

## CHAPTER 23: EDUCATING FOR THE FUTURE (RECOMMENDATIONS 289 - 299)

The Royal Commission into Aboriginal Deaths in Custody ('RCIADIC') found that; while there have been significant changes to the educational services provided to Indigenous students in recent years,<sup>1</sup> significant educational disadvantage remains.<sup>2</sup> RCIADIC demonstrated that failure to provide a meaningful and useful educational experience for Indigenous people affects their ability to participate fully in Australian society and contributes to the disproportionate number of Indigenous people in custody.<sup>3</sup>

Chapter 33 of the National Report recognised that education represents a dilemma for Indigenous people. The educational curriculum seeks to educate Indigenous students using ideas, attitudes and values which are derived from non-Indigenous culture, but if Indigenous students do not participate in schooling they are denied access to many of the skills and resources that they require to build their own future.<sup>4</sup> The National Report recommended that this dilemma be managed by involving Indigenous parents and community members in decisions regarding educational services, allowing them the freedom to decide their requirements for education in light of the requirements of their communities.<sup>5</sup>

The RCIADIC made a number of Recommendations to increase the Indigenous community's involvement in the educational curriculum and school attendance by Indigenous students, which can be categorised as follows:

1. Improvement of preschooling programs (Recommendation 289);
2. Modifications to educational curricula (Recommendations 290-292);
3. Increased financial assistance to Indigenous students (Recommendation 293);
4. Improvements to teacher education and training (Recommendations 294-297);
5. Improvements to adult educational programs (Recommendation 298); and
6. Implementation of the National Aboriginal Education Policy (Recommendation 299)

This Chapter examines the extent to which these Recommendations have been implemented by the Federal, State and Territory governments.

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<sup>1</sup> Commonwealth, Royal Commission into Aboriginal Deaths in Custody, *National Report* (1991) vol 4, [33.1.3].

<sup>2</sup> *Ibid* vol 4, [33 - Introduction].

<sup>3</sup> *Ibid* vol 2, [16 - Introduction].

<sup>4</sup> *Ibid* vol 4, [33.1.5].

<sup>5</sup> *Ibid* vol 4, [33.1.6] - [33.1.9].

## 1. Pre-schooling programs (Recommendation 289)

**Recommendation 289:** *That:*

- (a) *Governments, State Aboriginal Education Consultative Groups and local AECGs should pay great attention to the fact that the scope of the National Aboriginal and Torres Strait Islander Education Policy extends to preschooling programs and that it should be recognised that to a considerable extent the success of the whole NAEP will turn on the success of the preschooling initiatives; and*
- (b) *Preschooling programs should have as a major aim the involvement not only of the children, but of the parents or those responsible for the care of the children.*

The RCIADIC acknowledged that preschool programs act as a "bridge" to full participation in formal education and increase the chances of educational success.<sup>6</sup> It noted that preschool teachers in South Australia had told the RCIADIC that Indigenous children may require additional help with the English language and that at the age of three or four, an Indigenous child brought up in an English-speaking household may have as little as half the English vocabulary of a non-Indigenous child. Preschool provides an important opportunity to begin countering this deficit to ensure that it does not hamper the progress of Indigenous children in primary school and thereafter.<sup>7</sup>

This Report suggests that the Commonwealth Government and each of the State and Territory Governments have taken some steps to implement Recommendation 289.

### 1.1 Commonwealth

In 2009, each of the Commonwealth and State and Territory Governments acknowledged the RCIADIC's findings that Indigenous children have lower levels of participation in early childhood education and are likely to be behind from their first year of formal schooling in the National Strategy for Closing the Gap. This Strategy also set targets to increase Indigenous involvement in early childhood education.<sup>8</sup> However, in 2011, Australian Institute of Health and Welfare and Australian Institute of Family Studies suggested that 75% of Indigenous children between 3.5 and 4.5 years of age did not attend any formal early childhood educational service<sup>9</sup> and the 2015 Closing the Gap: Prime Minister's Report noted that the Closing the Gap targets are generally not on track to be achieved.<sup>10</sup>

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<sup>6</sup> Ibid vol 4, [33.1.11].

<sup>7</sup> Ibid vol 4, [33.1.14].

<sup>8</sup> Council of Australian Governments, *National Integrated Strategy for Closing the Gap in Indigenous Disadvantage* (2009), available at: [https://www.coag.gov.au/sites/default/files/NIS\\_closing\\_the\\_gap.pdf](https://www.coag.gov.au/sites/default/files/NIS_closing_the_gap.pdf).

<sup>9</sup> Closing the Gap Clearinghouse, *Resource sheet no. 7* (May 2011) Australian Institute of Health and Welfare, available at:

<http://www.aihw.gov.au/uploadedFiles/ClosingTheGap/Content/Publications/2011/ctgc-rs07.pdf>.

<sup>10</sup> Australian Government Department of the Prime Minister and Cabinet, *Closing the Gap: Prime Minister's Report 2015* (11 February 2015) Australian Policy Online, available at: [http://apo.org.au/files/Resource/dpmc\\_closingthegapthepremeministersreport2015\\_feb\\_2015.pdf](http://apo.org.au/files/Resource/dpmc_closingthegapthepremeministersreport2015_feb_2015.pdf).

The Commonwealth Government's Community Support Program provides funding for early learning and childcare services in locations where the market would not normally be viable (particularly in Indigenous, regional and remote communities).<sup>11</sup> However, the funding provided under this program is capped and the program is not currently accepting applications for the establishment of services in new communities.

The Commonwealth Government has entered into bilateral agreements<sup>12</sup> with State and Territory governments to provide funding to implement the National Partnership Agreement on Universal Access to Early Childhood Education<sup>13</sup> and published an Indigenous Education Action Plan,<sup>14</sup> each of which contain strategies for increased Indigenous enrolment in early childhood education.

Sections 7 and 8 of the Commonwealth *Indigenous Education (Targeted Assistance) Act 2000* also provide for Indigenous children to participate in preschool education for a period similar to that of other Australian children and for Indigenous people to participate in preschool, primary and secondary education for Indigenous children.

## 1.2 Western Australia

Similarly, the Western Australian Government has implemented initiatives to increase the enrolment of Indigenous pre-schoolers in early childhood education and improve language and literacy but has not implemented measures to increase the involvement of Indigenous families in their preschoolers' education.

## 1.3 Victoria

The Victorian Government has implemented a Koori Early Childhood Education Program to increase the number of Indigenous children attending preschool, assist preschool programs to become more culturally relevant for Indigenous children and

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<sup>11</sup> Australian Government, *Programmes for Indigenous families*, available at:

<<http://www.mychild.gov.au/sites/mychild/families-and-carers/pages/indigenous-programmes>>.

<sup>12</sup> Commonwealth of Australia and the State of New South Wales, *Bilateral Agreement on achieving Universal Access to Early Childhood Education* (2009) Council on Federal Financial Relations, available at: <[http://www.federalfinancialrelations.gov.au/content/npa/education/early\\_childhood/NSW.pdf](http://www.federalfinancialrelations.gov.au/content/npa/education/early_childhood/NSW.pdf)>.

<sup>13</sup> A National Partnership Agreement on Early Childhood Education was entered into between the Federal, State and Territory Governments in November 2008. It committed the Federal, State and Territory Governments to providing universal access to early childhood education between 2009 and 2013 and, in particular, aimed to provide Indigenous and non-Indigenous children with access to a preschool program for 12 months prior to commencing full-time schooling. A deliverable under the Agreement was that the current rates of Indigenous children enrolled in early childhood education should be maintained and that strategies to improve attendance by Indigenous children should be implemented. In 2013, a further National Partnership Agreement on Universal Access to Early Childhood Education was entered into with respect to early childhood education between 2013 and 2015. This Agreement commits to providing early childhood education to all four year old Indigenous children, including those in remote communities.

