



Western Australia

Indigenous Cultural Connection to Schools Act 2019

Explanatory Memorandum

Addressing outcomes for Indigenous young people has been on the agenda for successive governments over the last few decades, with a number of different programs and initiatives funded and subsequently discontinued over this time. One such initiative is the ‘Closing The Gap’ project; this project commenced in 2008 and is still currently in progress, and with only three of the seven targets being met as of 2018, new targets have been drafted to extend the life of the project.

Outcomes for Indigenous Australian young people in Western Australia’s education system are consistently lower than non-Indigenous Australians across the board, with lower academic performance and lower attainment of WACE being the two main indicators. In 2013, there was a gap of 28% between these two groups for achieving WACE. It is well understood that achieving WACE is a strong indicator for future success and financial independence, and that this disparity in education continues to perpetuate cycles of inequality for Indigenous Australian populations. Indigenous Australian youth are significantly more likely to struggle with their mental health than non-Indigenous youth. A 2014–15 National Aboriginal and Torres Strait Islander Social Survey found that 47.5% of Indigenous Australian people aged between 15 and 24 years old have a long-term mental health issue. Therefore, vital action to increase students’ engagement with their schools needs to be taken to bridge the disparity in education and health.

The effects of colonisation on Indigenous Australian cultures have been devastating, with many policies implemented in the early history of ‘White Australia’ actively seeking to suppress or erase Indigenous Australian languages and cultures in the aim of cultural genocide. Much of the Australian school curriculum ignores, whitewashes or downplays the achievements of Indigenous Australians and the brutality of colonisation. As a result of Australia’s history, many Indigenous Australian youth find it difficult to connect with their cultural roots and establish a sense of belonging in the modern world. This disenfranchisement from society is one of many factors that impact the educational outcomes for Indigenous Australians. To rectify this, this Act seeks to introduce new initiatives to the education system to help reconnect Indigenous Australians to their own culture and history and promoting positive Aboriginal role models. This will aim to build positive connections to society and ultimately broaden opportunities in the future. It is crucial that the paternalistic nature of previous initiatives designed to aid Indigenous Australian people is recognised, and that these new initiatives are directly planned, developed and implemented by Aboriginal and Torres Strait Islander peoples.



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Indigenous Cultural Connection to Schools Act 2019

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Western Australia

Indigenous Cultural Connection to Schools Act 2019

An Act for —

An Act to increase the opportunities for young Indigenous Australians to form and strengthen connections to Indigenous culture through the Western Australian Education System in order to improve academic outcomes, and for related matters.

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Indigenous Cultural Connection to Schools Act 2019*.

2. Commencement

This Act commences on the day on which this Act receives Royal Assent.

3. Interpretation

In this Act, unless the contrary intention appears —

“**Aboriginal**” means the originating peoples of Australia.;

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“**CCC**” means an abbreviation for the Cultural Connection Committee.;

“**Committee**” means a group of people appointed for a specific function by a larger group and typically consisting of members of that group;

“**Conflict of Interest**” means a situation in which an individual is in a position to derive personal benefit from actions or decisions made in their official capacity;

“**Culturally appropriate**” means the use of a culture and its practices in a considerate, educational and enlightening way with respect to the original culture.

“**Culturally relevant**” means the relevance of changes to enhance the understanding, respect and education of a culture in a meaningful way.

“**Elder**” means a leader and senior recognised by an Aboriginal or Torres Strait Islander community in Western Australia;

“**Grant**” means a sum of money given by a government or other organization for a specified purpose;

“**Incapacity**” means the physical or mental inability to do something or to manage one's affairs.;

“**Indigenous**” means the originating peoples of Australia and the Torres Strait Islands;

“**Infrastructure**” means materials, facilities, initiatives and other implementations created to strengthen Western Australian schools' connections to Indigenous culture, with the goal of improving Indigenous academic outcomes.

“**Member**” means a person chosen by the Minister for Aboriginal Affairs to participate as part of the Cultural Connections Committee or any of its subcommittees;

“**Mental Health**” means a person's condition with regard to their psychological and emotional well-being;

“**Proxy**” means a person authorized to act and vote on behalf of a committee member who must hold the qualification required of the original member;

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“Qualification” means a qualification at a tertiary level from a certified educational institution;

“Remuneration” means the pay or other compensation provided in exchange for a committee member or other employee’s services being completed to an adequate standard;

“Representative” means people chosen to act and speak on behalf of a wider group as part of a legislative assembly or deliberative body;

“Successful partnership” means proven experience working successfully and cooperatively with Indigenous Australian people to increase connection to Indigenous cultures in the community.

