



Australian
Human Rights
Commission

Education in Remote and Complex Environments

Submission to the House Standing Committee
on Employment, Education and Training

13 February 2020

ABN 47 996 232 602
Level 3, 175 Pitt Street, Sydney NSW 2000
GPO Box 5218, Sydney NSW 2001
General enquiries 1300 369 711
National Information Service 1300 656 419
TTY 1800 620 241

Australian Human Rights Commission
www.humanrights.gov.au

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1 Introduction

The Australian Human Rights Commission (the Commission) welcomes the opportunity to make this submission to the House Standing Committee on Employment, Education and Training inquiry into Education in Remote and Complex Environments.

The Commission has for many years highlighted concerns that geographical location can impact negatively on the ability of people to have their rights realised, including the right to education.¹ For example:

- In 1999–2002 the Commission (formerly the Human Rights and Equal Opportunity Commission) conducted the National Inquiry into Rural and Remote Education. The inquiry revealed both disparity in educational outcomes between city and country children, and significant concern about access to education of an appropriate standard and quality in rural and remote areas across Australia.²
- In 2018, the Commission made a submission to the Senate Economic References Committee inquiry into the indicators of, and impact of, regional inequality in Australia. The Commission recommended that the Committee apply a human rights framework to its analysis of regional inequality, and highlighted barriers to human rights for vulnerable population groups who live in rural, regional and remote Australia.³
- The National Children’s Commissioner reports since 2013 have highlighted concerns about rural and remote disadvantage in relation to specific children’s rights, including the most recent Children’s Rights Report 2019.⁴

Most recently, Wiyi Yani U Thangani (Women’s Voices),⁵ a major project conducted by the Aboriginal and Torres Strait Islander Social Justice Commissioner, includes some of the key concerns raised by Aboriginal and Torres Strait Islander women and girls in remote communities about their right to education. The Project will culminate in a report to be finalised in 2020.

This submission focuses on human rights concerns related to education which have arisen in this Commission work.

2 Recommendations

Recommendation 1: The Committee analyse the extent to which Australian Governments are meeting their obligations to respect and ensure the right to education in remote areas, including whether education is:

- available
- accessible
- affordable
- acceptable
- adaptable.

Recommendation 2: Australian Governments adopt targeted, additional measures to remediate the inequality experienced by children living in remote Australia.

Recommendation 3: As part of their commitment to universal access to early childhood education, Australian Governments:

- enhance access to quality early childhood education and care services in remote areas
- prioritise community-controlled integrated early years services for Aboriginal and Torres Strait Islander children.

Recommendation 4: The Australian Government, through the Council of Australian Governments' Education Council, work with states and territories to review their laws, policies and practices to ensure that:

- access to education for all children is guaranteed
- educational authorities and educational institutions – both public and private – are required to make all necessary adjustments and provide all necessary support to facilitate and ensure access to education for children and young people who are pregnant or are parents
- regular publication of information on adjustments made to support children and young people who are pregnant or are parents is required
- suspension, expulsion or denial of education of a child or young person on the ground of their being pregnant or a parent is prohibited.

Recommendation 5: Australian Governments ensure that children’s views and experiences are taken into account in developing policies and programs addressing disaster risk management.

Recommendation 6: Australian Governments invest in the teaching and maintenance of Indigenous languages in Australian schools and provide access to bi-lingual education in remote Aboriginal and Torres Strait Islander communities.

Recommendation 7: State and territory education systems promote a two-way learning process for Aboriginal and Torres Strait Islander students that adequately recognises and values Aboriginal and Torres Strait Islander cultures and histories.

Recommendation 8: Remote schools prioritise local engagement with Aboriginal and Torres Strait Islander communities.

Recommendation 9: Australian Governments resource quality educational options in remote areas that allow students to learn on-country.

Recommendation 10: Australian Governments prioritise and resource models of schooling that provide wrap around supports for students and families in order to promote students’ overall wellbeing.

Recommendation 11: Australian Governments work with Aboriginal and Torres Strait Islander communities to design and implement strategies to increase the Aboriginal and Torres Strait Islander education workforce in remote areas.

Recommendation 12: Australian Governments promote locally available traineeships and training courses that are relevant to local industries and local employment prospects in remote areas.

Recommendation 13: Australian Governments support schools to embed local culture, history and language into the school curriculum, including learning about the process of colonisation and its impact on Aboriginal and Torres Strait Islander peoples.

3 International human rights law

3.1 The right to education

The human right to education is set out in two key international human rights treaties:

- United Nations *Convention on the Rights of the Child* (CRC)(1989), ratified by Australia in 1990
- *International Covenant on Economic, Social and Cultural Rights* (ICESCR)(1966), ratified by Australia in 1975.

Article 28.1 of the CRC requires Australia to recognise the right of the child to education, with a view to achieving this right progressively and on the basis of equal opportunity. In particular, Australia must:

- (a) Make primary education compulsory and available free to all
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means
- (d) Make education and vocational information and guidance available and accessible to all children
- (e) Take measures to encourage regular attendance at schools and the reduction of drop out rates.⁶

Australia has undertaken to 'respect and ensure' these rights to every child, without discrimination of any kind (article 2.1). Geography, remoteness, distance, language, culture, religion, disability and sex cannot be used as excuses when a child's right to education is at stake.

According to article 29.1 of the CRC, education of children should be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, the country from which he or she may originate and for civilizations different from his or her own
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of Indigenous origin

(e) The development of respect for the natural environment.⁷

The *International Covenant on Economic, Social and Cultural Rights* (ICESCR), which predates the CRC, also recognises the right of everyone to education (article 13). Similar to the CRC, ICESCR requires Australia to guarantee primary and secondary education to all children without discrimination,⁸ although ICESCR also requires the progressive introduction of **free** secondary education. ICESCR also requires that higher education be made equally accessible by all, on the basis of capacity, in particular by the progressive introduction of free education, and that fundamental education shall be encouraged or intensified for those persons who have not received or completed their primary education.

The jurisprudence of the Committee on Economic, Social and Cultural Rights, especially the Committee's General Comment No 13 (1999), is an important aid to the interpretation of the CRC and ICESCR provisions on education. The Commission, in its Rural and Remote Education Inquiry, used the Committee's jurisprudence to create an analytical framework to evaluate Australia's performance and identify what action is further needed to ensure children's right to education.⁹ According to this jurisprudence, education needs to be:

- **Available.** This means that 'functioning educational institutions and programmes have to be available in sufficient quantity'.¹⁰ This availability is conditioned by other obligations, including the requirement that education must be available without discrimination of any kind.
- **Accessible.** Education must be within safe physical reach, either by attendance at a reasonably convenient location or via modern technology. Children with disability have the right to all the support necessary to access education.¹¹
- **Affordable.** Primary education must be free of charge and free secondary education must be progressively introduced.¹²
- **Acceptable.** The 'form and substance of education, including curricula and teaching methods, have to be acceptable (eg relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents'.¹³
- **Adaptable.** This 'education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings'.¹⁴

While school education is a state and territory responsibility under Australia's constitution, international treaties hold the Commonwealth ultimately responsible for ensuring respect for the right to education, including the right for all children,

regardless of where they live, to receive an education that meets the requirements of these international agreements.