<sup>14</sup> Ministerial Council for Education, Early Childhood Development and Youth Affairs, *Aboriginal and Torres Strait Islander Education Action Plan 2010-2014* (2010) Education Council, available at: <[http://www.scseec.edu.au/site/DefaultSite/filesystem/documents/ATSI%20documents/ATSIEAP\\_web\\_version\\_final.pdf](http://www.scseec.edu.au/site/DefaultSite/filesystem/documents/ATSI%20documents/ATSIEAP_web_version_final.pdf)> ('Education Action Plan'). The Plan aims to ensure that all four year old Indigenous children in remote communities have access to early childhood education within 5 years (i.e. by 2013).

encourage the Indigenous community's involvement in the delivery of preschool services to Indigenous children<sup>15</sup>.

A Koori Preschool Assistants program also provides assistants to increase access to and participation in early childhood education for Indigenous children<sup>16</sup> and the Victorian Government's Plan for Aboriginal Children and Young People<sup>17</sup> aspires to provide early childhood education for Indigenous children for 2 years before school which combine best practices in early childhood learning with Indigenous language, history and culture.

#### 1.4 Australian Capital Territory

A Koori Preschool Program has also been implemented by the ACT Government which also provides additional support to Indigenous pre-schoolers by way of speech therapy, occupational therapy and hearing testing.<sup>18</sup>

#### 1.5 New South Wales

Similar programs have been implemented in New South Wales, including the Kids Excel Program, which provided funding to employ support staff at selected preschools to assist Indigenous parents to engage in their children's learning, and the Building Stronger Connections Project, which sought to increase Indigenous families' and communities' involvement in preschooling and which research suggests has increased Indigenous enrolments in preschools.<sup>19</sup>

The NSW Department of Education and Communities also provides resources to assist childcare centres to encourage Indigenous families' involvement in early childhood care, including by seeking input from and building connections with Indigenous communities.<sup>20</sup>

#### 1.6 Queensland

<sup>15</sup> State Government of Victoria, *Victorian Government Response to the Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody* (27 October 2005) Department of Justice and Regulation, [134], [136] - [137] ('Victorian Government Response'). Available at:

<<http://www.justice.vic.gov.au/home/your+rights/aboriginal+justice+agreement/reviewing+and+responding+to+the+royal+commission+into+aboriginal+deaths+in+custody+leader/>>.

<sup>16</sup> State Government of Victoria Department of Education and Training, *Supporting Aboriginal Children and Their Families*, available at:

<<http://www.education.vic.gov.au/childhood/providers/needs/pages/aboriginalsupport.aspx>>.

<sup>17</sup> State Government of Victoria, *Balert Boorron: The Victorian Plan for Aboriginal Children and Young People (2010 - 2020)*, Department of Education and Training, available at:

<<https://www.eduweb.vic.gov.au/edulibrary/public/govrel/Policy/thecharter/balertboorron.pdf>>.

<sup>18</sup> Australian Capital Territory Government, *ACT Closing the Gap Report 2012: Outcomes and Indicators for Aboriginal and Torres Strait Islander Peoples* (2012) Community Services, available at:

<[http://www.dhcs.act.gov.au/\\_\\_data/assets/pdf\\_file/0011/415694/2012\\_ACT\\_Closing\\_the\\_Gap\\_Report.pdf](http://www.dhcs.act.gov.au/__data/assets/pdf_file/0011/415694/2012_ACT_Closing_the_Gap_Report.pdf)>; Australian Capital Territory Government Education and Training Directorate, *Indigenous Education*, available at:

<[http://www.det.act.gov.au/teaching\\_and\\_learning/curriculum\\_programs/indigenous\\_education](http://www.det.act.gov.au/teaching_and_learning/curriculum_programs/indigenous_education)>.

<sup>19</sup> Helen Starkey and Mary-Kate Balog, *Building Stronger Connections with Aboriginal and Torres Strait Islander Communities*, Hunter Institute of Mental Health, available at:

<[http://www.himh.org.au/\\_\\_data/assets/pdf\\_file/0018/2772/6-Building-Stronger-Connections-with-Aboriginal-and-Torres-Strait-Islander-Communities.pdf](http://www.himh.org.au/__data/assets/pdf_file/0018/2772/6-Building-Stronger-Connections-with-Aboriginal-and-Torres-Strait-Islander-Communities.pdf)>.

<sup>20</sup> New South Wales Government Department of Education and Communities, *Aboriginal Access*, available at: <<http://www.dec.nsw.gov.au/what-we-offer/regulation-and-accreditation/early-childhood-education-care/aboriginal-access>>.

In 2008, the Queensland Government committed to ensuring that all Indigenous four year olds in rural communities have access to early childhood education within 5 years and committed funding for programs to support Indigenous pre-schoolers and their parents.<sup>21</sup> The Queensland Government's Embedding Aboriginal and Torres Strait Islander Perspectives in Early Childhood Program also supports early childhood education providers in regional and urban areas of Queensland to engage with Indigenous families to deliver early childhood education programs which reflect Indigenous perspectives<sup>22</sup>.

However, a discussion paper published by the Queensland Department of Education, Training and Employment noted that as at 2011 Indigenous preschool attendance rates were still lower than that of the general population.<sup>23</sup>

### 1.7 Northern Territory

The Northern Territory's Indigenous Education Council (an Indigenous representative advisory body appointed by the Minister for Education and Training) has published a Strategic Plan<sup>24</sup> which provides for the Council to ensure that all Aboriginal and Torres Strait Islander four year olds in remote Northern Territory communities have access to early childhood intervention.

The Government of the Northern Territory (together with the Commonwealth Government) has also funded a Preschool Readiness Program which has helped to increase the number of Indigenous children attending preschool in some areas.<sup>25</sup>

### 1.8 Tasmania

Similar measures have also been implemented in Tasmania, including employment of Aboriginal Early Years Liaison Officers and Project Officers by the Tasmanian Department of Education, which work with Indigenous families to engage their children in preschooling activities.<sup>26</sup>

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<sup>21</sup> Queensland Government, *Queensland Closing the Gap Report 2008/2009: Indicators and Initiatives for Aboriginal and Torres Strait Islander Peoples*, Department of Aboriginal and Torres Strait Islander Partnerships, available at: <<http://www.datsip.qld.gov.au/resources/datsima/funding-grants/atsi/closing-gap/closing-the-gap-0809-full.pdf>>.

<sup>22</sup> Queensland Government Department of Early Childhood Education and Care, *Embedding Indigenous Perspectives*, available at: <<http://deta.qld.gov.au/earlychildhood/service/indigenous-perspectives.html>>.

<sup>23</sup> Queensland Government Department of Education, Training and Employment, *Development of a Queensland Aboriginal and Torres Strait Islander: Early childhood, school education, training, tertiary education and employment action plan 2013-2016 Discussion Paper*, Queensland Government Indigenous Portal, available at: <<https://indigenousportal.eq.edu.au/SiteCollectionDocuments/atsi-discussion-paper.pdf>>.

<sup>24</sup> Northern Territory Indigenous Education Council, *IECB Annual Strategic Plan (31 March 2013)* Northern Territory Government Department of Education, available at: <[http://www.education.nt.gov.au/\\_\\_data/assets/pdf\\_file/0014/31820/2013NTIEC-StrategicPlan.pdf](http://www.education.nt.gov.au/__data/assets/pdf_file/0014/31820/2013NTIEC-StrategicPlan.pdf)>.

<sup>25</sup> Australian Government, *All Ready for Preschool in Central Australia*, available at: <<http://www.indigenous.gov.au/all-ready-for-preschool-in-central-australia>>.

<sup>26</sup> Department of Education Tasmania, *Aboriginal Education Services*, available at: <<https://www.education.tas.gov.au/documentcentre/Documents/Aboriginal-Education-Services.pdf>>.

