



The Australian Council of TESOL Associations

SUBMISSION TO

The Senate Education and Employment Legislation Committee

***Inquiry into the Better and Fairer Schools (Funding and Reform) Bill 2024
[Provisions]***

October 2024

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Recommendations

Recommendation 1

The Committee set a timeline for reviewing the implementation of the Better and Fairer Schools Agreement that maximises the opportunities for a broad range of stakeholders to contribute.

Recommendation 3

As part of the National Enabling Initiative 88 (a), in 2025, and as a priority, the National School Resourcing Board should review the low English language proficiency loading, with the review to consider (i) the methodology used to calculate the low English language proficiency, (ii) the inclusion of First Nations' EAL learners, and (iii) the adequacy of the amount generated by the methodology vis à vis its intended purpose.

Recommendation 2

The National Enabling Initiative 88 (a) and the Review of the Measurement Framework for Schooling in Australia (Schedule D) should include the development, trialling and endorsement of an appropriate, nationally consistent, evidence-based method of assessing First Nations', migrant- and refugee-background students' proficiency in English as an Additional Language.

Recommendation 4

Accountability reporting requirements under the *Better and Fairer Schools Agreement* should ensure that the Commonwealth Government has visibility in use of the low English proficiency loading to benefit Indigenous, migrant- and refugee-background EAL learners, and public transparency in how state and territory systems and individual schools are supporting EAL learning needs.

Recommendation 5

To ensure public transparency in reporting under the Agreement, the Commonwealth Department of Education should establish a single website that publishes reports (including reporting requirements, schedules and links), and that data from these reports is presented in a consistent, comparable and easily accessible form.

Abbreviations and acronyms

ACTA	Australian Council of TESOL Associations
AERO	Australian Education Research Organisation
AMEP	Adult Migrant English Program
EAL	English as an Additional Language
LEP	Low-English Proficiency (loading)
LPC	Literacy Production Centre
MCEETYA	Ministerial Council on Education, Employment, Training and Youth Affairs
NAPLAN	National Assessment Program
NT	Northern Territory
RATE	Remote Aboriginal Teacher Education
SNB	Student Needs Based (funding)
SRM	School Resourcing Model
TESOL	Teaching English to Speakers of Other Languages
VET	Vocational Education and Training

1. Introduction

The Australian Council of TESOL Associations (ACTA) is the peak Council for TESOL (Teaching English to Speakers of Other Languages) professional associations. It comprises representatives from state and territory TESOL associations, whose members include teachers, consultants and curriculum developers and researchers in pre-schools, schools, tertiary and vocational education, the Adult Migrant English Program (AMEP) and community settings.¹ We operate on an entirely volunteer basis, receive no government funding or charitable donations, and are resourced entirely through our member associations and our biennial conference.

This submission has been approved by the ACTA Executive.

Our central mission is advocacy for quality provision for Indigenous, refugee- and migrant-background adult and child learners of English as a second or additional language (EAL) in all educational settings. Currently, the number of these learners and their tuition needs are unknown. Prior to the COVID pandemic, we calculated that well over 600,000 school students at varying English proficiency levels require EAL-informed tuition (see 3.1 below). With post-pandemic immigration, the number in schools is likely to be in the order of three quarters of a million.

The Better and Fairer Schools (Funding and Reform) Bill 2024 (henceforth the Bill) is of considerable interest to ACTA. We were pleased to be recognised as a stakeholder in the Ministerial Reference Group and the ACTA president attended both meetings with Education Minister Clare. For decades, we have expended considerable effort in in-depth submissions and other advocacy. We engaged with every step in the consultation process leading to the Better and Fairer Schools Agreement, 2025-2034 (henceforth the Agreement), for which the Bill provides funding.² Our hopes were high that this work

¹ <https://tesol.org.au/>

² Re the Productivity Commission NRSA Review: [Submission DR124 - Australian Council of TESOL Associations \(ACTA\) - National School Reform Agreement - Commissioned study \(pc.gov.au\)](#): a comprehensive response to every Review chapter, section 1 presents arguments for including Indigenous, migrant-background and refugee EAL/D learners as a national priority equity cohort;

Re the Gonski ELP loading, see especially Action 1 in [Roadmap-for-English-as-an-additional-language-or-dialect-in-schools-ACTA-May-2022.pdf \(tesol.org.au\)](#)

Re LBOTE as misidentification, see section 1.3 ff in [625 ACTA submission Review of Melbourne Declaration 14 June 2019.pdf \(tesol.org.au\)](#) and [Submission Submissions – Parliament of Australia \(aph.gov.au\)](#)

Re the siloing of Indigenous languages and the failure to consider English language learning needs in the Closing the Gap Agreement, see [Submission 11 - Australian Council of TESOL Associations \(ACTA\) - Closing the Gap Review - Commissioned study \(pc.gov.au\)](#) and [Submission DR179 - Australian Council of TESOL Associations \(ACTA\) - Indigenous Evaluation Strategy - Project \(pc.gov.au\)](#)

Re failures in meeting the needs of Indigenous language speakers in NT schools, see: [ATESOL-NT-Supplementary-Submission-to-the-Inquiry-into-Adult-Literacy-and-its-Importance.pdf \(atesolnt.org.au\)](#)

Re a coherent approach to Indigenous languages and learning English, see [ACTA's Response to First Languages Australia paper Indigenous Languages Priorities 21 April 2023 - ATESOL NT](#)

Re the crucial role of languages in Indigenous well-being, see section 1.2 of [Submission DR124 - Australian Council of TESOL Associations \(ACTA\) - National School Reform Agreement - Commissioned study \(pc.gov.au\)](#):

Re the effects of COVID on migrant and refugee EAL/D learners, see p. 5 and Action 9 in [Roadmap-for-English-as-an-additional-language-or-dialect-in-schools-ACTA-May-2022.pdf \(tesol.org.au\)](#):

Re learning the English of the mainstream curriculum and going beyond fluent oral English, see p. 17ff in [625 ACTA submission Review of Melbourne Declaration 14 June 2019.pdf \(tesol.org.au\)](#)

Re the adverse impact of NAPLAN, especially on Indigenous EAL/D learners and consequent educational provision, see Problems 2 & 7 in [ATESOL-NT-Supplementary-Submission-to-the-Inquiry-into-Adult-Literacy-and-its-](#)

would bear fruit and we were encouraged by the Expert Panel's Recommendation 5 (C).³ We are disappointed that the Agreement makes *no* mention of EAL learners and their distinctive needs. Recognition of these needs now rests on implementing the Agreement's National Enabling Initiatives in a way that permits EAL learners to be identified and their proficiency levels to be disaggregated within the initiatives set in train by the Agreement (see Recommendation 2). However, developments in the Northern Territory in the wake of their Bilateral Agreement do not inspire confidence (see section 3.3).

