



# Victorian Aboriginal Legal Service Co-operative Ltd.

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**VALS submission to the Minister for Education Science and Training in response to the Menzies Research Centre Report titled 'Aboriginal Education: Remote Schools and the Real Economy' – sent 26 September 2006**

*They never voluntarily surrendered their culture and, indeed, fought tooth and nail to preserve it, throughout dispossession, protection, assimilation, integration. In their own words, they survived and their culture survived; in different forms and to different degrees in different parts of the country as a result of different experiences. They have the right to retain that culture, and that identity. Self-determination is both the expression and the guarantee of that right (Royal Commission into Aboriginal Deaths in Custody, Volume 1, para 1.7.21).*

## INTRODUCTION

The finding of the Report by Menzies Research Centre, titled 'Aboriginal Education: Remote Schools and the Real Economy' (Report), that Aboriginal children should not be taught their culture in schools, causes great concern to the Indigenous Australian community. The prospect of the Commonwealth Government using the Report to frame education policy, as indicated in the media (Nassim Khadem 'Stop Aboriginal culture lessons, report says' *The Age* 30 May 2006, p 1 & 6), causes even more concern. The Victorian Aboriginal Legal Service Co-operative Limited (VALS) urges the Government not to adopt the findings of the Report on the basis of:

- the Indigenous Australian perspective outlined below highlighting arguments against an assimilation mentality;
- The fact that adoption of the Report will represent a significant step backwards in Government policy which is currently progressive in recognising the need for culturally inclusive curricula.

VALS is extremely disappointed in the Report finding that Indigenous Australian culture should not be taught in remote schools. VALS argues that the finding is reflective of an assimilation agenda (ie: turning Indigenous Australians into non-Indigenous Australians) and not surprising given the background behind the Report:

- The Report is sponsored by Woodside, Australia's largest publicly traded oil and gas exploration and production company. VALS questions the reliability of the Report in light of the possibility that Woodside has a vested interest in procuring land that remote communities are currently practicing their culture on. The following perspectives of the Report, which point to the closing down of remote communities, may be appealing to Woodside:

- “Government operate as if these communities are permanent, and so they continue turning out new generations of candidates for failure”.<sup>1</sup>
  - An “essential truth” is that “to access quality education, students may need to leave their communities”.<sup>2</sup>
  - “Economically, remote communities do not have good prospects of survival”.<sup>3</sup> They are “artificial economies that rely entirely on government payments and services and provide little independent economic activity”.<sup>4</sup>
  - “The Indigenous Sector is a creation of government, not Aboriginal society and is not sustainable.”<sup>5</sup>
- The author of the Report, Gary Johns, is also the President of the Bennelong Society which advocates assimilation policies or monoculturalism apparent from the following:<sup>6</sup>
    - The naming of the Bennelong Society after the supposed first Indigenous Australian assimilated into non-Indigenous Australian society, Woollarawarre Bennelong, glorifies White Australia Policy. Governor Phillip ordered that Bennelong be forcibly removed from his culture by means of kidnapping. The naming of the Bennelong Society is symbolic of the fact that Bennelong is prisoner to the non-Indigenous Australian agenda of assimilation to this day. According to the Royal Commission into Aboriginal Deaths in Custody (RCIADIC 1991), in reference to assimilation policy: “[e]very step of the way is based upon an assumption of superiority and every new step is a further entrenchment of that assumption.”<sup>7</sup> Also, according to Patrick Dodson, Aborigines are again becoming assimilated into the mainstream under the new rules of economic rationalism.<sup>8</sup> For instance, the Report states: “education is essentially an instrument in economic integration and that many remote communities are not viable.”<sup>9</sup> Johns is also a senior consultant with ACIL

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<sup>1</sup> Johns Gary ‘Aboriginal Education: Remote Schools and the Real Economy’ (Menzie’s Research Centre) May 2006, p 7.

<sup>2</sup> Johns Gary (2006) above n 1, p 17.

<sup>3</sup> Johns Gary (2006) above n 1, p 19.

<sup>4</sup> Johns Gary (2006) above n 1, p 18.

<sup>5</sup> Johns Gary (2006) above n 1, p 20.

<sup>6</sup> Dodson Patrick ‘Short-term fix demeans nation’ The Australian 26 May 2006 as at <http://www.theaustralian.news.com.au/printpage/0,5942,19255931,00.html>

<sup>7</sup> Royal Commission into Aboriginal Deaths in Custody National Report (1991), Volume 1, paragraph 1.4.9 as at <http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/rciadic/index.html>

<sup>8</sup> Dodson Patrick ‘The Role of Education in Reconciliation’ The Samuel Alexander Lecture, 18 May 2006, p.6 as at <http://www.wesleycollege.net/v3/app1/files/Samuel%20Alexander%20Lecture%20May06.pdf>

<sup>9</sup> Johns Gary (2006) above n 1,4

Tasman Pty Ltd, an economic consulting practice providing economic, policy and strategic analysis and advice.<sup>10</sup>

The naming of the Bennelong Society goes beyond tokenism<sup>11</sup> and is deliberate deception as it creates the illusion that the Bennelong Society is an authority on Indigenous Australian issues and supported by the Indigenous Australian community. Whilst some Indigenous Australians are members of the Bennelong Society, many Indigenous Australians do not support the Bennelong Society, the Report or the assimilation agenda for the following reasons:

- The name of the Bennelong Society is hideous and insulting to Indigenous Australians given the origin of the name outlined above. According to Johns a major problem is amongst other things elements of culture which “are not conducive to western education or used as an excuse to not comply with the discipline of western education”.<sup>12</sup>
- The assimilation agenda is white supremacist and paternalistic nonsense trading under an Aboriginal name. To use the language of Johns or Minister Mal Brough (Minister for Families, Community Services and Indigenous Affairs speaking in the context of customary law defences) the assimilationist agenda often hides behind a ‘cultural curtain’<sup>13</sup> or ‘thin veneer’<sup>14</sup> of Aboriginal culture. Ironically, often assimilation policies use Indigenous Australian culture, or in this case an individual, as a front for non-Indigenous Australians aspirations. Dressing assimilation minded policies up in Aboriginal culture is equivalent to a wolf dressing up in a sheep skin. As a result assimilation minded policies penetrate white Australian’s consciousness as it slips under their guard. Contrary to Johns’ opinion, there are not two types of paternalism (enabling and disabling). Paternalism is only disabling because it is based on white supremacy.<sup>15</sup>
- As alluded to above, the assimilation agenda contains double standards and contradictions when it uses Indigenous Australian culture on non-Indigenous Australian terms. On the one hand, Johns, as President of the Bennelong Society, uses Indigenous Australian culture to pursue an assimilation mentality. It is a

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<sup>10</sup> <http://www.aciltasman.com.au/>

<sup>11</sup> Tokenism is defined in the dictionary as: “[t]he policy of making only a perfunctory effort or symbolic gesture toward the accomplishment of a goal, such as racial integration. It is also: “[t]he practice of hiring or appointing a token number of people from underrepresented groups in order to deflect criticism or comply with affirmative action rules. The source of the above is <http://dictionary.reference.com/search?q=tokenism>

<sup>12</sup> Johns Gary (2006) above n 1, p 6.

<sup>13</sup> Johns, Gary ‘Why Aboriginal children Must attend school’ The Australian (Opinion) 30 May 2006 As at <http://www.theaustralian.news.com.au/story/0,20876,19296877-7583,00.html>

<sup>14</sup> Kirk Alexandra ‘Brough seeks solution to violence in Indigenous communities’ ABC Local Radio Transcript as at <http://www.abc.net.au/am/content/2006/s1639260.htm>

<sup>15</sup> Johns, Gary (2006) above n 13

contradiction that the name of an Indigenous Australian is taken by the Bennelong Society, but at the same time the assimilation mentality of the Bennelong Society demonises or dehumanises Indigenous Australian culture. The appropriation of Indigenous Australian culture and re-writing of Australian history, on white man's terms may lead cynics to not even flinch if the boomerang is re-named an airborne fighting stick. The ABC Chaser Program has highlighted the logical trajectory of this way of thinking by using the following fictional headline: Windshuttle's new book reveals Cathy Freeman never won a gold medal. Frustration at double standards, in the context of the debate about customary law defence, is apparent in the words of ANU Centre for Aboriginal Economic Policy Research director Jon Altman: "We've got this new political correctness that wants to blame Aboriginal custom for everything that's going wrong... [b]ut give us a break. If that custom results in beautiful Aboriginal art we think it's terrific."<sup>16</sup>

- The demonisation of Indigenous Australian culture by the assimilation agenda is a vicious cycle. The demonisation of Aboriginal culture by Johns is apparent in the following:
  - “[t]oo often, educators continue to defer to Aboriginal culture, without recognising that Aboriginal culture is the problem”.<sup>17</sup> Also, children who are missing school because of environmental factors should be removed from the care of their family.<sup>18</sup>
  - “Policies which continue to treat Aboriginal culture differently, or play the cultural relativism game, will consign another generation of Aboriginal children to failure”.<sup>19</sup>
  - Johns uses Chris Sarra's (Principal of a school)\_experience (ie: cultural and social complexities make a convenient smokescreen for an under-performing child) as evidence of culture being an obstacle to education.<sup>20</sup> On the other hand, one important reason that Sarra succeeded in his school is that he enlisted the support of the parents (see discussion of social capital below and on page 14).
- The demonisation of Indigenous Australian culture is a result of a failure to value anything different to non-Indigenous Australian culture and in turn results in:
  - The destruction of Indigenous Australian social capital which in fact highlights the need to protect Aboriginal culture by teaching it in the classroom (see discussion of social capital on page 14).

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<sup>16</sup> Karvelas Patricia, 'Neglect to blame, not the culture' The Australian May 19, 2006 as at <http://www.theaustralian.news.com.au/story/0,20867,19185340-2702,00.html>

<sup>17</sup> Johns Gary (2006) above n 1, p 20.

<sup>18</sup> Johns Gary (2006) above n 1, p 26.

<sup>19</sup> Ibid.