However, the Australian Education Union<sup>27</sup> has suggested that as at October 2007, only 32.6% of preschool age Indigenous children in Tasmania attend preschool, the lowest participation rate of any of the States or Territories.

## 1.9 South Australia

In contrast to the Tasmanian attendance rates, the Centre for Aboriginal Economic Policy<sup>28</sup> has suggested that South Australia, which has implemented a number of programs in line with the RCIADIC's Recommendations<sup>29</sup>, has almost equal preschool attendance rates between Indigenous and non-Indigenous preschool age children and the Australian Education Union<sup>30</sup> has estimated that 51.2% of preschool age Indigenous children in South Australia attend preschool.

## 2. Modifications to curricula (Recommendations 290 - 292)

**Recommendation 290:** *That curricula of schools at all levels should reflect the fact that Australia has an Aboriginal history and Aboriginal viewpoints on social, cultural and historical matters. It is essential that Aboriginal viewpoints, interests, perceptions and expectations are reflected in curricula, teaching and administration of schools.*

**Recommendation 291:** *That:*

- (a) *In designing and implementing programs at a local level which incorporate Aboriginal viewpoints on social, cultural and historical matters local schools should, wherever possible, seek the support and participation of the local Aboriginal community in addition to any other appropriate Aboriginal organisations or groups; and*
- (b) *In engaging local Aboriginal people to assist in the preparation and delivery of such courses at a local level, school principals and the relevant education departments accept that in recognition of the expertise which local Aboriginal people would bring to such a program, payment for the services of such Aboriginal people would be appropriate.*

**Recommendation 292:** *That the AECGs in each State and Territory take into account in discussing with governments the needs of the Aboriginal communities in their area, and that local Aboriginal Education Consultative Groups take into account when consulting with school principals and providers at the local level, the fact that many Aboriginal communities and organisations have identified the need for the education*

<sup>27</sup> Michaela Kronemann, *Australian Education Union Briefing Paper: Universal Preschool Education for Aboriginal and Torres Strait Islander Children* (October 2007) Australian Education Union. Available at: <<http://www.aeufederal.org.au/Publications/2007/IndigenousECE.pdf>>.

<sup>28</sup> Adrian M. Fordham and R.G. (Jerry), *Research Summaries Reference No. 26 - Summarising: Biddle (2006), Indigenous Australians and preschool education: Who is attending?* See, The Australian National University centre for Aboriginal Economic Policy Research, available at: <[http://caep.r.anu.edu.au/sites/default/files/cck\\_misc\\_documents/2010/06/ref026.pdf](http://caep.r.anu.edu.au/sites/default/files/cck_misc_documents/2010/06/ref026.pdf)>.

<sup>29</sup> The programs implemented by the Government of South Australia include a Preschool Bilingual Program, which supports language and literacy development for Indigenous pre-schoolers and advice to preschools, and its *Achieving Outcomes for Aboriginal Students* policy which seeks to increase the Indigenous community's participation in educational decision making. See South Australia Department for Education and Child Development, *Preschool Bilingual Program*, Early Years, available at: <<http://www.earlyyears.sa.edu.au/pages/Programs/bilingual1/?reFlag=1>>.

<sup>30</sup> Kronemann, above n 27.

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*curricula to include a course of study to inform students on social issues such as the legal system--including police and Courts--civil liberties, drug and alcohol use and sex education.*

The RCIADIC heard that inappropriate educational curricula were a direct cause of reduced self-esteem and educational achievement among Indigenous students and were the reason for the identity crisis suffered by many young Indigenous people.<sup>31</sup> It noted that a focus in educational curricula on the basic skills, language and knowledge which prevail in non-Indigenous society can lead to the assimilation of Indigenous students into non-Indigenous society. This risk should be avoided by ensuring that educational curricula incorporate Indigenous, as well as non-Indigenous, perspectives.<sup>32</sup>

The RCIADIC noted that a number of research reports and Commonwealth, State and Territory policy documents recommended that Indigenous studies be included in educational curricula to combat low educational achievement amongst Indigenous students and racism<sup>33</sup> but that these Recommendations had not been consistently implemented.<sup>34</sup> In some cases, Indigenous studies remained electives rather than core curricula and the provision of Indigenous studies courses were dependent on the interest and will of principals and teachers.<sup>35</sup> The RCIADIC also heard requests from Indigenous community members that the educational curricula include alcohol, drug, health, employment, welfare and legal education.<sup>36</sup>

This Report shows that Recommendations 290 - 292 have not been fully implemented by the Commonwealth, State and Territory Governments.

## **2.1 Modification of school curricula to reflect Indigenous history and viewpoints**

### **2.1.1. Commonwealth**

The Australian Curriculum, Assessment and Reporting Authority is a national authority responsible for the development of the national Australian Curriculum. The Australian Curriculum requires schools to teach the histories and cultures of Indigenous people and requires Indigenous perspectives to be embedded in every subject.

However, the Federal Government has indicated that it will seek to reform the Australian Curriculum, including by scaling back the emphasis on Indigenous perspective and teaching Indigenous culture and history as a stand-alone subject.<sup>37</sup>

### **2.1.2. Victoria**

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<sup>31</sup> *National Report*, above n 1, vol 4, [33.1.16].

<sup>32</sup> *Ibid* vol 4, [33.1.26].

<sup>33</sup> *Ibid* vol 4, [33.1.17].

<sup>34</sup> *Ibid* vol 4, [33.1.18] - [33.1.23].

<sup>35</sup> *Ibid* vol 4, [33.1.21].

<sup>36</sup> *Ibid* vol 4, [33.1.29] - [33.1.31].

<sup>37</sup> *The Australian*, *Paring back "overcrowded" national curriculum as a government priority* (12 October 2014), available at: <<http://www.theaustralian.com.au/national-affairs/education/paring-back-overcrowded-national-curriculum-a-government-priority/story-fn59nlz9-1227087805139>>.

The Victorian Department of Education and Training has confirmed that Indigenous issues have been recognised as essential learning in its curriculum for Years 5-6 and 9-10. These units have been developed by Indigenous and non-Indigenous educators, and training has also been provided for teachers to enable them to teach Indigenous issues in a sensitive manner.<sup>38</sup>

### 2.1.3. New South Wales

The NSW Government's Department of Education and Training Aboriginal Education and Training Policy<sup>39</sup> commits to increasing knowledge and understanding of the histories, cultures and experiences of Indigenous people.

### 2.1.4. Queensland

Similar commitments to those made by the NSW Government have also been made by the Queensland Government,<sup>40</sup> which requires that Indigenous histories and cultures be embedded in all learning areas.

The Queensland Curriculum and Assessment Authority has developed a number of protocols and guidelines to support the inclusion of Indigenous perspectives in the school curriculum.<sup>41</sup>

### 2.1.5. Australian Capital Territory

The ACT Government<sup>42</sup> has also sought to implement programs to increase student understanding of and respect for Indigenous cultural perspectives and to extend teaching of these perspectives across the school curriculum and affirmed its commitment to doing so in its Report to the Legislative Assembly of the Australian Capital Territory.<sup>43</sup>

### 2.1.6. Northern Territory

The Northern Territory's Indigenous Education Council Strategic Plan<sup>44</sup> advocates the inclusion of Aboriginal and Torres Strait Islander perspectives in

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<sup>38</sup> *Victorian Government Response*, above n 15, [135], [137] - [138].

<sup>39</sup> New South Wales Government Department of Education and Communities, *Aboriginal Education and Training Policy*, available at: <[https://www.det.nsw.edu.au/policies/students/access\\_equity/aborig\\_edu/PD20080385.shtml?query=Aboriginal+Education+and+Training](https://www.det.nsw.edu.au/policies/students/access_equity/aborig_edu/PD20080385.shtml?query=Aboriginal+Education+and+Training)>.