“Youth” means a young person up to the age of 24 years old.

Part 2 — Cultural Connection Committee

Division 1 — Committee Implementation

4. Cultural Connection Committee

- (1) A Cultural Connection Committee (CCC) is to be established.
- (2) The CCC will be a corporate body with perpetual succession.
- (3) The CCC will be an agent of the State and have the status, immunities and privileges of the state.
- (4) Proceedings may be taken by or against the CCC in its corporate name.

5. Role of the Cultural Connection Committee

The Cultural Connection Committee will perform the following functions —

- (a) Design appropriate initiatives to implement into the current Western Australian school curriculum;
- (b) Create selection criteria for culturally appropriate teaching staff;
- (c) Allocate members for two subcommittees:
 - (i) Curriculum Subcommittee; and
 - (ii) Infrastructure Subcommittee
- (d) Nominate a preferred Presiding Member for both sub-committees;
- (e) Nominate an alternative Presiding Member for both sub-committees.
- (f) Oversee the functioning body of the subcommittees;
- (g) Review and accept or reject applications for the Cultural Connection Grants Pool applications pursuant to Clause 31; and
- (h) Recommend the amount of funding to be allocated to the Cultural Connections Grants Pool.

Division 2 — Operations and Oversight

6. Membership

The Cultural Connections Committee will consist of six (6) members appointed by the Minister for Aboriginal Affairs who have previously worked in successful partnership with Indigenous Australian people —

- (a) One (1) member to represent the Department of Premier and Cabinet;
- (b) One (1) member to represent the Department of Education;
- (c) One (1) Indigenous Australian representative who has a qualification in education ;
- (d) One (1) Indigenous Australian representative who holds the status of 'Elder';
- (e) One (1) Indigenous Australian representative who holds the status of 'Elder'; and
- (f) One (1) member who has a qualification in mental health.

7. Minimum meetings of the Cultural Connection Committee

- (1) The Cultural Connection Committee must meet on a monthly basis.
- (2) Additional meetings will be called at the discretion of the chairperson.

8. Presiding Officer

- (1) The Minister for Aboriginal Affairs will select a Chairperson.
- (2) The Chairperson will preside over all meetings of the CCC.
- (3) The Chairperson will be notified of any conflicts of interest arising from the membership of the committee and determine the action/s taken. This will involve deciding whether the member in question shall be permitted to contribute to and remain in discussions on the issue from which the conflict arose and related matters.

- (4) In the event that the chairperson is absent from a meeting, all members present shall elect an acting chairperson to preside over the meeting.

9. Quorum

Four (4) members of the committee will be required to be present in order to constitute a full meeting.

10. Remuneration

Members of the committee will be paid such remuneration and other allowances as determined by the Premier at the recommendation of the Public Sector Commissioner.

11. Members unable to act

- (1) If a member is unable to act as a result of illness or absence, the member must appoint a proxy who holds the qualification required of the original member (e.g. status as an Aboriginal 'Elder') to attend the relevant meeting in their place.
- (2) If that member is unable to act at subsequent meetings thereafter, the Minister for Aboriginal Affairs will appoint another person to fulfil a similar capacity: either the original proxy or another person deemed fit for service.
- (3) While so acting according to the tenure of his or her appointment, that other person is taken to be a member.
- (4) If a conflict of interest arises, the member of the committee to whom it relates shall notify the Chairperson in writing in no less than one (1) business day.

12. Termination of Members

A member of the Cultural Connection Committee can be removed by a majority of votes by the CCC on the following grounds, and only after the member has been given reasonable opportunity to prove they should not be removed:

- (a) Neglect or inability to fulfil their duties as a member;
- (b) Misbehaviour;
- (c) Absence without reason from three consecutive meetings, or, in the case of absence, failure to comply with the provisions outlined in Clause 11.

