



AUSTRALIAN COUNCIL OF TESOL ASSOCIATIONS

SUBMISSION TO

Productivity Commission *Indigenous Evaluation Strategy*

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TABLE OF CONTENTS

Introduction	3
1. A General Observation	4
2. Objectives of the Indigenous Evaluation Strategy	5
3. Applying the Strategy to Mainstream Programs	10
3.1 NAPLAN testing	13
3.2 Mainstream school devolution policies	17
3.3 The 2008 Melbourne Declaration on Educational Goals for Young Australians	17
3.4 Labour market and community programs for Indigenous adults	18
3.5 The Regional Partnerships Program	19
3.6 ACTA recommendations: The evaluation of mainstream programs	20
4. Lessons from Indigenous-specific Policies and Programs	22
4.1 Closing the Gap	22
4.2 Other Indigenous-specific programs	26
4.3 The Indigenous Advancement Strategy (IAS) Evaluation Framework	27
4.4 What lessons can be learned from these examples?	29
5. Evaluation Concepts and Practice	30
5.1 Approaches to policy and program evaluation	30
5.2 Evaluation challenges	32
5.3 Current evaluation practice	33
6. Developing an Indigenous Evaluation Framework	36
6.1 Principles	36
6.2 Planning early for evaluation	37
6.3 Incorporating Indigenous perspectives	40
6.4 Independence of evaluations and evaluators	41
6.5 Cultural capability	44
6.6 Data	46
7. Ensuring Effective Evaluation	47
Conclusion	47
Appendix A: List of ACTA Recommendations	49
Appendix B: Evaluations Examined for Reference to Language	54

Introduction

This submission is made on behalf of the **Australian Council of TESOL Associations (ACTA)**, which is the peak professional body concerned with the **teaching of English to speakers of other languages (TESOL)**.¹

The Council is comprised of representatives from State and Territory TESOL associations, including their presidents. Association members are TESOL teachers, consultants, curriculum developers and teacher educators in tertiary, Vocational Education & Training (VET), adult education, school and pre-school settings, as well as academics and researchers in fields related to teaching English and other languages. A draft of this submission was circulated for comment to ACTA Councillors and our network of educators and researchers working with Indigenous people in Sydney, Darwin, Queensland, far North Queensland and the Torres Strait, Perth, remote Western Australia and central Australia. It received extensive comment, which is incorporated in this final version.

ACTA warmly welcomes the initiative *“to develop a whole-of-government evaluation strategy, to be utilised by all Australian Government agencies, for policies and programs affecting Aboriginal and Torres Strait Islander people”*.²

The ACTA submission is underpinned by two key propositions:

First, **language – encompassing Aboriginal languages and English** – is a crucial mediating factor determining the access and participation of Indigenous Australians in services and programs. An Indigenous Evaluation Strategy must therefore give explicit attention to the key role of language in the policies and program implementation, outcomes and impacts on Indigenous people.

Second, an Indigenous Evaluation Strategy **must recognise, respect and support Indigenous language practices**, which are varied and complex, as are their interconnections with cultures, identities, history and knowledges.

In this submission, we adopt the term *“language ecologies”*, which has been coined to refer to the complex inter-relations between the languages and varieties that are typically spoken in a particular place as the mother tongue and learned as second/additional languages or dialects.³ These languages and varieties are:

- traditional Aboriginal and Torres Strait Islander languages, mixed languages and new languages such as creoles
- varieties/dialects of English, and
- Standard Australian English in its oral and written forms.

¹ <http://www.tesol.org.au/>

² Productivity Commission Indigenous Evaluation Issues Paper p. 1. <https://www.pc.gov.au/inquiries/current/indigenous-evaluation#draft>

³ Angelo, Denise, 2012. Inquiry into language learning in Indigenous communities. Standing Committee on Aboriginal & Torres Strait Islander Affairs. Submission 153.

Angelo, Denise, 2013. Identification and assessment contexts of Aboriginal and Torres Strait Islander learners of Standard Australian English: Challenges for the language testing community. Papers in Language Testing and Assessment (PLTA), 2(2), 67-102.

Hudson, C. & Angelo, D. 2012, July. Non-social “social English”: when “social English” is not used for socialising: Unpacking social and academic English in the complex language ecologies of Indigenous students with contact language backgrounds in English-only classrooms. Paper presented at the Australian Council of TESOL Associations International TESOL Conference ‘TESOL as a Global Trade – Ethics, Equity and Ecology’, Cairns.

Our submission focuses on how an Indigenous Evaluation Strategy should relate to **policies and programs directed or related to the education of those who speak or otherwise use these languages and dialects.**

A complete list of our recommendations is provided in Appendix A.

1. A General Observation

The Commission's *Issues Paper* is a helpful guide to the Commission's starting points in developing the proposed Indigenous Evaluation Strategy.⁴ A quote late in the Paper (p. 34) seems particularly relevant to ACTA's concerns:

... program evaluations always rest on the available data. It is simply not possible to evaluate what we cannot observe. It is not uncommon for data limitations to constrain the evaluation questions, the evaluation method, the quality of the evaluation, and indeed whether an evaluation is even possible. (PC 2013, p. 84) (our emphasis)

"Data limitations" and constraints on evaluations follow not just from what *cannot* be observed but from *what is chosen* for observation and *who is chosen* to frame and make the observations. To slightly modify the above:

It is simply not possible to evaluate **what is not selected** for observation.

ACTA commends the *Issues Paper* for its attention to how Aboriginal and Torres Strait Islander "knowledges ..., perspectives and priorities must be incorporated into evaluation planning and conduct" (pp. 29-30). Incorporating these perspectives in evaluations would be a considerable achievement.

However, the Paper completely fails to attend to how incorporating Aboriginal and Torres Strait Islander knowledges, perspectives and priorities in evaluations requires explicit attention to how **languages, language uses and language users** embody these knowledges, perspectives and priorities.⁵

ACTA is gravely concerned at the absence of any reference to language in its own right throughout the *Issues Paper*. As we believe our submission will demonstrate, failure to give explicit consideration to language in its own right has important flow-on effects and also clearly undermines other commendable goals.

Excluding language from explicit consideration is not particular to the *Issues Paper*. It characterises most evaluations, evaluation frameworks, Government and other policies and programs.⁶ ACTA's first recommendation is therefore as follows (see next page).

⁴ Productivity Commission Indigenous Evaluation Issues Paper <https://www.pc.gov.au/inquiries/current/indigenous-evaluation#draft>

⁵ See, for example, Evans Nicholas, 2010. *Dying words: Endangered languages and what they have to tell us*. Chichester, West Sussex, UK: Wiley Blackwell.

Yunkoporta, Tyson. 2019. *Sand talk: How Indigenous thinking can save the world*. Melbourne: Text Publishing.

For excellent insights into the how Indigenous languages are integral to thinking, identity and culture, go to Indigenous Languages and Perception: <https://podcasts.apple.com/au/podcast/all-in-the-mind-abc-rn/id73330911>

⁶ See, for example, McIntosh, S., O'Hanlon, R. & Angelo, D. (2012). The (In)visibility of "language" within Australian educational documentation: Differentiating language from literacy and exploring particular ramifications for a group of "hidden" ESL/D Learners. In R. Baldauf, (Ed.), *Future directions in Applied Linguistics: Local and global perspectives*. 35th Applied Linguistics Association Australia (ALAA) Congress (447-468). Brisbane: The University of Queensland Press.

Recommendation 1: Any whole-of-government evaluation strategy to be utilised by all Australian Government agencies for policies and programs affecting Aboriginal and Torres Strait Islander people should explicitly address and take account of **the languages, uses and speakers of languages** encompassed and impacted by these policies and programs. That is, evaluations should include examination of how the following are **considered, accommodated, supported and respected**:

- traditional and emerging **Aboriginal and Torres Strait Islander languages and their speakers**
- **maintaining and learning** Aboriginal and Torres Strait Islander languages
- **the place of English**, including Aboriginal and Torres Strait Islander varieties/dialects of English in the language ecologies of Indigenous communities
- Aboriginal and Torres Strait Islander **learners of English as a second or additional language** and their learning pathways and needs
- Aboriginal and Torres Strait Islander **learners of Standard Australian English as an additional dialect** and their learning pathways and needs
- Aboriginal and Torres Strait Islander learners of **literacy skills in English**.

We now address the headings and questions in the *Issues Paper* that are most relevant to our concerns as English language educators. As will be seen, much of our discussion relates to contexts in which Aboriginal and Torres Strait Islander languages and dialects are used, including remote contexts. However, the basic principles underpinning this submission apply equally in metropolitan and other urban contexts.

2. Objectives of the Indigenous Evaluation Strategy

Issues Paper Questions on Objectives

What objectives should a strategy for evaluating policies and programs affecting Aboriginal and Torres Strait Islander people seek to achieve?

To what extent are the evaluation practices of Australian Government agencies consistent with the United Nations Declaration on the Rights of Indigenous Peoples? How could practices be improved in this respect?

ACTA commends the Commission for situating the Indigenous Evaluation Strategy within the broader context of the Australian Government's endorsement of United Nations' *Declaration on the Rights of Indigenous Peoples and Self-determination* and the *Uluru Statement from the Heart*.

However, the goals of “promoting greater self-determination for Indigenous peoples” and facilitating and enabling “greater involvement by Indigenous peoples in setting priorities and making decisions about policies and programs that affect them” (*Issues Paper*, p. 2) cannot be achieved without regard to languages, language uses and users, and language learning.

For example, in the Australian context:

- the UN Declaration's goals of full “participation in the life of the State” and “rights to education and information” (*Issues Paper*, p. 3) requires **proficiency in Standard Australian English and/or provision of mother tongue services** (e.g. through interpreters and the use of mother tongues/dialects)

- rights to “cultural and spiritual identity” (*Issues Paper*, p. 3) cannot be considered independently of the right to use, maintain and develop one’s mother tongue/dialect, and the language(s) in which **individual, cultural and spiritual identities are embodied and where all everyday relationships and knowledge of the world are imparted and developed.**

Various Articles in the UN Declaration include specific reference to languages and language uses:

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.

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.

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.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

Other rights proclaimed in the UN Declaration cannot be achieved without regard to languages and language uses:

Article 14

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Specifically in regard to languages, the Australian Government endorsed the 2019 UNESCO International Year of Indigenous Languages by promising that “support will be focused on ensuring Aboriginal and Torres Strait Islander languages thrive, are celebrated, and are considered across whole of government services and policies.”⁷ The Government also recognised that language “is essential to the wellbeing, culture and identity of Aboriginal and Torres Strait Islander Australians”,

⁷ DoCA (Department of Communication and the Arts), 2019. Australian Government Action Plan for the 2019 International Year of Indigenous Languages. Accessed online on 15 April 2019 at <https://www.arts.gov.au/what-we-do/indigenous-arts-and-languages/2019-international-year-indigenous-languages/australian-government-action-plan-2019-international-year-indigenous-languages>

and that “*the engagement of Indigenous language interpreting is critical to ensure Aboriginal and Torres Strait Islander Australians are effectively engaged with, and have equal access to, government services and opportunities*” (PM&C, 2017).⁸

ACTA strongly supports the language-related rights articulated in the UN Declaration and the Australian Government’s commitments just cited. Accordingly, our recommendations on the objectives to be achieved by a whole-of-government strategy for evaluating policies and programs affecting Aboriginal and Torres Strait Islander people are set out on the following page.

⁸ PM&C, 2017, New protocols on Indigenous Language Interpreting for government. Accessed online on 8 May 2019 at <https://www.pmc.gov.au/news-centre/indigenous-affairs/new-protocols-indigenous-language-interpreting-government>

Recommendation 2: The Indigenous Evaluation Strategy should embrace **the objectives of UN Declaration on the Rights of Indigenous Peoples, including the Articles on Indigenous Rights**, and the Australian Government’s commitments to the 2019 UNESCO International Year of Indigenous Languages.

Recommendation 3: The Indigenous Evaluation Strategy should include **an explicitly developed language component** directed to evaluating the extent to which policies and programs support, pursue and achieve the following objectives:

- ensuring **effective, appropriate and respectful communication** with the Aboriginal and Torres Strait Islander communities and individuals affected by policies and programs
- ensuring Aboriginal and Torres Strait Islander communities and individuals have **authentic and effective input** into the formation, on-going implementation and evaluation of the policies and programs that affect them;
- ensuring that this input is in the **languages, dialects and language modes** (e.g. oral/written, face-to-face/long distance via technology, individual/group) that is most comfortable for those whose input is sought
- identifying **linguistic barriers that prevent effective communication** with Aboriginal and Torres Strait Islander communities and individuals affected by policies, programs and evaluations, and using appropriate, evidence-based, respectful and culturally competent methods for overcoming them (e.g. interpreters, visuals, oral interactions, ways of talking)
- respecting, protecting and supporting the rights of the Aboriginal and Torres Strait Islander communities and individuals to **use, maintain, learn and develop their traditional, new and emerging languages and how they use these languages**
- respecting, protecting and supporting the rights of the Aboriginal and Torres Strait Islander communities and individuals to **use and maintain varieties/dialects of English**
- supporting and promoting **the learning of English as an additional language and Standard Australian English as an additional dialect** for all children and adults whose mother tongue is an Aboriginal and Torres Strait Islander language or English variety
- supporting and promoting **the learning of English as an additional language and Standard Australian English as an additional dialect** through appropriate, evidence-based pedagogies, resources, curriculum and appropriately qualified and knowledgeable teachers
- supporting and promoting **literacy development for** Aboriginal and Torres Strait Islander adults and children, for children – and adults where possible and appropriate – initially in their mother tongue and using it as the basis on which to build literacy in Standard Australian English
- enhancing and promoting **Indigenous and non-Indigenous Australians’ understandings of and respect for** the inextricable connections between Aboriginal and Torres Strait Islander languages, language uses, cultures, histories, identities, knowledges and ways of thinking and being, as part of **individuals’, communities’ and the nation’s rich cultural and linguistic composition and heritage.**

An answer to the *Issues Paper* question regarding the extent to which current agencies' evaluation practices are consistent with the language-related rights in the UN Declaration and the above Australian Government commitments is indicated in an unpublished research paper by a respondent to a draft of this ACTA submission.⁹ The researcher examined twenty publicly available frameworks for, and evaluations of, Australian Government programs over the last fifteen years, focussing specifically on **the extent to which, and how, they referenced language issues**.¹⁰

The study found that:

re mainstream programs –

- two out of the five **Australian Government-commissioned frameworks** mentioned language but only in relation to the implications for data collection
- one **non-Government framework** (on Indigenous health) “explicitly mentioned language access and communication as key”¹¹
- none of the five mainstream program **evaluations** mentioned language in their methodology, although one mentioned languages in their findings.¹²

re Indigenous specific evaluations –

- five evaluations noted “the implications of language for communication, data gathering and interpreting information in their methodologies”
- eight evaluations specifically mentioned language in their findings on the programs – of these
 - five framed Indigenous languages **positively**: the use of Indigenous languages improved program results
 - three considered the impact of **not having English as a first language** on compliance and reporting.

Where language was mentioned, the main focus was on data collection, that is, with reference to its instrumental utility to evaluators. How programs impacted on Indigenous language use – or how Indigenous language uses impacted on programs – was not considered. In other words, **these evaluations paid no attention to how programs and evaluations related to, furthered, undermined or hindered the language-related rights just described.**

Aside from the five positive perspectives above, language was seen in one of two ways:

- as an **unexplored component of the phrase “language and culture”**
- with reference to a **“deficit” in understanding and using English.**

When language was seen as “a subset of culture”, evaluations failed to “consider how Indigenous Australians who do not have Standard Australian English as a first language are impacted by programs or services”.

As a “deficit”, Aboriginal and Torres Strait Islander languages and dialects were depicted as a barrier to understanding English or programs delivered in English. The only evaluation of a mainstream

⁹ Blackwell, Katharine. 2019. Indigenous languages and government service delivery: what do evaluations tell us? Unpublished research paper. School of Literature, Languages and Linguistics. Australian National University.

¹⁰ See Appendix A below for the evaluations that were examined.

¹¹ Kelaheer, M, Luke, J, Ferdinand, A & Chamravi, D., 2018, An Evaluation Framework to Improve Aboriginal and Torres Strait Islander health: Report prepared for the Lowitja Institute. Accessed online on 6 June at https://croakey.org/wp-content/uploads/2018/05/Evaluation_Report_FINAL-copy.pdf

¹² DEEWR (Department of Education, Employment and Workplace Relations), 2012, Servicing Indigenous Job Seekers in Job Services Australia. Australian Government, Canberra. Accessed online on 15 May 2019 at https://docs employment.gov.au/system/files/doc/other/servicing_indigenous_job_seekers_in_job_services_australia.pdf

program that specifically mentioned Indigenous languages was with reference to “the effect of speaking a First Language at home ... on ratings of disadvantage for [the] classification of job seekers” (see section 3.4 below). Indigenous languages were “*considered as secondary to English literacy*” and:

the emphasis [is] on English as the ‘goal’ in accessing programs. The legitimacy of new Aboriginal and Torres Strait Islander languages, such as Kriol or Yumplatok, as formal means of communication within government service delivery, are not mentioned in any of the evaluations considered.

