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2009 Social Justice Report

Aboriginal and Torres Strait Islander Social Justice Commissioner

Aboriginal & Torres Strait Islander Social Justice Commissioner

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Social Justice Report 2009

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This publication can be found in electronic format on the Australian Human Rights Commission's website at http://www.humanrights.gov.au/social_justice/sj_report/sjreport09/.

For further information about the Australian Human Rights Commission, please visit: www.humanrights.gov.au or email paffairs@humanrights.gov.au.

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Fabienne Balsamo, photographer, 2009.

The cover photograph is of woven baskets produced by women of Mapuru. Mapuru run a Cultural Tourism Project – Arnhem Weavers, which runs cultural tours and workshops for small groups of tourists who come and live in Mapuru for 1–2 weeks, and learn about weaving and other traditional activities. Mapuru is profiled in chapter four of this report, as an example of a successful economic development initiative by an Indigenous homeland.

Please be aware that this publication may contain the names or images of Aboriginal and Torres Strait Islander people who may now be deceased.

Social Justice Report 2009

Aboriginal and Torres Strait Islander Social Justice Commissioner

Report of the Aboriginal and Torres Strait Islander Social Justice Commissioner to the Attorney-General as required by section 46C (1) (a) of the *Australian Human Rights Commission Act 1986* (Cth).

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Aboriginal & Torres Strait Islander Social Justice Commissioner

Aboriginal and Torres Strait Islander Social Justice Commissioner

The position of the Aboriginal and Torres Strait Islander Social Justice Commissioner was established within the Australian Human Rights Commission in 1993 to carry out the following functions:

(1) Report annually on the enjoyment and exercise of human rights by Aboriginal peoples and Torres Strait Islanders, and recommend where necessary on the action that should be taken to ensure these rights are observed.

(2) Promote awareness and discussion of human rights in relation to Aboriginal peoples and Torres Strait Islanders.

(3) Undertake research and educational programs for the purposes of promoting respect for, and enjoyment and exercise of, human rights by Aboriginal peoples and Torres Strait Islanders.

(4) Examine and report on enactments and proposed enactments to ascertain whether or not they recognise and protect the human rights of Aboriginal peoples and Torres Strait Islanders

The Commissioner is also required, under section 209 of the *Native Title Act 1993* (Cth), to report annually on the operation of the Act and its effect on the exercise and enjoyment of human rights by Aboriginal peoples and Torres Strait Islanders.

Office holders

- Mr Tom Calma: 2004 – present
- Dr William Jonas AM: 1999 – 2004
- Ms Zita Antonios: 1998 – 1999 (Acting)
- Mr Mick Dodson: 1993 – 1998

About the Social Justice Commissioner's logo

The right section of the design is a contemporary view of traditional Dari or head-dress, a symbol of the Torres Strait Island people and culture. The head-dress suggests the visionary aspect of the Aboriginal and Torres Strait Islander Social Justice Commissioner. The dots placed in the Dari represent a brighter outlook for the future provided by the Commissioner's visions, black representing people, green representing islands and blue representing the seas surrounding the islands. The Goanna is a general symbol of the Aboriginal people.

The combination of these two symbols represents the coming together of two distinct cultures through the Aboriginal and Torres Strait Islander Commissioner and the support, strength and unity which it can provide through the pursuit of social justice and human rights. It also represents an outlook for the future of Aboriginal and Torres Strait Islander social justice, expressing the hope and expectation that one day we will be treated with full respect and understanding.

For information on the work of the Social Justice Commissioner please visit the Commission website at:

http://humanrights.gov.au/social_justice/index.html

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23 December 2009

The Hon Robert McClelland MP
Attorney-General
Parliament House
Canberra ACT 2600

Dear Attorney,

Social Justice Report 2009

I am pleased to present to you the *Social Justice Report 2009*.

The report is provided in accordance with section 46C(1) (a) of the Australian Human Rights Commission Act 1986. This provides that the Aboriginal and Torres Strait Islander Social Justice Commissioner is to submit a report regarding the enjoyment and exercise of human rights by Aboriginal persons and Torres Strait Islanders, and including recommendations as to the action that should be taken to ensure the exercise and enjoyment of human rights by those persons.

The focus of *Social Justice Report 2009* is on justice reinvestment to reduce Indigenous over-representation in the criminal justice system; protection of Indigenous languages; and sustaining Aboriginal homeland communities.

Appendix 1 provides a chronology of events for 2008–2009; appendix 2 relates to chapter two on justice reinvestment, and appendices 3–5 relate to chapter three on Indigenous languages.

The report includes 12 recommendations for government in the three areas of Indigenous justice, Indigenous languages and homeland communities.

I look forward to discussing the report with you.

Yours sincerely

Tom Calma
Aboriginal and Torres Strait Islander
Social Justice Commissioner

Australian Human Rights Commission

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Note – Use of the terms 'Aboriginal and Torres Strait Islander peoples' and 'Indigenous peoples'

The Aboriginal and Torres Strait Islander Social Justice Commissioner recognises the diversity of the cultures, languages, kinship structures and ways of life of Aboriginal and Torres Strait Islander peoples. There is not one cultural model that fits all Aboriginal and Torres Strait Islander peoples.

Aboriginal and Torres Strait Islander peoples retain distinct cultural identities whether they live in urban, regional or remote areas of Australia.

Throughout this report, Aborigines and Torres Strait Islanders are referred to as **'peoples'**. This recognises that Aborigines and Torres Strait Islanders have a collective, rather than purely individual, dimension to their livelihoods.

Throughout this report, Aboriginal and Torres Strait Islander peoples are also referred to as **'Indigenous peoples'**.

The use of the term 'Indigenous' has evolved through international law. It acknowledges a particular relationship of Aboriginal people to the territory from which they originate. The United Nations High Commissioner for Human Rights has explained the basis for recognising this relationship as follows:

> Indigenous or aboriginal peoples are so-called because they were living on their lands before settlers came from elsewhere; they are the descendants – according to one definition – of those who inhabited a country or a geographical region at the time when people of different cultures or ethnic origins arrived, the new arrivals later becoming dominant through conquest, occupation, settlement or other means… (I)ndigenous peoples have retained social, cultural, economic and political characteristics which are clearly distinct from those of the other segments of the national populations.
>
> Throughout human history, whenever dominant neighbouring peoples have expanded their territories or settlers from far away have acquired new lands by force, the cultures and livelihoods – even the existence – of indigenous peoples have been endangered. The threats to indigenous peoples' cultures and lands, to their status and other legal rights as distinct groups and as citizens, do not always take the same forms as in previous times. Although some groups have been relatively successful, in most part of the world indigenous peoples are actively seeking recognition of their identities and ways of life.[1]

The Social Justice Commissioner acknowledges that there are differing usages of the terms 'Aboriginal and Torres Strait Islander', 'Aboriginal' and 'indigenous' within government policies and documents. When referring to a government document or policy, we have maintained the government's language to ensure consistency.

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1 United Nations High Commissioner for Human Rights, *The Rights of Indigenous Peoples,* Fact Sheet No.9 (Rev.1) (1997). At http://www.ohchr.org/Documents/Publications/FactSheet9rev.1en.pdf (viewed 24 November 2009).

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Appendices

List of figures, case studies, text boxes and tables

Chapter 2: Justice reinvestment – a new solution to the problem of Indigenous over-representation in the criminal justice system

Chapter 3: The perilous state of Indigenous languages in Australia

Recommendations

In accordance with the functions set out in section 46C(1) (a) of the *Australian Human Rights Commission Act 1986* (Cth), this report includes 4 recommendations on justice reinvestment to reduce Indigenous over-representation in the criminal justice system, 7 recommendations for the protection of Indigenous languages and 1 recommendation for sustaining Aboriginal homeland communities.

Justice reinvestment

Recommendation 1: That the Australian Government, through COAG, set criminal justice targets that are integrated into the Closing the Gap agenda.

Recommendation 2: That the Standing Committee of Attorneys General *Working Party* identify justice reinvestment as a priority issue under the National Indigenous Law and Justice Framework, with the aim of conducting pilot projects in targeted communities in the short term.

Recommendation 3: That the Australian Social Inclusion Board, supported by the Social Inclusion Unit, add justice reinvestment as a key strategy in the social inclusion agenda.

Recommendation 4: That all state and territory governments consider justice reinvestment in tandem with their plans to build new prisons. That a percentage of funding that is targeted to prison beds be diverted to trial communities where there are high rates of Indigenous offenders.

Indigenous languages

In order to implement Article 13 of the *UN Declaration on the Rights of Indigenous Peoples* and in recognition that the Australian Government has a strategic role in Indigenous language preservation, that the Australian Government commit to the following:[1]

Recommendation 5: Immediately fund a national working group with the task of establishing a national Indigenous languages body as per the commitment of *Indigenous Languages – A National Approach.*[2]
Recommendation 6: Commit to the development of a national Indigenous languages body with functions and responsibilities similar to those of the Māori Language Commission.
Recommendation 7: Utilise the expertise of the national body to assess the required resources for critically endangered languages and commit these resources immediately.
Recommendation 8: Agree to resource an ongoing plan of action for the preservation and promotion of Indigenous languages as recommended by the national Indigenous languages body.
Recommendation 9: Become a signatory to the *Convention for the Safeguarding of the Intangible Cultural Heritage* (2003).
Recommendation 10: Through the Council of Australian Governments (COAG), develop agreements with all governments to ensure consistency and compliance with Australia's *Indigenous Languages – A National Approach*.
Recommendation 11: Commence a process to recognise Indigenous languages in the preamble of Australia's Constitution with a view to recognising Indigenous languages in the body of the Constitution in future.

1 *UN Declaration on the Rights of Indigenous Peoples* 2007, art 13. 1: Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons. At http://iwgia.synkron.com/graphics/Synkron-Library/Documents/InternationalProcesses/DraftDeclaration/07-09-13ResolutiontextDeclaration.pdf (viewed 25 September 2009).

2 Australian Government Department of Environment, Water, Heritage and the Arts, *Indigenous Languages – A National Approach. The importance of Australia's Indigenous languages*. At http://www.arts.gov.au/indigenous/languages_policy (viewed 3 September 2009).

Sustaining Aboriginal homeland communities

Recommendation 12: In order to implement the *UN Declaration on the Rights of Indigenous Peoples*, particularly Articles 3, 11, 12, 20 and 21, that the Australian and Northern Territory Governments commit to:

- Review the *Working Future* policy with the active participation of representative leaders from homeland communities
- Develop and implement future homeland policies with the active participation of leaders from homeland communities and
- Provide funding and support for homeland communities in all states and territories through the COAG National Indigenous Reform Agreement and associated National Partnership Agreements.

Chapter 1:
Introduction

This is my sixth, and final, Social Justice Report as the Aboriginal and Torres Strait Islander Social Justice Commissioner. It covers the period from 1 July 2008 to 30 June 2009.

This year's report will focus on: justice reinvestment to reduce Indigenous over-representation in the criminal justice system; protection of Indigenous languages; and sustaining Aboriginal homeland communities.

1.1 Looking back

It is with great pride, gratitude and a touch of sadness that I put the final touches on my last Social Justice Report. My time as the Aboriginal and Torres Strait Islander Social Justice Commissioner has been one of the most rewarding and challenging experiences of my life. I feel great privilege to have served my people in this way.

It has also without a doubt been one of the most tumultuous periods in Indigenous affairs in recent years.

Just before I took up my position as Social Justice Commissioner, the Howard government announced the abolition of ATSIC. This led to a raft of 'new arrangements' and a significant void in terms of national representation and leadership for Indigenous Australians.

Much of my early work was focused on monitoring the impact of the new arrangements and arguing for government accountability and a voice for Indigenous peoples in this new policy landscape.

Then on 21 June 2007 the Australian Government launched the Northern Territory Emergency Response, reportedly in response to the *Little Children are Sacred* report into child sexual assault in the Northern Territory.

I welcomed the announcement to protect the rights of Indigenous women and children in the Northern Territory. However, like many other people in the Indigenous community, I had concerns about the focus of the Commonwealth Government's Emergency Response strategy and accompanying legislation.

Unfortunately, the initial discourse around the Northern Territory Intervention was framed in such away that you were either 'with us or against us'. There was no room for discussion and there was no opportunity for partnership with Indigenous people in resolving child sexual abuse in the Northern Territory.

Again, the policy landscape changed dramatically for Indigenous Australians in the Northern Territory. Amongst some of the changes were compulsory welfare quarantining; compulsory alcohol restrictions; compulsory acquisition of land; the removal of the permit system; removal of customary law and cultural practice as a mitigating factor in bail or sentencing; licensing of stores in prescribed areas; and the banning of pornography in prescribed areas. Initially there was to be compulsory

whole-of-body health checks of all children under the age of 16 years old, but this was abandoned in response to strong protests from the medical fraternity. The sheer scale of Intervention touched the day to day lives of most Indigenous Northern Territorians.

Many of these initiatives were enabled by the suspension of the *Racial Discrimination Act 1975* (Cth), directly contravening Australia's human rights obligations. This was of great concern to me as I have always maintained that human rights are universal and indivisible. This means that human rights apply to everyone, everywhere, everyday and that different types of rights have equal importance. Good policy always upholds human rights.

Around the same time, I undertook a major review of successful Indigenous family violence and child abuse initiatives. In my work as Social Justice Commissioner I have been lucky to meet extraordinary, inspiring people who achieve great things for their communities. The case studies I collected reinforced that the only way the Northern Territory Emergency Response, and in fact the entire spectrum of Indigenous service delivery and policy, would succeed was if we worked in partnership with communities.

In 2007 the policy landscape was changed again with the election of the Rudd government.

A seemingly seismic shift occurred on 13 February 2008 when Prime Minister Rudd on behalf of the Australian Parliament, made a historic and long overdue National Apology to the Stolen Generations. With eloquence and emotion, Prime Minister Rudd said what so many Australians have wanted to say, and what so many Indigenous peoples have needed to hear.

I was honoured to formally respond at Parliament House to the Parliament's Apology on behalf of the National Sorry Day Committee and Stolen Generations Alliance. I am confident that the National Apology will go down as one of those 'where were you' moments in Australia's history.

More than this, I'd like to think that the National Apology has been a transformational event in Australia's history. This transformational vision was shared by the Prime Minister. In the Apology speech he said:

> Let (the Apology) not become a moment of mere sentimental reflection. Let us take it with both hands and allow this day, this day of national reconciliation, to become one of those rare moments in which we might just be able to transform the way in which the nation thinks about itself...[1]

I've described the National Apology as a 'line in the sand that marks the beginning of a new relationship and era of respect'.[2]

And we are now starting to see the fruits of this new relationship.

The COAG Closing the Gap commitments made in December 2007 and 2008 have shaped the spirit in which Indigenous policy is being conducted in Australia at the moment. We now have solid government targets to address Indigenous disadvantage in health, education and employment.

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1 Commonwealth, Parliamentary Debates, House of Representatives, 13 February 2008, p 167 (The Hon Kevin Rudd MP, Prime Minister).

2 T Calma, Essentials for Social Justice: The Future (Speech delivered at the Hawke Centre, University of South Australia, Adelaide, 12 November 2008). At http://humanrights.gov.au/about/media/speeches/social_justice/2008/20081112_future.html (viewed 13 November 2008).

I am very proud that I have been able to contribute to this positive shift in some way. It was my *Social Justice Report* in 2005 that called for the gap in Indigenous health equality to be closed, challenging governments to commit to closing the life expectancy gap in one generation. A coalition of Indigenous health bodies and non government organisations responded to this call giving rise to a campaign which mobilized a groundswell of community support. The fight for Indigenous health equality is far from over but this campaign shows just what can happen when we come together for human rights.

Building on this solid ground, we also saw the Australian Government formally give its support for the *UN Declaration on the Rights of Indigenous Peoples* in April 2009. I've described this as a watershed moment in Australian history and I am hopeful that it will guide better rights-based engagement with Indigenous Australians.

Having come into this position just after the abolition of ATSIC perhaps it is fitting that one of my final tasks has been recommending a model for a new national Indigenous representative body in August this year.

Again, I think this is another shift in the Indigenous policy landscape. But this time it will take us to higher, more secure ground as self-determining peoples whose voices will be heard.

After a comprehensive consultation process and with input from some of the best brains in Indigenous affairs, we came up with a robust model that has allowed us to learn from the mistakes of ATSIC and adapt to the challenges of the future. I look forward to seeing the model implemented over the next year.

1.2 Looking forward…

I'm often asked to comment on the progress, or lack of progress, that we are making in the realisation of Indigenous human rights. It is easy to become despondent in the relentless grind of Indigenous affairs where one alarming set of statistics follows another. However, as anyone who knows me will attest, I am an eternal optimist.

I can see positive signs for the future. The national Indigenous representative body will provide a more representative voice and therefore better policy in Indigenous affairs. For the first time we have all Australian governments working towards targets to close the gap of Indigenous disadvantage. The *UN Declaration on the Rights of Indigenous Peoples* should guide proper community engagement.

These positive developments align with the steps I set out in my *Social Justice Report 2008* as being necessary for government to re-set the agenda for Indigenous affairs. Some of the other steps that government could take included:

- enacting a national Human Rights Act that includes protection of Indigenous rights
- amending the *Constitution* to recognise Indigenous peoples in the preamble; removing discriminatory provisions and providing a guarantee of equal treatment and non-discrimination
- establishing a framework for negotiations/ agreements with Indigenous peoples to address the unfinished business of reconciliation
- providing human rights education
- reinstating the application of the *Racial Discrimination Act 1975* (Cth) and state/ territory anti discrimination legislation for the Northern Territory Emergency Response legislation.

I am also encouraged by the Australian Government's social inclusion framework. In fact, when you look at all of the positive developments that I have outlined above, they all sit within the social inclusion framework.

Being socially included means:

> people have the resources (skills and assets, including good health), opportunities and capabilities they need to:
>
> - Learn and participate in education and training;
> - Work and participate in employment, unpaid or voluntary work including family and carer responsibilities;
> - Engage and connect with people, use local services and participate in local, cultural, civic and recreational activities; and
> - Have a voice influence decisions that affect them.[3]

These are all the things that we want for Indigenous Australians, and they are all necessary for the realisation of Indigenous peoples' human rights. In recognition of this and the current level of disadvantage faced by Indigenous Australian, the Australian Government has nominated Indigenous Australians as a priority group in the social inclusion framework.

Also encouraging are the new structures that reflect the status of social inclusion as a guiding policy principle in the Australian government including:

- the establishment of the Australian Social Inclusion Board to provide independent advice to the government
- the Deputy Prime Minister, Julia Gillard, has portfolio responsibility for Social Inclusion, assisted by Senator Ursula Stephens
- the Social Inclusion Unit sits in the Department of Prime Minister and Cabinet, with the Prime Minister making a number of public undertakings towards social inclusion.

This level of commitment signals that the Australian Government is serious about its social inclusion framework.

If this level of commitment sustains, the social inclusion framework will become a powerful policy tool for achieving Indigenous rights. In some ways it is just a new language for things we have been talking about for years: access, equity and involvement in decision making. But in other ways, social inclusion offers us practical tools to achieve change.

We can see this in the Australian Government's social inclusion 'principles of approach' including:

- Building partnerships with key stakeholders
- Developing tailored services
- Giving a high priority to early intervention and prevention
- Building joined up services and whole of government solutions
- Using evidence and integrated data to inform policy
- Using locational approaches
- Planning for sustainability
- Building on individual and community strengths.[4]

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3 Australian Government, *Australian Public Service Social Inclusion Policy Design and Delivery Toolkit.* At http://www.socialinclusion.gov.au/Documents/SIToolKit.pdf (viewed 28 September 2009)

4 Australian Government, *Australian Public Service Social Inclusion Policy Design and Delivery Toolkit.* At http://www.socialinclusion.gov.au/Documents/SIToolKit.pdf (viewed 28 September 2009).

Again, none of these principles is particularly radical or novel but taken together they will provide a new way of doing Indigenous policy.

Of course, we have all seen fine principles like these before. Too often they remain unrealised. However, the Australian Government has developed the *Australian Public Service Social Inclusion Policy Design and Delivery Toolkit* which squarely places responsibility for actualising these principles at the policy and service delivery level. In a 'how to' guide bureaucrats are equipped to take these principles out into the real world.

The challenge for us is to now harness the potential of the social inclusion framework to address Indigenous disadvantage.

One example I deal with in this report is how justice reinvestment can reduce Indigenous over-representation in the criminal justice system. What is interesting is just how closely a number of these principles and priorities align with justice reinvestment. In particular, there is a significant coalescence between the stated principles of 'early intervention and prevention';[5] 'using evidence and integrated data to inform policy';[6] and using locational approaches.[7]

In effect, justice reinvestment could become a very powerful tool for ensuring that Indigenous Australians are socially included. It meets the concerns of policy makers 'mindful of the costs and benefits and evidence of returns for investment',[8] the need for holistic early intervention and evidence based policy.

This confluence of agendas could be a turning point for Indigenous disadvantage in Australia if the Australian Government takes its commitments to social inclusion seriously.

1.3 Contents of the *Social Justice Report 2009*

Every year it is a challenge to decide which issues to focus on in the Social Justice Report. Some years the issues seem to pick us, for instance it has been crucially important to be responsive to the human rights implications of major policy shifts like the new arrangements and Northern Territory intervention. Other times the issues directly respond to a huge need, for instance focusing on Indigenous health equality or remote Indigenous education.

For my last report I have chosen to focus on justice reinvestment to reduce Indigenous over-representation in the criminal justice system; the protection of Indigenous languages; and sustaining Aboriginal homeland communities.

Chapter 2 examines a new idea called justice reinvestment as a solution to the appalling over-representation of Indigenous people in the criminal justice system.

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5 Australian Government, *Social Inclusion Principles for Australia.* At http://www.socialinclusion.gov.au/Principles/Documents/SIPrincilpes.pdf (viewed 28 July 2009).

6 Australian Government, *Social Inclusion Principles for Australia.* At http://www.socialinclusion.gov.au/Principles/Documents/SIPrincilpes.pdf (viewed 28 July 2009).

7 Australian Government, *Social Inclusion Principles for Australia.* At http://www.socialinclusion.gov.au/Principles/Documents/SIPrincilpes.pdf (viewed 28 July 2009).

8 Australian Government, *Social Inclusion Principles for Australia.* At http://www.socialinclusion.gov.au/Principles/Documents/SIPrincilpes.pdf (viewed 28 July 2009).

Nationally, Indigenous adults are 13 times more likely to be imprisoned than non-Indigenous people[9] and Indigenous juveniles are 28 times more likely to be placed in juvenile detention than their non-Indigenous counterparts.[10]

Some worthy initiatives have been tried to reduce over-representation but the bottom line remains: what we are doing is simply not working. If it were working, we would be seeing a reduction in Indigenous imprisonment, rather than the 48% increase since 1996.[11]

When something isn't working, we need to be bold and creative in thinking outside our safe policy parameters for alternative solutions. But at all times we must respect human rights principles, including the principle of non-discrimination. That is why in this chapter I look to justice reinvestment from the United States as a new approach that may hold the key to unlocking Indigenous Australians from the cycle of crime and escalating imprisonment rates.

Justice reinvestment is a localised criminal justice policy approach that diverts a portion of the funds spent on imprisonment to local communities where there is a high concentration of offenders. The money that would have been spent on imprisonment is reinvested in programs and services in communities where these issues are most acute in order to address the underlying causes of crime in those communities.

Justice reinvestment still retains prison as a measure for dangerous and serious offenders but actively shifts the culture away from imprisonment and starts providing community wide services that prevent offending. Justice reinvestment is not just about reforming the criminal justice system but trying to prevent people from getting there in the first place.

Justice reinvestment is a model that has as much in common with economics as social policy. Justice reinvestment asks the question: is imprisonment good value for money? The simple answer is that it is not. We are spending ever increasing amounts on imprisonment while at the same time, prisoners are not being rehabilitated, recidivism rates are high and return to prison rates are creating overcrowded prisons.

This chapter, based on the evidence from the United States and consideration of the Australian context, argues that it is about time we got smart with our money and reinvested in community wide early intervention and support our Indigenous communities, rather than throwing it away on imprisonment.

Chapter 3 looks at the perilous state of Indigenous languages in Australia. Indigenous languages critically endangered and they continue to die out at a rapid rate.

9 Australian Bureau of Statistics, *Prisoners in Australia 2008.* At http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/F618C51B775B2CF7CA25751B0014A2D5/$File/45170_2008.pdf (viewed 27 May 2009).

10 Australian Institute of Health and Welfare, Juvenile Justice in Australia 2006-2007. At http://www.aihw.gov.au/publications/juv/jjia06-07/jjia06-07.pdf (viewed 27 May 2009).

11 Australian Bureau of Statistics, *Prisoners in Australia 2006.* At http://abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4517.02006?OpenDocument (viewed 24 July 2009).

Prior to colonisation, Australia had 250 distinct languages which expanded out to 600 dialects.[12] Today only 20 Indigenous languages are fully intact and even these are endangered.[13] Without intervention Indigenous language knowledge will cease to exist in Australia in the next 10 to 30 years.[14]

In terms of cultural heritage, the loss of Indigenous languages in Australia is a loss for all Australians. For the Indigenous peoples whose languages are affected, the loss has wide ranging impacts on culture, identity and health.

Cultural knowledge and concepts are carried through languages. Where languages are eroded and lost, so too is the cultural knowledge. This in turn has potential to impact on the health and well-being of Indigenous peoples. There is now significant research which demonstrates that strong culture and identity are protective factors for Indigenous people, assisting us to develop resilience.

In August 2009 the Australian Government released a policy with the aim of preserving and promoting Indigenous languages. Despite good intentions, the recent policy provides no new funds for Indigenous languages and it will not do more to preserve languages than is already being done. Without targeted action and cooperation from the state and territory governments, we will see Indigenous languages continue to die out.

Inconsistent and contradictory policies across the state, territory and Commonwealth governments have created a policy environment where little can be done in a systematic way to preserve languages. We have seen over the past year, for example, efforts of the Northern Territory government to dismantle bilingual education by making it mandatory for schools to teach the first four hours of each school day in English. This is occurring at the same time as the Commonwealth Government releases a policy to preserve languages.

This chapter sets out a series of actions that governments must take to implement the objectives of the new policy. This chapter shows that language preservation is possible when nations make a concerted effort to coordinate efforts and move in a consistent direction in their policy and practice. The chapter documents a number of good practice approaches both nationally and internationally and suggests a way forward to formal recognition of Indigenous languages and the establishment of a national body to promote Indigenous languages.

Chapter 4 profiles the homelands movement of the Northern Territory as an example of successful Aboriginal community development, governance and self-determination.

Homelands provide social, spiritual, cultural, health and economic benefits to residents. They are a unique component of the Indigenous social and cultural landscape, enabling residents to live on their ancestral lands. Homelands are governed through traditional kinship structures which provide leadership and local governance.

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12 Australian Institute of Aboriginal and Torres Strait Islander Studies and the Federation of Aboriginal and Torres Strait Islander Languages, *National Indigenous Languages Survey Report 2005,* Executive Summary. At http://www.arts.gov.au/__data/assets/pdf_file/0006/35637/nils-report-2005.pdf (viewed 3 July 2009)

13 J Lo Bianco, *Organizing for Multilingualism: Ecological and Sociological Perspectives,* A TESOL Symposium on Keeping Language Diversity Alive, 2008, p11, Alice Springs, Northern Territory, Australia, July 9, 2008

14 Australian Institute of Aboriginal and Torres Strait Islander Studies and the Federation of Aboriginal and Torres Strait Islander Languages, *National Indigenous Languages Survey Report 2005,* p 67. At http://www.arts.gov.au/__data/assets/pdf_file/0006/35637/nils-report-2005.pdf (viewed 3 July 2009)

The focus on Northern Territory homelands is in response to the recent significant changes made to government policies which limit the resources and support for homeland communities. These policies collude to move homeland residents into large townships to access housing, education and other services.

History has shown that moving people from homeland communities into fringe communities in rural towns increases the stresses on resources in rural townships. Some of the documented disadvantages include increased social tensions between different community groups, reduced access to healthy food and lifestyles and loss of cultural traditions, practices and livelihoods.

This chapter will demonstrate that if government policies fail to support the ongoing development of homelands it will lead to social and economic problems in rural townships that could further entrench Indigenous disadvantage and poverty. The failure to support homeland communities will also be a significant contributor to the loss of the world's longest surviving continuous culture.

The central argument of this chapter is that homelands should be adequately resourced by Australian governments and that homeland leaders should be able to actively participate in the development of policies that affect homeland communities.

As with previous reports, **Appendix 1** of the report provides a chronology of events relating to the administration of Indigenous affairs, from 1 July 2008 to 30 June 2009. The chronology provides a comprehensive overview of the major government policy initiatives introduced during this period. This snapshot of developments highlights both the sheer scale of changes as well the rapid pace at which they are occurring. This has had a significant impact on communities and individuals who are required to adapt and adjust to them.

On the face of it, the issues in these chapters may look disconnected, but at their essence they all speak to the need for strong communities. This might be through reinvesting money in crime prevention and keeping people out of prison; protecting the language and culture that is the glue to keep communities together; or supporting strong homelands as a model of community development.

Our communities are not just where we come from, but who we are. They represent our family connections, proud history and rich culture. I hope that they remain strong and can in turn sustain future generations. My final Social Justice Report provides some new ideas and recommendations to do this.

Chapter 2:
Justice reinvestment – a new solution to the problem of Indigenous over-representation in the criminal justice system

2.1 Introduction

Indigenous imprisonment rates in Australia are unacceptably high. Nationally, Indigenous adults are 13 times more likely to be imprisoned than non-Indigenous people[1] and Indigenous juveniles are 28 times more likely to be placed in juvenile detention than their non-Indigenous counterparts.[2]

Indigenous over-representation in the criminal justice system is not a new issue. At least since the Royal Commission into Aboriginal Deaths in Custody in 1991 it has been the subject of countless reports, research projects and roundtables.

Some worthy initiatives have come out of these efforts but the bottom line remains: what we are doing is simply not working. If it were working, we would be seeing a reduction in Indigenous imprisonment, rather than the 48 percent increase since 1996.[3]

When something isn't working, we need to be bold and creative in thinking outside our safe policy parameters for alternative solutions. That is why in this chapter I look to a recent development from the United States, justice reinvestment, as a new approach that may hold the key to unlocking Indigenous Australians from the cycle of crime and escalating imprisonment rates.

Justice reinvestment is a localised criminal justice policy approach that diverts a portion of the funds for imprisonment to local communities where there is a high concentration of offenders. The money that would have been spent on imprisonment is reinvested in programs and services in communities where these issues are most acute in order to address the underlying causes of crime in those communities.

Justice reinvestment still retains prison as a measure for dangerous and serious offenders but actively shifts the culture away from imprisonment and starts providing community wide services that prevent offending.

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1 Australian Bureau of Statistics, *Prisoners in Australia 2008*. At http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/F618C51B775B2CF7CA25751B0014A2D5/$File/45170_2008.pdf (viewed 27 May 2009).

2 Australian Institute of Health and Welfare, Juvenile Justice in Australia 2006–2007. At http://www.aihw.gov.au/publications/juv/jjia06-07/jjia06-07.pdf (viewed 27 May 2009).

3 Australian Bureau of Statistics, *Prisoners in Australia 2006.* At http://abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4517.02006?OpenDocument (viewed 24 July 2009).

Justice reinvestment is not just about reforming the criminal justice system but trying to prevent people from getting there in the first place.

Justice reinvestment is a model that has as much in common with economics as social policy. Justice reinvestment asks the question: is imprisonment good value for money? The simple answer is that it is not. We are spending ever increasing amounts on imprisonment while at the same time, prisoners are not being rehabilitated, recidivism rates are high and return to prison rates are creating overcrowded prisons.

As we are in the midst of the global financial crisis, seeing government surpluses being replaced with record deficits and spending on services being slashed, the question of whether imprisonment is good value for money is particularly powerful.

When spending across all areas is threatened we need to be creative about doing more with less. As we have seen from the justice reinvestment experience in the United States, when politicians were faced with the choice between spending on hospitals and schools or prisons, some were willing to look at alternatives to the 'tough on crime' rhetoric in favour of solutions that actively reduce imprisonment spending.

The scarcity of public funds might be just the pragmatic opportunity we need to shift governments away from a law and order, tough on crime mentality. Framing the problem of Indigenous imprisonment as an economic issue might be more strategic than our previous attempts to address it as a human rights or social justice issue.

A crisis of the magnitude that we face in Indigenous imprisonment requires pragmatic as well as principled approaches. Justice reinvestment is a deceptively simple idea, yet it is underpinned by a sound research methodology, community engagement and evaluation. There is much that we can learn from the United States experience and emerging interest in the United Kingdom around justice reinvestment to shape better responses to Indigenous offending.

In this chapter I will introduce these innovative ideas in the context of overseas experience and possible Australian applications. This chapter consists of five sections:

2.2 Justice reinvestment and the experience of the United States and the United Kingdom

(a) The context of justice reinvestment

Justice reinvestment is a public policy response to the out of control prison population expansion in the United States from the 1990s. The United States imprisons more people than any other nation in the world.[4] For instance:

- in 2008 one in every 1,000 adults were incarcerated[5]
- 2.3 million people are imprisoned every year[6]
- African Americans are eight times more likely to be imprisoned than white Americans[7]
- one out of every eight African American males between 20–34 years of age is imprisoned[8]
- if the African American imprisonment rate dropped to the same levels as the rest of the population, the prison population would shrink by two thirds
- despite falling crime rates since 1991, the rate of imprisonment has increased by more than 50% since that time.[9]

These imprisonment rates come with a $60 billion a year price tag.[10]

The explosion of imprisonment rates resulted from a range of increasingly punitive law and order measures but particularly the 'war on drugs' and mandatory sentencing.

High imprisonment costs have also coincided with a time of constrained state and federal budgets. Often the tipping point has come when prisons have reached capacity and governments have been faced with large costs to build new prisons. This is where justice reinvestment has been accepted as a bipartisan solution to avoiding the construction of new prisons.

(b) Principles of justice reinvestment

The origins of justice reinvestment mark its difference from the usual criminal justice policy ideas. The concept of justice reinvestment came out of the Open Society Institute, a New York think-tank led by George Soros.

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4 International Centre for Penal Studies, *World Prison Brief – Highest to Lowest Rates*. At http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_stats.php?area=all&category=wb_poptotal (viewed 14 April 2009).

5 H West and W Sabol, Prisoners in 2008, Bureau of Justice Statistics Bulletin (2008). At http://www.ojp.usdoj.gov/bjs/pub/pdf/p07.pdf (viewed 14 April 2009).

6 H West and W Sabol, Prisoners *in 2008*, Bureau of Justice Statistics Bulletin (2008). At http://www.ojp.usdoj.gov/bjs/pub/pdf/p07.pdf (viewed 14 April 2009).

7 D Roberts, 'The Social and Moral Cost of Mass Incarceration in African American Communities' (2004) 56 (5) *Stanford Law Review*, p 1272.

8 The Sentencing Project, *Racial Disparity*. At http://www.sentencingproject.org/IssueAreaHome.aspx?IssueID=3 (viewed 14 April 2009).

9 The Sentencing Project, *New Incarceration Figures: Thirty Three Consecutive Years of Growth*. At http://www.sentencingproject.org/Admin/Documents/publications/inc_newfigures.pdf (viewed 14 April 2009).

10 J Gibbons and N Katzenbach, *Confronting Confinement,* Commission on Safety and Abuse in America's Prisons (2006), p 13. At http://www.prisoncommission.org/pdfs/Confronting_Confinement.pdf (viewed 14 April 2009).

George Soros is a successful financial speculator and stock investor and is ranked the 29th richest person in the world. He has clear insights into the financial world as well as first hand experience of human rights violations, escaping the Nazis as a young man. Through the Open Society Institute he donates large amounts of money to projects that help create open, fair democracies. With this background it makes sense that justice reinvestment is concerned with both the economics and the social justice of mass imprisonment.

Importantly, justice reinvestment is not just about diversionary or treatment programs, although they may be part of a justice reinvestment strategy. The innovation of justice reinvestment, according to the Commission on English Prisons is that it:

> is not about alternatives *within* the criminal justice process, it is about alternatives *outside* of it.'[11]

Justice reinvestment makes us think more broadly and holistically about what really leads to crime and how we can prevent it.

(i) Million dollar blocks

Justice reinvestment is based on evidence that a large proportion of offenders come from a relatively small number of disadvantaged communities. Demographic mapping and cost analysis in the United States has identified 'million dollar blocks' where literally millions of dollars are being spent on imprisoning people from certain neighbourhoods. For instance, in one neighbourhood, 'The Hill' in Connecticut, $20 million was spent in one year to imprison 387 people.[12] The Hill is disproportionately made up of low income, African Americans.

This concentration of offenders logically suggests that there should be a commensurate concentration of services and programs to prevent offending in these communities. This is an important departure from current individually focused correctional policy. Current correctional policies promote individual and group programs but provide little support for community reintegration and community capacity building.

The bottom line is that you can put an individual offender through the best resourced, most effective rehabilitation program, but if they are returning to a community with few opportunities, their chances of staying out of prison are limited.

(ii) Money talks

The second assumption of justice reinvestment is that imprisonment cannot be considered a success because it does not make good financial sense.

Despite the growth in spending on imprisonment, recidivism and return to custody rates have increased to the point in the United States where two thirds of prisoners return to custody.[13] Of those, one third are returned to prison for minor parole violations, including missed appointments, positive drug tests and breaches of curfew.[14]

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11 Commission on English Prisons Today, *Do Better Do Less: The report of the Commission on English Prisons Today* (2009), p 49. At http://www.howardleague.org/index.php?id=835 (viewed 23 July 2009).

12 S Tucker and E Cadora, *Ideas for an Open Society: Justice Reinvestment,* Open Society Institute (2003), p 2. At http://www.soros.org/resources/articles_publications/publications/ideas_20040106/ideas_reinvestment.pdf (viewed 14 April 2009).

13 S Tucker and E Cadora, *Ideas for an Open Society: Justice Reinvestment*, Open Society Institute (2003), p 3. At http://www.soros.org/resources/articles_publications/publications/ideas_20040106/ideas_reinvestment.pdf (viewed 14 April 2009).

14 S Tucker and E Cadora, *Ideas for an Open Society: Justice Reinvestment*, Open Society Institute (2003), p 3. At http://www.soros.org/resources/articles_publications/publications/ideas_20040106/ideas_reinvestment.pdf (viewed 14 April 2009).

There is a substantial body of evidence that shows that prison fails to rehabilitate, deter, meet public concerns and make communities safe.[15] Despite a small but vocal prison reform movement (including those who champion human rights), these arguments have largely fallen on deaf ears in the 'tough on crime' climate that has predominated in most Western countries for the last 50 years.[16]

However, the failure of imprisonment in economic terms seems to be cutting through to a diverse range of policy makers because it is an argument that spans the ideological divide. It holds the promise of prevention, diversion and community justice for those on the left, and for those on the right, it promises balanced budgets. It is telling that in the United States, the home of 'law and orders' politics, justice reinvestment has not only been taken up by progressive liberal states like Oregon but also Texas, home state of George W Bush.

In the United Kingdom justice reinvestment is aligned to new economic analysis in the form of 'Social Return on Investment' (SROI). The SROI model:

> is a process for understanding, measuring and reporting on the social, environmental and economic value created by an intervention and provides a stakeholder-led framework for measuring the long-term change created by public policy.[17]

SROI is being used to financially argue for alternatives to imprisonment based on long-term projections of costs and benefits. Text Box 2.1 provides an example based on diversionary programs for women.

Text Box 2.1: Unlocking Value: How we all benefit from investing in alternatives to prison for women offenders

The New Economics Foundation measured the costs and long-term benefits of two diversionary programs for non-violent offending women in Glasgow and Worcester. The SROI study found that:

- For every pound invested into community-based diversions a further £14 of social value was generated to benefit the women, their children, victims and the community over a ten-year period.
- If alternatives to prison were to achieve an additional reduction of just 6% in re-offending, the state would recoup the investment in a single year.
- The long run value of these benefits is in excess of £100 million over a ten-year period.

15 For example: T Matthiesen, *Prison on Trial (2006)* and A Coyle, 'Community Prisons' (2006) 64 *Criminal Justice Matters,* pp 32–33.

16 With the exception of Scandinavian countries who have much lower rates of imprisonment and a greater focus on rehabilitation and reintegration for those who are imprisoned based on social democratic principles.

17 New Economics Foundation, *Unlocking Value: How we all benefit from investing in alternatives to prison for women offenders*, 2008. At http://www.neweconomics.org/gen/z_sys_publicationdetail.aspx?pid=270 (viewed 22 July 2009).

As well as providing new evidence on the costs of imprisonment, the NEF analysed the adverse consequences for mothers' imprisonment on their children. It found that imprisoning mothers carries a cost to children and the state of more than £17 million over a ten-year period.[18]

(iii) Community consequences of incarceration

Researchers have been investigating the impact of incarceration on individuals in terms of rehabilitation, recidivism and deterrence for some time. However, it is only under the umbrella of justice reinvestment that research on the impact of incarceration on community life as a whole is being seriously considered.

One of the assumptions of incarceration is that removing offenders from the community (incapacitation) makes the community a safer, better place. This might be true if we are talking about removing a small number of serious offenders from a community. But if large numbers of offenders are being removed from a single community this disrupts social networks and weakens the community.[19]

The impact of incarceration is compounded because the communities with high imprisonment rates are already disadvantaged.[20] This makes them more vulnerable to the disruption and drain caused by imprisonment, sustaining the cycle of crime.

Offenders have other roles in the community that are unrelated to criminal behaviour. In reviewing ethnographic research on offenders, Dina Rose and Todd Clear argue that:

> Our point is not that offenders be romanticized as 'good citizens' but rather they not be demonized. A view of them as 'merely bad' is a one sided stereotype that ignores the assets they represent to the networks within which they live, but also fails to account for the benefits they contribute to their environments.[21]

Offenders contribute financially; have family and cultural obligations; and other social contributions.[22] For instance, large numbers of men being imprisoned reduces the number of male role models in communities and can reduce the income of families and communities. Todd Clear goes as far as to suggest that:

> Men who are behind bars are the missing links in the social network of those who remain behind. Since these networks have limited strength to begin with the widespread reality of prison undermines their ability to provide social capital. And neighbourhoods with lots of men behind bars are places with especially low endowments of social capital. Because prison saps the limited economic and interpersonal resources of families with loved ones behind bars both the families and neighbourhoods stay impoverished.[23]

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18 New Economics Foundation, *Unlocking Value: How we all benefit from investing in alternatives to prison for women offenders*, 2008. At http://www.neweconomics.org/gen/z_sys_publicationdetail.aspx?pid=270 (viewed 22 July 2009).

19 National Institute of Justice, *When Neighbors Go to Jail: Impact on Attitudes About Formal and Informal Social Control,* US Department of Justice, 1999. At http://www.ncjrs.gov/pdffiles1/fs000243.pdf (viewed 26 October 2009).

20 National Institute of Justice, *When Neighbors Go to Jail: Impact on Attitudes About Formal and Informal Social Control,* US Department of Justice, 1999. At http://www.ncjrs.gov/pdffiles1/fs000243.pdf (viewed 26 October 2009).

21 D Rose and T Clear, 'Incarceration, Social Capital and Crime: Implications for Social Disorganization Theory' (1998) 36, (3) Criminology, p 453.

22 D Rose and T Clear, 'Incarceration, Social Capital and Crime: Implications for Social Disorganization Theory' (1998) 36, (3) Criminology, p 451.

23 T Clear, *Imprisoning Communities* (2007), p 9.

In particular, many offenders are also parents. Some of the initial negative consequences of imprisonment on children of prisoner include:

- loss of the attachment bond with the parent
- mental health problems, including depression, withdrawal and anxiety
- physical health problems
- hostile and aggressive behaviours
- poor school performance and truancy.[24]

Long term the cycle perpetuates, as children of prisoners are five times more likely to be imprisoned.[25]

On a more theoretical level, researchers are finding that imprisoning a large segment of a community is reducing informal and formal social control. Communities with high imprisonment perceive that formal social control mechanisms (the police and criminal justice systems) are unfair, sending the fatalistic message that they will also be unfairly targeted regardless of their positive actions.[26]

In turn, informal social control also declines in this environment. Informal social control is strong when there is sufficient community trust and solidarity and has the potential to prevent crime. Informal social control includes things like:

- the ability of parents to control their children and young people
- whether community members are willing and able to offer assistance or intervene if they see someone being attacked, or a house broken into
- whether community members are willing to intervene if they think a child is at risk or being abused.

Building community capacity is therefore key to increasing informal social control and a community's own crime prevention mechanisms.

(c) How is justice reinvestment implemented?

Justice reinvestment has evolved into a coherent strategy with a rigorous methodology and four clear steps.

Step 1: Analysis and mapping

The first step is identifying where the offenders are coming from and then calculating how much is being spent in these areas on imprisonment. This leads to detailed demographic and socio-economic data mapping that shows in a very precise way just how much is being spent on imprisonment for certain communities.

Once the communities are identified the under-spending on health, education, housing and other social services is often in stark contrast to over-spending on imprisonment.

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24 S Cox, *Little Children of women in prison are sacred too*, (Paper for the Sisters Inside 'Is Prison Obsolete?' Conference, Darwin, 28 June 2007). At http://www.sistersinside.com.au/media/conference2007/SusanCoxs.pdf (viewed 3 March 2009).

25 Shine for Kids (Children of Prisoners Support Group) http://www.shineforkids.org.au/why_we_are_needed/index.htm (viewed 3 March 2009).

26 National Institute of Justice, *When Neighbors Go to Jail: Impact on Attitudes About Formal and Informal Social Control,* US Department of Justice, 1999. At http://www.ncjrs.gov/pdffiles1/fs000243.pdf (viewed 26 October 2009).

A holistic analysis of the criminal justice system is a key feature of the justice reinvestment methodology. Consideration is given to policing, judicial systems, probation and parole, prevention programs, community supervision and diversion options as well as the geographic mapping.

This sort of data and analysis has often been lacking in jurisdictions before justice reinvestment was considered. According to Michael Thompson, Director of the Council of State Governments Justice Center in the United States:

> Few, if any states have access to such data when making important budget or policy decisions. What information policy makers do receive pertains to a particular agency and is fairly narrow in scope. Equipped with information focused on one part of the criminal justice system, state officials are for all practical purposes blindfolded, touching just one part of the elephant or fumbling with thousands of jigsaw puzzle pieces. We can no longer afford for policy makers to appropriate billions of taxpayer dollars with no understanding of what impact such spending will have on community safety.[27]

Step 2: Development of options to generate savings and improve local communities

Once the communities are identified, the next step is looking at ways to save imprisonment costs so funds can be re-spent in the community. This involves looking at why there is such a high rate of imprisonment and particularly, return to custody. In many cases this has involved changes in how technical matters like parole violations or bail matters are dealt with and providing community based alternatives to non-violent offences.

There is a neat flow on effect here. If there is money to reinvest in better alcohol and drug treatment, housing options and general community support services, judges can be more confident about sentencing offenders to community based options.

The options will be different for each community, based on the offender profile and the needs of the community. Given that community involvement is such a key component of justice reinvestment, this step also involves community consultation and engagement around the causes and solutions to crime.

Step 3: Quantify savings and reinvest in high needs communities

Based on the information gathered in the previous two steps, it is possible to project savings based on reductions in imprisonment spending. Savings can then be put towards the services and projects identified by communities.

Step 4: Measure and evaluate impact

Justice reinvestment approaches are evidence based and measure performance outcomes such as the amount of imprisonment money saved; reduction in imprisonment; reduction in recidivism; and indicators of community well being and capacity.

Although there is a four step process for justice reinvestment as described here, it operates differently in each location due to administrative as well as community differences. This part of the chapter will illustrate some of the programs in progress in the United States and to a lesser extent, United Kingdom and Scotland. Detailed case studies from Texas and Kansas will illustrate the process and outcomes of justice reinvestment.

27 Michael Thompson, Statement to the US House of Representatives Appropriates Subcommittee, Hearing on Justice Reinvestment (1 April 2009).

(d) Justice reinvestment in the United States

Administratively in the United States, local counties are responsible for sentencing most offenders but they are usually sent to state prisons to serve their sentence.[28] The offenders become a state problem and state cost so there has traditionally been no financial incentive for the counties to look at the local community problems that are contributing to high incarceration levels.

Under some justice reinvestment schemes the cost of imprisoning people is 'charged back' to the counties, so if they choose not to imprison people they have the option of using those funds for community based programs and community development activities that target where offenders live.

An example of 'charge back' is Oregon. In Oregon money was reinvested in well-resourced restorative justice and community service programs for juvenile offenders. The approach resulted in a 72% drop in juvenile incarceration.[29] Strong connections were made with local communities, resulting in increased social cohesion as well as tangible projects like parks and neighbourhood revitalisation.

In other places in the United States, state governments have actively cut corrections budgets and reinvested into targeted community strategies. The case studies of Texas and Kansas provide detailed information on this process later in the chapter.

Justice reinvestment requires technical expertise to start the analysis and mapping process, as well as negotiating options for savings. In the United States, the Council of State Governments Justice Centre undertakes this role. The Justice Centre has become a focal point in promoting and implementing justice reinvestment in the United States.

(i) Council of State Governments Justice Centre

Since the initial research and development work initiated by the Open Society Institute, the Council of State Governments Justice Centre has supported justice reinvestment projects.[30] The Justice Centre receives funding from US Department of Justice and philanthropic organisations.

The Justice Centre provides intensive technical assistance (particularly around the data mapping component of the strategy) to a limited number of states that demonstrate a bipartisan interest in justice reinvestment.

The Justice Centre has been crucial in developing the rigorous, evidence based approach to justice reinvestment that has encouraged bipartisan support.

There are currently 11 states formally pursuing justice reinvestment:

- Arizona
- Oregon
- Connecticut
- Kansas
- Michigan
- Nevada
- Pennsylvania

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28 A federal criminal justice system also operates in the United States, making up around 6% of the entire prison population.

29 S Tucker and E Cadora, *Ideas for an Open Society: Justice Reinvestment*, Open Society Institute (2003), p 6. At http://www.soros.org/resources/articles_publications/publications/ideas_20040106/ideas_reinvestment.pdf (viewed 14 April 2009).

30 Justice Center, Justice Reinvestment: A project of the Council of State Governments Justice Center. At http://justicereinvestment.org/about (viewed 16 February).

- Rhode Island
- Texas
- Vermont
- Wisconsin.

This is a diverse group of states with little in common apart from rising imprisonment rates.

The other common thread is the bipartisan support that is necessary for justice reinvestment. The Justice Centre have a key role to play in bringing often very unlikely politicians together in partnership to tackle imprisonment. Text Box 2.2 provides a selection of quotes from various politicians who have worked with the Justice Centre in support of justice reinvestment.

Text Box 2.2: What US politicians have to say about justice reinvestment

Michigan Governor Jennifer Granholm (Democrat):

> It is not good public policy to take all of these taxpayer dollars at a very tough time, and invest it in the prison system when we ought to be investing it in things that are going to transform the economy, like education and diversifying the economy.

Arizona State Senator John Huppenthal (Republican):

> Our policy and funding decisions need to be based on good data and the latest research. Unless we have that foundation, I am not confident that we're doing everything we can to fight crime and be efficient with taxpayer dollars.

Kansas State Senator John Vratil (Republican):

> If we do not address the problem today, we are effectively deciding to spend hundreds of millions of dollars on future construction and operation of more prisons…Kansas will miss the opportunity to be safer.

US Senator Sam Brownback (Republican):

> We've got a broken correctional system. Recidivism rates are too high and create too much financial burden on states without protecting public safety. My state [Kansas] and others are reinventing how we do business by employing justice reinvestment strategies that can put our taxpayers' dollars to better use.

Texas State Representative Jerry Madden (Republican):

> We're in the process of sharply turning the ship- not an easy process- to focus more on treatment of peoples' problems so they can do their time and return to society as productive citizens…In ten years time we may look back on this as one of the most significant changes we've made.

Ohio State Representative John J. White (Republican):

> There's a shift away from the mindset of lock them up and throw away the key. That cannot sustain itself.

California Senate President Don Perata (Democrat):

> We are jammed up with this situation right now because we have fallen in love with one of the most undocumented beliefs: that somehow you get safer if you put more people in jail.

Justice reinvestment's political currency seems to be growing under the Obama administration. In April 2009 the House of Representatives Appropriations Subcommittee conducted hearings on justice reinvestment, taking evidence from representatives of the Justice Center and the Texas and Kansas state governments on the implementation of justice reinvestment.

Since the passage of the Second Chance Act in April 2008, prisoner re-entry (including post release support) has been the focus of much discussion federally in the United States. However, as pointed out by Michael Thompson, Director of the Justice Center:

> Despite the unprecedented interest in re-entry, state and county elected officials are finding that they don't have the resources to finance, on a large scale, strategies necessary… Indeed, as the states face the grim reality of $350 billion in budget shortfalls over the next 2.5 years elected officials are scrambling to fund important services and shelving plans to expand promising pilot programs, or worse, scuttling re-entry programs altogether.[31]

In this dire context, there is hope that justice reinvestment will find favour at the state, as well as federal level as a way of getting out of the financial black hole.

Case Study 2.1: Justice reinvestment in Texas

Texas in south of the United States is the largest state in terms of size and population. Texas has a bigger population than Australia, with 24.3 million residents.[32] Texas is very ethnically diverse and is a now a 'majority minority' state that means that various ethnic minorities now outnumber white Americans.[33]

Texas has the second highest imprisonment rate in the United States with 976 people imprisoned per 100,000.[34] This rate is even higher for ethnic minorities: while white Americans are represented at 667 per 100,000, Hispanic Americans are 830 per 100,000 and African Americans are an alarming 3,162 per 100,000.[35] This makes African Americans almost five times more likely to be imprisoned that their white counterparts in Texas.

31 Michael Thompson, Statement to the US House of Representatives Appropriates Subcommittee, Hearing on Justice Reinvestment (1 April 2009).

32 Texas State Government, *Demographics*, http://www.window.state.tx.us/specialrpt/tif/population.html (viewed 15 April 2009).

33 Texas State Government, *Demographics*, http://www.window.state.tx.us/specialrpt/tif/population.html (viewed 15 April 2009).

34 International Centre for Penal Studies, *World Prison Brief – Prison Brief for Texas*, http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_usastates.php?state=44 (viewed 15 April 2009).

35 The Sentencing Project, *State by State*, http://www.sentencingproject.org/StatsByState.aspx (viewed 15 April 2009).

Texas is renowned for its 'tough on crime' policies that have led to a 300% increase in the prison population between 1985 to 2005.[36] To meet demand $2.3 billion was spent on construction alone between 1983 to 1997 to house inmates.[37] However, building could not keep pace with demand and it was projected that the prison population would increase by another 14,000 people in five years, necessitating the spending of $523 million just to build new prisons.[38]

Faced with prison overcrowding and massively increasing costs, policy makers initiated a bipartisan process to pursue justice reinvestment.

Step 1: Analysis and mapping

The Council of State Governments Justice Center provided detailed mapping of the prison population to identify the 'high stakes communities' where offenders come from. They found:

- five counties accounted for more than half of the people imprisoned at a cost of over half a billion dollars
- the four highest prisoner re-entry population counties in Texas account for over $1 billion a year in imprisonment costs
- ten of Houston's 88 neighbourhoods account for almost $100 million a year in prison cost
- 50% of former prisoners return to neighbourhoods that account for only 15% of the city's population.[39]

Of note, the high stakes communities are also disproportionately made up of African Americans and people living below the poverty line. For instance, one of the notorious neighbourhoods, Sunnyside, is 93.8% African American and the median income is less than half the Houston median income.

Analysis of the Texas prison population was also used to identify systemic factors contributing to the projected growth in prison populations. Key issues leading to high imprisonment rates were:

- Between 1997 and 2006 the number of probation revocations leading to prison terms increased by 18% even though the overall number of people on community based supervision orders decreased by 3%.[40]

36 The Council of State Governments Justice Center, *Justice Reinvestment State Brief: Texas (2007),* p 2. At http://justicereinvestment.org/states/texas/pubmaps-tx (viewed 16 April 2009).

37 The Council of State Governments Justice Center, *Justice Reinvestment State Brief: Texas (2007),* p 2. At http://justicereinvestment.org/states/texas/pubmaps-tx (viewed 16 April 2009).

38 The Council of State Governments Justice Center, *Justice Reinvestment State Brief: Texas (2007),* p 2. At http://justicereinvestment.org/states/texas/pubmaps-tx (viewed 16 April 2009).

39 The Council of State Governments Justice Center, *Justice Reinvestment State Brief: Texas (2007),* p 3. At http://justicereinvestment.org/states/texas/pubmaps-tx (viewed 16 April 2009).

40 The Council of State Governments Justice Center, *Justice Reinvestment State Brief: Texas (2007),* p 3. At http://justicereinvestment.org/states/texas/pubmaps-tx (viewed 16 April 2009).

- At the same time prisons have been expanding, funding has been cut to community based substance abuse and mental health services, with over 2,000 people on the waiting list for services.[41]
- The percentage of people approved for parole was low, even though many offenders met the guidelines for parole based on risk levels and offence severity. If guidelines were followed an extra 2,252 people could have been released in 2005.[42]

Step 2: Development of options to generate savings and improve local communities

The combination of mapping and systemic analysis provided powerful evidence about where and how to reinvest money. To identify options a rare joint hearing of the Texas Legislature was held to hear evidence on the prison population and gain input from a range of advocates, stakeholders and community members. Based on the research, the Justice Center put forward a range of options including expanding substance use and mental health treatment programs and enhancing the use of parole and diversion programs.

Following this process, in May 2007 the Texas Legislature enacted a raft of new policies and fully funded programs including:

- 800 new beds in a substance abuse treatment residential program for people on probation supervision orders
- 3,000 more places for outpatient substance abuse treatment for people on probation supervision
- 1,400 beds in intermediate sanction facilities to divert probation and parole technical violators from prison
- 300 new beds in halfway houses for people under parole supervision
- 500 new beds for an in-prison treatment unit for people with serious drink driving offences
- 1,500 new beds in an intensive in prison substance abuse treatment program
- 1,200 new places in intensive substance abuse treatment programs in prison.[43]

Changes were also made to improve the quality of probation and parole services, including capping the maximum caseload of probation and parole workers to ensure adequate supervision and support. Incentives have also been put in place to encourage counties to create more progressive sanctions so probation and parole officers have more community based options to use if offenders breach their supervision conditions.

41 The Council of State Governments Justice Center, *Justice Reinvestment State Brief: Texas (2007),* p 3. At http://justicereinvestment.org/states/texas/pubmaps-tx (viewed 16 April 2009).

42 The Council of State Governments Justice Center, *Justice Reinvestment State Brief: Texas (2007),* p 3. At http://justicereinvestment.org/states/texas/pubmaps-tx (viewed 16 April 2009).

