

STATEMENT TO

THE AUSTRALIAN GOVERNMENT

ON THE

INQUIRY INTO LANGUAGE LEARNING IN INDIGENOUS COMMUNITIES CONDUCTED BY THE
ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS COMMITTEE



NATIONAL CONGRESS
OF AUSTRALIA'S FIRST PEOPLES

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1 Introduction

The National Congress of Australia's First People (Congress) welcomes the Australian Government's inquiry conducted by The Aboriginal and Torres Strait Islander Affairs Committee. We welcome the opportunity to contribute to the inquiry, in an attempt to improve the lives, and in turn outcomes for Aboriginal and Torres Strait Islander peoples.

Congress has been established to be a national leader and advocate for Aboriginal and Torres Strait Islander peoples. We advocate for the recognition of the rights of Australia's First Peoples, and for securing their economic, social, cultural, political and environmental development.

Language is central to Aboriginal and Torres Strait Islander cultures. The two are intertwined. Language describes cultural attachment to place, cultural heritage items, and puts meaning within the many cultural activities that people do. Furthermore, language plays a fundamental part in binding communities together as a culture, and individuals to each other in a society. Wesley Enoch, Director of the Queensland Theatre Company and a Nunukul Nuggi man, has said that "the loss of language is the loss of the ability to describe the landscape... and your place in it."¹

Educational research over a number of decades has intrinsically linked language maintenance to the well-being of Aboriginal and Torres Strait Islander peoples, and to better outcomes for individuals and communities. Language learning, maintenance and revival have been identified by Congress members as highly important, requiring urgent attention: "Culture is what makes us who we are, this has to be kept, maintained, rekindled, revived."² Another member of Congress, a WambaWamba man, stated "Language underpins everything we do as Aboriginal people. They [the Government] need to recognise traditional knowledge as something very special to Australia."³

From an internationally recognised linguistic perspective, the critically endangered status of Aboriginal and Torres Strait Islander languages in Australia is at crisis levels. Prior to 1788, over 250 Aboriginal languages were spoken. At the time of the 2005 survey, only about 145 Aboriginal languages were still spoken, with most of these languages (110) categorised as "severely and critically endangered" by global linguistic experts. Only 20 Aboriginal languages are considered to be "strong."⁴ Whilst the extreme level of language decay has been devastating to First Peoples, all is not lost. Maintenance of the remaining active First Peoples languages and revitalisation of those languages which are 'sleeping' is very much possible, with the right will, approach and resources given to them.

Congress reiterates the concerns expressed by expert educational institutions such as the Koori Centre at the University of Sydney, the Research Centre for Languages and Cultures, University of South Australia, Jumbunna Indigenous House of Learning, University of Technology Sydney, the Australian Society for Indigenous Languages, and the Board of Studies NSW, highlighting the

¹ Wesley Enoch, *pers.comm.*, November 2011.

² National Congress of Australia's First Peoples, *National Congress Report 2011 – Building Our Foundations*, p. 50.

³ Steven Ross, Yarkuwa Indigenous Knowledge Centre, *pers.comm.*, November 2011.

⁴ AIATSIS and FATSIL, *National Indigenous Languages Survey Report, 2005*.

significant body of evidence over a number of decades which supports the need for urgent action in Aboriginal and Torres Strait Islander language learning, maintenance and revival.

Census results also show a decline in Aboriginal language use in communities in the current decade. In 2001, 11.1% of Aboriginal and Torres Strait Islander people over the age of five spoke a First Peoples language, whilst in the 2006 census this figure was only 9.2 percent.⁵ Congress expects to see a continued trend of decline in the 2011 Census figures, due to a range of factors, including the lack of sufficient funding for Aboriginal language programs, lack of coordination and strategic approach to language maintenance and revival efforts, and the cessation of bilingual education in the Northern Territory in 2010, where the largest number of speakers of 'strong' languages reside. This trend of decline is of deep concern to Congress.