Recommendations that mentioned language were “primarily centred on producing plain English versions of documents”.

A conclusion drawn from this research is that:

*incorporating explicit consideration of Indigenous language use into program evaluations as standard practice across Australian Government programs could provide valuable insights to enable greater access and equity. However, **how language use is framed in evaluations should be carefully considered**: language can be framed as a barrier or inhibitor to program success, to be ‘corrected’ by different English-language products, rather than an enabler to better outcomes. (our emphasis)*

If the findings of this study are any indication, the answer to the *Issues Paper* question is that **current evaluation practices are clearly *not* “consistent with the United Nations Declaration on the Rights of Indigenous Peoples”, nor do they further the Australian Government’s commitment to “ensuring that Aboriginal and Torres Strait Islander languages thrive, are celebrated and are considered across whole of government services and policies”.**

A starting point for improving evaluation practices would be to give explicit attention to the language ecologies in which policies and programs operate, as proposed in ACTA’s three recommendations above.

3. Applying the Strategy to Mainstream Programs

Issues Paper Question on Mainstream Programs

What is the best way to address mainstream programs in the Indigenous Evaluation Strategy?

In ACTA’s view, this focus on mainstream programs is crucial.

However, if an Indigenous Evaluation Strategy is to be effectively applied to mainstream programs, a completely new mindset in Australian policy-making is required. This mindset would dispense with the assumption of a dichotomy between the *mainstream* and *minorities*. In policy contexts, this assumption almost universally entails that **supposed “mainstream” priorities will over-ride “minority” concerns**. However, the unhelpful nature of assuming who is “the minority”, and what mainstream priorities are, becomes clear if we consider, for example, those Aboriginal and Torres Strait Islander communities where the majority speak an Indigenous language.

An alternative assumption is that **diversity in the Australian population is foundational, that is, normal**, and potentially a source of strength. Assuming that diversity is the norm requires all policies and programs to address, accommodate, respect and, as appropriate, foster this diversity.

In regard to language, this alternative assumption implies that **linguistic diversity is likewise normal** and, depending on how it is regarded and treated, it is **a potential source of strength**. According to the 2016 census, a quarter of the Australian population now reports speaking a language other than English at home. This statistic points to the inadequacy of policy-making based on assuming the *mainstream/minority* dichotomy and that English monolingualism is, and should be, the norm in Australia.

Recognising diversity as normal and potentially desirable reveals the difference between *equality* and *equity*. Delivering the same program equally to everyone does **not** ensure equity of access to that program. Such programs in education and training across all settings (urban, regional, remote) frequently deny Indigenous children and adults (among others) their rights to learning and educational success.

Where linguistic diversity goes unrecognised, profound inequity can occur. The ground-breaking work done by Professor Diana Eades in legal contexts and Professor Ian Malcolm in education contexts shows that failing to understand the ways in which varieties of English are spoken by Indigenous people can lead to injustices and discrimination.¹³ Inequity can be magnified as the linguistic distance increases between Standard Australian English and other Indigenous dialects, creoles and languages, and where people have non-optimal levels of English proficiency.

Just as supposed mainstream priorities override minority concerns, **mainstream understandings of minorities** generally govern policies, programs and evaluations, as is explained in the above-mentioned unpublished study:

Evaluation ... reflects mainstream concepts of 'public value', rather than considering the value of programs or services from an Indigenous worldview, or exploring Indigenous research methodologies or knowledge bases. The evaluations of mainstream programs, which also cover Indigenous users, define the measures of success in terms of the outcomes which Government are measuring, rather than outcomes determined with and by the Indigenous people using the programs. ... In evaluating programs, the importance of language use may be overlooked, by prioritising mainstream 'public value' judgements over the value of traditional knowledge and culture. (our emphasis)

Mainstream understandings governing both mainstream and Indigenous-specific policies and programs may also be ignorant or misguided.¹⁴ Nowhere is this problem more evident than in regard to language. Truscott and Malcolm (2010) describe at least five assumptions underpinning “some of the kinds of policies advocated in relation to Indigenous education in the past two centuries”:

- *assumptions of social Darwinism, leading to low expectations of Indigenous students and consequent policies with minimal educational objectives for them*
- *assumptions of cultural imperialism, leading to low estimation of Indigenous languages and cultures and policies of education aiming at assimilation*
- *assumptions of cultural deprivation, leading to policies which count the Indigenous linguistic and cultural inheritance as a handicap and seek to rectify it*
- *assumptions of cultural relativism, leading to policies embracing Indigenous languages and cultures within an inclusive multicultural society*

¹³ See <https://www.une.edu.au/staff-profiles/hass/deades> and <https://www.ecu.edu.au/schools/arts-and-humanities/staff/profiles/emeritus-professors/professor-ian-malcolm>

¹⁴ Pedersen, A., Clarke, S., Dudgeon, P., & Griffiths, B., 2005. Attitudes towards Indigenous Australians and asylum seekers: the role of false beliefs and other social-psychological variables. *Australian Psychologist*, 40(3), 170-178. <https://doi.org/10.1080/00050060500243483>

- *assumptions of global imperatives, leading to policies which subordinate lesser objectives, including supporting home languages, to that of equipping citizens for a marketplace of global competitiveness.*¹⁵

These assumptions take specific form in mainstream policies, programs and evaluations when the following false propositions are taken for granted or even expressed:¹⁶

- Indigenous Australians are all the same
- all Indigenous Australians know English
- Aboriginal and Torres Strait Islander languages no longer exist
- Aboriginal and Torres Strait Islander languages have no value
- Aboriginal and Torres Strait Islander languages are conceptually limited¹⁷
- Indigenous Australians speak “poor” English
- Aboriginal and Torres Strait Islander languages and dialects have no place in and are irrelevant to education
- those who don’t speak English, including Indigenous Australians, can “pick it up”
- children from language backgrounds other than English can “pick up” English in the mainstream classroom
- it is only a problematic minority of the Australian population who lack proficiency in English
- it is only a problematic minority of the Australian population who lack literacy skills
- it is incumbent on listeners to understand what is said to them, rather than speakers to make themselves understood (a false assumption, held by, for example, government workers and teachers who travel to communities expecting to be understood, rather than seeking to understand)
- using languages other than English at home or in the community is an impediment to learning English
- speaking a dialect other than Standard Australian English is an impediment to gaining proficiency in Standard Australian English
- using languages and dialects other than Standard Australian English is an impediment to success in education¹⁸

¹⁵ Truscott, Adriano & Malcolm, Ian. 2010. Closing the policy-practice gap: making Indigenous language policy more than empty rhetoric. In Hobson, John, Lowe, Kevin, Poetsch, Susan & Walsh, Michael (eds.). *Re-awakening languages: theory and practice in the revitalisation of Australia's Indigenous languages*, 6-21. Sydney University Press, p. 9. <https://core.ac.uk/download/pdf/41235011.pdf>

¹⁶ See also <https://www.healthychildren.org/English/ages-stages/gradeschool/school/Pages/7-Myths-Facts-Bilingual-Children-Learning-Language.aspx>; <https://www.psychologytoday.com/us/blog/life-bilingual/201010/myths-about-bilingualism>; <https://www.sas.upenn.edu/~haroldfs/540/bilingtl/myths.html>

¹⁷ For the unique contribution of Indigenous languages to ways of thinking and understanding the world for both their speakers and other people, see:

Evans, Nicholas, 2010. *Dying words: Endangered languages and what they have to tell us*. Chichester, West Sussex, UK: Wiley Blackwell.

Yunkoporta, Tyson. 2019. *Sand talk: How Indigenous thinking can save the world*. Melbourne: Text Publishing.

Dudgeon, P., Darlaston-Jones, D., & Clark, Y. (2011). *Changing the Lens: Indigenous Perspectives on Psychological Literacy*. In J. Cranney, & D. S. Dunn (Eds.), *The Psychologically Literate Citizen: Foundations and Global Perspectives* (pp. 357). New York, USA: Oxford University Press.

¹⁸ Among various studies that show that Indigenous languages include sophisticated and complex concepts, see Reeve, Robert, Reynolds, Fiona & Butterworth, Brian, 2003. Indigenous students’ understanding of number. University of Melbourne:

<https://www.bing.com/search?q=indigenous+children%27s+spatial+concepts&form=EDNTHT&mkt=en-au&httpsmsn=1&plvar=0&refig=6817baad3f0f439cb435c3e4adef82c4&sp=-1&pq=indigenous+children%27s+spat&sc=0-26&q=n&sk=&cvid=6817baad3f0f439cb435c3e4adef82c4>

Edmonds-Wathen, Cris 2014. Influences of indigenous language on spatial frames of reference in Aboriginal English. *Math Ed Res J* (2014) 26:169–192: http://espace.cdu.edu.au/eserv/cdu:40557/EdmondsWathen_40557.pdf

- using languages and dialects other than Standard Australian English is an impediment to employment
- Aboriginal and Torres Strait Islander creoles and dialects are inferior versions of English
- lack of proficiency in English and literacy in English reflects cognitive deficiencies
- those learning English require “remedial” teaching
- teaching materials for primary school children are also suitable for Indigenous adults
- teaching materials and methods for primary school children learning literacy in English as their mother tongue are also suitable for children, adolescents and adults learning English as an additional language or dialect
- learning literacy is the same as learning English
- learning English is the same as learning literacy
- “language” and “English” are synonymous
- census data about Aboriginal and Torres Strait Islander people’s languages is accurate.¹⁹

It is not difficult to identify current mainstream education policies and programs that are based on these false assumptions. Although there are some exceptions, generally speaking policies, curriculum and teaching methods experienced by both Indigenous children and adults:

- ignore or are based on **ignorance about Aboriginal and Torres Strait Islander languages and dialects** and how they are used
- **are narrowly focussed on English literacy skills** that are taught out of context and with little or no regard to the fact that many of these students come to Standard Australian English and literacy as an additional language or dialect.

A clear example is the Northern Territory ‘First Four Hours in English’ policy that led to the demise of the academically successful bilingual programs.²⁰ A complete disregard for context can be seen in the purchase of English mother tongue “literacy skills” curriculum and materials from overseas (mostly America) and their use in remote Indigenous schools in some States and the Northern Territory. No attention is paid to the language ecology of the communities in which schools are located and students live. Unwittingly or deliberately, this ecology is undermined when instead it could be used as a stepping off point for learning, including learning in English.

Before providing ACTA’s answer to the above *Issues Paper* question, we give five examples of how misguided mainstream assumptions impact on Aboriginal and Torres Strait Islander students, specifically in regard to English and the use of Aboriginal and Torres Strait Islander languages and dialects.

3.1 NAPLAN testing

As ACTA has documented in numerous submissions, NAPLAN testing²¹ is a prime example of how mainstream failure to account for language and language learning governs mainstream policies and

¹⁹ Angelo, D. & McIntosh, S., 2014. Anomalous data about Aboriginal and Torres Strait Islander language ecologies in Queensland. In E. Stracke (ed.), *Intersections: Applied linguistics as a meeting place* (270-293). Newcastle on Tyne: Cambridge Scholars Publishing.

²⁰ Numerous research studies and international and Australian experience have repeatedly demonstrated the success of the following approach to education in bilingual contexts. The ratio of the mother tongue to English as a language of instruction in the early years of schooling is weighted to ensure acquisition of literacy is achieved in the mother tongue as the basis for developing English literacy. In the later years of primary schooling, the ratio of mother tongue to English should shift with English becoming the main language of instruction. At the same time as English is explicitly taught as an additional language, learning through first language continues throughout school years.

²¹ NAPLAN = National Assessment Program – Literacy and Numeracy

programs in education. English language learners, including Indigenous learners, are not accounted for in the **interpretation of NAPLAN data** or how **tests are constructed and marked**. The result is inequity, as we now outline.

As with other national and State/Territory data collection, NAPLAN data is collected on **students who identify as “Indigenous”**. Across Australia, there is huge diversity in these students’ language use. Four different language users can be broadly distinguished:

- 1) those who are **highly proficient in Standard Australian English** and live in households and communities where it is the main language in use
- 2) those for whom **English is a foreign language** – it is never used at home or in the community and is encountered only in school and through the media; these may be speakers of traditional Aboriginal and Torres Strait Islander languages or speakers of different languages from their historical source languages
- 3) those who speak **a well-established or emerging creole**
- 4) those who speak **distinctive non-standard dialects of English**.

Disaggregation of data on those who identify as “Indigenous” provides *no* information how many students in groups 2, 3 and 4 are actually **learning English** as *an additional language* or in a markedly different form from the English they normally use.²²

Another identifier used in interpreting NAPLAN data is **“Language Background Other Than English” (LBOTE)**. This identifier, which was developed and endorsed in 1997, is based on school census data.²³ Like the Indigenous identifier, the LBOTE identifier conflates **those learning English** with fluent bilingual and monolingual English speakers who live in households where English and another language are used. The 1997 LBOTE definition has become the *de facto* and misleading proxy for *those learning English*.²⁴

Neither the “Indigenous” nor the “Language Background Other Than English” identifier allows disaggregation of NAPLAN test performances of English language learners and speakers of non-standard varieties of English – both Indigenous and migrants.²⁵ As a result, **we have no national picture of the English and/or literacy performance and progress of these learners**. Neither the ACARA *National Report on Schooling* nor the Productivity Commission *Report of Governments Services* (education) are able to report on the English learning outcomes of Indigenous (and migrant)

²² Sellwood, J. & Angelo, D. 2013. Everywhere and nowhere: invisibility of Aboriginal and Torres Strait Islander contact languages in education and Indigenous language contexts. *Australian Review of Applied Linguistics* ARAL, 36(3), 250-266.

Angelo, D. & Hudson, C. 2018. Dangerous conversations: Teacher-student interactions with unidentified English language learners. In G. Wigglesworth, J. Simpson & J. Vaughan (Eds.), *Language practices of Indigenous children and youth. The transition from home to school*. (207-235). London: Palgrave Macmillan.

²³ The Measurement of Language Background, Culture and Ethnicity for the Reporting of Nationally Comparable Outcomes of Schooling at: <http://www.educationcouncil.edu.au/site/DefaultSite/filesystem/documents/Reportsper cent20andper cent20publications/Archiveper cent20Publications/Measuringper cent20andper cent20Reportingper cent20Studentper cent20Performance/Measureper cent20Languageper cent20BGroundper cent20Cultureper cent20Natper cent20Comparableper cent20Outcomespdf>

See also: ACARA, 2012. *Data Standards Manual: Student Background Characteristics*, Sixth Edition.

<http://www.acara.edu.au/reporting/data-standards-manual-student-background-characteristics>

²⁴ Lingard, B, Creagh, S. & Vass G., 2012. Education policy as numbers: Data categories and two Australian cases of misrecognition *Journal of Education Policy*, 27, 3, pp 315-333. Creagh, S. 2014. A critical analysis of problems with the LBOTE category on the NAPLAN test *The Australian Educational Researcher*, 41, 1, pp 1-23.

²⁵ Dixon, S. & Angelo, D. 2014. Dodgy data, language invisibility and the implications for social inclusion: a critical analysis of Indigenous student language data in Queensland schools. *Australian Review of Applied Linguistics* (ARAL), 37(3), 213-233.

See also ACTA submission to Productivity Commission Inquiry into the National Education Evidence Base (DR 120) p.7-9 at: http://www.pc.gov.au/_data/assets/pdf_file/0004/208903/subdr120-education-evidence.pdf

English learners in schools. In consequence, at the national policy level the needs and achievements of these learners cannot be documented, evaluated and addressed.

What is needed is *an agreed means of identification related to levels of English language proficiency*. Although Education Ministers have agreed that there needs to be a measure which “better identifies students whose language background has measurable effect on their outcomes”,²⁶ work to develop a nationally agreed definition of English language learners has not proceeded.

Further, the false assumption that learning literacy is the same as learning English underpins NAPLAN testing, both in the interpretation of results (as above) and in the development of the tests themselves. In a submission to the 2013 Senate *Inquiry into the Effectiveness of the National Assessment Program – Literacy and Numeracy*, ACTA enumerated these problems, which apply to both Indigenous and migrant students, as follows:

- 1) NAPLAN tests are not meeting the stated objective of identifying and monitoring students’ literacy and numeracy skills, and are not “a measure through which governments, education authorities and schools can determine whether or not” learners of English as an additional language/dialect (henceforth EAL/D learners) “are meeting important educational outcomes” (<http://www.nap.edu.au/>). On the contrary, to the extent that the tests provide any data on these learners, it is distorted, inaccurate and unreliable. It does not provide a basis for developing appropriate pedagogy or programs for these learners.
- 2) Without national disaggregation of data on EAL/D learners’ performance on NAPLAN tests, it is impossible to gain a systematic picture of how they are faring on these tests.
- 3) The tests are having unintended and deleterious effects on students, parents, teachers, school administrators, schools and school systems in regard to:
 - setting priorities and decision-making, especially in regard to EAL/D learning needs
 - reporting, accountability and evaluating the performance of schools with high populations of EAL/D learners
 - the emotional well-being of EAL/D learners, and their parents and teachers
 - resource allocation for EAL/D programs
 - public understandings of schooling, education and EAL/D learning.²⁷
- 4) The tests are narrowing and distorting curriculum, teaching and assessment practices. In particular, EAL/D learners are being subjected to inappropriate and misguided literacy and remedial teaching and programs.²⁸
- 5) Publication of test results on the MYSCHOOL website is a fundamental contributor to many these deleterious effects.
- 6) International best practice does not support national standardised testing and publication of individual schools’ results. On the one hand, similar deleterious results to those experienced

²⁶ ACARA *ibid.*, p.9

²⁷ In regard to Indigenous students, see:

Hudson, C. and Angelo, D. 2014. Concepts underpinning innovations to second language proficiency scales inclusive of Aboriginal and Torres Strait Islander learners: a dynamic process in progress. *Papers in Language Testing and Assessment (PLTA)*, 3(1), 44-85.

