



**Submission to
 House Standing Committee on Aboriginal and Torres Strait Islander Affairs
 Inquiry into Language Learning in Indigenous Communities
 by the
 Tasmanian Aboriginal Centre Inc.**

The Tasmanian Aboriginal Centre Inc. (TAC) is a non-profit community based organisation established in 1973 providing legal, health, educational, cultural and welfare services to Aborigines throughout Tasmania. The organisation is committed to developing the social, political, economic and cultural independence of all Aborigines. Reclamation and protection of Aboriginal land, heritage and culture is one of the most significant of the Centre's functions.

Since 1992, the Tasmanian Aboriginal Centre has undertaken the retrieval and revival of *palawa kani*, Tasmanian Aboriginal language, throughout Tasmania. This program has been funded wholly by the Commonwealth government. The language situation in Tasmania is described in Section 2, p11.

1. Summary

The terms of reference of the enquiry are directed at Aboriginal people being required to give good reasons why our languages should deserve protection and preservation through education and other means.

However the real issue is why the Australian government considers it does not need to comply with international standards on indigenous language preservation and language in education, and accordingly meet critical needs by developing appropriate language and education policies supported by adequate funding and strengthened by legislation.

2. Recommendations

1. Policies on Aboriginal languages to be reviewed and strengthened by adoption of the full intention of relevant international instruments. Policies to be consistently implemented across all levels of federal, state and local governments.
2. Legislation to be promptly developed to provide strong protection of Aboriginal languages, both spoken and not fully spoken. Such legislation to be developed by working parties of Aborigines from each state and territory and their own nominated legal advisors and representatives.
3. Australia to ratify and comply with the International Labour Organisation Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989 (No. 169), and the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage, 2003.

4. Bilingual education to be fully reinstated in Northern Territory schools. An independent review be undertaken to determine if bilingual education should be established in any other Australian schools with Aboriginal students. Recruitment and training of Aboriginal language speakers as teaching staff to be increased accordingly.
5. Funding for Aboriginal languages be separated from other initiatives and increased to meet the need to ensure all community based language maintenance and revival projects which apply are funded.
6. Policy and funding be reviewed to reflect a stronger focus on languages not fully spoken.
7. Aboriginal people engaged with language maintenance and revival in all states and territories to decide upon preferred mechanisms and organisations to provide overall coordination of language matters.
8. Any new review of Aboriginal language needs should :
 - * be conducted by an entirely autonomous body with wide international knowledge and experience of language shift and maintenance ,
 - * as a first step, provide a summary to review participants, interested parties and the public of the progress and outcomes of each of the 52 recommendations of the 2005 NILS survey. That will assist to identify areas of most concern and priority ,
 - * access information on language activities and situations supplied routinely to funding bodies; and construct questionnaires building on that. This will prevent unnecessary duplication of labour and establish a basis for the new survey in the most effective and time efficient way,
 - * make final recommendations focused on the language needs expressed by Aboriginal communities and language centres and agreed to by them,
 - * recommend mechanisms for ensuring recommendations are implemented within set time frames,
 - * be supported by legislation to ensure effective implementation.

Section 1. Points arising from Terms of Reference of the Inquiry

3. Benefits of giving attention and recognition to indigenous languages

That this point should even be proposed as requiring justification is a direct result of colonialism, racism and discrimination.

Just as with all other languages, indigenous languages benefit not only from “attention and recognition”, but from activities which ensure they are spoken and kept alive by transmission between generations. Particularly in the case of Australian Aboriginal languages, which in a little over 200 years have suffered the largest and most rapid loss known worldwide. Of the original 250 languages, fewer than 50 are still spoken and most of these are critically endangered. These languages are not being acquired by children, and as the remaining speakers die, the languages die with them. Only 18 Aboriginal languages were spoken by all people in all age groups at 2005. ¹Unlike all languages transplanted into Australia, Aboriginal languages do not have other communities of speakers outside Australia. Without effective intervention, all Aboriginal languages are estimated to be extinct in 10 to 30 years. ²

Furthermore, the protection of indigenous languages is paramount to the well-being and identity of indigenous peoples and the human rights of indigenous peoples cannot be realised without the use and development of those languages. These facts have long been internationally recognised and a number of international instruments outline the responsibilities of states to enact strong mechanisms to protect

¹ AIATSIS + FATSIL: *National Indigenous Languages Survey* 2005.

