



**AUSTRALIAN COUNCIL OF TESOL ASSOCIATIONS**

**Submission to the Productivity Commission**

**Review of the National Agreement on Closing the Gap:**

**Review Paper 2: Proposed approach and invitation to engage with the Review**

**December 2022**

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## LIST OF RECOMMENDATIONS

1. The Review of the Closing the Gap Agreement should include:
  - a. determining where and how Outcome/Target 16 relates to each Priority Reform and Socioeconomic Outcome  
  
and
  - b. an explicit specification of how achievement of Outcome/Target 16 will be pursued in relation to each Agreement Reform and Outcome.
2. In line with the commitment in Priority Reform 3 to “identify and call out institutional racism, discrimination and unconscious bias” and to address “features of systems that cultivate institutionalised racism” (para. 59 a), the Review should scrutinise the current Agreement to determine and make explicit how different languages and languages learning (Aboriginal languages and SAE) can, do and will play a determining role in achieving the Priority Reforms and many, if not all, of the Socioeconomic Outcomes.
3. The Review of the Closing the Gap Agreement should develop an explicit position on:
  - a. how those who are not Parties to the Agreement may contribute to furthering the Reforms and Outcomes specified in the Agreement
  - b. how the Commission and subsequently the Parties to the Agreement will seek out contributions from those who have the expertise, experience and commitment to the Reforms and Outcomes specified in the Agreement.
4. In reviewing the Closing the Gap Agreement, the Productivity Commission should actively seek input from all those involved or expert in provision relevant to the Closing the Gap Agreement.
5. The Review of the Closing the Gap Agreement should:
  - a. explore how the constituents of each Socioeconomic Outcome relate to and potentially support achievement of other Outcomes
  - b. revise the Indicators, Disaggregations and Data Development specifications in relevant Outcomes to reflect these relationships and promote the achievement of Targets
  - c. include a paper or papers elaborating on how Targets can be promoted by utilising the potential relationships between Outcomes and strengthening specifications that show these relationships
  - d. consider whether Outcomes and Targets should be revised in the light of the above.
6. The case studies undertaken in the Review of the Closing the Gap Agreement should

include in-depth exploration of inter-connected factors, causal chains and processes that are contributing to the achievement and failures to achieve Outcomes and Targets.

7. The Review of the Closing the Gap Agreement should accept the National School Resourcing Board recommendations in Submission 22 to the Commission's review of the National Schools Resourcing Agreement.
8. The Review of the Closing the Gap Agreement should include recommendations on how measures and reporting can go beyond compliance and be genuinely quality assured.

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## Submission Outline

The ACTA submission argues that the Closing the Gap Agreement should make more explicit the role of languages and languages learning in the four Priority Reforms and most of the seventeen Socio-economic Targets.

We outline the conceptual approach to Aboriginal and Torres Strait Islander languages, Standard Australian English and the learning of these languages set out in the 2020 National Indigenous Languages Report. This approach should inform the Review.

We list the relevant Reforms and Targets and outline where language issues apply.

Our submission also argues that a place must be created for contributions from Indigenous and non-Indigenous practitioners who have been and are working to advance the Agreement Reforms and Outcomes, among whom are language educators and researchers.

The submission provides examples of where Reforms and Outcomes inter-relate and could support each other, especially as this applies to language and language learning. We recommend that these inter-relationships should be made more explicit.

Finally, we provide examples of where transparency and accountability are lacking and should be improved.

We hope this submission will provide a basis for further engagement with the Productivity Commission in reviewing the Closing the Gap Agreement.

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## 1. Request to engage with the Review of the National Agreement on Closing the Gap

The Australian Council of TESOL Associations (ACTA) seeks to engage with the Productivity Commission in its Review of the National Agreement on Closing the Gap.

ACTA is the peak professional body for TESOL educators in pre-school, school and adult settings.<sup>1</sup> It comprises representatives from state and territory TESOL associations, whose members include teachers, consultants and curriculum developers and researchers in the field of English as an Additional Language or Dialect (EAL/D). Our mission is to advocate for the educational interests of Indigenous, refugee, migrant background and international students in all sectors (Early Childhood Education, schools, adult, community and tertiary education) who are learning English as their second or additional language, and for all those who teach EAL/D learners in specialist and mainstream classrooms.

ACTA has set up various specialist Working Parties and Consultancy Groups, including the **Consultancy Group on English as an Additional Language or Dialect (EAL/D) for Aboriginal and Torres Strait Islanders** (henceforth the ACTA Indigenous EAL/D CG). This submission is based on the work of that Consultancy Group (24 members). Those who directly contributed to the submission are listed in Appendix A, together with short biographies. (Please note that Appendix A is *not* for publication.)

We hope that the Commission will meet with the ACTA Indigenous EAL/D CG and other EAL/D experts we might invite. We believe that the educators whom we represent have valuable insights to offer this Review.

## 2. Specific areas of the Closing the Gap Agreement to which ACTA can contribute

We propose that ACTA can contribute to the following aspects of *Review Paper 2* and the 2020 *National Agreement on Closing the Gap* as set out at [National Agreement on Closing the Gap](#).

### 2.1 Review Paper 2: Proposed Approach

- Proposed approach
- Case Studies

### 2.2 National Agreement on Closing the Gap July 2020

**Section 5:** *Prioritising Aboriginal and Torres Strait Islander Cultures.*

**Priority Reform 2:** *Building the Community-Controlled Sector*

Para 45: Strong community-sector elements

Partnership actions:

50 a: Early childhood care and development

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<sup>1</sup> TESOL = Teaching English to Speakers of Other Languages.  
[Australian Council of TESOL Associations – Australian Council of TESOL Associations](#)

51 Sector Strengthening Plans a and c: workforce; service provision.

**Priority Reform 3: *Transforming Government Organisations***

59 a: Identify and eliminate racism – identify and call out institutional racism

59 b: Embed and practise meaning cultural safety

59 c: Deliver services in partnership with Aboriginal and Torres Strait Islanders

59 d: Increase accountability through transparent funding allocations

59 e: Support Aboriginal and Torres Strait Islander cultures

59 f: Improve engagement.

67 Partnership action a: support mainstream agencies and institutions to embed transformational elements and monitor progress.

**Priority Reform 4: *Shared access to data and information at a regional level***

**Socioeconomic Outcomes**

**Outcome 1:** *People enjoy long and healthy lives*

**Outcome 2:** *Children are born healthy and strong*

**Outcome 3:** *Children are engaged in high quality, culturally appropriate ECE*

**Outcome 4:** *Children thrive in their early years*

**Outcome 5:** *Students achieve their full learning potential*

**Outcome 6:** *Students reach their full potential through further education pathways*

**Outcome 7:** *Youth are engaged in employment or education*

**Outcome 8:** *Strong economic participation and development of people and communities*

**Outcome 10:** *Adults are not overrepresented in the criminal justice system*

**Outcome 11:** *Young people are not overrepresented in in the criminal justice system*

**Outcome 14:** *People enjoy high levels of social and emotional well-being*

**Outcome 16:** *Culture and languages are strong, supported and flourishing*

**Outcome 17:** *People have access to information and services enabling participation in informed decision-making regarding their own lives.*

### **3. Our starting point for engagement**

ACTA's perspective is language(s)-oriented. We focus specifically on how English is learned and taught as an additional language or dialect in educational settings. However, learning English cannot be considered in isolation from the other languages in learners' lives.

In this section, we describe our framework for conceptualising how English and other languages are used and learned by Aboriginal and Torres Strait Islanders.

### 3.1 Standard Australian English (SAE).

SAE encompasses the range of formal varieties of English spoken in Australia, used by governments, universities, schools, etc. in the public domain, formal speech and most published documents. The teachers represented by ACTA are specifically concerned with developing their students' use of SAE as both the medium and mediator of formal education at all levels, and as pathway to employment, broad civic participation and expanded personal wellbeing.

“Standard English” is a cover-term which includes the standard languages of the United Kingdom, America, Canada, Australia, New Zealand and so on, all of which derive from British English dialects.<sup>2</sup>

### 3.2 Language groups/types

Aside from Standard Australian English, **three main language groups** are used and learned by Aboriginal and Torres Strait Islander people in Australia:<sup>3</sup>

***Traditional languages:** These are Australian languages spoken by Aboriginal and Torres Strait Islander people prior to colonisation, and the directly descended language varieties spoken today. Some are strong languages still spoken by children; others are being learned or renewed.*

***New languages:** These Australian languages have formed since 1788 from language contact between speakers of traditional languages with speakers of English and/ or other languages. New languages have historical influences from their source languages, including English, but they are not automatically understood by Standard Australian English speakers.*

***Englishes:** Across Australia there are Aboriginal and Torres Strait Islander ways of speaking English which differ somewhat from Standard Australian English, but which Standard Australian English speakers can more or less understand. These are varieties of English just as American English is a variety of English.*

In what follows, reference to “Indigenous languages” and “Aboriginal and Torres Strait Islander languages” should be taken to refer to these three language groups.

### 3.3 Patterns of languages learning and use

Aside from Aboriginal and Torres Strait Islanders who are monolingual English speakers, we can identify three fairly distinct patterns of languages use by bi/multilingual Aboriginal and Torres Strait Islanders:

1. A traditional Indigenous language is a person's first language *and* English is their additional language
2. A new Indigenous language (a contact language, for example, a creole) is a person's

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<sup>2</sup> pp. 89-90. [National Indigenous Languages Report | Office for the Arts, Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#)

<sup>3</sup> Cited from p. 17, [National Indigenous Languages Report | Office for the Arts, Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#)

See also:

Angelo, D. (2021). Creoles, education and policy. In U. Ansaldo & M. Meyerhoff (Eds.), *The Routledge handbook of pidgin and creole languages* (pp. 286-301). London/New York: Routledge.

Angelo, D. (in press) Language contact and contact languages. In C. Bowern (Ed.), *Australian languages handbook*. Oxford: Oxford University Press

Shnukal, A. (1985). Why Torres Strait 'broken English' is not English. In Christie, M.J.(Ed.), *Aboriginal perspectives on experience and learning: the role of language in Aboriginal education*. Victoria: Deakin University Press.



first language *and* their additional language(s) is/are a traditional Indigenous language and/or English.

3. English is a person's first language *and* a traditional Indigenous language is their additional language.

### 3.4 Linguistic repertoire

How individuals use their languages, including their level of proficiency in each, is described as their **linguistic repertoire**.<sup>4</sup>

### 3.5 Language ecology/ies

The socially governed configurations of use in specific communities and social groups – “the languages used in a particular place” – can be termed a **language ecology**.<sup>5</sup>

### 3.6 Contexts for language use

Aboriginal and Torres Strait Islander peoples have different language repertoires depending on where in Australia they come from and/or are located, their families' histories and their individual life experiences. The roles these languages play in people's lives can be described in terms of **contexts for language use**.

Angelo et al. identify three main Aboriginal and Torres Strait Islander contexts of language(s) use:<sup>6</sup>

1. Language(s) for *being*
2. Language(s) for *engagement and access*
3. Language(s) to earn a *livelihood*.

The same or different languages may play a role in these different contexts and serve different purposes for speakers of Aboriginal and Torres Strait Islander languages.

**Languages for being** can be traditional, new languages or Aboriginal Englishes. They can be learned by Aboriginal and Torres Strait Islanders as the home or second/additional language. *Languages for being* link an individual with a group, a shared history and an area of country. Having this identification, shared history and group/land link acknowledged by others strengthens both the individual's and group's sense of identity.<sup>7</sup> Traditional Indigenous languages provide enduring links to country and culture, a sense of identity and community, and a (potential) means of healing and redress.<sup>8</sup> *Languages for being* are therefore the language(s) whose use(s) is/are important in fostering

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<sup>4</sup> p. 17, [National Indigenous Languages Report | Office for the Arts, Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#)

<sup>5</sup> [National Indigenous Languages Report | Office for the Arts, Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#) p. 19ff.

<sup>6</sup> Angelo, D., O'Shannessy, C., Simpson, J., Kral, I., Smith, H., & Browne, E. (2019). Well-being and Indigenous Language Ecologies (WILE): a strengths-based approach: Literature review, National Indigenous Languages Report, Pillar 2.

<sup>7</sup> Rosalind Berry and Joyce Hudson (1997). Making the jump: a resource book for teachers of Aboriginal students. Broome, W.A.: Catholic Education Office, Kimberley Region.

<sup>8</sup> Merlan, F.(2007). Indigeneity as relational identity: The construction of Australian land rights. De la Cadena, M. & Starn, O. (Eds), Indigenous Experience Today. (pp.125-49) London, NY: Berg.

self-worth, mental health and a sense of belonging to a safe, supportive, distinctive and vigorous community.

***Languages for engagement and access*** can be traditional and new Indigenous languages, Aboriginal Englishes and SAE. They can be spoken and learned as first/home languages or as additional languages. They may be the same language(s) as those for ‘being’ but the contexts and ways in which they are used are more instrumental. *Languages for engagement and access* are languages that give access to networks, opportunities and services. In most situations and communities, and especially in formal education, SAE is a crucial language for engagement and access.