43 The Council of State Governments Justice Center, *Justice Reinvestment State Brief: Texas (2007),* p 5. At http://justicereinvestment.org/states/texas/pubmaps-tx (viewed 16 April 2009).

Step 3: Quantify savings and reinvest in high needs communities

Texas reinvested $241 million that would otherwise have been spent on the construction of new prisons in treatment programs and improved probation and parole services. $210.5 million was saved in the 2008–2009 financial year.[44]

Some of the savings were invested into support programs for low-income families in the high stakes communities. For instance, $4.3 million was allocated to Nurse-Family Partnerships for the 2008–2009 financial year[45] and a further $5.8 million the following year. The Nurse Family Partnerships program helps first time, low-income mothers during the first two years of the child's life. The program is designed to 'increase self sufficiency, improve the health and well-being of low income families, and prevent violence'.[46] The program provided assistance to 2,000 families in high stakes communities in the first year of operation.

Step 4: Measure and evaluate impact

According to statistics released two years after the justice reinvestment strategies were put in place, the Texas prison population has stopped growing for the first time in decades.[47] The prison population is even projected to decrease slightly in the following year. The Texas Department of Criminal Justice notes:

> It has been proven that these types of programs have an impact on recidivism, so these new numbers are no surprise.[48]

Halting the increasing in the prisoner population may seem like a modest achievement but given the astronomical rise in recent years and tough law and order policies in Texas, the justice reinvestment strategies have been described as the biggest shift in Texas criminal justice policies in years.

It is encouraging that there are positive results so early into the implementation of justice reinvestment. This bodes well, given that we can expect to see more results further down the track as early intervention measures and increasing community capacity will likely prevent crime and involvement with the criminal justice system.

44 The Council of State Governments Justice Center, *Justice Reinvestment State Brief: Texas (2007),* p 6. At http://justicereinvestment.org/states/texas/pubmaps-tx (viewed 16 April 2009).

45 The Council of State Governments Justice Center, *Justice Reinvestment State Brief: Texas (2007),* p 6. At http://justicereinvestment.org/states/texas/pubmaps-tx (viewed 16 April 2009).

46 The Council of State Governments Justice Center, *Justice Reinvestment State Brief: Texas (2007),* p 6. At http://justicereinvestment.org/states/texas/pubmaps-tx (viewed 16 April 2009).

47 M Ward, 'Drug program gets credit for halting prisoner increase' *Austin-American Statesman,* 20 February 2009. At http://www.statesman.com/news/content/region/legislature/stories/02/20/0220treatment.html (viewed 16 April 2009).

48 M Ward, 'Drug program gets credit for halting prisoner increase' *Austin-American Statesman,* 20 February 2009. At http://www.statesman.com/news/content/region/legislature/stories/02/20/0220treatment.html (viewed 16 April 2009).

Case Study 2.2: Justice reinvestment in Kansas

Kansas is a mid-Western state in what is considered the 'heartland' of America. Compared to Texas it has a much smaller population of nearly 3 million people, many of those living in rural areas. Nonetheless, just like Texas, their prison population was surging out of control. The prison population was projected to increase 22% by 2016 at a cost of $500 million in construction alone.[49]

Compared to Texas, Kansas is a less punitive state. The rate of imprisonment is lower than the national average. The national average is 756 people per 100,000 while the imprisonment rate for Kansas is 582 people per 100,000. However, bear in mind that an imprisonment rate this high would sill rank Kansas in the top five nations, somewhere between Rwanda and Cuba.

Racial disparities also run deep in Kansas. The rate for African American imprisonment is 3,096 per 100,000, compared to 443 per 100,000 for White Americans. This makes African Americans almost seven times more likely to be imprisoned than their white counterparts in Kansas.

Although the budget situation in Kansas was not quite as perilous as Texas, Kansas has a reputation for implementing sound evidence based correctional policies. They decided to try and proactively tackle their growing prison costs through justice reinvestment before they spiralled out of control.

Step 1: Analysis and mapping

The Justice Center provided technical assistance to analyse prison populations in Kansas. Analysis of systemic issues revealed similar issues around parole and probation revocations leading to imprisonment, rather than substantive court imposed prison sentences. For instance:

- In 2006 probation and parole revocations accounted for 65% of prison admissions. This made up 23% of the prison capacity and cost $53 million annually.[50]
- 90% of these revocations were for conditional violations rather than fresh offences. 32% of revocations were for alcohol and drug use and 58% of people revoked required substance abuse or mental health treatment.[51]
- Most people were released from prison without any involvement in rehabilitation programs like substance abuse treatment and vocational education. 72% of people needing vocational education did not access it before release, while half of people needing substance abuse treatment also failed to receive these services before release from prison.[52]

49 The Council of State Governments Justice Center, *Justice Reinvestment State Brief: Kansas* (2007), p 2. At http://justicereinvestment.org/states/kansas/pubmaps-ks (viewed 16 April 2009).

50 The Council of State Governments Justice Center, *Justice Reinvestment State Brief: Kansas* (2007), p 3. At http://justicereinvestment.org/states/kansas/pubmaps-ks (viewed 16 April 2009).

51 The Council of State Governments Justice Center, *Justice Reinvestment State Brief: Kansas* (2007), p 3. At http://justicereinvestment.org/states/kansas/pubmaps-ks (viewed 16 April 2009).

52 The Council of State Governments Justice Center, *Justice Reinvestment State Brief: Kansas* (2007), p 3. At http://justicereinvestment.org/states/kansas/pubmaps-ks (viewed 16 April 2009).

In terms of mapping, most of the focus was on Wichita. Wichita is the largest city in Kansas and a majority of prisoners are from the metropolitan area. Demographic mapping found that in 2004 $28.9 million was spent imprisoning people from Wichita. Of that amount, $11.4 million (39%) was spent imprisoning people from a single neighbourhood. In addition, $8.7 million was also spent on food stamps, unemployment insurance and other welfare measures in that same neighbourhood.[53]

Step 2: Development of options to generate savings and improve local communities

Like Texas, a bipartisan approach was taken to policy development based on the evidence about high stakes communities and short falls in the justice system. In addition, they also commissioned public opinion surveys to gauge how the public would react to changes in correctional policy.

The public opinion surveys revealed a serious disconnect between the reality and perception of the criminal justice system. Despite a number of laws lengthening sentences for some serious offenders, most Kansans incorrectly believed that offenders were being sentenced to the same amount of time as they were ten years ago.

However, the polls overwhelmingly showed that people supported substance abuse treatment for people in prison but they wrongly assumed that these services were actually being provided. In discussing options to manage offenders, most people supported the use of community based and rehabilitative options over the building of more prisons.[54]

In May 2007 the Kansas Legislature passed a package of criminal justice reforms aimed at reducing prisoner populations including:

- a performance based grant program for local community corrections to design local strategies and programs to reduce revocations by 20%
- 60 day early release credit to prisoners who completed educational, vocational and treatment programs prior to release
- restoration of earned time credits for good behaviour for non violent offenders in prison.[55]

Step 3: Quantify savings and reinvest in high needs communities

The policy measures will save Kansas from having to build an additional 1,292 prison beds over the next ten years, saving $80.2 million over the next five years. $4.5 million was reinvested in the community corrections grant program and $2.4 million was reinvested in substance abuse treatment programs and vocational programs.

As a result of the justice reinvestment approach and mapping, the New Communities Initiative (NCI) was launched to provide neighbourhood reinvestment for the Wichita neighbourhoods identified as having the highest offender and disadvantage concentrations.

The NCI brings together state, county and community leaders to improve public safety, educational opportunities and housing conditions for the disadvantaged neighbourhoods of Central Northeast Wichita. This is a holistic approach that looks to increasing community capacity and therefore preventing crime.

53 The Council of State Governments Justice Center, *Justice Reinvestment State Brief: Kansas* (2007), p 5. At http://justicereinvestment.org/states/kansas/pubmaps-ks (viewed 16 April 2009).

54 The Council of State Governments Justice Center, *Justice Reinvestment State Brief: Kansas* (2007), p 4. At http://justicereinvestment.org/states/kansas/pubmaps-ks (viewed 16 April 2009).

55 The Council of State Governments Justice Center, *Justice Reinvestment State Brief: Kansas* (2007), p 4. At http://justicereinvestment.org/states/kansas/pubmaps-ks (viewed 16 April 2009).

In consultation with the neighbourhood communities, five pillars or priority areas were developed for intervention:

- adult education and economic development
- housing for all
- physical, mental and behavioural health
- children and youth
- safe and secure neighbourhoods.[56]

The state and county levels of government, as well as local businesses have provided funding. The initial stages of the NCI have also looked at existing servicing and resources to identify gaps but also ways of working more cooperatively.

In the first year of operation of some of the achievements include:

- establishment of the 'Strengthening Kids of Incarcerated Parents' program
- creation of a centralised job placement call centre which assesses and refers callers to the appropriate employment agency
- earmarking portions of the City Liquor Tax Funds to be spent on substance abuse treatment targeted for these neighbourhoods
- expansion of early intervention 'Healthy Babies' program
- prioritising resources for schools with the highest concentration of students
- additional summer learning programs for children from the targeted neighbourhoods
- establishment of the Summer Youth Program, employing local adolescents to landscape and revitalise the neighbourhoods.[57]

It is anticipated that the NCI approach will be gradually replicated in other disadvantaged communities in Wichita.

Step 4: Measure and evaluate impact

Although it is still early days in the justice reinvestment implementation, Kansas has already experienced a 7.5% reduction in its prison population from 2004 levels. The parole revocation rate is down 48% and parole absconders are down 70%.[58] The reconviction rate for parolees also dropped by 35%,[59] signalling that new measures to improve the quality of parole and probation services, as well as the availability of substance abuse treatment, are reducing crime.

56 New Communities Initiative, *New Communities Initiative,* http://www.nciwichita.com/ (viewed 20 April 2009).

57 New Communities Initiative, *Summary of Pillar Group Accomplishments*, http://www.nciwichita.com/NR/rdonlyres/66157E9C-ACD8-4639-B14A-718F80CF5ED2/0/Wichita2007SummaryOfAccomplishmentsEUSJH031708Final.pdf (viewed 20 April 2009).

58 Roger Werholtz, *Hearing on Justice Reinvestment*, Commerce, Justice Science and Related Agencies Appropriations Subcommittee US House of Representatives (1 April 2009). At http://justicereinvestment.org/states/kansas/pubmaps-ks (viewed 20 April 2009).

59 Roger Werholtz, *Hearing on Justice Reinvestment*, Commerce, Justice Science and Related Agencies Appropriations Subcommittee US House of Representatives (1 April 2009). At http://justicereinvestment.org/states/kansas/pubmaps-ks (viewed 20 April 2009).

(ii) Justice reinvestment in the United Kingdom and Scotland

Justice reinvestment is still in its infancy in the United Kingdom but there are signs that it is being considered as a real policy alternative.

Like the United States, the United Kingdom has seen an explosion in imprisonment. Despite a 42% decline in the amount of crime reported since 1995, the prison population has more than doubled since 1992.[60] The prison population rate is 153 per 100,000. While this is much lower than the United States, it is 60% more than comparable European countries like France, Belgium, Germany, Ireland and Italy.[61]

A period of 'criminal justice hyperactivity' can be blamed for this staggering growth. Since 1997 the government has created over 3,000 new criminal offences, almost half attracting a sentence of imprisonment.[62]

Law and order politics have become so ingrained in the public psyche that it can be easy to forget that imprisonment is a very deliberate policy choice. Rising imprisonment levels are not inevitable, as history from the United Kingdom shows us. During some periods in Britain's history there has been a concerted effort to get people out of prisons – 'decarceration'. These periods of history suggest that perhaps we should see the current growth as 'an aberration from which we should distance ourselves'.[63]

(iii) Lessons from history – why growth of imprisonment is not inevitable

Between 1908 and 1939 England and Wales underwent the world's largest period of decarceration. At the end of the period the prison population had halved and 20 prisons were closed.

This decrease was a result of politicians, notably Winston Churchill, actively trying to prevent people going to prison in the first place. Churchill famously said:

> The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of any country. A calm, dispassionate recognition of the rights of the accused and even of the convicted criminal … and the treatment of crime and the criminal mark and measure the stored up strength of a nation, and are singular proof of the living virtue of all.[64]

Again between 1979 and 1992 UK governments adopted conscious policies to prevent and reduce the length of imprisonment.

This history suggests that changes certainly can be made to reduce imprisonment rates and given the disconnect between crime and imprisonment rates, there is good reason and precedent to look at alternatives.

However, like the United States, the economic sustainability of imprisonment is also being questioned in the wake of the Global Financial Crisis. In June 2008 the House of Commons Justice Committee commenced an inquiry into justice reinvestment. The inquiry is still collecting evidence and will report shortly. A landmark report by the Commission on English Prisons Today has also recently made calls for justice reinvestment to be implemented in the United Kingdom.

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60 Commission on English Prisons Today, *Do Better Do Less: The report of the Commission on English Prisons Today* (2009), p 12. At http://www.howardleague.org/index.php?id=835 (viewed 23 July 2009).

61 Commission on English Prisons Today, *Do Better Do Less: The report of the Commission on English Prisons Today* (2009), p 16. At http://www.howardleague.org/index.php?id=835 (viewed 23 July 2009).

62 Commission on English Prisons Today, *Do Better Do Less: The report of the Commission on English Prisons Today* (2009), p 14. At http://www.howardleague.org/index.php?id=835 (viewed 23 July 2009).

63 Commission on English Prisons Today, *Do Better Do Less: The report of the Commission on English Prisons Today* (2009), p 17. At http://www.howardleague.org/index.php?id=835 (viewed 23 July 2009).

64 W Churchill, House of Commons, 25 July 1910.

(iv) Offender mapping

The most comprehensive research mapping offender concentration comes from Scotland. The Scottish Prison service found that a quarter of their prisoners come from 50 of the 1,222 council wards across the country and half come from the poorest 12% of council wards.[65] This pattern was particularly pronounced for Glasgow, where 60% of the prisoners come from the poorest neighbourhoods. Conversely, there are 269 affluent wards across the country where no one goes to prison at all.

Location, social disadvantage and imprisonment were conclusively linked in Scotland. This can be seen clearly in a comparison of imprisonment rates. The national imprisonment rate for Scottish men is 237 per 100,000 people, while the imprisonment rate for men in the 27 most disadvantaged wards is 953 per 100,000 and for young men aged up to 23 from these wards the rate is an astonishingly high 3,427 per 100,000.[66]

The International Centre for Prison Studies (ICPS) has led research on justice reinvestment. A pilot project between the ICPS and the Gateshead local council (taking in Gateshead prison) has started the initial research and development phase of a justice reinvestment approach.

(v) ICPS Gateshead pilot project

The ICPS pilot project began in 2005 in partnership with Gateshead Council. Gateshead is a northern England, close to Newcastle. Gateshead has a population of 191,000 people with a mix of rural and urban populations. The unemployment rate for Gateshead is higher than the national average and the borough is ranked the 26th most disadvantaged out of the 354 in England.[67]

True to the justice reinvestment model, the first step was research to analyse and map the prison population. Unfortunately, this proved incredibly difficult as Gateshead prison does not collect data about where prisoners live. This was also compounded by the fact that many prisoners report no fixed place of abode in order to receive an additional grant upon release. Due to the problems with data, a partial picture was put together based on the Probation Services data and court data.

Despite the data difficulties, the project was still able to map offender concentration with similar findings to other justice reinvestment projects. Almost a quarter of all the people in prison came from only 2 out of 22 electoral wards, and half lived in only five.[68] Again, these areas also ranked most highly on indices of deprivation. It was more challenging to estimate the cost of imprisonment given the incomplete data, but it costs around £6 million each year to run Gateshead prison which draws most of its inmates from the local area.[69]

Unlike the United States justice reinvestment projects, this pilot was preliminary and did not have the bipartisan support for real change and reinvestment to take place. Nonetheless, the findings are interesting because they highlight the flexibility of justice reinvestment and how it might be used in a range of jurisdictions. The project

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65 R Allen, K Jallab and E Snaith, 'Justice Reinvestment in Gateshead – The story so far' in R Allen and V Stern (eds), *Justice Reinvestment – A New Approach to Crime and Justice* (2007), p 27.

66 R Allen, K Jallab and E Snaith, 'Justice Reinvestment in Gateshead – The story so far' in R Allen and V Stern (eds), *Justice Reinvestment – A New Approach to Crime and Justice* (2007), p 19.

67 R Allen, K Jallab and E Snaith, 'Justice Reinvestment in Gateshead – The story so far' in R Allen and V Stern (eds), *Justice Reinvestment – A New Approach to Crime and Justice* (2007), p 19.

68 R Allen, K Jallab and E Snaith, 'Justice Reinvestment in Gateshead – The story so far' in R Allen and V Stern (eds), *Justice Reinvestment – A New Approach to Crime and Justice* (2007), p 22.

69 R Allen, K Jallab and E Snaith, 'Justice Reinvestment in Gateshead – The story so far' in R Allen and V Stern (eds), Justice Reinvestment – A New Approach to Crime and Justice (2007), p 22.

has developed options around greater local involvement in decisions, neighbourhood justice, multi agency cooperation and restructure to community supervision, which are being considered.

(vi) New connections: social inclusion, localism and penal moderation

Justice reinvestment is being seen as part of wider movement towards criminal justice reform in the United Kingdom and Scotland, reflecting the different social policy environment of the United Kingdom from the United States.

This is seen in the recent report from the Commission on English Prisons Today. The Commission is an independent panel of review, led by Cherie Booth QC (wife of Tony Blair) and including other respected experts in the area of prison reform. It is the result of two years of research, consultation and visits to investigate good practice in the United States and Europe. This report is a 'road map for long term and fundamental reform'[70] and is likely to be highly influential in government policy-making circles.

Justice reinvestment has been linked with concepts of social inclusion in the United Kingdom, especially in relation to locational and holistic approaches to tackling social problems. The connection to social inclusion will be discussed further below in relation to Australia. However, it is worth noting that because social inclusion is an established policy framework in the UK, it has been easier for proponents of justice reinvestment to build on this base to gain acceptance of the idea.

Another UK adaptation of justice reinvestment has been connecting it with the emerging policy issue of localism. Localism devolves power away from centralised government and bureaucracies to the community level, through grass roots community engagement and local council structures. Localism:

> would focus more on individuals as part of their neighbourhood, see their behaviour as part of a pattern and seek solutions that brought some improvements to both individuals and the community.[71]

Localism is being trialled in health and education and is now being considered for criminal justice problems as well.

An inquiry is currently being conducted by the All-Party Parliamentary Group on Local Government in the United Kingdom on justice in communities. The inquiry is looking at the role of local communities in reducing crime and revitalising neighbourhoods, with a special focus on justice reinvestment schemes. The connection with localism might foreshadow how justice reinvestment strategies will be pursued in the UK.

In Scotland, localism and community justice has been taken out of the theoretical and into the practical with a conscious effort to devolve criminal justice to local communities. This approach implies confidence in local communities to generate their own solutions to crime. Kenny MacAskill, Cabinet Secretary for Justice typifies this response:

> I've always been convinced that communities in Scotland can differentiate who they want locked up. You can go around every community in Scotland and say what about that group of kids there? And they will say, 'Nah, he just needs a foot up the backside and a job', 'She's just a sad case and needs a cuddle and him, he's evil, lock him up'. Every community can do that. Some folk need more TLC, some need a bit of shouting

70 Commission on English Prisons Today, *Do Better Do Less: The report of the Commission on English Prisons Today* (2009), p 3. At http://www.howardleague.org/index.php?id=835 (viewed 23 July 2009).

71 V Stern and R Allen, 'Localism and criminal justice – suggestions for a new balance between national and local decision making' in R Allen and V Stern (eds), *Justice Reinvestment – A New Approach to Crime and Justice* (2007), p 48.

> at, others need to be detained. It's what a football manager would do. We need to get those ones that need a foot up the backside out doing some hard work, those that need some stability and someone to take and interest in them, someone to pick up the phone to when they are down.[72]

Localism is put in practice through Community Justice Authorities in Scotland.

(vii) Community Justice Authorities in Scotland

Community Justice Authorities (CJAs) are statutory bodies for the strategic planning and monitoring of community justice services. They were created in legislation in 2005 but have been in full operation since 2007. There are eight CJAs across Scotland.

The role of CJAs is to provide community justice services which are responsive to local needs and coordinated in a whole of government, whole of community way. This particularly includes the links between the prisons and community services to ensure that prisoners have good post release support to prevent recidivism.

The larger strategic focus means that each of the CJAs develops a local plan to reduce re-offending. This has the scope to look at the broader systemic causes of crime, including poverty, lack of employment, housing and education in communities. CJAs are only in their infancy but it is hoped that they will take a broader approach to the causes of crime as their role becomes more cemented.

It is too early to evaluate the success of the CJAs but so far the results seem to be promising. In only eight months the number of prisoners serving sentences in prisons close to their homes (and therefore increasing opportunities for post release support and community reintegration) has already increased by 25%.

However, experts caution that progress will be limited if funds are not devolved from the Scottish prison system, consistent with a justice reinvestment model.

Of particular relevance to justice reinvestment, funds are actually given to the local CJAs to manage their own services and initiatives. However, originally there was the expectation that funds would be diverted from the Scottish prison service to the Community Justice Authorities. At this early stage, this has not happened yet because prison numbers are still too high. This suggests the need for a comprehensive justice reinvestment strategy to complement the CJAs.

Finally, the last plank in the justice reinvestment reform platform is penal moderation. Penal moderation asks us to reduce our over reliance on imprisonment through principles of restraint, parsimony and human dignity. Essentially, it calls for prison as a last resort and aligns strongly with human rights standards.

2.3 Justice reinvestment in the Australian context

Australia is not America. We can take comfort knowing that as a whole we imprison less people than the United States or the United Kingdom and spend less on imprisonment.

However, we can take no comfort from our track record on the imprisonment of Indigenous Australians. If we think back to Winston Churchill's famous quote describing the way we treat people who commit crimes as 'one of the most unfailing tests of any country', Australia is most certainly failing the test of fairness towards Indigenous Australians.

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72 Commission on English Prisons Today, *Do Better Do Less: The report of the Commission on English Prisons Today* (2009), p 42. At http://www.howardleague.org/index.php?id=835 (viewed 23 July 2009).

The appalling levels of Indigenous over-representation, the large amount of money being spent on Indigenous imprisonment and the toll that this is taking on individuals and communities all suggest to that we should seriously consider justice reinvestment in Australia.

Over-representation of Indigenous people in the criminal justice system represents one of the most significant gaps between the life outcomes of Indigenous and non Indigenous Australians. The Australian Government has expended substantial funding and political capital in their undertaking to close the gap between Indigenous and non Indigenous Australians, however, they have not yet set targets to close the huge gap that exists in imprisonment rates.

The most recent Productivity Commission Overcoming Indigenous Disadvantage report is unequivocal about the how significant this disparity is. Despite some gains in other indicators, Indigenous imprisonment is actually worsening:

- The imprisonment rate increased by 46% for Indigenous women and by 27% for Indigenous men between 2000 and 2008.[73]
- Indigenous adults were 13 times as likely as non-Indigenous adults to be imprisoned in 2008, compared to 10 times in 2000.[74]
- The Indigenous juvenile detention rate increased by 27% between 2001 and 2007, making Indigenous juveniles 28 times more likely to be detained than non-Indigenous juveniles.[75]

Just as the Australian Government has set ambitious but achievable targets to close the gap in health equality, education and employment, we need to take the same approach to reducing the over-representation of Indigenous children and adults in the criminal justice system. Justice reinvestment is one way to do this.

(a) Imprisonment rates and crime in Australia

The United States ranks number one when it comes to imprisoning people and has a rate of 760 people imprisoned per 100,000. Australia does comparatively well, ranked 104th with 169 people imprisoned per 100,000.[76]

However, if Australia was judged on its imprisonment rate of Indigenous Australians it would be an altogether different picture. The rate of imprisonment for Indigenous adults is 1,769 people per 100,000,[77] almost two and half times greater than the United States rate. If we look at states like Western Australia, the rate is 2,827 people per 100,000,[78] almost 4 times greater than the United States rate.

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73 SCRGSP (Steering Committee for the Review of Government Service Provision), *Overcoming Indigenous Disadvantage: Key Indicators 2009,* Productivity Commission (2009). At http://www.pc.gov.au/gsp/reports/indigenous/keyindicators2009 (viewed 24 July 2009).

74 SCRGSP (Steering Committee for the Review of Government Service Provision), *Overcoming Indigenous Disadvantage: Key Indicators 2009*, Productivity Commission (2009). At http://www.pc.gov.au/gsp/reports/indigenous/keyindicators2009 (viewed 24 July 2009).

75 SCRGSP (Steering Committee for the Review of Government Service Provision), *Overcoming Indigenous Disadvantage: Key Indicators 2009*, Productivity Commission (2009). At http://www.pc.gov.au/gsp/reports/indigenous/keyindicators2009 (viewed 24 July 2009).

76 International Centre for Penal Studies, *World Prison Brief – Highest to Lowest Rates*, http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_stats.php?area=all&category=wb_poptotal (viewed 14 April 2009).

77 Australian Bureau of Statistics, *Prisoners in Australia 2008* (2008), p 6. At http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/F618C51B775B2CF7CA25751B0014A2D5/$File/45170_2008.pdf (viewed 2 June 2009).

78 Australian Bureau of Statistics, *Prisoners in Australia 2008* (2008) p 6. At http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/F618C51B775B2CF7CA25751B0014A2D5/$File/45170_2008.pdf (viewed 2 June 2009).

Another way to look at these figures is to put them in a different context. In a deliberately provocative analysis Chris Graham writes:

> In the first half of 2008, there were 8,411 Indigenous people enrolled in tertiary education. At the same time, there were 6,605 Indigenous people in prison. By comparison, for the same period there were about 696,279 non-Indigenous Australians enrolled in tertiary education, while there were 20,072 non-Indigenous Australians in prison… If you applied the same principle to white Australia- i.e. the number of people in jail is only about 22% lower than the number at university- our total prison population would expand to over 546,000 people. That's a population larger than Newcastle, Australia's seventh largest city.[79]

These levels would not be acceptable for the non-Indigenous population but unfortunately they are part of daily life for many Indigenous communities. With Indigenous people making up only around 2% of the population but 24% of the national adult prison population and close to 50% of the juvenile detention population, it is not surprising that so many families have a family member imprisoned.

There are a range of factors that contribute to Indigenous over-representation that will be discussed below, however, we now have evidence that Indigenous young people receive harsher treatment from the Courts based on national data analysed by the Australian Institute of Criminology. For instance, Indigenous young people in Western Australia are twice as likely to be imprisoned as non-Indigenous young people who are also found guilty of an offence.[80]

The overall imprisonment rate has been increasing substantially in Australia, growing by around 4% each year since 1984.[81] This represents an almost doubling of the overall imprisonment rate during this period. However, part of the reason for the growth in the overall imprisonment rate is the continued overrepresentation of Indigenous Australians.

Crime rates in Australia vary across the different offence categories. However, like the United States and the United Kingdom we have seen some sharp declines in certain crimes. For instance, property crime was at its lowest ever recorded rate in 2007[82] and robbery has declined by 38% since 2001.[83]

Again, like the United States and United Kingdom, the increase in imprisonment expenditure has not led to better community safety outcomes. According to Dr Don Weatherburn, Director of the NSW Bureau of Crime Research and Statistics:

> We seem to have reached the point where rising imprisonment rates are bringing diminished marginal returns…by 2004 the rising rate of imprisonment in NSW exerted little if any measurable effect on property or violent crime.[84]

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79 Chris Graham, 'We jail black men five times more than apartheid South Africa', *Crikey,* 2 July 2009.

80 K Richards, *Juveniles' contact with the criminal justice system in Australia*, Australian Institute of Criminology, 2009. At http://www.aic.gov.au/documents/E/F/0/%7BEF09BB44-FC3D-41BD-81CD-808DE9D0DF99%7Dmr07.pdf (viewed 28 September 2009).

81 Australian Institute of Criminology, *Australian Crime: Facts and Figures 2008*, p 90. At http://www.aic.gov.au/documents/E/4/0/%7BE4031E6F-031D-415C-B544-8CE865A3CA0C%7Dfacts_and_figures_2008.pdf (viewed 24 July 2009).

82 Australian Institute of Criminology, *Australian Crime: Facts and Figures 2008*, p 7. At http://www.aic.gov.au/documents/E/4/0/%7BE4031E6F-031D-415C-B544-8CE865A3CA0C%7Dfacts_and_figures_2008.pdf (viewed 22 July 2009).

83 Australian Institute of Criminology, *Australian Crime: Facts and Figures 2008*, p 6. At http://www.aic.gov.au/documents/E/4/0/%7BE4031E6F-031D-415C-B544-8CE865A3CA0C%7Dfacts_and_figures_2008.pdf (viewed 24 July 2009).

84 D Weatherburn in M Moore, E Tadros, M Knox, 'Choc-a-block: state's jails bursting at the seams', *Sydney Morning Herald*, 7 December 2008.

The growing cost of imprisonment, coupled with the limited impact on crime rates and recidivism again raises the question of whether imprisonment is good value for money in Australia.

(b) The cost of imprisonment in Australia

Expenditure on imprisonment is also steadily rising in Australia. In 2007–08 $2.6 billion was spent nationally on adult corrective services, rising 5% on average each year.[85] On average, it costs $187 per prisoner, per day. This expenditure corresponds to a burden of $126 per year for every person in Australia.[86]

Indigenous adults make up roughly a quarter of all prisoners nationally. Very crudely, we can estimate that at least one quarter of the entire imprisonment expenditure, ($650 million) would be spent imprisoning Indigenous adults each year. It could easily be more given the higher costs associated with running prisons in remote areas and for women.

National expenditure on juvenile justice is not reported but some information is available on a state-by-state basis. For instance, in NSW $103.3 million was spent on juvenile detention in 2007–08.[87] Approximately 50% of the young people detained in NSW are Indigenous, so we can estimate in NSW alone nearly $52 million was spent detaining Indigenous young people.

There are clearly huge savings to be made if Indigenous imprisonment can be reduced. According to a very crude analysis of the 2008 ABS Prisoner statistics, if Indigenous Australian were imprisoned at the same rate as non-Indigenous prisoners, there would only be about 390 Indigenous prisoners. This is a 94% reduction in the current rate of Indigenous imprisonment. This would translate into around $610 million of savings.

On the other hand, if imprisonment continues to rise, so too will prison costs. The potential economic and political quagmire is unfolding in NSW due to increasing imprisonment costs.

(i) The economic and political cost of imprisonment in NSW

It is estimated that if the current growth in prisoners continues in NSW, the government will need to build another new jail every two years. This will come at cost of $170 million extra each year from 2015 just to run the prisons, not including building costs.[88]

And the costs are political as well given current plans to privatise some NSW jails in an effort to increase efficiencies. Plans to privatise Cessnock and Parklea jails have led to strong community and union resistance. The NSW government has backed down on privatising Cessnock jail but plans to privatise Parklea jail remain afoot.

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85 Australian Institute of Criminology, *Australian Crime: Facts and Figures 2008*, p 110. At http://www.aic.gov.au/documents/E/4/0/%7BE4031E6F-031D-415C-B544-8CE865A3CA0C%7Dfacts_and_figures_2008.pdf (viewed 22 July 2009).

86 Australian Institute of Criminology, *Australian Crime: Facts and Figures 2008*, p 110. At http://www.aic.gov.au/documents/E/4/0/%7BE4031E6F-031D-415C-B544-8CE865A3CA0C%7Dfacts_and_figures_2008.pdf (viewed 22 July 2009).

87 NSW Department of Juvenile Justice, *Annual Report 2007-2008*. At http://www.djj.nsw.gov.au/publications.htm (viewed 23 July 2009).

88 M Moore, E Tadros, M Knox, 'Choc-a-block: state's jails bursting at the seams', *Sydney Morning Herald*, 7 December 2008.

Privatisation of prisons and detention centres in Australia has a problematic history. Of concern, one of the key contenders for the Parklea contract is currently G4S, the same company that was held by the Western Australian Coroner as contributing the death in custody of Mr Ward in Western Australia in 2008.

(c) Recidivism in Australia

Like the United States the increase in imprisonment expenditure has not led to better rehabilitation outcomes, reflected in the high recidivism rates across the criminal justice system.

Imprisonment is not meeting the goal of deterrence either. In fact, a recent study by the Australian Institute of Criminology has found that there are no difference in the recidivism rate of juveniles who are detained and juveniles who are dealt with through community based sanctions.[89] This provides evidence that detention should be used 'sparingly'[90] with young people due to the adverse consequences on education and employment opportunities which may do more to prevent recidivism.

Recidivism is difficult to measure but indications are that it is high. Unfortunately, again it is substantially higher for Indigenous Australians. In 2008, 73% of Indigenous prisoners, compared to 49% of non-Indigenous prisoners, had a history of prior adult imprisonment.[91] Additionally:

- The gap in recidivism rates varies across Australia with the highest discrepancy in NT where 76% of all Indigenous prisoners have prior adult imprisonment, compared to 27.3% for non-Indigenous prisoners.[92]
- Indigenous prisoners are nearly twice as likely to be readmitted to custody as non-Indigenous prisoners.[93]
- Recidivism rates and progression into the adult criminal justice system are also alarming. In a NSW Bureau of Crime Statistics and Research cohort study of juveniles before the Children's Court for the first time, 90% of the Indigenous children went on the appear before the adult criminal court in the follow up period, compared to 52% of non-Indigenous juveniles in the group.[94]

These recidivism statistics are testament to the fact that prison has not rehabilitated these offenders; instead it seems to have set in motion a revolving door in and out of the prison system.

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89 D Weatherburn, S Vignaendra, A McGrath, *The specific deterrent effect of custodial penalties on juvenile offenders*, Australian Institute of Criminology (2009). At http://www.aic.gov.au/documents/A/3/D/%7BA3DB5DEB-2A53-4272-87CF-CE510D13481B%7Dtbp33.pdf (viewed 28 September 2009).

90 D Weatherburn, S Vignaendra, A McGrath, *The specific deterrent effect of custodial penalties on juvenile offenders,* Australian Institute of Criminology (2009). At http://www.aic.gov.au/documents/A/3/D/%7BA3DB5DEB-2A53-4272-87CF-CE510D13481B%7Dtbp33.pdf (viewed 28 September 2009).

91 SCRGSP (Steering Committee for the Review of Government Service Provision), *Overcoming Indigenous Disadvantage: Key Indicators 2009*, Productivity Commission (2009). At http://www.pc.gov.au/gsp/reports/indigenous/keyindicators2009 (viewed 24 July 2009).

92 SCRGSP (Steering Committee for the Review of Government Service Provision), *Overcoming Indigenous Disadvantage: Key Indicators 2007*, Productivity Commission (2007). At http://www.pc.gov.au/gsp/reports/indigenous/keyindicators2007 (viewed 24 July 2009).

93 M Willis, *Reintegration of Indigenous prisoners*, Australian Institute of Criminology, Trends and Issues in Criminal Justice no. 364 (2008). At http://aic.gov.au/publications/current%20series/tandi/361-380/tandi364/view%20paper.aspx (viewed 22 July 2009).

94 S Chen, T Matruglio, D Weatherburn and J Hua, *The transition from juvenile to adult criminal careers*, NSW Bureau of Crime Statistics and Research, Contemporary Issues in Crime and Justice no. 86 (2005). At http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/cjb86.pdf/$file/cjb86.pdf (viewed 24 July 2009).

(d) Location of offenders

There is currently no comprehensive, published offender mapping research in Australia. However, demographic research mapping of disadvantage is beginning to emerge that seems to indicate offender and disadvantage concentration similar to the patterns in the United States.

Professor Tony Vinson's 2007 study 'Dropping off the edge: the distribution of disadvantage in Australia',[95] analyses indicators of disadvantage,[96] including imprisonment, to map the most disadvantaged areas in Australia.

Professor Vinson found that 3% of Australia's postcodes account for a disproportionate amount of disadvantage. Compared to other areas, the 3% of most disadvantaged post codes has at least twice the rate of unemployment; criminal convictions; imprisonment; child maltreatment; disability support recipients; and psychiatric admissions.[97]

The study did not specifically look at Indigenous status but a very rough analysis of the research shows that there is an over-representation of disadvantaged locations with higher than average Indigenous populations. Given that Indigenous Australians make up 2.3% of the population, many of these areas have far greater than average Indigenous populations.

Table 2.1 shows some of the most disadvantaged locations[98] and the Indigenous population from the 2006 Census. The locations are not ranked but categorised as either 'most disadvantaged' or 'next most disadvantaged' and listed alphabetically to 'avoid public focus on just a few localities'.[99] 'M' denotes 'most disadvantaged' and 'NM' is 'next most disadvantaged'. NSW and Victoria are analysed on a postcode basis and the other states are analysed on local government areas.

95 T Vinson, *Dropping off the edge: the distribution of disadvantage in Australia* (2007).

96 **Social distress**: low family income, rental stress, home purchase stress, lone person households. **Health**: low birth weight, childhood injuries, deficient immunisation, disability/sickness support, life expectancy, mental health patients, suicide. **Community Safety**: confirmed child maltreatment, criminal convictions, prison admissions, domestic violence. **Economic**: unskilled workers, unemployment, long-term unemployment, dependency ratio, low mean taxable income, computer use/access to internet. **Education**: non attendance at pre school, incomplete education, early school leaving, post school qualifications. **Community engagement**: membership of local groups, membership of groups that tackle local problems, local volunteering, help from neighbours when needed, feel safe after dark, trust people, attendance at local community events, feel valued by society.

97 T Vinson, *Dropping off the edge: the distribution of disadvantage in Australia* (2007).

98 Excluding NT because the data was not available and the ACT and Tasmania due to no areas identified with significant Indigenous population.

99 T Vinson, *Dropping off the edge: the distribution of disadvantage in Australia* (2007), p 31.

Table 2.1: Disadvantaged locations and Indigenous populations

State	Categorisation of disadvantage	Location	Indigenous % of Population
NSW	M	Western Plains – area between Bourke and Cobar	34.2%
	M	Boggabilla	55.8%
	M	Brewarrina	58.2%
	M	Lightening Ridge	21.3%
	M	Menindee	27.9%
	M	Tingha	25%
	M	Wilcannia	54%
QLD	M	Burke	25%
	M	Murgon	9.1%
	M	Mount Morgan	12.5%
	NM	Aurukun	91.5%
	NM	Carpentaria	37.9%
	NM	Doomadgee	92.7%
	NM	Mornington	90%
	NM	Torres	69.8%
SA	M	Ceduna	24.1%
	M	Coober Pedy	14%
	NM	Port Augusta	16.6%
WA	M	Dundas	12.1%
	M	Halls Creek	79.1%
	M	Menzies	62.5%

Table 2.1: Disadvantaged locations and Indigenous populations (continued)

State	Categorisation of disadvantage	Location	Indigenous % of Population
	M	Ngaanyatjarraku	87.3%
	M	Sandstone	20.2%
	M	Upper Gascoyne	55.4%
	NM	Laverton	39.3%
	NM	Murchison	30%
Vic	M	Nowa Nowa, Lake Tyers	6.9%
	M	Nyah West	4.5%

This research is only a starting point and does not solely concentrate on offending but it does indicate there is clearly a basis for properly focused and designed research.

(i) Centre for Aboriginal Economic Policy Research

The Centre for Aboriginal and Economic Policy Research has recently completed an analysis of the disadvantaged regions, comparing Indigenous and non Indigenous populations. This analysis is based on Australian Bureau of Statistics Data and uses the Socio-Economic Indexes for Areas (SEIFA) as a basis for comparison.

This research primarily looks at advantage/ disadvantage in terms of 'an individual's potential and actual access to economic resources'.[100] It does not consider imprisonment or rates of crime, although it does note that the omission of these indicators are a limitation of the study.[101]

The population is broken down into 531 areas. The analysis shows that the most disadvantaged Indigenous communities tend to be in remote areas, where as the most advantaged Indigenous areas tend to be in city locations. Table 2.2 lists the top 20 and bottom 20 areas.

100 N Biddle, *Ranking Regions: Revisiting an Index of Relative Indigenous Socioeconomic Outcomes,* Centre for Aboriginal Economic Policy Research Working Paper No. 50/2009 (2009), p 4. At http://www.anu.edu.au/caepr/Publications/WP/2009WP50.php (viewed 24 July 2009).

101 N Biddle, *Ranking Regions: Revisiting an Index of Relative Indigenous Socioeconomic Outcomes,* Centre for Aboriginal Economic Policy Research Working Paper No. 50/2009 (2009), p 23. At http://www.anu.edu.au/caepr/Publications/WP/2009WP50.php (viewed 24 July 2009).

Table 2.2: Top 20 and bottom 20 Indigenous areas[102]

Top 20 Indigenous Areas	Bottom 20 Indigenous Areas
1. Woollahra/ Waverley (NSW)	531. Ampilatwatja and homelands (NT)
2. Lower North Sydney (NSW)	530. Ramingining and homelands (NT)
3. Eastern Suburbs (NSW)	529. Thamarrurr (NT)
4. Northern Beaches (NSW)	528. Urapuntja Homelands (NT)
5. Baulkham Hills (NSW)	527. Milingimbi and Homelands (NT)
6. Hornsby-Kuring-gai (NSW)	526. Alice Springs Town Camps (NT)
7. Melbourne/ Port Phillip (VIC)	525. Kintore (Walungurra) and Homelands (NT)
8. Whitehorse (VIC)	524. Angurugu (NT)
9. Hobart (TA)	523. Tanami (NT)
10. Yarra (VIC)	522. Lajamanu (NT)
11. South Canberra/ Weston/ Woden (ACT)	521. Tennant Creek Town Camps (NT)
12. Brisbane City Inner North (QLD)	520. Katherine Town Camps (NT)
13. Hunters Hill/ Ryde (NSW)	519. Balgo (WA)
14. Blue Mountains (NSW)	518. Tennant Creek (NT)
15. Maroondah (WA)	517. Sandover (NT)
16. Brisbane City Inner South West (QLD)	516. Elliot District (NR)
17. Kingston (VIC)	515. Umbakumba and homelands (NT)
18. Monash (VIC)	514. Mindibungu (WA)
19. Unley/ Burnside/ Mitcham (SA)	513. Alpurruururlam (NT)
20. Wollondilly (NSW)	512. Palumpa (Nganmarriyanga) (NT)

102 CAEPR research reproduced in C Graham, 'The Great Divide' *National Indigenous Times*, 15 October 2009, p 17.

There are also some urban communities, for example Blacktown/ Bidwill (rank 425); Blacktown/ Blackett/ Emerton (rank 428); and Campbelltown/ Airds (rank 434) that face comparable levels of disadvantage as remote areas. However, in these areas similar levels of disadvantage are faced by Indigenous and non-Indigenous residents.

(ii) Data from government departments on Indigenous offender concentration

To find out where Indigenous offenders come from, I sought data from all state and territory corrections and juvenile justice departments. I requested data showing the breakdown of all Indigenous prisoners and juvenile detainees (sentenced and on remand) by the postcode of place of usual address.

A collation of this data can be found at Appendix 2. Appendix 2 provides the top 10 locations with the highest numbers of Indigenous offenders, including the exact numbers of prisoners for adult imprisonment and juvenile detention, based on the data provided by the departments.

Table 2.3 shows the top 5 locations with the highest numbers of Indigenous adult prisoners in NSW, Queensland, Western Australia, South Australia and the Northern Territory. The other jurisdictions have substantially smaller Indigenous populations but data can be found for them in Appendix 2. There is some variance in the way location is recorded by different jurisdictions, with some able to provide postcodes, with others providing Local Government Areas or Australian Bureau of Statistics Subdivisions. Because of this it is not possible to make comparisons across jurisdictions.

It is crucial to stress that this is only very preliminary and is designed to provide a quick snap shot rather than detailed analysis of the data over time. It is recommended that more comprehensive demographic mapping, in conjunction with other measures such as the Socio-Economic Indexes for Area (SEIFA) Index of Relative Socio-Economic Disadvantage and analysis of court data, take place to achieve more accurate results.

Table 2.3: Top 5 Indigenous adult prisoner locations – NSW, QLD, SA, WA

State/ Territory	Rank	Location	Description
NSW[103]	1	Inner Sydney – ABS Statistical Subdivision	Inner suburbs of Sydney including Redfern, Darlington, Waterloo, Marrickville, Leichhardt to Botany
	2	Blacktown – ABS Statistical Subdivision	Blacktown and surrounding western suburbs
	3	Central Macquarie – ABS Statistical Subdivision	Area around Dubbo
	4	Hastings – ABS Statistical Subdivision	Mid north coast including Kempsey and Taree

103 Snap shot data from 30 June 2008.

Table 2.3: Top 5 Indigenous adult prisoner locations – NSW, QLD, SA, WA (continued)

State/ Territory	Rank	Location	Description
NSW (continued)	5	Newcastle – ABS Statistical Subdivision	Newcastle
QLD[104]	1	Cairns – Local Government Area	
	2	Brisbane – Local Government Area	
	3	Townsville – Local Government Area	
	4	Mount Isa – Local Government Area	
	5	Tablelands – Local Government Area	
SA[105]	1	5700	Port Augusta
	2	5724	Marla, Mintabie
	3	5690	Ceduna
	4	5608	Whyalla
	5	5113	Elizabeth, Davoren Park
WA[106]	1	Broome – Local Government Area	Including Broome, Bidyadnaga Community, One Mile Community, Kennedy Hill Community, Djarindjin
	2	Halls Creek – Local Government Area	Including Balgo Hills Community, Billiluna Community, Halls Creek, Mulan Community, Turkey Creek

104 Data from 1 July 2007 – 30 June 2009.
105 Data from 1 July 2007 – 30 June 2009.
106 Snap shot data 30 May 2009.

Table 2.3: Top 5 Indigenous adult prisoner locations – NSW, QLD, SA, WA (continued)

State/ Territory	Rank	Location	Description
WA (continued)	3	Swan – Local Government Area	Including Swan View, Midvale, Lockridge, Beechboro
	4	Derby – West Kimberley Local Government Area	Including Derby, Bayulu, Bungardi, Junjuwa, Looma Community, Mowanjum Community
	5	Stirling – Local Government Area	Including Balga, Nollamara, Mirrabooka
NT[107]	1	Alice Springs (Urban)	
	2	Darwin (Urban)	
	3	Tennant Creek	
	4	Alice Springs (Rural)	
	5	Katherine (Urban)	

Due to the smaller overall numbers of juveniles in detention it is harder to get a clear picture for all jurisdictions but the top 5 data for NSW is included due to greater numbers. Data for the other jurisdictions can be found in Appendix 2.

Table 2.4: Top 5 Indigenous juvenile detainee locations – NSW

Rank	Location (post code)	Description
1	2770	Mt Druitt
2	2830	Dubbo
3	2440	Kempsey
4	2840	Bourke
5	2650	Wagga Wagga

107 Data from 2007–2008.

Contrary to popular perception, a majority of Indigenous Australians live in major cities (31%) or regional areas (45%) and not remote areas (24%).[108] This is also reflected in Indigenous imprisonment, with urban and regional locations making up the bulk of high imprisonment locations.

Urban locations seem to have high Indigenous prisoner populations, for example the inner city suburbs of Sydney and the western suburbs of Sydney like Blacktown and Mt Druitt. Urban Indigenous communities get less specific Indigenous funding, however, levels of disadvantage are still very high. Justice reinvestment which has had success in community wide strategies for urban communities and could be an effective way of targeting resources to communities that are often forgotten about in policy development and funding.

Regional towns also have very high prisoner populations; in particular, regional towns like Port Augusta, Cairns, Dubbo, Kempsey and Broome. Again, these areas can often be under resourced and provide fewer diversionary options for offenders. These towns also act as hubs, fed by the more remote communities. For instance, the suburb of Broome has the highest number of Indigenous prisoners of any suburb in Western Australia, however, part of this can be attributed to the transient population of people coming in and out from more remote locations. This means that there needs to be a balance between services in the centre as well as the remote communities.

The communities with high Indigenous prisoner concentrations do not come as a surprise. They are the same communities that have been identified as disadvantaged for some time now. There are also some connections to the measures of disadvantage identified by Professor Vinson. However, this just reinforces that we have been failing these communities for a long time and it is now time for a new holistic approach like justice reinvestment to try and tackle these entrenched issues.

Based on this data I think we can tentatively suggest that any of these locations would be ideal for justice reinvestment pilot projects. The next part of the chapter goes on to put forward some ideas about making justice reinvestment work for Indigenous Australians.

2.4 Justice reinvestment and reducing Indigenous imprisonment in Australia

Justice reinvestment has not been expressly targeted at specific cultural groups but the experience thus far in the United States is that its interventions are predominantly aimed at African-American communities.

Justice reinvestment provides a framework for what we have been trying to achieve in reducing Indigenous over-representation for some time. Imagine if:

- the huge amount spent on Indigenous imprisonment could be spent in way that prevents crime and increases community functioning
- there was increased accountability and scrutiny about how tax payer funds on corrections are spent
- communities were involved in identifying the causes and solutions to crime
- there was a shift away from the mindset that imprisonment is the only option – instead it becomes the last resort.

108 Australian Bureau of Statistics, *Population Distribution, Aboriginal and Torres Strait Islander 2006*. At http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4705.0Main+Features12006?OpenDocument (viewed 11 August 2009).

This might sound like pie in the sky wishful thinking but having seen the great promise in the United States, justice reinvestment seems a way of making this a reality. The justice reinvestment framework is even stronger when we take on board the United Kingdom concepts of localism and penal moderation. Combine that with what we know about engaging Indigenous communities in partnerships and community development and we might just have a real life solution to the problem.

There are some strong synergies between the current best practice in managing Indigenous offending and justice reinvestment. Below are some examples of the benefits of using justice reinvestment with Indigenous offenders and their communities.

(a) Community building through crime prevention not more prisons

Justice reinvestment acknowledges what Indigenous communities have known for a long time – taking people out of communities through imprisonment weakens the entire community.

Indigenous offenders have valuable roles to play in their communities. Many are parents and also have a wide range of social, cultural and family obligations. When you take these people out of communities you are often placing an additional burden on already stretched family members. And given that family and community connections are so strong in Indigenous communities, be they in urban, regional or remote areas, these impacts ripple throughout the community. We are not only punishing the offender but also all those that are connected with them.

This can have some unintended consequences. Research that I conducted in 2004 on the situation of Indigenous women exiting prison vividly demonstrated that the impact of imprisonment of Indigenous men on the community is a contributing factor to under-reporting of violence in communities.[109] It is important that victims of family violence come forward for their own safety but also to ensure that something is done with the offender to stop the violence and abuse. Crime prevention is not about avoiding dealing with unacceptable behaviour such as family violence and abuse. It is about more effectively dealing with it at a community level and preventing it from emerging in the first place. It strengthens communities to take charge of problems so they do not perpetuate.

We frequently hear stories of Indigenous offenders who have returned from a stint in prison far worse than when they went in. This perpetuates the cycle of crime and imprisonments, further weakening the community as individuals are very likely to return to custody.

Justice reinvestment uses community wide crime prevention strategies to try and minimise imprisonment but also build the community up. We have long seen that Indigenous engagement and partnership in programs leads to more effective implementation. It also leads to other outcomes, like increased community confidence and improved governance. This becomes mutually reinforcing; crime prevention decreases imprisonment; and community engagement strengthens the community so the preconditions for crime are reduced.

109 See *Social Justice Report 2004* for further details.

Engaging at a community level will also make very obvious the current shortfalls in resources that impact on offending. For instance, any community crime audit of Indigenous communities is likely to find levels of overcrowding, poor education, undiagnosed/ untreated trauma, medical issues, lack of recreational activities and problems with alcohol and substance abuse. Justice reinvestment will argue for resources at the front end (primary prevention) rather than the back of the system (imprisonment).

The Northern Territory Government is planning a new jail. This could arguably be a case study in what **not** to do if you want to reduce imprisonment, with critics advocating for community development and prevention programs instead of investment in a new jail. Unfortunately, we are seeing this same scenario being repeated across the country with plans for a $150 million prison in the Western Kimberley in Western Australia and estimates that NSW will need to build a new prison every two years if projected growth occurs.

(i) A missed opportunity for change in the Northern Territory

It is projected that the Northern Territory will have the highest imprisonment rate in world in four years time. Indigenous prisoners make up 83% of the prison population and the Indigenous prisoner population has jumped 23% in just one year.

The Northern Territory's jails are overflowing. The Northern Territory government has announced that it will build a new 1,000 bed jail at cost of $320 million in construction. The new prison will be the biggest ever infrastructure investment in the Northern Territory.

While some see a new jail as a necessity to combat chronic overcrowding, others are wondering why the Northern Territory government is not looking at this crisis as an opportunity to try something new. According to John Lawrence of the Criminal Lawyers Association in the Northern Territory:

> Spending $320 million on a new gaol is the road to nowhere basically. It's just same, same. That money, or a proportion of that money, should be invested in what is really causing crime, namely addressing education, health, housing, employment.[110]

Like the United States, there are clear policy and law decisions that have led to the explosion in imprisonment in the Northern Territory. Glen Dooley, senior lawyer at the North Australian Aboriginal Justice Agency (NAAJA) argues that a toughening of the Bail Act, a parole board that frequently declines applications and extra police presence as a result of the Northern Territory Intervention[111] have all contributed to increasing imprisonment of Indigenous offenders.

Traffic matters are a key component in the large number of Indigenous people in jail, with Glen Dooley stating that there are 400 to 450 Indigenous offenders serving short sentences for traffic offences.[112] In most other jurisdictions in Australia it is almost unheard of that these sorts of offences would attract a custodial sentence. Instead these types of offences would be subject to community-based orders.

110 J Lawrence in M McLaughlin, 'Indigenous incarceration rate jumps', *7.30 Report,* 6 July 2009.

111 G Dooley in P Toohey, 'One-way traffic into obsolete, overcrowded jails', *The Australian,* 28 March 2009.

112 G Dooley in P Toohey, 'One-way traffic into obsolete, overcrowded jails', *The Australian,* 28 March 2009.

The Northern Territory has a poor record on providing community-based orders. In other Australian jurisdictions there are two people on community-based orders for every one person in gaol. In the Northern Territory the ratio is one to one.[113]

The situation is just as bad when it comes to treatment programs in prison and post release services. Only 10% of prisoners were offered alcohol treatment programs and only 24 people underwent sex offender treatment.[114] It is likely that this will continue, with Professor Chris Cunneen stating that:

> If you lock 1,000 people up in a prison, it's large jail, it's much harder to run rehabilitative programs in a large prison like that. There's usually a much greater concentration on management of prisoners rather than on programs and rehabilitation.[115]

Similarly, the lack of pre release programs is negatively impacting on prisoners' chances of getting parole. Glen Dooley describes the situation as:

> …a farcical catch-22. My clients say they are knocked back for parole because they didn't do courses that didn't exist.[116]

And this also has worrying implications for the community safety. Glen Dooley recalls a case where a client was convicted of:

> …a very nasty rape…He was 17 at the time. The judge slotted him for 10 years. He was given a non-parole of six years but he was never given parole. He was released… after serving the full 10 years. I sense he is an articulate person who is seeking some understanding of what he did. They just let him out. There's no one looking after him, no one keeping an eye on him. Because he wasn't paroled with all sorts of conditions, such as keeping off the piss, he can do whatever he likes. Let's hope he kicks goals, but it really worries me.[117]

The issues in the Northern Territory share similarities with a number of the states in the United States that have implemented justice reinvestment. Places like Texas and Kansas were confronted with overcrowded prisons, a need to build more prisons and a large financial and social burden. These problems were a result of poor legislative and policy choices and chronically disadvantaged communities. However, these states responded by changing laws to reduce imprisonment, supporting parole, improving treatment programs and implementing community development strategies.

The Northern Territory would be wise to learn from the experience of justice reinvestment in the United States before they are faced with having to build another new jail which will inevitably fill up with more Indigenous prisoners.

The case of the Northern Territory shows a number of opportunities for justice reinvestment strategies to reduce imprisonment and strengthen Indigenous communities. It seems clear from this case study that people in the community, legal and non-government sectors implicitly understand the fundamental principles of justice reinvestment and there is a broad support for prevention over detention. Further more, the community audits that have already occurred as part of the Northern Territory Intervention may also provide relevant data that could suggest possible justice reinvestment pilot sites.

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113 M McLaughlin, 'Indigenous incarceration rate jumps', *7.30 Report,* 6 July 2009.

114 ABC News, 'NT has 'one of the highest' jail rates', *ABC News Online*, 23 June 2009. At http://www.abc.net.au/news/stories/2009/06/23/2605796.htm (viewed 27 July 2009).

115 C Cunneen in M McLaughlin, 'Indigenous incarceration rate jumps', *7.30 Report,* 6 July 2009.

116 G Dooley in P Toohey, 'One-way traffic into obsolete, overcrowded jails', *The Australian,* 28 March 2009.

117 G Dooley in P Toohey, 'One-way traffic into obsolete, overcrowded jails', *The Australian,* 28 March 2009.

Further, it would be interesting if in the spirit of engagement and partnership, if Indigenous communities were actually asked whether they wanted a new gaol for $320 million or whether they wanted their share of that money to be spent of community development and treatment.

(b) Making the multi-level structural causes of crime the target of intervention

One of the stumbling blocks for correctional programs is that despite a stated commitment to culturally appropriate practice they still fail to miss a fundamental problem, programs are pitched at the individual level rather than looking at individuals in their social and cultural context. Without involving family and community members, correctional programs with Indigenous offenders will continue to be limited in their success.

The corrections system is supposedly trying to rehabilitate the individual without consideration of their community circumstances. Again, you can have the best individual intervention program in the world but unless you are addressing the community circumstances that brought a person to prison, any positive gains will be short lived.

The recent National Indigenous Drug and Alcohol Committee (NIDAC) report is the latest in a long list of reports since the Royal Commission into Aboriginal Deaths in Custody to suggest a multi level explanation for the continued Indigenous over-representation in the criminal justice system. Text Box 2.3 provides a summary of these findings.

Text Box 2.3: Why are Indigenous people over-represented in the criminal justice system?

Socio-economic factors

These include 'a long history of social disadvantage, cultural displacement, trauma and grief, and poor health and living conditions'.[118] Data from the 2002 National Aboriginal and Torres Strait Islander Social Survey shows that respondents were more likely to have been imprisoned if:

- they had not completed year 12
- were unemployed
- living in poverty
- living in overcrowded dwellings
- were a member or had a family member who as from Stolen Generations
- lived in a remote area
- abused alcohol or drugs.[119]

118 National Indigenous Drug and Alcohol Committee, *Bridges and barriers: Addressing Indigenous incarceration and health*, Australian National Council on Drugs (2009) p 6. At http://www.nidac.org.au/ (viewed 22 July 2009).

119 National Indigenous Drug and Alcohol Committee, *Bridges and barriers: Addressing Indigenous incarceration and health*, Australian National Council on Drugs (2009), p 6. At http://www.nidac.org.au/ (viewed 22 July 2009).

