paving%20the%20path%20-%20final%20report%20TFP.pdf>; Mitchell Institute 2024, 'Mapping the deserts: Childcare accessibility in Australia.' Retrieved from: <https://www.vu.edu.au/mitchell-institute/childcare-accessibility-australia>.

Strait Islander families live on Country in regional, rural and remote parts of Australia, where early years services are too far away or nonexistent. Aboriginal and Torres Strait Islander children and families in more urban settings also face barriers to access to quality, culturally safe early years services. In practice, this means that Aboriginal and Torres Strait Islander children who live in Australia's most disadvantaged communities, and who stand to gain the most from quality ECEC, are less likely to have access to it.

Additionally, Aboriginal and Torres Strait Islander children are significantly overrepresented among children with a diagnosed disability. If you are an Aboriginal or Torres Strait Islander person, you are more than twice as likely to be living with a diagnosed disability than a non-Indigenous person. Latest data indicates that 45% of Aboriginal and Torres Strait Islander people are living with disability or a long-term health condition.<sup>27</sup> Concerning children in particular, the NDIS Review reported that one in five Aboriginal and Torres Strait Islander children aged under the age of eighteen have a disability, compared to one in twelve children among the general population. Of these, physical, sensory, psychosocial and intellectual disabilities are the most common types of impairment. Moreover, Aboriginal and Torres Strait Islander children are known to have high rates of undiagnosed conditions such as fetal alcohol spectrum disorder (FASD) and other neurological conditions.

The ECEC system's service gaps are mirrored in another market-based system, the NDIS. Despite their overrepresentation among people with a disability, only three out of every five Aboriginal and Torres Strait Islander NDIS participants are actually receiving any daily supports, particularly those who live remotely. Even in town and cities where Aboriginal and Torres Strait Islander NDIS participants may expect to find sufficient NDIS service presence, many services are not culturally safe for Aboriginal and Torres Strait Islander people with disability, at times forcing them to choose between supports that are not culturally safe, or receiving no supports at all.<sup>28</sup>

This is not an aberration of the market-based disability services system, it is a feature of it. The marketised system is structurally incapable of meeting the needs of many Aboriginal and Torres Strait Islander families, particularly those who live in regional and remote communities – so called 'thin markets.' The NDIS model means that trusted ACCO service providers are not empowered and enabled to be NDIS providers to their communities, forcing families to look beyond the ACCO services they trust, and leading to the widespread experience of cultural unsafety detailed in the Disability Royal Commission.<sup>29</sup> The DRC recognised the significant cultural, quality and geographic benefits of enabling ACCOs to lead delivery of disability services and navigation supports in their communities, especially but not exclusively in regional or remote locations. Similarly, the DRC strongly recommended that this is done through long-term, consistent and

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<sup>27</sup> Australian Bureau of Statistics 2016, 'National Aboriginal and Torres Strait Islander Social Survey.' Retrieved from:

<sup>28</sup> Independent Review into the National Disability Insurance Scheme 2023, *Working together to deliver the NDIS: Independent Review into the National Disability Insurance Scheme*. Retrieved from:

<sup>29</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability 2023, 'Final Report – Volume 9, First Nations people with a disability'. Retrieved from: <https://disability.royalcommission.gov.au/publications/final-report-volume-9-first-nations-people-disability>. pp. 191-193.

‘block based’ commissioning model for ACCO disability service providers. We echo this recommendation in this foundational support submission (Recommendations 4 and 5).<sup>30</sup>

Aboriginal and Torres Strait Islander children with developmental vulnerabilities in cognitive, physical, adaptive, communication and social and emotional skills stand to benefit enormously from early identification and developmental support or therapy. However, at present, these children regularly and disproportionately miss out these early childhood developmental support pathways. In 2024, SNAICC led consultations with ACCOs delivering early childhood developmental supports for a project refreshing the national practice framework for ‘early childhood intervention’ (the ECI Practice Framework Project). Through this, we consistently heard that ACCO services contend with challenges finding available therapists and practitioners in allied health disciplines to visit their communities or refer their families to.<sup>31</sup> While we welcome plans to introduce new early childhood developmental support pathways, it is critical that new pathways account for and remedy current service gaps which mean Aboriginal and Torres Strait Islander children continually miss out of targeted early developmental supports, particularly in regional and remote locales.

The high rates of developmental vulnerability, preventable developmental conditions and disabilities among Aboriginal and Torres Strait Islander children and adults indicates decades of missed opportunities for early assessment, identification and provision of developmental supports. In many cases, this is the result of inaccessible or nonexistent early years services where people live; market failures of universal service systems. It is essential that the foundational supports system does not mirror these failures.

As such, SNAICC recommends that the design, development and implementation of foundational supports must begin with a guarantee of genuinely universal provision of culturally safe general and targeted foundational supports to all children according to their needs, and *regardless of any geographic or socioeconomic factor*.

For Aboriginal and Torres Strait Islander children, a truly universal early years system is predicated on the availability of early years services provided by Aboriginal and Torres Strait Islander community-controlled organisations for all families who need or want this. ACCOs deliver the culturally safe, holistic and relationship-based early years services and supports required by many Aboriginal and Torres Strait communities (see further at Recommendation 4). In many communities around Australia, families are supported by an existing, impactful and significant ACCO early years sector. However, the number and coverage of ACCOs does not come close to meeting demand. We estimate that ACCOs service approximately one quarter of Aboriginal and Torres Strait Islander children when broader integrated early years service responses are considered, while ACCO long day care services reach closer to just 5% of those children.

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<sup>30</sup> Ibid, pp. 180, 188-190.

<sup>31</sup> SNAICC and University of Melbourne 2024, ‘Review of Best Practice in Early Childhood Intervention: Findings from the SNAICC Engagements.’ Retrieved from: [https://healthy-trajectories.com.au/wp-content/uploads/2024/11/Review-of-Best-Practice-in-ECI\\_-Findings-from-SNAICC-Engagements\\_v1.0\\_November-2024.pdf](https://healthy-trajectories.com.au/wp-content/uploads/2024/11/Review-of-Best-Practice-in-ECI_-Findings-from-SNAICC-Engagements_v1.0_November-2024.pdf)

As such, SNAICC recommends that the design, development and implementation of foundational supports must begin with a guarantee of genuinely universal provision of culturally safe general and targeted foundational supports to all children according to their needs, and *regardless of any geographic or socioeconomic factor*.

There is very little evidence to suggest that unmet service needs will be rectified without deliberate intervention by governments into the service market and cultivation of new integrated early years ACCOs. We recommend that Commonwealth, state and territory governments begin to operationalise this guarantee by developing and fully resourcing a strategy to establish new ACCO integrated early years services empowered to provide foundational supports, in un- or underserved communities. This must be done in partnership with Aboriginal and Torres Strait Islander people, with the ECCDPP the most appropriate forum, and in partnership with other relevant peak organisations including FPDN and NACCHO. ACCOs should be established with long-term funding security through a dedicated supply-side funding model (see Recommendation 5).

