

**Gaps in Australia's Indigenous Language Policy: Dismantling
bilingual education in the Northern Territory**

Jane Simpson, Jo Caffery, and Patrick McConvell

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List of Abbreviations and Acronyms

AAP	Australian Associated Press
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
BIITE	Batchelor Institute for Indigenous Tertiary Education
DET	Department of Education and Training, formerly the Department of Education and Employment and training
DEET	Department of Education, Employment and Training, subsequently the Department of Education and Training (DET)
ESL	English as a Second Language
EFL	English as a First Language
HREOC	Human Rights and Equal Opportunity Commission
MCEETYA	Ministerial Council on Education, Employment, Training and Youth Affairs
NAPLAN	National Assessment Program – Literacy and Numeracy
NT	Northern Territory
SAE	Standard Australian English

Abstract

Young children learn best when taught through their mother tongue. This commonsense principle has been supported by decades of research on bilingual education for children who don't speak the dominant language. The research has also shown that there are positive effects on children's cognitive development if they are encouraged to become strong bilinguals. For Indigenous communities, bilingual education has been highly valued not only because it helps children maintain Indigenous languages, but also because it provides an honoured place for Indigenous languages in the curriculum and an honoured place for Indigenous teachers. However, in the Northern Territory bilingual education has been a controversial issue since its inception in the 1970s. In part this is due to the failure of policy-makers to recognise that children who are monolingual in a language other than English need explicit teaching of the English language, by trained English as a Second Language (ESL) or English as a Foreign Language (EFL) teachers, before they can learn through English as the medium of instruction. Consequently, there has been much political debate on the issue and frequent moves against bilingual education. At the end of 2008 the Northern Territory Government, supported by the Commonwealth Government, all but closed bilingual education in remote Indigenous schools by determining that the language of instruction for the first four hours of school must be English. This decision could spell the death of the remaining endangered Indigenous languages in Australia. Yet it was taken without apparent regard for the evidence from research on how monolingual children learn a second language, or on the positive value of bilingual education, or the language rights of Indigenous peoples, or the evidence from schools which had abandoned bilingual education. Here we argue that the policy gap revealed by this event should be filled by a national commitment to serious consideration of evidence, and recognition of Indigenous language rights. Through national and international evidence this discussion paper outlines the cognitive, societal and education benefits of bilingual education for children whose first language is not English. It is anticipated that this paper will stimulate political discussion on using evidence-based research to improve education for Australia's Indigenous children.

Introduction

And the ‘gap’ that politicians now talk of grows larger as we speak, as I talk: ...as the next speech is given by the next politician, the gap gets wider. I don’t think anyone except the few of us who have lived our lives in the Aboriginal world understand this task that is called ‘closing the gap’. There is no one in power who has the experience to know these things. ... No one speaks an Aboriginal language let alone has the ability to sit with a young man or woman and share that person’s experience and find out what is really in their heart. They have not raised these children in their arms, given them everything they have, cared for them, loved them, nurtured them. They have not had their land stolen, or their rights infringed, or their laws broken. They do not bury the dead as we bury our dead. (Yunupingu G. 2008:37)

Galarrwuy Yunupingu’s (2008) heartfelt and despairing essay raises the problems of how and whether policies and laws can bridge the gaps between Yolngu and non-Aborigines in education, health, and standard of living, and how these can be reconciled with the Yolngu desire to maintain their land, language and traditions. His remark that people in power do not speak Aboriginal languages indicates one of the problems with policy-making in Australia - people in power are mostly monolingual and have little understanding of the advantages and consequences of bilingualism (Lo Bianco 2007). Yunupingu’s solution is to call for constitutional recognition of social, economic and cultural rights. In this paper we argue for constitutional recognition of Indigenous language rights as a safeguard against poor policy with respect to the place of Indigenous languages in schools. We focus on the 2008 decision to abandon bilingual education in the Northern Territory (NT) as a case study.

Since colonisation, Australia has been primarily governed by monolingual people. The Indigenous inhabitants were expected to learn English, and little value was placed on their languages. Some immigrant communities fared better in the nineteenth century, with the most prominent being the German-language speaking communities and German-medium schools. However, World War 1 ended official tolerance for schooling in German (Ozolins 1985). The deep monolingualism of Australian governments (Clyne 2006; Lo Bianco 1987; Ozolins 1993) has created some myths and confusions which cause serious problems for Indigenous people who speak other languages. These include the failure to recognise the social and cognitive benefits of bilingualism, the belief that nothing special needs to be done to teach Indigenous children English other than to talk at them in English, the confusion between learning to write a language and learning another language, and finally the belief that home languages and cultures are an add-on, something that happens on weekends, rather than something which schools should engage in.

Across the world there is recognition of the value of bilingualism in enriching individuals, and in creating modern flexible and tolerant societies (UNESCO 2003: Principle 11). Official acceptance and promotion of bilingualism and multilingualism has several social benefits. It allows speakers of minority languages to keep and develop their traditions, self esteem and identity (McCarty and Bia 2002; UNESCO 2003). It also improves intercultural

communication by providing ways of connecting with other groups both within and outside the society. On the individual level, bilingualism enriches people intellectually, educationally and culturally, enabling intergenerational communication, providing cognitive advantages, enhancing employment and career prospects, and contributing to general wellbeing.

Some of the most multilingual communities in Australia are remote Indigenous communities. However, this multilingualism is rapidly eroding under the pressure of the poor living standards and lack of opportunities in these communities, and the pressure to learn the dominant language. The erosion of multilingualism often does not reflect a switch to Standard Australian English (SAE), but rather a switch to an English-based creole such as Kriol and Yumpla Tok, or a mixed language in which elements from two languages (usually Kriol and a traditional language) are combined together (e.g. Gurindji Kriol).

Many Indigenous children growing up in the NT live in remote communities where the language they hear at home, in the community and the playground is not SAE, but rather an Indigenous language, an English-based creole or a mixed language. However, SAE is something they must be explicitly taught at school in order to have access to the wider community. Unlike most immigrant children whose mother tongue is not SAE and who live in the cities and country towns of Australia, Indigenous children receive little reinforcement in learning SAE from daily interaction with SAE speakers and thus their task in learning SAE is more difficult. Additionally, Indigenous children may also come from families who have low levels of literacy. Thus, when they go to school, they must learn an unfamiliar language, SAE, and they must learn the relatively unfamiliar concepts of finding out information through reading, and sharing information through writing. However, it is rare for children in remote Indigenous communities to be taught by teachers (Indigenous or non-Indigenous) who are trained in methods for teaching SAE to children who speak a different language.

Unlike the languages of most immigrant children, the traditional languages spoken by the families of these Indigenous children are some of the most endangered in the world. While recognising the inevitability of change and the importance of access to mainstream society that learning SAE offers, many members of these communities see that their languages and ways of living and behaving are under severe threat from the pressure to conform to the ways of living and speaking of the SAE-speaking majority. This pressure is most obviously expressed through the requirements of compulsory education. Children must stay in their communities for primary school, and they may have to leave their communities for secondary school. This makes it hard for families to keep up traditional practices of travelling together, whether for family or ceremonial reasons or for resolving conflicts.

The tension felt by parents between the desire for their children to have access to the mainstream society and the desire to keep their families together leads some Indigenous people to a feeling of loss and despair. By encouraging their children to adapt to the majority society and go away to urban boarding schools and then to university, they know that their

children will most probably stop speaking their mother tongue, and will not return to live with them in their communities, and thus that they will lose one of the most important and sustaining reasons for living, namely daily association with close family members. Older people fear that they will lose the opportunity to pass on knowledge and traditions to the children about their homelands, and that the links maintained between people and country for many thousands of years will be broken.

Some Indigenous people have reacted to this situation by working hard to ensure that their languages and cultures have a place in local schools. This has occurred in two main ways. The longest established approach is that of 'bilingual education programs', in the public school system, through which the children receive instruction in their mother tongue and learn SAE. More recently, community pressure has resulted in English-medium schools offering language and culture programs outside the core literacy and numeracy teaching domains. Implementation of these in Australia has often relied on outside organisations such as regional Indigenous language centres.

Even before the recent changes in the Northern Territory, the great majority of the education programs for Indigenous students have been solely in English - even for those students whose mother tongue is a traditional language, a creole or a mixed language, and who have very limited knowledge of English. A consequence of this has been that students very often do not understand what English-speaking teachers say to them (Moses and Wigglesworth 2008).

In the Northern Territory, the terms 'bilingual education' or 'Two-Way' learning are used for 'mother tongue medium' programs, that is, programs where children are taught for the first few years of school by teachers, or teams of teachers, who use the children's home language to teach them, along with explicit teaching of oral SAE. Teachers, materials and curricula for these programs have been supported since the Federal Government of Australia introduced bilingual education programs in 1974, in line with Indigenous community calls for 'Two-Way', not 'One-Way', education (Hoogenraad 2001; McConvell 1982).

In 1982, the NT Government endorsed the continuation of these mother tongue medium programs under the name of 'bilingual programs' with a list of eight aims, the first of which was, 'To develop competency in English (reading and writing) and in mathematics to the level required on leaving school to function without disadvantage in the wider Australian community' (Lo Bianco 1987:115). As McKay (2007) notes, this was a shift from the earlier statement in 1975 in which the first aim was, 'To help each child to believe in himself and be proud of his heritage by the regular use of the Aboriginal language in school and by learning about Aboriginal culture' (Australian Department of Education 1975, cited in McKay 2007:110). It represented a shift of focus from maintenance of language and culture to a transition to English. But two years later 'Two-Way' schools, in which both cultures are equally represented, were strongly endorsed in a Federal Government report on a national language policy (Senate Standing Committee on Education and the Arts 1984).

