

MORE THAN JUST WORDS: LEGAL REFORM AND BILINGUAL EDUCATION IN AUSTRALIA

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Abstract

The place and value of bilingual education in remote Australian schools has been the subject of ongoing uncertainty since its introduction in the Northern Territory in the 1970's and 80's. The recent upheaval in bilingual education policy, with the introduction and then withdrawal of the 'Compulsory Teaching in English for the First Four Hours' policy in the Northern Territory, is indicative of the fierce politicisation which has plagued bilingual education and led to chronic underfunding and poor implementation. In September 2012, The House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs released their report 'Our Land, Our Languages: Language Learning in Indigenous Communities' following an extensive enquiry into Indigenous language learning in Australia. The report makes a strong statement in support of bilingual education in schools where the child's first language is an Indigenous language. It recognises the dual benefit of bilingual education in improving English language acquisition and improving the vitality of Indigenous languages and culture.

In light of the positive recommendations contained within the report, it is time to give adequate recognition to the importance of bilingual education and address the continuing political uncertainty surrounding bilingual education policy. This paper aims to illuminate avenues for legal reform to implement a protected right to bilingual education in Australian law. It draws on the established international law framework protecting bilingual education and Indigenous languages and considers Australia's obligations pursuant to international law. It specifically considers the protections against racial discrimination found within the *International Convention Against the Elimination of All Forms of Racial Discrimination*, implemented in Australian law through the *Racial Discrimination Act 1974* (Cth). Bilingual education is essential to protect equal access to education for Indigenous students. The avenues for legal reform explored here aim to overcome the disruptive politicisation which has prevented reliable implementation of bilingual programs and recognise bilingual education as essential to improving education for indigenous students in remote areas.