In the interim, SNAICC recommends that the Commonwealth government expands the ECEC Inclusion Support Program to serve as an interim funding mechanism for the delivery of foundational supports to all children nationwide, regardless of where they live. Funds should be directed to existing ACCO early years services in communities. In communities without an ACCO option, funds should be directed to a provider of best-choice until an ACCO early years service can be established. Funds should be made available for mobile delivery of foundational supports in very remote locales. The goal of this action would be to offer immediate, equitable access to foundational supports through existing funding streams, while a sustainable supply-side option prioritising ACCOs is established.

## **Recommendation 2**

The foundational supports system is designed, developed and implemented such that no Aboriginal and Torres Strait Islander family is without free, high quality and culturally safe early childhood developmental support services, regardless of the remoteness of where they live, their income level or any other socioeconomic determinant or factor. To achieve this vision, Commonwealth state and territory governments should:

- a) provide funding to establish and sustain ACCO integrated early years services empowered to provide general and targeted foundational supports in all communities, underpinned by the dedicated funding model (Recommendation 5)
- b) prioritising ACCOs, provide interim funding through the ECEC Inclusion Support Program to provide foundational supports to all Aboriginal and Torres Strait Islander families in all communities, including funding for mobile provision of foundational supports in regional and remote locales.

## **Integrating foundational supports into integrated early years services, particularly ECEC**

Building a universal foundational supports system in which all families and children have access to foundational supports, regardless of formal diagnosis or NDIS eligibility, is best done by integrating those supports into the early years service settings which families and children know best. In stark contrast to how the NDIS has inadvertently served to individualise and stigmatise Aboriginal and Torres Strait Islander participants, privileging medicalised models of disability and requiring formal diagnoses and ‘treatment’ in clinical settings, implementing a continuum of foundational supports in integrated early years settings and school will, crucially, support children to learn and develop alongside their friends, and in view of caring adults and educators. SNAICC believes that this is true for both general and targeted supports; though some Aboriginal and Torres Strait Islander children with more profound disability or developmental vulnerability may require specialised, evidence-based early childhood developmental supports, nevertheless screenings, referral and navigation supports, and allied health provision should be delivered in natural early years settings to the degree possible.

Community-led and place-based models are essential to achieving this. They are especially important given the fragmented and confusing nature of current early years and disability support services available to all families, and especially for Aboriginal and Torres Strait Islander families, and those living regionally or remotely. Place-based approaches are community-led, collaborative and sustained. They support and resource communities to flourish by partnering with them to respond to local challenges with local solutions. These approaches involve strong interagency and multidisciplinary connections, bringing multiple services to the child and family in one location through a no-wrong-door approach, rather than the family having to attend multiple locations.

While we welcome the Department’s intention to design a ‘connected system of supports,’ it is important that this process does not displace or interfere with localized service systems managed by ACCO integrated early years services. ACCO services are by nature place-based, integrated and responsive to community and family needs offering the development of foundational supports a useful blueprint for a family-, child- and community-centric service model. ACCOs are already adept at building local cross-sector partnerships between early years ACCOs, Aboriginal and Torres Strait Islander health services (ACCHOs, AMS), non-profit service providers, specialised health services and ECI services/practitioners. The [Ngroo Connected Beginning Playgroup Case Study](#) below demonstrates how ACCOs are bringing their communities together to support the development of their children.

Service integration and navigation is central to place-based system design. There is a strong need for the system to comprise fully resourced locally-designed and -operated referral and informational services managed by Aboriginal and Torres Strait Islander people. Through the ECI Practice Framework Project consultations, ACCOs emphasised the importance of place-based approaches suited to local contexts, and which recognise the diversity of Aboriginal and Torres Strait Islander cultures and histories, the local service system and the needs and aspirations of the local community. These consultations revealed the enormous benefits of building “service

pathways and outcomes that are locally appropriate, locally determined, well understood and integrated, and which adapt systems to meet family and community needs rather than insisting families fit a standardised service system.”<sup>32</sup> These are doubly important in remote and smaller regional centres.<sup>33</sup> While service navigators – system elements proposed in both the NDIS Review and by the Productivity Commission’s Inquiry into ECEC – can be helpful, they exist to fix a problem of service fragmentation and the confusion and hesitancy which results among families. A well-integrated place-based early years system comprising foundational supports should over time reduce the need for funded navigators by internalising and resourcing those functions in integrated early years services.

Developing the foundational supports system so it is integrated into existing early years services, and is place-based and locally-responsive, will unlock a range of elements critical to the system’s success. These are likely to include:

- children and families receiving proactive and preventative additional supports required for children with disabilities and developmental vulnerabilities at the earliest possible opportunity
- reliable opportunities to introduce assessments and developmental supports such as parental capacity building, therapeutic services, educational programs, and peer support groups as early as possible
- allied health supports, therapy services and psychological supports tailored to families’ and children’s needs
- strong family-centered practice, working in ways that build families’ and parents’ capacities to support children’s development at home and in community, developing independence from service systems
- strengthened information flows and the building of strong continuous relationships, enabling educators and practitioners to ensure families are educated regarding developmental milestones
- access to regular antenatal education, and development the relationship during the antenatal period to increase uptake and connection with services postpartum
- development of strong familiarity between educators and practitioners and the local cohort of families and children; to find out what’s going on at home for families, follow their lead, and to offer wraparound supports for the whole family in the way that works best for them without judgement, blame or shame.

In practice, building service systems which are responsive to local contexts, providing child- and family-centric practice well integrated and therefore easily navigable means that families will remain engaged and build up trust in the service, leading to improved downstream outcomes.

### **Recommendation 3**

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<sup>32</sup> SNAICC and University of Melbourne 2024, ‘Review of Best Practice in Early Childhood Intervention: Findings from the SNAICC Engagements.’ Retrieved from: [https://healthy-trajectories.com.au/wp-content/uploads/2024/11/Review-of-Best-Practice-in-ECI\\_-Findings-from-SNAICC-Engagements\\_v1.0\\_November-2024.pdf](https://healthy-trajectories.com.au/wp-content/uploads/2024/11/Review-of-Best-Practice-in-ECI_-Findings-from-SNAICC-Engagements_v1.0_November-2024.pdf)

<sup>33</sup> Ibid.

In the design, development and implementation of the foundational supports strategy and system, Commonwealth, state and territory governments integrate foundational supports into integrated early years service settings through place-based and locally-specific approaches, in order to provide natural and holistic settings for developmental supports in children's early years.

### **Ngroo Playgroup Connected Beginnings – Darug Country (Mt Druitt NSW)**

In September 2024, the Ngroo Education Aboriginal Corporation (Ngroo) Connected Beginnings family playgroup team organised for families caring for children with developmental concerns or disability to sit and yarn with SNAICC at their site in Mt Druitt about their experiences accessing assessments and supports.