Angelo, D. & Carter, N. 2015. Schooling within shifting langscapes: Educational responses in complex language contact ecologies. In A. Yiakoumetti (ed.), *Multilingualism and Language in Education: Current Sociolinguistic and Pedagogical Perspectives from Commonwealth Countries* (119-140). Cambridge: CUP.

Carter, N., Angelo, D., & Hudson, C. (forthcoming). *Translanguaging the Curriculum: A Critical Language Awareness Curriculum for silenced Indigenous voices*. In P. Mickan & I. Wallace (eds.), *Language Education Curriculum Design*. New York: Routledge.

²⁸ In regard to Indigenous students, see: Angelo, D. 2012. Sad Stories. A preliminary study of NAPLAN practice texts analysing students’ second language linguistic resources and the effects of these on their written narratives. In M. Ponsonnet, L. Dao & M. Bowler, M. (eds.), *Proceedings of the 42nd Australian Linguistic Society Conference – 2011*, Australian National University, Canberra ACT, 5-6 December 2011(27-57). Canberra, ACT: Australian Linguistic Society.

in Australia are well-documented overseas, including for EAL/D learners. On the other hand, research and best practice indicates that quality teaching, including by specialist EAL/D teachers, is key to achieving high educational standards.

NAPLAN is a standardised assessment program that assesses all students across Australia in the same way, equally. However, Indigenous students are the only *ethnic* population to be disaggregated for public scrutiny. The washback of this has been particularly harmful for these students' education, as they have been viewed as a single, underperforming cohort in literacy and numeracy – faring worse in more remote areas. The facts of a mother tongue and differing levels of second language proficiency in English as a foreign language have been hidden by other data categories. The specific inequities for Indigenous students are as follows:

- NAPLAN testing does not reveal what Indigenous students can do and it does not provide education systems with what they need to know about Aboriginal and Torres Strait Islander English language learners. It does not provide a basis for developing appropriate pedagogy and programs for these multilingual learners. It does not provide a basis for making claims for resources to support appropriate pedagogy and programs. In fact, *no* resource allocations exist for supporting Indigenous English language learners.
- there is no indication of how EAL/D learners' non-standard or learner approximations are marked in NAPLAN tests
- it is unclear how Indigenous EAL/D learners will be differentiated in the adaptive online NAPLAN testing which is in process of being developed
- NAPLAN reporting and consequent evaluations of school and individual performance of schools have had negative effects on schools with high populations of Aboriginal and Torres Strait Islander English language learners – “deficit” notions become more entrenched when schools and students are seen as “failing”, while the supposed remedies for failure are frequently misdirected (see section 4.1 below re narrow English literacy programs) and add to the stress in already stressful contexts²⁹
- since the advent of NAPLAN, a policy of “learning literacy-as-if-you-speak-English” has been aggressively pursued,³⁰ while pedagogies and curriculum supportive of Indigenous English language learners are neglected
- the focus on NAPLAN test results is a distraction from considering how the mainstream curriculum – from early schooling to the senior years – accommodates, supports and encourages Indigenous students to utilise and celebrate their knowledge and culture, including their repertoire of languages and dialects.

In the NAPLAN submission above, ACTA proposed that the following are essential:

- **identification of EAL/D learners in NAPLAN reporting**, including Indigenous English language learners

²⁹ Specifically in regard to Indigenous students, see:

Macqueen, S., Knoch, U., Wigglesworth, G., Nordlinger., Singer, R., McNamara, T., & Brickle, R. 2019. The impact of national standardized literacy and numeracy testing on children and teaching staff in remote Australian Indigenous communities. *Language Testing*, vol. 35, 2: pp. 265-287.

Angelo, D. 2013. National Assessment Program - Literacy and Numeracy (NAPLAN) implementation: implications for classroom learning and teaching with recommendations for improvement. *TESOL in Context*, 23(1&2), 53-73.

Wigglesworth, G, Simpson, J & Loakes, D. 2011, 'NAPLAN language assessments for indigenous children in remote communities: Issues and problems', *Australian Review of Applied Linguistics* (print edition), 34, 3, 320-343.

³⁰ Dixon, S. & Angelo, D. 2014. Dodgy data, language invisibility and the implications for social inclusion: a critical analysis of Indigenous student language data in Queensland schools. *Australian Review of Applied Linguistics* (ARAL), 37(3), 213-233.

- **analysis, development and research into potential and existing NAPLAN test items** with respect to the linguistic, cultural and cognitive barriers they create for EAL/D learners, including Indigenous English language learners, and hence their validity and reliability as literacy and numeracy tests for these learners³¹
- monitoring of EAL/D learners' progress using professionally recognised EAL/D assessment tools; **these include EAL/D second language proficiency tools that have been especially developed for and implemented with Indigenous EAL/D learners.**³²

ACTA called for “careful independent research ... into all aspects of the issues raised above”. We are not aware that this research – in the form of an official evaluation of NAPLAN – has occurred. We understand that all the above issues persist.

3.2 Mainstream school devolution policies

Mainstream school/budget devolution policies have undermined accountability for provision for learners of English as an additional language/dialect, including Aboriginal and Torres Strait Islander students. (In 2008, this “mainstreaming” was extended to newly arriving migrant children.) The result has been:

- **effective untying of EAL/D funding** through ‘single line’ budget allocations to schools and school based flexible resource management
- lack of **transparent or evidence-based EAL/D resource allocations** in most jurisdictions
- a **lack of accountability by schools on their use of EAL/D allocations**, with systems unable to monitor and report on how these allocations are spent
- the disappearance of EAL/D learners as **an identifiable target group needing priority support** in schools
- reduction in the **demand for and employment of specialist EAL/D teachers**
- reduction in **teacher training programs** for specialist EAL/D teachers
- weakened **system-level EAL/D program policy, planning and oversight**
- a shifting of responsibility for EAL/D provision **away from central offices to schools**
- cuts in/disbanding of State/Territory and regional office **EAL/D consultancy teams.**³³

3.3 The 2008 Melbourne Declaration on Educational Goals for Young Australians

The 2008 Melbourne Declaration, made by all Australian Education Ministers, was a major milestone in policy-making for Australian schools.³⁴ The Ministers committed to the following goals:

Goal 1: Australian schooling promotes equity and excellence

Goal 2: All young Australians become:

- successful learners
- confident and creative individuals
- active and informed citizens.

³¹ Klenowski, Val & Gertz, Thelma, 2009. Culture-fair assessment leading to culturally responsive pedagogy with Indigenous students. 2009 - 2019 ACER Research Conferences. 15. https://research.acer.edu.au/research_conference/RC2009/17august/15

³² Hudson, C. & Angelo, D. 2014. Concepts underpinning innovations to second language proficiency scales inclusive of Aboriginal and Torres Strait Islander learners: a dynamic process in progress. Papers in Language Testing and Assessment (PLTA), 3(1), 44-85.

³³ ACTA submission to the 2017 Inquiry into Migrant Settlement Outcomes at: <http://www.tesol.org.au/Advocacy/Media-Room>, pp. 57-73; see also http://www.tesol.org.au/files/files/625_ACTA_submission_Review_of_Melbourne_Declaration_14_June_2019.pdf

³⁴ http://www.curriculum.edu.au/verve/resources/National_Declaration_on_the_Educational_Goals_for_Young_Australians.pdf

The “Commitment to Action” for Indigenous students is framed as “improving educational outcomes for Indigenous youth and disadvantaged young Australians, especially those from low socioeconomic backgrounds” (p. 15) Although it is indisputable that most Indigenous youth are disadvantaged, **placing them in this conceptual framework does nothing to advance the objectives discussed earlier.** Instead, policies and programs to meet Indigenous educational needs are construed entirely in the following narrow deficit terms:

Educational outcomes for Indigenous children and young people are substantially behind those of other students in key areas of enrolment, attendance, participation, literacy, numeracy, retention and completion. Meeting the needs of young Indigenous Australians and promoting high expectations for their educational performance requires strategic investment. Australian schooling needs to engage Indigenous students, their families and communities in all aspects of schooling; increase Indigenous participation in the education workforce at all levels; and support coordinated community services for students and their families that can increase productive participation in schooling. (p. 15)

Absent from the Melbourne Declaration is any mention of learning English as an additional language/dialect, the place of Indigenous languages, and the crucial role of language in all aspects of education, much less reference to the UN Declaration and Australian Government commitments outlined earlier. The flow-on effects of this narrow vision are repeated in current Closing the Gap policies and programs. Their continued failure to meet key targets might suggest some deficiencies in the assumptions that drive them (see section 4.1 below).

The 2008 Melbourne Declaration is currently under review. The review includes widespread consultations, which we hope have entailed careful and localised consultations with Indigenous communities and experts (linguists and teachers) working at the grass-roots. ACTA has made a submission to the Review, which contains a comprehensive account of the national policy context and policy vacuum in regard to Indigenous and migrant-background learners of English as an additional language/dialect education. Our submission includes detailed suggestions as to how these language concerns can be incorporated in the revised Declaration.³⁵

3.4 Labour market and community programs for Indigenous adults

The mainstream policies that enforce participation in **employment readiness programs routinely approach learning literacy as if it occurs in a language learning vacuum.** They fail to consider – much less respond to – Indigenous (and migrant) students’ language backgrounds, starting points and learning pathways.

For example, the **Skills for Education and Employment (SEE) Program** is a “language and literacy” training program for those determined by relevant agencies as “eligible job seekers”. On the false assumption that student language backgrounds and language learning pathways have no bearing on teaching to achieve employment outcomes, **no differentiation is made at policy, program or (as far as we know) classroom level between Aboriginal and Torres Strait Islander students, migrant background students and non-Aboriginal and Torres Strait Islander students whose mother tongue is English.**

In practice, the SEE Program is largely tailored to migrant students’ concerns, reflecting the fact that approximately 63% of students in the Program are adult migrants.³⁶ Their predominance in this

³⁵ http://www.tesol.org.au/files/files/625_ACTA_submission_Review_of_Melbourne_Declaration_14_June_2019.pdf

³⁶ Dept. of Education & Training SQ18-000619, Senator Doug Cameron provided in writing, Budget Estimates 2018-2019

Program is because it is effectively the only option for adult migrant English language learners who are ineligible for the Adult Migrant English Program (reflecting another policy failure).

However, adult migrant students' learning pathways are different from those of adult Aboriginal and Torres Strait Islander students. The SEE Program could not be more inappropriate or insulting when classes and curriculum assume that Aboriginal and Torres Strait Islander learners come from a migrant background.

A respondent to a draft of this submission describes both this assumption and the further demeaning of Indigenous students:

In the region where I teach, all learners (Indigenous, migrant and non-Indigenous mother tongue English speakers) are put together in the same class. The same curriculum and methodology is applied to all. They use the Certificates in Spoken & Written English (CSWE), which is designed for migrant students.

Due to the lack of appropriately qualified teachers, SEE providers just basically employ anyone who has any classroom experience. To respect our Aboriginal learners, we need people with experience and qualifications in teaching adults. Experience just from teaching in schools is not good enough. Nor is it acceptable to use materials written for primary school students.

In reality, SEE providers are using anyone to teach. Then they get a person with the qualification required by the CSWE (a Graduate Certificate in TESOL) just to sign off on the assessments.

In the past when I worked with Aboriginal adults in remote communities, they really enjoyed working with me 'because I didn't treat them as children' – their exact words. They also told me that they were sick and tired of using the same resources as their children.

Aboriginal learners need teachers who can teach both English language and English literacy in a way that is appropriate to them. We need programs exclusively for adult Aboriginal learners.

3.5 The Regional Partnerships Program

The Regional Partnerships (RP) program commenced on 1 July 2003 and is intended to give effect to the government's policy set out in the publication, *Stronger Regions, A Stronger Australia*.³⁷ A respondent to a draft of this submission provided the following example of **how program success or failure will arbitrarily hinge on individuals if cultural competence and communicative skills are not explicitly designated pre-requisites** for those tasked with implementing programs in Indigenous contexts, in this case in remote Western Australia:

In 2012, as part of the Regional Partnerships Program, the Australian Government agency entrusted to run the program engaged a program officer (Officer A) who had experience working in Aboriginal communities. Officer A had developed experience in other communities and was known for being approachable and understanding. She visited the community often, personally visited individual families before meeting representatives of all the families as a group. She actively built relationships. She helped develop a consultative body for the community to allow the PM&C to discuss programs and support change. The group was successful in a number of projects and there was a high level of trust developed, and they were shortlisted in the Reconciliation Australia Indigenous

³⁷https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Finance_and_Public_Administration/Completed_inquiries/2004-07/reg_partner_prog/report/c02

Governance Awards. When Officer A was no longer able to work in the community, she was not replaced. Officer B, the previous line-manager tried to continue the work, but did not invest time in building relationships, listening to others and insisted on his idea of how the consultative group should operate. The group has now effectively disbanded. At the end of the day, the PM&C had some great people, but we were led by those who needed to have more experience in the field. Or perhaps programs need to have the structural flexibility to allow for different models of working. They had the best intentions, but were constrained by “choosing not to observe”. That’s the politest way I can put it. My point is that respectful relationships are essential, and that includes active listening and being flexible to see the world from another perspective.

3.6 ACTA recommendations: The evaluation of mainstream programs

ACTA recognises that an Indigenous Evaluation Strategy to be applied across all programs cannot address the specific educational problems just described. Our description is offered in order to enhance precision in the Commission’s understandings of how mainstream policies, programs and evaluations currently fail to address crucial language issues for Indigenous people.

Immediately below are ACTA’s specific recommendations for evaluations in the educational domain, listed simply for the Commission’s information. These are followed by our more general recommendations for the generic whole-of-government Indigenous Evaluation Strategy.

3.6.1 Specific recommendations regarding the evaluation of mainstream education programs as they affect speakers of Indigenous languages and dialects

- 1) Aboriginal and Torres Strait Islander school children and adults should be able to gain **qualifications as proficient speakers of their mother tongue languages**. The evaluation of mainstream education and training programs should include consideration of the extent to which this is appropriate and feasible, and what would be required to institute this option.
- 2) Evaluations of educational and other provision for infants, school children and adults, including in Aboriginal and Torres Strait Islander contexts, should include attention to whether and how **English language learners** are recognised as a specific student cohort and their specific learning needs, appropriately identified and addressed by those with the requisite expertise and qualifications. These needs are not synonymous with literacy learning needs.
- 3) The English language and literacy progress and outcomes of speakers of Aboriginal and Torres Strait Islander languages and non-standard varieties of English should be monitored by **assessment tools that are appropriate for Indigenous learners of English as an additional language/dialect**. These learning outcomes should be separately documented in the evaluation and monitoring of relevant policies and program provision.
- 4) The evaluation of **initial teacher education courses and on-going professional development for pre-school and school teachers, and teachers in adult literacy and basic skills programs**, should include attention to how teachers are provided with a basic understanding of bi/multilingualism and bi/multidialectal use of languages and language learning, and training in appropriate strategies for teaching in multilingual/multidialectal contexts, with specific reference, as applicable, to local Aboriginal and Torres Strait Islander contexts.
- 5) Any evaluation of *any* aspect of current provision in schools and pre-schools should address the question of how **Aboriginal and Torres Strait Islander languages and dialects used by students** are respected, acknowledged and productively utilised in approaches to teaching and, where possible, fostered.
- 6) **Labour market training programs**, and specifically the **Skills for Education & Employment (SEE) Program**, should be evaluated to determine the extent to which they do, should and could cater

for Aboriginal and Torres Strait Islander adults from various language backgrounds (mother tongue English, and Indigenous languages and dialects).

- 7) The evaluation of basic skills programs for Aboriginal and Torres Strait Islander adult learners should include attention to **the training given to (and required of) teachers** about the language ecologies of Indigenous communities and appropriate strategies for teaching bi/multilingual, bi/multidialectal adult learners.
- 8) Evaluations of educational policies and programs should explicitly identify **false assumptions about and perspectives on language use and language learning** and contest these using established and reputable evidence and research.

3.6.2 How the Indigenous Evaluation Strategy should address whole-of-government mainstream programs

Recommendation 4: The evaluation of mainstream programs that affect Aboriginal and Torres Strait Islander people should include consideration of the extent to which they **recognise, respect, legitimate, develop and promote the language skills of Indigenous people in all the languages and dialects they speak**.

