



This is a revised edition of a Bills Digest (no. 19, 2004–05) previously prepared for the 40th Parliament.

Indigenous Education (Targeted Assistance) Amendment Bill 2004

Coral Dow
Social Policy Section

Contents

Purpose.....	2
Background.....	2
Commonwealth Assistance to Indigenous Education.....	2
Implementation of government policy.....	3
Main Provisions.....	4
Concluding Comments.....	6
Endnotes.....	7

Indigenous Education (Targeted Assistance) Amendment Bill 2004

Date Introduced: 17 November 2004

House: House of Representatives

Portfolio: Education, Science and Training

Commencement: Royal Assent

Purpose

The purpose of this Bill is to amend the *Indigenous Education (Targeted Assistance) Act 2000* ('the 2000 Act') to provide:

- continuation of arrangements under the 2000 Act for agreements with education providers and other persons or bodies for payments aimed at improving education outcomes for Indigenous Australians and continuing efforts to achieve equity between Indigenous and non-Indigenous Australians
- funding for both the Indigenous Education Strategic Initiatives Programme (IESIP) and the Indigenous Education Direct Assistance Programme (IEDA) over the 2005 to 2008 quadrennium
- continuation of 'Away From Base' payments for ABSTUDY approved courses
- additional funding for two new programmes, and
- strengthened financial and educational accountability arrangements for agreements made under the 2000 Act.

The Bill will also repeal the spent transitional provision at section 16 of the Act and repeal the *Indigenous Education (Supplementary Assistance) Act 1989*.

Background

Commonwealth Assistance to Indigenous Education

In the 1970s and 1980s, Commonwealth assistance to Aboriginal education was provided by a number of agencies in a sometimes fragmented and overlapping manner.¹ Various reports recommended that the Commonwealth Government could improve Aboriginal participation in education by increased financial assistance and through better co-ordination of available assistance.² In response to such reports, the Hawke Labor Government appointed the 1988 Aboriginal Education Policy Task Force, chaired by Professor Paul Hughes, whose report identified a series of national goals for Aboriginal

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

education. The central goal was ‘to achieve broad equity between Aboriginal people and other Australians in access, participation and outcomes in all forms of education’.³

The National Aboriginal and Torres Strait Islander Education Policy (NATSIEP), a joint initiative of the state, territory and Commonwealth governments, was implemented by the then *Aboriginal Education (Supplementary Assistance) Act 1989*.⁴ Objectives in Aboriginal education have since been met through supplementary funding to education providers rather than solely through benefits, such as ABSTUDY benefits, paid to individual students. The 1989 Act established triennial funding and enabled longer term planning for Aboriginal education programs aimed at meeting the 21 goals of NATSIEP through the Aboriginal Education Strategic Initiatives Programme (AESIP), now called the Indigenous Education Strategic Initiatives Programme (IESIP).⁵ Under IESIP the Commonwealth provides funding to government and non-government schools, including small independent Indigenous schools. Funding may go to all education sectors from pre-school to tertiary. It includes ‘Away From Base’ funding for ABSTUDY students attending compulsory course activities and funding for special projects. Funding is provided through agreements made with education providers.

Since 1990 when AESIP (now IESIP) was introduced, there has been a steady increase in Commonwealth funding for Indigenous education.⁶ Factors influencing this increase include indexation and increased enrolments. Debate on Indigenous education should recognize the important context of Indigenous demographics. Aboriginal and Torres Strait Islander peoples are a young population with a median age of 20.5 years. Thirty-nine per cent are under 15 years, compared to 20 per cent for the non-Indigenous population.⁷ It is estimated that the Indigenous population is growing at a rate of 5.3 per cent a year and that between 1991 and 1996 the number of Indigenous children under 17 increased by 12 per cent compared to a 2 per cent increase for non-Indigenous children.⁸

Since 1996, the commitment to IESIP, in both policy and funding terms, has continued under the Coalition Government. Although the *Indigenous Education (Supplementary Assistance) Act 1989* was not repealed, the 2000 Act now provides the funding and implements the Government’s policy. The 2000 Act included a new object which stressed the attainment of better literacy and numeracy outcomes and better attendance outcomes for Indigenous students. The emphasis on improved educational outcomes has been a central plank in the Government’s platform of ‘practical reconciliation’ which was introduced in the Prime Minister’s speech at the launch of the National Indigenous Literacy and Numeracy Strategy in March 2000.⁹ The 2000 Act also provided more stringent accountability and reporting provisions.