Alcohol and other drug misuse

It is estimated that:

- Alcohol is a factor in up to 90% of all Indigenous contact with the criminal justice system.[120]
- 87% of all Indigenous intimate partner homicides are alcohol related.[121]
- 68% of all Indigenous adults tested positive to drugs and 63.8% reported drinking alcohol prior to arrest and being placed in police custody. This jumps to 81% of Indigenous police detainees reporting alcohol abuse in the Northern Territory[122]
- Almost 90% of Indigenous juvenile police detainees tested positive for drugs, compared to 40% of non-Indigenous juvenile detainees.[123]

Barriers to diversion

Programs like the Illicit Drug Diversion Initiative (IDDI) often exclude people with alcohol as the primary drug of choice and history of violence. This disproportionately limits the participation of a large number of Indigenous offenders who fit this profile.

There is also a requirement to admit the offence and some Indigenous people receive legal counsel not to admit guilt or are reluctant to disclose to police. There is also evidence that diversionary programs are less available in rural and remote areas.

For Indigenous juveniles, evidence shows that they are more likely to be arrested than given a caution. National data is unavailable for juvenile diversion rates but in NSW for instance, Indigenous juveniles are diverted only 44% of the time, compared to 76% of the time for non-Indigenous juveniles.[124] The low rate of diversion means that they tend to acquire a more extensive criminal record at an earlier age. This increases their risk of detention when they appear before court.[125]

120 National Indigenous Drug and Alcohol Committee, *Bridges and barriers: Addressing Indigenous incarceration and health*, Australian National Council on Drugs (2009), p 6. At http://www.nidac.org.au/ (viewed 22 July 2009).

121 J Dearden and J Payne, *Alcohol and Homicide in Australia*, Australia Institute of Criminology, Trends and Issues in Crime and Justice no. 372 (2009). At http://www.aic.gov.au/en/publications/current%20series/tandi/361-380/tandi372.aspx (viewed 24 July 2009).

122 National Indigenous Drug and Alcohol Committee, *Bridges and barriers: Addressing Indigenous incarceration and health*, Australian National Council on Drugs (2009), p 5. At http://www.nidac.org.au/ (viewed 22 July 2009).

123 National Indigenous Drug and Alcohol Committee, *Bridges and barriers: Addressing Indigenous incarceration and health*, Australian National Council on Drugs (2009), p 5. At http://www.nidac.org.au/ (viewed 22 July 2009).

124 SCRGSP (Steering Committee for the Review of Government Service Provision), *Overcoming Indigenous Disadvantage: Key Indicators 2009*, Productivity Commission (2009). At http://www.pc.gov.au/gsp/reports/indigenous/keyindicators2009 (viewed 24 July 2009).

125 National Indigenous Drug and Alcohol Committee, *Bridges and barriers: Addressing Indigenous incarceration and health*, Australian National Council on Drugs (2009), p 7. At http://www.nidac.org.au/ (viewed 22 July 2009).

Cognitive disabilities and mental health problems

The NIDAC report found that in particular Foetal Alcohol Spectrum Disorders (FASD) and acquired brain injury contribute the over-representation of Indigenous people in the criminal justice system. Although the number of people with FASD or acquired brain injury in contact with the criminal justice system is unknown, indications are that there is a higher incidence in the Indigenous community. These conditions result in 'social and behavioural problems that may increase their propensity to come in contact with the criminal justice system'.[126]

Similarly, our previous research on Indigenous young people with cognitive disabilities and/ or mental health issues suggests that these young people are often at higher risk of involvement with the criminal justice system.[127]

Over-representation is a product of disadvantage and requires that disadvantage be tackled at a community wide level. Justice reinvestment would look holistically at all of the causes of crime articulated by NIDAC in developing a strategy to address Indigenous imprisonment.

(c) Providing funding for culturally secure programs

As well as addressing the structural causes of crime, justice reinvestment can provide a secure line of funding for culturally secure treatment, rehabilitation and diversion programs. This can include things like Indigenous healing programs, mentoring, residential programs, bush camps and men's and women's groups.[128]

Currently these types of community initiated and owned programs often receive short term, ad hoc funding and face uncertain futures. On the other hand, largely cognitive behavioural psychological programs, funded by government departments are much better resourced, even though they are often less suitable for Indigenous offender needs.

Justice reinvestment offers the opportunity to support culturally secure programs and build an evidence base around them so that they can compete with the research claims of Western psychological programs that are often put in place for Indigenous offenders.

(d) Identification and removal of policy and legal factors in Indigenous imprisonment

Justice reinvestment also analyses the policy and legal factors that lead to imprisonment. For instance, in Texas and Kansas, they found low levels of parole and early releases, as well as parole revocations for technical matters, were leading to a great deal of imprisonment and extra expenditure. Policy reform and legislative change in these states reduced imprisonment accordingly.

126 National Indigenous Drug and Alcohol Committee, *Bridges and barriers: Addressing Indigenous incarceration and health*, Australian National Council on Drugs (2009), p 7. At http://www.nidac.org.au/ (viewed 22 July 2009).

127 Australian Human Rights Commission, *Preventing crime and promoting rights for Indigenous young people with cognitive disabilities and mental health issues* (2008). At http://www.humanrights.gov.au/social_justice/publications/preventing_crime/index.html (viewed 24 July 2009).

128 For good practice examples see *Social Justice Report 2007* and *Social Justice Report 2008.*

This is also relevant for Indigenous Australians. A study looking at violent offenders across Australian found that 50% of Indigenous offenders served their entire prison sentence, compared to only 39% of non-Indigenous offenders.[129] One suggestion for this disparity is that Indigenous offenders are less likely to be able to meet parole conditions due to poor access to support services and accommodation.[130] Just as justice reinvestment led to better resourced and more innovative parole and community corrections services in Texas and Kansas, justice reinvestment could be the impetus for improving Indigenous community justice services.

Indigenous Australians are also more likely to be imprisoned for public order offences. In a study of defendants before the Magistrates Court in NSW Indigenous defendants made up 21.9% of public order offences (for instance offensive conduct, offensive language, assault police and resist arrest).[131] Public order offences have long been seen as a process of Indigenous criminalisation and reflecting poor policing practices. Justice reinvestment provides another argument for critically looking at these laws with an eye to reducing Indigenous imprisonment and expenditure.

High remand rates for Indigenous Australians are also forcing prison rates and expenditure up. Bail laws across the country have been tightened, but none more so that NSW. The *NSW Bail Act* has specific impacts on Indigenous young people.

(i) NSW Bail laws and Indigenous young people

Between 2007 and 2008 the number of juveniles held of remand in NSW rose by 32%, from an average of 181 to 239 young people on remand each day. This has led to a 29% increase in remand costs, from $36.7 million per year up to $47.2 million.[132] The length of time that young people are spending on remand is also increasing considerably.

A recent study by the NSW Bureau of Crime Statistics and Research (BOCSAR) has found that the growth in remand has been a result of changes to the *NSW Bail Act* and increased policing. Significantly, the increased rate of remand has done nothing to reduce the rate of crime.[133]

In 2007 the NSW government amended the *Bail Act 1978* to restrict the number of applications for bail that can be made to the court. Amendment 22a prevents a defendant from making an additional application for bail unless they can show new facts or circumstances, or because they were not represented by a legal practitioner at the first application.[134]

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129 M Willis, *Reintegration of Indigenous prisoners: key findings*, Australian Institute of Criminology Trends and Issues in Crime and Justice no. 364 (2008). At http://www.aic.gov.au/documents/F/2/8/%7BF2879E5D-AD11-436F-97CB-ED7AB17D7B0F%7Dtandi364.pdf (viewed 24 July 2009).

130 M Willis, *Reintegration of Indigenous prisoners: key findings*, Australian Institute of Criminology Trends and Issues in Crime and Justice no. 364 (2008). At http://www.aic.gov.au/documents/F/2/8/%7BF2879E5D-AD11-436F-97CB-ED7AB17D7B0F%7Dtandi364.pdf (viewed 24 July 2009).

131 L Behrendt, C Cunneen and T Libesman (eds), *Indigenous Legal Relations in Australia* (2009), p 141.

132 S Vignarendra, S Moffatt, D Weatherburn and E Heller, *Recent trends in legal proceedings for breach of bail, juvenile remand and crime,* NSW Bureau of Crime Statistics and Research Crime and Justice Bulletin no.128 (2009). At http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/CJB128.pdf/$file/CJB128.pdf (viewed 27 July 2009).

133 S Vignarendra, S Moffatt, D Weatherburn and E Heller, *Recent trends in legal proceedings for breach of bail, juvenile remand and crime,* NSW Bureau of Crime Statistics and Research Crime and Justice Bulletin no.128 (2009). At http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/CJB128.pdf/$file/CJB128.pdf (viewed 27 July 2009).

134 NSW Bail Act 1978.

The BOCSAR report did not specifically consider the impact on Indigenous young people, however, given that they routinely make up around half of the juvenile detention population, it is likely to be significant. In fact, those working in field suspect that Indigenous young people are even more disadvantaged by the recent changes.

It seems from the BOCSAR research that police have deliberately stepped up enforcement of bail conditions. Young people are more vulnerable because courts impose a number of 'welfare' conditions. These include things like curfews, non-association orders, reside as directed, and must be in company of a parent. If the police find that these conditions have been breached the young person can then be taken into custody.

BOCSAR found that 66% of the young people were remanded for not complying with conditions of bail while only 34% of young people who breached their bail committed a further offence.

Lawyers from the NSW Aboriginal Legal Service believe that Indigenous young people are more at risk of being breached because they usually have these 'welfare' types of conditions imposed. This is partly because Indigenous people have more significant welfare needs and the court often decides that they need extra monitoring. However, this can be setting young people up for failure and not adequately recognising the different lifestyles that Indigenous young people lead.

For instance, Caleb Franklin, senior lawyer from the NSW Aboriginal Legal Service gives this example:

> If you are from Bourke or Brewarrina and it is a 40 degree day and you live in a tin shed with no air conditioning – you are not going to be home between 6pm and 9am – you'll be down at the river. Especially if home isn't such a great place to be because of violence.[135]

According to Nell Skinner, another senior lawyer at the NSW Aboriginal Legal Service, Indigenous young people are 'sitting ducks for increased policing'.[136] They are much more visible because of their use of public space and often come from communities where over-policing has a longstanding history. For instance, in Brewarrina there are 12 police officers for only 300 people.[137]

Section 22a has also contributed to the increase of young people on remand, with the BOCSAR report showing a clear correlation between the introduction of the restrictions to further bail applications and the dramatic increase in remand numbers.[138] The other implication of section 22a is that young people are spending longer periods of time in custody on remand.

The flow on effect of the increased use of remand is the overcrowding of juvenile detention centres, with the Department of Juvenile Justice 'struggling under the sheer weight of numbers'.[139]

Young people are not being housed in appropriate accommodation. Because all of the other centres are full, the Department of Juvenile Justice has taken over the old women's gaol in Emu Plains. However, this facility has cells with no ensuite and no access to drinking water so detainees are reliant on staff to let them out for these

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135 C Franklin, Communication with the Social Justice Commissioner's Office, 24 July 2009.

136 N Skinner, Communication with the Social Justice Commissioner's Office, 27 July 2009.

137 N Skinner, Communication with the Social Justice Commissioner's Office, 27 July 2009.

138 S Vignarendra, S Moffatt, D Weatherburn and E Heller, *Recent trends in legal proceedings for breach of bail, juvenile remand and crime,* NSW Bureau of Crime Statistics and Research Crime and Justice Bulletin no.128 (2009). At http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/CJB128.pdf/$file/CJB128.pdf (viewed 27 July 2009).

139 C Franklin, Communication with the Social Justice Commissioner's Office, 24 July 2009.

amenities. Similarly, access to education and programs is also severely limited due to overcrowding.[140]

These conditions are clearly not in the best interests of the children. Remand has a disruptive effect on a young person's family relationships, education, work and community connections.[141] This is bad enough but when we are subjecting young people to overcrowding where their basic needs and rehabilitative goals have no way of being met, we are disadvantaging these young people further.

Bail legislation and young people has become a politically controversial topic. The release of the BOCSAR report was delayed because the NSW government classified the BOCSAR report as Cabinet-in-confidence. This is the first time the government has ever done this[142] and reflects the sensitivities and divisions around this issue.

The Minister for Juvenile Justice has recently announced a review of the juvenile justice system, for this first time in 16 years.[143] It is hoped that the NSW Government takes this opportunity to look at bail in the context of reducing imprisonment and the best interests of the child.

Although more research is needed to provide concrete evidence on the impact of bail laws on Indigenous young people in NSW, the example above shows an obvious point of legislative and policy reform that would decrease Indigenous imprisonment.

Another worrying development is the introduction of further conditions for mandatory sentencing in Western Australia.[144] Adults who assault and cause bodily harm to police officers, ambulance officers, transit guards, court security officers or prison officers face a minimum of six months' imprisonment, while juveniles aged between 16–18 will now go to detention for no more than three months. Given the Australian experience of mandatory sentencing in the Northern Territory and Western Australia in the past,[145] it is highly likely that this legislation will impact heavily on Indigenous Australians. While it is unacceptable for police officers or any other public security officers to be assaulted as they go about their work, there is concern given that Police and Indigenous relations are not always cooperative and tensions can escalate quickly into violence.

These issues highlight just a few of the legislative and policy blocks that funnel an unacceptable amount of Indigenous people through to prison and juvenile detention. A justice reinvestment approach could systematically highlight a variety of these issues for Indigenous Australians and suggest appropriate reforms.

(e) Assistance for victims of crime

We know that Indigenous Australians are also over-represented as victims of crime, particularly violent crimes, including family violence:

- According to the National Aboriginal and Torres Strait Islander Social Survey, Indigenous adults have double the rate of victimisation for violent crime than non-Indigenous adults.[146]

140 C Franklin, Communication with the Social Justice Commissioner's Office, 24 July 2009.

141 C Franklin, Communication with the Social Justice Commissioner's Office, 24 July 2009.

142 A Horin, 'Juvenile Justice report declared a state secret', *Sydney Morning Herald*, 25 June 2009.

143 Minister for Juvenile Justice, Youth, Volunteering and Minister assisting the Premier on Veterans Affairs, 'Government to Review NSW Juvenile Justice System' (Medial Release 20 July 2009). At http://www.djj.nsw.gov.au/pdf_htm/media/090720%20JJ%20Review%20FINAL.pdf (viewed 28 July 2009).

144 Mandatory sentencing laws passed 21 September 2009 see *Criminal Code Amendment Bill 2008.*

145 See *Social Justice Report 2007.*

146 Australian Institute of Criminology, *Indigenous Victims of Crime* (2004). At http://www.aic.gov.au/en/publications/current%20series/cfi/61-80/cfi079.aspx (viewed 10 September 2009).

- Indigenous Australians are almost 34 times more likely to be hospitalised for family violence related injuries.[147]
- Indigenous young people are three times more likely to be reported to police as victims of family violence or sexual assault than non Indigenous young people.[148]

It would be a mistake to think that justice reinvestment is all about assisting the offender. In fact, one of the strengths of justice reinvestment is the ability to divert funding to culturally appropriate victim support services. Previous Social Justice Reports have outlined some excellent but precariously funded healing and victim services. These are the sorts of programs that could benefit from additional funding as a result of justice reinvestment strategies.

While ensuring the safety of victims is paramount, what we continually hear from Indigenous victims of crime is that because the perpetrators are often known to them and part of their family and community, it is in everyone's interest for the perpetrators to return to communities rehabilitated, ensuring long term safety.

For instance, it is clearly not in the interests of the victim or community safety if an Indigenous sex offender is released without receiving any sort of treatment program. Justice reinvestment could promote the funding of effective culturally secure treatment programs that reduce the risk of further offending.

Again, these options are not about being soft on crime, they are about being smart about crime and safety. It ensures crime is dealt with appropriately and in a manner that focuses on rehabilitation and prevention of further offending. This helps to prevent crime in the future while attending to the needs of victims through diversion of funding to victims support and healing services.

(f) Compatible with existing Indigenous community justice mechanisms

Indigenous communities already have some of the mechanisms in place to make community involvement in justice reinvestment work. Local Indigenous community justice groups are running in many parts of Australia giving Elders and other important people a role in the justice system either through formal mechanisms like the Indigenous court models or broader planning and support.

These groups, where they are established by the community, or sanctioned by the community, would be an ideal point of first contact in engaging communities about how justice reinvestment could be implemented. Working with Indigenous community justice groups would ensure partnership and local knowledge to tailor justice reinvestment strategies to individual community needs.

(g) Connection with government policy priorities

Justice reinvestment is a timely strategy, not only because Australian state and federal budgets are under unprecedented pressure to rein in spending but also because of the strong connections to current government social policy priorities.

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147 SCRGSP (Steering Committee for the Review of Government Service Provision), *Overcoming Indigenous Disadvantage: Key Indicators 2009*, Productivity Commission (2009). At http://www.pc.gov.au/gsp/reports/indigenous/keyindicators2009 (viewed 10 September 2009).

148 NSW Department of Aboriginal Affairs, *Two Ways Together Report Indicators* (2007). At http://www.daa.nsw.gov.au/publications/2ways_indicators_pdf/Chapter_Eight_240408.pdf (viewed 10 September 2009).

(i) Social Inclusion

The most notable synergy is with the current social inclusion policy push. Social inclusion and social exclusion have been significant social policy drivers in the UK and Europe since 1980s. The election of the Rudd government has seen it receive serious attention at the federal level in Australia. A number of new structures reflect the status of social inclusion as a guiding policy principle in the Australian government:

- the establishment of the Australian Social Inclusion Board to provide independent advice to the government
- the Deputy Prime Minister, Julia Gillard, has portfolio responsibility for Social Inclusion, assisted by Senator Ursula Stephens
- the Social Inclusion Unit sits in the Department of Prime Minister and Cabinet, with the Prime Minister making a number of public undertakings towards social inclusion.

The recent Australian Public Service Social Inclusion Policy Design and Delivery Toolkit describes social inclusion as:

> Being socially included means that people have the resources (skills and assets, including good health), opportunities and capabilities they need to:
>
> - Learn and participate in education and training;
> - Work and participate in employment, unpaid or voluntary work including family and carer responsibilities;
> - Engage connect with people, use local services and participate in local, cultural, civic and recreational activities; and
> - Have a voice influence decisions that affect them.[149]

Academics and policy makers all over the world have wrestled with the definition of social exclusion although the UK Social Exclusion Unit provides a widely accepted definition as:

> Social exclusion is about more than income poverty. Social exclusion happens when people or places suffer from a series of problems such as unemployment, discrimination, poor skills, low incomes, poor housing, high crime, ill health and family breakdown. When such problems combine they can create a vicious cycle. Social exclusion can happen as a result of problems that face one person in their life. But it can also start from birth. Being born into poverty or to parents with low skills still has a major influence on future life chances.[150]

The Australian Government has also tried to articulate its approach to social inclusion through a set of 'Aspirational Principles'[151] and 'Principles of Approach'[152] but also spelling out that:

> To be socially included, people must be given the opportunity to:
>
> - secure a job
> - access services

149 Australian Government, *Australian Public Service Social Inclusion Policy Design and Delivery Toolkit*. At http://www.socialinclusion.gov.au/Documents/SIToolKit.pdf (viewed 28 September 2009).

150 Social Exclusion Unit, *Definitions of Social Exclusion* (1999). At www.socialexclusion.gov.uk/page.asp?id=213 (viewed 28 July 2009).

151 Australian Government, *Social Inclusion Principles for Australia*. At http://www.socialinclusion.gov.au/Principles/Documents/SIPrincilpes.pdf (viewed 28 July 2009).

152 Australian Government, *Social Inclusion Principles for Australia*. At http://www.socialinclusion.gov.au/Principles/Documents/SIPrincilpes.pdf (viewed 28 July 2009).

- connect with family, friends, work, personal interests and local community
- deal with personal crisis
- have their voice heard.[153]

The Australian government has signaled its commitment to a number of social inclusion priorities:

- closing the gap for Indigenous Australians
- addressing the needs of jobless families
- delivering effective support to children most at risk of long term disadvantage
- focusing on particular locations, neighbourhoods and communities to ensure programs and services are getting to the right places
- homelessness
- employment for people with a disability or mental illness.[154]

What is interesting is just how closely a number of these principles and priorities align with justice reinvestment. In particular, there is a significant coalescence between the stated principles of 'early intervention and prevention';[155] 'using evidence and integrated data to inform policy';[156] and using locational approaches.[157]

The emphasis on giving communities a voice in decisions that effect them is also a particular challenge facing Indigenous communities. But again, there is a strong connection between the community engagement focus of justice reinvestment and the goals of social inclusion.

In effect, justice reinvestment could become a very powerful tool for ensuring that Indigenous Australians are socially included. It meets the concerns of policy makers 'mindful of the costs and benefits and evidence of returns for investment',[158] the need for holistic early intervention and evidence based policy.

This confluence of agendas could be a turning point for Indigenous imprisonment in Australia if the Australian Government takes its commitments to social inclusion seriously.

(ii) COAG Closing the Gap targets

The COAG Closing the Gap commitments made in December 2007 and throughout 2008 have shaped the spirit in which Indigenous policy is being conducted in Australia at the moment. Although it is a serious omission that no formal targets were set at that point to close the gap in imprisonment rates, the emphasis on health, education and employment all speak to a vision of strong Indigenous communities.

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153 Australian Government, *Social Inclusion Principles for Australia*. At http://www.socialinclusion.gov.au/Principles/Documents/SIPrincilpes.pdf (viewed 28 July 2009).

154 Australian Government, *Social Inclusion Priorities*. At http://www.socialinclusion.gov.au/Priorities/Pages/default.aspx (viewed 28 July 2009).

155 Australian Government, *Social Inclusion Principles for Australia*. At http://www.socialinclusion.gov.au/Principles/Documents/SIPrincilpes.pdf (viewed 28 July 2009).

156 Australian Government, *Social Inclusion Principles for Australia*. At http://www.socialinclusion.gov.au/Principles/Documents/SIPrincilpes.pdf (viewed 28 July 2009).

157 Australian Government, *Social Inclusion Principles for Australia*. At http://www.socialinclusion.gov.au/Principles/Documents/SIPrincilpes.pdf (viewed 28 July 2009).

158 Australian Government, *Social Inclusion Principles for Australia.* At http://www.socialinclusion.gov.au/Principles/Documents/SIPrincilpes.pdf (viewed 28 July 2009).

The problem is, however, that you will not be able to meet these targets if you continue to have such a high proportion of the Indigenous population caught up in the criminal justice system because imprisonment compounds individual and community disadvantage. Over time we would hope that the Closing the Gap targets will lead to an improvement in life chances and therefore a reduction in imprisonment but this could take a generation at the very least. For this reason, specific justice targets are needed now.

I welcome the recent announcement from the Standing Committee of Attorneys General (SCAG) stating that:

> Ministers will develop 'Justice *Closing the Gap* targets' with a view to including such targets in future COAG reform packages.[159]

This is an excellent opportunity to develop integrated targets and reforms. Targets should be informed by the principles of justice reinvestment, ensuring that special consideration is given to areas with high concentrations of Indigenous prisoners, as well as the legal and policy factors that increase Indigenous imprisonment.

A commitment at the COAG level would ensure cooperation across all levels of government and across all departments. This could radically reshape how we deal with Indigenous over-representation in this country.

Currently, more than any other portfolio, the justice needs of Indigenous Australians are siloed. There is poor interagency collaboration between the 'front end' (prevention and support services before offending) and 'back end' (corrections and juvenile justice) departments dealing with Indigenous over-representation. Indigenous over-representation is not only the responsibility of corrections and justice departments but also requires substantial input in terms of health, housing, education, employment and child protection to name just a few.

Targeted justice reinvestment strategies have the potential to cut imprisonment quite quickly given the experience of the United States. Reduced imprisonment could in turn lead to better achievement across all the Closing the Gap targets. There is a potential for a mutually reinforcing relationship between the Closing the Gap targets and justice reinvestment.

(iii) National Indigenous Law and Justice Framework 2009–2015

The draft National Indigenous Law and Justice Framework 2009–2015, developed by the Standing Committee of Attorney-Generals (SCAG) is designed to be a 'blueprint for action to reduce Indigenous disadvantage in law and justice'.[160] The draft has been endorsed by all Ministers at the August SCAG meeting and is expected to be finalised by 30 September 2009.[161]

Although not designed to be prescriptive it does set out five inter-related goals:

- improve all Australian justice systems so that they comprehensively deliver on the justice needs of Aboriginal peoples and Torres Strait Islanders in a fair and equitable manner

159 Standing Committee of Attorneys General, *Communiqué August 2009*. At http://www.scag.gov.au/ (viewed 10 September 2009).

160 Standing Committee of Attorney-General Working Group on Indigenous Justice, *Draft National Law and Justice Framework 2009–2015*, (2008). At http://www.ag.gov.au/www/agd/agd.nsf/Page/Consultationsreformsandreviews_DraftNationalIndigenousLawandJusticeFramework (viewed 28 July 2009).

161 Standing Committee of Attorneys General, *Communiqué August 2009*, At http://www.scag.gov.au/ (viewed 10 September 2009).

- reduce over-representation of Aboriginal and Torres Strait Islander offenders, defendants and victims in the criminal justice system
- ensure that Aboriginal and Torres Strait Islanders feel safe and are safe within their communities
- improve justice outcomes for Aboriginal peoples and Torres Strait Islanders by reducing the level of alcohol and substance abuse within Indigenous communities
- strengthen Indigenous communities, with whole of government and other partners, so that improvements in law and justice and safety can be sustained in the long term.[162]

Further, the Framework notes that:

> Reducing over-representation of Aboriginal peoples and Torres Strait Islanders in the criminal justice system will have a positive effect on Indigenous communities and families especially in the long term, as it is a precursor to improvements in the areas of housing, education and employment.[163]

These goals connect with justice reinvestment strategies and the framework could be a vehicle for driving the justice reinvestment agenda across jurisdictions given the right advocacy and support. Although the framework is very clear about the non prescriptive nature, there is an implementation and monitoring capacity built in. The framework has an emphasis on identifying:

> a particular priority area of the Framework for national analysis and discussion. This would have the effect of showcasing good practice and engaging with stakeholders on the practical applications and areas for improvement, and could take the form of a conference or forum. Where relevant, this forum could be undertaken in concert with the National Justice Chief Executive Officers (NJCEOs) which is a group formed under SCAG.[164]

Justice reinvestment would be an excellent priority area for the SCAG working group to take up, leading to pilot projects in appropriate areas.

2.5 Conclusion

Albert Einstein famously defined insanity as 'continuing to do the same things and expecting a different result'. This is exactly the sort of madness that we see in the Indigenous interactions with the criminal justice system. We need to try something fundamentally different to solve this problem.

I believe that justice reinvestment might just be the approach we are looking for. It has a strong methodology and evidence base. It has succeeded in some of the toughest, most unlikely places in the United States. If the people of Texas, notorious for their 'lock 'em up and throw away the key' mentality can achieve good results, I am hopeful that Australia can also take up the challenge.

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162 Standing Committee of Attorney-General Working Group on Indigenous Justice, *Draft National Law and Justice Framework 2009–2015,* (2008). At http://www.ag.gov.au/www/agd/agd.nsf/Page/Consultationsreformsandreviews_DraftNationalIndigenousLawandJusticeFramework (viewed 28 July 2009).

163 Standing Committee of Attorney-General Working Group on Indigenous Justice, *Draft National Law and Justice Framework 2009–2015,* (2008). At http://www.ag.gov.au/www/agd/agd.nsf/Page/Consultationsreformsandreviews_DraftNationalIndigenousLawandJusticeFramework (viewed 28 July 2009).

164 Standing Committee of Attorney-General Working Group on Indigenous Justice, *Draft National Law and Justice Framework 2009–2015,* (2008). At http://www.ag.gov.au/www/agd/agd.nsf/Page/Consultationsreformsandreviews_DraftNationalIndigenousLawandJusticeFramework (viewed 28 July 2009).

Part of the reason justice reinvestment has appealed in the USA is because it saves money, or at least reins in out of control corrections spending. It is a way of talking about imprisonment as value for money and shifting the discourse to economics and away from punitive emotions. These ideas add another perspective to the 'law and order auction' that goes on in Australian politics each election cycle. It is time to challenge our politicians to imprison less for the good of our Indigenous communities as well as the bottom line.

Justice reinvestment is a pragmatic solution to the problem of Indigenous imprisonment but it is based on some sound principles that meld with Indigenous perspectives and approaches.

It takes the role of community seriously, recognising the damage for the individual and community each time a person is imprisoned.

It recognises that there are 'high stakes' communities where is it imperative that preventative resources and systemic change is put in place to address imprisonment.

Most importantly, it provides a real role for the community to have a say in what is causing offending in their communities and what needs to be done to fix it. All of these principles would guide a partnership approach to addressing Indigenous imprisonment.

Successful public policy is often a product of the times. At the moment there are budgetary restrictions looming on the horizon but there are also some government commitments to address issues of social inclusion and closing the gap for Indigenous Australians. Justice reinvestment connects with both of these government policy priorities and could add much to the attempts to achieve Indigenous equality.

It is time that Indigenous over-representation in criminal justice system was treated as the urgent human rights issue that it is. I have set out a possible way of tackling this problem based on international experience and consideration of the situation in Australia. It is time that governments took a new approach to this old problem.

Recommendations

2.1 That the Australian Government, through COAG, set criminal justice targets that are integrated into the Closing the Gap agenda.

2.2 That the Standing Committee of Attorneys General Working Party identify justice reinvestment as a priority issue under the National Indigenous Law and Justice Framework, with the aim of conducting pilot projects in targeted communities in the short term.

2.3 That the Australian Social Inclusion Board, supported by the Social Inclusion Unit, add justice reinvestment as a key strategy in the social inclusion agenda.

2.4 That all state and territory governments consider justice reinvestment in tandem with their plans to build new prisons. That a percentage of funding that is targeted to prison beds be diverted to trial communities where there are high rates of Indigenous offenders.

Chapter 3:
The perilous state of Indigenous languages in Australia

3.1 Introduction

When I commenced writing this chapter in 2008, Australia did not have a national Indigenous languages policy. However in August 2009, for the first time in Australia's history, the Commonwealth Government launched a strategy for preserving Indigenous languages: *Indigenous Languages – A National Approach 2009* (National Approach). The National Approach sets out the Commonwealth Government's plan to preserve Indigenous languages through targeted actions. They are:

- Increasing information about Indigenous languages in all spheres of Australian life
- Improving coordination of language centre activity
- Supporting language programs in schools
- Undertaking a feasibility study to develop a National Indigenous Languages Centre.

The National Approach document can be seen in full at Appendix A.[1]

It is extremely pleasing that the National Approach is guided by a number of the recommendations from the *National Indigenous Languages Survey Report 2005* (Survey Report).[2] The Survey Report provides the most comprehensive analysis of the Indigenous language situation in Australia to date, and proposes some strategic and programmatic solutions to redress the language decline. I do not intend to replicate this work. In this chapter I intend to set out some of the challenges ahead for Indigenous language preservation and revitalisation in the light of the National Approach.

(a) Context

The challenges to preserve and revitalise Indigenous languages are considerable. Indigenous languages are critically endangered in Australia and they continue to die out at a rapid rate. Prior to colonisation, Australia had 250 distinct languages which are able to be subdivided into 600 dialects.[3] According to the *National Indigenous Languages Survey Report*

1 Australian Government Department of Environment, Water, Heritage and the Arts, *Indigenous Languages – A National Approach, The importance of Australia's Indigenous languages*. At http://www.arts.gov.au/indigenous/languages_policy (viewed 3 September 2009).

2 Australian Institute of Aboriginal and Torres Strait Islander Studies and the Federation of Aboriginal and Torres Strait Islander Languages, *National Indigenous Languages Survey Report 2005*. At http://www.arts.gov.au/__data/assets/pdf_file/0006/35637/nils-report-2005.pdf (viewed 3 July 2009).

3 J Lo Bianco, Organizing for Multilingualism: Ecological and Sociological Perspectives A TESOL Symposium on Keeping Language Diversity Alive, 2008, p11, Alice Springs, Northern Territory, Australia, July 9, 2008.

2005, most of the original languages are no longer spoken. Today only 18 Indigenous languages are spoken by all generations of people within a given language group, and even these languages are endangered.[4] There are approximately 100 Indigenous languages which still exist in some form in Australia, though many of them are in an advanced stage of endangerment. Small numbers of older people are the only full speakers of these languages. Without intervention the language knowledge will cease to exist in the next 10 to 30 years.[5]

The loss of languages in Australia has received international attention. A significant international study on language endangerment has singled out Australia as a place where languages are disappearing at a faster rate than anywhere else in the world.[6] Since the early 1990s, international agencies such as UNESCO have been working to prevent the extinction of many of the world's languages. The *Red Book* is UNESCO's documentation of the decline of languages and a call to governments the world over, to take urgent action to preserve endangered languages.

In terms of cultural heritage, the loss of Indigenous languages in Australia is a loss for all Australians. For the Indigenous peoples whose languages are affected, the loss has wide ranging impacts on culture, identity and health. Cultural knowledge and concepts are carried through languages. Where languages are eroded and lost, so too is the cultural knowledge. This in turn has potential to impact on the health and well-being of Indigenous peoples. There is now significant research which demonstrates that strong culture and identity are protective factors for Indigenous people, assisting us to develop resilience.

Decades of Australian government policies and practices have banned and discouraged Aboriginal and Torres Strait Islander people from speaking our languages during the assimilation years.[7] Many people who were forcibly taken to hostels and missions lost their languages due to the prohibitionist polices and practices of governments and churches. These policies and practices lasted in Australia right up to the 1970s.

It is only since the 1970s that Australian governments have taken any action to preserve Indigenous languages. In 1974 bilingual education programs were established in the Northern Territory and Western Australia, and in the 1980s Commonwealth funds were provided to establish community language programs across the country. These resources have been significant in terms of language preservation, though they arrived too late for the majority of Australia's Indigenous languages.

4 Australian Institute of Aboriginal and Torres Strait Islander Studies and the Federation of Aboriginal and Torres Strait Islander Languages, *National Indigenous Languages Survey Report 2005*, Executive Summary. At http://www.arts.gov.au/__data/assets/pdf_file/0006/35637/nils-report-2005.pdf (viewed 3 July 2009).

5 Australian Institute of Aboriginal and Torres Strait Islander Studies and the Federation of Aboriginal and Torres Strait Islander Languages, *National Indigenous Languages survey 2005*, p 67. At http://www.arts.gov.au/__data/assets/pdf_file/0006/35637/nils-report-2005.pdf (viewed 3 July 2009).

6 D Nettle, S Romaine, *Vanishing Voices: The extinction of the world's languages*, 2000, Oxford University Press, Précis. At http://users.ox.ac.uk/~romaine/vvoices.html (viewed 3 July 2009); and UNESCO Atlas of World's Endangered languages 2009. At http://www.unesco.org/culture/ich/indox.php?pg=00206 (viewed 3 July 2009).

7 P Mühlhäusler, PR Damania, Economic Costs and Benefits of Australian Indigenous Languages, Discussion Paper, 2004, p 22, Australian Government Aboriginal and Torres Strait Islander Services. At http://www.arts.gov.au/__data/assets/pdf_file/0015/14730/economic-costs-benefits-indigenous-languages-discussion-paper.pdf (viewed 10 November 2009).

Responsibility for Indigenous languages currently sits with the Federal Government. The Department of Environment Heritage and the Arts provides the funding for language resource centres across Australia and for language revival and language maintenance programs.

In August 2009 the Australian Government released the National Approach with the aim of preserving and promoting Indigenous languages. This policy comes at a crucial time. It reflects the will of the Government to take remedial action. However, the National Approach is not accompanied by an increase in funding and therefore can do little more than is currently being done to prevent the language decline.

The current situation regarding support and promotion of Indigenous languages is fraught by differing and contradictory policies across the Commonwealth, state and territory governments. On the one hand, the Commonwealth has a National Approach which acknowledges the value of Indigenous languages and supports their preservation and promotion. On the other hand, some state and territory governments have policies which ignore Indigenous languages or limit Indigenous language teaching in the interests of promoting English literacy.[8] Current Indigenous language policy in Australia is inconsistent and in some cases contradictory.

At this stage, the political will of the Commonwealth Government will not be enough to shift the decline in Indigenous languages. It is the states and territories that control the education systems and set the policies which govern much of the language policy implementation. We have seen over the past year, for example, efforts of the Northern Territory government to dismantle bilingual education by making it mandatory for schools to teach the first four hours in English. In most of Australia's other states and territories, Indigenous language activity is endorsed in principle, but implementation of language programs is left to the discretion of local school administrations and school principals. We know that school education is crucial in the preservation of Indigenous languages, and therefore the policies of the states and territories are very important.[9]

This chapter sets out evidence demonstrating that there are benefits associated with preserving Indigenous languages and consequential costs associated with losing them. The chapter also sets out a course of action aimed at preserving and reviving Indigenous languages in the context of the new National Approach for Indigenous languages. The chapter is divided into six sections:

8 Chief Minister of the Northern Territory, *Parents support bilingual policy: Henderson*, ABC News Online, 24 November 2008. At http://www.abc.net.au/news/stories/2008/11/24/2428555.htm (viewed 1 September 2009); Four Corners Paul Henderson interviewed by Debbie Whitmont 14 September 2009. At http://www.abc.net.au/4corners/content/2009/s2685585.htm (viewed 1 September 2009).

9 Kulunga Research Network, *Western Australian Aboriginal Child Health Survey*, Chapter 2, Characteristics of the population, p 33. At http://www.ichr.uwa.edu.au/files/user17/Volume1_Chapter2.pdf (viewed 4 April 2009).

3.2 Why preserve Indigenous languages?

Language and culture are interdependent. It has long been understood that language is the verbal expression of culture. It is the medium through which culture is carried and transferred. Stories, songs and the nuanced meaning of words contain the key to understanding one's world and one's part within it. Strong culture gives the individual a sense of belonging to people and places. For this reason, language and culture are deeply interconnected and core parts of one's identity.

There is now a significant body of evidence which demonstrates a range of benefits for Indigenous peoples and minority groups when they maintain strong connections with their languages and culture. Having one's mother tongue bestows various social, emotional, employment, cognitive and health advantages. Bilingualism provides yet another layer of advantage for minority language speakers. Keeping the mother tongue and then mastering English for example, provides minority language speakers with the advantage of being able to operate in different contexts. This in turn increases one's life chances and employment options.

(a) Promotes resilience

A 2007 research project in the United States found strong correlations between language and culture and the development of resilience in minority communities. The study found 'that both traditional and cultural factors were predictors of resilient outcomes (i.e., positive quality of life indicators) for African Americans in [high risk urban communities]'.[10] The International Child and Youth Care Network found in 2004 that strong culture and identity are protective factors for people in vulnerable situations, including young people in out-of-home environments.

> Children and young people's ethnicity, religion, culture and language form part of their identity. Preservation of their background and culture helps to create continuity and a secure base …[11]

However, where there is loss of language and culture, there are negative impacts on resilience and this can lead to stress and problems with socialisation and communication.

> When children lose productive as well as receptive knowledge of their native language, communication barriers result. Moreover, given a population of preschool-aged children, such barriers can be disastrous as parents are then limited in their ability to socialize and teach their children during a critical period of early childhood social, cognitive, and linguistic development. In such instances, parents are left unable to transmit knowledge, cultural values, and belief systems effectively.[12]

In Australia, the loss of language has been measured to have specific negative impacts on the generations who are directly affected. The *Western Australian Aboriginal Child Health Survey* found high levels of acculturative stress in children living in regional centres where language loss was occurring.

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10 S Utsey, M Bolden, Y Lanier, O Williams, *Examining the Role of Culture-Specific Coping as a Predictor of Resilient Outcomes in African Americans From High-Risk Urban Communities*, Journal of Black Psychology 2007 33: 75–93. Extract. At http://jbp.sagepub.com/cgi/content/abstract/33/1/75 (viewed 22 June 2009).

11 K Maclean, *Resilience: What it is and how children and young people can be helped to develop it*, CYC Online, Issue 62, March 2004. At http://www.cyc-net.org/cyc-online/cycol-0304-resilience.html (viewed 22 June 2009).

12 P Lee, 'Cognitive development in bilingual children: A case for bilingual instruction in early childhood education'. *Bilingual Research Journal,* Summer 1996, p 10-11. At http://findarticles.com/p/articles/mi_qa3722/is_199607/ai_n8751476/ (viewed 31 August 2009).

> … the rate of traditional language loss is greatest in those larger rural communities (e.g. Kalgoorlie, Broome, Port Hedland, Carnarvon) that are service and educational centres for more remote, outlying traditional Aboriginal communities. Aboriginal children in these communities not surprisingly experience more acculturative stress than those within more traditional communities and those in larger metropolitan centres.[13]

The stress of being denied instruction in one's mother tongue in the school context can set up a powerful sense of failure in young people. Two students for North East Arnhem Land had the following to say about the use of English in the classroom:

> We don't retain information – we hear teaching, especially in English and feel that we don't grasp what is being taught, and so it disappears. We go to school, hear something, go home, and the teaching is gone. We feel hopeless. Is there something wrong with our heads because this English just does not work for us? In the end, we smoke marijuana to make us feel better about ourselves. But that then has a bad effect on us. We want to learn English words but the teachers cannot communicate with us to teach us. It is like we are aliens to each other. We need radio programs in [traditional Indigenous] language that can also teach us English. That way we will understand what we learn.[14]

Being taught to learn in one's own language is one way to avoid the stress of acculturation to a new language environment. This is what the bilingual education models seek to provide. Bilingual approaches allow students to develop their first literacy in their mother tongue while gradually introducing English into the learning environment.

(b) Improved health

While Australia lacks research on culture and resilience, we do have longitudinal research data which demonstrates a correlation between strong language and culture in Indigenous homeland communities and positive health outcomes. A ten year study of Indigenous Australians in Central Australia found that '**connectedness to culture, family and land**, and opportunities for self-determination' assist in significantly lower morbidity and mortality rates in Homeland residents.[15] The study compared the rates of cardiovascular disease in the Alyawarr and Anmatyerr people of the Utopia Homeland communities with the rates amongst the Indigenous population of Northern Territory. In the Utopia homelands, high value is placed on the maintenance of strong mother tongue languages and traditional cultural practices. The study found that residents of these communities were less likely to be obese, less likely to have diabetes and less prone to cardiovascular disease than Indigenous people across the rest of the Northern Territory. Interestingly, the study found that 'conventional measures of employment, income, housing and education did not account for this health differential. Strong connections to traditional ways of life were the predictors for the better health outcomes.

13 Kulunga Research Network, *Western Australian Aboriginal Child Health Survey*, Chapter 2, Characteristics of the population, p 33. At http://www.ichr.uwa.edu.au/files/user17/Volume1_Chapter2.pdf (viewed 4 April 2009).

14 P Anderson, R Wild, *Ampe Akelyernemane Meke Mekarle Little Children are Sacred Report*, 2007, p 147. At http://www.inquirysaac.nt.gov.au/pdf/bipacsa_final_report.pdf (viewed 14 June 2009).

15 KG Rowley, et al, *Lower than expected morbidity and mortality for an Australian Aboriginal population: 10-year follow-up in a decentralised community,* The Medical Journal of Australia. At http://www.mja.com.au/public/issues/188_05_030308/row10886_fm.html (viewed 2 December 2008).

(c) Improved cognitive functioning

Research from the United States shows that there are opportunities in valuing one's first language, and costs associated with losing the mother tongue language in the early years of schooling. The evidence showed that improved cognitive function in children was achieved through bilingualism, where the mother tongue was valued at home and in the classroom, and the second language (such as English) was added.

> Long and Padilla … found that children whose low status native language was valued and fully used in the household performed better in school than children whose low status LI (first language) was neglected and substituted with L2 (second language) at home. Moreover, Dube and Herbert (1975) found that school performance and linguistic proficiency in both languages increased when children's mother tongue was valued and used in the classroom.[16]

The cognitive advantages of bilingualism appear at the earliest stages of learning. Recent studies by the United States National Academy of Sciences identified greater brain plasticity in bilingual infants compared with non-bilingual infants at the pre-language stage. The study showed that the bilingual infants are more likely to learn new responses than non-bilingual infants.[17]

With the understanding that bilingualism and multilingualism actually enhance cognitive developmental processes in children, a number of states in South East Asia are currently embarking on country-wide initiatives to promote and practice bilingual education in schools.[18]

Nine Asia-Pacific countries are developing and supporting approaches to assist ethno-linguistic minority groups who are generally recognised as being disadvantaged by national educational systems. The nine countries are participating in a UNESCO project in an effort to maintain the linguistic and cultural diversity of each region, in recognition of the fact that one's mother tongue plays a crucial role in literacy acquisition.

The potential for languages to be lost in Asia is dramatic when one considers that while there are more than 2000 spoken languages, only 45 of them are official languages with formal status in school and learning environments.[19]

(d) Increased employment options

Cultural knowledge has been proven to assist in the employment of Indigenous people in Australia. For example, Indigenous cultural knowledge is increasingly playing a role in preserving the biodiversity of Australia's fragile eco-systems. Knowledges that have been passed down through Indigenous languages have been essential for preserving ancestral lands over the millennia. These knowledges are now being used in fire abatement processes. Skilled Indigenous fire managers are working with the broader community to reduce greenhouse gas emissions, protect

16 P Lee, 'Cognitive development in bilingual children: A case for bilingual instruction in early childhood education'. *Bilingual Research Journal*, Summer 1996, p 9. At http://findarticles.com/p/articles/mi_qa3722/is_199607/ai_n8751476/ (viewed 31 August 2009).

17 A Kovács, J Mehler, *Cognitive gains in 7-month-old bilingual infants* National Academy of Sciences, April 21, 2009 vol. 106 no. 16 6556-6560. At http://www.pnas.org/content/106/16/6556.short (viewed 31 August 2009).

18 UNESCO, *Promoting Literacy in Multilingual Settings*, 2007, UNESCO Asia and Pacific Regional Bureau for Education. At http://www2.unescobkk.org/elib/publications/100/multilingual.pdf (viewed 3 July 2009).

19 UNESCO, *Promoting Literacy in Multilingual Settings*, 2007, p 2 UNESCO Asia and Pacific Regional Bureau for Education. At http://www2.unescobkk.org/elib/publications/100/multilingual.pdf (viewed 3 July 2009).

culture and the biodiversity of large areas in Arnhem Land and elsewhere.[20] Fire abatement is increasingly important as the globe heats and dry season fires burn longer and hotter.[21]

Indigenous languages and cultural knowledges have been associated with understanding the patterns of climate change and ways to address its impacts. The 2006 Garnaut Review into climate change reported that the Torres Strait Islander people had noticed changes in animal and plant behaviour and different patterns in seasonal temperatures.[22] Indigenous cultural knowledge about the seasons and the corresponding plant and animal behaviour dates back thousands of years. Traditional languages have vast vocabularies for naming species and describing their ecology which are little known to Western science. This is an endangered area of knowledge, and the loss of it would disadvantage all Australians. The same deep cultural knowledge that is contained in language has also been essential for Indigenous Australians to demonstrate their connection to country when they are making Native Title claims.

The art and tourism industries provide an important stream of employment for Indigenous people. Indigenous cultural knowledge is the foundation of these industries and benefits from Indigenous cultural industries flow on to other Australians and to the Australian economy. In 2001–02, the Tourism Satellite Account reported that more than $70 billion worth of tourism goods and services were consumed in Australia.[23]

> Europe, led by Germany, has emerged as the strongest market for Aboriginal tourism. German tourists are the most likely to travel to the Australian outback. While 35% of German tourists made a trip to the outback, only 5% of Japanese tourists visited the outback in 1999–2000. About 80% of German tourists 'strongly agreed' or 'agreed' that Australia offered very interesting cultural experiences. Visitors from European countries generally indicated a high level of interest and knowledge about Indigenous culture. In a recent survey of potential Chinese visitors, 39% expressed interest in Indigenous cultural products.[24]

Knowledge of Indigenous languages provides opportunities for Indigenous people to be employed as translators and interpreters. In December 2008, COAG committed $38.6 million towards interpreting and translating services as part of the Remote Service Delivery sites. The Remote Service Delivery National Partnership provides these funds for the COAG identified priority locations.[25]

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20 Savanna Explorer, North Australia Information Resource, *West Arnhem Land Fire Project West Arnhem Land Fire Abatement.* At http://www.savanna.org.au/al/fire_abatement.html (viewed 2 December 2008).

21 D Green, *Garnaut Climate Change Review, Climate impacts on the health of remote northern Australian Indigenous Communities*, 2008, p 8.

22 D Green, *Garnaut Climate Change Review, Climate impacts on the health of remote northern Australian Indigenous Communities,* 2008, p 14.

23 Australian Bureau of Statistics, *Year Book Australia 2004,* Number 86, ABS Catalogue No. 1301.0, 2004 p 582, At http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/17AAEE37C62CBBD5CA256E46007B2848/$File/13010_2004.pdf (viewed 3 September 2009).

24 Australian Bureau of Statistics, 2004 *Year Book Australia 2004,* Number 86, ABS Catalogue No. 1301.0, p 589. At http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/17AAEE37C62CBBD5CA256E46007B2848/$File/13010_2004.pdf (viewed 3 September 2009).

25 Council of Australian Governments, *National Partnership Agreement on Remote Service Delivery*, *An agreement between the Commonwealth of Australia and the States and Territories, being: the State of New South Wales; the State of Queensland; the State of Western Australia; the State of South Australia; and the Northern Territory of Australia*. December 2008. At http://www.coag.gov.au/intergov_agreements/federal_financial_relations/docs/national_partnership/national_partnership_on_remote_service_delivery_with_amended_schedule.pdf (viewed 6 July 2009).

(e) Costs and compensation

The costs of language loss are inestimable. The costs for Indigenous people begin with simple economic costs associated with the loss of potential income. In remote and regional Australia, much of the Indigenous-specific employment is reliant on employees being able to speak Indigenous languages. Languages are the basis of employment in translating and interpreting, cultural knowledge industries and a range of Indigenous liaison positions aimed at facilitating community access to government services.

The next layer of cost associated with language loss is about broken relationships. The practice of removing children from their families and enforcing assimilation, meant that even when stolen children became adults, some were unable to communicate with their families because they did not speak the Indigenous languages spoken by their parents. The loss of language, the destruction of culture and the consequential fracturing of kinship structures has been associated with chronic addictions, community violence, broken families and suicide.[26] The costs of these losses is hard to estimate. They are personal and intergenerational for Indigenous peoples.

The cost of social infrastructure to support people who have lost their language and culture is one that is borne by governments. There is of course, no monetary value that can be put on language loss. Nevertheless, in recognition of the costs to Indigenous peoples, some countries have established healing funds and compensation programs. In 1998 the Canadian government issued a 'Statement of Reconciliation' and established an Aboriginal Healing Foundation (AHF) with $350million in funding. This was in recognition of the cultural harm that was done by the Indian Residential Schools. The Canadian Government acknowledged the state's role in the implementation and running of the schools, and acknowledged the damage they caused to Aboriginal culture.[27]

(f) Intrinsic value

There are numerous reasons and arguments to protect and promote Indigenous languages. Perhaps the most compelling argument is the value of Indigenous languages to the people who speak them. As Aboriginal and Torres Strait Islander people we know we have a unique place in this country and we value our languages. They are precious to us, and there is a sense of loss amongst those of us who no longer speak our languages.

Parents and community members at Yirrkala in North East Arnhem Land described the value of their languages in these terms:

> It is unique – this language of ours – and we want to keep it strong. We know that language has been taken away from other people in this country and we don't want this to happen to us … [The Government] should see our language as our heritage and as a national treasure.[28]

26 P Memmott, R Stacy, C Chambers, C Keys, Violence in Indigenous Communities, Report to Crime Prevention Branch of the Attorney-General's Department, Aboriginal Environments Research Centre, University of Queensland 2001, pp 11–18. At http://www.ag.gov.au/agd/www/rwpattach.nsf/viewasattachmentPersonal/(E24C1D4325451B61DE7F4F2B1E155715)~violenceindigenous.pdf/$file/violenceindigenous.pdf (viewed 18 November 2009).

27 The Aboriginal Healing Foundation Canada, 'Frequently Asked Questions' website. At http://www.ahf.ca/faqs (viewed 10 November 2009).

28 Yirrkala Action Group member, Meeting at Yirrkala CEC, 28 April 2009.

Phyllis Darcy, an Awabakal descendant in NSW described the place of language in Aboriginal life in the following terms:

> Language is very important to us; it is our connection to our ancestors and for those of us who still use our language can connect with the ancestors of the past. We belong to the land without the land we are nothing. Our life blood comes from the land and what is of the land. Language holds secrets to the connection of the land.[29]

In launching the International Year of Languages, the Director-General of UNESCO said:

> Languages are indeed essential to the identity of groups and individuals and to their peaceful coexistence. They constitute a strategic factor of progress towards sustainable development and a harmonious relationship between the global and the local context …
>
> UNESCO therefore invites governments, United Nations organizations, civil society organizations, educational institutions, professional associations and all other stake-holders to increase their own activities to foster respect for, and the promotion and protection of all languages, particularly endangered languages, in all individual and collective contexts.[30]

3.3 Australian policy and Indigenous languages

For the past two centuries, Australia has maintained and enforced a culture of monolingualism. While there is no policy which establishes English as Australia's official language, various factors have contributed to entrenching the dominance of English. In the early years of colonial life, the fiction of terra nullius was the basis on which the colonies established legal and governance institutions as extensions of the British Crown. English was the language that defined these institutions. In the following century, most Australian immigrants were English-speaking. The proportion who spoke Irish or Scots Gaelic was small and measures taken in World War 1 effectively ended the German-speaking community. The relative distance from Europe and then the emergence of the United States as a superpower in the twentieth century are factors which further entrenched English. More recently, the forces of global technologies have consolidated English as a language of preference for many Western nations.

Bilingualism has never been considered an advantage in itself in Australia. In recent years however, there have been some interesting changes in Australia's attitude to its geographic neighbours. The emergence of powerful economies in the Pacific have influenced language education in Australia. Languages from the Asia-Pacific are slowly finding their way into school curricula. The potential for economic partnerships has been the prime motivator for this shift in focus.

In June 2009, NSW Education Minister Verity Firth announced that bilingual education in Chinese is to be offered in NSW schools. Four-year funding of $2.25 million has been allocated to a program that is to commence in 2010. The Minister has been quoted as saying that 'the program was vital to the state's future economic and social prosperity'.[31]

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29 P Darcy, Aboriginal Languages Research and Resource Centre (The Languages Centre) website, New South Wales Department of Aboriginal Affairs. At http://www.alrrc.nsw.gov.au/ (viewed 3 July 2009).

30 Mr Koïchiro Matsuura, Director-General of UNESCO, United Nations website. At http://www.un.org/events/iyl/index.shtml (viewed 26 August 2009).

31 V Firth, 'Schools to offer Bilingual Education', *Brisbane Times Newspaper,* 15 June 2009. At http://news.brisbanetimes.com.au/breaking-news-national/nsw-schools-to-offer-bilingual-education-20090615-c82y.html (viewed 17 June 2009).

In his study, *Organizing for Multilingualism: Ecological and Sociological Perspectives,* Joseph Lo Bianco outlines the reasons why some languages are particularly fragile in globalising economies, while other languages are strengthened.

> Today, with economic globalisation, the 'widening, deepening and speeding up of world wide interconnectedness' … population mobility, and information/ communication technologies that produce instantaneous links across great distances, there is great stress on communication, and far less on diversity. As a result some kinds of bilingualism have become strong, additive and materially rewarded, whereas other kinds of bilingualism have become fragile, unstable and fading. The kinds of bilingualism that have become strong and attractive tend to be those that involve the addition of instrumentally useful languages, especially but not only English, to uncontested national languages of secure national states.
>
> … [T]he type of bilingualism that has been rendered unstable has been that of minority populations, including the languages of sub-national communities in these states, such as non-Han populations in China, indigenous peoples in Brazil, Australia, the United States and elsewhere …[32]

Joseph Lo Bianco goes on to describe the ways in which the dominant languages are strengthened and perpetuated; primarily through the power structures of nation states and through the powerful information technologies of the media.

> These languages are used in education, the media, business and commerce, international contexts etc, and therefore they have more rewards and more power than other languages.[33]

We know that Indigenous languages do not have a place of power in Australia. Indigenous languages are rarely, if ever, the means of communication with governments, industry or the non-Indigenous community. For example, negotiations about mining on Aboriginal land are usually conducted in English with (or often without) interpreting or translations for Aboriginal people. English continues to be the language of transaction in health services, in education, in negotiations about infrastructure development and industry development on Indigenous peoples' land. English is the preferred language even in situations that are exclusively concerned with Indigenous interests such as Native Title negotiations.

While the majority of the mainstream English-speaking population may not recognise benefits in speaking Indigenous languages, there are distinct economic advantages for Indigenous people who speak their own languages. Bilingualism or multilingualism enhances employment opportunities where cultural knowledge is required. Indigenous languages and cultural knowledge can provide employment advantages in land management and preservation, cultural tourism and the arts, translator and interpreter services and cultural knowledge industries. Governments and policy-makers must be mindful of the opportunities that Indigenous languages bestow. Economic analyses of the opportunities and the costs of language policies including English-only policies should be carefully considered so they do not disadvantage Aboriginal and Torres Strait Islander peoples.

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32 J Lo Bianco, 'Organizing for Multilingualism: Ecological and Sociological Perspectives', Conference Paper, *TESOL Symposium, Keeping Language Diversity Alive*, Alice Springs, Northern Territory, Australia, July 9, 2008, p 1.

33 J Lo Bianco, 'Organizing for Multilingualism: Ecological and Sociological Perspectives', Conference Paper, *TESOL Symposium, Keeping Language Diversity Alive*, Alice Springs, Northern Territory, Australia, July 9, 2008, p 1.

(a) Commonwealth Government policy

Until August 2009, Australia did not have a stand-alone Indigenous languages policy at the national level. Some earlier policies made reference to Indigenous languages in broader Australian language and literacy policies.[34]

In August 2009, the Minister for the Arts and the Minister for Indigenous Affairs announced the first national policy exclusively focussed on Indigenous languages: *Indigenous Languages – A National Approach 2009*.[35] The stated aims of the policy are to 'improve coordination between those who are already working to support Indigenous languages including government, cultural institutions, Indigenous languages organisations, and education and research bodies.'[36] Activity is to be focussed in five areas:

1. Bringing national attention to Indigenous languages
2. Encouraging the use of critically endangered languages to maintain and extend their everyday use as much as possible
3. Making sure that in areas where Indigenous languages are being spoken fully and passed on, government recognises these languages when it interacts with Indigenous communities

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34 Previous to 2009, the first Commonwealth policy to have any impact on Indigenous languages was the National Languages Policy of 1987. The National Languages Policy covered all language activity in Australia, included policy specific to Aboriginal and Torres Strait Islander languages. It recommended the development of a program of support for Aboriginal languages, the National Aboriginal Languages Project (NALP). NALP provided supplementary funding for Aboriginal language education to State/Territory and non government education authorities or school communities for projects. This policy had its greatest impact on community-based Indigenous language programs because this is where the Commonwealth could direct resources.

