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18C

**Aboriginal Language, Juvenile Justice, Employment and
Training**

An Interview with Nyunggai Warren Mundine

Peter Botsman

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An Interview with Warren Mundine
Comment

As public debate whirls around Senator Brandis' proposed changes to the Racial Discrimination Act, the mood of Warren Mundine, Chairman of the Prime Minister's Indigenous Advisory Council was palpable. If there was one thing that was designed to short circuit any good will or cooperation with his council then Senator Brandis found it. Mundine's role has always been controversial within the Aboriginal community. The de-funding of the National Congress of First Australians made his role very difficult and his diplomacy on this issue behind the scenes probably scored him some begrudging points. But Brandis' action make any defence of the government amongst the Indigenous community impossible. As Mundine himself says all of the energy and capacity of his fellow Council members has been spent simply trying to retain their own credibility. It is a dreadful situation to be in. Mundine and all of the Indigenous leaders who Prime Minister Abbott have chosen to work with have no choice but to directly critique Brandis and the government.

There is only one possible consolation from Brandis' actions and that is that it draws public attention to the already weak and insipid quality of the Racial Discrimination Act's penalties against racial vilification. As public consciousness grows it may be that greater use will be made of the Racial Discrimination Act and it may also mean that even if Senator Brandis succeeds at some time in the future in amending the act, the momentum in the future will be to finally strengthen the RDA and bring it into harmony with the International Covenant on the Elimination of all forms of Racial Discrimination of which Australia is a signatory.

The whole debate indicates how much we all have to learn about Aboriginal Australia and the difficulties of being a non-White, non-Anglo-Saxon Australian citizen or resident. The existing ignorant and latent racism which still seems to be prevalent in Australia's media is something to be shameful about. Many commentators seem to have no concept of Australia's indifferent position in the international community given the long history of the White Australia policy, the very late constitutional and civil recognition of Aboriginal Australians in 1967 and the many troubling episodes in the history of Aboriginal and non-Aboriginal Australians.

Peter Botsman
29 March 2014

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Select extracts

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“There is a lie in this process. The lie is that 18C restricts political debate. I find this to be funny. We talk about race every day in the newspapers and across Australia and in relation to a range of political issues so I cant see how it restricts the debate on race in politics. I see it every day and you are right the legislation is weak. So that’s why I find it bizarre that they have gone down this track”.

“I just find it interesting that on one side you have the Chinese community, the Aboriginal community, the Muslim community, Christians, Jews and on the other side you have Tim Wilson, Andrew Bolt, Tony Abbott and George Brandis. There is a very visual sign there to me”.

“Well we’re feeling pretty confident.. we have pushed ahead with school attendance.. one of the big issues here was data .. that’s now looking like its fully resolved.. We get daily data from the Western Australian government on school attendance and of course in NSW they are moving back to that as well, but at present they are giving us monthly data but they will eventually come on board.. but the idea of that is that we know how many kids are attending the schools.. That helps us in getting the kids to school, it identifies the shortfalls in the system such as where a school is supposed to have 50 Indigenous kids but 75 turn up... well that’s a classroom so we’re one class room down, one teacher down we have got an idea of the resources that need to be fixed.. ”

“Language is more important than just words. It goes right into the heart and soul of your culture. It ties you back to

country. It ties you back to your ancestral heritage. It ties you back to so many things about who you are and what you are.”

“Lets not pretend that all Aboriginal communities have got their language and are doing it. For it to be successful languages need to be spoken on a daily basis. For that to happen we need to look at how we can work with the adults. We need to bring the adults into the school and be part of the school that helps in many ways. It helps with culture, language and history but it also shows the kids the keen-ness of parents and the importance of schools. But we also need to ensure that the adults are learning language. We are looking at pre-schools at the moment because pre-schools are very important because if we can get the kids at a young age and also have the parents working with the kids in a pre-school or child care centre arrangement then you have got three generations to work with. You can work with the kids, you can work with the parents and you can work with the grandparents that builds very good foundations from 0-5. So that when they hit school they already have the foundation blocks in place”.