Recommendation 5: The evaluation of mainstream policies and programs that affect Aboriginal and Torres Strait Islander people should include consideration of the extent to which these policies and programs **promote or hinder access** to services. In all high stakes interactions (e.g. health, legal, financial), consideration should be given to **which language(s) will be most effective** for facilitating Indigenous clients' access in the language(s) they use or alternatively through a competent interpreter. If such access is lacking, evaluations should recommend **what would be required** to ensure it.

Recommendation 6: The evaluations of mainstream policies and programs that affect Aboriginal and Torres Strait Islander people should include attention to whether and how **different levels of proficiency in English, literacy in English and use of non-standard varieties of English** are recognised and accommodated.

Recommendation 7: The evaluation of mainstream policies and programs that affect Aboriginal and Torres Strait Islander people should include consideration of the extent to which those delivering or evaluating these policies/programs are provided with **basic knowledge about Indigenous language ecologies, and training to develop cross-cultural communication skills and respect** for how Aboriginal and Torres Strait Islander languages and dialects used by Indigenous people.

Recommendation 8: The evaluation of mainstream policies and programs that affect Aboriginal and Torres Strait Islander people should explicitly **identify false assumptions in these policies/programs about Indigenous language uses and language learning** and contest these assumptions using established and reputable evidence and research.

Recommendation 9: Evaluations should explicitly address the question of whether and how mainstream policies and programs **disadvantage Indigenous people**, including speakers of Aboriginal and Torres Strait Islander languages and dialects.

4. Lessons from Indigenous-specific Policies and Programs

Issues Paper Question on Government Programs

What lessons from these and other major Australian Government programs impacting on Aboriginal and Torres Strait Islander people would be useful in developing an Indigenous Evaluation Strategy?

The *Issues Paper* lists the following policies and programs that are specifically directed to Aboriginal and Torres Strait Islander people:

- 1) Closing the Gap
- 2) Indigenous Advancement
- 3) Indigenous Australians' Health Program
- 4) The National Disability Strategy
- 5) Community Development Program
- 6) Indigenous Procurement Policy.

We will confine our main observations to Closing the Gap, while noting that the effectiveness of other specific policies will depend on explicit consideration of languages and language use. A substantive body of evidence exists supporting the maintenance and development of Indigenous languages in contributing to health, employment, resilience, and cognitive functioning (see forthcoming National Indigenous Languages Report).³⁸ We will also comment on several other programs drawn to our attention after circulating a draft of this submission.

4.1 Closing the Gap

The *Issues Paper* notes that only two Closing the Gap targets are on track, viz. early childhood education and Year 12 attainment. As noted in the Prime Minister's 2019 Closing the Gap Report, after eleven years of implementation, two key educational targets - school attendance and Literacy and Numeracy – have not been met. The gap for both areas is greatest in remote areas and is actually widening in the Northern Territory, where the largest number and proportion of Aboriginal and Torres Strait Islander people lives in rural and remote areas.³⁹

Hidden behind these figures is the fundamental role of language, which is largely ignored. For example, **remoteness clearly has a linguistic dimension**. Latest available ABS data shows that in 2011, 6,777 or 11.6% of Indigenous people aged between 0-25 years living in remote or very remote areas spoke an Australian Indigenous language at home and also did not speak English well or at all.⁴⁰ This group is akin to newly arrived migrant children who enter an English medium school with little or no English. (Because language data is not collected for policy purposes in non-remote contexts, it is impossible to determine how these data might be illuminating.)

³⁸ See for example Chapter 3 in <https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/social-justice-report-1> For a recent example, listen to <https://www.abc.net.au/radionational/programs/lifematters/tackling-aboriginal-chronic-disease-through-grass-roots-pharmacy/11435412>. The program includes examples of how language issues are integral to instructions on medicine labels and how language interactions are foundational to programs promoting Indigenous health.

³⁹ <https://closingthegap.pmc.gov.au/sites/default/files/ctg-report-2018.pdf?a=1>

⁴⁰ <https://www.pc.gov.au/research/ongoing/overcoming-indigenous-disadvantage/2016/report-documents/oid-2016-overcoming-indigenous-disadvantage-key-indicators-2016-report.pdf>

As we elaborated above, the goals and operation of Indigenous-specific policies and programs are determined and justified as much with reference to what the supposed mainstream Australian population understands and values as they are to the values and understandings of the so-called “targets” of policies and programs.⁴¹ Closing the Gap policies and projects clearly exemplify this proposition.

While the achievement of targets for early childhood enrolment (95%) and Year 12 attainment (the gap halved from 36 percentage points to 24 points) is to be welcomed, ACTA believes that **these achievements cannot be properly evaluated without disaggregating the data according to differences in the language repertoires used in different places, that is, their language ecologies.** We suspect that wide discrepancies would emerge with disaggregation at more local levels and that took account of the languages spoken and the extent of their use. Regular National Indigenous Language Reports provide one basis for this examination.⁴² As explained in relation to NAPLAN, this disaggregation should include identification of Aboriginal and Torres Strait Islander *learners* of English as an additional language/dialect.

Further, early childhood enrolment data provides no indication of **children’s actual engagement in programs.** As with the educational targets that are *not* being met (school attendance, reading and numeracy), research is unequivocal that “children whose primary language is not the language of instruction in school are more likely to drop out of school or fail in early grades”.⁴³ It seems obvious that the failure to meet Closing the Gap targets must result, at least in part, from **mother tongue speakers of Aboriginal and Torres Strait Islander languages who encounter schooling in English** – that is, teaching and assessment in a language they do not understand or which they are learning. Others face barriers and misunderstandings when the rules governing their uses of English are profoundly dissimilar to those of Standard Australian English.

An Indigenous perspective on why attendance and attainment targets are not being met is graphically explained by an East Arnhem Land student:

*We don’t retain information – we hear teaching, especially in English and feel that we don’t grasp what is being taught, and so it disappears. We go to school, hear something, go home, and the teaching is gone. We feel hopeless. Is there something wrong with our heads because this English just does not work for us? In the end, we smoke marijuana to make us feel better about ourselves. But that then has a bad effect on us. We want to learn English words but the teachers cannot communicate with us to teach us. It is like we are aliens to each other. We need radio programs in [traditional Indigenous] language that can also teach us English. That way we will understand what we learn.*⁴⁴

In communities in East Arnhem Land and central Australia, English is truly a foreign language, heard only from teachers and health or other community workers. Despite this reality, English is not taught according to well-established principles for teaching second/additional language learners by teachers with relevant expertise. Tragically, no use is made of the languages that are widely spoken and in which communities fluent.

⁴¹ Sullivan, P, 2015. A Reciprocal Relationship: Accountability for public value in the Aboriginal community sector. Accessed online on 26 February 2019 at <https://www.lowitja.org.au/sites/default/files/docs/Lowitja-Accountability-WEB.pdf>

⁴² <https://aiatsis.gov.au/research/research-themes/languages-and-cultural-expression/national-indigenous-languages-report-nilr>

⁴³ <https://www.globalpartnership.org/blog/children-learn-better-their-mother-tongue>;

see also <https://unesdoc.unesco.org/ark:/48223/pf0000151793>

⁴⁴ Cited in <https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/social-justice-report-1>, p. 61.

An educator with long experience in urban and remote Northern Territory schools wrote in response to a draft of this submission:

In the current quest to 'Close the Gap', incorporating Aboriginal and Torres Strait Islander knowledges would dispense with the notion that multilingual/bi-dialectal students have some kind of "gap" in their knowledge and instead recognise that these students are adding another language to their existing linguistic repertoire. It would acknowledge the time that is required to do this. It would not expect students to learn literacy at the same pace and in the same way as monolingual speaker of Standard Australian English. It would assess these students as bilingual/bi-dialectal speakers and acknowledge their achievements, which, in the long run, are the basis for superior cognitive and linguistic skills. It would not persist with narrow English-only literacy programs that continue to lead to poor quality outcomes. The "gap" needs to be reframed as a two-way bridge, where both sides are respected and acknowledged in program evaluations and the assessment of multilingual students, who are learning an additional language at school and also learning through that language.

Another response to a draft of this submission from an experienced (and prize-winning) educator in Western Australia described the "disconnect" between the Closing the Gap policy and those it is supposed to benefit:

I have had to work with government run programs designed for Aboriginal and Torres Strait Islander people that have been failures because success is defined by those who design the program, rather than those who supposedly benefit. Key targets in Aboriginal education have been defined in distinctly mainstream terms: high attendance and a degree of literacy in Standard Australian English. While these two targets are noble and have value, they are intensely problematic, as they do not factor for the language context of Aboriginal education. In terms of attendance, when a school isn't valuing the language of the child or community, the student won't feel safe and the community may distrust and even reject schooling. This sense of disconnect acts against attendance and achieving high rates of literacy in Standard Australian English. Data on both of these targets are known, yet it is unclear how language has been factored into evaluations.

Achieving educational goals depends crucially on teachers. Teachers of Indigenous students must be equipped with the necessary linguistic and sociocultural knowledge about their languages and dialects, and must be trained in building from these foundations in the specific pedagogies of teaching English as an Additional Language or Dialect. Despite a number of significant initiatives in teacher development (see below re the Western Australian *Aboriginal Cultural Standards Framework*)⁴⁵, policies, programs and evaluations frequently overlook the need to support and increase the capacity of Indigenous and non-Indigenous teachers working with Indigenous students and the need to increase the number of Indigenous teachers and Assistant Teachers. Currently, the number of these teachers is small and has decreased due to the impact of government policies on tertiary education for Aboriginal and Torres Strait Islander learners of English as an additional language/dialect. Indigenous language speaking adults from remote contexts have been particularly impacted by the demise of appropriate tertiary teacher training courses. The chronic turn-over of

⁴⁵ See also Starting School: A strengths-based approach towards Aboriginal and Torres Strait Islander Children, A report prepared by the Australian Council for Educational Research, for the Department of Families, Housing, Community Services and Indigenous Affairs, no date: https://research.acer.edu.au/cgi/viewcontent.cgi?article=1027&=&context=indigenous_education&=&sei-redir=1&referer=https%253A%252F%252Fwww.bing.com%252Fsearch%253Fq%253Dindigenous%252Bchildren%252527s%252Bspatial%252Bconcepts%2526form%253DEDNTHT%2526mkt%253Den-au%2526httpsn%253D1%2526plvar%253D0%2526ref%253D6817baad3f0f439cb435c3e4adef82c4%2526sp%253D-1%2526pq%253Dindigenous%252Bchildren%252527s%252Bspat%2526sc%253D0-26%2526qs%253Dn%2526sk%253D%2526cv%253D6817baad3f0f439cb435c3e4adef82c4#search=%22indigenous%20childrens%20spatial%20concepts%22

teachers in schools in remote and regional areas is well-known. **Evaluations of programs to Close the Gap in education must include consideration of the professional training and support provided to Indigenous and non-Indigenous teachers of Indigenous students, and the extent to which a lack of stability in the provision of teachers impacts on achieving the Closing the Gap targets.**

All of these issues and more have been extensively researched and widely documented. Most notably, a **comprehensive 2012 House of Representatives Inquiry into language learning in Indigenous communities** recommended incorporating Indigenous languages in the Closing the Gap framework, resourcing bilingual programs for Indigenous communities, instituting compulsory training in teaching English as an additional language/dialect for all teachers working in Indigenous community schools, and more appropriate assessment of Indigenous students' English and literacy learning needs.⁴⁶

The findings and recommendations of this Inquiry have consistently been ignored in all subsequent Aboriginal and Torres Strait Islander plans, strategies and reviews.⁴⁷ Although the independent review of the Aboriginal and Torres Strait Islander Education Action Plan 2010-2014 found the Plan's generic approach did not take into account the particular contexts of remote schools, the review itself failed to identify the language learning needs of Indigenous students in these contexts.⁴⁸ Similarly, language learning issues for Indigenous students were not considered in the recent independent Review into Regional, Rural and Remote Education.⁴⁹

Exemplifying the construction of Indigenous-specific policies in terms that take no account of Indigenous perspectives, values and languages, the 2011 Gonski report frames Indigenous educational disadvantage as individual, compound and concentrated.⁵⁰ The Aboriginal and Torres Strait Islander disadvantage loading and location disadvantage funding formulas reflect this view but do not include the linguistic dimensions of what is designated "disadvantage". This framing does nothing to encourage systems, schools and teachers to move beyond a narrow and blinkered focus on teaching English literacy and towards utilising and building on the language ecologies of Indigenous communities.

Language is a **generative resource** in Indigenous students' learning, as it is for everyone. ACTA acknowledges that factors other than language impact on school attendance and literacy/numeracy attainment. We also acknowledge the need for specific, reportable and measurable outcomes such as the Closing the Gap targets (e.g. early childhood program enrolments, school attendance, numeracy and English literacy, Year 12 attainment). However, we are of the strong view that these educational targets will not be met until **more holistic evaluations** of curriculum, schooling, pedagogies and teacher development occur, including the evidence regarding language use, attitudes to language use,

⁴⁶ *Our Land Our Languages* at:

[file:///D:/Users/z3281608/Downloads/http_www.aphref.aph.gov.au_house_committee_atsia_languages2_report_full%20report%20\(1\).pdf](http://D:/Users/z3281608/Downloads/http_www.aphref.aph.gov.au_house_committee_atsia_languages2_report_full%20report%20(1).pdf) See also ACTA submission to the Inquiry at: http://www.tesol.org.au/files/files/169_govt_inquiry_ATSI_langs.pdf

⁴⁷ Aboriginal and Torres Strait Islander Education Action Plan 2010–2014 at:

http://scseec.edu.au/site/DefaultSite/filesystem/documents/ATSI%20documents/ATSIEAP_web_version_final.pdf; National

Aboriginal and ACTA/ALAA/ALS joint submission to the consultation on the Plan at:

http://www.tesol.org.au/files/files/141_IEAP_Submission_final.pdf and Torres Strait Islander Education Strategy 2015 at:

http://www.scseec.edu.au/site/DefaultSite/filesystem/documents/ATSI%20documents/DECD_NATSI_EducationStrategy.pdf;

⁴⁸ Evaluation of the Aboriginal and Torres Strait Islander Education Action Plan 2010-2014 Final Evaluation Report at:

http://www.educationcouncil.edu.au/site/DefaultSite/filesystem/documents/ATSI%20documents/ATSI%202010-2014%20Final%20Evaluation%20Report/1Final_Evaluation_ATSIEAP_ACILAllenConsulting.pdf

⁴⁹ https://docs.education.gov.au/system/files/doc/other/01218_independent_review_accessible.pdf

⁵⁰ <https://docs.education.gov.au/system/files/doc/other/review-of-funding-for-schooling-final-report-dec-2011.pdf>

the role of the mother tongue in learning and learning literacy, and how English is learned and taught as an additional language or dialect. While Indigenous students' languages and varieties of English are ignored and even disrespected, and while teaching ignores that unspecified numbers are learners of Standard Australian English as an additional language or dialect, these students will falter in their engagement with the school curriculum.

An Indigenous Evaluation Strategy should, therefore, seek to ensure that the evaluations of programs with specific targets, such as Closing the Gap, look to the broader conditions and linguistic ecologies that underpin these targets.

Another issue central to the failure of meeting the Closing the Gap attendance targets was highlighted by a respondent to a draft of this submission, namely **the contracting and procurement arrangements for the Remote Schools Attendance Strategy**, which we address in section 6.4 below.

4.2 Other Indigenous-specific programs

The above-mentioned unpublished study identified three evaluations specifically directed to Aboriginal and Torres Strait Islander people that embraced positive perspectives on Indigenous languages and dialects:

- **the Indigenous STEM project evaluation:** highlighted “the negotiation between both languages and learning concepts, as well as between everyday language and scientific terminology, and the benefits of using language to student understanding and focus”. It also highlighted that “privileging of traditional cultural knowledge and language” helped motivate students (p. 46).⁵¹
- **the Working on Country Program evaluation:** most clearly included language in its evaluation logic and methodology, had the strongest and most positive consideration of language, noting the contribution of the program to preserving traditional languages, through the use of traditional terms for the natural environment (p. 60).⁵²
- **the Indigenous Broadcasting Services evaluation:** highlighted the financial benefits to government of using the program to communicate public interest messages to communities in language (p. 69), which would otherwise require significant time, resourcing and expenditure.⁵³

The study comments that:

These three evaluations demonstrated the value of including language in the analysis of programs, highlighting alternatives to the narrative of Indigenous languages, both new and old, as a point of program failure or weakness.

