

Aboriginal Peak Organisations Northern Territory

An alliance of the CLC, NLC, CAALAS, NAAJA and AMSANT

APO NT SUBMISSION ON THE REVIEW OF THE EDUCATION ACT

MAY 2014

About Aboriginal Peak Organisations of the Northern Territory

Aboriginal Peak Organisations Northern Territory (APO NT) is an alliance between the Northern Land Council (NLC), Central Land Council (CLC), Aboriginal Medical Services Alliance Northern Territory (AMSANT), North Australian Aboriginal Justice Agency (NAAJA) and Central Australian Aboriginal Legal Aid Service (CAALAS).

The alliance was created to provide a more effective response to key issues of joint interest and concern affecting Aboriginal people in the Northern Territory, including through advocating practical policy solutions to government. APO NT is committed to expanding opportunities for Aboriginal community control. APO NT also seeks to strengthen networks between peak Aboriginal organisations and smaller regional Aboriginal organisations in the Northern Territory.

APO NT member organisations do not provide education services in the Northern Territory, however as community-controlled service delivery organisations we believe that we have valuable insights into the delivery of services in the NT. Decisions made from afar by people without the appropriate knowledge, skills and attitudes has led to a litany of poor policies and practices in Aboriginal education over many decades.

APO NT emphasises the importance of education as a social determinant of health. Aboriginal control is key in the delivery of services to Aboriginal people in the Northern Territory, including education. APO NT also believes that the creation of an Aboriginal-controlled peak body for education is crucial to developing more effective education policy and practice for Aboriginal people in the NT.

APO NT suggests that Aboriginal languages should not be seen as a barrier to education but as an opportunity to engagement and educational attainment. Language is intrinsically connected to identity, culture and wellbeing. Bilingual education is an evidence-based approach that has been shown over many decades to be effective for Aboriginal people. If more trained first-language teachers are needed, developing this workforce must be the priority and renewed efforts and stronger determination are needed to make this happen. Every child should have the right to be taught in their own language and English, particularly in the NT where 75% of the Aboriginal population speak an Aboriginal language as their first, second, or third language.

The NT urgently needs a commitment from Government at all levels to working together and in partnership with Aboriginal people, families and elders. A culturally inclusive environment will give Aboriginal people a voice and a clear role in shaping the education of Aboriginal young people. APO NT is strongly of the view that unless and until we do this, improvements in school attendance, and achievement will remain elusive and the system will continue to fail Aboriginal children.

APO NT welcomes the opportunity to make a submission to the NT Government on the Education Act Discussion Paper.

In support of this brief submission, APO NT urges the NT Government to also view the recommendations from APO NT submissions and the National Congress Education Policy as attached:

- **Attachment A:** National Congress Education Policy
- **Attachment B:** APO NT Submission on the Review of Indigenous Education in the Northern Territory
- **Attachment C:** APO NT Submission to the Australian House of Representatives Standing Committee on Social Policy and Legal Affairs Inquiry into FASD.