<sup>20</sup> Johns Gary (2006) above n 1, p 5

- Indigenous Australians being herded off Indigenous Australian land because remote communities are perceived to not be economically viable. Indigenous Australians will be starved from the land by the drying up of Community Development Employment Program (CDEP) funds which Johns seems to advocate.
  - VALS is extremely concerned about Johns' agenda to undermine CDEP, especially in light of Welfare to Work reforms. VALS is concerned that this issue is being overshadowed by outrage at removing Aboriginal culture from schools. The danger to Indigenous Australian communities as a result of threats to CDEP and Indigenous Australian culture is significant. CDEP plays a vital role in harnessing social capital, valuing Indigenous Australian culture and enabling Indigenous Australian communities and the Indigenous Australian sector to function and grow in strength. CDEP should not be watered down simply because it cannot be tolerated by some who prefer quick fixes and criticize CDEP as only a stepping stone for Indigenous Australians to economic security.
- The overlooking of the responsibility of the Australian Government to address Indigenous Australian disadvantage and the blaming of individuals or culture (ie: scapegoating) is an easy option. Such scapegoating has the potential to result in escalation of problems faced by Indigenous Australians and further sensationalist media reporting. According to Tom Calma (Aboriginal and Torres Strait Islander Social Justice Commissioner) “[a]s Indigenous peoples, we are letting governments off the hook at the moment. It is easy for them to ignore our plight and to blame us for the poverty and dysfunction that many of our peoples endure”.<sup>21</sup> Calma continues: “Indigenous affairs seem to have become a series of anniversaries operating as an annual reminder of the unfulfilled promises and commitments of governments”.<sup>22</sup>
- The Government being criticised for the costs of assimilation policies that result in a radical resettlement of Indigenous Australians. The Government was (and continues to be) criticised for the legacy of the resettlement of Indigenous Australians to missions and reserves during the last century (ie: dispossession). The absence of thought about what needs

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<sup>21</sup> Calma Tom, ‘From rhetoric to reconciliation - Addressing the challenge of equality for Aboriginal and Torres Strait Islander peoples in criminal justice processes’ The Elliott Johnston Tribute Lecture 23 May 2006 as at [http://www.hreoc.gov.au/speeches/social\\_justice/reconciliation20060523.html](http://www.hreoc.gov.au/speeches/social_justice/reconciliation20060523.html)

<sup>22</sup> Ibid

to be in place in order to enable a radical resettlement plan of Indigenous Australians will mean that mistakes of the past will be repeated.

- VALS argues that from an economic standpoint an assimilation agenda is not economically viable. The assimilation agenda will place more demand on the resources of the Government. For instance, it may be that a causal connection exists between assimilation policies and Indigenous Australians entering the prison, child protection and mental health systems.
- The perpetuation of negative stereotypes about Indigenous Australians, which in turn has the potential to lead to an increase in racism against Indigenous Australians, including in the class room.<sup>23</sup> This allegation of the Report fueling racism is supported by:
  - Research conducted in the 1990s (Dun), noted in the Racism Monitor Report by Fair Go (2003) that:
    - localised ideologies of racism are the consequence of local histories and socio-economic structures, and these ideologies were affected by the quality of local leadership on race-related questions. VALS argues that the Minister for Education Science and Training should act responsibly in her leadership role and not fuel racism with calls to remove Aboriginal culture from class rooms.<sup>24</sup>
    - “There is some evidence that when external or communal events erupt and are dramatized in the media, levels of hostility and discrimination rise”.<sup>25</sup>
- The further damaging of Indigenous Australian identity and self-esteem which has a causal nexus with, amongst other things, the high suicide rate of Indigenous Australians. Suicide death rates were much higher for Indigenous people (between 12 and 36 per 100 000 people) than other

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<sup>23</sup> Wellmen’s (1977) definition of racism is: “[r]acism can mean culturally sanctioned beliefs which, regardless of the intentions involved, defend the advantages whites have because of the subordinated positions of racial minorities” as cited in King, Joyce E, *Dysconscious Racism: Ideology, Identity and the miseducation of teachers* Journal of Negro Education, Vol. 60, No. 2 (Spring, 1991), p131 as at <http://links.jstor.org/sici?sici=0022-2984%28199121%2960%3A2%3C133%3ADRIAT%3E2.0.CO%3B2-7&size=LARGE>

<sup>24</sup> Browning, Julie and Jakubowicz Professor Andrew, ‘Racism Monitor Report: What Can We Say About Racism In Australia? Fair Go, October 2003 as at <http://www.fairgo.net/reports.html>

<sup>25</sup> Ibid

people (between 11 and 16 per 100 000 people) in 1999–2003.<sup>26</sup> This allegation is supported by:

- Theories of Aboriginal suicidology which note:
  - Aboriginal people are frequently confronted with a ‘negative looking-glass’ from non-Aboriginal society, resulting in considerable insecurity about self and culture (Cooley, 1956, cited in Eckermann et al, 1992).<sup>27</sup>
  - Programs that connect young Indigenous people with their traditional culture and spirituality have been highlighted as important in suicide prevention (National Advisory Council on Youth Suicide Prevention, 1998).<sup>28</sup>
- Research that the infliction of violence and abuse of Indigenous Australian culture in a culture war has the potential to result in the further erosion of Indigenous Australian culture (the erosion of Aboriginal culture is noted in the RCIADIC Volume 1 paragraph 14.4.44). Today, assimilation policies are less overt than prohibiting the practice of Indigenous Australian culture outright (ie: an occurrence on missions and reserves), but creep into the subconscious of Indigenous and non-Indigenous Australians alike. Assimilation policies white-wash Indigenous Australian culture by brainwashing Indigenous Australians into thinking they need to make a choice between Indigenous Australian culture and non-Indigenous Australian culture as the two cannot co-exist. The above is eloquently articulated by Muriel Bamblet (CEO of the Victorian Aboriginal Child Care Agency and Chairperson of the Secretariat of National Aboriginal and Islander Child Care):
  - “[i]magine how you would feel if every time you opened the newspaper your culture was denigrated and attacked. Imagine how you would respond if your self-esteem was constantly maimed and abused. When I read attacks on my Aboriginal culture, my soul is sickened at the very root. When the culture of a people is ignored, denigrated or, worse, intentionally attacked, it is cultural abuse. It is abuse because it strikes at the very identity of the people aimed