An initiative drawn to our attention in response to circulating a draft of this submission is the Western Australian Department of Education **Aboriginal Cultural Standards Framework**, currently

⁵¹ Tynan, Michael & Noon, Karlie (2017) Indigenous STEM Education Project First Evaluation Report, CSIRO. Accessed online 26 August 2019. <https://publications.csiro.au/rpr/pub?pid=csiro:EP173826>

⁵² Urbis, 2012. Assessment of the social outcomes of the Working on Country Program: Report - May 2012. Accessed online on 23 May 2019 at <https://www.environment.gov.au/indigenous/workingoncountry/publications/pubs/woc-social.pdf>

⁵³ Social Ventures Australia, 2019, More than radio – a community asset: Social Return on Investment analyses of Indigenous Broadcasting Services, Canberra, Department of the Prime Minister and Cabinet. Accessed online on 5 June 2019 at https://pmc.gov.au/sites/default/files/publications/ibs_sroi_report.PDF

mandatory in WA schools.⁵⁴ Our respondent described “co-design” as a “bedrock” of this Framework (see section 5.1 below).

4.3 The Indigenous Advancement Strategy (IAS) Evaluation Framework

The *IAS Evaluation Framework* was developed following the consolidation in 2013 of national Indigenous-specific programs within the Department of Prime Minister and Cabinet as the **Indigenous Advancement Strategy (IAS)**.⁵⁵ The Strategy and its Evaluation Framework were audited by the Australian National Audit Office (ANAO) in 2019.⁵⁶

The ANOA Audit lists the following IAS programs for 2018-19 (p.16).

Table 1.1: Indigenous Advancement Strategy program structure, 2018–19

2.1 Jobs, Land and Economy	Get adults into work, foster Aboriginal and Torres Strait Islander business and assist them to generate economic and social benefits from effective use of their land, particularly in remote areas.
2.2 Children and Schooling	Get children to school, particularly in remote Aboriginal and Torres Strait Islander communities, improve education outcomes, including measures to improve access to further education, and support families to give children a good start in life.
2.3 Safety and Wellbeing	Ensure that the ordinary law of the land applies in Aboriginal and Torres Strait Islander communities and ensure they enjoy similar levels of physical, emotional and social wellbeing enjoyed by other Australians.
2.4 Culture and Capability	Support Aboriginal and Torres Strait Islander people to maintain their culture, participate equally in the economic and social life of the nation and ensure that Aboriginal and Torres Strait Islander organisations are capable of delivering quality services to their clients, particularly in remote areas.
2.5 Remote Australia Strategies	Ensure strategic investments in local, flexible solutions based on community and Government priorities.
2.6 Evaluation and Research	Improve the lives of Aboriginal and Torres Strait Islander peoples by increasing evaluation and research into policies and programs impacting on them.
2.7 Program Support	Departmental support program to the six Indigenous Advancement Strategy programs, reflecting the Government’s commitment to reduce red tape and duplication and ensure resources are invested on the ground where they are most needed through the principle of empowering communities.

Source: PM&C, *Portfolio Budget Statements 2018–19, Budget Related Paper No. 1.14, Prime Minister and Cabinet Portfolio, Canberra, 2018, pp. 40–46.*

Each of these program goals has a linguistic dimension that is never made explicit. For example, as we have already described, “getting children to school” (2.2) requires attention to what they encounter when they get there, including the language(s) in which they are taught and assessed, and how their learning in English is supported. Likewise, ensuring application of the “ordinary law of the land” (2.3) requires attention to the extensive research into courtroom interactions and the linguistic sources of profound misunderstandings and consequent injustices.⁵⁷ Similarly, it is impossible for people to maintain their culture in any substantive way (2.4) independent of their language and language uses.

⁵⁴ <http://det.wa.edu.au/aboriginaleducation/detcms/navigation/aboriginal-education/>

⁵⁵ <https://pmc.gov.au/sites/default/files/publications/ias-evaluation-framework.pdf>

⁵⁶ Auditor General Report No. 47, 2018-19. Performance Audit *Evaluating Aboriginal and Torres Strait Islander Programs*. p.9

⁵⁷ See, for example, the work of Professor Diana Eades, referenced earlier: <https://www.une.edu.au/staff-profiles/hass/deades>

Clearly, language issues are also entailed in the IAS Evaluation Framework goals (p. 2):

- generate **high quality evidence** that is used to inform decision-making;
- strengthen Aboriginal and Torres Strait Islander leadership in evaluation;
- build capability by fostering **a collaborative culture** of evaluative thinking and continuous learning
- emphasise collaboration and ethical ways of doing high quality evaluation at the forefront of evaluation practice in order to inform decision-making; and
- **promote dialogue and deliberation** to further develop the maturity of evaluation over time. [our emphasis]

“High quality evidence” to inform decision-making must surely include the vast body of internationally recognised work on Australian Indigenous languages and dialects. It is also impossible to build a **“collaborative culture”** or **“promote dialogue”** between people who do not know each other’s languages and or understand their particular ways of using the one language.

The Evaluation Framework’s **core values** likewise all imply attention to language but these implications are not mentioned, much less explored (p.6):

- **build on strengths** to make a positive contribution to the lives of current and future generations of Indigenous Australians
- are designed and delivered in collaboration with Indigenous Australians, ensuring **diverse voices are heard and respected**, and
- demonstrate **cultural respect** towards Indigenous Australians. [our emphasis]

The Framework’s criteria for determining best practice evaluation principles are listed: evaluations must be relevant, robust, credible and appropriate (Table 1, p. 7). The subsequent discussion of the principles makes no reference to language considerations.

The danger in this silence is that these considerations remain totally obscured and so are never pursued. A clear example is the ANAO finding that the IAS Evaluation Framework “was informed by relevant literature” (p.9). In fact, the Audit focussed solely on Program 2.6 (Evaluation) and literature limited to generic evaluation processes. There is no acknowledgement of any need to consult the extensive literature and research on Indigenous *language* issues.

This silence means that there is no way of discovering how language issues are addressed in the Indigenous Advancement Strategy.

The flow-on effects were described earlier in regard to Closing the Gap. For the reader’s convenience, we repeat the account here:

I have had to work with government run programs designed for Aboriginal and Torres Strait Islander people that have been failures because success is defined by those who design the program, rather than those who supposedly benefit. Key targets in Aboriginal education have been defined in distinctly mainstream terms: high attendance and a degree of literacy in Standard Australian English. While these two targets are noble and have value, they are intensely problematic, as they do not factor for the language context of Aboriginal education. In terms of attendance, when a school isn’t valuing the language of the child or community, the student won’t feel safe and the community may distrust and even reject schooling. This sense of disconnect acts against attendance and achieving high rates of literacy in Standard Australian English. Data on both of these targets are known, yet it is unclear how language has been factored into any evaluation. [our emphasis]

4.4 What lessons can be learned from these examples?

One lesson to be drawn from these examples is that the evaluation of policies and programs must include explicit attention to language issues. It is impossible to account for their success or failure otherwise.

The Indigenous Advancement Strategy and its Evaluation framework exemplify a key question: *how can and should highly abstracted, generic policy goals and evaluation frameworks accommodate the specifics of the many domains they address?* The three documents just discussed (together with the *Issues Paper*) illustrate how **key concerns – in this case, language concerns – can be obscured or lost when they are taken as implied in some higher order, supposedly generic category.**

Another lesson to be drawn from these examples regards the knowledge, understandings, perspectives and values that are **used to interpret** policies, programs and evaluations. The Closing the Gap targets are framed in such a way as to allow their monitoring and the commendable annual reporting of results to Parliament. But our respondent's example, and many other comments ACTA has received, demonstrate that **the narrow, mainstream assumption that frames Indigenous people as educationally “disadvantaged”, and school attendance and literacy/numeracy as the remedy, is also in grave danger – not only of excluding consideration of some of the key factors that cause Indigenous children's alienation from school – but of actually intensifying these same factors.** A prime example is how the focus on literacy in English can lead to it being taught in remote communities through American textbooks that pay no attention to the languages and cultures that children bring to their learning.

A whole-of-government Indigenous Evaluation Strategy could assist in reversing narrow, one-sided perspectives that follow from policy-makers' needs and values (viz. to create reportable program outcomes), if it makes **genuine inclusion of Indigenous perspectives a required component of mainstream policy-making and evaluations,** and so ends their marginalising as peripheral “minority” concerns.

However, for this development to become a reality, an Indigenous Evaluation Strategy must find a way of bridging the gap between its abstracted, generic principles and the complexities of the domains it embraces. These generic principles must accurately direct evaluators' attention (and hence policy-makers and those implementing programs) to the **crucial components of these domains.** ACTA hopes that this submission has provided sufficient evidence to show that one such component is language and that, when language issues are not given explicit attention, programs fail to meet laudable goals and evaluations are blind to the causes of failure.

The Indigenous Evaluation Strategy could also assist in rectifying another fundamental problem that the history of Indigenous-specific policies and programs (like all policies/programs for groups framed as “minorities”) demonstrates, namely their **vulnerability and fragility.** When these policies and programs are governed and can be over-ridden by mainstream perspectives and priorities, they can never rely on continued support. Rather, they are always subject to the latest mainstream political and policy agendas that – intentionally and unintentionally, overtly and covertly – lead to their undermining and subsequent demise. A clear example is the moral panic induced by test results that ended the bilingual school program for Aboriginal students in the Northern Territory.

Consistent policy to recognise and support Indigenous students as English language learners does not exist. The nationwide, federally funded program English as a Second Language for Indigenous Language Speaking Students (ESL-ILSS) ran for approximately 10 years, (roughly 1998-2007 – uptake and closure in States and Territories seemed to differ slightly).

The cumulative flow-on effect of these disruptions and discontinuities is that those affected – both those tasked with implementing policies/programs and those who stand to benefit – develop **a growing and inter-generational distrust of government programs and workers**. This distrust can affect the good standing in the community of other central government institutions, such as the school system itself.

The Indigenous Evaluation Strategy may fall, as has other such strategies, by the same sword. The intention to install it as a whole-of-government commitment could protect it if it is seen to produce real outcomes and gains acceptance. Alternatively, it could be undermined if it becomes yet another debilitating and empty compliance tool. ACTA believes that including explicit attention to language within the Strategy will contribute to its effectiveness, help reverse existing program failures, and hence create a bedrock of acceptance that allows it to be established and refined.

ACTA's recommendations 1, 2 and 3 address the issues discussed in this section.

5. Evaluation Concepts and Practice

ACTA's expertise does not lie in evaluation techniques. We therefore respond to a limited number of questions in this and subsequent sections of the *Issues Paper*, including some about which we have been sent specific information.

5.1 Approaches to policy and program evaluation

Issues Paper Questions on Evaluation Approaches and Methods

Which evaluation approaches and methods are particularly suited to policies and programs affecting Aboriginal and Torres Strait Islander people?

What factors (for example, circumstances or program characteristics) should be considered when choosing the most appropriate evaluation approach or method, and why?

Which evaluation approaches are best suited to encouraging self-determination and valuing Aboriginal and Torres Strait Islander knowledges? Why are they suitable?

The *Issues Paper* defines evaluation as follows:

In broad terms, ... [evaluation] refers to the systematic process of collecting and analysing information to enable an assessment of an activity, project, policy or program (Department of Finance 2016). Evaluation can point to 'what works', highlight problems and provide evidence of good practice (HM Treasury 2011, p. 7). It can also examine the efficacy of policy implementation and identify how this may be improved. (p. 14)

The earlier section in the *Issues Paper* discusses the objectives of the Evaluation Strategy. However, in the discussion of evaluation approaches, we are struck by the absence of attention to whether and how **the substantive objectives** of the policies and programs should be evaluated. This discussion seems entirely process-oriented and, like the Indigenous Advancement Strategy Evaluation Framework, has an inward-looking focus on technique.

The closest the discussion comes to including **evaluation of policy/program goals** is the recognition that "Aboriginal and Torres Strait Islander involvement must extend beyond evaluation **to the design and implementation of policies themselves**" (p. 14, our emphasis). Evaluating the extent to which (and how) Indigenous involvement is included policy development and program design would entail,

we hope, consideration of **the actual content** of Indigenous perspectives and priorities, including in relation to language.

However, this inclusion does not entail consideration of whether programs seek to pursue and are achieving what might be considered **desirable or undesirable goals/objectives/intended outcomes**. ACTA asks: would the approaches to evaluation discussed in the *Issues Paper* be able to scrutinise and distinguish between policy/program goals that, for example, **advance good practice** in language and education for Aboriginal and Torres Strait Islander peoples *as opposed to* goals that **ignore/suppress Indigenous languages** or bypass English language learning needs? Evaluating policies and programs in terms of “what works”, “problems”, “good practice” and “efficacy” would not distinguish between these opposing goals/intended outcomes.

ACTA believes that *any* evaluation approach should promote **scrutiny of the goals/objectives/intended outcomes** of the policies and programs being evaluated – what they seek to achieve, how they contribute to the common good, the rationale that justifies what is understood to be the common good therefore the policy/program goals, and how these goals are located in relation to other national and international aspirations.

Evaluation “approaches and methods suited to policies and programs affecting Aboriginal and Torres Strait Islander people” should therefore have as their starting point whether and how goals/objectives/desired outcomes of these policies and programs accord with the objectives finally determined as governing the Indigenous Evaluation Strategy. From a language perspective, ACTA believes that evaluation approaches and methods must also pay explicit attention to language not just for instrumental or English-normed reasons (see section 2 above). The Indigenous Evaluation Strategy should require **scrutiny of whether and how policies and programs are directed to furthering the language rights articulated in the UN Declaration and the Government’s commitments to “ensuring Aboriginal and Torres Strait Islander languages thrive, are celebrated, and are considered across whole of government services and policies”**.

Similarly, the Indigenous Evaluation Strategy should require scrutiny of how evaluation approaches and methods address and accommodate **the language ecology/ies of the community/ies** affected by policies/programs, including how they **discover what these ecologies are and the extent of their diversity**. Choice of evaluation approaches and methods should take into account whether and how they build from existing research into the language ecologies of the affected communities, and whether and how the approaches and methods themselves allow for/entail/require doing that research themselves.

The Evaluation approaches best suited to “encouraging self-determination and valuing Aboriginal and Torres Strait Islander knowledges” are, in ACTA’s view, those that entail **co-design**, that is, as the Issues Paper says, “participatory approaches” that incorporate “Aboriginal and Torres Strait Islander views into evaluation design” (p. 14). Co-design should include the views of both those **directly involved** in any given program and **others from the community who are impacted**. If the evaluation is gain insights into the community’s perspectives, consideration must be given to the languages, dialects and language modes (e.g. oral, illustrative, written, media-based, face-to-face) through which participation is pursued. Both quantitative and qualitative approaches will be necessary.

Where evaluators and communities come from very different backgrounds and have very different perspectives, it is highly likely that unanticipated problems and obstacles will emerge. Evaluation

approaches and methods, therefore, need to be **flexible and responsive to initial and on-going feedback**. Allowing stakeholders to feel confident in identifying gaps, especially as the evaluation proceeds, will itself contribute to Aboriginal and Torres Strait Islander capacity building.

Flexibility and responsiveness also entail a **timeframe** allows sufficient space for them. Discussion, including in the mother tongue, can take days or weeks because of the breadth of consultations in culturally appropriate ways required for any given community. Generic “fly-in, fly-out” evaluation approaches are particularly unsuitable in Indigenous contexts, especially in remote areas.

Recommendation 10: The Indigenous Evaluation Strategy should require **scrutiny of the goals and objectives of policies and programs** with explicit reference to whether and how they seek to:

- further the UN Declaration on the Rights of Indigenous Peoples and the Australian Government’s commitments to ensuring that Aboriginal and Torres Strait Islander languages thrive, are celebrated and are considered.
- ensure that Aboriginal and Torres Strait Islander Australians are effectively engaged with and have equal access to government services and opportunities.

Recommendation 11: The Indigenous Evaluation Strategy should adopt an approach that includes quantitative and qualitative methods for scrutinising whether and how mainstream and Indigenous-specific policies and programs take account of and respond to **the diverse language ecologies of the communities** affected by these policies and programs, including existing and on-going research into these language ecologies.

Recommendation 12: The Indigenous Evaluation Strategy should support **co-design approaches** that include **initial and on-going feedback**, that **allow time** to gain this feedback and that are flexible enough to make **adjustments and changes** in the light of what emerges as the evaluation proceeds.

Recommendation 13: The Indigenous Evaluation Strategy should overtly discourage use of “**fly-in, fly-out**” generic approaches and methods.

5.2 Evaluation challenges

Issues Paper Question on the Challenges of Evaluation

How can the challenges and complexities associated with undertaking evaluation be overcome — both generally, and in Indigenous policy specifically?

The evaluation of education policies and programs generally, Indigenous policy/programs specifically, and languages education and English in particular, is subject to all the challenges listed in the *Issues Paper* (pp. 17-18). Education for Aboriginal and Torres Strait Islander people, and the place of languages within this, is certainly subject to “conflicting evaluation objectives among stakeholders” and would-be stakeholders – policy makers, program managers, participants and communities. The language ecology of the community in which a policy/program is to be implemented will almost inevitably include not only diverse language uses but also diverse perspectives on these language uses. Language educators themselves, as with any profession, hold some views in common but others that diverge and conflict.

ACTA can offer no “one-shot” solution to this challenge (nor can anybody else, we suggest). With that caveat in mind, we nevertheless propose that the following principles should apply where conflicting evaluation objectives emerge in mainstream and specific policies and programs that

impact on Aboriginal and Torres Strait Islander languages and dialects, and the learning and teaching of English.

