

**Submission to
Senate Employment, Workplace Relations and Education Committee Inquiry
into
Provisions of the Indigenous Education (Targeted Assistance) Amendment Bill
2005**

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Background

I make this submission as a non-Indigenous educator and researcher with significant experience teaching and undertaking research in the area of Indigenous adult and vocational education and training. To declare my interest at the outset, I have both taught and undertaken research in partnership with some of the colleges named in the inquiry's terms of reference, namely Tranby and the Institute for Aboriginal Development; and I was employed by the Federation of Independent Aboriginal Education Providers in 1997 and 1998, as a researcher and policy adviser. Since 2002, I have been a Senior Lecturer with the University of New England, where I maintain an active research agenda in Indigenous adult and vocational education and training policy and practice. My most recent relevant work includes the jointly-authored Phase One Report of the Mid-Term Evaluation of Partners in a Learning Culture. Blueprint for Implementation¹, a study coordinated and led by the National Centre for Vocational Education Research (NCVER) (Boughton et al 2004). I was also an invited speaker at MCEETYA's Forum on Indigenous Education, in Canberra in May this year (Boughton 2005).

Issues and concerns

My submission seeks to bring to the attention of the Committee a number of issues and concerns in relation to the proposal to alter the funding arrangements under the Indigenous Education (Targeted Assistance) Act.

Self determination

The central issue is the question of Indigenous peoples rights in relation to education, including the right of self-determination in education. Despite the apparent 'fall from favour' of rights-based approaches to Indigenous peoples' development among some public commentators, international best practice rarely strays far from the basic tenets enunciated in documents such as the United Nations Draft Declaration on the Rights of Indigenous Peoples, and the 'Coolangatta Statement' on Indigenous peoples education rights. I would urge the Senate to satisfy itself that changes to this legislation do not diminish in any way the capacity of Indigenous peoples in Australia to exercise those rights. This is particularly important in relation to the providers mentioned, because they remain among the very few educational institutions in Australia to maintain a high level of Indigenous self-determination, from the level of overall ownership and control, down to the design and development of programs, the classroom pedagogy, and the learning experiences of students. It was for this reason that they were singled out for special recognition and support in the Royal Commission into Aboriginal Deaths in Custody, the 1994 Commonwealth Review of

¹ *Partners in a Learning Culture* (2001-2005) was a five year national strategy to improve Indigenous peoples outcomes from vocational education and training.

Aboriginal Education, and a number of academic studies (e.g. Schwab 1996); and the Senate's own Inquiries in recent years e.g. *Beyond Cinderella*. This widespread recognition of their key role was the reason why their funding was 'quarantined' in the original Aboriginal Education (Supplementary Assistance) Act, of which the current Act is a descendant, and which appropriated the Commonwealth's contribution to the achievement of the goals of the National Aboriginal and Torres Strait Islander Education Policy. For a full explication of the relationship between education and self-determination, may I refer the Committee to two research reports in which I was involved, namely:-

Federation of Independent Aboriginal Education Providers. (1997a). *Education for Self-Determination. A Review of the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody in relation to Aboriginal Community-Controlled Adult Education*. Canberra: AIATSIS.

Federation of Independent Aboriginal Education Providers. (1997b). *Best Practice and Benchmarking in Aboriginal Community-Controlled Adult Education*. Brisbane: Australian National Training Authority (ANTA).

A copy of the second of these accompanies this submission.

What Works

The research evidence is clear, both in Australia and internationally, that the capacity of Indigenous peoples to exercise their rights of self-determination in education is closely associated with improvements in the actual outcomes they experience from education. Put simply, Indigenous-controlled education works. My own research with Deborah Durnan into the performance of the independent providers in 1999 showed students within these colleges were achieving better outcomes than were being achieved in the mainstream TAFE institutes, by both Indigenous and non-Indigenous students (Durnan & Boughton 1999). This study has since been confirmed in national data collected through the AVETMISS system and the IESIP reporting mechanisms. I refer the Committee in particular to the Australian Government's own National Report to Parliament on Indigenous education and Training, in 2001, 2002, and 2003, where the above-average performance of the 'independents' is acknowledged.