<sup>40</sup> Queensland Government Department of Education and Training, *Embedding Aboriginal and Torres Strait Islander Perspectives in schools: A guide for school learning communities*, Queensland Government Indigenous education, available at: <[http://indigenous.education.qld.gov.au/SiteCollectionDocuments/eatsips-docs/eatsips\\_2011.pdf](http://indigenous.education.qld.gov.au/SiteCollectionDocuments/eatsips-docs/eatsips_2011.pdf)> (*'Embedding Aboriginal and Torres Strait Islander Perspectives'*).

<sup>41</sup> Queensland Curriculum and Assessment Authority, *Aboriginal and Torres Strait Islander perspectives support materials*, available at: <<https://www.qcaa.qld.edu.au/3035.html>>.

<sup>42</sup> Australian Capital Territory Department of Education and Training, *Aboriginal and Torres Strait Islander Strategic Plan 2006-09*, available at: <[http://www.det.act.gov.au/teaching\\_and\\_learning/curriculum\\_programs/indigenous\\_education](http://www.det.act.gov.au/teaching_and_learning/curriculum_programs/indigenous_education)>.

<sup>43</sup> Australian Capital Territory Government Department of Education and Training, *Aboriginal and Torres Strait Islander Education 2012-13: Report to the Legislative Assembly of the Australian Capital Territory 2012-2013*, available at: <[http://www.det.act.gov.au/\\_\\_data/assets/pdf\\_file/0009/509742/ATSI-Education-Screen-PDF.PDF](http://www.det.act.gov.au/__data/assets/pdf_file/0009/509742/ATSI-Education-Screen-PDF.PDF)> (*'Report to the ACT Legislative Assembly'*).

<sup>44</sup> *IECB Annual Strategic Plan*, above n 24.



the educational curriculum and the Northern Territory Government's policies include a "non-negotiable" requirement that its schools embed Indigenous perspectives and Indigenous partnerships in their curricula.<sup>45</sup>

The Northern Territory Curriculum Framework also incorporates Indigenous views<sup>46</sup> and the Government of the Northern Territory has released guidelines to assist schools to embed Indigenous perspectives.<sup>47</sup>

### 2.1.7. South Australia

The Government of South Australia has published strategies for incorporating Indigenous perspectives in its curriculum<sup>48</sup> and has proposed to include an Indigenous cultural studies component which has been designed by the Indigenous community in its school curriculums by 2016.<sup>49</sup> However, the Government of South Australia has not identified how Indigenous history will be incorporated into its curricula.

### 2.1.8. Tasmania

The Tasmanian Government has also sought to incorporate Indigenous perspectives into teaching programs<sup>50</sup> but has not specified in detail how this will be achieved. However, the Government of Tasmania has not identified how Indigenous history will be incorporated into its curricula.

### 2.1.9. Western Australia

The Government of Western Australia has implemented an Aboriginal Perspectives Across the Curriculum program which aims to broaden students' and teachers' understanding of Aboriginal culture and enable them to look at the world from an Aboriginal point of view.<sup>51</sup>

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<sup>45</sup> Northern Territory Government Department of Education and Training, *Prioritising Literacy and Numeracy - A strategy to improve literacy and numeracy outcomes 2010-2012*, available at: <[http://www.education.nt.gov.au/\\_\\_data/assets/pdf\\_file/0018/13086/LiteracyNumeracyStrategy.pdf](http://www.education.nt.gov.au/__data/assets/pdf_file/0018/13086/LiteracyNumeracyStrategy.pdf)> ('Prioritising Literacy and Numeracy').

<sup>46</sup> Northern Territory Government Department of Education, *NT Curriculum Framework*, available at: <<http://www.education.nt.gov.au/teachers-educators/curriculum-ntbos/ntcf/>>.

<sup>47</sup> Northern Territory Government Department of Education and Training *Embedding Aboriginal and Torres Strait Islander Perspectives in Schools* (4 November 2010), available at: <[http://www.education.nt.gov.au/\\_\\_data/assets/pdf\\_file/0018/15228/EmbeddingAboriginalPerspectivesInSchools.pdf](http://www.education.nt.gov.au/__data/assets/pdf_file/0018/15228/EmbeddingAboriginalPerspectivesInSchools.pdf)>.

<sup>48</sup> South Australia Government Department of Education and Children's Services, *Aboriginal Education for all learners in South Australia: A beginner's guide to DECS Aboriginal Education*, Department for Education and Child Development, available at: <[http://www.decd.sa.gov.au/farnorthandaboriginallands/files/links/Ab\\_Ed\\_for\\_all\\_learners\\_in.pdf](http://www.decd.sa.gov.au/farnorthandaboriginallands/files/links/Ab_Ed_for_all_learners_in.pdf)>.

<sup>49</sup> Government of South Australia, *South Australia's Strategic Plan* (2011) SA Strategic Plan, available at: <<http://saplan.org.au/pages/download-the-plan>>.

<sup>50</sup> The Department of Education Tasmania, *Tasmania's Aboriginal Education Framework (2012-2015)*, available at: <[https://www.education.tas.gov.au/documentcentre/Documents/Tasmanias-Aboriginal-Education-Framework-\(2012%E2%80%932015\).pdf](https://www.education.tas.gov.au/documentcentre/Documents/Tasmanias-Aboriginal-Education-Framework-(2012%E2%80%932015).pdf)>.

<sup>51</sup> Western Australia Government Department of Education, *Aboriginal Education: Working in partnership empowers all to make a significant difference*, available at: <<http://www.det.wa.edu.au/aboriginaleducation/apac/detcms/navigation/apac/>>.

## 2.2 Support and participation of the Indigenous community in school curricula

### 2.2.1. Commonwealth

The Aboriginal and Torres Strait Islander Education Action Plan<sup>52</sup> provides for certain "focus schools" to negotiate a formal school-community partnership agreement between the school and families of Indigenous students which sets out the manner in which the parties will improve educational outcomes and establish family forums to enable the families of Indigenous students to participate in their education.

The *Indigenous Education (Targeted Assistance) Act 2000* (Cth) also provides for the involvement of Indigenous people in the making of decisions concerning preschool, primary and secondary education.

### 2.2.2. Victoria

The Victorian Department of Education has implemented policies which acknowledge that local Indigenous communities are best able to determine the education and training needs of their communities.<sup>53</sup>

Local Aboriginal Consultative Groups throughout Victoria also provide advice to the Department of Education on matters relating to Indigenous education<sup>54</sup> and regional Education Development Officers work with local Indigenous community members to develop school curricula. In particular, the Victorian Aboriginal Education Association aims to increase the presence and voice of Indigenous people in educational decision making.<sup>55</sup>

While payments to Indigenous community members in return for their expertise are a matter for each local school, the Department of Education has acknowledged that such payments have become a common practice.<sup>56</sup>

### 2.2.3. Queensland

The Queensland Government has implemented a strategy<sup>57</sup> to require schools to develop appropriate systems to engage and pay Indigenous community members and non-profit organisations, including for Welcome to Country, guest speaker programs, artist in residence and general curriculum engagement activities.

The Queensland Indigenous Consultative Committee also provides advice to the Queensland Government to assist it to consult with Indigenous people and

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<sup>52</sup> *Education Action Plan*, above n 14.

<sup>53</sup> *Victorian Government Response*, above n 15, [135], [138] - [139].

<sup>54</sup> *Ibid.*

<sup>55</sup> Victorian Aboriginal Education Association, *Who we are*, available at: <<http://vaeai.org.au/who-we-are/dsp-default-d.cfm?loadref=56>>.

<sup>56</sup> *Victorian Government Response*, above n 15, [135], [138] - [139].

