

The public sale of funds for Indigenous education: a perspective from Tranby Aboriginal College

Kate Munro
Tranby Aboriginal College

The discussion begins with an overview of the historical struggle for independence in Indigenous education and highlights the success in the provision of quality education by the community-controlled sector, and more specifically, Tranby. The right to self-determination is then contextualised against a backdrop of the Royal Commission Into Aboriginal Deaths In Custody (RCIADIC) and within a framework of international legal authority. Finally the diminution of funding for Indigenous education is discussed with reference to the Indigenous Education (Targeted Assistance) Amendment Bill 2005, and its potential impact on Tranby and the community-controlled sector.

Introduction

This article raises concerns about the future independence and viability of community-controlled Indigenous education due to the introduction of the *Indigenous Education (Targeted Assistance) Bill 2000* (The Bill). The Bill seeks to reduce funding to the Independent providers of Indigenous education by approximately \$4 million. The Bill also proposes to change funding arrangements for access to funds hitherto quarantined for Indigenous community-controlled education providers so that they will now be forced to tender for those funds against each other and all registered training organisations. This means a new era of uncertainty for the Independents which could jeopardise the continuation of their success into the future.

The discussion begins with an overview of the historical struggle for independence in Indigenous education and highlights the success in the provision of quality education by the community-controlled sector, and in particular, Tranby. The right to self-determination is then contextualised against a backdrop of the Royal Commission Into Aboriginal Deaths In Custody (RCIADIC) and within a framework of international legal authority. Finally the diminution of funding for Indigenous education is discussed with reference to the *Indigenous Education (Targeted Assistance) Amendment Bill 2005*, and its potential impact on Tranby and the community-controlled sector.

Historical location of Indigenous independent community-controlled education

The historic provision of education offered to Indigenous people since colonisation has been described as long and contradictory (Durnan and Boughton 1997:3). It was often concerned with efforts to suppress language, culture and promote assimilation. The type of education most offered to Indigenous people was under the control of government administration in the form of 'native' or 'welfare' programs (Durnan and Boughton: 1997:3). It was not until the 1950s

and 1960s that the work of Indigenous people and their allies working in the civil rights movement challenged this type of education. Tranby was the first independent college to emerge in Australia. The documentation of its history indicates its establishment was due to the work of Indigenous people, the clergy and its socialist affiliates and sectors of the trade union movement (Goodall 1996: 306–7).

Tranby was established in 1958. A decade later, in the Northern Territory, the Institute of Aboriginal Development (IAD) was established against the backdrop of the 1967 referendum and the civil rights movement. With the assistance of Commonwealth funding during the 1970s further community-controlled education providers were established. All of the independent providers (Independents) who now make up the Federation of Aboriginal Education Providers (FIAEP) were established by the end of the 1970s (Durnan and Boughton 1997:3). Tranby Aboriginal College, Taundi Incorporated in Adelaide, Aboriginal Dance Theatre Redfern, and IAD are all subject to changes in funding which could now threaten their existence mooted under the *Indigenous Education (Targeted Assistance) Amendment Bill 2005* (the Bill).

Tranby Aboriginal College

Tranby originally provided courses to assist people with technical and trade skills. The Independents generally began by running mostly non-accredited courses in areas such as literacy, health, living skills and co-operative management. By the late 1990s with pressure arising from the emergence of the TAFE sector the situation had changed significantly and the Independents were operating as registered training organisations delivering VET accredited courses (Durnan and Boughton 1997: 4–5).

Tranby today offers three accredited courses: the Diploma in Development Studies in Aboriginal Communities (DSAC); the Advanced Diploma in Aboriginal Studies (AAS) and the Diploma in

National Indigenous Legal Advocacy (NILA). Students attend the College from across Australia and undertake their studies on a block release basis. This means that they attend the College for one week blocks of study six times per year over the two years of each course.

