



Australian
Human Rights
Commission

Inquiry into Childcare and Early Childhood Learning

**AUSTRALIAN HUMAN RIGHTS COMMISSION
SUBMISSION TO THE PRODUCTIVITY COMMISSION**

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1 Introduction

1. The Australian Human Rights Commission welcomes the opportunity to make this submission to the Productivity Commission Inquiry into Childcare and Early Childhood Learning.

2 Summary

2. The Commission promotes a human rights based approach to the provision of early childhood education and care services that includes:
 - promoting and protecting the rights of children and ensuring their welfare in these critical developmental years
 - improving gender equality and the equal participation of women in the workforce, through supporting parents with caring responsibilities.
3. The Commission recognises that there are strong links between women's employment and economic security and the health and wellbeing of their children. Economic security has a positive impact on the health and wellbeing of mothers, a positive protective impact on children and a benefit for families as a whole. This submission therefore, aims to address the interlinked issues of childcare, women's rights and children's rights.

3 Recommendations

4. The Commission makes the following high level recommendations:
 - **Recommendation 1:** Increase investment in early childhood education and care services in recognition of the social and economic benefits to both children and parents.
 - **Recommendation 2:** Develop accessible, affordable, flexible, quality early childhood education and care services, including out-of-school-hours care services, and ensure each child has an entitlement to attend.
 - **Recommendation 3:** Provide greater options for families requiring non-standard hours child care services.
 - **Recommendation 4:** Continue to commit to the National Quality Framework (NQF) and enable all funded early childhood education and care services to progressively be covered by the framework.
 - **Recommendation 5:** Support existing and potential early childhood education and care workers to undertake qualifications and training necessary to meet the obligations under the NQF.
 - **Recommendation 6:** Ensure quality early childhood and care services are delivered equitably to all children, including children in regional and remote areas, Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse communities and children with disability.

- **Recommendation 7:** Develop service models which maximise diversity and choice and include integrated support models, especially in communities where there are high numbers of children and families with complex needs.
- **Recommendation 8:** Simplify and streamline early childhood benefits and rebates and ensure they are accessible and equitable, including considering the recommendations relating to childcare, family payments and women's workforce participation within the *Australia's Future Tax System: Final Report*. Provide targeted, subsidised assistance to children who are most disadvantaged.
- **Recommendation 9:** Review the Special Child Care Benefit and its approval process to improve access and extend its period of availability to reflect the long term issues faced by families in need.

4 A human rights based approach

4.1 Children's rights and early childhood education and care

- (a) *Rights and responsibilities under the Convention on the Rights of the Child (CRC)*
5. The *Convention on the Rights of the Child* (CRC), the key international human rights treaty relating to children's rights, sets out a number of rights and responsibilities relevant to early childhood education and care.
 6. Article 18 makes it clear that parents or their legal guardians have the primary responsibility for securing the best interests of the child, but also that States parties must assist them in their caring role. The CRC requires States parties to:
 - render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and [shall] ensure the development of institutions, facilities and services for the care of children (article 18(2))
 - take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible (article 18(3)).
 7. The UN Committee on the Rights of the Child (the UN body responsible for monitoring rights under the CRC) has recommended that States parties support high quality, developmentally appropriate and culturally relevant early childhood programs.¹
 8. Article 28 of the CRC outlines the child's right to education, and States parties responsibilities to make education available 'with a view to achieving this right progressively and on the basis of equal opportunity'. While article 28 does not directly specify early childhood education, the UN Committee on the Rights of the Child interprets the right to education during early childhood as beginning at birth and closely linked to young children's right to maximum development (article 6.2).

9. Articles 29, 30 and 31 are important for their relevance to the quality of education and care. Article 29 outlines the fundamental purposes of education for the child, including the ‘development of the child’s personality, talents and mental and physical abilities to their fullest potential’. Article 30 recognises the right of a child belonging to an ethnic, religious or linguistic minority, or who is indigenous, to enjoy his or her own culture, religion and language. Article 31 recognises the right of the child to leisure, play and culture, which are so vital for learning and development in the early years.

(b) The rights of children in need of special protection

10. The CRC also sets out a number of rights for specific groups of vulnerable children, which are relevant for this Inquiry:

- children at risk of violence and abuse (article 19)
- children temporarily or permanently deprived of his or her family environment (article 21)
- children seeking refugee status or a refugee (article 22)
- mentally or physically disabled children (article 23)
- children belonging to a linguistic, ethnic or religious minority or of Indigenous origin (article 30).

11. There are other human rights treaties and instruments particularly relevant to the rights of children who may require special protection. These include the Convention on the Rights of Persons with Disabilities and the Declaration on the Rights of Indigenous Peoples.