***Languages to earn a livelihood*** involves both traditional languages and new languages learned as first languages, and also traditional languages that are learned as an additional language. The role of SAE in gaining employment and economic advancement is clear. However, proficiency in traditional and new Indigenous languages is a potential strength in gaining employment. It may be an explicit selection criterion for jobs or an asset for effective communication in the community. Economic benefits and opportunities can follow from speaking Indigenous languages, particularly but not exclusively in the domains of art and culture, land care, tourism, education and training, broadcasting and interpreting and translating.<sup>9</sup>

Within this conceptual framework, learning Standard Australian English is seen – at the individual level – as *extending a person’s linguistic repertoire*. At the societal level, SAE must be understood in relation to *contexts in which it plays a role for individuals and groups*, that is, its place in the linguistic ecology of a community and the broader society.

ACTA supports strengthening and extending English language learners’ *linguistic repertoires*, building and leveraging their proficiency in *all* their languages, and working to foster the richness of Australian language ecologies.

A nationally agreed, evidence- and research- based picture of English language learning trajectories for Indigenous EAL/D students – located within a wider linguistic repertoire/ecology framework – could make a significant contribution to the data development in support of the Closing the Gap Agreement. The aims would be to:

- (i) monitor and report progress in EAL/D learners’ language(s) and related development
- (ii) deliver appropriate EAL/D and Aboriginal and Torres Strait Islander language education programs (including bilingual education programs), taught by qualified Indigenous and non-Indigenous EAL/D and Aboriginal and Torres Strait Islander language teachers, to meet Indigenous English and literacy learning needs
- (iii) evaluate program effectiveness.

Such a picture would also complement and assist broader assessments of EAL/D learners’ progress and needs, and should be complemented by assessments undertaken in the learners’ home languages.

This perspective governs ACTA’s approach in this submission to the Productivity Commission on *Review Paper 2* and the 2020 *National Agreement on Closing the Gap*.

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<sup>9</sup> See also Table 2.2 (p. 27) in [National Indigenous Languages Report | Office for the Arts, Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#)

## 4. General concerns

ACTA has the following concerns that apply across the board to *Review Paper 2* and to the 2020 *National Agreement on Closing the Gap*.

1. Attention to the language(s) dimensions of Priority Reforms and Socioeconomic Outcomes is inconsistent, sporadic, tokenistic and inadequate.
2. Despite the constant reference to communities, the Review Paper and the Agreement are almost entirely “top-down” in their framing. Little space, if any, is provided for the perspectives of groups and individuals who are outside the ambit of the Coalition of Aboriginal and Torres Strait Islander Peak Organisations or Governments, but who are essential contributors to achieving the Agreement Reforms and Outcomes. Most notably, these are both Indigenous and non-Indigenous people who “deliver” the programs entailed in achieving the Outcomes, and who research these programs and the contexts in which they are delivered.
3. Although the final question in each box re Priority Reforms 1-4 asks how that Reform relates to other Reforms, the specifications in the Agreement of Indicators, Disaggregation and Data Development for the Socioeconomic Outcomes pay little or no attention to how they interrelate.
4. The Review and the Agreement are defined in terms of Outcomes. However, achieving these Outcomes requires attention to the processes for achieving them and to the processes currently in place. These processes need explicit attention in the Review.

To elaborate on these issues in any depth is beyond ACTA’s capabilities in this submission. Below, however, are some indications of how they apply.

### 4.1 Language(s)

None of the four Priority Reforms can proceed without the use of a language. However, nothing is said in the Agreement about the language(s) through which these Reforms will be pursued. The Review should make explicit the role of SAE and Aboriginal and Torres Strait Islander languages in:

- (i) establishing partnerships and sharing decision-making
- (ii) developing the community-controlled sector
- (iii) improving government organisations’ accountability and responses to needs
- (iv) accessing location-specific data and information.

ACTA endorses the Parties’ commitment to “identify and call out institutional racism, discrimination and unconscious bias” and to address “features of systems that cultivate institutionalised racism” (para. 59 a). Any default assumption that SAE will be the main or only language in which the work of the Agreement is done is inherently contrary to this commitment. To counter this assumption, the Agreement and its constituents must be explicit at all relevant points about the languages used and the support given for English language and literacy learning in the work of the Reforms.

ACTA wholeheartedly endorses Outcome 16/Target 16 of the Agreement. However, Outcome/Target 16 is largely siloed. For example, reference to “culture” in paras. 20, 21, 22 and 24 of Section 5 (“Prioritising Aboriginal and Torres Strait Islander Cultures”) does not require or even imply where and how Indigenous languages will be used and developed. The Priority Reforms and many other Outcomes relate to and can support success in achieving Outcome/Target 16.

The conceptual framework described in section 3 above could assist the Review in specifying how strengthening Aboriginal and Torres Strait Islander languages applies throughout the Agreement. For an elaboration, please see the National Indigenous Languages Report, especially Chapter 2.<sup>10</sup>

ACTA can find little space in the Agreement that promotes improving rates of adult literacy in English and Indigenous languages, and other Foundation Skills. Outcomes 1, 2, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 17 would be advanced by focussed attention on this area. The Review should consider the findings and recommendations of the 2022 Parliamentary Inquiry into the Importance of Adult Literacy whose first recommendation is:

*The Committee recommends that, by March 2023, the Australian Government resource effective whole of community and family language, literacy, numeracy and digital literacy (LLND) programs that target adults with low LLND skills including in Aboriginal and Torres Strait Islander, culturally and linguistically diverse, and other socially and economically marginalised Australian communities.*<sup>11</sup>

ACTA is concerned that languages issues – both Outcome 16 and English language learning – will be siloed, marginalised or ignored in the current Review, including the proposed case studies. Here is a non-exhaustive list of examples where explicit reference to languages is required and/or language(s) play a crucial role.

### **Re Priority Reform 2** (*building the community-controlled sector*)

Data disaggregation should include remoteness and main language(s) used in the community.

Data development should include reporting on the proportions of those trained and employed from local communities, including where Aboriginal and Torres Strait Islander languages are the main language in use.

Data development should include reporting on building the community-controlled sector through opportunities for Indigenous Australians to access training and education on country, including documenting where programs include:

- (i) using Indigenous languages<sup>12</sup>

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<sup>10</sup> [National Indigenous Languages Report | Office for the Arts, Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#)

<sup>11</sup> [Don't take it as read – Parliament of Australia \(aph.gov.au\)](#)

<sup>12</sup> According to Dinku et al.’s comprehensive study, cited in the National Indigenous Languages report:

*Those who spoke an Indigenous language were 12 percentage points more likely to report having frequent contact with friends and family outside of their homes. Those who had learned and spoke an Indigenous language as a second language were 10 percentage points more likely to report that they felt like they had a say in their community even though they lived in areas where English is the dominant language.*

[National Indigenous Languages Report | Office for the Arts, Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#), p. 33.

Y Dinku, F Markham, D Venn, D Angelo, J Simpson, C O’Shannessy, J Hunt and T Dreise, 2019. Indigenous languages use is connected to indicators of well-being: Evidence from the National Aboriginal and Torres Strait Islander Social Survey 2014–15, CAEPR Working Paper 132, The ANU: Canberra. DOI 10.25911/5ddb9fd6394e8

- (ii) developing proficiency in traditional Indigenous languages (as per Outcome 16)
- (iii) strengthening community-based literacy development<sup>13</sup>
- (iv) support for developing the spoken and written English necessary to achieve in training programs. (For an example, see Appendix B).

### **Re Priority Reform 3** (*transforming government organisations*)

This Outcome should extend beyond meeting “needs” to include ensuring full access to services and entitlements.

The Target should extend beyond “experiences of racism”. It should address barriers to accessing and gaining full benefits from *all* Government-funded services and institutions. These include language and literacy barriers.

Indicators should include the development of accessible modes/resources for conveying information and delivering services to those with minimal/no English or literacy in English, including in the languages and communication modes (oral, written, pictorial, digital) that will best facilitate this access.<sup>14</sup>

Disaggregation should include remoteness and communities where Indigenous languages are the normal means of communication.

Data development should include the development of standards and protocols for training in cultural and linguistic responsiveness, including in remote communities. Data on linguistic responsiveness should include:

- (i) use of Aboriginal and Torres Strait Islander languages (traditional, new and Englishes) in conveying information (see section 3.2.1 above)
- (ii) use of interpreters (knowing when and how to use them)
- (iii) training in understanding the role of Indigenous languages in Indigenous people’s lives (see sections 3.3, 3.4 and 3.6 above)
- (iv) training in understanding Aboriginal and Torres Strait Islander language discourse

<sup>13</sup> Bamblett, L. (2013). Read with me every day: Community engagement and English literacy outcomes at Erambie Mission. Australian Aboriginal Studies Journal of the Australian Institute of Aboriginal and Torres Strait Islander Studies, 1, 101-109.

<sup>14</sup> According to the National Indigenous Languages report:

*In a language maintenance environment, the option of service delivery in people’s first languages enables effective communication with service providers and improves access. This is particularly vital for services for high stakes interactions, such as health and justice, in childcare and education settings for young children, and in aged care facilities. This approach provides quality services and gives people access to services to which they have a right. Providing service delivery in people’s first languages reinforces and supports the strength of traditional languages.*

[National Indigenous Languages Report | Office for the Arts, Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#), p. 60

Commonwealth of Australia, Protocol on Indigenous language interpreting for Commonwealth government agencies, Canberra, Commonwealth of Australia, 2017;

Cooke, M. Indigenous interpreting for course, Carlton, Australian Institute of Judicial Administration Incorporated, 2002;

Edwards, W. H. Putunakulipai: I cannot understand: interpreting for Aboriginal patients in hospitals, New Doctor, 53, 1990, 10-13.

norms and especially how these can be misinterpreted by non-Indigenous people<sup>15</sup>

(v) training in use of Plain English.<sup>16</sup>

#### **Re Priority Reform 4** (*shared access to data*)

The Agreement should include explicit description at an appropriate point as to how governments will “build capability and expertise in collecting, using and interpreting data in a meaningful way” in communities where Aboriginal and Torres Strait Islander languages are the main language of communication and where significant numbers of community members have little/no literacy in SAE (paras 71 d, 72 c and d, para. 75). These communities should not be excluded from this Reform. (See also sections 4.2, 4.3, 4.4 and 5.2).

#### **Re Outcome 1** (*long and healthy lives*)

Data development currently specifies broadening the measure of factors that impact on access to services, including “cultural safety”. “Cultural safety” may imply but does not require data collection on the languages in which services are delivered or the modes of delivery (written/spoken/pictorial/digital). Explicit specification is required.

#### **Re Outcome 2** (*children born with a healthy birthweight*)

Data development should include measuring and reporting on culturally and *linguistically* “appropriate antenatal care” (p. 23).

Data development on the parents/carers should include the languages parents/carers speak and their literacy in English.

As per Outcome 1, the requirement to collect languages data should be made explicit.

#### **Re Outcome 3** (*children enrolled in ECE*).

Disaggregation should include communities where Indigenous languages are commonly used.

Data development on access to bilingual education is meaningless without data on home languages.

It is important to be able to identify what constitutes *quality* bilingual education, especially given previous controversies surrounding it.<sup>17</sup> Data development should include research directed to developing quality standards. Without clearly articulated criteria for identifying quality bilingual provision, it is impossible to gauge the significance of data on children’s access to bilingual education.

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<sup>15</sup> See, for example:

Eades, D. 2013. *Aboriginal Ways of Using English*. Canberra: Aboriginal Studies Press.

Ehrlich, Susan, Diana Eades and Janet Ainsworth (eds.) 2016. *Discursive Constructions of Consent in the Legal Process*. Oxford: Oxford University Press.

Walsh, M. & Yallop, C. (Ed.) (2007) *Language and Culture in Aboriginal Australia*. Aboriginal Studies Press AITSIS. ACT.

Moses, K. and Yallop, C. (2008). Questions about questions. Simpson, J. & Wigglesworth, G., (Eds.), *Children’s language and multilingualism: Indigenous language use at home and school* (pp.30-55). London: Continuum International Publishing Group.

Sharifian, Farzad (2005) Cultural Conceptualisations in English Words: A Study of Aboriginal Children in Perth, *Language and Education*, 19:1, 74-88, DOI: 10.1080/09500780508668805

<sup>16</sup> See, for example, [Aboriginal language and plain English guide | NT.GOV.AU](#)

<sup>17</sup> Devlin, B., Disbray, S., & Devlin, N. (Eds.) (2017). *History of bilingual education in the Northern Territory: People, programs and policies*. (Language Policy; Vol. 12). Springer Singapore. <https://doi.org/10.1007/978-981-10-2078-0>

Data development should include reporting on access to *linguistically* and “culturally appropriate ECE programs.” Linguistically appropriate programs would include provision in both the home language and expert support in developing English.

Data development should include reporting on ECE educator qualifications.

Requirements to collect language-related data should be made explicit.

#### **Re Target 4** (*children on track re AEDC measures*)

AEDC data is based on teachers’ responses to approximately 100 questions across five “domains” using knowledge and observations of children in their Year 1 classes. Children are scored in each domain and, using benchmarks calculated in 2009, children are determined to be either ‘developmentally on track’, ‘developmentally at risk’ or ‘developmentally vulnerable’ in each domain.<sup>18</sup>

For Aboriginal and Torres Strait Islander children, question B1 asks about their “ability to use languages other than Standard Australian English effectively in the classroom/playground” in Aboriginal English, Kriol/Creole, a Traditional Aboriginal or Torres Strait Islander language or other indigenous language.<sup>19</sup> The preliminary questions include the possibility of undertaking assessments with an Aboriginal and Torres Strait Islander Cultural Consultant.

