

## **Submission to Productivity Commission Expenditure on Children in the Northern Territory**

### **ENGLISH IS NOT A FIRST LANGUAGE IN MANY REMOTE COMMUNITIES and is often not understood.**

**USUALLY CONSULTATION DOES NOT MEAN WITH NON-ENGLISH SPEAKERS IN LANGUAGE WITH INTERPRETERS.**

**A GREAT DEAL OF WASTED EXPENDITURE BY GOVERNMENT DEPARTMENTS COULD BE SAVED IF THERE WAS SUCH CONSULTATION.**

Recent research shows that 'more than 85% of a sample of 660 NT Aboriginal adults ... have English reading, writing, speaking, listening and numeracy skills **below the level needed for independence** in the workplace and for having the confidence to participate in all aspects of the broadest Australian society'

**This submission concentrates on the issues that arise from the neglect of consultation with non-English speakers through interpreters by all sectors of the NT and Federal government and therefore all who work with children and families in remote communities.**

#### **THE EVIDENCE**

**The lack of understanding Standard Australian English** has been described by educators as the **"elephant in the room"** (*Indigenous Kids and Schooling in the Northern Territory; Penny Lee et al; 2014*)

*Northern Territory governments since the late 90s have disregarded bi-lingual language thus disempowering 58%, over 6,000, Aboriginal primary school children, who come from families who do not speak English in the home.*

*Many reports have been written and recommendations made about the importance of bi-lingual education and training in ESL (English as a Second Language) or EAL/D as it is called in the NT. (English as an Additional Language or Dialect)*

*The House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs June 1992 A Matter of Survival: Report of the Inquiry into Aboriginal and Torres Strait Islander Language Maintenance.*

*House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs. 2012. Our Land. Our Languages: Language learning in Indigenous communities. The Parliament of the Commonwealth of Australia*

*Shelley & Stewart 2017 'Aboriginal Adult English Language Literacy and Numeracy in the Northern Territory: A Statistical Overview', Whole of Community Engagement Initiative, Charles Darwin University:*

***This is the Year of Indigenous Languages but the Northern Territory government continues to ignore all recommendations for bi-lingual language.***

**The Gonski Education Report** highlighted areas of inequality and disadvantage. The Northern Territory tops three of these – **Indigenous, 40.6 per cent** (6.6 per cent in Queensland); **remote area, 45.5 per cent** (WA 6.9 per cent); **LOTE (Language Other Than English), 29.2 per cent** (WA 15.2 per cent) .\*(*Review of Funding for Schools Final Report 2011*)

**The NT Government did not sign up** for the Gonski funding and **slashed \$16.5 million from the education budget for year 2013-14**

The **Royal Commission into Child detention** heard that;

- neither the detention guards, the teachers in the detention schools, or anyone involved in family services **knew the level of English understanding** of the Indigenous children or families they were dealing with.
- only numeracy and literacy was tested in the detention schools **not a listening and speaking test**
- **the guards relied on the detainees to translate for each other** (*See transcripts*)

**The Royal Commission's recommendations** relating to English were:

#### 16) Education in Detention

*16.5* Staff members working in education in youth detention be appropriately qualified to conduct special education.

*16.8* The Department of Education recruit tutors proficient in the major Aboriginal language(s) of the area in which the detention centre is located to deliver, at least weekly, a literacy program in Aboriginal language.

*16.10* The Department of Education ensure that there is capacity to adopt an 'English as a second language' teaching model in detention centre schools.

#### 18) Culture in Detention

##### *Territory Families*

*18.1 (3)* require case management assessments to ascertain a detainee's personal, family and cultural background, including skin or language group and competence in the **English** language.