Ngroo Playgroup is an example of the very best ACCO place-based practice. In the densely populated, heavily-serviced community of Mt Druitt, it invests in collaboration and partnership to provides local families with culturally safe ECEC services and warm referrals to developmental supports through trusted pathways, making a difference for many Aboriginal and Torres Strait Islander children's developmental trajectories. Their staff place huge value on building trusted relationships with families and children. They aim to provide families with safe and guided introductions to developmental assessments and supports, and support them in their parenting confidence and self-advocacy. This element is critical; most families have encountered unsafe service pathways with long waitlists, disappointing or harmful results, and the ever-present concern that speaking up will draw negative attention to them from formal 'services' which far too often misunderstand their parenting practices.

Families attend Ngroo's playgroup where they are exposed to high quality play-based learning with trained educators, aiding children's brain development and creativity. If Ngroo's educators assess that it is necessary, and only when the family is ready, Ngroo's staff will start a conversation with the family about referring the child to its Guwaa-li Speech Therapy Program or its Wirimbirra Hearing Program for assessments and developmental supports.

Many services operate in the Mt Druitt and wider Blacktown area – non-profit, government-led, and some community-controlled. Ngroo holds a wide range of relationships with local service providers, bringing together a network of developmental supports for children in the area who need it. In this way, Ngroo serves as local navigator to culturally safe programs and services. Playing this role involves much persistence – the NDIS on its own is far from simple to navigate; adding health and early years services makes this task a significant challenge.

One mother, for instance, spoke about seeking the supports she needed for her 7-year-old son with global developmental delay. He is on the NDIS, but now at age 7, he needs a new plan. She has been doing everything she can to advocate for the supports he needs, but constant churn in NDIS local area coordinators and a challenging information environment has made it difficult to



renew his plan. For this mother, the Ngroo Playgroup played a critical role coordinating NDIS staff to attend the playgroup and sit down with her. It was only through this that she learned that her son's NDIS plan was due to expire in a matter of weeks, and that a paediatrician's diagnosis would be required to renew the plan, with six-month waitlists.

This mother felt completely unsupported before coming to Ngroo, often needing to 'coordinate' the NDIS Local Area Coordinator herself, and finding herself without a culturally safe means of getting her son a developmental assessment to renew her NDIS plan in a timely way. This mother told us that she has learned a lot through the playgroup, and developed confidence navigating the confusing Mt Druitt service ecosystem, particularly the NDIS.

## **Prioritising and sharing decision-making power with ACCOs to deliver foundational supports to their communities**

It is essential that the development of the foundational support strategy and system gives priority to ACCOs to lead design and delivery of foundational supports in their communities. This must be underpinned by a dedicated, flexible, needs-based and recurrent funding model for ACCOs which enables adequate provision of supports to all Aboriginal and Torres Strait Islander children according to their developmental support needs.

Despite their huge benefits, many Aboriginal and Torres Strait Islander children miss out on accessing quality early years education which is culturally safe and responsive.<sup>34</sup> A series of historical policy failures from all governments have led to this point. Foremost among these is the under-resourcing of ACCOs which are led by and accountable to their communities, and which deliver the holistic, integrated and culturally safe early years services proven to improve children's educational and developmental outcomes. In reality, ACCOs face a range of funding challenges which, together, curtail their capacities to advance the early learning, development and wellbeing of their children.

ACCO integrated early years services enable children to learn and develop within the supportive contexts of their families and communities, providing supportive and nurturing early learning and development experiences and environments which can have life-long impacts on their educational, health, developmental and wellbeing outcomes.<sup>35</sup> For Aboriginal and Torres Strait Islander children, culture is a critical element of this; learning culture contributes positively to their development, identities and self-esteem, and strengthens their overall health and wellbeing throughout the life-course.<sup>36</sup>

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<sup>34</sup> SNAICC 2023, 'Funding model options for ACCO integrated early years services: Final Report.' Retrieved from: <https://www.snaicc.org.au/wp-content/uploads/2024/05/240507-ACCO-Funding-Report.pdf>.

<sup>35</sup> Heckman J. and Mosso, S. 2014, 'The economics of human development and social mobility.' Retrieved from: <https://www.annualreviews.org/content/journals/10.1146/annurev-economics-080213-040753>; Brennan, D 2013. 'Joining the Dots: Program and Funding Options for Integrated Aboriginal and Torres Strait Islander Children's Service: Options paper prepared for SNAICC

<sup>36</sup> Elek, C. et al (2020). 'Can early childhood education programs support positive outcomes for Indigenous children? A systematic review of international literature.' *Educational Research Review* 31. Retrieved from: <https://findanexpert.unimelb.edu.au/scholarlywork/1469168-can-early-childhood-education-programs-support-positive-outcomes-for-indigenous-children%3F-a-systematic-review-of-the-international-literature>



For these reasons, early childhood development and education outcomes improve when ACCOs are empowered and sufficiently resourced. ACCOs know their communities and their needs best. This local knowledge drives their effectiveness developing relationships and trust with families, engaging them in the development and wellbeing of their children, and delivering quality services which meet family expectations. ACCO services are unique in their delivery of Aboriginal and Torres Strait Islander cultural ways of child rearing, including practices such as storytelling, play-based learning, lifelong learning, and collective education with multiple care givers.<sup>37</sup> The quote from a Victoria ACCO below speaks to the fact that cultural education is not an optional extra for Aboriginal and Torres Strait Islander services.

*“Feedback from families is that they feel safe, they feel welcome, they see their culture represented, due to relationships, they stay. Culture is embedded at all levels, governance, curriculum and pedagogy, ways of knowing, being and doing, visible culture, cultural practices, connections with Country, cultural and family frameworks.” – Victorian ACCO.<sup>38</sup>*

ACCOs typically design and implement services in integrated and interconnected ways, working across silos to provide holistic, wraparound services that place children, families and their strengths and needs at the centre.<sup>39</sup> And, critically, they are strengths-based and culturally safe, so families know they will be met with respect and care each time they visit.<sup>40</sup>

Prioritising and sharing decision-making power with ACCOs in the design, delivery and commissioning of foundational supports for Aboriginal and Torres Strait Islander communities is essential to ensuring that they are culturally safe, relationship-based and therefore effective for Aboriginal and Torres Strait Islander children.

#### **Recommendation 4**

In developing the foundational supports strategy and system, Commonwealth, state and territory governments prioritise early years ACCOs as providers of first choice for foundational supports for Aboriginal and Torres Strait Islander people.

Importantly, ACCOs successfully provide such services *in spite of* the systemic challenges of the ECEC funding system, not because of them. The early years funding system underpinned by the CCS and other piecemeal funding sources focused largely on ECEC activities does not reflect the full cost of delivery the integrated early years services most needed in Aboriginal and Torres Strait Islander communities. This limits ACCOs’ capacities to respond adequately, quickly or flexibly to community needs. Critically, ACCOs need to be resourced to meet the diverse and complex

<sup>37</sup> Ashton, A., Hawting, J., Harrison, J. 2011, ‘Growing Up Our Way: Practices Matrix.’ SNAICC. Retrieved from: <https://www.snaicc.org.au/resources/growing-up-our-way-aboriginal-and-torres-strait-islander-child-rearing-matrix/>.