Although the aim of Census is described as showing “how young children have developed as they start their first year of full-time school”, the questions are framed with reference to norms that are directed to determining a child’s “readiness” for schooling in English with Western cultural practices and expectations. The questions also assess cognitive and literacy skills with reference to English. The social and emotional development questions are susceptible to culturally misinformed interpretations of children’s behaviour. Children with home languages other than English and who are from non-Anglo/Western cultural backgrounds are therefore highly likely to be designated developmentally “at risk” or “vulnerable”.

A truly co-designed approach would start with the assumption that *schools* should be “on track” to meet the needs of children from the communities they serve, rather than children being positioned as inherently *not* “on track” because schools are unprepared to meet the needs of those raised in Aboriginal and Torres Strait Islander language-speaking homes and communities. These are the children’s languages for *being* and for *access* to their community (see section 3 above).

The assumptions underpinning Target 4 can have problematic real-world effects. In the Northern Territory (and possibly other jurisdictions), vulnerability is falsely equated with “developmental delay”.<sup>20</sup> This equation disregards and demeans non-Western, non-English-speaking modes of child-rearing and associated norms. Target 4 supports a conclusion that Indigenous EAL/D learners are *per se* disadvantaged when they begin school.<sup>21</sup> It is also extrapolated into policies supporting culturally

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<sup>18</sup> Australian Early Development Census National Report 2021 Early Childhood Development in Australia, p. 9. [2021 AEDC Results](#)

<sup>19</sup> [2021 Early Development Instrument questions \(aedc.gov.au\)](#)

<sup>20</sup> For example, see [Answer-to-QON-8-2.pdf \(nt.gov.au\)](#)

Wong Fillmore, L. (1991). When learning a second language means losing the first. *Early Childhood Research Quarterly*, 6, 3, 323-346. Retrieved from: <http://www.sciencedirect.com.ezproxy2.library.usyd.edu.au/science/journal/08852006/6/3>

<sup>21</sup> We draw the Commission’s attention to Submission 52 to your Inquiry in the National School Reform Agreement from the Indigenous Education Consultative Meeting (IECM):

*We wholeheartedly reject language of ‘disadvantage’ in reference to Aboriginal and Torres Strait Islander education. This labelling of Aboriginal and Torres Strait Islander students and families as disadvantaged continues to play into a culture of deficit discourse and low expectations that stymie Aboriginal and Torres*

and linguistically inappropriate and offensive interventions into Indigenous child-rearing practices.<sup>22</sup> Rather than placing the onus on the schools to be “ready” for children from the community it serves, the family and the child are seen as the “problem”.<sup>23</sup>

The Agreement’s commitment to address “features of systems that cultivate institutionalised racism” (para. 59 a) requires countering these assumptions. Thriving in the early years (Outcome 4) should not be equated with assessments of children as “developmentally on track in all five domains of the AEDC” in the current form of this assessment tool and how it is open to interpretation. Target 4 requires rethinking, including, but going beyond, the foundational concepts of language repertoire and language ecologies outlined in section 3 above.<sup>24</sup> See also section 4.4 below.

Data disaggregation should include languages spoken in the community.

Data development should include reporting on *linguistically* appropriate provision in addition to “culturally-appropriate childhood development”. See section 4.3 below re provision by community-controlled organisations and the need for workers with cultural and linguistic knowledge and skills that are relevant to the communities they serve.

### **Re Outcome 5 (Year 12 attainment)**

Indicators based on NAPLAN results below Years 7 and 9 are invalid and unreliable for remote students in communities where Aboriginal and Torres Strait Islander languages are the common means of communication: see section 4.4 below.

Disaggregation must include languages backgrounds, and proficiency in English and Indigenous languages.

Contextual Information and Data Development for remote Indigenous students must include reporting on **quality indicators for schooling** from Year 1 to 12. Interpreting data on “Rates of highest education/training completed” is impossible if these data are not related to data on children’s early access to quality bilingual education,<sup>25</sup> research-based EAL/D pedagogy, support from appropriately qualified and trained Aboriginal Assistant teachers who speak students’ languages and share their culture, and multilingual education delivered by appropriately qualified specialist teachers working with the support of people in communities.

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*Strait Islander students’ ability to thrive in their education. Our students are not the problem – the system is failing them.*

*While Aboriginal and Torres Strait Islander students and communities face a range of complex and compounding circumstances that impact their educational engagement and outcomes, they are not inherently disadvantaged by being Indigenous. We commend the strength of Aboriginal and Torres Strait Islander students knowing their culture, language and identity. The power of being able to walk strong in two worlds.*

See also: McLeod, S., Verdon, S. & Bennetts Kneebone, L. (2014). Celebrating young Indigenous children’s speech and language competence. *Early Childhood Research Quarterly*, 29, 118-131. Retrieved

from <http://www.sciencedirect.com.ezproxy2.library.usyd.edu.au/science/article/pii/S0885200613000975>

<sup>22</sup> For example, the 2019-2023 Bilateral Agreement between the Commonwealth and the NT Government states:

*Education starts from birth. The Northern Territory Government is committed to support children and families to build the skills to be ready for school, day one, term one, year one. By providing children with the confidence in the early years, they will be more engaged and thrive in the schooling the environment.* (para. 7)

<sup>23</sup> See, for example:

Simpson, L., & Clancy, S. (2005). Enhancing Opportunities for Australian Aboriginal literacy learners in early childhood settings. *Childhood Education*, 81(6), 327-332.

<sup>24</sup> For an elaboration of this point, see Principle 4 of the ACTA Principles for Early Childhood Education (Attachment 1); also sections 4.3 and 4.4 below.

<sup>25</sup> The rationale behind collecting data on access to bilingual education in ECE but not school provision, especially in the early years is unclear.



The criteria and methods for determining who is an “English as an Additional Language/Dialect student” require clarification and should ensure that these determinations are made by qualified teachers (as distinct from administrative staff) who have the requisite training and theoretical knowledge to make them.

Data development should include reporting on on- and off-country post-primary schooling, including retention rates and subsequent trajectories in education, training and employment (see section 4.3 below).

### **Outcome 6**

Data development should include reporting on special provision and pathways to tertiary-level programs for students who have withdrawn from secondary education, including culturally and linguistically appropriate support in developing proficiency in spoken and written English, numeracy and study skills.<sup>26</sup> (See Appendix B for an example of how this is required.)

Data development should track and compare participation in adult education within and beyond the accredited VET system, including comparisons of how Adult Education Centres in remote communities were utilized before and after the introduction of VET courses.<sup>27</sup>

### **Outcome 7**

Contextual information for youth engaged in education should include type of program e.g. Foundation Skills, trades, academic studies.

Disaggregation should include main language(s) spoken.

Data development should include reporting on English oral and literacy proficiency.

The current list of barriers to youth engagement are all focussed on youth. The list should be developed to identify barriers *within education and employment*, and the development of program standards that are directed to meeting youth needs, for example, support by qualified personnel (e.g. teachers, youth workers) to gain access and succeed.

### **Re Outcome 8 (economic participation)**

See comments above re the siloing of Outcome 16. Disaggregation should include employment in occupations where Indigenous languages are used, needed or would be an advantage. See section 4.3 below re the need to relate the constituents of Outcomes to each other and foster their support for each other.

### **Re Outcomes 10 and 11 (adult incarceration/youth detention)**

Disaggregation should include spoken and written English proficiency levels, and proficiency in Indigenous languages.

Data development should include:

- (i) access to properly qualified interpreters,<sup>28</sup>

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<sup>26</sup> Restoule, J-P. (2005). Education as healing: How urban Aboriginal men described post-secondary schooling as decolonizing. *The Australian Journal of Indigenous education*, 34. DOI: <https://doi.org/10.1017/S132601110000404X>

<sup>27</sup> ACTA is aware of concerns that the focus on assessment in VET-accredited courses significantly discourages adult and youth Indigenous learners.

<sup>28</sup> According to the National Indigenous Languages Report:

- (ii) training for police, court officials, judges and juries, and prison officers in understanding Indigenous uses of language in responding to authority, and culturally and linguistically appropriate responses to Aboriginal and Torres Strait Islanders<sup>29</sup>
- (iii) provision in prisons and detention facilities to fosters Indigenous languages for being, access and employment -- see section 3 above.<sup>30</sup>

See also section 4.3 below.

### **Re Outcome 14 (well-being)**

Evidence is clear that proficiency in English and Aboriginal and Torres Strait Islander languages plays a major role in supporting people's well-being.<sup>31</sup>

Equally indisputable is evidence that exclusion resulting from language-related issues is a major source of alienation.<sup>32</sup>

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*In the justice and health areas, interpreters require extensive training on specialist terminology and relating these to Indigenous language and concepts. Jobs in these sectors are complex and require ongoing training. The absence of qualified interpreters can increase the risk of litigation arising from miscarriages of justice. In the course of its inquiry into language learning in Indigenous communities, the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs received evidence around the poor Indigenous interpreting support in the justice system. Some Aboriginal people do not fully understand either the court processes or the outcomes of those processes, and interpreters are often unavailable or underused. Difficulties in arranging interpreters to be available for court proceedings within a short time sometimes result in clients remaining in custody.*

[National Indigenous Languages Report | Office for the Arts, Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#), p. 79.

House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, 2012.

National Aboriginal and Torres Strait Islander Legal Services, 2011. The right to a fair trial: Joint ATSILS Submission to the Commonwealth Attorney-General Regarding the Expansion of Aboriginal and Torres Strait Islander Interpreter Services, <http://www.natsils.org.au/portals/natsils/submission/Joint%20ATSILS%20Aboriginal%20and%20Torres%20Strait%20Islander%20Interpreter%20Services%20Submission%20%20March%202011.pdf>.

<sup>29</sup> Allison, F., Cunneen, C., Loban, H., Luke, G. & Munro, K. (2012) Sentencing and punishment in the Indigenous Justices of the Peace Courts. Australian Indigenous Law Review, 16 (1), 15-36. Retrieved from: <http://search.informit.com.au.ezproxy1.library.usyd.edu.au/fullText;dn=20131384;res=AGISPT> ISSN: 1835-0186.

Angelo, D. (forthcoming) Language contact and contact languages. In C. Bovern (Ed.), Australian languages handbook. Oxford: Oxford University Press

Ciftci, S. & Howard-Wagner, D. (2012). Integrating indigenous justice into alternative dispute resolution practices: A case study of the aboriginal care circle pilot program in Nowra. Australian Indigenous Law Review, 16, 2, 81-98. Retrieved from:

<<http://search.informit.com.au.ezproxy1.library.usyd.edu.au/documentSummary;dn=616045851753484;res=IELIND>> ISSN: 1835-0186.

Eades, D. (2013). *Aboriginal ways of using English*. Canberra: Aboriginal Studies Press.

<sup>30</sup> Also: Bodkin-Andrews, G., Dillon, A. & Craven, R. (2010). Bangawarra'gumada – strengthening the spirit: Causal modelling of academic self-concept and patterns of disengagement for Indigenous and non-Indigenous Australian students. The Australian Journal of Indigenous Education, 39, (1) 24-39. Retrieved from <http://search.informit.com.au/documentSummary;dn=633559270335337;res=IELIND> ISSN: 1326-0111

<sup>31</sup> Y Dinku, F Markham, D Venn, D Angelo, J Simpson, C O'Shannessy, J Hunt and T Dreise. 2019. Indigenous languages use is connected to indicators of well-being: Evidence from the National Aboriginal and Torres Strait Islander Social Survey 2014–15, CAEPR Working Paper 132. The ANU: Canberra. DOI 10.25911/5ddb9fd6394e8.

[National Indigenous Languages Report | Office for the Arts, Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#) pp. 33-38

<sup>32</sup> Beetson, J., Anderson, P.R., Lin, S., Williamson, F., Amazan, R., Boughton, B., Morrell, S., Taylor, R., & Schwartz, M. (2022). Impact of a Community-Controlled Adult Literacy Campaign on Crime and Justice Outcomes in Remote Australian Aboriginal Communities. International Journal for Crime, Justice and Social Democracy.

See section 4.3 below.

### **Re Outcome 16** (*strengthening Aboriginal and Torres Strait Islander languages*)

Development of data should include establishing research-based quality standards for languages programs, including bilingual education (see also Outcome 3 above), especially in early-learning, primary and secondary schools. The absence of such standards leaves room for criticisms that these programs are failing and/or wasteful. The capacity to report on quality and success is crucial.

#### **ACTA Recommendation 1**

**The Review of the Closing the Gap Agreement should include:**

**a) determining where and how Outcome/Target 16 relates to each Priority Reform and Socioeconomic Outcome**

**and**

**b) an explicit specification of how achievement of Outcome/Target 16 will be pursued in relation to each Agreement Reform and Outcome.**

#### **ACTA Recommendation 2**

**In line with the commitment in Priority Reform 3 to “identify and call out institutional racism, discrimination and unconscious bias” and to address “features of systems that cultivate institutionalised racism” (para. 59 a), the Review should scrutinise the current Agreement to determine and make explicit how different languages and languages learning (Aboriginal languages and SAE) can, do and will play a determining role in achieving the Priority Reforms and many, if not all, of the Socioeconomic Outcomes.**

### **4.2 Contributors to the Agreement Reforms and Socioeconomic Outcomes**

ACTA welcomes the Agreement’s commitment to:

- (i) both policy and place-based partnerships (para. 30)
- (ii) supporting community-led development initiatives (para 31 c)
- (iii) ensuring that “a wide variety of groups of Aboriginal and Torres Strait Islander people, including women, young people, elders, and Aboriginal and Torres Strait Islander people with a disability can have their voice heard” (para. 32 c iv)<sup>33</sup>
- (iv) funding parties to “engage with and seek advice from Aboriginal and Torres Strait Islander people from all relevant groups within affected communities, including but not limited to Elders, Traditional Owners and Native Title Holders (para. 33 d).

