

SPEECH TO THE ATSIC TREATY CONFERENCE AUGUST 29 2002

I wish to acknowledge and honour the ongoing sovereignty of the Ngunnawal people, the traditional owners of this land on which we are meeting today. I thank the organisers for the opportunity to speak at this conference. It is a privilege to be here.

I also want to acknowledge the work of my colleague Diat Callope, the IEU's National Indigenous advisor not just for her contribution to the work underpinning this address but also for lifting the union's commitment to Indigenous issues. In her 3 years with the union, Diat has shifted the culture of our organisation – from one which not only espouses strong support for Indigenous peoples and their rights but which is determined to target particular areas of deficit in our work and to bringing about substantial improvements in the professional and industrial conditions of our Indigenous members and to acknowledge their cultural contribution to student learning.

It is important too, to congratulate ATSIC for the leadership role it has taken in running this conference. Of course, in putting its head up in such a public and prominent way on an issue as complex and controversial as Treaty (at least in the current Australian context) there will be flack and it will come from all quarters. It will be about the money, the agenda, the politics, the election, and who's in whose pocket.

But it is right that ATSIC has taken the lead. It has legitimacy and authority and as the representative peak national organisation representing Aboriginal people in this country, should make the running on these debates and should provide the opportunities for the work required to set the strategic goals, processes and timing on its terms – that is, on terms which fit with the needs and aspirations of Aboriginal people. I think the advice from David Ervine yesterday along these lines was indeed wise – that is, take control of the agenda and stand together and stay united.

I want to do three things in this presentation today:

Firstly - I want to put on the record the stated position of my Union in relation to the issues of Treaty and reconciliation and to talk about negotiations our union is having with ATSIC on a partnership agreement.

Secondly – I want to talk about education - and the need to rethink and redefine the framework in which Indigenous education is managed in this country.

Thirdly, I would like to make some comments about why I think the process of Treaty or Agreement making could make a difference to the way this country approaches Indigenous education and to comment on our own work on a partnership Agreement with ATSIC

The Independent Education Union of Australia represents the industrial and professional interests of over 55,000 teachers and support staff in non government schools and education institutions across the country. 31.2% of Australian students attend non government schools. Approximately 10,000 are Aboriginal students.

I want to make a particular point about the importance of teachers and education support staff in terms of their capacity to build and strengthen support for a social justice climate conducive to the Treaty agenda. The NSW branch Council of our Union has recently been briefed by the 'roving' Treaty training team - at the end of the session, a member asked "What can I do - how can I help."

There are a lot of education workers in this country; they are well respected and connect with many communities - their school colleagues, their students, their parent community, their union, their church, and various community organisations. Their reach is broad and deep. It is important that we engage them in the debate and have practical answers to that kind of question.

In the year 2000, the IEU made a submission to the Council for Aboriginal Reconciliation's discussion paper "Reconciliation Implementation and Framework Agreements Legislation."

In that document we recorded our strong view that we had an important role to play in the reconciliation process. We made clear our support for the two reconciliation documents put forward by the Council for Aboriginal Reconciliation "Corroboree 2000 – Towards Reconciliation" and "The Roadmap for Reconciliation".

We strongly argued that the Government's abandonment of the policy of self determination to one of self empowerment represented a particularly bleak turn of events in terms of national reconciliation. Hand in hand with the policy of self empowerment was a focus by the government on measures to redress disadvantage suffered by Indigenous Australians in the areas of health, education, housing and employment etc. Essentially, what are matters of basic human rights rightly expected by all in the Australian community had thus become the basis for a de facto policy on national reconciliation by the government.

We also gave support to the concept of a Treaty with the Aboriginal and Torres Strait Island nations of Australia as the first peoples of this country which recognises their indigenous rights, their custodial relationship with the land and sea and their rights to self-determination – and that such a Treaty should form part of legislation.

But this issue of Treaty is not an easy one – many in the conference have spoken of the difficult political and legal questions which need to be tackled and that is the case even if we have a government of good will – which we don't.