<sup>38</sup> Ibid, p. 50.

<sup>39</sup> SNAICC 2022, ‘Stronger ACCOs Stronger Families’. Retrieved from: <https://www.snaicc.org.au/wp-content/uploads/2023/05/SNAICC-Stronger-ACCOs-Stronger-Families-report-2022.pdf>, pp. 28-29.

<sup>40</sup> Ibid, pp. 43-54.

needs of their communities and children. ACCOs from all jurisdictions have reported that they care for large numbers of Aboriginal and Torres Strait Islander children with complex, additional needs resulting from developmental or cognitive challenges, disabilities, histories of trauma, adverse mental health, persistent interactions with child protection and youth justice systems, and behavioural issues.

The statement from a Western Australian ACCO below is illustrative. More often than not, ACCOs are the *only* organisation in proximity to these children and families culturally equipped and willing to support them. Yet almost all early years ACCOs with whom SNAICC consulted raised that their services are not appropriately resourced to provide the support needed to enable these children to thrive.<sup>41</sup>

*“the key difference between mainstream childcare providers and ACCO ECEC providers is that Aboriginal and Torres Strait Islander children, families and communities have a prevalence of intergenerational and complex trauma and are resourced poorly to address this trauma.”* – Western Australian ACCO.<sup>42</sup>

Nor do current funding sources take seriously the importance of strengthening Aboriginal and Torres Strait Islander children’s culture by exposing them to wide and rich cultural experiences which serve to reinforce their cultural identities in the early years. As a result, they circumscribe ACCOs’ capacity to embed culture in all service delivery.<sup>43</sup>

Not only is funding insufficient for the integrated services ACCOs deliver, it is unduly complex, patchwork, uncertain, and highly administratively burdensome. It lacks the flexibility required for ACCOs to respond to unexpected costs such as infrastructure upgrades and maintenance, transportation requirements.<sup>44</sup> Giving ACCOs control over the design and delivery of foundational supports must not counter-productively introduce still more contracting complexity for those services to reckon with.

The Productivity Commission’s recent assessment confirmed what ACCOs have been saying for many years; that mainstream government commissioning approaches continue to sideline ACCOs through transactional, limited, short and inflexible contracting arrangements which strip control from ACCOs, introduce unnecessary overheads, and deprive them of the secure funding base they need.<sup>45</sup> Both the Productivity Commission (Recommendation 7.7, Inquiry into ECEC) and the NDIS Review (Recommendation 14) recognised and endorsed the need for a dedicated commissioning approach to *both* ECEC and foundational supports for Aboriginal and Torres Strait Islander children, particularly those living regionally and remotely.

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<sup>41</sup> Ibid, pp. 78-81.

<sup>42</sup> Ibid, p. 78.

<sup>43</sup> SNAICC 2023, ‘Funding model options for ACCO integrated early years services: Final Report.’ Retrieved from: <https://www.snaicc.org.au/wp-content/uploads/2024/05/240507-ACCO-Funding-Report.pdf>, p. 70

<sup>44</sup> Ibid, pp. 72-73.

<sup>45</sup> Productivity Commission 2024, ‘Closing the Gap review: Study report.’ Retrieved from: <https://www.pc.gov.au/inquiries/completed/closing-the-gap-review/report>, pp. 49-53.

Prioritising ACCOs must be accompanied with significant funding reform for the ACCO integrated early years sector. Integrating foundational supports seamlessly into early years services is not a matter of adding an additional layer of contracting onto an already unduly complex early years funding system. Commonwealth and jurisdictional funding for inclusion support in ECEC such as the ECEC Inclusion Support Program is unfit for the wholesale integration and sustainable delivery of foundational supports alongside ECEC and other early years services in ACCO environments. In development of the commissioning approach for foundational supports, it is imperative that the lead commissioning jurisdiction(s) integrates funding for foundational supports into broader funding reform for ECEC.

Through the ECCDPP, SNAICC has worked with ACCOs to design a framework for a dedicated, reliable and adequate [funding model for ACCO integrated early years services](#). This framework outlines the architecture of a supply-side funding model which would meet the services' needs, meaning they can better support their communities and children. It also provides adequate funding for ACCO services to attract, train, develop and retain educators and practitioners capable of meeting their children's needs. As such, commissioning approaches for foundational supports must provision for attraction, development and retention of Aboriginal and Torres Strait Islander staff qualified in required disciplines, including ECEC, allied health, psychology and occupational therapy (see further at Recommendation 6).

SNAICC recommends that commissioning approaches to foundational supports must be tied into and taken in tandem with implementation of a dedicated model for ACCO integrated early years services. This could happen in two parallel phases:

1. Commonwealth, state and territory governments should develop, implement and fully resource, in partnership with Aboriginal and Torres Strait Islander communities and organisations through the ECCDPP, a dedicated funding model for ACCO's to implement the suite of integrated early years services according to the needs of their communities.
2. In developing the foundational supports strategy and system, Commonwealth, state and territory government should partner with Aboriginal and Torres Strait Islander communities and organisations, particularly SNAICC and the FPDN, to develop an appropriate commissioning approach to foundational supports which aligns to and enhances the ACCO integrated early years funding model.

## **Recommendation 5**

Commonwealth, state and territory governments commit to developing and fully implementing in partnership with Aboriginal and Torres Strait Islander people a dedicated supply-side, needs-based, reliable and sustainable funding model for early years ACCOs, drawing on the foundational work completed through the Early Childhood Care and Development Policy Partnership, and

- a) in the design, development and implementation of the foundational supports strategy and system, Commonwealth, state and territory governments commit to commissioning foundational supports through enhancing the early years ACCO funding model

## Developing capacity in ACCOs to deliver foundational supports

### Enhancing Aboriginal and Torres Strait Islander workforce capacity

Aboriginal and Torres Strait Islander educators and teachers play a crucial role in supporting their children to grow up strong in culture and developmentally on track. The ACCO early years workforce possess connections to and knowledge of their communities which lead to service provision founded on genuine care, trust and empathy. A professional and highly qualified Aboriginal and Torres Strait Islander early years workforce creates greater capacity to provide culturally safe care, and will lead to greater child and family engagement in early childhood developmental supports. Both early years service providers and parents often report that employment of local Indigenous people is a major facilitator to Aboriginal and Torres Strait Islander family participation in early years services, particularly ECEC.<sup>46</sup> For this reason, SNAICC has long advocated for increased investment in building the Aboriginal and Torres Strait Islander workforce.