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<sup>26</sup> Steering Committee for the Review of Government Service Provision ‘Overcoming Indigenous Disadvantage Key Indicators 2005 Report’, p 3.14 Productivity Commission as at <http://www.pc.gov.au>

<sup>27</sup> Elliott-Farrelly Terri ‘Australian Aboriginal suicide: The need for an Aboriginal suicidology?’ Illawarra Aboriginal Medical Service, Wollongong, New South Wales, Australia as cited in Australian e-Journal for the Advancement of Mental Health (AeJAMH), Volume 3, Issue 3, 2004, p 5

<sup>28</sup> Elliott-Farrelly Terri (2004) above n 27, p 6

at; it attacks their sense of self, it attacks their connectedness to their family and community.<sup>29</sup>

- Given that assimilation policies inflict such violent abuse on Indigenous Australian culture VALS cannot agree with the description of the Report by Julian Leeser, Executive Director of the Menzies Research Centre: the Report "...moves the debate (re: customary law) beyond violence and lawlessness and asks: what future is there for children in remote communities?"<sup>30</sup>
- The future for children in remote communities is grim if culture is no longer taught in schools. Arguably, the erosion of culture as a result of Indigenous Australian's dispossession of the land is an underlying issue that contributes to the over-representation of Indigenous Australians in prison. Support for this notion is found in the:
  - RCIADIC: "the most significant contributing factor (to the over-representation of Indigenous Australians in the criminal justice system) is the disadvantaged and unequal position in which Aboriginal people find themselves in society – socially, economically and culturally".<sup>31</sup>
  - Evidence of the success of camps that target Indigenous Australians at risk of contact with the justice system which re-connect them to culture in terms of preventing criminal offending or reducing recidivism. Cunneen and McDonald (1999) and Keys Young (1999) advocate that successful crime prevention emphasise Aboriginal heritage, culture and law.<sup>32</sup>
  - The success of the Koori Court in reducing recidivism. The Shepparton Koori Court had a recidivism rate of approximately 12.5% for the two years of the pilot program and the

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<sup>29</sup> Bamblett Muriel, 'Culture makes us what we are' The Age 3 June 2006

<sup>30</sup> Menzies Research Centre Ltd Media Release, 'Education Must Prepare Aboriginal Children For A Future Beyond Remote Communities' 29 May 2006

<sup>31</sup> Royal Commission into Aboriginal Deaths in Custody, National Report – Volume 1, op.cit, p15. as in Calma Tom (2006) above n21

<sup>32</sup> Cunneen, Associate Professor Chris The Impact of Crime Prevention on Aboriginal Communities, Institute of Criminology, September 2001 as at [http://www.lawlink.nsw.gov.au/ajac.nsf/51bf77d7793e43184a2565e800280584/5456562c82f0e90aca256d190012c3ed/\\$FILE/Crime+Prevention+in+Aboriginal+Communities.pdf](http://www.lawlink.nsw.gov.au/ajac.nsf/51bf77d7793e43184a2565e800280584/5456562c82f0e90aca256d190012c3ed/$FILE/Crime+Prevention+in+Aboriginal+Communities.pdf)



Broadmeadows Koori Court's re-offending rate was approximately 15.5%. Both of these figures are significantly less than the general level of recidivism which is 29.41%.<sup>33</sup>

- The perpetuation of a failure to act upon available resources, such as Reports (see below), that document the need to learn from mistakes of the past and how to do that in the present and future. This sentiment is expressed by:
  - Calma, “[t]here has been considerable detailed work done on the solutions to Indigenous disadvantage and for the recognition of Indigenous culture, so we can be confident, that with refinement, the elements for success exist. The focus then must be on commitment, priority and action.”<sup>34</sup> In the context of the Report Calma argues: "I encourage the Minister to consider reliable evidence before she makes statements supporting the closure of small remote schools and the withdrawal of Indigenous language and culture studies." <sup>35</sup>
  - Bamblett, “The non-indigenous community appears to be suffering from collective amnesia; read your own reports, particularly the deaths in custody report. Now that there is a vast evidence base that tells us assimilation is demonstrably harmful to my people, any resurgence of assimilation policy is clearly intentionally genocidal. Please stop the abuse of our children's culture; it is killing us, it is genocide”.<sup>36</sup>

Indigenous Australians wish to be aligned with the arguments outlined below and the progressive policy of the Department of Education, Science and Training outlined below. The Government is in danger of going backwards on such policy if it adopts the findings of the Report and VALS urges the Government not to do so.