#### 34) Legislation and Legal Process

##### 1. *Recommendation 34.12*

Territory Families ensure that their data management system formally records **the languages spoken by families and their proficiency in English** so that incoming and subsequent caseworkers have advance notice as to whether an interpreter is required

### 37) Child Protection Oversight

#### *Recommendation 37.4*

Territory Families work with the Commission for Children and Young People to provide child-friendly complaints processes, including:

- reviewing the level of knowledge and understanding of the complaints process and the Charter of Rights among children in out of home care and ensuring **that information is provided in easy-to-understand language, including for children whose first language is not English**, and
- providing the Charter of Rights as an audio and video resource, in different languages, **to cater for Aboriginal language speakers and those from culturally and linguistically diverse backgrounds.**

The NT Governments response to RC recommendations *Safe, Thriving and Connected – Generational Change for Children and Families* has listed many priorities to improve initiatives for staff training in EAL/D, Indigenous languages and expand the use of Interpreters.

#### **Where is the evidence that these departmental priorities have been met?**

- a) The Education Department only tests for LN (literacy and numeracy) NOT LLN (Language Literacy and Numeracy) Language includes speaking and listening. It has no specialist EAL/D teachers on staff in remote schools.
- b) Health is checked but understanding spoken SAE (Standard Australian English) is not. Interpreters are not uniformly employed in remote clinics. Staff do not have compulsory training in EAL/D.
- c) Placements are not checked for children understanding English or families trained in EAL/D

### **RECOMMENDATIONS**

#### ***1) ALL DEPARTMENTS DEALING WITH INDIGENOUS CHILDREN CONDUCT AN AUDIT OF CHILDREN'S AND FAMILIES' ABILITY TO UNDERSTAND SPOKEN SAE.***

This should be an essential requirement for every service dealing with NT children. Too often assumptions are made that English and that the systems are understood are understood.

#### ***2) USE SATELITE INTERACTIVE TECHNOLOGY.***

**1) NT School of the Air** is the most sophisticated in the country but it is **not used in remote schools.**

ESL classes could be conducted for both teachers and students.

### **The Problem**

The Isolated Children's and Parents Association ensures that it is their facility and provide pressure against extending it to Indigenous Children. *I have witnessed racist remarks made when concessions are suggested for Corella Creek the only remote Indigenous school that has School of the Air.*

**2) Similar satellite technology could be used in remote clinics** for.

- i) training
- ii) one on one consultations as is practiced in regional Australia
- iii) Phone/skype interpreters could be used

**NOTE:** University students in China are taught English by Skype from the US.

### **3)MANDATE THAT INTERPRETERS SHOULD BE EMPLOYED BY MANAGERS OF GOVERNMENT ORGANISATIONS IN COMMUNITIES. THEY SHOULD BE PRESENT FOR ALL GOVERNMENT VISITS AND CONSULTATIONS.**

1)Qualified staff interpreters should be employed in schools, clinics and government organisations.

2)The telephone interpreters service should be used if on-site interpreters are not available. This would mean that many Elders and members of the community are consulted.

3)All employers in communities should insist on visitors being accompanied by interpreters or arrange for a local interpreters to be present.

**NOTE:** Consultants and government representatives constantly appear in communities to discuss future plans, often with no appointment and no interpreter. The result is that there is no community consultation before hand and the visitors usually talk to non-Indigenous staff. If locals are consulted they are usually those who are confident in speaking English.

*I have witnessed, on several occasions, consultants gather information only from non-Indigenous employees with no community members present. One consultant admitted that he did not know that many in the community, or other remote communities that he had visited, did not understand SAE.*

The result is that the community does not believe it has any power over the decision making process and information and recommendations often do not reflect what the community might want or need.

4)The Aboriginal Interpreter's Service should be better funded.

**NOTE** The website is 3 years out of date. Batchelor Institute no longer trains interpreters. The Service itself trains for Certificate III and the Diploma in Interpreting and Translation is carried out by the University of South Australia.

#### **4)RE-INTRODUCE BI-LINGUAL /TWO WAY EDUCATION**

**THIS IS THE INTERNATIONAL YEAR OF INDIGENOUS LANGUAGES. While the rest of Indigenous Australia is trying to reclaim their languages the NT government is destroying theirs.**

**Many of the declining statistics in relation to Indigenous Children's welfare and the widening health gap can be traced to the Northern Territory abandoning culture and language and the special needs for NT Aboriginal children.**

**Communities want to retain their own language and culture.**

Research shows Guenther J. 2015. *Overview of Remote Education Systems qualitative results*. CRC-REP Working Paper CW025. Nin ti One Limited, Alice Springs.