ACTA discovered the opportunity to make this submission less than a week before the due date. This has constrained our ability to contribute and widely consult. We therefore respectfully request the Committee to plan for an investigation of implications of the Agreement within approximately twelve

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- [Importance.pdf \(atesolnt.org.au\)](#) and Submission 241 to the Parliamentary Inquiry into the administration and reporting of NAPLAN testing [Submissions received by the Committee – Parliament of Australia \(aph.gov.au\)](#)
- Re what can be achieved in bilingual/bicultural/biliteracy programs for Indigenous EAL/D learners, see Problem 4 in 2021/2 [ATESOL-NT-Supplementary-Submission-to-the-Inquiry-into-Adult-Literacy-and-its-Importance.pdf \(atesolnt.org.au\)](#)
- Re meeting the needs of refugee youth with minimal/no previous formal schooling, see sections 3.6 & 4.4 in Submission 108 to the 2017 Inquiry into Migrant Settlement Outcomes [Submissions – Parliament of Australia \(aph.gov.au\)](#)
- For a comprehensive coverage of EAL/D teacher supply issues, see section 5 of [Submission DR124 - Australian Council of TESOL Associations \(ACTA\) - National School Reform Agreement - Commissioned study \(pc.gov.au\)](#). See also [ACTA-submission-National-Teacher-Workforce-Action-Plan-final.pdf \(tesol.org.au\)](#)
- Re ATISL Standards, mandatory EAL/D content in ITE, specialist EAL/D qualifications and on-going teacher development, see Actions 5, 6 & 7 in [Roadmap-for-English-as-an-additional-language-or-dialect-in-schools-ACTA-May-2022.pdf \(tesol.org.au\)](#) and sections 2.1 and 2.2 in [ACTA-final-submission-Quality-Initial-Teacher-Education-Review.pdf \(tesol.org.au\)](#)
- For how flexible school-based resource management has decimated the demand for EAL/D teachers, see section 5 of [Submission DR124 - Australian Council of TESOL Associations \(ACTA\) - National School Reform Agreement - Commissioned study \(pc.gov.au\)](#)
- For issues in teacher education for Aboriginal teachers in remote NT schools, see section 5.6 in [Submission DR124 - Australian Council of TESOL Associations \(ACTA\) - National School Reform Agreement - Commissioned study \(pc.gov.au\)](#) and Problem 5 in [ATESOL-NT-Supplementary-Submission-to-the-Inquiry-into-Adult-Literacy-and-its-Importance.pdf \(atesolnt.org.au\)](#)
- Re Teacher Education in the Higher Education Accord, see: [AUA_tranche3_Australian Council of TESOL Associations.pdf \(education.gov.au\)](#)
- Re lack of data on EAL/D learners, see Action 10 in [Roadmap-for-English-as-an-additional-language-or-dialect-in-schools-ACTA-May-2022.pdf \(tesol.org.au\)](#)
- For lack of data and data collection targets on EAL/D learning in the Closing the Gap Agreement, see [Submission 11 - Australian Council of TESOL Associations \(ACTA\) - Closing the Gap Review - Commissioned study \(pc.gov.au\)](#)
- Re lack of accountability on use of ELP loading, see Action 11 in [Roadmap-for-English-as-an-additional-language-or-dialect-in-schools-ACTA-May-2022.pdf \(tesol.org.au\)](#)
- Re lack of transparency and accountability for Gonksi loadings for First Nations students in the NT, see Problem 1 in [ATESOL-NT-Supplementary-Submission-to-the-Inquiry-into-Adult-Literacy-and-its-Importance.pdf \(atesolnt.org.au\)](#) and ACTA [Letter to the Hon Ken Wyatt AM, MP by ATESOL NT and ACTA - ATESOL NT](#)

³ RECOMMENDATION 5C: To understand the progress of students and report on Australia's education goals, the Panel recommends governments commit to revising the Measurement Framework for Schooling in Australia to ensure it collects essential data, including: ...

- d) identifying and defining priority equity cohorts clearly, by replacing 'language background other than English' (LBOTE) with 'English as an additional language or dialect' (EAL/D) and including students in out-of-home care by the end of 2027.

Department of Education. 2023. *Improving Outcomes for All: The Report of the Independent Expert Panel's Review to Inform a Better and Fairer Education System*, p. 165.

months of its full implementation and to ensure that stakeholders are given sufficient time and notice to submit. Our first recommendation is:

Recommendation 1

The Committee set a timeline for reviewing the implementation of the Better and Fairer Schools Agreement that maximises the opportunities for a broad range of stakeholders to contribute.

ACTA's submission focuses on:

- General funding issues.
- Concerns regarding the Bill's implications for EAL learners in schools.
- Accountability and transparency.

2. General funding issues

The Agreement must be welcomed as an improvement on its predecessor, specifically in regard to increased Commonwealth funding and attention to reporting.