<sup>57</sup> *Embedding Aboriginal and Torres Strait Islander Perspectives*, above n 40.

communities and take their views into account on matters relating to education.<sup>58</sup>

#### 2.2.4. New South Wales

The NSW Government's policy acknowledges that school principals and institute managers are responsible for consulting and engaging with Indigenous communities.<sup>59</sup> The policy requires the Director-General of the Department of Education and Training to ensure that the policy is implemented and report to the Minister and the broader NSW community on its implementation.

However, this Report has not identified any policies of the NSW Government requiring payments to be made to Indigenous community members in return for their participation in educational decision making.

#### 2.2.5. Australian Capital Territory

The ACT Government's Strategic Plan<sup>60</sup> contains similar acknowledgements and provides for an Indigenous Education Consultative Body to hold community meetings to provide parents, caregivers and members of Indigenous communities in the ACT with opportunities to discuss issues that they consider impact on Indigenous students' educations. By 2013, 28 schools in the ACT had implemented Community Partnership Agreements to increase opportunities for Indigenous people to be involved in school decision-making at a local level and the ACT Education and Training Directorate had consulted with a number of Indigenous communities and groups in relation to its educational strategies.<sup>61</sup>

However, this Report has not identified any policies of the ACT Government requiring payments to be made to Indigenous community members in return for their participation in educational decision making.

#### 2.2.6. Tasmania

The Tasmanian Department of Education's Aboriginal Education Services has also implemented a number of programs to involve the Indigenous community in education, including off campus cultural education programs in which Indigenous students work with Indigenous elders, an Aboriginal Sharers of Knowledge Program which gives Indigenous people an opportunity to be involved in classroom learning and Aboriginal Cultural Understanding training for teachers, in which teachers work with Indigenous elders to obtain an Indigenous perspective.<sup>62</sup> The Department of Education's Aboriginal Educational Framework (2012-2015) also seeks to increase the proportion of

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<sup>58</sup> Queensland Indigenous Education Consultative Committee, available at: <<http://qiecc.eq.edu.au/>>.

<sup>59</sup> New South Wales Government Department of Education and Communities, *Aboriginal Education and Training Policy*, available at:

<[https://www.det.nsw.edu.au/policies/students/access\\_equity/aborig\\_edu/PD20080385.shtml](https://www.det.nsw.edu.au/policies/students/access_equity/aborig_edu/PD20080385.shtml)>.

<sup>60</sup> *Aboriginal and Torres Strait Islander Strategic Plan 2006-09*, above n 42.

<sup>61</sup> *Report to the ACT Legislative Assembly*, above n 43.

<sup>62</sup> *Aboriginal Education Services*, above n 26.

Aboriginal parents and community members involved in school decision making.<sup>63</sup>

However, this Report has not identified any policies of the Tasmanian Government requiring payments to be made to Indigenous community members in return for their participation in educational decision making.

### 2.2.7. South Australia

The South Australian Government has implemented policies requiring school managers to facilitate participation by the Indigenous community in educational decision making.<sup>64</sup>

However, this Report has not identified any policies of the South Australian Government requiring payments to be made to Indigenous community members in return for their participation in educational decision making.

### 2.2.8. Northern Territory

The Northern Territory Government's strategy<sup>65</sup> acknowledges that students must learn from members of the Indigenous community as often as possible and provides for local Indigenous people to give storytelling sessions and musical performances and act as guest speakers at educational institutions.

However, it does not provide for members of the Indigenous community to be involved in making decisions with respect to school curricula. In its independent review of Indigenous education in the Northern Territory,<sup>66</sup> the Northern Territory Department of Education concluded that there should be more effective partnerships between the Indigenous community and the educational system and greater Indigenous control over education. The Aboriginal Peak Organisations of the Northern Territory also recommended in its submission on the review of Indigenous education in the Northern Territory in February 2014 that Aboriginal peoples and organisations should be given greater input and control over schooling.<sup>67</sup>

However, this Report has not identified any policies of the Northern Territory Government requiring payments to be made to Indigenous community members in return for their participation in educational decision making.

### 2.2.9. Western Australia

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<sup>63</sup> *Tasmania's Aboriginal Education Framework (2012-2015)*, above n 50.

<sup>64</sup> *Preschool Bilingual Program*, above n 29; *South Australia's Strategic Plan*, above n 49.

<sup>65</sup> *Prioritising Literacy and Numeracy*, above n 45.

<sup>66</sup> Northern Territory Government Department of Education, *Learning Lessons: An independent review of Indigenous education in the Northern Territory* (1999), available at:

<[http://www.education.nt.gov.au/\\_\\_data/assets/pdf\\_file/0005/7475/learning\\_lessons\\_review.pdf](http://www.education.nt.gov.au/__data/assets/pdf_file/0005/7475/learning_lessons_review.pdf)>.

<sup>67</sup> Australian Peak Organisations Northern Territory, *APO NT Submission on the review of Indigenous education in the Northern Territory* (February 2014) Aboriginal Medical Services Alliance Northern Territory, available at: <<http://www.amsant.org.au/apont/wp-content/uploads/2015/02/140314-APO-NT-Submission-Indigenous-Education-Review.pdf>>.

The Government of Western Australia's Education Plan<sup>68</sup> requires schools to maintain strong partnerships with Indigenous communities. Schools with a higher proportion of Indigenous students are required to use advocates to build Indigenous engagement and increase Indigenous governance.

The Government of Western Australia has also established Aboriginal Education Advisory Councils which allow Aboriginal people to provide advice on issues that impact on the education of Aboriginal students and ensure that Aboriginal perspectives and views are taken into account.<sup>69</sup> It also facilitates school and community partnership agreements between schools, the parents of students and the local community to work together as partners.

However, this Report has not identified any policies of the Western Australian Government requiring payments to be made to Indigenous community members in return for their participation in educational decision making.

## **2.3 Inclusion of courses on social issues in school curricula**

### **2.3.1. Commonwealth**

The Australian Curriculum includes some courses on the legal system and civil liberties. However, we have not identified any evidence to suggest that the RCIADIC's Recommendation that education curricula include courses on social issues such as drug and alcohol use and sex education has been formally implemented by the Commonwealth Government.

### **2.3.2. Victoria**

While the Victorian Government has suggested that it has partially implemented this Recommendation<sup>70</sup> by working with Indigenous organisations to make decisions about the funding and provision of educational initiatives, we have not found anything to suggest that the Victorian curricula includes courses on the social issues identified to the RCIADIC.

### **2.3.3. Northern Territory**

The Northern Territory Government's Curriculum Framework<sup>71</sup> provides for drug and sex education to be provided to all students. The Curriculum Framework includes a general acknowledgement that the community's customs and practises should be addressed in these programs.

### **2.3.4. Other States and Territories**

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<sup>68</sup> Government of Western Australia Department of Education, *Aboriginal Education Plan for WA Public Schools 2011-2014*, available at: <<http://www.det.wa.edu.au/aboriginaleducation/detcms/aboriginal-education/aboriginal-education/docs/aboriginal-education-plan-2011-2014.en?oid=com.arsdigita.cms.contenttypes.FileStorageItem-id-7148382>>.

<sup>69</sup> Government of Western Australia Department of Education, *Regional Based Advisory Bodies*, available at: <<http://www.det.wa.edu.au/aboriginaleducation/detcms/navigation/aboriginal-education/regional-based-advisory-bodies/?oid=Category-id-7060765>>.

<sup>70</sup> *Victorian Government Response*, above n 15, [135], [138] - [139].

<sup>71</sup> *NT Curriculum Framework*, above n 46.

The Governments of the other States and Territories provide a number of resources to assist their schools to teach drug and sex education but do not appear to have formally included courses on those topics in their educational curricula.