Aboriginal stakeholders in remote communities want to:

- 1) *maintain connection to language, land and culture;*
- 2) *ensure that learners have a strong identity rooted in context;*
- 3) *providing pathways to employment and economic participation;*
- 4) *being strong in both worlds (western and Aboriginal)*

They measured success in education as

- 1) *parent involvement and role models;*
- 2) *Academic outcomes (basic competence in reading writing and numeracy;*
- 3) *Community engagement – communities being part of what happens in schools;*
- 4) *attendance.*

Two-way education was recognised by the NT Education Department in the 70s, 80s and 90s.

Local Aboriginal teachers were trained and teaching guides introduced teachers to local culture and showed them how to include teachers in their teaching teams.

#### **NOTE:**

a) I found in a school store room *Language Power*, 1998 Three books designed 'to achieve more effective language and literacy programs in Aboriginal Schools', for 'Aboriginal and non-Aboriginal teachers in team teaching situations'. I know there are many others.

b) Indigenous and non-Indigenous teachers from that period can testify to the benefits of two way learning.

Guenther, J., & Disbray, S. 2015. Why local staff matter in very remote schools. Paper presented at the Australian Association for Research in Education annual conference, Fremantle. 1 December 2015: 1.

c) Two Federal Government Committees made extensive recommendations to retain and preserve Aboriginal language programs

House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs June 1992 *A Matter of Survival: Report of the Inquiry into Aboriginal and Torres Strait Islander Language Maintenance.*

House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs. 2012. Our Land. Our Languages: Language learning in Indigenous communities. The Parliament of the Commonwealth of Australia.

## **5) TRAINING FOR WORK IN REMOTE ABORIGINAL COMMUNITIES**

***Teachers in remote communities are not trained in development issues, capacity building or EAL/D unlike teachers for overseas postings.***

In the 60s the Australian School of Pacific Administration (ASOPA) trained Patrol Officers and teachers for “native schools” in the Northern Territory. Ted Egan was one, he was later appointed NT Administrator (2003-2007). Then teachers training courses were two years and one year was conducted by the Balmain Teachers College.

ASOPA was set up after the war, originally to train teachers and administrators for PNG. The course included Anthropology, Government, Education, Native

Education, English Language and literature, Method in English, teaching of English as a foreign language History, Geography, Land Use.

Today teachers coming to the Northern Territory get a 5 day orientation course in Darwin. (*I have met teachers who had no idea they would be faced with a class who could not speak English*)

### **SOLUTION**

All staff employed in communities should have compulsory basic training in the culture and language of the community, the environment, capacity building and EAL/D. Some of these courses could be developed from Overseas Development Courses and delivered by satellite technology.

## **ANSWERS TO QUESTIONS IN ISSUES PAPER**

### **2 What does this study mean for children, families and communities?**

## **Question Set 1**

### **Answers to these questions need to include use of language and interpreters**

\*What types of children and family services are available in your community?

***Do they use interpreters?***

\*Who uses these services and how easy are they to access?

***Do they use interpreters?***

\*Are services being delivered in a culturally capable way that meets the needs of children and families?

***Do they use interpreters?***

\*Are there services that are needed but are not being provided? Or are there problems with the mix of services that are available?

***Interpreters are not employed automatically by mainstream services. There is no checking that instructions are understood. The Interpreters Service needs to train more interpreters so that they can be employed in communities on a ratio to non SAE speakers.***

\*Are you consulted on what services are provided in your community and what outcomes should be prioritized? How could governments and services providers do this better?