However, despite the need for trained early childhood development professionals, based on the most recent available national workforce census data, just 2.9% of early childhood education and care workforce identify as Aboriginal and Torres Strait Islander.<sup>47</sup>

Investment in building the Aboriginal and Torres Strait Islander early years workforce is a pressing priority, noted by recent significant inquiries. The Australian Competition and Consumer Commission Childcare Inquiry found that workforce shortages were most acute in remote and very remote areas and this was a major barrier to the supply of integrated early years services in these areas. This is mirrored in the disability support workforce, the NDIS Review finding that “large and persistent workforce shortages remain in the NDIS under current policy settings,”<sup>48</sup> and that these shortages are particularly acute in regional, rural and remote locales where Aboriginal and Torres Strait Islander people are significantly represented.

It is imperative that the existing Aboriginal and Torres Strait Islander early years workforce is not over-burdened through the integration of foundational supports into their services. Investing in quality training and ongoing professional development for early childhood educators, allied health practitioners and workers in associated disciplines represent a cornerstone requirement of ensuring high-quality, inclusive early childhood education and developmental support system. In building the nascent foundational supports system, so too must the capabilities of Aboriginal and Torres Strait Islander early years workforce be built in the disciplines needed to carry the system forward effectively. For instance, in their communities, it is imperative that Aboriginal and Torres Strait Islander people are given priority for the Lead Practitioner roles envisaged by the NDIS Review. For Aboriginal and Torres Strait Islander communities, *local* workforce development should be prioritised. Training local staff in these disciplines will empower them to

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<sup>46</sup> Social Research Centre, ‘Indigenous Participation in Early Childhood Education and Care – Qualitative Case Studies September 2016’, pg. 63.

<sup>47</sup> Social Research Centre, ‘2021 ECEC National Workforce Census’. Retrieved from: <https://www.education.gov.au/early-childhood/resources/2021-early-childhood-education-and-care-national-workforce-census-report>, pg. 33.

<sup>48</sup> Australian Government 2023, ‘Working together to deliver the NDIS: Independent Review into the National Disability insurance Scheme.’ Retrieved from: <https://www.ndisreview.gov.au/resources/reports/working-together-deliver-ndis>, p. 193.

manage disability and developmental assessments and supports in their communities, without outsourcing these extra supports to practitioners outside of the community.

This investment must be undertaken in partnership with Aboriginal and Torres Strait Islander peak bodies, and should include a combination of:

- funding enough VET places to fulfill workforce needs, including in regional and remote locales. These qualifications should span ECEC Certificate III, Diploma and Bachelor of Early Childhood Education, and relevant foundational supports disciplines including allied health. These qualification places should include paid practicums in organisations in the communities where students live and work, in order to develop the local workforce.
- establishing an innovation fund for workforce development initiatives. The innovation fund should prioritise ACCO-led initiatives, and also favour partnership initiatives between Universities/VET and ACCOs.
- funding targeted professional development initiatives to upskill the existing Aboriginal and Torres Strait Islander integrated early years workforce in inclusive practices required for effective provision of foundational supports.
- through development of the ACCO early years funding model (Recommendation 5), provision for consistent and sufficient levels of service funding to allow ACCO integrated early years services to employ and retain a workforce with specialised foundational support skills and knowledge, rather than further over-burdening their existing educators and practitioners.

Solutions to early years workforce challenges do not begin and end with funding for placements. For a sustainable, skilled Aboriginal and Torres Strait Islander early years workforce, we need to see structural and systemic changes in how they receive their training and qualifications. Currently, Aboriginal and Torres Strait Islander students face limited options for accessing culturally safe and relevant ECEC training. This dearth in availability often leaves students with few choices other than mainstream RTOs, which lack cultural safety, and rarely prioritise providing training in regional or remote locales for commercial reasons. In consequence, completion rates among Aboriginal and Torres Strait Islander students in ECEC qualifications continue to fall, a trend concerningly mirrored by the decrease in the proportion of qualified Aboriginal and Torres Strait Islander staff within the sector.<sup>49</sup> The declining number of qualifications among Aboriginal and Torres Strait Islander ECEC staff points to an urgent need for community-led pathways and retention programs through organisations led and controlled by Aboriginal and Torres Strait Islander people (ACCRTOs).

As the Productivity Commission highlighted, factors such as cultural safety, flexible learning options, and practical support are critically needed to support Aboriginal and Torres Strait Islander students to engage in and complete ECEC qualifications. Tailored support structures,

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<sup>49</sup> Australian Government, Department of Education 2021, '2021 Early Childhood Education and Care National Workforce Census report'. Retrieved from: <https://www.education.gov.au/early-childhood/resources/2021-early-childhood-education-and-care-national-workforce-census-report>.

culturally safe and relevant teaching and assessment models, and public funding towards professional development would directly enhance participation and retention rates within the early years workforce. Addressing these issues requires targeted, accessible, and affordable training pathways that support Aboriginal and Torres Strait Islander students to enrol and complete qualifications and enter the workforce.

To address these gaps, more funding needs to be redirected from mainstream education and training institutions to ACCO-led, place-based and culturally safe training providers. The National Aboriginal Community-Controlled Health Organisation (NACCHO) serves as a great example of a peak body leading the way in integrating and promoting RTOs within Aboriginal Community-Controlled Health Organisations, expanding career opportunities and pathways in the health sector for Aboriginal and Torres Strait Islander people.<sup>50</sup>

Sustainable, long-term funding is necessary to develop and maintain supported pathways for both existing and emerging ACCRTOs. This supported approach promotes flexibility and capacity for educators and students to complete their education and training with culturally appropriate guidance and resources. By embedding training within ACCOs, this approach reinforces cultural safety for future ECEC educators and practitioners in related disciplines, and will help ensure early childhood education remains aligned with the unique needs, traditions and culture of each community.

SNAICC therefore recommends that the development of the foundational supports strategy and system is accompanied with substantial investment in ACCRTOs to support development of the integrated early years workforce with expertise in the disciplines required to take on foundational supports. This will help all governments deliver on their commitments to build a strong community controlled sector, Priority Reform 2.

## **Recommendation 6**

Commonwealth, state and territory governments provide dedicated and sufficient funding to build and develop local Aboriginal and Torres Strait Islander early years workforces to provide foundational supports to their communities, through

- a) funding 12,000 places across ECEC Certificate III, Diploma and Bachelor of Early Childhood Education courses, key foundational supports roles including Lead Practitioners, and other relevant qualifications in related disciplines, including paid practicums, for local Aboriginal and Torres Strait Islander potential educators and students,
- b) establishing an innovation fund to support the delivery of Aboriginal and Torres Strait Islander early childhood education and care workforce development initiatives, developed in partnership with Aboriginal and Torres Strait Islander people and prioritising ACCOs

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<sup>50</sup> See National Aboriginal Community Controlled Health Organisation (NACCHO) 2024, 'Aboriginal & Torres Strait Islander Health and Care Traineeship Framework'. Retrieved from: <https://www.naccho.org.au/app/uploads/2024/03/FNHWTTP-Traineeship-Framework-March-2024.pdf>

- c) investing in and prioritising the establishment and expansion of Aboriginal and Torres Strait Islander Registered Training Organisations with specialisations in early childhood education and care, allied health, psychology, occupational therapy and associated disciplines required to effectively deliver foundational supports.

