



5/04/2023

## Submission to the Royal Commission into Early Childhood Education and Care

### Executive Summary

In South Australia 3-year-old Aboriginal children are currently entitled to 12 hours of preschool per week. Aboriginal children have been entitled to attend preschool in SA at three since 1988. It is a special measure for Aboriginal children designed to improve their wellbeing and educational outcomes. There is, I believe a general consensus amongst childcare experts and professionals and Aboriginal families and communities that this benefits Aboriginal children. It is my belief that it does.

What data has been kept and measured on its success or failure is unknown. I hope that an effort will be made to compile data from this period to paint the picture for Aboriginal children, but what is known is that enrolments are high. There is no publicly available data about actual attendance, but anecdotally I am informed that attendance does not match enrolments. This does not surprise me.

It is common for Aboriginal families to be reluctant to engage with mainstream services that have a focus on children. Underneath this reluctance lies a very real fear of child removals. This fear is born of the Assimilationist policies of the past that have cast a long shadow of intergenerational trauma and systems distrust over many families. That the current child protection department and education department hold the legacy of these policies is still evident in the institutional racism that I have witnessed and continuously hear about from Aboriginal children, their families and communities.

What is revealing is that most Aboriginal children are removed for neglect, but what I see, and most Aboriginal people who work in government systems see, are families struggling with poverty. What comes with this and is well evidenced in research, is that impoverished families experience complex issues, a greater level of psycho-social distress and are more likely to come to attention of the welfare system.

What is evident to me is that the eyes of systems then apply a deficit focus seeing the trappings of poverty, overcrowded housing, failure to attend school for shame, failure to engage with services even where they are available and the daily struggle to face up to racism in those systems as neglect.

This wariness to engage with systems that remove their children is reflected in the attendance rates of Aboriginal children. But it's also the sheer burden of poverty; being unable to transport children to ELEC, to afford to bring food for them, to clothe them and being made to feel unwelcome or to feel judged for being Aboriginal and being poor.

But this is not always the experience of Aboriginal children. I have seen centres that are busy with the presences of Aboriginal families and their children; where they are surrounded by expressions of their culture in art, in language and in the presence of Elders who steer and educate them in language and culture.



Where the educators and carers are Aboriginal or majority Aboriginal there is a focus on getting help to those families who are struggling before the struggle becomes too much. At the base of their success is trust. This can be developed in centres where non-Aboriginal workers and children predominate but takes partnership and trust building efforts with Aboriginal families and communities and this takes the right policy settings and investment in early intervention services, particularly Aboriginal community-controlled organisations for service delivery and investment in the Aboriginal workforce both as educators and as education support officers. It requires the normalisation of the presence of Aboriginal people to deliver a curriculum that embeds education about Aboriginal culture for all.

I believe the ELEC system is helping Aboriginal three-year-olds to overcome some of the deficit effects of poverty and racism. Interaction early has resulted in health and wellbeing assessments being made that ensure that their journey through the education system is better supported and that they enter formal schooling on more of a level playing field.

But early interaction can be dual edged. Where there is a lack of cultural safety and adequately resourced culturally safe service provision there can be an unnecessarily pre-emptive response to the signs of poverty. This response is based on judgements made where children and families are not allowed to be engaged in decision making about their lives and early intervention is not considered. It is here that the spectre of child protection intervention becomes real and decisions are made loaded with bias and misconceptions about the capacity of the family to care for the children.

Aboriginal children and their families have the right to self-determination, this is a right guaranteed by the United Nations Declaration on the Rights of Indigenous People. It is an Aboriginal child's human right to enjoy his or her culture in community with other members of community (United Nations Convention on the Rights of the Child). These human rights form the bedrock of the current Closing the Gap Agreement 2020 and should underpin the delivery of ELEC to Aboriginal children at three. It requires a differential approach to be taken to the delivery of ELEC to Aboriginal three-year-olds that will flow with them through the entirety of their education to strengthen them in culture.

Now more than ever this differential approach is not only required but is necessary. If universal early education is to be offered to all 3-year-old children then the special measure accorded to Aboriginal children over the last 30 or more years will be lost. They will not be seen, they will be competing with other children for services and attention. The restoration of equity for Aboriginal children requires the focus on policy to be squarely on the human rights of Aboriginal children and their families

I urge this Royal Commission to seek to restore equity to the current delivery of ELEC and preschool to three-year-old Aboriginal children in the face of the provision of universal early childhood education to all three year olds, which I support, by endorsing the recommendations I have made. I urge the Royal Commission to ensure that the education and child development system provides the optimum delivery of education and wellbeing outcomes focussing on hardwiring the provision of cultural safety measures and cultural education for Aboriginal children. By recommending that the provision of culturally safe and properly funded support systems for these children and their families are integrated in ELEC and pre-school and by recommending that the ELEC and preschool system is developed in partnership with Aboriginal families and communities at the local level. The lynchpin in this system must be an ELEC and preschool system that values, supports and builds on the Aboriginal workforce as educators, cultural mentors, cultural supports, community engagement and community outreach, supported with service delivery by ACCOs.