Implementation of government policy

The Bill implements the continuing emphasis on improving educational outcomes for Indigenous Australians and working to achieve equity between Indigenous and non-Indigenous students. The Government’s stated approach is to ‘redirect resources to programmes that have demonstrably improved outcomes, to provide greater weighting of

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

resources towards Indigenous students of greatest disadvantage – those in remote areas, and to improve mainstream service provision for Indigenous students’.¹⁰

The Bill has not changed substantially from an earlier version of the Bill that was introduced in June 2004 but lapsed when the 40th Parliament was prorogued. It provides additional funding of \$47.3 million (from \$865.9 million in 2003 prices for non-ABSTUDY payments to \$913.2 million in 2004 prices for non-ABSTUDY payments) and an increase of \$2 million for ABSTUDY payments. The Bill provides funding for two measures announced during the 2004 election campaign: the Indigenous Youth Leadership Programme and the Indigenous Youth Mobility Programme.

The Indigenous Youth Leadership Programme provides \$10 million over four years to fund 250 means tested scholarships, internships, study tours and mentoring for mainly remote students to attend universities and the ‘best Australian schools’. The initiative reflects recent calls from Noel Pearson and the Cape York Institute for scholarships to enable Indigenous students from remote communities to attend ‘high quality, high expectation boarding schools’.¹¹ It will be supported by an Indigenous Elders Advisory Group to ‘ensure cultural integrity’ and administered by an ‘appropriate non-metropolitan higher education institution’.¹² The guidelines on how this advisory group will be chosen and operate, and how the mentoring side of the programme will function have not been released.

The Indigenous Youth Mobility Programme provides \$19 million over four years to fund 600 places in apprenticeship and tertiary training. It will fund supported accommodation through Aboriginal Hostels and provide counselling. The places will be offered in courses such as nursing, teaching and accountancy which will benefit communities, but there seems to be no compunction on students to return to communities on completion of training.

Both the leadership and the mobility initiatives add a new emphasis to the Government’s Indigenous education strategy which has largely focussed on improving literacy and numeracy rates, attendance and Year 12 retention. The new leadership and mobility measures will enable high achieving Indigenous students to complete or further their education in capital and provincial centres.

Main Provisions

Item 3 of Schedule 1 of the Bill inserts a **new section 14A** in the 2000 Act to provide appropriations for non-ABSTUDY payments for the period January 2005 to June 2009. For the first time it will provide the funding appropriations to support payments under the Indigenous Education Direct Assistance Programme (IEDA) which currently receives funding under the annual Appropriation Bill No. 1. Bringing IEDA under the 2000 Act will ensure programme funding for the quadrennium and align the programme with calendar rather than financial years. It should also continue the improved integrated

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

programme delivery with IESIP which the Department of Education, Science and Training (DEST) has worked towards since 2000.¹³ IEDA funding will now have to meet the same accountability arrangements as other Indigenous education supplementary funding programmes, including the strengthened performance and reporting frameworks provided in **new section 11**.

Item 9 inserts a **new Division 2** ('Accountability for section 10 agreements') in Part 3 of the 2000 Act.

New section 11A provides that the Minister must not make an agreement under section 10 unless parties to agreements make a commitment to advance the objects of the Act and a commitment to achieve performance targets specified in the agreement. It is expected that performance indicators will relate to literacy and numeracy benchmarks; attendance, retention rates and grade progression ratios; enrolments; employment of Indigenous people in education; involvement of Indigenous people in decision making; professional development; and culturally inclusive curricula.¹⁴

New section 11B provides that agreements are subject to the reporting conditions specified in **new Subdivisions B and C** of Division 2 and that payments are spent for the purposes specified in the agreement.

New section 11C provides that for each funding year covered by the agreement parties to the agreement must specify whether payments for the funding year have been spent or committed in that year for the purposes specified in the agreement.

New section 11D introduces a condition that parties to the agreement report how the party has advanced, or intends to advance, the objects of the Act from sources other than Australian Government mainstream and Indigenous specific funds. The Government expects that this provision will provide more transparent reporting by providers of their expected and actual expenditure on Indigenous education from their own sources and will 'ensure that all money provided actually gets to the intended recipients'.¹⁵ As the Minister stresses in his second reading speech: 'payments under the Act are to supplement, rather than substitute for, the other forms of funding available to advance the education of all Australian students, including Indigenous students'.¹⁶

New section 11E specifies that parties to the agreement must report on performance against performance indicators and targets. Reporting may be required to show data for different geographical regions. Such a requirement would allow identification of regional differences rather than aggregate state and territory data which may mask large regional variations. This addresses the concern of the Commonwealth Grants Commission in its *Report on Indigenous Funding* about the quality of data available at the regional level.¹⁷ Furthermore such data will be crucial in measuring the success of the funding policy which directs more resources to remote areas. In the 2005 to 2008 quadrennium, IESIP Supplementary Recurrent Assistance (SRA) and strategic initiative funding will continue to favour remote areas. SRA per capita rates for students in metropolitan regions will be

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

frozen at 2004 levels and remoteness boundaries will be based on 2001 not 1996 census data.¹⁸ Students classified as being in remote locations will be funded at twice the rate of students in non-remote locations. It is expected that mainstream service provision will increasingly meet the needs of students in metropolitan areas.¹⁹

New section 11F allows the Minister to intervene if parties are not achieving performance targets. The Minister may specify action to be taken and require a report on the response.