² Graeme Innes AM, Race Discrimination Commissioner, Australian Human Rights Commission, appearing before UN Committee on the Elimination of Racial Discrimination, 11 August 2010; UN Human Rights Council Panel Discussion on the Role of Languages and Culture in the Protection of Well-Being and Identity of Indigenous Peoples, 20 September 2011

languages and enable and enhance all possible areas of language use. Despite those provisions, the continuing failures of countries, including Australia, to provide adequate supports and safeguards for indigenous languages were noted as recently as September 2011 by many participants in the United Nation's Human Rights Council Panel Discussion on the Role of Languages and Culture in the Protection of Well-Being and Identity of Indigenous Peoples.³ Points made by James Anaya, UN Special Rapporteur on the Rights of Indigenous Peoples in his summary are relevant to Australia:

“Language and culture are an integral part of indigenous peoples’ identity. The fulfillment of indigenous peoples’ fundamental rights concerning language had suffered from assimilationist attitudes and was reflected in practices concerning justice systems, consultation and participation... The denial of the right to practice one’s culture might take many forms. In some contexts... the right was sometimes denied even when there were no formal prohibitions simply by the presence of a negative environment. Positive steps for the creation of more favorable environments to the enjoyment of the rights relative to language and culture had been taken in a number of places. However, even in countries where indigenous languages were protected, governments needed to give a high priority to the protection of indigenous peoples’ language as much as the protection of their autonomy and natural resources.”

4. Australia’s compliance with international standards for language protection

Several UN instruments deal with language and education rights and specifically the rights of indigenous peoples to use and protect their languages against the dominant language and culture of the state.⁴ Australia has been signatory to some of these for decades but does not comply with their full intentions.

The UNESCO Convention Against Discrimination in Education 1960 states in Article 5 (1) *“It is essential to recognize the right of members of national minorities to carry on their own educational activities, including... the use of the teaching of their own language”*.

Reduction in bilingual education is counter to the Convention on the Rights of the Child, ratified by Australia in 1990, of which *“Article 30... establishes the right of the indigenous child to use his or her own language. In order to implement this right, education in the child’s own language is essential. .”*⁵

Australia signed the International Covenant on Economic, Social and Cultural Rights in 1972. In its most recent Concluding Observations on Australia (June 2009) the CESCR Committee expressed concerns about the lack of action taken to remedy the large number of critically endangered Aboriginal languages.

The Declaration on the Rights of Indigenous Peoples specifically provides in Article 14 that indigenous peoples have the right to establish and control their own educational systems and institutions providing education in their own languages and in a manner appropriate to their cultural methods of teaching and learning; and that states must take effective measures to ensure this (Article 39). The declaration was signed by Australia in 2009 shortly after the dismantling of bilingual education and has not been seen to have had any influence on that situation since.

Further, Article 8 of the Declaration states, *“Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture”*, and Article 13 that *“Indigenous*

³ as part of the United Nation’s Human Rights Council’s 18th session on the Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development, September 2011. UN website.

⁴ Constitution of UNESCO, 1944; Convention against Discrimination in Education, 1960; Convention on the Rights of the Child, 1989; International Labour Organisation Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989 (No. 169); International Covenant on Civil and Political Rights, 1966; Universal Declaration on Cultural Diversity; Declaration on the Rights of Indigenous Peoples 2007; International Covenant on Economic, Social and Cultural Rights 1966.

⁵ General Comment No 11 (2009) *Indigenous children and their rights under the Convention*. Committee on the Rights of the Child. 50th session, 12-30 January 2009. para 62.

peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages..."

The Declaration also establishes the principle of self-determination as a fundamental right. The principle is increasingly referred to in Australian government policy statements but appears to be poorly understood. Self-determination is spelt out in the Declaration as the right of indigenous people to make decisions which affect their rights and be involved in decision making processes on their own terms and in accordance with their own procedures, not be subject to consultation mechanisms devised by other parties (Article 18). It does not mean Aborigines being consulted on proposed or predetermined proposals, nor Aboriginal advisors to and employees of government taking part in policy making and implementation as de facto representatives of Aboriginal people in general. It is clear from the fiasco of the government's "Intervention" in the NT and the poor outcomes of the "Close the Gap" projects that initiatives to combat endemic Aboriginal disadvantages are only likely to succeed if they generate from communities' own choices. The role of governments and authorities in the process is to provide funding and support where required (Article 39). In considering the Australian government's commitment to the Declaration, it is interesting to note that a symposium held in October 2011 at Parliament House, Canberra where a range of speakers considered the domestic implementation of the Declaration into legislation, regulatory institutions and the public and private sectors was not attended by any government ministers nor members of any political parties except for one, a speaker at the event.

