

Senate Standing Committees on Education and Employment

Family Assistance Legislation Amendment (Cheaper Child Care) Bill 2022

QUESTION ON NOTICE

Date of hearing: 21 October 2022

Outcome: Early Childhood and Youth

Department of Education Question No. IQ22-000017

Senator Kerryne Liddle provided in writing.

Definition breakdown

Question

The question is if one definition is used across the whole portfolio, or different definitions for different areas (school/tertiary/vocational/child care). Is this consistent with the Commonwealth definition and who they consult with regarding their definition to make sure it is appropriate.

Answer

The Department notes a three-part test is commonly applied for the purpose of determining eligibility for First Nations-specific supports. This test is that a person:

- is of Aboriginal and/or Torres Strait Islander descent
- identifies as an Aboriginal and/or Torres Strait Islander, and
- is accepted as such by the community in which they live, or have previously lived.

This is a widely accepted test used by government agencies, First Nations organisations, and community organisations across various sectors for example, ABSTUDY assistance.

Across Government there is not one definition for an Aboriginal and/or Torres Strait Islander child/person used consistently in legislation. There are a number of existing programs within the Education portfolio that provide targeted or differentiated funding to support education access by First Nations people. These include:

- The Aboriginal and Torres Strait Islander student loading within the Schooling Resource Standard, which draws on the three-part definition in section 16 of the Australian Education Regulation 2013.
- The Higher Education Participation and Partnerships Program and the Demand driven funding for regional and remote First Nations students measure (the *Higher Education Support Act 2003* draws on the definition of an 'Indigenous person' in the *Indigenous Education (Targeted Assistance) Act 2000*).

The Department consults with the National Indigenous Australians Agency, the Indigenous Education Consultative Meeting and peak bodies on education access for First Nations children and students. The Department also consults with the National Aboriginal and Torres Strait Islander Higher Education Consortium and is establishing the Early Childhood Care and Development Policy Partnership with the national peak body on Aboriginal and Torres Strait Islander children and families, SNAICC – National Voice for our Children.