The Education Minister states in his Second Reading Speech that the Bill turns the previous maximum 20 per cent Commonwealth contribution to the School Resource Standard into a "floor".⁴ We welcome the protection that this funding cannot "go backwards without changes to the act". However, we note that the maximum has increased only slightly and "up to 22.5 per cent".⁵ **We believe that a guaranteed 25 percent would constitute the only acceptable floor.**

We are also concerned that, as far as we can ascertain, the legislation makes no reference to depreciation tax, which is a considerable burden for schools.

In regard to funding for Northern Territory (henceforth NT) government schools, ACTA is receiving concerning reports from our member association. Schools have been told that targeted allocations for bilingual education will cease from 2025. As we show in section 3.3.4, this move will undermine Closing the Gap Agreement and Reforms to increase the Indigenous teaching force. Contrary to the Minister's Second Reading Speech, provision for First Nations English language learners will indeed "go backwards".⁶

3. Specific concerns regarding learners of English as an additional language

3.1 Who are EAL learners?

Based on various indirect data sources, ACTA estimates that EAL learners are probably now in the order of three quarters of a million. They include:

- (i) an estimated 26,600 First Nations school students who live in remote communities, speak Australian Indigenous languages and are learning Standard Australian English. Their languages include traditional languages, mixed languages, creoles and English-based

⁴ House of Representatives Proof, Bills, Better and Fairer Schools (Funding and Reform) Bill 2024. Second Reading Speech. Thursday 10 October 2024, p. 8.

⁵ Better and Fairer Schools Agreement 2025-2034, p. 28.

⁶ House of Representatives Proof, Bills, Better and Fairer Schools (Funding and Reform) Bill 2024. Second Reading Speech. Thursday 10 October 2024, p. 8.

dialects.⁷ They have minimal contact with English. These EAL learners are currently unrecognised as a cohort (see section 3.3.2). The Agreement has done nothing to rectify this problem.

- (ii) more than 600,000 migrant- and refugee-background students, who are newly arrived, long-term residents and Australian-born⁸
- (iii) international students.⁹ These learners have no place in the Agreement. In policy-making more generally, they go unrecognised except as a source of revenue.

As already indicated, there is no nationally consistent data on the population of EAL/D learners in Australian schools. ACTA is currently working on a proposal to rectify this situation.

The absence of national data on EAL learners conveniently shields continuing failures to address EAL learning needs and their potential exclusion from the Agreement's reforms. The Bilateral Agreement with the Northern Territory provides clear evidence of the Agreement's potential to undermine provision (see section 3.3.4).

ACTA submits that filling this data vacuum is a necessary but insufficient pre-condition for fulfilling the promise in the Minister's speech of making Australia "a country where no one is held back and no one is left behind". Our second recommendation follows.

Recommendation 2

The National Enabling Initiative 88 (a) and the Review of the Measurement Framework for Schooling in Australia (Schedule D) should include the development, trialling and endorsement of an appropriate, nationally consistent, evidence-based method of assessing First Nations', migrant- and refugee-background students' proficiency in English as an Additional Language.

3.2 The Better and Fairer Schools Agreement

The Agreement's national priority Objectives and Outcomes have the potential to address EAL learning needs. One might reasonably assume the following.

⁷ [National Indigenous Languages Report | Office for the Arts, Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#), p.17.

⁸ Census data indicate that the number of school-aged respondents (0 - 19 years of age) who reported speaking 'not well' or 'not at all' increased from 117,158 in 2006 to 190,462 in 2016, an increase of 62 per cent. ABS Census 2006, 2016 *Counting of Persons Place of Enumeration AGEP Age (10 Year Groups) by proficiency in spoken English*.

This number reflects the substantial increase in students from migrant and refugee backgrounds resulting from Australia's high and sustained immigration levels over the decade *before* the pandemic. Net overseas migration rose from 232,800 in 2006/7 to 262,490 in 2016/17, an increase of 12.7 per cent. Australia's overseas born population grew from 4,063,954 in 2001 to 6,150, 051 in 2016, an increase of 151 per cent. [Population and migration statistics in Australia](#)

This trend is confirmed by the two government education systems with the largest number of EAL/D students. The NSW Department of Education reported a 114 per cent increase in the number of EAL/D students (from 91,706 to 196,669) between 2009 and 2019, while the Victorian Department of Education and Training reported 69 per cent growth in EAL/D students (from 47,6254 to 80,5165) over the same period.

Post-pandemic immigration makes plausible a prediction of over 800,000 school children requiring EAL support by 2026.

⁹ Children of Deaf adults who use Australian Sign Language (Auslan) as their first language could also be added to this listing.

- **Equity** entails that educational policies, schools and teachers recognise that English language learners enter Australian schools at all Year levels knowing languages other than English, that this knowledge is respected and used as a foundation from which to build learning.
- **Excellence** requires educational policies to ensure that schools are equipped to provide evidence-based EAL pedagogy and foster the bi/multilingual skills of their students.
- **Well-being for learning and engagement** requires policies, schools and teachers to understand that EAL learners' languages are integral to their self-esteem and sense of safety, and that substantive professional learning is provided to develop teachers' cross-cultural competence and skills in combating racism. The new policy emphasis on well-being might be expected to take account of the frequent undermining of "learning and engagement" by curriculum, teaching and school experiences that make EAL learners feel invisible, disadvantaged, deficient and even alien. This problem is acute for many Indigenous language speaking students and is, we submit, a critical factor in the unacceptable non-attendance statistics (see section 3.3.4).
- **A strong and sustainable workforce** might be expected to include (i) pre-service training to include substantive EAL-informed knowledge and teaching strategies, (ii) specialist TESOL pre-service and postgraduate programs and qualifications, (iii) recognition of the actual conditions that encourage participation by First Nations people in the teaching workforce, including support for alternative pathways for local Indigenous teachers in remote schools (see section 3.3.4 below), and (iv) on-going informal professional development on all of the above for teachers and school leaders.

In fact, however, the Improvement Measures and Reforms that operationalise the Agreement's stated Objectives and Outcomes do not appear to support, much less advance, *any* of the above EAL-informed principles and practices. Their unintended consequences potentially undermine these principles and practices, as we now elaborate.