### 3. Financial assistance (Recommendation 293)

**Recommendation 293:** *That the introduction of the Aboriginal Student Support and Parent Awareness Program be commended as being an appropriate recognition of the need for the participation of Aboriginal people at a local level in the delivery of school programs. The Commission notes, however, that the success of the program will be dependent on the extent to which the Aboriginal community is guaranteed adequate consultation, negotiation and support in devising and implementing this program.*

The RCIADIC considered the Commonwealth Government's Aboriginal Student Support and Parent Awareness Program ('ASSPA'), which, at the time of the National Report, supplemented mainstream educational funding by providing funding for excursions, cultural lessons by community members and other projects to increase Indigenous parent and community involvement in schooling. The funds provided by ASSPA were administered by local committees comprising school staff and the parents of Aboriginal and Torres Strait Islander students, and the RCIADIC heard criticism from Department of Education officers suggesting that members of the Indigenous community were reluctant to become involved in these committees.<sup>72</sup>

The RCIADIC noted that this reluctance may be a consequence of ASSPA being implemented without adequate consultation, negotiation and support from the Indigenous community, which may be difficult to obtain given the sense of alienation that many Indigenous parents feel from the school system.<sup>73</sup>

This Report shows that there have been a number of policy responses to this Recommendation at a Federal level. ASSPA was criticised for its failure to involve Indigenous parents, and in 2005 it was replaced by the Parent School Partnership Initiative ('PSPI'), which provided funding to applicants to build the capacity for Indigenous parents and communities to assist with the program. The grants provided under the PSPI are intended to address local barriers to education for Indigenous students and focus more strongly on educational outcomes than the ASSPA. However, the PSPI has been criticised for reducing the level of certainty regarding access to funding (which was provided directly to Indigenous parent-based committees under ASSPA) and reducing Indigenous involvement in decision making.

However, the Parent and Community Engagement Program ('PACE') seeks to increase Indigenous parent engagement with schools and education providers and has been adopted by the States and Territories. It is supported by the National Aboriginal and Torres Strait Islander Education Policy, which establishes arrangements for Indigenous parents and community members to participate in education services.

### 4. Teacher education and training (Recommendations 294 - 297)

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<sup>72</sup> *National Report*, above n 1, vol 4, [33.1.42] - [33.1.44].

<sup>73</sup> *Ibid*, vol 4, [33.1.45].

**Recommendation 294:** *That governments and Aboriginal Education Consultative Groups take note of the methodology employed in such programs as that at Batchelor College, Northern Territory in the training of Aboriginal teachers and others for work in remote communities.*

**Recommendation 295:**

*That:*

- a) *All teacher training courses include courses which will enable student teachers to understand that Australia has an Aboriginal history and Aboriginal viewpoints on social, cultural and historical matters, and to teach the curriculum which reflects those matters;*
- b) *In-service training courses for teachers be provided so that teachers may improve their skill, knowledge and understanding to teach curricula which incorporate Aboriginal viewpoints on social, cultural and historical matters; and*
- c) *Aboriginal people should be involved in the training courses both at student-teacher and in- service level.*

**Recommendation 296:**

*That:*

- a) *AECGs consider such processes which might allow communities and teachers to negotiate and agree upon the role of teachers at local community level; and*
- b) *Governments, AECGs and, where appropriate, unions explore processes which will enable teachers, pupils and parents to negotiate guidelines for the teaching of Aboriginal students and the employment and conditions of teachers on local communities.*

**Recommendation 297:**

*That:*

- a) *The vital role which Aboriginal Education Workers--or persons performing a similar role but with another title--can play in ensuring effective Aboriginal participation in the education system be recognised;*
- b) *Aboriginal Education Workers be given the recognition and remuneration which their role merits and that it be recognised that they suffer from conflicting expectations of community and Department as to their role; and*
- c) *It be understood that there is a need for them to have accountability to the Aboriginal community as well as to their employer.*

The RCIADIC considered innovations in the training of Indigenous teachers around Australia, including training in community-based settings and differing levels of qualification which accommodate trainees' learning difficulties and lower academic qualifications (such as at the Batchelor Institute of Indigenous Tertiary Education in the Northern Territory),<sup>74</sup> and suggested that the continued development of such programs

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<sup>74</sup> Ibid, vol 4, [33.1.51] - [33.1.64].

would substantially increase the number of Indigenous teaching graduates available to teach and positively influence the morale and self-confidence of Indigenous students.<sup>75</sup>

The RCIADIC also heard criticism of the attitudes, teaching methods and knowledge of Indigenous culture of non-Indigenous teachers<sup>76</sup> and suggestions that Indigenous studies be a component of all teacher training courses.<sup>77</sup> While an understanding of Indigenous culture may be learnt "on the job", teachers rarely stayed long enough at community schools or mainstream schools with Indigenous enrolments to obtain this experience.<sup>78</sup>

The RCIADIC noted proposals to develop community education plans in remote communities which would enable remote communities to tailor the curriculum, timetables and programs to suit the community. It also noted the positive effect of Aboriginal Education Workers, Teaching Aides and Teaching Assistants in policing racism and advising and supporting Indigenous students<sup>79</sup> but heard evidence that a lack of resources, low pay and lack of official accreditation limited their effectiveness and affected job retention.<sup>80</sup>

This Report shows that Recommendations 294 - 297 have not been fully implemented by the Commonwealth, State and Territory Governments.

#### **4.1 Governments to take note of innovative teacher training programs**

##### **4.1.1 Commonwealth**

We have not identified any Commonwealth Government policies which acknowledge this Recommendation. However, in 2000 the Human Rights and Equal Opportunity Commission recommended that a remote area teaching program be implemented in all Australian States and Territories.<sup>81</sup>

##### **4.1.2 Queensland**

The Queensland Government has implemented a Remote Area Teacher Education Program, which provides qualified Indigenous teachers the opportunity to teach in their local areas and permits enrolled students to complete most of their training in their area to avoid the need for them to travel to attend tertiary institutions.

##### **4.1.3 Western Australia**

Similar programs have been implemented in Western Australia, including the program offered by Batchelor College referred to by the RCIADIC.

##### **4.1.4 Victoria**

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<sup>75</sup> Ibid, vol 4, [33.1.62].

<sup>76</sup> Ibid, vol 4, [33.1.65].

<sup>77</sup> Ibid, vol 4, [33.1.66].

<sup>78</sup> Ibid, vol 4, [33.1.69].

<sup>79</sup> Ibid, vol 4, [33.1.76].

<sup>80</sup> Ibid, vol 4, [33.1.81].

<sup>81</sup> Australian Human Rights Commission, *Rural and Remote Education Inquiry*, available at: <<http://www.humanrights.gov.au/rural-and-remote-education-inquiry>>.



The Victorian Government has indicated that it has partially implemented this Recommendation<sup>82</sup> as the Victorian Department of Education has developed regional training courses for Indigenous educators and implemented programs and incentives to increase the training of Indigenous teachers.

#### 4.1.5 New South Wales

The NSW Government has established a scholarship program which offers financial incentives to encourage newly qualified teachers to work in remote communities.<sup>83</sup>

#### 4.1.6 Northern Territory

A similar program to that offered by the NSW Government is also offered by the Government of the Northern Territory.<sup>84</sup>

#### 4.1.7 Other States and Territories

This Report has not found any evidence to suggest that the ACT, Tasmanian or South Australian Governments have taken steps to implement this Recommendation.

### 4.2 Teacher training to include an Indigenous studies component

#### 4.2.1 Commonwealth

The Commonwealth Government's policies have acknowledged the need for teacher training to include Indigenous studies training since 1975.<sup>85</sup> However, the extent to which the Indigenous community has been involved in this training is unclear.

The Australian Professional Standards for Teachers includes a requirement that, at the most basic level, all teachers demonstrate a broad knowledge and understanding of the impact of culture, cultural identity and linguistic background on the education of Indigenous students.<sup>86</sup>

We understand that the Australian Professional Standards for Teachers now apply to all Australian teachers, but that certain State and Territory policies and standards also continue to apply to certain teachers.