If, as it appears, the effect of the proposed changes is to remove from the independents their own earmarked funding, and force them to compete for it against better-resourced providers in national and state systems, this will reduce the time available to them to continue to deliver the outcomes they have been doing; and so, in the process, undermine the capacity of Commonwealth and State governments to deliver on the key objectives of their own policies in relation to Indigenous vocational education and training. I am relying for my evidence that they now have to compete for their funding on the Bills Digest available on the Parliamentary website:

The four providers will now be required to compete for funding in a joint funding pool under the proposed new Commonwealth State funding agreement provided through the Skilling Australia's Workforce Bill 2005 (p. 3)

Given that MCEETYA has only just reconfirmed its commitment to Indigenous education at its May 2005 meeting, this would seem to be a case of legislation threatening to undermine agreed national policy objectives. Surely, the onus should be on the proponents of the legislation to argue why the status quo should be changed; and how this will *not* result in a decline in Indigenous VET outcomes.

Equity

The fact that the stated purpose of the Bill is primarily to “appropriate additional funding to provide indigenous students from remote communities with tutorial support in their first year of schooling.” should not disguise the negative affect of its secondary purpose, to de-fund the independents. Overall, it should be noted, even with the new appropriation for tutorial support, the purpose is to reduce the total appropriation under the Act. If one group of students is to benefit, where is the logic in that being achieved through disadvantaging another group of students who are equally in need of assistance? Why, in fact, was it necessary to create any linkage between the two policy changes? At the very least, an equity impact statement should accompany such proposals, showing that no Indigenous student or community would be further disadvantaged by the proposed changes.

My reading of the Skilling Australia’s Workforce Bill 2005, into which the Independent’s appropriation will be absorbed, was unable to uncover any specific mention of this money, which led me to conclude that this was, in effect, a package of legislation which would de-fund the ‘Independents.’ In the absence of any evidence as to how this will improve Indigenous outcomes from vocational education and training – the agreed policy objectives of all governments, State/Territory and Commonwealth – then one would expect that the appropriation would be ‘quarantined’ for the continued purpose of providing the Independents with the money they need to continue delivering the outcomes they do.

Consultation

The history of Indigenous education policy in Australia is littered with examples of failed policies and programs, not the least reason for which is the continued inability of people in decision-making roles to take advice from the people most affected by their policies. In the last three decades, the level of advice and consultation, even negotiation, that has been encouraged and supported in relation to education has tended to increase. In Indigenous vocational education and training, for example, the Australian National Training Authority took advice from the Australian Indigenous Training Advisory Council (AITAC), which included many experienced Indigenous educationalists. While AITAC also appears to have been disbanded with the demise of ANTA, I would urge the Committee and the Commonwealth to seek advice from the Indigenous educationalists who were previously members of AITAC as to their views on the prosed changes, if they have not already been provided.

My understanding, also, is the DEST has been engaged in a long negotiation with the Independents over ways to regularise and secure their funding, at least since 2000. There was also, I understand, a review undertaken to investigate options, a review in which the Independents views were sought, and which recommended a joint Commonwealth-State funding model (Commonwealth of Australia 2003). I would urge the Committee to consider the outcomes from this review, and any submissions made to it by the Independents, before concluding that the legislation passes this most basic test, of having been discussed with those who will be most affected by its passing.

Conclusion

The material presented above notwithstanding, the Indigenous Education (Targeted Assistance) Act has not proved in its previous incarnations to be the most efficient

and effective means of providing ongoing funding to the Independents. This is because the Act was initially designed to provide supplementary funding to institutions who derived their core funding from other appropriations, and often from other levels and functional areas of government. The aim of any change should be to secure stable sustainable core funding for independent community-controlled Indigenous education providers, so they can continue their outstanding work without having constantly to waste scarce resources re-establishing their basic right to provide a legitimate and appropriate education to their people. Fundamentally, this is a matter of choice. The existence of the Independents makes it possible for people to choose this form of education. It does not mandate it, and, in the scheme of things, it costs very little to provide this choice, relative to the overall expenditure on adult and vocational education for Indigenous people. Moreover, because these providers have demonstrated a capacity to succeed where mainstream providers often fail, the 'downstream' savings to the community are considerable. It should also be noted that the Commonwealth, through the States, has only recently funded a major capital works program upgrading facilities at the colleges named in the Inquiry. One wonders at the logic of expending millions of dollars on buildings, only to withdraw the operational funds which allow successful education and training programs to run inside those same buildings.

By raising the concerns I have, and by pointing members of the Committee to other sources of evidence and advice, I hope I have assisted with your deliberations. I would be more than happy to answer any questions on this submission at any time and place you nominate.

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July 20, 2005

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