We hope the last point will include seeking out the voices of those beyond the hierarchies of current structures and ensure that local voices from local communities can be heard.

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<sup>33</sup> Galloway, A. (2008). Indigenous children and conductive hearing loss. Simpson, J. & Wigglesworth, G., (Eds.), *Children’s language and multilingualism: Indigenous language use at home and school* (pp.216-234). London: Continuum International Publishing Group.

Galloway, A. (2003). Questions: help or hindrance? Teacher’s use of questions with Indigenous students with conductive hearing loss. *Australian Journal of Teacher Education*, 27, 2, 25-38. doi:10.14221/ajte.2002v27n2.3

ACTA is heartened by the multiple options for engagement with the Review set out in the Review Paper's section 4. The impetus for this ACTA submission came from encouragement offered by a Commission representative in a phone call from an ACTA representative. Without that phone contact, and based on the questions in Review Paper 2, ACTA could not see how to contribute to the Review on behalf of the teachers and learners we represent.

Moving from specifying the seventeen Socioeconomic Outcomes and Targets towards their achievement is not simple. The stated will and desire by Governments and the Coalition of Peaks are not sufficient – as demonstrated by the history of repeated and on-going failure to meet most Targets and others dropped from this latest version of the Agreement.

At least for the foreseeable future, achieving the Agreement Reforms and Outcomes/Targets will partly depend on the contribution of non-Indigenous practitioners, researchers, experts, advocacy groups and individuals who deliver programs, and train and mentor others, in education, linguistics, health, community development, justice, youth work, planning and design, and many other fields. Strengthening Plans for the workforce and service provision (Agreement para. 51) will require contributions, training and advice from many sources, including non-Indigenous experts. Many non-Indigenous people have worked for years in attempting to achieve the Agreement Outcomes and closely related ones. They have much to contribute to the Parties' understandings of why previous Agreement outcomes have not been achieved, why current efforts continue to fail and possible strategies for moving forward. See, for example, the description in Appendix B of continuing failure to increase the supply of Aboriginal teachers in the Northern Territory. The Review and the Agreement should provide a space for these contributions.<sup>34</sup>

Without space for input from *all* quarters, the top-down framing of the Agreement invites obfuscation and self-justification. Both Indigenous and non-Indigenous practitioners at the grass roots are crucial in penetrating the often misleading, self-justifying and glossy accounts of Closing the Gap endeavours.<sup>35</sup> See also section 5 below re accountability.

We note that the Interim Report from a parallel and related Productivity Commission review into the National School Reform Agreement is concerned from the outset regarding “a substantive gap between high-level policy discourse and classroom practice” and “the remoteness of policy discussions from the lived experience of teachers and school leaders.”<sup>36</sup> This concern applies to the

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<sup>34</sup> The Inquiry into Adult Literacy and its importance makes specific reference to this need:

*3.215 The presence of local Aboriginal and Torres Strait Islander teachers in remote schools has a positive influence on student attendance, engagement and the connection between families and their schools, and teaching provides a great career for local people who want to stay and contribute to their communities. Furthermore, local language-speaking Aboriginal and Torres Strait Islander teachers are vital to the success of bilingual education programs in remote communities.*

*3.216 The Committee again calls for the Australian Government, as part of its Closing the Gap commitments, to establish programs that support the development and professionalisation of the Aboriginal and Torres Strait Islander education workforce.*

[Don't take it as read – Parliament of Australia \(aph.gov.au\)](https://aph.gov.au)

<sup>35</sup> For example, consider the contrast between Appendix B and the evidence submitted by the NT Department of Education to the 2021 Parliamentary Inquiry into the Importance of Adult Literacy:

*3.120. The Committee heard that the Northern Territory Government has re-established the Remote Aboriginal Teacher Education (RATE) program, which provides support for existing and aspiring Aboriginal educators to progress their learning and careers while living and working in their communities. According to the Northern Territory Government, 'RATE provides participants with education career pathway opportunities with entry and exit points that lead to meaningful employment in schools and early childhood education and care settings.'*

*3.121. A pilot of the RATE program commenced in Galiwin'ku, Yuendumu, Milingimbi and Angurugu in 2021 and will be rolled out in additional sites in 2022.*

<sup>36</sup> p.3 [Interim report - Review of the National School Reform Agreement \(pc.gov.au\)](https://pc.gov.au)

“lived experience” of both Indigenous and non-Indigenous practitioners working at the grass roots – not least EAL/D teachers and language researchers – to “overcome the entrenched inequality faced by too many Aboriginal and Torres Strait Islander people” (Review Paper 2, p. 1).<sup>37</sup>

If the Review and the Agreement is open to input from *all* available sources of knowledge and skills, learning from previous and current failures is possible. Without undermining co-design principles, the current Review Paper and the Agreement should make space for the perspectives of *all* those committed to achieving the Agreement Outcomes.

### **ACTA Recommendation 3**

**The Review of the Closing the Gap Agreement should develop an explicit position on:**

- a) how those who are not Parties to the Agreement may contribute to furthering the Reforms and Outcomes specified in the Agreement**
- b) how the Commission and subsequently the Parties to the Agreement will seek out contributions from those who have the expertise, experience and commitment to the Reforms and Outcomes specified in the Agreement.**

### **ACTA Recommendation 4**

**In reviewing the Closing the Gap Agreement, the Productivity Commission should actively seek input from all those involved or expert in provision relevant to the Closing the Gap Agreement.**

#### **4.3 Relationship between socioeconomic outcomes**

As already indicated, Outcome/Target 16 is largely siloed in the Agreement. More generally, the role of both SAE and Indigenous languages in achieving almost all Outcomes requires elaboration.

Crucial relationships exist between the different Outcomes/Targets for education, employment and service provision, including as these entail education, English language learning and maintaining and developing Indigenous languages. Here are four examples but others could be given.

First, a key factor in delivering culturally and linguistically appropriate antenatal care (Outcome 2) must be Aboriginal and Torres Strait Islander care workers with the training, knowledge and skills that are relevant to the communities they serve. This requirement relates closely to Outcomes 5, 6, 7, 8 and 16, all of which have EAL/D and Indigenous languages dimensions.

Second, if children are to access bilingual education (Outcome 3, Data Development), teachers who speak their languages are required. Outcome 3 also includes documenting as contextual information “the number of Aboriginal and Torres Strait Islander early childhood education and care service providers”. The workforce requirements that support Outcome 3 also require attention in the Outcomes just listed. The Indicators, Disaggregation and Data Development in these Outcomes require data relevant to developing the workforces required by Outcomes 2 and 3.

Third, we know that Outcomes 10 and 11 (*rates of adult incarceration/youth detention*) are closely linked to employment and education, including access to appropriate adult literacy programs.<sup>38</sup> The

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<sup>37</sup> See also: Bond, H. (2010). “We’re the mob you should be listening to”: Aboriginal Elders at Mornington Island speak up about productive relationships with visiting teachers. *The Australian Journal of Indigenous Education*, 39, (1), 40-53. Retrieved from <http://search.informit.com.au/documentSummary;dn=633577903306595;res=IELIND>

Bucknall, J.(1982). *Listening to Aboriginal voices: the school at Strelly*. In Sherwood, J. (Ed.) *Aboriginal education: Issues and innovations* (pp.81-94). North Perth: Creative Research.

<sup>38</sup> [How poor reading and writing feeds the school-to-prison pipeline – Nest \(latrobe.edu.au\)](http://www.latrobe.edu.au/~nest/How_poor_reading_and_writing_feeds_the_school-to-prison_pipeline_-_Nest_(latrobe.edu.au))

Indicators, Disaggregation and Data Development for Outcomes 10 and 11 should include data on previous education, employment, languages spoken and English proficiency.<sup>39</sup>

Further, as we have already indicated (see section 4.1), explicit attention is required to the contribution of adult literacy programs to driving multiple Outcomes, including reducing incarceration rates.<sup>40</sup>

Within the prison and youth detention system, opportunities to improve basic skills, gain a trade or education qualification offer the most effective pathways to a productive and healthy life, as research has shown overwhelmingly.<sup>41</sup> Data developed on “vocational training” in prison and detention facilities should be disaggregated to provide clear information on types and levels of education and training offered to and achieved by inmates and detainees, for example, in Foundation Skills, training and qualifications in trades, pathways into higher levels of schooling and further education. This information should include explicit reference to the targeted support provided for developing proficiency in the spoken and written English needed to complete schooling and gain further/other qualifications and trade certificates.<sup>42</sup> Given the extremely disproportionate number of Indigenous youth in custody, data on their highest level of education, including their English and Indigenous language proficiency – and education provision for them in custodial settings – is crucial in reversing these incarceration rates.

Fourth, the specific relationship between school achievement (Outcome 5) and well-being (Outcome 14) should be explored.<sup>43</sup>

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[Snow, Pamela | Australian Institute of Criminology \(aic.gov.au\)](#)  
[Education Post Incarceration: Opportunities and Challenges | SpringerLink](#)

Literacy and Policing in Canada, Target crime with literacy, *The link between Low literacy and Crime*. Chapter 2 Fact Sheet at: <http://policeabc.ca/literacy-fact-sheets/Page-5.html>

C. Uggen, and J. Staff. 2001. Work as a turning point for criminal offenders, *Corrections Management Quarterly*, 5(4).

Burney, L. (2006). Education as the cornerstone of social justice. *Developing Practice: The Child, Youth and Family Work Journal*, 17, 5-7. Retrieved from:

<http://search.informit.com.au.ezproxy1.library.usyd.edu.au/documentSummary;dn=838073187998823;res=IELHSS>  
> ISSN: 1445-6818.

Oliver, R., Grote, E., Rochecoste, J. & Exell, M. (2013). Needs analysis for task-based language Teaching: A case study of Indigenous vocational education and training students who speak EAL/EAD. *TESOL in Context* 22, 2, 36-50.

<sup>39</sup> See Seroczynski, A. D., & A. D. Jobst, (2016). Latino youth and the school-to-prison pipeline: addressing issues and achieving solutions. *Hispanic Journal of Behavioral Sciences*, 38, 4, pp. 423-445:

*For many youth involved in the juvenile justice system, there is a well-established route from early language issues, especially deficiencies in reading ability, to later delinquency. Adolescent delinquents' reading ability lags their peers by about two years.* (p. 426)

<sup>40</sup> Beetson, J., Anderson, P.R., Lin, S., Williamson, F., Amazan, R., Boughton, B., Morrell, S., Taylor, R., & Schwartz, M. (2022). Impact of a Community-Controlled Adult Literacy Campaign on Crime and Justice Outcomes in Remote Australian Aboriginal Communities. *International Journal for Crime, Justice and Social Democracy*.

<sup>41</sup> [Engaging prisoners in education: Reducing risk and recidivism - Open Research Online](#)

<sup>42</sup> The need to develop oral English should not be overlooked, both in regard to gaining employment and succeeding in various occupations and also in training for them.

Poor oral language skills in the early years have also be shown to increase the risk of anti-social behaviour at age fourteen and later offending See: Snow, P. & M. Powell (2012) *Youth (in)justice: Oral language competence in early life and risk for engagement in antisocial behaviour in adolescence*. Australian Institute of Criminology at: [http://www.aic.gov.au/media\\_library/publications/tandi\\_pdf/tandi435.pdf](http://www.aic.gov.au/media_library/publications/tandi_pdf/tandi435.pdf)

Rose, D., Gray, B. & Cowey, W. (1998) Providing access to academic-literate discourses for Indigenous Learners. *Fine Print*. 1998, 2,7-10. Retrieved from <http://www.valbec.org.au/05/fineprint/archive/1998/98WN.pdf>

<sup>43</sup> For a comprehensive analysis of the relationship of the role of languages in promoting Aboriginal and Torres Strait Islander well-being, see:

Angelo, D., O'Shannessy, C., Simpson, J., Kral, I., Smith, H., & Browne, E. (2019). Well-being and Indigenous Language Ecologies (WILE): a strengths-based approach: Literature review, National Indigenous Languages Report, Pillar 2.

For example, efforts to increase the proportion of Aboriginal and Torres Strait Islander students attaining Year 12 would appear to be driving the 53 per cent national increase since 2015 in Indigenous students attending boarding schools. These are now the main or only means of accessing post-primary education for many young people in remote communities.<sup>44</sup> For an unknown number of students, the effect on well-being and opportunities to further their education appears to be adverse. Relocation to boarding schools far from their familiar environment, and sometimes the student's own State or Territory, disconnects students from their communities and language ecology. ACTA has been advised that these students are frequently placed in a total English-speaking environment, which does not address their EAL/D learning needs and intensifies their emotional trauma. As reported to us by a literacy consultant working State-wide to support boarding schools, teachers there are ill-prepared – even shocked – when they find these students in their classes, as are their fellow-students.