#### 4.2.2 New South Wales

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<sup>82</sup> *Victorian Government Response*, above n 15, [135], [140].

<sup>83</sup> New South Wales Government Department of Education and Communities, *teach. Rural Scholarships*, available at: <<http://www.dec.nsw.gov.au/about-us/careers-centre/school-careers/teaching/our-programs-and-initiatives/teach-rural-scholarships>>.

<sup>84</sup> Northern Territory Government, *Teaching Jobs*, available at: <<http://www.teaching.nt.gov.au/remote/index.cfm?attributes.fuseaction=our-commitment-to-you>>.

<sup>85</sup> Aboriginal Consultative Group, *Aboriginal Consultative Group Report to the Commonwealth Government* (1975), 26.

<sup>86</sup> Australian Institute for Teaching and School Leadership, *Australian Professional Standards for Teachers*, available at: <<http://www.aitsl.edu.au/australian-professional-standards-for-teachers/standards/list>>.

The NSW Government's policies include the provision of Indigenous cultural education to all teaching staff<sup>87</sup> and were implemented in collaboration with the Indigenous community. The ability to apply effective strategies for teaching Aboriginal and Torres Strait Islander students is a mandatory component of teacher education under the NSW Professional Teacher Standards.<sup>88</sup>

#### 4.2.3 Queensland

The Queensland Government's policies<sup>89</sup> also provide for teachers to be provided with in-depth knowledge, understanding and skills and for cultural awareness and competency training to be provided at a local level under the guidance and leadership of the local Indigenous community.

#### 4.2.4 Tasmania

The Tasmanian Government's Aboriginal Education Framework<sup>90</sup> also provides for the proportion of teaching staff who have completed Indigenous education leadership and cultural understanding training to be increased, and for teachers to collaborate with the Indigenous community.

#### 4.2.5 Western Australia

Under the *Teacher Registration Act 2012* (WA), teachers wishing to be registered to teach in Western Australia must have completed an accredited initial teacher education program, which includes strategies for teaching Indigenous children and a broad understanding of Indigenous history, culture and language.

A key outcome under the Western Australian Strategic Plan for Aboriginal Education and Training<sup>91</sup> is that all universities in Western Australia include Indigenous studies and education units in teacher education courses.

The Western Australian Department of Education also provides resources and courses for qualified teachers to increase their knowledge of Indigenous culture, language and issues. However, the extent to which the Indigenous community has been consulted in formulating these training programs is unclear.

#### 4.2.6 South Australia

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<sup>87</sup> *Aboriginal Education and Training Policy*, above n 39; New South Wales Government Department of Education and Communities, *Aboriginal Education and Training Strategy 2009-2012*, available at: <[https://www.det.nsw.edu.au/media/downloads/strat\\_direction/aetstrat0912.pdf](https://www.det.nsw.edu.au/media/downloads/strat_direction/aetstrat0912.pdf)>.

<sup>88</sup> New South Wales Institute of Teachers, *Professional Teaching Standards*, Board of Studies Teaching and Educational Standards NSW, available at: <<http://www.nswteachers.nsw.edu.au/publications-policies-resources/publications/nsw-professional-teaching-standards/>>.

<sup>89</sup> *Embedding Aboriginal and Torres Strait Islander Perspectives*, above n 40.

<sup>90</sup> *Tasmania's Aboriginal Education Framework (2012-2015)*, above n 50.

<sup>91</sup> Western Australian Aboriginal Education and Training Council, *Western Australian Strategic Plan for Aboriginal Education and Training 2011-2015*, available at: <<http://www.aetcwa.org.au/SiteCollectionDocuments/AETCWA%20Strategic%20Plan.jpg.pdf>> ('WA Strategic Plan').

The South Australian Government's Certificate of Education encourages but does not require teachers to include Indigenous knowledge and perspectives in their learning programs. It does not appear to require teachers to undergo Indigenous cultural training or consultation with the Indigenous community in respect of such training.

#### 4.2.7 Victoria

The Victorian Government has indicated that it has not taken steps to implement this Recommendation on the basis that it falls within the Commonwealth Government's responsibility.<sup>92</sup>

#### 4.2.8 Australian Capital Territory

The Government of the ACT appears to have taken a similar approach to this Recommendation as that taken by the Victorian Government.

#### 4.2.9 Northern Territory

In the Northern Territory, the *Teacher Registration (Northern Territory) Act* provides for Indigenous representatives to be members of the Northern Territory Teacher Registration Board, which is responsible for making recommendations to the responsible Minister in relation to the minimum qualifications and other requirements for registration of teachers and accrediting education courses. These include requirements that teaching graduates learn strategies for teaching Indigenous students and have a broad knowledge and understanding of the culture, cultural identity and linguistic background of Indigenous students and understand and respect Indigenous people and promote reconciliation.

The Northern Territory Government also provides funding for new teachers in remote Indigenous communities to complete Graduate Certificates in Teaching English to Speakers of other Languages<sup>93</sup>, and its education strategy<sup>94</sup> includes a key deliverable of education workers being "culturally competent".

### 4.5 Community input into the role of teachers, guidelines for teachers and conditions of employment

The Commonwealth Government's Aboriginal and Torres Strait Islander Education Action Plan<sup>95</sup> provides for schools to involve Aboriginal and Torres Strait Islander families, teachers and education workers in the development of personalised learning plans for Indigenous students from their first year of formal schooling to Year 10. The Commonwealth Government's What Works Program also encourages schools to use personalised learning plans, but provides for these plans to be developed for individual

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<sup>92</sup> *Victorian Government Response*, above n 15, [141].

<sup>93</sup> *Teaching Jobs*, above n 84.

<sup>94</sup> *Prioritising Literacy and Numeracy*, above n 45.

<sup>95</sup> *Education Action Plan*, above n 14.

students by their teachers in consultation with their parents or carers, rather than by the Aboriginal community as recommended by the RCIADIC.<sup>96</sup>

The Victorian Government has suggested that implementation of this Recommendation is the Commonwealth Government's responsibility.<sup>97</sup> Other State and Territory Governments appear to have taken the same view.

Neither the Commonwealth Government nor the Governments of the States and Territories appear to have explored processes to enable teachers, students and parents to negotiate guidelines for the employment and conditions of teachers in local communities as recommended by the RCIADIC.

#### 4.6 Reform of employment of Aboriginal Education Workers

Other than one program to increase levels of qualification and provide varied career paths for certain "Aboriginal Teaching Assistants" in the Kimberley region of the Northern Territory,<sup>98</sup> we have not identified any Commonwealth Government policies giving effect to this Recommendation. The Aboriginal and Torres Strait Islander Education Action Plan<sup>99</sup> provides for a National Aboriginal and Torres Strait Islander Educator Workforce Strategy to be implemented by the Commonwealth Government but, despite commitments from the Commonwealth Government to agree the Strategy by the end of 2013<sup>100</sup>, it does not appear to have been agreed or implemented.

In 2000, the Human Rights and Equal Opportunity Commission found that there are still too few Aboriginal Education Workers and that despite the RCIADIC's Recommendations, they are usually not employed as permanent staff, have no defined career path, have limited access to professional development and qualification enhancement opportunities and are poorly recognised and rewarded<sup>101</sup>. In the same year, the Ministerial Council on Education, Employment, Training and Youth Affairs made a number of recommendations in line with those made by the RCIADIC,<sup>102</sup> suggesting that the reforms proposed by the RCIADIC are still required.

The Victorian Government has suggested that it has partially implemented this Recommendation<sup>103</sup> by employing a number of different Aboriginal Education Workers.

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<sup>96</sup> What Works, *The Work Program: Core Issues 10: Using Personalised Learning Plans*, available at: <[http://www.whatworks.edu.au/upload/1311202974899\\_file\\_CoreIssues10.pdf](http://www.whatworks.edu.au/upload/1311202974899_file_CoreIssues10.pdf)>.

