Commonwealth OMBUDSMAN

Submission by the Commonwealth Ombudsman

House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs

INQUIRY INTO LANGUAGE LEARNING IN INDIGENOUS COMMUNITIES

Submission by the Commonwealth Ombudsman, Allan Asher

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INTRODUCTION

In recent years the Australian Government has increased its engagement with Indigenous Australians. This has been most evident in rural and remote Indigenous communities in the Northern Territory (NT), although there has also been increased activity in some regions of Queensland, Western Australia and South Australia.

This office has been funded until 2011-12 to provide an independent oversight of the Northern Territory Emergency Response and the Closing the Gap programs in the NT.

The Commonwealth Ombudsman safeguards the community in its dealings with Australian Government agencies by:

- correcting administrative deficiencies through independent review of complaints about Australian Government administrative action
- fostering good public administration that is accountable, lawful, fair, transparent and responsive
- assisting people to resolve complaints about government administrative action
- developing policies and principles for accountability, and
- reviewing statutory compliance by law enforcement agencies with record keeping requirements applying to telephone interception, electronic surveillance and like powers.

In order to carry out this work in the context of the Closing the Gap initiatives, we regularly undertake outreach to remote Indigenous communities in the NT.

It is our view that effective engagement relies on two way communication and in these communities, often depends on the services of Indigenous language interpreters. However, complaints to the Ombudsman's office – as well as the observations and experience of this office during outreach visits to remote NT communities – indicate that Indigenous language interpreters are not always used when they should be. These services can also be difficult to obtain.

In our experience, without interpreters and proper regard to the language barriers that Indigenous Australians face, service delivery can be misdirected and damaging and people can be excluded from, and alienated by, the very programs designed to assist them. Further, if Indigenous languages are not preserved and then taken into account in service delivery to Indigenous Australians, many Closing the Gap initiatives will be undermined.

BACKGROUND

We welcome the opportunity to contribute to this important inquiry and hope that our submission is of assistance, particularly with regard to the following Terms of Reference:

- The benefits of giving attention and recognition to Indigenous languages
- The contribution of Indigenous languages to Closing the Gap and strengthening Indigenous identity and culture
- The educational and vocational benefits of ensuring English language competency amongst Indigenous communities
- Measures to improve Indigenous language interpreting and translating services
- The effectiveness of current maintenance and revitalisation programs for Indigenous languages, and
- The effectiveness of the Commonwealth Government Indigenous languages policy in delivering its objectives and relevant policies of other Australian governments.

RESPONSE TO TERMS OF REFERENCE

Indigenous language interpreters

The Ombudsman recently conducted an own motion investigation into the use of Indigenous language interpreters in the delivery of services by Commonwealth agencies and their contracted service providers. The investigation culminated in a report, *Talking in Language: Indigenous language interpreters and government communication*, which was published in April this year. Rather than repeating the content of the report, a copy has been provided with this submission.

The report echoes the Committee's own concerns about the adequacy of Indigenous language interpreting services for remote Indigenous Australians in its report, *Doing time- time for doing*. It is beyond question that many Indigenous people are gravely disadvantaged by the lack of easily accessible and skilled interpreters in the full range of languages that are spoken across the country.

We also found that more can be done to ensure that agencies are aware of the importance of using Indigenous language interpreters, provide instructions and training to their staff to increase their skills in working with Indigenous interpreters and review their contractual and funding agreements to ensure that third party service providers are similarly obliged to improve their utilisation of Indigenous language interpreters.

However, these are only interim measures until such time as the National Framework for the effective supply and use of Indigenous language interpreters and translators has been developed and implemented nationally. It is envisaged that the Framework will increase the awareness of the need to utilise Indigenous language interpreters and bring greater consistency in government service delivery. Ideally, the Framework should provide a vehicle for the utilisation of existing government programs, and

development of new programs, that will increase the recruitment and retention of Indigenous language interpreters.

The Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) is primarily responsible for developing the National Framework, pursuant to the Council of Australian Government's National Partnership Agreement on Remote Service Delivery. While FaHCSIA is progressing in the development of the Framework, there is still significant work to be done.

Since releasing our report in April this year, we have held a workshop with the seven Commonwealth agencies whose practices we examined, as well as representatives from the Northern Territory Government's Department of Housing, Local Government and Regional Services, including the Northern Territory Aboriginal Interpreter Service. The seven Commonwealth agencies will be reporting to us by late August about the steps they have taken in response to our report, at which point an update will be provided at www.ombudsman.gov.au.

Indigenous language education

During outreach to remote Indigenous communities, Commonwealth Ombudsman staff often receive complaints about matters that are outside our jurisdiction. When this occurs we facilitate the transfer of the complaint to another oversight body, such as the Northern Territory Ombudsman, or provide information about alternate complaint mechanisms. In some communities, particularly in those that have a history of successful bilingual education, it is not uncommon for complaints to be made to us about the changes in the Northern Territory education system that have brought about a reduction in the amount of time that children are taught in Indigenous language.

In informing the Committee of these complaints, we express no view as to the merits or otherwise of this change in education policy and must emphasise that we have not investigated these complaints. Nonetheless, the Committee may be assisted to learn of the following statements that have been made to us:

- 'Warlpiri elders used to come to the school and teach the children in Warlpiri. This has stopped and the white people are pushing the Warlpiri aside.'
- 'education needs to work with Anungu people and respect the culture and the way of resolving problems'
- 'people are saying they will take their children out of school' (in response to the reduction in bilingual education)
- 'school is hard for our children because of the cultural differences and no focus on Indigenous culture'.

One complainant, who had worked as a language education officer, assisting the teachers in the school, explained he was unhappy about the Northern Territory Government's rules about bilingual education and he is worried that this will decrease literacy and numeracy.

Finally, in our Indigenous interpreters report, we noted the National Indigenous Language Policy. This office supports the overarching objectives of that policy.