(c) Recognising the importance of early childhood as a critical period

12. The UN Committee on the Rights of the Child has outlined developmental reasons why early childhood is a critical period for the realisation of children’s rights. During this period:

- Young children experience the most rapid period of growth and change during the human lifespan, in terms of their maturing bodies and nervous systems, increasing mobility, communication skills and intellectual capacities, and rapid shifts in their interests and abilities.
- Young children form strong emotional attachments to their parents and other caregivers, from whom they seek and require nurturance, care, guidance and protection, in ways that are respectful of their individuality and growing capacities.
- Young children establish their own important relationships with children of the same age, as well as younger and older children. Through these relationships they learn to negotiate and coordinate shared activities, resolve conflicts, keep agreements and accept responsibility for others.
- Young children actively make sense of the physical, social and cultural dimensions of the world they inhabit, learning progressively from their activities and their interactions with others, children as well as adults.
- Young children’s earliest years are the foundation for their physical and mental health, emotional security, cultural and personal identity and developing competencies.

- Young children's experiences of growth and development vary according to their individual nature as well as the gender, living conditions, family organisation, care arrangements and education systems.²
13. The importance of early childhood for health and wellbeing of children and future adults has been recognised by Australian Commonwealth and state and territory governments in the National Early Childhood Development Strategy in 2009.³ The Strategy is a response to evidence about the importance of early childhood development and the benefits – including cost-effectiveness - of ensuring that all children experience a positive early childhood experience.⁴ Quality early childhood education and care is one important component of an effective early childhood development system and can play a role in enhancing children's learning and socialisation as well as acting as a protective measure.
14. Ensuring that women remain attached to the workforce, particularly during a child's early years, is an important way of ensuring the health and wellbeing of children in the longer term. The 2009 report of the Commonwealth's tax review, *Australia's Future Tax System* affirms this, suggesting that 'extended labour market absences [particularly for women]... may be detrimental to their and their children's longer-term wellbeing'.⁵

4.2 Gender equality and early childhood education and care

(a) The right to gender equality, non-discrimination and decent work

15. The rights to gender equality, non-discrimination, decent work and the related accommodation of family and caring responsibilities within the right to work are articulated in several international human rights instruments, including the:
- UN *Convention on the Elimination of Discrimination Against Women* (CEDAW)
 - *Covenant on Economic Social and Cultural Rights*
 - International Labour Organization *Convention Concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities* (No 156).
16. The realisation of human rights through these international conventions and covenants is essential in removing gender inequalities and discrimination and in recognising caring responsibilities within the right to decent work.

5 Women's workforce participation

17. Access to accessible, affordable, flexible, quality early childhood education and care services has a significant impact on women's long term economic health and wellbeing, and that of their families. The gender gap in superannuation, retirement incomes and savings occurs largely as a result of the unpaid care women are required to do for their family or household members.⁶

(a) *The impact of caring on workforce participation*

18. Women are more likely to be carers for children than their male counterparts, and are more likely to have other caring responsibilities (eg. for elderly parents or family members with a disability):⁷

- In 2009, around one in three men (35%), and two in five women (41%) aged 15-64 years had responsibilities for unpaid care.⁸
- In 2006, females spent 8 hours and 33 minutes per day (on average) caring for children. Comparatively men spent 3 hours and 55 minutes.⁹

19. Female unpaid carers have significantly lower rates of workforce participation and are more likely to be working part-time and in casual employment than fathers and male carers. In two-parent families with dependents, 90 per cent of fathers were employed, compared to 67 per cent of mothers; around three-quarters of employed mothers of infants and pre-schoolers and just over half the employed mothers of adolescents work part-time compared to less than 7 per cent of employed fathers; and among employed mothers of these different cohorts of children, 17-21 per cent were employed on a casual basis compared to less than 5 per cent of fathers.¹⁰

20. Closely linked to the gender disparity in caring roles is the gender disparity in access to secure employment:

- Women are more likely to work part time and in casual jobs than men.
- Women are more likely than men to be working without leave entitlements.¹¹

21. This has implications for women's access to workplace arrangements and implications for women's careers, employment security and workforce attachment.

22. It is now widely recognised that increasing women's participation in the workforce can contribute significantly to the growth of Australia's economy. The Grattan Institute has estimated that a six per cent increase in women's workforce participation could generate an increase in Australia's gross domestic product by \$25 billion.¹²

(b) *Access to childcare as a barrier to workforce participation*

23. Anecdotal evidence suggests that one of the key reasons for women not returning to work after the birth of a child or not returning to work at the same rate as they previously worked is due to a lack of childcare. This issue was consistently raised by both employers and employees as part of the Commission's current *National Review* on the prevalence, nature, and consequences of discrimination relating to pregnancy at work and on return to work after parental leave. For some women, this will be an economic issue, with the expense of childcare negating their wage (in effect, women are 'paying' to go to work'). For other women, the childcare services in their area will be at capacity, may only have one day of care available or have business opening hours which do not match with her hours of work.