Delivery of the courses is done through seminars, workshops and field trips with guest lecturers when time permits. The teaching is undertaken by Coordinators in each course together with guest lecturers. Most of the study is undertaken in an interactive environment with students working through role-plays, case studies and student presentation. To date there are 147 students enrolled across the three courses.

Retention and completion rates of the College are far higher than elsewhere. Last year in the NILA Course, the retention rate of students was 92.5 per cent. The students graduating this year after two years of study at the College will produce similar if not better results. The trend of these figures is reported annually to Parliament. In the National Report to Parliament on Indigenous Education and Training 2001 it states that most improvements in retention and completion rates occurred in the sector controlled by Indigenous organisations and communities (National Report: 2001). Tranby, as part of this sector, prides itself on delivering these courses in a culturally sensitive environment which places the principle of self-determination at the forefront of its work.

The Royal Commission Into Aboriginal Deaths In Custody and self-determination

Self-determination is widely recognised as a fundamental aspiration for Indigenous people. It is a complex principle but several points are relevant in the context of Indigenous education: first, that Indigenous peoples have a right of self-determination; second, that other rights depend on this basic right; third Tranby and the Independents offer education that assists students to understand their rights and

advocate for their defence; and fourth the programs offered by Tranby are themselves an expression of the exercise of these rights.

One of the first places to look for commentary on self-determination and Indigenous education is the Royal Commission Into Aboriginal Deaths In Custody (RCIADIC). The Commission was established in 1987. By its completion in 1991 it had investigated the deaths of 99 people and delivered a five-volume report, regional reports, and a two-volume report on underlying issues from Western Australia (Cunneen 1997:3). Most of the recommendations were supported in a national response by State and Territory governments and specific funding was set aside by the Commonwealth for their implementation (Boughton and Durnan 1997:1).

The Commission found that Indigenous people were massively over-represented in Australia's custodial systems, and that to address this issue reform had to take place in the criminal justice system, but governments also needed to address the problem of the fundamental reason why Indigenous people come into contact with the criminal justice system – the underlying issues relating to over-representation (RCIADIC Volumes 1–5).

The Commission found that a lack of formal education was a major factor in the disproportionate representation of Indigenous people in custody and noted that adult education represented a 'second chance' for many who regarded it as fundamental to taking control of their lives (RCIADIC Vol.4: 338). The Commission drew a strong link between self-determination and adult education and stated that appropriate education and training programs should be developed to assist the greatest number of people possible.

All of the Independents were mentioned positively in the Commission's report with Tranby being described as 'a pioneer in Aboriginal adult education', providing education that was described as 'highly responsive' to Aboriginal needs and learning styles

(RCIADIC Vol. 4: 343). The Commission stated further that even if duplication of courses occurred by delivering through such an independent provider, it was worth it because 'Aboriginal people are trying to catch up on past disadvantage' (RCIADIC Vol 4: 343).

The Commission also found that it would be appropriate for Indigenous students enrolling in such independent colleges to have the same financial support through Abstudy as those students attending in the mainstream (RCIADIC Vol. 4: 343). It then went on to make Recommendation 298, that:

'(a) Governments support Aboriginal community controlled adult education institutions and other institutions which provide a program of courses which have the support of the Aboriginal community' (RCIADIC Vol 4: 345).

In supporting the Independents, the Commission was advocating that the principle of self-determination be upheld in an educational context. Interestingly, the Commission stated that community-controlled organisations 'receive the most broad-based support from the Aboriginal people as the appropriate agencies to address concern' and that they had 'overwhelmingly...stood the test of time and are by far the most effective and informed means by which Aboriginal opinion may be articulated' (RCIADIC Vol 4: 6). It was against this backdrop that Recommendation 188 was made:

'That governments negotiate with appropriate Aboriginal organizations (sic) and communities to determine guidelines as to the procedures and processes which should be followed to ensure that the self-determination principle is applied in the design and implementation of any policy or program or the substantial modification of any policy or program which will particularly affect Aboriginal people' (RCIADIC National Report 'Overview and Recommendations' 1991: 78).