## Recommendations

- 1) Amend the Education and Children Services Act (2019) SA to require all ELECs and pre-school providers (government or non-government) to deliver culturally safe pre-school services, Aboriginal cultural curriculum, and language delivery in line with the human rights of Aboriginal children and their families and communities as set out in UNDRIP and UNCROc fully recognizing Aboriginal self-determination. That self-determination is defined as a concept in the Act.
- 2) Consideration should be given to making preschool compulsory from age 3 by amendment of the Education and Children Services Act (2019) SA but only if all other recommendations made in my Submission are adopted.
- 3) All state authorities providing pre-school services to Aboriginal children revise their policies to ensure they are giving effect to the human rights of Aboriginal children in line with section 5 CYP (OAB) Act including by working in partnership with Aboriginal children their families and communities to revise those policies. In doing this, particular attention should be paid to Article 30 UNCROc; Article 3 UNDRIP; Article 14 UNDRIP; Article 18 UNDRIP and Article 19 UNDRIP.
- 4) Revise the South Australian Closing the Gap Implementation Plan to take into account the National Plan for Early Learning Aboriginal Action Plan and apply it to three-year-old Aboriginal children. All revisions to be developed after consultation in partnership with Aboriginal children their families and communities focusing on the relevant rights in UNDRIP and UNCROc.
- 5) Update policy settings to ensure Increased funding and support for ELEC and preschool to deliver culturally safe ELEC and preschool services and cultural and language curriculum developed in partnership with Aboriginal children their families and communities commensurate with needs of Aboriginal children and at a basic standard for all ELEC.
- 6) Increase funding for community outreach by Aboriginal education workers, education support officers or other Aboriginal community outreach officers in all ELEC and preschools where Aboriginal children are or may be enrolled.
- 7) Provide transport and food bank support at all ELEC or preschool where there is need.
- 8) Apply the five pillars of the Aboriginal and Torres Strait Islander Child Placement Principle by ensuring that due regard is given to the delivery of support services to prevent child removals and by making decisions in partnership with Aboriginal children, their families and communities.
- 9) Increase funding for service provision by Aboriginal Community Controlled Organisations (ACCOs) in ELEC and preschool and in the provision of family support services commensurate with need.
- 10) Ensure that all Aboriginal children are provided with cultural support; mentoring and community outreach in ELEC and preschool through the provision of Aboriginal education workers in line with Aboriginal Education workers award and amend and apply the School Resource Entitlement Statement as it applies to Improved Outcomes for Aboriginal students to apply all Aboriginal children attending ELEC and preschool from three years. Noting that the AEW scope of practice includes family and community engagement.
- 11) Mandate requirements for cultural safety and cultural curriculum and language in all ELEC and preschool and ensure that cultural audits are conducted regularly both in partnership with local Aboriginal families and communities.
- 12) Work towards the delivery of ELEC and preschool by individual Aboriginal nations to their children with curriculum designed and delivered by First Nations and by considering such models as the SAMI peoples use for this purpose.

- 13) Ensure that when government partners with Aboriginal families and communities that government representatives have sufficient delegated authority to make partnership decisions and provide flexible long-lasting arrangements that are fit for purpose.
- 14) Use the THRYVE Project as a model for providing ACCO early years services.
- 15) With attention to cultural safety expansion of the Community Development coordinator positions to reach all Aboriginal communities and be available to all Aboriginal children in preschool and their families
- 16) A gap analysis of cultural safety, cultural competency and cultural curriculum content be completed at all centres in partnership with the local Aboriginal community or nation to be able to deliver targeted cultural content to all ELEC centres and preschools. It should be made a requirement of the Education and Children Services Act (2019) SA so it can also be rolled out in non-government centres.
- 17) Disaggregated data that has been kept on the attendance of Aboriginal children in ELEC and preschool and the reason for non -attendance should be publicly released.
- 18) Partnership with Aboriginal community should be entered into about the capture of disaggregated data and its use by Aboriginal communities in service design.

## Rights Based Early Childhood Education and Care for Aboriginal Children – the Framework for Policy Design and the National Closing the Gap Agreement 2020 – The Voice to the South Australian Parliament – Self Determination

I was appointed the inaugural Commissioner for Aboriginal Children and Young People pursuant to the Children and Young People (Oversight and Advocacy Bodies) Act (CYP OAB Act) in November 2021. In this role it is my statutory obligation to promote and advocate for the rights and interests of Aboriginal children and young people. (Section 201(a) CYP OAB Act).

The CYP OAB Act defines “rights” as those recognised in statute and common law and rights set out from time to time in the United Nations Convention on the Rights of the Child (UNCROc) and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and rights set out in any other relevant international human rights instruments. (Section 4(1) CYP OAB Act.)

Importantly section 5 CYP OAB Act provides that *“Each state authority must in carrying out its functions or exercising its powers, protect, respect and seek to give effect to the rights set out from time to time in the United Nations Convention on the Rights of the Child and the UN Declaration on the Rights of Indigenous Peoples and rights set out in any other relevant international human rights instruments.”*

It is my submission that when the Royal Commission considers the provision of ELEC to Aboriginal children at three, section 5 CYP OAB Act is the starting point as it provides the framework for the proper rights based delivery of ELEC to Aboriginal children from three years of age.

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

This right should be considered in conjunction with the recital to the UNDRIP which recognises *“in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child”*

So far as education is concerned Article 14(1) UNDRIP provides that “Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning”.