***Ensure that the local Indigenous people get due warning of consultation; that they are consulted in language and understand the complex nature of governance, how services operate and their part in it.***

**An Example:** *ORIC (Office of the Registrar of Indigenous Corporations) conduct 2 day workshops - very few and far between in major centres and the pitch and content covered are way beyond those not confident with English and have no idea how the system works. Margaret Northy ex Director Women's Centre in Wadeye.*

\*Are services being provided in ways that maintain and build on the community's cultural and other strengths to prevent harm to children?

***Not if the community does not understand SAE or have interpreters?***

\*How can services be improved to better prevent harm to children and strengthen the resilience of communities (including their cultural foundations)?

***Train staff in EAL/D and use interpreters. Better integration of service providers.***

## **Question Set 2**

\*What specific services and programs are deemed to be children and family services? What criteria should be used to determine which universal services fall into this category?

\*What other government services and programs, beyond 'children and family services', are also relevant to preventing harm, and how to these interact with children and family services?

***Interpreter Services, Education Dept for EAL/D, and community development training.***

\*Given the myriad of services and programs that could be included, which should we focus on? Which services and programs matter most to prevent harm to children?

***Training more Interpreters. Training in EAL/D, culture and developing capacity in the community.***

### **Question Set 3**

\*What should be the respective role of the Australian Government and the Northern Territory Government in relation to children and family services? How should this intersect with their roles in Indigenous policy and in other policy areas, such as health and education?

***Olga Havnen, a respected Indigenous bureaucrat, CEO Danila Dilba Health Service suggested to the Royal Commission that the Federal government should take over responsibility for 10 years – not an intervention but to work with experienced Indigenous people\****

**\*RC Transcript 22 June 2017 p2762 Olga Havnen evidence**

*"I also strongly believe that it's probably going to be necessary to have a much stronger involvement on the part of the Federal Government given that the Northern Territory as a jurisdiction is so heavily reliant on that investment out of the Commonwealth, whether it be through general sort of GST distributions and the like, the fiscal arrangements here in the Territory here are such – is we're a small jurisdiction, we just genuinely don't have the money to do this on our own, and it would be an ideal time, I suppose, to do maybe mark two of what was attempted previously under the Intervention but do this completely differently. And I would suggest something like a 10 year ..... plan that involved not just the Federal Government, the Territory Government, but more importantly having Aboriginal people there as expert advisors on some sort of planning and oversight committee. It is not enough anymore simply to pay us the cursory privilege of being consulted, where our voices are not listened to, where we have no role in decision-making, and that we set up proper mechanisms here that absolutely scrutinises every dollar that gets invested.*

***Statistics and evidence shows that in the last 20 or more years the NT government has proved itself to be incapable of solving the problems relating to Indigenous Children.***



**NOTE** *The NT population is 250,000, smaller than some local councils in other states (Blacktown NSW; Geelong Victoria) There are 25 Members of the Assembly. who only represent 5,000 electors. The cabinet is dominated by ministers who have electorates round Darwin where the majority of the non-Aboriginal people live. They have been characterized as philanthropists for their electorates. \*( Zoellner, D. (2017). Vocational education and training: The Northern Territory's history of public philanthropy. Canberra, ACT: ANU Press.*

\*What role should Indigenous Corporations and non-government organisations play in delivering children and family services? Are there particular roles better suited to different sorts of non-government organisations?

***Ensure all their workers in remote communities have recognised training in capacity building, the relevant culture, language or EAL/D, and use interpreters***

#### **Question Set 4**

\*What funding is available for the provision of children and family services? Who allocates and receives these funds?

***Does it include interpreters and EAL/D training?***

\*Where can we obtain up-to-date information on the funding and delivery of these services?

\*What specific services and programs are provided? Have there been any significant changes in services since the release of the Royal Commission report in 2017

***John Lawrence SC wrote in The Guardian 18 June 2019*** *"the royal commission will go down as one of the most unsuccessful and ineffective in Australian history .... As yet the federal government has done nothing to implement the recommendations of its own royal commission."*

***In relation to the NT government he stated*** *"People responsible for the mistreatment at the highest levels were exposed but, unlike Indigenous prisoners, there were for no consequences for their actions. Most remained in the job or were moved sideways."*

**NOTE:** *My correspondence with the Education Department about two of the recommendations 16.5 special education;16.8 tutors in language;e and 16.10 adopt ESL as a teaching mode; lshows they have not been acted on.*

\*What service mapping has been done in the Northern Territory?