3.2 The rights of Aboriginal and Torres Strait Islander peoples

Indigenous peoples have specific rights relevant to education, in addition to their general right to freedom from discrimination.

As stated above, article 29.1 of the CRC stipulates that the education of the child should be directed to development of respect for a child's own cultural identity, languages and values. This should be adequately reflected in educational curricula, content of materials, teaching methods and policies.¹⁵ In addition, article 30 requires Australia to ensure that:

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 use his or her own language.¹⁶

While this is expressed as a negative right ('shall not be denied'), the Committee on the Rights of the Child considers that positive measures to protect children's cultural rights are required.¹⁷

The Committee also considers that 'education programmes and services should be developed and implemented in cooperation with the peoples concerned to address their specific needs'. Furthermore, 'governments should recognize the right of indigenous peoples to establish their own educational institutions and facilities, provided that such institutions meet minimum standards established by the competent authority in consultation with these peoples'.¹⁸

The United Nations Declaration on the Rights of Indigenous Peoples, adopted by Australia in 2009, also affirms the rights of Indigenous peoples to access education in their own culture and language. The Declaration provides guidance to States Parties on Indigenous peoples' rights and has legal significance and normative weight under international law.¹⁹ Under article 14:

1. 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.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

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.

3.3 The rights of persons with disability

According to the CRC, children with disabilities have the right to all the support necessary to become as self-reliant as possible (article 23). States Parties to the CRC recognise that 'a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community'.²⁰

Article 23 also requires Australia to ensure that children with disabilities have the support they need for education. Assistance shall be:

designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.²¹

The right to education for persons with disability is also guaranteed in the *Convention on the Rights of Persons with Disabilities* (CRPD), ratified by Australia in 2008. Article 24 of the CRPD recognises the right of all persons with disabilities to education. Persons with disabilities are not to be excluded from the general education system on the basis of disability, and children with disabilities are not to be excluded from free and compulsory primary education or from secondary education on the basis of disability. They shall be able to access this education on an equal basis with others in the community in which they live. Persons with disabilities should receive the support they need to facilitate their effective education (article 24(2)).

Recommendation 1

The Committee analyse the extent to which Australian Governments are meeting their obligations to respect and ensure the right to education in remote areas, including whether education is:

- **available**
- **accessible**

- **affordable**
- **acceptable**
- **adaptable.**

4 Educational disadvantage and remoteness

The National Children's Commissioner's most recent Children's Rights Report highlights educational disadvantage faced by children in remote areas:

- Four-year-old children living in very remote areas of Australia are more than twice as likely as those from major cities to be developmentally vulnerable (45.5% and 20.8% respectively) against Australian Early Childhood Development Index domains.²²
- School attendance across years one to ten decreases as remoteness increases.²³
- National reading and numeracy outcomes decline with remoteness. For example, in 2017 the proportion of year five students that achieved at or above the national minimum standard in reading was 95% in major city areas compared to 52.7% in very remote areas,²⁴ and in numeracy was 96.2% in major cities compared to 60.7% in very remote areas.²⁵

Further, Year 12 certificate attainment rates decline with remoteness, from 80% in major cities to 74% in remote areas, and 43% in very remote areas.²⁶ There is also a decreasing trend with increasing remoteness for tertiary education.²⁷

Children in remote areas face a number of challenges that impact heavily on their ability to access and engage with education.

A review of children's developmental health in rural and remote Australia, commissioned by Royal Far West in 2017, showed that children in rural and remote areas share the following common characteristics:

- They experience poverty at disproportionately higher rates.
- They are more likely to live in unemployed households, with single parent families and in families where the mother has a low educational attainment.
- They are more likely to be Indigenous.

- They are more likely to be socially isolated.
- They are more likely to be exposed to family and domestic violence and have contact with child protection services.
- They are less likely to engage in Early Childhood Education and Care.²⁸

Mental health concerns can impact significantly on children's access to education. In outer regional areas, close to one in five children have mental health concerns.²⁹ In 2014, the National Children's Commissioner examined the extent of intentional self-harm (with or without suicidal intent) by children and young people. Her examination showed that children and young people who live in remote areas are significantly more likely to die due to intentional self-harm than by other external causes, compared to children and young people who live in metropolitan areas.³⁰ Submissions described a lack of access to information and available mental health support services in rural and remote communities. The Menzies School of Health Research highlighted, in particular, the lack of social and emotional wellbeing services available to children and young people in remote Northern Territory communities, with few or no follow-up services available to them.³¹

Further, children in remote areas also experience negative impacts from natural disasters not experienced by children living in major cities (see Section 6.5 below).

Children's right to education will not be realised in remote areas, or indeed elsewhere in Australia, without addressing inequalities and disadvantage more broadly, including lack of cultural rights, health rights and right to be protected from violence and abuse. Any strategies to address educational disadvantage must be holistic and recognise these broader concerns, while at the same time responding to local needs.

In her Children's Rights Report 2019, the National Children's Commissioner recommended that the Australian Government address inequality experienced by children living in regional and remote Australia through targeted measures.³²

Recommendation 2

Australian Governments adopt targeted, additional measures to remediate the inequality experienced by children living in remote Australia.

5 Importance of early childhood education

The UN Committee 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)).³³ Particular attention should be paid to the most vulnerable groups of young children and to those who are at risk of discrimination.³⁴

Quality early childhood programs have a significant impact on school readiness, child safety and child development, leading to longer term educational outcomes. They play a key role in preparing children for school and assisting in the development of language, literacy and numeracy skills. They also facilitate the early assessment of health concerns or disabilities which, if left unidentified, can severely inhibit learning.

However, families in remote areas can have difficulty accessing high quality education and care services within a reasonable distance from their home. While this access can vary across states/territories, data examined by the Australian Institute of Family Studies in 2013 indicated that as remoteness increased, generally children in remote areas of Australia were less likely to be in education and care prior to starting school.³⁵ They are also more likely to be developmentally vulnerable and face other disadvantages at an early age.

The Commission notes that all states and territories have committed to provide universal access to quality early childhood education programs under the National Partnership Agreement on Universal Access to Early Childhood Education.³⁶

The national peak body for Aboriginal and Torres Strait Islander children has also recommended universal access to high quality early education for all 3 and 4 year-olds and greater investment in community-controlled integrated early years services.³⁷ The most successful and appropriate early childhood learning models identified during the Wiyi Yani U Thangani Project were community owned and controlled, employed Aboriginal and Torres Strait Islander personnel, were holistic, included whole of family support and worked within an integrated western and cultural learning framework.

The Family Matters report 2019 also recommended investment in quality Aboriginal and Torres Strait Islander community-controlled integrated early years services through a specific program, with targets to increase coverage in areas of high Aboriginal and Torres Strait Islander population and high levels of disadvantage.³⁸

Given the limited or lack of services available in many remote areas, providing universal access may require mobile and other support and resources for children in remote communities. For example, Contact Children's Mobile (CCM) service,

developed by Contact Inc³⁹ with philanthropic funding in 2010–2014, provided early childhood services to the Ti Tree and Utopia Homelands regions for many years, working in a partnership approach with Aboriginal-controlled organisations and representatives. This has included targeted services for children aged 0–5, such as mobile play-based programs and adjunct care, and children aged 6–8 years, such as school holiday play-based programs and recreational programs, in remote communities.⁴⁰

Another example is Children’s Ground, an innovative model providing integrated community support to address social, cultural and economic inequalities experienced by Aboriginal communities in central and northern Australia. Focusing on family-led early years learning and empowering a community-led workforce, Children’s Ground works with communities in all areas relevant to the wellbeing of children and the entire community including learning, family health and economic, cultural, creative and community development.⁴¹

The provision of early childhood education and care in remote areas requires specific funding for the training of, and support for, remote community members in early childhood development. In remote communities with many Aboriginal and Torres Strait Islander children, local Indigenous community members are the most appropriate people to provide an early childhood education which reinforces culture and the child’s first language, while introducing English where necessary (see further Section 7 below).