The National Languages Policy of 1987 was followed by the Australian Language and Literacy Policy of 1991. Indigenous languages were one component of this broader languages policy. The section specific to Indigenous languages provided that:

Aboriginal and Torres Strait Islander languages should be maintained and developed where they are still transmitted. Other languages should be assisted in an appropriate way, for example through recording. These activities should only occur where the speakers so desire and in consultation with their community, for the benefit of the descendants of their speakers and for the nation's heritage.

> The Commonwealth's policy is to preserve, protect and promote the rights and freedom of indigenous Australians to use and develop indigenous Australian languages. The use of indigenous languages as accredited vehicles of instruction is encouraged where possible, in order to develop and support:
>
> - the survival of indigenous Australian languages;
> - educational opportunity;
> - increased student success and performance;
> - increased student awareness and knowledge of their culture and history; and
> - increased student and community pride.

The Language and Literacy Policy 1991 provided recurrent funding for Regional Aboriginal Language Centres. This was an important measure to supplement existing Aboriginal language centres and other organisations. It was from this policy that funds were made available to establish the Federation of Aboriginal and Torres Strait Islander Languages (FATSIL). FATSIL is the national peak body for community based Indigenous language programs in Australia. The policy also placed an emphasis on school-based educational programs. The extent to which schools followed the national policy was dependent on the interest and resources of local school administrations.

35 Australian Government Department of Environment, Water, Heritage and the Arts, *Indigenous Languages – A National Approach. The importance of Australia's Indigenous languages*. At http://www.arts.gov.au/indigenous/languages_policy (viewed 3 September 2009).

36 The Hon Peter Garrett, Minister for the Environment, Heritage and the Arts, Minister for the Environment, The Hon Jenny Macklin, Minister for Families, Housing, Community Services and Indigenous Affairs, Media Release, *New National Approach to preserve Indigenous languages,* FaHCSIA website. At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/preserve_indigenous_languages_10aug09.htm (viewed 3 September 2009).

4. Helping restore the use of rarely spoken or unspoken Indigenous languages to the extent that the current language environment allows
5. Supporting the teaching and learning of Indigenous languages in Australian schools.[37]

The centrepiece of Indigenous language **funding** in Australia is the Maintenance of Indigenous Languages and Records (MILR) program administered through the Department of Environment Heritage and the Arts.[38] The MILR program funds a range of organisations to develop language databases, resources and programs through a grants application process. This program has been in operation for a number of years and is now the sole source of funding for the Commonwealth's new National Approach. No new money has been added to the MILR to meet the new obligations of the National Approach. The allocation of $9.3 million to MILR for 2009–10 was committed ***prior*** to the National Approach. This means that the Commonwealth has been unable to be responsive to situations that are new obligations. For example, the recent abolition of bilingual education funding by the Northern Territory Government now requires the attention of the Commonwealth Government if it is to implement the fifth element of its National Approach which is: "*supporting the teaching and learning of Indigenous languages in Australian schools*?"[39]

Unless there is new money and mechanisms to regulate state and territory Indigenous languages policy, it is unlikely that the National Approach will change the status quo and reverse the language decline. The National Approach has so far been impotent in directing the states and territories to comply with its objectives. For example, the National Approach has not changed the education policy of the Northern Territory which aims to dismantle Indigenous bilingual education.

The divide between Commonwealth, state and territory policy is a large obstacle in the implementation of coherent direction in areas such as education. Cooperative federalism is a worthy aspiration, though it is rarely a straightforward process and it is often reliant on Commonwealth funding incentives and COAG agreements.

(b) State and territory Indigenous languages policy

Indigenous language policies at the state and territory level are usually embedded in education or arts policies, and relevant only to those portfolios. NSW is the only jurisdiction to have a stand-alone Indigenous languages policy. It is administered through the NSW Department of Aboriginal Affairs. The NSW Aboriginal Languages Policy has influence on the activity of a range of NSW departmental portfolio areas, including education and justice.

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37 The Hon Peter Garrett, Minister for the Environment, Heritage and the Arts, Minister for the Environment, The Hon Jenny Macklin, Minister for Families, Housing, Community Services and Indigenous Affairs, Media Release, *New National Approach to preserve Indigenous languages*, FaHCSIA website. At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/preserve_indigenous_languages_10aug09.htm (viewed 3 September 2009).

38 The Hon Peter Garrett, Minister for the Environment, Heritage and the Arts, Minister for the Environment, The Hon Jenny Macklin, Minister for Families, Housing, Community Services and Indigenous Affairs, Media Release, *New National Approach to preserve Indigenous languages*, FaHCSIA website. At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/preserve_indigenous_languages_10aug09.htm (viewed 3 September 2009).

39 The Hon Peter Garrett, Minister for the Environment, Heritage and the Arts, Minister for the Environment, The Hon Jenny Macklin, Minister for Families, Housing, Community Services and Indigenous Affairs, Media Release, *New National Approach to preserve Indigenous languages*, FaHCSIA website. At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/preserve_indigenous_languages_10aug09.htm (viewed 3 September 2009).

When Indigenous languages policies are compared across jurisdictions it is clear that there are some contradictions between Commonwealth and state and territory policy positions. There is also considerable variation between the states and territories in their commitment to Indigenous languages as represented in Table 3.1.

Table 3.1: Commonwealth, state and territory government policies with impact on Indigenous languages

	Indigenous language policy	Year	Impact
Commonwealth Government	Indigenous Languages – A National Approach. The importance of Australia's Indigenous languages	August 2009	The *Indigenous Languages – A National Approach* policy supports the preservation of Indigenous languages by raising the profile of Indigenous languages and supporting education initiatives. Funding is available through the *Maintenance of Indigenous Languages and Records program*. $8.8 million was allocated in 2008–09. This policy has no direct impact on policy direction in the states and territories.
Northern Territory	Compulsory teaching in English for the first four hours of each school day. Indigenous Education Strategic Plan 2006–2009	January 2009 2006	The *Compulsory teaching in English for the first four hours of each school day* policy negatively impacts on bilingual programs – preventing schools from following bilingual education models. Indigenous languages can only be taught in the afternoon. The majority of the NT schools have some form of Indigenous culture program and many have language programs including LOTE focussed programs. The *Indigenous Education Strategic Plan* lists the teaching of Indigenous language at Priority 3 and English literacy at Priority 1. Language Centres provide resources to communities including schools. An Aboriginal Interpreter service operates throughout the NT.

Table 3.1: Commonwealth, state and territory government policies with impact on Indigenous languages (continued)

	Indigenous language policy	Year	Impact
Queensland	Embedding Aboriginal and Torres Strait Islander Perspectives in Schools Aboriginal and Torres Strait Islander Arts Policy 2009–2013 State Library of Queensland Indigenous Languages Strategy	2005 2009 2007	The *Embedding Aboriginal and Torres Strait Islander Perspectives in Schools* policy advises that schools may provide Indigenous language maintenance or revitalisation programs at their own discretion. The *Aboriginal and Torres Strait Islander Arts Policy 2009–2013* aims to support communities in the revival, reclamation and maintenance of Indigenous languages through the arts industries. Queensland Indigenous Languages Advisory Committee has been a principal advocate for a state-wide policy. The *State Library of Queensland Indigenous Languages Strategy* supports language revival, reclamation and maintenance through the provision of language information and resources.
Western Australia	*Languages Services Policy*	2008	The *Languages Services* policy impacts on translator and interpreter services. It does not have impact on language education. Other language activity in WA occurs through federally funded language resource centres, Indigenous corporations or research centres. Indigenous languages are taught in some schools as a LOTE and at the discretion of school administrations. A Draft Languages Policy 2007 has not been released since the change of government in WA in September 2008.
Australian Capital Territory	Aboriginal and Torres Strait Islander Education Policy 1997	1997	The *Aboriginal and Torres Strait Islander Education Policy 1997* contains a statement of purpose: 'to address the issue of maintenance and development of indigenous languages' through school education. However there are no dictionaries and no Ngunawal speakers in the ACT and so school activity has been limited to culture programs.

Table 3.1: Commonwealth, state and territory government policies with impact on Indigenous languages (continued)

	Indigenous language policy	Year	Impact
Victoria	No Indigenous languages policy		The Victorian Aboriginal Corporation for Languages coordinates and assists in the development of language programs including the development of dictionaries and school and community education programs. http://www.vaclang.org.au/language-program.aspx?ID=10
South Australia	*Languages Statement 2007–2011*		The *Languages Statement 2007–2011* promotes the teaching of Indigenous languages at the school, district and State Office level. Languages are taught at the discretion of school administrations and most often with a LOTE focus. The SA Government is reviewing the *Aboriginal Heritage Act 1988* for future heritage protection and management. The Review Scoping Paper contemplates a broad definition of heritage.
New South Wales	NSW Aboriginal Languages Policy	2004	The *NSW Aboriginal Languages Policy* is a state-wide policy with impacts in the following areas: Programs in Aboriginal communities Language programs in the educational system Language programs in gaols and detention centres Aboriginal languages in the broader community The Aboriginal Languages Research and Resource Centre in the NSW Department of Aboriginal Affairs support the preservation and revival of the State's 70 languages through a $200,000 annual grants program http://www.alrrc.nsw.gov.au/ The NSW school syllabus provides that students can learn a language from kindergarten through to year 10.

Table 3.1: Commonwealth, state and territory government policies with impact on Indigenous languages (continued)

	Indigenous language policy	Year	Impact
Tasmania	No Indigenous languages policy		Some language retrieval is managed by the Tasmanian Aboriginal Centre and provided to local communities. No Aboriginal language revitalisation is occurring in Tasmanian schools

Advocates of Indigenous language preservation have long argued for a combined national, state and territory approach to Indigenous languages; one which is not limited by state and territory borders.

(c) Funding and resources for Indigenous languages

Commonwealth, state and territory governments fund various Indigenous language initiatives designed to promote, protect, revive and maintain Indigenous languages. However, when considered in total, the Indigenous language resource picture in Australia is inconsistent and complex. Language preservation initiatives are resourced from different government portfolio areas across the different levels of government. Many of the existing Indigenous language initiatives are funded through grants on short-term funding cycles.

Australia lacks a coordinated approach to guide practice in Indigenous language maintenance and revitalisation activity and this means that there is no framework for quality control. Governments and other project funding bodies do not have nationally agreed measures against which to assess the benefits and impacts of individual projects.

The lack of coordination means that there are lost opportunities for efficiencies in resource sharing, and a lack of expertise about whether the appropriate approaches are being applied to meet the requirements of each language situation. There is no single organisation in Australia that has its eye on the big picture and can apply expertise to a complex language environment. The *National Indigenous Languages Survey Report 2005* explains that different language situations need different approaches. It cautions that there needs to be 'some kind of general scheme for matching programs to situations.'[40] Not all approaches will work in all situations, and sometimes good programs are shelved because they have been applied in the wrong settings.

It is difficult to make assessments about the different language situations without reliable research. It is also difficult to assess the resource situation in Australia without comprehensive mapping at the Commonwealth, state and territory levels and across the government portfolio areas. Indigenous languages funding could be embedded in school programs, early childhood centres, vocational and training institutions, universities and justice environments.

40 Australian Institute of Aboriginal and Torres Strait Islander Studies and the Federation of Aboriginal and Torres Strait Islander Languages, *National Indigenous Languages Survey Report 2005*, p 25. At http://www.arts.gov.au/__data/assets/pdf_file/0006/35637/nils-report-2005.pdf (viewed 3 July 2009).

At the Commonwealth level we know that the majority of funds from the Maintenance of Indigenous Languages and Records (MILR) program go to regional Indigenous language centres, research centres or community groups.[41] In the 2008–09 funding round for MILR, there were 104 applications seeking more than $18 million in funds. Sixty six projects were funded by the Commonwealth at an expenditure of $8.8 million.[42] When the new National Approach to Indigenous languages was announced in August 2009, the Australian Government had already committed $9.3 million to support 65 programs through the MILR for the 2009–10 financial year.[43] This is the money which has been dedicated to support the New Approach. There are no new funds to accompany the policy announcement. A breakdown of the MILR funding for 2008–09 and 2009–10 are at Appendices B and C respectively.

A breakdown of the MILR funds shows that money does not go to schools where children are still speaking languages. For example, no funding goes to the Alyawarre, Anmatyerre, Warlpiri, Tiwi, or Anindilyakwa language groups where children are still speaking their languages. Many of these communities have lost funding since the abolition of bilingual education by the Northern Territory Government.

The MILR Funding allocations range from $10,000 to $450,000 grants. Many language projects and resource centres attempt to obtain supplementary funds from state and territory governments or from philanthropic groups. This is not always successful. In some instances language and culture activity has been funded by mining companies as part of land use agreements or royalty agreements such as the Warlpiri Education and Training Trust (WETT) which was set up as a result of an agreement between the Central Land Council and Tanami gold miner Newmont Mining.[44]

The grant-based nature of the MILR program means that organisations with capacity to apply for funds are the ones that are in the best position to acquire resources. Language grants are dependent on localised advocacy and not necessarily on a careful assessment of the language requirements in a particular area. The Kimberley Language Resource Centre argues that there is not enough focus and resourcing for 'teaching on country' in the Kimberley region, where Aboriginal language speakers carry out a unique role of teaching and transmitting their languages in their communities.

The need for language transmission from the older generations to the younger generations is a finding from the *Western Australian Aboriginal Child Health Survey*. It finds that older carers play an essential role in transferring language to the next generations. However, success is dependent upon creating opportunities for older and younger generations to interact in structured learning environments.

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41 The Hon Peter Garrett, Minister for the Environment, Heritage and the Arts, Minister for the Environment, The Hon Jenny Macklin, Minister for Families, Housing, Community Services and Indigenous Affairs, Media Release, *New national approach to preserve Indigenous languages*, FaHCSIA website. At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/preserve_indigenous_languages_10aug09.htm (viewed 3 September 2009).

42 Australian Government Department of Environment, Heritage and the Arts, *Maintenance of Indigenous Languages and Records program 2008–09*. At http://www.arts.gov.au/__data/assets/pdf_file/0004/82336/milr-funding-2008-09.pdf (viewed 19 June 2009).

43 Australian Government Department of Environment, Heritage and the Arts, *Maintenance of Indigenous Languages and Records program 2009–10*. At http://www.arts.gov.au/__data/assets/pdf_file/0006/89439/milr-funding-0910-28july09.pdf (viewed 28 August 2009).

44 Central Land Council website, Warlpiri Education and Training Trust. At http://www.clc.org.au/Building_the_bush/wett.html (viewed 27 August 2009).

> The rate of loss of traditional Aboriginal language from one generation to the next can be gauged by comparing the distribution of carers and children who are conversant in an Aboriginal language. This is highly dependent on the degree of relative isolation (remoteness) and the extent to which there have been systematic initiatives to preserve and recover traditional languages (e.g. Kimberley Aboriginal Language Resource Centre) or where there are local opportunities for bilingual or traditional first language education (e.g. several Western Australian Aboriginal Independent Community Schools have developed strategies which use the children's traditional language and culture as a bridge to developing competence in Standard Australian English).[45]

The findings of the *Western Australian Aboriginal Child Health Survey* indicate that the Kimberley region would benefit from 'language nests'. Language nests are pre-schools or crèches that are run by local Indigenous language speakers. Children attending the language nests are immersed in the local language and culture. Establishing language nests requires the coordination of policy and resources over a number of portfolio areas across the state, territory and Commonwealth governments. Language nests require complementary policy in the areas of early childhood services, employment services for Indigenous language speakers, training for elders and community members if required, and possibly infrastructure development resourcing. Initiating this activity goes well beyond applying for a grant from the Maintenance of Indigenous Languages and Records (MILR) program.

The Kimberley is one of very few places to trial the language nest approach in the Bunuba community. However due to the lack of an effective resource and information sharing body, no other language group or community has been able to benefit from an evaluation of this trial. The new National Approach endorses language nests but there is no money for any implementation and no plan to role out a national trial as recommended by the NILS report.

As this example in the Kimberley demonstrates, there is sometimes a disjunction between the language requirements of an Indigenous community and the available services and resources in the area. This problem is replicated across Australia.

3.4 Australian and international approaches aimed at protecting and promoting Indigenous languages

(a) Strategic approaches to preserve Indigenous languages

There are numerous ways to improve the situation of Indigenous languages in Australia. However, the reach of any initiative will be limited if it is not part of an overarching strategic direction. Commitment at the highest levels of government is required to ensure consistency in action and direction. It is the strategic approaches that set direction for programmatic responses and the targeting of resources. The new National Approach to Indigenous Languages is the beginning of a strategic response for this country.

Australia's Indigenous languages situation has many unique features which distinguish it from other countries. Nevertheless, there is much we can learn from the international experience. To a large extent, the actions that are required to preserve minority languages are analogous the world over.

45 Kulunga Research Network, *Western Australian Aboriginal Child Health Survey,* Chapter 2, Characteristics of the population, p 33. At http://www.ichr.uwa.edu.au/files/user17/Volume1_Chapter2.pdf (viewed 4 April 2009).

Internationally, language movements have been shown to be successful when they become a national responsibility. Language movements in North Africa for example, led to legal and constitutional recognition of the Amazigh language in Algeria in 1996. The movement for the Amazigh language in Morocco led to the establishment of Royal Institute for Amazigh Culture in 2001. These actions have had practical language promotion outcomes for these two countries. They have led to new language policy including:

- The adoption of TIFINNAGH (Amazigh writing) and standardization in M/ Latin and Arabic in Algeria
- Amazigh language for all Moroccan children and for all levels progressively since 2003–2004/ in some regions in Algeria
- Didactics materials in Amazigh language
- Training programs for teachers
- A new dynamic with mother language in schools in both countries.[46]

(i) Constitutional recognition

In Australia, constitutional recognition of Indigenous languages and culture could take two possible forms. A statement in the preamble could describe the place of Indigenous language and culture in Australian society, though it would have no legal or enforceable status. The Constitution of the state of Victoria makes reference to the unique status of Indigenous Australians as the first peoples, though this has no bearing on the language rights of Indigenous Victorians.

A provision in the body of the Australian Constitution would provide legal recognition of Indigenous languages. Ecuador has a provision of this nature in its Constitution. Ecuador recognises Indigenous languages alongside Castilian which is the official language of use.

> Castilian is the official language of Ecuador; Castilian, Kichwa and Shuar are official languages of intercultural relations. The remaining ancestral languages are in official use by the indigenous peoples in the areas that they inhabit according to the terms established by law. The state will respect and encourage their use.[47]

Removal of the races power and the addition of an equality clause or a non-discrimination clause are additional changes that need to be made to Australia's Constitution to ensure the full and consistent protection of Indigenous peoples' language rights.

Other countries have acted to protect Indigenous languages through statutory law. For example, the *Māori Language Act 1987* is the centrepiece legislation which gives Māori language official status in New Zealand. New Zealand has three official languages; Maori, English and New Zealand Sign Language. Because Te Reo Maori has official language status, speakers have a right to use it in legal settings such as in court and to conduct their business with Government in the language.

Many places in New Zealand have both Māori and English names and local governments and other public institutions display all information in bilingual formats. Schools also reflect the diversity of language. The New Zealand Ministry of Education

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46 H Id Balkassm, Legal and constitutional status of Amazigh language in Morocco & North Africa. Presentation to International Expert Group Meeting on indigenous languages, 8–10 January 2008, United Nations, New York. At www.un.org/esa/socdev/unpfii/.../EGM_IL_Balkassm_en.ppt (viewed 11 June 2009).

47 Constitution of Ecuador, Chapter One: Fundamental Principles, art 2.

supports both Māori-medium and English-medium education. In Māori-medium schools, Te Reo Māori is the language of instruction. In English-medium schools, Māori language is an official part of the curriculum. Section 61 of New Zealand's *Education Act 1989* requires that English-medium schools to take all reasonable steps to provide Te Reo Māori to students when parents ask for it.[48]

The following case study of the Māori Language Commission demonstrates what is possible when language preservation is guided by national laws and institutions aimed at achieving a common purpose. While Australia has more than one hundred spoken languages compared with the single Indigenous language in New Zealand, the actions and initiatives of this country have potential application in the Australian context.

Case Study 3.1: The Māori Language Commission

The Māori Language Commission is able to exercise quality control over all areas of Māori language policy, funding, program standards and research projects. Since it was introduced in 1987 there has been a steady increase in Māori language activity. The Māori Language Commission was set up under the *Māori Language Act 1987* to promote the use of Māori as a living language and as an ordinary means of communication. The *Māori Language Act 1987* does three things:

- It declares the Māori Language to be an official language of New Zealand.
- In Courts of Law, Commissions of Inquiry and Tribunals, it confers the right to speak Māori to any member of the Court, any party, witness or counsel.
- It establishes the Māori Language Commission.[49]

The operations of the Māori Language Commission are divided into six areas which are complementary and interconnected. The Commission carries out the following functions:

(i) Lexicography, Terminology and Research: developing the first monolingual Māori dictionary – and establishing and maintaining a lexical database.

(ii) Māori Language Development and Standards: developing language standards, for quality assurance, and training and certifying translators and interpreters.

(iii) Māori Language Community Initiatives: distributing funding to support community-based Māori language initiatives.

(iv) Promotions: promotion and communication about Māori language activity.

(v) Policy: providing advice to the Minister, State Sector agencies and educational institutes.

(vi) Finance and Administration: financial management and general administrative support for the office.

The Commission meets at least six times a year. The secretariat is headed by a Chief Executive which carries out research, policy advice, translation checking work, promotional activities, and tasks assigned by Commission members.[50]

48 *Education Act 1989*, New Zealand, s 61.

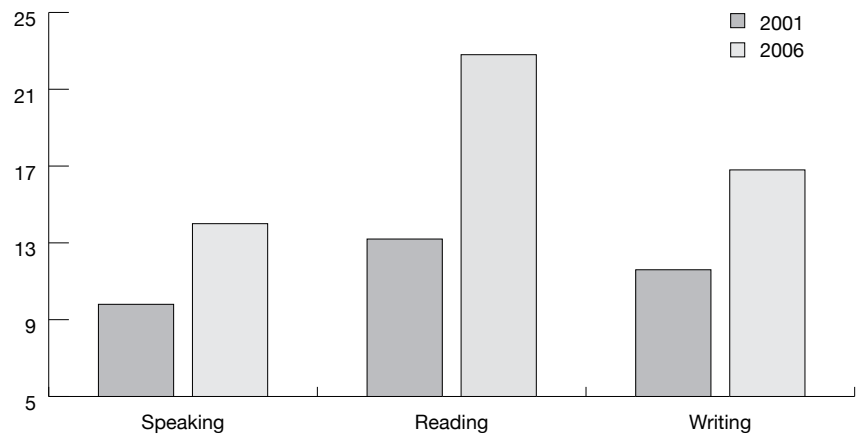
49 The Māori Language Commission website. At http://www.tetaurawhiri.govt.nz/english/about_e/ (viewed 23 September 2009).

50 The Māori Language Commission website. At http://www.tetaurawhiri.govt.nz/english/about_e/ (viewed 22 September 2009).

In recent years the New Zealand Government has monitored the uptake of Māori language through national language surveys. The survey data shows a steady increase in the numbers of people learning the language.

> Following both the 2001 and 2006 Census, surveys were undertaken of the Māori population aged 15 years-old and over, looking at the health of the Māori language. Both surveys included self-assessment of three components of language proficiency, namely: speaking, reading and writing, with the 2001 survey also assessing listening.
>
> The 2006 Survey on the Health of the Māori Language found that 22.8% of the Māori population aged 15 and over were proficient in reading Māori (that is, they could read 'well' or 'very well'), a significant increase from the figure in 2001 (13.2%). The 2006 survey found that 16.8% and 14.0% of the Māori adults were proficient in writing and speaking Māori, compared with 11.6% and 9.8% respectively from the 2001 Census. The increase in proficiency levels from the 2001 Census was most marked for those aged 25 to 34 years-old.[51]

Figure 3.1: Age-standardised percentage of Māori population proficient in Te Reo (2001 and 2006)



Source: Language Counts, Percentage of Māori population proficient in te reo Māori website. At http://www.educationcounts.govt.nz/indicators/education_and_learning_outcomes/literacy/1887.

New Zealand has had a long tradition of celebrating it Indigenous language. Te Reo has been celebrated annually for over 30 years during Māori Language Week.

New Zealand is not alone developing nation-wide organisations to promote and preserve Indigenous languages. The following case study of the Greenland Language Secretariat describes a national body that provides advice to parliament and guidance to language authorities throughout Greenland.

51 Language Counts, Percentage of Māori population proficient in te reo Māori website. At http://www.educationcounts.govt.nz/indicators/education_and_learning_outcomes/literacy/1887 (viewed 12 September 2009).

Case Study 3.2: The Greenland Language Secretariat, Oqaasileriffik

Greenland recently developed a national secretariat to develop normative or standardized usage of the Indigenous language in the contexts of education, communication and legislation. The Greenland Language Secretariat, Oqaasileriffik is largely credited with saving and promoting the language as the official tongue.

In 2009, the most prominent Indigenous language dialect of Greenland, Kalaallisut, was made the sole official language. The name Kalaallisut is now often used as a cover term for all of Greenlandic language. Before June 2009, Greenlandic shared its status as the official language in Greenland with Danish.

Oqaasileriffik is an independent Greenlandic institution under the Ministry of Culture, Education, Research and Church with responsibility to report to the Minister. Oqaasileriffik's main objectives include:

- to collect and maintain information on Greenlandic language and language usage
- to participate in Nordic Boards and working groups in language matters and to join the ICC Language Board
- to stay updated on changes in the spoken Greenlandic language
- to carry out research on Greenlandic as a second language[52]

Oqaasileriffik is the secretariat for the following Parliamentary Committees:

The Greenland Language Committee

The Greenland Place Names Authority

The Committee for Personal Names

The Parliamentary Committees report to the Greenland Cabinet every year. They also have responsibility to give guidance to Greenland authorities and the public on questions related to the Greenlandic language.[53]

(ii) A national language authority for Australia

While the current language situation in Australia is considerably different to New Zealand and Greenland, there is much we can learn from their actions.

Indigenous language activity in Australia currently lacks focus and quality control. There is no doubt that a national organisation would significantly assist Australia's language situation. A national organisation could monitor Indigenous languages across Australia, assist in the distribution of appropriate funds and resources and set the direction for the preservation and revitalisation of Indigenous languages. Ideally, such a body would bring together the considerable language expertise in this country.

52 Oqaasileriffik – the Greenland Language Secretariat website. At http://www.oqaasileriffik.gl/content/us (viewed 13 September 2009).

53 Oqaasiliortut – the Greenland Language Council website. At http://www.oqaasileriffik.gl/content/us/oqaasiliortut_-_the_greenland_language_council (viewed 12 September 2009).

In 2005 the *National Indigenous Survey Report 2005* argued for the establishment of a National Indigenous Languages Centre.[54] The Survey Report put the case that a feasibility study will be required to evaluate the merits of establishing this body. As its first listed action to implement the new National Approach to Indigenous Languages, the Australian Government agreed to conduct this study.[55] Three months on, there is no indication that any action has begun to assess the feasibility of a national Indigenous languages body. It is essential that this activity begin immediately for the fast disappearing Indigenous languages in Australia.

A large challenge for any national body in Australia is the interaction with the states and territories. The divide between the Commonwealth, state and territory government functions limits the impact that a national body can have at the implementation level or the program level. The implementation of national policy is reliant on the buy-in of the states and territories as well as the capacity of the different levels of government to resource and mobilise people at local and community levels.

(iii) A national curriculum for Australian schools

A future mechanism that will have impact on primary and secondary schools is the national curriculum which is being developed by the Australian Curriculum, Assessment and Reporting Authority. The Commonwealth Government assures that:

> Indigenous perspectives will be written into the National Curriculum to ensure that all young Australians have the opportunity to learn about, acknowledge and respect the language and culture of Aboriginal people and Torres Strait Islanders.[56]

'Indigenous perspectives' is one of three cross curricula dimensions to be integrated across all areas of Australian school curricula. Indigenous perspectives aim to give students the opportunity to learn about the history, culture, language and social context of Indigenous Australians through maths, science, English and history. This cross curricula dimension will provide good contextual information about Indigenous Australia, though it is not indigenous language studies.

The national curriculum is currently a work in progress. The Australian Curriculum, Assessment and Reporting Authority expects to complete the first phase of curriculum development for English, mathematics, the sciences and history by September 2010. A second phase will then develop curricula for geography and languages other than English (LOTE).[57]

Language studies will give students an opportunity to learn Indigenous languages as a LOTE ***if*** teachers have Indigenous language skills and the language resources exist in the school. Finding trained Indigenous language teachers will be especially difficult in urban areas. However, with appropriate resources, Indigenous languages will be available through the national curriculum as LOTE studies in much the same

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54 Australian Institute of Aboriginal and Torres Strait Islander Studies and the Federation of Aboriginal and Torres Strait Islander Languages, *National Indigenous Languages Survey Report 2005*, p 116. At http://www.arts.gov.au/__data/assets/pdf_file/0006/35637/nils-report-2005.pdf (viewed 3 July 2009).

55 Australian Government Department of Environment, Heritage and the Arts, Indigenous Languages – A National Approach, The importance of Australia's Indigenous languages, Australian Government website. At http://www.arts.gov.au/indigenous/languages_policy (viewed 12 September 2009).

56 Australian Government Department of Environment, Heritage and the Arts, Indigenous Languages – A National Approach, The importance of Australia's Indigenous languages, Australian Government website. At http://www.arts.gov.au/indigenous/languages_policy (viewed 12 September 2009).

57 National Curriculum Board, National Curriculum Development Paper, 2008, p 2. At http://www.acara.edu.au/verve/_resources/development_paper.pdf#xml=http://search.curriculum.edu.au/texis/search/pdfhi.txt?query=second+phase&pr=www.acara.edu.au&prox=page&rorder=500&rprox=500&rdfreq=500&rwfreq=500&rlead=500&rdepth=0&sufs=0&order=r&cq=&id=4ae7fa3a14 (viewed 29 September 2009).

way as one might learn French or Japanese. This will suit students wanting to learn an Indigenous language or to revive their local language.

The LOTE approach to language learning is very different from bilingual education. A LOTE can be described as a discrete language subject whereas bilingual education is a methodological approach to learning across all subject areas in the early years of schooling.

In Australia, bilingual approaches are used in contexts where Indigenous students speak an Indigenous language as their mother tongue. In these schools the Indigenous language is the language of instruction in the early years of schooling and English is progressively introduced with each successive year. By the end of primary school, students are learning predominantly in English. Bilingual education is, in fact, an English literacy approach as well as a method for teaching literacy in the child's first language.

There will be some distinct challenges for schools wanting to follow bilingual education approaches under the national curriculum. While the national curriculum may not preclude bilingual approaches, governments will need to make provision for the development of literacy materials in Indigenous languages. In addition, bilingual schools require a specific staffing formula so that teachers proficient in Indigenous languages and English are available to deliver the learning program. Unfortunately, the Northern Territory Government has shown that it is not prepared to fund bilingual approaches in 2009. This means that the bilingual approaches, which are language maintenance programs where Indigenous languages are strong, will not be able to function in future without some form of funding.

There are many questions about the future of Indigenous language learning in Australian schools. How can a national strategy and curriculum framework ensure that language resources are available, sustainable and appropriate in the areas where they are best applied? How can we be sure that state education departments will assist schools to provide Indigenous language studies? Will language studies be contingent upon the interest of school principals and the availability of resources in the local area? Will teacher training colleges provide courses and support some of the specific learning needs of Indigenous language teachers? Will the national curriculum framework support the bilingual teaching methodology and will it fund bilingual schools to the level required?

A series of complex interconnected actions are required to ensure that appropriate Indigenous language resources find their way into Australian schools.

(iv) Consistent action across Commonwealth, state and territory governments

One way that the Commonwealth can influence state and territory policy and service delivery is through the Council of Australian Governments (COAG) agreements. In fact COAG agreements are increasingly becoming the strategy through which all Australian governments cooperate on national agendas.

Another way that the Commonwealth can exercise significant control over the states and territories is through tied grants. The Commonwealth Parliament has a vastly larger budget than the states and territories and less responsibility for implementation of services. By using its power to make grants to states with conditions, the Commonwealth is able to exercise significant influence over state and territory governments in many portfolio areas. The Commonwealth is also a source of significant infrastructure expenditure from its own separate programs. Importantly, the Commonwealth has specific responsibilities for Indigenous programs and funding.

Tied grants have been used by the Commonwealth Government to influence state policy on matters such as Indigenous education in schools. For example, in 2008–09 the Northern Territory Government received approximately $18.1 million for special Indigenous education purposes.[58] Tied grants are commonly monitored by setting goals and targets to be achieved by agreed timelines. The Commonwealth monitors the outcomes of tied grants through various measures such as national reporting of student performance on literacy and numeracy tests.

The complex challenge to preserve and revive Indigenous languages will require the following coordinated action as a minimum:

- an overarching agreement between the Commonwealth, states and territories on key principles and a framework for Indigenous languages
- the negotiation of bilateral agreements between the Commonwealth and each state and territory with tied grants attached
- the development of priorities, goals, measures and targets for outcomes in service delivery performance, and in the increase of Indigenous people with access to first language resources and learning. Ultimately, the success of the agreements will have to be measured by targets of Indigenous language speakers over time.

(b) Programmatic approaches to preserve Indigenous languages

Programmatic responses are as important as strategic responses because it is at the program level that the real language work occurs. Not all Indigenous languages are at the same level of use and of fluency across the generations of speakers. In some places in Australia, Indigenous languages are spoken by all generations, including the old and the young people; and in other places it is only the older people who are the full language speakers. Different language preservation actions are required for different situations. If the languages are not spoken by the youngest generation, the children; then the task is **language reclamation and revitalisation**. If the languages are spoken by children, then there are two tasks; to ensure that the children have the opportunity to develop their mother tongue to the fullest extent (**language maintenance**); and to ensure that they receive good quality English teaching which does not seek to replace their traditional language, but rather to add another language (**additive bilingual education**).

Approximately two thirds of specific language MILR funding goes to language reclamation and revitalisation and about a third goes to language maintenance. Addressing language situations is not a simple proportionate equation whereby the worst language situations require the greatest resource allocations and visa versa. A full range of programmatic responses is required if Indigenous languages are to be preserved in Australia. The case study examples in this chapter represent a sample of Indigenous language activity under different categories of action. They are:

i. Literacy materials for learning in first languages: The *First Language Program* of the Australian Literacy and Numeracy Foundation

ii. Drama, music and art programs in schools and communities: *The Music Outback program* of the Music Outback Foundation and *Ngapartji Ngapartji* of Big hART

58 P Yu, ME Duncan, B Gray, *Report of the NTER Review Board – October 2008, Chapter 3 – Sustainability and the way ahead*. At http://www.nterreview.gov.au/docs/report_nter_review/ch3.htm (viewed 16 September 2009).

iii. Mentoring programs: *The tuakana-teina (language mentoring) project* of the Māori Language Commission

iv. Using technology to bring the knowledge of Indigenous experts to tertiary education settings: *Teaching from Country* Charles Darwin University

v. Bilingual education: Bilingual education in the Northern Territory

vi. Language nests and language immersion: Aha Pūnana Leo, Language Nest Preschools in Hawai'i

vii. Regional language resource centres: Many Rivers Aboriginal Language Centre

viii. Tertiary education programs for future Indigenous language teachers: Certificate course and higher education degrees in Indigenous language studies

ix. Secondary education: Embedding Indigenous language studies into state and territory curriculum frameworks

Literacy materials for learning in first languages

Educators in schools and other settings need access to quality teaching materials in whatever subject they are teaching. While English literacy learning materials are abundant in Australia, texts and learning materials in Indigenous languages are not. Developing reading, maths and history resources in Indigenous languages requires the direct input of Indigenous language speakers as well as publishing facilities. In Australia some excellent work has been done to preserve languages through picture dictionaries and classroom learning materials and readers.

IAD Press is Australia's national Indigenous publishing house based at the Institute for Aboriginal Development (IAD) in Alice Springs. The purpose of the Press is to:

- publish the work of Aboriginal and Torres Strait Islander writers and illustrators
- promote the many and varied voices of Indigenous Australia
- maintain and promote Indigenous languages and culture

IAD Press has been producing quality publications for more than 30 years. Linguists working in Alice Springs have developed picture dictionaries and electronic templates for language learning in ten Indigenous languages so far. The picture dictionaries have been developed by linguists working with groups of Indigenous language speakers. Vocabulary is accompanied by pictures and good illustrative sentences. The picture dictionaries have been used for a range of language activities in schools as well as providing a learning resource for adult learners.

Literature Production Centres in bilingual schools have also been publishers of language materials in the local languages. Literature production Centres develop readers for schools children as well as classroom learning materials across all of the curriculum areas. For example, Yuendumu Community Education Centre has more than 100 titles of readers and resources for use in classrooms.[59] However the defunding of bilingual education has had direct implications for Literature Production Centres. These materials will no longer be produced with the support of Northern Territory Government funding.

59 Warlpiri vernacular literature website. At http://www.anu.edu.au/linguistics/nash/aust/wlp/wlp-lit.html (viewed 30 September 2009).

The following case study of the *First Language Program* profiles a promising initiative which has the potential to set up online language resources for Indigenous languages across Australia. This is one of a number of initiatives that may provide some sustainable Indigenous language materials for current and future language learners.

Case Study 3.3: The First Language Program

The First Language Program is an initiative of the Australian Literacy and Numeracy Foundation aimed at preserving and revitalising oral Indigenous languages by transforming them into written languages.

This program is set up to achieve three outcomes: to develop archives of language materials for imperilled languages; to involve community members in the development of local first language learning materials; and to provide learning resources for the next generations of Indigenous language speakers.

While the overarching objective is to preserve and revitalise languages through school-based and community learning, the program also provides training and employment opportunities for Indigenous adults. Elders and adults have an opportunity to be trained and potentially employed to collect and collate language materials for school learners. (The training program for adult community members is to be accredited through VETAB.)

One of the unique features of the First Language Program is that it uses online technology to house the Indigenous language materials, providing a suite of rich audio-visual and text based learning resources.

The prototype of the first language resource is currently being developed at Tennant Creek. The Tennant Creek Language Centre; Papulu Apparr-kari, has been working with the Australian Literacy and Numeracy Foundation to collect and load images, photographs, videos and local language materials onto a website. This work involves different people in the Tennant Creek community.

Local language speakers are being trained (with the view to potential employment) to record local people speaking their language and pronouncing vocabulary. These recordings become online learning materials of sound and video.

The audio-visual resources are only part of the online learning toolkit. Audio-visuals are supplemented with phonograms, dictionary resources and other teaching and learning materials. These materials are developed by experts at the Australian Literacy and Numeracy Foundation. Language Workers use the audiovisual materials and map the Indigenous language sounds to the English alphabet. The materials are then developed into a range of learning, reading and writing materials. This part of the program is called Coding Aboriginal Languages for Indigenous Literacy (CALIL). CALIL has the added advantage of assisting learners with English literacy skills through the development of pre-literacy skills in a person's first language.

The First Language Program is reliant on interactive and responsive technology. The building of the First Language Program website is occurring at the University of Sydney Centre for Research on Computer Supported Learning and Cognition (US CoCo). An important aspect of the website development is about ensuring that the resource is appropriate for the needs of the community. Researchers from the CoCo team conduct focus group interviews with community members and language workers at various stages of website development. This gives language learners and workers the opportunity to reflect upon how they would use the online tool and helps to ensure that the tool will be of value to the community. As the resource is introduced into other communities, other schools and the broader public, it will continue to be refined by US CoCo.

Ultimately, the First Language Program gives young language learners an opportunity to learn to read and write in their first language. A resource such as this one has the potential to transform literacy education in Indigenous communities and to assist in the preservation and revitalisation of Indigenous languages. The online teaching and learning materials from Tennant Creek are an example of a process that can be replicated across Australia.

The First Language Program has developed its learning resource as an online template. Communities across Australia can follow the same steps as Tennant Creek and upload their local language materials into the online template. The template provides a resource framework that can be adapted and utilized for the teaching and learning of different Indigenous languages in sites across Australia where language speakers exist.

At this stage, the Australian Literacy and Numeracy Foundation is reliant on sponsors for funding. These funds are time limited and currently insufficient for a roll-out of the First Language Program to other locations in Australia. The future of this program is now reliant on support from governments across portfolios, including education, employment, and heritage preservation.

Drama, music and art programs in schools and communities

The combination of language, culture, music, art and performance is irresistible for many Indigenous school-aged students. Combining these programs with input from elders and other community members establishes the potential for a rich language learning environment. Programs that combine languages with the arts can achieve many positive outcomes including language and culture preservation and revitalisation. As the Ngapartji Ngapartji website claims:

> Ngapartji Ngapartji has many layers involving language learning, teaching and maintenance, community development, crime prevention, cross cultural collaboration, creating new literacy training models as well as film, art and theatre making.[60]

The following two programs 'Ngapartji Ngapartji' and 'Music Outback' are examples of the ways in which projects can involve whole communities in language activity and recording local stories and histories.

Case Study 3.4: Ngapartji Ngapartji

The Ngapartji Ngapartji project is run by Big hART; a group of professional artists and producers who have been creating theatre, film, dance and art for 15 years.

Big hART works in small (and large) communities around the country with people experiencing the effects of marginalisation in geographically or socially isolated communities. Big hART experiments with the process of making art with groups over three year periods, honing the quality of their work and showcasing the results in national and international festivals and media.

The most well known work of Ngapartji Ngapartji is the Ngapartji Ngapartji performance: a main stage theatre production and a five-part language show about a family's story from the desert. It tells the story of Trevor Jamieson's father and the Pitjantjatjara people, who lived in the desert country between South Australia and Western Australia.

60 Ngapartji Ngapartji website. At http://www.ngapartji.org/ (viewed 12 July 2009).

In the 1950s the British nuclear testing at Maralinga and Emu Field moved the people from their country. A large number of people were subsequently contaminated by the nuclear fallout from the atomic tests and many died as a consequence.

The production is only a small part of a much broader project and community, which is ever-growing. This includes the Ninti website, www.ninti.ngapartji.org, an online place of language learning and cultural exchange with a national community of participants; and a long-term community development program which takes place in Alice Springs, Ernabella (SA) and Docker River (NT). A project of this magnitude requires years of research, relationship building, language learning, experimenting, and the ongoing development of trust.

Most recently, Ngapartji Ngapartji are involved in creating a new performance 'Nyuntu Ngali'. This project is informed by a series of community workshops running through 2009. Workshops include music recording, song-writing, film-making, instrument building, naïve image-making, story-recording, multi-generational trips to sacred-sites of relevance to the story, dance and weaving. In 2009 the workshops will be taking place in Ernabella, Mimili and Alice Springs.

Nyuntu Ngali' which translates as 'You, we two' will be an intricate examination of traditional Central Australian survival methods through the framework of a love story. It examines themes of climate-change, endurance, culture and dependence.

Ngaparti Ngapartji also involves young people in explicit language learning activities. For example, part of their work has involved young Pitjantjatjara speakers in developing and videoing Pitjantjatjara language lessons.

The Ngapartji Ngapartji model is one which brings people together for creative purposes and ultimately achieves a number of social and cultural goals. While Indigenous language and culture preservation is at the core of Ngapartji Ngapartji activity, embedded within this activity is community building and history building. Cultural projects that are conducted over years assist communities to build a sense of purpose and enhance a sense of identity. This in turn can have positive impacts on social cohesion.

Case Study 3.5: The Music Outback program[61]

Music Outback Foundation is a non-profit organisation providing music and arts based education opportunities in remote parts of central Australia. It is another example of a community-based initiative that brings different segments of the community together to engage in language and culture activity. Music education provides excellent opportunities to support language and culture curricula in remote schools.

The Music Outback teams work with linguists and community members to record traditional stories in language and develop them into first language contemporary songs. The songs are then taught to school students, recorded and performed. The process has been important for community elders who are the custodians of these stories. The music has given them a method to engage young people in the content of important traditional stories. The music has also strengthened meaning between English and Indigenous languages as songs are developed that include verses in English alongside their local language equivalents.

61 Music Outback Foundation, The Music Outback website. At http://www.musicoutback.com.au/language&culture.html (viewed 16 July 2009).

Many of the schools that Music Outback has visited have incorporated the music program into their regular curriculum every term. In the eight years of its operation, Music Outback has visited 30 remote communities, covering 6 language groups and an area over 350,000 square kilometres. Over 30 musicians have been involved in the delivery of the program, including internationally recognised musicians Mal Webb and Greg Sheehan, and the leaders from the up and coming band Blue King Brown – Nat Pa'a Pa'a and Carlo Santone.

The Music Outback program considers language preservation to be one of its core objectives. The program has shown that passing traditional stories to the next generation through a contemporary music can be an important action in preserving the long term life of local language and culture, and enthusiasm for this process by traditional custodians and elders continues to grow.

The Foundation operates under the principle that continuity and sustainability are essential factors in program design and delivery in remote Indigenous Australia. A challenge for education in remote locations is to maintain continuity in the relationships between students and teachers. Many teachers leave remote schools after a very short posting and because teacher turnover is high in remote locations students lack continuity in their learning programs.

Music Outback is committed to working with the same schools and communities term after term. The school visits usually last one week and Music Outback teachers choose the number of schools to which they can commit on a sustainable basis. This means that the same teachers make commitments to the same schools and are able to form long term relationships with community members and school students.

More information is available at www.musicoutback.com.au

Mentoring programs

Language mentoring programs are assisting in efforts to revive minority languages. Mentoring is an efficient and effective method for language transference between competent speakers and learners. Its efficiency as a national language revival strategy rests on the fact that it is cost neutral to governments. It relies on the goodwill and relationships between language mentors and language learners. There are no limits to its effectiveness except the willingness of people to engage. It has been one of a number of strategies to increase Māori language resources for the New Zealand population. It has been part of the picture that has seen a rise in the number of Māori speakers as reflected in the 2001 and 2006 Census data.[62]

Case Study 3.6: The tuakana-teina (language mentoring) project[63]

The tuakana-teina project of the Māori Language Commission is a simple and effective method to pass Māori language skills onto others who are developing new language competencies. The aims of the tuakana-teina project are to increase the number of people actually speaking Māori and increase the domains of Māori language use. It is a strategy for the revitalisation and revival of the Māori language in New Zealand.

62 Language Counts, Percentage of Māori population proficient in te reo Māori website. At http://www.educationcounts.govt.nz/indicators/education_and_learning_outcomes/literacy/1887 (viewed 12 September 2009).

63 The Māori Language Commission, The tuakana-teina project, Māori Language Commission website. At http://www.tetaurawhiri.govt.nz/maori/issues_m/tt/index.shtml (viewed 12 September 2009).

The tuakana-teina project is based on the premise that each Māori speaker 'adopts' a person who wishes to learn to speak Māori language. The Māori speaker assumes the mentor role and continually speaks Māori to the person wishing to learn, as often as possible, and in everyday settings about everyday things.

The role of the mentor is to provide constant, good-quality examples of Māori language use. The mentor does not teach or correct the learner who at first is required only to listen. In time the learner should be able to understand and reproduce some language used by the mentor. For people with some knowledge of Māori language, the tuakana-teina project will re-enforce and extend what they already know.

This model of language transmission of tuakana-teina is based on methodologies used in Māori language preschools and advanced immersion models of language teaching. The tuakana-teina project extends the language learning methodology out of the formal learning settings and into everyday living environments. All that is required is the time and commitment of the tuakana (mentor) and the teina (learner), and a willingness to work together.

The Māori Language Commission website sets out a process to guide mentors and learners. The sections of information include the following:

1. Finding a Tuakana or a Teina
2. Developing the tuakana-teina relationship
3. Common hurdles and how to overcome them
4. Some more advanced activities
5. Some useful guidelines
6. The tuakana-teina project in action; successful examples.[64]

Using technology to bring the knowledge of Indigenous experts to tertiary education settings

Technology now provides the medium for communication across cities and countries and increasingly it is reaching into some of the remotest places on the planet. Places that were hitherto isolated in their geographic remoteness are now able to connect and interact with others via the internet. Internet services are beginning to be rolled out to very small Indigenous communities using satellite dish technologies. The internet is now a portal and a means through which Indigenous people can document their lives, record their histories and interact with others without geographic boundaries.

In remote Australia, the internet is being used as a conduit for the teaching and learning of Indigenous languages. For example, the Online Language Community Access Pilot (OLCAP), is a trial community-focused approach to accessing language documentation online. This project provides online audio-visual and text in Indigenous languages. Audio or video is linked with transcripts in English and an Indigenous language. OLCAP currently focuses on three areas: Cape York Peninsula, centred around Lockhart River; The Victoria River District; and, the Iwaidja language community. Online materials such as those developed through OLCAP assist people with vocabulary, pronunciation and language context.

The following case study is of an Indigenous language program operating out of Charles Darwin University in the Northern Territory. The program is entitled *Teaching from Country*, and it demonstrates what is possible when free media software such as Skype is used as a conduit for teaching about language and culture from remote locations. The expert knowledge of remote Indigenous people is transmitted to urban

64 The Māori Language Commission, The tuakana-teina project, Māori Language Commission website. At http://www.tetaurawhiri.govt.nz/maori/issues_m/tt/index.shtml (viewed 12 September 2009).

classrooms through Skype medium. Indigenous teachers conduct their classes and tutorials from their ancestral lands and the students can be anywhere in the world as long as they have access to Skype. The e-classroom sessions are recorded and transcribed and downloaded onto the University's website as reference materials.

Case Study 3.7: Teaching from Country[65]

The *Teaching from Country* project is an initiative of the Charles Darwin University that began in September 2008 and will be ongoing. It was developed with National Fellowship funding from the Australian Learning and Teaching Council. The project uses digital technologies to facilitate the input of Aboriginal knowledges into academic teaching in Australian universities.

This program sets up and evaluates distance education in reverse: the Yolŋu (northeast Arnhemland Aboriginal) lecturers are in remote places and the students of Yolŋu languages, culture and fine arts, are (mostly) on campus.[66]

It brings together Aboriginal elders who are experts in ancestral knowledge, international experts in the use of information and communication technologies for knowledge work, and university teachers and students of Indigenous studies. The Aboriginal elders are the knowledge experts and the teachers, and the Indigenous studies students are the learners located in cities in Australia and overseas. So far the project has connected with students at universities in Darwin, California and Tokyo.

What makes this program unique is the use of digital technology to bring Indigenous philosophies, languages and cultural information from remote locations into the urban classrooms in real time. Hand held cameras allow the Aboriginal teachers and elders to show the students their communities and the natural environment that surrounds them. The technology allows direct interaction between the Aboriginal elders and students using the Skype technology. Students and Aboriginal elders can see each other and ask and answer questions as they might in a classroom.

The project achieves many outcomes. It employs Aboriginal teachers on their ancestral lands, on their own terms in their own ways, thereby contributing to the economic and cultural sustainability of these communities. It provides a relatively cost effective mode of enriched learning for students because it relies on free media. It allows universities to reconsider questions of Indigenous knowledge and its role in the academy in both research and teaching. These questions include epistemological issues – the nature of knowledge as conceived by Indigenous knowledge authorities, the protection of intellectual property, and issues to do with appropriate payments to Indigenous knowledge authorities participating in the work of universities.

65 Charles Darwin University, Teaching from Country website. At http://learnline.cdu.edu.au/inc/tfc/index.html (viewed 23 May 2009).

66 Charles Darwin University, Teaching from Country website. At http://learnline.cdu.edu.au/inc/tfc/index.html (viewed 23 May 2009).

The website of *Teaching from Country* describes the development of the project below:

> After we had been delivering the Yolŋu studies program for a few years, we were invited to apply for a grant from the Australian Research Council to explore Indigenous Knowledge and Research Management in Northern Australia (IKRMNA). The research focussed on the use of digital technologies (cameras, computers) in the intergenerational transmission of traditional knowledge. We found that Aboriginal people we worked with (using emerging digital technologies) preferred to keep their own digital collections rather than storing them in larger databases at the community level or on the internet. We also found that different digital solutions were needed in different places for the different knowledge requirements which people on country prioritised.
>
> Instead of trying to develop a solution which suited everyone, we worked towards a range of emerging solutions for different people. To make the ways we worked and the outcomes clear, we developed an extensive website (www.cdu.edu.au/ik) which has a record of the process, some digital objects we prepared, academic papers, and much else.[67]

Full reporting of the *Teaching from Country* program can be found at www.cdu.edu.au/tfc

Bilingual education

A 2005 study by the World Bank found that 50 percent of the world's most educationally disadvantaged young people do not speak the language spoken in the schools of their region. In other words, 50 percent of the most educationally disadvantaged children are minority language speakers, including Indigenous language speakers. According to the World Bank, the biggest challenge to achieve universal education is to develop appropriate learning practices so that young people who do not speak dominant languages are able to participate in school education.

> *Fifty percent of the world's out-of-school children live in communities where the language of schooling is rarely, if ever, used at home. This underscores the biggest challenge to achieving Education for All (EFA): a legacy of non-productive practices that lead to low levels of learning and high levels of dropout and repetition*.[68]

There is a growing body of international evidence which demonstrates that bilingual education approaches are more effective than English-only approaches in assisting students to transfer from mother tongue literacies to second language literacies. The evidence shows that bilingual approaches work in any language environment where Indigenous students or minority language students are attempting to transfer their first literacies to the dominant language.

67 Charles Darwin University, *Teaching from Country,* Teaching from Country website. At http://learnline.cdu.edu.au/inc/tfc/docs/TFC_Seminar_PP_notes.pdf.

68 The World Bank, *In Their Own Language, Education for All*. Washington, 2005, p 1. At http://siteresources.worldbank.org/EDUCATION/Resources/Education-Notes/EdNotes_Lang_of_Instruct.pdf (viewed 21 September 2009).

In 1998, a meta-analysis of bi-literacy approaches was sponsored by Harvard University, the University of Texas and the Tomas Rivera Policy Institute. The study assessed 75 studies and selected 11 for analysis because they meet minimal standards for research design quality. The meta-analysis assessed the progress of 2,719 students in total. The study found that:

> … children with limited English proficiency who are taught using at least some of their native language perform significantly better on standardized tests than similar children who are taught only in English. In other words, an unbiased reading of the scholarly research suggests that bilingual education helps children who are learning English.[69]

In 2005 another meta-analysis published data from 17 separate studies. The 17 studies all assessed different models of English language teaching. The meta-analysis found that bilingual education is 'consistently superior to all-English approaches'. The Report concluded that:

> … bilingual education programs are effective in promoting academic achievement, and … sound educational policy [and] should permit and even encourage the development and implementation of bilingual education programs.[70]

In light of increasing evidence, countries across the globe are instituting bilingual education approaches. For example, Ecuador established the *National Board of Intercultural and Bilingual Education* to assist in its efforts to provide universal basic education. The stated aims of the Board are to:

> Strengthen and expand civil society's advocacy efforts to improve basic education in the country, through establishing close links with successful models of rural Hispanic, Bilingual and Intercultural Education (BIE) that promote not only quality education but which also promote equity and inclusion.[71]

As part of its 10 year education plan, Ecuador has initiated a school textbook program which includes the publication of bilingual textbooks in indigenous languages.

North Siberia and the USSR have been providing bilingual education programs to minority language speakers for some time.[72] Since 2005, a number of counties in the Asia region are participating in regional initiatives to develop bi-literacies using bilingual approaches. Eight countries are part of UNESCO's bilingual initiative entitled *Mother Tongue/ Bilingual Literacy Program for Ethnic Minorities*. The general objectives of this project are:

> 1) to increase literacy rates among ethnic minority communities (related to EFA Goal 41) through the provision of opportunities to access basic education (EFA Goal 22), and
>
> 2) to improve the quality of life and preserve traditional culture through the provision of relevant and comprehensive literacy programmes.[73]

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69 JP Greene, A Meta-Analysis of the Effectiveness of Bilingual Education, University of Texas at Austin, March 2, 1998. At http://www.languagepolicy.net/archives/greene.htm (viewed 21 April 2009).

70 K Rolstadt, K Mahoney, GV Glass, *The Big Picture: A Meta-Analysis of Program effectiveness Research on English Language Learners*, Educational Policy, 19 (4), 2005, pp 572–594. At http://www.lmri.ucsb.edu/publications/06_gold.pdf (viewed 1 December 2008).

71 Equal Quality Intercultural Bilingual Education Project, "Educa-Ecuador" website. At http://www.care.org.ec/en/index.php?option=com_content&task=view&id=64&Itemid=50 (viewed 12 April 2009).

72 Report of the International Expert Group Meeting on Indigenous Languages, Permanent Forum on Indigenous Issues, Seventh session, United Nations Economic and Social Council, New York, 21 April – 2 May 2008, Item 7 of the provisional agenda, pp 5–6. At http://daccessdds.un.org/doc/UNDOC/GEN/N08/213/56/PDF/N0821356.pdf?OpenElement (viewed 27 July 2009).

73 K Kosonen, C Young, S Malone, Promoting literacy in multilingual settings. Bangkok: UNESCO Asia and Pacific Regional Bureau for Education, Bangkok, 2006, p 17. At http://www2.unescobkk.org/elib/publications/100/multilingual.pdf (viewed 13 February 2009).

China is one of the counties participating in the *Mother Tongue/ Bilingual Literacy Program for Ethnic Minorities*. The Lahu-Chinese bilingual literacy project is developed through an action research model. The project has made the following findings:

- It is difficult for illiterate Lahu learners who are not proficient in Chinese to use Chinese literacy materials because the Lahu and Chinese languages are quite different.
- Lahu learners have made rapid progress in learning to read and write in their mother tongue, Lahu, a language that they already speak. Many are becoming functionally literate.
- The rapid progress has improved many learners' self-confidence.
- The bilingual literacy project has helped many Lahu to better communicate with the Han Chinese.
- The project has helped many Lahu to boost their Lahu identity. Many respect their own culture and language more now and have overcome their earlier feelings of inferiority.
- The project has helped many Lahu learners gain a deeper understanding of their traditional culture. Many are gradually realizing that their own language is an essential part of their unique culture.[74]

Case Study 3.8: Bilingual education in the Northern Territory

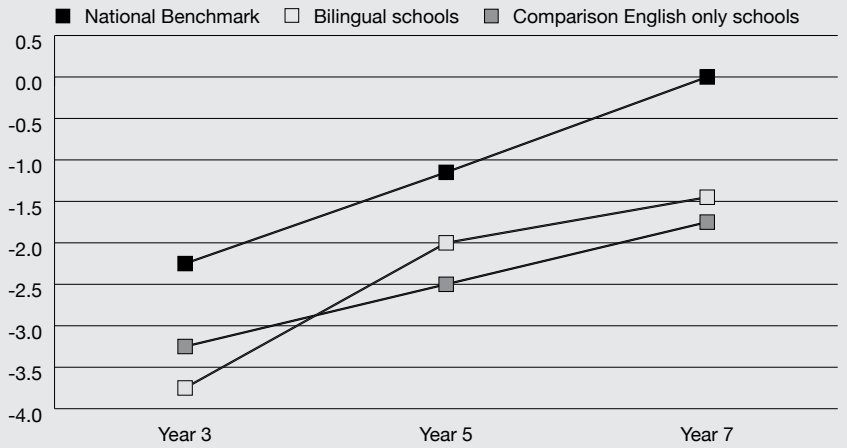
UNESCO promotes mother tongue-based bilingual or multilingual approaches in education – as an important factor that enhances inclusion and quality in learning. Research shows that bilingual and multilingual approaches have a positive impact on learning progress and learning outcomes.[75]

Data from bilingual research in Australia replicates the data from overseas studies. In all cases, students of bilingual approaches have better learning outcomes than control group students. In 2005 the Northern Territory Department of Employment, Education and Training undertook a study of the English literacy outcomes of bilingual students and students learning in English-only schools. As Figure 3.2 shows, the students in bilingual schools do better in English reading test results in Years 5 and 7 than Indigenous students in English-only schools of a similar demographic. At Year 3, students in bilingual schools are behind the English-only schools. This is consistent with the bilingual model of transitioning to English. It is not until Year 4 that bilingual students build a bridge to English literacies from their mother tongue literacies.