The present NT bilingual programs are labelled ‘Two-Way’ but in fact are ‘transitional’ ‘step’ models, in that the intention is to move to SAE as the medium of instruction after a few years. Such programs may also be ‘bi-literacy’ programs, in which the children first learn to read and write in their own languages, and then transfer these skills to reading and writing in SAE. They are intended for ‘circumstantial bilinguals’, children of a minority group who have to learn the dominant language in order to operate in the mainstream society (Valdés et al. 1994). These children differ from ‘elective bilinguals’ (a distinction due to Valdés et al. 1994). Elective bilinguals are those who learn a second language by choice; for example children whose parents speak the dominant language but deliberately choose to send their children to a school taught in a different language, knowing that their children will receive substantial language and literacy support at home and in the wider community for strengthening their command of their mother tongue. Elective bilinguals are adding a language; circumstantial bilinguals are involuntary bilinguals, and the effect of schooling in the dominant language may be ‘subtractive’; it may reduce opportunities for strengthening their first language. Depending on the relations between the minority group and the majority group, circumstantial bilinguals may feel shame at their lack of knowledge of the dominant language, or resentment at being required to learn it.

There are thus three important issues at stake. First, the right of children to receive an education which gives them access to the dominant language, to literacy and to the wider society. Second, the right of communities to have a say in how their children are educated, and third, the right of communities, especially Indigenous communities, to keep and strengthen their Indigenous languages. These rights were developed in Australia’s National Policy on Languages (Lo Bianco 1987). They are recognised in *The Declaration on the Rights of Indigenous Peoples* passed by the General Assembly of the United Nations in 2007, and signed by Australia in April 2009. We consider each in turn.

The right to an appropriate education

With respect to the right of children to receive an appropriate education, elsewhere in the world it is widely recognised that children who do not speak the dominant language are at a great disadvantage in classrooms where they are taught only in the dominant language (UNESCO 2003:14). This disadvantage is magnified in remote communities where, outside school, there is little access to the dominant language. To overcome this disadvantage, bilingual education programs have been adopted in schools in minority communities in developing countries as an effective way of teaching literacy and the dominant language, e.g. in the Philippines (Walter et al 2009) and Peru (Hornberger 1988). Their effectiveness in the Australian Indigenous context has long been recognised officially (DEET 1991; Lo Bianco 1987; Senate Standing Committee on Education and the Arts 1984:83-89).

Bilingual education programs overseas have been promoted, and sometimes funded, by UNESCO and the World Bank (Rojas 2004). There is considerable evidence that these programs can be quite successful (Dutcher and Tucker 1994), including in minority communities (Kosonen et al. 2007; Walter et al. 2009). There are widely accepted frameworks for their design, implementation and evaluation (Baker 2006; Cummins 2000).

Furthermore, bilingual education programs have no necessary detrimental effect on the learning of the dominant language and of mainstream subjects; in fact they may enhance learning in all curricular areas. Such programs create a strong link between the community and its culture, and decrease the alienation felt by Indigenous students in schools where teaching is by members of the dominant community and takes place in a language which is not the students' mother tongue.

Bilingual education, in which mother tongue medium teaching and learning is a fundamental component, is based on the principle of building on what the children already know, and on breaking down the tasks into more manageable ones. The first task is learning the dominant language if that is to become the language of instruction. It is logically distinct from the task of learning the concepts of reading and writing. In biliteracy programs, the children are taught to read and write in their mother tongue before developing literacy in the language of wider communication (Liddicoat 2008). This works on the principle that learning to read and write is a skill that is more easily transferable if it is first established in a child's first language (Crawford 1997).

Bilingual education programs of course are not magic bullets; they can be poorly designed and poorly implemented. In 1990 high teacher turnover, lack of inservicing and lack of department support were noted as problems for NT bilingual education programs (Eggington, 1990 #339). As we discuss elsewhere (Simpson et al. submitted), bilingual education programs can fail for the other reasons that programs in other remote Indigenous schools fail, such as poorly trained teachers, too few Indigenous teachers and teaching assistants, poor attendance by pupils and high mobility of families, health, hunger, violence, poverty (Senior 2000), chronic ear problems (Galloway 2008), insufficient English to understand what is being said in the classroom (Lowell and Devlin 1998/1999; Moses and Wigglesworth 2008), and long term under-resourcing of schools.

For a bilingual education program to succeed, both the mother tongue and the dominant language must be taught well. There must be explicit teaching of the second, dominant language, and there must be trained people and adequate resources for using the first language as the language of instruction, and, if it is a biliteracy program, for the language of initial reading. The task of implementing bilingual education programs or language and culture programs in Australia is made more difficult by consequences of language endangerment. Small numbers of speakers mean a very small number of potential teachers. There are also very few resources for teaching in the endangered language - such as mathematics kits, science course plans, or interesting reading material suitable for each year-level at school.

The resource and training implications of a good bilingual education program were understood in the initial period of implementing the transitional 'step' bilingual education programs in the Northern Territory, and much effort was made to secure good Indigenous and non-Indigenous staff to create the materials and deliver the courses. However, more recently, gradual reduction of the staff, resources and training (Caffery 2008) available in

the NT bilingual education programs has made it much more difficult for the programs to operate. It is rare for non-Indigenous staff to speak the Indigenous language well enough to teach in it. While many Indigenous teachers who spoke the Indigenous languages graduated and were employed in earlier decades, in the last 10-20 years policies have not supported this kind of capacity-building and there is now a desperate shortage of trained Indigenous teachers who can speak the traditional language.

A serious problem with instruction in almost all schools in remote Indigenous communities is that the teachers (Indigenous and non-Indigenous) are not usually trained in methods for teaching SAE to children who speak a different language. In many communities, the teachers need training in the methods of English as a Foreign Language (EFL), because the children live in an environment where SAE is not a language that they hear every day. In some communities, where there is more SAE spoken, English as a Second language (ESL) methods may be appropriate. These points were recognised in the 1984 report on a national language policy (Senate Standing Committee on Education and the Arts 1984). However, for a number of years now, this has not been a priority of the NT Government.

Lack of trained Indigenous teachers and resources for bilingual education may lead to another problem - namely that children are given too little time to build a strong foundation in their first language and are not given adequate bridging to the language of wider communication before it becomes the language of instruction (Kosonen et al. 2007). For example, the goal of NT bilingual education programs in the 1980s was to move from instruction in the mother tongue to instruction in English by year five (Lo Bianco 1987:115). But by 2008 some bilingual schools did not have the Indigenous teachers to manage more than the first couple of years of schooling in the children's mother tongue. Such poorly implemented programs may have poor outcomes, and the children may not gain the cognitive advantages of full bilingualism.

In the Northern Territory, bilingual education programs have been used in Indigenous communities where the traditional language is the first language of the children (such as Yuendumu and Arnhem Land), and so the programs have the twin goals of providing access to the dominant language and strengthening the first language and culture. They have also been used in communities such as Numbulwar where the first language is a creole, but the parents wish to maintain the traditional language, Wubuy, but the difference between the two situations is often blurred. The distinction is important to make, because in the aftermath of the decision to abolish bilingual education, supporters of the decision caricatured bilingual programs as programs to revive Indigenous languages, ignoring their function of giving children access to information and schooling through their mother tongues.

Our conclusion on the right of children to receive an education which gives them access to the wider community is that, worldwide, bilingual education programs have been shown to be good practice in this regard for children from minority groups who do not speak the dominant language. There appears to be no other widely supported alternative. Thus if a

bilingual education program is failing, the reasons should be examined carefully, because the cause of failure is likely not to be an inherent problem with the efficacy of bilingual education per se, but rather with its implementation.

In this paper we argue that Australian policy-makers are now choosing to ignore the positive features of school-based Indigenous language programs and return to a strict 'English-only' policy reminiscent of the assimilationist era 50 or 60 years ago. The 2008 decision to abandon bilingual education programs in the Northern Territory represents a change of policy which is not based on the available evidence.

The right for communities to have a say in how their children are educated

The second issue concerns the right of communities to have a say in how their children are educated. There are good practical reasons for this; the education that children receive is likely to be better if their family can see that the benefit of the education outweighs the cost to the family, and if they are involved in helping them achieve that education. Thus, if community members want mother tongue instruction for their children, or want their children's mother tongue to be strengthened at school, acceding to their request will probably create a better functioning school. When the mother tongue is seen to be valued at school, children and their parents are more likely to feel positive about learning the dominant language. Experience suggests that decisions on education which do not involve the communities concerned are likely to lead to long term failure. The importance of this has been recognised for many years in Australia.¹

In April 2009, Australia signed the *Declaration on the Rights of Indigenous peoples* passed by the General Assembly of the United Nations in 2007. Article 14.1² recognises the right of Indigenous people to run their own education systems in their own languages. Stronger protection is offered by Article 14.3, which not only allows Indigenous people to run schools in their own languages, but requires the State to help them 'when possible'. While the Declaration is not binding, had it been signed in 2008 it would have been possible to use it as a brake on the hasty decision-making that resulted in the abolition of bilingual education in the Northern Territory.

¹ See, for example, Recommendation 56 (Senate Standing Committee on Education and the Arts, 1984): 'Aboriginal people must be guaranteed the major role in decision-making relating to all Aboriginal language issues'.

