

Submission to the
Royal Commission into the Detention of Children in the Northern
Territory

Dr. Samantha Disbray

This is a personal submission.

TERMS OF REFERENCE

1. Failings in the child protection and youth detention systems of the Government of the Northern Territory during the period since the commencement of the Northern Territory Youth Justice Act 2005 (the relevant period).

Submission

The NT Government fails to

- a) Recognize that many of the juvenile inmates do not speak English as a first language.
- b) Understand the cultural differences of Indigenous inmates.
- c) Assess inmate's level of English language proficiency when they enter detention.
- d) Employ staff who are trained in English as an Additional Language or Dialect and are sensitive to Indigenous cultural issues.
- e) Provide classes in English as an Additional Language or Dialect.
- f) Ensure that youth in criminal justice proceedings are not routinely disadvantaged by lack of appropriate linguistic support.
- g) Ensure that all students in the Northern Territory are provided access to adequate education due to a systemic lack of education delivery by language-specialist teachers, in the dominant language English or in the first language(s) of the students.
- h) Provide education programs, which recognize and build on the linguistic and cultural funds of knowledge of Aboriginal students to improve their well-being and life chances.

Discussion

The Northern Territory is the most linguistically diverse region of Australia in terms of Aboriginal languages. Of the remaining 14 traditional languages still spoken by children as languages of everyday communication, 12 are spoken in the NT. Over 6000 children grow up speaking languages and dialects other than English as their first language. This represents 58% of the primary school population. Numerous new contact languages, such as creole varieties are spoken as first and additional languages. Many are undocumented and unrecognized in legal and education contexts.

Calls for recognition of the English language learning needs of remote and urban students, pivotal to academic success and improved life chances, are repeated over decades in education reports. Concerns over systemic failures to meet the learning needs of students through appropriate language teaching accompany such calls.

For juveniles in detention, these matters are both compounded and inadequately addressed.

Successful negotiation of legal and correctional processes is highly dependent on effective communication. The specialist nature of legal contexts and language is confounding for first language English speaking lay people. For those Indigenous Australians, who are speakers of languages and dialects other than Standard Australian English, with often relatively low levels of formal academic attainment, access to English language skills and specialist support for fair treatment in legal contexts is critical.

The work of Australian expert Diana Eades is internationally respected and has shown the disadvantage faced in being heard and in comprehending interactions by Aboriginal English speaking defendants and witnesses in urban areas of Australia. In remote Australia, these challenges are compounded by more profound differences in the language backgrounds of non-Aboriginal professionals and Aboriginal people in the legal system.

Despite research findings, several high-quality publications and some efforts by government, there is systemic failure in the adoption and implementation of means to address this disadvantage. This disadvantage is particularly damaging to vulnerable youth.

Schools have the potential, through engagement and academic achievement, to provide safe-guards for Aboriginal students and improve their life chances. This potential is rarely realized. While there is a complex nexus of barriers, effective communication is a key issue.

Few teachers have skills and training in teaching English and delivering curriculum content to English language learners.

Assessment and monitoring programs, where these exist and are implemented, are not designed to track the progress of second language learners or recognize their cultural knowledge-base.

Students are routinely set up for failure and many demoralized over the course of their school lives.

Few have access to secondary education in their home communities, or the level of support required to succeed in education programs outside of their home communities.

Students first language(s) and cultural knowledge are rarely supported or drawn on in education. Thus, the opportunity to ensure effective communication of curriculum content, teaching and learning advanced concepts in English through translation and the include adults from their own community in leadership roles is consistently missed. Students can enjoy greater academic achievement if their existing knowledge is included in school learning.

Recent research on Indigenous languages, first and heritage, has shown an important link between access to languages and well-being. This message also comes strongly from Aboriginal educators and community members.

Positive recognition of language skills and cultural knowledge are shown to be critical to self-validation, well-being, lower incarceration rates, better mental health and greater life chances. Education and correctional services in the NT have neglected to address this potential in its design and delivery of services to young Aboriginal people in the NT.

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I am a research linguist with extensive experience of education policy and practice in the Northern Territory. I live in Alice Springs and am currently employed by the Centre of Excellence for the Dynamics of Languages at the Australian National University, Canberra.