Recommendation 14: where conflicting perspectives emerge in evaluations of mainstream and Indigenous-specific policies and programs:

- 1) the principles articulated in the UN Declaration, including on languages and language rights, and the Australian Government's commitments to Indigenous languages should be used to guide **resolution of these conflicts**
- 2) **well-grounded evidence** about Aboriginal and Torres Strait Islander language ecologies, language and literacy learning should be sought, and should outweigh opinion, ideology and knee-jerk reactions to problems and perceived failures in policies and programs
- 3) evaluations should be grounded in **a commitment to inclusivity, collaboration and genuinely consultation** with the communities impacted by policies and programs; **where different perspectives operate or emerge, these should also be acknowledged and addressed**, even when they are not accepted or accommodated.

The failure of policies, programs, evaluations and the *Issues Paper* to include language as a consideration stems from another challenge that an Indigenous Evaluation Strategy should seek to overcome. For the same reason as language is ignored, policy-makers commonly assume that because they speak a language, they know how it is learned and should be taught – that, compared for example to Mathematics or Science, there is nothing to be learned from research and language educators and other experts in linguistics, language and literacy learning and development, bi/multilingualism, and the social contexts of language use. **An Indigenous Evaluation Strategy containing an explicit and well-grounded language component would challenge this ignorant assumption by requiring real exploration of a crucial contributor to the success or failure of policies and programs.**

5.3 Current evaluation practice

A highly experienced and well-qualified educator who has worked for many years in the Northern Territory provided the following answers to the questions in this section of the *Issues Paper*.

Issues Paper Question Evaluation Practice in Australia

To what extent do Australian Government agencies currently undertake policy and program evaluation?

It appears that policies and programs that appear to cost larger sums of money, or that are more easily dispensed with, are targets of evaluation.

Rarely are policies/programs costing less money evaluated, even though these policies/programs may be delivering poorer quality outcomes.

How does this vary across agencies? Approximately what proportion of evaluations is made public?

It appears that evaluations contracted to external evaluators are generally made public, at least the recommendations. However, internal agency evaluations are not generally publicly accessible.

What are the strengths and weaknesses of current evaluation systems and practices across Australian Government agencies? Can you provide examples of good and bad practice?

(i) **The Wilson Review into Indigenous Education in the Northern Territory 2012-2014 (A Share in the Future)** resulted in the current minimalist English-only literacy approaches and a return to the ‘Boarding School Model’. The goals, objectives and processes of this Review were not transparent. No-one from the EAL/D Government Program was consulted in an official capacity. A significant number of people on the Review’s list of those consulted included strong supporters of language education and bilingual programs, national and internationally recognised leaders in education,⁵⁸ and many other language education experts. However the Review’s findings and recommendations contain **no discussion of – much less support for – teaching English as an additional language/dialect or inclusion of the mother tongue in teaching programs**. It is unclear how **the recommendations were reached with no reference whatsoever to the contributions of this significant body of opinion and internationally recognised experts**.

(ii) **Boarding schools.** The following is verbatim oral account of a government decision made with no consultation or background research:

In 2014 a boarding school was going to be built at Galthala Homeland School out of Yirrkala in NE Arnhem Land. This followed 20 years of requests for a school to serve local Secondary Aboriginal and Torres Strait Islander students. It was going ahead with funding approved. Suddenly with the closure of the mine at Nhulunbuy, it was announced that the boarding school would be built in the Nhulunbuy township. Local school communities were not consulted about this decision. The unexpected and sudden announcement changed the entire future plans for these small communities. The people were bitterly disappointed and felt very let down, as the school would have delivered secondary education locally and kept their children in the local communities.

Very few local Indigenous students are currently enrolled at Nhulunbuy boarding school.

Ironically boarding schools were recommended in the Wilson Review. However, rather than local, relevant schools, the supposed answer to poor English and low (English) literacy was seen as large urban and interstate schools. Clearly, neither Indigenous students’ knowledge of traditional and emerging Aboriginal languages, creoles and dialects, nor their English language and literacy learning needs, were considered relevant.

(iii) **Failure to consult leads to scepticism.** The previous Collins Review (1990s) followed similar lines to the Wilson Review. The external evaluators may have consulted widely and done their best. However, it seems clear that they did not hear many Aboriginal and Torres Strait Islander voices or take any notice of academic and practical knowledge in the field. In cases like this, the purpose of the evaluation is understandably questioned by those on the ground. They become very sceptical about the agenda that is being followed and the source of this agenda.

⁵⁸ E.g. Dr Pauline Gibbons, Dr Charles Grimes, NT Government linguists, Dr Brian Devlin of CDU, who was ACTA President, ATESOL NT President and Vice-President at the time,

What can we learn from evaluation systems and practice at the state and territory level?

The research behind evaluation of educational programs in the Northern Territory is not transparent and possibly non-existent. Rather, **these evaluations appear to follow a clearly pre-determined agenda**. In this agenda, the drive to reduce costs frequently seems to predominate. Indigenous-specific programs are easily targeted.

In what ways are Aboriginal and Torres Strait Islander people and organisations contributing to policy and program evaluation?

Contributions from Aboriginal and Torres Strait Islander individuals and organisations are **extremely limited**. For example, the Wilson Review received 27 out of 121 written submissions from Indigenous people/organisations. The Review lists 117 individuals as people consulted, among whom 9-12 people are Indigenous. Eight organisations concerned with Indigenous issues were consulted, only three of which were concerned with education. Of the eight public meetings held, three were in Aboriginal communities. Other public meetings were in major centres/towns where some Aboriginal and Torres Strait Islanders live.

There is **no public access to or record from consultations** with Indigenous people or organisations. There is no indication that any information was sought through the mother tongue.

Although those consulted undoubtedly had important perspectives to offer, **those directly impacted by the Review (speakers of Aboriginal and Torres Strait Islander languages in very remote Indigenous communities) mostly made little or no input to it**. Many highly qualified and knowledgeable people spoke on their behalf, which is commendable. However, the number of Indigenous individual and community voices could have been much larger and their contribution given visibility in the Review's discussion and recommendations.

How do we better enable Aboriginal and Torres Strait Islander organisations to lead evaluation and strengthen their evaluation capability?

Aboriginal and Torres Strait Islander communities and organisations evaluation capability will be better enabled if evaluations:

- ensure, from the outset, that communities and organisations are **genuinely clear** about the evaluation goals, desired outcomes and processes
- **include local people** on the evaluation committee at each site
- provide **culturally and communicatively competent mentors** to assist with learning and experiencing the culture of Western governmental evaluation processes
- enable regular **feedback in a variety of forms**, e.g. audio/video transmission in the mother tongue with interpretation available.

Evaluations should be conducted by people with cross-cultural knowledge at the minimum and preferably with cross-cultural and linguistics training/knowledge.

How effectively do government agencies work with Aboriginal and Torres Strait Islander organisations when evaluating policies and programs? What can agencies do better?

Not well. See above.

6. Developing an Indigenous Evaluation Framework

6.1 Principles

Issues Paper Question on Relevant Principles for an Evaluation Framework

What principles should be included in an Indigenous evaluation framework to be used by Australian Government agencies?

How should an Indigenous evaluation framework differ from a general evaluation framework for government policies and programs?

ACTA endorses the statement in the *Issues Paper* that “general evaluation principles ... do not provide enough guidance for working in an ethical and culturally appropriate way with Aboriginal and Torres Strait Islander communities” (p. 25). In line with our previous observations, this statement should be rewritten as follows:

general evaluation principles ... do not provide enough guidance for working in ethically, culturally *and linguistically* appropriate *ways* with Aboriginal and Torres Strait Islander communities.

Of the frameworks presented in Table 4, while it might be claimed that all imply language usage in one way or another, only the Kaupapa Maori evaluation principles touch explicitly on some aspects of language usage (meeting with people face-to-face; looking and listening as a basis from which to speak). These principles are admirable but do not go far enough or apply sufficiently to the Australian situation where many Indigenous languages and dialects are in play. While one framework includes “strengthening of culture”, strengthening language proficiency and accommodating differences in language proficiency (in English and other languages) are not mentioned.

The specific dynamics of language use must be understood and addressed in “negotiating relationships between commissioners, evaluators and evaluation participants” (p. 25). These include observing oral language cultural protocols that allow policies, programs, evaluation goals and desired outcomes to be made available to the community from the outset for discussion and feedback.

ACTA makes the following recommendations regarding the specific language-related principles that should inform an Indigenous evaluation framework (see next page).

Recommendation 15: An Indigenous evaluation framework to be used by Australian government agencies should include the following language-related principles:

- 1) The framework should pay explicit attention to the **language ecologies** of the communities affected by the policies and programs to be evaluated, that is, to:
 - **researching and understanding** these ecologies (through the literature, consulting with language experts and/or direct research)
 - **respecting and accommodating diverse ecologies** (through the languages, dialects, modes and styles of communication that are used in evaluations).
- 2) The framework should include scope, initially and throughout, for **culturally and linguistically appropriate, competent and respectful collaboration and communication with local communities, and those on the ground who are delivering programs**, that is, it should allow for:
 - **sufficient time** for the community, and those delivering programs, to provide authentic input in the ways they feel most comfortable in communicating
 - **flexibility** that takes account of local feedback
 - **transparency** in regard to the goals and processes at all evaluation stages
 - appropriate **communicative training** for all those involved in undertaking the evaluation.
- 3) The framework should explicitly address, and seek ways to overcome, **the barriers to this collaboration and communication**, including **false assumptions** about:
 - speakers of Aboriginal and Torres Strait Islander traditional and emerging languages, creoles, and non-standard English dialects
 - adults and children learning English as an additional language or dialect
 - adults and children developing literacy skills in English.
- 4) The framework should seek to **further the UN Declaration on Indigenous Rights, including language rights, and the Australian Government commitments to Aboriginal and Torres Strait Islander languages**.

6.2 Planning early for evaluation

A highly experienced educator who contributed to this ACTA submission answered the questions in this section as follows.

Issues Paper Question on Planning for Evaluation Early in the Policy Cycle

To what extent is evaluation planned for during the design and development of policies and programs affecting Aboriginal and Torres Strait Islander people?

To the extent that evaluations *are* currently planned for during the design and development of programs, transparency is frequently completely lacking in policies, programs and evaluations affecting Aboriginal and Torres Strait Islander people. **As well as including evaluation, the planning process should include consideration of how *transparency* should be present from the outset.** That is, the policy/program/evaluation goals/objectives, rationale and evidence base, processes, timelines and expected outcomes should be open for scrutiny to all stakeholders, including those delivering programs and those affected by them.

Is evaluation funded out of program budgets or from a central evaluation budget within agencies?

A general agency evaluation budget would be more efficient and effective in promoting quality delivery of well researched programs. Where program budgets fund an associated evaluation, the result is invariably fewer resources for the program implementation. Alternatively, the budget should explicitly identify the money assigned to evaluation at the outset in order to prevent an overspend that requires reimbursement.

What are the key actions and decisions agencies should take when planning early for evaluation?

Actions and decisions should include:

- identification of **stakeholders at all levels** – managerial to on-the-ground practitioners
- ensuring **the mix of individuals and organisations** is culturally and linguistically equitable
- informing **all stakeholders** of the goals, processes and expected outcomes of the evaluation from the outset
- making provision for **updating and communicating information regularly** for the duration of the evaluation, using a variety of forms (oral, illustrative, written, media-based, face-to-face)
- **seeking feedback from stakeholders** in the planning stage and then regularly throughout the evaluation.

Regarding all the above questions, ACTA strongly endorses the principle of planning for evaluation early in the policy cycle. The following language-related questions should be answered. They relate to both the evaluation and the issues the evaluation should target:

(i) re languages –

- what is/are **the language ecology/ecologies** in which the evaluation (and the policy/program) will operate?
- how will the evaluation (and the policy/program) include **strategies for learning about and sampling these language ecologies** (including age profiles and proficiency levels), and **diversity of ecologies**, in order to ascertain the extent to which the policy/program is equally effective across all?
- what **languages/dialects** will be used in the evaluation (and the program)?

(ii) re speakers –

- which **speakers** of what languages and dialects will undertake the evaluation (and deliver the program)?
- which speakers of what languages and dialects will be included as **participants** in the evaluation (and developing the policy/delivering the program)?
- which speakers of what languages and dialects will be **consulted and/or included** in developing the evaluation approach and procedures (and the policy/program)?

(iii) re participants –

- which **experts in Aboriginal languages and dialects** will be consulted and/or included in developing the evaluation approach and procedures (and the policy/program)?
- what expertise will be drawn upon and which experts in the *particular* sociocultural domains embraced by the evaluation will be consulted and/or included in **developing and monitoring the evaluation approach and procedures** (and the policy/program)?⁵⁹
- which people involved in the **operation of the policies and delivering the programs**, including those at the grass roots, will be included in the evaluation (and the policy/program)?

(iv) re cross-cultural communication –

- how will **appropriate uses** of languages, including English and other languages, and dialects be ensured in the evaluation (and the policy/program)?
- how will the evaluation (and program) discover and utilise **appropriate culturally grounded styles of language use** for example, as is noted in the *Issues Paper* regarding knowledge sharing, yarnning/story-telling and listening (p. 15)?
- how will the evaluation (and program) discover and accommodate **cultural norms of communication** (e.g. some topics can/cannot be easily discussed in a public forum or with particular interlocutors)?
- how will different **levels of proficiency in English oracy and literacy** be accommodated in the evaluation (and the policy/program)?
- will professional **interpreters** assist the evaluation (and the policy/program)?
- if professional interpreters in the relevant languages are not available, what **speakers of these languages** will be utilised? how will they be chosen/recruited? what training regarding the evaluation and interpreting will they be given?
- what **modes of communication** (oral, illustrative, written, media-based, face-to-face) will be used by the evaluation (and the program)?
- **what meaning enhancing strategies** will be used (e.g. visual cues) in the evaluation (and the program), and who will develop these?
- how will the evaluation (and the program) ensure communication that is **comfortable and non-threatening**?
- what **cross-cultural and cross-linguistic training** will be undertaken by all those involved in the evaluation (and the program)?

(v) re processes

- how will the evaluation (and policy/program) **goals and processes** be communicated and to whom?
- how will **information be regularly updated** and communicated during the evaluation (and the program)?
- how will **initial and on-going feedback** on the evaluation (and the policy/program) be sought and responded to?
- how will **assumptions about technology** be tested and the results accommodated (e.g. that people have mobile phone coverage or adequate data throughput for internet access)?

⁵⁹ For example, experts in language and the law, the language of medical consultations, bilingual education, etc.

(vi) re outcomes

- what **cultural and linguistic goals** are embedded in/ assumed by/ furthered by the evaluation (and the policy/program)?
- to what extent will the evaluation examine the effects of the policy/program on the rights of Indigenous people as **specified in the UN Declaration on the Rights of Indigenous Peoples, specifically Article 14 and the Australian Government commitments to Aboriginal and Torres Strait Islander languages?**
- what desirable cultural and linguistic goals, objectives, practices and outcomes might/will be/are being **undermined or harmed** by the evaluation (and the policy/program)?

ACTA proposes that, in addition to engaging with Indigenous communities, their representatives and individuals, evaluators should engage in depth with **appropriate Indigenous languages experts, experts in Indigenous interpreting and translating, and, where relevant, specialists (including experienced teachers) in how English is learned and should be taught as an additional language or dialect Indigenous contexts.**

6.3 Incorporating Indigenous perspectives

Issues Paper Questions on Incorporating Indigenous Perspectives into Evaluation

How are Aboriginal and Torres Strait Islander knowledges, perspectives and priorities currently incorporated into the design and conduct of Australian Government evaluations of Indigenous-specific and mainstream policies and programs? How could this be improved?

What are the barriers to further increasing engagement with Aboriginal and Torres Strait Islander people during Australian Government evaluation projects?

How can the costs to government and communities of engaging more meaningfully with Aboriginal and Torres Strait Islander people during evaluation be better integrated into existing and future program and evaluation budgets?

In regard to **language** knowledge, perspectives and priorities, this submission (including the research paper described in section 2) provides evidence that these are largely absent from the design and conduct of Australian Government evaluations of Indigenous-specific and mainstream policies and programs. To the slight extent that language is mentioned, it is considered from the evaluator's perspective (impacting on data collection) and/or as problematic (generally with reference to English).

In ACTA's view, radical improvements are required. The starting point would be, as we have recommended, making "language" an explicit concern at the highest and most generic level of evaluations. It is both unacceptable and dysfunctional to assume that language is covered by mentioning "culture". For specific strategies for improvement, please see sections 3.6.2, 5.1, 5.2, 6.1 6.2, 6.5 and 7.

A major barrier to increasing engagement with Aboriginal and Torres Strait Islander people in evaluation projects the Australian Government's frequent use of all-purpose professional evaluators who work to a generalised consultation "recipe" that can be applied to any/all policies and programs. Authentic engagement requires much more than this. It must be specifically **directed to the actual policy/program and engage with all stakeholders**, including communities, as described earlier. It

must also **allow the time necessary** for this engagement, which for Aboriginal and Torres Strait Islanders, especially in remote areas, may take longer than for other evaluations, as we have also indicated.