² 61/295 *Declaration on the Rights of Indigenous peoples*
Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

The right to maintain Indigenous languages

The third issue concerns the right of communities, especially Indigenous communities, to keep and strengthen their Indigenous languages. While maintaining languages in the family and the community are obviously the key to language maintenance, language programs in schools are recognised as an important part of effective strategies to maintain Indigenous languages. Indigenous people have recognised and supported this role for ‘Two-Way’ school programs using Indigenous languages since before the introduction of bilingual education in Northern Territory schools in 1974.

The most basic protection for Indigenous languages is given in Articles 26 and 27 of the *International Covenant on Civil and Political Rights*,³ which has been ratified by Australia. These articles protect people from discrimination on the basis of language, and protect the right to use the language. However, this is not an explicit statement that children have the right to receive an education in their mother tongue, and indeed it has been used to argue that the state does not have an obligation to do so (de Varennes 2007). Australia is also a signatory to the 2001 adoption by the 31st UNESCO General Conference of the *Universal Declaration on Cultural Diversity*, which recognises cultural rights, including the right to use one’s mother tongue.⁴

In terms of explicit attempts to spell out protection for language rights, Australia, along with most countries, did not ratify *C169 Indigenous and Tribal Peoples Convention*, 1989 (No. 169) put forward by the International Labour Organisation, which provides extensive

³ *International Covenant on Civil and Political Rights*

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

⁴ *Universal Declaration on Cultural Diversity*

Article 5 - Cultural rights as an enabling environment for cultural diversity

Cultural rights are an integral part of human rights, which are universal, indivisible and interdependent. The flourishing of creative diversity requires the full implementation of cultural rights as defined in Article 27 of the Universal Declaration of Human Rights and in Articles 13 and 15 of the International Covenant on Economic, Social and Cultural Rights. All persons should therefore be able to express themselves and to create and disseminate their work in the language of their choice, and particularly in their mother tongue; all persons should be entitled to quality education and training that fully respect their cultural identity; and all persons have the right to participate in the cultural life of their choice and conduct their own cultural practices, subject to respect for human rights and fundamental freedoms.

Article 6 - Towards access for all to cultural diversity

While ensuring the free flow of ideas by word and image, care should be exercised so that all cultures can express themselves and make themselves known. Freedom of expression, media pluralism, multilingualism, equal access to art and to scientific and technological knowledge, including in digital form, and the possibility for all cultures to have access to the means of expression and dissemination are the guarantees of cultural diversity.

protection for rights to use Indigenous languages. It has now signed 61/295 *Declaration on the Rights of Indigenous Peoples* which contains weaker protection for Indigenous language rights.⁵ However, the moral force of the provisions of the Declaration have yet to be tested. Over many years there have been statements from governments, Indigenous bodies, educators and researchers supporting the right of people to maintain their languages and the value of doing so (Fishman 2001).

Language rights are only as strong as the implementation of relevant policies (Henrard 2007). However, without explicit protection in law, Indigenous communities have no control over government policies (Liddicoat 2008) for matters that go to the heart of their children's education and the maintenance of their languages. The difficulty in being dependent on government policy is that, while Australia is a pluricultural country, the majority group is by and large monolingual (Clyne 2006). This group dominates the design of education curricula. These curricula often disadvantage children who do not speak the dominant language, because of the curriculum-framers' lack of knowledge about bilingualism, language acquisition and the acquisition of literacy. This has the unfortunate result that Australia has yet to develop 'an *ethos* which balances and respects the use of different languages in daily life' (UNESCO 2003:12).

The 2008 abandonment of bilingual education in the Northern Territory is useful as a case-study to show how policy is shaped by the hostility of influential elements in the mainstream towards Indigenous languages, and unsubstantiated statements about the difficulties of learning in more than one language. We conclude the paper with a discussion of how official recognition of Indigenous language rights might act as a brake on policy formation.

Policy Change in the Northern Territory

On the 14th October 2008 the Northern Territory Minister for Employment, Education and Training, Marion Scrymgour, without warning or consultation with the affected communities, announced 'a restructure of the Department of Education and Training, that would have a greater focus on teaching English' (Scrymgour 2008a). The only specific initiative announced was that:

...the first four hours of education in all Northern Territory schools will be conducted in English. I am absolutely committed to making the changes needed to improve attendance rates and lift the literacy and numeracy results in our

⁵ 61/295 Declaration on the rights of Indigenous peoples
Article 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.
2. States shall take effective measures to ensure that this right is protected and also to ensure that Indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

remote Indigenous schools (Scrymgeour 2008a).

Relegating the use of an Indigenous language to the last hour or so of the day in effect meant the dismantling of the bilingual education programs since they required teaching of most subjects through the medium of the mother tongue. The Minister said that she understood the importance of maintaining Indigenous languages and cultures, and that the decision would be controversial. Furthermore, the announcement contained no information explaining how this restructure was to take place and what resources would be put in place to improve attendance, literacy and numeracy. There was no reference to the research literature on bilingual education, and no indication as to why instruction in SAE only was thought likely to improve the children's ability to read and write in SAE.

It is deeply worrying that a policy could be introduced which would so drastically affect first language speakers of Indigenous languages, without consultation with the affected families and communities, despite the fact that since at least 1984 successive Federal and State Governments had recognised the importance of Indigenous families having a say in how their children were educated (Senate Standing Committee on Education and the Arts 1984). It is equally concerning that the policy could be introduced without solid justification for its adoption and without indication as to how it would be implemented. The 2008 dismantling of bilingual education is an instructive example as to why we need policy-makers to develop policies based on sound research and evidence in consultation with language communities and other concerned parties. It also demonstrates the strong need for a guarantee of linguistic rights which requires that any changes in policy which affect people's enjoyment of their linguistic rights must be tested against those rights.

Background to the policy change

At the time when the Minister made her decision, in nine schools (a small minority), the NT Department Education and Training (DET)⁶ ran bilingual education programs called 'Two Way learning' or 'bilingual education' programs. All were in locations classified geographically as 'very remote'. In other schools where children came to school speaking only an Indigenous language, the SAE-based programs varied considerably as to whether the teachers spoke SAE most of the time, whether they relied on Indigenous teaching assistants acting as interpreters - as with many other schools with programs that were in principle SAE-only, or whether (in only a few cases), they had Indigenous teachers who were bilingual.

The Two-Way learning programs used the traditional language as the medium of instruction in early grades and, to varying extents, had initial literacy taught in that language. Children in these programs simultaneously learned oral English before gradually moving to English-medium instruction and English literacy. They were essentially watered-down versions of earlier bilingual education programs. Students in the programs were reported as doing

⁶ The Department of Education and Training was formerly the Department of Education, Employment and Training. We refer to it here as DET throughout, except in citations.

marginally better on outcomes than students in comparable schools with SAE instruction (DEET and Glasby 2005: xii). And unlike the students in the English-medium schools, their grasp on their traditional language was being consolidated at school. In some communities they had very strong support. An Indigenous educator who was heavily involved in Yolngu schools wrote:

We believe that our children have a right to know and understand their own cultural beliefs within the model bilingual program. Learning literacy in the children's first language takes precedence in the first primary schooling years from Transition to Level 3. The focus of the English learning during this period is very much an oral one, helping the children to become a confident speaker of English before they have to grapple with English literacy and concepts. Once children have mastered literacy skills in their first language they can then transfer them to English literacy (Marika 1998).

In the same speech, Dr Marika argued strongly for developing benchmarks and assessment for knowledge of the Indigenous language and curriculum, thus not only giving it status alongside the dominant language, but also providing a measure of how well the children were doing. The Department of Education did not take this up as a principle.

In the Two-Way learning schools, the value placed on Indigenous teachers, and the responsibilities given to them in the classroom were high enough to attract first language speakers of Indigenous languages to train as teachers and work in these schools, and most Indigenous teachers did in fact work in Two-Way schools. But by the late 1990s there was a decline in the number of trained Indigenous teachers in 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.

The Two-Way learning programs suffered from neglect, marginalisation and a lack of longer-term institutional support (DEET and Glasby 2005; DEET and Ramsey 2003; Nicholls 2005). They suffered from the same low-quality infrastructure maintenance as other remote area schools.⁷ But, following department policy, they were generally 20% better off in teacher and teacher support staffing levels than the comparable English-medium

⁷ For example, around 1992 a linguist running a workshop in a large community school, Yuendumu, made a formal complaint to the Department after discovering her classroom was filthy, there were dead mice in drawers, and the toilets were blocked (M. Laughren, pers.comm. 20/3/2009).

schools. In part this was because education in minority languages had associated needs (such as vernacular literacy material) which could not be met by off-the-shelf products. It is likely that the disparity in funding would have caused envy among principals of schools that were not running Two-Way learning programs. Furthermore, the extra funding would have attracted the attention of departmental financial managers. This was a motivation in the 1998-1999 attack on bilingual education. The 20% staff allowance aside, in 2008 the Two-Way learning schools were actually worse off in terms of resources for professional development of teachers.

In particular, training in methods for teaching SAE to speakers of other languages (whether ESL or EFL learners) was lacking. The importance of this had long been recognised, from work in the 1980s on developing a national policy on languages (Lo Bianco 1987; Senate Standing Committee on Education and the Arts 1984) to a Federal Government Inquiry into Indigenous languages (House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs 1992).⁸ Instead, reflecting the confusion between the teaching of a second language and the teaching of reading, the Education Department had invested heavily in an English-medium literacy training program, Accelerated Literacy, which focussed on learning to read English narrative texts, and not on teaching children English language. By 2008 about 70 schools had adopted this approach (DEET 2009), and they were well resourced for professional development of staff in using Accelerated Literacy, while little professional development was provided to staff in bilingual schools in ESL or EFL methods.