Article 14 (2) Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

*Article 14 (3) States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.*

In addition, what is very much in play in considering a framework for pre-school, UNDRIP requires the participation of Aboriginal people in systems design, service delivery and decision making with respect to Aboriginal children so as to exercise rights of self determination.

Article 3 UNDRIP provides: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 18 UNDRIP states that: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision making institutions.

Article 19 “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.”

These rights underpin not only the National Agreement on Closing the Gap 2020 but also the recognition of Aboriginal self determination enshrined in South Australia in the recently enacted First Nations Voice Act 2023.

It is my submission that any recommendations that the Royal Commission makes about the delivery of pre-school education to Aboriginal children at three should seek to optimise the cultural content of curriculum and to ensure that service delivery is culturally safe and entrusted to Aboriginal educators and Aboriginal education support workers, both as provided by ACCOs and other government and non-government service providers. It should also ensure that family and other support services for Aboriginal children are provided by ACCOs as a priority or by other culturally safe service providers. All services should be provided commensurate with need. The Royal Commission can do this by highlighting the need for differential service delivery in preschool for Aboriginal children.

The need for a differential response has become immediately necessary in the face of the proposed provision of universal childhood education to all three-year-old’s. It is a policy approach which I support but which comes at the cost of the special measure that has been in place for Aboriginal children for 30 or more years allowing Aboriginal children to enter preschool at three. It is my very strong view that equity for Aboriginal children must be restored by the measures that I have outlined.

The South Australian government has made some progress towards addressing issues of cultural safety and language and cultural content in curriculum for four-year old’s in its Closing the Gap Implementation Plan for Target Three: By 2025 increase the proportion of Aboriginal and Torres Strait Islander children enrolled in the year before fulltime schooling to 95%.

However much of the Plan contains high level objectives without requiring specific partnerships to be developed at the local level with Aboriginal children their families and communities in policy

development. Some measures to implement are contingent on Commonwealth support and others are existing measures. (South Australia's Implementation Plan for Closing the Gap Page 54).

The only real attempt at partnership policy making contained in the Plan is "to deliver upon a culturally responsive and Inclusive Teaching Pedagogy in preschools through implementation of the Buthera Agreement with Narrunga Nation". This agreement was designed to implement Reggio Emilia education principles on South Australia. But I have heard that progress on this has stalled. Funding has dried up and the political and bureaucratic will to implement it is lacking.

Whilst rightly the attention is on education outcomes in the Implementation Plan, there is a drift of focus away from the role that pre-school plays in improving the Aboriginal child's life outcomes and wellbeing by enabling service provision for struggling Aboriginal families, early assessment, and treatment of learning impairments. Immersion in the protective aspects of culture in curriculum delivery is recognized but there is little in the way of concrete outcomes required. There is certainly no detail about how partnerships with Aboriginal families and communities are to be forged to enable self-determination.

It is worth noting the recent Productivity Commission Report on Closing the Gap "Review of the National Closing the Gap Paper 3; What we have heard to date - first phase of engagement February 2023, finds that there has been little movement away from governments way of doing business as usual to working in partnership as is required by the Closing the Gap Agreement.

The SA Government has recently released its Early Learning Strategy 2021 -2031. It contains specific references to Aboriginal children and aspires to review the current support for Aboriginal children from diverse backgrounds, including Aboriginal children It seeks to promote and support improved enrolment and attendance at preschools, with a particular focus on 3 and 4 year old Aboriginal children.

The Strategy has goals to build strong partnerships across government and non-government sectors to increase the proportion of children that are developmentally on track with additional specific support provided to Aboriginal children and children in complex situations. It will connect with National reform such as Closing the Gap and the National Aboriginal and Torres Strait Islander Early Childhood Strategy.

This Strategy bears close examination by the Royal Commission and propose to address the Strategy in detail in the second tranche of my submission to the Royal Commission. There is also a National Early Childhood Education Strategy in development. I am hopeful that it will develop a specific Aboriginal Action Plan in partnership with Aboriginal leaders, similar to that that has been developed in the National Plan for protection of Australia's children "Safe and Well".

The number of high-level policies that espouse worthy partnership aims with Aboriginal families and communities in early education is encouraging, but what is required is a structured commitment to these partnerships that ensure that not only is the partnership of Aboriginal experts sought but these partnerships drill down to local communities to fully recognise rights of self-determination.

They must also be supported by flexible funding arrangements that permit local objectives to be met. As Aboriginal people we are tired of "pilot" funding which is inadequate and dries up despite promising outcomes. The area of Aboriginal partnerships is littered with burdensome acquittal processes, standard government contracts which are not fit for purpose, hardwired to inflexible funding guidelines.

I urge the Royal Commission to support the development of true partnership approaches with Aboriginal First Nations and communities to policy making and service delivery in early education line with its human rights obligations.

## How the SA Government can fulfill its Human Rights Obligations

The government must embark on a deep examination of what self-determination means and how this right is to be exercised. It is my view that the Education and Children's Services Act SA (2019) should be amended ensure that the UNDRIP and UNCROc are locked in as of right and a clear exposition of what self-determination means and how it is to be exercised is included in the legislation.

On the policy side it means that critical high level decision makers from government with delegated authority are present at meetings with community and Aboriginal experts'. These public servants must have authority to make decisions about funding programs and as a priority must seek to support ACCOs to deliver culturally safe services to Aboriginal children in their early education.