An experienced educator who responded to the draft ACTA submission described the barriers to increasing engagement with Aboriginal and Torres Strait Islander people during Australian Government evaluation projects as:

- *Lack of or insufficient capability of some representatives of government agencies to consult with culturally and linguistically diverse Aboriginal and Torres Strait Islander communities 'on the ground'. A lack of cross-cultural training and lack of knowledge of multilingual diversity can (and does) inhibit authentic consultation from the beginning of a policy/program.*
- *Failure to engage in a broad consultative planning process **before** policies and programs are announced by individuals (whether politicians or other advisory/management personnel) create barriers to engaging Aboriginal and Torres Strait Islander people in evaluations.*

In regard to costs, ACTA suggests that the question would be better framed by asking how the on-going and long-term costs of **not** engaging meaningfully with Aboriginal and Torres Islander people will continue to outweigh the immediate costs of engagement and basing policies and programs on relevant, well-researched evidence.

6.4 Independence of evaluations and evaluators

Issues Paper Questions on the Independence of Evaluations and Evaluators

What degree of independence between evaluators and policy makers/program delivery areas is necessary and/or desirable?

What are the advantages and disadvantages of existing Australian Government contracting and procurement arrangements for managing relationships between agencies and external evaluators and ensuring high quality and objective evaluation?

ACTA believes that, generally speaking, evaluators should be completely independent of any stakeholders with monetary links, intellectual copyright or employment in the same program or in the agency itself. Authentic evaluation requires distance from the actual policy/program itself but, at the same time, requires the evaluators to be knowledgeable and experienced in the specific field of the policy/program and its stakeholders.

Evaluators should be chosen on the basis of their reputation, track record and ability to deliver research- and evidence-based assessment and evaluation processes. One of the respondents cited, as an example of this best practice, the Northern Territory evaluation of two approaches to language and literacy teaching in Indigenous language speaking communities in the late 2000s, which was managed by the Australian Council of Education Research.⁶⁰

⁶⁰ We cannot locate a citation for this research but see: Frigo, Tracey; Corrigan, Matthew; Adams, Isabelle; Hughes, Paul; Stephens, Maria; & Woods, Davina. 2004. "Supporting English Literacy and Numeracy Learning for Indigenous Students in the Early Years". https://research.acer.edu.au/indigenous_education/10
Purdie, Nola and Stone, Alison, 2005. "Indigenous students and literacy and numeracy: What does the research say?" Professional Educator, v.4, n.2, 10-13 https://research.acer.edu.au/indigenous_education/17

ACTA's concerns regarding existing Australian Government contracting and procurement arrangements go well beyond ensuring "independence" and "objectivity". Currently, these arrangements, and the management of relationships between agencies and those delivering services in many areas, including those affecting Indigenous people, are antagonistic to the crucial and inter-related pre-requisites for effective and high quality program delivery and evaluation, namely:

- **knowledge of and experience in the field** in which a program operates
- **commitment** to principles that should govern the policies in that field, and
- a basis for **trusting those actually delivering programs**.

For example, the reasons for the failure of the **Remote Schools Attendance Strategy** were described a respondent to a draft of this submission as follows:

The Remote Schools Attendance Strategy receives incredible amounts of funding, and while the intentions may have some merit, the program implementation is left wanting, and, in a number of schools I know, the accountability seems vacuous at best. The program was and continues to be a mess. It simply doesn't work. The staff aren't committed. The managers, who live in ... [State capital city], are too far away to be able to keep tabs. Other communities experience the same disorganisation and ineffectiveness. Significant dollars have been invested in this program through different service providers. As principal, I was asked to evaluate the program on a semestral basis. A question I kept asking the Department of Education in my feedback to them and in person to the official in Prime Minister & Cabinet was 'How is this being evaluated?' No matter what feedback I gave them about what was and wasn't working, there was no change in how the program operated. There was zero change. I found out that internal feedback to the PM&C from the service provider was heavily skewed to show their operations in a positive light. In fact, PM&C were aware of the shortcomings, but chose not to respond in any meaningful way. Result: no improvement in outcomes and this practice has continued over at least 6 years. Money continues to be poured into in a service provider that does not seem to be held accountable for the role that it is supposed to play. Is the PM&C even held accountable? "Quis custodiet ipsos custodes?" I hear you ask.

This example identifies **three key sets of actors** in the procurement and delivery of programs and services:

- **government officials** who are responsible for managing Indigenous programs
- **service providers** who bid for contracts to deliver mainstream and Indigenous-specific programs, and to undertake on-going Quality Assurance audits and final evaluations; these are now a mix of not-for-profit and for-profit bodies, who may or may not have previous experience in Indigenous contexts, and may or may not have accountability and operational structures robust enough for the task
- **those actually delivering programs and services** at the "coal face", for example, teachers.

The current approach to procurement runs counter to government officials gaining any kind of deep understanding of fundamental issues, including language issues. Rather, the priority for government officials is supposedly on maintaining objectivity and impartiality. This focus inevitably distances officials from the programs they manage. At the same time, the career structure in the public service incentivises official to gain broad experience by churning through different positions, responsibilities and departments. Their commitments are to the most recent directives from their

See also:

<https://research.acer.edu.au/do/search/?q=bilingual%20programs%20Northern%20Territory&start=0&context=473745&facet=>

minister, while a commitment to policy development based on in-depth understanding of the programs they manage, or previous experience in these programs, is seen to constitute “regulatory capture”.⁶¹ It follows that government officials are frequently profoundly ignorant about the programs for which they are responsible, much less do they have more than a superficial and passing commitment to their actual success.

It is generally claimed that the award of contracts to service providers includes considerations of quality and expertise. In reality, the estimated costs in competing tenders are a major consideration in the award of contracts – if for no other reason than that those awarding them have difficulty in discerning quality and expertise when they lack the requisite knowledge of service domain. (In fact, those awarding contracts are often not connected to the programs at all.)

A crucial dynamic in the competition for contracts is, therefore, for providers to find ways to undercut others’ tenders. **When competition for contracts between commercially-oriented providers drives service delivery, trust is destroyed. The result is that service provision is now managed – and consequently evaluated – according to increasingly narrow, procedurally-oriented, bureaucratically devised contractual specifications that bear little or no relation to achieving desirable and real outcomes, and in some cases positively undermine such outcomes.** Programs are monitored through auditing provider compliance with these specifications rather than actual and authentic feedback from the field. At the same time, ignorance, large distances and “commercial-in-confidence” secrecy make it relatively easy for the feedback generated for departmental consumption to be, as described in the quote above, “heavily skewed to show ... operations in a positive light”.

Although ACTA has no detailed knowledge of the particular situation described above, we are aware of other cases in other jurisdictions where auditors are not independent of service delivery and where official information obscures *what is actually known* about program failure. The recent establishment of the National Indigenous Australians Agency (NIAA) will – ACTA hopes most profoundly – bring some in-depth, grass roots understandings and feedback to policies, programs and program evaluations in the Indigenous space.

Our recommendations are as follows (see next page).

⁶¹ Regulatory capture is a form of government failure which occurs when a regulatory agency, created to act in the public interest, instead advances the commercial or political concerns of special interest groups that dominate the industry or sector it is charged with regulating. When regulatory capture occurs, the interests of firms, organizations, or political groups are prioritized over the interests of the public, leading to a net loss for society: https://en.wikipedia.org/wiki/Regulatory_capture; See also <https://www.investopedia.com/terms/r/regulatory-capture.asp>

Recommendation 16: An Indigenous Evaluation Strategy should include analysis of:

- the criteria that govern **choice of service providers** to deliver mainstream and Indigenous-specific programs that affect Aboriginal and Torres Strait Islander people
- the **knowledge, experience, cultural competence and engagement of government officials** who (i) award contracts for programs, and (ii) are responsible for the management of programs
- the **continuity in management** of programs by government officials
- all **relevant financial matters**, including staff salaries, cost-shifting and profit-taking.

Recommendation 17: On no account should commercial-in-confidence considerations over-ride an **evaluation's access to information** about *any* aspect of *any* program mainstream and Indigenous-specific programs that affect Aboriginal and Torres Strait Islander people.

Recommendation 18: An Indigenous Evaluation Strategy should mandate that evaluations and audits are undertaken by individuals and organisations with:

- **proven experience and knowledge** of the Indigenous context of the program being evaluated and audited, including its language ecology
- **a commitment to the UN Declaration on the Rights of Indigenous People**, including language-related rights
- **no other financial, professional or other interest** in the program being evaluated
- a proven commitment to **genuine, open, extensive and in-depth consultation with all stakeholders**, and a **demonstrated track record** in undertaking this.

6.5 Cultural capability

Issues Paper Question on Cultural Capability

How can the cultural capability of evaluation commissioners and practitioners and their respect for Aboriginal and Torres Strait Islander culture, knowledges, history and values be demonstrated and improved?

Evaluation commissioners and practitioners cannot claim to respect Aboriginal and Torres Strait Islander culture, knowledges, history and values if they fail to acknowledge, know nothing about and lack respect for **the languages and language uses that are integral to these culture, knowledges, history and values**.

Explicit knowledge about Indigenous languages and language use is liable to heighten respect Aboriginal and Torres Strait Islander people. An example was demonstrated in a recent “All in the Mind” ABC program. Dr Tyson Yunkaporta pointed out that he had never been able to find a word for “safety” in an Aboriginal language. Evaluation commissioners and practitioners might be inclined to see this absence as a deficit and problematic, for example, in regard to workplace health and safety. But Yunkaporta explained:

if you look at our Aboriginal language you don't just go, well, blackfellas are unsafe because they've got no word for 'safe'. Well, what do we have instead? What we have instead is a lot of different words for 'protection', 'awareness', 'alertness', 'responsibilities',

all these sorts of things, but particularly 'protection'. So our idea of safety in our language, it gives us agency. So you have a responsibility to look out for your own safety, so you have to you protect yourself and be alert, but then at the same time you have obligations to make sure you're watching your brother's back, and in turn he's watching yours. And in those exclusive networks you're all looking out for each other, looking ahead to see what's coming, to make sure you are all responding as a group appropriately, to make sure everybody is protecting each other. So what you have then is a really stable system where the risk is distributed throughout the system, but then also benefit if you think about a risk–benefit analysis. All the benefits are distributed throughout the system as well, and everybody has agency.

But if you look in English, the idea of safety, it's like this abstract thing, it's a human right that everybody just has. Like you have a right to safety and you have a right to have that provided for you by an institution or an invisible hierarchy, that you have to you just trust that that's going to happen. The boys in blue are going to show up and help you out, or that your workplace is going to provide it for you. You don't know how they're providing it but you are supposed to just trust that. And there's no agency in that.⁶²

The cultural capability of evaluation commissioners and practitioners would be demonstrated and improved if they gained knowledge of possibilities such as the above. Such knowledge cannot be gained irrespective of explicit attention to the role of language in shaping identity and living in community.

Cultural capability includes the ability to *communicate* in cross-culturally acceptable ways. Effective cross-cultural communication may or may not entail both sides speaking the same language. It will almost certainly *not* entail both sides using a language in the same way. Appropriate interactive norms of language use by different participants in the interaction need to be learned.

ACTA recommends as follows.

Recommendation 19: Cross-cultural training for evaluators should include:

- **basic and general knowledge** about Aboriginal and Torres Strait Islander languages and dialects
- **specific knowledge about the language ecology** of the particular communities in which policies and programs are to be evaluated
- development of an appreciation of how Aboriginal and Torres Strait Islander **languages and language use underpin Indigenous cultures, identity and cognitive processes**
- development of **cross-cultural communication skills** with individuals and groups.

Recommendation 20: For evaluations of educational policies and programs, evaluator training should include, in addition to the above developing basic knowledge about:

- how **English as an additional language** is learned and should be taught and assessed
- how **literacy** in a second/additional language is learned and should be taught and assessed
- appropriate approaches to bi-lingual and bi-dialectal **learning across the curriculum**
- **the research** that underpins informed knowledge about these phenomena.

⁶² <https://www.abc.net.au/radionational/programs/allinthemind/indigenous-language-and-perception/11457578>

6.6 Data

Issues Paper Question on Evaluation Data

What types of evaluation approaches and methods are currently used to evaluate Indigenous programs? How could evaluation methods be improved to ensure robust and reliable evidence is produced?

To what extent does a lack of high-quality, accessible data, including data gaps, act as a barrier to undertaking effective evaluation of policies and programs affecting Aboriginal and Torres Strait Islander people?

Current process include:

- soliciting verbally expressed opinions, information and descriptions of program implementation and progress from individuals involved in policies and programs and from individuals representative of (possible) stakeholder groups
- calls for written submissions
- collection of quantitative data, e.g. NAPLAN results, school attendance figures.

Improvements would entail:

- longer, deeper, genuine consultations through communicative processes, such as working with groups of stakeholders and clients/recipients of policies/programs over days/weeks/months in an ongoing manner
- getting to know individuals and groups on a transparent professional basis
- greater transparency throughout the complete evaluation process
- probing beyond the surface of quantitative data through qualitative research processes, for example, in-depth exploration of what underpins school attendance data
- roundtable interpretation and analysis of data and findings with experts in the field
- disaggregation of educational data (e.g. NAPLAN data) to identify learners of English as an additional language/dialect
- respecting and engaging with the languages and dialects spoken by Aboriginal and Torres Strait Islanders.

There are large gaps in data on the use of Indigenous languages in Australia for reasons of under-counting, over-counting, and the fact that some languages do not have widely used names.⁶³

A barrier to the effective evaluation of policies and programs for Aboriginal and Torres Strait Islander peoples is the failure to take account of their own evaluation processes and criteria.

The false and misleading mainstream assumptions and beliefs identified in section 3 above create considerable barriers to the effective evaluation of policies and programs for Aboriginal and Torres Strait Islander peoples.

⁶³ Simpson, Jane, Denise Angelo, Emma Clare Browne, Inge Kral, Francis Markham, Carmel O'Shannessy & Danielle Venn. 2018. Census data on Australian Languages. Endangered languages and the land: Mapping landscapes of multilingualism (Proceedings of the 22nd Annual Conference of the Foundation for Endangered Languages (FEL XXII / 2018), ed. by S. Drude, N. Ostler & M. Moser, 115-20. London: FEL & EL Publishing.

7. Ensuring Effective Evaluation

Issues Paper Question on Revising the Indigenous Evaluation Strategy over time

How do you think the process for reviewing and revising the Strategy should be structured?

In ACTA's view, and based on our affiliate members' experience, a reviewing and revising the Indigenous Evaluation Strategy should include a continuous component that is distinct from but is incorporated in one-off or periodic reviews. In the limited time generally allowed for periodic reviews, reviewers are susceptible to misunderstandings and adopting half-truths. In contrast, an ongoing component of the review can enable deeper knowledge and understandings of the complex issues embraced by the Strategy to be developed.

For the same reason – namely, building the necessary understandings of this complex domain – a genuine commitment to engagement with Aboriginal and Torres Strait Islander people would entail direct engagement with local communities on a regular, consistent and longstanding basis by knowledgeable personnel.

Finally, the structure for reviewing the Strategy should include membership of a small number of experts in Indigenous languages, language uses and, as relevant, language education. Consultation should extend periodically to wider scrutiny through roundtables, conferences and other interactions.

In line with the emphases in our submission, ACTA's recommendations are as follows.

Recommendation 21: The processes for reviewing and revising the Indigenous Education Strategy should include:

- involvement of **Aboriginal and Torres Strait Islander communities** at local levels – that is, involvement should be dispersed and localised as well as being centrally located and based on high level representatives
- **continuity**, that is, the processes should go beyond intermittent reviews
- monitoring specific examples of Aboriginal and Torres Strait Islander **involvement in co-designing** policies, programs and evaluations
- knowledgeable and comprehensive perspectives on **Indigenous language ecologies** by consulting with linguistic and educational experts and practitioners
- **independent and specific research projects** that aim to deepen the Commission's knowledge base about the operation of mainstream and Indigenous-specific programs in urban, regional and remote contexts, including the extent to which language issues impact on programs.

Conclusion

ACTA hopes that the discussion and recommendations above bear out our initial contention that the complexities of languages and language uses are not covered by the references to Indigenous culture and knowledges in the *Issues Paper*, and that this failure is a fundamental obstacle to achieving the commendable goals of an Indigenous Evaluation Strategy.

Some of our more detailed recommendations may appear overly optimistic in regard to what an Indigenous Evaluation Strategy might seek to achieve. Nevertheless, we hope that these

recommendations will alert the Commission to crucial complexities and offer useful insights into what the Strategy must address, namely:

- how to engage with **the language ecologies** of Indigenous communities
- the position of **English and literacy in English** within these ecologies
- the need to take account of the **linguistic and communicative dimensions** of evaluations and to respond in linguistic and other ways that facilitate and enhance communication
- the need to **critically examine the language related assumptions of policies and programs**, especially those that disrespect and devalue Aboriginal and Torres Strait Islander languages, uses of language and speakers
- the **language-specific and language learning factors** that underpin the evaluation of education policies and programs.

