



Aboriginal Education (Supplementary Assistance) Act 1989

No. 1 of 1990

An Act to provide supplementary financial assistance to advance the education of Aboriginals, and for related purposes

[Assented to 17 January 1990]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Aboriginal Education (Supplementary Assistance) Act 1989*.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Interpretation

3. In this Act, unless the contrary intention appears:

“Aboriginal” means a member of the Aboriginal race of Australia, and includes a descendant of the indigenous inhabitants of the Torres Strait Islands;

“agreement” means an Aboriginal education agreement made under section 8.

Object of Act—increasing Aboriginal involvement in educational decisions

4. It is an object of this Act to increase the involvement of Aboriginal people in the making of decisions concerning education by:

- (a) the establishment of effective arrangements for the participation of Aboriginal parents and other Aboriginal people in decisions concerning the planning, delivery and evaluation of preschool, primary and secondary education for Aboriginal children; and
- (b) the establishment of effective arrangements for the participation of Aboriginal students and other Aboriginal people in decisions concerning the planning, delivery and evaluation of post school education to Aboriginal people; and
- (c) an increase in the number of Aboriginal people who are employed or otherwise involved in education;
 - (i) as administrators, teachers, teaching assistants, researchers, student services officers, curriculum advisers and community liaison officers; and
 - (ii) as special teachers of Aboriginal culture, history, contemporary society and languages;or otherwise; and
- (d) the provision of education and training to develop the skills of Aboriginal people that are relevant to their participation in the making of decisions concerning education; and
- (e) the development of arrangements to secure independent advice from Aboriginal communities concerning educational decisions to be taken at local, regional, State and Territory, and national levels.

Object of Act—equal access to education by Aboriginals

5. It is an object of this Act to ensure that Aboriginal people enjoy equality with other Australians in their access to education and, in particular, to ensure:

- (a) that Aboriginal children who are below primary school age enjoy equality with other Australian children of that age in their access to preschool education; and
- (b) that all Aboriginal children have local access to compulsory primary and secondary schooling; and

- (c) that Aboriginal people have equitable access to other secondary and post secondary education.

Object of Act—equity of participation by Aboriginals in education

6. It is an object of this Act to ensure equity of participation by Aboriginal people in education and, in particular, to ensure:

- (a) the participation of Aboriginal children in preschool education for a period similar to that during which other Australian children participate in that education; and
- (b) that all Aboriginal children participate in compulsory primary and secondary schooling; and
- (c) that the rate of participation of Aboriginal people in other secondary and post secondary education is equivalent to that of other Australians.

Object of Act—equitable and appropriate educational outcomes for Aboriginals

7. It is an object of this Act to achieve equitable and appropriate educational outcomes for Aboriginal people by:

- (a) arrangements for the adequate preparation of Aboriginal children for primary and later schooling through preschool education; and
- (b) arrangements enabling Aboriginal children to attain, through compulsory primary and secondary education, commensurate skills and standards of skills as those attained by other Australian children; and
- (c) arrangements enabling Aboriginal secondary students to attain the same rate of successful completion of Year 12, or its equivalents, as that attained by other Australian secondary students; and
- (d) arrangements enabling Aboriginal students participating in post secondary education to attain the same graduation rates as those attained by other students so participating; and
- (e) developing programs to support the maintenance and continued use of Aboriginal languages; and
- (f) the provision of community education services to enable Aboriginal people to manage the development of their communities; and
- (g) arrangements for education that will enable Aboriginal adults with limited or no educational experience to attain proficiency in numeracy, the English language and life skills; and
- (h) education enabling Aboriginal students to appreciate Aboriginal history and culture and Aboriginal identity; and
- (j) education enabling all Australian students to understand and appreciate traditional and contemporary Aboriginal culture.

PART 2—ABORIGINAL EDUCATION AGREEMENTS

Aboriginal education agreements

8. The Minister may, on behalf of the Commonwealth, make an agreement, to be known as an Aboriginal education agreement, providing for the payment of money to the other party to the agreement, or to another person or body, for the purpose of advancing an object of this Act.

Persons who may be parties to agreements

9. Without limiting the generality of section 8, an agreement may be made with:

- (a) a State, the Australian Capital Territory or the Northern Territory;
or
- (b) a university or other institution providing post secondary education;
or
- (c) a person or body conducting, or associated with, an educational system or educational institution; or
- (d) a person qualified to carry out research, or give advice, about education.