These findings and recommendations are as relevant today as they were in 1991. Recent custodial figures show that as of June 2003

Indigenous imprisonment rates were 13 times higher than the rate for non-Indigenous persons (Australian Institute of Criminology 2004:1). Indigenous prisoners comprise 21 per cent of the total prisoner population, an increase from 14 per cent in 1992, the year after the Commission released its final report (Ibid). These are alarming figures considering that Indigenous people make up little more than 2 per cent of the overall population (Australian Bureau of Statistics 2005).

The underlying issues that bring Indigenous people into custody are the same today as they were in the early 1990s, particularly in relation to the lack of educational opportunities. Keeping Indigenous people out of custody requires governments to address the issue of the type and quality of education offered to Indigenous communities. To attract and retain Indigenous people within the education system, what is offered must be responsive and sensitive to the needs of communities and delivered in a culturally affirming environment. Tranby and the Independent providers have delivered such education with great success since the 1950s. Tranby's success is due largely of its adherence to the principle of self-determination, which is not simply a catch-phrase of 'do-gooders'. It is an inherent right of all peoples and its international significance to Indigenous education warrants discussion, to locate it in a human rights framework to which adherence by governments is essential to uphold the rule of law.

Indigenous education and self-determination

Self-determination is an internationally recognised human right which is affirmed by Article 55 of the Charter of the United Nations, and enunciated by Article 1 of both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). It is worded thus:

‘(1) All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.’ (ICCPR; ICESCR Article 1).

The Draft Declaration on the Rights of Indigenous Peoples (Draft Declaration), still under consideration by the UN Commission on Human Rights, replicates the above but rewords it, simply by replacing ‘all peoples’ with ‘Indigenous peoples’ (Draft Declaration Article 3). Part IV of the Draft Declaration upholds the right of Indigenous peoples to establish and control their educational systems and institutions; while maintaining that their culture, histories and traditions be reflected in all forms of education and public information (Draft Declaration Articles 15 and 16).

The clearest representation of Indigenous peoples’ aspirations in education is probably the Coolangatta Statement on Indigenous Peoples’ Rights in Education (Coolangatta Statement). It represents a clear and concise position of Indigenous peoples’ desire to determine the course of their education and describes itself as ‘a living document which address the educational rights of Indigenous peoples now and into the future’ (Coolangatta Statement: Preamble).

Part One of the Statement articulates the dissatisfaction with the assimilationist nature of hitherto offered education. It states that the ‘failure’ of Indigenous peoples to stay in mainstream education should be viewed for what it is – rejection of the status quo. This sentiment has been expressed by other commentators in Australia (Beetson 1997; Boughton and Durnan 1997).

Part II of the Statement is headed ‘Rights In Indigenous Education’ and gives possibly the clearest enunciation yet of self-determination in Indigenous education. As such it states that among other things, self-determination embodies the right of Indigenous peoples to control and/or govern Indigenous education systems; to develop and

implement culturally inclusive curricula; to establish the criterion for educational evaluation and assessment; to define and identify standards for the gifted and talented; to establish the parameters and ethics within which Indigenous education research should be conducted and to design and deliver culturally appropriate and sensitive teacher training programs (Coolangatta Statement Paragraph 2.2.4). This is not an exhaustive list of that Paragraph but offers some understanding of the overall aspirations of its contents.

The final Paragraph of the Statement speaks of self-determination as an inherent right, central to the preservation of culture and the development of expertise required for life in the twenty-first century (Coolangatta Statement Paragraph 3.5). It has been described as a right supported by international law; a right around which others flow and as simply a right to make decisions (Social Justice Report 1993: 41).