Australia has not ratified the two conventions with the strongest provisions for language protection – the International Labour Organisation Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989 (No. 169) which affirms that indigenous children be taught to read and write in their own language beside being given the opportunity to attain fluency in the official language of the country, and the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage 2003, which lists endangered songs, oral histories, culture and languages as vehicles of cultural heritage and specifies safeguarding measures for states to adopt.

The Australian government's unfulfilled obligations to Aborigines were listed by the UN Special Rapporteur on indigenous people, James Anaya, in his Report on the Situation of Indigenous Peoples in Australia, March 2010.⁶ The report's recommendations remain relevant, stipulating that the federal government should:

- * review all legislation, policies and programs affecting Aborigines in light of the Declaration on the Rights of Indigenous Peoples (74);
- * adopt constitutional or other effective legal recognition and protection of Aboriginal rights so as to provide long-term security for these rights (75);
- * ratify the International Labour Organisation Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989 (No. 169) (76);
- * promote and protect Aboriginal rights consistently across all levels of state, territory and local governments (77);
- *and specifically referred to the need for bilingual education to be installed and other forms of Aboriginal controlled education methods to be incorporated into education systems if the Australian government is serious about closing the gap of disadvantage (95, 97).

5. Legislation and constitutional acknowledgment

Some countries protect language rights by national legislation, but Australia is not one of them.⁷

⁶ to the UN Human Rights Council Fifteenth session, March 2010. These recommendations include Torres Strait Islanders also.

⁷ Welsh Language Act (1993); Colombian Constitution of 1991; Native American Languages Acts (1990 and 1992); New Zealand Education Act (1989); language rights are written into the Waitangi Treaty and Maori was recognised as an official language in 1967; Official languages Act 2003 (Ireland); Gaelic Language (Scotland) Language Act 2005.

It has been suggested that Aboriginal languages be recognised in the Australian constitution. This however would not provide any effective mechanism for strengthening languages and would be purely tokenistic.⁸ Such a recognition would not impose any duty or obligation on the Commonwealth or any other government in Australia. It would not impose a duty to legislate to protect languages. Nor would it create a right of funding for those attempting to preserve languages.

It would be far better, and much more appropriate, to legislate. The terms of legislation could impose funding obligations and levels that would strengthen the current administrative arrangements. Legislation could also control government agencies such as Education and Centrelink from using their discretion to deliver services that fail to promote retention of Aboriginal languages. Such legislation should be developed by working parties of Aborigines, including those from language centres and communities in each state and territory, and their own nominated legal advisors and representatives.

6. Mother-tongue and bilingual education

Aboriginal children have the right to be taught in their own languages. This is also the most effective way of learning other subject matter, as attested by a wealth of research evidence. Therefore, to be in accordance with international conventions and improve the educational achievements of Aboriginal students, schools in areas where languages are still spoken should teach in those languages. A higher focus and significantly higher resources should be allocating to training and employing Aboriginal speakers as teachers and ancillary staff in schools. Where English competency is required or desired by the local community, it should be taught as a foreign language in the course of a bilingual program. English language competence should not be the priority focus of schools where any children speak their own languages; the priority should be to support and develop the use of the Aboriginal languages in the schools, and to link school programs with community activities. Strong school/community relationships are crucial, and to be initiated and driven by Aborigines themselves and involving all age groups in the community. Language nests should be established as a priority in all Aboriginal communities, and can be incorporated into existing community programs for children.