24. In a recent report, *Accelerating the advancement of women in leadership: Listening, Learning, Leading*, the Male Champions of Change (a group established by the Sex Discrimination Commissioner in 2010) identified 'Dismantling Barriers for Carers' as a major theme, suggesting that childcare was a significant challenge for their female staff in pursuing their careers and leadership ambitions. The experiences of the Male Champions of Change (MCC) workplaces indicated that some parents struggle to manage work and caring during school holidays given they only have access to four weeks of annual leave and the report indicates that this situation 'forces many – often women – out of the workforce, or to reduced roles'. The MCC report also notes that ensuring access to quality, affordable, flexible and accessible childcare is an extremely important issue within their organisations and as such, for society more broadly.¹³
25. The difficulties for parents associated with attempting to combine employment and care for their children can be exacerbated by a lack of high quality, accessible and affordable services, which are flexible and designed to meet the needs of working parents, particularly those working in non-standard hours and in non-metropolitan areas.¹⁴
26. Given the overwhelming evidence showing the productivity gains resulting from increasing women's participation in the workforce, it is therefore important to note that issues around availability, quality and cost of early childhood education and care services are associated with the reduced participation of women in employment.¹⁵
27. As such, increasing women's access to accessible, affordable, flexible, and quality early childhood education and care service is likely to see more women in the workforce which ultimately will increase national and business productivity gains in Australia.
- (c) *Australia's taxation system, women's workforce participation and childcare*
28. The 2009 *Australia's Future Tax System* report indicated that in Australia, the aims of childcare and early childhood education are twofold:
- Facilitating labour force participation of parents, particularly women
 - Supporting the development of children, especially children from disadvantaged backgrounds¹⁶
29. Women's workforce participation, the Review showed, is heavily influenced not only by the tax and transfer system but 'by the affordability of quality child care'. The reviews recommendations in this area focused on the need for any taxation system, including family payments, to be designed to encourage increased workforce participation for women and men, but that family payments in particular should 'assist parents nurturing young children to balance work and family responsibilities'.¹⁷
28. The Commission recommends that the Productivity Commission pay particular attention to the recommendations relating to childcare, family payments and women's workforce participation within the *Australia's Future Tax System: Final Report* as part of this inquiry.

6 Key principles for early childhood education and care services

29. A comprehensive national child care model requires accessible, affordable, flexible and quality early childhood education and care services, including out-of-school-hours care services, and ensuring each child has an entitlement to attend.

6.1 Accessibility

(a) Early childhood education and care places

30. Unlike some other countries that have a legal right to public early childhood education and services, such as Denmark and Norway, Australia has no formal right to an early childhood and care place. Australia ranks 30/34 of OECD countries for the percentage of 3-5 year olds in early learning or preschool.¹⁸
31. The National Partnership Agreement on Universal Access to Early Childhood Education commits the Commonwealth and all state and territory government to achieving universal access to preschool, for 15 hours a week in the 12 months prior to school.¹⁹ While very important, the provision of 15 hours of preschool for 4 year olds is not enough to ensure that children and their families who most need it are able to access quality early childhood education and care.
32. In addition, long waiting lists in many areas, and reports of parents having to register their children at the time of conception are increasingly common. Data from the ABS *Childhood Education and Care Survey 2008*, shows that in 2005 the main reason for not accessing or organising additional early childhood education and care services was due to lack of available places for around a third of parents.²⁰

(b) Lack of access by newly arrived migrant women

33. Lack of access to early childhood education and care is a factor that limits the ability of parents, particularly newly-arrived mothers, to attend English classes and other training programs. For example, the Federation of Ethnic Communities Council of Australia has raised the issue of childcare subsidise only being available for women studying at Certificate II level or higher not for women studying TAFE-provided English as a Second Language classes.²¹
34. The cost and availability of public transport can also be a barrier, especially in rural and regional areas.²² Lack of awareness of eligibility for childcare can also be a barrier to accessing early childhood education and care services for newly arrived migrant women.²³ Better access to early childhood education and care services would improve access to vocational training and better prepare newly arrived migrants for local workplaces.²⁴

(c) Lack of access by women who are victims of domestic and family violence

35. Research with women who are victims of intimate partner violence suggests lack of access to childcare can be a barrier to women and their children being able to

leave violent relationships and remaining safe from their violent male partners.²⁵ Women may be only able to access respite childcare through services provided by Child Protection and some women have indicated that when their child was unwell they were told to send the child to the (perpetrator) father 'since there was a parent available who was able to care for the children'.²⁶

6.2 Affordability

36. Early childhood education and care services need to be affordable for families. In 2008, the cost of care was one of the main reasons for just over one in five parents who did not access or organise additional early childhood education and care.²⁷
37. Parents have reported that child care costs are prohibitive to them returning to work, particularly where they require placement for more than one child in early childhood education and care services. The costs can be even more prohibitive where the child care benefits and subsidies are not sufficient to cover the higher costs of care required for children with disability placed in early childhood education and care services.
38. Grandparents are more likely than other carers to be facing economic disadvantage, as they are more likely to be unemployed, and the cost of childcare may be prohibitive as a result. Although grandparents who are the carers of their grandchildren may be eligible for the Child Care Benefit, Child Care Rebate and the Grandparent Child Care Benefit, there is evidence that grandparent carers frequently do not claim family payments. This may be because of fear on the part of grandparents, which prevents them from claiming benefits and may stem from intimidation or violence from their children or the fear that their children will remove their grandchild from the safety of the grandparents' care.^[i]