74 K Kosonen, C Young, S Malone, *Promoting literacy in multilingual settings*. Bangkok: UNESCO Asia and Pacific Regional Bureau for Education, Bangkok, 2006, p 25. At http://www2.unescobkk.org/elib/publications/100/multilingual.pdf (viewed 13 February 2009).

75 UNESCO *Languages in Education* UNESCO website. At http://www.unesco.org/en/languages-in-education/ (viewed 8 September 2009).

Figure 3.2: National Benchmark English Reading Test Results of Northern Territory School Students. Compares student test results from 10 Bilingual Schools with student test results from 10 English-only schools with Indigenous students from similar demographic, language grouping and contact history. Data combined from 2001, 2002, 2003 and 2004[76]



In the Northern Territory, two types of bilingual practices have been operating since the early 1970s when the programs were introduced; the staircase model and the 50/50 model.

The staircase or step bilingual model aims to develop literacies in a child's first language before building a bridge to literacies in English. The transition to English literacies usually happens by Year 4 where instruction in English and development of English literacies become predominant in the classroom. In the first years of schooling, instruction in all subjects is in Indigenous languages. The students learn how to learn in their mother tongue. In some cases English oracy may be introduced and English reading and writing withheld until Year 4 when it is assessed that students will have reached literacy competency in the first language. However, the introduction of English literacy, and the ratio of instruction in first language and English can vary according to local decision-making as well as the resources available at the school.

The 50/50 model has also been implemented in Northern Territory schools. During the late 1980s to late 1990s a number of bilingual schools operated variations of the 50/50 model focussing on the broad aim of giving equal space to English and first language literacies and cultural content. Both the staircase/ step and 50/50 models seek to maintain and strengthen the status of learning oracy and literacy in the local language while introducing students to English.

76 Northern Territory Department of Employment, Education and Training, *Indigenous Languages and Culture in NT Schools Report 2004–2005*, 2005, p 35. At http://www.det.nt.gov.au/__data/assets/pdf_file/0009/5130/ILCreport.pdf (viewed 12 August 2009).

There are many reasons why bilingual models of education provide sound methodologies for assisting students to develop literacies in their first and second languages. The House of Representatives Select Committee on Aboriginal Education describes bilingual pedagogy in the following terms:

> There are sound educational reasons for establishing literacy in the child's first language before developing literacy in English. It breaks the pupil's initial learning tasks into two: first they learn to read and write [in their first language], then they begin to cope with English. The child only has to tackle one major task at a time, that of learning to read without the added burden of learning a new language at the same time. The child understands his mother tongue and therefore what he reads makes sense. Once the child knows how to read he can apply basic reading skills to learn to read in English. The child will also gain a sense of satisfaction, rather than frustration, at being able to read and express himself orally and in writing initially in his first language and later in English.[77]

In 2006 Australia had 9,581 schools.[78] Of this number, nine government schools and three Catholic schools were bilingual schools instructing students in Indigenous languages. All of the schools were in the Northern Territory. The nine schools were in some of the remotest regions of this country. They were located in areas where Indigenous language is often the only language heard in the community. English is heard through television if it is available and through interactions with non-Indigenous people who are living and working on Indigenous land.

However the future of the bilingual approaches in Australia is now uncertain. On the 14th October 2008 the Northern Territory Minister for Employment, Education and Training made an announcement which has effectively dismantled the bilingual education approach in the handful of schools where it operated. She announced that she was implementing a policy which would mandate the following:

> … the first four hours of education in all Northern Territory schools will be conducted in English.[79]

Four hours of mandatory English makes it impossible to operate the step/ staircase and 50/50 models of bilingual education. The policy means language and culture activity is relegated to the last hour and a half of the school day. In the Northern Territory this is often the hottest time of the day and a time when quality learning is challenging. The four hours of English policy does not claim to abolish bilingual education, though there is no doubt that it will have that effect.

This is not the first time that a Northern Territory government has tried to dismantle bilingual education. In 1998 the Northern Territory government announced the *Schools our Focus* policy which outlined an intention to progressively withdraw bilingual education.[80] In 2000 the decision was reversed after considerable protest from Indigenous communities and human rights organisations nationally and internationally.

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77 The House of Representatives Select Committee on Aboriginal Education, *Report of the House of Representatives Select Committee on Aboriginal Education,* AGPS, Canberra, 1985, p 109.

78 Australian Bureau of Statistics, 4221.0 – Schools, Australia, 2007, p 3. At http://www.ausstats.abs.gov.au/Ausstats/subscriber.nsf/0/91CC63D5C3277132CA2573FD0015D0EF/$File/42210_2007.pdf (viewed 12 August 2009).

79 M Scrymgour, 'Education restructure includes greater emphasis on English', NT Government media release. 14 October 2008. At http://newsroom.nt.gov.au/adminmedia/mailouts/4599/attachments/081014%20restructure%20and%20language.pdf (viewed 15 December 2008).

80 C Nicholls, The Closure of the Bilingual Education Programs in Australia's Northern Territory – What Is at Stake? In TESOL Matters Vol. 11 No. 4 September/October/November 2001. At http://www.tesol.org/s_TESOL/sec_document.asp?CID=194&DID=904 (viewed 13 December 2008).

At the peak of the bilingual education movement in the 1970s and 1980s there were more than 20 schools in the Northern Territory with bilingual education approaches. That number has steadily decreased over the years due to hostile policies and a lack of available resources. An essential resource for bilingual education is skilled Indigenous language teachers. However, during the 1990s there was a reduction in the number of training places for Indigenous trainee teachers in the Northern Territory. In addition, the Department of Education withdrew funding from mentoring programs that provided essential support for some Indigenous teachers in bilingual schools.

> … by the late 1990s there was a decline in the number of trained Indigenous teachers in [Northern Territory] schools generally, let alone in the number of teachers proficient in their traditional languages. There are many reasons for this, but a major reason was a reduction in training opportunities at Batchelor Institute for Indigenous Tertiary Education (BIITE), the main institution training Indigenous teachers. BIITE had run in-community remote area teacher training courses, and pre-training courses. Speakers of Indigenous languages had actively been encouraged to train as teaching assistants and teachers and were given support in their communities while training. But when BIITE moved its focus towards becoming a university, its efforts shifted away from helping students in remote areas increase their literacy and numeracy towards recruiting Indigenous students with tertiary-level entry standards of literacy and numeracy. BIITE attracted many students from interstate who did not speak traditional languages.[81]

The recent policy that mandates four hours of English in Northern Territory schools may be the final axe for Indigenous bilingual approaches in Australia. While some schools have vowed to continue delivering the bilingual approach, they will be fighting against the tide.

The question for governments to consider at this time is whether they are abolishing:

(a) One of the most effective models of English language transference for minority language speakers
(b) One of the most effective methods for keeping Indigenous languages alive in this country
(c) One of the only ways in which successive generations of Indigenous people can develop full competence in their own languages.

Language Nest Preschools and the language immersion techniques

The *National Indigenous Languages Survey Report 2005* recommended the following actions to preserve Indigenous languages:

> The types of programs that require the most urgent support are outlined below. These are listed from local to regional, state and national levels. Each of these programs requires the existence of the other to operate effectively so that support and services are coordinated.
>
> - Language Nests: These are pre-schools/ crèches run by local Indigenous people where there is immersion in the local language and culture [Recommendation 1].
> - Community Language Teams: In order to have Language Nests and other programs which function well, it is necessary to have a support team resourcing and backing up the effort. These teams would include elders, who typically might know more of a language. It is also necessary for younger Indigenous adults to be involved to learn from the elders, to take responsibility for administration

81 J Simpson, J Caffery, P McConvell, Gaps in Australia's Indigenous Language Policy: Dismantling bilingual education in the Northern Territory, AIATSIS Discussion Paper Number 24, 2009, p 17. At http://www.aiatsis.gov.au/research/docs/dp/DP24.pdf (viewed 22 August 2009).

> and be part of the teaching, care and production of resources on the languages [Recommendation 2].[82]

Language nests are about immersing pre-school aged children in language environments where they have the opportunity to hear and be saturated in their native languages in the pre-school environment. Children hear the language while engaging in structured play, recreation and all other activities.

The language nest initiative has been successful in revitalising languages in New Zealand and the United States; particularly Hawai'i and mainland North America.

One of the authors of the *National Indigenous Languages Survey Report 2005,* Patrick McConvell, had this to say about the potential for language nests to be established in Australia:

> There is an initiative which has been successful in revitalising languages in this kind of situation overseas, the 'language nests' movement, which began in New Zealand and scored remarkable successes with turning around the rapid decline of the Maori language. They are early childhood programs based on indigenous people using the indigenous language in pre-schools or child-care centres.
>
> For those who like to oppose language and culture to the 'real economy', it is salutary to talk to Maori people about their experience. Revival of Maori language and culture has gone hand in hand with economic revival and a new sense of purpose which is based on their heritage but also engages with the contemporary world.
>
> Language nests have spread to Hawai'i and mainland North America and have been tried in one or two areas in Australia. Given the urgency of the situation, the NILS report proposed a national pilot of language nests in Australia. Once again, nothing has been done about this recommendation but, in the context of a national policy, it could be kick-started soon.[83]

The *Report of the International Expert Group Meeting on Indigenous Languages*, to the seventh session of the Permanent Forum on Indigenous Issues described the role of language learning in the early years in the following terms:

> It is essential to include indigenous languages and cultures into early childhood care and education curriculum, and promote multilingualism, as is the case in Sabah, Borneo, Malaysia. The early childhood centres described at the meeting prepare children to enter government primary schools and also strengthen their foundation to understand their own languages and practice their own cultures.
>
> Language immersion for children and adults of the Mohawk Nation at Kahnawake in North America has produced positive results for language revival, where activities include the training of trainers, language lessons through television, television series for children and commandeering popular media and modernization. In addition to the full immersion programmes, other positive examples include the Onondaga Nation and Tuscarora Nation, which also teach their languages in their Nation schools.[84]

The following profile of the language nest experiences in Hawai'i demonstrates a remarkable shift in the Indigenous language situation.

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82 Australian Institute of Aboriginal and Torres Strait Islander Studies and the Federation of Aboriginal and Torres Strait Islander Languages, *National Indigenous Languages Survey Report 2005*, Executive Summary. At http://www.arts.gov.au/__data/assets/pdf_file/0006/35637/nils-report-2005.pdf (viewed 3 July 2009).

83 P McConvell, *Call for a national Indigenous language body*, Lingual Franca, ABC Radio National Australia, 8 November 2008. At http://www.abc.net.au/rn/linguafranca/stories/2008/2410952.htm (viewed 22 September 2009).

84 Report of the International Expert Group Meeting on Indigenous Languages, Permanent Forum on Indigenous Issues, seventh session, United Nations Economic and Social Council, New York, 21 April – 2 May 2008, Item 7 of the provisional agenda, pp 5–6. At http://daccessdds.un.org/doc/UNDOC/GEN/N08/213/56/PDF/N0821356.pdf?OpenElement (viewed 27 July 2009).

Case Study 3.9: Pūnana Leo, Language Nest Preschools in Hawai'i

> Pūnana Leo means "nest of voices" and depicts the dominant learning method in these centres. These Pūnana Leo bring three and four year olds together in an environment where the students are "fed" solely their native language and culture much like the way young birds are cared for in their own nests.[85]

'Aha Pūnana Leo is the leading entity in Hawai'i and the United States for indigenous language revitalization. A large part of its work is focussed on developing and supporting language nest preschools or Pūnana Leo. Since it began its operation in 1983, 'Aha Pūnana Leo has changed the Hawaiian language situation dramatically. In 1983 there were less than forty Hawaiian children who were able to speak their native language. In 2009 there are now more than 2,000 children who are speakers of the language.[86]

'The Pūnana Leo preschools use the Hawaiian language at all times. There are 11 Pūnana Leo Language Nests in Hawai'i where the preschoolers and the staff speak 'ōlelo Hawai'i at all times. 'Aha Pūnana Leo seeks to develop learning environments where the Hawaiian language is spoken by all other staff including administrators. The Hawaiian cultural foundations are nurtured and practiced in all aspects of the education environment.

The first Pūnana Leo preschool was established in Kekaha, Kaua'i in August 1984. The following year, schools were established in Hilo, Hawai'i and Honolulu, O'ahu and continued to spread to other islands thereafter.[87] The preschool philosophy laid the foundation for the re-emergence of a philosophy of education for Hawaiian schools and higher education institutions. The philosophy has now been written and shared throughout Hawai'i forming educational guidelines which are now followed by the Native Hawaiian Education Council the College of Hawaiian Language at the University of Hawai'i.[88]

Regional language resource centres

The engine room of many Indigenous languages programs are Community Language Resource Centres. These organisations provide support for languages at the regional level. They are situated in the language region so they are a direct resource for community members and local organisations.

Over recent decades, Community Language Resource Centres have been established in some but not all of Australia's Indigenous language regions. The national representative body, the Federation of Aboriginal and Torres Strait Islander Languages (FATSIL) provides a communication network for these community organisations across Australia. FATSIL also has an advisory role to government and relevant non-government agencies on issues relating to Indigenous languages.[89]

85 Aha Pūnana Leo website. At http://www.ahapunanaleo.org/eng/about/about_history.html (viewed 23 September 2009).

86 Aha Pūnana Leo website. At http://www.ahapunanaleo.org/eng/index.html (viewed 23 September 2009).

87 Aha Pūnana Leo website. At http://www.ahapunanaleo.org/eng/about/about_history.html (viewed 23 September 2009).

88 Aha Pūnana Leo website. At http://www.ahapunanaleo.org/eng/about/about_history.html (viewed 23 September 2009).

89 Federation of Aboriginal and Torres Strait Islander Languages website. At http://www.fatsil.org.au/About/Roles-Aims/ (viewed 8 September 2009).

Community Language Resource Centres vary in their functions and their sources of funding. Some are funded from state or territory government grants and others from the federally funded Maintenance of Indigenous Languages and Records (MILR) program. For the most part Community Language Resource Centres carry out research work, advocacy, language development programs, archiving of Indigenous language materials and technical assistance to schools and other organisations.

The following profile of the Many Rivers Aboriginal Language Centre demonstrates the functions and operations of organisations of this kind.

Case Study 3.10: Many Rivers Aboriginal Language Centre[90]

Established in 2004, Many Rivers Aboriginal Language Centre (MRALC) provides strategic support for Aboriginal communities of the northern and central coasts of NSW who want to revitalise their languages. MRALC is a regional language centre that aims to support the following languages: Awabakal – Wonnarua, Bundjalung, Darkinyung, Dhanggati, Kattang (Birrbay & Warrmay) and Yaygirr – Yaegl.

Like other regional language centres, MRALC conducts research on several Aboriginal languages and supports communities in their efforts to learn and teach their languages. Regional Aboriginal Language Centres have until recently only existed in more remote areas of Australia, for example Katherine Regional Aboriginal Language Centre, and Wangka Maya in Port Headland. There have been language programs elsewhere including NSW but they have tended to work with one local language, or closely related dialects, for example the Yuwaalaraay Language Program based in Walgett supports Yuwaalaraay, Yuwaalayaay and Gamilaraay. MRALC has an Advisory Group made up of representatives from all languages, and a Specialist Group of Elders, linguists and teachers who assist as needed. MRALC employs a coordinator – linguist, language researchers – teachers and teacher – linguists.

MRALC supports Aboriginal language revitalisation, that is research and development for the six language groups, through activities that include:

- Providing access to linguistic expertise, and training for Aboriginal people.
- Recording languages wherever possible, and assisting with access to archival materials, providing a regional storage base for these materials.
- Producing language materials such as dictionaries or wordlists, grammars, learner's guides, transcriptions and translations.
- Providing community access to languages by using, and assisting communities to use information technology such as: Transcriber, Shoebox, Powerpoint and Adobe Audition.
- Employing linguists, Aboriginal language researchers and specialists in Information and Communication Technology.
- Raising awareness in the wider community about the value of Aboriginal languages.[91]

90 Many Rivers Aboriginal Language Centre web materials. At http://www.muurrbay.org.au/mralc.html (viewed 26 August 2009).

91 Many Rivers Aboriginal Language Centre web materials. At http://www.muurrbay.org.au/mralc.html (viewed 26 August 2009).

While the Many Rivers Aboriginal Language Centre is an example of a very effective organisation, some Community Language Resource Centres have encountered difficulties in their operation. Given the limited funds and resources, the minimal reporting for funding, and the lack of formal evaluation, there is the potential for Community Language Resource Centres to lack clear direction in terms of their function and activity. A monitoring and accountability framework with guidelines and centralised support would greatly assist Community Language Resource Centres to focus and refine their language maintenance and revitalisation activity.

Tertiary education programs for future Indigenous language teachers

In order to deliver Indigenous language studies in schools, it is essential to have trained Indigenous language speakers. In 2004, twenty eight schools in the Northern Territory responded to a survey asking them to nominate the most important resources required to deliver Indigenous language and culture subjects in schools.[92] The survey respondents identified that professional learning for Indigenous staff was the number one resource for the successful delivery of these programs.[93]

Indigenous language courses are available at a handful of Australian universities and vocational training institutions. Some of these tertiary training institutions provide language studies, some provide culture studies and others combine both language and culture study components.

Case Study 3.11: Certificate course and higher education degrees in Indigenous language studies

Tertiary education courses offering qualifications in Indigenous language and culture studies range from certificates at the vocational level to post graduate studies at the university level.

In pre-schools and primary schools it is Assistant Teachers who support language and culture studies. They are fluent Indigenous language speakers and they team-teach in classrooms; often translating and explaining difficult concepts in the child's first language. It is certificate courses at the vocational education level that provide qualifications for Assistant Teachers. For example, the Batchelor Institute of Indigenous Tertiary Education in the Northern Territory offers Certificate III and IV courses in Indigenous Education Work.

92 Northern Territory Department of Employment, Education and Training, *Indigenous Languages And Culture in NT Schools Report 2004–2005*, 2005, p 22. At http://www.det.nt.gov.au/__data/assets/pdf_file/0009/5130/ILCreport.pdf (viewed 12 August 2009).

93 Northern Territory Department of Employment, Education and Training, *Indigenous Languages And Culture in NT Schools Report 2004–2005*, 2005, p 22. At http://www.det.nt.gov.au/__data/assets/pdf_file/0009/5130/ILCreport.pdf (viewed 12 August 2009).

The certificate courses at Batchelor commenced in 2000, but Indigenous Assistant Teachers reported difficulty in enrolling due to competition for limited places.[94] However since 2008, the Northern Territory Government and DEEWR have funded additional places and as a consequence, there has been a 200 percent increase in Assistant Teacher enrolments.[95]

Batchelor also offers the Advanced Diploma of Arts (Language Studies), the Diploma of Interpreting and the Graduate Certificate in Applied Linguistics. These courses are for students who are interested in keeping their own languages strong and are keen to record and document their languages. Many of these students go on to teaching positions.[96]

In NSW, the University of Sydney offers Graduate Certificate, Diploma and Master of Indigenous Languages Education courses to Indigenous educators who wish to develop their skills in Indigenous languages teaching.[97]

These subjects are offered in three separate week long blocks each semester. There is no cost to the student for travel, meals and accommodation. These costs are covered by the University.[98]

Other universities provide Indigenous languages studies in Australia. For the most part, these courses are dependent upon the availability of qualified staff who are able to teach Indigenous language studies at the tertiary level.

Governments must form partnerships with vocational education and higher education institutions to ensure that there are sufficient courses and training places for language and culture studies students. Without these courses there will be no trained personnel for schools. The example at Batchelor demonstrates that there is sometimes demand for language education courses but limited capacity at the institutional level to deliver. Targeted assistance from governments is required to ensure that training places at tertiary education institutions meet the demand of potential students and the supply needs of schools.

Secondary education

Most Australian state and territory education departments have made some provision for Indigenous language studies in their school curriculum frameworks.

94 Northern Territory Department of Employment, Education and Training, *Indigenous Languages And Culture in NT Schools Report 2004–2005*, 2005, p 23. At http://www.det.nt.gov.au/__data/assets/pdf_file/0009/5130/ILCreport.pdf (viewed 12 August 2009).

95 K Grace, et al, How to satisfy the specific Teacher Training demands of geographically dispersed Indigenous Assistant Teachers via a holistic training and assessment model. At http://210.15.199.34/ei/viewpdf.esp?id=256&file=P:/Eventwin/docs/pdf/niec2009Abstract00062.pdf (viewed 3 November 2009).

96 Batchelor Institute of Indigenous Tertiary Education, Centre for Australian Languages and Linguistics website. At https://www.batchelor.edu.au/callwebsite/call_index.html (viewed 3 November 2009).

97 University of Sydney website. At http://www.koori.usyd.edu.au/studying/postgrad.shtml (viewed 3 November 2009).

98 University of Sydney website. At http://www.koori.usyd.edu.au/studying/postgrad.shtml (viewed 3 November 2009).

Case Study 3.12: Embedding Indigenous language studies into state and territory curriculum frameworks

South Australia's framework for Australian Indigenous languages provides several types of programs appropriate for different language situations. The framework includes first language maintenance, second language learning, language revival, and language awareness subjects.[99]

In other Australian jurisdictions there is still work to be done to integrate Indigenous languages into the state curriculum frameworks. For example, several schools in Queensland have Indigenous language programs, but almost all of these programs are funded by the Department of Aboriginal and Torres Strait Islander Policy and not by the Department of Education.[100] While in 2006 the Queensland Studies Authority accepted a recommendation to consider accrediting Indigenous language studies in schools, no action has occurred to date.[101] Queensland schools do offer Aboriginal and Torres Strait Islander Studies at the senior secondary level, though this subject is focussed on culture and not languages.[102]

Indigenous languages have only recently become a study option for senior secondary students in some Australian states and territories. For example, 2008 was the first year that Western Australia schools offered Indigenous language studies at the Year 11 and 12 levels. In 2009, the first examinations will be held for Year 12 students of Aboriginal Languages as part of the Western Australia Certificate in Education.[103]

At the senior secondary level, South Australian students can study Indigenous languages as part of the South Australian Certificate in Education. The Australian Languages subjects are taught by Indigenous teachers and Indigenous Language and Culture Specialists with the support of teachers, linguists and curriculum specialists.[104]

It is time for Australian education departments to provide consistency in the availability of Indigenous language studies across state and territory jurisdictions. In future, the LOTE section of Australia's national curriculum framework will include Indigenous languages as a study option, though state and territory governments must ensure that there are training places and courses for future language teachers and schools have resources to deliver Indigenous languages at all levels of the school syllabus.

99 South Australian Curriculum, Standards and Accountability (SACSA) Framework. At http://www.sacsa.sa.edu.au/content/doc_fsrc.asp?t=LA&ID=EYINTROCONTEXT&DATA= (viewed 3 November 2009).

100 C Nancarrow, The Future of Indigenous Languages in Queensland schools, 2003. At http://people.aapt.net.au/~cassynancarrow/language/futures.html (viewed 3 November 2009).

101 Ngapartji Ngapartji website. At http://www.ngapartji.org/content/view/22/52/ (viewed 3 November 2009).

102 Queensland Studies Authority, Aboriginal and Torres Strait Islander Studies Brochure. At http://www.qsa.qld.edu.au/downloads/learning/snr_atsi_studies_brochure.pdf (viewed 3 November 2009).

103 Western Australian Curriculum Council website. At http://www.curriculum.wa.edu.au/internet/Senior_Secondary/Courses/Aboriginal_Languages (viewed 3 November 2009).

104 South Australian Department of Education and Children's Services, Online Curriculum Portal. At http://www.decs.sa.gov.au/curric/pages/NumeracySciences/SACE/ (viewed 3 November 2009).

(c) Summary

Australian governments will need to take strategic and programmatic action to preserve Indigenous languages in this country. There is a high level of interdependence in the actions that are needed to reverse the language decline. One action will not function well without the other. For example, schools will not be able to deliver Indigenous languages programs without corresponding action from tertiary education institutions. Vocational institutions and universities must provide training places for future language teachers. Regional Language Resource Centres will not be able to deliver an optimum service without guidance from a centralised language body with responsibility to distribute funding and monitor the application of appropriate resources to the different language situations across the nation.

It is important to reiterate the point that was made at the beginning of this section: international experience shows that language movements have been shown to be successful when they become a national responsibility. From this centralised guidance, other actions can follow.

3.5 Findings

Section 3.1: Introduction

- Indigenous languages are at a critical stage of endangerment in Australia.
- Australia now has a national Indigenous languages approach, though on its own, the national approach will not be enough to stop the language decline.

Section 3.2: Why preserve Indigenous languages?

- Language is the medium through which culture is transmitted.
- Strong language and culture are associated with resilience and better health outcomes for Indigenous people.
- Bilingualism enhances cognitive development in infants.
- Indigenous languages increase employment opportunities for Indigenous people.
- Indigenous language and culture is an important component of Australia's tourism industry which consumes more than $70 billion in Australian goods and services.
- Indigenous cultural knowledge has assisted scientists in understanding patterns of climate change. Indigenous languages are the medium through which this knowledge has been passed down over millennia.
- The loss or denial of language and culture can have negative impacts on Indigenous people.

Section 3.3: Australian policy and Indigenous languages

- Indigenous languages have no official status in Australia.
- Successive Australian governments have developed policies and practices that emphasise English monolingualism.

- The main source of funding for Indigenous languages is the Commonwealth Government's Maintenance of Indigenous Languages and Records (MILR) program. It provided $8.8 million to 66 grant recipients in 2008–09.
- MILR grant allocations to organisations range from $10,000 to $450,000 per year. The average allocation was in the vicinity of $133,300.
- The Australian Government announced the Indigenous languages approach in August 2009 at a time when it had already allocated funds for Indigenous languages. There were no new funds allocated with the August announcement.
- There are some large contradictions between the Commonwealth Indigenous languages policy and the state and territory language policies.
- There is considerable variation amongst the state and territory Indigenous languages policies and levels of commitment.
- NSW is the only state or territory jurisdiction to have an Indigenous language policy which sits across different portfolio areas. Other states and territories have policies that are limited to specific areas of government activity.
- Australia does not have an overarching framework to monitor the application of Indigenous language resources and programs to different language situations.
- The closure of the bilingual resource development units means the removal of funding from Indigenous language maintenance materials.

Section 3.4: Australian and international approaches aimed at protecting and promoting Indigenous languages

(a) Strategies

- There has been significant language revival in countries where Indigenous languages have been given official status. This includes constitutional or statutory recognition.
- Successful national Indigenous language organisations have some common features. They are established through statute and they have functions which include: advising government through formal structures and relationships; participating in the development of policy; maintaining language information databases; developing standards for languages; accrediting language workers; naming places and things; managing funding and resources; and managing language promotions and communications
- Australia has some particular language challenges. More than 100 Indigenous languages are spoken in Australia. Therefore it is not possible to give official status to a single language, though Indigenous languages could be accorded a special status as 'national languages' while not being official languages.

- The divide between the functions of the Commonwealth and the functions of the states and territories makes it difficult to implement aspects of a national policy. Specific solutions are requires to address this divide.

(b) Programs

- Language teaching can be substantially enhanced through the availability of teaching materials in Indigenous languages. Online templates may assist in standardising and improving the quality of teaching materials. The involvement of community members in language resource development contributes to local employment and local language sustainability.
- Community-based programs involving music and theatre can be designed to involve whole communities. This promotes language maintenance and revival across all generations. An important component of any program is consistency of contact between the program facilitators and the participating communities.
- Mentoring is a simple and cost effective way to promote language revival on a large scale. It requires promotion and guidelines, and otherwise is reliant on the freely formed relationships between language mentors and language learners.
- The internet is a portal through which Indigenous people can teach their languages and cultures from their communities. Using Skype, Indigenous teachers can conduct tutorials from their ancestral lands in real time, beaming images and instruction into university classrooms all over the globe.
- here is national and international evidence that demonstrates the effectiveness of the bilingual education approach. The Northern Territory Government has taken direct action to abolish bilingual education at a time when many countries across the world are adopting this approach as best practice.
- Language nests in preschools provide language immersion in a child's traditional language. Saturating children in their first languages before the commencement of formal schooling can dramatically increased bilingualism. In countries where languages have been declining, the language nests have been effective in increasing the numbers of Indigenous language speakers.
- Regional language resource centres provide language resources to communities and organisations. They are able to directly contribute to language maintenance and revival activities through recording languages, training local people, teaching languages and developing language materials. They would benefit from more resources, assistance with archiving materials and the development of an accountability framework which can be monitored by a national body.

- Governments must form partnerships with vocational education and higher education institutions to ensure that there are sufficient courses and training places for language and culture studies students. Without these courses there will be no trained language teaching personnel in schools.
- Indigenous language studies are part of some, but not all state and territory school curriculum frameworks. The national curriculum framework will standardise curriculum offerings in future, including the potential for schools to offer Indigenous language studies. However, state and territory governments will need to establish the preconditions for a trained Indigenous language teacher workforce.

3.6 Recommendations

Now that Australia has a national approach to preserve Indigenous languages: *Indigenous Languages – A National Approach 2009*, there are three major challenges that will need to be addressed to ensure the successful implementation of this policy.

1. The first is how to hold the different levels of governments in Australia to a consistent position on Indigenous language policy and action.
2. The second is how to coordinate intra government activity and ensure quality control because language preservation requires interaction between multiple portfolio areas including early childhood development services, employment, school education, higher education and research services.
3. The third is how to stretch the limited resources ($9.3 million for the financial year 2008–09) to address a critical and complex language situation across the nation.

The following recommendations are concerned with developing appropriate processes, structures, agreements and decision-making bodies that can maintain, revitalise, protect and promote Australia's endangered Indigenous languages.

Recommendations

In order to implement Article 13 of *The Declaration on the Rights of Indigenous Peoples* and in recognition that the Australian Government has a strategic role in Indigenous language preservation, that the Australian Government commit to the following:[105]

3.1 Immediately fund a national working group with the task of establishing a national Indigenous languages body as per the commitment of *Indigenous Languages – A National Approach.*[106]

3.2 Commit to the development of a national Indigenous languages body with functions and responsibilities similar to those of the Māori Language Commission.

3.3 Utilise the expertise of the national body to assess the required resources for critically endangered languages and commit these resources immediately.

3.4 Agree to resource an ongoing plan of action for the preservation and promotion of Indigenous languages as recommended by the national Indigenous languages body.

3.5 Become a signatory to the *Convention for the Safeguarding of the Intangible Cultural Heritage* (2003).

3.6 Through the Council of Australian Governments (COAG), develop agreements with all governments to ensure consistency and compliance with Australia's *Indigenous Languages – A National Approach*.

3.7 Commence a process to recognise Indigenous languages in the preamble of Australia's Constitution with a view to recognising Indigenous languages in the body of the Constitution in future.

105 Declaration on the Rights of Indigenous Peoples 2007, art 13. 1: Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons. At http://iwgia.synkron.com/graphics/Synkron-Library/Documents/InternationalProcesses/DraftDeclaration/07-09-13ResolutiontextDeclaration.pdf (viewed 25 September 2009).

106 Australian Government Department of Environment, Water, Heritage and the Arts, *Indigenous Languages – A National Approach. The importance of Australia's Indigenous languages*. At http://www.arts.gov.au/indigenous/languages_policy (viewed 3 September 2009).

Chapter 4:
Sustaining Aboriginal homeland communities

4.1 Introduction

> *Homelands still belong to the people, we want to build homes on our land and live there. When we come to the homeland we come back to the peace and quiet. … It is a much better environment on the homelands, better things for the children*.[1]
>
> *Australia has not learned anything from the history of destabilising Indigenous people if this policy is allowed to stand and homelands people are forced to co-locate in these major towns against their wishes*.[2]

This chapter profiles the homelands movement of the Northern Territory as an example of successful Aboriginal community development, governance and self-determination. The central argument of this chapter is that homelands should be adequately resourced by Australian governments and that homeland leaders should be able to actively participate in the development of policies that affect homeland communities.

There are homeland communities throughout Australia – the majority being in Western Australia, the Northern Territory and South Australia. This chapter will focus on the Northern Territory because during the past two years some significant changes have been made to homeland policies which negatively impact on the capacity of these communities to continue in future.

Homelands provide social, spiritual, cultural, health and economic benefits to residents. They are a unique component of the Indigenous social and cultural landscape, enabling residents to live on their ancestral lands. Homelands are governed through traditional kinship structures which provide leadership and local governance. The Productivity Commission has noted that the success factors for overcoming disadvantage in Indigenous communities include:

- cooperative approaches between Indigenous people and government — often with the non-profit and private sectors as well
- community involvement in program design and decision-making — a 'bottom-up' rather than 'top-down' approach
- good governance — at organisation, community and government levels

1 P Brown Mt Theo Outstation Co-Founder, Meeting at Mt Theo, 23 April 2009

2 P Dodson cited in S Everingham, 'Killing us softly: Dodson slams outstations plan', *ABC News Online*, 2 June 2009, http://www.abc.net.au/news/stories/2009/06/02/2587462.htm (viewed 7 September 2009).

- ongoing government support — including human, financial and physical resources.[3]

Arguably, the only success factor that is missing for Northern Territory homelands is the last factor. Recent federal and Northern Territory Government policies now limit the resources and support for homeland communities. This means they may not be viable in future.

Various policies now collude to move homeland residents into large townships. Health, housing and education services to homeland communities are now being severely restricted. This means that people will have to live in townships if they want their children to receive a school education or if they want access to housing.

History has shown that moving people from homeland communities into fringe communities in rural towns increases the stresses on resources in rural townships. Some of the documented disadvantages include increased social tensions between different community groups, reduced access to healthy food and lifestyles and loss of cultural practices and livelihoods. This chapter will demonstrate that if government policies fail to support the ongoing development of homelands it will lead to social and economic problems in rural townships that could further entrench Indigenous disadvantage and poverty. This failure to support will also be a significant contributor to the loss of the World's longest surviving continuous culture.

This chapter is divided into seven sections:

4.2 Definition of homelands

The use of the term 'homeland' or 'outstation' can be interchangeable. Some communities prefer the term 'homeland', particularly communities in the top end of the Northern Territory, and other communities prefer the term 'outstation', mostly communities in the central desert regions. The Northern Territory Government's *Outstations Policy: Community Engagement Report* notes the preference among some communities for the term homeland:

> Who changed the name from homelands to outstations? These are our homelands. In Mardayin Law the land has always belonged to the clans, and always will belong to the clans. The Land was never Terra Nullius.

3 Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage: Key Indicators 2009* (2009) p 9. At http://www.pc.gov.au/__data/assets/pdf_file/0013/90130/overview-booklet.pdf (viewed 17 September 2009).

> Our ancestors lived on these lands a very long time before the English came here, and every place has its own Wanga-wartangu, its own clan, who are the owners. This never changes. We do not sell our land. Every clan has its own places, and this does not change. We do not have private ownership of land, we have clan ownership. Homelands belong to the clans. They are not outstations of a larger community where people go for a better lifestyle. They are the lands that have always belonged to the clan…They are the homelands of the people and they are the Djalkiri, the heritage of the people.[4]

The Northern Territory Government's *Working Future* policy (2009) uses 'outstations/ homelands' as a generic description and interchangeably as appropriate to each location.[5]

This chapter will use the term 'homeland', except for instances where communities self-identify as 'outstations' or when quoting or citing a report or other source that uses the term outstation.

Homelands are located on Aboriginal ancestral lands with cultural and spiritual significance to the Aboriginal people who live there. The connections to land are complex and include cultural, spiritual and environmental obligations, including obligations for the protection of sacred sites.

Homelands vary in size, composition, level of resources, extent of access to potable water and services and in the time of their establishment. Some may be very small; comprising a few families living together. Others may be expanding and developing their own economies and have populations over a hundred people. While some homelands have grown into significant sized communities, in most cases they are smaller than townships and regional centres.

The numbers of people living in homelands can fluctuate at different times and this can significantly change population numbers for a period of time.[6] Homeland residents may relocate temporarily for a variety of reasons such as when they are required to participate in ceremony and other cultural obligations. Parents and guardians may leave homelands to accompany their children who are attending schools in larger centres during school terms. Residents may temporarily relocate to access health services in regional centres or stay in other homelands for therapeutic purposes. While Aboriginal clan groups may be mobile for a variety of reasons, this is not an indication that they wish to permanently vacate their ancestral lands.

New homelands are also established over time. Elders and others set up new homelands when they are unable to live in larger townships due to clan tensions. The situation at Wadeye is an example of this with people moving progressively to outlying community areas.[7]

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4 Socom + DodsonLane (D Suggit, P Dodson and P Lane), *Outstations Policy: Community Engagement Report*, Northern Territory Government, (2009), p 5. At http://www.workingfuture.nt.gov.au/download/Community_Engagement_Report.pdf (viewed 17 September 2009).

5 Northern Territory Government, *Working Future: Fresh Ideas/ Real Results – Headline Policy Statement* (2009). At http://www.workingfuture.nt.gov.au/download/Headline_Policy_Statement.pdf (viewed 17 September 2009).

6 Australian Human Rights Commission, *Submission to the Office of Indigenous Policy Northern Territory Department of Chief Minister – Outstations Policy Discussion Paper* (15 December 2008), par 12. At http://humanrights.gov.au/legal/submissions/sj_submissions/20081215_outstations.html#Heading64 (viewed 17 September 2009).

7 Australian Human Rights Commission, *Submission to the Office of Indigenous Policy Northern Territory Department of Chief Minister – Outstations Policy Discussion Paper* (15 December 2008), par 13. At http://humanrights.gov.au/legal/submissions/sj_submissions/20081215_outstations.html#Heading64 (viewed 17 September 2009).

Governments have routinely defined homelands by their size, and provided resources accordingly. For this reason, funding agreements between the Australian and Northern Territory Governments distinguish between larger Indigenous communities, for which the Northern Territory Government has taken primary responsibility, and smaller communities (classed as homelands or outstations), for which the Australian Government retained funding responsibility until 2008.[8]

In 1987 the House of Representatives Standing Committee on Aboriginal Affairs, produced a report: *Return to Country: The Aboriginal Homelands Movement in Australia* (*Return to Country*). This report provided commentary about the definition of homelands. It quoted Professor Stanner's views on defining homelands.

> No English words are good enough to give a sense of the links between an Aboriginal group and its homeland….A different tradition leaves us tongueless and earless towards this other world of meaning and difference…. [9]

According to the *Return to Country* report of 1987, a definition of homelands should include:

- acknowledgement of the significance of Aboriginal peoples moving back to traditional country
- a clear distinction between homelands and settlements, missions or reserves
- an acknowledgement of the traditional connection to the land and the ancestral spirits and
- a description of the permanency of homelands as traditional home territory.

The *Return to Country* report defined homelands as 'small decentralised communities of close kin established by the movement of Aboriginal people to land of social, cultural and economic significance to them'.[10] The Committee noted that many homelands might have 20 to 50 people, but some homelands have larger populations and therefore the definition did not include a numerical scope.

More recently, homelands were defined in the Northern Territory Government's *Community Engagement* report as:

> Homelands are the ancestral homes of specific Indigenous groups across the Territory. Their existence…substantially predates the arrival of non-Indigenous Australians.
>
> Homelands represent the intersection of specific areas of country, with individual, social and spiritual Indigenous identities. That is, they do not represent random settlements 'where people go for a better lifestyle' away from the larger communities created by non-Indigenous agents. In contrast, homelands represent particular living areas in which each Indigenous individual and group is based in order to fulfil their own cultural obligations to their inherited country and its underlying traditional Law.[11]

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8 G Marks, *Outstation Policy – how we got from there to here* (Paper to the Academy of the Social Sciences in Australia and Centre for Aboriginal Economic Policy Research Forum on homelands/outstations and similar small remote Aboriginal communities across Australia, ANU Canberra, 27–28 October 2009), p 3.

9 House of Representatives Standing Committee on Aboriginal Affairs, Parliament of Australia, *Return to Country: The Aboriginal Homelands Movement in Australia* (1987), p 5.

10 House of Representatives Standing Committee on Aboriginal Affairs, Parliament of Australia, *Return to Country: The Aboriginal Homelands Movement in Australia* (1987), p 7.

11 Socom + DodsonLane (D Suggit, P Dodson and P Lane), *Outstations Policy: Community Engagement Report*, Northern Territory Government, (2009), p 5. At http://www.workingfuture.nt.gov.au/download/Community_Engagement_Report.pdf (viewed 17 September 2009).

It is incumbent upon governments and administrators to understand the significance and importance of homeland living areas. Any definition of homelands and any policy affecting homelands should recognise the fundamental right of Aboriginal people to live on their country of affiliation and maintain language, custom and cultural practices. These rights are protected under United Nations treaties and declarations.[12]

A broad definition enables a range of types of homelands to be recognised, including community living areas which are excisions on pastoral leases.

4.3 History of the homelands movement

Text Box 4.1: Timeline on the history of the homelands movement

- 1930s – Aboriginal communities began to be forcibly dislocated from their lands and moved into missions and towns. The 'assimilation policy' also commenced in this period and continued until the 1960s.
- 1968 – The Commonwealth Conciliation and Arbitration Commission's decision in 1966 to amend the *Cattle Station Industry (Northern Territory) Award 1951* led to the introduction of mandatory payment of award wages for Aboriginal pastoral workers. This in turn led to a decline of employment of Aboriginal workers in the pastoral industry and correspondingly widespread movements of Aboriginal workers into centralised settlements.[13]
- 1972 – With the election of the Whitlam government came the disbanding of the assimilation policy in Indigenous affairs, and its replacement with the self-management or self-determination policy. The new policy framework allowed for the start of the homelands movement.
- 1973 – Commonwealth grants were provided to support the homelands movement.
- 1976 – The *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (ALRA) was introduced. Under the Act, land recognised as 'Aboriginal land' was either land held by a Land Trust for an estate in fee simple; or land the subject of a deed of grant held in escrow by a Land Council.[14]
- 1977 – Introduction of the Community Development Employment Program (CDEP).

12 See also: Australian Human Rights Commission, *Submission to the Office of Indigenous Policy Northern Territory Department of Chief Minister – Outstations Policy Discussion Paper* (15 December 2008), par 24. At http://humanrights.gov.au/legal/submissions/sj_submissions/20081215_outstations.html#Heading64 (viewed 17 September 2009).

13 The *Commonwealth Conciliation and Arbitration Commission, Cattle Station Industry (Northern Territory) Award 1951*, 7 March 1966. The Conciliation and Arbitration Commission's decision proposed variations to the *Cattle Station Industry (Northern Territory) Award 1951* to delete the clauses which excluded Aboriginal pastoral workers from the award, but deferred the date of implementation to 1 December 1968. Also discussed in E Johnston, 'Land Needs: Outstations and the exit option', *Royal Commission into Aboriginal Deaths in Custody, National Report Volume 2,* (1998) ch 19. At http://www.austlii.edu.au/au/other/IndigLRes/rciadic/national/vol2/index.html (viewed 17 September 2009).

14 *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth),* s 3. At http://www.austlii.edu.au/au/legis/cth/consol_act/alrta1976444/s3.html#aboriginal (viewed 14 November 2009).

- 1978 – The Northern Territory achieved self-government. The *Memorandum of Understanding in Respect of Financial Arrangements between the Commonwealth and a Self-Governing Northern Territory* provided for the overall responsibility for policy planning and coordination of Indigenous affairs to remain with the Commonwealth. The Commonwealth Government also retained responsibility for approximately 500 homelands/ outstations communities (i.e. small communities on Aboriginal land as recognised under the ALRA or communities on pastoral excision land), and only transferred responsibility for the larger Aboriginal townships to the Northern Territory Government.
- 1987 – House of Representatives Standing Committee on Aboriginal Affairs released the *Return to Country* report. The Committee's recommendations included: government policies and service delivery (including the provision of infrastructure, education, housing and health) be revised to support homelands; the continuation of funding for the establishment of new homelands; funding for homelands resource centres to deliver services to homelands; and the extension of CDEP to all homelands.
- 1990s – The *National Homelands Policy: ATSIC's Policy for outstations, homelands and new and emerging communities* was developed. The policy included criteria for the establishment of new homelands (i.e. secure land tenure, principal place of residence, access to potable water, and supported by a community organisation or homeland resource agency).
- 1997–1998 – ATSIC's Review of resource agencies servicing Indigenous communities, undertaken by John Altman, D Gillespie and K Palmer.
- 2005 – *Overarching Agreement on Indigenous Affairs between the Commonwealth of Australia and the Northern Territory of Australia, 2005–2010* was signed.[15]
- 2007 – *Living in the Sunburnt Country – Indigenous Housing: Findings of the Review of the Community Housing and Infrastructure Programme* recommended the Community Housing and Infrastructure Program (CHIP) be replaced with a new housing program for remote and very remote Indigenous communities, and recommended a shift away from building new housing on outstations and homelands.[16] As a result the moratorium on new housing in oustations that had been in place since 2006 under CHIP, became entrenched.[17]

15 Department of the Chief Minister, Northern Territory Government, *Overarching Agreement on Indigenous Affairs between the Commonwealth of Australia and the Northern Territory of Australia, 2005–2010* (2005). At http://mysource1.nt.gov.au/__data/assets/pdf_file/0014/43070/OverarchingAgreement.pdf (viewed 14 November 2009).

16 Department of Families, Community Services and Indigenous Affairs, *Living in the Sunburnt Country – Indigenous Housing: Findings of the Review of the Community Housing and Infrastructure Programme* (2007). At http://www.fahcsia.gov.au/sa/indigenous/pubs/housing/LivingSunburntCountry/Pages/p2.aspx) (viewed 21 December 2009).

17 G Marks, S*ubmission to the Senate Select Committee on Regional and Remote Indigenous Communities Inquiry into the Northern Territory Regional and Remote Indigenous Communities* (2008). At http://www.aph.gov.au/Senate/Committee/indig_ctte/submissions/sub30.pdf (viewed 17 September 2009).

- 2007 – The *MOU on Indigenous Housing, Accommodation and Related Services* was signed in September 2007. Under the MOU, the Commonwealth Government handed over responsibility for the delivery of municipal and essential services to homelands to the Northern Territory Government, starting 1 July 2008. The MOU marked the cessation of Commonwealth funding for the 500 plus communities classed as homelands/ outstations and the handover of responsibility to the Northern Territory Government.[18]
- 2007 – In response to the release of Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, titled *Ampe Akelyernemane Meke Mekarle: 'Little Children are Sacred',* the federal government introduced a package of legislation to implement a national emergency response purportedly to protect Aboriginal children in the Northern Territory from sexual abuse and family violence. This became known as the 'Northern Territory Intervention' or the 'Northern Territory Emergency Response'.
- 2008 – Under the *Local Government Act 2008* a new framework of municipal and shire councils was created that incorporates the whole of the Northern Territory into local government areas. This included the abolition of existing Aboriginal community councils, and the creation of eight new 'super' shires, each serving a number of remote townships and communities, including areas of land not previously administered by Local Government.
- 2008 – Reforms to the CDEP program and the Indigenous Employment Programs were announced. The reforms which commenced on 1 July 2009, ceased the availability of CDEP in urban, regional and rural areas, and introduced a phased removal from remote areas with all recipients transferring to income support by 2011. This had a significant impact on the retention of a paid workforce in homeland communities.
- 2008 – The Council of Australian Governments agreed to the *National Partnership Agreement on Remote Service Delivery*, which has prioritised delivery of services in 26 selected sites in Australia. 15 of the selected sites are in the Northern Territory.[19]
- 2008 – The Northern Territory Government issued the *Outstations Policy Discussion Paper* for consultation on the development of a Northern Territory Government policy on outstations.
- 2009 – The Northern Territory Government released the *Community Engagement Report: Our home, our homeland.*
- 2009 – The Northern Territory Government released its new headline policy statement on outstations/ homelands – *Working Future: fresh ideas/ real results*.

18 Memorandum of Understanding between the Australian Government and the Northern Territory Government, *Indigenous Housing, Accommodation and Related Services*. September 2007. At http://www.aph.gov.au/senate/committee/indig_ctte/submissions/sub28_attachment_8.pdf (viewed 16 December 2009)

19 COAG, *National Partnership Agreement on Remote Service Delivery* (2008). At http://www.coag.gov.au/intergov_agreements/federal_financial_relations/docs/national_partnership/national_partnership_on_remote_service_delivery_with_amended_schedule.rtf (viewed 17 September 2009).

The *Return to Country* report remains one of the seminal reports on the history of the homelands movement.[20] It noted that the homelands movement was in fact a reaction to the forced dislocation of Aboriginal people from their lands into centralised towns and missions since the 1930s.[21]

Critical to the movement was the intent of Aboriginal people to reoccupy traditional country and to fulfil the religious and social obligations to care for country. Going back to traditional lands also gave people an opportunity to remove themselves from the social and economic problems that plagued many of the towns and mission areas. Such problems arose partially as a result of different clans and language groups being brought together to live in close proximity on another clan's land. The cultural inappropriateness of forcing different groups to live together in one area, and denying them access to their own lands, caused tensions between the different groups. These tensions continue today. Further, the conditions in the missions and camps were often very poor – minimal housing and infrastructure and limited education options manifested in high mortality levels, poor health, high levels of alcohol abuse and other social problems.[22] The aim of the homelands movement was to re-establish Aboriginal lifestyles and livelihoods and to assert autonomy and social and economic independence on one's own land.[23]

Therefore, as soon as government policy shifted to allow Aboriginal people to move back to country, people began to immediately re-establish their traditional homes and communities. This was the start of the homelands movement in the 1970s.

Some of the key policy changes that allowed the homelands movement to emerge during the 1970s and 80s included:

- Change in government policy from 'assimilation' to 'self-determination' (1970s). This allowed for greater scope for Aboriginal communities to make decisions about where they wanted to live and how.
- Granting of land rights to Aboriginal and Torres Strait Islander peoples – enabling Aboriginal people to own their traditional lands and to establish communities on the lands.
- Commonwealth Government support for the homelands movement through grants, recognising and validating homelands and providing resources and financial support for their establishment.
- Provision of social security payments for Aboriginal people – ensuring that Aboriginal people living in areas with reduced access to mainstream employment opportunities had equal rights to social security. The income enabled Aboriginal people to supplement their subsistence economies on homelands.

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20 Other useful reports and papers on the homelands movement include: HC Coombs, 'Homeland Movement', in HC Coombs, *Aboriginal Autonomy* (1994); J Altman, *In search of an outstations policy for Indigenous Australians,* CAEPR Working Paper 34 (2006). At www.anu.edu.au/caepr/working.php (viewed 17 September 2009); G Marks, S*ubmission to the Senate Select Committee on Regional and Remote Indigenous Communities Inquiry into the Northern Territory Regional and Remote Indigenous Communities* (2008). At http://www.aph.gov.au/Senate/Committee/indig_ctte/submissions/sub30.pdf (viewed 17 September 2009); J Downing and M Smith, *Ngurra walytja, country of my spirit* (1988).

21 House of Representatives Standing Committee on Aboriginal Affairs, Parliament of Australia, *Return to Country: The Aboriginal Homelands Movement in Australia* (1987), p 8.

22 House of Representatives Standing Committee on Aboriginal Affairs, Parliament of Australia, *Return to Country: The Aboriginal Homelands Movement in Australia* (1987), p 14.

23 E Johnston, 'Land Needs: Outstations and the exit option', *Royal Commission into Aboriginal Deaths in Custody, National Report Volume 2,* (1998) ch 19. At http://www.austlii.edu.au/au/other/IndigLRes/rciadic/national/vol2/index.html (viewed 17 September 2009).

- Homelands resource centres – homelands resource centres have been in existence during the last 20 years. They are Indigenous community-controlled organizations that provide municipal and technical services to homeland communities. These centres were funded by the Commonwealth, based on per capita homeland populations. The centres employed technically qualified personnel, or where necessary, paid subcontractors to carry out maintenance tasks. Some resource agencies were also funded by the Commonwealth as CDEP organisations. The CDEP organisations were able to recruit community members for municipal works program in the homelands. Other resource centres provided housing management and maintenance services in homelands, collecting rent and receiving annual maintenance funds allocated on a per house basis from the state and territory housing departments.[24]

Since the 1970s there has been a steady growth in homeland populations. In 1981 there was an estimated 165 homeland communities with a total population of 4,200 people throughout Australia.[25] By 2001 the Community Housing and Infrastructure Needs Survey (CHINS) estimated there were 991 discrete communities with a population of less than 100 people – with an average size of 20 people and a total number of 19,817 people.[26] In 2006, of the 93,000 Aboriginal and Torres Strait Islander peoples living in discrete Indigenous communities, nearly 33 per cent of people were in communities with less than 200 residents.[27] The Northern Territory has the highest proportion of Indigenous people living in discrete communities, approximately 45 per cent, with 81 per cent of its Indigenous population living in remote or very remote areas.[28]

4.4 Funding for homelands

To a large extent homeland communities have been self-resourcing; reliant on local resources and subsistence livelihoods. However, this has been supplemented to varying degrees by government funding. For instance, since the 1960s, the Community Housing and Infrastructure Program (CHIP) provided grants to Indigenous community housing organisations, state and territory government agencies and local governments to deliver housing, infrastructure and municipal services for Indigenous communities in urban, rural and remote areas – including in homeland communities. Responsibility for the program was transferred to the Department of Family and Community Services in July 2004. The program ceased in 2008 after a

24 M Anda and S Dallas, *Delivering Essential Services in Desert Indigenous Settlements,* (Paper to the National Housing Conference, Perth, 28–29 October 2005), pp 310–311. At http://www.nationalhousingconference.org.au/downloads/2005/Refereed/15Anda.pdf (viewed 17 September 2009).

25 House of Representatives Standing Committee on Aboriginal Affairs, Parliament of Australia, *Return to Country: The Aboriginal Homelands Movement in Australia* (1987), p 18.

26 Australian Bureau of Statistics, *Housing and Infrastructure in Aboriginal and Torres Strait Islander Communities, Australia, 2001,* Cat. no. 4710.0 (2001), p 14. At http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4710.0Main+Features12001?OpenDocument (viewed 17 September 2009).

27 Senate Select Committee on Regional and Remote Indigenous Communities, Parliament of Australia, *First Report* (2008), pars 2.4 and 2.10. At http://www.aph.gov.au/Senate/Committee/indig_ctte/reports/2008/report1/c02.htm (viewed 17 September 2009).

28 Senate Select Committee on Regional and Remote Indigenous Communities, Parliament of Australia, *First Report* (2008), par 2.6. At http://www.aph.gov.au/Senate/Committee/indig_ctte/reports/2008/report1/c02.htm (viewed 17 September 2009).

review recommended its closure.[29] In 1973 the Commonwealth Government began providing grants to meet the costs of establishing homelands. Commonwealth funded programs such as the CDEP have also been a source of financial support for people in homeland communities.

In 1978, the Northern Territory achieved self-government. The *Memorandum of Understanding in Respect of Financial Arrangements between the Commonwealth and a Self-Governing Northern Territory* gave the Commonwealth overall responsibility for Aboriginal affairs including responsibility for homelands – this included the building of new infrastructure and essential service infrastructure. Under this MOU, the Northern Territory Government had responsibility to provide the homelands with the programs and resources routinely provided through local government municipal services. The Commonwealth retained responsibility for the homelands until 2008.

In September 2007 the Commonwealth and the Northern Territory Governments signed a further Memorandum of Understanding. This one was to transfer the responsibility for Indigenous housing and infrastructure to the Northern Territory Government. The MOU was entitled *Indigenous Housing, Accommodation and Related Services* and it specified that the Commonwealth was to have 'no further responsibility for the delivery of Indigenous housing, municipal, essential and infrastructure services in the Northern Territory from 1 July 2008'.[30]

Under the MOU, the 500 homelands in the Northern Territory were categorised as 'third order priority' communities that 'will have access to *Housing on Indigenous Land* (HOIL) program funds[31] (but) no Australian Government funding will be provided to construct housing on outstations/ homelands'.[32] Consequently, homelands and other smaller Indigenous communities do not receive any assistance under related programs and homelands are not a priority for federal programs under the COAG National Indigenous Reform Agreement, and related National Partnership Agreements.

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29 In 2007, the Community Housing and Infrastructure Program (CHIP) was reviewed. The review report, *Living in the Sunburnt Country – Indigenous Housing: Findings of the Review of the Community Housing and Infrastructure Programme*, identified problems relating to the limited availability of public housing and private rental housing; and limited opportunities for home ownership. The report recommended CHIP be replaced with a new housing program for remote and very remote Indigenous communities, and recommended a shift away from building new housing on outstations and homelands. As a result of the closure of CHIP, many of the previous Indigenous housing programs were incorporated into mainstream housing programs. (Department of Families, Community Services and Indigenous Affairs, *Living in the Sunburnt Country – Indigenous Housing: Findings of the Review of the Community Housing and Infrastructure Programme* (2007). At http://www.fahcsia.gov.au/sa/indigenous/pubs/housing/LivingSunburntCountry/Pages/p2.aspx). The new Australian Remote Indigenous Accommodation Program was introduced in 2008/09, which forms part of the National Partnership Agreement on Remote Indigenous Housing (2009) (http://www.fahcsia.gov.au/sa/indigenous/progserv/housing/Pages/RemoteIndigenousHousing.aspx).

30 Memorandum of Understanding between the Australian Government and the Northern Territory Government, *Indigenous Housing, Accommodation and Related Services*, September 2007. At http://www.aph.gov.au/senate/committee/indig_ctte/submissions/sub28_attachment_8.pdf (viewed 7 September 2009).

31 The Home Ownership on Indigenous Land (HOIL) program aims to provide home ownership as a viable option for Indigenous people who are able to obtain a long-term transferable lease on Indigenous land and who are able to service a home loan through Indigenous Business Australia. The program was announced as a 2006–2007 Budget measure, with approximately $107.4 million allocated over a period of four years. Department of Families, Housing, Community Services and Indigenous Affairs, *Home Ownership on Indigenous Land,* http://www.fahcsia.gov.au/sa/indigenous/progserv/housing/Pages/HomeOwnershiponIndigenousLand.aspx (viewed 1 December 2009).