NTG Discussion Paper on Education Act	APO NT Comments
Section 1: Objects and Principles	
<ul style="list-style-type: none"> • <i>Are these the right themes for reform of the <u>Education Act (NT)</u>? If not, please explain which themes you agree with, which themes you do not agree with and why?</i> • <i>Please suggest any additional themes you think should be included, and the kinds of reforms you think should be covered under those themes.</i> • <i>Are the options for the Objects of the Act the right ones? If not, which ones and why?</i> • <i>Are the options for the Guiding Principles for the Act the right ones? If not, which ones and why?</i> • <i>Are there other Objects or Guiding Principles that should be considered?</i> 	<p>Culture and language should be embedded in the NT Education system given that 30% of the total population are Aboriginal, 58% of the Northern Territory Aboriginal population live in very remote areas and many Aboriginal children speak two or three other languages.</p> <p>The importance of culture is highlighted in the observation that “in the context of societies with dominant and minority cultures, such as Australia, the widespread and persistent suppression of minority cultural practices causes severe disruption, making our communities susceptible to trauma, collective helplessness and endemic maladaptive coping practices.”¹</p> <p>APO NT believes that culture cannot be ignored or treated as a barrier to learning and should be included as a theme and an object for the Education Act.</p> <p>Please view Attachment A and Attachment B.</p>
Section 2: Local School Autonomy	
<ul style="list-style-type: none"> • <i>Do you support increased government school autonomy? If so, over what areas should schools have the capacity for local decision making? Please specify.</i> • <i>Should all government schools have the same degree of autonomy? Why/why not?</i> • <i>Will these reforms achieve increased school autonomy? Are there other reforms that are needed?</i> • <i>Do you think principals and schools need to be more accountable if they are given greater autonomy for local decision making? Please provide details.</i> • <i>If principals and schools are given more autonomy, what reforms do you think would be needed to ensure</i> 	<p>APO NT is cautious about supporting increased local school autonomy as a general principle, noting the risk of widening the gap between advantaged and disadvantaged schools, which would in turn widen the gap in education and social outcomes between Aboriginal and non-Aboriginal young people in the NT. We would like to see evidence of the impacts on Aboriginal students in Western Australia and Queensland before such a policy was implemented.</p> <p>APO NT strongly supports increased control by Aboriginal people over services and programs in their communities, and this includes education. In the NT, Aboriginal community-controlled health services have proved to be effective in implementing innovative health care practices. A similar model could be used for schools, incorporating capacity-building and support enabling transition to community control.</p> <p>Article 14 of the Declaration on the Rights of Indigenous peoples, which was passed by the General Assembly of the United Nations in 2007, states that ‘Indigenous peoples have the right to establish and control their education in their own languages, in a manner appropriate to their cultural methods</p>

¹ Cooper, David. ‘Closing the gap in cultural understanding: social determinants of health in Indigenous policy in Australia’, Aboriginal Medical Services Alliance NT, Darwin.

<p><i>success is sustainable, and not dependent on an individual principal and/or a particular parent/community representative body?</i></p>	<p>of teaching and learning.’</p> <p>APO NT supports the need for an Aboriginal controlled peak body for Aboriginal education as outlined in the APO NT Submission in the Review of Indigenous education (Attachment B).² Increased autonomy for schools needs to be linked to community control. Any proposals to increase local school autonomy must be linked to improved processes of accountability back to the community and parents of that school – see points below.</p>
<p>Section 3: Parent, Community and Education Partnerships</p>	
<ul style="list-style-type: none"> • <i>Do you agree with greater flexibility in the powers and functions exercised by individual school councils to support different roles in school governance? Why?</i> • <i>Do you think all schools should be required to have a representative body of some kind, or should it be optional? Please provide details.</i> • <i>Are there other legislative changes that are needed relating to the powers and functions of school councils?</i> • <i>Do you think the composition of school councils should change to allow for broader community involvement? If so, what should the composition of the parent/community representative body be to support an increased role in school governance?</i> 	<p>To ensure community involvement in local schools’ decisions and practices and to ensure culture and language are embedded in the school, APO NT proposes that nominated community leaders and elders be encouraged and supported on school councils in addition to parents. All members of remote school governing bodies need to receive adequate training and support to effectively fulfil this role. This will assist in facilitating open communication between Aboriginal people in the community, school staff and the Department.</p> <p>It is critical that governance practices and meeting processes are reviewed and developed in order to ensure that school governing entities are seen to be useful, legitimate and accessible for parents and community representatives. A failure to develop adequate and appropriate governance arrangements and supports will mean that it is likely to be difficult to attract quality representatives. The AMSANT community board model should be reviewed as a possible model.</p> <p>All schools should be required to have a representative body.</p> <p>Please see Attachment B under the heading ‘Community Engagement’ for further information and recommendations</p>
<p>Section 4: Safe Schools</p>	
<ul style="list-style-type: none"> • <i>Do you think it is important to give principals and teachers the capacity and responsibility to better control unacceptable behaviour within their school? Why/why not?</i> • <i>Do you think any of the reform options listed should not be included? Why?</i> • <i>Are there other capacities that a principal, teacher or the Chief Executive should have in relation to antisocial behaviour? Please provide details.</i> 	<p>APO NT does not support the proposal for a principal to be given more power to cancel the enrolment of a post compulsory school age student. In many remote communities, there is only one secondary program and if a student is expelled that child has limited options to continue their schooling.</p> <p>APO NT supports increasing the role of the school council in assisting to deal with behavioural challenges, as long as it is also has community members/ Aboriginal leaders sitting on the council. The development of agreed behavioural management plans is clearly one avenue for including parents and community members in dealing with inappropriate behaviour.</p> <p>APO NT does not support punitive measures to address safety in school and school attendance. If it is necessary to suspend or</p>