The Review should include data on retention (and non-retention) of remote Indigenous students in boarding schools, and their subsequent education and employment trajectories.<sup>45</sup> See also Attachment 3 (Problem 5) and 5.

Social, economic, educational and political marginalisation is an established suicide risk.<sup>46</sup> Data development on the factors leading to suicide by Indigenous youth should specifically include attention to schooling history in and out of country, and correlations with in-country educational pathways.<sup>47</sup>

### **ACTA Recommendation 5**

**The Review of the Closing the Gap Agreement should:**

- a) explore how the constituents of each Socioeconomic Outcome relate to and potentially support achievement of other Outcomes**
- b) revise the Indicators, Disaggregations and Data Development specifications in relevant Outcomes to reflect these relationships and promote the achievement of Targets**
- c) include a paper or papers elaborating on how Targets can be promoted by utilising the potential relationships between Outcomes and strengthening specifications that show these relationships**
- d) consider whether Outcomes and Targets should be revised in the light of the above.**

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<sup>44</sup> [https://caepr.cass.anu.edu.au/sites/default/files/docs/2020/9/NT\\_Ed\\_Study\\_2020\\_7\\_Sept\\_1.pdf](https://caepr.cass.anu.edu.au/sites/default/files/docs/2020/9/NT_Ed_Study_2020_7_Sept_1.pdf)

Guenther, J., & Osborne, S. (2020). Choice-less Choice for Rural Boarding Students and their Families. Australian and International Journal of Rural Education, 30(2), 111-126. Retrieved from <https://journal.spera.asn.au/index.php/AIJRE/article/view/257/290>

<sup>45</sup> See: [NT\\_Ed\\_Study\\_2020\\_7\\_Sept\\_1.pdf](https://caepr.cass.anu.edu.au/sites/default/files/docs/2020/9/NT_Ed_Study_2020_7_Sept_1.pdf) (anu.edu.au)

[Boarding Off Country | Centre for Aboriginal Economic Policy Research \(anu.edu.au\)](https://caepr.cass.anu.edu.au/sites/default/files/docs/2020/9/NT_Ed_Study_2020_7_Sept_1.pdf)

<sup>46</sup> See Dudgeon P, Blustein S, Bray A, Calma T, McPhee R & Ring I 2021. Connection between family, kinship and social and emotional wellbeing. Produced for the Indigenous Mental Health and Suicide Prevention Clearinghouse. Cat. no. IMH 4. Canberra: AIHW [Publications - AIHW Indigenous MHSPC](https://www.aihw.gov.au/publications):

Guenther, J., Benveniste, T., Redman-MacLaren, M., Mander, D., McCalman, J., O'Bryan, M., Osborne, S., & Stewart, R. (2020). Thinking with theory as a policy evaluation tool: The case of boarding schools for remote First Nations students. Evaluation Journal of Australasia, 20(1), 34–52. <https://doi.org/10.1177/1035719X20905056>

Benveniste, T., Guenther, J., King, L., & Dawson, D. (2022). Connections, community and context: The importance of post-boarding school pathways and re-engagement for remote Aboriginal students. The Australian Journal of Indigenous Education, 51(1). DOI 10.55146/ajie.2022.48

<sup>47</sup> O'Bryan, M., Guenther, J., & Osborne, S. (2020). Rural and Remote Boarding. Australian and International Journal of Rural Education, 30(2), i-iv. [Rural and Remote Boarding — Research @ Flinders](https://caepr.cass.anu.edu.au/sites/default/files/docs/2020/9/NT_Ed_Study_2020_7_Sept_1.pdf)

## 4.4 Processes

ACTA hopes that the case studies proposed in Review Paper 2, which include quantitative data and in-depth analysis, will expand the scope of the Review and the Agreement to provide insights into the processes that are supporting or undermining the achievement of Outcomes and Targets. Case studies that are informed by Aboriginal and Torres Strait Inlander people's perspectives should also assist in identifying these processes (p. 3).

Important insights can be offered by grass-roots practitioners, both Indigenous and non-Indigenous, who work and/or have expertise in each Outcome area: see above section 4.2. The criteria for selecting Review case studies should include the opportunity to be informed by both Indigenous and non-Indigenous grass-roots practitioner perspectives.

ACTA is concerned that the focus on government "actions" in selecting case studies is atomistic and process-"blind". The "why" of what is or isn't working is not simply a matter of isolating "factors" (Review Paper, p. 7). It requires exploring causal chains, assumptions, histories, contexts and complex interactions. To give space to multiple perspectives, the case study methodology should include close-up observations of programs in practice and in-depth conversations with those accessing, not participating in, and excluded from programs, as well as those delivering these programs (teachers, health workers, youth workers etc). It requires investigators to have prior experience and expertise in the context and history of the particular case study. In Aboriginal and Torres Strait Islander contexts, case studies will require long time frames, considerable sensitivity and cultural competence in investigators.<sup>48</sup>

ACTA would like the opportunity to explore the possibility of proposing one or more examples that could form a case study exploring the role of home languages and expert EAL/D pedagogy in educational achievement and well-being, and the consequences of ignoring both. However, before we suggest specific examples, we need time to consult with potential participants for the reasons just outlined.

In any case, please see Attachment 4, which is an extended case study. The literature cited in this submission's footnotes includes case studies.

Here are two examples of how processes used to measure progress directly affect reports on Outcomes/Targets. A further example would relate to pedagogy but, for reasons of space, we will not elaborate in this submission.<sup>49</sup>

In section 4.1, we referred to the need to take account of languages other than English and non-Western cultures in the AEDC, and argued that the connection between Target 4 (*AEDC assessments that children are developmentally on track*) and Outcome 4 (*children thrive*) is problematic. This example shows clearly how *actual assessment processes* – used in this case to determine whether children are "progressing", "thriving" or "on track" – are integral to interpreting progress towards a given Outcomes (viz. Outcome 4).

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<sup>48</sup> We refer you to sections 5.3 and 6 of ACTA submission 87 to 2019 Commission Inquiry into an Indigenous Evaluation Strategy: [Submission 87 - Australian Council of TESOL Associations \(ACTA\) - Indigenous Evaluation Strategy - Project \(pc.gov.au\)](#)

See also Bobongie-Harris, Francis, Hromek, Daniele, & O'Brien, Grace (2021). [Country, community and Indigenous research: A research framework that uses Indigenous research methodologies \(storytelling, deep listening and yarning\)](#). *Australian Aboriginal Studies*, pp. 14-24.

<sup>49</sup> See Attachment 4 (*Evaluation of literacy approaches for ESL Indigenous students project*) for an example of case study research done in 2006 of pedagogical approaches to literacy in NT schools. This study also illustrates the complexity and care that should be taken in evaluating different pedagogical approaches.



Processes that can mitigate AEDC are described in Principle 4 of the *ACTA Early Childhood Education Principles* (Attachment 1), for example, “developing a range of observational, qualitative assessments of children’s capabilities, noticing and valuing linguistic and learning strengths of children who are EAL/D learners” and “consulting with family/carers about children’s home language development and communication” (p. 14).<sup>50</sup>

ACTA hopes that the Review will consider the ACTA ECE *Principles* document and engage in discussion with us about its proposals as they apply to both ECE and the early years of schooling. In any case, our point stands: the conclusions drawn from assessments are *per se* shaped by the assessments used and how they are administered (including the expertise of those administering them). See also section 4.1 above re Outcome 5 and identifying EAL/D learners.<sup>51</sup>

The same issue applies to the use of NAPLAN test results as an indicator of the extent to which Aboriginal and Torres Strait Islander students are achieving “their full learning potential”. In this case, ACTA has repeatedly advanced long-standing evidence that these tests are invalid and unreliable in assessing EAL/D learners’ progress towards this Outcome, because NAPLAN standards and scores are based on the false assumption that learning literacy is the same as learning English.<sup>52</sup> This evidence was acknowledged in the 2022 report from the Parliamentary Inquiry into Adult Literacy and its Importance.<sup>53</sup> The tests may be appropriate measures of literacy and numeracy for fluent English speakers living in an urban English-speaking world. However, they clearly do not measure English proficiency levels because they fail to reflect EAL/D learning trajectories, the learner’s literacy in their mother tongue or another language, and the stepping-stones towards literacy

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<sup>50</sup> Although the ACTA Principles have been developed for ECE contexts, many apply equally well to the early years of schooling.

<sup>51</sup> We are reliably informed that current data identifying EAL/D learners, including EAL/D learners, in state and territory school systems is unreliable to a significant extent.

<sup>52</sup> See:

ACTA submission to Productivity Commission Inquiry into the National Education Evidence Base (DR 120) p.7-9 at: [http://www.pc.gov.au/data/assets/pdf\\_file/0004/208903/subdr120-education-evidence.pdf](http://www.pc.gov.au/data/assets/pdf_file/0004/208903/subdr120-education-evidence.pdf)

House of Representatives Standing Committee on Employment, Education and Training, March 2022. Don't take it as read: Inquiry into adult literacy and its importance. Parliament of Australia, p. 90, para 3.128 at:

[https://www.aph.gov.au/Parliamentary\\_Business/Committees/House/Employment\\_Education\\_and\\_Training/Adultliteracy/Report](https://www.aph.gov.au/Parliamentary_Business/Committees/House/Employment_Education_and_Training/Adultliteracy/Report);

ACTA submission to the Parliamentary Inquiry into adult literacy and its importance, p.34 at: <https://tesol.org.au/acta-submission-to-the-parliamentary-inquiry-into-the-importance-of-adult-literacy/>

Wigglesworth, G, Simpson, J & Loakes, D. 2011, 'NAPLAN language assessments for indigenous children in remote communities: Issues and problems', *Australian Review of Applied Linguistics* (print edition), 34, 3, 320-343.

Angelo, D. 2012. Sad Stories. A preliminary study of NAPLAN practice texts analysing students' second language linguistic resources and the effects of these on their written narratives. In M. Ponsonnet, L. Dao & M. Bowler, M. (eds.), *Proceedings of the 42nd Australian Linguistic Society Conference – 2011*, Australian National University, Canberra ACT, 5-6 December 2011(27-57). Canberra, ACT: Australian Linguistic Society.

Lingard, B, Creagh, S. & Vass G., 2012. Education policy as numbers: Data categories and two Australian cases of misrecognition *Journal of Education Policy*, 27, 3, pp 315-333. Creagh, S. 2014. A critical analysis of problems with the LBOTE category on the NAPLAN test *The Australian Educational Researcher*, 41, 1, pp 1-23.

Dixon, S. & Angelo, D. 2014. Dodgy data, language invisibility and the implications for social inclusion: a critical analysis of Indigenous student language data in Queensland schools. *Australian Review of Applied Linguistics* (ARAL), 37(3), 213-233.

Macqueen, S., Knoch, U., Wigglesworth, G., Nordlinger., Singer, R., McNamara, T., & Brickle, R. 2019. The impact of national standardized literacy and numeracy testing on children and teaching staff in remote Australian Indigenous communities. *Language Testing*, vol. 35, 2: pp. 265-287.

<sup>53</sup> Recommendation 8 (para. 3.208) includes “seeking the agreement of the states and territories to”:

*undertake an appropriate and consistent EAL/D assessment for EAL/D learners in Australian schools, with the results of the EAL/D assessment, along with the number of qualified TESOL educators in schools, to be published alongside NAPLAN data on My School*

See also paras. 13.128 – 13.137, pp. 90 – 92

[Don't take it as read – Parliament of Australia \(aph.gov.au\)](https://www.aph.gov.au/Don't_take_it_as_read_-_Parliament_of_Australia)

in Standard Australian English.<sup>54</sup> The disaggregation of NAPLAN results according to Language Background Other Than English (LBOTE) is also unreliable and invalid.<sup>55</sup>

Research has demonstrated that it can take migrant-background EAL learners between two to four years to achieve NAPLAN levels comparable with English-speaking peers.<sup>56</sup> Unrealistic and inappropriate targets for improving NAPLAN results and reliance on NAPLAN as a measure of schooling achievement<sup>57</sup> is *directly contributing to the failure* of remote Indigenous EAL/D learners to achieve Outcome and Target 5. When these students are in the early phases of learning to read and write in English, they have difficulty engaging with NAPLAN tests, and find them strange, confusing and progressively alienating.<sup>58</sup> Yingiya Mark Guyula, the Independent Member for Nhulunbuy in the NT Parliament, described the effect: “It makes them feel they are failing themselves.”<sup>59</sup> The experience of failure is re-enforced by fail reports on schoolwork assessed against the ACARA English and Maths curriculum. The discouragement that follows from constant documentation of failure should be taken into account as a factor in low school attendance and retention rates.<sup>60</sup>

The drive to improve NAPLAN results has misdirected system initiatives, policies, provision and strategies, not least in remote Indigenous education.<sup>61</sup> The ‘diagnosis’ of Indigenous literacy failure has been met by importing remedial literacy programs from the USA and UK that are culturally inappropriate, narrowly focussed on ‘English only’ literacy strategies, and hinged on invalid

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<sup>54</sup> Most obviously, a student may be highly numerate but simply unable to understand a test question in English.

<sup>55</sup> Creagh, S. (2014). A critical analysis of problems with the LBOTE category on the NAPLAN Test. *Australian Educational Researcher*, 41: 1-23

<sup>56</sup> Creagh, S., Kettle, M., Alford, J., Comer, B. & Shield, S. (2019). How long does it take to achieve academically in a second language? Comparing the trajectories of EAL students and first language peers in Queensland schools. *Australian Journal of Language and Literacy*, 42, 3, 145-155.

