



# **Indigenous Education (Supplementary Assistance) Amendment Act 1996**

**No. 9, 1996**

**An Act to amend the *Indigenous Education (Supplementary Assistance) Act 1989*, and for related purposes**

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# Indigenous Education (Supplementary Assistance) Amendment Act 1996

No. 9, 1996

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**An Act to amend the *Indigenous Education (Supplementary Assistance) Act 1989*, and for related purposes**

[Assented to 14 June 1996]

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *Indigenous Education (Supplementary Assistance) Amendment Act 1996*.

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*Indigenous Education (Supplementary Assistance) Amendment Act 1996* No. 9, 1996

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## **2 Commencement**

This Act commences on the day on which it receives the Royal Assent.

## **3 Schedule(s)**

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## Schedule 1—Amendment of the Indigenous Education (Supplementary Assistance) Act 1989

### 1 Section 3 (definition of *Indigenous*)

Repeal the definition, substitute:

*Indigenous*, in relation to a person, means:

- (a) a member of the Aboriginal race of Australia; or
- (b) a descendant of the indigenous inhabitants of the Torres Strait Islands.

### 2 Section 3

Insert:

*education provider* means a person, institution or body specified in section 9.

*education sector* means an education sector listed in column 1 of the per capita funding table.

*funding year* means the calendar year 1997 or any subsequent calendar year.

*government educational institution* means:

- (a) a government preschool; or
- (b) a government school; or
- (c) a government VET institution.

*government school* means a school that is conducted by or on behalf of the government of a State or Territory.

*government preschool* means a preschool that is conducted by or on behalf of the government of a State or Territory.

*government VET institution* means a VET institution that is conducted by or on behalf of the government of a State or Territory.

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***NATSI preschool census week*** means the week during which the National Aboriginal and Torres Strait Islander preschool census is taken on behalf of the Commonwealth.

***non-government preschool*** means an institution in a State or Territory that:

- (a) is licensed or registered as a preschool by the appropriate State or Territory licensing or registration authority; and
- (b) is receiving or is eligible to receive funding from the State or Territory for preschool education; and
- (c) is not conducted for profit.

***non-government school*** means a school in a State or Territory that:

- (a) is not conducted by or on behalf of the government of the State or Territory; and
- (b) is receiving or is eligible to receive funding under the *States Grants (Primary and Secondary Education Assistance) Act 1992* or the successor Act; and
- (c) is not conducted for profit.

***non-government VET institution*** means a VET institution in a State or Territory that is not conducted by or on behalf of the government of the State or Territory.

***non-remote***, in relation to an institution, means an institution that is not remote.

***non-systemic school*** means a school that is included as a non-systemic school in the list of non-government schools kept under:

- (a) if the successor Act has not commenced—section 17 of the *States Grants (Primary and Secondary Education Assistance) Act 1992*; or
- (b) if the successor Act has commenced—the provision of the successor Act that is equivalent in substance to that section.

***per capita funding table*** means the table in section 10A.

***remote***, in relation to an institution, means an institution that is:

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- (a) on an island (other than Tasmania, Stradbroke Island, Kangaroo Island, Rottnest Island or Phillip Island); or
- (b) in a location from which one of the following is required in order to reach a city with a population of 50,000 or more:
  - (i) a journey by road of more than 300 kilometres;
  - (ii) a journey by air;
  - (iii) a journey by water; or
- (c) in a community of Indigenous people that has developed as a result of decisions of those people to return to live on land with which they identify; or
- (d) situated in a township or settlement that is culturally distinct because it is occupied by Indigenous people and managed by a council constituted by Indigenous people.

***schools census day***, in relation to a year, is the day that is schools census day in the year under:

- (a) if the successor Act has not commenced—the *States Grants (Primary and Secondary Education Assistance) Act 1992*; or
- (b) if the successor Act has commenced—that Act.

***successor Act*** means the Act:

- (a) which applies to a period beginning immediately after the end of the period covered by the *States Grants (Primary and Secondary Education Assistance) Act 1992*; and
- (b) whose purposes are similar to the purposes of that Act.