Proponents of biliteracy bilingual education programs in Indigenous languages have always had to justify to public servants and politicians why they should use scarce educational resources to fund vernacular literacy work. In 1998 and 1999 the Country Liberal Party Government attempted to abolish bilingual education (Hoogenraad 2001; Nathan 1999),⁹ which resulted in communities, teachers, linguists and educators rallying in defence of bilingual education, and a petition to Parliament with over 3,000 signatures.

The battle over bilingual education resulted in a major 1999 Government-commissioned review, *Learning Lessons*, hereafter referred to as the Collins Report (Collins 1999). This review noted the strong community support for bilingual education and gave qualified support to continuing it - albeit with the name change to Two-Way learning. The review also

⁸ Recommendation 14: ‘...teachers in remote community schools where the vernacular is other than English should have prior training in teaching English as a second language. Where teachers with specialist training in English as a second language are not available, departments should develop and implement appropriate in-service training. In-service training is needed for teaching assistants as well’ (House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs 1992: 54).

⁹ On the 1st of December 1998, Peter Adamson, Minister for Education and Training in the Country-Liberal Party run Government of the Northern Territory announced that, ‘... the bilingual program will progressively make way for the development of ESL programs.’ (Media Release, ‘English a high priority in bush schools’; Hoogenraad 2001: 54). The wording showed the confusion about bilingual schools, and the failure to recognise that teaching the dominant language is an essential part of bilingual education. The extra costs of bilingual education appear to have been a factor (Nathan 1999).

acknowledged support for urgent high-level research into improving the pedagogy in Indigenous schools and the learning outcomes of Indigenous students.¹⁰ It also recognised a long-standing gap in the teaching of English and argued for improving teacher training (for both Indigenous and non-Indigenous staff) in methods of teaching English to speakers of other languages.

The protest over the closure of bilingual education programs also resulted in a section in a report by the Human Rights and Equal Opportunity Commission (HREOC 2000), which clearly identified the human rights concerns around the inadequate education offered to Indigenous children and lack of use of Indigenous languages in schools, and listed the relevant international recommendations by UNESCO and other bodies. Furthermore, HREOC noted a discrepancy in ESL funding - that, unlike immigrant children, Aboriginal students were not recognised by the Commonwealth as requiring ESL support and consequent funding, let alone EFL support.

Thus, in 1998 and 1999 the arguments in favour of bilingual education were based on four key elements: social identity, educational outcomes, language endangerment and human rights. The social identity argument associated with Indigenous languages was based on the observation that there is great pride for a community in passing on their language to successive generations, as well as the important role language plays in socialisation (Nicholls 2005). In relation to educational outcomes, the argument was that bilingual education had been shown to be more effective than monolingual education for children whose first language is not SAE, in attaining literacy in English and competency in other subject areas. With respect to the endangerment argument and the health of minority languages, the argument was that removing minority languages from the classroom only serves to hasten their endangerment. Finally, the human rights argument was based on the acceptance as a basic recognised right for Indigenous people to choose to have their children educated in their traditional language.

Confronted with these arguments and with popular support for bilingual education, the then NT Government backed down. But, apart from the name change to 'Two-Way', it did not implement the changes and improvements recommended by the Collins Report. To the contrary, assistance from the Department with respect to ESL training worsened, with the abolition of the departmental position of Principal ESL advisor. It was, as Nicholls (2005) titled her article, 'Death by a Thousand Cuts'. Several bilingual education programs closed, usually at the request of the school principal, rather than the community.¹¹

¹⁰ Recommendation 102: 'NTDE urgently commissions high-level research into the use of vernacular in Indigenous schools to develop the most appropriate pedagogy to support effective learning in this environment. A comprehensive analysis as part of this research must establish what is required to ensure effective exposure to Standard Australian English oracy and literacy takes place, while supporting vernacular language development. The research undertaken must be focused on improving outcomes (Collins 1999).

¹¹ For example, Ralph Folds, the non-Indigenous principal at Kintore (Waḷunguru) School, closed down the bilingual education program there. In his 2001 book he argued that the parental discipline required to send children to school was alien to the cultural value placed on children's autonomy by the Pintupi community he worked with (Folds 2001). He uses this point to criticise Two-Way programs, rather than school programs

Exacerbating the lack of support from DET was decreasing community involvement in schools. Despite community support for the Two-Way learning programs (which was noted even in the hostile 2003 Ramsey report),¹² the number of trained Indigenous teachers and teaching assistants continued to decline. The loss of opportunities in bilingual schools, the raising of entry requirements at BIITE and the reduction of remote area delivery of community based tertiary training all made it harder for Indigenous people to qualify as teachers. Trained Indigenous teachers suffered burn-out and left schools. Without Indigenous teachers, it was more difficult for schools to interact effectively with communities, and communities lost the will to engage in schools.¹³

The 2003 Ramsey report (DEET and Ramsey 2003) laid the way to dismantling bilingual education programs in the Northern Territory. It challenged the educational reasons for supporting them on the grounds of reported concerns by Indigenous and non-Indigenous people about children's abilities to read and write in SAE, and doubts about the value of learning to read and write in traditional languages. The need for strong ESL support for the students was discussed. The report expressed respect for the identity reasons for supporting languages, but raised the question of whether the schools should play a role in helping Indigenous peoples maintain languages (DEET and Ramsey 2003:171). It was asserted that 'language, maintenance of traditions and renewal activities need to be established as activities distinct from the core responsibilities of schools' (DEET and Ramsey 2003:174), ignoring the important role of mother tongue instruction in ensuring understanding. The increasing visibility of the 'community-based' programs funded by federal agencies was perhaps another reason why educators wanted to unload this problem from schools, despite the argument that community-based programs and school-based programs were complementary activities (McConvell et al. 2002).

The election of a Labor Government in the Northern Territory in 2001 led to some optimism among advocates of bilingual education, as, historically, the Labor Party, both federally and in the NT, had supported Indigenous rights and bilingual education.

DET then commissioned a report titled, 'Two-way learning in the NT: some research-based recommendations' (Devlin 2004) and a review of Indigenous languages and culture (DEET and Glasby 2005) as part of implementing the Collins Report. They also drew up a strategic plan for NT Indigenous education (2006-2009). The prime motivation for the plan was the poor attendance and low levels of curricular competency. The introduction by Margaret

generally. An earlier book by Folds had been influential in causing the end of the Pitjantjatjara bilingual programs in South Australia (Folds 1987). No evidence has been produced to show that the closure of the bilingual programs at Kintore or in the Pitjantjatjara communities resulted in improvements in the children's education, and some Pitjantjatjara have argued for a return to bilingual education programs.

¹² 'Many family and community members as well as teachers, spoke of the importance of Two Way approaches to learning and the importance of these to achieving successful mainstream outcomes for young people (DEET and Ramsey 2003).

¹³ This loss of engagement is poignantly described for Ngukurr, a school which, although never officially bilingual, had had Aboriginal principals and much community involvement from the 1980s until 1998 (Senior 2000).

Banks, DET's CEO, stressed 'an unwavering focus on developing the English literacy and numeracy skills of Indigenous students' (DEET 2006:ii).

Four points about the plan deserve attention. First, the priority was to, 'Increase the focus on the development and methods for delivery of sustainable high quality school literacy and numeracy programs' (DEET 2006:11). It was not based on the prior need for the children to learn SAE. This reflected a source of constant confusion between teaching children the English language, and teaching children to write English. This confusion was continued in the 2008 decision to abolish bilingual education. Second, despite the recommendations of the Devlin Report and the Collins Report, there is little attention paid in the strategic plan to the question of how to teach the children English as a second language. Third, the strategic plan gives support to bilingual education programs, 'The bilingual programs are effective overseas and give an indication of positive results in the Territory. DEET will strengthen the bilingual program and improve its effectiveness and sustainability to deliver outcomes' (DEET 2006:5). Bilingual education programs are the main solution proposed for students whose first language is a traditional language, despite the fact that many such students attended schools which taught through SAE only. In addition, the proposal to revitalise the bilingual education programs does not mention the well-documented concern about inadequate teaching of the dominant language, English, in these programs. Finally, the strategic plan makes it a priority (Priority 3) to develop high quality Indigenous languages and culture programs.

The balance of the priorities in the strategic plan, and the lack of stress on teaching English language, made it possible for a casual reader to caricature the Department as giving too much weight to Indigenous languages, and not enough to teaching the dominant language, SAE. An evaluation of whether the Department actively worked to carry out the plan has not been done.

In sum, DEET's strategic plan, while offering in-principle support, did little to strengthen the areas of teaching in bilingual education schools where problems had been identified. There is also little evidence that DEET carried out the recommendations to improve Indigenous language programs (O'Shannessy 2008).

Lead-up to the 2008 decision

In 2007, nationally, the climate was becoming hostile to the presence of Indigenous languages in school. The influential Queensland Aboriginal leader, Noel Pearson, argued strongly for official recognition of Indigenous languages, but appeared to accept the claim that initial literacy in traditional languages compromises attaining English literacy. In general he downplayed the place of Indigenous languages in schools:

Fourth, there must be a separate domain within indigenous communities for cultural and linguistic education from the Western education domain. Schools are not the places for cultural and linguistic transmission, and we must stop looking to schools to save our languages. This is because the primary purpose of schools

is for our children to obtain a mainstream, Western education, including full fluency in English. Schools will never be adequately equipped to solve the transmission imperative, and all we end up doing is compromising our children's mainstream education achievement. Indeed, without full English literacy our children are then illiterate in their traditional language.