Recommendation 3

As part of their commitment to universal access to early childhood education, Australian Governments:

- **enhance access to quality early childhood education and care services in remote areas**
- **prioritise community-controlled integrated early years services for Aboriginal and Torres Strait Islander children.**

6 Barriers facing specific groups of children in remote areas

6.1 Children who are developmentally vulnerable

As discussed above, the 2018 Australian Early Childhood Development Index showed that children living in very remote areas of Australia are more than twice as likely as those from major cities to be developmentally vulnerable (45.5% and 20.8% respectively).

There is increasing evidence that intervening early, both to identify and to support children who are facing developmental challenges, is critical to successful educational outcomes.

Many children will also need appropriate tailored support and treatment throughout their schooling years. However, in remote areas obtaining timely, appropriate and affordable early identification of potential learning difficulties and disabilities continues to be problematic.⁴²

A systematic review of the health and development of children in rural and remote Australia, prepared for Royal Far West by the Murdoch Children's Research Institute Centre for Community Child Health in 2017, reported gaps in the provision of early childhood intervention services and allied health services for children with developmental vulnerabilities.⁴³ Access to paediatricians and mental health services for children aged 0–12 years are also particularly difficult to source.

The report showed that while lack of access to allied health professionals impacts all children, Aboriginal and Torres Strait Islander children are particularly affected, because they:

- are significantly more likely to reside in rural and remote settings
- experience higher prevalence of developmental delay(s)
- are 4 to 5 times more likely to have intellectual disability than the general population
- are significantly more likely to suffer from middle ear disease.⁴⁴

Building on this research, Royal Far West made a series of recommendations to tackle these growing developmental challenges:

1. National leadership and stewardship, by creating a national target to reduce developmental vulnerability in rural and remote Australia
2. Early identification and intervention
3. Fund and scale innovative service models
4. Integrate health and disability services for children
5. Adopt a broader approach to children's mental health
6. Promote school-based models that support transitions
7. Teacher capacity building and support
8. Increase the health literacy of parents and carers
9. Improve access to data
10. Increase use of telehealth models
11. Prioritise models for providing culturally-appropriate services for Indigenous children.⁴⁵

6.2 Children with disability

The lack of medical and allied services for children in remote areas can particularly affect access to education for children with disability. Physiotherapy, occupational therapy, speech pathology, and early intervention services are examples of services that are not readily available in regional and remote areas, yet these play an important role in supporting children with disability to participate in education on an equal basis with others.

As many as 32% of children living in rural or remote NSW are unable to access the health services they need.⁴⁶ Lack of accessible transport in remote areas may also be a critical factor limiting access to schooling for children with disability.

The lack of services in regional areas not only restricts choice, but sometimes results in people with disability being forced to leave their communities in order to access specialist disability services and support.⁴⁷ According to a study by the University of Sydney, rural families in western NSW that have a child with a disability often face the difficult decision about whether to stay in their communities or move to a larger metropolitan centre to improve their access to, and choice of, support services.⁴⁸

People with disability in rural and remote areas also face difficulties in finding inclusive mainstream services. The Disability Discrimination Commissioner's national consultations held in 2016–2017 highlighted the ongoing challenges people with disability have accessing mainstream services, including education:

Sophie has Down syndrome and trauma from past medical operations and experiences. She lived on an isolated rural property in NSW. The local high school informed Sophie's mum that they were establishing specialist support classes and, if Sophie chose to go to school there, she would have to be in one of these classes. During primary school, Sophie enjoyed an inclusive education, participating in classes with other students and receiving support from a teacher's aide to assist her to build her literacy and numeracy skills. Sophie's parents decided to move to a regional coastal town to give Sophie better opportunities and an inclusive education. They chose a new school that they thought would offer Sophie an inclusive education. However, after a few months, the school advised they would be starting a specialist support class and Sophie would be placed in this class. Sophie's mum did not want her to move to the specialist support class, and is currently looking for other schools, but is finding that all of the Principals she has met have very low expectations of Sophie and her ability to succeed at school. Sophie's family have already moved once to try to offer her better educational opportunities, but now it looks like they will have to move again until they find a school that will offer her an inclusive education.⁴⁹

While the National Disability Insurance Scheme (NDIS) should enable children with disability to be better supported to access schooling, the transformation to a market-driven system presents challenges for people with disabilities in rural and remote communities where there are 'thin' markets (areas with very few providers and limited demand).⁵⁰

A 2018 Senate inquiry into the NDIS found that there were often too few providers equipped to deliver the necessary services.⁵¹ To be effective in rural and remote Australia, the NDIS will need to be designed, funded and operated to meet the specific requirements of people in regional areas.

The negative experience of many Aboriginal and Torres Strait Islander people with disabilities living in regional and remote Australia is particularly acute. The lack of accessible transport has a significant impact on Aboriginal and Torres Strait Islander people with disability, particularly physical disability, in regional and remote areas. This lack of access affects their ability to access education, employment and, critically, health services.⁵²

6.3 Aboriginal and Torres Strait Islander children

Aboriginal and Torres Strait Islander children account for a sizable proportion of children in remote areas of Australia.

While comprising around 6% of all children in Australia,⁵³ Aboriginal and Torres Strait Islander children represent 43.7% of children in remote areas.⁵⁴

Aboriginal and Torres Strait Islander children are twice as likely as non-Indigenous children to be developmentally vulnerable (41.3% and 20.4% respectively).⁵⁵ Educational outcomes for Aboriginal and Torres Strait Islander children generally are poor compared with their non-Indigenous peers. School attendance, literacy and numeracy targets did not meet the Closing the Gap goals set by the Australian Government for 2018, although targets on early childhood education enrolment are on track.⁵⁶ The most recent Closing the Gap Report 2020 shows that early childhood education and school attendance rates, reading and literacy outcomes, and Year 12 attainment rates for Aboriginal and Torres Strait Islander children tend to decrease by remoteness.⁵⁷

While data on children with a disability is generally poor,⁵⁸ some research shows that Aboriginal and Torres Strait Islander people have substantially higher disability rates at younger ages than non-Indigenous Australians. Research shows that Aboriginal and Torres Strait Islander children with a disability living in rural and remote Australia often face, in addition to geographical isolation, cultural and linguistic barriers.⁵⁹

Aboriginal and Torres Strait Islander children in remote areas face additional barriers to education than those experienced by their non-Indigenous counterparts in remote areas. This is discussed further in Section 7.