32 Memorandum of Understanding between the Australian Government and the Northern Territory Government, *Indigenous Housing, Accommodation and Related Services*, September 2007, par 17. At http://www.aph.gov.au/senate/committee/indig_ctte/submissions/sub28_attachment_8.pdf (viewed 7 September 2009).

The MOU provided the Northern Territory Government with funding of $793 million to deliver Indigenous housing and services. It included a specified allocation of $20 million per year for the first three years to fund municipal, essential and infrastructure services for homeland communities.[33] The Northern Territory Government noted in the MOU that $20 million would be 'an insufficient amount to fund adequate services to outstations' and the 'unmet need for infrastructure in some outstations'.[34]

The 2009 Senate Select Committee on Regional and Remote Indigenous Communities noted that the Northern Territory Government allocates an additional $8 million per annum for housing repairs and maintenance and the Commonwealth Government has also provided $5.5 million to the CDEP places to municipal and essential services positions.[35] These allocations will not begin to address the future housing and infrastructure needs of homelands across the Northern Territory, particularly given the backlog demand for housing and related infrastructure that exists in these communities.

The cessation of housing funding for homelands will seriously compromise their future. As noted in a submission to the Senate Select Committee on Regional and Remote Indigenous Communities:

> The major implication is no new housing for outstations. Some satellite communities close to larger settlements might get under the radar and get funded, but otherwise the huge investment in housing on Indigenous outstations and homelands to date is basically to be left to depreciate to worthlessness. There is no replacement program, let alone additional housing. The significant unmet demand and backlog, and the rapidly growing population, are all to be ignored. The only way to obtain housing in future will be to move back to the large communities. The message to Aboriginal people is clear.[36]

The new funding arrangements of the MOU were made without consultation with affected homeland communities. However, when the implications of the MOU became clear, homeland associations and advocates became vocal about its implications. In response, the Northern Territory Government released a discussion paper and engaged consultants Socom, Dodson and Lane to conduct community consultations to inform homeland communities about the new policy and funding arrangements and to develop a report on homeland administrative arrangements.[37]

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33 Memorandum of Understanding between the Australian Government and the Northern Territory Government, *Indigenous Housing, Accommodation and Related Services*, September 2007, par 24. At http://www.aph.gov.au/senate/committee/indig_ctte/submissions/sub28_attachment_8.pdf (viewed 7 September 2009).

34 Memorandum of Understanding between the Australian Government and the Northern Territory Government, *Indigenous Housing, Accommodation and Related Services*, September 2007, par 25. At http://www.aph.gov.au/senate/committee/indig_ctte/submissions/sub28_attachment_8.pdf (viewed 7 September 2009).

35 Senate Select Committee on Regional and Remote Indigenous Communities, *Third Report 2009*, 2009, p 33. At http://www.aph.gov.au/Senate/committee/indig_ctte/reports/2009/report3/report.pdf (viewed 3 December 2009).

36 Greg Marks, *Submission 30,* p. 6, cited in Senate Select Committee on Regional and Remote Indigenous Communities, *First Report* (2008) par 4.49. At http://www.aph.gov.au/senate/committee/indig_ctte/reports/2008/report1/c04.ht (viewed 17 September 2009).

37 Northern Territory Government, 'Outstations Consultations to Continue' (Media Release, 2 December 2008). At http://newsroom.nt.gov.au/index.cfm?fuseaction=printRelease&ID=4854 (viewed 23 October 2009).

The resultant report, entitled *Northern Territory Government Outstations Policy: Community Engagement Report,* was informed by submissions from homeland leaders, residents, advocates and others. There have been questions about the extent to which the Northern Territory's new homelands policy has taken heed of the recommendations of this report.[38] The new Northern Territory policy, *Working Future* outlines eligibility criteria for services to homelands.[39]

Text Box 4.2: Excerpts from *Working Future: Fresh ideas/ real results – Outstations/ homelands policy*[40]

Criteria for Support

The following criteria must be met as a pre-condition for support to any outstation/ homeland:

- the outstation/ homeland must be an existing outstation
- the outstation/ homeland must be the principal place of residence
- there must be an adequate potable water supply
- outstation residents must commit to increasing self-sufficiency, including through reasonable levels of contribution towards services.

The Northern Territory Government will not financially support the establishment of new outstations and homelands.

Service Delivery

- Government services to outstations/ homelands will in most cases involve a form of remote delivery, based from the closest or most accessible hub town.
- Government will work towards the development and publication of a Statement of Expectation of Service Delivery to Outstation Residents (SESDOR), identifying service delivery and access points (hub towns and service centres) for Government services such as education, health and police.

Education

- Government will provide support to smaller outstations/ homelands through a range of delivery models including transport to hub town schools, boarding facilities in hub towns and distance learning.

38 S Everingham, 'Killing us softly: Dodson slams outstations plan', *ABC News Online*, 2 June 2009, http://www.abc.net.au/news/stories/2009/06/02/2587462.htm (viewed 7 September 2009).

39 Northern Territory Government, *Working Future: Fresh Ideas/ Real Results – Headline Policy Statement (2009).* At http://www.workingfuture.nt.gov.au/download/Headline_Policy_Statement.pdf (viewed 17 September 2009).

40 Northern Territory Government, *Working Future: Fresh Ideas/ Real Results – Headline Policy Statement (2009).* At http://www.workingfuture.nt.gov.au/download/Headline_Policy_Statement.pdf (viewed 17 September 2009).

- Government will continue to provide support to larger outstations/ homelands and homeland clusters through schools, homeland learning centres and residential models.

Service Delivery Organisations

- Outstation/ homeland service delivery organisations will be required to develop an annual service delivery plan (based on the SESDOR) for each outstation/ homeland. Service delivery organisations will negotiate this plan with outstation/ homeland residents and provide outstation/ homeland residents with a copy of this plan.

Self-sufficiency

- Reasonable levels of financial contributions from outstation/ homeland residents for the installation and maintenance of water, electricity and sanitation is a reasonable expectation of Government.
- Owners of houses on private and communal land are primarily responsible for repairs and maintenance of their assets, including water supplies.

Housing

- In accordance with the 'Memorandum of Understanding with the Northern Territory Government, September 2007', the Australian Government will not provide funding to construct housing on outstations in the Northern Territory.

Information base

- A comprehensive information base on outstations/ homelands will be developed and maintained to inform policy implementation, monitoring and evaluation.

Economic Development

- The future of outstations/ homelands lies in their successful innovation and utilisation of emerging economic opportunities and technologies and not ongoing reliance on government support.

The Northern Territory Government has reported that some elements of the *Working Future* policy remain to be finalised and it is currently conducting Stage 4 of the homelands and outstations consultations. This work is expected to be complete by 15 December 2009. The purpose of these consultations is to formulate a detailed funding allocation model that will be implemented on 1 July 2010. The consultations are to identify potential gaps in funding for services and support to homelands and outstations.[41]

Homelands will also miss out on Commonwealth Government funding. Since 2007 funding for addressing Indigenous disadvantage has been identified through COAG agreements. The National Indigenous Reform Agreement is one of six new National Agreements between the Commonwealth and state/ territory governments. It is intended to drive the policies for 'closing the gap' in Indigenous disadvantage.

41 Senate Select Committee on Regional and Remote Indigenous Communities, *Third Report* (2009), p 34. At http://www.aph.gov.au/Senate/committee/indig_ctte/reports/2009/report3/report.pdf (viewed 3 December 2009).

The National Indigenous Reform Agreement has five National Partnership Agreements related to Indigenous service delivery which include:

- Remote Indigenous Service Delivery;[42]
- Indigenous Economic Participation;
- Indigenous Early Childhood Development;
- Indigenous Health; and
- Remote Indigenous Housing.

Much of this COAG funding goes to large townships and not homelands. For example, only 15 Territory growth towns were identified for support under the COAG National Partnership Agreement on Remote Service Delivery.

Over the years there have been variable levels of government support for homeland communities. In 1987 the *Return to Country* report found that '…while the Commonwealth, through the Department of Aboriginal Affairs and other Federal departments and agencies, has supported the homelands movements by developing broadly supportive policies and guidelines, the states and Northern Territory have been reluctant to divert significant resources to homeland centres...'[43] The limited resources for infrastructure and maintenance over time has meant that the homelands now have a low resource base.

In its submission to the Northern Territory Government, the Australian Human Rights Commission noted that overall, homeland populations have been under-resourced and underfunded for many years.

> Due to the relatively small populations of homelands and their dispersal over large unpopulated regions, many homeland residents have to temporarily relocate to access services. For example, there are limited education services to homelands communities. To date, governments have no firm estimates of the number of school-aged children across the Northern Territory who have ***no*** access to school education, and school staffing is allocated on the basis of school attendance rather than population estimates.[44]

4.5 The viability of homelands

Since the 1980s there has been some debate on the viability of homeland communities. The debate has focussed on the extent to which governments can justify their expenditure given the relatively small population sizes of homeland communities. Homeland residents and advocates have argued that homelands are a necessary and preferred way of life for many Aboriginal people. Denying people the means to live on traditional lands is denying them the fundamental rights to self determination.

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42 The statutory office for the Coordinator General of Remote Services was established in June 2009. The Commonwealth Government has committed $9 million over four years to the creation of this office in its 2009–10 Budget. The Coordinator General is responsible for the implementation of reforms in housing, infrastructure and employment in remote Indigenous communities, and is to report to the Commonwealth Minister for Families, Housing, Community Services and Indigenous Affairs.

43 House of Representatives Standing Committee on Aboriginal Affairs, Parliament of Australia, *Return to Country: The Aboriginal Homelands Movement in Australia* (1987), p 55.

44 Australian Human Rights Commission, *Submission to the Office of Indigenous Policy Northern Territory Department of Chief Minister – Outstations Policy Discussion Paper* (15 December 2008), par 11. At http://humanrights.gov.au/legal/submissions/sj_submissions/20081215_outstations.html#Heading64 (viewed 17 September 2009).

Helen Hughes, a commentator from the Centre for Independent Studies, has erroneously argued that homeland communities are not economically or socially viable. She argues that the relative deprivation of homeland communities is not due to a lack of government expenditure, but rather to unequal services in education, housing and healthcare. Over time this has led communities into welfare dependency and the erosion of families and their communities.[45]

In contrast, the Senate Select Committee on Regional and Remote Indigenous Communities noted in its 2008 report that it is the 'ambiguity and even absence of policy …that is having a large impact on the wellbeing of these communities'.[46]

Similar concerns were raised in a previous Senate review in the 1980s. The *Return to Country* report found that governments had tended to limit their role in homelands to providing only the most basic of facilities, often due to the expense of providing facilities and services to homelands and the prioritisation of provision for larger communities.[47] The Committee concluded that governments should provide an adequate standard of facilities and services to homeland communities, with the proviso that both governments and homeland groups 'must be prepared to make compromises to ensure that the homelands movement has a strong future'.[48]

Richard Norton of the Laynhapuy Homelands Association has argued that ideas of homelands being 'cultural museums' that miss out on mainstream benefits are myths that have misinformed the debate and need to be debunked. He argues that homeland communities have been, and continue to be established as a result of informed choices by communities to live a better lifestyle for themselves and their children on homelands.[49] This intent was captured by one of the homeland leaders in a Statement from Yananymul Mununggurr of Laynhapuy Homelands Association in March 2009:

> Being in our Homelands, means that the land owns us, our identity comes from this land, our Homelands have stories behind them, which is done on bark paintings, sung in our song lines, danced in our dances; our language comes from this land, and the history of our land has been handed down generation after generation.
>
> We are traditional people and we would like to keep it that way, we want our culture, language, identity to stay strong forever and at the same time we would like to adapt to that of mainstream Australia.
>
> We are not moving from our Homelands, we are here to stay, we have rights to live and work in our Country; we are interconnected with each other and with our land.[50]

Respected commentators such as John Altman of the Centre for Aboriginal Economic Policy and Research, and Greg Marks, both of whom have worked with homeland communities for several years, have also commented positively on the viability of the homelands movement, but have also noted that homelands have been undermined

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45 H Hughes, 'The Economics of Indigenous Deprivation and Proposals for reform', *Issue Analysis* No 63 (2005), p 1.

46 Senate Select Committee on Regional and Remote Indigenous Communities, *First Report* (2008) par 4.49. At http://www.aph.gov.au/senate/committee/indig_ctte/reports/2008/report1/c04.ht (viewed 17 September 2009).

47 House of Representatives Standing Committee on Aboriginal Affairs, Parliament of Australia, *Return to Country: The Aboriginal Homelands Movement in Australia* (1987), p 258.

48 House of Representatives Standing Committee on Aboriginal Affairs, Parliament of Australia, *Return to Country: The Aboriginal Homelands Movement in Australia* (1987), p 259.

49 R Norton (Laynhapuy Homelands Association Incorporated), *How Yolŋu organisations are developing Indigenous creative partnerships in the top end* (Speech delivered at Key Forum for Garma 2009, Gulkula, 8 August 2009).

50 Y Munungurr, *Laynhapuy Homelands Statement,* 22 March 2009.

as a result of the lack of government investment in housing infrastructure and municipal and other services in homeland communities.[51]

Australian Government Ministers, such as the Hon. Warren Snowdon, Minister for Indigenous Health, Rural and Regional Health and Regional Services, have also recognised the viability of the homelands movement:

> Outstations or homelands as they are more generally known have been an integral part of the Northern Territory community for decades. They were developed by Indigenous people as a deliberate strategy to improve their own health and well-being.
>
> … the homelands movement started despite governments not because of them... they were a calculated and deliberate strategy to provide opportunities for Indigenous people to exercise their cultural responsibilities, and improve health and safeguard families. It is one of the very few initiatives in Indigenous affairs which has actually worked and continues to work to this day.
>
> In recent times there has grown a view that homelands are not viable… That they are beyond the reach of law enforcement, represent some sort of failed Utopian experiment, and should not be encouraged and should not be supported. However contrary to such a view there is very strong evidence that homelands provide positive, creative and constructive lifestyle choices for Indigenous people.[52]

Aboriginal residents from the Yolŋu homelands identify the purpose of homelands in the following terms: 'to determine our own future, to manage our own affairs, to become self-sufficient so the homeland mala can continue to live in peace and harmony'.[53] The very same purpose was recognised by the Australian Parliament in the *Return to Country* report as early as 1986:

> The homelands movement has been very much an Aboriginal initiative, distinguishing it from many other residential situations of Aboriginal peoples which have been the result of direct or indirect government influence. …it is a clear statement by the Aboriginal people involved of the sort of future they wish for themselves and their children, a future on land to which they have spiritual and economic ties and a future over which they have much greater control.[54]

The homelands movement emerged during the era of Aboriginal and Torres Strait Islander peoples claiming their right to self-determination, and it has continued to be sustained on this principle of self-determination, that is now recognised in articles 1, 3 and 4 of the *UN Declaration on the Rights of Indigenous Peoples*.

Homelands have been established, developed and maintained predominantly by Aboriginal and Torres Strait Islander peoples, in conjunction with Indigenous owned and run resource centres. The Laynhapuy Homelands Association is an example of an effective homelands resource centre that is Aboriginal owned and run. It supports 24 homelands in North East Arnhem Land.[55]

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51 J Altman, *In search of an outstations policy for Indigenous Australians,* CAEPR Working Paper 34 (2006). At www.anu.edu.au/caepr/working.php (viewed 17 September 2009); G Marks, S*ubmission to the Senate Select Committee on Regional and Remote Indigenous Communities Inquiry into the Northern Territory Regional and Remote Indigenous Communities* (2008). At http://www.aph.gov.au/Senate/Committee/indig_ctte/submissions/sub30.pdf (viewed 17 September 2009).

52 W Snowdon, *Health, Homelands and Creativity* (Speech delivered at Key Forum for Garma 2009, Gulkula, 8 August 2009). At http://www.warrensnowdon.com/speeches/090808.htm (viewed 17 September 2009).

53 Laynhapuy Homelands Association Incorporated, *Background Information Sheet* (2009), p 3.

54 House of Representatives Standing Committee on Aboriginal Affairs, Parliament of Australia, *Return to Country: The Aboriginal Homelands Movement in Australia* (1987), p 257.

55 Tjuwanpa Outstation Resource Centre Aboriginal Corporation is another example, and their approach is outlined in Tjuwanpa Outstation Resource Centre Aboriginal Corporation and A Kennedy, Southern Cross University, Desert Knowledge, *Submission to The Northern Territory Government Outstations Policy* (2008). At http://www.desertknowledgecrc.com.au/news/downloads/DKCRC_Tjuwanpa-outstations-submission.pdf (viewed 17 September 2009).

Lahynapuy Homelands Association (Photo: Fabienne Balsamo 2009)

Case Study 4.1: Laynhapuy Homelands Association Incorporated[56]

Laynhapuy Homelands Association Incorporated is located in Yirrkala, Northern Territory. It is a member based association of Yolŋu clans from the Laynhapuy, Djalkirripuyngu and Miyarrkapunyngu areas of North East Arnhem Land, and more recently the clan groups from Gapuwiyak homelands.[57]

In April 1972, senior Aboriginal leaders and their extended families decided to move back to their traditional clan land and sea country. The self-reliance and ethos of community development underlay the establishment of each community from the start. Community members cleared their air strips, mainly by hand, and built the early houses using homeland timber and residents' labour, under the supervision of qualified builders. In 1985 the homeland communities established the Laynhapuy Homelands Association Incorporated, from which they source service and infrastructure support.

56 Information for this case study was provided by Laynhapuy Homelands Association Incorporated, in their background information sheet, and through discussions with the Associations Board members in 2009.

57 The member clans include: Gupa Djapu, Dhu̲di Djapu, Rirratjingu, Gupapuyngu, Dati'wuy, Ngaymil, Warramiri, Wangurri, Djambarrpuyngu, Gupa Gumatj, Burrawanga, Gumatj, Yarrwi̲di, Gumatj, Wunungmurra, Dha̲lwangu, Munyuku, Djarrwark, Madarrpa, Manggalili, Marrakulu, Golumala, Marrangu.

Today there are 24 permanently occupied homelands[58] that are serviced and supported by Laynhapuy Homelands Association Incorporated. They have a population of 1200 residents during the dry season and 800 residents during the wet season. The largest homeland has an approximate population of 150 people. The homelands are based up to 300 kilometers from Yirrkala and spread across an area of 10,500 square kilometres. The homelands are all on Aboriginal land held as inalienable freehold title by the Arnhem Land Aboriginal Lands Trust, established under the *Aboriginal Land Rights Act (Northern Territory) 1976*.

The Association is incorporated under the *Northern Territory Associations Act* as a not for profit organisation with the tax status of a public benevolent institution and a tax deductible gift recipient.

The Association has an Aboriginal Board of Directors and employed staff. 75% of all salaried staff positions are held by local Yolŋu people. This includes apprentices in construction, health workers, truck drivers, administrative staff, managers, rangers, project and field staff and the Chief Executive Officer.

The Association is structured to provide services and support to member homeland communities for:

- Maintenance and protection of country and culture
- Employment training and economic development
- Communication and infrastructure
- Health, social welfare, community development and education.

The resource centre assists in the maintenance of 20 airstrips, 150 dwellings, bores, tanks and power supply systems, 5 homeland offices and related phone, fax, internet communication systems, 9 homeland clinics/ clinic rooms and 540 kilometers of minor roads.

The resource centre has also established the Yirralka ranger program (including the Indigenous Protected Area) which enables traditional owners to be involved in the cultural and environmental management of their land and sea country.

In addition to the resource centre, the Association is a CDEP provider, managing 310 CDEP participants. There is currently an unmet demand for a further 410 places.

Primary school education is provided in 5 homelands by the Northern Territory Education Department, through the Yirrkala Homelands Schools. Secondary education is provided through a boarding school established in the homeland Garthalala. The secondary school and boarding facilities were constructed and funded by the community, with construction assistance provided by Rotary volunteers.[59] A VOQ training facility was established in 2007 at Yilpara homeland and further training facilities are planned for Gangan, Wandawuy, Dhalinybuy and Garrthalala homelands, where construction is to begin soon.

The Laynhapuy Aviation Pty Ltd was established in 1987 to provide regular transport for homeland community members.

The member homelands of Laynhapuy Homelands Association Incorporated demonstrate 30 years of independent, community based development and self-management.

58 The 19 homelands include: Barraratjpi, Barrkira, Bawaka, Bukudal, Buymarr, Dhalinbuy, Dhuruputjpi, Djarrakpi, Galkila, Gangan, Garrthalala, Gurkaway, Gurrumuru, Gutjangan, Rurrangala, Wandawuy, Yangunbi, Yiplara and Yudu Yudu. In 2008 the Association extended support to a further eight homelands: Dondydji, Raymingirr, Burrum, Yalakun, Balma, Baygurrtji, Mirrngatja and Bunhanura.

59 For details of the secondary school at Garthalala, see the case study in Aboriginal and Torres Strait Islander Social Justice Commissioner *Social Justice Report 2007* (2007). At http://humanrights.gov.au/social_justice/sj_report/sjreport07/index.html (viewed 17 September 2009).

> This is our land, our songlines. We are not moving. We will live and die here. We know the sacred sites on this land, we know the names of the bays and the rivers. We have the sea rights and the land rights. These need to be recognised. We own and live in these places. As soon as we got these rights people went back to their lands and have remained there. We are not going back to another people's country. We want to live and work and see our children grow up in the homelands. We have rights there. It is better to have self-management. The government should accept this.
>
> (Laynhapuy Homelands Association Incorporated Board Member)

Factors for success

The cultural integrity retained amongst the communities of these homelands, signified by their maintenance of language and cultural traditions, and their active engagement in the development of their homeland communities, is for these communities an indicator of the success and effectiveness of the homelands movement. In addition the Association reports that the homelands are alcohol free, so issues such as alcohol related violence, anti-social behaviour and gambling are not significant problems. Similarly, reports of child abuse are low, while health status and school attendance are reportedly better than in larger, centralised communities.

(a) Homelands – realisation of the right to health

While homeland communities can suffer from a lack of access to health care services, there is a wealth of research demonstrating the positive health benefits derived from living on homelands.[60]

Evidence from a study conducted over a ten year interval at the Utopia homelands in the Northern Territory found that 'mortality rates at the Utopia community were substantially lower than for Indigenous people in the Northern Territory as a whole... The factors associated with the particularly good outcomes here are likely to include outstation living, with its attendant benefits for physical activity and diet and limited access to alcohol, as well as social factors, including connectedness to culture, family and land, and opportunities for self-determination.'[61] This is consistent with other research that also found lower incidences of mortality, hospitalisation, hypertension, diabetes and injury among Aboriginal people living in homelands, compared to living in centralised settlements.[62]

60 A list of the key research papers on the health benefits of living on homelands are referred to in: Central Land Council, *Briefing Paper: Keeping Homelands Alive: Evidence that supports the continued resourcing of dispersed settlements* (2009). At http://www.clc.org.au/Media/issues/Outstations_briefing_paper.pdf (viewed 17 September 2009). See also C Ganesharaja *Indigenous health and wellbeing: The importance of* country, Native Title Research Report No 1/2009 (2009). At http://ntru.aiatsis.gov.au/publications/reports%20and%20other%20pdfs/Indigenous%20Health%20and%20Wellbeing%20The%20Importance%20of%20Country.pdf (viewed 17 September 2009).

61 K Rowley, K O'Dea, et. al., 'Lower than expected morbidity and mortality for an Australian Aboriginal population: 10-year follow-up in a decentralised community', *Medical Journal of Australia* (2008). At http://www.mja.com.au/public/issues/188_05_030308/row10886_fm.html) (viewed 17 September 2009).

62 R McDermott, K O'Dea, K Rowley, S Knight and P Burgess 'Beneficial impact of the homelands movement on health outcomes in central Australian aborigines', *Australian and New Zealand Journal of Public Health*, Vol 22(6) (1998) pp 653–8. At http://www.ncbi.nlm.nih.gov/pubmed/9848958?dopt=Abstract (viewed 17 September 2009). See also K Rowley, K Gault, A McDermott et al, 'Reduced Prevalence of Impaired Glucose Tolerance and no Change in Prevalence of Diabetes Despite Increasing BMI among Aboriginal People from a Group of Remote Homeland Communities', *Diabetes Care*, Vol 23 (2000) pp 898–904.

A large element of the health benefit is the social and emotional well being many homeland community members derive from living on country in smaller communities – removed from stressors such as community conflicts, alcohol and violence.[63]

The following case study of the Mt Theo Outstation shows how one community used its traditional country to run a social well-being program for young Aboriginal people engaging in risky behaviours.

Mt Theo Outstation (Photo: Fabienne Balsamo 2009)

63 A cross-sectional study of 298 Indigenous adults aged from an Arnhem Land community in 2005 showed that greater Indigenous participation in caring for country activities was associated with significantly better health. CP Burgess, FH Johnston, DM Bowman, PJ Whitehead, 'Healthy Country: Healthy People? Exploring the health benefits of Indigenous Natural Resource Management', *Australian and New Zealand Journal of Public Health*, Vol 29(2) (2005), pp 117–122. At http://www.mja.com.au/public/issues/190_10_180509/bur11368_fm.html (viewed 17 September 2009)

Case Study 4.2: Mt Theo Outstation[64]

The Mt Theo outstation lies on the lands of Johnny Japangardi Miller and his family. It is located 160 kilometres from Yuendumu, a remote Aboriginal township on the edge of the Tanami Desert in the Northern Territory. The Miller family lives and moves between Yuendumu and Mt Theo.

In 1994 Johnny, with his wife Peggy Brown, Andrew Stojanovski and the support of other Warlpirri elders and local community organisations in Yuendumu, created the Mt Theo-Yuendumu Substance Misuse Aboriginal Corporation. It was a Corporation with an aim to provide rehabilitation for young petrol sniffers from Yuendumu. The rehabilitation was to take place at the Mt Theo Outstation.

In 1994 there were more than 70 regular 'sniffers' in Yuendumu from an estimated population of around 800–1,000 people. The community was facing significant problems at the hands of the sniffers, including violence and property damage.[65]

The aim of the Mt Theo program was to create a space where young people with substance abuse problems could be isolated and given time and therapy to assist them to recover and heal. It was to be a place where youth could learn traditional culture and break their addiction.[66]

How the program works

Initially, young sniffers were sent to Mt Theo by community consent for at least one month and more often for two to three months. The program adopted a zero tolerance approach and a solid model of early intervention to ensure there was an immediate response for any young person engaging in petrol sniffing.

The program is based on elders providing cultural healing and coordinating outdoor activities such as gardening and traditional hunting. Many of Johnny and Peggy's family members are involved in running the program. Family members live out on the Outstation while caring for the children. The family members of the young people were also allowed to go and visit and often stay as well.

> They learn by themselves to behave, look to the future, and see how to treat their children. It is about bringing real change in young people's lives**.** If Mt Theo wasn't there, we would have seen a lot more kids dying.[67]

64 This case study was based on information gathered from Peggy Brown and Johnny Miller during a visit to Mt Theo by Commission staff in May 2009. The term 'outstation' is used in this case study as this is the preferred term used by the members of Mt Theo.

65 Australian for Native Title and Reconciliation, 'Putting the brakes on petrol sniffing (Mt Theo-Yuendumu Substance Misuse Aboriginal Corporation, Northern Territory)', *Success Stories in Indigenous Health: A showcase of successful Aboriginal and Torres Strait Islander health projects* (2007). At http://www.antar.org.au/node/196 (viewed 17 September 2009).

66 A Stojanovski, *Mt Theo Story – Tribal Elders Working with Petrol Sniffers* (1999). At http://www.mttheo.org/pdf/mt_theo_story.pdf (viewed 17 September 2009).

67 P Brown, Mt Theo Outstation Co-Founder, Meeting at Mt Theo, 23 April 2009

The closest main road to Mt Theo is 50kms away. So the family built a feeder road to Mt Theo themselves. At first they lived in wooden humpies and had only a small hand pump on the site. Gradually they erected small corrugated metal sheds at the site for the children and undertook all aspects of care for the children while they were placed out there. As the program grew, there was a need for more infrastructure on the site to accommodate the youth and their visiting family members. The council built a building on the site for the program in the 1990s. More recently new dormitories for both boys and girls, with a kitchen and toilets were built. There is also a solar phone, electricity and water on site. The program receives government funding for salaries for 8 people.

At the height of the program, a teacher from Yuendumu attended one day a week to teach reading and writing to the residents. This has since ceased as there is not a regular and sustained student population at Mt Theo now.

For many years the Mt Theo community had been lobbying for low aromatic and non-intoxicating fuel – Opal fuel to stop petrol sniffing. With the introduction of Opal fuel in 2007 the number of petrol sniffers in Yuendumu reduced to zero. Mt Theo Outstation now operates as a place of rehabilitation for young people with any 'at risk' behaviours such as substance abuse, violence or mental health problems. Young people are referred to Mt Theo Outstation by community Elders, police and the Corrections Department.[68] Mt Theo has also extended its services to Warlpiri young people beyond Yuendumu. As of 2008, Mt Theo Outstation has taken over 500 young Warlpiri clients from over 14 different communities, including Alice Springs.

The program could be further enhanced in future by the provision of a teacher on-site; internet access for residents; financial support for transport; and the ongoing development and maintenance of infrastructure.

Other related programs

A Youth Prevention Program was started in Yuendumu to offer young people some active and healthy alternatives to petrol sniffing and to support young 'graduates' returning from Mt Theo. Indigenous youth workers run activities for the young people of Yuendumu and Willowra (aged 4–17 years), including swimming, Aus-kick, singing and dancing. The goal is to engage young people in fun and healthy activities, reduce boredom and provide positive alternatives to petrol sniffing.

Extending on this prevention work, the Jaru Pirrjirdi 'Strong Voices' – Youth Development Project works with young adults (aged 17–30 years) in the community to address the underlying causes of petrol sniffing and help develop a strong, skilled and dedicated group of young leaders for Yuendumu.

Factors for success

The 2006 Commonwealth Senate report into petrol sniffing highlighted the success of the Mt Theo Program and recommended that funding be made available to interested communities to develop programs based on the same principles of intervention and support. The program is now used as a model for other remote communities in the Northern Territory, where there is an estimated 600 addicted petrol sniffers and 120 people left brain damaged from the practice.[69]

68 A Stojanovski, *Mt Theo Story – Tribal Elders Working with Petrol Sniffers* (1999). At http://www.mttheo.org/pdf/mt_theo_story.pdf (viewed 17 September 2009).

69 A Stojanovski, *Mt Theo Story – Tribal Elders Working with Petrol Sniffers* (1999). At http://www.mttheo.org/pdf/mt_theo_story.pdf (viewed 17 September 2009).

The manager of the Mt Theo program, Susie Low, has noted that the success of the program comes from 'local Aboriginal people taking control and supporting one another. This has allowed the community to use Warlpiri values and culturally appropriate ways of working. It is the families' combined strength and determination that has allowed this program to prosper'.[70]

Developing the program on country, and living and working in the homeland community is another central success factor.

> Homelands still belong to the people, we want to build homes on our land and live there. When we come to the homeland we come back to the peace and quiet. We don't want to be crowded in Yuendumu. It is a much better environment on the homelands, better things for the children.[71]

Families like the Miller family still have a strong connection with their country. Their sense of connection with the land giving not only the Miller family, but also the young people who come to the Mt Theo outstation, the strength.

> Our land makes us strong; language and ceremony is what makes the community strong. Culture, learning for the next generation keeps the land really strong.[72]

The Mt Theo Outstation case study demonstrates that even though a family or community may not permanently reside at the homeland, there is still social, cultural and economic value in having access to the homeland. The benefit is in removing oneself from the problems in the centralized township, working in context of one's own country, and creating a space and means of transmitting cultural lifestyles and knowledge. The Miller family would not have been able to achieve the same results living on other peoples' country in town. The case study also demonstrates how the right to health, as recognised in article 24 of the *Declaration* can be implemented in a manner that is grounded in cultural traditions and that uses culturally-informed strategies.

However, the case study highlights the significant government costs that are required to provide adequate infrastructure such as housing, electricity, water, sanitation and roads. The expense can be a barrier, but the economic benefit can be significant. To date, no cost benefit analysis has been done to measure the health and welfare savings to government when one petrol sniffer is rehabilitated. Governments must weigh these costs and these benefits in relation to homelands.

(b) Homelands – realisation of the right to economic development

Some commentators have labelled homelands as economically unviable because of their remoteness from mainstream markets and employment and education opportunities. Most notably in 2005, the then Indigenous Affairs Minister, Amanda Vanstone, argued that small communities had a limited future because of their limited resources and referred to them as 'cultural museums'.[73]

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70 Australian for Native Title and Reconciliation, 'Putting the brakes on petrol sniffing (Mt Theo-Yuendumu Substance Misuse Aboriginal Corporation, Northern Territory)', *Success Stories in Indigenous Health: A showcase of successful Aboriginal and Torres Strait Islander health projects* (2007). At http://www.antar.org.au/node/196 (viewed 17 September 2009).

71 P Brown, Mt Theo Outstation Co-Founder, Meeting at Mt Theo, 23 April 2009

72 P Brown, Mt Theo Outstation Co-Founder, Meeting at Mt Theo, 23 April 2009

73 A Vanstone, (Former Minister for Immigration, Multicultural and Indigenous Affairs*), Indigenous communities becoming 'cultural museums'*, ABC Radio, AM Program interview, 9 December 2005. At http://www.abc.net.au/am/content/2005/s1527233.htm (viewed 17 December 2009)

While there is no argument that small communities are further away from markets and other resources found in larger towns, some small communities have been developing economically viable projects.

For example, some homeland communities are participating in land management and conservation projects on their traditional country. This has included fire abatement projects that serve to mitigate the effects of climate change.[74]

The Central Land Council has compiled evidence of activity in land and sea management, fisheries protection, resource development, seed collection, the management of feral animals and the management of introduced plant species in some of the remotest regions of Australia. [75] All of these activities are employment options for individuals and actions to protect the biodiversity of Australia's flora and fauna.

Resource management projects on homelands generate opportunities for conservation and economic development.[76] One example of this activity is the *Working on Country* program which funds Aboriginal people to maintain, restore and protect their lands and seas. The *Working on Country* program builds on the value of traditional knowledge in land management. It is an innovative strategy for economic development that complies with cultural practices and the right to self-determination.

Participating in the art industry has been another source of economic development for many homeland communities, as well as being a means of practicing and revitalising Indigenous cultural traditions and customs in accordance with articles 11 and 12 of the *Declaration*. These ventures have been possible because the artists are living on country, maintaining their cultural traditions, and creating art arising from cultural knowledge. Such programs are able to combine the benefits of community and culture with commercial benefits.

> The arts are all coming from the homelands. The homelands are really important to us – it is where we belong. I know the land, the rocks, to me it is home. I can do my own patterns and designs from my country and I can earn money from this. Our art is our resource. We produce our art ourselves to maintain our culture, law, ceremonies and songs. If you got to the homelands you can see the sacred sites that inspire the art. Art and making ceremonies for sacred sites was our way of telling others that this was our country.[77]

The cultural and commercial success of the Indigenous visual arts industry has relied upon the land rights and homelands movements. These movements have enabled Indigenous communities to retain their links with their lands and cultures, which in turn have given form to the diverse range of Indigenous art forms.[78]

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74 See the case study of the Western Arnhem Land Fire Abatement Project in Aboriginal and Torres Strait Islander Social Justice Commissioner, *Native Title Report 2007* (2007). At http://humanrights.gov.au/social_justice/nt_report/ntreport07/chapter12.html (viewed 17 September 2009).

75 For a list of the research papers on the benefits of land management activities undertaken on homelands see: Central Land Council, *Briefing Paper: Keeping Homelands Alive: Evidence that supports the continued resourcing of dispersed settlements* (2009). At http://www.clc.org.au/Media/issues/Outstations_briefing_paper.pdf (viewed 17 September 2009).

76 J Altman and P Whitehead *Caring for country and sustainable indigenous development: opportunities, constraints, and innovation*, CAEPR Working paper No. 20/2003 (2003), p 4. At http://www.anu.edu.au/caepr/Publications/WP/CAEPRWP20.pdf (viewed 17 September 2009).

77 D Marawili (Chair, Association of Northern, Kimberley and Arnhem Aboriginal Artists (ANKAAA)), *Community, cultural and commercial benefits in Indigenous creative industries – who benefits?* (Speech delivered at Key Forum for Garma 2009, Gulkula, 8 August 2009).

78 J Altman, *Managing creative industries in a changing environment – has the Intervention impacted on Indigenous creativity in the Northern Territory?* (Speech delivered at Key Forum for Garma 2009, Gulkula, 8 August 2009).

Homeland communities such as Mapuru have followed another path for economic development. They have been building cultural tourism projects. Such projects would not be possible if the community was residing in a centralised community.

Roslyn Malngumba, Linda Marathuwarr, and Caroline Gulumindiwuy at Mapuru (Photo: Fabienne Balsamo 2009)

Case Study 4.3: Mapuru[79]

History of Mapuru

In the 1950s and 60s, the families hunted crocodiles and traded the skins with the mission at Elcho Island. Once the crocodiles became protected, the families continued to live on their ancestral lands supporting themselves through logging. The timber was used at the mission on Elcho and exported to Darwin, a trade which ended by the early 1970s. Mapuru was established in the late 1960s by two families. The site was selected because of its proximity to fresh water. They started with a bark hut, and built the first airstrip themselves, clearing the area by hand over 5 months.

79 This information was sourced from the 'Arnhem Weavers' website (http://www.arnhemweavers.com.au/tours-2005.htm) and from discussions with members of the Mapuru homeland community members (Roslyn Malngumba, Jackie Ŋuluwidi, and Yingala Guyula) and John Greatorex of Charles Darwin University in 2009.

Current status of Mapuru

- The regular population is approximately 70 people including approximately 40 children. Greater numbers of family members commonly return to Mapuru at funeral times.
- 24 of the community members are on CDEP.
- Mapuru has three resident assistant teachers and two visiting teachers who attend for up to 4 days a week. A mix of Yirritja and Dhuwa languages are used to teach English in the school. The students learn painting and weaving in addition to the standard curriculum.
- The school is considered an outreach centre of Shepherdson College, a government school on Elcho Island, and does not receive independent funds from the Northern Territory or Commonwealth Governments. The resident teachers receive few professional development opportunities and no access to computer facilities through the government. In 2002, Northern Territory and federal government funding was provided to have new accommodation built for visiting teachers.
- The Mapuru community established a food cooperative in 2002, which has won the National Heart Foundation award for a Small Community Initiative. However, the cooperative was not approved for the Basics Card scheme under the Northern Territory Intervention. So community members whose welfare or pension benefits are subject to income management cannot expend their income at the store. Instead they have to travel by charter planes or boat to Elcho Island to purchase groceries with their income managed funds.
- Health workers visit Mapuru every fortnight to provide information, undertake health checks and provide medication.

> To develop our homeland we have developed our school, our community store, our own economic development projects – these have all been our own initiatives. We are thinking about and creating every aspect of our community to allow our people to continue. If we had sports here and a really big shop then we could get everything here.[80]

Cultural Tourism Project – Arnhem Weavers

The Mapuru homeland community runs a tourism project, where they have cultural tours and workshops for small groups of tourists who can come and live in Mapuru for 1–2 weeks, and learn about weaving and other traditional activities such as:

- Pandanus weaving, including pandanus collection, preparation, dyeing, and weaving
- Mewana (reed) weaving (for the more experienced)
- String making (using Banyan and Brachychiton barks)
- Bush medicines
- Harvesting of yams, fruits, shellfish, fish (seasonal)
- Preparation and production of cycad bread
- House and shelter construction and
- Trekking, following pre-contact paths across country

80 Roslyn Malngumba, Meeting at Mapuru, 27 April 2009

Linda Marathuwarr, one of the workshop leaders, says the thinking behind the tours was that 'white people should learn something about us, the way we learn about them'. The programs offer unique opportunities for Yolŋu and non-Yolŋu to sit together, talk, laugh and learn more about each other.

The first year, in 2003, there was only one tour. This has since grown and in 2009 there were 6 tours organised for February, June, July, September and October. New programs are being added over time, expanding to include programs for men and families. The workshops generate a minimum of approximately $5,000 per workshop.

For 7 years the project has grown without any government funding or external assistance. This is a source of pride for the community members, but also essential to the sustainability of the project. As one community member noted, 'If we accept any assistance we might be giving away too much of our independence'.

The women's woven products (baskets and mats) are also sold through the tours and the internet, and occasionally through community arts centres on Elcho Island and Yirrkala. The tours and the weaving products are advertised in mainstream markets primarily through the website (http://www.arnhemweavers.com.au/).

The program is considered an important means of generating employment and financial independence for Mapuru community members, with the aim of creating a welfare-free future for their children and grandchildren.[81]

Factors for success

The project is a good example of Indigenous tourism that can be done on country, by Indigenous communities themselves.

> Through the tourism project we are creating a future for the children. We need something to work for. We need to create work here that is economically viable. It doesn't need to be a lot of money, but it needs to be enough to sustain the community; to enable the children to live here in the future, otherwise they have no future. These kinds of projects can't be done in Elcho Island or Darwin, they have to be done on country.[82]

The importance of undertaking projects such as Arnhem Weavers is steeped in the continuing relationship with the land and living on country:

> We remember the song lines. There is spirit in the wind, in the lands, and the spirit is related to us. It is a family. We can't share and show the spirit on someone else's country. You have to tell your story from own place. You get power from the land to tell your story, in the class room it has no power.[83]

Importantly, the project has also generated self-esteem among community members. 'It warms me, reinforces my humanity to have people come and understand and reaffirm our lives and culture'.[84]

81 'Stepping Stones for Tourism' is a government initiative aimed to assist Indigenous people to develop and manage tourism projects such as Arnhem Weavers (http://www.steppingstonesfortourism.net/what.php).

82 Roslyn Malngumba, Meeting at Mapuru, 27 April 2009

83 Yingiya Guyula, Meeting at Mapuru, 27 April 2009

84 Roslyn Malngumba, Meeting at Mapuru, 27 April 2009

(c) Homelands – realisation of Indigenous cultural rights

The return to homelands has been an important means of 'fulfilling cultural obligations including caring for country, intergenerational transmission of traditional law and culture, and greater autonomy'.[85]

The homelands movement has been a critical strategy of cultural survival for many Aboriginal communities. The survival of culture is not limited to preserving a static, historical culture, but refers to continuing culture, as it continues to grow and evolve. Living and being on country can continue to inform individual and community cultural identities.

> For Aboriginal people, land is not only our mother – the source of our identity and our spirituality – it is also the context for our human order and inquiry.
>
> Our identity as human beings remains tied to our land, to our cultural practices, our systems of authority and social control, our intellectual traditions, our concepts of spirituality, and to our systems of resource ownership and exchange. Destroy this relationship and you damage – sometimes irrevocably – individual human beings and their health.[86]
>
> Our culture is not built around large centralised communities – to practice our culture, we need to be on our land, where we have the right authority to be able to paint it. Our art is linked to the place. Our culture can't be taught in the suburbs.[87]

By promoting cultural identity and regeneration, the homelands movement is an active implementation of the rights to culture recognised in the *UN Declaration on the Rights of Indigenous Peoples*:

> Article 11
>
> 1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature. 2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.
>
> Article 12
>
> 1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

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85 C Ganesharajah, *Indigenous health and wellbeing: The importance of* country, Native Title Research Report No 1/2009 (2009), p 17. At http://ntru.aiatsis.gov.au/publications/reports%20and%20other%20pdfs/Indigenous%20Health%20and%20Wellbeing%20The%20Importance%20of%20Country.pdf (viewed 17 September 2009).

86 C Ganesharajah, *Indigenous health and wellbeing: The importance of* country, Native Title Research Report No 1/2009 (2009), p 1. At http://ntru.aiatsis.gov.au/publications/reports%20and%20other%20pdfs/Indigenous%20Health%20and%20Wellbeing%20The%20Importance%20of%20Country.pdf (viewed 17 September 2009). See similar documentation on WA homeland movements in: Tjuwanpa Outstation Resource Centre Aboriginal Corporation and A Kennedy, Southern Cross University, Desert Knowledge, *Submission to The Northern Territory Government Outstations Policy* (2008). At http://www.desertknowledgecrc.com.au/news/downloads/DKCRC_Tjuwanpa-outstations-submission.pdf (viewed 17 September 2009).

87 B Mununggurr (Chair Laynhapuy Homeland Association), *Managing creative industries in a changing environment – has the Intervention impacted on Indigenous creativity in the Northern Territory?* (Speech delivered at Key Forum for Garma 2009, Gulkula, 8 August 2009).

The cultural regeneration that continues to emerge through the homelands movement, provides a strong asset base for future economic development that manifest as environmental management programs, cultural tourism, and the arts industry.

(d) Homelands: government policy killing them softly?

While the homelands movement has been an initiative of Aboriginal communities, government policies and programs have to a greater or lesser extent enabled or supported the homelands movement. Several such policies and programs have contributed to the emergence of the homelands movement.

Since 2007, some federal and Northern Territory Government policies and programs have been introduced that could have a significant negative impact on the continuation and growth of homeland communities. These include:

- The transfer of responsibility from the federal government to the Northern Territory Government for the delivery of municipal and essential services to homelands, starting 1 July 2008, under the *MOU on Indigenous Housing, Accommodation and Related Services.*
- The introduction of the Northern Territory Emergency Response to address sexual abuse and family violence in Indigenous communities in the Northern Territory.
- The replacement of Indigenous community councils with shire councils under the *Local Government Act 2008*, has displaced Aboriginal people as constituents in the decision-making process and removed the social capital that had developed through the community councils. The introduction of shire councils has reduced the level of community engagement and input from homeland communities into the shire council's decisions on the delivery of municipal and other services.
- The gradual withdrawal of CDEP from remote areas – to be phased out by 2011 – has reduced financial support for community work on homelands. CDEP wages are being converted to welfare payments. While the Commonwealth Government intends to convert some CDEP positions into full time employment, some part-time positions will be lost in transition.[88]
- The federal government's *National Partnership Agreement on Remote Service Delivery,* has prioritised services in 26 selected sites in Australia.[89] Fifteen communities in the Northern Territory have been identified as a selected sites.[90] Much of the funding commitments made through such COAG agreements is for prioritised, larger, Indigenous communities, with comparatively lower levels of resources and service provision being made available in other smaller, communities, many of which are homeland communities.

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88 Australian Human Rights Commission, *Submission to the Office of Indigenous Policy Northern Territory Department of Chief Minister – Outstations Policy Discussion Paper* (15 December 2008), par 30. At http://humanrights.gov.au/legal/submissions/sj_submissions/20081215_outstations.html#Heading64 (viewed 17 September 2009).

89 The 26 sites consist of 15 locations in the Northern Territory, four locations in the Cape York and Gulf regions of Queensland; three locations in Western Australia, two locations in the Anangu Pitjantjatjara Yankunytjatjara Lands in South Australia; and two remote locations in Western New South Wales. By December 2009, a further 3 communities had been included in the list of priority locations, amounting to a total of 29 sites.

90 COAG, *National Partnership Agreement on Remote Service Delivery* (2008). At http://www.coag.gov.au/intergov_agreements/federal_financial_relations/docs/national_partnership/national_partnership_on_remote_service_delivery_with_amended_schedule.rtf (viewed 17 September 2009).

(e) The hub and spoke model of service delivery to homelands

The Northern Territory Government's *Working Future* policy outlines a service delivery model known as the 'hub and spoke' model. Under this model, large regional towns are the service hubs and smaller outlying communities, like homelands, are the spokes. Outlying communities are serviced by personnel from the regional hubs. Visiting personnel visit the outlying communities and provide a part-time out-reach service. Health care, infrastructure maintenance and education services are all provided by visiting workers. Twenty selected communities across the Northern Territory are currently identified as hub communities.[91]

The Commission's submission to the Northern Territory Government's Discussion paper on homelands critiques the hub and spoke model approach outlining the following risks:

- The hub and spoke model, while being a useful model for service delivery in some areas such as housing maintenance and infrastructure including roads, it is not a model that fits all areas of service delivery. The hub and spoke model is not capable of providing quality services in areas such as education.
- The under-resourcing of education services to homelands is an ongoing issue that the Commission has previously commented upon.[92] Given that up to 1,000 school-aged children in the Arnhem region alone have limited or no access to school education, it is now a matter of urgency that the Northern Territory Government audit homeland populations and provides accessible and acceptable education services to the current and projected school-aged populations of these communities.
- The hub and spoke model should be abandoned for the purposes of education provision, and governments should enter into negotiations with homelands stakeholders to determine appropriate education service delivery. The education model at Garrthalala in Arnhem Land is an example of the ways in which homeland residents, volunteers, governments and Homeland Associations can work together to achieve quality education outcomes that suit local requirements.
- A fixed criteria eligibility model, such as the hub and spoke model, does not allow for contingencies and local differences. For example, setting population threshold as a criteria for service delivery, does not take into consideration the mobility of populations common to homelands. For instance, homeland residents move temporarily to regions where their children can access schools or where their kin can access health services. Or that small homelands can swell to much larger communities during times of ceremony, which can occur over periods of months.

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91 The 20 growth towns are: Maningrida, Wadeye, Borroloola, Galiwin'ku, Nguiu, Gunbalanya, Milingimbi, Ngukurr, Numbulwar, Angurugu/Umbakumba, Gapuwiyak, Yuendumu, Yirrkala, Lajamanu, Daguragu/ Kalkarindji, Ramingining, Hermannsburg, Papunya, Elliott and Ali Curung. While the *Working Future* policy refers to 20 growth towns, there are in fact 22 communities named in the policy. The communities of Dagaragu and Kalkarindji are referred to as one growth town, as are the communities of Angurugu and Umbakumba. The 20 communities include the 15 Territory growth towns identified for support under the COAG National Partnership Agreement on Remote Service Delivery as well as 5 other communities. (Northern Territory Government, Working Future: Territory Growth Towns, http://www.workingfuture.nt.gov.au/growth_towns.html (viewed 7 September 2009)).

92 Human Rights and Equal Opportunity Commission, *Emerging Themes – National Inquiry into Rural and Remote Education* (2000), pp 12–13. At: http://humanrights.gov.au/pdf/human_rights/rural_remote/emerging_themes.pdf (viewed18 December 2008).

- Where the prioritisation of service delivery to hub towns occurs at the expense of on-site service delivery in homeland communities, this can significantly undermine the development of sustainable Indigenous homelands. As a result, homeland community members may have to travel long distances and occasionally temporarily relocate into hub areas to access services. Similarly, the lack of resources for new homelands will adversely affect an increasing Aboriginal population in the Northern Territory.[93]

(f) Where to from here?

To date, homeland residents and leaders have been largely excluded from direct participation in the development of policies on homelands and outstations. In 2009, the Laynhapuy Homelands Association has called upon the Northern Territory Government and the federal government to develop homelands policy with the participation of its leaders.

> It is now time to work together, hand in hand, in equal partnership and responsibility, and for us to be part of this process, and for us to be part of the solution.[94]

In October 2009, the Academy of the Social Sciences in Australia and the Centre for Aboriginal Economic Policy Research held a forum bringing together experts from peak Aboriginal organisations, homeland resource agencies, academics and researchers. The purpose of the forum was to examine the current government policies for homelands. The forum issued a communiqué to the Prime Minister calling for the government to:

- recognise the cultural, environmental and strategic importance of homelands/ outstations, and particularly for their significance for Aboriginal livelihoods, health, education and well being and for the provision of environmental services;
- assess the compatibility of the current policy on homelands/ outstations with the *UN Declaration on the Rights of Indigenous Peoples* and refer the issue of homelands/ outstations to a Parliamentary inquiry.[95]

4.6 Conclusion

The *UN Declaration on the Rights of Indigenous Peoples* recognises the rights of Indigenous peoples to self-determination, to participation in their own development and to the promotion and revitalisation of their cultural traditions and customs.

Having formally supported the *Declaration,* the Australian Government now needs to shift its attention to the implementation of the provisions of the *Declaration*. Key to its implementation in Australia, will be government support for Indigenous peoples to realise their own development through initiatives that develop their right to self-determination. To this end the government can play a positive role by reviewing its policies, programs and mechanisms for service delivery, in line with the rights recognised under the *UN Declaration on the Rights of Indigenous Peoples*.

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93 Australian Human Rights Commission, *Submission to the Office of Indigenous Policy Northern Territory Department of Chief Minister – Outstations Policy Discussion Paper* (15 December 2008), pars 19, 25–28. At http://humanrights.gov.au/legal/submissions/sj_submissions/20081215_outstations.html#Heading64 (viewed 17 September 2009).

94 B Mununggurr, Chairman of Laynhapuy Homelands Association.

95 Academy of the Social Sciences in Australia and Centre for Aboriginal Economic Policy Research, *Communique to the Prime Minister on Homelands/ Outstations* (Paper to the Forum on Homelands/ Outstations, Canberra, 27–28 October 2009). At http://online.anu.edu.au/caepr/Announces/anc09_12_01_ 760.php#attachments (viewed 1 December 2009).

> Indigenous peoples have the right to define and decide on their own development priorities. This means they have the right to participate in the formulation, implementation and evaluation of plans and programmes for national and regional development that may affect them. This principle is re-affirmed as one of the objectives of the Second International Decade on the World's Indigenous People. The principle requires that UN programmes and projects also take measures to involve indigenous peoples in all stages of the development process.[96]

A central tenet of Indigenous peoples' rights is our right to effective participation in policies that affect us. The 'human person is the central subject of development and should be the active participant and beneficiary of the right'.[97]

It is essential that governments allow homeland leaders and residents to participate in the development of policies that will affect their future and way of life.

Text Box 4.3: Statement from Dr Gawirrin Gumana AO, Thursday, 21 May 2009

My name is Dr Gawirrin Gumana AO of Gangan, and I am one of the old people who fought for our Land Rights. Government, I would like to pass this on to you, my words now.

If you are looking for people to move out, if you want to move us around like cattle, like others who have already gone to the cities and towns, I tell you, I don't want to play these games.

Government, if you don't help our Homelands, and try to starve me from my land, I tell you, you can kill me first. You will have to shoot me.

Listen to me.

I don't want to move again like my father moved from Gangan to other places like Yirrkala or Groote. I don't want my children to move. I don't want my family to move.

I will not lose my culture and my tribe to your games like a bird moving from place to place, looking for it's camp or to sleep in other places, on other people's land that is not our land.

I do not want my people will move from here and die in other places. I don't want this. We don't want this.

96 United Nations Development Group, *Guidelines on Indigenous Peoples' Issues* (2008) p 14. At http://www2.ohchr.org/english/issues/indigenous/docs/guidelines.pdf (viewed 17 September 2009).

97 Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2007* (2007), p 241. At http://humanrights.gov.au/social_justice/sj_report/sjreport07/chap3.html#fnB66 (viewed 16 November 2009).

> I am an Aboriginal from mud, red mud.
>
> I am black, I am red, I am yellow, and I will not take my people from here to be in these other places.
>
> We want to stay on our own land. We have our culture, we have our law, we have our land rights, we have our painting and carving, we have our stories from our old people, not only my people, but everyone, all Dhuwa and Yirritja, we are not making this up.
>
> I want you to listen to me Government.
>
> I know you have got the money to help our Homelands. But you also know there is money to be made from Aboriginal land.
>
> You should trust me, and you should help us to live here, on our land, for my people.
>
> I am talking for all Yolŋu now.
>
> So if you can't trust me Government, if you can't help me Government, come and shoot me, because I will die here before I let this happen.[98]

4.7 Recommendation

In order to implement the *UN Declaration on the Rights of Indigenous Peoples*, particularly Articles 3, 11, 12, 20 and 21, that the Australian and Northern Territory Governments commit to:

- Review the *Working Future* policy with the active participation of representative leaders from homeland communities
- Develop and implement future homeland policies with the active participation of leaders from homeland communities and
- Provide funding and support for homeland communities in all states and territories through the COAG National Indigenous Reform Agreement and associated National Partnership Agreements.

98 Born in the 1930's, Gawirrin Gumana is a leader of the Dhalwangu clan. He is one of the most senior Yolŋu alive today and is renowned for his artwork and knowledge of traditional culture and law. Gawirrin was a contributor to the Yirrkala church panels that are a statement by clan groups regarding their equal authority with the church and in 1992 he was ordained as a Minister of the Uniting Church. He was a major litigant in the 2005 Federal Court Blue Mud Bay decision that granted inter-tidal rights to traditional owners. Following the *Aboriginal Land Rights (Northern Territory) Act 1976*, Gawirrin led his clan back to its traditional country at Gangan, about 150 kilometres southwest of Nhulunbuy. Gangan, with a population of around 80 people, has been acknowledged as one of the notable success stories of the homelands movement.

Appendix 1:
Chronology of events relating to the administration of Indigenous affairs, 1 July 2008 – 30 June 2009

Date	Event/ summary of issue
1 July 2008 *Cape York Welfare Reform Trial commenced*	The Cape York Welfare Reform Trial and its Family Responsibilities Commission (FRC) commenced operations. In December 2007, the Australian Government announced that it would work closely with the Queensland Government and the Cape York Institute on the rollout of a comprehensive plan to tackle school attendance, drug and alcohol abuse, health, child safety and housing in four Cape York Indigenous communities – Aurukun, Hope Vale, Coen and Mossman Gorge. Under the trial, the Family Responsibilities Commission will have the power to refer people who are not meeting parental and community responsibilities to support services including drug and alcohol, mental health and relationship counselling, as well as recommend income management. This could include circumstances where: ▪ a child has three unexplained absences from school; ▪ a person is subject to a child safety notification or report; or ▪ is convicted of an offence; or ▪ breaches a public housing tenancy agreement. The Australian and Queensland Governments have committed more than $100 million to support the Welfare Reform Trial.[1] This initiative was introduced under the Northern Territory Emergency Response legislation which suspended the application of the *Racial Discrimination Act* and Queensland's *Anti-Discrimination Act* to the Family Responsibilities Commission and the identified communities in which it operates.

1 Minister for Families, Housing, Community Services and Indigenous Affairs, 'Cape York Welfare Reform Trial to begin' (Media Release, 1 July 2008). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/cape_york_welfare_1jul08.htm (viewed 28 July 2008).

