

THE ABORIGINAL AND TORRES STRAIT ISLANDER LANGUAGES POLICY PARTNERSHIP AGREEMENT TO IMPLEMENT

PARTNERSHIP AGREEMENT TO IMPROVE OUTCOMES UNDER CLOSING THE GAP FOR
ABORIGINAL AND TORRES STRAIT ISLANDER LANGUAGES

ESTABLISHED BY THE JOINT COUNCIL ON CLOSING THE GAP
UNDER THE AUTHORITY OF THE NATIONAL AGREEMENT ON CLOSING THE GAP

Preamble

“We see these no-good things happened to us, to our country, our culture, and our language. Some people now have little language, and some still have much. We have come together to make change, to make our languages strong again, to make our people and culture strong again – to stand proud with our languages.”

- Aboriginal and Torres Strait Islander representatives, LPP

The National Agreement on Closing the Gap (the National Agreement) makes provision for the establishment of policy partnerships under Priority Reform One: Formal Partnerships and Shared Decision-Making. Policy partnerships are created to work on discrete policy areas (clause 30, National Agreement).

The National Agreement states in clause 38 that by 2022, the Joint Council will establish a joined-up approach to five policy priority areas between the Commonwealth, states and territories, and Aboriginal and Torres Strait Islander representatives. The five policy priority areas are:

- a) justice (adult and youth incarceration)
- b) social and emotional well-being (mental health)
- c) housing
- d) early childhood care and development
- e) Aboriginal and Torres Strait Islander languages

The National Agreement states that policy partnerships should include the strong partnership elements articulated in clause 32 unless Aboriginal and Torres Strait Islander people, communities, and organisations choose not to pursue elements (clause 35).

Language is a fundamental human right. The rights of Indigenous peoples to their languages are encapsulated within the United Nations Declaration on the Rights of Indigenous Peoples (UN DRIP), specifically in articles 13, 14 and 16. Australian Governments have begun incorporating language protections into encompassing legislation respective to their states and territories, and in 2009 the Commonwealth government confirmed its support for the UN DRIP.

This partnership is driven by and seeks to promote the immense value and richness of Aboriginal and Torres Strait Islander languages across the Country. These languages are the first languages of what is now known as Australia. They create deep connections to Country and homelands, frame worldviews, and carry and express cultures through Ancestral Creation stories, song lines, ceremonies, knowledge, and the arts, and underpin the strength, health, and

wellbeing of communities.

When the value of Aboriginal and Torres Strait Islander languages is genuinely understood, taking immediate action to stop ongoing language loss/ attrition becomes ever more critical and urgent. The impacts of historical assimilation policies that deliberately suppressed languages have been severe; the continual domination of English and a previous lack of targeted and adequate investment and commitment to revive and strengthen languages has resulted in Australia having one of the highest rates of language loss in the world.

Addressing the ongoing erosion of Aboriginal and Torres Strait Islander languages will require working together to find and advance strategies and solutions. Language maintenance, repatriation, and revitalization work are vitally important to stop the loss and ensure the security and success of Aboriginal and Torres Strait Islander languages and communities into the future. Even traditional languages currently considered relatively strong require purposeful and ongoing maintenance programs to protect them.

The diversity of language circumstances and contexts in Australia means having a 'one size fits all' approach to program design and service delivery is impossible. Communities differ in their language circumstances, but all communities have in common that they deserve to be heard and supported, with a strong focus on ensuring practical and tangible outcomes.

Purpose

1. The purpose of this Agreement is to establish a mechanism for the Parties to develop a joined-up approach to ensuring Aboriginal and Torres Strait Islander languages are strong and vibrant in their communities, spoken across generations within homes and all aspects of life, and they are supported and celebrated by all levels of government and by all Australians.
 - a. The primary function of the Languages Policy Partnership is to make recommendations to the Joint Council about ensuring Aboriginal and Torres Strait Islander cultures and languages are strong, supported, and flourishing.