A great deal of research also shows that acquiring bilingual capability in no way diminishes competence in either language, as the learning of each supports and assists the other; and that in fact *"..no other widely supported alternative has.. been proposed as best practice ...for children from minority groups who do not speak the dominant language."*⁹

Concerns expressed with the outcomes of bilingual programs are less likely to derive from inherent failings of bilingual education itself, but with the quality of its implementation. Factors such as inadequate resourcing of schools, insufficient engagement of Aboriginal language speakers as teachers and the lack of training in ESL methods for teachers in bilingual programs are only a few of the problems cited by Aboriginal communities, educators and language professionals engaged with bilingual programs for many decades.¹⁰

In reality, the reduction of bilingual learning in the handful of schools in the Northern Territory where it operated, and even the questioning of the method, was not an educational but a political decision. The underlying premise is that Aborigines must adopt the behaviour, outlook, aspirations, institutions and

⁸ Particularly so in light of the bizarre announcement by Noel Pearson, member of the Expert Panel, advising on acknowledgment of Aborigines in the Constitution, that *"Hand in hand with a recognition that Australia is the home to many indigenous languages . . . Australia is now the home to a national language called English and why should we not declare that in the national Constitution?"* [‘Noel Pearson puts case for Constitution race clauses to be cut’ Patricia Karvelas, The Australian, 10 December 2011] Not only would such a legitimization of the dominance of English over Aboriginal languages be counter to all human rights, it would also be racist.

⁹ *Language Vitality and Endangerment*, UNESCO 2003

¹⁰ For a full discussion see J. Simpson, J. Caffery and P. McConvell: *Gaps in Australia's Indigenous Language Policy: Dismantling bilingual education in the Northern Territory*. 2009. AIATSIS Discussion Paper No 24.

culture of white society. This is firmly based on the continuing assimilationist policies of the Australian government and the constricted world-view of a monolingual nation enforcing a diminution of Aboriginal languages on their rapidly decreasing numbers of speakers. That the removal of bilingual learning is counter to all evidence and advice from educational experts, the recommendations of the National Indigenous Languages Survey 2005 commissioned and funded by the federal government itself, and the governing Labor Party's own policy¹¹ has made no difference.

7. English language competency

That there can be educational and vocational benefits from English language competency in Aboriginal communities is rarely disputed by Aborigines. What is contentious is when measures are imposed to effect this without community agreement, and in ways whereby Aboriginal life and culture are adversely affected. Bids to lift English literacy and numeracy rates for Aborigines in white schools have value but can also lead to loss of language, religion and alienation from Aboriginal values and authority, as the result of being

*"... subjected to monolithic mainstream education systems that have eroded traditional ways of life and languages, imposed foreign ideologies and belief systems and institutionalized discriminatory attitudes against indigenous peoples.."*¹²

Experts have argued that where indigenous children have a dominant language as the main instruction language in schools this can be legally seen as a crime against humanity. Because this subtractive education teaches children the dominant language at their cost of their already endangered mother tongues, it contributes to language shift, and in turn to the disappearance of the world's linguistic diversity. Solid research evidence collected internationally shows that this kind of education, aimed as it is at intentionally transferring children from their own group to the dominant group linguistically and culturally, causes very serious psychological, cognitive, educational, social, health and economic damage, with consequences that can last for generations.¹³ This has historically been and still continues to be the experience of Aboriginal communities throughout Australia.

Education policies and programs in force in Australia through the past decade show little sign of having taken any account of the 2009 United Nations study on *"Lessons learned and challenges to achieve the implementation of the right of Indigenous Peoples to education"*. All the Challenges identified by that report are still applicable to Australia and should be addressed immediately:

- "(a) the lack of [indigenous] control over education initiatives for indigenous children;*
- (b) the lack of consultation on the development and implementation of educational services provided to indigenous peoples;*
- (c) the failure to consult with indigenous leaders on proposals for legislation on indigenous peoples;*
- (d) the limited consideration given to autonomy and participation of indigenous peoples in the delivery of educational services, including multicultural and mother-tongue-based bilingual education;*
- (e) the limited opportunities of access to quality mother-tongue-based bilingual education;*
- (f) the failure to develop educational opportunities for indigenous peoples that demonstrate respect for their history and culture;*
- (g) the lack of adequate supplies, funding and teachers, and poor quality schools;*
- (h) the general lack of focus on education for indigenous peoples;*
- (i) educational materials that only reflect the culture of dominant groups;*
- (i) insufficiently funded and developed multilingual educational programmes;*

¹¹ where it declares in its National Platform support for bi-lingual and bi-educational education for both Aborigines and white Australians.