The effect of the Bill before Parliament could well create further disadvantage to a particular racial group in society as it refers exclusively to funding set aside for the Indigenous independent colleges. The Federal Government has already abolished ATSIC which worked closely with the Independents and hitherto gave voice to their concerns on a range of issues. Attention has now been turned toward the Independents with the sole purpose of reducing and possibly denuding them of funds. The Government may argue that it is not legally bound to fund such organisations but it should implement policies and laws that uphold the spirit of international conventions to which Australia is a party.

The International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) upholds the right of all peoples to education and training (ICERD Article 5 (e)(v), and declares that each State Party shall review, amend and rescind policies, laws and regulations which have the effect of creating or perpetuating racial discrimination (ICERD Article 2 (c)).

Australia is also party to the Convention against Discrimination in Education. That convention clearly states that discrimination includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion has the purpose or effect of depriving any person or group of persons of access to education of any type or at any level (Article 1 Paragraph 1(a)). It further states that 'education' refers to all types and levels, and includes access to education, its standard and quality and the conditions under which it is given (Article 1 Paragraph 2).

I have drawn attention to international conventions to make it clear that self-determination is very much a universal concern, and a fundamental human right. Self-determination is born out of an international human rights framework and has been described by Indigenous commentators as being useful 'as a kind of belated State-building' (Daes: 1993: 4) and as a configurative principle complemented by human rights norms which enjoin the governing order (Anaya 1996: 77). Its importance to Indigenous education cannot be overstated and if educational outcomes are to be improved in this area, it will not happen without adherence to the principle of self-determination.

Nature of Funding

Tranby receives funding from the State Contracted Training Provision (CTP), the Indigenous Education Strategic Initiatives Program (IESIP) and through IESIP it receives an allocation of the National Indigenous English Literacy and Numeracy Strategy (NIELNS). The State funding at present represents a very small amount of Tranby's overall funding. The bulk of the funding comes from the Federal Government in the form of IESIP supplementary funding which is allocated according to student retention and module completion rates. It is allocated according to figures given to the funding bodies from up to two years prior to the funding allocation, as the outcomes

are reported to the State office, which passes them to the National Centre for Vocational Education Research (NCVER) which then turns the data over to the Federal Department. So by the time the allocation of funding is granted, its relevance is outdated. The major problem with the funding is that it is not recurrent which leaves questions unanswered about how committed the Government is to providing quality Indigenous education.

The Indigenous Education (Targeted Assistance) Amendment Bill 2005

The latest threat to funding has arrived in the form of the *Indigenous Education (Targeted Assistance) Amendment Bill 2005*. Funding is released currently pursuant to the *Indigenous Education (Targeted Assistance) Act 2000*. The main provisions of the Bill provide for a decrease in the appropriation of funding to Indigenous providers of education by a net \$3.7 million over 2006 to 2008. The Bill will transfer \$10.9 million of funds otherwise provided to the four independent Indigenous community-controlled education providers to be spent under the *Skilling Australia's Workforce Bill 2005*. What this means is that Tranby, the Institute for Aboriginal Development (IAD), the Aboriginal Dance Theatre Redfern, Taundi Incorporated and every other registered training organisation in each State and Territory will be required to compete against each other for funding in a joint funding pool hitherto quarantined for Indigenous education.

The Bills are of great concern to Tranby which has a rich history of success in the provision of quality education, which is offered in a culturally sensitive manner and learning environment. By reducing funding and leaving what is left to open tender, the Federal Government's message is clear: that there is little value attached to the work of Tranby and the Independents, and that Indigenous cultural methods of teaching cannot deliver appropriate outcomes to Indigenous peoples. This is not helpful to Indigenous aspirations,

and ignores the fact that independent colleges such as Tranby deliver accredited vocational courses that provide skills which are relevant and meaningful to its students. The courses delivered empower individuals and communities to address their needs and challenge the disadvantage they face. This disadvantage, Tranby's success in its retention and completion rates and those of the community-controlled sector, is evidenced in the most recent Report to Parliament on Indigenous Education and Training.