Date	Event/ summary of issue
1 July 2008 *New three year contracts for Aboriginal Legal Services*	Aboriginal Legal Services successfully re-signed new three year contracts. The three year contracts provide funding in 2008/09 for: ▪ Aboriginal Legal Services of Western Australia – $9,509,000 ▪ Aboriginal and Torres Strait Islander Legal Service (Queensland) – $12,046,000 ▪ Victorian Aboriginal Legal Service Co-operative – $2,921,000 ▪ Aboriginal Legal Rights Movement (South Australia) – $3,598,000 ▪ Aboriginal Legal Service (NSW/ ACT) – $13,392,000 ▪ NT Central Australian Aboriginal Legal Aid Service (CAALAS) $1,914,000 ▪ North Australian Aboriginal Justice Agency (NAAJA) – $4,934,000 ▪ Tasmanian Aboriginal Centre – $1,525,000.[2]
2 July 2008 *Appointment of the Australian Disability and Race Discrimination Commissioners*	The Australian Attorney-General announced two appointments to the Human Rights and Equal Opportunity Commission. Mr Graeme Innes AM was appointed Disability Discrimination Commissioner and Mr Tom Calma was appointed as Race Discrimination Commissioner. Mr Innes is the current Human Rights Commissioner and has acted as Disability Discrimination Commissioner since December 2005. Mr Calma is the current Aboriginal and Torres Strait Islander Social Justice Commissioner and has acted as the Race Discrimination Commissioner since July 2004.[3]
4 July 2008 *Community telephone services for remote Indigenous communities*	The Minister for Broadband, Communications and Digital Economy invited applications to supply, install and maintain community telephone services in remote Indigenous communities. The Australian Bureau of Statistics has identified about 300 communities that could benefit from improved access to telecommunications services. The community phones will operate using prepaid cards, and will be protected from the environment. Applications will be assessed to choose a suitable provider capable of supplying community phones to remote Indigenous communities.[4]
6 July 2008 *NAIDOC Week 2008 commenced*	The Minister for Indigenous Affairs welcomed National Aborigines and Islanders Day Observance Committee (NAIDOC) Week (6–13 July) with an announcement of $1.5 million for NAIDOC activities across Australia. The Australian Government is also the major sponsor of the annual NAIDOC Ball.[5] The national theme for NAIDOC 2008 is 'Advance Australia Fair?'.[6]

2 Minister for Home Affairs, 'New Contracts For Indigenous Legal Services' (Media Release, 1 July 2008). At http://www.ministerhomeaffairs.gov.au/www/ministers/ministerdebus.nsf/PageMediaReleases_2008_ThirdQuarter_1July2008-NewcontractsforIndigenouslegalservices (viewed 28 July 2008).

3 Attorney-General, 'Appointment of Disability and Race Discrimination Commissioners' (Media Release, 2 July 2008). At http://www.attorneygeneral.gov.au/www/ministers/RobertMc.nsf/Page/MediaReleases_2008_ThirdQuarter_2July2008-AppointmentOfDisabilityandRaceDiscriminationCommissioners (viewed 28 July 2008).

4 Minister for Broadband, Communication and the Digital Economy, 'Remote Indigenous communities to receive community telephones' (Media Release, 4 July 2008). At http://www.minister.dbcde.gov.au/media/media_releases/2008/055 (viewed 28 July 2008).

5 Minister for Families, Housing, Community Services and Indigenous Affairs, 'NAIDOC Week' (Media Release, 6 July 2008). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/naidoc_week_6jul08.htm (viewed 28 July 2008).

6 NAIDOC, Welcome to NAIDOC, http://www.naidoc.org.au/ (viewed 13 August 2008).

Date	Event/ summary of issue
7 July 2008 *$3 million boost to Indigenous heritage protection*	The Australian Heritage Minister announced more than $3 million in support from the Commonwealth Government's Indigenous Heritage Program for 49 Indigenous projects across Australia. The program is aimed at helping community groups and individuals identify, conserve and promote the heritage values of places important to Aboriginal and Torres Strait Islander people. The Indigenous Heritage Program is delivered in cooperation with the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) and Indigenous Coordination Centres (ICCs) as part of the whole-of-government delivery of services to Indigenous Australians.[7]
9 July 2008 *Australian Defence Force Indigenous Recruitment Strategy launched*	The Australian Defence Force (ADF) Indigenous Recruitment Strategy and a new Defence Directorate of Indigenous Affairs were launched by the Minister for Defence Science and Personnel. The Defence Force seeks to bring the best possible policies and programs to bear on changing perceptions, creating specialised pathways, and providing ongoing support to Indigenous ADF members. The Directorate of Indigenous Affairs will manage and coordinate Indigenous employment policies and programs in the ADF and the Department of Defence. The Directorate will draw on the Aboriginal and Torres Strait Islander staff network and Indigenous Liaison Officers to help develop other initiatives under the Recruitment Strategy.[8]
9 July 2008 *Specialised playgroups for 2400 Indigenous children*	The Australian Government announced 20 specialised playgroups to be established in 20 regional and remote Indigenous communities across Australia delivering a range of activities to around 2,400 children, as part of a $5 million package. This includes $2 million for four mobile playgroups to support isolated and disadvantaged families. They will be run out of Halls Creek in Western Australia, Kowanyama in Queensland, Newcastle in New South Wales and Murray Bridge in South Australia. 16 supported playgroups are also being established in specific locations in each state and territory to help provide information and support to Indigenous families. These new playgroups will be located in places where early childhood workers can encourage families to integrate with other community services such as child care, pre-schools and community health centres.[9]

7 Minister for Environment, Heritage and the Arts, '$3 million boost to Indigenous heritage protection' (Media release, 7 July 2008). At http://www.petergarrett.com.au/578.aspx (viewed 30 July 2008).

8 Minister for Defence, Science and Personnel, 'ADF Indigenous Recruitment Strategy and Defence Directorate of Indigenous Affairs are Operational' (Media Release, 9 July 2008). At http://www.minister.defence.gov.au/snowdontpl.cfm?CurrentId=7947 (viewed 12 August 2008).

9 Minister for Families, Housing, Community Services and Indigenous Affairs, 'Specialised playgroups for 2400 Indigenous children' (Media Release, 9 July 2008). At http://www.fahcsia.gov.au/internet/jennymacklin.nsf/content/Indigenous_playgroups_9jul2008.htm (viewed 12 August 2008).

Date	Event/ summary of issue
10 July 2008 *Launch of the National Indigenous Health Equality Council*	The Prime Minister, Minister for Health and Ageing, and Minister for Indigenous Affairs announced the establishment of the National Indigenous Health Equality Council in March 2008. Professor Ian Anderson was appointed the Chair of the National Indigenous Health Equality Council.[10]
10 July 2008 *Indigenous Business Australia holds inaugural NAIDOC breakfast*	Indigenous Business Australia (IBA) held its first major event during NAIDOC Week celebrations with a breakfast function at the National Press Club, Canberra. 2007 National NAIDOC Artist of the Year Leah Purcell was the Master of Ceremonies for the breakfast event. The event follows on from the continuing progress IBA has made in the area of Indigenous economic development with the recent formation of an Indigenous business association in WA.[11]
10 July 2008 *$5.3 million upgrade for Tangentyere housing*	The Australian Government agreed to provide a grant of $5.3 million to Tangentyere Council for upgrades to existing housing in the Alice Springs town camps. The funding will be targeted at approximately 170 houses and will allow Tangentyere Council to complete its upgrade program for town camp houses. The decision follows the agreement by Tangentyere Council to provide the Australian Government with a long-term lease over town camps in Alice Springs. The work plan was signed at a meeting with the Tangentyere Council, the Housing Associations and the Australian and Northern Territory Governments. As part of the lease agreement, there will also be a financial package of $50 million for major capital works. This money will be used to upgrade essential service infrastructure – primarily power, water, sewerage, drains and roads – and improve housing in the town camps. It will include construction of additional new houses to reduce overcrowding. These major capital works will be undertaken as part of the Strategic Indigenous Housing and Infrastructure Program. As part of both the housing upgrade and the major capital works project, Indigenous people will be given significant employment and training opportunities. Tangentyere Council has already delivered $2.5 million in housing upgrades, with improvements to 36 houses.[12]

10 Minister for Health and Ageing, 'Launch of the National Indigenous Health Equality Council' (Media Release, 10 July 2008). At http://www.health.gov.au/internet/ministers/publishing.nsf/Content/mr-yr08-nr-nr104.htm (viewed 12 August 2008).

11 Indigenous Business Australia, 'IBA's Inaugural NAIDOC Breakfast Event' (Media Release, 10 July 2008). At http://www.iba.gov.au/mediareleases/2008mediareleases/ (viewed 12 August 2008).

12 Minister for Families, Housing, Community Services and Indigenous Affairs, '$5.3 million upgrade for Tangentyere housing' (Media Release, 10 July 2008). At http://www.fahcsia.gov.au/internet/jennymacklin.nsf/content/upgrade_tangetyere_10jul08.htm (viewed 12 August 2008).

Date	Event/ summary of issue
11 July 2008 *The State of Our Public Hospitals: June 2008 Report released*	*The State of Our Public Hospitals: June 2008 Report* provides a snapshot of public hospital activity in 2006–07. It includes a focus on Indigenous Australians in hospitals. The aim of the report is to inform the Australian public about the performance of hospitals by providing information on the hospitals, their patients and the range of services provided.[13]
11 July 2008 *Income management extended in four NT communities*	Income management schemes introduced under the Northern Territory Emergency Response was extended for up to 12 months in four Northern Territory communities – Mutitjulu, Finke/ Apatula, Titjikala and Imanpa. These NT communities were the first four to be placed on income management on 17 September 2007. The Government indicated it would liaise with members of the communities prior to the extension commencing on 10 September 2008.[14]
12 July 2008 *Indigenous Australians honoured in 2008 National NAIDOC Awards*	The National NAIDOC Awards pay tribute to the outstanding contributions that Indigenous individuals make to their communities, chosen fields and the broader Australian society. The 2008 National NAIDOC Award winners were: ▪ Person of the Year: Associate Professor Colleen Hayward (Perth) ▪ Apprentice of the Year: Amy McQuire (Canberra via Rockhampton) ▪ Lifetime Achievement: Joseph Elu AO (Seisia), Archie Roach (VIC), Dr Chicka Dixon (Sydney) ▪ Youth of the Year: Angeline Blackburn (Canberra via Cann River), Krista Moir (Perth via Esperance) ▪ Elder of the Year (Female): Carol Pettersen (Albany) ▪ Elder of the Year (Male): Bob Muir (Rockhampton) ▪ Scholar of the Year: Dr Karen Martin (Lismore via North Stradbroke Island) ▪ Artist of the Year: Les Elvin (Cessnock) ▪ Sportsperson of the Year: Stacey Porter (Sydney via Tamworth).[15]
12 July 2008 *Issues paper on key issues for a new National Indigenous Representative Body released*	The Aboriginal and Torres Strait Islander Social Justice Commissioner, Tom Calma, released a paper 'Issues for consideration in the formation of a new National Indigenous Representative Body'. The paper looks at the lessons from past Australian experiences, at representative bodies currently in place in Australia and at overseas models of representation for indigenous peoples. The paper also raises some key issues to consider to ensure that a new National Indigenous Representative Body is effective and sustainable. The paper is available at http://humanrights.gov.au/social_justice/repbody/paper.html.

13 Minister for Health and Ageing, *The State of Our Public Hospitals: June 2008 Report,* Report No 1, Department of Health and Ageing (2008). At http://www.healthinsite.gov.au/news/The_State_of_Our_Public_Hospitals__June_2008_Report_released (viewed 12 August 2008).

14 Minister for Families, Housing, Community Services and Indigenous Affairs, 'Income management extended in four NT communities' (Media Release, 11 July 2008). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/income_management_nt_11jul08.htm (viewed 12 August 2008).

15 A Ridgeway, 'Indigenous Australians honoured in 2008 National NAIDOC Awards' (Media Release, 12 July 2008). At http://www.naidoc.org.au/media_releases/mr2008/20080713.aspx (viewed 12 August 2008).

Date	Event/ summary of issue
13 July 2008 *First phase of consultations for the proposed National Indigenous Representative Body commenced*	The government commenced the initial public consultations for establishing a National Indigenous Representative Body. The government conducted public meetings in each state and territory and invited written submissions to be submitted as well.[16]
16 July 2008 *Oil and gas industry's inaugural National Indigenous Engagement Forum in Darwin*	To empower remote Indigenous communities exposed to the oil and gas industry, the Australian Petroleum Production & Exploration Association (APPEA), in association with the Australian Government, held the industry's inaugural National Indigenous Engagement Forum in Darwin. The forum brought together key stakeholders in recognition of the importance to both the industry and the Federal Government of the need to tackle Indigenous disadvantage. APPEA is working to significantly increase the number of Indigenous Australians employed in the industry through a National Skills Shortage Strategy funding agreement with the Australian Government. The project is being implemented in Western Australia, South Australia and the Northern Territory.[17]
16 July 2008 *Regional Partnership Agreement for Ngarrindjeri Regional Authority*	The Australian and South Australian Governments and the Ngarrindjeri Regional Authority signed a Regional Partnership Agreement (RPA) to protect the land's natural resources and encourage economic development. The Australian Government committed to addressing disadvantage by building a sustainable and prosperous region for the 4,500 Ngarrindjeri people who live on the lands. This initiative aims to provide economic sustainability and greater independence for the Ngarrindjeri people. Funding will be provided for a business and economic development manager, a caring for country manager and an administration assistant. The caring for country manager will coordinate environmental projects on the Ngarrindjeri lands, and develop further plans to protect the Coorong Wetlands, shores of Lake Alexandria and significant species and cultural sites in the Ngarrindjeri region.[18]

16 Department of Families, Housing, Community Services and Indigenous Affairs, National Indigenous Representative Body. At http://www.fahcsia.gov.au/about/overview/infocus/pages/nationalindigenousrepresentativebody.aspx (viewed 21 July 2009).

17 Australian Petroleum Production and Exploration Association Ltd., 'Empowering Indigenous Australians to take good jobs in upstream gas and oil industry' (Media Release, 16 July 2008). At http://www.appea.com.au/content/pdfs_docs_xls/160708_national__engagement_forum.pdf (viewed 13 August 2008).

18 Minister for Families, Housing, Community Services and Indigenous Affairs, 'Environmental and economic benefits for Ngarrindjeri' (Media Release, 16 July 2008). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/environmental_economic_benefits_ngarrindjeri_16jul08.htm (viewed 13 August 2008).

Date	Event/ summary of issue
17 July 2008 *Government recognises Native Title over territorial waters*	The Australian Government announced that it will recognise that non-exclusive native title rights can exist in territorial waters up to 12 nautical miles from Australian shoreline. The Australian Government's position is consistent with a High Court decision that found it is possible for Indigenous people to have non-exclusive native title rights in territorial waters.[19]
17 July 2008 *Native Title Ministers met in Perth*	Commonwealth, State and Territory Native Title Ministers met in Perth. The theme for the meeting was 'Making native title work better'. All Ministers agreed that a flexible and less technical approach to native title was needed throughout Australia. Ministers agreed that the backlog of native title claims and the time estimated to resolve them using current approaches are unacceptable. Ministers also agreed that legislative change is not a panacea. Other topics discussed included: ▪ resolution of claims ▪ broader settlement packages ▪ Commonwealth financial assistance ▪ Ministerial meetings.[20]
18 July 2008 *Northern Territory National Emergency Response (Arnhem Land) Declaration 2008 (No. 1)*	*The Northern Territory National Emergency Response (Arnhem Land) Declaration 2008 (No. 1)* was registered. It provides that the areas listed in Schedule 1 are not a 'prescribed area' for the purposes of the *Northern Territory National Emergency Response Act 2007*. Schedule 1 provides that nineteen areas of Arnhem Land are no longer prescribed areas.[21]
19 July 2008 *New Australian Institute for Indigenous Learning and Skills Development*	The federal Minister for Education announced funding of $6.75 million for a new education and training facility for Indigenous youth in Melbourne. The new Australian Institute for Indigenous Learning and Skills Development will play an important role in delivering on the Government's commitment to halving the education and employment gap between Indigenous and non-Indigenous Australians.[22]

19 Attorney-General, 'A More Flexible Approach to Native Title' (Media Release, 17 July 2008). At http://www.attorneygeneral.gov.au/www/ministers/RobertMc.nsf/Page/MediaReleases_2008_ThirdQuarter_17July2008-AMoreFlexibleApproachtoNativeTitle (viewed 14 August 2008).

20 Attorney-General, 'Communique – Native Title Ministers Meeting' (Media Release, 17 July 2008). At http://www.attorneygeneral.gov.au/www/ministers/RobertMc.nsf/Page/MediaReleases_2008_ThirdQuarter_18July-Communique-NativeTitleMinistersMeeting (viewed 21 July 2009).

21 Northern Territory National Emergency Response (Arnhem Land) Declaration 2008 (No. 1), 18 July 2008. At http://www.comlaw.gov.au/comlaw/Legislation/LegislativeInstrument1.nsf/0/7B37E161B90B6F08CA257489000AEDDC?OpenDocument, (viewed 14 August 2008).

22 Minister for Education, Minister for Employment and Workplace Relations, Minister for Social Inclusion, 'New institute to boost skills for Indigenous youth' (Media Release, 19 July 2008). At http://mediacentre.dewr.gov.au/mediacentre/Gillard/Releases/NewinstitutetoboostskillsforIndigenousyouth.htm (viewed 15 August 2008).

Date	Event/ summary of issue
21 July 2008 *New Child Support Agency website for Indigenous separated parents*	The Child Support Agency (CSA) launched a new website for Indigenous separated parents at www.indigenous.csa.gov.au. The site includes: a step-by-step guide to registering a child support case; links to support services; and a list of upcoming regional and community visits by CSA staff. The site is one component of the CSA's Reconciliation Action Plan.[23]
22 July 2008 *North Queensland boarding facility for disadvantaged Indigenous children*	The Minister for Families, Housing, Community Services and Indigenous Affairs announced funding of $2 million for a new primary boarding school in North Queensland. The boarding school will provide a controlled, disciplined environment where young Indigenous children can learn. The purpose-built boarding school for young disadvantaged children is expected to be completed by mid-2009 and will be part of Djarragun College, located near Gordonvale in North Queensland. The Cape York Institute for Policy and Leadership is working with the Australian Government on the proposal, which will cost $7 million over four years.[24]
22 July 2008 *New deal for upgrade of Queensland Indigenous housing*	In a new agreement with the Queensland Government, the Australian Government offered the Queensland Government $60 million to upgrade to an acceptable level houses managed by Indigenous Community Housing Organisations. In exchange, the Queensland Government will take on additional responsibility for tenancy management of the properties and introduce tenancy management practices for all Indigenous community housing in Queensland. The Australian Government will introduce reforms for housing and municipal services delivery to Indigenous communities in remote locations. It will: ▪ ensure tenancies for Indigenous housing are properly managed, and that homes are upgraded and maintained ▪ secure long-term tenure for Government of Indigenous-owned land ▪ open up pathways for home ownership ▪ stimulate local economic development and investment. The offer was made following the passage of Queensland's *Aboriginal and Torres Strait Islander Land Amendment Act 2008*. The Act allows for long-term leases of up to 99 years of Aboriginal and Torres Strait Islander land for residential and public housing, commercial development or community infrastructure.[25]

23 Child Support Agency, 'New CSA website for Indigenous separated parents' (Media Release, 21 July 2008). At http://www.csa.gov.au/media/csamediarelease.aspx?articleID=350 (viewed 21 July 2009).

24 Minister for Families, Housing, Community Services and Indigenous Affairs, 'North Queensland boarding facility for disadvantaged Indigenous children' (Media Release, 22 July 2008). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/nqld_school_indig_children_22jul08.htm (viewed 15 August 2008).

25 Minister for Families, Housing, Community Services and Indigenous Affairs and Queensland Minister for Public Works, 'New deal for upgrade of Queensland Indigenous housing' (Media Release, 22 July 2008). At http://www.fahcsia.gov.au/Internet/jennymacklin.nsf/content/upgrade_qld_housing_23jul08.htm (viewed 21 July 2009).

Date	Event/ summary of issue
22 July 2008 *Government unveiled the Income Management BasicsCard*	The Australian Government introduced a new income management card called the 'BasicsCard'. The BasicsCard is a PIN-protected card for buying essential goods and services through the existing EFTPOS network. It cannot be used to buy alcohol, tobacco, pornography or gambling products or to withdraw cash. The BasicsCard can be reloaded from a customer's payment each fortnight without the need to visit Centrelink.[26] The final rollout schedule for the BasicsCard will be determined in consultation with communities and retailers.
23 July 2008 *Three new boarding schools announced for the Northern Territory*	The Australian Government announced the short listed locations for three new boarding facilities in the Northern Territory to provide better school access for remote Indigenous students. The Government committed $28.9 million over four years, together with a $15 million capital contribution from the Indigenous Land Corporation. The new facilities will provide more than 150 beds across a range of accommodation styles. They will support improved access to quality schooling and better education outcomes for Indigenous secondary school students. The first of the facilities is expected to be completed in 2009 with the remaining two built in 2010. Final decisions on the locations will be made after community consultations are completed.[27]
28 July 2008 *National Indigenous Health Equality Targets presented to Government and Opposition*	The Close the Gap coalition presented the federal government and Opposition with a set of National Indigenous Health Equality Targets to address the 17-year life expectancy gap between Indigenous and non-Indigenous Australians. The targets are a blueprint to achieve the Prime Minister's goal of closing the gap between Indigenous and non-Indigenous life expectancy in a generation. The targets build on the positive steps already undertaken with the Government through the Indigenous Health Equality Summit, the signing of the Statement of Intent, and the recent launch of the National Indigenous Health Equality Council, which includes a number of health experts from the Close the Gap coalition.[28]

26 Minister for Human Services and Minister for Families, Housing, Community Services and Indigenous Affairs, 'Government unveils the Income Management BasicsCard' (Media Release, 22 July 2008). At http://www.mhs.gov.au/media/media-releases/0807/080722-basicscard.html (viewed 21 July 2009).

27 Prime Minister, Minister for Education and Minister for Families, Housing, Community Services and Indigenous Affairs, 'Indigenous Boarding Facilities in NT to Help Close the Gap' (Media Release, 23 July 2008). At http://www.pm.gov.au/media/Release/2008/media_release_0376.cfm (viewed 15 August 2008).

28 Aboriginal and Torres Strait Islander Social Justice Commissioner, 'Indigenous health blueprint presented to Government and Opposition' (Media Release, 22 July 2008). At http://www.humanrights.gov.au/about/media/media_releases/2008/77_08.html (viewed 21 July 2009).

Date	Event/ summary of issue
30 July 2008 *High Court handed down Blue Mud Bay case decision*	The High Court handed down its decision on the Blue Mud Bay case. The court ruled Traditional Owners have a right to control access by recreational and commercial fishers in the inter-tidal zone over Aboriginal land in the Northern Territory. The Northern Territory Government plans to reach agreement with the relevant parties to provide for recreational fishing, Indigenous economic development opportunities, appropriate arrangements for commercial fishing and any necessary resource management and regulatory changes. The Northern Land Council committed to allowing a 12-month period under current arrangements to continue, while negotiations amongst all stakeholders take place.[29]
30 July 2008 *Native Title Payments Working Group inaugural meeting in Canberra*	The Australian Government hosted the first meeting of the Native Title Payments Working Group at Parliament House in Canberra. The Working Group, which is made up from the Indigenous community, mining sector, academia and the legal profession, was established to advise Government on how to make better use of native title payments under mining and infrastructure agreements. The Working Group will meet in July and August 2008. Its advice will feed into the development of a Government discussion paper on this issue, expected to be circulated in September 2008.[30]
31 July 2008 *Supported Accommodation Assistance Program (SAAP) National Data Collection 2006–07 Annual Report released*	The latest annual report into the Australian Government's Supported Accommodation Assistance Program (SAAP) found that SAAP agencies are providing more assistance to people who are homeless or at risk of homelessness. Indigenous people are significantly overrepresented in SAAP, making up 18 per cent of people seeking assistance through SAAP. SAAP services saw a marked increase in the reported number of accompanying children in SAAP services – up 26 per cent since 2005–06, with accompanying Indigenous children using SAAP services at five times the rate of non-Indigenous children.[31]

29 Minister for Families, Housing, Community Services and Indigenous Affairs, 'Blue Mud Bay Case' (Media Release, 30 July 2008). At http://www.fahcsia.gov.au/internet/jennymacklin.nsf/content/blue_mud_bay_30jul08.htm (viewed 21 July 2009).

30 Minister for Families, Housing, Community Services and Indigenous Affairs, 'Native Title Payments Working Group meets in Canberra' (Media Release, 30 July 2008). At http://www.fahcsia.gov.au/internet/jennymacklin.nsf/content/native_title_payments_31jul08.htm (viewed 21 July 2009).

31 Minister for Housing and Minister for Families, Housing, Community Services and Indigenous Affairs, 'New report finds SAAP services working hard to help families in need' (Media Release, 31 July 2008). At http://www.fahcsia.gov.au/internet/tanyaplibersek.nsf/content/saap_31jul_2008.htm (viewed 21 July 2009).

Date	Event/ summary of issue
3 August 2008 *The Australian Employment Covenant initiative*	The Australian Government announced its support for the Australian Employment Covenant. The Australian Employment Covenant is a private sector initiative lead by Mr Andrew Forrest, the CEO of Fortescue Metals Group. The Australian Employment Covenant will work with employers to commit to providing opportunities for 50,000 Indigenous Australians to step into permanent full time paying jobs.[32]
9 August 2008 *International Day of the World's Indigenous People*	The Aboriginal and Torres Strait Islander Social Justice Commissioner urged governments to fund and resource the protection and promotion of Indigenous languages, as part of this year's International Day of the World's Indigenous People. According to UNESCO, at least 3,000 of the world's 6,000 languages are endangered, and at least 800 are very close to extinction. Australia once had around 300 Indigenous languages, now there are only 20 or so not endangered.[33]
13 August 2008 *$4.5 million for infrastructure on the APY Lands*	The Australian Government contributed $4.5 million towards construction of new offices and accommodation for police specialists, and a safe house in Umuwa in the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands. This is additional funding to the $19 million the Australian Government has already committed to respond to the recommendations of the Mullighan Inquiry. The new complex will include office space for police officers specialising in domestic violence and sexual assault. It will also provide accommodation for specialists temporarily visiting the APY Lands for investigations into abuse. These specialists will include officers from the South Australian Police, forensic and medical specialists and child support services. The safe house will provide children and their family members who need to be removed from the community with safe accommodation and support.[34]

32 Prime Minister, 'The Australian Employment Covenant' (Media Release, 3 August 2008). At http://www.pm.gov.au/media/Release/2008/media_release_0394.cfm (viewed 15 August 2008).

33 Aboriginal and Torres Strait Islander Social Justice Commissioner, 'International Day of the World's Indigenous People' (Media Release, 8 August 2008). At http://www.humanrights.gov.au/about/media/media_releases/2008/84_08.html (viewed 21 July 2009).

34 Minister for Families, Housing, Community Services and Indigenous Affairs, '$4.5 million for infrastructure on the APY Lands' (Media Release, 13 August 2008). At http://www.fahcsia.gov.au/Internet/jennymacklin.nsf/content/apy_lands_13aug08.htm (viewed 21 July 2009).

Date	Event/ summary of issue
14 August 2008 *$37.5 million for Indigenous arts and cultural support*	The Australian Arts Minister and the Indigenous Affairs Minister announced more than $37 million in funding for Indigenous arts, cultural, languages and broadcasting programs across Australia in 2008–09. The funding supports the following programs: ▪ Indigenous Broadcasting Program – $14 million to support Indigenous community broadcasters and the production of radio programs in remote, regional and urban areas, and the operation of Indigenous media peak bodies and Central Australia's Imparja Television service. ▪ Indigenous Culture Support – $6.7 million to support 132 cultural projects including: the transmission of knowledge and skills across generations through multimedia workshops, music, dance and theatre, community festivals, and exhibitions of community-based art and craft activity. ▪ Maintenance of Indigenous Languages and Records Program – $8.8 million to support 66 projects to strengthen and record Indigenous languages through the operation of language centres, multimedia workshops, the production of dictionaries, databases, websites, DVDs and recordings in communities. ▪ National Arts and Crafts Industry Support – $8 million to build a more sustainable Indigenous visual arts industry through investment in Indigenous art centres and arts support organisations.[35]
15 August 2008 *New training centre for Far North Queensland*	A new training centre to help Indigenous and other job seekers gain vocational qualifications and secure work in the tourism industry was launched in Cairns by the Minister for Employment Participation. The Cairns and Ports Trips & Attractions (CaPTA) Training Centre, established in partnership with the Career Training Institute of Australia, will provide nationally accredited hospitality and tourism training for both CaPTA employees and other trainees from across Far North Queensland. The Centre will also provide training in communication, conflict resolution, self-esteem and re-engagement programs. The Australian Government has provided $186,000 for the CaPTA Structured Training and Employment Projects (STEP) program.[36]

35 Minister for Families, Housing, Community Services and Indigenous Affairs and Minister for the Environment, Heritage and the Arts, '$37.5 million in Indigenous arts and cultural support' (Media Release, 14 August 2008). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/indig_arts_14aug08.htm (viewed 21 July 2009).

36 Minister for Employment Participation, 'New training centre for Far North Queensland' (Media Release, 15 August 2008). At http://mediacentre.dewr.gov.au/mediacentre/oconnor/releases/newtrainingcentreforfarnorthqueensland.htm (viewed 21 July 2009).

Date	Event/ summary of issue
21 August 2008 *Public housing agreement reached with Anangu Pitjantjatjara Yankunytjatjara*	Agreement was reached on the granting of 50-year leases by the Anangu Pitjantjatjara Yankunytjatjara to the South Australian State Government to allow public housing to be built for Anangu. At a Special General Meeting of Anangu at Umuwa on the APY Lands two resolutions were unanimously passed by Anangu. The first resolution resolved to grant leases over the first 11 sites in Amata. The second resolution resolved to grant leases, as agreed between the parties, for all residential sites in all communities for new and upgraded houses as funds for each site become available. This will enable the Commonwealth's $25 million dollar housing grant to be realised. The conditions placed on the lease include: ▪ State management of social housing including allocation, maintenance and rent collection ▪ Housing is only for Anangu ▪ State Government ensuring that houses are maintained properly and insured ▪ Building and maintenance being performed, as far as is practical, by Anangu ▪ Assurances that Anangu will pay rent and abide by tenancy agreements ▪ Further discussions to provide home ownership for Anangu.[37]
28 August 2008 *Reintegration of Indigenous prisoners report released*	The Australian Institute of Criminology's report, *Reintegration of Indigenous prisoners*, showed that Indigenous offenders are readmitted to prison sooner and more frequently than non-Indigenous offenders and that Indigenous offenders tend to be readmitted to prison for the same kinds of violent offences each time, usually assault. According to the report, readmission to custody is one measure of how well attempts at reintegration into the community have succeeded or otherwise. On this measure, the findings suggest that efforts at reintegrating Indigenous offenders often fail to prevent further violent offending and to keep the offenders in the community and away from prison. The study is based on data from all Australian jurisdictions and covers nearly 9000 males incarcerated for violent offences and released from prison over a two-year period. The quantitative data is complemented by interviews with prisoners and ex-prisoners and corrections staff in the Northern Territory, Queensland, South Australia and Western Australia.[38]

37 Minister for Families, Housing, Community Services and Indigenous Affairs and SA Minister for Aboriginal Affairs and Reconciliation, 'APY Lands housing breakthrough' (Media Release, 21 August 2008). At http://www.fahcsia.gov.au/internet/jennymacklin.nsf/content/apy_lands_housing_21aug08.htm (viewed 21 July 2009).

38 Australian Institute of Criminology, 'Reintegration of Indigenous prisoners: new study released' (Media Release, 28 August 2008). At http://www.aic.gov.au/media/2008/20080828.html (viewed 21 July 2009).

Date	Event/ summary of issue
29 August 2008 *Indigenous Governance Awards*	Two Indigenous enterprises in the fields of financial services and the arts were recognised for their outstanding contribution to Indigenous business at the Indigenous Governance Awards. The Indigenous Governance Awards are held by Reconciliation Australia in partnership with BHP Billiton to identify, celebrate and promote effective Indigenous governance.[39]
8 September 2008 *Funding for new climate change study for northern Indigenous communities*	The Minister for Climate Change and Water announced $198,500 for a study to assess how climate change will impact on Indigenous communities in northern Australia. The study will examine the impacts to health, the environment, infrastructure, education and employment. The study will identify knowledge gaps and priorities for future research and on-ground actions for Indigenous communities. It will examine opportunities for Indigenous communities in areas such as fire abatement schemes and the value of Indigenous knowledge in adapting to climate change.[40]
16–17 September 2008 *Indigenous Healing Forum*	Approximately sixty delegates met in Canberra at the 'Indigenous Healing Forum', organised by FaHCSIA, to discuss healing and inform the government's future policy directions. The Forum showcased examples of successful healing programs and approaches, considered some of the needs of Stolen Generations members, and discussed what strategic public policy approaches might be advanced. Participants agreed that healing is needed and called for a Healing Foundation as one critical step among others.[41]
16 September 2008 *National Library of Australia oral history project expanded to include stories from Stolen Generation*	The Australian Government committed to contributing $100,000 to the National Library of Australia's oral history project, to enable the Stolen Generations to share their stories of survival, struggle and healing. The project will give Indigenous people the opportunity to tell their own stories through an online resource. This is in addition to $15.7 million, announced earlier in 2008, to support the work of the Bringing Them Home network of counsellors and caseworkers.[42]

39 Minister For Families, Housing, Community Services and Indigenous Affairs, 'Indigenous Governance Awards' (Media Release, 29 August 2008). At http://www.fahcsia.gov.au/internet/jennymacklin.nsf/content/indig_gov_awards_29aug08.htm (viewed 21 July 2009).

40 Minister for Climate Change and Water, 'New climate change study for northern Indigenous communities' (Media Release, 8 September 2008). At http://www.environment.gov.au/minister/wong/2008/mr20080908a.html (viewed 21 July 2009).

41 Aboriginal and Torres Strait Islander Healing Foundation Development Team, Discussion Paper (2009). At http://www.fahcsia.gov.au/sa/indigenous/progserv/engagement/HealingFoundationDevelopmentTeam/Pages/DiscussionPaper_ATSI-HFDT.aspx (viewed 21 July 2009).

42 Minister For Families, Housing, Community Services and Indigenous Affairs, 'Australian Government helps Stolen Generations tell their stories' (Media Release, 16 September 2008). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/stolen_gen_16sept08.htm (viewed 21 July 2009).

Date	Event/ summary of issue
16 September 2008 *Infrastructure funding for Indigenous students*	Indigenous students boarding at eight non-government schools will benefit from a further $8.6 million in infrastructure funding from the Australian Government. The Indigenous Boarding Infrastructure Program is designed to improve boarding facilities at non-government schools, which enrol significant numbers of Indigenous students. The funding will enable the boarding schools to upgrade aged and deteriorating student accommodation. $12 million in funding for 13 projects was announced in June 2008, and an additional $8.6 million will fund another eight projects bringing the total funding provided to $27.5 million.[43]
18 September 2008 *New Business Directory for Indigenous employment*	The Digedi Indigenous Business Services Directory will promote Indigenous owned and run businesses in the Northern Territory. The directory lists a wide range of Northern Territory businesses that can provide goods and services to the resources and construction industries.[44]
23 September 2008 *New Australian Institute of Criminology report on Indigenous violent victimisation*	The Australian Institute of Criminology's report, *Risk factors in Indigenous violent victimisation*, showed Indigenous Australians are subject to higher rates of violent victimisation than other Australians. Based on data from surveys, service providers and the criminal justice system, the report examined how Indigenous violent victimisation rates vary with demographic, psychological and cultural factors. Determining victimisation risk and how risk is affected can assist in developing localised prevention strategies.[45]
26 September 2008 *Research Paper on Commonwealth Indigenous specific expenditure, 1968–2008*	The Parliamentary Library released a Research Paper which identified Commonwealth agencies' expenditure in the area of Indigenous affairs from 1968 to 2008. The paper analysed trends in both the nominal and real expenditure, in the expenditure as a percentage of total Commonwealth outlays and Gross Domestic Product, and in the per capita expenditure.[46]

43 Minister for Education, Minister for Employment and Workplace Relations, Minister for Social Inclusion, 'Infrastructure funding supports Indigenous students' (Media Release, 16 September 2008). At http://mediacentre.dewr.gov.au/mediacentre/gillard/releases/infrastructurefundingsupportsindigenousstudents.htm (viewed 21 July 2009).

44 Minister for Employment Participation and Minister for Resources and Energy; Minister for Tourism, 'New Business Directory to Boost Indigenous Employment' (Media Release, 18 September 2008). At http://mediacentre.dewr.gov.au/mediacentre/oconnor/releases/newbusinessdirectorytoboostindigenousemployment.htm (viewed 22 July 2009).

45 C Bryant & M Willis, *Risk factors in Indigenous violent victimisation,* Australian Institute of Criminology Technical and Background Paper 30 (2008). At http://www.aic.gov.au/publications/current%20series/tbp/21-40/tbp030.aspx (viewed 22 July 2009).

46 Parliament of Australia, Department of Parliamentary Services, Parliamentary Library, *Commonwealth Indigenous-specific expenditure 1968–2008,* Research Paper, 26 September 2008. At http://www.aph.gov.au/library/pubs/rp/2008-09/09rp10.pdf (viewed 2 October 2008).

Date	Event/ summary of issue
2 October 2008 *23rd Council of Australian Governments (COAG) Meeting*	The Council of Australian Governments (COAG) held its 23rd meeting in Perth. COAG reaffirmed the national importance of closing the gap between Indigenous and non-Indigenous Australians and agreed to hold a dedicated meeting in 2009 to: ▪ agree between all governments on a national strategy for achieving the six COAG Closing the Gap targets; ▪ provide a formal opportunity for exchange between jurisdictions of programs and initiatives that are working successfully to advance the areas covered by the Closing the Gap targets; and ▪ maximise the contribution that private and community sector initiatives in education, employment, health and housing can make to the success of the overall strategy. Leaders signed COAG's National Partnership Agreement on Indigenous Early Childhood Development. This follows in-principle agreement from the July 2008 COAG meeting to address the needs of Indigenous children in their early years, with an initial focus from birth to three years. Bilateral plans for implementing the reforms have been developed between each jurisdiction and the Commonwealth.[47]
6 October 2008 *Reforms to Indigenous employment programs*	The Australian Government released a paper, *Increasing Indigenous Employment Opportunity,* on the Government's preferred model for Indigenous employment programs. The proposed model includes reforms to Community Development Employment Projects (CDEP) and the Indigenous Employment Program (IEP). Reforms to CDEP included ceasing CDEP in non-remote areas with established economies, and supporting Indigenous job seekers under the Indigenous Employment Program. CDEP will be re-structured in remote areas with emerging and limited economies.[48]
8 October 2008 *Project for remote communities to transition into employment*	Funding of $294,640 was announced for a new project to help students from remote communities in the Torres Strait and Cape York to move successfully from school into employment. The project builds on the success of the Australian Football League Academy program which helps Indigenous youth from remote communities to access educational opportunities, skills training and employment pathways.[49]

47 Council of Australian Governments, Council of Australian Governments' Meeting, http://www.coag.gov.au/coag_meeting_outcomes/2008-10-02/index.cfm (viewed 22 July 2009).

48 Minister for Families, Housing, Community Services and Indigenous Affairs & Minister for Employment Participation, 'Reforms to Indigenous employment programs' (Media Statement, 6 October 2008). At http://www.alp.org.au/media/1008/msepfcs060.php (viewed 20 July 2009).

49 Minister for Employment Participation and Member for Leichhardt, 'School to work pathways for Cape York Indigenous students' (Media Statement, 8 October 2008). At http://www.alp.org.au/media/1008/msep080.php (viewed 20 July 2009).

Date	Event/ summary of issue
9 October 2008 *Increased funding for Indigenous literacy and numeracy*	An additional $4.8 million was committed by the Australian Government to help close the gap in literacy and numeracy levels between Indigenous and non-Indigenous students over the next decade.[50]
13 October 2008 *Report of the NTER Review Board*	The Australian Government received the Northern Territory Emergency Response (NTER) Review Board's Report. The NTER Review Board, comprising Chairman Peter Yu, Marcia Ella Duncan and Bill Gray AM, conducted an independent and transparent review of the NTER to assess the effectiveness of measures and the impact on individuals and communities to date.[51] The report recommended Governments to: ▪ continue to address the unacceptably high level of disadvantage and social dislocation being experienced by Aboriginal Australians living in remote communities throughout the Northern Territory ▪ reset the relationship with Aboriginal people based on genuine consultation, engagement and partnership ▪ respect Australia's human rights obligations and conform with the *Racial Discrimination Act 1975*. The report also made recommendations on welfare reform, employment, law and order, education health, housing, land reform, governance and funding arrangements. A copy of the report is available online at http://www.nterreview.gov.au/docs/report_nter_review/default.htm.
14 October 2008 *Compulsory 4 hours of English in all Northern Territory schools*	The Northern Territory government announced that the first four hours of education in all schools would be taught in English as part of a restructure within the Department of Education and Training (NT).[52] A particular focus of the restructure will be delivering better educational outcomes in remote Indigenous communities.

50 Minister for Education, Minister for Employment and Workplace Relations, Minister for Social Inclusion, 'Indigenous literacy and numeracy', (Media Statement, 9 October 2008). At http://www.alp.org.au/media/1008/msed090.php (viewed 20 July 2009).

51 Minister for Families, Housing, Community Services and Indigenous Affairs, 'NTER review report' (Media Release, 13 October 2008). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/nter_review_report_13oct08.htm (viewed 20 July 2009).

52 NT Minister for Education and Training, 'Education Restructure Includes Greater Emphasis on English' (Media Release, 14 October 2008). At http://newsroom.nt.gov.au/index.cfm?fuseaction=viewRelease&id=4599&d=5 (viewed 8 July 2009).

Date	Event/ summary of issue
23 October 2008 *Government's interim response to the NTER Review Board's Report*	The Australian Government's Interim response to the NTER Review Board's Report (released on 13 October 2008) accepted the Review Board Report's three overarching recommendations. The Government indicated it will introduce legislation in 2009 to lift the suspension of *Racial Discrimination Act 1975* (RDA). In the interim the transition phase of the NTER will continue for twelve months. The core elements of the NTER such as compulsory income management, the five-year leases, and alcohol and pornography controls will be maintained, but revised to conform with the RDA. The reinstatement of the RDA will mark the shift to a long-term, development phase. The Government will later provide a response in full to the Review Board's recommendations, including future funding arrangements.[53]
27 October 2008 *Yuendumu pool officially opened*	The community of Yuendumu (NT) celebrated the opening of the new community pool built in partnership with the Australian and Northern Territory Governments.[54]
28 October 2008 *Major NT landmark returned to Traditional Owners*	The Devil's Marbles, one of the Northern Territory's most recognised landmarks and a site of great spiritual significance to local Aboriginal people, was handed back to Traditional Owners by the Australian Government. This is the first of a series of areas to be returned to Traditional Owners as part of the Northern Territory Government's hand back of park land under the *Aboriginal Land Rights (Northern Territory) Act 1976*.[55]
6 November 2008 *$1.2 million for renewable energy in Cape Barren*	$1.26 million in funding provided to an Indigenous community on remote Cape Barren Island to generate electricity sourced from solar and wind power. Two 20 kilowatt wind turbines and three solar panels will be installed to generate electricity on the island. The funding will ensure the community has reliable, 24-hour power which is essential for the health of the entire community.[56]

53 Minister for Families, Housing, Community Services and Indigenous Affairs, 'Compulsory income management to continue as key NTER measure' (Media Release, 23 October 2008). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/nter_measure_23oct08.htm (viewed 20 July 2009).

54 Minister for Families, Housing, Community Services and Indigenous Affairs, Northern Territory Minister for Regional Development & Member for Lingiari, 'Yuendumu pool officially opened' (Media Statement, 27 October 2008). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/yuendumu_27oct08.htm (viewed 20 July 2009).

55 Minister for Families, Housing, Community Services and Indigenous Affairs and Member for Lingiari, 'Major NT landmark returned to Traditional Owners' (Media Release, 28 October 2008). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/devils_marbles_28oct08.htm (viewed 20 July 2009).

56 Minister for Families, Housing, Community Services and Indigenous Affairs and Minister for the Environment, Heritage and the Arts, '$1.2 million for renewable energy in Cape Barren' (Media Release, 6 November 2008). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/1.2mill_renew_energy_06nov08..htm (viewed 20 July 2009).

Date	Event/ summary of issue
17 November 2008 *Indigenous Land Corporation's Indigenous training and employment package*	The Indigenous Land Corporation (ILC) announced plans for a comprehensive Indigenous training and employment package to be delivered in rural and remote Australia. The package will provide 530 certificate-level training places and employment for up to 400 Indigenous graduates in the pastoral, tourism and resource sectors and in ILC businesses, including beef cattle and sheep production, horticulture, maintenance, transport and administration. The ILC has committed $9.1 million, with the Australian Government providing $5.7 million for the three-year training and employment program.[57]
21 November 2008 *Indigenous home ownership in NSW*	A $6 million partnership between the Australian Government and the NSW Aboriginal Land Council will give Aboriginal people living on 63 former reserves across NSW the potential to buy their own homes. The funding will cover the costs of surveying the land and conveyancing. Most homes are on communal title and the land has to be subdivided before they can be purchased. Subdividing the land on these reserves is also a vital step towards achieving proper management and funding infrastructure such as electricity and water.[58]
23 November 2008 *Lake Condah transferred to the Gunditjmara people*	The Australian Government transferred the heritage-listed Lake Condah mission site and cemetery in South West Victoria to the local Gunditjmara people. Lake Condah is considered to be one of Australia's earliest and largest aquaculture ventures. The Lake Condah Sustainable Development Project will re-flood the lake, restoring the original wetland ecology and a constant water supply.[59]

57 Minister for Families, Housing, Community Services and Indigenous Affairs and Minister for Employment Participation, '400 extra skilled Indigenous workers' (Media Release, 17 November 2008). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/Indigenous_workers_17nov08.htm (viewed 20 July 2009).

58 Minister for Families, Housing, Community Services and Indigenous Affairs and Chair, NSW Aboriginal Land Council, 'Encouraging Indigenous home ownership and better infrastructure management' (Media Release, 21 November 2008). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/home_ownership_21nov08.htm (viewed 20 July 2009).

59 Minister for Families, Housing, Community Services and Indigenous Affairs, 'Lake Condah transferred to the Gunditjmara people' (Media Release, 23 November 2008). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/lake_transferred_23nov08.htm (viewed 20 July 2009).

Date	Event/ summary of issue
24 November 2008 *Income Management commenced in Cannington and Kimberley, WA*	Income management commenced in Kununurra and the Cannington district of Perth, following the signing of a bilateral agreement between the Federal and WA State Government. The income management trial will give state child protection authorities the power to recommend to Centrelink that income support and family payments be quarantined and used for the benefit of children. This initiative will be rolled out to Fitzroy Crossing, Derby, Broome, Halls Creek and other areas of the Kimberley and is expected to apply to up to 1,000 individuals in 2008–09 across the trial locations. The Australian Government committed $18.9 million over two years for this child protection trial.[60]
29 November 2008 *24th Council of Australian Governments (COAG) Meeting*	The Council of Australian Governments (COAG) agreed to the National Indigenous Reform Agreement (NIRA). The NIRA provides an overarching summary of action being taken against the closing the gap targets as well as the operation of the mainstream national agreements in health, schools, vocational education and training, disability services and housing. COAG committed an additional $4 billion to improve housing, health, employment and to drive fundamental reforms to Indigenous service delivery over the next ten years: ▪ $1.94 billion in new funding over ten years to the States and Territories to lay the foundations for major reforms to Indigenous housing in remote Australia. ▪ $1.6 billion over four years in Indigenous health to tackle chronic disease in Indigenous communities. ▪ $172.7 million over five years and the States and Territories $56.2 million to help up to 13,000 Indigenous Australians find and keep a job. ▪ $291 million over six years to better coordinate early childhood, health, housing and welfare services in remote communities.[61]

60 Minister for Families, Housing, Community Services and Indigenous Affairs and NT Minister for Child Protection, Community Services, Seniors and Volunteering, 'Income management in Cannington and Kimberley' (Media Release, 18 November 2008). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/income_management_18nov08.htm (viewed 20 July 2009).

61 Prime Minister & Minister for Families, Housing, Community Services and Indigenous Affairs, '$4 billion to help close the gap for Indigenous Australians' (Media Release, 30 November 2008). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/4bill_indig_30nov08.htm (viewed 20 July 2009).

Date	Event/ summary of issue
9 December 2008 *Education Legislation Amendment Act 2008 adopted*	The *Education Legislation Amendment Act 2008* maintains commitments to initiatives such as the Sporting Chance program, as well as supporting the expansion of intensive literacy and numeracy programs for Indigenous students, professional development support to assist teachers to develop Individual Learning Plans for their Indigenous students, an additional 200 teachers in the Northern Territory and the provision of three new boarding college facilities for Indigenous secondary school students in the Northern Territory. The Act will appropriate more than $500 million between 2009 and 2012 for Commonwealth led initiatives and partnerships aimed at achieving better educational outcomes for Indigenous Australians.[62]
11 December 2008 *School Enrolment and Attendance Legislation adopted*	The *Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Act 2008* was adopted. The Act provides for the introduction of the Australian Government's program to improving school enrolment and attendance through welfare reform (SEAM). SEAM will be trialled, beginning in the 2009 school year in six locations in the Northern Territory (Katherine, Katherine Town Camps, Tiwi Islands, Hermannsburg, Wadeye and Wallace Rockhole). Subsequent trial sites were later identified in Western Australia and Queensland. Parents in these trial sites who receive income support will need to give Centrelink evidence that their children are enrolled in school. If they fail to do this, their payments could be suspended for up to 13 weeks. If a school reports a student as not regularly attending school, these parents may have their income support payments suspended if they do not take reasonable steps to engage with the school and the school continues to be dissatisfied with the child's attendance.[63]
15 December 2008 *UK university to return Indigenous remains*	The University of Oxford (UK) agreed to return the remains of three Indigenous Australians, obtained in the 1860s, from Goolwa or Port Elliot in South Australia, an area in the heart of Ngarrindjeri traditional country.[64]

62 *Education Legislation Amendment Act 2008,* (Cth).

63 Department of Families, Housing, Community Services and Indigenous Affairs, Improving School Enrolment and Attendance through Welfare Reform Measure. At http://www.fahcsia.gov.au/sa/families/progserv/welfarereform/Pages/ImprovingSchoolEnrolmentAttendance.aspx (viewed 21 July 2009).

64 Minister for Families, Housing, Community Services and Indigenous Affairs, 'UK University to return Indigenous remains' (Media Release, 15 December 2008). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/uni_return_remains_15deco8.htm (viewed 20 July 2009).

Date	Event/ summary of issue
16 December 2008 *Second phase of consultations for a national Indigenous representative body commenced*	The second stage of the process for establishing a National Indigenous representative body will be led by Indigenous Australians. In December 2008, the Government requested the Aboriginal and Torres Strait Islander Social Justice Commissioner, Mr Tom Calma, to convene an independent Indigenous Steering Committee to oversee the process and to convene a roundtable meeting of Indigenous leaders in early 2009.[65]
16 December 2008 *$8.5 million for Indigenous housing in Nguiu*	The Australian Government invested a further $8.5 million to improve Indigenous housing in Nguiu on the Tiwi Islands in the Northern Territory. The funds announced are in addition to the $44 million already committed for Nguiu under the Strategic Indigenous Housing and Infrastructure Program (SIHIP) – a joint Australian and Northern Territory Government program to improve housing in Northern Territory communities. The Nguiu community signed a 99-year township lease with the Australian Government in 2007.[66]
16 December 2008 *Land lease agreement for Groote Eylandt and Bickerton Island*	A township lease over three communities in Groote Eylandt and Bickerton Island was agreed to between the Anindilyakwa people and the Australian government. The government has invested an additional $10 million in new housing and infrastructure on top of the $33 million committed under the Strategic Indigenous Housing and Infrastructure Program (SIHIP). This funding will help address the issue of overcrowding on Groote Eylandt and Bickerton Island and improve the health of families and children.[67]
25 January 2009 *Professor Mick Dodson named Australian of the Year*	Professor Mick Dodson was named Australian of the Year in recognition of his courage and determination to bring about change and the hard work needed to make a difference. Professor Dodson has used his great abilities as a leader, activist, academic and mentor, in the service of his people. This is apparent in his work as co-author of the *Bringing them home Report*, while he was Aboriginal and Torres Strait Islander Social Justice Commissioner.[68]

65 Minister for Families, Housing, Community Services and Indigenous Affairs, 'Next steps for Indigenous body' (Media Release, 16 December 2008). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/Indigenous_body_17dec08.htm (viewed 20 July 2009).

66 Minister for Families, Housing, Community Services and Indigenous Affairs, NT Minister for Housing and Member for Lingiari, 'Extra $8.5 million for Indigenous housing in Nguiu' (Media Release, 16 December 2008). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/nguiu_housing_16dec08.htm (viewed 20 July 2009).

67 Minister for Families, Housing, Community Services and Indigenous Affairs, 'Historic land lease for Groote Eylandt and Bickerton Island', (Media Release, 16 December 2008). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/groote_land_16dec08.htm (viewed 7 July 2009).

68 Minister for Families, Housing, Community Services and Indigenous Affairs, 'Indigenous leader named Australian of the Year' (Media Release, 25 January 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/indig_leader_aus_25jan09.htm (viewed 20 July 2009).

Date	Event/ summary of issue
28 January 2009 *School attendance income management measures begun in NT*	Parents in Hermannsburg, Katherine town camps, Wallace Rockhole, Wadeye and Tiwi Islands receiving income support became part of a new trial to boost school enrolment and attendance. The trial was introduced under the *Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Act 2008.* Parents are required to inform Centrelink where their children are enrolled and ensure their children attend school regularly. If parents do not comply their income support payments may be suspended until their children are enrolled or attending school. An estimated 1,300 parents in the Northern Territory are to be included in this trial.[69]
28 January 2009 *Murdi Paaki Regional Partnership Agreement signed*	The first Regional Partnership Agreement was signed in New South Wales. The agreement is expected to build strong partnerships between government and Indigenous people across a range of areas including economic development, health, employment and training, culture and heritage and education.[70]
30 January 2009 *Agreement between NT Government, Northern Land Council and Kenbi Traditional Owners*	The Northern Territory Government, the Northern Land Council and the Kenbi Traditional Owners signed an Agreement. The Agreement will contribute to the resolution of the Kenbi Land Claim in the Cox Peninsula, which has been running for 30 years.[71]
11 February 2009 *NT lease agreements for Indigenous housing*	The Northern Land Council approved the granting of housing leases in the Northern Territory communities of Galiwin'ku, Gunbalanya, Maningrida and Wadeye. The 40-year leases will mean more than $159 million of housing and infrastructure work will be provided in the four communities.[72]

69 Minister for Families, Housing, Community Services and Indigenous Affairs and NT Chief Minister & Acting Education Minister, 'School attendance measure begins in NT' (Media Release, 28 January 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/school_attendance_28jan09.htm (viewed 20 July 2009).

70 Minister for Families, Housing, Community Services and Indigenous Affairs, Signing of the Murdi Paaki Regional Partnership Agreement, Speech delivered at Dubbo, 28 January 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/murdi_paaki_28jan09.htm (viewed 20 July 2009).

71 Minister for Families, Housing, Community Services and Indigenous Affairs, 'Kenbi Land Claim' (Media Release, 30 January 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/kenbi_land_claim_30jan09.htm (viewed 20 July 2009).

72 Minister for Families, Housing, Community Services and Indigenous Affairs, NT Minister for Housing and Member for Lingiari, 'NT lease agreement – a major step towards better Indigenous housing' (Media Release, 11 February 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/nt_lease_agreement_11feb09.htm (viewed 20 July 2009).

Date	Event/ summary of issue
January 2009 *NT Government Outstations Policy – Community Engagement Report*	Indigenous leader Patrick Dodson was engaged by the Northern Territory Government to lead a community engagement process responding to the issues identified in the NT Government's *Outstations Policy Discussion Paper*. The *Our Home, Our Homeland: Community Engagement Report* outlines the key outcomes from 43 written submissions and community engagement sessions held in 17 locations throughout the Territory. Based on the consultation outcomes the report makes recommendations to provide early direction to the NT Government on the development and implementation of future policy for homelands.[73] The report is available at http://www.workingfuture.nt.gov.au/download/Community_Engagement_Report.pdf.
13 February 2009 *Aboriginal and Torres Strait Islander Healing Foundation Development Team convened*	The Minister for Families, Housing, Community Services and Indigenous Affairs convened the 'Aboriginal and Torres Strait Islander Healing Foundation Development Team' to work with relevant Aboriginal and Torres Strait Islander people to ensure broad support for a Healing Foundation. Professor Lowitja O'Donoghue and Gregory Phillips were appointed as Co-Chairs of the Development Team. Subsequently Ms O'Donoghue withdrew and May O'Brien replaced her as Co-Chair. The Development Team will provide a final report to the Minister by 30 September 2009. The Foundation will be established to address trauma and healing in Indigenous communities, with a strong focus on the unique needs of Stolen Generations. It will provide practical and innovative healing services, as well as training and research.[74]
23 February 2009 *Income management rolled out across the Kimberley*	Income management rolled out across the remainder of the Kimberley including Kalumburu, Noonkanbah and Beagle Bay, as part of the Australian and Western Australian Government's income management trial in Western Australia. This builds on trials that commenced in November 2008 and January 2009. The income management trials gives the WA Department of Child Protection the power to recommend to Centrelink that income support and family payments are quarantined to ensure welfare is spent in the interests of children.[75]

73 Socom and DodsonLane, *Northern Territory Government Outstations Policy: Community Engagement Report* (2009). At http://www.workingfuture.nt.gov.au/download/Community_Engagement_Report.pdf (viewed 20 July 2009).

74 Minister for Families, Housing, Community Services and Indigenous Affairs, Prime Minister and Minister for Health and Ageing, 'Healing foundation for Stolen Generations' (Media Release, 13 February 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/healing_foundation_13feb09.htm (viewed 20 July 2009).

75 Minister for Families, Housing, Community Services and Indigenous Affairs and WA Minister for Child Protection, 'Income management commences across the Kimberley' (Media Release, 23 February 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/income_management_23feb09.htm (viewed 20 July 2009).

Date	Event/ summary of issue
2 March 2009 *New Operational Commander for the NTER appointed*	Mike Zissler, former CEO of the ACT Department of Territory and Municipal Services, was appointed as the Operational Commander of the Northern Territory Emergency Response (NTER) Operation's Centre.[76]
4 March 2009 *$15.7 million funding for Indigenous rangers*	The Australian Government committed $15.7 million over two years to support 22 Indigenous ranger groups, working on land and sea management activities in the Northern Territory. $9 million of the funding is committed through the Working on Country Northern Territory program delivered by the Department of the Environment, Water and Heritage to create 61 new ranger jobs. $6.5 million is sourced from the Aboriginal Benefit Account.[77]
11–13 March 2009 *National Indigenous Representative Body Workshop*	In January 2009, the Social Justice Commissioner invited Aboriginal and Torres Strait Islander men and women to nominate to attend a national workshop to guide the development of a new national Indigenous representative body. The workshop was held in Adelaide on 11–13 March 2009. The purpose of the workshop was to: 1. review submissions and the outcomes of consultations conducted by the Government to date on the establishment of a new representative body 2. identify the key elements or features of a new national Indigenous representative body which can then be distilled down to a series of preferred models for a new representative body 3. identify a process for further consultation with Indigenous communities leading to the establishment of an interim representative body from July/ August 2009. The workshop was not intended to: ▪ endorse a final model for a national representative body; or ▪ decide membership of a national representative body. Through the plenary sessions, smaller working groups and an electronic survey conducted at the workshop, it was possible to identify those issues on which there was an emerging consensus among participants and those issues where there remained divergent views or at least, a need for further consultation.