Objectives

2. The objectives of the Languages Policy Partnership are to:
 - a. Establish a joined-up approach between all governments and Aboriginal and Torres Strait Islander representatives to increase the strength and use of Indigenous languages and; address the loss and sharp decrease of language and culture resulting from colonisation.
 - b. Give a focus on the Priority Reforms in the National Agreement and how they can be harnessed to make the changes needed to affect a sustained increase in the number and strength of Aboriginal and Torres Strait Islander languages being spoken.
 - c. Identify specific measures to affect a sustainable increase in the number and strength of Aboriginal and Torres Strait Islander languages.
 - d. Identify specific measures and mechanisms to track the increase in the number and strength of Aboriginal and Torres Strait Islander languages being spoken.
 - e. Identify opportunities to work more effectively across governments, the Coalition of Peaks, and community organisations, reduce gaps and duplication,

and improve outcomes under Closing the Gap.

- f. Support efforts to implement the National Agreement, including meeting targets for the Priority Reform areas and socio-economic outcomes.
- g. Drive Aboriginal and Torres Strait Islander community-led outcomes on Closing the Gap and support community-led development initiatives.
- h. Enable Aboriginal and Torres Strait Islander representatives, communities, and organisations to negotiate and implement agreements with governments to implement all Priority Reforms and policy-specific and place-based strategies to support Closing the Gap.

Scope

- 3. The Languages Policy Partnership will focus on strategies and actions that will deliver progress towards Outcome 16 of the National Agreement:
 - a. By 2031, there is a sustained increase in the number and strength of Aboriginal and Torres Strait Islander languages being spoken.
- 4. Topics in scope for consideration are:
 - a. Strategies and actions that progress the objectives of the Languages Policy Partnership, including establishing a joined-up approach to strengthening and stopping further attrition to Aboriginal and Torres Strait Islander languages.
 - b. Supporting the United Nations International Decade of Indigenous Languages 2022-2023.
 - c. Strategies and actions relating to the intersection of languages across socio-economic targets in the National Agreement.
 - d. Strategies and actions that progress the Priority Reforms as they relate to Aboriginal and Torres Strait Islander languages. This may include:
 - i. Review existing or creation of new partnerships related to Aboriginal and Torres Strait Islander languages, including place-based partnerships.
 - ii. Review the community-controlled language sector and plans to strengthen the sector.
 - iii. Transformation of mainstream agencies across various sectors, such as education and health.
 - iv. Issues relating to the structure and operation of mainstream services that disproportionately and unfairly impact Aboriginal and Torres Strait Islander people.
 - v. Review of data available and needed to develop evidence-based and locally responsive policies.
 - e. Priority reform one (formal partnerships and shared decision making): review existing, or create new partnerships related to including Indigenous languages.
 - f. Priority reform two (building the community-controlled sector): review the community-controlled language centres, and consider actions to build a robust and sustainable industry that meets the needs of Aboriginal and

Torres Strait Islander people across the country.

- g. Priority reform three (transforming government organisations): review government and other identified relevant mainstream policies to ensure they are culturally safe, responsive, and not disproportionately or unfairly impacting Aboriginal and Torres Strait Islander people and languages.
 - h. Priority reform four (shared access to data and information at a regional level): review data available and needed to develop evidence-based and locally responsive policies and actions to support Indigenous languages.
 - i. Strategies and actions that relate to the drivers of language attrition, including preservation of culture and equitable access to mainstream services by Aboriginal and Torres Strait Islander language speakers.
5. The Parties to the Languages Policy Partnership will have the authority to determine by consensus whether a topic is in scope. The dispute resolution processes may be triggered if the Parties cannot agree on whether an issue is in range.
 6. Matters considered out of the scope of the Languages Policy Partnership may be referred to other bodies or mechanisms for consideration in line with the powers of the Languages Policy Partnership set out above.

Chairing arrangements

7. The Languages Policy Partnership is co-chaired by a representative of the Coalition of Peaks and a representative of the Commonwealth who are Parties to the Agreement. The co-chairs are indicated in Schedule A.
8. The co-chairs are responsible for agreeing on meeting agendas, chairing meetings, and overseeing and monitoring the work of the Languages Policy Partnership.