6.3 Flexibility

39. Over the past two decades there have been significant cultural shifts in Australian society and Australian workplaces. Structural changes in the Australian economy, increased workforce participation of women, technological advances, shifting gender roles as well as changing employee attitudes towards flexibility and work life balance have led to a mismatch between the current childcare system, work patterns and caring roles:

- The 2009 *Australia's Future Tax System* report noted that now more than ever there is a greater 'diversity in work patterns' as the traditional 9 – 5 model of workplaces is slowly transitioning to a more flexible model around the country.²⁸
- The proportion of the population in part time and casual work has been steadily increasing over the past two decades
- The proportion of casual employees has grown slowly over the last two decades (from 17% in 1992 to 20% in 2009). In 2009, 72% of all casual employees worked part-time hours. 25% of employed women are casual employees.²⁹
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40. As a result of these changes in employment patterns, the current model of childcare service provision does not meet the needs of the Australian population, particularly not the working population.
41. Diversity, flexibility and choice need to be central to the models for early childhood education and care services. This should include options for:
- long-day care, with flexible opening hours;
 - holiday care;
 - out-of-school hours care;
 - family day care; and
 - regulated in-home care.

6.4 Quality

(a) The National Quality Framework for Early Childhood Education and Care

42. Evidence shows that quality education and care can make a real difference to the educational, health and well-being outcomes of children. However, poor quality care can be detrimental.³⁰
43. The National Quality Framework (NQF) for Early Childhood Education and Care provides a sound and better framework for improving the quality of early childhood education and care services and ensuring that children in these services are able to learn and develop and are safe and healthy. The NQF is supported by the National Quality Standards (NQS) and the learning frameworks *Early Years Learning Framework* (for years 0-5) and *My Time, Our Place – Framework for School Age Care in Australia* (to be used by school age care educators in a range of settings such as after school care).
44. While the NQF is still in early stages of implementation, the Commission supports its central components, including its focus on improving the qualifications of education and care workers, setting appropriate child to staff ratios and steering an assessment and rating process that drives quality.
45. The Commission also welcomes recognition of play-based learning, child agency, respectful relationships and connectedness, and cultural competency as components of the learning frameworks.
46. The Commission is aware that implementing the NQF has placed some administrative burdens on the early childhood education and care sector, which may have cost impacts on centres, and in turn families.³¹ The Commission understands that ACECQA is monitoring the administrative costs to services providers through longitudinal research into regulatory burden, and they are developing strategies to streamline costs as much as possible.³²
47. There have also been problems with the length of time taken, and the complexity of, the assessment of services under the NQS. Streamlining the initial assessment process, for example putting a greater reliance on self-assessment, may alleviate some of these problems.

48. Although a wide range of early childhood education and care is currently able to be rated against the standards, the Commission notes that the budget-based funded services (BBFs), 80 per cent of which cater for Aboriginal and Torres Strait Islander families specifically, are excluded. Home-based care that is not government funded is also not included at this stage.
49. The Commission believes all funded care should eventually be covered by the NQF to ensure that all children receive consistent quality of education and care. As noted by Secretariat of National Aboriginal and Torres Strait Islander Child Care (SNAICC) in its submission to this Inquiry, a close examination of the cultural appropriateness of the NQS may be required before the BBF services are included, and any current out-of-scope services may require supports and resources to be incorporated into the system.³³ The Commission notes that many of these services should be encouraged to come in under the new quality framework as soon as possible.

(b) Quality of workers

50. The quality of education and care that children receive is closely related to the quality of staff providing the service.
51. In recognition of the important role of early childhood workers, the UN Committee on the Rights of the Child has urged governments to ensure that early childhood staff have particular qualities and qualifications, are supported to provide a high quality service, and that their work is valued and properly paid:

States parties must ensure that the institutions, services and facilities responsible for early childhood conform to quality standards, particularly in the areas of health and safety, and that staff possess the appropriate psychosocial qualities and are suitable, sufficiently numerous and well-trained. Provision of services appropriate to the circumstances, age and individuality of young children should be socially valued and properly paid, in order to attract a highly qualified workforce, men as well as women. It is essential that they have sound up-to-date theoretical and practical understanding about children's rights and development; that they adopt appropriate child-centred care practices, curricula and pedagogies; and that they have access to specialist professional resources and support, including a supervisory and monitoring system for public and private programmes, institutions and services.³⁴

52. The Commission is supportive of the NQF mandatory minimum qualifications for educators and coordination unit staff and child to educator ratio requirements.
53. There is evidence to show that children whose preschool educator had a diploma or degree in early childhood education gain the most from attending preschool.³⁵ Further, given the complexity of issues facing children from disadvantaged backgrounds or with additional needs, services need to ensure that children and families that are struggling have access to staff with the necessary knowledge, skills and experience.
54. Early childhood education and care sector currently provides work opportunities for many women without the mandated qualifications, including women from culturally and linguistically diverse (CALD) backgrounds.³⁶ There is also a

shortage of appropriately qualified staff able to be recruited. Therefore, workplace development programs, such as recognition of prior learning, and support for existing and future workers to undertake necessary qualifications and training, should continue as a priority.