Part 3 — Infrastructure Sub-Committee as a part of the Cultural Connections Committee

Division 1 — Infrastructure Sub-Committee Implementation

13. Infrastructure Sub-Committee

The Infrastructure Sub-Committee is to be established as a part of the Cultural Connection Committee.

14. The Role of the Infrastructure Sub-Committee

The Infrastructure Sub-Committee will perform the following functions —

- (a) Research, evaluate and recommend infrastructure projects which the Infrastructure Sub-Committee deem culturally appropriate;
- (b) Calculate and review the allocation of funding for proposed infrastructure projects and report this to the Curriculum Connections Committee for approval;
- (c) Implement infrastructure projects once approved by the CCC
- (d) Review existing infrastructure and assess the level of usage, success and effectiveness in increasing schools' connection to Indigenous Culture

Division 2 — Operations and Oversight

15. Membership

The Infrastructure Subcommittee will consist of 6 members appointed by the Cultural Connection Committee who have previously worked in successful partnership with Indigenous Australian people —

- (a) One (1) member to represent the Department of Planning, Lands and Heritage;
- (b) One (1) Indigenous Australian representative who holds the status of 'Elder';
- (c) One (1) Indigenous Australian representative who holds the status of 'Elder';

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Part 3 Infrastructure Sub-Committee as a part of the Cultural Connections Committee

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- (d) One (1) member to represent the Department of Premier and Cabinet;
- (e) One (1) member to represent the Department of Education and;
- (f) One (1) Indigenous Australian representative who must have a qualification in architecture or education;

16. Minimum meetings of the Infrastructure Sub- Committee

- (1) The Infrastructure Sub-Committee must meet on a monthly basis.
- (2) Additional meetings will be called at the discretion of the chairperson.

17. Quorum

Four (4) members of the committee will be required to be present in order to constitute a full meeting.

18. Remuneration

Members of the Infrastructure Sub-Committee will be paid such remuneration and other allowances as determined by the Premier on the recommendation of the Public Sector Commissioner.

19. Members unable to act

- (1) If a member is unable to act as a result of illness or absence, the member must appoint a proxy who holds the qualification required of the original member (e.g. status as Aboriginal 'Elder') to attend the relevant meeting in their place.
- (2) If that member is unable to act at subsequent meetings thereafter, the Minister for Aboriginal affairs will appoint another person to fulfil a similar capacity, either the original proxy or another person deemed fit for service.
- (3) If a conflict of interest arises, the member of committee to whom it relates shall notify the chairperson in writing in no less than one (1) business day.

- (4) While so acting according to the tenure of his or her appointment, that other person is taken to be a member.

20. Presiding Officer

- (1) At the inaugural meeting, the committee must vote to accept or reject the CCC's preferred nomination for Presiding Member.
- (2) If the committee votes to reject the nomination, a second vote must be carried out to accept or reject the CCC's alternative nomination for Presiding Member.

Part 4 — Curriculum Sub-Committee as a part of the Cultural Connections Committee

Division 1 — Curriculum Sub-Committee Implementation

21. Curriculum Sub-Committee

The Curriculum Sub-Committee is to be established as a part of the Cultural Connections Committee.

22. The Role of the Curriculum Sub-Committee

The Curriculum Sub-Committee will perform the following functions —

- (a) Devise strategies in which Indigenous Australian traditions and cultures can be brought into the School Curriculum;
- (b) Implement Curriculum initiatives and strategies that have been approved and deemed acceptable by the Cultural Connections Committee;
- (c) Liaise with the Education Department to facilitate these strategies being incorporated into the School Curriculum; and
- (d) Liaise with the staff and student bodies of individual schools to understand which changes are required and desired.

Division 2 — Operations and Oversight

23. Membership

The Curriculum Subcommittee will consist of six (6) members appointed by the Cultural Connections Committee who have previously worked in successful partnership with Indigenous Australian people —

- (a) One (1) member to represent the Department of Education;
- (b) One (1) Indigenous Australian representative who must have a qualification in education;
- (c) One (1) member to represent the Department of Premier and Cabinet;
- (d) One (1) Indigenous Australian representative who holds the status of 'Elder';
- (e) One (1) Indigenous Australian representative who holds the status of 'Elder';
- (f) One (1) member who must have a qualification in educational psychology.