6.4 Young parents

In 2017, the National Children's Commissioner undertook a project focusing on the human rights of teenage parents and their children.⁶⁰ Her report showed that teenage mothers have significantly lower levels of educational attainment than other mothers and women without children, resulting in lower levels of labour market participation and employment outcomes.⁶¹ Moreover, a high percentage of teenage mothers had either left school or disengaged from school prior to becoming pregnant.⁶²

While the teenage birth rate in Australia overall is at an historic low, teenage parenthood is experienced more frequently by people in remote or rural locations, lower socio-economic circumstances, and Aboriginal or Torres Strait Islander peoples.⁶³

- Teenagers in rural and remote Australia experience young parenthood at a rate of 57 births per 1000, which is more than four times that of the general population.⁶⁴
- In 2015, births to Aboriginal and Torres Strait Islander young mothers aged 15–19 was at a rate of 59.3 births per 1000.⁶⁵ That is, 2,203 out of 8,574 total births to all Australian mothers aged 15–19 years (25.7% of total births for this age group).⁶⁶

Young parents, especially young mothers, face significant barriers to remaining in mainstream schooling,⁶⁷ which are likely to be amplified in remote areas where there are few services and supports, including lack of early childhood education and care services. Research has also found that students who remain in school and become pregnant frequently feel discriminated against within the secondary education system and may leave school early as a result.⁶⁸

Even when local schools implement an education policy to support pregnancy and parenting, it may be unrealistic to get parenting students back into the mainstream classroom.⁶⁹ Young parents have many 'competing drivers' (including, but not limited, to parenting, education, housing and employment) that make it hard for them to fit into the mainstream education environment.⁷⁰

Despite these barriers, some young parents told the National Children's Commissioner they were supported by their school, saying that their school:

- was flexible with schedules, breaks (including for feeding), appointments, homework, and exams
- provided out of school support such as a home visit from a teacher
- had a crèche on site, allowed children in the school, or helped to access external early childhood education and care services
- supplied larger uniforms for when they were pregnant
- provided keys to an accessible lift.

They also gave ideas on how schools could help more, including:

- giving information about distance education options
- proactively addressing bullying of pregnant students
- being flexible about child minding and breast feeding after giving birth
- helping young people handle the dual pressures of pregnancy and schoolwork
- allowing the option of taking schoolwork home when unwell.

In her report, the National Children's Commissioner's project highlighted several strategies for increasing the engagement of teenage parents in education:

- Re-connecting young mothers with education following the birth of their baby.⁷¹
- Access to affordable quality early childhood education and care, which benefits both parents and children.
- 'Integrated childcare'— a wrap-around model that allows young people to be close to their children by learning, volunteering, working or engaging in other activities in the same premises.⁷²

There are some examples of wrap-around models of schooling for young parents:

- Supporting Teenagers with Education, Mothering and Mentoring (STEMM)⁷³ based on the Sunshine Coast, re-engages pregnant girls and young mothers with education in a safe and non-judgemental environment. Pregnant students from 12 weeks of pregnancy and young mothers under 24 years old are given the opportunity to develop life skills, parenting skills, healthy relationship skills and pre- and post-birthing knowledge, as well as vocational education and tertiary pathways programs. STEMM reports that there has been a significant increase in the participation rate of pregnant or parenting students in education following the program.⁷⁴
- Port School in the regional area of Fremantle, WA, has a young parent centre where teenage parents are provided with parenting support and training to achieve their educational outcomes. They offer a variety of supportive holistic parenting and healthy lifestyle programs, as well as their academic and vocational education, while their child is close by in accredited childcare.⁷⁵
- The Cape York Girl Academy is a boarding school designed and dedicated to the education of young Aboriginal and Torres Strait Islander women with babies.⁷⁶ This model is designed to ensure that young mothers are able to raise their children and not forego their education.

The National Children's Commissioner found that, generally, state and territory education laws do not require schools to make the necessary adjustments or provide necessary support to ensure access to education for all children, including those who are pregnant or who are parents.⁷⁷

Recommendation 4

The Australian Government, through the Council of Australian Governments' Education Council, work with states and territories to review their laws, policies and practices to ensure that:

- **access to education for all children is guaranteed**
- **educational authorities and educational institutions—both public and private—are required to make all necessary adjustments and provide all necessary support to facilitate and ensure access to education for children and young people who are pregnant or are parents**
- **regular publication of information on adjustments made to support children and young people who are pregnant or are parents is required**
- **suspension, expulsion or denial of education of a child or young person on the ground of their being pregnant or a parent is prohibited.**

6.5 Children affected by natural disasters

Droughts and other natural disasters increasingly present extreme challenges for children and families living in rural and remote communities in Australia and can significantly disrupt children's education.

In February 2019, UNICEF published a report on the views of children and young people affected by drought.⁷⁸ The study found that there are few child and youth specific drought relief interventions. Workloads for children on and off farms have increased substantially, leaving little time for schoolwork and play. The cumulative emotional and physical toll of the drought on children and young people was evident throughout the consultations. Many students also described how the pressures of the drought are disrupting their learning at school and expressed frustrations and perceptions that schools and teachers do not fully appreciate these pressures. The report recommends, among other things, that Australian Governments provide targeted funding and service delivery to meet the mental health needs of young people who are impacted by drought and natural disasters.⁷⁹

The physical and emotional impacts of the recent bushfires on children in many rural and remote areas of Australia are also likely to be significant. Some children have lost family members, pets, homes, and all their possessions. Community infrastructure, including schools, have been damaged or closed, and local environment and its flora

and fauna have been devastated. The exposure to emergency conditions, including evacuations and family fragmentation, can have traumatic effects on children of all ages. This can mean that they are unable to learn effectively even once they are able to physically return to school and continue learning.

Schools play a central part of community life in rural and remote areas. Re-establishing normalcy of a school environment can be essential for children, and schools and families may need extra assistance to achieve this. Bushfire relief programs can give timely and practical support for back-to-school needs like uniforms, textbooks and electronic learning devices.⁸⁰ Once these immediate needs are addressed, children may need supported recovery which could be delivered through schools. For example, UNICEF Australia, together with Royal Far West have teamed together to deploy mobile, multi-disciplinary, in-community mental health support teams to reach families in 25 small and regional communities affected by the fire.

Another important focus is to help increase the resilience of parents, families, teachers and health and welfare professionals to support children. This is especially important for remote communities, who may not have access to psychological support.

Some examples of resources for parents and teachers are:

- Australian Institute for Disaster Resilience teaching resources with detailed lesson plans, mapped to the national curriculum for lower primary through to lower secondary school.⁸¹
- Australian Red Cross resources for teachers to educate students from pre-school to year 12 about being prepared for natural disaster emergencies, and recovery lesson plans.⁸²
- Emerging Minds, an organisation leading the National Workforce Centre for Child Mental Health, resources designed to support children in the first hours, days and weeks following a traumatic event.⁸³

Organisations that provide bushfire relief and assistance, such as Centrelink, should ensure that workers are aware of the possibility of trauma in children affected by natural disaster and connect children and families to therapeutic support.