55. Similar to higher qualifications, lower staff-to-child ratios are associated with better outcomes of children in early childhood education and care. The Commission supports measures which ensure that children are able to receive education and care that takes into account their individual developmental needs, especially relationship-building. As young children develop through their relationships with others,³⁷ ensuring that educators and carers can spend individualised time with children, especially infants, is one important key to quality care.

(c) Pay and conditions of workers

56. As outlined by the UN Committee on the Rights of the Child, it is essential that the work of early childhood educators and carers is properly paid, and socially valued, in order to attract skilled and qualified staff, and encourage skills development among existing staff.
57. However, the early childhood education and care sectors have highly feminised workforces characterised by part time and casual positions, shift work, low wages and little or no vocational training and limited professional development/training opportunities.³⁸
58. Whilst the outcome of Fair Work Australia's 2012 Equal Pay Case will go some way towards ensuring staff in family day care services are more appropriately remunerated, it is imperative that future childcare reforms also address the gendered pay gap within other childcare and early childhood services. It is equally important that reforms within the aged and health care sectors should not be to the detriment of paid care workers and their employment conditions, but aim to enhance and protect the employment conditions and pay of paid childcare and early childhood workers in order to supply high quality support.

(d) Child safety

59. While Standard 2.3 of the NQS on safety requires staff awareness of their roles and responsibilities to respond to every child at risk of abuse or neglect (Element 2.3.4), it does not elaborate on the important role that training plays in this awareness. The Commission believes that a better understanding of child safety by workers is a central part of ensuring a quality care environment.
60. There are a variety of measures which must be employed to ensure that a service is safe for children. Mandated Working with Children or Police Checks currently exist in all jurisdictions in some form. There are also reporting requirements under various child protection laws.
61. However, the Commission is of the view that Working with Children Checks cannot be a standalone measure in the protection of children in organisational settings, and organisations should guard against checks fostering a false sense of

security.³⁹ A check cannot screen out offenders who have never been caught, or those who may offend in the future.⁴⁰ Organisational procedures and the creation of positive organisational cultures is thus of vital importance. The Commission has outlined some of the features of a child-safe organisation in its submissions to the Royal Commission into Institutional Forms of Child Sexual Abuse.⁴¹

62. One important feature of a child safe organisation is for staff to be educated and trained to promote awareness and understanding about child risk, harm and abuse in the context of organisational responsibilities. This includes any responsibilities in respect of mandatory and other reporting. In relation to sexual abuse, educating employees and volunteers about early warning signs, indicators of child abuse, and knowing what to look for can engender individual responsibility for creating and maintaining protective practices for children in organisations.⁴² Another important component is the staff responsibility for engendering a culture, and putting in place mechanisms, where children's views are taken seriously.

(e) *Respect for the views of the child*

63. The UN Committee on the Rights of the Child has emphasised that as holders of rights, even the youngest children are entitled to express their views, which should be 'given due weight in accordance with the age and maturity of the child'.⁴³
64. Early childhood education and care sector should recognise the importance of children's views and encourage a participatory approach in the delivery of services. For example, seeking the views of children and their families and caregivers as to the quality and appropriateness of their care could be facilitated.
65. There are examples of where children's views on their education and care have been directly canvassed. The Commission notes that SDN Children's Services surveys their families annually, and in October 2012 asked their centres to undertake a short survey of 200 children under five about what they did and didn't like about their centre.⁴⁴ These types of qualitative assessments with children and their families can provide an important barometer of the quality of care.
66. The depth and coverage of questions asked, and the mode of responding needs to differ depending on the maturity of the child. For example, in 2013, the National Children's Commissioner sought the views of children for her listening tour, the Big Banter, using various methods of engagement. One of the aims was to understand what is important to children. This included face-to-face consultations with groups of children, some of whom were involved in out-of-school care, online surveys and distribution of pre-paid postcards.⁴⁵ With the help of Goodstart Early Learning, a large number of pre-paid postcards were distributed to early childhood centres where children – aged mostly 3-5 years – were asked to respond to the question 'Life would be better for children and young people in Australia if...'. Over 500 young children responded through drawings and writing. This data will be analysed further by Goodstart Early Learning and the National Children's Commissioner during coming months.
67. Encouraging the views of children is also a foundation for educating children about their rights and responsibilities in a practical way. The UN Committee on

the Rights of the Child has recommended that States parties include human rights education within early childhood education.⁴⁶

(f) Cultural competency

68. Cultural competency is an important element of quality care in early childhood education and care services, and is essential to ensuring the appropriateness and accessibility of early childhood education and care services to children from culturally and linguistically diverse communities and Aboriginal and Torres Strait Islander communities.