“Well the big one apart from education, is juvenile justice. How can we get kids out of the juvenile justice system into training, education and jobs? The statistics are telling us that the incarceration rates have gone up over 100 per cent in the last ten years. Beside the disaster for the individuals – who may remain in the justice system for the rest of their lives – there are the issues in the community, in the break down of family and so on. So we need to get them out of the detention centres. So that’s why we are working with the Western Australian government and we’ll work with a number of other governments as we roll out measures over the next few years. We need to work with the justice system. I have a meeting with His Honour Wayne Martin Justice of the Western Australian Supreme Court to work out ways we can do this and people like the former NSW Chief Justice Jim Spiegelman I want to catch up with him on this issue. We need to not be locking kids up for three or six months we need to be getting them out into diversionary programs into jobs, education or training processes. The big issue across all of this is prevention and this is why education plays that role and if we can get kids seeing a future for themselves, getting educated in their own culture and language and history and also learning the maths and science and English that they need for jobs then that will have a long term effect of ensuring that kids don’t enter the justice system in the first place.”

“18C, Aboriginal Language, Juvenile Justice, Employment and Training”

Edited Transcript of a Discussion with Warren Mundine Chairman of the Prime Minister’s Indigenous Advisory Council

25 March 2014, Sydney

[PB] Warren ,18C, Senator Brandis’s determination on this issue is quite bewildering ?

[WM] It is very bewildering and I am not just picking on Senator Brandis. It takes more than one person to make a decision in this area. You look at Section 18C of the Racial Discrimination Act, you look at 18D and I find it quite bizarre that they are going down this track. To me it looks like it is a result, and I am not going to pretend it is not a result, of the Andrew Bolt case. I find it funny it looks like they are looking after a mate but packaging it up as some kind of free speech thing. In Australia, and anywhere in the world quite frankly, free speech has restrictions on it. I cant just walk down the street here in Sydney and swear. I can be arrested for that, for causing an offence. There are Liable Laws in this country and there are laws at the airport. If I crack a joke at the security gate about a bomb then I am quickly arrested. Even though I don’t have a bomb on me and I am only joking it doesn’t matter. The signs point this out, even if it is a joke you will still be charged. This whole matter has arisen because of the comments made about Aboriginals and I find this offensive. I read Andrew Bolt’s column many times and I wrote an article about it for the Daily Telegraph pointing out the problems of his comments. I also have made many comments across many media outlets. I found it very offensive, vilifying and racist. Now that doesn’t mean I see him as a rascist. Now I know Andrew Bolt and I just found it bizarre that he went down that laneway with regard to “white Aboriginal people”. I found it bizarre and it displayed the ignorance on his behalf of Australian history. I know Aboriginal people who were raped by white people, their children were brought up within the Aboriginal community of course, because that’s where they lived and where their parents and grandparents lived. Then to vilify them is quite bizarre to me.

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[PB] The other issue Warren is that it is relatively weak legislation – the Racial Discrimination Act itself – the Labor Party tried three times to criminalise racial vilification to bring it in line with the treaty which we are party to... the International Covenant to Eliminate all Forms of Racial Discrimination ... so to weaken it any further would make us look terrible in the eyes of the world...

[WM] There is a lie in this process. The lie is that 18C restricts political debate. I find this to be funny. We talk about race every day in the newspapers and across Australia and in relation to a range of political issues so I can't see how it restricts the debate on race in politics. I see it every day and you are right the legislation is weak. So that's why I find it bizarre that they have gone down this track.

[PB] Well let's leave that but it is very perturbing for everyone

[WM] across the whole country

[PB] across the whole country and hopefully there will be some reason that will prevail..

[WM] I just find it interesting that on one side you have the Chinese community, the Aboriginal community, the Muslim community, Christians, Jews and on the other side you have Tim Wilson, Andrew Bolt, Tony Abbott and George Brandis. There is a very visual sign there to me.

[PB] Let's move on to more constructive issues.. how is the Prime Minister's Advisory Council going? What's the agenda? How are you progressing? That is a very difficult job you have Warren and I feel you are between a rock and a hard place so how is it all progressing?