Parties

9. The Parties to the Agreement are all Australian Governments, the Coalition of Peaks, and other Aboriginal and Torres Strait Islander representatives.
10. Continuity of membership and attendance at meetings is critical to the effective function of the Languages Policy Partnership.
 - a. Coalition of Peaks representatives will confirm attendance with the Peaks co-chair before meetings. If they cannot attend, the Peaks' co-chair will nominate an alternative representative in consultation with the relevant Peak. If the member misses two meetings, the co-chair will ask them to reconsider their ongoing membership.
 - b. Other Aboriginal and Torres Strait Islander representatives will also confirm their attendance with the Peaks' co-chair before meetings. They have been selected in their own right, and it will not be appropriate for them to nominate someone else if they cannot attend. If the member misses three meetings, the co-chair will ask them to reconsider their ongoing membership and advise the Coalition of Peaks. In such an event, the Coalition of Peaks may remove the member and call expressions of interest for a replacement.
 - c. Government representatives will confirm their attendance with the

Government co-chair before meetings. The jurisdiction will nominate an alternative representative if a government representative cannot attend a meeting.

11. The Parties to the Agreement are listed in Schedule A.
12. A meeting quorum will require 12 parties, including both Co-chairs (or their proxy) and a minimum of six Government parties and six Aboriginal and Torres Strait Islander parties.
13. The Languages Policy Partnership will adopt a consensus approach to decision-making, where most members agree.

Roles and responsibilities

14. All Parties are jointly responsible for:
 - a. Developing a joined-up approach to Aboriginal and Torres Strait Islander languages policy areas, including:
 - i. Identifying opportunities to work more effectively across governments and with Coalition of Peaks partners and other Indigenous organisations
 - ii. reducing gaps and duplication
 - iii. improving related outcomes.
 - b. Agreeing on the priorities and work plan for the Languages Policy Partnership.
 - c. Conducting and commissioning research and studies, analysing data and information, and preparing reports.
 - d. Developing recommendations for action through the implementation approaches of the National Agreement, and;
 - e. Tracking and reporting on progress.
15. The government Parties will:
 - a. Liaise with other agencies in their jurisdiction to develop cross-agency perspectives to inform the work of the Languages Policy Partnership.
 - b. Engage with other organisations to seek expert advice.
 - c. Engage with relevant Ministers and seek Ministerial clearance of key actions ahead of the Languages Policy Partnership agreement.
 - d. Consider how recommendations of the Languages Policy Partnership can be implemented in their jurisdiction, including through the implementation planning process or more urgent action.
 - e. Communicate the work of the Languages Policy Partnership to other agencies in their jurisdiction.
 - f. Share data with Aboriginal and Torres Strait Islander representatives, where the government owns that data and privacy or other requirements allow, to inform shared decision-making.
16. The Coalition of Peaks Parties will:
 - a. Liaise across the Coalition of Peaks and their membership and bring the perspectives of the Aboriginal and Torres Strait Islander people, communities, and organisations, their expertise, and their lived experiences to the deliberations of the partnership;

- b. Provide opportunities for Aboriginal and Torres Strait Islander people, communities, and organisations to inform them of their concerns and how they might be ameliorated.

Term

- 17. The Agreement comes into effect on the date of signing and continues for three years.
- 18. The Languages Policy Partnership will be reviewed before the end of its three-year term to be extended or renewed to drive ongoing progress. The Drafting Group will establish the process for this review in consultation with Policy Partnership Parties, agreed upon by the Partnership Working Group, and advice provided to Joint Council, which will endorse a decision on the next steps.

Amendment

- 19. The Agreement can be amended at any time by agreement of the Parties.
- 20. The Languages Policy Partnership will consider whether any amendments are required to this Agreement, its membership, and its forward work plan at least once yearly.