69. The Commission notes that the NQS includes some standards that are relevant to cultural competence, such as NQS 1 and 6, although it is the learning frameworks where cultural competency is discussed in any detail. Services need to have the capacity to access cultural competency training, resources and ongoing support, in order to meet the NQS.

70. Community consultations conducted by FECCA included the issue of cultural competency in early childhood education and care services, adding that the childcare sector could benefit from having childcare workers that better reflect the ethnic background of the children they cared for.⁴⁷

7 Early intervention and early childhood education and care

7.1 The importance of early intervention for vulnerable children

71. The importance of early intervention and prevention in safeguarding the health and wellbeing of children was raised consistently by children's advocates during the National Human Rights Commissioner's Big Banter listening tour in 2013.⁴⁸

72. While access to quality early childhood education and care is beneficial for all children, it can make a critical difference to the life chances of children from disadvantaged backgrounds or with a particular vulnerability. For children from disadvantaged backgrounds, quality interventions in early childhood, including early childhood education and care, can lead to better health, education and employment outcomes later in life.⁴⁹

73. The foundations for development are laid down in the prenatal and early years of a child's life. These years are characterised by rapid development and it is during this period that a number of sensory, motor learning, mental health, physical health and social capabilities and competencies develop.⁵⁰ For example, by the time a child is three years old, 90 per cent of their brain has been developed.⁵¹ Because development is cumulative, the skills you learn early form the basis for skills development in the future, and adverse early experiences can negatively impact on later achievements, mental and physical health.⁵² While later interventions can be effective and important for a child's development, the older a child gets, the harder it is to catch up. Hence, the early years present a window of opportunity for improving a child's life trajectory.⁵³

74. Research shows that quality early childhood education and care is one form of early intervention that reaps both social and economic rewards. Nobel Prize

winning economist James Heckman has produced a body of evidence of the economic benefits of investing in early childhood intervention, especially for disadvantaged young children,⁵⁴ and which shows that the earlier the investment, the better the economic return. The Benevolent Society report 'Acting Early, Changing Lives' presents evidence that early intervention programs, several of which include early childhood education and care, have far-reaching social benefits children and their families, especially those most disadvantaged.⁵⁵ These include higher rates of academic achievements and levels of literacy, higher rates of school graduation and more stable dwelling environments.

75. The Australian Early Development Index (AEDI) measure of early childhood development in Australia shows that 22 per cent of children in Australia are developmentally vulnerable in one or more domains.⁵⁶ Children from certain population groups are disproportionately represented among those children who are developmentally vulnerable.
76. While there may be a high proportion of vulnerable children in certain population groups, children with vulnerabilities also exist across all socio-economic levels of society. This means that an approach to early childhood education and care that is targeted solely on certain population groups runs the risk of missing many children.⁵⁷ As such, it is important to provide both universal access to early childhood education and care services, supplemented by targeted assistance for those children who require additional services or have particular barriers to accessing quality education and care.
77. More detail on the specific early education and care needs of some vulnerable groups of children are discussed below.

(a) Aboriginal and Torres Strait Islander children

78. Aboriginal and Torres Strait Islander families face persistent socio-economic disadvantages, which are linked to the inter-generational impacts of trauma and discrimination. As a result, many Aboriginal and Torres Strait Islander children have lower educational, health and wellbeing outcomes, which have flow on effects in terms of later education and employment.
79. For example, while the majority of Aboriginal and Torres Strait Islander children are developmentally on track in each of the AEDI domains, they are more than twice as likely to be developmentally vulnerable than non-Indigenous children.⁵⁸
80. Despite the advantages of quality intervention, including education and care, for children who are socio-economically disadvantaged, Aboriginal and Torres Strait Islander children have relatively low rates of participation in Australian-government approved education and care services. Only 2 per cent of 0-5 year olds and 1.9 per cent of 6-12 year olds who participate in Commonwealth approved care are Aboriginal children, even though they represent more than twice that proportion (4.7 per cent) in the community.⁵⁹
81. The representation of Aboriginal and Torres Strait Islander children aged 3–5 years in a preschool program (4.4 per cent) was also lower than their representation in the community (4.8 per cent) though this varies across jurisdictions.⁶⁰

82. There are a range of barriers which may impact on the lower rates of access to early childhood education and care by Aboriginal and Torres Strait Islander communities, including cost, lack of care options, inflexibility and lack of cultural safety.⁶¹

83. Secretariat of National Aboriginal and Torres Strait Islander Child Care has identified that to be effective, early education and care services must be integrated with health, social and emotional supports for children and families; incorporate identity and culture; build on existing family and community strengths; foster Aboriginal and Torres Strait Islander leadership and ownership; have a whole of community approach and overcome barriers to access such as high costs and lack of transport.⁶²