[WM] Well we're feeling pretty confident.. we have pushed ahead with school attendance.. one of the big issues here was data .. that's now looking like it's fully resolved.. We get daily data from the Western Australian government on school attendance and of course in NSW they are moving back to that as well, but at present they are giving us monthly data but they will eventually come on board.. but the idea of that is that we know how many kids are attending the schools.. That helps us in getting the kids to school, it identifies the shortfalls in the system such as where a school is supposed to have 50 Indigenous kids but 75 turn up... well that's a classroom so we're one classroom down, one teacher down we have got an idea of the resources that need to be fixed.. Now we have this

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data we can work with the State and Territory governments to fix these problems. Once we have got them at school then how do we keep them at school and we look at the curriculum and we say yes we have to do the maths, the English and the science but we also need to include Aboriginal languages, our Aboriginal history and culture. So we are looking at a number of ways to do that and we have started that conversation with the Minister for Education Christopher Pyne. But because schools are State and Territory responsibilities we are also sitting down with the Ministers to go through these issues. So that's good news. We have also set up sub committees so we have a juvenile justice committee which I chair working with Bruce Martin and Ngaire Brown and I'm going over to Western Australia on these issues soon. We have also set up a Business and Economic Development Committee chaired by Daniel Tucker and that has the task of looking at how we get jobs and business operating for Indigenous communities across Australia. The other subcommittee is education and Ngaire Brown is heading that up. So those subcommittees are up and running and in fact today we had our first teleconferences and we are working with experts and advisory bodies across Australia to bring back ideas that we can filter through to the Prime Minister.

[PB] It's interesting this language issue we have been trying to do a bit of thinking down on the Shoalhaven and the NSW South Coast and its interesting that even in schools where there are 50 per cent Indigenous kids and you have a willingness by a teacher to teach an Aboriginal language its getting room in the curriculum .. in year 7 you are supposed to do 100 hours of language studies... and if you are an Indigenous kid you have the right to ask to be taught your own first language within that 100 hours... but the way it works is that languages are always knocked to the bottom of the priority list against English, Maths and the Sciences.. so its hard for those language teachers to talk to a head master and say look we need to dedicate a class to Aboriginal language .. people are not yet seeing that once you do this you are creating an incentive for Aboriginal children to want to come to school...

[WM] Language is more important than just words. It goes right into the heart and soul of your culture. It ties you back to country. It ties you back to your ancestral heritage. It ties you back to so many things about who you are and what you are. The big issue for us is to make sure that Aboriginal language are proper units within the school system so that they have that equal status and that time is put aside to make sure that we are getting the Maths and Sciences but also the lan-

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guage as well. To do that we have to negotiate with the State and Territory governments but also we have to make sure we are providing the resources. So that's with regards to books, audiovisual, to the teaching of teachers, and ensuring it is properly set up and operating.

[PB] It is really surprising to me that if you are a language teacher in a secondary school a lot of those French and German teachers have done and want to do a bit of Indigenous language teaching.. and there usually is a book around of the local languages.. so how does a Prime Ministers Indigenous Advisory Council say to a headmaster please make space.. is that a public relations exercise?

[WM] Its not only a public relations exercise.. its more than that. Its about getting governments on side and getting a range of audio visual and other technology that can help in this area. Its about sitting down with the principals and working with the principals across Australia and showing them how they can do this and opening discussions and moving along with this.

[PB] Its also an interesting way of involving elders and community members in the schools because again.. Indigenous languages are going to bring in the parents, the grand parents ...

[WM] Lets not pretend that all Aboriginal communities have got their language and are doing it. For it to be successful languages need to be spoken on a daily basis. For that to happen we need to look at how we can work with the adults. We need to bring the adults into the school and be part of the school that helps in many ways. It helps with culture, language and history but it also shows the kids the keen-ness of parents and the importance of schools. But we also need to ensure that the adults are learning language. We are looking at pre-schools at the moment because pre-schools are very important because if we can get the kids at a young age and also have the parents working with the kids in a pre-school or child care centre arrangement then you have got three generations to work with. You can work with the kids, you can work with the parents and you can work with the grandparents that builds very good foundations from 0-5. So that when they hit school they already have the foundation blocks in place.

