

CONFIRMATION OF ABORIGINAL AND TORRES STRAIT ISLANDER IDENTITY PROTOCOL



CONTENTS

1	PURPOSE	1
2	SCOPE	1
3	PROTOCOL.....	1
	Acceptable documentation.....	2
	Submission	2
	Acceptance process.....	2
4	RESPONSIBILITIES	2
	Compliance, monitoring and review	2
	Reporting	2
	Records management.....	2
5	DEFINITIONS	3
	Terms and definitions.....	3
6	RELATED LEGISLATION AND DOCUMENTS	3
7	FEEDBACK	3
8	APPROVAL AND REVIEW DETAILS	3

1 PURPOSE

- 1.1 This protocol outlines CQUniversity's process for confirming the cultural identity of Australian Aboriginal and Torres Strait Islander or First Nations individuals.
- 1.2 The terms 'Australian Aboriginal and Torres Strait Islander' and 'First Nations' are used interchangeably throughout this document.

2 SCOPE

- 2.1 This protocol applies to CQUniversity employees responsible for managing application and request processes involving the requirement to confirm an individual's Aboriginal and/or Torres Strait Islander or First Nations cultural identity. This includes determining eligibility of applicants for special financial support such as scholarships, student support, and for employment in positions identified to be fulfilled by an Aboriginal and/or Torres Strait Islander or First Nations person.

3 PROTOCOL

- 3.1 The University receives funding from various government organisations, industry partners and philanthropists intended for the support of Australian Aboriginal and/or Torres Strait Islander or First Nations applicants. The University has a responsibility to ensure funding is used as intended.
- 3.2 A person who wishes to confirm their Australian Aboriginal and/or Torres Strait Islander or First Nations identity in order to be eligible for financial benefit by way of Indigenous Australian-focused scholarships, grants, bursaries, or for employment in a position identified to be fulfilled by an Australian Aboriginal and/or Torres Strait Islander or First Nations person is required to provide documentation of identity.
- 3.3 Confirmation of Aboriginal and/or Torres Strait Islander or First Nations identity required by the University for use as legal documentation is based on Section 51(xxvi) of the [Constitution of Australia](#) (Cwlth) that grants the Australian Commonwealth power to make special laws for people of any race.

3.4 In 1983 under the above section, the High Court of Australia deemed that an Aboriginal or Torres Strait Islander person:

1. is a person of Australian Aboriginal or Torres Strait Islander descent
2. who identifies as an Australian Aboriginal or Torres Strait Islander, and
3. is accepted as such by the community in which he or she lives, or formerly lived.

These three criteria are also referred to as working criteria by many government agencies nationally and within all states and territories.

Acceptable documentation

3.5 The University accepts any or all the following documents to verify the applicant as Aboriginal and/or Torres Strait Islander or First Nations person:

- a) [certified](#) copies of the applicant's Confirmation of Identity documents. A Confirmation of Identity document is usually provided by an Aboriginal or Torres Strait Islander community organisation. The documentation names the individual and confirms they are a recognised member of a specified Indigenous Australian community
- b) certified Native Title documentation issued by a Prescribed Body Corporate which specifically names the applicant or provides other formal evidence of ancestral or familial ties, or
- c) in the absence of (a) or (b), an original [Statutory Declaration](#) signed by the applicant, accompanied by two supporting documents of verification from a recognised [cultural consultant/referee](#).

3.6 Employees acting as a cultural referee must complete a Conflict of Interest Disclosure Statement Form, in accordance with the [Conflict of Interest Policy and Procedure](#).

Submission

3.7 Certified copies of the documentation outlined in section 3.5 must be submitted with the individual's application.

Acceptance process

3.8 Where there is doubt regarding validity of submitted documentation, advice must be sought from the Vice-President (Indigenous Engagement).

4 RESPONSIBILITIES

Compliance, monitoring and review

4.1 The Director Office of Indigenous Engagement is responsible for implementing, monitoring, reviewing and ensuring compliance with this protocol.

Reporting

4.2 No additional reporting is required.

Records management

4.3 Employees must manage records in accordance with the [Records Management Policy and Procedure](#). This includes retaining these records in a recognised University recordkeeping information system.

4.4 University records must be retained for the minimum periods specified in the relevant [Retention and Disposal Schedule](#). Before disposing of any records, approval must be sought from the Records and Privacy Team (email records@cqu.edu.au).

4.5 Confirmation of Identity documents will be treated as confidential and held by the University under currently established processes for storage of identity documentation, if required.

- 4.6 Employees responsible for managing application processes will ensure the University's digital records are updated to reflect the applicant's cultural identity and/or heritage.
- 4.7 It is assumed that individuals wishing to apply for Indigenous-specific opportunities as listed above, consent to having their heritage recorded in University statistics.

5 DEFINITIONS

- 5.1 Terms not defined in this document may be in the University [glossary](#).

Terms and definitions

Certified: a person can certify a document and/or identity declaration (i.e. photograph) if they are authorised in accordance with Schedule 1 of the [Statutory Declarations Regulations 2023](#) (Cwlth).

Cultural consultant/referee:

- a recognised Aboriginal and/or Torres Strait Islander community member named or known as a spokesperson, a member, employee or executive of a registered First Nation Australian organisation, or
- an acknowledged and recognised Elder or Traditional Owner who is a member of an Aboriginal or Torres Strait Islander community.

6 RELATED LEGISLATION AND DOCUMENTS

[Australian Institute of Aboriginal and Torres Strait Islander Studies](#) (AIATIS)

[Conflict of Interest Policy and Procedure](#)

[Commonwealth of Australia Constitution Act](#) (Australia Constitution) (Cwlth)

[Scholarship Programs Policy and Procedure](#)

[National Native Title Tribunal](#)

[Office of the Registrar of Indigenous Corporations](#) (ORIC)

[Statutory Declaration](#)

7 FEEDBACK

- 7.1 Feedback about this document can be emailed to policy@cqu.edu.au.

8 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Vice-Chancellor and President
Delegated Approval Authority	Vice-President (Indigenous Engagement)
Advisory Committee	N/A
Required Consultation	N/A
Administrator	Director Office of Indigenous Engagement
Next Review Date	18/02/2028

Approval and Amendment History	Details
Original Approval Authority and Date	Vice-President (Research) 16/03/2021
Amendment Authority and Date	Editorial amendments 14/12/2023; Vice-Chancellor and President 18/02/2025
Notes	This document was formerly known as the Confirmation of Aboriginal and/or Torres Strait Islander or First Nations Identity Protocol (last approved 14/12/2023).