Supporting children's resilience can also be built into the school curriculum. For example, the Victorian rural community of Strathewen was devastated by the Black Saturday fires of 7 February 2009, with 22 local residents killed and 80% of buildings, including the primary school, destroyed. Since that time, students at the school have

worked with the local fire brigade to create their own child-centred bushfire education program. During the program the students create books and animated films which are used to educate the entire community about what they can do to prepare for a bushfire emergency, and which has helped reduce fears among the school population.⁸⁴

The necessity of including children in strategies to help them recover and manage risks was recognised by the UN Committee on the Rights of the Child in its Concluding Observations on Australia in September 2019. The Committee urged the Australian Government to ensure that children's views are taken into account in developing policies and programs addressing disaster risk management.⁸⁵

Recommendation 5

Australian Governments ensure that children's views and experiences are taken into account in developing policies and programs addressing disaster risk management.

7 Wiyi Yani U Thangani (Women's Voices) Project

Throughout 2018, the Aboriginal and Torres Strait Islander Social Justice Commissioner led a national consultation process, Wiyi Yani U Thangani (Women's Voices) with Aboriginal and Torres Strait Islander women and girls. The Commissioner engaged with 2,294 women and girls from 50 communities. Over 50% of the consultations were conducted in remote areas. The Commissioner also received more than 100 submissions from organisations and individuals. Wiyi Yani U Thangani (the Project) will culminate in a report to be finalised in 2020. This section of the submission reflects on the experiences provided to the Commission during the course of the Project to explore some of the critical factors relevant to the education of Aboriginal and Torres Strait Islander students in remote areas. While the consultations were conducted with women and girls, the experiences are also relevant to the education all Aboriginal and Torres Strait Islander students.

According to the Terms of Reference, one of the foci of this inquiry is the 'role of culture, family, community and country in delivering better outcomes'. The Commission encourages the Committee to consider 'successful' educational outcomes with respect to Aboriginal and Torres Strait Islander peoples more broadly than formal measures of educational attainment. Outcomes for Aboriginal and Torres Strait Islander children need to reflect a two-way learning process that recognises the

critical importance of cultural education and wellbeing, as well as the mainstream educational outcomes. The role of culture, country, community and language.

7.1 The role of culture and country

For Aboriginal and Torres Strait Islander people, culture, country and language are inextricably linked to a sense of being and identity. The foundation of learning for Aboriginal and Torres Strait Islander people exists in the preservation and expression of their cultural identity and is at its essence a different form of knowledge sharing to that which permeates the formal education settings⁸⁶. Each Aboriginal and Torres Strait Islander cultural group has a distinct culture, with intricate knowledge systems that have been maintained for 65,000+ years. Within these knowledge systems exists a process for the transmission of knowledge between generations. As Aboriginal and Torres Strait Islander young people acquire knowledge through their cultural education, it also attracts great responsibility.

This is particularly pertinent for remote communities where cultural traditions and languages remain strong and have been continually practised for generations. It is the resilience of Aboriginal and Torres Strait Islander groups living remotely and their ability to maintain a deep connection to their traditional country that have allowed their cultures and languages to survive. Cultural education is a lifelong journey which is fundamental to ensure Aboriginal and Torres Strait Islander people are enabled to sustain a prosperous life and are supported by the necessary foundations required to confidently navigate between their dual cultural and western responsibilities.

It is estimated that there were 250 Indigenous Australian languages spoken prior to the colonisation of Australia. Colonisation has had a huge impact on many Aboriginal and Torres Strait Islander language groups across the country. Today, it is estimated that only 13 of the 150 remaining languages are considered strong. Language is the vehicle to transmit cultural strengths and to connect Aboriginal and Torres Strait Islander people to their ancient cultural traditions. Aboriginal and Torres Strait Islander languages must be maintained, so that current and future generations will continue to hear, speak, read and write their languages and hold deep connections to their lands, cultures, histories, and identities as First Nations peoples.

If Aboriginal and Torres Strait Islander students are able to flourish within the education system, it is critical that culture, country and language are adequately prioritised along with western education frameworks. To facilitate this integrated education, Aboriginal and Torres Strait Islander remote communities must be engaged with the school systems.

A recent documentary film, *In My Blood It Runs*, provides a good example of how the mainstream education system is not meeting the needs of many Aboriginal and Torres Strait Islander children. The film screened at the United Nations in Geneva in September 2019, coinciding with Australia's appearance before the UN Committee on the Rights of the Child.

The film follows ten-year-old Djujan, an Arrernte and Garrawa healer who speaks two Indigenous languages, but is 'failing' in school. With limited acknowledgement of Djujan's culture and language within the western system, Djujan's grandmother continues with his cultural education so that he does not become another statistic in youth detention or the welfare system. The film highlights the critical role of culture and connection to country in Djujan's development and education.

Accompanied by the National Children's Commissioner, Djujan met with the UN Committee, and also spoke at the Human Rights Council about some of the key issues raised by the film. Djujan also met with the UN High Commissioner for Human Rights. He said to her:

I want my school to be run by Aboriginal people that are like me and understand me. This year I have to leave my family and live far away to go to high school. I don't want to, but that's how it is here in Borroloola. I hope in 10 years there is a choice to stay with our families and be on our land for school. ... I told the boss lady that I want my future to be out on land with family and strong language and culture. I want to look after land because half the land is dying. I want to know Arrernte — it's our family's language, but I am still learning.⁸⁷

The Commission encourages Committee members to view the documentary.⁸⁸

Recommendation 6

Australian Governments invest in the teaching and maintenance of Indigenous languages in Australian schools and provide access to bi-lingual education in remote Aboriginal and Torres Strait Islander communities.

Recommendation 7

State and territory education systems promote a two-way learning process for Aboriginal and Torres Strait Islander students that adequately recognises and values Aboriginal and Torres Strait Islander cultures and histories.

Recommendation 8

Remote schools prioritise local engagement with Aboriginal and Torres Strait Islander communities.

7.2 Barriers to the education journey

Throughout the consultations, various barriers were identified that inhibit Aboriginal and Torres Strait Islander students from succeeding in their education journey, including impacts on attendance and engagement.

- (a) Failure to recognise and value Aboriginal and Torres Strait Islander cultures, languages and histories

As outlined above, being strong in culture is essential to enable Aboriginal and Torres Strait Islander people to survive and thrive. Failing to adequately recognise, acknowledge and value culture, country and language within learning environments risks denying Aboriginal and Torres Strait Islander students' equal opportunity to succeed. While the education system has seen significant improvements over the years, for example by including Aboriginal and Torres Strait Islander perspectives within the curriculum and making education more accessible, the values and ways of learning contained in the western learning framework remain in conflict with Aboriginal and Torres Strait Islander ways of learning, knowing and being.

Aboriginal and Torres Strait Islander people want their children to engage and succeed in the formal education systems, however it cannot be at the expense of culture and identity. By not adequately valuing and acknowledging Aboriginal and Torres Strait Islander cultures and history, the education system forms a culturally unsafe environment for Aboriginal and Torres Strait Islander children. Throughout the consultations, women, girls and Indigenous education workers across the country consistently highlighted the potential for increased engagement with an education system that adequately reflects their values, recognises their histories and embraces their cultures and languages.

To achieve this, teachers need to be encouraged and empowered through their training to competently include relevant Aboriginal and Torres Strait Islander content into the curriculum. The ongoing National Aboriginal and Torres Strait Islander Curricula Project aims to enable and encourage all teachers to embrace Aboriginal and Torres Strait Islander content within Australian classrooms. Led by Professor

Marcia Langton AM, resources have been developed to assist teachers to provide quality content to students.⁸⁹ Initiatives such as this utilise First Nations expertise to guide the incorporation of Aboriginal and Torres Strait Islander perspectives into the curriculum.