Tony Abbott, Leader of the Opposition, has been quoted by Noel Pearson, Director of the Cape York Institute as saying "Because it is unique to our country, support for Aboriginal culture is a responsibility of Australian government."⁶ Mr Pearson himself has said that if Aboriginal and Torres Strait Islander languages and cultures are not saved, the "wellbeing of our people will never be achieved," and that it is "a question of national wellbeing and national identity."⁷

The adoption of First Peoples languages by the wider Australian community as everyday vernacular, including place and street names, national park and conservation reserve names and interpretive signage, plant and animal names and description of natural phenomena and landmarks is an important part of Australian society, reconciliation, awareness raising, as well as being a matter of deep pride for First Peoples. Aboriginal and Torres Strait Islander languages identify things about this country in a way that is uniquely Australian.

Congress acknowledges that the Government has made efforts in this area over the years. These efforts include the Indigenous Languages Support (ILS) funding (previously called the MILR program) for language programs since 1993, the *State of Indigenous Languages Report* in 2001, the *National Indigenous Languages Survey* in 2005 (2005 NILS), *Indigenous Languages – A National Approach in 2009 (the National Indigenous Languages Policy)*, the *Social Justice Report 2009 (Chapter 3: The perilous state of Indigenous languages in Australia)*, and *The National Aboriginal and Torres Strait Islander Education Policy and Action Plan 2010-14*. Congress asserts that these surveys, reports and now National Policy, while helpful in identifying issues, have not made significant headway in improving the situation, and that action is urgently required to develop a new and strategic approach to implementation of Aboriginal and Torres Strait Islander language maintenance and revival efforts.

Congress commends the Committee for this inquiry into what has and has not worked, and its efforts to identify what needs to be done to slow language loss in Aboriginal and Torres Strait Islander communities, and improve language learning.

Congress asserts that there needs to be immediate action by the Government in order to slow the rapid loss of Australian Aboriginal and Torres Strait Islander languages; as uniquely Australian heritage of importance to all Australians, as well as being intrinsically linked with the well-being of

⁵ Obata, K. and Lee, J., "Languages of Aboriginal and Torres Strait Islander Peoples – An uniquely Australian heritage" in Australian Bureau of Statistics, Year Book Australia 2009-2010.

⁶ Noel Pearson, *Right crucial to Aboriginal reforms*, *The Australian*, September 2010.

⁷ Noel Pearson, *Griffith Lecture*, Brisbane, October 25, 2011.

Aboriginal and Torres Strait Islander peoples and their sense of strong identity, self-esteem and belonging⁸.

Congress notes that the Government is currently developing a National Cultural Policy, to which Congress will be submitting a separate submission.

Congress also reminds the Committee of the Government's recognition of Aboriginal and Torres Strait Islander people's language and culture as part of the Constitutional Reform process currently underway, which highlights the national significance of such an acknowledgement.

Congress notes the important work of individuals and language groups in States and Territories, who have volunteered over a long term and often in a voluntary capacity or with limited financial support to promote and maintain the importance of Aboriginal and Torres Strait Islander languages.

2. Congress comment

2.1 Government obligations to First Peoples' language rights.

Aboriginal and Torres Strait Islander peoples have the right to maintain their cultures under the *United Nations Declaration on the Rights of Indigenous Peoples* (The Declaration), to which Australia is a signatory.

The United Nations Expert Mechanism on the Rights of Indigenous Peoples has stated that:

“A major factor contributing to the disadvantaged position of indigenous peoples is the lack of quality education - which may be defined as education that is well resourced, culturally sensitive, respectful of heritage and that takes into account history, cultural security and integrity, encompasses human rights, community and individual development, and is designed in a way that is implementable.”⁹

Congress notes the relevant articles of the Declaration which outline Australia's existing human rights obligations to Australia's First Peoples with respect to language.

Article 11

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken

⁸ Nola Purdie, Pat Dudgeon and Roz Walker (Editors), *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice*, 2010.

⁹ United Nations General Assembly, *Study On Lessons Learned And Challenges To Achieve The Implementation Of The Right Of Indigenous Peoples To Education*, August 2009.

without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
2. States shall take effective measures to ensure this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

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.

These key responsibilities of the Australian Government require a long term approach, as well as multi party support, as this is an issue of local and national importance that requires commitment and engagement by all political leaders, state and federal.

Congress recommends that a long term strategic plan to implement its responsibilities for First Peoples languages under the Declaration be undertaken as a matter of priority by the Government, which includes language maintenance and revival.