***systemic school*** means a school that is included as a systemic school in the list of non-government schools kept under:

- (a) if the successor Act has not commenced—section 17 of the *States Grants (Primary and Secondary Education Assistance) Act 1992*; or
- (b) if the successor Act has commenced—the provision of the successor Act that is equivalent in substance to that section.

***systemic school system*** means a school system that is included in the list of approved school systems kept under:

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- (a) if the successor Act has not commenced—section 19 of the *States Grants (Primary and Secondary Education Assistance) Act 1992*; or
- (b) if the successor Act has commenced—the provision of the successor Act that is equivalent in substance to that section.

***Territory*** means the Australian Capital Territory or the Northern Territory.

***VET institution*** means an institution in a State or Territory that:

- (a) is registered as an institution providing vocational education and training by the appropriate State or Territory authority; and
- (b) is receiving or is eligible to receive funding from the appropriate State or Territory authority; and
- (c) provides courses that are accredited under State or Territory requirements for the accreditation of vocational education and training courses; and
- (d) is not conducted for profit.

### **3 Subparagraph 4(c)(ii)**

Repeal the subparagraph, substitute:

- (ii) as special teachers of the culture, history, contemporary society and languages of Indigenous people;

**Note:** The heading to section 4 is replaced by the heading “Object of Act—increasing involvement of Indigenous people in educational decisions”.

### **4 Paragraph 4(e)**

Omit “Indigenous communities”, substitute “communities of Indigenous people”.

### **5 Paragraph 7(e)**

Omit “Indigenous languages”, substitute “the languages of Indigenous people”.

**Note:** The heading to section 7 is altered by omitting “Aboriginals” and substituting “Indigenous people”.



**6 Paragraph 7(h)**

Omit “Indigenous history and culture and Indigenous identity”,  
substitute “the history, culture and identity of Indigenous people”.

**7 Paragraph 7(j)**

Omit “traditional and contemporary Indigenous culture”, substitute “the  
traditional and contemporary culture of Indigenous people”.

**8 After section 7**

Insert in Part 1:

**7A Object of Act—to develop culturally appropriate education  
services for Indigenous people**

It is an object of this Act to encourage the development of  
education services that are culturally appropriate for Indigenous  
people by:

- (a) the development of curricula that are suited to:
  - (i) the education of Indigenous students; and
  - (ii) the training of professional educators (including  
administrators, teachers, teaching assistants,  
researchers, student services officers, curriculum  
advisers and community liaison officers) who are  
involved in the education of Indigenous students; and
- (b) the development of teaching methods and techniques that are  
suited to the learning styles of Indigenous students; and
- (c) the promotion of research to devise innovative methods to  
deliver education services to Indigenous students; and
- (d) the promotion of research to devise methods to eliminate  
barriers to educational attainment encountered by Indigenous  
students; and
- (e) the conduct of pilot studies to test the effectiveness of the  
methods referred to in paragraphs (c) and (d).

**9 Part 2 (heading)**

Repeal the heading, substitute:

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## **Part 2—Indigenous education agreements**

### **10 After the heading to Part 2**

Insert:

### **Division 1—General**

#### **11 Paragraph 9(a)**

Repeal the paragraph, substitute:

- (a) a State or Territory; or

#### **12 After section 9**

Insert:

### **9A Types of funding provided by agreements**

- (1) An agreement may provide for the payment of money in the form of either, or both, of the following:
  - (a) funding for supplementary recurrent expenditure;
  - (b) funding for a particular project.
- (2) If the agreement provides for the payment of money for supplementary recurrent expenditure, the amount of the payment is worked out under Division 2.

#### **13 Paragraphs 10(2)(b) and (c)**

Omit “Aboriginals” (wherever occurring), substitute “Indigenous people”.