The references cited in this submission give only a slight indication of the wealth of Australian expertise on the issues we have raised. ACTA would be delighted to put our own expertise at the service of the Commission and/or to put the Commission in touch with other recognised experts.

Appendix A: List of ACTA Recommendations

GENERAL

Recommendation 1: Any whole-of-government evaluation strategy to be utilised by all Australian Government agencies for policies and programs affecting Aboriginal and Torres Strait Islander people should explicitly address and take account of **the languages, uses and speakers of languages** encompassed and impacted by these policies and programs. That is, evaluations should include examination of how the following are **considered, accommodated, supported and respected**:

- traditional and emerging **Aboriginal and Torres Strait Islander languages and their speakers**
- **maintaining and learning** Aboriginal and Torres Strait Islander languages
- **the place of English**, including Aboriginal and Torres Strait Islander varieties/dialects of English in the language ecologies of Indigenous communities
- Aboriginal and Torres Strait Islander **learners of English as a second or additional language** and their learning pathways and needs
- Aboriginal and Torres Strait Islander **learners of Standard Australian English as an additional dialect** and their learning pathways and needs
- Aboriginal and Torres Strait Islander learners of **literacy skills in English**.

OBJECTIVES

Recommendation 2: The Indigenous Evaluation Strategy should embrace **the objectives of UN Declaration on the Rights of Indigenous Peoples, including the Articles on Indigenous Rights**, and the **Australian Government's commitments to the 2019 UNESCO International Year of Indigenous Languages**.

Recommendation 3: The Indigenous Evaluation Strategy should include **an explicitly developed language component** directed to evaluating the extent to which policies and programs support, pursue and achieve the following objectives:

- ensuring **effective, appropriate and respectful communication** with the Aboriginal and Torres Strait Islander communities and individuals affected by policies and programs
- ensuring Aboriginal and Torres Strait Islander communities and individuals have **authentic and effective input** into the formation, on-going implementation and evaluation of the policies and programs that affect them;
- ensuring that this input is in the **languages, dialects and language modes** (e.g. oral/written, face-to-face/long distance via technology, individual/group) that is most comfortable for those whose input is sought
- identifying **linguistic barriers that prevent effective communication** with Aboriginal and Torres Strait Islander communities and individuals affected by policies, programs and evaluations, and using appropriate, evidence-based, respectful and culturally competent methods for overcoming them (e.g. interpreters, visuals, oral interactions, ways of talking)
- respecting, protecting and supporting the rights of the Aboriginal and Torres Strait Islander communities and individuals to **use, maintain, learn and develop their traditional, new and emerging languages and how they use these languages**
- respecting, protecting and supporting the rights of the Aboriginal and Torres Strait Islander communities and individuals to **use and maintain varieties/dialects of English**
- supporting and promoting **the learning of English as an additional language and Standard Australian English as an additional dialect** for all children and adults whose mother tongue is an Aboriginal and Torres Strait Islander language or English variety

- supporting and promoting **the learning of English as an additional language and Standard Australian English as an additional dialect** through appropriate, evidence-based pedagogies, resources, curriculum and appropriately qualified and knowledgeable teachers
- supporting and promoting **literacy development for** Aboriginal and Torres Strait Islander adults and children, for children – and adults where possible and appropriate – initially in their mother tongue and using it as the basis on which to build literacy in Standard Australian English
- enhancing and promoting **Indigenous and non-Indigenous Australians’ understandings of and respect for** the inextricable connections between Aboriginal and Torres Strait Islander languages, language uses, cultures, histories, identities, knowledges and ways of thinking and being, as part of **individuals’, communities’ and the nation’s rich cultural and linguistic composition and heritage.**

ADDRESSING MAINSTREAM PROGRAMS

Recommendation 4: The evaluation of mainstream programs should include consideration of the extent to which they **recognise, respect, legitimate, develop and promote the language skills of Indigenous people in all the languages and dialects they speak.**

Recommendation 5: The evaluation of mainstream policies and programs that affect Aboriginal and Torres Strait Islander people should include consideration of the extent to which these policies and programs **promote or hinder access** to services. In all high stakes interactions (e.g. health, legal, financial), consideration should be given to which language(s) **will be most effective** for facilitating Indigenous clients’ access in the language(s) they use or alternatively through a competent interpreter. If such access is lacking, evaluations should recommend **what would be required** to ensure it.

Recommendation 6: The evaluations of mainstream policies and programs that affect Aboriginal and Torres Strait Islander people should include attention to whether and how **different levels of proficiency in English, literacy in English and use of non-standard varieties of English** are recognised and accommodated.

Recommendation 7: The evaluation of mainstream policies and programs that affect Aboriginal and Torres Strait Islander people should include consideration of the extent to which those delivering or evaluating these policies/programs are provided with **basic knowledge about Indigenous language ecologies, and training to develop cross-cultural communication skills and respect** for how Aboriginal and Torres Strait Islander languages and dialects used by Indigenous people.

Recommendation 8: The evaluation of mainstream policies and programs that affect Aboriginal and Torres Strait Islander people should explicitly **identify false assumptions in these policies/programs about Indigenous language uses and language learning** and contest these assumptions using established and reputable evidence and research.

Recommendation 9: Evaluations should explicitly address the question of whether and how mainstream policies and programs **disadvantage Indigenous people**, including speakers of Aboriginal and Torres Strait Islander languages and dialects.

APPROACHES TO POLICY AND PROGRAM EVALUATION

Recommendation 10: The Indigenous Evaluation Strategy should require **scrutiny of the goals and objectives of policies and programs** with explicit reference to whether and how they seek to:

- further the UN Declaration on the Rights of Indigenous Peoples and the Australian Government’s commitments to ensuring that Aboriginal and Torres Strait Islander languages thrive, are celebrated and are considered.
- ensure that Aboriginal and Torres Strait Islander Australians are effectively engaged with and have equal access to government services and opportunities.

Recommendation 11: The Indigenous Evaluation Strategy should adopt an approach that includes quantitative and qualitative methods for scrutinising whether and how mainstream and Indigenous-specific policies and programs take account of and respond to **the diverse language ecologies of the communities** affected by these policies and programs, including existing and on-going research into these language ecologies.

Recommendation 12: The Indigenous Evaluation Strategy should support **co-design approaches** that include **initial and on-going feedback**, and that allow **time** to gain this feedback and that are flexible enough to make **adjustments and changes** in the light of what emerges as the evaluation proceeds.

Recommendation 13: The Indigenous Evaluation Strategy should overtly discourage use of “**fly-in, fly-out**” **generic approaches and methods**.

CHALLENGES

Recommendation 14: where conflicting perspectives emerge in evaluations of mainstream and Indigenous-specific policies and programs:

- 1) the principles articulated in the UN Declaration, including on languages and language rights, and the Australian Government’s commitments to Indigenous languages should be used to guide **resolution of these conflicts**
- 2) **well-grounded evidence** about Aboriginal and Torres Strait Islander language ecologies, language and literacy learning should be sought, and should outweigh opinion, ideology and knee-jerk reactions to problems and perceived failures in policies and programs
- 3) evaluations should be grounded in **a commitment to inclusivity, collaboration and genuinely consultation** with the communities impacted by policies and programs; **where different perspectives operate or emerge, these should also be acknowledged and addressed**, even when they are not accepted or accommodated.

PRINCIPLES

Recommendation 15: An Indigenous evaluation framework to be used by Australian government agencies should include the following language-related principles:

- 1) The framework should pay explicit attention to the **language ecologies** of the communities affected by the policies and programs to be evaluated, that is, to:
 - **researching and understanding** these ecologies (through the literature, consulting with language experts and/or direct research)
 - **respecting and accommodating diverse ecologies** (through the languages, dialects, modes and styles of communication that are used in evaluations).
- 2) The framework should include scope, initially and throughout, for **culturally and linguistically appropriate, competent and respectful collaboration and communication with local communities, and those on the ground who are delivering programs**, that is, it should allow for:
 - **sufficient time** for the community, and those delivering programs, to provide authentic input in the ways they feel most comfortable in communicating
 - **flexibility** that takes account of local feedback
 - **transparency** in regard to the goals and processes at all evaluation stages
 - appropriate **communicative training** for all those involved in undertaking the evaluation.
- 3) The framework should explicitly address, and seek ways to overcome, **the barriers to this collaboration and communication**, including **false assumptions** about:

- speakers of Aboriginal and Torres Strait Islander traditional and emerging languages, creoles, and non-standard English dialects
 - adults and children learning English as an additional language or dialect
 - adults and children developing literacy skills in English.
- 4) The framework should seek to **further the UN Declaration on Indigenous Rights, including language rights, and the Australian Government commitments to Aboriginal and Torres Strait Islander languages.**

INDEPENDENCE, CONTRACTING AND PROCUREMENT

Recommendation 16: An Indigenous Evaluation Strategy should include analysis of:

- the criteria that govern **choice of service providers** to deliver mainstream and Indigenous-specific programs that affect Aboriginal and Torres Strait Islander people
- the **knowledge, experience, cultural competence and engagement of government officials** who (i) award contracts for programs, and (ii) are responsible for the management of programs
- the **continuity in management** of programs by government officials
- all **relevant financial matters**, including staff salaries, cost-shifting and profit-taking.

Recommendation 17: On no account should commercial-in-confidence considerations over-ride an **evaluation's access to information** about *any* aspect of *any* program mainstream and Indigenous-specific programs that affect Aboriginal and Torres Strait Islander people.

Recommendation 18: An Indigenous Evaluation Strategy should mandate that evaluations and audits are undertaken by individuals and organisations with:

- **proven experience and knowledge** of the Indigenous context of the program being evaluated and audited, including its language ecology
- **a commitment to the UN Declaration on the Rights of Indigenous People**, including language-related rights
- **no other financial, professional or other interest** in the program being evaluated
- a proven commitment to **genuine, open, extensive and in-depth consultation with all stakeholders**, and a **demonstrated track record** in undertaking this.

CULTURAL CAPABILITY

Recommendation 19: Cross-cultural training for evaluators should include:

- **basic and general knowledge** about Aboriginal and Torres Strait Islander languages and dialects
- **specific knowledge about the language ecology** of the particular communities in which policies and programs are to be evaluated
- development of an appreciation of how Aboriginal and Torres Strait Islander **languages and language use underpin Indigenous cultures, identity and cognitive processes**
- development of **cross-cultural communication skills** with individuals and groups.

Recommendation 20: For evaluations of educational policies and programs, evaluator training should include, in addition to the above developing basic knowledge about:

- how **English as an additional language** is learned and should be taught and assessed
- how **literacy** in a second/additional language is learned and should be taught and assessed
- appropriate approaches to bi-lingual and bi-dialectal **learning across the curriculum**
- **the research** that underpins informed knowledge about these phenomena.

REVIEWING THE INDIGENOUS EVALUATION STRATEGY

Recommendation 21: The processes for reviewing and revising the Indigenous Education Strategy should include:

- involvement of **Aboriginal and Torres Strait Islander communities** at local levels – that is, involvement should be dispersed and localised as well as being centrally located and based on high level representatives
- **continuity**, that is, the processes should go beyond intermittent reviews
- monitoring specific examples of Aboriginal and Torres Strait Islander **involvement in co-designing** policies, programs and evaluations
- knowledgeable and comprehensive perspectives on **Indigenous language ecologies** by consulting with linguistic and educational experts and practitioners
- **independent and specific research projects** that aim to deepen the Commission’s knowledge base about the operation of mainstream and Indigenous-specific programs in urban, regional and remote contexts, including the extent to which language issues impact on programs.

Appendix B:

Evaluations Examined for Reference to Language

PROGRAM	EVALUATION COMMISSIONED/ FUNDED BY GOVERNMENT/NGO	LANGUAGE CONSIDERED IN EVALUATION METHODOLOGY	LANGUAGE RAISED DURING EVALUATION	LANGUAGE RAISED AS ISSUE OUTSIDE OF EVALUATION
Evaluation Frameworks/Plans				
2017-18 Annual Evaluation Work Plan: Indigenous Advancement Strategy	Government: PM&C	Yes, only in terms of data improvement for adult literacy and interpreting	NA	NA
An evaluation Framework to Improve Aboriginal and Torres Strait Islander Health	Lowitja Institute/Centre for Health Policy, Melbourne School of Population and Global Health	Language Access/communication	NA	NA
Evaluating Indigenous programs: a toolkit for change	Centre for Independent Studies	No	NA	NA
Evaluating the outcomes of programs for Indigenous families and communities	Government: AIFS/Child Family Community Australia	Yes - limited to acknowledgement of difficulty in choosing appropriate methodology /evaluation tools where English is not first language	NA	NA
Cashless Debit Card Evaluation Framework	Government: DSS; Orima Research	No	NA	NA
Mainstream programs				
Job Services Australia (Framework)	Government	No	No	Yes: Commonwealth Ombudsman (2014) notes concerns that despite servicing over 11,000 Indigenous job seekers without English as a first language, no interpreters had been requested.

PROGRAM	EVALUATION COMMISSIONED/ FUNDED BY GOVERNMENT/NGO	LANGUAGE CONSIDERED IN EVALUATION METHODOLOGY	LANGUAGE RAISED DURING EVALUATION	LANGUAGE RAISED AS ISSUE OUTSIDE OF EVALUATION
Servicing Indigenous job seekers in Job Services Australia	Government: internal	No	Yes: note that factors such as language might lead to lower levels of reporting of barriers; effect of language on Job Seeker Classification Instrument (viewed as barrier)	Yes
Impacts of the new Job Seeker Compliance Framework	Government; Independent	No	Unclear whether Indigenous languages or all languages other than English.	Yes
Job Network Evaluation	Government: DEWR	No	No	No
Cashless Debit Card: Final Evaluation	Government: DSS; Orima Research	No	Yes: language noted as reason for refusal in taking part in quantitative surveys (low numbers); poor initial community consultation notes level of language a factor.	No
Programs targeted at Indigenous people				
The many pathways of the Community Development Programme (CDP)	Government: Winangali/Ipsos	Yes: explicitly considers Indigenous first language use	Yes: notes communication issues where English is not first language or not used at all; notes impact on job seeker classification of disadvantage.	Yes - ABC article (Brennan 2018) notes difficulty of phoning national 1800 number to talk about suspended payments when English not language.
Indigenous Advancement Strategy -	Government (ANAO)	No	No	NA

PROGRAM	EVALUATION COMMISSIONED/ FUNDED BY GOVERNMENT/NGO	LANGUAGE CONSIDERED IN EVALUATION METHODOLOGY	LANGUAGE RAISED DURING EVALUATION	LANGUAGE RAISED AS ISSUE OUTSIDE OF EVALUATION
Indigenous Education Project	Government	No	Yes	Yes - increased engagement with STEM when culture and language included. Liddle (2019), Marzook (2016)
Assessment of the social outcomes of Working on Country Program	Government - Urbis	Yes	Yes - explicit mention in implications for measuring social outcomes in the future	Yes - positive Chan (2018) notes positive effect of hearing language.
Evaluating Aboriginal and Torres Strait Islander Programs	Government - ANAO - Auditor-General Report No.47 2018–19 Performance Audit	No	Yes - use of Indigenous Engagement Officers who may have use/knowledge of language	Only as a result of the evaluation
Evaluation of New Income Management in the Northern Territory: Final Evaluation Report	Government - Department of Social Services; SPRC	Yes - notes challenges in collecting and interpreting information where English is not first language	Yes - notes that understanding of trying to obtain exemptions and records compounded by not having English as a first spoken language.	Only as a result of the evaluation
More than radio – a community asset: Social Return on Investment analyses of Indigenous Broadcasting Services	Government: Social Ventures Australia	Yes	Yes – highlights financial benefits to Government of using language.	Yes – positive engagement.
A Red Tape Evaluation in Selected Indigenous Communities	Government: DSS; Morgan Disney & Associates	No	Yes - notes that different approaches to contracts or funding submissions should be considered where English isn't first language - video, audio, oral presentations.	No

PROGRAM	EVALUATION COMMISSIONED/ FUNDED BY GOVERNMENT/NGO	LANGUAGE CONSIDERED IN EVALUATION METHODOLOGY	LANGUAGE RAISED DURING EVALUATION	LANGUAGE RAISED AS ISSUE OUTSIDE OF EVALUATION
Indigenous families and children: coordination and provision of services: Stronger Families and Communities Strategy 2004-2009	Government: FaHSCIA; National Evaluation Consortium (SPRC and AIFS)	Yes - notes translation of materials into local Indigenous languages and tailoring research to the local community through consultation on methodology.	Yes - notes that culturally competent services include services which teach Indigenous languages and which, particularly for remote Australia, deliver services in language; also notes strategy of helping providers gaining some understanding of local language	No
Cape York Welfare Reform Evaluation 2012	Government: FaHSCIA, with input from externally commissioned reports	No	Yes - importance of conferences for the Family Responsibilities Commission being held in language; used of welcome wall in local language; Financial Income Management program take-up affected by 'poor English language skills to set up bank and savings accounts.	