¹² *Study on Lessons learned and Challenges to achieve the implementation of the right of indigenous peoples to education*. Report of the UN Expert Mechanism on the Rights of Indigenous people (91). August 2009.

¹³ Tove Skutnabb-Kangas and Robert Dunbar: *Indigenous Children's Education as Linguistic Genocide and a Crime Against Humanity? A Global View*. Galdu Cala – Journal of Indigenous Peoples Rights No 1/2010

(k) inadequate teacher training and the lack of scholarships for indigenous students; and
 (l) the inadequate development of culturally appropriate curricula.”

8. Effectiveness of current maintenance and revitalisation programs for Aboriginal languages

Effectiveness of language programs depend to a large extent on the relevance and practical implementation of useful policies, supported by adequate and consistent funding which allows for long term projects.

9. Effectiveness of the Commonwealth Government Aboriginal languages policy in delivering its objectives and relevant policies of other Australian governments

Planning and funding for support of Aboriginal languages remains inconsistent and short term, marked by uncoordinated interactions between the Commonwealth and states, a lack of overall strategic planning and consistent objective assessment of the complexity of issues, and, crucially, the absence of active participation of Aboriginal people in decision making for public policy. Funding recipients are harrassed by whimsical and unnecessarily time-consuming bureaucratic demands . Most funding allocations are annual, rather than triennial, so projects are inevitably short-term and disconnected. Triennial funding is available but requires complicated submissions and reporting, and is subsequently either not sought by or granted to smaller, already less well resourced languages centres and projects lacking the personnel or time required. Of 63 projects funded in the 2011-12 funding round, only 6 were triennial.

The National Indigenous Languages Policy announced in 2009 acknowledged the crisis but was ad hoc, inadequately resourced, and showed no commitment to meet international standards. The amount of federal funding for Aboriginal languages stayed exactly the same for 2009-2010 as in the previous year's funding round, despite the Minister's publicity saying otherwise, and was in fact less than half of the amount for which applications were received. As a result, results for language communities on the ground have been minimal. At the same time, Minister Garret refused to even discuss his government's dismantling of bilingual education in the Northern Territory just months before.¹⁴

The policy also offered very provisional support to rarely spoken or unspoken languages , only “to the extent that the current language environment allows”. Given that “the current language environment” is in fact the problem, such fatalistic acceptance of the status quo indicated an unencouraging implicit acceptance of the stasis of those languages, when what is needed instead is an active commitment to improve the current language environment in order to enhance the prospects of languages engaged in the long struggle for revival. This is most of the south east of Australia, including Tasmania.

The policy was built on the National Indigenous Languages Report 2005, jointly authored by AIATSIS and FATSIL. Of the report's 52 recommendations, only two proposed community based and regional initiatives. One proposed state and territory governments ‘consider’ support for Aboriginal languages in state schools and funding state language centres; and one recommended use of languages in public functions such as dual naming, legal and health activities, and in government consultations; three dealt with policy and employment links between government departments and agencies. The majority of recommendations dealt with documentation, storage and other initiatives to secure endangered spoken languages, linguistic analysis, research, large scale coordination, storage and archiving, promotion, liason with goverment, funding and other agencies, evaluation of language programs and centres, conducting surveys, and the funding of professional and academic ,predominantly non-Aboriginal, bodies in these activities. No recommendations dealt with practical measures nor research and development specific to languages no longer spoken/ in process of revival. None dealt with research and development of best practice language teaching and learning and strategies.

¹⁴ ‘Garrett's \$9m life raft for Indigenous languages’, ABC News Online, 10 August 2009

Crucially, the report did not recommend that funding be increased to meet the numbers of applications, nor that funding application and reporting processes be streamlined and simplified. Aboriginal language communities were not invited to identify any other possible providers of professional services other than those nominated by the report producers. No timelines or follow up mechanisms for any recommendations were included. No mechanisms for approval or even comment by language communities of the final recommendations were built into the review process. No information has since been supplied to contributors to the report nor to the public on any outcomes of the recommendations.