#### **14 After section 10**

Insert in Part 2:

### **Division 2—Funding for supplementary recurrent expenditure**

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**10A Amount of payment for supplementary recurrent expenditure**

- (1) The Minister may make an agreement authorising the payment to the other party to the agreement of an amount for supplementary recurrent expenditure for a funding year.
- (2) The amount of the payment is worked out under sections 10B to 10F and the following table:

<b>Per capita funding table</b>			
<b>Item</b>	<b>Education sector</b>	<b>Government rate</b>	<b>Non-government rate</b>
		<b>\$</b>	<b>\$</b>
	<b>column 1</b>	<b>column 2</b>	<b>column 3</b>
1	Preschool (remote)	600	2,000
2	Preschool (non-remote)	300	1,000
3	Primary school (remote)	600	2,000
4	Primary school (non-remote)	300	1,000
5	Junior secondary (remote)	800	3,000
6	Junior secondary (non-remote)	400	1,500
7	Senior secondary (remote)	1,000	3,300
8	Senior secondary (non-remote)	500	1,650
9	VET institution (remote)	1,000	3,300
10	VET institution (non-remote)	500	1,650

**10B Funding of government educational institutions**

- (1) The Minister may authorise a payment for a funding year to an education provider if:
  - (a) the education provider is a State or Territory; and
  - (b) there are Indigenous students enrolled for the year at government educational institutions in the State or Territory.
- (2) The amount of the payment that may be authorised under this section is the sum of the per capita amounts worked out under subsections (3) and (4) for the education sectors in which the State or Territory provides education.
- (3) The per capita amount for an education sector (other than a preschool sector) is worked out using the formula:

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$IS \times \text{per capita amount}$

where:

*IS* means the number of Indigenous students in the education sector who are enrolled at government educational institutions in the State or Territory for the funding year.

*per capita amount* means the amount specified for the education sector in column 2 of the per capita funding table.

- (4) The per capita amount for a preschool sector is worked out using the formula:

$IS \times \text{per capita amount}$

where:

*IS* means the number of Indigenous students:

- (a) enrolled at government preschools in the State or Territory; and
- (b) in respect of whom recurrent funds are made available by the government of the State or Territory;

for the funding year.

*per capita amount* means the amount specified in column 2 of the per capita funding table for a remote preschool or a non-remote preschool (as the case requires).

### **10C Funding of non-government schools and preschools—systemic**

- (1) The Minister may authorise a payment for a funding year to an education provider in a State or Territory if:
- (a) the education provider conducts a systemic school system; and
  - (b) there are Indigenous students enrolled for the year at one or more of the system's systemic schools or at a non-government preschool conducted by the education provider in the State or Territory.

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- (2) The amount of the payment that may be authorised under this section is the sum of the per capita amounts worked out under subsections (3) and (4) for the education sectors in which the education provider provides education in the State or Territory.
- (3) The per capita amount for an education sector (other than a preschool sector) is worked out using the formula:

$IS \times \text{per capita amount}$

where:

*IS* means the number of Indigenous students in the education sector who are enrolled at the system's systemic schools in the State or Territory for the funding year.

*per capita amount* means the amount specified for the education sector in column 3 of the per capita funding table.

- (4) The per capita amount for a preschool sector is worked out using the formula:

$IS \times \text{per capita amount}$

where:

*IS* means the number of Indigenous students:

- (a) enrolled at non-government preschools conducted by the education provider in the State or Territory; and
- (b) in respect of whom recurrent funds are made available by the government of the State or Territory;

for the funding year.

*per capita amount* means the amount specified in column 3 of the per capita funding table for a remote preschool or a non-remote preschool (as the case requires).

## 10D Funding of non-government schools—non-systemic

- (1) The Minister may authorise a payment for a funding year to an education provider if:

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- (a) the education provider conducts a non-systemic school; and
  - (b) there are Indigenous students enrolled for the year at the school; and
  - (c) the number of those students:
    - (i) is 20 or more; and
    - (ii) is 10% or more of the total number of students enrolled for the year at the school.
- (2) The amount of the payment that may be authorised under this section is the sum of the per capita amounts worked out under subsection (3) for each education sector (other than the preschool sectors) in which the education provider provides education at the school.
- (3) The per capita amount for an education sector is worked out using the formula:

$IS \times \text{per capita amount}$

where:

*IS* means the number of Indigenous students in the education sector who are enrolled at the school for the funding year.

*per capita amount* means the amount specified for the education sector in column 3 of the per capita funding table.