Fifth, language learning must start in earliest childhood, and this means both English and traditional languages. Children must have access to both domains from the start if they are going to become properly bilingual. Communities that delay the learning of English to late in primary school in favour of traditional languages in the early years, end up disabling their children because they remain far behind in the language required for them to obtain a mainstream education (Pearson 2007).

Concerned about the social problems afflicting Indigenous communities, the Federal Minister for Indigenous Affairs, Mal Brough, weighed in, focussing on poor attendance, and claiming that the lack of English was because communities refused to learn English and wanted Indigenous languages taught in schools instead. He admitted to basing his opinion, not on figures or research, but on a couple of anecdotal conversations (Karvelas and Megalogenis 2007) which, given the linguistic differences between those involved and in the absence of interpreters, may have involved misunderstandings. None of the authors of this paper, in their combined experience of talking with Indigenous people in all parts of the Northern Territory since the 1970s, have ever heard anyone advocate removing English from schools.

Brough's remark was made in the context of his deep concern about the social problems afflicting Indigenous communities. In a remark that foreshadowed the later Intervention and suspension of the Racial Discrimination Act, he indicated he was working on a proposal to 'require Indigenous parents to ensure their children attended school or risk losing welfare payments' (Karvelas and Megalogenis 2007).

In June 2007, a distressing report on child abuse in the Northern Territory (Wild and Anderson 2007) was released, with mass publicity. The authors indicated that a major aggravating factor in the social problems in Indigenous communities were differences in languages and cultures. They recommended intensive consultation and discussion with communities, and investment in education and communication. In terms of schools, they highlighted problems with poor attendance and linked them with teaching children in an inappropriate language. They recommended implementation of the relevant recommendations of the Collins Report and the *Indigenous Languages and Culture Review* (DEET and Glasby 2005) with respect to the importance of using local languages and of strengthening teaching English language. They expressed dissatisfaction that, in the seven years after the Collins Report, successive NT Governments had not implemented the recommendations.

The NT Government did not respond to the Wild-Anderson report until late August, when the Chief Minister, Clare Martin, supported by the Minister for Families and Community

Services, Marion Scrymgour, (Northern Territory Government 2007), promised action aimed at getting more teachers and infrastructure. They generally ignored the recommendations on language, saying that DET's Indigenous Education Strategy 2006-2009 superseded the earlier reviews. They also ignored the inconsistency between the strategy's lack of coverage of the need for explicit English language teaching and the Wild-Anderson report's recommendations on language use in schools and on English language teaching.

The apparent lack of response from the NT Government to the Wild-Anderson report provided the justification for the Federal Government to launch an 'Intervention' in the remote communities in the Northern Territory. This heavy-handed approach was quite contrary to the recommendations of the Wild-Anderson report, and Wild publicly described it as 'sending in a gunship' (Alberici 2007). The Commonwealth Government's argument was that consultation had been shown not to work, and so an imposed intervention was necessary.

The Intervention marked a change in Federal and State Government policy regarding Indigenous people – one that moved away from self-determination towards imposing control. Government-appointed business managers assumed administrative and financial control of communities. Community councils were disbanded and many local government responsibilities were handed over to newly created Shires. Management of housing stock was taken away from local groups. Social welfare payments (the main source of income for most people in the communities) were 'quarantined' so that half of an individual's social welfare payment had to be spent at Government-approved shops on Government-approved items. The Federal Government also tried to deprive communities of the right to block unauthorised access to their communities by scrapping the permit system. All these actions substantially reduced the control that Indigenous people had over managing their own affairs. There was no recognition of the need to communicate with Indigenous people or to consult with them about the changes to their lives. For example, Australian Federal Police and Army personnel were sent into communities having received no prior language training (ABC News 2007).

The Intervention was strongly supported in the media, especially by *The Australian* newspaper and some Indigenous leaders, such as Noel Pearson. Critics were dismissed as 'academic cynics and knockers and intellectual bleeding hearts and do-gooders' (Pollock 2007). Aboriginal communities were portrayed as dysfunctional, and Aboriginal men as child abusers. While many Indigenous people welcomed better enforcement of alcohol bans and more effective policing, many were deeply upset by the loss of control of their lives and communities, the demonisation of their ways of living, and the lack of promised improvements such as new houses.

The NT Minister responsible for child welfare, Marion Scrymgour, spoke out strongly against the handling of the Intervention (Scrymgour 2007), but was rebuked by local and Federal Labor politicians, and was required to amend her position (Kearney and Wilson 2007). This reprimand had no lasting effect on her standing in the Government, as she was

appointed Deputy Chief Minister and Minister for Education after the Chief Minister was forced to resign as a result of the handling of the Wild-Anderson report. However, the rebuke may have made her more cautious in opposing policies supported by her party and the mainstream media, and perhaps encouraged her to seek policy directions in line with the Labour Party's national policy framework.

For some of the people responsible for implementing the Intervention it was a newfound discovery that there were communities where English was not the first language. Summing up a year later, the head of the taskforce, Major General David Chalmers, admitted that he had underestimated the task, and that one of the two key challenges had been cross-cultural communication (Smiles 2008). So the failure of Indigenous people to support the Intervention was seen in part as a communication problem, due to the poor standard of English spoken in remote communities, rather than as a result of the failure of the Intervention taskforce to use interpreters effectively, let alone a recognition that imposing restrictions on people requires good communication if it is to be successful.

Education and the Intervention

The NT Intervention and the resulting changes to the Community Development Employment Projects scheme (CDEP) which threatened the positions of part-time Indigenous teaching assistants and literacy workers were of grave concern to the Australian Education Union. The Union sponsored a review of the needs for Indigenous education in the Northern Territory (Kronemann 2007). This review returned to concerns which the Wild-Anderson report had raised about the crucial importance of bilingual education and of better SAE teaching, and argued that the critical factor was lack of adequate resources, both of teachers and of infrastructure. It raised the problem of ESL funding for Indigenous children claiming that migrant ESL students were 'given intensive support with 10 students to an ESL teacher and a support person for each class', whereas Indigenous ESL students were in larger classes with little access to specialist ESL training (ibid, p.21). They estimated that \$1.7 billion would be needed over five years to get the resources in place to provide a proper education for all Indigenous children (aged 3-17) (ibid, p36).

The Australian Education Union's report attracted little media attention. Far more influential was a paper written by the economist Helen Hughes for the Centre for Independent Studies (Hughes 2008). She drew attention to the poor results of Indigenous students, and pointed out some real problems with Northern Territory Education delivery in remote communities. She asserted that teaching in Indigenous languages is a major cause of educational disadvantage, but produced no evidence of the relation of language instruction to educational outcomes, quantitative or otherwise. With blithe disregard for the fact that only nine out of 119 schools had bilingual education programs, and that those programs start teaching English early, she wrote that, 'In the Northern Territory, children are still initially taught in a vernacular language, despite the research that shows that the ability to learn languages recedes with age' (ibid. p.8). This was also misleading, because the Homeland school which was the trigger for her complaint, Yilpara, like other homeland schools, does

not have a bilingual education program. She also asserted, again without presenting the evidence, that:

...parents...are clamouring for their children to be taught the mainstream curriculum in English from kindergarten onward. They are confident that they can teach their children their language and culture at home and in the community (ibid. p.9).

Even though Hughes is not a specialist in education or languages, her polemic attracted media attention and support (Barker 2008), especially in *The Australian* (Ferrari 2008), feeding as it did the myths about teaching in Indigenous languages being harmful to learning.

Marion Scrymgour, as Minister for Education, rejected Hughes' more outrageous claims (*The Australian* 2008), but showed some defensiveness over Hughes' claim that there were two curricula, one for the cities and one for Indigenous communities (Smithurst 2008). Within a couple of weeks the NT Education Minister announced new directions in Indigenous education (Scrymgour 2008b), focusing mostly on attendance and community partnerships and increasing teachers and facilities for remote schools. These measures were in part triggered by the fact that the NT Intervention had exposed the fact that in many remote schools there were not enough teachers and classrooms to cope with the potential school children population, as opposed to those who actually attended (Kronemann 2007).

The Minister also directed DEET to put up on its website the results of the first national literacy and numeracy testing (NAPLAN) and attendance figures when they became available later in the year. While this was not a bold move since they would be available on NAPLAN's website, it was nonetheless bold of her to say, 'It's important that there is a clear understanding of these figures so we can measure the improvement I am confident we will see in these areas' (Scrymgour 2008b).

Meanwhile, the media were developing an interest in Indigenous education. In May 2008, a national broadcaster produced a positive story about bilingual education on the Tiwi Islands (Lucchinelli 2008) with interviews with principals and teachers. However, it included a warning from the NT Education Minister who implied, without evidence, a connection between bilingual education and poor attendance.

Now I'm not saying bilingual should be completely removed. I've certainly seen the benefits of that. But at the same time I think that we've got to get more emphasis on children attending every single day (Lucchinelli 2008).

This news was followed in June by a devastating story about education on the Tiwi Islands, with an entirely different spin (Ferguson 2008). The trigger was a visit by the NT Education Minister and the Federal Minister for Indigenous Affairs to the Tiwi Islands to open a new boarding-school. The story highlighted the children's failure to attend schools generally,

including the new boarding school. It also implied that using Tiwi at school caused learning problems,¹⁴ and misrepresented the children as having lacked English language classes throughout primary school. Clarifications about the English teaching the children received were put on the transcript, but the damage was done.