### **Providing long-term sector backbone support to ACCOs**

Additionally, significant systemic capacity, capability and resourcing – beyond these specific investments in workforce – is needed to realise an integrated vision for foundational supports.

ACCOs operate within a mainstream system that does not strongly recognise, value nor respond to the unique needs and operating context of Aboriginal and Torres Strait Islander communities. This creates a need for these organisations to ‘walk in both worlds’ and comply with Western frameworks and requirements in relation to quality, reporting and regulation, that lack alignment with culturally strong and community-led service models. Additionally, ACCOs typically operate at the local level and do not have access to the level of corporate and organisational development functions and supports that sit within larger national, state-wide or regional service providers.

Added to this for ACCOs is the complexity of responding to need in communities experiencing high levels of trauma and vulnerability, and often the challenges that come with operating in remote environments. Integrating foundational supports to manage the needs of children with a disability and/or developmental vulnerability introduces further complexity still.

With the introduction of the foundational supports system, SNAICC considers there to be an added need for backbone supports operating nationally, regionally and locally to continue to support capacity in ACCOs, in line with Priority Reform 2 of the National Agreement. Specific support needs include:

- support ACCOs to integrate foundational supports into the sore suite of early years services by providing business and administrative guidance
- support services in areas related to policy and procedures, governance, and regulatory compliance introduced by the foundational supports system
- create communities of practice for ACCOs to enable them to share information, learnings and opportunities for collective impact
- broker and develop new local relationships with service providers, including ACCHOs, AMS, allied health and specialists, non-government and government providers
- Gather qualitative and quantitative data and amplify ACCO voices to inform Federal, State, Territory and local government policy reform and initiatives relevant to the sector (see Recommendation 9)

SNAICC therefore recommends that the Commonwealth, state and territory governments provide adequate recurrent funding for backbone support services to build capacity sector-wide for ACCO-led integrated early years services. It is important that backbone supports for ACCOs



are grounded in Aboriginal and Torres Strait Islander ways of knowing, being and doing and delivered by community-controlled peak bodies or backbone organisations.

### **Recommendation 7**

Commonwealth, state and territory governments provide dedicated and adequate funding for national, regional and/or local tailored, backbone supports and capacity building of the ACCO integrated early years services in order to ensure they are empowered and sufficiently resourced to effectively deliver foundational support services to their communities.

## **Building cultural safety into the foundational supports system**

Cultural safety is essential for Aboriginal and Torres Strait Islander families and children to effectively use systems and services intended to support their development, health, wellbeing and safety. Without it, the potential impact of social services will invariably be diminished.

Cultural safety is not itself something which a system, institution, organisation or service can claim to provide. Rather, it is something experienced by Aboriginal and Torres Strait Islander people. It describes the experience of encountering a system, institution or organisation in which Aboriginal and Torres Strait Islander identities and cultures are normative, positively recognised and celebrated. It is more than just the absence of racism or discrimination and more than 'cultural awareness' and 'cultural sensitivity.' It empowers Aboriginal and Torres Strait Islander people and enables them to contribute and feel safe to be themselves.<sup>51</sup>

Cultural capability is related. If cultural safety is experienced by Aboriginal and Torres Strait Islander people, then developing cultural capability is the proactive and necessary set of actions, processes, learning loops, behaviours and attitudes which incorporate and prioritise Aboriginal and Torres Strait Islander ways of knowing, being and doing, continually critique harmful or discriminatory attitudes, and dismantle systems which maintain disparities.

In this way, cultural safety can begin to be understood as the experience of encountering systemic and institutional cultural capability. Developing cultural safety in the foundational supports system is fundamental to ensuring the system is effective and beneficial for Aboriginal and Torres Strait Islander children and families, and entails a concerted, fully resourced approach to improving cultural capability in all foundational supports institutions, practices, systems and workforces.

Cultural safety is critical because consistently throughout history and in distinct ways, Aboriginal and Torres Strait Islander people have encountered Australia's policies, laws, institutions, systems as culturally unsafe and institutionally racist. Since 1788, Aboriginal and Torres Strait Islander

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<sup>51</sup> See Mohamad, J et al 2024, 'Discussion Paper: Cultural Safety in Australia.' Retrieved from: <https://www.lowitja.org.au/resource/cultural-safety-in-australia/>; Victorian Public Sector Commission 2022, 'Aboriginal and/or Torres Strait Islander cultural capability toolkit.' Retrieved from: <https://vpssc.vic.gov.au/wp-content/pdf-download.php?postid=173848>; Queensland Department of Education 2013, 'Aboriginal and Torres Strait Islander Cultural Capability Framework.' Retrieved from: <https://education.qld.gov.au/initiativesstrategies/equityexcellence/Documents/cultural-capability-framework.pdf>



people have been consistently subject to ideas and narratives which privilege and protect settler Australian cultures, identities and knowledge systems, assumes the inferiority of the cultures and ways of knowing, being and doing of Aboriginal and Torres Strait Islander people, and seeks to “diminish, distort, limit, and misrepresent Aboriginal and Torres Strait Islander people, both historically and currently.”<sup>52</sup> These narratives have been used to justify laws and policies which discriminate against Aboriginal and Torres Strait Islander people. While individual instances of racial discrimination are often overt and recognisable, a deep scholarship informs us that institutional and cultural racism must be uprooted from the structures, systems and beliefs of our society in order to empower communities to shift persistent socioeconomic disparities.<sup>53</sup>

Across many levels of government and society, Australia continues to struggle in its understanding of the extent, operation and impacts of cultural and institutional racism on Aboriginal and Torres Strait Islander peoples. These challenges are implicated in the fact that only four of the 15 Closing the Gap socioeconomic targets that can currently be assessed are ‘on track.’ Nowhere is this clearer than Target 12, to reduce overrepresentation in the child protection system.