3.3 Potential adverse consequences for EAL learners

3.3.1. Failure to identify EAL learners as a priority equity cohort

The Agreement identifies priority equity cohorts as Aboriginal and Torres Strait Islanders, students from remote and regional locations, and students from low socio-educational schools.

Failure to explicitly identify EAL learners as a priority cohort perpetuates their invisibility in policies and provision, and the lack of transparency and accountability for their educational outcomes. The lack of nationally consistent data on the size and needs of this cohort weakens the Commonwealth's capacity to respond and risks undermining the Agreement's Equity and Excellence Improvement targets. It obscures EAL learners' performance and progress on national literacy and numeracy assessments, undermining the usefulness and validity of national testing.

It may not be a coincidence that the falling performance in Australian education that the Minister identified in his Second Reading Speech has co-occurred with school autonomy policies and the loss

of targeted funding. These policies have undermined a range of equity programs.¹⁰ Among the worst affected have been EAL programs, resources, specialist teachers and associated teacher education programs, and EAL-informed teaching across the curriculum. The Agreement has now been used to extend this process to NT bilingual programs (section 3.3.4).

3.3.2 Loadings do not target EAL learning needs

Two loadings have implications for EAL learners but neither relates to actual EAL learning needs.

- 1) **The low-English Proficiency (LEP) loading** is based on census data on “language background other than English’ (LBOTE) combined with parents’ highest education level (below Year 9). This inaccurate proxy indicator does not effectively target resources. It grossly misaligns those captured by the measure and those with actual English language proficiency needs, because it:
 - a. conflates EAL learners with fluent (even monolingual) English speakers whose parents speak a language other than English
 - b. permits inaccurate self-identification
 - c. leaves EAL learners to be mis-identified as having English literacy problems (in NAPLAN data) and/or cognitive or physical disabilities (leading to over-representation in referrals for speech language and learning support) and/or as socioeconomically disadvantaged.¹¹

- 2) **The Aboriginal & Torres Strait Islander loading** is not directed or intended to meet the needs of EAL learners in remote communities where English is a *foreign* language. First Nations EAL learners are excluded from funding through the LEP loading. This exclusion extends to provision of EAL teaching resources and systems’ professional development for teachers.

¹⁰ See Keddie, Amanda; Blackmore, Jillian; Wilkinson, Jane; Niesche, Richard; Eacott, Scott; Gobby, Brad; et al. (2023). School Autonomy Reform and Social Justice in Australian Public Education Final Report, 2023. Deakin University. Report. <https://hdl.handle.net/10779/DRO/DU:24164892.v2>.

In regard to EAL provision, EAL learners disappeared as a national equity cohort from the 2008 Melbourne and 2019 Alice Springs education declarations. The Commonwealth has devolved all responsibility for EAL education policy and service provision to state and territory governments. (In 2008, the Rudd Labor Government rolled the ESL New Arrivals funding into broader funding categories for government schools while ESL New Arrivals per capita funding was legislated and retained for non-government schools. In 2013, the Abbot Coalition government incorporated all ESL New Arrivals funding into the new School Resourcing Standard.) The Gonski funding reforms have not resulted in transparent or accountable English language funding in schools and systems. School autonomy policies and their global budgets have resulted in the downgrading of provision for Indigenous, refugee- and migrant-background EAL learners. This is marked by the disappearance of TESOL qualified teachers and leaders, diversion of earmarked funding away from EAL learner support, EAL programs subsumed within other school programs and dissipated EAL services in schools. At a systemic level, education authorities in all states and territories have downsized or abolished their specific-purpose professional administrative units and personnel responsible for coordinating, advising and supporting schools with EAL learners. The system's corporate knowledge has been lost, along with support for EAL professional learning and expertise in EAL assessment.

¹¹ See Centre for Educational Statistics and Evaluation / CESE, 2013. *Improvements and Alternatives to the Disadvantaged LBOTE Measure Report*. NSW Department of Education and Communities, at: http://www.cesensw.gov.au/images/stories/PDF/Improvements_and_alternatives_to_the_Disadvantaged_LBOTE_measure.pdf. This analysis concluded that the “disadvantaged LBOTE” measure not only significantly *underestimates* the size of the cohort needing EAL support but it also *does not capture the right students*, and therefore should not be used to identify the ELP loading for EAL students. It estimated that using “disadvantaged LBOTE” as a proxy for English language proficiency suggests that 74.7 per cent of the \$100 million earmarked by Gonski-funding for limited English language proficiency would be misdirected to students who do *not* require EAL/D support.

Our Recommendation 3 below addresses these problems.

3.3.3 The LEP loading is grossly insufficient

The funding generated by the LEP loading methodology does not support even minimal instructional support for EAL learners (and not counting First Nations' EAL learning needs).

The loading for Government schools does not cover a single day's English language instruction at current teacher salary rates.

Compared to previous Commonwealth ESL New Arrivals per capita funding levels (\$5,039 in 2005) and modelling by the MCEETYA Schools Resourcing Taskforce (2006), the low-English proficiency loading constitutes a major reduction in Commonwealth funding for English language instruction since that time.¹²

In 2019, the Commonwealth LEP loading was a tiny percentage (0.2 per cent) of total school funding for the Government sector.¹³ While the Commonwealth has justified the token LEP amount with reference to jurisdictions' ability to flexibly pool Commonwealth and state and territory funding, this reliance on pooled resources effectively admits that the LEP loading is inadequate for its intended purpose of providing English language support to EAL learners. Arguably, it is a cover for the Commonwealth to cost shift English language provision to state and territory governments.

Systematic variations in Government, Catholic and Independent school sectors distributions show that LEP allocations to jurisdictions are not 'sector blind.' For example, in 2019, the low proficiency loading amounted to an average \$212 per student for Government schools, \$893 for Catholic schools, and approximately \$987 for Independent schools.¹⁴

The Agreement does nothing to reverse this situation. Unless these problems are explicitly addressed, the LEP loading will continue to be mis-directed and the Aboriginal and Torres Strait Islander loading will exclude support for English language learning for First Nations students who need it. ACTA believes a review of the low-English proficiency loading is long overdue and should be a priority in 2025. ACTA's recommendation is as follows.