Also in June, the group responsible for managing the first year of the Intervention published their final report (Gordon 2008). They made recommendations about the need for greater access to education and for enforcing attendance. They recognised the importance of maintaining Indigenous languages, but assumed that this was the purpose of bilingual education, leaving out the educational purpose of ensuring that children understood what was being said to them:

In relation to the issue of bilingual education, the Taskforce considers that it is important to keep a balance: it is vital for Indigenous children in remote communities to be educated in English to a level which is comparable to other Australian children, while not losing their traditional Indigenous languages and cultures (Gordon 2008).

In summary, it can be seen that by June 2008:

1. Nothing of any educational substance had been done about systematically addressing ways of improving teaching English as a second or foreign language to Indigenous children in NT schools, despite many recommendations to this effect since at least 1984.
2. There was a persistent confusion between teaching children to read and write in English, and teaching children English language.
3. There was a widespread belief that the main purpose of bilingual education was to help maintain Indigenous languages, rather than to enable the children to build on what they knew and to eventually move toward higher levels of English literacy and proficiency.
4. The attitude towards Indigenous people had shifted from the assumption that the Indigenous people knew best as to what should happen in their schools and communities, to the assumption that the communities were dysfunctional, and that common sense, as represented by Government officials and journalists, should guide what was best for Indigenous people. Educators, linguists and other language professionals working with Indigenous people were dismissed as being part of the problem, and as thus being partly responsible for the poor level of English.

The trigger

On 12th September 2008, the Summary Report of the first National Assessment Program – Literacy and Numeracy (NAPLAN) was released (MCEETYA 2008). This assessment program tested literacy and numeracy in English only. There was no provision for assessing

¹⁴ A student was quoted as follows: ‘KEISHA VIGONA: I like Nguiu but I don’t like the schools. I was there for year seven but I didn’t learn a bit more because there was too much Tiwi. English is way better than Tiwi because you get to communicate to people, to white people, and to apply at job and all that.’

literacy in Indigenous languages, and no work had been done on this in the Northern Territory, despite Marika's eloquent argument for such assessment (Marika 1998). There was also some evidence that the tests used objects familiar to city children but not to children living in remote communities (Wigglesworth and Simpson 2009), which could disadvantage the latter. Finally, the national benchmarks for reading and writing were determined on the basis of students who speak English as their first language without allowing for the extra five to ten years it takes to learn a second language (DET 2008). All these factors would disadvantage Indigenous children who did not speak SAE.

The NAPLAN results confirmed what had been widely known since at least the early 1980s, that Indigenous children in remote schools were not achieving acceptable standards of literacy in English and numeracy, and that this was particularly obvious in the Northern Territory. In releasing the document, the Federal Minister responsible, Julia Gillard, noted the challenge in improving the results for Indigenous children (AAP 2008).

The NAPLAN results received widespread media attention (*The Sydney Morning Herald* 2008). There was a quick response from the NT Minister for Education, implying that remoteness, attendance and English language problems were the main causes, and indicated that the Government was investing in Indigenous education, and specifically would be recruiting an extra 200 teachers for remote schools, and implementing programs to work closely with families (Scrymgour 2008c). Undoubtedly there was pressure on the Minister to appear to be doing something. Her bold prediction (Scrymgour 2008b) that the NT NAPLAN results would show improvement had not come to fruition. Furthermore she would probably have needed to avoid the kind of criticism that had been incurred by the previous Chief Minister of the Northern Territory, Clare Martin, for failing to respond quickly to the Wild-Anderson report.

The first public move was the departure of DET's CEO, Margaret Banks, on Friday 10th October, apparently because of the NAPLAN results,¹⁵ in circumstances which led to attacks by the Opposition on the Minister.

In the meantime, on 13th October, the long-awaited review of the Intervention was published (Yu et al. 2008). Its indictment of the education system in the Northern Territory was damning:

...there is a major education crisis in many Northern Territory Aboriginal communities which should command national attention. The majority of children in many communities are either not enrolled in schools or not attending regularly. There are universal success factors that improve education outcomes that don't appear to be contested: focus on early childhood development, empowering teacher and community relationships, good quality teaching, quality education infrastructure and teaching resources, quality bilingual education, and associated

¹⁵ There was confusion about whether she had retired, as the Minister said, or been dismissed, and the Minister was attacked by the Opposition over this (Langford 2008)

sporting, cultural and development programs. All these critically important ingredients that determine education achievement globally are highly deficient in remote Northern Territory Aboriginal community schools (Yu et al. 2008:31).

The Yu review repeated the complaint that the recommendations of the Collins review had not been implemented. Far from blaming bilingual education for poor education outcomes, as others had been so quick to do, the authors argued that it was one of many uncontested success factors in education achievement, and that NT schools lacked most of these success factors, largely due to a lack of investment by governments in the schools.

The Decision

The day after the Yu review was published, the Minister announced her new plan to abolish bilingual education, and to devote the first four hours each day to English only. The plan was formulated in haste over a few days, as the Minister admitted (*Northern Territory News* 2008a). Its lack of detail and vagueness were of grave concern. Given the history supplied above it is important to consider why the one specific policy in the plan proposed by the Minister and her Department should be an edict that English be the sole medium of instruction.

In the absence of evidence supplied by the Minister in support of the new policy one might conjecture that naivety is one possible explanation: the Minister and her Department advisors recognised the importance of improving English language, but held the erroneous belief that all that is needed to teach children English is to speak to them in English. Expediency in dealing with the media is another explanation - an immediate reaction in the press (*Northern Territory News* 2008a) was that this specific policy initiative was designed to provoke controversy which would divert attention from the sacking of the CEO. The Minister denied this accusation to a reporter from *The Australian*, and indicated that the Department had not been listening to her, and not doing anything about improving attendance (Toohey 2008). But it is also possible that she and the Department wanted to divert attention from the damning indictment of DET in the Yu review. Certainly the Minister was under pressure to 'do something' in the wake of the media hullabaloo about the NAPLAN results and the supposed damaging effects of bilingual education.

However, what is not in doubt is that no consultation took place with the affected schools, even though in one case DET and a Yolngu school had recently signed off on a Remote Partnership agreement in which DET agreed to support their bilingual education program (Dhanara Committee Mala (group) 2008).

Nor was any attempt made to find out whether the bilingual education programs were working, and if they were not working, what the problems were in implementation which led to the failure. There was no indication that the Minister and her department made use of evidence about what happens when bilingual education programs are closed down. In 1989 there had been 21 bilingual education programs in the Northern Territory (DEET 1991).

Several were closed down after the first attacks in 1998 and 1999. These schools should have provided test cases as to whether closing down a bilingual education program improves the education of children and the involvement of the community in the school.

Most importantly, the Minister and her department could have drawn on the experience of the Pitjantjatjara communities in the neighbouring state of South Australia. These communities had had bilingual education programs in Pitjantjatjara since 1937, and chose to give them up in the early 1990s, arguing that their children needed to learn English. But in 2006, Katrina Tjitayi, an Anangu teacher who was then Director of the Pitjantjatjara Yankunytjatjara Education Committee, argued for a return to bilingual and bicultural education, claiming that the children had better literacy and numeracy under the earlier bilingual academic program (Australian Institute of Aboriginal and Torres Strait Islander Studies and Federation of Aboriginal and Torres Strait Islander Languages 2005; Eickelkamp 2006).

Mrs Tjitayi's claim should have been matched with those of Northern Territory parents who had told various reviews that their children's English literacy and numeracy was less than their own. If there is truth in the statement that young Pitjantjatjara who have gone through English-medium instruction are less literate and numerate than their parents and grandparents who had received bilingual education, then this should help ascertain the root of the problem. It obviously cannot be due to bilingual education programs. At the very least, Mrs Tjitayi's remarks suggest that proponents of monolingual English education should have taken a good look at what is happening in Pitjantjatjara schools to see why Anangu people are revisiting the advantages of bilingual education.

Immediate reactions, expansions and clarifications

The almost complete lack of detail as to what the Department and the Minister planned, and the lack of explanation as to the basis for the decision, created shock, fear and outrage among community members¹⁶ and school councils (Dhanara Committee Mala (group) 2008; Yambirra Schools Council 2008). After suffering many changes as a result of the Intervention and the consequent restructuring, they were now faced with the loss of the valued position given to them, their languages, and their cultures in the school curriculum. As Yalmay Yunupingu noted:

The decision to make English the only important language in our schools will only make the situation for our young people worse as they struggle to be proud Yolŋu in a world that is making them feel that their culture is bad, unimportant and irrelevant in the contemporary world (Yunupingu Y. 2008b).

¹⁶ The community of Areyonga sent a petition signed by nearly 40 people (Areyonga Community 2008; de Silva 2008).

There was also much criticism from professionals involved in education and language,¹⁷ the Council of Government School Organisations (ABC News 2008a), the Australian Council of TESOL Associations (Adoniou 2008) and the Australian Educational Union (ABC News 2008b). Linguists presented arguments for keeping bilingual education (McConvell 2008; Wilkins 2008), and there was considerable discussion in letters to newspapers and in online commentary.

The Minister's decision was also criticised by the previous NT Minister for Education (ABC News 2008c), by Federal Labor members for the Northern Territory (ABC News 2008d; Calacouras 2008) and by some Indigenous commentators (Behrendt 2008). The criticism that featured most prominently in the media came from the Aboriginal and Torres Strait Islander Social Justice Commissioner, Tom Calma (Calma 2008a, b; ABC News 2008e). But the most surprising criticism came from the NT Opposition party leader, Terry Mills, a former school principal who made a strong case in Parliament on educational grounds for retaining bilingual education (Mills 2008).

