UNIVERSITY OF TECHNOLOGY SYDNEY

Jumbunna
Indigenous House of Learning

Submission to the

Standing Committee on Aboriginal and Torres Strait Islander Affairs

LANGUAGE LEARNING IN INDIGENOUS COMMUNITIES

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1. Thank you for the invitation to make a submission to the inquiry into Indigenous languages in Australia, conducted by the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs.

2. Jumbunna Indigenous House of Learning Research Unit at the University of Technology, Sydney (Jumbunna) aims to undertake and promote excellence and innovation in research and advocacy on Aboriginal and Torres Strait Islander legal and policy issues. Jumbunna aims to produce the highest quality research on Indigenous legal and policy issues and to develop highly skilled Indigenous researchers.

3. Jumbunna would like to acknowledge that they are not experts in the area of Indigenous languages or Indigenous language education, however, fully support and advocate for the revival, maintenance and ongoing learning of Indigenous languages and acknowledge the strong role language plays in the cultural empowerment of Indigenous people across Australia and future generations.

4. This submission therefore will refer to the terms of reference more broadly, emphasising the need for governments when planning policy and programs to commit to fair and transparent consultation and evaluation processes that are culturally appropriate, consider all available evidence, and have long term vision.

RESPONSE

5. Language is a human right. Languages not only shape how we think, tell our stories, enable us to communicate and give names to our people and places, they form part of our identity and are a link to our culture. As put by Professor Ghil'ad Zuckermann,[1] language is part of the 'Intellectual Sovereignty' of Indigenous people.

6. The *UN Declaration on the Rights of Indigenous peoples* signed by Australia in 2009, recognises both the rights for Indigenous people to run their own education systems in their own languages and for the State to assist them 'when possible'.[2]

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[1] Chair of Endangered Languages, School of Humanities, University of Adelaide, *Life Matters,* ABC Radio 19 July 2011
[2] Article 14

7. Sadly, many Indigenous languages around Australia are under threat because of inaction and gaps and failures in government policy. As noted by Tom Calma:

Unless urgent action is taken our languages will die out in the next 10-30 years. The loss of languages will result in the loss of knowledge and will affect our peoples' culture, health and well-being.[3]

8. Australia's Indigenous people are linguistically diverse. The Aboriginal Languages library on the FATSILC website states there are more than 200 Australian Indigenous languages. Of these, less than 20 languages are strong and even those are endangered: the others either have been destroyed, live in the memories of the elderly, or are being revived by their communities.[4] According to 2006 Australian Bureau of Statistics (ABS) census data:

Over 55,000 people spoke an Australian Indigenous language at home (including Australian Creoles), which equates to 11% of all Indigenous Australians and less than 1% of the total Australian population. The two most commonly spoken Indigenous languages were Torres Strait Creole and Kriol (an Australian Creole). In the Northern Territory, 54% of Indigenous people spoke an Indigenous language at home.[5]

9. The benefits of maintaining language for these existing speakers and for future speakers is highlighted by the ABS's recently released research that focuses on language and young peoples' wellbeing. The research found that young people who spoke an Indigenous language – almost half of all Aboriginal and Torres Strait Islanders in remote areas between the ages of 15-24 – were less likely to participate in high-risk drinking and drug abuse than those young people who did not speak a traditional language.[6] This type of research demonstrates the potential benefits to communities when Indigenous languages are spoken and provide an argument for Indigenous languages to be included in a national curriculum from early education onwards.

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[3] Aboriginal and Torres Strait Islander Social Justice Commissioner *Social Justice Report 2009*, Australian Human Rights Commission 2010 (p58)
[4] http://www.fatsilc.org.au/languages/reports
[5] http://www.abs.gov.au/ausstats/abs@.nsf/7d12b0f6763c78caca257061001cc588/636F496B2B943F12CA2573D200109DA9?opendocument
[6] 4725.0 - Aboriginal and Torres Strait Islander Wellbeing: A focus on children and youth, April 2011 Australian Bureau of Statistics

10. The benefits of teaching local Indigenous languages have not gone unnoticed by government and have been recently highlighted by the NSW government:

reclaiming and maintaining Aboriginal language and culture is imperative, as it instils a greater sense of identity, pride and confidence in people and leads to increased school attendance and participation.[7]

11. Sadly however, what the NSW government has acknowledged as important steps toward cultural empowerment, a position on Indigenous language has been largely ignored by the federal government's recent incarnation of key measures since the Intervention began in the Northern Territory in 2007 and the Northern Territory Government, with the support of the Commonwealth, all but abolished bilingual education in remote Indigenous schools ignoring the evidence of its positive values.

12. An AIATSIS paper published after the abolition of bilingual education in the NT notes that promoting bilingualism was seen as having many benefits on an individual and community level by:

enriching people intellectually, educationally and culturally, enabling intergenerational communication, providing cognitive advantages, enhancing employment and career prospects, and contributing to general wellbeing.[8]

13. Furthermore, education, one of the key priority areas' in FAHCSIA's *Stronger Futures in the Northern territory Discussion paper* (June 2011)[9] does not canvas the reinstatement of bilingual education, largely ignoring the cries from local communities who support its reinstatement that has been supported by Jumbunna's own research in the NT.