2.2 One size does not fit all - each community is different.

There are widely different experiences and desires within Aboriginal and Torres Strait Islander communities regarding the techniques needed to either maintain or revive their language, depending on the level of language loss that the community has suffered, and whether English is their first, or subsequent language. The psychological, cultural, social and educational benefits of bilingual education and use of English as a Second Language (ESL)

teaching methodologies for those communities for whom English is not their first language is well documented. For other communities where English is the main language, the successful use of revival techniques, ESL methodologies, preschool and adult learning are well evidenced by international organisations referenced in this document, as well as in all of the submissions made to this inquiry by the educational fraternity.

A myriad of options have been recommended to the Government through previous reports and reviews, are supported by evidence, and enable a range of solutions suitable for various communities to be enacted by State and Territory Governments and by communities, suitable to each community's needs. Whether that community is an English speaking community needing to revive and re-learn their traditional language, or community who needs to maintain language use while learning English as a second language, there is a corresponding model which has been evidenced as being successful. Widely different experiences of communities require widely different solutions to be developed in consultation with each community.

The Aboriginal and Torres Strait Islander people and organisations with whom Congress has consulted have said that flexibility by Government, as well as community involvement in program development and delivery, are the keys to success. Evidence from the USA has shown that :

“When Native nations make their own decisions about what development approaches to take, they consistently out-perform external decision makers on matters as diverse as governmental form, natural resource management, economic development, health care, and social service provision.”¹⁰

Congress recommends that policies and programs must be targeted to local community needs in active partnership and engagement with that community.

Congress recommends reinstating bilingual education in the Northern in those communities that have requested it. Experts have provided evidence which documents that learning an Aboriginal language enhances Aboriginal children's English language learning.

2.3 Better planning and service delivery is needed.

It is of great concern to Congress that there have been multiple reviews and recommendations made in relation to the maintenance, revitalisation and revival of Aboriginal and Torres Strait Islander languages, and to the benefits of teaching First Peoples languages and English together, and yet a strategic approach to language education, maintenance and revival has not been undertaken. Congress recommends mapping and developing an implementation plan for recommendations from these previous reports as a priority.

In attempting to evaluate the potential and actual impact of language policy on endangered languages worldwide, the United Nations Educational, Scientific and Cultural Organisation (UNESCO) journal cites “weak linkages between policy and planning which render

¹⁰ The Harvard Project on American Indian Economic Development, at <http://hpaied.org/about-hpaied/overview>

ineffective most policies aimed at assisting endangered languages”¹¹ as a need for better planning regimes.

There are good examples from many countries where indigenous language policy has involved shared decision-making and mutually agreed goal-setting to meet the needs of indigenous students. From these examples, the UN urged “States to adopt a policy framework for quality education for indigenous peoples, set clear goals, targets and priorities, and develop indicators to measure achievements, together with indigenous peoples.”¹² Outcomes could include “greater participation, improved literacy skills, lower truancy rates and the gaining of meaningful qualifications.”¹³

As Congress member and Noongar man Lester Coyne has stated “programs need to be run not just better, but with better outcomes for Aboriginal and Torres Strait Islander people.”¹⁴

2.4 Establish a National Interpreter Service to improve interpreting and translation access for Australian First Nations peoples

The COAG National Partnership Agreement on Remote Service Delivery states that it is the responsibility of the Government to introduce “a national framework, working with the States and the Northern Territory, for the effective supply and use of Indigenous language interpreters and translators (both technical and non-technical), including protocols for the use of interpreters and translators” (national framework).¹⁵ This measure is important for not only the delivery of basic human services due to all citizens, but also is particularly necessary in the area of courts and justice, where the lack of provision of these services may affect the ability of Aboriginal and Torres Strait Islander people to obtain a fair trial, and may lead to increased rates of incarceration.

Congress members have stated that recent attempts to improve translating and interpretation services need to incorporate community approaches to provision of services.

Congress recommends that a National Interpreter Service is established to ensure Aboriginal and Torres Strait Islanders are allowed the same access to services as other Australians as a matter of urgency.

2.5 Establish a new national Aboriginal and Torres Strait Islander Languages body.

Congress supports the recommendation from the 2005 NILS report for the establishment of a National Indigenous Languages Centre. The *2009 National Indigenous Languages Policy* has committed to undertake a feasibility study for the centre. Congress believes its

¹¹ Suzanne Romaine, Oxford University, *The Impact of Language Policy on Endangered Languages*, International Journal on Multicultural Societies. Vol 4. No 2., UNESCO, 2002.