The following extracts from authoritative and reputable sources highlight:

#### The central role of culture and the need to nurture it

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<sup>33</sup> Harris Mark (Dr) “A Sentencing Conversation” Evaluation of the Koori Courts Pilot Program October 2002 – October 2004 (March 2006), Department of Justice, p8. as at [http://www.justice.vic.gov.au/CA256902000FE154/Lookup/Koori\\_Court\\_Program\\_Evaluation/\\$file/Evaluation\\_of\\_the\\_Koori\\_Courts\\_Pilot\\_Program\\_2002\\_to\\_2004.pdf](http://www.justice.vic.gov.au/CA256902000FE154/Lookup/Koori_Court_Program_Evaluation/$file/Evaluation_of_the_Koori_Courts_Pilot_Program_2002_to_2004.pdf)

<sup>34</sup> Calma Tom, (2006) above n 21

<sup>35</sup> Calma Tom, ‘Minister Bishop ignores her own evidence’ Human Rights and Equal Opportunity Commission Media Release 5 June 2006 as at <http://www.humanrights.gov.au>

<sup>36</sup> Bamblett Muriel (2006) above n 29

- **Tom Calma** (*‘From rhetoric to reconciliation - Addressing the challenge of equality for Aboriginal and Torres Strait Islander peoples in criminal justice processes’* The Elliott Johnston Tribute Lecture 23 May 2006:
  - “[w]e need to ensure that if there are problems existing in our communities that we actively try to address them..... It can be done. It isn’t easy. But one thing that we have from trying is respect for ourselves, for our communities and for our cultures. I don’t think we can underestimate how important these things are. From self respect comes dignity and from dignity comes hope.”<sup>37</sup>
  
- **Patrick Dodson** *‘The Role of Education in Reconciliation’* The Samuel Alexander Lecture, 18 May 2006:
  - “Every gift and every skill of every member of society must be allowed the opportunity to develop and nurture their skills, develop a greater understanding of their social, spiritual and physical environment and to have every contribution recognized as valid and worthy of recognition. This is a fundamental responsibility of every educator and every school, college, university and more critically every government in this country”.<sup>38</sup>
  
- **Member of the Stolen Generation:**
  - I realised later how much I’d missed of my culture and how much I’d been devastated. Up until this point of time I can’t communicate with my family, can’t hold a conversation. I can’t go to my uncle and ask him anything because we don’t have that language ... The Bringing Them Home Report notes that loss of identify has “ramifications for individuals’ well-being and in turn for the well-being of their families”.<sup>39</sup>

VALS argues that the opinions of the above prominent Indigenous Australians about the central role of culture and the need to nurture it should be considered before the Report is endorsed. What is more important than preserving culture is respecting it and allowing it to grow and adapt, rather than considering remote communities a cultural museum. Unfortunately Johns sees culture as preparation for the past, not the future and this is incorrect.<sup>40</sup>

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<sup>37</sup> Calma Tom, (2006) above n 21

<sup>38</sup> Dodson Patrick (2006) above n 8, p.3

<sup>39</sup> Human Rights and Equal Opportunity Commission, ‘Report of the National Inquiry into the separation of Aboriginal and Torres Strait Islander Children and their Families’, Part 3, page 44 as at <http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/hreoc/stolen/part3.rtf>

<sup>40</sup> Johns Gary (2006) above n 1, p 26.

Aboriginal culture is valuable and a key in the education of Indigenous Australians. It has the potential to engage Indigenous Australians in a meaningful way and combat truancy

- Steering Committee for the Review of Government Service Provision ‘Overcoming Indigenous Disadvantage Key Indicators 2005 Report.’
  - One of the Productivity Commission’s key indicators for positive childhood and transition to adulthood are Indigenous cultural studies in school curriculum and involvement of Indigenous people in development and delivery of Indigenous studies.<sup>41</sup>
  - “The inclusion of Indigenous cultural studies in school curricula is widely regarded by both Indigenous and non-Indigenous people) as being an important factor in an Indigenous student’s self-esteem and achievement at school. It is important also in increasing the understanding and acceptance of Indigenous people in the wider community. The participation of Indigenous people in the development and delivery of cultural studies is also regarded as highly desirable.”<sup>42</sup>
  - “Curriculum is one of several factors influencing Indigenous school performance, none of which is sufficient on its own (see Bourke, Rigby and Burden 2000; Harslett *et al.* 1998; and Purdie *et al.* 2000)”<sup>43</sup>
  - “The incorporation of Indigenous studies and Indigenous content in the curriculum makes schooling more relevant to Indigenous students and will lead to better attendance and better educational outcomes for them”.<sup>44</sup>
  - “Teaching Indigenous culture, history and other Indigenous knowledge to non-Indigenous students will help address the racism of some non-Indigenous people that Indigenous people believe is founded on fear and ignorance.”<sup>45</sup>
  - An “aspect as to why Indigenous students have lower retention and completion rates is whether the learning environment is culturally appropriate”.<sup>46</sup>
  - “In SA, a greater recognition and valuing of Indigenous cultures in the South Australian Certificate of Education (SACE) curriculum has been identified as the reason for increasing the number of Indigenous students

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<sup>41</sup> Steering Committee for the Review of Government Service Provision (2005), above n 26, p 2.6

