

# GUIDELINE



## Confirmation of Aboriginality Guidelines

Approved by: Executive Director, Human Resources

Approval date: 29 June 2018

### **Brief Description:**

The Department of Education (the department) requires applicants for targeted teacher training scholarships and employment in Aboriginal identified roles and positions to provide Confirmation of their Aboriginality.

This Guideline is intended to assist applicants applying for targeted teacher training scholarships or Aboriginal-identified positions, as well as current employees who wish to change their status with the department by having their Aboriginality recognised. The Guideline is also intended to assist organisations providing recognition of Aboriginality.

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## 1. Introduction

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**1.1** The Department of Education (the department) is committed to improving the employment outcomes and wellbeing of Aboriginal staff to ensure that they have the opportunity to excel and achieve in every aspect of their career and professional development.

**1.2** The purpose of this Guideline is to ensure applicants for Aboriginal student teaching scholarships and Aboriginal-identified positions are of Aboriginal descent, that they identify as Aboriginal and are accepted in their community as Aboriginal. To that end, the department requires applicants for targeted teacher training scholarships and for employment in Aboriginal-identified roles and positions to provide confirmation of their Aboriginality.

**1.3** Confirmation of Aboriginality must be provided by new employees who wish to have their Aboriginality recognised by the department.

## 2. Audience and application

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**2.1** This guideline is intended to assist applicants, employees and recognising organisations to complete the Applicant's Statutory Declaration at **Appendix 1** and the Recognising Organisation's Resolution at **Appendix 2**.

**2.2** This guideline is also intended for the use of all departmental staff, including principals, managers and relevant human resources areas.

**2.3** This guideline applies to: teachers and executives; School Administration and Support Staff; public service employees; applicants for targeted teacher training scholarships; and for employment in Aboriginal-identified roles and positions.

**2.4** This guideline does not apply to existing Aboriginal employees of the department. Existing Aboriginal employees are covered by the previous eligibility criteria, for both current and future roles (Aboriginal-identified or non-identified) with the department. Existing employee means employed prior to the implementation of this guideline.

## 3. Responsibilities and delegations

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**3.1** Applicants and employees are responsible for providing true and accurate information in relation to Confirmation of Aboriginality. It is an offence punishable by imprisonment or fine for a person/s to make a statement to a NSW Government entity in a document knowing that statement to be false or misleading.

**3.2** The hiring manager is responsible for ensuring that applicants are made aware of the consequences of making a false or misleading statement to a NSW Government entity.

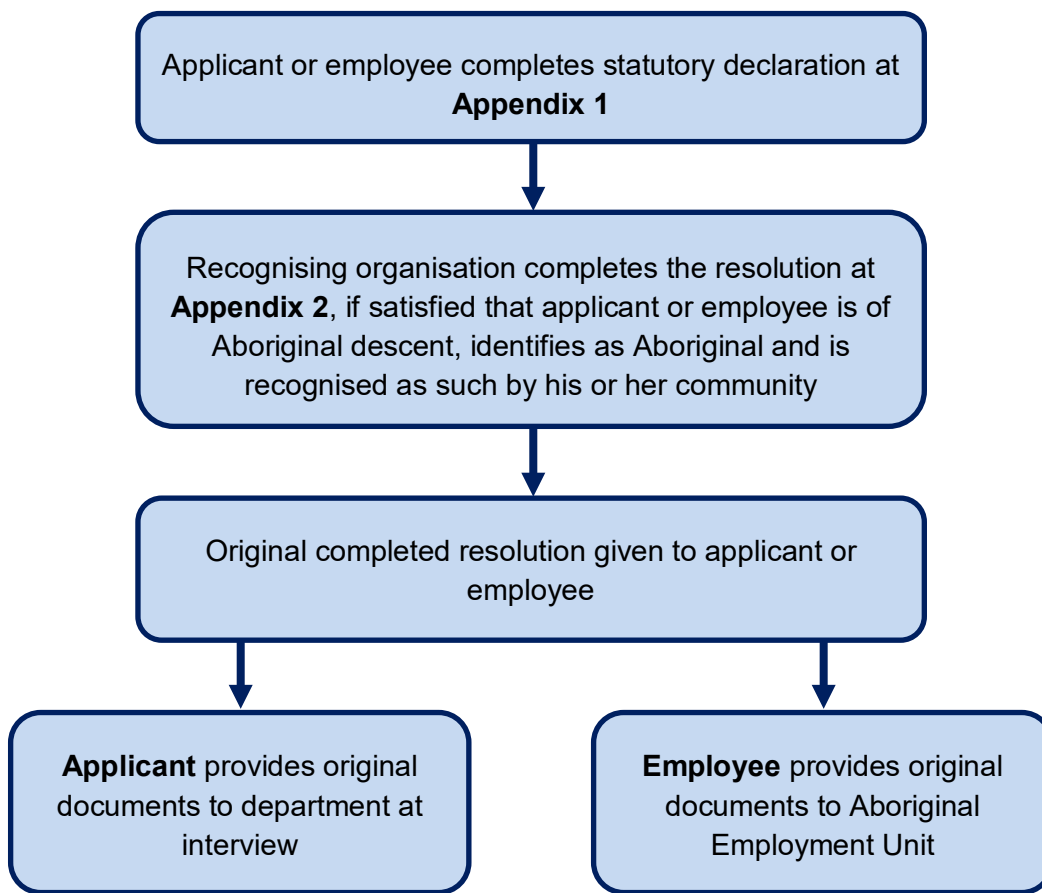
**3.3** Individual staff members, human resources areas, supervisors, directors and managers are responsible for ensuring that processes for confirmation of Aboriginality within their area/s of responsibility are consistent with this policy and its related guideline.