¹² United Nations Expert Mechanism on the Rights of Indigenous Peoples, *Study On Lessons Learned And Challenges To Achieve The Implementation Of The Right Of Indigenous Peoples To Education*, p.14.

¹³ Submission to the UN by the Government of New Zealand. In previous reference, from *Ka Hikitia - managing for success: the Māori education strategy 2008-2012*.

¹⁴ Lester Coyne is a Noongar man, a Congress member, and ex-chairperson of the Federation of Aboriginal and Torres Strait Islander Languages and Culture (FATSILC), the national Aboriginal languages peak body.

¹⁵ COAG *National Partnership Agreement on Remote Service Delivery* (2008) [19 (g)].

establishment is important as a coordinating body. Further discussion of the model is necessary, which incorporates advice from Aboriginal and Torres Strait Islander people with expertise in the field about its role. It is critical to build on what has already been achieved and draw on the skill and experience of these already involved in Indigenous policy, program and service delivery.

The national body could:

- oversee the implementation of the many recommendations from the multiple reviews, reports and implement the actions from the *National Indigenous Languages Policy*
- coordinate language funding
- develop training and performance standards
- conduct mapping, strategic planning and prioritisation of a suite of maintenance and revival activities nationally, in conjunction with State education departments, State or Regional Aboriginal language centres, and community groups and
- support local approaches by communities and Traditional Owners as part of its core work.

Congress recommends:

- a) an implementation plan for the National Indigenous Languages Policy is developed as a priority, and
- b) the formation of a national body to carry out this implementation as a key milestone in any plan.

2.6 Overhaul of funding regime is required

The 2010 Strategic Review of Indigenous Expenditure highlights the need for major improvements to funding for Aboriginal and Torres Strait Islander initiatives.

Congress recommends a review of the Government's language funding regime. Issues of concern raised by Congress members include:

- a) The current funding approach of the Indigenous Languages Support program is inconsistent, inadequately informed, non-strategic and short-term. Congress asserts that there should be a strategic approach to funding allocation, with different priorities funded each year, as part of a long term and wholistic strategy. Congress members advised that they had no confidence that the current ILS funding decisions are based on good intelligence, evidence of success, or a strategic methodology.
- b) A gap exists in the participation of Aboriginal and Torres Strait Islander involvement in funding decisions. Many Aboriginal and Torres Strait Islander people have been working tirelessly to revive and maintain their languages as a key part of their culture for many years or decades, and have a wealth of expertise about what works and what doesn't. Their knowledge is invaluable to assist in good decisions being made regarding funding. A National First Peoples languages centre could assist with this role.
- c) There is an urgent need for additional funding for Aboriginal language programs to sustain a roll-out of trials across the country of well-evidenced language revival models. The funding commitment of \$9.6m in 2011/12 is not sufficient to implement a strategic approach countrywide, or even region-wide. Also, no rationale has been provided for decisions in relation to funding amounts by the program.

- d) The funding methodology needs to be improved. The bureaucracy of language funding is large, and staff turnover is profound, which has led to poorly informed decisions in regard to funding, and lack of good historical data.
- e) Allocation of funding and the provision of services and programs needs to be better coordinated to respond to the needs of each community (e.g. implementation flexibility).
- f) Priority mapping is needed to ensure equitable distribution of funds to traditional owner groups, people living in urban areas, as well as linguists and universities.
- g) Need to earmark a larger portion of ILS funding towards community language programs. There was concern that up to 50% of ILS budget in recent years had gone into linguistic work and staffing, not program delivery.
- h) Similarly, there was concern that funding is going to non-Aboriginal and Torres Strait Islander run programs.¹⁶ Our members recognise that good relationships with non-Aboriginal or Torres Strait Islander researchers and others are essential, but believe that program funding must be dependent on Aboriginal and Torres Strait Islander organisations being in control of programs, at the least as auspicing bodies. While other groups may be able to access alternative funding sources, First Peoples groups rely on government funding through the ILS program.
- i) Communities believe an overall national strategy for language maintenance and revival based on international standards and research is required.
- j) Concern that reporting regimes for language funding received were excessive. For the small amount of funding received, the reporting is onerous on community programs and requires streamlining.
- k) There was a call for a portion of the ILS budget to be used for pooled funding for resource acquisition for communities, as many communities and language groups must purchase dictionaries and grammars from non-Aboriginal linguists and book publishers.
- l) Competitive funding rounds are difficult for community run organisations. Previous recommendations in Government reports suggest State and regional Aboriginal and Torres Strait Islander Language Centres have a role in assisting language groups in their region with applications.
- m) Tri-annual funding was seen as necessary to allow for longevity and strategic planning and for the success of programs.
- n) Language organisations should be granted deductible gift recipient status, to allow for philanthropic donations and income tax deductible gifts. Aboriginal and Torres Strait Islander languages are embedded in culture and the two should not be separated, and therefore language organisations should be eligible for placement on the Register of Cultural Organisations administered by the Office for the Arts, the Department of the Prime Minister and Cabinet.