The governments' objective must be to ensure programs are linked to Aboriginal children in early education by these partnerships to ensure that education is provided in a culturally safe environment and policy is developed that provides deep cultural content in education programs.

Support services for Aboriginal children must be designed to be culturally safe and meet their complex needs and culturally safe family support services must be also hardwired into ELEC and preschool.

In summary what is required by the rights enshrined in UNDRIP and UNCROc is shared responsibility between the State and Aboriginal people for the upbringing, training, education and well-being of their children and this requires a deep and structured interaction between Aboriginal children, their families and communities on a local level in the delivery of education outcomes and a collaboration and partnership between government and families and communities.

What this looks like is a concerted effort to change the modality of the curriculum to ensure that it is delivered to all children with proper regard for cultural content. The curriculum should also pay appropriate attention to cultural content for the particular Aboriginal child, noting that there are 30 plus First Nations in this state, each with their own culture and language.

There must be a conscious effort to incorporate Aboriginal ways of knowing and being into the delivery of early education through the structured inclusion of Aboriginal families and community Elders in the delivery of early education. Ultimately the aim should be to enable individual Aboriginal Nations to deliver preschool and ELEC to their own children by deep immersion in culture and language as the vehicle for universal curriculum delivery, much in the way the SAMI Nations of Scandinavia have achieved true realisation of their rights under UNDRIP.

In the short term it is vital that Aboriginal people be encouraged into the workforce and take leadership positions both as educators and support officers ( noting the current endeavours through the South Australia the Department for Educations Aboriginal Workforce Plan); there must be provision of cultural safety for all Aboriginal children and their families in the early childhood environment; and in this regard all early childhood educators must complete components of cultural competency and cultural safety training delivered by Aboriginal people in a localised context, relevant to early childhood education.

Ideally the provision of early childhood education should be delivered by Aboriginal Community Controlled Organisations (ACCOs) and where this is not possible there should be at least one Aboriginal worker present at all centres where Aboriginal children are enrolled. Aboriginal parents

should be strongly encouraged to sit on Boards where dedicated positions should be allocated proportionate to the Aboriginal children who attend there.

Additionally, there should be a meaningful presence of Aboriginal family and community at all centres attended by Aboriginal children to provide cultural education, linked to numbers and to the unique cultural ties that a childcare centre may have to the Aboriginal community. The local community should be consulted about cultural safety measures, and these should be adopted. It requires the ELEC centre to make active efforts to reach out to community and this requires the critical presence of at least an Aboriginal educator or Aboriginal education support officer as an enabler for this, or in children's centres and other ELEC centre with many Aboriginal children, the appointment of a dedicated Aboriginal community engagement officer.

## Aboriginal Workforce

Attention should be paid to adapting the model that the South Australian Department for Education use in schools to ensure family and community engagement and cultural support for Aboriginal children.

In primary schools there is a dedicated Aboriginal Community Education Officer and an Aboriginal Secondary Education Transition Officer in secondary schools. Each Aboriginal student enrolled is entitled to 42 mins of support time per week with an Aboriginal worker. These workers are critical as a cultural buffer in the system and enable the maintenance of positive connections with families and the school.

Using this structure as a model, adapted to an early year's setting would ensure cultural safety for Aboriginal children and encourage and support families to connect to educators and local support networks within the community that would benefit both the child and family in a culturally respectful manner and provide cultural expertise to benefit the educators, if the educators are not Aboriginal.

As stated in the Department for Education's Aboriginal Education Strategy 2019-2029 one of the key areas is increasing Aboriginal employment within public education.

*'Develop our people to work together to strengthen the learning and life outcomes for Aboriginal children and young people. Enable all staff to become culturally responsive through professional development, community connections and ensuring that we deliver culturally appropriate services to children, families and communities. Grow our Aboriginal workforce and support our existing Aboriginal staff'*

Currently Aboriginal staff contribute to 2.4% (774) of the total employment within the education department in various roles. Analysing the data provided in the Department for Education's workforce plan 2021-2031; from data collected in 2020 shows that Aboriginal staff make up 7.5% (55) of the total cohort employed within preschools. This indicates that there is a higher percentage of Aboriginal people preferring to work in an early childhood setting. But 58.3% of all Aboriginal staff are only on temporary or casual employment contracts.

I am reliably informed that there is staff movement due to the lack of stability or funding structures attached to Aboriginal identified positions. In preschools there is no dedicated funding to support Aboriginal employment as schools do where they have dedicated RES allocation funding giving each Aboriginal child 0.7hrs (42mins) per week to employ an Aboriginal Community Education Officer which is an Aboriginal identified position.

Adapting a model as set out within the school Aboriginal Education workers award and amending and applying the School Resource Entitlement Statement as it applies to Improved Outcomes for



Aboriginal students to all Aboriginal children attending ELEC from three years could help assist in raising the Aboriginal employment percentages with preschools across the state.

I have seen Aboriginal people feel discouraged from pursuing employment within education due to the pre-employment requirements that must be undertaken such as working with children check and reporting abuse and neglect training. This process can take some time; even with assistance an individual may feel that historical actions may impact on the ability to work within education.

