

# Aboriginality or Torres Strait Islander Descent Form

## INTRODUCTION

The *Aboriginal and Torres Strait Islander Act 2005* gives Indigenous Business Australia (IBA) the function of providing loans or other financial assistance for the social, cultural and economic advancement of Aboriginal and Torres Strait Islander peoples.

Applicants who apply to IBA are required to provide evidence of their Aboriginality or Torres Strait Islander descent.

Usually this evidence will consist of a statutory declaration completed by the applicant and a document executed by an Aboriginal or Torres Strait Islander organisation confirming that the applicant is recognised by his or her community as an Aboriginal person or Torres Strait Islander. However, applicants may be required to provide additional evidence if the usual evidence is not considered sufficient.

The following guidelines are intended to assist applicants applying for benefits and confirming organisations to complete this form.

## GUIDELINES FOR APPLICANTS FOR IBA BENEFITS

Each Aboriginal or Torres Strait Islander applicant for an IBA benefit must complete a statutory declaration.

As the statutory declaration requires the applicant to state that he or she is of Aboriginal or Torres Strait Islander descent, some, or all of the applicant's ancestors must be Aboriginal or Torres Strait Islander people. The declaration also requires the applicant to state that he or she identifies as an Aboriginal or Torres Strait Islander person and that he or she is recognised by his or her community as a person who is of Aboriginal or Torres Strait Islander descent.

Applicants should complete the applicant's declaration before forwarding the document to an organisation for completion of the confirmation section.

**Section 136 of the *Criminal Code Act 1995* makes it an offence punishable by imprisonment for 12 months for a person to make a statement to a Commonwealth entity in a document knowing that statement to be false or misleading.**

## PRIVACY STATEMENT

Personal information collected by Indigenous Business Australia (IBA) is for the primary purpose of assessing an applicant's eligibility for IBA benefits. It will not be required for any commercial gain and will be maintained in a secure location as required under the *Privacy Act 1988*.

Community organisations will be asked to certify the Aboriginality or Torres Strait Islander descent of applicants who are seeking assistance from Indigenous Business Australia (IBA). The community organisations should understand that they bear a heavy responsibility in ensuring that:

- (a) only people who are Aboriginal persons or Torres Strait Islanders receive benefits to which they are entitled, and
- (b) ensuring that people who are not Aboriginal or Torres Strait Islanders do not receive them.

An acceptable community organisation normally will be an association (incorporated or unincorporated) where the majority of its governing body are Aboriginal people or Torres Strait Islanders or both. Sometimes an association is unable by its constitution or rules to complete the confirmation section of the form. In such cases, the confirmation section may be completed by two Aboriginal or Torres Strait Islander members of the governing body of the association. This can be done without the requirement for a formal resolution or affixing of a common seal.

In Tasmania, the confirmation section may also be completed by a permanent employee of the Tasmanian Office of Aboriginal Affairs or State Archives.

In exceptional circumstances (for example where there is no community association available to complete the confirmation section of the form), two recognised Aboriginal or Torres Strait Islander Elders may complete the confirmation section of this form after consultation with IBA.

A list of community organisations acceptable to IBA can be found on IBA's website [www.iba.gov.au](http://www.iba.gov.au) or can be requested from an IBA office on FreeCALL™ 1800 107 107.

Completion of the form in any way referred to above does not mean that IBA accepts the qualification of an applicant.

Note: to comply with IBA requirements, adherence to the following criteria is necessary:

- some degree of descent is necessary, but not of itself a sufficient, condition of eligibility to be an Aboriginal person;
- a small degree of Aboriginal descent coupled with genuine self-identification or with communal recognition may be sufficient for eligibility;
- a substantial degree of descent, given the general communal recognition of Aboriginality that usually accompanies it, may by itself be enough to require that the person be regarded as an "Aboriginal person";
- communal recognition as an Aboriginal person may, given the difficulties of proof of Aboriginal descent flowing from, among other things, the lack of written family records, often be the best evidence available of proof of Aboriginal descent.



## APPLICANT DECLARATION

Each Aboriginal / Torres Strait Islander applicant applying for a loan or other financial assistance must complete a separate declaration.

I,  (Full Name)

Date of birth  Place of birth

Are you also known by any other name? - i.e. maiden, community or traditional name

of

make the following declaration under the *Statutory Declarations Act 1959*

(Please tick as appropriate)

- I am of Aboriginal descent; or  I am of Torres Strait Islander descent.
- I identify as an Aboriginal person; or  I identify as a Torres Strait Islander.