Nevertheless, Mabo was a great landmark decision in this country's legal history. The ensuing Native Title legislation and decisions from the Courts have fallen far short of expectations, cost millions of dollars and left Aboriginal people disheartened and disillusioned. But there would be no one who would say that Eddie Mabo should never have taken his claim to the High Court and that they wish that decision had never come down.

The same can be said about Treaty. It may, in the end, fall short of what is wanted. But your history tells you that you have won rights only when you have claimed them and struggled for them. When you have asked for nothing, you have got even less.

If Aboriginal and Torres Strait Island peoples believe that their interests and rights and responsibilities can and should be acknowledged in a Treaty, and this has broad support from your communities, then the very act of taking this forward is a positive and empowering one. It is a statement of claim for recognition and rights, a reclaiming of pride and dignity, a demand for respect as the rightful owners of the land. It asserts rights for an equal and mutual relationship. The key is how you go about educating the community about this and even more important will be the implementation process.

It is around this matter of equality and mutuality of relationship that we believe exists the fundamental struggle of reconciliation and the most important “unfinished business” - that of the **status of the relationship** between Indigenous and non Indigenous Australians.

Despite Mabo, the ongoing failure by the present government (supported by many in the Australian community) to recognise Aboriginal and Torres Strait Islanders as Australia’s original traditional land owners and the rights which go with this and to recognise their unique status as the First Nations in Australia and their right to self determination means that there is a continuing lack of mutuality in the relationship between Indigenous and non Indigenous Australians.

Government comes to the table with a mind set which says *“it’s your problem – but we have the answers for you – we know what is best for you – we have some money for you, but do it our way and on our terms”* - and let me say that often you have not been at the table when they have said this. While this is the case, the matters of “unfinished business” as discussed on the first day of this conference – the need for major improvements in health, education and employment; the place of traditional law; the problems with substance abuse and family violence; the continuing high levels of incarceration and deaths in custody to name a few – will remain contentious, difficult to settle and an impediment to a robust and respectful relationship which is the basis of true reconciliation.

Our Union argues that the Aboriginal and Torres Strait Island nations should have the right as the First Nations and as equal parties in the process, to negotiate directly, the issues which remain unresolved in the national reconciliation agenda and also their blueprint for their futures. On both sides -

- There must be a bone fide intent to negotiate in good faith
- A respect for the rights of all parties
- The means to negotiate with authority and a mandate from respective constituencies
- A process for ongoing engagement and report back to constituencies to ensure constructive public debate and support
- And money and resources to allow the process to work on an equal basis. The Aboriginal community has got to have access to resources.

Prior to coming to this Conference, I was in Fiji for a meeting of the Council of Pacific Education, (COPE) the peak body of Pacific education unions, with 18 affiliates. As part of that conference, delegates participated in a conversation on rethinking Pacific education. The keynote speaker's address considered current research which showed that despite over 30 years of extensive educational reform and heavy investment by Pacific governments and donor agencies in educational development, the quality of primary and secondary education in the region had continued to drop and schools were judged ineffective and needed urgent improvement.

It was noted that the factors which contributed to this failure included issues of quality, access, equity, inefficient leadership and management, lack of political commitment, inadequate human and material resources, poorly qualified teachers, inadequacy of data, information and research, irrelevant and inappropriate curricula etc.

But 2 other key issues which contribute to these serious findings were noted in the address:

The first related to a lack of ownership by Pacific peoples of the formal education process. Schooling has remained an alien place and an alien process, viewed by many Pacific people as something

imposed from outside, an instrument designed to fail, exclude and marginalise the majority and therefore is irrelevant and meaningless to their way of life.

The second issue was the lack of a clearly articulated vision and philosophy of education for Pacific peoples that could inform both development as well as education, assuming that education is the key instrument in achieving national visions and development goals. Pacific education goals and visions have tended to be defined mainly by external sources (often the missionaries from colonial powers, or more recently, Australia) as they always have been since the introduction of formal education in the 19th century.