Looking at *'Focus area 2' in the National Children's Education and Care Workforce Strategy there is a Pilot program mentioned called THRYVE. 'The THYRVE Pilot Project will support and represent Aboriginal and Torres Strait Islander community-controlled early years services to deliver high quality, responsive, accessible, and culturally strong supports for our children, families, and communities'*.

Initially the Pilot will work in three States – New South Wales (NSW), Western Australia (WA) and Victoria.

The THRYVE Project will respond to local priorities to strengthen service design and governance, delivery and compliance in service quality, workforce development and training. It will also offer critical support to access sustainable funding'. Having a program like this within SA would ensure Aboriginal staff have access to consistent training opportunities to upskill them in working within an early childhood setting as a skilled worker.

Currently within SA there is a strategy to boost employment through the 'flexible industry pathways program' where several traineeships were offered in a range of roles to support students to explore employment pathways within the department; however, this is not an option nor accessible to anyone not attending a government school. My suggestion is that a more consistent and coordinated approach occurs in having all states and territories align with support mechanisms to engage Aboriginal employment within early childhood education centres, by utilising funding structures and adapting existing support packages, tool kits and other materials and to address this at a federal level.

## The Importance of Culture. The Voices of Aboriginal Children

I cannot overstate the importance of culture to Aboriginal children. It is vital.

I am not saying anything new when I say that the evidence for Aboriginal children is that their culture and connection to culture is the foundation stone of self and strong self esteem and pride and confidence in their Aboriginal identity. This is especially critical for those Aboriginal children who may have been removed from their families and placed into non-Aboriginal care; where the importance of cultural connection and a sense of belonging is critical to their wellbeing. I refer to [Journeys of culturally connecting: Aboriginal young people's experiences of cultural connection in and beyond out-of-home care - Krakouer - Child and Family Social Work - Wiley Online Library.](#)

Connection to culture is recognized as fundamental to the wellbeing of Aboriginal children in all major policies about early education, both State and federal.

From my perspective as Commissioner for Aboriginal Children and Young People culture is pride in the face of racism. It is the bridge across systems that seek to marginalize Aboriginal children by treating them as the other.

In my Youth Voices Report 2021 I surveyed the views of 574 Aboriginal children across the state. I asked them what mattered to them, what gave them a sense of self. In addition I asked them specifically about cultural identity and the role it played in their lives.

As I stated in my report *“It was clear that Aboriginal children and young people prioritise their family and culture in their lives and want more opportunities to practice and learn their culture, particularly in a school setting with cultural educators from the Aboriginal community. Our young people associated family with safety, love, happiness and fun; their views reinforce the integral role that family plays in their development and wellbeing. Cultural identity is essential in helping to create strong young people. Our youth values their culture, their languages, and their connections to country. Our young people are yearning to learn and speak their languages and believe Aboriginal languages should take precedence in their schools. Aboriginal children want their culture to be valued more greatly in wider society and that they can be free and safe to express their cultural identity.”*

*Racism is highly prevalent and experienced by Aboriginal children and young people. They experience it within schools from teachers and other students and want to live in a world where they are not judged or mistreated because of their skin colour or cultural background. (at page 17).*

*Education is important to Aboriginal children understand the importance of learning. When Aboriginal staff, cultural education and Aboriginal targeted programs were present in the school environment, our young people expressed higher regard and greater engagement in their education experience. These aspects can lead to more positive learning and educational journeys for Aboriginal children and young people.*

Where culture is absent there is real sense of loss. The schooling system can therefore operate to reconnect disconnected children and young people and empower those still deeply connected.

*“In primary school we had an Aboriginal girls’ group and we learnt about Ngarrindjeri culture and language. I grew up on Ngarrindjeri land. I always feel that disconnect from my culture (Barkindji) and I try to learn more and seek out my culture to fill the void where my culture should be. People don’t think about the effects that being disconnected from culture has. It can lead to depression because it’s a big part of being an Aboriginal person” Female, Murray Bridge High School*

*“I done it (learnt about my culture) at my old school, there were more cultural studies. The elders took us out, it made me feel happy” Female, Whyalla Stuart High School*

*“They (non-Aboriginal people) don’t see us as smart, they focus on sports and not academic. They think I’m friends with violent people, who happen to be Aboriginal, just because I’m Aboriginal” Female, Mark Oliphant College.*

Positive influences within the school context were resoundingly contributed to Aboriginal staff, Aboriginal cultural programs, and opportunities to learn language and culture. If these opportunities were not available in the school environment, young people were vocal that it was needed.

*“We need more Aboriginal people and teachers at my school and to learn more Aboriginal culture” Female, Westport Primary School*

*“I want my school to do more Aboriginal culture” Male, Mark Oliphant College*

*“I love doing MALPA (Aboriginal cultural school-based program), I like learning about cultural stuff” Male, Aldinga Primary School*

*“We should learn about our culture in school” Female, Henley High School*

*“The ACETO made a difference” Female, Unley High School.*

It is vital to emphasise the importance of culture and its and protective effect for Aboriginal children.

Poverty and marginalisation, both the legacy of years of racism and forced assimilation, impact the well-being of many Aboriginal children and the effects of inter-generational trauma are played out in these children's lives with clear impacts on their development.