The latest policy statement on Aboriginal language, the National Cultural Policy Discussion Paper released in August 2011 by Minister for the Arts, Simon Crean, is no more promising. The policy, a sequence of visionary statements and lofty goals, does no more than treat language as an addendum to the arts, and proposes no practical or measurable strategies or outcomes other than providing *“continued support and investment”* for getting from today’s critical language situation to a future where *“Indigenous arts, language and culture continue to attract both domestic and international interest and recognition”*.¹⁵ Inarguably, Aboriginal art and performance is a big money-spinner for the Australian economy, and the policy aims directly at subsuming distinct and unique Aboriginal heritage, rebranded as *“Australia’s Indigenous traditions”* and *“Australia’s Indigenous culture”*, into its primary objective of producing *“a more inclusive”* and *“socially cohesive”* nation whose economy is strengthened by a revitalised arts industry.¹⁶

An unstated premise seems to be that hitching language to enhanced opportunities for the arts will inevitably lead to a reversal of the disastrous continuing decline of languages. No new measures nor significantly increased funds for language preservation accompany the cultural policy. Its language planks are simply the existing Maintenance of Indigenous Languages and Records program (retitled Indigenous Languages Support) of the Office of the Arts and the 2009 National Indigenous Languages Policy. The impressive figure of \$47 million to support indigenous arts, culture, languages and jobs boils down for language to no more than the current MILR annual budget of \$9.6 million.¹⁷ This budget amount covered only 67 of the 90 submissions made in the 2011-12 funding round, when total funds of \$14.4 million were sought. The \$9.6million budget is a slight increase (by \$2.3m) from 2010-11, when \$7.9 million was allocated to support 63 projects, 6 of them triennial; however 130 applications had been made, seeking over \$22.304 million.

Aboriginal communities operating maintenance projects on the ground in 2011-12 have been granted sums as low as \$9,000 by MILR. Many other allocations range between \$30,000 and less than \$150,000 for projects to record and document languages, make resources, coordinate projects, teach and maintain and revive languages. Many of the sums sought would barely cover 2 wages. Many of the projects do not reappear in the next year’s funding round, yet all language maintenance work needs to be constant and ongoing to produce any result. And why were forty fewer applications made for funding in 2011-12 than in 2010-11? Have unsuccessful applicants simply given up? What is the effect of this on their languages? What follow up or review is undertaken by MILR on the fate of unsuccessful applicants?

Our own experience with a succession of federal government language funding bodies over almost 20 years has been, in summary, an increase of bureaucratic reporting requirements unmatched by significant allocations of funding. Reporting periods have changed from year to year without obvious reason or explanation and with very short notice; since mid last year we are on 3 month reporting is required. We have been informed within a week or two of the deadline, when most of a report has been already written, that new proforma reporting sheets must be used; and then the form not supplied. The last reporting proforma was supplied one day and then recalled and replaced with a new form the following day; the completed form was required to be submitted by the end of the same week. Applications must be done by e-sub, and more usable downloadable versions are not available for language submissions, but are

¹⁵ National Cultural Policy Discussion Paper August 2011, Office of the Arts, Dept of Prime Minister and Cabinet.p16
www.culture.arts.gov.au

¹⁶ ibid pp4,6,2

¹⁷ \$47 million for Indigenous arts, culture, languages and jobs, Minister for the Arts, Simon Crean Press Release 23 June 2011.

for other programs. Despite detailed reports being supplied on time and in full compliance with requirements of the signed contract and our Action Plan, we have received demands to supply further details which had not been mentioned previously, and copies of materials produced including ephemera (eg. notices for community events, etc) which are not always kept. The workload and frustration such requirements generate must be overwhelming for smaller language centres and community teaching groups with minimal staff and pressing duties.

10. Conclusion

In promoting the new National Cultural Policy to the United Nations Human Rights Council in September 2011, Australia stated that *“The opportunity to contribute to the National Cultural Policy demonstrates the Government’s commitment to addressing the challenges of indigenous language loss”*.¹⁸

An observer to those sessions noted the *“defensive statements”* made by Australia and other countries about actions their governments had taken to protect indigenous people’s languages and human rights, mostly describing financial assistance and legal measures in some cases.

He went on to pinpoint the dilemma at the heart of the emergency to revitalize indigenous languages and cultures: that governments’ wielding complete power over measures proposed as remedies can never be an effective solution, given that the essential purpose of governments to develop *“a more inclusive”* and *“socially cohesive”* nation can only ever be at odds with indigenous peoples’ desire and right to retain and reclaim their autonomy and distinct character and heritage.