New section 11G requires that parties to the agreement participate in data validation and evaluations of the effectiveness of initiatives covered by the agreement in advancing the objects of the Act. Such evaluations should assist the Government in its intention to redirect resources to programmes that have demonstrably improved outcomes, that follow successful examples of ‘what works’, such as the ‘Scaffolding’ approach to teaching literacy, and that promote systemic change.²⁰

Concluding Comments

The Bill does not refer directly to the new arrangements for IEDA. However, significant changes have been made to the programme which will now be brought under the 2000 Act. Following the 2003 review of IEDA,²¹ the Government will introduce a ‘Whole of School Intervention Strategy’ to replace the Aboriginal Student Support and Parent Awareness (ASSPA) and Vocational and Educational Guidance for Aboriginals Scheme (VEGAS) elements of IEDA. The present formula-based funding that incorporates Indigenous enrolment figures and loadings for remoteness will be replaced with submission-based funding.²² School-based parent committees and school councils will now have to compete for funding and meet the proposed reporting and accountability provisions in the Act. Although there are advantages in bringing IEDA under the 2000 Act, specifically quadrennium funding which should ensure better opportunities for planning and implementation, the changes to ASSPA may prove to be an onerous task for small and remote schools and their communities.

Following the review of IEDA, the Aboriginal Tutorial Assistance Scheme (ATAS) will continue under the new name ‘Indigenous Tutorial Assistance Scheme’ (ITAS). ATAS provided individual and in-school tuition of up to five hours a week for school and post-secondary students. The emphasis on tuition for students not meeting the Year 3, 5 and 7 literacy and numeracy benchmarks will continue with a greater emphasis on in-class tuition. Additional individual tutoring in reading will be available to Indigenous students through the mainstream Tutorial Credit Scheme.²³ However, unlike the Tutorial Credit Scheme, funding for ITAS is capped. Considering the significant growth in the Indigenous school-age population this could result in a shortfall of tuition places²⁴—a conclusion supported by the IEDA review in which DEST staff noted that the IEDA program has not received any major increases in funding, other than annual indexation, since its establishment in 1991.²⁵

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

The Bill can be viewed in the wider context of the Government's Indigenous and education policies. In the emphasis on funding to remote areas and the demand for providers to report on mainstream funding, it can be seen as part of the 'mainstreaming' of Indigenous program delivery and the decision to abolish the Aboriginal and Torres Strait Islander Commission (ATSIC). The Bill's emphasis on the reporting of educational outcomes is similar to that in the main Schools Assistance (Learning Together-Achievement through Choice and Opportunity) Bill 2004 which provides funding to government and non-government schools. Grantees under that Bill will be required to report against performance measures and to achieve performance targets related to the National Goals for Schooling for all students.²⁶ Additionally, under provisions in the Schools Assistance (Learning Together-Achievement through Choice and Opportunity) Bill, government and non-government school systems will be required to report annually on how mainstream school funding provided by the Commonwealth is being spent on improving Indigenous education outcomes.

Endnotes

- 1 Commonwealth funding was available through the Department of Education and Youth Affairs, Department of Aboriginal Affairs, Commonwealth Schools Commission, Curriculum Development Centre and the National Aboriginal Education Committee. See: Commonwealth Schools Commission, *Funding Priorities in Aboriginal and Torres Strait Islander Education* Canberra, July 1984 and House of Representatives Select Committee on Aboriginal Education, *Aboriginal Education*, Canberra, September 1985, pp. 46–67.
- 2 See for example: B. H. Watts, *Aboriginal Futures, A Review of Research and Developments and Related Policies in the Education of Aborigines* (1982); Commonwealth Schools Commission/National Aboriginal Education Committee, *Funding Priorities in Aboriginal and Torres Strait Islander Education* (July 1984); House of Representatives Select Committee on Aboriginal Education, *Aboriginal Education* (September 1985) and the *Report of the Committee of Review of Aboriginal Employment and Training Programs* (August 1985).
- 3 Department of Employment, Education and Training, *National Aboriginal and Torres Strait Islander Education Policy: Joint Policy Statement*, Canberra, 1989, p. 9.
- 4 An amendment to the Act in 1995, replaced the word 'Aboriginal' with 'Indigenous'. The 1989 Act will be repealed by passage of the Bill.
- 5 The Commonwealth, State, and Territory governments reaffirmed their commitment to the NATSIEP goals in the *National Strategy for the Education of Aboriginal and Torres Strait Islander Peoples 1996-2002*. For an overview of the evolution of a national Indigenous education policy see: Senate Employment, Workplace Relations, Small Business and Education References Committee, *Katu Kalpa: Report on the Inquiry into the Effectiveness of Education and Training Programs for Indigenous Australians*, Canberra, March 2000, pp. 19–40.