\*Who benefits from the expenditure(which communities, age groups, etc)?

***Federal Indigenous funds were misappropriated by NT government to build the Darwin Wave pool. Disclosed by Prof Rolf Gerritsen. The Australian 2015? For other articles showing NT Federal dependence see <https://theconversation.com/profiles/rolf-gerritsen-12818>***

\*What proportion of the available funding is absorbed by administration expenses?

\*What evidence is there in the extent of duplicated funding that could be better allocated to areas of higher need?

**An Example:** *“One glaring example of duplication of services was that 2 women from the health dept wandered in to the women's art centre uninvited and without calling to make an appointment - having flown in from Darwin at great expense - to discuss sexual health, especially for young women.- uninvited, unannounced, at their place of work! 2 weeks later another 2 women from a different section of the health dept repeated the scenario! I asked them if they knew A and B -the first two visitors- yes they'd heard of them so I suggested they go back and talk with them, coordinate their activities and be a bit more thoughtful about how and when they approach women about such a sensitive topic.”* Margo Northy ex Director, The Women's Centre Wadeye

\*What barriers prevent people from accessing or using the services they require?

### ***Language barriers***

\*What value would there be in focusing on the funding and delivery of services in specific communities as case studies? If this approach is pursued, which communities would make for the best case studies and why?

## **Question Set 5**

\*How do governments identify needs and priorities for what children and family services are funded? What outcomes are being sought?

***Where the electors are – round Darwin. See response to Question Set 3 no 1***

\*Do governments engage genuinely and effectively with communities in designing policies and programs?

***NO. see Introduction re absence of NT policy to cater for the large number of non-English speakers . Need for interpreters, EAL/D training and bi-lingual education.***

\*How well is funding coordinated between (and within) governments and other services providers?

***See Wave Pool misappropriation example above Question Set 4 (5)***

\*What incentives do grant programs create for service providers? Do they distort how services are provided, make it more difficult for smaller and more local providers to secure funding, or discourage some providers from applying at all?

\*Are there sufficient incentives for service providers to build the long-term capacity of communities?

***No. There is no training in capacity building for service providers and therefore no long term future for non-Indigenous unlike overseas posts where capacity building in a local community provides goals.***

How do funding arrangements affect children and families (for example, their access to services)?

***They are not consulted in their own language***

\*Are decision-making processes rigorous, objective and transparent? How could they be improved?

***Ensuring communities understand the processes***

\*Are monitoring, reporting and evaluation requirements fit for purpose? Are the right outcomes being measured and used for uniform future policy and funding decisions?

\*How can evaluation be effectively designed and incorporated into the public health and place-based approaches?

***Using interpreters***

\*How should government and service providers be held to account for their funding decisions and outcomes?

***Proof that they have consulted in language.***

\*What changes to funding arrangements have occurred since the Royal Commission?

***Has the Federal government contributed any extra money to support the recommendations of the Royal Commission they part funded?***

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## **Julie James Bailey, Abbotsford 2046**

This submission is based on my experience **volunteering in remote Aboriginal communities in the Northern Territory and Kimberly for 18 years** since I retired from Griffith University as Professor of Film & Media.

I have taught governance, video and EAL/D and set up voluntary Skype tutoring in remote schools for students and Assistant teachers.

**For 50 years I have been involved in education television in the US, UK and Australia. In 1984 I was a member of the Australian Broadcasting Tribunal's government Inquiry** into the Effect of the Domestic Satellite beaming commercial television into remote Australia. CAAMA (the Central Australian Aboriginal Media Association) organized **many Indigenous Communities to talk to us through interpreters in Kintore 500 kms west of Alice Springs on the NT/WA.** They were keen for programs to be produced in local languages which we recommended. We granted the licence to Imparje and for the first few years local language programs were made until they had to compete with other networks.

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