These criticisms probably meant less to the Minister than the fact that she received qualified support for the emphasis on English language teaching from her Federal Labor counterpart, Julia Gillard (Gillard 2008), who had the power to increase or rearrange the funding available for Indigenous education.

However, despite such broad ranging criticism, there was no public response from the ten members of the NT Indigenous Education Council appointed by the Government. This was not surprising since none of the members were involved with bilingual programs, and at most two spoke an Indigenous language as their first language. There was little public response from the people with the most knowledge of what was happening in schools (DET principals, classroom teachers, teacher-linguists and other language professionals), because, as public servants, they were not legally permitted to speak publicly about the policy. Nor were they able to initiate approaches to their Minister about their concerns.

The vagueness of the Minister's announcement blurred the distinction between traditional language programs for children whose first language is a creole¹⁸ or a variety of English (i.e. revival programs), and programs for children whose first language is a traditional language (i.e. bilingual education biliteracy programs). This blurring became widespread in later public discussion of her decision. For example, the Member for Nhulunbuy said, 'I add that homeland schools are not a bilingual program but rather are recognised as English Second Language learners' (Walker 2008), as though students in bilingual programs were not also learning English as a second language. Such confusion made it possible to characterise

¹⁷ These included both non-Indigenous (Anonymous teacher 2008; Baarda 2008) and Indigenous (ABC News 2008f; Yunupingu Y. 2008a). A Google Group was formed, 'Friends of Bilingual Learning', and copies of relevant materials and letters shared.

¹⁸ There have been bilingual programs for Kriol-speaking children (e.g. Barunga School), which recognise the great divergence between standard English and Kriol, and the importance of building on what the children already know.

supporters of the bilingual schools as people who wanted to preserve Indigenous languages at the cost of the children learning English, rather than as people who believed that the children would learn English more effectively if they were taught at the start in their first language (the educational outcomes argument). In short, wanting to preserve Indigenous languages was depicted as wanting to keep Aborigines as illiterate and innumerate museum displays.¹⁹

Further debate

Over the next couple of months the Minister further developed her position in reaction to her critics, who had four immediate concerns. First, that Indigenous teachers and teaching assistants in Two-Way schools would lose their jobs (this was a reasonable assumption given the extra 20% allowance for the Two-Way schools). Second, that teaching in English for four hours meant exactly that - no use of the Indigenous languages. Third, that there was no indication as to how this was to be done, and fourth, that there was no evidence to support the claim that Two-Way schools were doing worse than comparable English-medium schools.

The first of these concerns was clarified the week after the announcement, when the Minister claimed that she was not removing resources from Two-Way schools:

Our schools will still be able to undertake Indigenous language and cultural programs, and I emphasise strongly here that I am not removing the resources from our two-way schools. There will continue to be Indigenous teacher assistants working in partnership with teachers in those classrooms in our very remote schools (Scrymgour 2008d).

With respect to the second and third concerns, the Minister also indicated recognition that teaching in English alone was not enough when she said that she would support, ‘getting our teachers skilled in English as a Second Language’ (Scrymgour 2008d). But no details were provided as to how this would happen.

The fourth concern related to the fact that the Two-Way schools had been doing marginally better than comparable English-medium schools according to the only publicly available material on the recent performance of bilingual schools (DEET and Glasby 2005). Relevant material was known to be held in the department, and on 22nd November, the *Northern Territory News* published some leaks including:

... preliminary results from the Evaluation of Literacy Approach (ELA) report, leaked to AAP, found that for “active reading skills in English” students at bilingual schools achieve better results than non-bilingual schools by the time they reach Grade 5 (*Northern Territory News* 2008b).

¹⁹ For example ‘But there are still ideologues who demand that some languages should be preserved long after their usefulness has passed, and that their speakers should live as museum exhibits - set apart rather than joining in’ (Bolt 2008).

This revelation was significant and embarrassing because the Department had invested heavily in the ‘Accelerated Literacy’ English-medium instruction approach to literacy which was used in many schools, but not in most of the Two-Way schools. As part of blurring the distinction between teaching children the English language, and teaching them English literacy, which had become a characteristic of much discourse about education, Accelerated Literacy had been heralded as an initiative that produced better results than bilingual education where it had been tried elsewhere (Gray and Cowey 2000). However, the success of the Accelerated Literacy approach had been called into question in the Yu review, and a circulated review of education on the Anangu Pitjantjatjara lands in South Australia (Lea et al. 2008) had also indicated that there were problems with the implementation of Accelerated Literacy (AL) in the NT.²⁰

In response, on 26th November the Minister tabled a document in Parliament of the NAPLAN results of some Two-Way schools (Scrymgour 2008e). The document did not contain key information on the results in comparable English-medium schools, and thus all that could be said was that the Two-Way schools concerned had poor results. Devlin (2009) examined the document, and showed that the data was:

...incomplete, selective, erroneous and biased. It is too insubstantial a basis on which to initiate a major policy shift that imposes compulsory changes on remote rural schools. The document does not substantiate the public claim, repeated by Marion Scrymgour and Paul Henderson, that children in schools with bilingual programs are failing to perform to the same standards as children in remote English-only schools (Devlin 2009).

In a later meeting (in February 2009) with a lobby group for bilingual education, Friends of Bilingual Learning (FOBL 2009), Scrymgour indicated that she believed that bilingual education could only work if the class was taught by one fully bilingual teacher, and that many Indigenous teachers were not fully bilingual. This suggested that she had not been briefed by her Department on the team teaching approach which was common in many Two-Way schools, involving a teacher who was a speaker of an Indigenous language and a non-Indigenous teacher.

On 27th November 2008, during the last Parliamentary sitting for the year, the Minister expanded on her position. She admitted that the changes would significantly affect the nine Two-Way schools:

The changes have not been conceived and developed with a view to disrupting or undermining the 9 so called ‘bilingual’ or ‘2 Way Learning’ schools. However, because of the proposed standardised content of the first four hours of classroom

²⁰ ‘From concurrent evaluation efforts on the National Accelerated Literacy Program (NALP) underway in the NT, we know that across Australia, AL joins other interventions in being unable to overcome the vicissitudes of staff turnover, poor or unimaginative implementation, family mobility and inattentive leadership’ (Lea et al. 2008: 62).

coursework, the 9 bilingual schools will inevitably be significantly affected (Scrymgour 2008f).

She accepted the criticism that, ‘there have not been enough teachers sent to remote and Indigenous communities where English is a second or third language, who have qualifications in teaching English as a Second Language’ (Scrymgour 2008f), but did not indicate specific measures to improve this. She then presented as ‘misrepresentations’ the concerns that had been raised, in particular the fears of job losses, and of loss of Indigenous language and culture programs, and she dismissed the leaked reports as inaccurate. While her position on the first four hours of schooling needing to be entirely in English had hitherto been unequivocal, her stance now showed signs of softening:

Some children will still *insist on* [our emphasis] speaking their Aboriginal language in class, and the non-Aboriginal teacher will experience difficulty in making him or herself understood. The Aboriginal teaching assistant role will remain vital, both in the go-between role and in trying to maintain discipline and control in the classroom, but over a comparative period of time, the non-Aboriginal teachers in the bilingual schools are going to have to dramatically increase their capacity to communicate directly with their pupils (Scrymgour 2008f).

That is, she accepted that Indigenous teaching assistants would be needed to interpret for children for some time, and so there would be a role for Indigenous languages in the classroom. But the way she expressed this indicated that she did not understand what it means to come to school as a second language learner of English, and that by treating Indigenous teaching assistants as go-betweens rather than as teachers she was downgrading their role. It was also quite unclear as to what she expected non-Aboriginal teachers could do to communicate better with the children (other than by learning the children’s home languages).

On 1st December 2008 the Minister expanded further in a letter in the online news outlet *Crikey* (Scrymgour 2008g), writing that she had been misrepresented by a number of the protesters against her decision. She said that by her assessment, bilingual schools were not doing marginally better than English-medium schools,²¹ although again no supporting evidence for this statement was provided. Nonetheless, in this letter her stance on the ‘four hours in English’ continued to soften, ‘I fully understand and expect that the English literacy teaching process is going to involve the use of regional Aboriginal languages.’ But this was only a small concession, because she targeted as incompatible with her approach the biliteracy aspect of the ‘step’ bilingual biliteracy programs, in which children are initially taught to read and write in their traditional language. The letter also revealed that the perceived injustice of 20% additional funding given to ‘bilingual’ schools but not to other schools was indeed one of the matters at stake (Scrymgour 2008g).

²¹ This claim was repeated in identical letters e-mailed to linguists on 29th December 2008 (Amanda Lissarrague, Randy LaPolla, Michael Clyne, Jane Simpson, pers. comm.), again without supporting evidence.

On 5th December 2008 the National Report on Indigenous Languages in Education (Purdie et al. 2008) was released. The focus of this report is on maintaining and strengthening Indigenous languages, and not on the way children learn English. Transitional bilingual education programs are described as ‘First Language Maintenance’ programs with the emphasis on the idea that these programs, ‘extend and develop students’ language skills and may include the development of specialist skills such as interpreting and translating. They may be conducted as transition to English programs for students in the early years of schooling’ (Purdie et al. 2008:xi).