**3.4** Human resources areas are responsible for records management, and for disposing of documents in a secure manner afterwards.

**3.5** The hiring manager is responsible for taking copies of records and for forwarding them to the relevant human resources area. Human resources areas are responsible for keeping records of documents confirming Aboriginality, and, where required, for disposing of documents in a secure manner afterwards, as outlined in the department's [Records Management Policy](#) and [Records Management Procedures Manual](#).

## 4. Confirmation of Aboriginality Guideline

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**Figure 1. Confirmation of Aboriginality process**

**4.1** The statutory declaration attached at **Appendix 1** must be completed by:

- an applicant for an Aboriginal-targeted teacher training scholarship
- an applicant seeking employment in an Aboriginal identified roles or position
- a current employee who wishes to change their status by having their Aboriginality recognised by the department.

**4.2** The statutory declaration requires the applicant or employee to state that he or she is a member of the Aboriginal Race of Australia and that he or she identifies as an Aboriginal person. For the purposes of this Guideline, 'member of the Aboriginal Race of Australia' means that one or both of the applicant's parents are Aboriginal. The applicant or employee must also state that he or she is accepted by the Aboriginal community as an Aboriginal person. This is consistent with the definition of an Aboriginal person contained within the *Aboriginal Land Rights Act 1983 (NSW Section 3)*.

**Note:** *It is an offence punishable by imprisonment or fine for a person/s to make a statement to a NSW Government entity in a document knowing that statement to be false or misleading.*

**4.3** Once the applicant or employee has completed the statutory declaration, he or she must locate an appropriate recognising organisation to complete the resolution at **Appendix 2**.

**4.4** A recognising organisation must be either:

- a) an Aboriginal or Torres Strait Islander association incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act)*; or
- b) an incorporated community organisation where all the members of the governing body are Aboriginal persons or Torres Strait Islanders or both.

**Note:** a register of organisations incorporated under the *CATSI Act* is available at the [Office of the Registrar of Indigenous Corporations](#)

**4.5** An applicant's or employee's Aboriginality must be confirmed by a resolution at a formal meeting of the recognising organisation's governing body. The record of the resolution must be confirmed with the Common Seal of the organisation and signed by the organisation's authorised signatories.

Recognising organisations considering whether to recognise the Aboriginality of applicants or employees seeking funds, employment or leave from the department play a critical role both in ensuring that only people who are Aboriginal have access to targeted scholarships or identified positions which have been created specifically for Aboriginal people.

**4.6** Organisations must not provide confirmation of Aboriginality unless they are satisfied that the applicant or employee is an Aboriginal person and that he or she identifies as Aboriginal, and that the applicant is recognised as Aboriginal in the community.

**4.7** Once the resolution has been completed and confirmed with the recognising organisation's common seal, the recognising organisation provides the original document to the applicant or employee.

**4.8** Applicants must provide both the original statutory declaration and recognition form to the department at their interview.

At interview, Aboriginal selection panel members are permitted to further enquire about the benefits that the applicant believes their Aboriginality will bring to the position.