AND

- I am accepted as such by the  community in which I currently live;
- or  I am accepted as such by the  community in which I formerly lived for  years.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

Signature of applicant

Declared at  on  of  20   
Place Day Month Year

Before me   
(signature of person before whom the declaration is being made)

❖

**Insert here the printed name, qualification and address of person before whom the declaration is made**

❖ *Persons before whom a statutory declaration may be made are listed on the enclosure*

Section 136 of the *Criminal Code ACT 1995* makes it an offence punishable by imprisonment for 12 months for a person to make a statement to a Commonwealth Entity in a document knowing that statement to be false or misleading.

# CONFIRMATION OF ABORIGINALITY OR TORRES STRAIT ISLANDER DESCENT BY RECOGNISING ORGANISATION

**Note:** Incorporated bodies complete sections **A, B** and **C**. Unincorporated bodies or community Elders complete sections **A, C** and **D**.

## A. Applicant details

Name of applicant

Address of applicant

Date of birth  Place of birth

It is hereby confirmed that the above named applicant, seeking assistance from IBA has provided sufficient evidence to indicate he/she:

- is of Aboriginal and / or Torres Strait Islander descent; and
- identifies as an Aboriginal and / or Torres Strait Islander person; and
- is recognised and accepted as an Aboriginal and / or Torres Strait Islander person by the  community in which the applicant currently lives / formally lived; **OR** is recognised and accepted as an Aboriginal and / or Torres Strait Islander person by the  community which is the applicant's traditional area or area where the applicant's family has lived.

## B. Organisation details

Name of organisation

ICN or ACN number

Date of meeting

Contact phone number



Organisation's Common Seal to be affixed

## C. Authorised signatories

1. Signature

Print name

Position / title

Date  Contact phone number

2. Signature

Print name

Position / title

Date  Contact phone number

## D. Community Elders or unincorporated organisation details

Two authorised signatories from  organisation OR two recognised community Elders from  community.

## A statutory declaration under the *Statutory Declarations Act 1959* may be made before:

1. a person who is currently licensed or registered under a law to practise in one of the following occupations:
  - |              |                    |                      |                      |
|--------------|--------------------|----------------------|----------------------|
| Chiropractor | Dentist            | Legal practitioner   | Medical practitioner |
| Nurse        | Optometrist        | Patent attorney      | Pharmacist           |
| Psychologist | Veterinary surgeon | Trade marks attorney | Physiotherapist      |
2. a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or
3. a person who is in the following list:
  - Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
  - Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)
  - Bailiff
  - Bank officer/Building Society officer/ Credit union officer with five or more years of continuous service
  - Chief executive officer of a Commonwealth court
  - Clerk of a court
  - Commissioner for Affidavits
  - Commissioner or Declarations
  - Employee of the Australian Trade Commission who is:
    - a) in a country or place outside Australia; and
    - b) authorised under paragraph 3(d) of the *Consular Fees Act 1955*; and
    - c) exercising his or her function in that place
  - Employee of the Commonwealth who is:
    - a) in a country or place outside Australia; and
    - b) authorised under paragraph 3(d) of the *Consular Fees Act 1955*; and
    - c) exercising his or her function in that place
  - Fellow of the National Tax Accountants' Association
  - Finance company officer with five or more years of continuous service
  - Holder of a statutory office not specified in this list
  - Judge of a court
  - Justice of the Peace
  - Magistrate
  - Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*
  - Master of a court
  - Member of a Chartered Secretaries Australia
  - Member of Engineers Australia, other than at the grade of student
  - Member of the Association of Taxation and Management Accountants
  - Member of the Australian Institute of Mining and Metallurgy
  - Employee of the Australian Defence Force who is:
    - a) an officer; or
    - b) a non-commissioned officer within the meaning of the Defence Force Discipline Act 1982 with 5 or more continuous years of service
    - c) a warrant officer within the meaning of that Act
  - Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants
  - Member of:
    - a) the Parliament of the Commonwealth; or
    - b) the Parliament of the State; or
    - c) a Territory legislature; or
    - d) a local government authority of a State or Territory
  - Minister of a religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*
  - Notary public
  - Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in any office supplying postal services to the public
  - Permanent employee of:
    - a) the Commonwealth or Commonwealth authority; or
    - b) a State or Territory or a State or Territory authority; or
    - c) a local government authority;with five or more years of continuous service who is not specified in another item in this list
  - Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made
  - Police officer
  - Registrar, or Deputy Registrar, of a court
  - Senior Executive Service employee of:
    - a) the Commonwealth or a Commonwealth authority; or
    - b) a State or Territory or a State or Territory authority
  - Sheriff
  - Sheriff's officer
  - Teacher employed on a full time basis at a school or tertiary education institution.