3. Conclusion and List of Recommendations

3.1 Congress reminds the inquiry that Aboriginal and Torres Strait Islander languages are intrinsically linked with the practice of cultures, cannot be separated, and must be maintained as part of the ongoing Aboriginal and Torres Strait Islander, and the greater Australian, cultural economy.

¹⁶ Examples provided were that of the Catholic Church, Shire Councils, and State or Territory Government Natural Resource and other departments receiving funding in a number of recent ILS funding rounds.

- 3.2 Congress asserts that the Federal Government must act immediately to stop the disappearance of Aboriginal and Torres Strait Islander languages, as a matter of national significance to all Australians, and as an intrinsic part of Aboriginal people's human rights, identity, self-esteem, and well-being.
- 3.3 Congress concludes that the delay in implementing on-the-ground solutions for communities to allow them to, in whatever manner is best suits that community, implement a range of language maintenance, revival and revitalisation activities, is unacceptable, and requires urgent action.
- 3.4 Congress asserts that policy development and implementation must be responsive to local community needs and incorporate flexible processes for engagement with communities. Government now has the opportunity to devise a positive new partnership with Aboriginal leaders and communities in which tangible solutions are identified by the people themselves, and practical steps are taken to achieve them. Government flexibility is key to this approach.
- 3.5 Congress reminds the Government of its responsibility to ensure policies and programs are fully consistent with the standards affirmed in The Declaration.

Congress makes the following specific recommendations:

- 3.6 Congress recommends that policies and programs must be targeted to local community needs in active partnership and engagement with that community.
- 3.7 Congress recommends reinstating bilingual education in the Northern Territory in those communities that have requested it. Experts have provided evidence which documents that learning an Aboriginal language enhances Aboriginal children's English language learning.
- 3.8 Congress recommends mapping and development of an implementation plan for recommendations from previous reports and for the 2009 National Indigenous Languages Policy as a priority.
- 3.9 Congress recommends that a National Interpreter Service is established to ensure Aboriginal and Torres Strait Islanders are allowed the same access to services as other Australians as a matter of urgency.
- 3.10 Congress supports the recommendation from the 2005 NILS report for the establishment of a National Indigenous Languages Centre.
- 3.11 Congress recommends a review of the Government's language funding regime.

4. Acknowledgements

To prepare this statement, Congress has established a reference group of key member organisations involved in language maintenance, teaching and revival. These include Yarkuwa Indigenous Knowledge Centre, and the Federation of Aboriginal and Torres Strait Islander Languages and Culture and individual members involved in language work. Congress acknowledges and supports

their assistance, as well as the submissions and voices of the many Aboriginal and Torres Strait Islander organisations and peoples who have already submitted their views to the inquiry.

Congress has analysed and acknowledges the work that has gone into previous reviews, reports and submissions on Aboriginal and Torres Strait Islander languages since 2001.

Congress also as acknowledges the excellent submissions to the inquiry from a number of strategic partners, including Australians for Native Title and Reconciliation, The Australian Human Rights Commission, and the Koori Centre at University of Sydney.

Congress acknowledges the shared message in many of these submissions, that all actions and measures to address Aboriginal disadvantage must be consistent with international obligations under United Nations instruments to which it is a signatory.