The Minister welcomed the report (Scrymgeour 2008h) but reiterated her commitment that ‘the first four hours must be taught in English in our schools’ while affirming her commitment to ‘structured language and culture programs which help young Territorians to develop an understanding of their unique heritage’. She did not mention the fact that her decision to require the first four hours to be taught in English went against the report’s key principle of community control and choice of language program type, by pre-empting the choice offered in Recommendation 2:

That where there are ten or more students in any one school who speak an Indigenous language as their first language, they be given the opportunity to continue to learn that language either as part of the school’s language program or as part of a bilingual education program (Purdie et al. 2008:xv).

In effect, she accepted the report’s recommendations on additive extra language and culture programs (those which are an add-on to the core curriculum). But, with respect to the bilingual education programs, she ignored the report’s Key Principle 4, ‘Learning an Indigenous language and becoming proficient in the English language are complementary rather than mutually exclusive activities’.

By mid-December, in response to criticism from Federal colleagues (ABC News 2008d; Calacouras 2008), the Minister had agreed to a 12-month transition period for implementing the change (Robinson 2008). This was hailed as a backdown, but in fact it was probably nothing more than a recognition that such a major change would take time to implement properly.

The transition

There appears to have been no intention on the part of the Minister or her Department to have a real transition. By the 1st of January 2009 the web page describing bilingual education programs on the DET website had disappeared. While no public guidelines were given as to how the policy was to be implemented, some regional offices and principals were quick to abandon bilingual education:

The executive director of Territory Schools, Alan Green, says it was made very clear that bilingual schools were expected to start teaching the first four hours in

English from the start of this year. “The notion that there’s no transition is absolutely incorrect,” he said. “We had support staff in every bilingual school at the end of last year, working through with them a plan about how they would go about implementing this, from the beginning of the year.” Mr Green says “full support is being offered to help with the transition.” (ABC News 2009a).

There were reports of over-zealous staff criticising fellow teachers for allowing songs and reading in traditional languages during the first four hours of class time (Baarda 2009). At the same time there appear to have been no strategies put in place to ensure better teaching of English as a second language. Instead, so the writers of this paper have been informed, teachers have been encouraged to focus on getting better results in the NAPLAN tests, even though the type of language tested in those tests has little correlation with the stages of acquisition of English as a second language (Wigglesworth and Simpson 2009). This will inevitably result in further devaluing and consequent loss of the children’s home languages, as the similar experience of the Navajo has shown (McCarty and Bia 2002).

Conclusion

There are noticeable differences between the attacks on bilingual education in 1998 and those in 2008. In 1998 the desire for reconciliation, the concern to respect Aboriginal identity and heritage, the concern for respecting community wishes, the human rights concerns, and the concern about endangered languages were taken by many non-Indigenous people as powerful reasons for saving bilingual education. They reflected the belief in the right of communities to have a say in how their children are educated, and the right of communities, especially Indigenous communities, to keep and strengthen their Indigenous languages.

This was not the case in 2008. Only the educational concerns (the right of children to receive an appropriate education) appear to have carried any weight. This was not only due to the availability of the national test scores which were not available in 1998, but also to other differences between the 1998 situation and the 2008 situation.

In 1998, the concern about language endangerment was still fairly new and fresh in the public’s mind. By 2008 the concern about endangered languages was easily dismissed as linguists protecting their object of study. In 2008, the desire for reconciliation had to some extent been satisfied, at least on a symbolic level, with the Prime Minister’s apology to the stolen generation. The fact that the Minister of Education who declared an end to bilingual education was herself a Tiwi woman who is proud of her heritage means that the debate cannot be cast in simple terms of respect versus lack of respect for Indigenous identity and heritage. The unquestioned importance of learning English as a language of wider communication has become coupled with the belief that using Indigenous languages in schools somehow imperils the children’s ability to learn English. Identity concerns have been set aside both by the statements by Pearson and others that language and culture must be reinforced at home, and by the Minister’s offer to fund and support rigorous afternoon

language and culture classes for maintaining Indigenous languages, but not for teaching through the mother tongue.

In 2008, the belief in the right of communities to have a say in how their children are educated has been overridden, first by the fact that some parents in remote NT communities, like some Pitjantjatjara parents in the early 1990s, believe the myth that bilingual education inevitably reduces acquisition of English, and second by the belief that the failure of self-determination means that Indigenous people have forfeited the right to determine how their children are educated.

The belief among some policy makers and journalists in the failure of self-determination has been shaped by the genuine horror that many people felt at the appalling health and violence problems in Aboriginal communities, leading some to abandon belief in the importance of rigorous adherence to standards of human rights. They have accepted the Intervention as necessary, despite the fact that it rode roughshod over the wishes of many community members, infringed on their civil and human rights and required the suspension of the Racial Discrimination Act. In turn, this has led to a dangerous belief that a concern for respecting the wishes of community members is just pandering to, and perpetuating, socially bad practices. This has led to the dismissal of the concerns of experts in language and bilingual education, along with those of people who strongly support human rights concerns. These people have been depicted as ‘old radicals’ following a ‘rights-based agenda’ which is out of touch with grassroots needs.²²

Finally, the media continues to perpetuate the monolingual myth that bilingual education hampers acquisition of the majority language, as well as the confusion between learning English as a foreign language and learning to write English, and the blurring of the distinction between additive language learning programs and bilingual education programs. These myths and confusions have allowed governments to starve bilingual education programs of the resources, people and training needed to strengthen both the acquisition of the dominant language and the instruction in the mother tongue.

In many ways, the Indigenous bilingual programs of the Northern Territory have been a successful venture in providing an appropriate type of transfer for learning English. They have also been a successful means of maintaining Indigenous cultures and languages as well as bilingualism itself, which brings with it social and cognitive advantages. They have given Indigenous teachers a valued place, and have brought greater involvement of communities in schools (Egginton and Baldauf 1990). Indigenous teachers and scholars have been able to excel in careers which combine their own knowledge systems with those taught in Australian schools, and to develop their own ‘two way’ philosophies to assist others in the difficult cross-cultural encounter (Marika 1998). The introduction of bilingual education among Indigenous people in the Northern Territory was possibly the most important step

²² For example, an extract from Sutton's article on this dismissive attitude, entitled ‘After consensus’ (Sutton 2008a, b) was printed in *The Australian* with the less subtle heading ‘Twilight of old radicals’.

taken to maintain Australia's endangered languages. Its curtailment will surely have a severely damaging effect on the state of health of Indigenous languages, as well as on Indigenous people's perception about how their enormous contribution to Australia's heritage is valued.

A disturbing aspect of the Minister's decision is the fact that she could destroy the bilingual education programs on so little evidence. Equally disturbing is how quickly she could make such a major change which had the potential to damage the children's schooling, and to endanger still further the few remaining Indigenous languages of this country. In making her decision, she was not required to consider the effect on the children's education by looking at best practice and available evidence, nor was she required to consider the parents' wishes or the effect on the maintenance of Indigenous languages, as the internationally recognised rights outlined at the beginning of this paper require.

This history of the gradual dismantling of Indigenous bilingual education culminating in the devastating blow dealt to it in 2008 should not be seen as simply incompetence or thoughtlessness by governments. It arises firstly from misunderstanding on the part of many of some basic principles, such as that children learn best in their mother tongue, and that people can learn two languages without detriment to their education, in fact with considerable benefit. Other such misunderstandings include the persistent confusion between learning another language and learning to write in another language. Secondly, leaders today are willing to sacrifice Indigenous cultural heritage, identity and rights in the name of 'closing the gap'. In fact, gaps can be closed much more effectively by working with Indigenous communities to harness their cultural and linguistic background and heeding their wishes. Leaders may truly value Indigenous languages and cultures but they can nevertheless become ensnared in the current rhetoric and consequently succumb to pressures to hit out at targets such as bilingual education, despite Two-Way learning being one of the significant gains Indigenous people have made over the last few decades.

Over the years, Indigenous people have seen how fragile gains can be, and have called for a firmer recognition of fundamental principles which can set limits to how much politicians can undermine their rights and position in Australian society, including calls for legislation or recognition in the Constitution of Indigenous languages (Nicholls 2002; Rigney 2003).

If in 2008 Australia had already recognised the three rights discussed above: (the right to an appropriate education, the right to have a say in one's children's education, and the right to maintain Indigenous languages), this hasty and ill-considered decision to dismantle bilingual education would not have been made. The educational evidence for and against using the Indigenous language as a medium of instruction would have had to be assessed against these rights, and the requisite public debate would have occurred before the policy could be implemented. The NT Government would have had to consider the many causes underlying Indigenous children's knowledge of spoken and written English, from high rates of hearing loss, to poverty, truancy, lack of good ESL and EFL teaching and the failure by Governments to spend equitably on Indigenous communities.

Recognition of human rights requires governments to reflect on the potential effects of their decisions, before forming policies. That is, they must adopt evidence-based, as opposed to reactionary, policy. Australia needs a coherent and stable policy at the State, Territory and Federal levels which is based on careful consideration of national and international evidence, not ideological rhetoric. We welcome the recent signing of the *Declaration of Indigenous Rights* as a good first step. However, we suggest that official and binding recognition of Australia's Indigenous languages would raise the level of understanding about Indigenous languages in the wider community, and would act as a brake on ill-considered policy moves which have deleterious consequences for speakers of Indigenous languages.

Afterword

On 9th February 2009 Marion Scrymgour resigned as Education Minister (ABC News 2009b). DET continued to implement the policy of dismantling bilingual education programs. On 1st June 2009, Marion Scrymgour said that she regretted her stance on bilingual education, as an aside to a complaint about her Government's decision not to fund homeland centres (Calacouras 2009). Two days later she resigned from the Labor Party (ABC News 2009c).

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