Recommendation 3

As part of the National Enabling Initiative 88 (a), in 2025, and as a priority, the National School Resourcing Board should review the low English language proficiency loading, with the review to consider (i) the methodology used to calculate the low English language proficiency, (ii) the inclusion of First Nations' EAL learners, and (iii) the adequacy of the amount generated by the methodology vis à vis its intended purpose.

¹² The last (and only) public review of ESL funding for newly arrived students was the 2006 *MCEETYA Schools Resourcing Taskforce Discussion Paper Funding for English Second Language (ESL) New Arrivals Students*. The Taskforce found that estimated actual per capita costs for delivery of ESL New arrivals services to a newly arrived student in 2005 was \$6,160 for a non-refugee student and \$10,349 for a refugee and humanitarian student. When costs of improved service provision needed to enable student to achieve reach a satisfactory standard of English were factored in, an amount of \$7,745 and \$18,730 respectively was required. The Report recommended increasing the ESL New Arrivals per capita grant, including establishing a differential higher level of funding for refugee and humanitarian entrants with disrupted or no previous education. See report at: <https://files.eric.ed.gov/fulltext/ED534658.pdf>

¹³ These data derive from Answer to Senate Estimates Question on Notice SQ19-132.

¹⁴ Based on Answer to Senate Estimates Question on Notice SQ19-121.

3.3.3 *The Year One phonics check and the focus on improving NAPLAN results*

Both the phonics check and focus on improving NAPLAN results have, to date, ignored the fact that EAL learners are, by definition, *not* mother tongue English speakers. In consequence, these learners are frequently diagnosed as having cognitive or hearing deficits and/or that their languages are barriers to learning. The consequences are misdirected pedagogies, attempts at “remediation”, stigmatisation of EAL learners, suppression of their home languages in learning and wider school contexts, and incorrect, counter-productive advice to their carers.

For remote Indigenous children and others who come to school as monolingual speakers of languages other than English, the Year One phonics check is an incorrect assessment tool. It reveals only what these children *cannot* do. It does not tell teachers what the child can do or reveal the foundations from which to build learning (most obviously, whether the student is literate in another language). Likewise, NAPLAN data do not recognise Indigenous students who are EAL learners. The designation of “needing additional support” has led to instructional practices designed for English-speaking students with learning delays or additional learning needs, not EAL-informed tuition.

We are troubled by the apparent influence of advice from the Australian Education Research Organisation (AERO) and various other bodies. Their interpretation of “evidence” supporting preferred approaches to literacy learning assume English mother tongue speakers. They consistently fail to disaggregate their data and exclude extensive, long-established research into EAL learning and the place of literacy within this.

The adverse effects of assuming mother tongue English norms will continue unless the Agreement’s implementation includes *explicit* identification of EAL learners (see Recommendation 2). Reporting on EAL learners based on incorrect or disaggregated data will misdirect initiatives to advance their educational participation and progress, as is currently occurring in various jurisdictions with regard to literacy pedagogies. Rather than being an advantage, EAL learners’ languages other than English will continue to be grounds for inappropriate and inequitable treatment in Australian schools.

3.3.4 *The Northern Territory Bilateral Agreement*

The Northern Territory is one of three jurisdictions that have signed the Agreement. Among other provisions, their Bilateral Agreement requires implementing a key recommendation of the NT’s *Review of Effective Enrolment* to move to an enrolment-based school funding model.¹⁵ This Review also, recommends that the NT Government investigate whether targeted funding be pooled within the School Resourcing Model (SRM).¹⁶ In the NT, targeted funding includes support for bilingual programs. These recommendations and the Agreement’s requirements are clear examples of how silence on meeting EAL learner needs allows even further erosion of provision for EAL learners.¹⁷

In line with the Review’s recommendations (but with no consultation with communities or schools), the NT Education Department has now officially informed ACTA’s NT member association that, from 2025, targeted funding (annually \$5m) for bilingual education in the nine NT government schools delivering these programs will be pooled within Student Needs Based (SNB) funding for *all*

¹⁵ Deloitte Access Economics. October 2022. *Review of Effective Enrolment*. Final Report. Northern Territory Department of Education, Recommendation 1, p. xvii. [Review of Effective Enrolment](#)

¹⁶ Ibid, Recommendation 2.

¹⁷ ACTA currently has no information on the implications for migrant- and refuge-background EAL learners, including new arrivals.

NT schools. SNB funding will be allocated on the basis of total enrolled students in a school. Bilingual programs must therefore be funded through overall school budgets.

In the nine bilingual schools, targeted funding currently supports a school Literacy Production Centre (LPC), employment of a teacher linguist, Aboriginal staff to assist text creation in the students' first language, a technical officer to create and digitally store resources, and Aboriginal Teachers and/or Assistant Teachers to teach in through first language at all school levels. Bilingual programs therefore require significant extra expertise, commitment and resourcing. The pooling of previously designated bilingual program funding means that this funding will now be spread across all NT schools. No distinction will be made between schools with or without bilingual programs. Allocations tied to enrolments will place small remote schools with bilingual programs under immense budgetary pressure.

Although all schools will receive increased funding under the Agreement, much of it will be needed to cover an 8 per cent teacher pay increase next year. In fact, many chronically underfunded remote schools (with or without bilingual programs) will continue to struggle to staff their schools adequately. Inflation and increased costs, competing pressures within a school for how to allocate resources, and school leaders' lack of knowledge¹⁸ will inevitably undermine, residualise and finally terminate these schools' bilingual programs.

In essence, the NT government's interpretation of the Agreement is simply an extension of school autonomy policies. In line with the loss of targeted funding Australia-wide (see section 3.3.1 above), the inequities currently present in NT schooling will intensify.