**4.9** Employees must provide either the original or a certified copy of both the statutory declaration and recognition form to the department's Aboriginal Employment Unit.

## 5. Monitoring, evaluation and reporting requirements

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**5.1** The Executive Director, Human Resources, or nominee, is responsible for the periodic review and revision, as appropriate, of this policy and its related procedure. The review is to take place annually, or sooner, if appropriate.

**5.2** The Aboriginal Employment Unit is responsible for maintaining records of Confirmation of Aboriginality and for reviewing these records periodically to ensure consistency with policy and procedural requirements.

## 6 More information

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**6.1** Enquiries in relation to this guideline should be referred to the Aboriginal Employment Unit on telephone (02) 7814 3833 or by email at [aboriginal.employment@det.nsw.edu.au](mailto:aboriginal.employment@det.nsw.edu.au)

## 7 Document history

### 7.1 Document information

Guideline title	Confirmation of Aboriginality Guideline
Current version	0.2
Guideline number	DOC18/664202
Approved by	Trina Schmidt
Approval date	29 June 2018
Implementation date	31 July 2018
Date of last update	29 June 2018
Next scheduled review date	29 June 2019
Audience	Applicants and employees who wish to have their Aboriginality recognised
Location in taxonomy	Guideline
Subject keywords	Aboriginal, Aboriginality

### 7.2 Document accountability

Role	Name
Guideline Owner	Director, Recruitment and Employment
Guideline Advisor	Manager, Employment Programs
Guideline Facilitator	Lead, HR Policy
Guideline Contact	Lead, Aboriginal Employment

### 7.3 Document version history

Version	Date	Author	Change description
0.1	09/03/17	Darren Bell	First draft
0.2	06/04/17	Mark Donovan	Consultation draft
0.3	09/03/18	Veronica Willmott	Revised draft
1.0	30/07/18	Michelle Egan	Final draft for publishing. Added in new clause to exempt existing Aboriginal employees.

### 7.4 Consultation

Version	Date	Stakeholder	Change description
0.3	09/03/18	AECG, TF and PSA	PSA requested current employees exempted from guideline.

### 7.5 Document linkages

#### Legislation and regulation

Key relevant legislation and regulation that determines influences or defines this guideline:

Year of enactment	Title of legislation
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1983	<i>Aboriginal Land Rights Act (NSW)</i>
1980	<i>Teaching Service Act</i>
1987	<i>Education (School Administration and Support Staff) Act</i>
2013	<i>Government Sector Employment Act</i>

## Policies and procedures

Reference policies and procedures that are associated with this guideline:

Type	PD number	Title
Policy	PD/2004/020/V06	Code of Conduct
Policy	PD/2008/0385/V03	Aboriginal Education and Training Policy
Partnership Agreement		Partnership Agreement between the NSW Aboriginal Education Consultative Group Inc. and the Department
Policy	PD/2005/0284/V03	Records Management Policy
Procedure		Records Management Procedures Manual

## 8 Terms and definitions

Definitions of terms that are contained in this guideline:

Term	Definition
<b>Aboriginal person</b>	means a person who: <ul style="list-style-type: none"> <li>(a) Is a member of the Aboriginal race of Australia, and</li> <li>(b) Identifies as an Aboriginal person, and</li> <li>(c) Is accepted by the Aboriginal community as an Aboriginal person.</li> </ul>
<b>Applicant</b>	means an applicant for targeted teacher training scholarships or for employment in Aboriginal-identified roles and positions within the department
<b>CATSI Act</b>	means the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i>
<b>Department</b>	means the NSW Department of Education
<b>Member of the Aboriginal race of Australia</b>	means that one or both of the applicant's parents are Aboriginal.
<b>Recognising organisation</b>	means an organisation which is able to provide formal recognition of an applicant's Aboriginality, their identification as Aboriginal and their recognition as Aboriginal within their community. A recognising organisation must be either: <ul style="list-style-type: none"> <li>a) an Aboriginal or Torres Strait Islander association incorporated under the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> (CATSI Act); or</li> <li>b) an incorporated community organisation where all the members of the governing body are Aboriginal persons or Torres Strait Islanders or both.</li> </ul> <p><b>Note:</b> a register of organisations incorporated under the CATSI Act is available at: <a href="#">Office of the Registrar of Indigenous Corporations</a></p>
<b>SASS</b>	means School Administrative and Support Staff