² This was also recommended in the Central Land Council’s Submission to the Review of Indigenous Education in the Northern Territory, March 2014.

<ul style="list-style-type: none"> • <i>Do you think a principal should have the power to cancel the enrolment of a post compulsory school age student if they are not complying with requirements? Why?</i> • <i>Do you think there should be provisions for review of decisions relating to suspension, exclusion and expulsion? Why?</i> • <i>Do you think it is important for people providing evidence in relation to complaints to have protection under the law? Why/why not?</i> • <i>Do you think students should have access to and be required to participate in an appropriate education option while they are suspended, excluded or expelled from school? Why/why not?</i> 	<p>otherwise exclude a student from the school, it should only be implemented as an absolute last response option and there must be mechanisms (and resources) for addressing the causes of the problem and maintaining student engagement with education.</p> <p>APO NT believes that students should have access to education, while they have been suspended, excluded or expelled, because education is fundamental to their future.</p>
Section 5: Enrolment, Attendance and Youth Participation	
<ul style="list-style-type: none"> • <i>Do you think the existing provisions relating to enrolment and attendance are adequate? Why/why not?</i> • <i>Should 'completion of Year 10' be defined to better meet the needs of students and to accommodate exceptional circumstances? Why?</i> • <i>Do you think the options for reform would enhance the existing enrolment, attendance and participation provisions? Why/why not?</i> • <i>Are there other legislative reforms that should be considered in the development of a new Act?</i> 	<p>There are many issues relating to severe social and economic disadvantage for many students in remote and urban communities that impact on the ability of students to engage with education. It is vital that education policy in the Northern Territory encompasses a whole-of-government approach to improving social, health and economic outcomes for Aboriginal people, with a strong focus on community owned and controlled solutions.</p> <p>In seeking to improve school attendance, APO NT believes that there needs to be positive rather than negative messaging around parental and community responsibility and school attendance.³ We oppose the use of offence provisions to deal with non-attendance. Parents and communities should be empowered to work with the Department and the schools to lift attendance.</p> <p>Please read Attachment B under the heading 'Attendance'.</p>
Section 6: Government School Options	
<ul style="list-style-type: none"> • <i>Do you think zoning is an effective way to ensure appropriate utilisation of schools? Why?</i> • <i>Do you think principals should have the ability to decline enrolment when there is not the capacity within the school for additional students or to meet the educational needs of a particular student? Why/why not?</i> • <i>Should the entitlement to education</i> 	<p>APO NT is concerned that, because of the mobility of many Aboriginal children, zoning could potentially act as a barrier to school enrolment and attendance for some students. APO NT seeks clarification in relation to the relationship between enrolment and attendance. For example, if a child is temporarily away from the school that he or she is enrolled in, will this affect the child's ability to attend a new school?</p>

³ Response to Stronger Futures, Aboriginal Peak Organisations of the Northern Territory Submission, p. 14