ELEC and preschool provides an opportunity to begin to redress the devastating effects of marginalization and poverty. If this is done right in culture, with culturally appropriate delivery of services to Aboriginal children and into families, it sets the standard for ongoing inclusivity and participation throughout the Aboriginal child's educational journey and will have measurable effects on the gross overrepresentation of Aboriginal children in child protection, poor school attendance and overrepresentation in exclusions and over representation in the youth justice system.

If ELEC and preschool is delivered in accordance with Aboriginal children right to be educated within their culture it can bring in the opportunity for families and communities to have a stake in the best ways to teach their children using the Aboriginal ways of knowing and being that they have been steeped in since birth. This way there is a natural synergy built between parents and educators which will make the important link to the parents and enable them to continue to build and reinforce the child's learnings at home.

The evidence is clear that without parental buy in the child's progress will be hampered.

A culturally safe learning environment also provides the setting for culturally safe service delivery and help for struggling Aboriginal children and their families as it can create an environment of trust.

In a world where racism is the daily experience of many Aboriginal people and there is a very real fear of child removal such an environment should be cultivated so that children will attend, and families can access services without fear.

## The Barriers to Participation

The data shows an uptick in attendance as soon as the age of compulsion of age 6 is reached. The reasons for this may be there is more financial support, there are consequences for non-compliance, particularly the heightened risk of removal if children do not attend.

I support consideration of compulsory attendance of Aboriginal children but recognise that it is a two edged sword as the education system is the source of many child protection reports. My current Inquiry into the Aboriginal and Torres Strait Islander Child Placement (ATSICPP) is examining this issue and its findings will bear upon my support for compulsory ELEC at three but I believe if the reforms I have advocated for in that system are taken up then the overreporting of Aboriginal children will be mitigated and the benefits of compulsory attendance will outweigh the deficits.

Both anecdotally and through the findings of studies into the attendance rates of Aboriginal children in preschool it is clear that the location of the preschool and access to transport will be one of the determinants of whether a child attend. Shame and feelings of inadequacy also play significant part.

*"Of the existing research in the field, Biddle's (2007) two-model analysis, using 2001 Census socio-demographic data,2 shows Indigenous preschool participation rates influenced by the same factors as non-Indigenous households. Higher parental education and higher equivalised household income influenced participation positively and remoteness influenced participation negatively. The influence of these variables, however, was greater in Indigenous households. Grace and Trudgett's (2012) recent qualitative study identifies three key barriers to Indigenous families engaging with preschool. These were the practical difficulties of transporting children to school; a cultural barrier of families feeling shame at their own low literacy and/or not always being able to provide appropriate clothing, footwear*

*and food; and the complexities of community division on decisions of which preschools it was appropriate for their children to attend.” (Australian Institute of Family Studies Page 42).*

The effect of poverty on school attendance cannot be underestimated the family may not necessarily be struggling in providing food but in the eyes of an educator this may not be seen as suitable food for school or something that is seen as under nutritious.

In metropolitan or larger regional areas, if a preschool is not within easy reach, then transport can be a major factor. Consideration should be given to resourcing pick-ups for Aboriginal children and this is where community outreach and strong Aboriginal community intelligence is one of the most valuable resources an early learning centre can have. The core objective of delivering early learning is trust. Once this is established then all else follows.

There may also be an issue with transience. There is no data on this and the measure of attendance (at least one hour in the reporting period) will not pick up and identify this factor. There are many reasons for transience, and these include cultural/family obligations in different parts of the State or country for sorry business; overcrowding in housing; domestic violence; need to attend medical and other treatment where services are not provided in regional and remote areas. Being stuck and unable to return because of financial constraints.

There is also profound systems distrust that arises from the intergenerational trauma of child removals and assimilationist policies that have percolated into current systems. The corrosive effects of racism in child protection decisions continues to contribute to the marginalization of Aboriginal children in the ELEC and preschool system.

I have, since becoming Commissioner for Aboriginal Children and Young People, and previously as the Director of Aboriginal Education, heard from community and Aboriginal families about how they feel unwelcome in the education system that also does not recognise or value them, their culture, their history and heritage. How they feel the discrimination that is applied to their children and how their child rearing practices are devalued and criticized or ignored.

I am pleased to report however that there are some preschools that have actively turned this around and put out the welcome mat successfully. Their success should be measured and valued. I cite for example the enormous work being done at Taikerendi in Christies Beach and Gabmididi Manoo Children and Family Centre in Whyalla.

These early childhood centers have a high percentage of Aboriginal children enrolled in them and the Aboriginal educators in these centers play a huge part in community engagement by building relationships and having an accessible space for parents and community members.

Another initiative that commenced in 2019 that has assisted this process has been the introduction of Community Development Coordinators (CDCs) are based in the Department for Education children’s centres across South Australia. CDCs work within a strength-based approach focused on creating a sense of belonging and identity for families within their local and broader community.

Community Development Coordinators work in partnership with the wider Safer Family Services team, local families, educators, allied health and other government and non-government agencies to ensure a timetable of programs are provided that are relevant, topical and responsive in each community context. With attention to cultural safety this program should be expanded to reach all Aboriginal communities and be available to all Aboriginal children and their families.

An increase in these positions could see improved connection and engagement of families to early childhood education setting in a positive way that is supportive and inclusive to all.