24. Minimum Meetings of the Curriculum Sub-Committee

- (1) The Infrastructure Sub-Committee must meet on a monthly basis.
- (2) Additional meetings will be called at the discretion of the chairperson.

25. Quorum

Four (4) members of the committee will be required to be present in order to constitute a full meeting.

26. Remuneration

Members of the Infrastructure Sub-Committee will be paid such remuneration and other allowances as determined by the Premier of the recommendation of the Public Sector Commissioner.

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Part 4 Curriculum Sub-Committee as a part of the Cultural Connections Committee

Division 2 Operations and Oversight

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27. Presiding Officer

- (1) At the inaugural meeting, the committee must vote to accept or reject the CCC's preferred nomination for Presiding Member if the committee votes to reject the nomination, a second.
- (2) If the committee votes to reject the nomination, a second vote must be carried out to accept or reject the CCC's alternative nomination for Presiding Member.

28. Members unable to act

- (1) If a member is unable to act as a result of illness or absence, the member must appoint a proxy to attend the relevant meeting in their place.
- (2) If that member is unable to act at subsequent meetings thereafter, the Cultural Connections Committee will appoint another person to fulfil a similar capacity, either the original proxy or another person deemed fit for service.
- (3) If a conflict of interest arises, the member of the committee to whom it relates shall notify the Chairperson in writing no less than one (1) business day.
- (4) While so acting according to the tenure of his or her appointment, that other person is taken to be a member.

29. Termination of Members

A member of the Curriculum Sub-Committee can be removed by a majority of votes by the CCC on the following grounds, and only after the member has been given reasonable opportunity to prove they should not be removed;

- (a) Neglect or inability to fulfil their duties as a member;
- (b) Misbehaviour;
- (c) Absence without reason from three consecutive meetings, or, in the case of absence, failure to comply with the provisions outlined in Clause 11

Part 5 — Cultural Connections Grants Program

Division 1 — Establishment of Cultural Connection Grants Pool

30. Funding Allocation

- (1) The Department for Premier and Cabinet must establish a Cultural Connections Grants Pool.
- (2) The Department of Premier and Cabinet must allocate an amount as directed by the Minister for Aboriginal Affairs, based on the recommendation of the Cultural Connection Committee.
- (3) This grants pool must only be withdrawn from in the event of a successful grant application as per Clause 31.

Division 2 — Application Process and Selection

31. Grant Application Process

- (1) Grant Applications for proposed infrastructure must be submitted to the Cultural Connection Committee to be reviewed, and subsequently approved or rejected
- (2) The Infrastructure Sub-Committee will inform the CCC of proposed costs of infrastructure projects.
- (3) For a grant to be awarded, proposals must –
 - (a) Demonstrate cultural relevance;
 - (b) Demonstrate that it will be carried out in a manner that is culturally appropriate and respectful to the relevant Indigenous culture;
 - (c) Demonstrate benefits for affected Indigenous students;
 - (d) Be accurately budgeted;
 - (e) Meet any additional requirements decided by the CCC

Part 6 - Review

32. Review Period

- (1) A review of the Indigenous Cultural Connection to Schools Act 2019 by the Multicultural and Indigenous Affairs committee (MIAC) is to commence three (3) years from the day on which this Act receives royal assent.
- (2) A timeframe for subsequent reviews will be determined by the MIAC during the course of the review.
- (3) The MIAC will submit a report to the Minister for Multicultural and Indigenous Affairs within six (6) months of the conclusion of the review.

33. Review Content

- (1) A review process will be carried out whereby schools influenced by the CCC through curriculum changes will report the effectiveness and determine the level of success of these changes to the CCC, 1 year from implementation.
- (2) A review process will be carried out whereby schools who have been influenced by the CCC through implemented infrastructure will report the usage and effectiveness of these implementations to the CCC, one (1) year after use begins.
- (3) The MIAC will be responsible for reviewing these reports and the effectiveness of the *Indigenous Cultural Connection to Schools Act 2019*.

34. Committee Review

The Minister for Multicultural and Indigenous Affairs will conduct a biennial review into the CCC and its subcommittees, which considers several factors including but not limited to:

- (a) Productivity;
- (b) Efficiency;
- (c) Member composition;
- (d) Cultural Relevance; and
- (e) Cultural Appropriateness