<p><i>be capped? Why/why not?</i></p> <ul style="list-style-type: none"> <i>If you agree that the entitlement should be capped, how should the cap be determined? Why?</i> 	
<ul style="list-style-type: none"> <i>Are there other reforms that should be considered regarding children with special learning needs?</i> <i>Do you support schools having the capacity to seek voluntary contributions towards the costs of curriculum-related excursions, consumables and stationery? Why/why not?</i> <i>Do you agree that schools should be able to charge for specialised non-core programs and additional services, on a cost recovery basis? Please indicate which services and non-core programs you think should attract fees?</i> <i>Do you think there are other services or programs that should attract a fee for service?</i> 	<p>The prevalence of Foetal Alcohol Syndrome Disorder (FASD) and other forms of cognitive impairment in children in the NT must be taken into account. Foetal Alcohol Spectrum Disorder (FASD) is an umbrella term describing a range of effects that can occur in an individual who has been exposed to alcohol ‘in utero’. The effects include physical, mental, behavioural and learning disabilities with possible life-long implications.⁴</p> <p>Some of the consequences of FASD include brain damage, birth defects, poor growth, developmental delay, difficulty hearing, difficulty sleeping, problems with vision, high levels of activity, difficulty remembering, short attention span, language and speech deficits, low IQ, problems with abstract thinking, poor judgement, social and behavioural problems, and difficulty forming and maintaining relationships.⁵ Similar developmental consequences can also be caused by Early Life Trauma (ELT), that affects significant numbers of children.⁶</p> <p>The recent Commonwealth Inquiry into FASD outlined the following research findings:</p> <ul style="list-style-type: none"> The Foundation for Alcohol Research and Education (FARE) and the previous Department of Health and Ageing and Families Housing, Community Services and Indigenous Affairs (FAHCSIA) report that recent research estimates the prevalence of FASD to be between 0.06 and 0.68 per 1000 live births. Other experts consider this to be a significant underestimation. FARE reports that among Indigenous Australians, the incidence of FASD is estimated to be 2.76 and 4.7 per 1000 births. A study in far north Queensland estimated FASD prevalence of 1.5 per cent in the Aboriginal child population, with one Cape York community having a prevalence of 3.6 per cent. A comprehensive and detailed incidence study of FASD in Fitzroy Crossing will soon be released; a recent media report suggested that half of the babies born in Fitzroy Crossing are born with disabilities from FASD.⁷

⁴ Foetal Alcohol Spectrum Disorder Project, Anyinginyi Health Aboriginal Corporation <http://anyinginyi.org.au/programs-services/mens-health/foetal-alcohol-spectrum-disorder-project>

⁵ Ibid.

⁶ White, Maggie, Marninwarntikura Fitzroy Women’s Resource and Legal Centre, Nindilingarri Cultural Health, Kimberley Aboriginal Law and Cultural Centre, and Marra Worra Worra Aboriginal Corporation. 2011. “Pathways to a Good Life Well Lived: Community-Owned Recovery Plan for Overcoming Suicidal Despair in the Fitzroy Valley”. Prepared by Maggie White of Herculeia Consulting.

⁷ North Australian Aboriginal Justice Agency Response to the Australian Human Rights Commission Issues Paper: April 2013, Access to Justice in the criminal justice system for people with a disability, 5 and House of Representatives Standing Committee on Social Policy and Legal Affairs, *FASD: The Hidden Harm Inquiry into the prevention, diagnosis and management of Foetal Alcohol Spectrum Disorders* (2012), 2.94