“ For languages to remain vital and functional in the lives of peoples they must have social, economic, political and cultural uses. In other words, languages must be understood to be a dynamic part of culture and society. The tendency in academic and states’ government circles is to force narrow standardization and limitations on diversity to promote the “unified state ideal.” This tendency is counter to the natural circumstance of diversity among human cultures—including languages. Despite clusters of agreement between officials in international meetings calling for “protection” of language diversity and cultural diversity, the institutional focus of states’ governments is just the opposite. It is in the nature of the state to limit and or eliminate diversity in favor of unified standardization.

.... Can states actually carry out such a policy [of “acceptance and revitalization”] as a practical matter and still promote the universalization of narrow standards that define the state? “

.... Probably the most important part of the “dialogue” that did not actually receive much attention concerned the “right of indigenous peoples to participate in decision-making.” It seems to this observer that language and diversity really do depend on indigenous peoples themselves exercising the power of self-determination without interference from the state. Without this condition being met, the state will remain the biggest threat to the cultural and linguistic diversity of indigenous peoples. That means states must share power and negotiate in good faith with indigenous peoples. Without the power to decide without external threats from imposed commercial development, imposed educational systems, and imposed cultural pressures, indigenous peoples’ capacity to maintain languages and cultures will remain under threat. Yes, it is appropriate that states’ governments try to establish mechanisms to protect indigenous languages and culture, it will be more effective for states to establish rules and mechanisms that reduce or eliminate interference in the lives and territories of indigenous peoples. Preventing imposed changes while promoting mutual

¹⁸ Australian statement, to the United Nation’s Panel on the Role of languages and culture in the promotion and protection of the well-being and identity of indigenous peoples, by Ms Ruth Stone, 20 September 2011. Website of the Australian Permanent Mission and Consulate General, Geneva, Switzerland.

*cooperation and recognition of indigenous peoples' authority to decide their own future will help achieve the outcomes the UN Human Rights dialogue hopes to accomplish."*¹⁹

The Royal Commission into Aboriginal Deaths in Custody made this same point when concluding its final Report in 1991, twenty years ago:

"But running through all of the proposals that are made for the elimination of these disadvantages is the proposition that Aboriginal people have for two hundred years been dominated to an extraordinary degree by the non-Aboriginal society and that the disadvantage is the product of that domination. The thrust of this report is that the elimination of disadvantage requires an end of domination and empowerment of Aboriginal people; that control of their lives, of their communities must be returned to Aboriginal hands. "

¹⁹ Rudolph C. Rýser. "Language and the right to decide", 23 September 2011. Fourth World Eye, Center for World Indigenous Studies website.

Section 2: Language revival and maintenance in Tasmania

palawa kani is not spoken as a first language.

Although anthropological interest in Tasmanian Aborigines produced large number of records containing language from 1777 through the colonial period, not enough was recorded from any one of the probable six to twelve original languages to enable one single language to be revived. Subsequently, *palawa kani* is a composite language retrieved from documentary evidence, and some later aural recordings of speech and songs. The early years of the language revival program, from 1993, focused on research: copies of primary sources were collected from national and international institutions and glossaries produced from them. Linguists were consulted and engaged for several years to train Aboriginal workers and work together on projects. A spelling system was developed to represent the original sounds and guidelines for reconstruction of vocabulary were developed. Linguistic retrieval of words and grammar is ongoing; the language produced is made available in printed, audio and visual forms and introduced into community life.

The goal of the *palawa kani* Language program is for Tasmanian Aborigines to speak our language. To what extent will be the subject of later community review, as the project is clearly long term and its future success is heavily dependent on acquisition by children, aided by families. *palawa kani* language is taught statewide to Aborigines of all age groups, through the programs and activities of Aboriginal community organisations. Particular focus is on early childhood and school aged children and their families.