Variables affecting length of time include previous education and literacy, age and support from expert TESOL instruction.

<sup>57</sup> For example, the 2015 NT Indigenous Education Strategy (IES) refers exclusively to NAPLAN as the means of measuring its impact on student achievement in remote schools. *Indigenous Education Strategy: A Share in the Future*, 2015, p.7.

<sup>58</sup> Teachers report to ACTA that when NAPLAN tests are administered, Indigenous students in remote and regional schools are instructed to sit quietly in the room and colour in the bubbles on the test pages. This is also documented in a scene in the movie *In My Blood It Runs* where the teacher tells students to colour in a box because they have a 1 in 4 chance of getting something correct

<sup>59</sup> [NAPLAN: Fears language barriers putting Indigenous kids on the backfoot come exam time - ABC News](#)

<sup>60</sup> The Inquiry into Adult Literacy and its Importance concluded:

3.209 Reforms to the way that Australia assesses and resources EAL/D learners in school is also necessary to help prevent those students from experiencing the shame and stigma of failure, and from disengaging from education.

...

3.211 Applying the same education policies to students who are culturally and linguistically diverse does not result in equitable outcomes for those students and their communities. Rather, it is setting those students up to fail. In Aboriginal and Torres Strait Islander communities, **this means that many current policies are widening the gap, not closing it.** [our emphasis]

[Don't take it as read – Parliament of Australia \(aph.gov.au\)](#)

See also:

Schwab, R. (2012). Indigenous early school leavers: Failure, risk and high-stakes testing. *Australian Aboriginal Studies* (Canberra), (1), 3–18. <https://search.informit.org/doi/10.3316/informit.406784637742774>

<sup>61</sup> Angelo, D and Hudson, C. (2018). Dangerous Conversations: Teacher-Student Interactions with Unidentified English Language Learners in Wigglesworth, G and Simpson, J. (eds.). *Language 7 Practices of Indigenous Children and Youth*. Palgrave Studies in Minority Languages and Communities.

Angelo, D. 2013. National Assessment Program - Literacy and Numeracy (NAPLAN) implementation: implications for classroom learning and teaching with recommendations for improvement. *TESOL in Context*, 23(1&2), 53-73.

Skutnabb-Kangas, T. (2013). Today's Indigenous education is a crime against humanity: Mother tongue –based multilingual education as an alternative? *TESOL in Context* 23: 1&2, 82-124.

formative assessments that prescribe lock-step teaching and constant return to misguided ‘basics’.<sup>62</sup> This inappropriate pedagogy alienates students, drives down attendance and retention, and does little or nothing to advance their learning.

Achieving Outcome/Target 5 will not occur while results on NAPLAN tests are used as indicators of progress. Unless and until the Review disentangles the complex processes by which these tests adversely impact students, how they are taught, how systems devote resources, and how they should be replaced by fit-for-purpose assessments and pedagogies that are supported by quality teacher development (as distinct from training in compliance), Outcome/Target 5 will not be met.

The need for the Review to investigate the processes that determine Outcomes/Targets is also exemplified if we consider factors that impact on Indigenous students’ school attendance and retention. This is not a case of unmet targets but of a worsening situation. Section 5.1.2 below elaborates on how the funding process for NT schools appears to play a significant role in this problem.

### **ACTA Recommendation 6**

**The case studies undertaken in the Review of the Closing the Gap Agreement should include in-depth exploration of inter-connected factors, causal chains and processes that are contributing to the achievement and failures to achieve Outcomes and Targets.**

## **5. Further issues**

### **5.1 Increasing accountability and transparency (Priority reform 3, para. 59, d)**

The commitment by the Government Parties to increase accountability and transparency is urgently required.

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<sup>62</sup> For example, from 2014-2022, the Commonwealth has provided \$282 million to the NT Government through the Northern Territory Remote Aboriginal Investment for the NT Government’s *Indigenous Education Strategy (IES)*. Central to the IES was to develop the literacy of remote Indigenous students through:

- (i) *Direct Instruction*, a commercial program from the USA, which was rolled in 19 very remote schools from Transition to Secondary; costing \$25-30 million, it was defunded in 2018/19. In 2017, DI was replaced by Read Write Inc (RWI), a commercially produced program from England, which was rolled out across remote and urban schools and is now widely used in Indigenous schools. This program is also unsuitable, especially in remote contexts, because it is designed for British students in remedial literacy classes and assumes English is the learner’s mother tongue; teaches decoding skills using nonsense words, which are mystifying for English language learners; assumes England as the school context. No data currently exists on the impact of RWI on remote students’ literacy skills but informal evidence to ATESOL ACT suggests an outcome similar to DI instruction.
- (ii) two NT developed literacy initiatives - *Literacy and Numeracy Essentials (LANE)* and *Employment Pathways*; by 2021, both had been cancelled. LANE consisted of 20 Learning Progressions and some model teaching programs. Schools were asked to use these when assessing and planning teaching. In practice, these Learning Progressions and programs were not used because schools found the materials confusing and so there was little uptake. Although the handbook acknowledged that the students were EAL/D learners, it contained no EAL/D teaching strategies or methodology. For the NT Government’s description of these initiatives, go to: [Indigenous Education Strategy - issue 14 - Department of Education](#)

See also:

Legislative Assembly of the Northern Territory, Answer to Written Question No. 349 by Mr Guyula to the Minister for Education.

Wells, G. (1998). Some Questions about Direct Instruction: Why? To Whom? How? And When? *Language Arts*, 76(1), 27-35. Retrieved from

<http://ezproxy.library.usyd.edu.au/login?url=http://search.proquest.com/docview/196854279?accountid=14757>

Gould, J. (2008). Language difference or language disorder: discourse sampling in speech pathology assessments for Indigenous children. In Simpson, J. Wigglesworth, G., (Ed’s.), *Children’s language and multilingualism: Indigenous language use at home and school*. (pp.194-215) London: Continuum International Publishing Group.

ACTA’s perspective stems from our members’ grass roots experiences across Australia of the consequences of accountability and transparency failings in provision for Indigenous, refugee and migrant background EAL/D learners. These failings have accompanied school autonomy and the flexible resource management policies that have been implemented in state and territory education systems in the last decade. Reduced transparency and accountability have been accompanied by a reduced EAL/D provision and support (including for beginners in English), increased EAL/D teacher casualisation, re-deployment of qualified TESOL teachers into other roles, misdirection of EAL/D learners into remedial English mother tongue literacy programs, and the closure of TESOL teacher education programs in universities. For an elaboration of these issues, please see the ACTA Submission 124 to the Productivity Commission Review of the National School Reform Agreement (NSRA) and a report on an ACTA survey of teachers in 2016.<sup>63</sup>

Our members’ experiences are validated by the National School Resourcing Board’s submission to the same NSRA review:

*The simple reality is that there is no consistent transparent information currently provided by Australian governments or by the non-government sector that can be used to assess how school funding is being spent, or even how much funding each school actually receives. In order to gain a proper understanding of how resourcing impacts student outcomes, school systems would need to be required to share the more detailed school-level income and expenditure data that are currently not accessible in a transparent or consistent way. For these reasons, the Board’s view is that the lack of detailed school funding data is a major shortfall in the current national evidence base on schooling.<sup>64</sup> (our emphasis)*

ATESOL NT, an ACTA member association, some of whose Committee members are part of the ACTA Indigenous EAL/D Consultancy Group, have attempted to investigate how much funding remote Indigenous schools in Northern Territory actually receive, to which we now turn.

### **5.1.1 Transparency**

One way in which transparency is obscured is in the way budget allocations are described – in how they are labelled, and what is said and not said.

An example is detailed in Appendix C. A lack of transparency is exemplified in at least six respects.

First, what is presented in Appendix C is the result of ACTA compiling, distilling and interpreting information from several sources, including determining which sources, in fact, contained the required information. Gaining clear information on basic funding facts should not require this kind of work.

Second, the labelling of allocations is confusing and liable to mislead (for example, the distinction between “Indirect Funding” and “centrally managed costs”, and the overlap between the “school resourcing model” and “Direct Funding”).

Third, the relationship between the information in each source was difficult to discern.

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<sup>63</sup> [Submission DR124 - Australian Council of TESOL Associations \(ACTA\) - National School Reform Agreement - Commissioned study \(pc.gov.au\)](#). See especially sections 6.1, 6.4 and 7.1.

The survey report is at: [Advocacy – State of EAL/D Schools Survey – Australian Council of TESOL Associations Submission 22 - National School Resourcing Board - National School Reform Agreement - Commissioned study \(pc.gov.au\)](#) p. 2

See also the earlier report by the Commonwealth Auditor General: [https://www.anao.gov.au/sites/default/files/ANAO\\_Report\\_2017-2018\\_18a.pdf](https://www.anao.gov.au/sites/default/files/ANAO_Report_2017-2018_18a.pdf)

Fourth, the crucial information was distilled from answers by the NT Education Minister to multiple written questions from a member of the NT Parliament. This method of obtaining information is effective but hard to access.

Fifth, the information gained did not reveal the rationale for funding allocations – this remains to be discovered.

Sixth, the information regarding actual expenditures remains unclear to us.

Gaining the information distilled in Appendix C required time and attention that most people are unable to expend, including those with a legitimate interest in understanding how NT government schools are funded, for example, school principals, school councils, advocacy groups and the media. See also 5.2 below re improving access to data.

### 5.1.2 Accountability

Between 2014 and 2022, Commonwealth allocations to the NT’s 153 government schools increased from just over \$100 million to \$238, 988 million. Nevertheless, remote NT government schools with large Indigenous populations experienced significant budget cuts.

Here is an example of the declining budgets for three remote schools in NE Arnhem Land.<sup>65</sup>

School name	2015 <sup>66</sup> School Resourcing Model	2021 <sup>67</sup> School Resourcing Model	Percentage funding decrease
Gapuwiyak School	2,948,464	2,269,531	23%
Maningrida School	6,751,686	6,184,475	8%
Shepherdson College	5,704,395	4,981,971	13%

The cuts to these and other remote schools resulted from the NT Government’s “effective enrolment” funding methodology for government schools, which was introduced in 2013. This methodology determines a significant portion of school budgets according to the *previous* year’s student attendance. The stated aim is to ensure that “schools are resourced for the highest levels of students attending”.<sup>68</sup>

Answers to questions in the NT parliament indicate that, in 2022, thirteen remote Indigenous schools were not funded for 40 per cent (1,124) of their enrolled students. Publicly accessible data is not available for all NT government schools but AEU NT estimates (reported in the media) were that currently 7,000 students were unfunded in 2022 as a consequence of the effective enrolment funding formula.<sup>69</sup>

The effective enrolment funding formula has created a vicious cycle that has made it progressively impossible for affected schools to staff and resource classes, much less attract and retain experienced

<sup>65</sup> 2022, Answer to Yingiya Guyula in Question No, 344 from the NT Minister of Education, in Question 1b Retrieved from [https://parliament.nt.gov.au/\\_data/assets/pdf\\_file/0003/1131384/Answer-to-Written-Question-344.pdf](https://parliament.nt.gov.au/_data/assets/pdf_file/0003/1131384/Answer-to-Written-Question-344.pdf)

<sup>66</sup> 2021, Answer provided to Yingiya Guyula in Question No. 275 to question 2 from the NT Minister for Education. Retrieved from [https://parliament.nt.gov.au/\\_data/assets/pdf\\_file/0003/1088166/Answer-to-Written-Question-275.pdf](https://parliament.nt.gov.au/_data/assets/pdf_file/0003/1088166/Answer-to-Written-Question-275.pdf)

<sup>67</sup> Government School Funding in the NT, retrieved from <https://education.nt.gov.au/statistics-research-and-strategies/increasing-school-autonomy/school-funding>

<sup>68</sup> Answer 13 to question 2022, Answer to Yingiya Guyula in Question No, 344 from the NT Minister of Education, in Question 1b Retrieved from [https://parliament.nt.gov.au/\\_data/assets/pdf\\_file/0003/1131384/Answer-to-Written-Question-344.pdf](https://parliament.nt.gov.au/_data/assets/pdf_file/0003/1131384/Answer-to-Written-Question-344.pdf)

<sup>69</sup> Sarah Mathews, 16th November 2022, <https://www.abc.net.au/news/2022-11-16/nt-remote-education-funding-effective-enrolment/101517962>

and well-qualified teachers.<sup>70</sup> According to our member association ATESOL NT, effective enrolment is a significant factor in the declining attendance in remote NT schools. This claim is borne out by its coinciding with the introduction of this funding methodology. Since 2013 attendance has steadily fallen. In 2021 alone, NT school enrolments fell by 6 per cent, most or all of which can reasonably be attributed to Indigenous students.<sup>71</sup> For all Very Remote Schools, attendance was below 50 per cent, while overall NT average was 59.6 per cent, compared to 87.7 per cent for non-Indigenous students.<sup>72</sup>

For further details on how funding is affecting enrolment and attendance, see Attachment 3 (Problem 1) and Attachment 5.

It is beyond ACTA’s capabilities to attempt to discover (as per Appendix C) how the funding lost to individual schools was re-allocated and whether it was diverted to schools whose enrolments increased. More broadly, it is arguable that the undermining of remote school budgets through the effective enrolment policy constitutes a failure of accountability, in the sense that a doubling of Commonwealth funding to NT schooling has been accompanied by serious erosion of former Closing the Gap targets.