Conditions of payments under agreements

10. (1) A payment under an agreement is to be subject to specified conditions providing for:

- (a) the acquittal of the amount paid; and
 - (b) where the payment is for a program of education—the monitoring and evaluation of, or reports on, the program.
- (2) A payment may be subject to:
- (a) a condition that a report on the result of the payment is given to the Minister; or
 - (b) a condition that:
 - (i) where the payment relates to a particular educational institution—information about the number of Aboriginals at the institution; or
 - (ii) information about the number of Aboriginals likely to benefit from the payment; or
 - (iii) other relevant information;is given to the Minister; or
 - (c) where the payment is to a person controlling employment in an educational system or institution—a condition for the employment of Aboriginals within the system or institution on the same terms and conditions as equivalent staff who are not Aboriginals; or
 - (d) other specified conditions.

PART 3—FUNDS FOR ASSISTANCE

Appropriations in other Acts

11. (1) The following amounts, amounting to \$44,477,313, are to be taken to be appropriated for the purpose of making payments under agreements in the year 1990:

- (a) so much out of an amount appropriated under an item of a subdivision of a Division in Schedule 3 to the *Appropriation Act (No. 1) 1989-90* specified in Schedule 1 to this Act as is set out in relation to that item in Schedule 1 to this Act;
- (b) so much out of an amount appropriated under an item of a subdivision of a Division in Schedule 4 to the *Appropriation Act (No. 2) 1989-90* specified in Schedule 2 to this Act as is set out in relation to that item in Schedule 2 to this Act;
- (c) the amount of \$16,651,000 out of the amount appropriated by section 31 of the *States Grants (Schools Assistance) Act 1988* as in force after the commencement of the *States Grants (Schools Assistance) Amendment Act (No. 2) 1989*.

(2) If the amount set out in a Schedule in relation to an item exceeds so much of the amount appropriated under the item as remains unexpended on the commencement of this Act, the amount set out is reduced by the amount of the excess.

Appropriation for 1990-1992

12. (1) For the purpose of making payments under agreements during the 3 calendar years commencing on 1 January 1990, the Consolidated Revenue Fund is:

- (a) appropriated during the year 1990 in the amount of \$32,032,986; and
- (b) appropriated during the year 1991 in the sum of \$79,364,082 and the 1990 percentage of \$79,364,082; and
- (c) appropriated during the year 1992 in the sum of:
 - (i) \$80,385,600; and
 - (ii) the 1990 percentage of \$80,385,600; and
 - (iii) the 1991 percentage of \$80,385,600.

(2) In this section:

“1990 percentage” means the percentage that, in accordance with section 13, is the deflator percentage for the year 1990;

“1991 percentage” means the percentage that, in accordance with section 13, is the deflator percentage for the year 1991.

Deflator percentages

13. (1) In this section:

“deflator” means the implicit price deflator Gross Non-farm Product;

“publish” means publish in the Australian National Accounts.

(2) For the purposes of section 12, the deflator percentage for a year is the annual percentage change in the deflator to the June quarter in that year published by the Australian Statistician.

(3) Any negative annual percentage change in the deflator to the June quarter in a year published by the Australian Statistician is to be taken to be nil per cent.

(4) Subject to subsection (5), if at any time, whether before or after the commencement of this section, the Australian Statistician has published or publishes an annual percentage change in the deflator to a quarter in substitution for an annual percentage change in the deflator to that quarter previously published by the Australian Statistician, the publication of the later annual percentage change is to be disregarded for the purposes of this section.

(5) If, at any time, whether before or after the commencement of this section, the Australian Statistician has changed or changes the reference base for the deflator, then, for the purposes of the application of this section after the change took place or takes place, regard shall be had only to annual percentage changes published in terms of the new reference base.

(6) If, but for this subsection, the amount to be appropriated during a financial year would be an amount consisting of a number of whole dollars and a number of cents, the number of cents is to be disregarded.

PART 4—REPORT TO PARLIAMENT

Report by Minister in 1992

14. (1) The Minister, as soon as practicable after 1 July 1992, is to cause to be laid before each House of the Parliament a report on the operation of this Act since its commencement.

(2) The report is to:

- (a) identify the types of programs, projects and other matters in respect of which payments were made under agreements; and
 - (b) contain an assessment of the extent to which each type of program, project or other matter advanced the objects of this Act.
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SCHEDULE 1

Paragraph 11 (1) (a)

Item	Amount
	\$
Item 1 of subdivision 3 of Division 270	440,000
Item 2 of subdivision 3 of Division 270	3,030,712
Item 9 of subdivision 6 of Division 270	1,750,000
Item 2 of subdivision 8 of Division 270	1,000,000
Item 3 of subdivision 8 of Division 270	6,698,499

SCHEDULE 2

Paragraph 11 (1) (b)

Item	Amount
	\$
Item 1 of Division 849	1,235,000
Item 2 of Division 849	401,100
Item 3 of Division 849	13,271,002

*[Minister's second reading speech made in—
House of Representatives on 2 November 1989
Senate on 13 December 1989]*