Pooling the NT bilingual education budget within total needs-based funding will conveniently off-set the cost of the required move to enrolment-based funding. Prior to the new Bilateral Agreement, a search for cost savings might be understood (if not accepted).¹⁹ However, given the additional \$736m. Commonwealth grant (2025-2029) to the NT,²⁰ untying a meagre \$5m. for bilingual programs now seems hard to justify.

Below we identify some of the significant effects of the loss of this targeted funding.

1) Effects on Closing the Gap Outcome 16 "Aboriginal and Torres Strait Islander cultures and languages are strong, supported and flourishing"

Bilingual programs are located precisely where Indigenous languages are strongest and communities are smallest. See Appendix A. Bilingual programs are vital in legitimating these languages, keeping them strong through resources from Language Production Centres, and employing local people as Assistant Teachers and LPC support staff.²¹ Contrary to the intent of Outcome 16, weakening the NT's remaining nine bilingual programs will undermine the status of these languages and their teachers and significantly reduce employment opportunities for local Indigenous language speakers.

¹⁸ This problem is particularly acute in the NT and remote schools in Queensland, South Australia and Western Australia because of the high staff turn-over, the dearth of knowledgeable school leadership and failure to consult with communities in making appointments.

¹⁹ We understand that an earlier draft of the Deloitte *Review of Effective Employment* contained no recommendation to end targeted funding. It is reasonable to conjecture that this recommendation was included at the Government's behest.

²⁰ [Landmark agreement signed to fully fund Northern Territory schools and invest in key reforms | Ministers' Media Centre](#)

²¹ Aboriginal Assistant Teachers are quite different from Teaching Assistants. They are teachers in their own right.

Undermining the nine schools' bilingual programs will lessen the potential for bilingual programs elsewhere in the NT and beyond. Conversely, if the nine schools' programs were strengthened and better resourced, these schools would be well positioned to support other schools wanting to develop bilingual education programs.

2) Effects on school attendance and retention

The Bilateral Agreement commits the NT government to “initiatives which support student engagement in learning, for example greater student participation, attendance, inclusion and/or enhanced school-family engagement” (para. 56). Any loss of Assistant Teachers and bilingual teaching will almost inevitably affect attendance.

In remote communities where Indigenous languages are the main or only means of communication, bilingual programs (also known as “two-way learning”) are the bridge to learning English and curriculum content. It should not take much to imagine the alienating effect of being confronted with English as the sole medium of instruction for students in these communities.

Attendance and retention depend crucially on the school providing “a sense of belonging, safety and engagement with their learning” for students, especially younger children (Bilateral Agreement para. 24). In remote schools, this depends crucially on local Assistant Teachers who speak students' (and carers') languages, and understand and are part of the culture and community. They bridge the divide between community and school, and give the school credibility and traction in the eyes of students and the community. Their status as teachers (as distinct from other supporting staff) is critical. They provide older students with role models that encourage remaining in school and pursuing pathways to future employment (cf. Bilateral Agreement Year 12 certification targets).²²

Both Assistant Teachers and bilingual programs are essential in promoting a school's cultural responsiveness in remote communities (cf. Bilateral Agreement para. 17).

3) Contradictions between the loss of targeted bilingual funding and key Agreement commitments and intentions

The loss of targeted funding for bilingual programs clearly contradicts the Bilateral Agreement commitment to teach Aboriginal languages (para. 51, a).

The loss of targeted funding contradicts the Closing the Gap commitment to Data Development in “measures of Aboriginal and Torres Strait Islander languages being taught in early-learning, primary and secondary schools” (p. 41).²³

The lack of consultation regarding the loss of targeted funding for bilingual programs is directly contrary to the Closing the Gap Agreement Priority Reforms 1 (shared decision-making) and 3 (“Governments, their organisations and their institutions are accountable for Closing the Gap and are

²² [Evidence on what doesn't work for very remote schools \(attendance strategies\) and what does - EduResearch Matters](#)
[Why local staff matter in very remote schools. - Batchelor Institute Research Repository](#)

²³ Outcome 16, Data Development, p. 41 [National Agreement on Closing the Gap | Closing the Gap](#)

culturally safe and responsive to the needs of Aboriginal and Torres Strait Islander people, including through the services they fund”).²⁴

The Bilateral Agreement states that National Reform Directions will include “implementing in full the recommendations of the Secondary Review” (para. 56, b, i). This Review explicitly recommends expanding “models of practice that emphasize two-way learning ...”²⁵ Undermining bilingual programs is contrary to this commitment.

The loss of targeted funding underpins the employment of Aboriginal Assistant Teachers in remote bilingual programs. It is contrary to the Agreement’s commitment to increase the number of Aboriginal teachers, and specifically contradicts efforts in “expanding opportunities and building greater understanding and recognition of Aboriginal educator’s knowledges ... including RATE [Remote Aboriginal Teacher Education Program].” (para. 60, b, i).

The Heads of Agreement seeks to contribute to “Equity and excellence – all students are provided access to high-quality evidence-based teaching that is inclusive, where young Australians of all backgrounds and levels of need are supported to achieve their full educational potential” (para. 66). NT bilingual programs were once world-leading.²⁶ Regarding equity, the evidence is overwhelming that removing targeted funding for programs intensifies inequality, as Keddie et al. (2023) report on the basis of their five-year study of Australian schools:

*... the long term outcomes of schools under conditions of autonomy reform often included the stripping back of systemic support leading to schools having to fend for themselves - amplifying existing inequalities within and across sectors.*²⁷

Regarding excellence, the evidence is definitive that bilingual programs promote learning gains across the curriculum, including literacy learning.²⁸ Removing targeted funding from the nine remaining programs will seal the demise of bilingual education in the NT.

²⁴ The NT Education Department briefing included advice that consultation will occur if a school decides to close its bilingual program. ACTA is not re-assured, given the high turn-over of principals, the meagre system and financial support for the current bilingual programs, and the lack of consultation leading to the current decision.

