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QUT's Centre for Inclusive Education (C4IE) produces research on matters that affect students in education with the aim of improving the educational experiences and outcomes of *all*, particularly those experiencing marginalisation. One of C4IE's objectives is to address knowledge gaps and positively influence attitudes by disseminating research evidence, engaging in public debate, and providing quality professional learning opportunities. C4IE makes this submission in response to the call for submissions for Open-ended intergovernmental working group on an optional protocol to the Convention on the Rights of the Child.

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**Inclusive education is a foundational right that enables the realisation of other rights. While Australia's vast and diverse landscape presents challenges in achieving equitable access to education, other factors, such as ineffective legislation and regulatory systems, shortage of qualified educators and understanding of children's rights, pose bigger threats to ensure that children and young people enjoy their fundamental human rights.**

1) What are the main barriers to public pre-primary education available free to all in law, policy, and practice in your country and what is their impact on the rights of the child? Please consider the specific situation of marginalized children and those in vulnerable situations in your response.

Australia's vast geography and unevenly distributed population pose significant challenges for the provision of pre-primary education across the country. The eastern metropolitan areas tend to be highly populated, while rural and remote regions have more dispersed populations. In addition, the Australian education system is complex, with state and territories primarily responsible for education. Such landscape creates challenges for state and federal governments to implement policies and can lead to different levels of access and quality of pre-primary education, particularly for those living in rural and remote areas. Access to public pre-primary education services vary by state, with some areas—rural or remote, but also outskirts of metropolitan regions—being described as 'childcare deserts' (Hurley et al., 2022), where childcare access is most scarce. Hurley's et al report indicates that 35% of Australians live in neighbourhoods that are classified as childcare deserts.

The availability and cost of pre-primary education can vary significantly depending on whether services are delivered by public schools, community-based centres, or private providers. While some funding exists to reduce some of these costs of childcare, rebates are not available for immigrant families and temporary residents—such as

children of international students—these costs can be unaffordable and pose a major barrier to access. Inconsistent quality of service also exists between various education providers and sectors (public, and private), creating additional barriers to access to quality pre-primary education and impacting on the rights of Australian children. Lack of access to childcare creates barriers to women seeking employment, hence governments have been working on increasing availability and improving affordability of these services. However, ineffective regulatory systems for childcare providers in Australia are failing to protect the safety, health and wellbeing of infants and young children (Australia Human Rights Commission, 2025), with a series of [media investigations exposing cases](#) of child abuse and neglect in early education settings.

Finally, we also note that families of children with disability can face additional challenges in accessing quality pre-primary education. Although Australians with disability are protected under the Disability Discrimination Act, the accompanying legislative piece, the Disability Standards for Education, currently does not cover early childhood services, creating further barriers to children to access inclusive education in pre-primary settings. This means that children with disability are more vulnerable to gatekeeping and exclusionary practices in these settings, perpetuating exclusion, low expectations, and further segregation.

2) What are the main barriers to public secondary education available free to all in law, policy, and practice in your country and what is their impact on the rights of the child? Please consider the specific situation of marginalized children and those in vulnerable situations in your response.

Access to quality public secondary education varies significantly across different Australian states and regions, with young people in rural and remote areas often facing challenges to access quality education, which in turn has led to disparities in educational outcomes. The quality of secondary education varies widely due to workforce shortages, and disparities in professional development opportunities for educators. For example, research shows that many educators feel unprepared to teach in rural settings or in schools with a high proportion of Indigenous students. In Australia, teachers' practice is to be aligned with the National Professional Standards for Teachers (AITSL, 2011), which have been adopted by the Ministerial Council for Education, Early Childhood Development and Youth Affairs (MCEECDYA). These standards reiterate that teachers need to use "strategies for teaching Aboriginal and Torres Strait Islander students" (p. 2) and to "understand and respect Aboriginal and Torres Strait Islander people to promote reconciliation between Indigenous and non-Indigenous Australians" (p. 3). The standards, however, do not provide guidelines to do this. Additionally, the majority of existing teacher preparation programs fail to equip teachers with the skills required to fulfill these expectations (Baeza, 2019). This situation undermines the right of Indigenous children to receive a quality and culturally responsive education.

Secondary education in Australia largely follows a curriculum grounded in Western perspectives, often overlooking students' cultural backgrounds and Indigeneity. As a result, students are expected to adapt to this system, frequently at the cost of sidelining or giving up their community knowledge and ways of knowing. Children and young people are referred out of general education when they are disenfranchised with education, or their behaviours are deemed too challenging to manage. System responses to support diverse young people need to be repositioned to see that the challenge lies with systems and processes rather than with the individuals. Better resourcing for schools including ratio considerations may better support young people's access to secondary education

Children and young people are excluded from school activities (e.g. specialist classes, excursions, leadership opportunities etc) due to schools and systems unwilling to do what needs to be done to ensure and properly support their inclusion and access. Affordability of current 'free' education can be inhibitive, particularly for children and young people whose families are experiencing financial hardship. Barriers such as excursion costs, electronic devices to access learning, uniforms, and other costs can be particularly inhibitive and contribute to attendance, educational access, engagement, and wellbeing.

We also note that discrimination and exclusion of young people with disability tend to increase in secondary education, with disability discrimination legislation not sufficiently protecting the rights to education and inclusion of students with disability (Duncan et al., 2020). Many students with disability do not have access to reasonable adjustments to support their participation, learning and assessment in secondary education due to government, system and school level failures

3) What are examples of innovative and sustainable financial mechanisms to support the full and effective implementation of public pre-primary and secondary education available free to all children in your country?

Effectively resourced inclusive education systems (as per CRPD GC#4), while currently not standard practice in Australia, would provide a sustainable mechanism to support the full and effective implementation of public pre-primary and secondary education access for all children. Minimum standards of additional education and training in rights-based inclusion from initial teacher education, in-service education and throughout school staff careers (all roles, not just educators) would help to embed inclusive practices in schools.

4) What steps is the Government taking to remove barriers and make public pre-primary and secondary education available free to all, including through the allocation of adequate resources and cross-sectoral and international cooperation? Please provide examples of specific laws and regulations, measures, policies, and programmes.

The Australian Government has taken some steps to improve access and equity to pre-primary education through the [Preschool Reform Agreement](#). New funding reforms have also been introduced under the [Better and Fairer Schools Agreement - Full and Fair Funding 2025-2034](#). However, the Federal Government's commitment to support of children's and young people's rights to inclusive education is unclear. Despite legislation and funding commitments, the Australian Government has not advocated for systemic inclusive reform, [recognising the role](#) of specialist settings and deferring responsibility to state governments. Australian states continue to be responsible to deliver public education, with policies and practices failing to deliver inclusive system reforms. Even though some states, such as Queensland, have inclusive education policies aligned with the CRPD General Comment No.4, implementation of an inclusive system and inclusive practices in schools have not been effective. In fact, research shows that segregation is increasing in Australia (De Bruin, 2019), with legislation (specifically the Disability Discrimination Act and the Disability Standards for Education) failing to protect the rights of students with disability.

## References

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Members of The Centre for Inclusive Education (C4IE) at Queensland University of Technology (QUT) conduct high-quality research across three interlocking programs: (i) Curriculum and Learning, (ii), Inclusion and Exclusion, (iii) Health and Wellbeing. For more information about C4IE, its members and research outputs, please visit [www.research.qut.edu.au/c4ie/](http://www.research.qut.edu.au/c4ie/)