Over time, access to bilingual education has been gradually eroded.⁹⁰ During the consultations, and particularly in remote settings in Western Australia, the Northern Territory and the Torres Strait Islands, English not being the primary language was identified as a serious obstacle for students engaging in formal school settings. Children who start school speaking various Aboriginal and Torres Strait Islander languages, including variations of Creole, who may have limited English language skills, need to be provided with the appropriate support to learn in an English-speaking environment.

Teachers who are not equipped with local language skills or awareness of local Aboriginal and Torres Strait Islander culture and history face obstacles in educating and supporting students to reach their potential. The current education system does not adequately value or acknowledge the inherent strengths of Aboriginal and Torres Strait Islander children with unique knowledge systems, cultural traditions and language skills. The importance of supporting students' development as English-speaking learners through recognising students' existing language skills has been highlighted as essential to literacy and numeracy development.⁹¹

In 2019, all Australian Education Ministers declared their commitment to supporting Aboriginal and Torres Strait Islander young people to reach their full potential, recognising that this requires them to embrace their 'cultures, languages and identities as Australia's First Nations peoples'.⁹²

The Declaration states:

Australia's education system must embrace Aboriginal and Torres Strait Islander cultural identities and provide Aboriginal and Torres Strait Islander peoples with safe learning environments. The education community need to engage Aboriginal and Torres Strait Islander learners, their families and communities in all aspects of education, increase Aboriginal and Torres Strait Islander peoples' participation in the education workforce at all levels, and support coordinated community services for learners and their families to increase productive participation.⁹³

While supporting the sentiment of the Declaration, SNAICC⁹⁴ has highlighted the need for adequate resourcing and specific strategies to achieve the outlined goals.⁹⁵

In 2017, the Special Rapporteur on the rights of indigenous peoples visited Australia to examine the human rights situation of Aboriginal and Torres Strait Islander Peoples. Following the visit, the Special Rapporteur recommended that the Australian Government 'Conduct a comprehensive review of the mainstream education curricula to ensure the inclusion of components on Aboriginal and Torres Strait Islander history and the impact of colonization'.⁹⁶

The 2012 Review of Higher Education Access and Outcomes for Aboriginal and Torres Strait Islander People also recommended that Aboriginal and Torres Strait Islander knowledge and perspectives be incorporated into teaching and learning strategies across all university curriculums, prioritising teaching and health professions that have a direct impact on Closing the Gap targets.⁹⁷

Aboriginal and Torres Strait Islander communities want their children to receive the benefits of a western education to supplement, rather than override, their cultural education. In failing to acknowledge and incorporate Aboriginal and Torres Strait Islander ways of being and values into the curriculum, the current model is forcing Aboriginal and Torres Strait Islander students to compromise on their cultural lives.

(b) Racism and discrimination

Experiences of direct and indirect racism and discrimination within schools was raised regularly throughout the consultations. Much of the discrimination experienced by students is based on stereotypes and misinformed perspectives. Aboriginal and Torres Strait Islander culture and history needs to be thoughtfully integrated into the school curriculum and school culture to teach young people from all backgrounds to appreciate and respect the true history and value of Aboriginal and Torres Strait Islander peoples and culture. Genuine efforts to effectively address these gaps in formal school settings across the country have the potential to substantially reduce racism and discrimination experienced by Aboriginal and Torres Strait Islander students within schools and into the wider community.

(c) Accessibility and quality of education

For remote communities, the inconsistencies and concerns relating to the availability and quality of education services has been repeatedly discussed and reported on.⁹⁸ Unavailability of education services from early childhood through to secondary school, within a reasonable distance, and with suitable transportation options, poses a significant barrier to education for many people. In many very remote areas, including the Torres Strait Islands, senior years of secondary schooling, in particular,

are simply unavailable. There are also many communities where there exists a perception of sub-standard education quality. These concerns remain applicable today and were raised consistently in all remote areas visited during the Project.

Concerns around access to, and quality of, secondary schooling are the primary reason why Aboriginal and Torres Strait Islander students go to boarding schools.⁹⁹ Consistent with past inquiries and reports, there exists serious unease among Aboriginal and Torres Strait Islander communities about the disruption to the cultural education of young people sent off-country to seek educational opportunities. Removing children from their communities also poses additional threats to the succession of traditional knowledge, traditional law, language and culture. Aboriginal and Torres Strait Islander families in remote communities feel that they are unfairly disadvantaged by having no alternative but to send their children away to complete their education.

Additional barriers face students and families when they do relocate for educational opportunities. Lack of peers they can relate to, associated financial demands of both living off-country and returning to country, and limited availability of accommodation that is adequate and affordable¹⁰⁰ remain the most significant barriers for Aboriginal and Torres Strait Islander students and their families from remote areas. Improved access to scholarships and financial aid is necessary to ensure equitable access and participation in educational opportunities.

Further, many high school students highlighted the ongoing conflict of having to choose between staying on-country and relocating to pursue tertiary education beyond school. In many cases, Aboriginal and Torres Strait Islander people from remote areas did not consider moving away from their communities an option. Locally accessible education for Aboriginal and Torres Strait Islander students of all levels is the clear preference among Aboriginal and Torres Strait Islander remote communities.

Recommendation 9

Australian Governments resource quality educational options in remote areas that allow students to learn on-country.

(d) Environmental distress

At the time of the consultations, drinking water was unavailable in rural NSW and the Torres Strait Islands due to environmental conditions. Aboriginal and Torres Strait Islander girls in remote and regional communities described their deep concern about the lack of available drinking water and the associated financial burden and health risks.

Further concerns for country included the worsening health of the Murray Darling river system, continuing drought across Australia and rising sea levels in the Torres Strait Islands. With deep connections and responsibility for country, these environmental factors cause deep distress for Aboriginal and Torres Strait Islander students living in remote (and regional) areas, impacting on concentration and engagement at school.

(e) Social, cultural and economic determinants

Aboriginal and Torres Strait Islander students are more likely to be affected by a range of social, cultural and economic factors that can adversely impact on their ability to engage with their education. Engagement, attainment and attendance at school can be severely impacted by the poverty and extreme disadvantage that disproportionately affects Aboriginal and Torres Strait Islander families. Access to food, clean clothing, sanitary items and school supplies can create difficulty for students to engage with schooling. Overcrowded and potentially unsafe housing can significantly impact on a student's ability to complete homework, study and rest sufficiently.

Aboriginal and Torres Strait Islander students experience trauma at a much higher rate than non-Indigenous students. A myriad of complex factors contribute to this trauma including systemic intergenerational discrimination and increased exposure to traumatic incidents within families and communities such as bereavement, suicide, health concerns, incarceration, forced removal of children, poverty, unemployment, substance abuse and violence.¹⁰¹ These increased traumas not only cause distress and enhance difficulties for children to engage with their education, it also creates challenges for staff who may not be equipped with skills to work in a trauma-informed manner to adequately respond to the needs of students, potentially causing further traumatising.¹⁰²

Whole-of-family supports are required to address the range of factors that can create difficulties for Aboriginal and Torres Strait Islander students. During the Project, the

need for support to meet students' basic needs was raised more often in remote communities than other geographic locations. Providing supportive school environments that engage with the local community to ensure that students have access to food, transport and study support are critical. These factors need to be addressed to allow Aboriginal and Torres Strait Islander students to have an equal chance of participating and thriving.