Other than a handful of words which stayed in use, the language was not spoken at all in 1990. It is now heard at all Aboriginal community events, taught in three Aboriginal Child Care Centres and to preschool and school aged children across the state, and introduced to adults in family based, cultural, political, health and lifestyle programs through TAC programs operating from Tasmania's three regional centres in Hobart (S), Burnie (NW) and Launceston (N-NE). Language is incorporated into sports and family days, political rallies, protest actions, meetings and other community events. Cultural camps and workshops are held on Aboriginal lands and islands. Welcomes to country, eulogies on the return of ancestral remains, speeches at weddings and other presentations are a popular medium by which adults, even those with only a small amount of language, publically demonstrate their commitment to revival in a formal and even ceremonial way. A film has been made incorporating language. Domains of use outside the Aboriginal community include presentations at a variety of mainstream public forums (conferences, arts performances, concerts); the eulogy given at the funeral of Tasmanian Premier Jim Bacon in 2004 to an audience of over 1000 people was televised internationally. Songs are written, performed performed at national and international public events (one at the Sydney Opera house), and one currently forms part of an international tour by an ex-Australian Idol contestant.²⁰ Training, support, resources and advice are provided to Aboriginal organisations and individuals for their own projects. All language teaching materials are developed and produced by the program. Since 1993 more than 20 Aborigines have been employed and trained in different areas of the work such as research, linguistics, producing resources in print, audio, audiovisual and online mediums, second language teaching strategies.

Observable community benefits are the language is being spoken again; the revived language is being fully documented to avoid future loss; cultural heritage is preserved and enhanced; individuals' confidence and pride in identity is reinforced; specialist skills are developed by Aborigines. Already language functions as a cohesive social marker among youth and children especially. Young people in particular use language as an identity marker in conversation, emails, SMS and internet social sites such as facebook.

²⁰ "Deadly pair play Europe", *Koori Mail*, 5 October 2011; Tasmanian Aboriginal singer Dewayne Everrettsmith tours with Gurrumul Yunupingu

Older people who find learning a second language a challenge increasingly want to learn to be able to respond to and encourage their children's and grandchildren's language use as a way to ensure continuation of the language into the future. Spoken language in family life increases as a result. An estimated 40 parents joined in an impromptu song with children at last year's Annual Children's Centre concert and exchanged greetings and pleasantries in language with each other and staff; two years ago this would not have happened.

An Aboriginal community policy developed over many years and in place since 2001 states that language should be further established within the Aboriginal community before being taught to or used by white people, either government agencies and other organisation or individuals. Some categories of words however can be made available for white use, by application under the Policy and Protocol for Use of Aboriginal Language developed for this purpose.

Tasmanian Aboriginal language is not taught in Tasmanian state or private schools. The exception is the primary and high schools on Cape Barren Island where the majority of students are Aboriginal and language is taught by visiting language workers and resident Aboriginal Community Education Officer and Aboriginal teachers aide. School aged Aboriginal students learn language in daily and weekly after school groups, cultural camps and community activities operated by the TAC in the three regional areas and offshore islands.

The Tasmanian government has no legislation or policies providing for Aboriginal language protection or use

States with a will to offer financial, policy and administrative supports to languages have continued to do so on their own motivation. No policy, funding or any other in kind support has been received from any Tasmanian government for any aspect of Tasmanian Aboriginal language revival since the beginning of the initiative in the early 1990s.

Until October this year, Tasmania had resisted adopting policies for the renaming and dual naming of places with their Aboriginal names, which have been implemented by all other Australian states and territories since the early 1990s. Subsequently, the percentage of gazetted named places with an Aboriginal name within each state or territory is by far the lowest in Tasmania, with 3.9%. Percentages in the other states range from 23.9% (ACT) to 33.1% (SA).²¹

Our repeated proposals to three successive Tasmanian governments since 2007 urging Tasmania to adopt a more modern and appropriate naming policy were met with expressed interest on two occasions but no action. We saw no effect of the NILS recommendation that all states support dual naming nor any regard for the fact that the failure to allow Aboriginal place naming set Tasmania alone of all the Australian states in contravention of the *United Nations Declaration on the Rights of Indigenous Peoples (Article 13)*.

In November 2011, Premier Giddings finally committed "to facilitate a mutually acceptable approach to place naming."²² Details of such a policy have yet to be agreed between Aborigines and government in discussions proposed for early 2012.

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²¹ *PlaceNames Australia*, Newsletter of the Australian National PlaceNames Survey, July 2011.

²² Letter, Premier Lara Giddings MP to Tasmanian Aboriginal Centre, 30 September 2011