<sup>42</sup> Op cit, p xxxix

<sup>43</sup> Op cit, p 7.2

<sup>44</sup> Ibid

<sup>45</sup> Ibid

<sup>46</sup> Op cit, p3.14

completing their SACE. In 2004, 92 Indigenous students completed their SACE compared with 61 Indigenous students in 2003. This represents an increase in the proportion of completions from 46 per cent in 2003 to 53 per cent in 2004.”<sup>47</sup>

- **Atkinson Geraldine (President of Victorian Aboriginal Education Association) Inculcating pride in young Aborigines’ The Age (Opinion) 1 June 2006.**
  - “Few would argue with the notion that educational attainment is a key to achieving sustainable improvements in the quality of life of Aboriginal Australians. The irresponsible, offensive and selectively interpretative report that the minister has supported flies in the face of all the evidence that tells us that educational outcomes for Aboriginal children are vastly improved in a supportive learning environment that respects the whole individual and our cultural identity...Students who are culturally stronger are socially, emotionally and mentally better equipped for educational attainment....The future for Aboriginal children will improve when indigenous cultures, history and contemporary issues are integral to the curriculum for all students”.<sup>48</sup>
  
- **Department of Education Science and Training, 'What Works' (2000):**
  - “The number one factor that improved school performance was the recognition, acknowledgement and support of culture”.<sup>49</sup>
  
- **Judy Atkinson, (Indigenous Professor of Indigenous Australian Studies at Southern Cross University).**
  - “By building on the resilience of our indigenous cultures, we can develop resilience for our indigenous children. We need to tell our indigenous children they are valued and loved and that their culture is valued and respected. The best protection we can offer any child is to give them a sense of belonging. Culture can provide that sense of belonging and, through it, resilience”.<sup>50</sup>
  
- **Jerry White, Nicholas Spence and Paul Maxim ‘Impacts of Social Capital on Educational attainment in Aboriginal Communities: Lessons from Australia, Canada and New Zealand’**

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<sup>47</sup> op cit, p3.55

<sup>48</sup> Atkinson Geraldine Inculcating pride in young Aborigines’ The Age (Opinion) 1 June 2006.

<sup>49</sup> Calma Tom (2006) above n 36

<sup>50</sup> Bamblett Muriel (2006) above n 29

- Social capital is “...the networks of social relations within the milieu, characterized by specific norms and attitudes that *potentially* enable individuals or groups to access a pool of resources and supports”.<sup>51</sup> Social capital is conceptualised as bonding social capital (intragroup relations), bridging social capital (horizontal intergroup relation and linking social capital (vertical intergroup relations in a society stratified by class, status and power relations).<sup>52</sup> Assimilation is “...a very destructive way of attempting to create linkages”.<sup>53</sup> A culturally unique Maori concept of social capital emphasises extended family relationships as the basis for all other relationships. White, Spence and Maxim, in their paper ‘Impacts of Social Capital on Educational attainment in Aboriginal Communities: Lessons from Australia, Canada and New Zealand’ demonstrate the importance of social capital and wisdom in harnessing it rather than destroying it as is apparent from the following:
  - “...understanding social capital is important in promoting educational attainment. However, it has a moderate influence and rarely acts alone. It influences outcomes of Aboriginal educational attainment in conjunction with other resources (human and economic/physical capital).”<sup>54</sup>
  - Programs, such as Gumala Mirnuwarni (Coming Together to Learn) Program, Western Australia, established in 1997, that are based on social capital are successful. The program is described by White, Spence and Maxim as successful because it attempts “to link family networks, students and schools together using reciprocity mechanisms”.<sup>55</sup>
  - An important aspect of social capital is cultural openness: “the promotion of Aboriginal language, culture, and history strengthens the ties within the community, which builds bonding social capital. This process increases social participation and communication between students and the greater community, which increases the networks and resources available to students.”<sup>56</sup>

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<sup>51</sup> White Jerry, Spence Nicholas and Maxim Paul ‘Impacts of Social Capital on Educational attainment in Aboriginal Communities: Lessons from Australia, Canada and New Zealand’, (2005) p67 as in Policy Research Initiative (Canada) Social Capital in Action: Thematic Policy Studies as a [http://policyresearch.gc.ca/doclib/SC\\_Thematic\\_E.pdf](http://policyresearch.gc.ca/doclib/SC_Thematic_E.pdf)

<sup>52</sup> Ibid

<sup>53</sup> Op cit, p70

<sup>54</sup> op cit p77

<sup>55</sup> op cit p72

<sup>56</sup> op cit p74

- Social capital is a useful tool as "...a better understanding of social capital in an Aboriginal context, and from an Aboriginal perspective, can improve upon the effectiveness of government policies and programming".<sup>57</sup>
- Failure to take existing social capital into consideration "may risk repeating an unsavory historical legacy of damage to the social capital networks that are integral to community well-being", which is apparent by the following example.<sup>58</sup> In Canada "...the movement of the community to a new location led to the destruction of social capital as it broke the ties between elders and the young"...After the relocation, this community spiraled downward as evidence by many social indicators: suicide increased, school non-attendance became endemic, fertility rates declined and rates of illness rose".<sup>59</sup>
- Australians are at risk of damaging the useful tool of social capital as "...Australians have a greater focus on economic development as a necessary condition for improving education attainment. They have not developed an Aboriginal specific view of social capital. Instead, they are generally more skeptical of the concept nothing that the high levels of bonding social capital combined with poor norms around schooling reinforce non-attainment. Australia seeks a more stepwise process to improving educational attainment where the key is community development and improved community capacity."<sup>60</sup>

VALS argues that given the above it is not unreasonable to say that the Report contains self defeating arguments. There is the risk that if the policy not to teach culture in schools is implemented then Indigenous Australians will actually fall out of the education system because of this policy. The policy will fail in enhancing Indigenous Australian educational attainment. As Johns points out those "who leave school early, die early", and given the risk outlined above, the policy should not be implemented.<sup>61</sup> Aboriginal culture is such a valuable and a key in the education of Indigenous Australians. It has the potential to engage Indigenous Australians in a meaningful way and combat truancy.