(b) Children with disability

84. Early intervention for children with disability has been shown to be generally more cost effective and provides greater benefits to the child than rehabilitation measures in later life. Early intervention would help to reduce the significant disparity in educational outcomes for children with disability compared to children without disability. The ABS reported that in 2009, 25 per cent of people with a profound or severe disability aged 15 to 64 completed Year 12.⁶³ In contrast, 55 per cent of people without disability in the same cohort completed Year 12.⁶⁴ This is significant as higher levels of educational attainment are also linked to better employment, financial and health outcomes. It is also generally accepted that children with disability should be mainstreamed into early care and education services.

85. Despite recognition of the importance of education for children with disability, nationally the representation of children with disability aged 3–5 years in a preschool program (5.1 per cent) was lower than their representation in the community (6.3 per cent) though this varies across jurisdictions.⁶⁵ Furthermore, the Productivity Commission has noted that children aged 0–12 years with disability had a lower representation in child care services in 2013 (3.0 per cent) compared with their representation in the community in 2009 (6.6 per cent).⁶⁶

86. Children with disability face many barriers to accessing early childhood education and care. For example, the review of the Disability Standards for Education released in 2012 noted the lack of funding to support children with disability, inadequate specialist support staff and limited training for teachers in relation to disability, amongst other issues.⁶⁷

(c) Children in out-of-home care

87. As of 30 June 2012, there were 39,621 children living in out-of-home care in Australia,²¹ an increase of 27 per cent since 2008.²²

88. This group of children experience lower educational, health and well-being outcomes compared to children not in the out-of-home care system.⁶⁸ Access to quality early childhood education and care has the potential to assist children in out-of-home-care make a smoother transition to school, and improve their health and educational outcomes. As an especially vulnerable group of children, they

may exhibit challenging behaviours as a result of trauma or abuse and neglect and may require intensive, integrated supports to access and benefit from such programs.

89. Holistic and integrated early childhood education and care services, responsive to their complex needs, should be accessible for this vulnerable group of children.
90. The Commission also notes that the cost of services may be prohibitive for many of the families involved in caring for these children, including foster families. Options could include automatically granting the Special Child Care Benefit to all children in out-of-home care to improve placement stability and support for early learning, as suggested by Families Australia,⁶⁹ or the extension of the grandparents as carers benefit to all people caring for children in out-of-home care.⁷⁰

8 Funding

91. The current system of funding for early childhood education and care includes several different sources and has been too complex for parents to negotiate. The current sources for funding include the Child Care Benefit and the Child Care Rebate, taxation (Family Tax Benefit A and B) and the Special Childcare Benefit.
92. It is essential to simplify the funding scheme and ensure it is sufficiently funded and equitable. Some funding options to consider include:
- including early childhood education and care costs in salary sacrifice and tax deductibility provisions
 - enabling companies to access fringe tax benefits for on-site early childhood education and care facilities
 - setting up funding arrangements on a needs basis and linked to population planning
 - making funding available through centres in locations where there is not an adequate market for early childhood education and care services
 - ensuring funding for specific early childhood education and care services for Aboriginal and Torres Strait Islander children, and ensuring sufficient funding for programs within centres to support CALD children and children with a disability.
93. The Special Child Care Benefit has been set up to pay for children at risk to participate in early childhood services. However, there are some concerns about the accessibility of this payment, which is short term and complicated for families and services that it is targeted to. One issue is that approval is dependent on 13 week cycles of application. This means that families need to reapply themselves once the initial period is passed. This leads to delays and is frequently too daunting and complex a task for some of the high risk families on the benefit. Their issues, such as family violence, sexual assault, drug and alcohol, mental health, homelessness and poverty, are not short term issues.⁷¹
94. Funding to support access to early childhood education and care services must reflect:

- The diversity of work patterns of the Australian population (ie. The need for access to early childhood education and care services outside 'normal' business hours is likely to cost the service provider, and as a result, the customer, more)
- The need for increased, targeted and long term support for vulnerable children and their families
- The need to increase the workforce participation for women in particular
- The desire of the Australian population to develop and maintain a work/life balance

9 Models

9.1 Integrated early childhood development services

95. Integrated early childhood development services have the potential to contribute to better outcomes for young children, especially for vulnerable children. An integrated service might co-locate early childhood education and care, child and family health services, parenting programs, play groups and other services that cater to a range of parental support and child development. Some possible benefits for vulnerable families are:

- easy connection to a broad range of services for family support and child development
- a sense of community connectedness
- integration of planning and governance
- a universal or inclusive service with specialist or targeted services embedded (which tends to reduce stigma).