14. Since 2008, Jumbunna researchers have conducted extensive research with Northern Territory Indigenous communities examining the impact of the Northern Territory Emergency Response. In the course of this research, Jumbunna recorded interviews and statements from a large number of Indigenous teachers and parents who are extremely distressed about the recent restrictions placed on bilingual education programs by the NT government.

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[7] Victor Dominello, NSW Minister for Aboriginal Affairs, Media release 20 July 2011 *NSW Government Announces Funding for Aboriginal language Centre*

[8] *Gaps in Australia's Indigenous Language Policy: Dismantling bilingual education in the Northern Territory* Jane Simpson, Jo Caffrey and Patrick McConvell, AIATSIS Discussion Paper Number 24 (p8)

[9] http://www.google.com.au/url?sa=t&source=web&cd=1&ved=0CCoQFjAA&url=http%3A%2F%2Fwww.indigenous.gov.au%2Fwpcontent%2Fuploads%2F2011%2F06%2Fs_futures_discussion_paper.pdf&ei=MR5DTrusMtCMmQXFy_yyCQ&usg=AFQjCNGsW9tmlq5qlQCtkrK3F2cweCUO1Q

15. At the community level, the right to teach from curricula developed in Indigenous languages is expressed in ways inextricably linked to broader questions of rights to land, culture, employment and decision-making. Opposition to the restrictions on bilingual education was largely in the context of opposition to a raft of federal and NT government policies that have taken decision-making power and resources away from Indigenous communities. Since the Intervention, school attendance rates in Indigenous communities have declined by approximately 6 per cent[10] with some of the sharpest drops in school attendance taking place in schools where bilingual education programs were formerly operating, including a 23 per cent drop at Lajamanu.[11] As a consequence of this jobs for local people have disappeared as bilingual education programs are cut.

16. Separate research undertaken by Jumbunna with six Aboriginal communities in NSW looking into factors impacting on rates of crime indicates that the impact of colonisation in destroying language, cultural practice and the legitimate exercise of authority of elders and local institutions has resulted in towns exhibiting fundamental distress manifesting in high rates of crime, dangerous levels of alcohol consumption, and significant mental health issues.

17. Furthermore, Jumbunna are deeply concerned with the overrepresentation of Aboriginal people in the criminal justice system. In relation to translating and interpreter services, Jumbunna support the notion that we all have the 'right' to understand and be understood and that government's have the obligation to assist this by providing interpreter or translator services for their clients when undertaking government business, including native title negotiations.

18. A recent government inquiry into the high level involvement of Indigenous juveniles and young adults in the criminal justice system and its subsequent report released in June 2011, *Doing time – time for doing*[12] found that Indigenous language interpreting and translating services were inadequate, particularly in remote communities, and in relation to courtroom matters Jumbunna support the following RCIDIC recommendation (99) in relation to interpreter services:

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[10] *Closing the Gap in the Northern Territory Monitoring Report (July – December 2010) Part 2* at http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/closing_gap_NT_jul_dec_2010/Documents/part2/Closing_the_Gap_Part2.htm#t2_1

[11] Dan Harrison, "NT schools to stick to English despite attendance falls", *Sydney Morning Herald*, January 11 2011 at http://www.smh.com.au/national/education/northern-territory-schools-stick-to-english-despite-attendance-falls-20110117-19u5d.html

[12] http://www.aph.gov.au/house/committee/atsia/sentencing/report.htm

That legislation in all jurisdictions should provide that where an Aboriginal defendant appears before a Court and there is doubt as to whether the person has the ability to fully understand proceedings in the English language and is fully able to express himself or herself in the English language, the court be obliged to satisfy itself that the person has that ability. Where there is doubt or reservations as to these matters proceedings should not continue until a competent interpreter is provided to the person without cost to that person. (3:79)

19. The need for improvements to be made to interpreter services was confirmed by another report released in April this year by the Commonwealth Ombudsman,[13] which points out the necessity for government agencies and their contracted service providers to:

- *Increase their awareness of the need for Indigenous language interpreters*
- *Train staff to work with interpreters and develop comprehensive policies on their use*
- *Build their engagement with interpreter services and include the costs associated with training into new policy initiatives*
- *Remove barriers to recruiting interpreters.*

IN SUMMARY JUMBUNNA RECOMMEND AND SUPPORT:

20. Language as a human right;

21. The removal of policies and practices that undermine cultural expression;

22. Local community-driven language maintenance, strengthening and revival programs that are supported by governments for the longer term;

23. Aboriginal languages as part of a National Curriculum program, including early education;

24. Reinstatement of bilingual education programs in the Northern Territory; and,

25. Effective, accessible legislated interpreter and translation assistance for Aboriginal people.

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[13] *Talking in Language: Indigenous language interpreters and government communication* http://www.google.com.au/url?sa=t&source=web&cd=1&ved=0CCoQFjAA&url=http%3A%2F%2Fwww.ombudsman.gov.au%2Ffiles%2FTalking_in_Language-Indigenous_Interpreters_REPORT-05-2011.pdf&ei=szJDTtuLHcLtrAfcoOncBw&usg=AFQjCNEsV7yLiSw5r3RCq9U4WpQV-HZglQ

This submission has been prepared by Terry Priest, Senior Researcher, on behalf of the Research Unit at the Jumbunna Indigenous House of Learning, University of Technology, Sydney. We would be happy to provide further information on any of the above.

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