The lack of understanding of the potential of teaching Aboriginal culture in school by non-Indigenous Australians by people such as Johns is a reason to teach Aboriginal culture in school so people such as him can be enlightened. According to ANTaR (Australians for Native Title and Reconciliation) National Director Gary Highland "The

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<sup>57</sup> Anderson Erik, 'Commentary on Impacts of Social Capital on Educational attainment in Aboriginal Communities: Lessons from Australia, Canada and New Zealand' p81 as in Policy Research Initiative (Canada) Social Capital in Action: Thematic Policy Studies as a [http://policyresearch.gc.ca/doclib/SC\\_Thematic\\_E.pdf](http://policyresearch.gc.ca/doclib/SC_Thematic_E.pdf)

<sup>58</sup> Ibid

<sup>59</sup> White Jerry, Spence Nicholas and Maxim Paul (2005) above n 51, p68

<sup>60</sup> op cit p76

<sup>61</sup> Johns, Gary (2006) above n 13

ignorance displayed in the report is compelling evidence of why more Aboriginal culture and history should be taught in our schools, not less.”<sup>62</sup> Given Johns is an Associate Commissioner of the Productivity Commission he should be aware of the findings of the Steering Committee for the Review of Government Service Provision ‘Overcoming Indigenous Disadvantage Key Indicators 2005 Report’ outlined above.

Unfortunately, Johns despite his interest in economics and capital demonstrates no interest in success stories relating to the impact of social capital on educational attainment but paints a picture of Indigenous Australian culture as a stone age culture. VALS argues that Indigenous Australian social capital is a commodity that should not be undervalued or treated as having stone age characteristics.

A culturally inclusive approach is accepted best practice for Indigenous Australians and this is already recognized in progressive Government documents

- **Senate Committee ‘Katu Kalpa - Report on the inquiry into the effectiveness of education and training programs for Indigenous Australians’, (1999)**
  - The Committee’s position: “... It is fundamental that Indigenous people should have access to the same educational opportunities as all Australians. This includes access to curriculum that is educationally challenging as well as culturally appropriate. It is also axiomatic that good educational practice takes into account the background and needs of the student. There is strong evidence that cultural issues are important for Indigenous people and should be taken into account in curriculum design. There is also evidence that this may have resulted in poor curriculum in the past. Cultural inclusiveness should not be at the expense of academic standards. Consideration of cultural issues should also take into account the level of cultural diversity of the Indigenous population”<sup>63</sup>
  
- **National Report to Parliament on Indigenous Education and Training, 2003**
  - “... the four priority areas of involvement of Indigenous parents and communities in decision making, Indigenous employment, professional development of staff involved in Indigenous education and training and culturally-inclusive curricula have been combined under the heading of Indigenous influence, involvement and presence. Progress in these areas

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<sup>62</sup> Australians for Native Title and Reconciliation (ANTaR) Media Release, ‘Minister Bishop would be crazy to implement Menzies report’ 1 June 2006 as at <http://www.antar.org.au>

<sup>63</sup> Senate Committee ‘Katu Kalpa - Report on the inquiry into the effectiveness of education and training programs for Indigenous Australians’, 1999 Para 4.20 as at [http://www.aph.gov.au/Senate/committee/eet\\_ctte/completed\\_inquiries/1999-02/indiged/report/contents.htm](http://www.aph.gov.au/Senate/committee/eet_ctte/completed_inquiries/1999-02/indiged/report/contents.htm)

contributes to improvements in outcomes for students at all education levels.”<sup>64</sup>

- **National Aboriginal and Torres Strait Islander Education Policy**
  - Policy 2. To increase the number of Aboriginal and Torres Strait Islander people employed as educational administrators, teachers, curriculum advisers, teachers assistants, home-school liaison officers and other education workers, including community people engaged in teaching Aboriginal and Torres Strait Islander culture, history and contemporary society, and Aboriginal and Torres Strait Islander languages.<sup>65</sup>
  - Policy 21. To provide all Australians students with an understanding of and respect for Aboriginal and Torres Strait Islander traditional and contemporary cultures.<sup>66</sup>
- **Australian Government Priorities 2005-2008**
  - Priority 2.2: expanding culturally inclusive curricula.<sup>67</sup>
- **Indigenous Education Programmes Provider Guidelines 2005-2008**
  - Requirement of education providers to report to the Department on outcomes achieved in terms of expanding culturally inclusive curricula.<sup>68</sup>
- **The National Indigenous English Literacy and Numeracy Strategy**
  - “a greater focus on ensuring culturally inclusive approaches to education planning and delivery”.<sup>69</sup>
- **The National Statement of Principles and Standards for More Culturally Inclusive Schooling in the 21st Century (MCEETYA 2000)**