One possibility for future investigation is the co-location of early childhood services with primary and secondary school services. The use of existing school infrastructure where possible will also be likely to reduce initial establishment costs in particular areas. In addition, the co-location of services will allow ease of access for parents and can support pre to primary school transition. A positive example of co-located services is the Child and Parent Centres in Western Australia, coordinated by non-government organisations and located on selected public school sites in vulnerable communities.

96. However, it is important to note the need for further research on the effectiveness of this model in comparison to other models, including economic benefits, child health and wellbeing benefits, as well as benefits for parents, schools and early childhood services themselves. There are several other models of integrated services for early childhood learning and development which aim to provide a holistic range of services for children and their families, in addition to childhood. However, further research is required on the benefits of and gaps within these suggested models

- Early Years Centres in Queensland run by the Benevolent Society

- Children's Protection Society Child Family Centre program in Victoria, currently the subject of a Randomised Controlled Trial Research Program in partnership with *Melbourne University Department of Economics and the Murdoch Children's Research Institute*.
- the Aboriginal and Torres Strait Islander Children and Family Centres (ATSICFC) established under the National Partnership Agreement on Indigenous Early Childhood Development (2008), targeted specifically for Aboriginal and Torres Strait Islander children and families.

9.2 Workplace mechanisms

97. The Commission draws the Productivity Commission's attention to *Supporting carers in the workplace: A toolkit*. The Toolkit provides practical examples of mechanisms that workplaces have used to support unpaid carers and help them to meet their caring responsibilities.⁷² There are a range of good practice examples where employers have been proactive in addressing the needs of their employees who are carers, including employees who are carers of children under school age. Some organisations have implemented an integrated approach to supporting such employees, including through:

- the provision of information and support to carers;
- access to flexible work;
- reduced work hours;
- changes in work location;
- referral to services and direct services provision to support employed carers; and
- financial assistance such as cash payments for services and subsidies.

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² UN Committee on the Rights of the Child, *General Comment No 7*, para 6.

³ Council of Australian Governments (COAG), *Investing in the Early Years – A National Early Childhood Development Strategy* (2009).

⁴ COAG, *Investing in the Early Years*, p 4.

⁵ Commonwealth of Australia, *Australia's Future Tax System: Final Report* (2009), Part 1: Overview',. At <http://www.taxreview.treasury.gov.au/Content/Content.aspx?doc=html/home.htm> (viewed 24 March 2014).

⁶ Australian Human Rights Commission, *Investing in care: Recognising and valuing those who care* (2013), p 5. At <http://www.humanrights.gov.au/investing-care-recognising-and-valuing-those-who-care> (viewed 20 November 2013).

⁷ Australian Bureau of Statistics, *Gender Indicators, Australia* (January 2013). At: <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4125.0main+features4110Jan%202013> (viewed 20 November 2013); Australian Bureau of Statistics, *Survey of Disability, Aging and Carers* (2009).

⁸ Australian Human Rights Commission, *Investing in care*, p 5.

⁹ Australian Human Rights Commission, *Investing in care*, p 9.

¹⁰ Australian Human Rights Commission, *Investing in care*, p 18.

¹¹ Australian Bureau of Statistics, *Gender Indicators, Australia* (January 2013). At: <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4125.0main+features5120Jan%202013> (viewed 20 November 2013); Australian Council of Trade Unions, *Lives on hold: unlocking the potential of Australia's workforce: The report of the Independent Inquiry into Insecure Work in Australia* (2012)

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¹⁴ Australian Human Rights Commission, *Investing in care*, p 49.

¹⁵ R Breunig, A Weiss, C Yamauchi, X Gong & J Mercante, 'Child Care Availability, Quality and Affordability: Are Local Problems Related to Labour Supply?' (2011), 87 (276) *Economic Record*, 109.

¹⁶ Commonwealth of Australia, *Australia's future tax system: Report to the Treasurer*, (2009), Part 2: Detailed Analysis, p. 583. At http://taxreview.treasury.gov.au/content/downloads/final_report_part_2/afts_final_report_part_2_vol_2_consolidated.pdf (viewed 24 March 2014).

¹⁷ Commonwealth of Australia, *Australia's Future Tax System: Final Report*, (2009), Chapter F: The transfer system. At <http://www.taxreview.treasury.gov.au/Content/Content.aspx?doc=html/home.htm> (viewed 24 March 2014).

¹⁸ UNICEF Innocenti Research Centre, *The child care transition: A league table of early childhood education and care in economically advanced countries*, Report Card 8 (2008).

¹⁹ The Council of Australian Governments endorsed the agreement for the period July 2013 to December 2014 with a focus on vulnerable or disadvantaged children.

²⁰ Australian Human Rights Commission, *Investing in care*, p 48.

²¹ FECCA, *Multicultural Access and Equity: Strengthening connections between communities and services*, p 65.

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²³ FECCA, *Multicultural Access and Equity: Strengthening connections between communities and services*, p 64.

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⁶⁰ Steering Committee for the Review of Government Service Provision, *Report on Government Services 2014* (2014), Volume B: *Child care, education and training*.

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