<sup>97</sup> *Victorian Government Response*, above n 15, [135], [140].

<sup>98</sup> Commonwealth of Australia, *Upskilling Kimberley Aboriginal Teaching Assistants*, Scootle, available at: <<http://www.scootle.edu.au/ec/viewing/S7037/index.html>>.

<sup>99</sup> *Education Action Plan*, above n 14.

<sup>100</sup> More Aboriginal and Torres Strait Islander Teachers Initiative, *Ministers agree to workforce strategy by end of 2013* (1 June 2013), available at: <<http://matsiti.edu.au/workforce-strategy/>>.

<sup>101</sup> *WA Strategic Plan*, above n 91.

<sup>102</sup> Ministerial Council on Education, Employment, Training and Youth Affairs, *Report of MCEETYA Taskforce on Indigenous Education* (March 2000) Education Council, available at: <[http://www.scseec.edu.au/site/DefaultSite/filesystem/documents/Reports%20and%20publications/Publications/Cultural%20inclusion%20and%20ATSI/Report%20of%20the%20MCEETYA%20Taskforce%20on%20Indigenous%20Education%20\(2000\).pdf](http://www.scseec.edu.au/site/DefaultSite/filesystem/documents/Reports%20and%20publications/Publications/Cultural%20inclusion%20and%20ATSI/Report%20of%20the%20MCEETYA%20Taskforce%20on%20Indigenous%20Education%20(2000).pdf)>. Similar recommendations were also made in Graeme Gower et al, *Review of the Aboriginal and Islander Education Officer Program*, Western Australia Department of Education, available at: <<http://www.det.wa.edu.au/aboriginaleducation/detcms/navigation/teaching-and-learning/aieo-guidelines/aieo-program-review/>>.

<sup>103</sup> *Victorian Government Response*, above n 15 [141].

In addition, the Victorian Government undertook a review of Aboriginal Education Workers in 2011, which led to reforms of the pay and professional development opportunities for "Koorie Educators".<sup>104</sup> However, we have not identified any evidence to suggest that similar reforms have been implemented in the other States and Territories.

## 5. Adult education (Recommendation 298)

**Recommendation 298:** *That:*

- a) *Governments support Aboriginal community controlled adult education institutions and other institutions which provide a program of courses which have the support of the Aboriginal community;*
- b) *Governments accept that courses delivered by such institutions should be regarded as courses entitling students to such payments or allowances as would be their entitlement in the event that they were participating for the same or equivalent time in a TAFE course; and*
- c) *It be recognised that owing to the substantial historical educational disadvantage which Aboriginal people have experienced, a course for Aboriginal students may necessarily be longer than might be the case if the course were provided to non-Aboriginal students.*

The RCIADIC heard that improvements in Indigenous adult education, particularly literacy and numeracy, had been reported throughout Australia<sup>105</sup> and noted the need for further improvements to enable Indigenous people to have economic and political self-determination and participate in their children's educations.<sup>106</sup> It suggested that a commitment should be made to develop education and training programs which are geographically and culturally available to the greatest number of Indigenous people possible<sup>107</sup> and controlled by the Indigenous community<sup>108</sup> and that Government funding<sup>109</sup> and official accreditation<sup>110</sup> should be provided to such programs.

The *Indigenous Education (Targeted Assistance) Act 2000* (Cth) establishes the ABSTUDY scheme which provides for payments to be made to adult Indigenous students. While the Commonwealth Government has funded some programs and preparatory courses for Indigenous students,<sup>111</sup> and the 2015 Closing the Gap: Prime

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<sup>104</sup> State Government of Victoria Department of Education and Early Childhood Development, *Koorie Education Workforce Reform: Building a Professional and Sustainable Workforce for the future*, Northern Territory Department of Education, available at:

<[http://www.education.nt.gov.au/\\_\\_data/assets/pdf\\_file/0008/21302/KoorieEducWorkforceReform.pdf](http://www.education.nt.gov.au/__data/assets/pdf_file/0008/21302/KoorieEducWorkforceReform.pdf)>; However, the Victorian Government's reforms have been criticised by the Victorian Auditor-General as being poorly implemented - Jewel Topsfield, *Koorie education plan slammed* (2 June 2011) *The Age*, available at: <<http://www.theage.com.au/national/education/koori-education-plan-slammed-20110601-1fgph.html>>.

<sup>105</sup> *National Report*, above n 1, vol 4, [33.3.1].

<sup>106</sup> *Ibid*, vol 4, [33.3.1], [33.3.2].

<sup>107</sup> *Ibid*, vol 4, [33.3.11].

<sup>108</sup> *Ibid*, vol 4, [33.3.13].

<sup>109</sup> *Ibid*, vol 4, [33.3.22].

<sup>110</sup> *Ibid*, vol 4, [33.3.18] - [33.3.19].

<sup>111</sup> For example, the Yurauna Centre at the Canberra Institute of Technology, described in Ricki Dargavel, *Are we bringing them home?: a community progress report on ACT action towards toe 1997 'Bringing them home' recommendations* (Canberra Journey of Healing Network, 1999).

Minister's Report noted that in the decade ending in 2013, Indigenous enrolments at higher education institutions have increased by 53%,<sup>112</sup> we have not identified any evidence to suggest that it has taken steps to implement the balance of these Recommendations.

The *Northern Territory Employment and Training Act* provides for a Ministerial Advisory Board for Employment and Training to be established and for Indigenous representatives to sit on the Board. While the Board's functions include advising the Minister on policies and programs designed to enhance employment and training in the Northern Territory, this Report has not found anything to suggest that the Northern Territory Government has taken steps to implement this Recommendation.

The Victorian Government has suggested that it has partially implemented the Recommendation by allocating funding for Indigenous training but it does not appear to have increased entitlements for adult Indigenous students or provided courses tailored to their needs. This Report has not found anything to suggest that the other States or Territories have implemented this Recommendation either.

## 6. National Aboriginal Education Policy (Recommendation 299)

**Recommendation 299:** *That:*

- a) *At every stage of the application of the National Aboriginal Education Policy the utmost respect be paid to the first long-term goal expressed in the policy, that is: To establish effective arrangements for the participation of Aboriginal parents and community members in decisions regarding the planning, delivery, and evaluation of preschool, primary, and secondary education services for their children.*
- b) *It be recognised that the aims of the Policy are not only to achieve equity in education for Aboriginal people but also to achieve a strengthening of Aboriginal identity, decision making and self-determination; and*
- c) *It is unlikely that either of these aims can be achieved without the achieving of the other.*

The National Aboriginal and Torres Strait Islander Education Policy is a national policy which has been agreed between the Commonwealth Government and each of the State and Territory Governments. Its objectives include ensuring Indigenous involvement in decision making, providing equal access for Indigenous people to educational services, raising Indigenous participation in education and achieving equitable and appropriate outcomes for Indigenous people.<sup>113</sup> The RCIADIC noted criticism that the "appropriate outcomes" required by the Policy are not defined or controlled by Indigenous people<sup>114</sup> and that the Policy may represent a threat to Indigenous controlled education and culture.<sup>115</sup>

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<sup>112</sup> *Closing the Gap: Prime Minister's Report 2015*, above n 10.

<sup>113</sup> *National Report*, above n 1, vol 4, [33.4.1].

<sup>114</sup> *Ibid* vol 4, [33.4.5].

<sup>115</sup> *Ibid* vol 4, [33.4.8].

As discussed above, the Commonwealth Government and each of the State and Territory Governments have implemented some measures to encourage the participation of Indigenous parents and community members in educational decisions. However, the extent to which these Governments have applied the Policy having regard to the RCIADIC's Recommendations in practice is not clear.