

CONFIRMATION OF ABORIGINAL AND/OR TORRES STRAIT ISLANDER OR FIRST NATIONS IDENTITY PROTOCOL



CONTENTS

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

1 PURPOSE

- 1.1 This protocol outlines CQUniversity's process for confirming Aboriginal and/or Torres Strait Islander or First Nations cultural identity.

2 SCOPE

- 2.1 This protocol applies to CQUniversity employees responsible for managing application 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 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 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 Aboriginal or Torres Strait Islander descent
 2. who identifies as an 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) 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](#).

Submission

- 3.6 Certified copies of the documentation outlined in section 3.5 will be submitted with the individual's application.
- 3.7 The process by which documentation to confirm identity as an Aboriginal and/or Torres Strait Islander or First Nations person will be defined in the criteria of the application form for each individual instance. The acceptable types of documentation will be defined in the outlined application process.

Acceptance process

- 3.8 In the case of doubt regarding validity of submitted documentation or in an appeal process to a decision made, an independent [cultural consultant/referee](#) may review the documentation (at applicant's cost) and make a recommendation.
- 3.9 Applicants will be notified within one month via email that documents provided have met the University's selection criteria.

4 RESPONSIBILITIES

Compliance, monitoring and review

- 4.1 The Deputy Vice-President (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.
- 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

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)

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

[Indigenous Commonwealth Scholarship Program Policy](#)

[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

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