I believe that what I have just recounted in relation to the Pacific is relevant to the experience of Aboriginal young people and their experience of schooling. In fact, I think that it is also the experience for many non Aboriginal young people – and so I would say that for Aboriginal students, there is a double jeopardy.

Perhaps the most telling statistic provided on the day was this - of the Fijian families who started their children in preschool in 2002, only 12% would finish school.

The statistics for Indigenous Australian children are equally unacceptable. The ABS statistics tell us that retention rates for year 12 in 2001 were 36.2% for Indigenous students and 74.5% for non Indigenous students; for year 10 it was 86% for Indigenous students and 98.2% non Indigenous students. This is unacceptable. (note that these are retention rates not participation rates).

The educators at the COPE conference argued the need to rethink education in a way which allows Pacific peoples to have a greater say in the education process for inclusion of a Pacific vision for education. The kinds of things which were talked about as part of that vision included:

- the survival of Pacific cultures
- the sustainability of Pacific societies and peoples
- the capacity for education to transform Pacific societies but also to hold them together in the face of the great pressures of IMF and World Bank policies and globalisation
- knowledge of the human rights underpinning a democratic society and their meshing with traditional cultural values and traditions
- issues of governance etc

It is the vision of education grounded in the values of Pacific cultures and societies and not those of the new colonialists – the market, the IMF, the World Bank, Australia etc – which also provide for the adoption of borrowed aspects or learnings from other places which complement this fundamental values framework and vision.

I think there are parallels to be drawn for Indigenous Australians in relation to the conversation which the teachers from the Pacific teacher unions were engaged in. And possibly this suggests the direction that a Treaty could go in relation to Indigenous education.

The Treaty process is where the new power relationship exists – the parties are at the table as equals to consider what is needed in relation to Indigenous education. What do you want? What is your vision?

It also provides the opportunity to redefine the paradigm. Much of the commentary focuses on Aboriginal disadvantage and poor educational outcomes for Aboriginal students – low attendance, participation and retention and poorer achievement levels. While such a focus is understandable, it sustains a paradigm which says that the problem lies with the Indigenous community – and keeps attention off us – it's a deficit model, a mind-set which argues that you have (or are) the problem and that we have the answers. Yet I have to say, despite many dollars, many projects and a lot of research and policy, our answers don't seem right. We at least don't have the results. There has to be mutual responsibility taken.

Perhaps the collaborative effort which a Treaty process requires would bring a different paradigm – one more grounded in values and culture that is owned by and is more in tune with the Aboriginal communities it serves. It might also be required to recognise that there has been a strong educative system and process within Indigenous communities for thousands of years – on your medicine and health, your language and stories, your spiritual belief systems, your kinship structures, your land ownership systems, your hunting and fishing skills, your dance, your technological achievements, your systems of government, and your use of resources in harmony with the environment - all ingredients of what we call a civilization. There is now recognition of the existence of a body of knowledge in Aboriginal societies which is regarded as an academic discipline in its own right.

I draw your attention to the current \$50 note - something which we handle in our everyday lives. Yet, how many of us know that the thoughtful face on one side of the note is that of David Unaipon - an Aboriginal man. He is quoted *"As a full blooded member of my race I think I may claim to be the first - but I hope, not the last - to produce an enduring record of our culture , beliefs and imagining"* He is noted for his engineering achievements. But I draw your attention to the fact that his statement makes no mention of the artifacts derived from engineering knowledge and skill, rather it is grounded in a statement about his culture.

I believe that it is important to support the recommendation of Lester-Irabinna Rigney who has called for the establishment a National Institute of Indigenous Languages. I also believe that Aboriginal Studies should be part of the core curriculum so that no longer do generations of Australian students move through their schooling experience without learning about the history and culture of the First Nations of this country and I intend to seek the support for this to be formal policy at the forthcoming IEU Executive.