²⁵ Deloitte Access Economics *Review of Secondary Education in the Northern Territory*. 2023. Recommendation 3.5. In support of this recommendation, the Report states:

There are models of practice starting to deliver positive indications of increased engagement and outcomes in schooling, that emphasise two-way learning, Aboriginal governance, ownership and authority, and culturally safe and appropriate approaches (with Learning on Country being a key example). (p. 27)

²⁶ Devlin, B., Disbray, S., & Devlin, N. (Eds.). 2017. *History of bilingual education in the Northern Territory: People, programs and policies*. (Language Policy; Vol. 12). Springer Singapore. <https://doi.org/10.1007/978-981-10-2078-0>

²⁷ See Keddie, Amanda; Blackmore, Jillian; Wilkinson, Jane; Niesche, Richard; Eacott, Scott; Gobby, Brad; et al. (2023). *School Autonomy Reform and Social Justice in Australian Public Education Final Report, 2023*. Deakin University. Report. <https://hdl.handle.net/10779/DRO/DU:24164892.v2>.

²⁸ The size of this submission could be doubled by simply listing research to support this claim. A few recent examples:

Fielding, R., & Harbon, L. (2020). Dispelling the monolingual myth: exploring literacy outcomes in Australian bilingual programmes. *International Journal of Bilingual Education and Bilingualism*, 25(3), 997–1020. <https://doi.org/10.1080/13670050.2020.1734531>

Bialystok, E. (2016). Bilingual education for young children: review of the effects and consequences. *International Journal of Bilingual Education and Bilingualism*, 21(6), 666–679. <https://doi.org/10.1080/13670050.2016.1203859>

[Effective Bilingual Education: From Theory to Academic Achievement in a Two-Way Bilingual Program: Bilingual Research Journal: Vol 26, No 1](#)

Research specifically on the NT:

4. Transparency and accountability

ACTA welcomes the strengthened reporting and public transparency requirements in Part 5 of the *Better and Fairer Schools Agreement*. These requirements will assist in improving public understanding and trust in how funding is distributed to schools and used by them.

Under the previous Agreement, there was minimal accountability for the use of Commonwealth needs-based funding and even less transparency in how it was used. The Commonwealth Government took a ‘hands off’ approach. Accountability reporting was largely limited to a financial acquittal process in a block funding report regarding the distribution of base and loading amounts.²⁹

We are pleased that under the new Agreement, Parties must agree to the following reporting and transparency arrangements:

- public reporting on progress against this Agreement through an education reporting dashboard
- annual reporting from states and territories to the Commonwealth on use of funding for government and non-government schools for assessing compliance with section 22A of the Act – this continues existing practice³⁰
- full, timely and accessible publication by all approved system authorities of information on their needs-based funding arrangements, including how needs-based funding arrangements support schools and students, particularly how funding for students with greater educational needs flows to schools
- an Annual Implementation Report from states and territories, as the approved system authorities for government schools, on progress on National Reform Directions and Improvement Measures
- existing states and territories accountability reporting through their respective Parliaments for delivery of education in government schools
- an annual report from the Commonwealth to the Education Ministers Meeting regarding the implementation of National Enabling Initiatives
- an annual report from the Commonwealth to the Australian Parliament on Commonwealth funding for government and non-government approved authorities
- a new annual ministerial statement to the Australian parliament on the progress of school education reform agreements

Devlin, B., Disbray, S., & Devlin, N. (Eds.). 2017. *History of bilingual education in the Northern Territory: People, programs and policies*. (Language Policy; Vol. 12). Springer Singapore. <https://doi.org/10.1007/978-981-10-2078-0>

²⁹ **Answer to Senate Estimates Question on Notice SQ19-132:** “Accountability for Commonwealth funding is limited to a financial acquittal process relating to the distribution of base and loading amounts in a block funding report. The Commonwealth admits it does not have visibility of the state or territories’ own expenditure on specialist English as an additional language or dialect (EAL/D) services. States and territories are responsible for the distribution of school funding, both Commonwealth and state funding, in accordance with their own needs-based arrangements.”

Answer to Senate Estimates Question on Notice SQ19-133: “As with all Commonwealth recurrent funding for schools, the total funding (base and loadings) are provided as a lump sum to school authorities, which can then distribute the funding to schools according to their own needs based arrangements. Schools and school systems are expected to pool their funding from all sources (i.e. Australian Government, state and territory and private) and prioritise spending to meet the educational needs of all their students, recognising that schools and school systems are best placed to understand the individual needs of their students. The Commonwealth expects schools and school systems to consider their funding from all sources (i.e. Australian Government, state and territory and private) and prioritise their spending to meet the educational needs of all their students, including for students with low English language proficiency.”

³⁰ [Annual review of state and territory funding contributions - Department of Education, Australian Government](#)

- publication of the two independent reviews set out at clauses 35 and 36, following agreement of the Education Ministers Meeting.

ACTA is concerned that improved accountability be matched by real transparency. Given the range of accountability reporting requirements under the Agreement, and to ensure public accessibility and transparency, the Commonwealth Department of Education should establish a single website publishing all reports with associated reporting requirements, schedules and links. The Commonwealth and the general public should have visibility on how use of the low English proficiency funding to support actual EAL learning needs.

Increasing transparency requires accurate *school-level* data, including how “administrative costs” relate to amounts *actually* received by schools. This requirement has been noted by both the School Resourcing Board and the Auditor General.³¹ The My School website was supposed to provide consistent and easily accessible school-specific data for the general public but does no such thing in regard to actual school budgets. In fact, it is impossible for researchers, professional bodies, communities, families and other advocates to evaluate the success or otherwise supposed reforms and increased or new funding on disadvantaged schools and cohorts.

ACTA recommends as follows.

Recommendation 4

Accountability reporting requirements under the *Better and Fairer Schools Agreement* should ensure that the Commonwealth Government has visibility in use of the low English proficiency loading to benefit Indigenous, migrant- and refugee-background EAL learners, and public transparency in how state and territory systems and individual schools are supporting EAL learning needs.