Decision-making

- 21. The Languages Policy Partnership is guided by the principle that decision-making is shared between governments and Aboriginal and Torres Strait Islander people. Shared decision-making is:
 - a. By consensus, where the voices of Aboriginal and Torres Strait Islander Parties hold as much weight as the governments.
 - b. Transparent, where matters for decision are in terms that all Parties easily understand and where there is enough information and time to understand the implications of the decision.
 - c. Where Aboriginal and Torres Strait Islander representatives can speak without fear of reprisals or repercussions.
 - d. Where a wide variety of Aboriginal and Torres Strait Islander groups, including women, young people, elders, LGBTQI, and Aboriginal and Torres Strait Islander people with a disability, can have their voices heard.
 - e. Where self-determination is supported, Aboriginal and Torres Strait Islander experience is understood and respected.
 - f. Where self-determination for Aboriginal and Torres Strait Islander people is given priority and commitment.
 - g. Where relevant funding for programs and services align with jointly agreed community priorities, noting governments retain responsibility for funding decisions.
 - h. Where partnership Parties have access to the same data and information, in an easily accessible format, on which any decisions are made.

Recommendations

- 22. The Languages Policy Partnership may make recommendations under this Agreement and provide those recommendations to the Joint Council for its information unless the request is for an action to be taken to Joint Council for agreement.

- a. Recommendations of the Languages Policy Partnership made to Joint Council will only be made public with the express agreement of the Joint Council.
23. All recommendations under this Agreement are made by consensus of the Parties. Recommendations are non-binding.
 24. Recommendations may be made as national recommendations or apply to a specific member or other party. Recommendations should not duplicate existing efforts in a particular jurisdiction and should be tailored to existing structures and jurisdictional drivers. It is not the intention that jurisdictions would have to report against all the recommendations of the Languages Policy Partnership as some may not be applicable.
 25. Actions to respond to relevant recommendations would be included in each party's annual implementation plan updates where the Joint Council endorses publication of the recommendations. Specific actions should be considered and taken forward through jurisdictional partnership arrangements for implementation plans to enable activities to be tailored to the particular circumstances of each jurisdiction. Progress on actions against recommendations should be outlined in the Parties' annual reports.
 26. Beyond incorporating actions to respond to the recommendations in implementation plans, Parties may take more urgent action if appropriate.
 27. The extent to which jurisdictions and other organisations have implemented recommendations will be reported on as part of the Languages Policy Partnership reporting process (as per this Agreement).

Referring matters

28. The Languages Policy Partnership may refer matters it deems out of scope to an appropriate mechanism for consideration.
29. By agreement, the Parties may establish sub-structures or working groups to progress recommendations or explore specific topics under the Languages Policy Partnership. Parties should rely on existing structures, including jurisdictional and regional arrangements, to progress recommendations.

Expert advice

30. Subject matter experts, including people with lived experience, may be invited to attend meetings of the Languages Policy Partnership from time to time to present on topics considered by the Languages Policy Partnership or to provide expert advice. Parties must agree on experts before being invited to attend a meeting.

Data Sharing

31. Parties should endeavour to share available data with the Languages Policy Partnership to assist the Languages Policy Partnership in understanding the context, make evidence-based recommendations, and gauge progress toward the targets. The Languages Policy Partnership may agree to ask Parties to collate and provide relevant data, and Parties will endeavour to do so as far as possible.

Reporting

32. Policy partnerships will be a standing item at Joint Council. This standing item will include a verbal update on how the Languages Policy Partnership is progressing, including jurisdictional updates on actions taken to support the objectives of the

Languages Policy Partnership.

33. In addition to verbal updates, the Languages Policy Partnership will report annually in writing to the Joint Council on:
 - a. Recommendations it has made
 - b. Actions being taken to implement recommendations
 - c. Progress against the objectives of the Languages Policy Partnership
 - d. Progress against any relevant Priority Reforms and socio-economic targets in the National Agreement
 - e. Any other updates
34. The written report will, where possible, draw on existing reporting and not add additional reporting burdens. It will compile information from all the jurisdictional implementation plans on how the Languages Policy Partnership recommendations are being addressed. It will also include a summary of how the Languages Policy Partnership is progressing and a list of any recommendations made by the Languages Policy Partnership.
35. The Languages Policy Partnership annual report to Joint Council will be tabled via the Partnership Working Group. The Partnership Working Group may prepare additional materials or responses to accompany the piece.
36. Actions arising from the Languages Policy Partnership recommendations incorporated into Implementation Plans will also be reported through annual public reports (clauses 118 and 119 of the National Agreement). These reports should also include a specific reference to the Languages Policy Partnership and its progress.