As explained in the Family Matters report 2019:

Aboriginal and Torres Strait Islander child wellbeing includes safety, health, culture and connections, mental health and emotional wellbeing, home and environment, learning and skills, empowerment and economic wellbeing. These wellbeing domains are inter-related – for example, having access to material basics is essential to full participation in learning and education, which contributes to safety and security.¹⁰³

There are various programs functioning across the country that provide critical support to Aboriginal and Torres Strait Islander students. Aboriginal and Torres Strait Islander girls, carers and staff unanimously endorsed the benefits of targeted support programs that are designed for Aboriginal and Torres Strait Islander students. The programs provide cultural, academic and social support, provision of essential items and a sense of belonging, increasing students' engagement and comfort levels. Programs that received positive endorsement during the consultations included Girls Academy,¹⁰⁴ Stars Foundation¹⁰⁵ and Follow the Dream.¹⁰⁶

Resourcing constraints and inequitable funding between female and male programs was a consistent concern of both staff, students and parents. In some communities, participants reflected on past programs that were discontinued due to funding or resource challenges. These included on-country camps and engaging local Elders in schools.

Recommendation 10

Australian Governments prioritise and resource models of schooling that provide wrap around supports for students and families in order to promote students' overall wellbeing.

7.3 Innovative approaches

Strong leadership and innovative thinking is required to develop, test and establish creative intercultural models of learning. For Aboriginal and Torres Strait Islander

students, innovative models are needed that blend traditional and western worldviews, grounding teaching practices in Aboriginal and Torres Strait Islander culture and learning methods. Learning methods need to be trauma-informed, healing and restorative, aimed at revitalising Aboriginal and Torres Strait Islander society to full health and wellbeing. To create school environments that are culturally responsive and effectively nurture Aboriginal and Torres Strait Islander students' languages, cultures and identities, the local community, including families, need to be actively involved¹⁰⁷ and thoroughly immersed in the education systems to provide the necessary guidance and influence.

The unique environment of remote communities necessitates a specific approach to delivering education. Workforce development and the flexible application of the Australian curriculum are two important methods that were explored during the Project to improve the educational experience of Aboriginal and Torres Strait Islander students in remote communities.

(a) Workforce development

Of critical importance to providing culturally-relevant education is the quality, knowledge and preparedness of teaching staff. Remote schools are often staffed by a largely external workforce with extremely high turnover which can have a significant impact on teaching quality¹⁰⁸. Concerns were consistently raised about the ability of external staff to relate to Aboriginal and Torres Strait Islander students, respond in a trauma-informed manner, understand their complex needs, lived experiences and distinct cultures, and provide the required support. Staff who have relocated to remote areas to work in schools need to be receptive to learning and incorporating locally appropriate approaches into their understanding and ways of working.

In recognition that the necessary progress has not been achieved in Closing the Gap in the education for Aboriginal and Torres Strait Islander children, the UN Committee on the Rights of the Child, in its Concluding Observations on Australia in September 2019, urged Australian Governments to focus on children in remote areas, specifically by investing in the cultural competency of teachers. The Committee recommended that Australian Governments

Address the shortcomings of the Closing the Gap measures for Aboriginal and Torres Strait Islander children and to reach the targets on school attendance, retention rates, literacy and numeracy standards by paying particular attention to these children in remote areas and investing in teachers' cultural competency of these communities' history.¹⁰⁹

Engaging Aboriginal and Torres Strait Islander communities to deliver locally-relevant cultural programs within schools is necessary to ensure that local culture and history is acknowledged, relevant and accurate. Local community members are also uniquely equipped with First Nations language skills which aid Aboriginal and Torres Strait Islander students' engagement within formal school settings.

The recruitment of local Aboriginal and Torres Strait Islander education support workers is critical to creating a culturally-inclusive learning environment, aiding Aboriginal and Torres Strait Islander students' sustained engagement. These workers play a distinctive role in their ability to relate to students and build a rapport that is unique to having shared cultural connections, lived experiences and language skills. They also play a crucial role in educating and aiding teachers to support Aboriginal and Torres Strait Islander students' unique needs and include Aboriginal and Torres Strait Islander content in the curriculum.

The critical role of Aboriginal and Torres Strait Islander support staff within classrooms is acknowledged around the country. However, during the Project many communities expressed concerns over the impacts of limited resourcing on the ability of staff to dedicate the necessary time to students. Education support workers also reported that in some communities their unique skillsets are undervalued. In order for school staffing in remote schools to be sustainable, culturally-appropriate and of a high quality, appropriate capacity-building pathways need to be developed to provide avenues for support staff to become qualified teachers.¹¹⁰ In the Closing the Gap strategy, professional development of existing educators and implementing strategies to increase the Aboriginal and Torres Strait Islander workforce have been identified as critical areas for development.¹¹¹

An example of a comprehensive early-childhood model that is simultaneously working to increase the numbers of First Nations educators, is Bubup Wilam for Early Learning Aboriginal Child and Family Centre. The Centre provides wrap around services supporting the care and development of children and their families. They also provide culturally-safe education and training of Aboriginal people. While the centre is not located remotely, the approach taken by this Aboriginal-led organisation could be emulated in other parts across the country to respond to the holistic needs of families, while building the capacity of an Aboriginal workforce.¹¹²

The 2017 Inquiry into educational opportunities and outcomes for Aboriginal and Torres Strait Islander students recommended that, as a priority, the Council of Australian Governments be encouraged to:

- make Indigenous history and culture a compulsory requirement for all teaching degrees
- require all teachers already working in schools with a significant number of Indigenous students to complete in-service local Indigenous language, history and culture training as a part of mandatory professional development¹¹³
- make English as a Second Language or Dialect (ESL/D) training a compulsory component for all teaching degrees
- require all teachers already working in schools with a substantial number of Indigenous students to complete in-service ESL/D training as part of mandatory professional development and
- where relevant, an opportunity be provided to teachers to undertake local language training if this will assist in performing their functions, improving communications with their students, as well as forging better relationships with the community.¹¹⁴

Recommendation 11

Australian Governments work with Aboriginal and Torres Strait Islander communities to design and implement strategies to increase the Aboriginal and Torres Strait Islander education workforce in remote areas.

(b) Locally relevant training and certification opportunities

Access to locally available and relevant opportunities is critical to providing appropriate education to students and access to training opportunities with genuine pathways to employment. During the Project, women shared their disappointment about the lack of opportunities to access traineeships and certificates that could improve employment prospects and the development of skills.

Vocational training is a common pathway for Aboriginal and Torres Strait Islander people and participation rates are increasing.¹¹⁵ School-based vocational training programs and traineeships are important, practical pathways for Aboriginal and Torres Strait Islander students, particularly those who are not comfortable within the formal schooling system. In remote areas, vocational training and qualifications draw a greater likelihood of employment than completing year 12, leading to a significant

increase in engagement in Certificate II and III courses in remote and regional areas.¹¹⁶

In many remote communities, the most common entrance point to vocational and employment pathway training opportunities is through the Community Development Program (CDP). This program has seen much change and various iterations over the years.¹¹⁷ The perception conveyed during the Project in remote communities is largely that the current CDP program does not adequately meet the expectations of providing relevant training opportunities and job pathways compared to previous versions of the program, such as the disbanded Community Development Employment Projects (CDEP).