What is fundamental to their success is their community engagement and outreach, the ability to make Aboriginal families feel welcome and valued partners in the pre-school education of their children and the natural infusion of Aboriginal culture that benefits all children. Key to this is the creation of ECEC and preschool which is culturally inclusive and presents itself that way.

To ensure that that all ELECs and preschools are on track with culturally safety and community outreach a cultural screening audit must occur on a regular basis developed and conducted in partnership with the local Aboriginal community.

There is a live example of this. I have heard that an Aboriginal Community Education Team Leader located in the area of the Narunnga Nation created a cultural screening audit that was completed with all preschools located within the Yorke Peninsula, aligned to the Buthera Agreement.

The audit targeted cultural measures that were used as a constructive tool to influence change to make preschools more inclusive and inviting to Aboriginal families and community. The audit focused in key areas such as appearance, resources, visibility, educator knowledge and curriculum content.

The work that followed by using this screening method enabled the worker to work with Individual preschools to address individual needs of the centre looking at aspects through a cultural lens. She was able to use this to work collaboratively on aspects such as cultural competency training. I recommend that this gap analysis be completed at all centres in partnership with the local Aboriginal community or nation to be able to deliver targeted cultural content to all ELEC centres. If this is made a requirement of the Education and Children's Services Act 2019 then it can also be rolled out in non-government centres.

An early learning centre that is configured as culturally safe can generate trust within the community and has high community intelligence that enables it to outreach to those families whose children can most benefit from the delivery of ELEC at three and integration of Aboriginal culture by the presence of Aboriginal parents and Elders as partners in delivering education to their children.

A culturally safe ELEC centre or preschool can play an integral role in helping direct struggling families into early intervention services and staving of child removals. One of the most promising developments that has flowed from this for Aboriginal children from three years of age is that centres with strong connections to community have been trusted by DCP to be the space in which contact with their families is enabled.

Aboriginal children have also spent their early years learning and relating to people in a rich cultural paradigm, despite this, statistically many will suffer from intergenerational trauma, many will have diagnosed and undiagnosed disabilities and be developmentally delayed They may come from households that speak English as a second language and may be suffering from the impacts that poverty and racism have on their lives and their families.

But a focus on underlying deficits for Aboriginal children preschool does not tell the whole story, where these children are securely connected to their family, community and culture there is enormous wellbeing and learning preparedness accruing to them which, if harnessed and incorporated as part of universal curricula for 3 year old's could impact the corrosive effects of racism and add value to the teaching methods that are used to deliver ELEC.

Clearly Aboriginal families have a high level of systems distrust born of all these factors and families fear that their children will be removed because of their own or close family members experience with child protection or was removed under the Assimilationist policies that led to the Stolen Generations, which is of course within living memory. The data show the compounding effects of child removals, generation after generation.

The precursors of department of child protection and the education department were the government instruments of removal. Fear and suspicion echoes down the generations and the thread of institutional racism has not been broken. What is needed to overcome the barriers to children attending ELEC and preschool is trust.

If the environment is welcoming and culturally safe. If families are encouraged to come and go without restriction, if they have place to sit and yarn with each other and the staff then the early childhood center becomes a place that Aboriginal families and their children will want to go. Their presence there comes with understanding and without judgement. Once trust is established then transport may be arranged, because it will be taken up, services can be introduced because they are seen as helpful, children will be assessed for disability and developmental delay early and remediation efforts can be made.

The net effect is that Aboriginal children that are struggling or come from families that are struggling are levelled up in preparation for ongoing learning. Families and communities in similar circumstances will start to come up with their own solutions and the high rate of removals of Aboriginal children can be mitigated by early intervention opportunities and support for reunification efforts from within the preschool system.

## ELEC and Child Protection

I have heard from some of the ELEC centres that I have visited and from community that those centres that have a strong Aboriginal presence regularly offer parents a culturally safe space where supervised contact to their children in State care can occur and it can play a crucial role in providing culturally safe spaces to assist families whose child has been removed with achieving the objectives of reunification plans through increasing supervised contact.

Throughout my current inquiry into the application of the Aboriginal and Torres Strait Islander Child Placement Principle I have heard from parents whose children have been removed that if they are given contact with their children as part of a reunification process that it takes place in departmental offices for very short periods of time where Aboriginal parents feel under surveillance, and they are being judged. This impacts their ability to behave naturally with their children and plays upon the effects of intergenerational trauma that are triggered by the presence of departmental workers who have been part of the removal process.

It has become the practice of ELEC such as Kalaya to encourage the DCP to conduct supervised contact within the center as part of the regular parental interactions that occur there. This way cultural safety is provided for both the parents and the child and there is also the opportunity to ensure that reunification services that are culturally safe are accessed, enabling the parents to be proactive in seeking these services rather than relying on the department who may take some time to organize services that don't necessarily provide cultural safety.

Parents are more likely to persist with reunification efforts if they feel supported. It also provides another set of eyes on the interaction between the child and the parent which can be called upon to give another less negative view of the interaction that has a clear cultural lens.

An early learning centre that is configured in this way can generate trust within the community and has high community intelligence that enables it to outreach to those families whose children can most benefit from the delivery of ECEC at three and integration of Aboriginal culture by the presence of Aboriginal parents and Elders as partners in delivering education to their children.