Dispute resolution

37. The Parties to the Languages Policy Partnership will endeavour in the spirit of cooperation, good faith, and mutual trust to resolve any difficulties or misunderstandings concerning the Languages Policy Partnership.
38. If the matter cannot be resolved by negotiation, the Languages Policy Partnership will refer the matter to the Joint Council for resolution.

Meetings

39. Regular meetings of the Parties will be held as required. The Parties will meet at least four times per calendar year.
40. The forward work plan for the Languages Policy Partnership for its first 12 months will be determined at the first meeting of the Parties. The agenda for each meeting will be determined with input from the Parties and approved by the co-chairs.

Secretariat support

41. A Secretariat will be established to support the Languages Policy Partnership by:
 - a. Preparing papers
 - b. Organising meetings, including travel
 - c. Compiling the annual reports
 - d. Maintaining and updating public material
42. First Languages Australia primarily holds the secretariat responsibility as the Aboriginal and Torres Strait Islander peak organisation for languages. However, some duties will be shared with the government lead to support shared decision-making in developing

partnership documents and agendas.

43. Papers will be distributed one week ahead of each meeting. The Languages Policy Partnership may agree to progress items out of session.

Resourcing

44. Per Clause 33 of the National Agreement, the Parties acknowledge that the Coalition of Peaks Parties need to be provided with adequate and ongoing financial support to enable them to engage and negotiate as equal partners. This financial support will be separate from their current funding as existing funding sources do not cover this new activity.
45. The Parties acknowledge that the other Aboriginal and Torres Strait Islander Parties also need to be provided with adequate and ongoing financial support to enable them to engage and negotiate as equal partners.
46. The Commonwealth will provide funding for establishing the Languages Policy Partnership, including resourcing for the Languages Policy Partnership Secretariat and reasonable meeting costs such as travel for the Languages Policy Partnership. The Commonwealth will also support the participation of the independent Aboriginal and Torres Strait Islander members of the Languages Policy Partnership, including through sitting fees. Members can choose not to accept fees where they may already receive a salary or payment from their employer.
47. Resourcing for additional activities of the Languages Policy Partnership will be negotiated and agreed upon by the Parties as they arise during the life of the Agreement. This includes the commissioning of reports or expert evidence.

Schedule A: Parties to the Agreement to Implement the Languages Policy Partnership

Coalition of Peaks representatives

First Languages Australia, Beau Williams, Co-Chair

Mobile Language Team, Karina Lester

Victorian Aboriginal Corporation for Languages, Vicki Couzens

Tasmanian Aboriginal Centre, Heather Sculthorpe

First Nations Media, Karen Paterson

Independent Aboriginal and Torres Strait Islander representatives

Leitha Assan, Badhu ipikaz

Samantha Armstrong, Pertame

Daryn McKenny, Gamilaraay, Wiradjuri

Patsy Bedford, Bunuba

Gulwanyang Moran, Birrbay, Dhangatti

Government representatives

Commonwealth – Dr. Stephen Arnott, Deputy Secretary, Co-Chair, Department of Infrastructure, Transport, Regional Development Communications, and the Arts

Australian Capital Territory – Jacinta Evans, Executive Group Manager, Strategic Policy, Community Services

Tasmania– Jodee Wilson, Deputy Secretary, Support and Development, Department for Education, Children and Young People

New South Wales – Clare McHugh, Executive Director, Aboriginal Languages Trust

Northern Territory – Camille Lew-Fatt, Director, Aboriginal Interpreter Service, Office of Aboriginal Affairs, Department of the Chief Minister and Cabinet

Queensland – Kathy Parton, Deputy Director-General, Queensland Department Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts

South Australia – Deonne Smith, Executive Director, Curriculum and Learning Division, Department for Education

VIC Government – Stephen Fraser, Deputy Secretary, School Education Programs and Support, Department of Education

WA Government – Erin Gauntlett, Deputy Director General, Department of Local Government, Sport, and Cultural Industries