	<p>Children may also have special needs as a result of other harmful effects of alcohol use within the family, including developmental delay due to trauma or neglect. Evidence-based programs and training must be resourced in schools to ensure that all children with complex needs, whether related to the harmful use of alcohol or other causes, receive the support and assistance they need to obtain a high quality education. APO NT does not support the proposal that schools should charge for non-core programs.</p>
<ul style="list-style-type: none"> • <i>Do you support the collection and use of student data to better inform decision making in relation to the delivery of education in the NT? Why/why not?</i> • <i>Do you support the sharing of data with other government agencies, in specified situations? Why/why not?</i> 	<p>APO NT supports the collection and use of student data and agrees that it should be shared between government sectors, to enhance decision making and service delivery. APO NT also calls for the Government to actively share this data to ensure that non-government organisations are being provided the best evidence to guide their policy and research, but to also ensure accountability of the Government.</p>
<p>Section 7: Non-Government schools</p>	
<ul style="list-style-type: none"> • <i>Do you support schools having the capacity to seek voluntary contributions towards the costs of curriculum-related excursions, consumables and stationery? Why/why not?</i> • <i>Do you agree that schools should be able to charge for specialised non-core programs and additional services, on a cost recovery basis? Please indicate which services and non-core programs you think should attract fees?</i> • <i>Do you think there are other services or programs that should attract a fee for service?</i> 	<p>APO NT suggests that proposals around financial contributions must be subject to equity.</p>
<p>Section 8: Accountability</p>	
<ul style="list-style-type: none"> • <i>Do you think a differential approach to accountability would provide enough rigour to give consumers confidence in the quality of service provision in schools? Please respond in detail and include suggested alternative models if necessary.</i> • <i>Should review of government and non-government schools be better aligned? Why/why not?</i> • <i>Should standards be introduced for the operation of government and non-government schools? Why/why not?</i> • <i>Do you think it would be beneficial</i> 	<p>See Attachment B under the heading of 'Community Control.'</p>

<p><i>to separate the registration and ongoing assessment of non-government schools from the Department of Education? Why?</i></p> <ul style="list-style-type: none"> • <i>Would it be a good option to include responsibility for the registration and review of non-government schools as a function of an entity such as the NT Board of Studies? Why?</i> • <i>Is there a better model for regulation of non-government schools? Please provide details.</i> • <i>Are there other legislative reforms that need to be considered relating to accountability? If so, please provide details.</i> 	
<p>Section 9: Streamlining</p>	
<ul style="list-style-type: none"> • <i>Do you think it is a good idea to provide the capacity to issue a unique student identifier to children enrolled in an early childhood service operated by the NT Government? Why/why not?</i> <p><i>Are there other matters relating to early childhood education and care in the NT that would benefit from a legislative basis and that should be considered in the development of a new Education Act? Please provide details.</i></p>	<p>The previous Northern Territory Coordinator General for Remote Services noted that “children from disadvantaged backgrounds are more likely to have poor educational attainment, experience unemployment and substance misuse, are more likely to come into contact with the justice system and suffer chronic disease and premature death. Poor maternal health, low birth weight, growing up in a household with multiple disadvantages together with poor access to services are all factors that affect a child’s development.”⁸</p> <p>Many remote Aboriginal children come to school set up to fail. This is evidenced by NAPLAN and AEDI results. Early childhood programs can be a key enabler of improved educational outcomes.</p> <p>The Abecedarian program has a particularly strong record of improving educational outcomes. One RCT demonstrated that the IQs of experimental program children ranged between 7.9 and 20.1 points higher than those of the control children between 6 and 54 months of age.⁹</p> <p>This impact remained ten years after intervention ended: children who received the preschool intervention significantly outscored controls on standardised measures of academic achievement and were less likely to be retained in grade or placed in special education.¹⁰ This demonstrates the need for, and the value of, sustained investment in evidence-based early childhood programs.</p>
<p>Section 10: Conclusion</p>	
<p><i>Are there other areas of reform or other options for reform of the <u>Education Act</u> that this discussion paper has missed and that you think should be considered? If so, please</i></p>	<p>Please refer to the recommendations listed in Attachment A and B.</p>

⁸Northern Territory Coordinator General for Remote Services, 2012

⁹Ibid.

¹⁰Ibid.

specify in detail. This might include reforms in other jurisdictions that do not have similar contexts to the NT, but which are showing signs of success that the NT could learn from.