Recommendation 5

To ensure public transparency in reporting under the Agreement, the Commonwealth Department of Education should establish a single website that publishes reports (including reporting requirements, schedules and links), and that data from these reports is presented in a consistent, comparable and easily accessible form.

5. Conclusion

The *Better and Fairer Schools Agreement (2025-2023)* has the potential to substantively improve schooling in Australia. However, it offers very little, if anything, that will reverse the devastating decline in provision for learners of English as an additional language. Its failure to designate these students as a priority equity cohort will perpetuate – and legitimate – the current silence regarding their numbers and needs. Worse, it leaves these learners mis-identified within other cohorts and subject to inappropriate and often damaging interventions. These outcomes potentially follow from the specifications in the *Agreement’s* Improvement Measures and National Reforms.

This year saw Yalmay Yunupingu acknowledged as Senior Australian of the Year. She is a First Nations teacher who “forged a bilingual teaching approach to make young people strong in their

³¹ [Monitoring the Impact of Government School Funding — Follow-up | Australian National Audit Office \(ANAO\)](#)

Yolŋu language and culture”.³² This acknowledgement – and the aspirations of both the *Better and Fairer Schools Agreement* and the *Closing the Gap Agreement* – seem hollow when, at the end of this same year, the NT Bilateral Agreement has authorised the inevitable loss of an under-funded, small but significant contribution to the maintenance of Indigenous languages, school attendance in remote communities, and employment and status of local speakers of these languages as teachers. Leaving aside, the specific damage caused in the Northern Territory, this interpretation of the Heads of Agreement does not bode well for EAL learners and programs elsewhere.

The three national priority areas – *Equity and excellence*, *Wellbeing for learning and engagement*, and *a strong and sustainable workforce* – clearly do not exclude recognition, respect and provision for students who come to school as speakers of languages other than English. Within the scope of the *Agreement’s* National Enabling Initiatives (clauses 88-95), the potential exists to, first, prioritise development of a nationally consistent measure of EAL proficiency and, second, include measures that provision for mother tongue maintenance and learning English for First Nations speakers of languages other than English. As ACTA has done over many decades, we would welcome the opportunity to contribute to this work. We have begun work on a proposal for the national measure. We would welcome the opportunity to give evidence to this Inquiry.

³² [Yalmay Yunupingu | Australian of the Year](#)

Appendix A: NT bilingual programs vis à vis strongest traditional languages

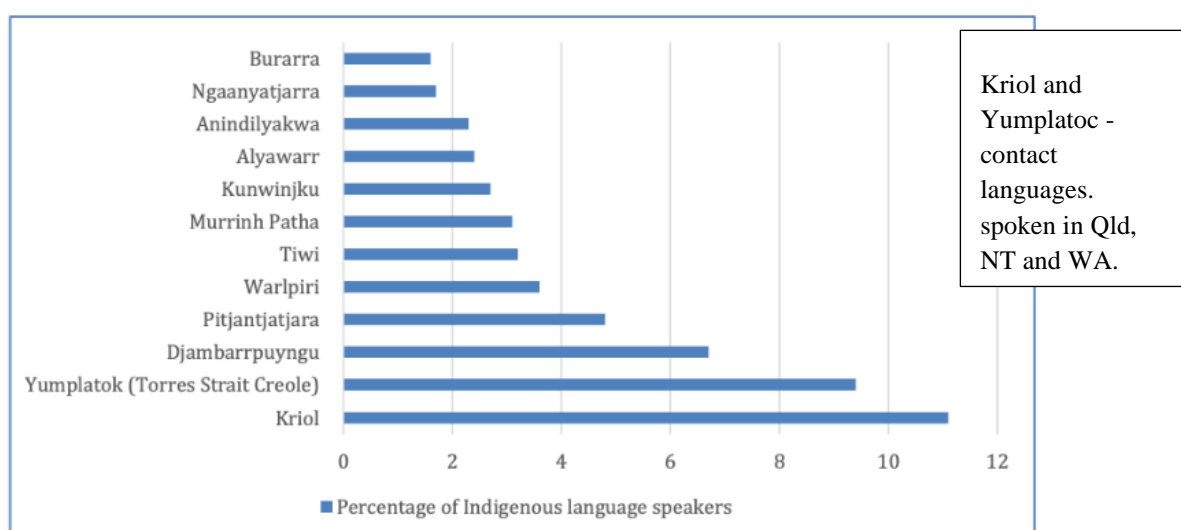
More than 100 Indigenous languages are spoken in the NT. Of the strongest traditional Indigenous languages, measured by how many speakers of the languages there are and whether the language is being transmitted to children (see Table 2 below), the five strongest languages either have current bilingual programs or have had strong bilingual programs in the past.

Table 1: Languages taught in the nine NT bilingual programs

Traditional Language	Bilingual Program	School Name	Sector
Djambarrpuyngu (dialect of Yolŋu Matha)	Currently 3 bilingual schools in north east Arnhem teach a dialect of Yolŋu Matha	Milingimbi, Shepherdson College and Yirrkala	Government school
Pitjantjatjara	Current	Areyonga	Government school
Warlpiri	Current	Willowra, Yuendumu and Lajamanu	Government school
Tiwi	program cancelled in 2008	Murrupurtiyanuwu Catholic Primary School Bathurst Island	Catholic
Murrinh Patha	Yes	Wadeye	Catholic
Kunwinjku	Program cancelled in 1978	Gunbalanya	Government school
Alyawarr	No		
Anindilyakwa	1977-1982	Angurugu (Groote Island)	Government school
Burarra	Current	Maningrida	Government school

Table 2: ABS Data on Indigenous Languages Most Spoken at H

Figure 2.2. Indigenous languages most spoken at home



Source: Adapted from (Australian Bureau of Statistics, 2019^[10]), *Census of Population and Housing 1991, 1996, 2001, 2006, 2011 and 2016*, © Commonwealth of Australia 2019.