76 Minister for Families, Housing, Community Services and Indigenous Affairs, 'Appointment of new Operational Commander for the NTER' (Media Release, 2 March 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/op_command_nter_03mar09.htm (viewed 20 July 2009).

77 Minister for Families, Housing, Community Services and Indigenous Affairs, Minister for Environment Heritage and the Arts and Member for Lingiari, '$15.7 million boost for Indigenous rangers' (Media Release, 4 March 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/Indigenous_rangers_4mar2009.htm (viewed 20 July 2009).

11–13 March 2009 (continued) *National Indigenous Representative Body Workshop*	Workshop participants expressed the desire for a national representative body to contribute to generational change for Aboriginal and Torres Strait Islander peoples. Over the next 20 years, they saw the national representative body would have a leading role to play in achieving constitutional recognition and a treaty, in closing the gap, and in Australia as a country owning and facing up to its history. The representative body would have contributed to a situation where our children are empowered, we are in control of our own destiny, are culturally strong and proud, economically independent and where the Aboriginal and Torres Strait Islander community/ ies are united and not wracked by internal division. There was common agreement among the workshop participants on the importance of the national representative body having the following roles and functions: ▪ advocacy ▪ formulating policy and advising government ▪ reviewing government programs ▪ negotiating framework agreements with governments ▪ monitoring service delivery by governments ▪ conducting research and contributing to law reform processes ▪ representing Aboriginal and Torres Strait Islander peoples at the international level. There was also common agreement on the need for the national representative body to operate in accordance with the highest standards of ethical and moral conduct and to be open, transparent and accountable to Aboriginal and Torres Strait Islander peoples.[78] The Steering Committee is required to present a preferred model to the Australian Parliament by July 2009. The report of the Workshop is available at http://humanrights.gov.au/social_justice/repbody/index.html.
23 March 2009 *Remote Indigenous housing investment*	Remote Indigenous communities will benefit from a $5.5 billion investment in housing over the next ten years to improve living standards for families and children. The investment contributes to the objectives of the National Partnership on Remote Indigenous Housing, agreed at the Council of Australian Governments (COAG) in November 2008. The funding will be prioritised for 26 priority communities across the Northern Territory, north Queensland, the Kimberley region (WA), APY Lands (SA) and NSW. This package will result in construction of up to 4,200 houses, major upgrades and repairs to around 4,800 houses in remote communities and provide up to 2,000 new jobs for local Indigenous people.[79]

78 Australian Human Rights Commission, *National Indigenous Representative Body Workshop – Summary Report* (2009). At http://humanrights.gov.au/social_justice/repbody/summary_report.pdf (viewed 20 July 2009).

79 Minister for Families, Housing, Community Services and Indigenous Affairs, 'Remote Indigenous housing investment' (Media Release, 23 March 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/remote_Indigenous_housing_23mar2009.htm (viewed 20 July 2009).

Date	Event/ summary of issue
3 April 2009 *Federal Government formally supports the United Nations Declaration on the Rights of Indigenous Peoples*	The Federal Government gave its formal support for the *United Nations Declaration on the Rights of Indigenous Peoples*. The *Declaration* recognises the legitimate entitlement of Indigenous people to all human rights. Support of the *Declaration* is an important step in re-setting the relationship between Indigenous and non-Indigenous Australians and moving towards a new future.[80]
3 April 2009 *New Indigenous Community Support Service*	The Australian Government committed $55 million over four years for a new national network of 87 Indigenous Community Support Service providers. The providers will help connect Indigenous people and their families with a range of services in areas including caring for families, early childhood, education, training, employment, financial management, housing, health and legal services. The providers will also help people deal with issues including family violence and drug alcohol abuse.[81]
7 April 2009 *New Centre for Clinical Research Excellence in Aboriginal Health*	The Australian Government committed $2.5 million to establish a Centre for Clinical Research Excellence in Aboriginal Health at the University of New South Wales. The funding will help researchers to determine the incidence of HIV in Indigenous communities and investigate the best ways to identify and treat HIV and other blood borne and sexually transmitted diseases.[82]
20 April 2009 *$3 million for Indigenous playgroups*	More than 1,600 Indigenous children and families in regional and remote Australia will benefit from up to $3 million for the expansion of playgroups. The playgroups are part of the Australian Government's $13.8 million program for playgroups for Indigenous families. The four-year program will support 36 playgroups across regional and rural Australia.[83]

80 J Macklin, Australia supports Declaration on Indigenous Peoples (Speech delivered at Parliament House, Canberra, 3 April 2009). At http://www.alp.org.au/media/0409/speia030.php (viewed 20 July 2009).

81 Minister for Families, Housing, Community Services and Indigenous Affairs, 'Expanded community support service for Indigenous communities' (Media Release, 3 April 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/Indigenous_communities_support_3april09.htm (viewed 20 July 2009).

82 Minister for Health and Ageing, 'New Centre to mark World Health Day' (Media Release, 7 April 2009). At http://www.health.gov.au/internet/ministers/publishing.nsf/Content/mr-yr09-nr-nr038.htm (viewed 20 July 2009).

83 Minister for Families, Housing, Community Services and Indigenous Affairs, '$3 million for Indigenous playgroups' (Media Release, 20 April 2009). At http://www.fahcsia.gov.au/internet/jennymacklin.nsf/content/3mil_indigplaygroups_20april09.htm (viewed 22 July 2009).

Date	Event/ summary of issue
23 April 2009 *National Indigenous Cultural Education and Knowledge Centre*	The Australian Government took the first steps towards establishing a national Indigenous Cultural Education and Knowledge Centre, one of the ideas to emerge from the 2020 Summit. Initially a feasibility study will be undertaken to gather the views of the Indigenous and wider communities and decide the form and role of the Centre. It has been suggested that the Centre could: ▪ be a national gathering place for the celebration and discussion of Indigenous culture, in a physical or 'virtual' sense ▪ become a reference point for Aboriginal and Torres Strait Islander culture ▪ engage in research to harness traditional knowledge to support sustainable management of country ▪ support education in, and understanding of, Indigenous culture and affairs across Australia and preserve Indigenous heritage.[84]
12 May 2009 *2009–10 Budget*	The Australian Government committed $1.3 billion to close the gap between Indigenous and non-Indigenous Australians.[85] This included commitments of: ▪ $204.3 million to improve health care in Indigenous communities ▪ $131.1 million for remote primary health ▪ $58.3 million for eye and ear health care ▪ $11.0 million for dental care ▪ $3.8 million to improve pathology services for Aboriginal and Torres Strait Islander people.[86] $50.1 million over four years to build a more efficient native title system that will focus on achieving resolution through agreement-making. The additional funding includes $45.8 million to improve the capacity of Native Title Representative Bodies (NTRBs) to represent native title claimants and holders.[87] $807.4 million over three years to enhance community safety, tackle child abuse and rebuild communities in the Northern Territory.[88]

84 Minister for Families, Housing, Community Services and Indigenous Affairs, 'Keeping Indigenous culture strong for the future' (Media Release, 23 April 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/indigenous_culture23apr09.htm (viewed 20 July 2009).

85 Minister for Families, Housing, Community Services and Indigenous Affairs, '$1.3 billion towards closing the gap' (Media Release, 12 May 2009).http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/1.3billion_closing_gap_12may2009.htm (viewed 20 July 2009).

86 Minister for Families, Housing, Community Services and Indigenous Affairs and Minister for Health and Ageing, 'Over $200 million for closing the gap in Indigenous health' (Media Release, 12 May 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/$200m_indigenous_health_12may2009.htm (viewed 22 July 2009).

87 Minister for Families, Housing, Community Services and Indigenous Affairs and Attorney-General, 'Additional $50 million for Native Title System' (Media Release, 12 May 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/$50m_native_title_12may2009.htm (viewed 22 July 2009).

88 Minister for Families, Housing, Community Services and Indigenous Affairs, 'Closing the gap in the Northern Territory' (Media Release, 12 May 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/closing_gap_nt_12may2009.htm (viewed 22 July 2009).

Date	Event/ summary of issue
21 May 2009 *Governments' full response to NTER Review Board's Report*	The Australian and Northern Territory Governments released a joint response to the recommendations of the Northern Territory Emergency Response (NTER) Review Board. This follows the Australian Government's interim response on 23 October 2008. Both the Australian Government and the NT Government support the majority of the recommendations of the Review Board.[89] A copy of the response is available at http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/response_to_reportNTER/Pages/default.aspx.
21 May 2009 *Discussion paper on Future Directions for the NTER*	The Government released a discussion paper for consulting with Indigenous Northern Territory communities on designing a compulsory income management policy which does not require the suspension of the *Racial Discrimination Act 1975* (RDA). The discussion paper outlined the current Northern Territory Emergency Response (NTER) measures, the achievements to date and the challenges ahead. The Government is moving the NTER to a sustainable development phase to ensure measures will be effective in the long-term, including stronger engagement and partnerships with Indigenous communities. The consultation process will be fully documented in a final report. The discussion paper is available at http://www.fahcsia.gov.au/sa/indigenous/progserv/ntresponse/future_directions/Pages/default.aspx.[90]
24 May 2009 *Notice for compulsory acquisition of Alice Springs town camps*	Negotiations between the Australian Government and Tangentyere Council for leases on the Alice Springs town camps to allow for the federal government to provide housing and essential services were not resolved by the deadline of 21 May 2009. Consequently, the Government indicated it is considering giving Tangentyere Council and each of the Housing Associations notice under subsection 47(1) of the *Northern Territory National Emergency Response Act 2007* notice to compulsory acquire the Alice Springs town camps. If notice is given, the acquisition will take effect by 6 July 2009.[91]

89 Minister for Families, Housing, Community Services and Indigenous Affairs, 'Australian and NT Governments' response to NTER Review' (Media Release, 21 May 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/nter_response_21may09.htm (viewed 22 July 2009).

90 Minister for Families, Housing, Community Services and Indigenous Affairs, 'Towards a sustainable development phase: discussion paper on Future Directions for the NTER' (Media Release, 21 May 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/future_directions_nter_21may09.htm (viewed 22 July 2009).

91 Minister for Families, Housing, Community Services and Indigenous Affairs, 'Alice Springs town camps' (Media Release, 24 May 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/alice_springs_town_camps_24may09.htm (viewed 22 July 2009).

Date	Event/ summary of issue
26 May 2009 *National Healing Foundation consultations commenced*	National consultations commenced on the development of a National Healing Foundation. The Government has allocated $26.6 million for the Foundation over four years and it will consider the needs of all Aboriginal and Torres Strait Islander people, especially those of the Stolen Generations. The Aboriginal and Torres Strait Islander Healing Foundation Development Team have been chosen for their skills and experiences in healing and trauma recovery and include Ms May O'Brien and Mr Gregory Phillips as Co-Chairs, and Ms Debra Hocking, Dr Helen Milroy, Mr Brian Butler, Ms Barbara Asplet, Mr Bradley Brown, Mr David Cole and Ms Noritta Morseu-Diop.[92]
27 May 2009 *Office of the Coordinator-General for Remote Indigenous Services – position created*	The Government introduced legislation to create the statutory office of Coordinator General for Remote Indigenous Services. The position will drive the implementation of major reforms in housing, infrastructure and employment in remote Indigenous communities. The position, which is supported by the Council of Australian Governments will ensure government commitments in remote Indigenous communities deliver real results. The Coordinator-General will report directly to the Minister for Indigenous Affairs and will work closely with Indigenous people, community groups, industry and government organisations to help meet the national targets for closing the gap.[93]
12 June 2009 *Central Australian landmarks handed back to Traditional Owners*	Chamber's Pillar Historical Reserve is among six parcels of land handed back to the Arrernte people, the Traditional Owners of the land. The Reserve is approximately 250 kilometres south of Alice Springs and is the home of Chamber's Pillar, a unique sandstone rock formation. The deeds to the land were handed back to Traditional Owners at a ceremony at the Old Telegraph Station in Alice Springs.[94]

92 Minister for Families, Housing, Community Services and Indigenous Affairs, 'National Healing Foundation consultations start on National Sorry Day' (Media Release, 26 May 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/jr_m_healingfoundation_26may09.htm (viewed 22 July 2009).

93 Minister for Families, Housing, Community Services and Indigenous Affairs, 'Office of the Coordinator-General for Remote Indigenous Services' (Media Release, 27 May 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/jr_m_indigenous_coord_gen_27may09.htm (viewed 22 July 2009).

94 Minister for Families, Housing, Community Services and Indigenous Affairs and Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery, Member for Lingiari, 'Central Australian landmarks handed back to traditional owners' (Media Release, 12 June 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/central_australia_landmarks_12june09.htm (viewed 22 July 2009).

Date	Event/ summary of issue
18 June 2009 *Appointment of Coordinator-General for Remote Indigenous Services*	Mr Brian Gleeson was appointed to the new position of Coordinator-General for Remote Indigenous Services. He has a career spanning the United Nations and the Australian Public Service. His appointment commences in July 2009.[95]
25 June 2009 *Amendments to NSW Aboriginal Land Rights Act 1983*	The New South Wales government proposed amendments to the *Aboriginal Land Rights Act 1983*. The amendments are intended to provide clearer and more certain processes for Aboriginal land councils to use when they deal with, dispose of or develop land.[96]
29 June 2009 *Funding for Alice Springs managed accommodation*	The Alice Springs Transformation Plan for managed accommodation has received an additional $11 million to help combat homelessness and house the large transient Indigenous population in Alice Springs. The additional funding for the plan brings the total to more than $138 million.[97]

95 Minister for Families, Housing, Community Services and Indigenous Affairs, 'Appointment of Coordinator-General for Remote Indigenous Services' (Media Release, 18 June 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/coord_general_18june2009.htm (viewed 22 July 2009).

96 NSW Minister for Aboriginal Affairs, 'Land Rights Amendments help drive economies and jobs' (Media Release, 25 June 2009). At http://www.daa.nsw.gov.au/news/41.html (viewed 8 July 2009).

97 Minister for Families, Housing, Community Services and Indigenous Affairs, '$11 million for Alice Springs managed accommodation' (Media Release, 29 June 2009). At http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/11million_alice_springs_accom_29june09.htm (viewed 22 July 2009).

Appendix 2:
Data from state and territory governments on Indigenous prisoners/ detainees

To determine where Indigenous prisoners and juvenile detainees come from I requested assistance from each state and territory. I requested data showing the breakdown of all Indigenous prisoners and juvenile detainees (sentenced and remand) by the postcode of place usual address.

Data is reported for the top 10 locations with the highest number of Indigenous prisoners/ juvenile detainees. The way data is reported varies across the jurisdictions. Some jurisdictions use a snap shot point in time analysis while others report for a specified period. When reporting on a specified time period it can is possible for an individual to be counted twice in the period if they have multiple receptions into custody.

The reporting areas also vary across jurisdictions. Some are given at the postcode level, others in Australian Bureau of Statistics subdivision, or Local Government Area.

1 New South Wales

The daily average number of Indigenous prisoners for May 2009 was 2,390, with 1,763.6 on remand, 544.5 sentenced and 82 serving period detention. This was the highest monthly average in the period from July 2007 – May 2009.

Table 1: Top 10 Indigenous prisoner locations, NSW – Snap shot data from 30 June 2008

Rank	Location (ABS statistical subdivision)	Remand	Sentenced	Total
1	Inner Sydney	56	142	198
2	Blacktown	41	104	145
3	Central Macquarie (area around Dubbo, western NSW)	35	104	139
4	Hastings (mid north coast)	30	98	128
5	Newcastle	19	96	115

Table 1: Top 10 Indigenous prisoner locations, NSW – Snap shot data from 30 June 2008 (continued)

Rank	Location (ABS statistical subdivision)	Remand	Sentenced	Total
6	Gosford-Wyong	10	63	73
7	Bathurst Orange	15	57	72
8	Fairfield-Liverpool	17	52	69
8	Wollongong	15	54	69
9	Northern Slopes (area around Tamworth including Gwydir, Inverell, Gunnedah, Quirindi)	7	61	68
10	North Central Plain (area around Moree to Narrabri)	18	47	65

The total number of Indigenous young people in custody between 1 July and 30 June 2009 was 1,440, with 526 serving a control order and 1,351 on remand.

Table 2: Top 10 Indigenous juvenile detainee locations, NSW – Data from 1 July 2007 – 30 June 2009

Rank	Location (postcode)	Remand	Sentenced	Total
1	2770 – including Mt Druitt, Bidwill, Hebersham, Tregar	77	16	93
2	2830 – Dubbo	24	52	77
3	2440 – Kempsey	23	42	65
4	2840 – Bourke	25	37	62
5	2650 – Wagga Wagga	10	33	43
6	2350 – Armidale	17	25	42
7	2480 – Lismore	12	28	40

Table 2: Top 10 Indigenous juvenile detainee locations, NSW – Data from 1 July 2007 – 30 June 2009 (continued)

Rank	Location (postcode)	Remand	Sentenced	Total
8	2839 – Brewarrina	15	21	36
9	2800 – Orange	13	22	35
9	2767 – including Doonside, Woodcroft	11	24	35
10	2795 – Bathurst	11	22	33

2 Queensland

Table 3: Top 10 Indigenous prisoner locations, QLD – Data from 1 July 2007 – 30 June 2009

Rank	Location (Local Government Area)	Total
1	Cairns	429
2	Brisbane	427
3	Townsville	370
4	Mount Isa	209
5	Tablelands	166
6	Ipswich	149
6	Logan	149
7	Rockhampton	130
8	Palm Island	127
9	Moreton Bay	108
10	Aurukun	107

No data provided for juvenile detainees.

3 South Australia

The total number of Indigenous prisoners between 1 July 2007 and 30 June 2009 was 2,033, with 1,346 on remand, 679 sentenced and 4 on fine default and 2 of unknown status.

Table 4: Top 10 Indigenous prisoner locations, SA – Data from 1 July 2007 – 30 June 2009

Rank	Location (postcode)	Remand	Sentenced	Total
1	5700 – Port Augusta	124	84	208
2	5724 – Marla, Mintabie	115	51	166
3	5690 – Ceduna	74	77	151
4	5608 – Whyalla	44	23	67
5	5113 – Elizabeth	41	19	60
6	5723 – Coober Pedy	30	22	52
7	5013 – Woodville	36	15	51
8	5540 – Port Pirie	37	10	47
8	5084 – Blair Athol, Kilburn	36	11	47
9	5012 – Athol Park, Mansfield Park, Woodville Gardens, Woodville North	27	14	41
10	5000 – Adelaide	24	11	35

In 2007–08 there were 207 Indigenous young people in juvenile detention.

Table 5: Top 10 Indigenous juvenile detainee locations, SA – Data from 1 July 2007 – 30 June 2008

Rank	Location (postcode)	Remand	Sentenced	Total
1	5700 – Port Augusta	5	17	22
2	5690 – Ceduna	2	9	11
3	5253 – Murray Bridge	5	4	9

Table 5: Top 10 Indigenous juvenile detainee locations, SA – Data from 1 July 2007 – 30 June 2008 (continued)

Rank	Location (postcode)	Remand	Sentenced	Total
4	5012 – Athol Park	2	6	8
4	5023 – Findon, Seaton	4	4	8
4	5606 – Port Lincoln		8	8
5	5108 – Salisbury	4	3	7
5	5540 – Port Pirie	1	6	7
6	5086 – Manningham		5	5
6	5162 – Morphetvale, Woodcroft	5		5

4 Western Australia

As of 31 May 2009 there were 1,745 Indigenous prisoners, with 1,455 sentenced and 290 on remand.

Table 6: Top 10 Indigenous prisoner locations, WA – Data at 30 May 2009

Rank	Location (Local Government Area)	Remand	Sentenced	Total
1	Broome	13	121	134
2	Halls Creek	16	80	96
3	Swan	19	75	94
4	Derby-West Kimberley	14	74	88
5	Stirling	13	70	83
6	East Pilbra	10	54	64
7	Kalgoorlie/ Boulder	12	51	63
8	Gosnells	9	53	62
9	Wyndham-East Kimberley	14	47	61
10	Ngaanyatjarraku	8	50	58

Table 7: Top 10 Indigenous prisoner suburbs, WA – Data at 30 May 2009

Rank	Suburb	Remand	Sentenced	Total
1	Broome	6	78	84
2	Carnarvon	8	46	54
3	Warburton	5	35	40
4	South Headland	7	28	35
5	Kalgoorlie	6	23	29
6	Meekatharra	9	18	27
7	Kununnurra	6	20	26
8	Boulder	4	21	25
9	Geraldon	2	20	22
10	Gosnells	4	17	

As of 30 May 2009 there were 129 Indigenous young people in juvenile detention, with 65 sentenced and 64 on remand.

Table 8: Top Indigenous juvenile detainee suburbs, WA – Data at 30 May 2009

Rank	Suburb	Total
1	Broome	5
1	Carnarvon	5
1	South Headland	5
1	Bentley	5
2	Geraldon	4
2	Balga	4
2	Belmont	4

Table 8: Top Indigenous juvenile detainee suburbs, WA – Data at 30 May 2009 (continued)

Rank	Suburb	Total
3	Kalgoorlie	3
3	Roeburn	3
3	Kununnurra	3
3	Armadale	3

5 Northern Territory

The yearly daily average number of Indigenous prisoners for 2007–08 was 875.

Table 9: Top 10 Indigenous prisoner locations, NT – Data from 2007–08

Rank	Location	Total
1	Alice Springs (Urban)	434
2	Darwin (Urban)	340
3	Tennant Creek	164
4	Alice Springs (Rural)	140
5	Katherine (Urban)	124
6	Katherine (Rural)	99
7	Yuendumu	93
8	Papunya	72
9	Nhulunbuy	60
10	Groote Eylandt	41

The yearly daily average number of Indigenous young people in juvenile detention for 2007–08 was 25.

Table 10: Top 5 Indigenous juvenile detainee locations, NT – Data from 2007–08		
Rank	**Location**	**Total**
1	Darwin (Urban)	31
2	Alice Springs (Urban)	15
3	Wadeye	12
4	Tennant Creek	10
5	Alice Springs (Rural)	8
5	Darwin (Rural)	8

6 Victoria

The number of Indigenous prisoners at 30 June 2008 was 245, with 195 sentenced and 50 on remand.

Table 11: Top 10 Indigenous prisoner locations, VIC – Data at 30 June 2008				
Rank	**Location (postcode)**	**Remand**	**Sentenced**	**Total**
1	3500 – Mildura	1	17	18
2	3028 – Altona, Laverton	10	11	11
3	3850 – Sale, Warruk	0	9	9
4	3214 – Corio, Norlane	2	6	8
5	3029 – Hoppers Crossing	2	5	7
5	3072 – Preston	1	6	7
5	3212 – Avalon, Lara, Port Wilson	0	7	7
5	3630 – Shepparton	1	6	7
6	3585 – Swan Hill	2	4	6

No data provided for juvenile detainees.

7 Tasmania

The total number of Indigenous receptions into prison for 2008–09 was 236, with 101 sentenced and 135 on remand.

Table 12: Top Indigenous prisoner locations, TAS – Data from 1 July 2007 – 30 June 2009

Rank	Location (postcode)	Total
1	7250 – Launceston	80
2	7030 – Brighton	29
3	7248 – Mayfield	23
4	7016 – Risdon Vale	20
5	7010 – Montrose	19
5	7011 – Claremont	19
6	7320 – Burnie	18
7	7310 – Devonport	17
8	7019 – Clarendon Vale	16

No data provided for juvenile detainees.

8 Australian Capital Territory

The total number of Indigenous receptions into prison for 2008–09 was 117, with 16 sentenced and 101 on remand.

Table 13: Top Indigenous prisoner locations, ACT – Data from 1 July 2007 – 30 June 2009

Rank	Location (postcode)	Remand	Sentenced	Total
1	2612 – Braddon, Campbell, Reid, Turner	2	11	13
1	2602 – Lyneham, Dickson, Hackett, Watson	0	13	13
2	2615 – Higgins, Charnwood	0	12	12
3	2603 – Manuka, Red Hill	0	9	9

Table 13: Top Indigenous prisoner locations, ACT – Data from 1 July 2007 – 30 June 2009 (continued)

Rank	Location (postcode)	Remand	Sentenced	Total
3	2611 – Fisher, Mount Stromlo, Waramanga	8	1	9
4	2904 – Fadden, Gowrie, Macarthur, Monash	0	8	8
5	2617 – Belconnenn	0	7	7
5	2905 – Gilmore, Chisholm, Richardson	1	6	7

No data provided for juvenile detainees.

Appendix 3:
Indigenous Languages – A National Approach

1 The importance of Australia's Indigenous languages[1]

The most recent report on Indigenous languages in Australia, the National Indigenous Languages Survey (NILS) Report 2005, found that the situation of Australia's Indigenous languages is grave and requires urgent action. Of the 145 Indigenous languages still spoken in Australia, 110 are critically endangered. All of Australia's Indigenous languages face an uncertain future if immediate action and care are not taken.

The Australian Government is committed to addressing the serious problem of language loss in Indigenous communities.

It requires coordinated action among the bodies involved in support of Indigenous languages, including government, language organisations and educational and research institutions.

The proposed approach draws on reports and consultation over many decades, including the NILS report and feedback through the Maintenance of Indigenous Languages and Records Program.

2 Objectives

1. National Attention: To bring national attention to Indigenous languages – the oldest surviving languages in the world; and the pressures they face.
2. Critically Endangered Languages: Reinforce use of critically endangered Indigenous languages that are being only partly spoken to help prevent decline in use and to maintain or extend their common, everyday use as much as possible.
3. Working with Languages to Close the Gap: In areas where Indigenous languages are being spoken fully and passed on, making sure that government recognises and works with these languages in its agenda to Close the Gap.
4. Strengthening Pride in Identity and Culture: To restore the use of rarely spoken or unspoken Indigenous languages to the extent that the current language environment allows.

1 Australian Government Department of Environment, Water, Heritage and the Arts, *Indigenous Languages – A National Approach. The importance of Australia's Indigenous languages*. At http://www.arts.gov.au/indigenous/languages_policy (viewed 3 September 2009).

5. Supporting Indigenous Language Programs in Schools: To support and maintain the teaching and learning of Indigenous languages in Australian schools.

3 Actions

National Attention

- Undertake a feasibility study for the National Indigenous Languages Centre recommended by the NILS Report.
- Increase public recognition and appreciation of Indigenous languages by expanding the use of these languages across public and government functions.
- Support greater coordination and assistance amongst Indigenous language centres to maximise their impact nationally and to reach languages not currently supported.

Critically Endangered Languages

- The Maintenance of Indigenous Languages and Records program, administered by the Department of the Environment, Water, Heritage and the Arts, is investing $9.3 million in 2009–10 on 65 projects around Australia supporting the revival and maintenance of Indigenous languages.
- Increase use of new technology to broaden the impact of language maintenance and revival activities by local community Indigenous language centres.
- Pilot Early Childhood Language Nests and Mobile Language Teams to supplement the work of language centres, especially in more remote areas that are not within easy reach.
- Consider Tax deductible status to Indigenous languages organisations through the Register of Cultural Organisations for maintaining and reviving Indigenous languages.

Working with Languages to Close the Gap

- Given the centrality of language to strong Indigenous culture, and the broader social benefits of functional and resilient families and communities, better targeting support for Indigenous languages as part of a broader national focus on Indigenous culture generally, will contribute to the overall well-being of Indigenous communities.
- COAG has committed $38.6 million towards interpreting and translating services as part of the new Remote Service Delivery sites. The Remote Service Delivery National Partnership (RSD NP) provides for the strengthening of interpreting and translating services in response to local needs in each of the priority locations. In addition to the employment of interpreters in each location, the Commonwealth is responsible for working with the States and Northern Territory to introduce a national framework for the effective supply and use of Indigenous language interpreters and translators. It will include protocols for the use of interpreters and translators.

- Components of the proposed national framework include:
  - development and strengthening of Indigenous interpreting services through establishing mentor/ coordinator positions, providing base salary funding for interpreters and administrative support of interpreters
  - training and accrediting Indigenous interpreters – development of nationally consistent curriculum material for training and provision of training leading to accreditation and expertise in particular subject areas
  - increasing supply of Indigenous interpreters through development and establishment of a national recruitment and retention strategy, with localised flexibility
  - increasing demand for interpreters through increased training for government and non-government employees working in relevant locations
  - translation of government information products.
- Consideration could be given to forming a National Reference Group of Experts to advise on future directions of policy on Indigenous interpreters. Each of the components would involve contributions from the Commonwealth and from each of the jurisdictions.

Strengthening Pride in Identity and Culture through Language Revival

- Support community-based Indigenous language centres by increasing links with major national, state and territory cultural institutions to ensure that Indigenous languages material is properly preserved and made accessible appropriately.
- Through the Indigenous Contemporary Music Action Plan, support music in Indigenous languages to increase the transmission of languages across generations to younger speakers, utilising festivals and multimedia to strengthen the focus on Indigenous languages and increasing broadcasting content in Indigenous languages.
- Potential collaboration with the Songroom Project, Sing Australia, Australian Community Business Network and Foundation for Young Australians to work with communities where languages have been lost to promote language revival.
- Encouraging more grass-roots collaboration between language learning programs and Stolen Generation members and their organisations.

Supporting Indigenous Language Programs in Schools

- The Government recently commissioned the Indigenous Language Programs in Australian Schools – A Way Forward report, which revealed that between 2006 and 2007 over 16,000 Indigenous students and 13,000 non-Indigenous students located in 260 Australian schools were involved in Indigenous language programs, covering over 80 different Indigenous languages.

- Significant funding for languages education is being provided to the states and territories through the National Education Agreement for languages, allowing jurisdictions flexibility to determine how funding is allocated. Funding can be used to support and maintain Indigenous language programs operating in government schools.
- $56.4 million is also being provided over 2009 to 2012 through the Schools Assistance Act 2008 to support the teaching of languages, including Australian Indigenous languages, in non-government schools.
- Several jurisdictions are currently establishing programs to strengthen the teaching and learning of Indigenous languages in schools, including a proposal by New South Wales to develop national senior secondary Indigenous languages courses.

4 Indigenous languages and literacy and numeracy

- The Government is committed to languages education and recognises the important role that Indigenous language learning plays in some schools, particularly bilingual schools.
- The learning of English is also a fundamental skill that all Australians, including Indigenous Australians, must have in order to maximise their learning opportunities and life chances.
- All Australian governments through the Council of Australian Governments (COAG) processes have committed to halving the gap in the reading, writing and numeracy achievements between Indigenous and non-Indigenous students within a decade.
- The Government is providing $56.4 million over four years to provide extra assistance to schools to enable them to expand intensive literacy and numeracy approaches that have been successful with Aboriginal and Torres Strait Islander students and provide professional development support to assist teachers to prepare Individual Learning Plans for Indigenous students.

5 National curriculum

- The National curriculum is being developed by the Australian Curriculum, Assessment and Reporting Authority, initially in English, mathematics, science and history. A second phase of subject areas will be developed in languages, geography and the arts.
- Indigenous perspectives will be written into the National Curriculum to ensure that all young Australians have the opportunity to learn about, acknowledge and respect the language and culture of Aboriginal people and Torres Strait Islanders.

Appendix 4:
Maintenance of Indigenous Languages and Records program – Funding 2008–09

Maintenance of Indigenous Languages and Records program 2008–09

The Maintenance of Indigenous Languages and Records program (MILR) provides funding and support aimed at addressing the steady erosion and loss of Australia's Indigenous languages. These are estimated to have originally numbered some 250.

Many of the projects that the program supports record and document the last remaining speakers, so that a language can be retained and passed on to future generations.

To aid the maintenance and revival of these languages, the program funds community based projects among language groups, supports research into language, and aids the development and coordination of language resources.

The work being done includes language centres, projects that ensure language is transmitted from generation to generation, production of language materials and resources, language recordings, development of databases, and coordination between language organisations.

Some of the projects are key national pilot programs to build on emerging trends and develop and test new language initiatives.

Demand for MILR funding is very competitive: in the 2008–09 funding round 104 applications sought more than $18 million in funding, and 66 projects were supported with $8.8 million.

The projects that are funded have been assessed in accordance with the MILR program guidelines.

MILR's contribution to the maintenance of Indigenous languages is helping build a strong and sustainable Indigenous languages environment in Australia.

Maintenance of Indigenous Languages and Records – Funding 2008–09

Projects approved for funding for 2008–09 by the Minister for the Environment, Heritage and the Arts as part of the whole of government Indigenous funding round.

New South Wales

Location	Organisation	Project Description	Funding
ARMIDALE	Trustees of the Roman Catholic Church of the Diocese of Armidale	Deliver the Yuwaalaraay Language program to young people at St Joseph's primary and community members in Walgett.	$89,929
BOGGABILLA	Boggabilla Central School	Re-establish a Gamilaraay Language Program in the Boggabilla Central School.	$40,600
BOURKE	Muda Aboriginal Corporation	Teach the Wangkumarra language and develop language resource materials at the Muda Language Centre.	$139,562
BOURKE	Murdi Paaki Regional Enterprise Corporation	Teach the Yuwaalaraay/ Murrawarri languages to students and community members in Goodooga.	$22,716
CANBERRA	Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)	Continue with the online Language Community Access Pilot project by trialling the use of the Internet to exchange audiovisual documentation of Indigenous languages and cultures between AIATSIS and language speakers and descendants.	$234,300
CANBERRA	Rudder, John	Develop a comprehensive grammar of the Wiradjuri language.	$95,000
FORBES	Yoorana Gunya Family Violence Healing Centre Aboriginal Corporation	Teach Wiradjuri language and produce language resources for school students and community members at Forbes.	$92,365
GRIFFITH	Griffith Wiradjuri Aboriginal Preschool	Increase the use of Wiradjuri in preschool children and their families and community in the Griffith region.	$27,779
LIGHTNING RIDGE	Barriekneal Housing and Community	Provide support for teaching Gamilaraay-Yuwaalaraay for all K-6 students at Lightning Ridge Central School.	$39,000
MORUYA	Cobowra Local Aboriginal Land Council	Support the Dhurga Language program in the Eurobodalla Shire area.	$35,100

New South Wales

Location	Organisation	Project Description	Funding
NAMBUCCA HEADS	Muurrbay Aboriginal Language and Culture Co-operative	Operate a regional language centre that facilitates language revival supporting students, language workers and community members in the Many Rivers Region.	$249,810
NAMBUCCA HEADS	Muurrbay Aboriginal Language and Culture Co-operative	Revitalise, reclaim and maintain the Aboriginal languages with schools and community groups on the mid north coast and interior of NSW.	$230,630
NEWCASTLE	Arwarbukarl Cultural Resource Association	Develop innovative IT resources, language materials for organisations and skills of language workers nationally and locally.	$344,960
ORANGE	Orange Aboriginal Land Council	Support the community to revive, relearn and maintain the local Wiradjuri language in Orange.	$35,000
SYDNEY	Biambul Indigenous Language Business Institute	Maintain core services and operational requirements of the language centre for Indigenous and non Indigenous people in the greater Sydney area.	$93,949
SYDNEY	Biambul Indigenous Language Business Institute	Develop and produce programs for airing on Koori Radio on NSW Indigenous Languages for listeners of Greater Sydney.	$15,100
WALGETT	Dharriwaa Elders Group	Increase the use of the Yuwaalaraay/ Gamilaraay languages in the Walgett community.	$96,000

Northern Territory

Location	Organisation	Project Description	Funding
ALICE SPRINGS	Institute for Aboriginal Development	Support IAD Press's publishing contribution to the restoration and maintenance of and promotion and advocacy for Indigenous languages in Australia.	$103,899
ALICE SPRINGS	Institute for Aboriginal Development	Record the languages and produce documents/ resources that can assist in maintaining Indigenous languages in the region covering Docker River, Areyonga, Mutitjulu, Willora, Neutral Junction, Haast's Bluff, Ntaria, Utopia, Imanpa, Ltyentye Apurte, Arltarlpilta and Titkikala.	$127,682
BATCHELOR	Batchelor Institute of Indigenous Tertiary Education	Develop teaching resources for language preservation and maintenance by the Wadeye community, targeting Marri Amu, Merri Tjevin, Magati Ke, Marri Ngarr, and Murrinh Patha languages.	$212,246
BORROLOOLA	Mabunji Aboriginal Resource Centre	Record and document the Garrawar, Yanyula, Mara and Gurdanji languages of the Borroloola region.	$147,175
DARWIN	East Arnhem Shire Council	Provide a digital cultural archive service and multi-media production centre at Yirrkala, Arnhem Land.	$50,000
DARWIN	Northern Territory Library	Support the maintenance of the Warlpiri and Tiwi Language through the development of appropriate bilingual early literacy resources.	$69,720
DARWIN	West Arnhem Shire Council	Record, document, transcribe, translate and archive and develop publications in the Iwaidja language.	$157,450
DARWIN	West Arnhem Shire Council	Record, document, transcribe, translate and archive the Kunwinjku language.	$50,851
KATHERINE	Diwurruwurru-Jaru Aboriginal Corporation	Support the operations of the Katherine Regional Aboriginal Language Centre to facilitate language maintenance, revitalisation and documenting of activities.	$292,900

Northern Territory

Location	Organisation	Project Description	Funding
KATHERINE	Diwurruwurru-Jaru Aboriginal Corporation	Document and preserve the endangered languages of the Katherine region including the Mara endangered language.	$242,000
KATHERINE	Diwurruwurru-Jaru Aboriginal Corporation	Conduct a feasibility study in the Victoria River District to scope the potential for language maintenance and revitalisation activities in the Kalkarindji, Daguragu, Yarralin, Pigeon Hole and Timber Creek region.	$13,500
NHULUNBUY	Yothu Yindi Foundation	Encourage the practice, preservation and maintenance of Yolngu Matha, which incorporates over forty languages spoken by people of Arnhem Land and to share this at the Key Forum at the Garma Festival of Traditional Culture.	$60,000
TENNANT CREEK	Papulu Apparr-Kari Aboriginal Corporation	Provide operational funding for maintenance of languages within the Barkly region.	$310,030
WINNELLIE	Aboriginal Resource and Development Services	Record and preserve the endangered Dhangu/ Djangu language including the dialects of Galpu, Wangurri, Warramirri and clan languages of Golumala, Datiwuy, Ngaymil and Rirratjingu.	$67,925
WINNELLIE	Aboriginal Resource and Development Services	Revitalise and preserve the critically endangered language of Gurrangay Matha, which is the academic/ technical language of the Yolngu clan groups of North East Arnhem Land.	$70,000
WINNELLIE	Aboriginal Resource and Development Services	Document and further develop an English to Yolngu Matha (Dhuwal) language electronic dictionary.	$33,000

Queensland

Location	Organisation	Project Description	Funding
BEENLEIGH	Kombumerri Aboriginal Corporation for Culture	Document and record Indigenous languages through community language teams in Mitchell, Cunnamulla, Dirranbandi and Yugambeh.	$122,500
BUNDABERG	Gidarjil Development Corporation	Establish a Regional Indigenous Languages Centre to coordinate the revival and maintenance of endangered Aboriginal Languages in the Central Queensland region.	$100,000
CAIRNS	North Queensland Regional Aboriginal Corporation Languages Centre	Maintain and record community language groups, in the region from Mossman in the north, south to Sarina and west to Richmond.	$270,500
CAPE YORK	Pormpuraaw Aboriginal Shire Council	Promote and maintain the Mungkan and Thayorre languages of Pompuraaw and surrounding outstations.	$32,400
HERVEY BAY	Korrawinga Aboriginal Corporation	Coordinate the revival and maintenance of the Butchulla Language for students and adults in the Hervey Bay and Fraser Coast areas of Central Queensland.	$110,000
MORNINGTON ISLAND	Woomera Aboriginal Corporation	Teach and ensure intergenerational transmission of the Lardil and Kaiadilt languages on Mornington Island.	$53,500
ROCKHAMPTON	Saima Torres Strait Islander Corporation	Facilitate and revive Kala Lagua Ya, Meriam Mir, Kala Kawaw Ya, Kriol and Kulkagal dialects through language workshops and classes.	$41,176
SOUTH BRISBANE	Library Board of Queensland	Support community language projects and workers through training, resource development and coordination of networking between stakeholders to provide strategic planning for Queensland languages.	$166,000

South Australia

Location	Organisation	Project Description	Funding
ADELAIDE	Adelaide Research and Innovation	Produce bilingual publications, through working with elders and translated recordings, to assist the maintenance of the Nyangumarta language of the Pilbara region of Western Australia.	$73,170
CEDUNA	Tjutjunaku Worka Tjuta	Facilitate community based activities that focus on the teaching and learning of Indigenous languages pertinent to the West Coast region.	$44,000
MAITLAND	Narungga Aboriginal Progress Association	Facilitate community based activities that focus on the teaching and learning of the Narungga language of the Yorke Peninsula region.	$93,380
MURRAY BRIDGE	Department of Employment Training and Further Education	Write and pilot a TAFE-accredited course which trains Indigenous adults to teach their language to others in family, community and school situations.	$87,200
PORT AUGUSTA	Umeewarra Aboriginal Media Association	Promote awareness and use of twenty key Aboriginal languages of northern SA through weekly radio broadcasts in language prepared with community speakers.	$27,500
YALATA	Yalata Community Incorporated	Increase the use and importance of Pitjantjatjara in Yalata community by providing a structured language course and training in Pitjantjatjara literacy.	$30,603

Victoria

Location	Organisation	Project Description	Funding
MELBOURNE	Federation of Aboriginal and Torres Strait Islander Languages	Provide support for Indigenous languages nationally to facilitate the revival and maintenance of Indigenous languages in Australia.	$361,899
MELBOURNE	Victorian Aboriginal Corporation for Languages	Conduct state wide and community-based Indigenous language programs in Victoria which retrieve, document and revive Victorian Indigenous languages.	$532,840

Western Australia

Location	Organisation	Project Description	Funding
BATCHELOR	Batchelor Institute of Indigenous Tertiary Education	Support the Noongar language revival and retrieval in the region by collecting, collating and publishing Noongar language resources.	$299,000
BROOME	Madjulla Incorporated	Continue support for the Nyikina language in the Derby region.	$50,750
GERALDTON	Bundiyarra Aboriginal Community Aboriginal Corporation	Provide a regional language service to assist the revitalisation, renewal and maintenance of Indigenous languages in the Midwest, Murchison and Gascoyne regions.	$253,445
GERALDTON	Bundiyarra Aboriginal Community Aboriginal Corporation	A project specialising in the endangered languages of the Midwest, Murchison and Gascoyne regions.	$125,665
HALLS CREEK	Kimberley Language Resource Centre	Maintain an Indigenous Language Program in the Kimberley Region in Halls Creek.	$440,358
HALLS CREEK	Kimberley Language Resource Centre	A project in the Halls Creek community that supports intergenerational transfer of ethnobiological knowledge in language.	$70,000
KUNUNURRA	Mirima Council Aboriginal Corporation	Deliver language maintenance services to Miriwoong and Gajirrawoong people across the Kununurra region in the East Kimberley.	$186,373
KUNUNURRA	Mirima Council Aboriginal Corporation	Further develop the Miriwoong dictionary through community involvement of Miriwoong speaking people from the East Kimberley region.	$40,508
NEWMAN	Western Desert Lands Aboriginal Corporation	Support the Martu language revival and retrieval in the region by collecting, collating and publishing Martu language resources.	$66,800
ROEBOURNE	Juluwarlu Group Aboriginal Corporation	Document and record the Yindibarndi language, and generate materials for teaching the language to Yindibarndi people in the Pilbara.	$70,000
SOUTH PORT HEDLAND	Wangka Maya Pilbara Aboriginal Language Centre	Record and archive the Kurama, Tharrkari and Nhuwala languages of the Pilbara region.	$197,740

Western Australia

Location	Organisation	Project Description	Funding
SOUTH PORT HEDLAND	Wangka Maya Pilbara Aboriginal Language Centre	Conduct a state conference for Indigenous Language Centres throughout Western Australia to facilitate sharing of knowledge and best practices.	$45,000
SOUTH PORT HEDLAND	Wangka Maya Pilbara Aboriginal Language Centre	Support the operations of an Aboriginal Language Centre at South Hedland for the benefit of Indigenous people in the Pilbara region.	$286,559
SOUTH PORT HEDLAND	Wangka Maya Pilbara Aboriginal Language Centre	Provide language services to the people of Nullagine, Punmu and Parngurr Aboriginal communities in the Western Desert region.	$147,500
SOUTH PORT HEDLAND	Wangka Maya Pilbara Aboriginal Language Centre	Record and revitalise the Ngarluma language of the Pilbara region, through the production of a series of short films.	$15,000
SOUTH PORT HEDLAND	Wangka Maya Pilbara Aboriginal Language Centre	Preserve the Aboriginal languages of the Goldfields, Central and Western Desert regions.	$144,456

Tasmania

Location	Organisation	Project Description	Funding
HOBART	Tasmanian Aboriginal Centre	Revive, record, maintain and promote Tasmanian Aboriginal languages, in particular Palawa Kani.	$290,000

Appendix 5:
Maintenance of Indigenous Languages and Records program – Funding 2009–10

Maintenance of Indigenous Languages and Records program 2009–10

The Maintenance of Indigenous Languages and Records (MILR) program aims to address the steady erosion and loss of Australia's estimated original 250 Indigenous languages by providing funding support for the maintenance and revival of these languages.

The emphasis of the program is on supporting community based projects by language groups, language research, and the development and coordination of language resources.

Many of the projects supported seek to record and document the last remaining speakers of a language, so that this can be retained and passed on to future generations. The range of projects funded include the operation of language centres, transmission of language from generation to generation, production of language materials and resources, recording of languages, development of databases and support of coordination between language organisations. Amongst these recommended projects the MILR program also supports a number of key national pilot projects to build on emerging trends and develop and test new language initiatives.

The demand for MILR funding in the 2009–10 funding round was very competitive with 104 submissions seeking over $18 million in funding. A total of 64 projects were approved for $8.8m. Two applicants were granted triennial funding.

Projects receiving funding have been assessed in accordance with the MILR program guidelines and will contribute to the maintenance of Indigenous languages and help build a strong and sustainable Indigenous languages environment.

The MILR program is part of the Australian Government whole of government Indigenous funding round coordinated by the Department of Families, Housing, Community Services and Indigenous Affairs. The Department assessed and managed applications within the whole of government timeframe and entered into funding agreements with recipients of funding.

MILR Triennial Funding 2009–10 to 2011–12

Location	Organisation	Project Description	Funding 2009–10	Funding 2010–11	Funding 2011–12
CARDIFF	Arwarbukarl Cultural Resource Association Inc.	To undertake language revival and develop innovative language resources for the Arwarbukarl language of the Newcastle and Lake Macquarie area.	$310,000	$325,200	$341,150
TENNANT CREEK	Papulu Apparr-Kari Aboriginal Corporation	To operate the Papulu Apparr-Kari Indigenous Language Centre in the Barkly Region, at Tennant Creek.	$320,000	$329,000	$338,000

NOTE: The 2009–10 funding for the projects outlined above has also been included in the Recommendations for Annual Funding.

MILR Annual Funding 2009–10

New South Wales

Location	Organisation	Project Description	Funding
ARMIDALE	Trustees of the Roman Catholic Church of the Diocese of Armidale	To support the revival of the Gamilaaray Yuwaalaraay language in Dubbo.	$90,000
ARMIDALE	Trustees of the Roman Catholic Church of the Diocese of Armidale	To develop online resources to provide access to the Gayarrag, Winangali languages electronic collection.	$11,000
CANBERRA	Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)	To continue to develop community access to the national database of Indigenous languages.	$100,000
CANBERRA	Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)	To facilitate the continuation of the Online Language Community Access Program nationally.	$221,261
CARDIFF	Arwarbukarl Cultural Resource Association Inc.	To undertake language revival and develop innovative language resources for the Arwarbukarl language of the Newcastle and Lake Macquarie area.	$310,000
DUBBO	Murdi Paaki Regional Enterprise Corporation Limited	To conduct a teaching program including the Murawarri and Yuwaalaraay languages in Goodooga.	$28,000

New South Wales

Location	Organisation	Project Description	Funding
FORBES	Yoorana Gunya Family Violence Healing Centre	To support the maintenance of Indigenous languages through a community language team.	$91,560
GRIFFITH EAST	Griffith Wiradjuri Aboriginal Preschool Inc.	To conduct a Wiradjuri language revival and reclamation activity in the Griffith Wiradjuri Aboriginal Preschool.	$32,000
LIGHTNING RIDGE	Barriekneal Housing & Community Ltd	To deliver a Gamilaraay-Yuwaalaraay language program for youth.	$40,200
NAMBUCCA HEADS	Muurrbay Aboriginal Language and Culture Co-operative	To record and revive the Gumbaynggirr language in Nambucca.	$244,830
NAMBUCCA HEADS	Muurrbay Aboriginal Language and Culture Co-operative	To operate a regional language centre and support the maintenance of Indigenous languages in the Coffs Harbour region.	$257,600
NEWTOWN	Centre for Indigenous Technology – Information and Engineering Solutions	To develop a series of innovative electronic games which can be used to teach Indigenous languages.	$18,707
ORANGE	Orange Aboriginal Land Council	To support the community to revive, relearn and maintain the Wiradjuri language in Orange.	$70,000
WALGETT	Dharriwaa Elders Group Incorporated	To develop a language program to increase use of Indigenous languages in Walgett.	$90,000

Northern Territory

Location	Organisation	Project Description	Funding
ALICE SPRINGS	Institute for Aboriginal Development	To develop and publish Indigenous language resources for use within Australia and overseas.	$100,000
BATCHELOR	Batchelor Institute of Indigenous Tertiary Education	To support the Wadeye Aboriginal Languages Centre and community members in the collection and publishing of data.	$212,500
BORROLOOLA	Mabunji Aboriginal Resource Association Incorporated	To record and document the Garrawar, Yanyula, Mara and Gurdanji languages of the Borroloola region.	$145,000

Northern Territory

Location	Organisation	Project Description	Funding
DARWIN	Northern Territory Library	To support the maintenance of Northern Territory Indigenous languages through the development of bilingual early literacy resources.	$69,720
DARWIN	Yothu Yindi Foundation Aboriginal Corporation	To encourage the practice, preservation and maintenance of Yolngu Matha and to share this at the Key Forum at the Garma Festival of Traditional Culture.	$60,000
DEVONPORT	Big Hart Incorporated	To produce multi-media language resources to accompany a new theatre production, Nyuntu Ngali.	$129,990
JABIRU	West Arnhem Shire Council	To record, document, transcribe, translate and archive the Kunwinjku language.	$140,140
JABIRU	West Arnhem Shire Council	To record, document, transcribe, translate and archive and develop publications in the Iwaidja language.	$157,450
KATHERINE	Diwurruwurru-Jaru Aboriginal Corporation	To document and preserve the 20 endangered languages of the Katherine region including the Mara endangered language.	$242,000
KATHERINE	Diwurruwurru-Jaru Aboriginal Corporation	To support the Katherine Regional Aboriginal Language Centre to facilitate language maintenance and revitalisation.	$293,750
PARAP	Aboriginal Resource and Development Services Inc.	To record and produce an audio CD in Djambarrpuyngu language at Galiwinku.	$58,116
PARAP	Aboriginal Resource and Development Services Inc.	To record and preserve the endangered Dhangu/ Djangu language.	$67,300
PARAP	Aboriginal Resource and Development Services Inc.	To further develop an English to Yolngu Matha (Dhuwal) language electronic dictionary.	$33,000
PARAP	Aboriginal Resource and Development Services Inc.	To revitalise and preserve the critically endangered Gurrangay Matha language.	$70,000
TENNANT CREEK	Papulu Apparr-Kari Aboriginal Corporation	To contribute to operational costs of the Papulu Apparr-Kari Indigenous Language Centre in the Barkly Region, at Tennant Creek.	$320,000

Northern Territory

Location	Organisation	Project Description	Funding
YIRRKALA	Buku-Larrnggay Mulka Centre	To provide a digital cultural archive service and multi-media production centre at Yirrkala, Arnhemland.	$55,000

Queensland

Location	Organisation	Project Description	Funding
BEENLEIGH	Kombumerri Aboriginal Corporation for Culture	To document and record languages through Community language teams in Mitchell, Cunnamulla, Dirranbandi and Yugambeh.	$150,000
BUNDABERG	Gidarjil Development Corporation Limited	To record, revive, preserve, educate and increase awareness of endangered Indigenous languages in the Central Queensland region.	$125,000
CAIRNS	North Queensland Regional Aboriginal Corporation Languages Centre	To address the dwindling status of the language groups in the region by supporting communities to maintain and record their language.	$285,500
GUNUNA	Woomera Aboriginal Corporation	To teach and ensure intergenerational transmission of the Lardil and Kaiadilt languages at Mornington and Bentick Islands.	$53,500
HERVEY BAY	Korrawinga Aboriginal Corporation	To coordinate the revival and maintenance of the Butchulla language in the region of Hervey Bay and Fraser Coast.	$108,800
LONGREACH	Desert Channels Queensland Inc.	To preserve and support the Indigenous languages of the Desert Channels region.	$10,150
PORMPURAAW	Pormpuraaw Aboriginal Shire Council	To maintain, document and increase the knowledge and use of the key languages spoken in Pormpuraaw.	$32,400
ROCKHAMPTON	Saima Torres Strait Islander Corporation	To facilitate and revive Kala Lagua Ya, Meriam Mir, Kala Kawaw Ya, Kriol and Kulkagal dialects through language workshops and classes.	$42,587
SHELDON	Waanyi Nation Aboriginal Corporation	To restore revive and develop the Waanyi Language Culture in Doomadgee and surrounding areas.	$75,000

Queensland

Location	Organisation	Project Description	Funding
BRISBANE	Library Board of Queensland	To coordinate meetings and networking between language centres in Queensland, New South Wales and Victoria to assist in strategic planning for languages around revival of languages particularly utilising new technology.	$120,000

South Australia

Location	Organisation	Project Description	Funding
ADELAIDE	University of Adelaide	To develop and trial family language policy and resources for the transmission and revival of Indigenous languages in South Australia.	$135,208
ADELAIDE	Dieri Aboriginal Corporation	To continue to revitalise the Dieri language through training and language classes.	$56,700
ADELAIDE	University of Adelaide	To produce Nyangumarta resources and support the training of a Nyangumarta speaker to revive the language.	$108,514
CEDUNA	Tjutjunaku Worka Tjuta Inc.	To produce resources and provide training to support the revival of the Wirangu language.	$61,800
COPLEY	Nipapanha Community Inc.	To produce audio-visual documentation of Adnyamathanha language speakers at traditional sites and also produce a song book.	$80,000
MOONTA	Narungga Aboriginal Progress Association Inc.	To develop resources and teaching partnerships to promote the use of the Narungga language in the community.	$83,800
PORT ADELAIDE	Tauondi College Incorporated	To conduct language classes and language immersion activities to revitalise the Adnyamathanha language.	$65,000

Victoria

Location	Organisation	Project Description	Funding
ELWOOD	Resource Network for Linguistic Diversity	To develop a training program to enhance the capacity of language workers to document, retrieve and reintroduce Indigenous languages nationally.	$74,000
MELBOURNE	Federation of Aboriginal and Torres Strait Islander Languages (Corporation)	To provide support for the revival, maintenance and promotion of Indigenous languages nationally.	$420,000
MELBOURNE	Victorian Aboriginal Corporation for Languages	To conduct community-based Indigenous language programs throughout Victoria to retrieve, document and revive Victorian Indigenous languages.	$542,160
MILDURA	Mildura Aboriginal Corporation Inc.	To support the transfer of knowledge of the Barkindji language between elders and children in the Mildura region.	$26,500

Western Australia

Location	Organisation	Project Description	Funding
ALICE SPRINGS	Ngaanyatjarra Media Aboriginal Corporation	To record and develop resources of the Ngaanyatjarra languages and make these accessible to the Yarnangu people.	$65,000
BATCHELOR	Batchelor Institute of Indigenous Tertiary Education	To support the Danjoo Moordyap Darbakan – Noongar language revival and retrieval in the region.	$270,633
DERBY	Madjulla Incorporated	To support the revival and maintenance of Nyikina Language and Culture in the West Kimberley of WA.	$50,750
GERALDTON	Bundiyarra Aboriginal Community Aboriginal Corporation	To provide language services through the Irra Wangga Language centre to revive and maintain the Indigenous languages in the Midwest, Murchison and Gascoyne regions.	$345,175
HALLS CREEK	Kimberley Language Resource Centre	To revive and maintain Indigenous languages in the Kimberley region, Western Australia.	$440,358
KUNUNURRA	Mirima Council Aboriginal Corporation	To assist in the maintenance of language across the Kununurra region, East Kimberley.	$178,449

Western Australia

Location	Organisation	Project Description	Funding
KUNUNURRA	Mirima Council Aboriginal Corporation	To document Miriwoong grammar in the Kununurra region, East Kimberley.	$40,293
ROEBOURNE	Juluwarlu Group Aboriginal Corporation	To record and document the Yindibarndi language, and develop resources for teaching.	$70,000
SOUTH HEDLAND	Wangka Maya Pilbara Aboriginal Language Centre (Aboriginal Corporation)	To operate an Aboriginal Language Centre that facilitates language maintenance in the Pilbara region.	$286,559
SOUTH HEDLAND	Wangka Maya Pilbara Aboriginal Language Centre (Aboriginal Corporation)	To record and archive the languages of the Pilbara region.	$197,740
SOUTH HEDLAND	Wangka Maya Pilbara Aboriginal Language Centre (Aboriginal Corporation)	To support language services in the Western Desert region.	$147,500
WEST PERTH	Western Desert Lands Aboriginal Corporation (Jamukurnu Yapalikunu)	To extend the Martu vocabulary to incorporate key structures and concepts for mainstream society.	$60,800

Tasmania

Location	Organisation	Project Description	Funding
HOBART	Tasmanian Aboriginal Centre	To record, reconstruct, revive, maintain and promote the Palawa Kani Tasmanian Aboriginal Language.	$290,000

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Social Justice Report 2009

Aboriginal and Torres Strait Islander Social Justice Commissioner

The *Social Justice Report 2009,* is produced by the Aboriginal and Torres Strait Islander Social Justice Commissioner, in accordance with the functions set out in section 46C(1) (a) of the *Australian Human Rights Commission Act 1986* (Cth).

The focus of *Social Justice Report 2009* is on justice reinvestment to reduce Indigenous over-representation in the criminal justice system; protection of Indigenous languages; and sustaining Aboriginal homeland communities.

The report makes 12 recommendations to government for addressing issues in these areas.

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