I will be in Darwin 5-9 June and would be willing to make a submission at the public hearing.

Professional experience

Senior Research Fellow on the Remote Education Systems Project and the Review of the Warlpiri Education and Training Trust (June 2012-2017) Charles Darwin University

Regional Linguist providing support to educators on English as an Additional Language or Dialect and first language teaching and learning (August 2007-June 2012) NT Department of Education

Research Linguist on a longitudinal study of child language development and doctoral research project in the Barkly region (2003-2007) University of Melbourne

Selected Publications

Devlin, B., Disbray, S., & Friedman Devlin, N. (Eds.). (2017). History of bilingual education in the Northern Territory: People, programs and policies. Singapore: Springer Publishing.

Disbray, S. (2016). Communication Matters: new language varieties and new interactions in legal contexts. Northern Institute Research Brief Series, RB01. Darwin: Charles Darwin University.

Disbray, S. (2016). Spaces for learning: policy and practice for indigenous languages in a remote context. *Language and Education*, 30(4), 317-336. doi:10.1080/09500782.2015.1114629

Guenther, J., Disbray, S. and S. Osborne. (2016). Red dirt education: a compilation of learnings from the Remote Education Systems project. Ninti One Limited. Alice Springs. pdf. (warning: large file 70MB) https://nintione.com.au/resource/RedDirtEducation_CompilationLearningsRES_EBook.pdf

Disbray, S. (2016). The Development of Reference Realization and Narrative in an Australian Contact Language, Wumpurrarni English. *Frontiers in Psychology*. <http://dx.doi.org/10.3389/fpsyg.2016.00043>

Disbray, S. (2015). Indigenous Languages in Education - Policy and Practice in Australia. UNESCO Observatory Multi-Disciplinary Research in the Arts, Special Edition 'Indigenous Education in Australia: Policy, Participation and Praxis', 4(1), 1-27.

Disbray, S., Guenther, J., & Osbourne, S. (2015). Red Dirt Teaching - Developing the right workforce for remote schools. Northern Institute Research Brief Series, 9. Darwin: Charles Darwin University.

Guenther, J., Disbray, S., & Osborne, S. (2015). Building on remote perspectives: what counts as important? (Special Edition Red Dirt Revisited: Examining remote

learning and education experiences) *The Australian Journal of Indigenous Education*, 44 (2), pp. 194-206.

Vaughan, J., Wigglesworth, G., Loakes, D., Disbray, S., & Moses, K. (2015). Child-caregiver interaction in two remote Indigenous Australian communities. *Frontiers in Psychology*, 6(514). doi:10.3389/fpsyg.2015.00514

Disbray, S. (2014). At benchmark? Evaluating the Northern Territory Bilingual Education Program In L. Gawne & J. Vaughan (Eds.), *Selected Papers from the 44th Conference of the Australian Linguistics Society*, 2013. Melbourne, University of Melbourne <http://hdl.handle.net/11343/40960>.

Guenther, J., Disbray, S., & Osborne, S. (2014). Digging up the (Red) Dirt on Education: One Shovel at a Time. *Journal of Australian Indigenous Issues*, 17(4), 40-56.

Disbray, S. & D. Loakes. (2013). Writing Aboriginal English & Creoles: Five case studies in Australian education contexts. *Australian Review of Applied Linguistics*, 36 (3) 287-301.

Disbray, S. (2008). Story-telling Styles: a study of adult-child interactions in Tennant Creek. In (eds.) J. Simpson & G. Wigglesworth. *Children's Language and Multilingualism*. London, New York: Continuum International Publishing Group (pp. 45-65)

Disbray, S. & G. Wigglesworth. (2008). A longitudinal study of language acquisition in Aboriginal children in three communities. In (eds.) G. Robinson, U. Eichelkamp, J. Goodnow & I. Katz. *Contexts of Child Development: Culture, Policy and Intervention* Darwin: Charles Darwin University Press.

Morrison, B., & Disbray, S. (2008). Warumungu children and language in Tennant Creek. In R. Amery & J. Nash (Eds.), *Warra wiltaniappendi = Strengthening languages*. Proceedings of the Inaugural Indigenous Languages Conference (ILC) 2007 (pp. 107-111). Adelaide, Australia.