The 2003 Report states that 'educational equality is some way off for Indigenous Australians' and that recently there has been a sharp decline in the number of Indigenous VET students in the government system (National Report 2003: ii-iv). It reported further that compared to other VET providers, Indigenous controlled organisations indicated the best progress in literacy and numeracy in recent years, and that completion rates in this sector although down from 57.5 per cent in 2000–2001 were well above the overall national Indigenous rate of 54.7 per cent (Ibid iv-xix). Clearly this indicates that the community-controlled sector is succeeding; that what is in place is working, and that it outstrips the standards delivered by other providers, including government.

At this point it is worth noting the expenditure on Indigenous education. In a discussion paper written in 1999 it was stated that if programs which Indigenous students are likely to avail themselves of because of their low income, remote location or special needs are left out of the sums, the per capita amount estimated per Indigenous person is only 89 per cent of that for non-Indigenous people, and only 52 per cent at the tertiary level (Neutze, Sanders and Jones 1999). The paper noted that overall funding per capita on Indigenous education was only 18 per cent higher than for non-Indigenous people (Ibid). Given the disadvantage faced in Indigenous communities and the intensive resources required to assist people to engage in the education system, this data should concern the Federal Government.

However, the Government is now proposing to further cut financial assistance by reducing close to \$4 million of funds from the sector that has delivered to date the best results in attracting and retaining Indigenous students. It is important to stress that all governments need to provide significantly more resources for Indigenous education due to the effect that two centuries of disadvantage and social dislocation have had on these communities throughout Australia. Reducing funds to colleges like Tranby will have a detrimental effect upon Indigenous students and communities and may ultimately come at a huge cost to government. Custodial figures are rising sharply while at the same time Indigenous people disengage with government education. The Federal Government should rethink the implications of the introduction of legislation that could further exacerbate these trends.

Conclusion

Providing equality for Indigenous people in the education system will not be delivered by the imposition of the *Indigenous Education (Targeted Assistance) Amendment Bill 2005*, and its reduction to funding of almost \$4 million. Indigenous education requires investment at a rate greater than that for non-Indigenous people because government needs to address past and present disadvantage faced in communities and allocate funding where it is most likely to be taken up by Indigenous students: in the community-controlled sector. The funding allocated to independent colleges should be recurrent, secure and certain. Without certainty of funds the disengagement of Indigenous people with the sector is assured.

The education of Indigenous people should be invested in carefully and appropriately with attention to what Indigenous communities need and with their express consent. It should not be left to the whim of government to auction off funding for Indigenous education in a tender process that will reward the lowest bidder.

The imposition of the Bill, the diminution of funds and the tender process are all indicators of a government agenda to move Indigenous education into the mainstream where cultural sensitivities and self-determination will be further marginalised. Such a move is unlikely to improve participation rates of Indigenous people in the education system. A more likely scenario is that the history of Indigenous people's lack of engagement in education will be replicated. In the meantime, the 'pioneer in Aboriginal adult education' that is, Tranby and the community-controlled sector which has educated thousands of Indigenous students and 'stood the test of time' may be consigned to the annals of history.

Bibliography

- Anaya, J. 1996, *Indigenous Peoples in International Law*, Oxford University Press, New York.
- Australian Bureau of Statistics, Year Book Australia; Crime and Justice, Article: *Indigenous Prisoners*, Online Retrieved 4 July 2005 from <http://www.abs.gov.au/Ausstats/>
- Australian Government, Australian Institute of Criminology: *Australian Crime: Facts and Figures 2004* Retrieved 6 July 2005 from <http://www/aic.gov.au/publications/facts/2004>
- Beetson, J. 1997, *Self-determination and Aboriginal community-controlled organisations*. Workshop presentation. FIAEP/AIATSIS, Canberra.
- Boughton, B., and Durnan, D., 1997, *Education for Self-Determination: A Review of the Implementation for Recommendations of the Royal Commission Into Aboriginal Deaths In Custody in Relation to Aboriginal Community-Controlled Adult Education*. FIAEP/AIATSIS, Canberra.
- The Charter of the United Nations, Online 'About the UN', Retrieved 24 June 2005 from <http://www.un.org/aboutun/charter/>
- Commonwealth of Australia (1993), Aboriginal and Torres Strait Islander Social Justice Commissioner First Report, AGPS, Canberra.
- Commonwealth of Australia, (2004), Department of Education, Science and Training Annual Report, AGPS, Canberra.
- Commonwealth of Australia (2001), National Report to Parliament on Indigenous Education and Training, AGPS, Canberra.