In response to repeated criticism of effective enrolment, including in the media, the NT Government commissioned an independent assessment of this funding methodology – which should be acknowledged as a major contributor to accountability.<sup>73</sup> In the week in which the ACTA submission was being finalised, the Government stated its “intent” to accept the report’s recommendation to move towards an “enrolment-based measure” by 2024.<sup>74</sup> ACTA believes that action is required prior to this date to prevent a further erosion of school budgets, student attendance and retention.

The Closing the Gap Agreement no longer includes targets for enrolment and attendance, which ACTA finds disappointing. We assume that listing *school attendance* and *school retention rates* as Indicators means that data on these will continue to be collected.

### **ACTA Recommendation 7**

**The Review of the Closing the Gap Agreement should accept the National School Resourcing Board recommendations in Submission 22 to the Commission’s review of the National Schools Resourcing Agreement.**

### **ACTA Recommendation 8**

**The Review of the Closing the Gap Agreement should include recommendations on how measures and reporting can go beyond compliance and be genuinely quality assured.**

## **5.2 Shared access to data**

ACTA endorses the Agreement’s Priority Reform 4 and the commitment to enhancing Aboriginal and Torres Strait Islander communities’ shared access to data. Clearly, access to “processes and information” are crucial to informed decision-making, developing local solutions to local issues, and ensuring that government organisations are more responsive and accountable (para. 69).

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<sup>70</sup> We understand that teachers are now routinely employed on one-term contracts. We were informed that a school principal announced at the beginning of 2022 that she could only afford to employ first year out teachers this year.

<sup>71</sup> [Schools, 2021 | Australian Bureau of Statistics \(abs.gov.au\)](#)

<sup>72</sup> [E-and-A-Web-2021-Table-3.xlsx \(nt.gov.au\)](#)

<sup>73</sup> [Review of effective enrolment | Department of Education](#)

<sup>74</sup> Northern Territory Media release, 7th December 2022 [Article | Northern Territory Government Newsroom](#)

As described earlier, ACTA’s concerns relate, first, to how this access is available to Aboriginal and Torres Strait Islander communities who are predominantly Indigenous language speakers and who have limited literacy skills (section 4.1). Second, the current Agreement does appear to include Indigenous and non-Indigenous group and individual stakeholders, especially those close to the grass roots, including language educators, who are key to progressing the Agreement reforms and Socioeconomic Outcomes (section 4.2).

We note that Priority Reform 4 is restricted to operating “at regional level.” The Review should address how the following stakeholders can access the data and information they also need to make informed decisions, develop local solutions to local issues, and ensure that government organisations are more responsive and accountable.

First, parents of children in Early Childhood Education and in schools need accurate, evidence-based data about a wide range of issues in order to make informed choices and to advocate on behalf of their children. Specifically regarding languages issues, parents need to understand the data that supports use of home languages, both in home and educational contexts.<sup>75</sup> We refer the Commission to Principle 2 of the ACTA Principles for Early Childhood Education (Attachment 1).

Second, school leadership, especially principals, need access to data and evidence to pursue optimal outcomes for their schools and determine priorities, especially in the current policy context of one-line budgets and devolved decision-making. We refer the Commission to section 6 of the ACTA submission the Review of the National Schools Reform Agreement and its Chapter 6 on school leadership. The ACTA submission describes the impact of leadership on EAL/D learning in schools, the current lack of capacity of many principals to make sound decisions about this area of provision and their vulnerability to capture by skilled marketers.<sup>76</sup> In Indigenous education contexts, a lack of sound research-based evidence has led to widespread adoption of unsuitable commercially produced programs and resources, which our members report are a major contributor to students’ alienation from school (see Attachment 3, Problem 2 “Lack of investment in evidence-based EAL/D teaching programs”).<sup>77</sup>

Third, if genuine community engagement and development is to occur, school councils need access to data and information, and may need assistance in interpreting it. The lack of information and support in many communities, especially in remote Indigenous communities, is concerning.

Fourth, Indigenous and non-Indigenous advocacy groups cannot advocate successfully without access to clear and transparent data, as section 5.1 above exemplifies. We believe that the NT

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<sup>75</sup> For example, a common message to parents, which has no basis in evidence and is potentially damaging, is that English should be used wherever possible.

See also: Jones Diaz, C., Arthur, L., Beecher, B. & McNaught, M. (2000). Multiple literacies in early childhood: what do families and communities think about their children's early literacy learning? *Australian Journal of Language and Literacy*, 23, 3, 230-244. Retrieved from:

<http://search.informit.com.au.ezproxy2.library.usyd.edu.au/fullText;dn=104086;res=AEIPT>> ISSN: 1038-1562

Disbray, S. (2008). Storytelling styles: a study of adult-child interactions in narrations of a picture book in Tennant Creek. In Simpson, J. & Wigglesworth, G., (Ed’s.), *Children’s language and multilingualism: Indigenous language use at home and school.* (pp.56-78) London: Continuum International Publishing Group.

<sup>76</sup> Sue Creagh, Anna Hogan, Bob Lingard & Taehee Choi (2022). The ‘everywhere and nowhere’ English language policy in Queensland government schools: a license for commercialisation, *Journal of Education Policy*, DOI: 10.1080/02680939.2022.2037721

<sup>77</sup> The Inquiry into Adult Literacy and Its Importance concluded:

3.210 Quality TESOL education involves teaching materials that are tailored to students’ cultural and linguist needs. Therefore, it is concerning that various ‘off the shelf’, commercial literacy interventions have been imported from overseas and rolled out in remote Aboriginal and Torres Strait Islander schools.  
[Don't take it as read – Parliament of Australia \(aph.gov.au\)](#)

Government's commissioning of the Deloitte review of effective enrolment, which has led to the reversal of this policy, was partially, at least, prompted by local media exposure of the work done by the Independent MLA Yingiya Guyula on the effect of this policy on remote schools.

ACTA advocacy, along with others, has also led to the recognition by the 2022 Parliamentary Inquiry into Adult Literacy and its Importance that current disaggregation of NAPLAN data according to Language Background Other than English (LBOTE) is inaccurate and misleading (paras. 3.132 – 3.137) and its Recommendation 8 of a replacement to this identifier that better identifies EAL/D learners for the purposes of school resourcing (para. 3.208).<sup>78</sup>

The multiplicity of current reporting mechanisms and their various components makes it virtually impossible for a national advocacy body such as ACTA to decipher what is being done to further the achievements of the students we seek to represent, including Indigenous EAL/D learners. For example, this year ACTA commissioned an intern to review annual reports of state and territory education systems to discover how they report on initiatives and outcomes for EAL/D learners. The intern found that these reports vary from providing extensive detail on a vast array of programs that may or may not improve EAL/D learning to failing to mention EAL/D learners or learning languages other than English. The one feature the reports have in common is a failure to document English proficiency levels and/or any evidence of EAL/D learner outcomes from the array of initiatives they listed.

## 6. Conclusion: what ACTA can offer the Closing the Gap review

ACTA believes we have much to offer in assisting the Review to access grass-roots insights into what is required to accelerate improvements in the Agreement's Reforms, Outcomes and Targets, specifically their language-in-education dimensions.

To support this claim, we list ACTA's recent contributions to policy development in the footnote below.<sup>79</sup>

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<sup>78</sup> [Don't take it as read – Parliament of Australia \(aph.gov.au\)](#)

<sup>79</sup> [Early Childhood](#)

ACTA Principles for Early Childhood Education [Advocacy – Australian Council of TESOL Associations](#) (Attachment 1).

The ACTA Early Childhood Consultancy Group has developed a set of six *Principles for Early Childhood Education* that apply to learners of English as an additional language/dialect, including Aboriginal and Torres Strait Islander children. The Principles bring together the shared thinking of a large group of early childhood practitioners and researchers with EAL/D expertise across Australia. They have been developed with reference to the United Nations Convention on the Rights of the Child, which underpin the *Early Years Learning Framework for Australia*. They also align with the Alice Springs (Mparntwe) Education Declaration and Targets 3 and 4 of the Closing the Gap Agreement. This working document has been circulated widely and is under consideration by the Minister for Early Childhood and her Department.

See also: TESOL in Context Special Issue on Early Childhood Education [Vol. 30 No. 1 \(2021\): Languages in Early Childhood Education | TESOL in Context \(deakin.edu.au\)](#)

### [Schools](#)

ACTA *National Roadmap for English as an Additional Language or Dialect Education in Schools* [Advocacy – Australian Council of TESOL Associations](#) (Attachment 2)  
[Submission DR124 - Australian Council of TESOL Associations \(ACTA\) - National School Reform Agreement - Commissioned study \(pc.gov.au\)](#) (88 pages)

Both documents cover Indigenous, refugee and migrant-background EAL/D learners.

ACTA also supported our ATESOL Northern Territory colleagues in preparing a supplementary submission to the 2019 *Parliamentary Inquiry into the Importance of Adult Literacy*. The Inquiry's Terms of Reference included school education. The ATESOL NT submission focussed on Indigenous students in schools, particularly in remote schools.



We hope that this submission is also persuasive that the perspectives we can bring to the table will be important and useful to the Commission's Review.

## 7. List of Attachments

1. ACTA Principles for Early Childhood Education
2. ACTA National Roadmap for English as an Additional Language or Dialect Education in Schools
3. ATESOL NT Supplementary Submission to the Parliamentary Inquiry into Adult Literacy and its Importance (Submission 105.1)
4. ELA Paper 3: An analysis of pedagogical practice - 2006 Evaluation of literacy approaches for ESL Indigenous students project
5. Effective enrolment and other problems in NT Schools.

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Submission 105.1 [ATESOL NT's Supplementary Submission to the Parliamentary Inquiry into Adult Literacy and its Importance - ATESOL NT](#) (Attachment 3).

### Adult sector

The co-chair of the ACTA Indigenous EAL/D Consultancy Group is ACTA's representative on the Department of Employment and Workplace Relations' recently constituted Foundation Skills Advisory Group. This Group includes high level representation from Aboriginal and Torres Strait Islander groups and those closely involved in various programs. It is also focussing closely on provision in remote Indigenous communities. The perspectives gained from participating in this Advisory Group would complement future potential ACTA engagement with the Commission.

## **Appendix B:** **Reasons for the lack of Aboriginal teachers in the Northern Territory**

The status and availability of qualified Aboriginal staff in the NT has been significantly undermined by a combination of factors.

The first was the closure of the Bilingual Education program in the NT. Bilingual schools provided local Aboriginal teachers with a training pathway. It gave Assistant Teachers a teaching role using their and the local children's home languages. This experience stimulated Assistant Teachers to train as teachers.

In the 1980s, Batchelor Institute offered an undergraduate teacher education program that was specifically designed to provide recognised qualifications for these bilingual, bicultural Aboriginal teachers to teach in remote schools. By 1983, the Batchelor program included an Associate Diploma of Teaching (Aboriginal Schools). The Remote Aboriginal Teacher Education (RATE) Program was expanded, and in the late 80s, bilingual schools provided home language instruction to over 50 per cent of remote NT Indigenous students.<sup>80</sup> By 1998, 75 per cent of Batchelor Institute's teaching graduates had worked in bilingual schools.<sup>81</sup>

The final closure of bilingual programs in 2009, leaving only English-medium schools, significantly diminished the role of local Aboriginal teachers, and removed their first step in building confidence and skills as language teachers. The number of Assistant Teacher positions in schools was reduced and the perceived need for fully qualified Aboriginal teachers was undermined. Concurrently, the rationale for the special program at Batchelor Institute was weakened. In 2012, when Batchelor Institute lost its Higher Education undergraduate accreditation, the Associate Diploma was merged with the mainstream Bachelor of Education at Charles Darwin University (CDU) and the majority of remaining students who were transferred from Batchelor withdrew and returned to their communities. The CDU program did not offer academic English language support, had no EAL/D and bilingual pedagogy content, and its other content seemed irrelevant to these intending teachers, which remains largely the case today.<sup>82</sup>

In 2012, Batchelor now offers Certificates III and IV for Assistant Teachers in the Vocational Education and Training Sector, and a Diploma of Educational Support. These awards are governed by ASQA requirements. While individual trainers make adjustments based on their professional experience, these courses are largely unsuitable for Aboriginal Assistant Teachers from remote communities, because they include only limited content on bilingual and EAL/D pedagogy, and do

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<sup>80</sup> Lee, P. Fasoli, L. Ford, L. Stephenson, P. & McInerney, D. 2014, Indigenous Kids and Schooling in the Northern Territory: An introductory overview and brief history of Aboriginal Education in the Northern Territory, Batchelor Press Retrieved from: <http://www.batchelorpress.com/docs/open/iks/indigenous-kids-schooling-nt.pdf>

Dickson, G (2009) Lessons learnt from the AIATSIS Research Symposium, Bilingual education in the Northern Territory: principles, policy and practice, held at National Museum of Australia, Canberra, June, 2009 (Unpublished article.)

<sup>81</sup> Greatorex, J. (2008) Eleven facts about NT bilingual schools, Friends of Bilingual Education (no longer available on the web).