There are choices to be made and questions to be asked such as what are the purposes of schooling? How do we prepare all students to be successful members of their societies? How do we ensure that most children succeed in school? Many Indigenous children are learning in a foreign language – how can we ensure that the advantages to learning in their indigenous languages are maintained and enhanced and used as a foundation for teaching and learning in English or another language? How can education take more account of parents' and community aspirations? How can we ensure that there are more Indigenous teachers and support staff teaching our children? How can we ensure that education is affordable by all?

The process of working out the right questions and determining what is the right way forward as a community, to me, represents taking control – taking up the challenge and responsibility of self determination. It would provide the opportunity for the future direction of Aboriginal education to be primarily a responsibility of Aboriginal people.

As part of the discussion about a Treaty for Australia's Indigenous nations, I would also like to talk about some aspects of the New Zealand situation and in so doing refer the conference to a paper entitled "A Framework for Considering Maori Educational Advancement" by Mason Durie of the School of Maori Studies, Massey University. I think it is an exciting paper because it asserts so confidently the legitimate and rightful place of Indigenous Maori education within the policy frameworks of the country and sets out the goals of education for Maori children.

In New Zealand, the Treaty of Waitangi confers an equal status of Maori with Pakeha. Maori is valued. Children come into the classroom with all the gifts of Maori culture. The core business of government is education and a key stakeholder is Maori. Maori language is an official language – and this has broken Pakeha dominance - for when students are taught only in Pakeha, it is only from this perspective that learning occurs.

The New Zealand teacher unions strengthen this educational culture:

Industrial contracts negotiated with government contain within them clauses confirming the use of Maori language in the classroom; Maori immersion language classes; the administration of Maori education requires a minimum % of Maori employees; the compulsory teaching of Maori; developing competencies of teachers in Maori; new staffing rates of 1:15 by 2006.

80% of students are in mainstream schools, 20 % in Maori schools.

There is an energy and commitment and a sense that Maori have some power and can make a difference. I think much of this is derived from the conferred authority of the Waitangi Treaty.

In closing I would like to talk about the Partnership Agreement which the IEU and ATSIC are looking to sign in the near future. A draft document is now before the 2 parties based on discussions between ATSIC and the IEU. While we had hoped to be in a position to sign the document at this conference, it must wait as ATSIC is in caretaker mode because of its elections.

ATSIC and the IEU believe there is symbolic significance in building a base of strategic alliances/partnerships between the peak representative organisation for Indigenous peoples and other community and representative organisations. This has been attested to by a number of speakers. Such a base can give authority and legitimacy to the negotiations at government levels for framework Agreements and to building understanding within the community for a Treaty, the aim of which is to provide formal protection of inherent Indigenous rights.

Apart from the important symbolism, it provides an opportunity for the organisations to detail practical strategies to address the significant disadvantage experienced by Aboriginal and Torres Strait Islander peoples.

For example some of the provisions in the draft document at this point commit the parties to using their influence and authority in relation to the following issues:

- the provision of cross cultural professional development and the promotion of the use of resources and teaching strategies which are culturally appropriate and inclusive of Indigenous perspectives.
- to achieve improved access for Indigenous people to training and employment, particularly in the education industry. Such employment provides the opportunity for Indigenous educators to be mentors and role models to non Indigenous teachers and support staff (and vice versa), to

encourage and support Indigenous students through the schooling process and to do important liaising between the school and the community.

- as part of the negotiations for new industrial Agreements for Catholic and Independent schools to achieve security of entitlements for Indigenous staff (particularly for those who have been employed under ongoing contracts for many years without guaranteed permanency on the basis of funding arrangements)

The IEU looks forward to working with ATSIC on this endeavour and to celebrating the partnership towards the end of the year.

I want to say how much I have enjoyed this conference. The concept of Treaty will be a great challenge to the Australian community – but if the ideas and the knowledge and collective wisdom which have contributed to this forum are an indication of what the process of talking about and debating Treaty might bring, then I believe we will be a more enlightened community in the process. I thank you.

Lynne Rolley
IEUA Federal Secretary
29th August, 2002