- Commonwealth of Australia (2003), National Report to Parliament on Indigenous Education and Training, AGPS, Canberra.
- Commonwealth of Australia (1991), National Report, Royal Commission Into Aboriginal Deaths In Custody, vols. 1–5, AGPS, Canberra.
- Commonwealth of Australia (1991), National Report, Overview and Recommendations of the Royal Commission Into Aboriginal Deaths In Custody, AGPS, Canberra.
- The Convention against Discrimination in Education, Online Office of the High Commissioner of Human Rights, Retrieved 4 July 2005 from http://www.unhchr.ch/html/menu3/b/d/_c_educ.htm
- The Coolangatta Statement On Indigenous Peoples' Rights in Education (1999), Hilo, Hawai'i, Online Alaska Native Knowledge Network, Retrieved 24 June 2005 from <http://www.ankn.uaf.edu/cool.html>
- Cunneen, C. 1997, *The Royal Commission into Aboriginal deaths in custody. An overview of its establishment, findings and outcomes*, ATSIAC, Canberra.
- Daes, E. 1993, 'Explanatory note concerning the draft declaration on the rights of indigenous peoples', Commission on Human Rights, Geneva, Online Economic and Social Council, Retrieved 7 June 2005 from <http://www.unhchr.ch/Huridocda/Hurdoca.nsf/TestFrame/8e97ee>
- The Draft Declaration on the Rights of Indigenous Peoples, Online Centre for World Indigenous Studies, Retrieved 24 June 2005 from <http://www.cwis.org.drft9329.html>
- Durnan, D., and Boughton, B., 1999, *Succeeding Against the Odds*, NCVER, Adelaide.
- Indigenous Education (Targeted Assistance) Act 2000*, Online Australasian Legal Information Institute, Retrieved 7 June 2005 from http://www.austlii.edu.au/legis/cth/consol_act/ieaa2000383/
- Indigenous Education (Targeted Assistance) Amendment Bill 2005*, Online Parliament of Australia Department of Parliamentary Services, Retrieved 7 June 2005 from <http://aph.gov.au/library/pubs/BD/2004-05/05bd/174.pdf>
- The International Covenant on Civil and Political Rights, Online Human Rights Web, Retrieved 20 June 2005 from <http://hrweb.org/legal/cpr.htm>
- The International Covenant on Economic, Social and Cultural Rights, Online Human Rights Web, Retrieved 20 June 2005 from <http://hrweb.org/legal/escr/htm>

The International Convention on the Elimination of All Forms of Racial Discrimination, Online Office of the High Commissioner of Human Rights, Retrieved 20 June 2005 from http://unhcrch/html/menu3/b/d_icerd.htm

Neutze, M., Sanders, W., and Jones, G. 1999 *Public Expenditure on Services for Indigenous People: Discussion Paper no. 24*, The Australia Institute, Parliament of Australia Online, Retrieved at <http://www.aph.gov.au/library/pubs/rn/2004-5/05rn/18.htm>

Skilling Australia's Workforce Bill 2005, Online Parliament of Australia, Department of Parliamentary Services, Retrieved 7 June 2005 from <http://aph.gov.au/library/pubs/BD/2004-05/05bd/160.pdf>

About the author

Kate Munro works at Tranby Aboriginal College in Australia where she is Coordinator of National Indigenous Legal Advocacy. Her qualifications include BA, MA and LLB.