<sup>82</sup> The comment below came in response to a draft of this section:

*Simply using the mainstream teacher ed. course will not work. It's important for faculty working with these teachers to have the experience of working in remote schools, otherwise they hear but do not understand why the current Bachelor of Education course is NOT SUITABLE. The content has been designed for mainstream classrooms and disregards the strengths and learning needs of Aboriginal teachers.... I am thoroughly depressed about existing pathways.*

See also Attachment 3, Problem 6.

not provide explicit English language support. Without relevant content and support, the Certificates do not offer these Assistant Teachers a genuine pathway into teaching qualifications.

Targeted provision for training and qualifying Aboriginal teachers in the Northern Territory is now confined to a new pilot version of the RATE Program, which has been offered in four remote schools to Aboriginal Assistant Teachers who want to become fully qualified teachers.<sup>83</sup> The initial iteration of the program in 2020 was unsatisfactory because:

- (i) fly-in staffing was inflexible in regard to timetabling and student availability
- (ii) the content assumed no prior experience in teaching, remote schools or cultural knowledge
- (iii) the content did not include teaching EAL/D or bilingual pedagogy
- (iv) there was limited assistance in developing academic English skills.<sup>84</sup>

A second iteration in 2021 adopted an initial recommendation that a co-ordinator located on each community should take on a greater teaching role. However, apart from this, no other changes were made, and the curriculum remains largely unchanged.

Because of the mismatch of course content, the level of academic skills required and the lack of relevance to local teaching conditions, many of the students enrolled in the ‘trial’ period (Feb – July 2021) were counselled out of the RATE program and encouraged to enrol in the VET Certificate program at Batchelor Institute (see above).

In the NT, the number of *permanent* Assistant Teacher positions has been significantly reduced. Assistant Teachers are now increasingly frequently employed as casuals by local school councils. They have relatively few entitlements and their employment is insecure. With budget cuts to remote schools (see section 5 above), many casual Indigenous school staff have lost positions.

It is important to note that Assistant Aboriginal Teachers are *not* teachers’ aides or education support workers. In remote schools where Aboriginal and Torres Strait Islander languages are used, these teachers have unique and specific teaching responsibilities. Both Aboriginal teachers and Assistant Teachers are crucial in mediating classroom learning and wider school experiences for students with minimal/no English because they are local, can explain things in the language the children speak, and can mediate and explain the Western cultural practices of the classroom. Reduced Aboriginal staffing has limited schools’ ability to address these students’ needs.

The loss of Indigenous staffing positions in schools has also deprived adults in remote communities of a pathway and incentive to further study and to develop their literacy skills.<sup>85</sup> This loss also sends a message to communities that their languages and culture lack value.

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<sup>83</sup> The ATs are enrolled in an Undergraduate Certificate which consists of four units from the CDU Bachelor of Education course:

[Undergraduate Certificate Remote Educators \(NRED01 - 2021\) | Charles Darwin University \(cdu.edu.au\)](https://www.cdu.edu.au/undergraduate/certificate-remote-educators-nred01-2021).

See also [Remote Aboriginal Teacher Education \(RATE\) Pilot Program - Department of Education](#)

<sup>84</sup> This information came in response to a draft of ACTA [Submission DR124 - Australian Council of TESOL Associations \(ACTA\) - National School Reform Agreement - Commissioned study \(pc.gov.au\)](#)

<sup>85</sup> See also [Submission 52 - Indigenous Education Consultative Meeting \(IECM\) - National School Reform Agreement - Commissioned study \(pc.gov.au\)](#) p. 12

## **Appendix C: Determining how NT government schools are funded – an example**

Table A below is derived from Answers from the NT Minister for Education to Written Questions 275 (02/12/2021) and 333 (04/05/2022) from the Independent Member for Mulka, Mr Yingiya (Mark) Guyula, together with information on the NT Government website.<sup>86</sup>

At the time when these questions were asked (December 2021 and May 2022) and work began on attempting to interpret the answers, 2019 was the most recent year for which the My School website showed financial data.

The information relates to the 2019 funding allocations for Arnhem eleven schools, plus four other remote community schools that are designated “bilingual”.

*See next page for Table A.*

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<sup>86</sup> [Information on school funding | Department of Education](#) Last updated 28 April 2020.

**Table A:  
NT Government 2019 School Funding for 11 NE Arnhem Land schools  
and a further 3 designated “bilingual” schools<sup>87</sup>**

SCHOOL		SCHOOL RESOURCING PACKAGE (SRP) <sup>88</sup> 2019			TOTAL SRP	TOTAL FROM SRP RETAINED BY NT GOVERNMENT (Centrally managed costs + Indirect Funding) \$/ %
		SCHOOL RESOURCING MODEL		Indirect funding		
		<i>Direct Funding</i>				
		Allocations to schools	Centrally managed costs			
1	Areyonga	738,913	259,973	228,221	<b>1,227,107</b>	488,194 / <b>40%</b>
2	Baniyala Garrangali	560,058	106,000	210,472	<b>876,530</b>	316,472 / <b>36%</b>
3	Gapuwiyak	1,599,303	1,626,896	1,325,928	<b>4,552,127</b>	2,952,824 / <b>65%</b>
4	Lajamanu	2,089,448	1,412,506	1,115,191	<b>4,617,145</b>	2,527,697 / <b>54%</b>
5	Maningrida	5,870,796	2,889,239	4,248,953	<b>13,008,988</b>	7,138,192 / <b>55%</b>
6	Millingimbi	3,626,517	1,528,123	2,278,547	<b>7,433,187</b>	3,806,670 / <b>51%</b>
7	Nhulunbuy High	5,929,965	1,218,953	2,911,389	<b>10,060,307</b>	4,130,342 / <b>41%</b>
8	Nhulunbuy Primary	5,195,345	248,035	2,445,097	<b>7,888,477</b>	2,693,132 / <b>34%</b>
9	Numbulwar	1,652,060	1,282,937	1,020,363	<b>3,955,360</b>	2,303,300 / <b>58%</b>
10	Ramingining	3,132,428	948,102	1,987,928	<b>6,068,458</b>	2,936,030 / <b>48%</b>
11	Shepherdson	4,191,680	3,898,651	3,602,437	<b>11,692,768</b>	7,501,088 / <b>64%</b>
12	Willowra School	997,789	362,372	634,959	<b>1,995,120</b>	1,006,331 / <b>50%</b>
13	Yirkala Homeland	1,983,188	1,116,409	727,857	<b>3,827,454</b>	1,844,266 / <b>48%</b>
14	Yirkala School	2,566,867	1,988,311	1,379,677	<b>5,934,855</b>	3,367,988 / <b>57%</b>
15	Yuendumu	2,957,237	1,355,720	1,667,756	<b>5,980,713</b>	3,023,476 / <b>51%</b>

<sup>87</sup> The 4 bilingual schools that are not in NE Arnhem Land are Areyonga, Willowra, Lajamanu and Yuendumu. Aside from Nhulunbuy Primary and High which have 20% and 35% Indigenous students respectively, all other schools have 95-99% Indigenous students.

<sup>88</sup> These figures are derived from answers 2 and 7 to Written Question 275. Answer 7 provides figures for the fixed component, targeted component and the variable component of the School Resourcing Model.

Although it is not defined in the information on which Table A is based, the **School Resourcing Package** would appear to be the total funding allocated to NT government schools. The website description is:

*The School Resourcing Package (SRP) includes the School Resourcing Model which consists of school managed resources and resources that are centrally managed by the department. The SRP also includes additional resources provided by the department for the strategic focus areas of quality teaching, school leadership, community engagement and differentiated support to schools.<sup>89</sup>*

For further information on the SRP, the reader is referred to the My School website as follows:

*The [MySchool](#) website provides information on the total resources (**direct and indirect**) for a school. The financial information is based on expenditure for a completed calendar year. [our emphasis]*

The **Direct and Indirect** Funding that comprise the SRP are described as follows (answer to question 333):

***Direct funding** includes all Australian Government and Northern Territory Government expenditure on schools that is either school managed, or centrally managed that can be directly attributable to a specific school.*

***Indirect funding** data is comprised of expenditure incurred by the department and other NT government departments (such as teacher housing, long service leave). Indirect funding includes examples such as the corporate overheads in providing wholistic support for schools (human resources, finance corporate or executive services or early years support or support from other external agencies).*

*a) Indirect funding is allocated to schools based on the attribution of expenditure incurred. The attribution methodology varies depending on the nature of the service but is generally distributed proportionately based on total direct resourcing to the school.*

*b) In some instances, indirect funding is attributed based on factors such as remoteness or other specific attributes of the school. For example, remote teacher housing and remote travel is only distributed to remote schools.<sup>90</sup>*

ACTA cannot discern any relationship between the funding amounts shown on the My School website and the amounts supplied in answer to Mr Guyula's questions.<sup>91</sup> This discrepancy accords with the disclaimer in answer to question 275 that:

*it is important to note the distinctions between the different types of financial information provided and acknowledge that they cannot be accurately compared.*

Further:

*“Direct” and “Indirect” funding are expenditure categories used within the Department of Education when calculating school finance information for publishing on MySchool. These terms are not used on the MySchool website.<sup>92</sup>*

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<sup>89</sup> [Information on school funding | Department of Education](#)

<sup>90</sup> Indirect funding is also described as “resources for the Department’s Education NT’s strategic focus” (answer to question 275) and as “an attribution of Departmental expenditure that provides a service to schools but cannot be easily and directly attributed to a school” (Answer to question 33).

<sup>91</sup> For example, the total School Resourcing Package for Areyonga School in 2019 shown in answer 275 comes to \$1,227,107mill., while the total Commonwealth and Territory recurrent funding comes to \$1,365,411 mill.

<sup>92</sup> Answer to Written Question 275.

As stated above, Direct Funding consists of **school managed** and **centrally managed** costs, described as follows:

*School managed costs include program delivery, employee and operational costs, school managed repairs and maintenance.*

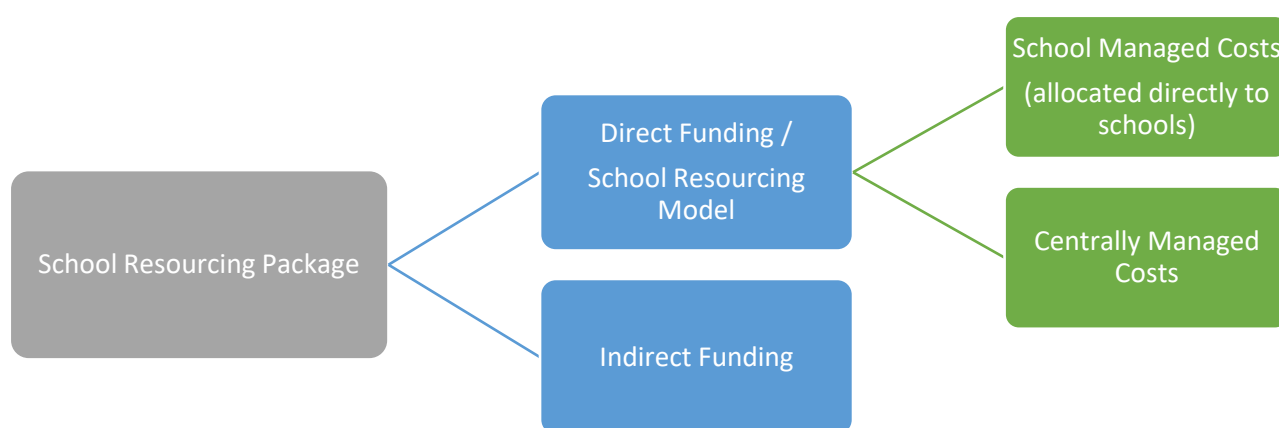
*Centrally managed costs include principal salaries, study or parental leave or workers compensation.*

**School managed costs** are the funds that actually go to schools. They consist of three components which are described as *fixed (facility)*, *targeted*, and *student needs based variable*.<sup>93</sup>

Although “centrally managed costs” come from within the “Direct Funding” allocation, they are not shown in the information normally provided by Government about individual schools.

ACTA’s understanding of these relationships is shown in Figure 1 below.

**Figure 1: Relationship between school funding components**



As can be seen from Table A, the amounts managed by the NT Department vary widely in relation to different schools. The largest proportion of funding managed centrally is for school 11 (64 percent). The smallest centrally managed proportion is for school 8 (34 percent). Further questioning would be required to discover the rationale for these differences.

What is clear is that transparency is lacking in how funding is allocated to NT government schools for at least six reasons:

1. Arriving at Table A and Figure 1 – assuming they are correct – required compiling and interpreting information from multiple sources, none of which are easy to relate to each other.
2. Leaving aside the explanations, the labels attaching to funding allocations is confusing and initially misleading, for example, “School Resourcing Package” versus “School Resourcing Model”, “Indirect Funding” versus “centrally managed costs”, and the apparent fact that “Direct Funding” and the “School Resourcing Model” refer to the same allocation.
3. How the information in each source related to similar or the same information took time to work out.

<sup>93</sup> [Information on school funding | Department of Education](#)

- 4. The information Table A and Figure 1 derives from multiple questions asked by a member of the NT Parliament. To ACTA’s knowledge, this information cannot be gained in any other way.
- 5. The rationale for the various allocations remains opaque.
- 6. What is actually covered in each allocation remains vague in many respects.
- 7. It is unclear as to how this information relates to information on the My School website, which is described as supporting “national transparency and accountability of Australia's schools by publishing nationally consistent school-level data about every school in Australia.”<sup>94</sup> The analysis above would appear to call this description in question.

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<sup>94</sup> [Home | My School](#)