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

- 6 *National Aboriginal and Torres Strait Islander Social Survey 2002*, Canberra, ABS, 2004 (ABS Cat. 4714.0).
- 7 *National Aboriginal and Torres Strait Islander Social Survey 2002*, Canberra, ABS, 2004 (ABS Cat. 4714.0).
- 8 [*Review of the Indigenous Education Direct Assistance Program: Final Report*](#), Canberra, DEST, 2004, p. 2.
- 9 The Hon. John Howard, Transcript of speech at the national launch of the Indigenous National Literacy and Numeracy Strategy, Sydney 29 March 2000.
- 10 [*Indigenous Education: Achievement through Choice and Opportunity: Australian Government Indigenous-specific funding for the 2005-2008 Quadrennium, Discussion Paper*](#), Canberra, DEST, 2004, p.2. See also Minister's second reading speech, 17 November 2004.
- 11 'Board our children', *The Australian*, 30 October 2004; 'Speaking of boarders', *The Australian*, 1 November 2004; and Noel Pearson, 'Opinion: No danger of another stolen generation', *The Australian*, 5 November 2004.
- 12 *Howard Government Election 2004 Policy: Indigenous Australians: Opportunity and Responsibility*, 17 September 2004.
- 13 [*A Review of the Indigenous Education Direct Assistance \(IEDA\) Programme*](#) Canberra, DEST, 2000; see also Australian National Audit Office *Indigenous Education Strategies*, Audit Report No. 43, 2001–2002, Canberra, ANAO, 2002, in particular chapter 6.
- 14 [*Indigenous Education: Achievement through Choice and Opportunity: Australian Government Indigenous-specific funding for the 2005-2008 Quadrennium, Discussion Paper*](#), Canberra, DEST, 2004, p. 4.
- 15 Australian Government, *Indigenous Education Funding 2005 to 2008*.
- 16 [*Dr Brendan Nelson, Indigenous Education \(Targeted Assistance\) Amendment Bill 2004: Second Reading, House Hansard, 23 June 2004*](#).
- 17 Commonwealth Grants Commission, [*Report on Indigenous Funding*](#), Canberra, 2001.
- 18 [*Indigenous Education: Achievement through Choice and Opportunity: Australian Government Indigenous-specific funding for the 2005-2008 Quadrennium, Discussion Paper*](#), Canberra, DEST, 2004, see Attachment A.
- 19 Dr Brendan Nelson, 'Indigenous Education Strategic Initiatives Programme', Media Release, 5 April 2004.
- 20 Dr Brendan Nelson, 'Indigenous Education Strategic Initiatives Programme', Media Release, 5 April 2004.
- 21 [*Review of the Indigenous Education Direct Assistance Program: Final Report*](#), Canberra, DEST, 2004.
- 22 [*Indigenous Education: Achievement through Choice and Opportunity: Australian Government Indigenous-specific funding for the 2005-2008 Quadrennium, Discussion Paper*](#), Canberra, DEST, 2004.

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

- 23 Funding provided in the States Grants (Primary and Secondary Education Assistance) Legislation Amendment Bill 2004. Under this scheme, parents who have received information that their child did not achieve the Year 3 minimum national reading benchmark will receive a \$700 voucher to purchase additional assistance for their child.
- 24 ATSIIC, 'Education a key to improved well-being but Indigenous Australians remain locked out', media release, 5 April 2004; see also *Education Review*, vol 7, no. 3, April 2004, p. 2.
- 25 [Review of the Indigenous Education Direct Assistance Program: Final Report](#), Canberra, DEST, 2004, p. 14.
- 26 [Learning Together: Achievement Through Choice And Opportunity Australian Government Funding for Schools for the 2005-2008 Quadrennium Discussion Paper](#), Canberra, DEST, 2004.

© Copyright Commonwealth of Australia 2004

Except to the extent of the uses permitted under the *Copyright Act 1968*, no part of this publication may be reproduced or transmitted in any form or by any means including information storage and retrieval systems, without the prior written consent of the Department of Parliamentary Services, other than by senators and members of the Australian Parliament in the course of their official duties.

This paper has been prepared to support the work of the Australian Parliament using information available at the time of production. The views expressed do not reflect an official position of the Information and Research Service, nor do they constitute professional legal opinion.

Members, Senators and Parliamentary staff can obtain further information from the Information and Research Services on (02) 6277 2709.

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.