[PB] It is an important issue not well understood but hopefully thanks to your efforts Warren it will be.

[WM] Well we will see how we go. I was just talking to an

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Australian Italian family recently and what they did with their children when they were young was only speak Italian at home. They knew when they went to school they would learn English so it was a way of them retaining their cultural links. Their children are now in their 20s, very highly educated university graduates and can speak fluently in English and very fluently in Italian. That's what I would like to get to with Aboriginal languages.

[PB] Just to finish off on this issue and it does recall in some ways the ignorance of the Bolt stuff is that in Victoria and NSW where there is supposedly lost language there is a huge hunger isn't there from the the adults, the grandparents and the kids to get that language back

[WM] That's right there is a lot of hunger and there are some speakers around, such as the Bundjalung in NSW and Gaba-ja. But it is about how we get those numbers we need to get that tipping point of speakers, how do we bring it back into a daily process and make sure we are focusing and building those resources. This is why I am a great supporter of AIATSIS with Mick Dodson there. Under his and Russell Taylor's leadership that we need to have the protection and retention of all this archival information and turning it into educational kits that can be used in Aboriginal communities across the country.

[PB] So what other issues are on your radar screen Warren?

[WM] Well the big one apart from education, is juvenile justice. How can we get kids out of the juvenile justice system into training, education and jobs? The statistics are telling us that the incarceration rates have gone up over 100 per cent in the last ten years. Beside the disaster for the individuals – who may remain in the justice system for the rest of their lives – there are the issues in the community, in the break down of family and so on. So we need to get them out of the detention centres. So that's why we are working with the Western Australian government and we'll work with a number of other governments as we roll out measures over the next few years. We need to work with the justice system. I have a meeting with His Honour Wayne Martin Justice of the Western Australian Supreme Court to work out ways we can do this and people like the former NSW Chief Justice Jim Spiegelman I want to catch up with him on this issue. We need to not be locking kids up for three or six months we need to be getting them out into diversionary programs into jobs, education or training processes. The big issue across all of this is preven-

tion and this is why education plays that role and if we can get kids seeing a future for themselves, getting educated in their own culture and language and history and also learning the maths and science and English that they need for jobs then that will have a long term effect of ensuring that kids don't enter the justice system in the first place.

[PB] Circle sentencing - innovations like that - are they on the horizon...

[WM] Very much so we had a very strong discussion about that in our teleconference on these issues. There are a number of programs that are working out there. We are looking at improving the systems and building upon them rather than pushing them aside and creating something new. Its about building on the good stuff that's been done so far. Of course all this has to be done in what I call an eco system – where you work with the family, the community getting ownership of issues. We could spend billions of dollars here but unless families and community have ownership of the issues and they set the norms and behavior patterns for their community then nothing is going to happen. Its about getting front and centre ownership and working with them and supporting them.

[PB] Employment and training its so important for that area... its important for diversionary programs but its also the number one issue out there for while long term unemployment numbers are growing for Indigenous and non-Indigenous Australains.. where are we with Mr. Forrest's review?

[WM] The draft review has been done. Its sitting on our desk at present. We are just going through it. Picking it apart and putting it back together. You are right its not only important in the juvenile justice system its important for mental health and suicides psychologists and the psychiatric profession are telling us that the suicide rates are so high in our communities because kids are not seeing a future for themselves. They don't see themselves in our society anymore. They have lost their will in a sense and by having education and jobs and those programs we talked about earlier in relation to culture psychologists and psychiatrists are telling us that will lower the suicide rates. It is a major and important area for us to get right and that's where the discussion is now. I am hoping that we will have that completed in early April and that can be out in the public domain for people to jump all over it, to applaud it and to give us the feedback to make it better.

[PB] Well Warren we're going to welcome you down the Shoalhav-

en on the 11th April

[WM] Looking forward to it

[PB] There will be a lot of interest in what you have to say so thank you very much for your time

[WM] Thank you too. Its very important for me to go back down the coast there. My grandfather's side comes from the Yuin people. It will be good to go back on country.

[PB] I am sure they are looking forward to seeing you. I will send the messages back.

United Nations Declaration of Indigenous Rights

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems, and literatures and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.