Participating in training courses that deliver limited or no realistic local employment prospects is the source of much frustration in remote communities. Participants who were consulted during the Project appealed for locally available traineeships and training courses that were relevant to the local industries and realistic local employment prospects.

Recommendation 12

Australian Governments promote locally available traineeships and training courses that are relevant to local industries and local employment prospects in remote areas.

(c) Adult literacy skillsets

In order to equally participate and meet the requirements of the western world, the gap in literacy skillsets needs to be addressed across the nation. The need to improve literacy is particularly evident in remote communities among the adult and older populations, where language and literacy present significant barriers to engage in opportunities and western society more generally. The development of locally relevant and accessible programs as well as the expansion of existing programs that provide innovative, culturally-inclusive approaches to increasing literacy among Aboriginal and Torres Strait Islander communities are of critical importance and should be prioritised.¹¹⁸

The 2012 Review of Higher Education Access and Outcomes for Aboriginal and Torres Strait Islander People made specific recommendations in relation to reducing the disparity in remote (and regional) access and outcomes. The Panel recommended a

number of strategies for consideration that may be of interest to the Inquiry, including:

- the use of virtual networks and other technology-based solutions to provide greater access to universities by remote and regional students
- options to provide additional and affordable housing specifically for Aboriginal and Torres Strait Islander people relocating away from their families. These options could include developing further partnerships and philanthropic support to deliver affordable accommodation on campus.
- working with the Higher Education Standards Panel to develop quality standards for Away-from-Base education delivery.¹¹⁹

(d) Flexible application of the Australian Curriculum

Throughout the consultations, there were consistent calls for Aboriginal and Torres Strait Islander culture, language and history to be more extensively embedded into the Australian school curriculum. The potential benefits include:

- improving the engagement and attendance of Aboriginal and Torres Strait Islander students through making the content of the curriculum more relevant
- educating all students about the full Australian history
- decreasing racism and stereotypes that exist and are perpetuated by the curriculum
- enabling local knowledge, cultures and languages to be incorporated within the learning environment, increasing the relevance of the curriculum for local communities.

It is critical to allow for an adaptable curriculum in remote areas to ensure that the measurements of success reflect the holistic and lifelong learning practices and cultural values of Aboriginal and Torres Strait Islander peoples. Fundamental to this is the need for recognition of the many strengths of Aboriginal and Torres Strait Islander students. These strengths include their cultural knowledge and associated responsibilities, which include the preservation and succession of their cultures and languages, and the ability to navigate both cultural and western worlds.

For example, during the Project calls were made for appropriate considerations to be applied to students who require time and additional support to attend to cultural business. Without schools' recognition of the significance of participating in cultural events, students may bear negative consequences for practising their culture and adhering to their cultural rules. Valuing the broader environmental and cultural protocols that impact on a child's development is critical to the maintenance of their identities and ability to develop into strong adults.

The consultations emphasised the critical importance of redesigning the formal school curriculum, away from the narrow interpretations of successful outcome measurements to a curriculum that is inclusive of Aboriginal and Torres Strait Islander students. The Closing the Gap 2019 report includes a commitment from the Australian Government to considerably reform how we work within remote communities. A greater focus on engaging with communities to develop flexible, localised approaches to education that encourage local employment has been endorsed as the appropriate focus for the way forward.¹²⁰

One example put forward by Dr Sean Kerins of the Centre for Aboriginal Economic Policy Research, creatively amalgamates the critical foundations of culture, country and education by endorsing a flexible curriculum, that includes:

cultural and natural resource management within school curricula, as learning through country, especially, but not exclusively, in remote area Indigenous schools, and develop more two-way post-school training opportunities for Indigenous rangers in cultural and natural resource management.¹²¹

In the Northern Territory for example, there are six Aboriginal Independent Community Schools, each operating in a remote community. The schools operate on a localised, bi-lingual curriculum and are locally governed by the community in which they operate.¹²²

Another example is the Yiramalay Studio School, which operates an exchange program between the Fitzroy Valley in the Kimberley, Western Australia and Wesley College in Melbourne, Victoria. The focus of the partnership is the preservation of the Bunuba language, recognition of the importance of learning on-country, sharing Aboriginal culture with students from urban environments and encouraging young people to confidently navigate their cultural and western worlds.¹²³

Aboriginal and Torres Strait Islander peoples need to be engaged with and supported to co-design a system that is inclusive and culturally secure for Aboriginal and Torres

Strait Islander students and recognises their wider cultural learning environment. The responsibility cannot remain solely on Aboriginal and Torres Strait Islander students to navigate a system that may not be appropriate or accessible to them.

Recommendation 13

Australian Governments support schools to embed local culture, history and language into the school curriculum, including learning about the process of colonisation and its impact on Aboriginal and Torres Strait Islander peoples.

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- ¹ Human Rights and Equal Opportunity Commission, *“Recommendations”: National Inquiry into Rural and Remote Education* (2002) <https://www.humanrights.gov.au/our-work/rights-and-freedoms/projects/rural-and-remote-education-inquiry>; Australian Human Rights Commission, Submission to the Senate Community Affairs References Committee’s inquiry into the accessibility and quality of mental health services in rural and remote Australia (30 April 2018); Australian Human Rights Commission, Submission to Senate Economics References Committee inquiry into The indicators of, and impact of, regional inequality in Australia (30 April 2018); Australian Human Rights Commission, Children’s Rights Reports, <https://www.humanrights.gov.au/our-work/childrens-rights/projects/childrens-rights-reports>; Australian Human Rights Commission, Wiyi Yani U Thangani (Women’s Voices) <https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/projects/wiyi-yani-u-thangani-womens>; Social Justice Reports, <https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/social-justice-reports>.
- ² Human Rights and Equal Opportunity Commission, *“Recommendations”: National Inquiry into Rural and Remote Education* (2002) <https://www.humanrights.gov.au/our-work/rights-and-freedoms/projects/rural-and-remote-education-inquiry>.
- ³ Australian Human Rights Commission, Submission to Senate Economics References Committee inquiry into The indicators of, and impact of, regional inequality in Australia (30 April 2018).
- ⁴ Australian Human Rights Commission, Children’s Rights Reports, <https://www.humanrights.gov.au/our-work/childrens-rights/projects/childrens-rights-reports>.
- ⁵ Australian Human Rights Commission, Wiyi Yani U Thangani (Women’s Voices) <https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/projects/wiyi-yani-u-thangani-womens>.
- ⁶ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) arts 28, 29.
- ⁷ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) arts 28, 29.
- ⁸ *International Covenant on Economic, Social and Cultural Rights*, opened for signature 19 December 1966, 993 UNTS 3 (entered into force 3 January 1976), art 13.

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- ⁹ Human Rights and Equal Opportunity Commission, *“Recommendations”: National Inquiry into Rural and Remote Education* (2002) 23 <https://www.humanrights.gov.au/our-work/rights-and-freedoms/projects/rural-and-remote-education-inquiry>
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