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<sup>64</sup> Brendon Nelson (Minister for Education, Science and Training) National Report to Parliament on Indigenous Education and Training, 2003 pxvi as at [http://www.dest.gov.au/NR/rndonlyres/4F106B10-D53E-4024-8617-FAD2721EF47B/5233/NRP2003\\_part1.pdf](http://www.dest.gov.au/NR/rndonlyres/4F106B10-D53E-4024-8617-FAD2721EF47B/5233/NRP2003_part1.pdf)

<sup>65</sup> Department of Education Science and Training, National Goals for Indigenous Education – Involvement of Aboriginal and Torres Strait Islander people in educational decision-making as at [http://www.dest.gov.au/sectors/indigenous\\_education/policy\\_issues\\_reviews/national\\_goals\\_for\\_indigenous\\_education.htm#Involvement\\_of\\_Aboriginal\\_and\\_Torres\\_Strait\\_Islander\\_people\\_in\\_educational\\_decision-making](http://www.dest.gov.au/sectors/indigenous_education/policy_issues_reviews/national_goals_for_indigenous_education.htm#Involvement_of_Aboriginal_and_Torres_Strait_Islander_people_in_educational_decision-making)

<sup>66</sup> ibid

<sup>67</sup> The Australian Government Priorities 2005-2008 as at <http://www.dest.gov.au>

<sup>68</sup> Indigenous education Programmes Provider guidelines 2005-2008 as at <http://www.dest.gov.au/nr/rndonlyres/0d159d58-268c-4b22-8e0c-e91498bda58a/8964/iepguidelines1.pdf>

<sup>69</sup> Department of Education Science and Training above n 65



- schooling should acknowledge the capacity of all young Indigenous people to learn by providing a curriculum that avoids discrimination; allows Indigenous students the same opportunities as other students while allowing them to be strong in their own cultures; and helps all students to understand and value Indigenous culture and knowledge.<sup>70</sup>
- **RCIADIC:**
  - Recommendation 72: That in responding to truancy the primary principle to be followed by government agencies be to provide support, in collaboration with appropriate Aboriginal individuals and organisations, to the juvenile and to those responsible for the care of the juvenile; such support to include addressing the cultural and social factors identified by the juvenile and by those responsible for the care of the juvenile as being relevant to the truancy.
  - Recommendation 290: That curricula of schools at all levels should reflect the fact that Australia has an Aboriginal history and Aboriginal viewpoints on social, cultural and historical matters. It is essential that Aboriginal viewpoints, interests, perceptions and expectations are reflected in curricula, teaching and administration of schools. (4:308)
- **Convention on the Rights of the Child (1990)**
  - Article 29(1)(c). States Parties agree that the education of the child shall be directed to The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own.<sup>71</sup>
    - According to Geraldine Atkinson "[i]mplementing policies based on the Menzies Report may potentially breach the rights of the child to appropriate and acceptable education".<sup>72</sup>
- **Concluding Observations - Committee On The Rights Of The Child - Australia 40th Session: 30 September 2005 concluding observations**
  - Observation 77. The Committee recommends that the State party strengthen its efforts to continue developing and implementing – in consultation with the indigenous communities – policies and programmes

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<sup>70</sup> Steering Committee for the Review of Government Service Provision (2005), above n 26, p7.2

<sup>71</sup> Convention on the Rights of the child as at: [http://www.suweba.org/english/covenant\\_rights\\_child.htm](http://www.suweba.org/english/covenant_rights_child.htm)

<sup>72</sup> Calma Tom (2006) above n 35

ensuring equal access for indigenous children to culturally appropriate services, including social and health services and education.<sup>73</sup>

VALS argues that a culturally exclusionary approach advocated for in the Report is flawed because it is discriminatory given that the education system teaches non-Indigenous Australian culture and language (ie: students learn French or Italian). Just as there are Catholic schools that teach religion and culture, there should be schools that cater for the needs of Indigenous Australians and immigrant children.<sup>74</sup> An example of the culturally exclusionary approach which smacks of paternalism is apparent in the following aspect of the Report: [t]he culturally sensitive recognition by educators that Aboriginal parents ‘are the first educators of their children, which necessarily obliges educators to recognise the knowledge that children bring with them to school as the basis for future learning’, is not compatible with the programs of early intervention”.<sup>75</sup> Using culture as a basis for future learning is best practice.

VALS urges the Government to not adopt the findings of the Report on the basis of the Indigenous Australian perspective outlined above and progressive Government policy that recognises the need for cultural inclusion. VALS is disappointed in the Report because it is reflective of an assimilation agenda that does not recognise difference or value Indigenous Australian culture. If you have any queries please contact Greta Jubb (Research Officer) on 9419 3888 or [gjubb@vals.org.au](mailto:gjubb@vals.org.au)

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<sup>73</sup> Concluding Observations Committee On The Rights Of The Child Australia 40th Session: 30 September 2005 concluding observations.

<sup>74</sup> Browning, Julie and Jakubowicz Professor Andrew, ‘Racism Monitor Report: What Can We Say About Racism In Australia? Fair Go, October 2003 as at <http://www.fairgo.net/reports.html>

<sup>75</sup> Johns Gary (2006) above n 1, p 21.

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