Still today, Aboriginal and Torres Strait Islander children are removed from their families at 10.8 times the rate as non-Indigenous children, exposing them to harm and trauma in culturally unsafe environments, and this rate is growing. Child protection legislation and policy in Australia are largely based on non-Indigenous concepts of family and child-rearing, which typically emphasise nuclear family structures and individual responsibility. These frameworks often overlook the collective and community-oriented approaches common in Aboriginal and Torres Strait Islander cultures. As a result, Aboriginal and Torres Strait Islander parenting practices may be misunderstood or undervalued, leading to disproportionate intervention and removal of Aboriginal and Torres Strait Islander children from their families.<sup>54</sup> When statutory agencies do make the significant decision to remove a child due to concerns about safety and wellbeing at home have a profound responsibility to ensure that every child is safe in OOHC. Routinely, this does not occur. In 2022–23, about 1,229 children in Australia were the subject of a substantiation of abuse in care, of whom, 629 (51%) were Aboriginal and Torres Strait Islander.<sup>55</sup>

SNAICC’s 2024 Family Matters report has found that in all states and territories, law, policy and practice in child and families welfare remain considerably culturally unsafe;<sup>56</sup> three of eight jurisdictions rated ‘very poor’ and a further three rated ‘poor’ due to widespread inconsistent application of the Aboriginal Torres Strait Islander Child Placement Principle (a culturally safe

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<sup>52</sup> Mohamad, J et al 2024, ‘Discussion Paper: Cultural Safety in Australia.’ Retrieved from: <https://www.lowitja.org.au/resource/cultural-safety-in-australia/>

<sup>53</sup> See Paradies, Y, Harris, R., Anderson, I. 2008, The impact of racism on Indigenous health in Australia and Aotearoa: towards a research agenda,’ Cooperative Research Centre for Aboriginal Health and Flinders University, Casuarina, NT; Bailey, Z, Feldman, J., & Bassett, M. (2021). ‘How structural racism works—racist policies as a root cause of US racial health inequities.’ *The New England Journal of Medicine* 384, pp. 768–73, Retrieved from: <https://www.nejm.org/doi/full/10.1056/NEJMms2025396>; Watego, C, Singh, D and Macoun, A 2021, ‘Partnership for Justice in Health: Scoping Paper on Race, Racism and the Australian Health System,’ Retrieved from: <https://www.lowitja.org.au/resource/partnership-for-justice-in-health-scoping-paper-on-race-racism-and-the-australian-health-system/>.

<sup>54</sup> Wright et al. 2024. ‘Attachment and the (mis)apprehension of Aboriginal children: epistemic violence in child welfare interventions.’ *Psychiatry, Psychology and Law*. pp. 1-25. Retrieved from: <https://www.tandfonline.com/doi/full/10.1080/13218719.2023.2280537>

<sup>55</sup> Australian Institute of Health and Welfare 2024, ‘Safety of children in care: Child Protection Australia 2022-23. Retrieved from: <https://www.aihw.gov.au/reports/child-protection/child-protection-australia-insights/contents/safety-of-children-in-care>.

<sup>56</sup> SNAICC 2024, Family Matters Report 2024. Retrieved from: <https://www.snaicc.org.au/our-work/child-and-family-wellbeing/family-matters/>, p. 13.

framework for child protection which aims to keep children connected to their families, communities, cultures and country and to ensure the participation of Aboriginal and Torres Strait Islander people in decisions about their children's care and protection), low reunification rates, low rates of placing children with their kin to preserve connection to culture, and low levels of investment into culturally safe supports provided by ACCOs.

The experience of cultural unsafety is acute for Aboriginal and Torres Strait Islander people with a disability. In their concluding observations on the combined second and third periodic reports for Australia, the United Nations Committee on the Rights of Persons with Disabilities highlighted the substantial barriers to accessing culturally safe supports faced by Aboriginal and Torres Strait Islander people with disability.<sup>57</sup>

SNAICC is a partner in the University of Melbourne-led consortium developing a new practice framework for supporting children with developmental concerns, delay or disability (the ECI Practice Framework Project). Ensuring practices contribute to cultural safety will be a core principle of the new framework. The system of foundational supports should reflect/align with the framework which can guide practice across all service systems. In developing the framework we consulted with ACCOs delivery developmental supports to their communities.

In light of this context of child removal and cultural unsafety, ACCOs and families universally said that all foundational support and practice must be culturally safe for Aboriginal and Torres Strait Islander families, children and practitioners.<sup>58</sup> This is especially important given the well-founded fears among many Aboriginal and Torres Strait Islander families of child removal arising from interactions with mainstream health and disability services. The foundational supports strategy, system, and its actors must recognise that this well-founded fear and very real risk represents a significant barrier to families seeking advice and support for children who may be displaying behaviour associated with developmental delay or disability, and ensure all system and institutional actors are continually addressing institutional racism and developing cultural capability, and taking positive action to provide early supports to children and families in order to avoid downstream likelihood of child protection notifications.

Additionally, we heard from participants that cultural safety must be embedded in both systemic and practice-based characteristics of the foundational supports system through:

- recognising the millennia of successful Aboriginal and Torres Strait Islander child rearing practices, and engage with the wisdom of Elders to create opportunities for children and young people to learn from them, including by inviting them into educational settings.
- ensuring that children are included in early learning and development at their own pace and among their peers in everyday settings, giving effect to the principle that 'culture is

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<sup>57</sup> United Nations Committee on the Rights of Persons with Disabilities 2019, 'Concluding observations on the combined second and third periodic reports of Australia.' Retrieved from: <file:///C:/Users/Nick%20Davis/Downloads/G1930705.pdf>

<sup>58</sup> See SNAICC and University of Melbourne 2024, 'Review of Best Practice in Early Childhood Intervention: Findings from the SNAICC Engagements.' Retrieved from: [https://healthy-trajectories.com.au/wp-content/uploads/2024/11/Review-of-Best-Practice-in-ECI\\_-Findings-from-SNAICC-Engagements\\_v1.0\\_November-2024.pdf](https://healthy-trajectories.com.au/wp-content/uploads/2024/11/Review-of-Best-Practice-in-ECI_-Findings-from-SNAICC-Engagements_v1.0_November-2024.pdf)

inclusion’ – that Aboriginal and Torres Strait Islander conceptions of disability are inherently inclusive and accepting, rather than alienating or individualizing.<sup>59</sup>

- recognising that many families have experiences of personal and/or intergenerational trauma, often caused by interacting with culturally unsafe systems, and ensuring all system and institutional actors are working in trauma-informed ways.
- building trusted relationships at a pace set by families and children in order to allay well-founded fears leading back to culturally unsafe child protection systems, and tailor support to children and families holistically, regardless of programmatic or service boundaries.
- decolonising diagnostic and assessment tools or frameworks, many of which are not culturally appropriate, and preference the development and utilization of tools and frameworks grounded in Aboriginal and Torres Strait Islander cultures, practices and strengths. Examples provided by participants include ASQ-TRAK.

The list above is a non-exhaustive set of measures which Commonwealth, state and territory governments should take to dismantle harmful attitudes and behaviors, ensure that the cultural capability of the foundational supports system is continually improving, and that Aboriginal and Torres Strait Islander children and families have recourse to a system of developmental supports which is culturally safe and, therefore, effective.

As a first step to realising this goal, SNAICC recommends that cultural safety for Aboriginal and Torres Strait Islander people is explicitly defined as a central objective of the foundational supports strategy with attendant, interlinked and specific actions to improve cultural capability at all levels of the system. These specific actions and measures must be defined and developed within the strategy and in partnership with Aboriginal and Torres Strait Islander communities and organisations, and must be fully resourced and enabled by governments. This set of actions should be conceived as a whole-of-system cultural capability strategy, with identified system-level changes to policies and practices.