A culturally alive ELEC centre can play an integral role in helping direct struggling families into early intervention services and staving of child removals. One of the most promising developments that has

flowed from this for Aboriginal children from three years of age is that centres with strong connections to community have been trusted by DCP to be the space in which contact with their families is enabled and that these centres are referring families to services recognising that they need support and if given this support will prevent their children being removed. They are assessing risk with culturally informed vision and not applying deficit assessments to Aboriginal children and their families.

### The System Now - Data.

Access to preschool has been available to all Aboriginal children from the age of three in South Australia centre based and family day care since 1988.

The ABS /ROGS data tells us that enrollments of Aboriginal children in South Australia in preschool at three years of age is high. The data for attendance of three-year-olds is not publicly available, but anecdotally there is a deficit between enrollment and attendance. As there is no publicly available data for attendance (even by the current measure of at least one hour per week -ROGS) there is clearly no attendant disaggregated data that measures actual attendance, measures attendance whether by region, remote or metropolitan or by centre, nor specifically measures the development of three year old Aboriginal children against the CDCC on the five domains.( this data is lumped in with data pertaining to 3 to 6 year olds ref CDCC data- See How are they faring? South Australia's 2022 Report Card for children and young people CDCC).

Where Aboriginal children are enrolled and do not attend, where the reasons for non-attendance have been captured, then this data should be officially released. As should any other disaggregated data that illuminates the situation of Aboriginal children in pre-school. It should be a requirement in the regulations made pursuant to section 15(b) of the Education and Children's Services Act 2019 SA that such data is to be reported on annually. In the meantime there should also be a concerted effort to collect data from ELEC centres and preschools and transparently report on it.

Before there is any further policy development in relation to the cohort of Aboriginal children in three-year-old pre-school, data should be collected by survey at the very least, about the children currently enrolled but not attending with the reasons for non-attendance explored by Aboriginal researchers who are tasked to develop appropriate questions and to conduct the survey based on anecdotal and other available evidence of the factors for non-attendance which are already known.

If this data is available, but not officially released it should immediately be interrogated at the granular level suggested and made available to Aboriginal people in their own communities, as well as government to enable a proper examination of the success and failures of the past 30 years and to inform and therefore enable the partnership between Aboriginal people and government going forward to address these matters using the rights based approach I have advocated for and is required by section 5 C&YP OAB Act.

Without in any way seeking to extrapolate 4-year-old data to three-year-old data, the data for four-year-old Aboriginal children bears examination and shows there is a lag between enrolment and attendance, especially observed in metropolitan and remote. It is also concerning that the ROGS data measures attendance at least one hour per week which itself does not create a detailed picture about what is going on with attendance. Currently attendance is at 67%. (ROGS)

It is also clear that attendance improves exponentially once the age compulsion (6 to 17) is reached. (ROGS) which itself may indicate a pathway to improve attendance in the lower age cohorts. The fact of compulsion brings with it a myriad of financial support mechanisms for parents and resourcing requirements for the educators and the place of education.

Because there is no publicly available data available for attendance of three year olds, neither is there disaggregated with respect to the type of center Aboriginal children attend, the concentration of Aboriginal children at particular centers and whether there is a preference for culturally safe centres that offer ACCO provided or other parental support services, that are linked to the center, nor where that centre sits on the scale of socio-economic indicators, except to the extent that this is measured for 4 year olds.

There is data about 4 year old enrolments in ELEC and preschools (ROGs and Closing the Gap data) which shows that children from higher socio economic indicators have higher enrolment rates but the data does not show whether those Aboriginal children that attend ELEC and preschool at 3 are more likely to attend preschool at 4 and then school. Nor has their developmental progress been charted and linked to their overall wellbeing as measured on the AEDC scale to show if Aboriginal children benefit because of this early learning exposure. It is unfortunate that some effort has not been made to track this data in the 30 years since preschool at 3 has been delivered to Aboriginal children.

Nor is the publicly available data disaggregated to measure the services that are provided for Aboriginal children at 3 who attend ELEC and preschool with disability: developmental delay: behavioral issues associated with trauma and other adverse exposure outcomes that are assessed and referred to services. There will be data collected on assessments of Aboriginal children for disability and developmental delay, but it is not clear if this data links to them to a referral from an ELEC centre or preschool and whether there is uptake of a service after assessment and if not why not.

In a positive move the Department for Education has announced that it will expand childhood development screening to include checks at 12 months and three years and incorporate further parent supports and advice during checks. (Early Learning Strategy Department of Education). But key to this benefiting Aboriginal children as early as possible is boosting attendance rates at three in preschool and matching access to services.

Beyond this but integral to service delivery is understanding why Aboriginal children with the support of their families do not attend preschool or why their attendance is patchy or why there is no uptake of support services even if they are offered. But the data on this must be captured, it must be disaggregated. Crucial to this data capture and disaggregation exercise is to recognise the need for Aboriginal data sovereignty.

High quality publicly available and disaggregated data ensures accountability, but the wellbeing of Aboriginal children is inextricably entwined to their connection to culture. This linkage should be made by enabling partnership policy and decision making at the local level informed by high quality disaggregated data that is owned by Aboriginal communities to put them in the box seat with policy development and empower meaningful social policy and legislative reform (refer to Indigenous Data Sovereignty Principles – <https://mkstudy.com.au>).