### **10E Funding of non-government preschools—non-systemic**

- (1) The Minister may authorise a payment for a funding year to an education provider if:
- (a) the education provider conducts a non-government preschool (other than a preschool to which section 10C applies); and
  - (b) there are Indigenous students enrolled for the year at the preschool; and
  - (c) the number of those students:
    - (i) is 5 or more; and
    - (ii) is 10% or more of the total number of students enrolled for the year at the preschool.
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- (2) The amount of the payment that may be authorised under this section is worked out using the formula:

$IS \times \text{per capita amount}$

where:

*IS* means the number of Indigenous students:

- (a) enrolled at the preschool; and
- (b) in respect of whom recurrent funds are made available by the government of the State or Territory;

for the funding year.

*per capita amount* means the amount specified in column 3 of the per capita funding table for a remote preschool or a non-remote preschool (as the case requires).

## 10F Funding of non-government VET institutions

- (1) The Minister may authorise a payment for a funding year to an education provider if:
- (a) the education provider conducts a non-government VET institution; and
  - (b) there are Indigenous students enrolled for the year at the institution; and
  - (c) the number of those students:
    - (i) is 20 or more; and
    - (ii) is 10% or more of the total number of students enrolled for the year at the institution.
- (2) The amount of the payment that may be authorised under this section is worked out using the formula:

$IS \times \text{per capita amount}$

where:

*IS* means the number of Indigenous students enrolled at the institution for the funding year.

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*per capita amount* means the amount specified in column 3 of the per capita funding table for a remote VET institution or a non-remote VET institution (as the case requires).

### 10G Determination of preschool student numbers

- (1) For the purposes of this Act, the number of students enrolled at a preschool for a funding year is the number of students (worked out under this section) enrolled at the preschool during the NATSI preschool census week in the year.
- (2) The number of students enrolled at a preschool during a particular week is the sum of:
  - (a) the number of students enrolled at the preschool for 10 hours or more per week during that week; and
  - (b) the number of full-time equivalent students enrolled at the preschool during that week.
- (3) The number of full-time equivalent students referred to in paragraph (2)(b) is worked out using the following formula:

$$\frac{\text{part - time student hours}}{10}$$

where:

*part-time student hours* means the total number of hours for which part-time students are enrolled during the relevant week.

- (4) In this section:

*part-time student* means a student who is enrolled at a preschool for less than 10 hours per week.

### 10H Determination of school student numbers

For the purposes of this Act, the number of students enrolled at a school for a funding year is the number of students (including full-time equivalent students) enrolled at the school on schools census day in the year.



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## 10J Determination of VET institution student numbers

- (1) For the purposes of this Act, the number of students enrolled at a VET institution for a funding year is taken to be the same as the number of students (worked out under this section) enrolled at the institution in the year immediately before that year.
- (2) The number of students enrolled at a VET institution in a particular year is worked out using the formula:

student contact hours

540

where:

*student contact hours* means the total number of contact hours for which students are enrolled in the year at the VET institution in courses accredited under State or Territory requirements for the accreditation of vocational education and training courses.

- (3) The total number of contact hours referred to in subsection (2) is worked out on the basis of the information in the national vocational education and training data collection for the year.

## 10K Student numbers and Indigenous student numbers determined by same method

The methods for determining student numbers set out in sections 10G to 10J apply to determining numbers of Indigenous students as well as to determining numbers of students in general.

## 15 Section 10A (in Part 3)

Renumber as section 11.

## 16 Subsection 13B(4)

Omit "\$83,636,000", substitute "\$91,486,000".

Note: The heading to section 13B is altered by omitting "1997" and substituting "2000".

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1989**

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**17 Section 13B**

Add at the end:

- (5) \$102,376,000 is appropriated out of the Consolidated Revenue Fund in respect of the period that starts on 1 January 1997 and ends on 30 June 1998 for the purpose of making permitted payments during that period.
- (6) \$114,360,000 is appropriated out of the Consolidated Revenue Fund in respect of the period that starts on 1 January 1998 and ends on 30 June 1999 for the purpose of making permitted payments during that period.
- (7) \$121,976,000 is appropriated out of the Consolidated Revenue Fund in respect of the period that starts on 1 January 1999 and ends on 30 June 2000 for the purpose of making permitted payments during that period.

*[Minister's second reading speech made in—  
House of Representatives on 9 May 1996  
Senate on 27 May 1996]*