They should come with measurable indicators of whole-of-system cultural capability and mechanisms for accountability (see Recommendation 9) measure and publicly report on progress in developing a system which is genuinely culturally safe for Aboriginal and Torres Strait Islander children and families.

## **Recommendation 8**

In the design, development and implementation of the foundational supports strategy and system, Commonwealth, state and territory governments

- a) centre Aboriginal and Torres Strait Islander ways of knowing, being and doing, their unique conceptions of disability, and their child rearing practices

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<sup>59</sup> See Avery, S. (2018). Culture is Inclusion: A narrative of Aboriginal and Torres Strait Islander people with disability. First Peoples Disability Network (Australia). Sydney, Australia. Retrieved from: <https://disability.royalcommission.gov.au/publications/exhibit-8-00305-exp002000010001-s-avery-culture-inclusion-narrative-aboriginal-and-torres-strait-islander-people-disability-first-peoples-disability-network-australia-sydney-2018>.

- b) fully embed culturally safe service provision as a primary objective of the foundational supports strategy
- c) commit to working in partnership with Aboriginal and Torres Strait Islander people and organisations to improve cultural competency at all levels of the foundational supports system, and work towards building a system in which cultural safety is experienced by all Aboriginal and Torres Strait Islander children and families, and
- d) provide sufficient funding for improvements in the cultural capability of all foundational supports institutions, practices, systems and workforces
- e) fully adopt, embed and implement in all policy, systems, institutions and workforces the forthcoming recommended practice framework for supporting children with disability and developmental vulnerability (Early Childhood Targeted Action Plan Action 2.4)

## Oversight and accountability

The development of the foundational supports strategy and system of supports must comprise robust independent oversight and accountability mechanisms, which can be powerful mechanisms for ensuring governments deliver on their commitments. Consistently, too little has been done to embed oversight and accountability into the strategies, policies, systems, practices, institutions and services which affect the lives of Aboriginal and Torres Strait Islander people. The Productivity Commission found in its 2023 Closing the Gap review that not enough has been done to identify, develop or strengthen independent accountability mechanisms that work with government to identify and eliminate racism, embed and practice meaningful cultural safety, monitor progress towards targets, enable Aboriginal and Torres Strait Islander led data decision-making, listen and respond to concerns about mainstream institutions and agencies, and report publicly on transformation of government institutions and agencies. As a result, governments have done far too little to effect change in any of the Priority Reforms.<sup>60</sup>

In the DSSP, the FPDN notes that Aboriginal and Torres Strait Islander people “sit on the periphery of both national disability policies, frameworks, data infrastructure and research agendas.”<sup>61</sup> Similarly, the NDIS Review found that accountability to Aboriginal and Torres Strait Islander people for the outcomes, governance, cultural safety, cohesiveness and sustainability of disability service sector is lacking.<sup>62</sup> This issue is systemic; we see unaccountability to outcomes and commitments made by all governments under the National Agreement on Closing the Gap in all domains and service systems which affect Aboriginal and Torres Strait Islander children and their families.

As such, in line with Recommendation 20.4 of the NDIS Review, SNAICC recommends that National Cabinet creates an Aboriginal and Torres Strait Islander-led independent sector-specific

<sup>60</sup> Productivity Commission 2023, 'Review of the National Agreement on Closing the Gap: Study Report.' Retrieved from: <https://www.pc.gov.au/inquiries/completed/closing-the-gap-review/report>

<sup>61</sup> First Peoples Disability Network 2022, Disability Sector Strengthening Plan. Retrieved from: <https://www.niaa.gov.au/our-work/closing-gap/disability-sector-strengthening-plan>, p. 24.

<sup>62</sup> Australian Government 2023, 'Working together to deliver the NDIS: Independent Review into the National Disability Insurance Scheme.' Retrieved from: <https://www.ndisreview.gov.au/resources/reports/working-together-deliver-ndis>, pp. 245 – 253.

accountability mechanisms for the foundational supports system to fill accountability gaps, deliver on disability sector strengthening efforts, and drive community-led evaluation of and reporting on foundational supports.

A material part of the systematic deficiencies in accountability is that there is no strengths-based, nationally consistent disaggregated data with the full picture on the incidence and effects of early disability and developmental vulnerability for Aboriginal and Torres Strait Islander children and families, though the Australian Early Development Census gets us some of the way to this goal. A central problem is that government-defined and -collected data does not always reflect the lived experiences, or hold meaning for, Aboriginal and Torres Strait Islander children and families. Data on Aboriginal and Torres Strait Islander children with disabilities or developmental delay is rarely strengths-based is far from exhaustive, perpetuating deficit narratives about ‘problematic’ or ‘antisocial’ children and leading to poor policy which misses root causes for band-aid solutions. Nor do we have accurate and consistent data on service entitlement and exposure; which Aboriginal and Torres Strait Islander families and children are finding support for their early childhood disabilities and/or developmental challenges, the forms of support they are receiving, and by which organisations they are supported.

Data can be a powerful tool to monitor progress against the Priority Reforms and socioeconomic outcome areas, and to hold governments, peak bodies and the community-controlled sector accountable on the actions of the National Agreement. However, it needs to be detailed, consistent across jurisdictions and accurate. Further, it is critical that improvements in data collection and use on disability and developmental vulnerability is underpinned by Indigenous Data Sovereignty (IDS) and Indigenous Data Governance (IDG). While the National Agreement does not commit to IDS and IDG, SNAICC considers them central to Priority Reform 4.

Accordingly, SNAICC recommends that the new national foundational supports strategy comprises a robust outcomes framework developed in partnership with Aboriginal and Torres Strait Islander people to measure how foundational supports are being delivered, and their impact on developmental trajectories, health and wellbeing. Outcomes must have clear indicators and data sources agreed by and with Aboriginal and Torres Strait Islander representatives, and which uphold IDS and IDG. Responsible government departments must report regularly to both the Joint Council on Closing the Gap and the National Cabinet on progress in all outcome areas and associated action plans; these reports must be made publicly available.

These elements of the foundational supports strategy must be fully resourced, including adequate resourcing for data development, repository functions, and capacity building for Aboriginal and Torres Strait Islander communities to collect, maintain and use their data.

## **Recommendation 9**

The Foundational Supports Strategy and system:

- a) establishes an Aboriginal and Torres Strait Islander led independent accountability mechanism for the foundational supports system
- b) includes clear outcomes, targets and measurable indicators with data sources developed in partnership with Aboriginal and Torres Strait Islander people
- c) provides adequate funding to build the technical capacities of ACCOs to effectively collect, maintain and use data on foundational supports and associated developmental outcomes and indicators to provide a strengths-based picture of developmental diversity in their communities
- d) requires Commonwealth, state and territory governments to report regularly to the Joint Council on Closing the Gap and the National Cabinet, and these reports should be available to the public