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Indigenous Education (Targeted Assistance) Amendment Bill 2013

Date introduced: 20 March 2013

House: House of Representatives

Portfolio: School Education, Early Childhood and Youth

Commencement: On Royal Assent.

Links: The links to the Bill, its Explanatory Memorandum and second reading speech can be found on the Bill’s home page, or through http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation. When Bills have been passed and have received Royal Assent, they become Acts, which can be found at the ComLaw website at http://www.comlaw.gov.au/.

Purpose of the Bill

The purpose of the Indigenous Education (Targeted Assistance) Amendment Bill 2013 (the Bill) is to amend the Indigenous Education (Targeted Assistance) Act 2000⁴ (IETA) to increase the appropriations for non-ABSTUDY payments from 1 January 2012 to 30 June 2014.

The proposed increase will extend funding for:

- the School Nutrition Program and the Additional Teachers Initiative, which are the education components of the Stronger Futures in the Northern Territory National Partnership² and
- the Achieving Results Through Indigenous Education (ARTIE) project which is funded under the Sporting Chance Program.

Background

Addressing Indigenous disadvantage—the policy framework

In 2007 the Council of Australian Governments (COAG) agreed to six targets for ‘closing the gap’ between Indigenous and non-Indigenous Australians, including, in relation to education achievement:

- to halve the gap in reading, writing and numeracy achievements for Indigenous children within a decade and
- to halve the gap for Indigenous students in Year 12 attainment or equivalent attainment rates by 2020.³

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These targets were formalised in the National Indigenous Reform Agreement (Closing the Gap), first agreed to by COAG in October 2008 and then renewed in 2012.\(^4\)

The Agreement is supported by the National Partnership Agreement on Stronger Futures in the Northern Territory (the National Partnership).\(^5\) Schedule B of the National Partnership relates to the schooling objectives.\(^6\)

As part of COAG’s reform agenda, the *Aboriginal and Torres Strait Islander Education Action Plan 2010–2014*, endorsed by COAG in May 2011, commits Australian governments to 55 actions aimed at accelerating improvements in the outcomes of Aboriginal and Torres Strait Islander children and young people.\(^7\) These actions are linked to six ‘priority domains’: school readiness; engagement and connections; attendance; literacy and numeracy; leadership, quality teaching and workforce development; and pathways to ‘real’ post-school options.\(^8\)

### The Indigenous Education (Targeted Assistance) Act 2000

The IETA provides funding for a range of targeted programs, collectively known as non-ABSTUDY payments, to support the education objectives for Indigenous students. The Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education administers the tertiary and vocational education and training programs.\(^9\) The early childhood education and schooling programs, some of which are the subject of this Bill, are administered by the Department of Education, Employment and Workplace Relations (DEEWR).\(^10\) It is intended that next year the School Nutrition Program and the Additional Teachers Initiative will be funded by Treasury under national partnership arrangements.\(^11\)

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5. COAG, *National Partnership Agreement on Stronger Futures in the Northern Territory*, op. cit.
8. Ibid.
School Nutrition Program

As part of the Government’s Stronger Futures in the Northern Territory package (SFNT), the 2012–13 Budget provided $38.5 million over four years (and $64.1 million over ten years) to continue the School Nutrition Program (SNP).12

The SNP provides a meal service for school-aged children attending school in the 68 target communities under the SFNT. Its goals are to:

- contribute to improved school attendance and engagement by providing meals to children enrolled in Transition to Year 12 in the SFNT communities and
- provide employment opportunities for local Indigenous people.13

The Government estimates that the SNP will provide meals to about 5,000 students in 67 schools every school day.14 The maximum contribution towards the food costs by parents and carers is set at $40 per child per week.15

The importance of good nutrition for learning outcomes is well supported by research.16 An evaluation of the SNP in 2011 reported that since the implementation of the SNP there was ‘consistent anecdotal evidence’ that the SNP was having a positive impact on student behaviour and engagement. The evaluation also found that school engagement was strongest when the program was delivered at or through the school by parents employed by the SNP.17 Some positive employment outcomes for local Indigenous people, including gaining skills and experience that could be applied to other employment opportunities and stimulating interest in further training, were reported. However it was reported that, ultimately, there are limited employment opportunities in remote communities and few jobs for which the SNP is preparing people.18

It is difficult to obtain more precise results for the SNP because, as the SNP guidelines acknowledge, there are many other factors that affect school engagement and education outcomes. The SNP, therefore, ‘must not be considered in isolation, but rather as part of a broader school engagement strategy’.19

13. DEEWR, op. cit., p. 133.
15. DEEWR, op. cit., p. 140.
16. For example, see: I Williams, How is learning enhanced through improved health and nutrition? Are there key health issues impacting differently on the learning of children from culturally and linguistically diverse (CALD) and Indigenous backgrounds?, The Smith Family, Sydney, 2011, pp. 24–7, accessed 9 May 2013.
18. Ibid., pp. 48–9.
19. DEEWR, op. cit., p. 133.
Additional Teachers Initiative

The Additional Teachers Initiative (ATI) is part of the Building a Quality School Workforce measure under the SFNT. The other components of the measure are professional development for Indigenous teachers and the construction of 103 teacher houses in remote NT communities.\(^{20}\)

The ATI provides funding for 200 teachers in remote NT schools. The ATI was originally funded $107.8 million over four years 2009–2012 for 170 teachers in government schools and 30 teachers in non-government schools.\(^{21}\) According to the 2012–13 DEEWR portfolio budget statements, it was expected that all 200 teachers would be deployed by the end of 2012.\(^{22}\)

The 2012–13 Budget provided $187.3 million over four years ($411.8 million over ten years) to continue the measure and ensure the retention of the additional teachers.\(^{23}\) It is expected that by 2021–22, the NT Government will have total responsibility for funding these additional teachers.\(^{24}\)

Achieving Results Through Indigenous Education (ARTIE) project

The ARTIE project is one of a suite of projects funded through the Sporting Chance Program (SCP).\(^{25}\) The SCP uses sport and recreation activities to encourage Indigenous students’ engagement in schooling and improve education outcomes. There are two elements—school-based sports academies for secondary students and education engagement strategies that provide a range of sport and recreation-based activities for primary and secondary school students. In 2013, there are 72 sports academies and five engagement strategies.\(^{26}\) The Government estimates that 13,200 primary and secondary students will be supported through the SCP in 2013.\(^{27}\)

The SCP was evaluated in 2011.\(^{28}\) Ninety per cent of the students who participated in the evaluation reported a positive attitude toward their schooling, particularly in relation to their attitudes to school, self-identity, and their learning capacity.\(^{29}\) This view was supported by principals and teachers who considered that the SCP was having ‘a moderate (positive) impact on students in relation to attendance, engagement, achievement, retention and parental/community engagement’.\(^{\text{footnote}}\)

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\(^{22}\) Ibid.


\(^{26}\) For a list of the SCP’s sporting academies and engagement strategies, see: *Sporting Chance Program fact sheet 2013*, DEEWR, accessed 9 May 2013.

\(^{27}\) Ibid.


\(^{29}\) Ibid., p. 4.
A number of providers and school staff admitted that they had underestimated the benefits of the SCP and some expressed surprise about how quickly the SCP had had an impact on students. Nevertheless there were some negative impacts reported, including resentment from other students and by girls who considered ‘disproportionate opportunities’ were being given to boys through boys’ only Academies. The evaluation made a number of recommendations that included addressing some of the negative impacts, strengthening the SCP objectives and following students’ progress once they had completed their schooling. The Government agreed with all of the evaluation’s recommendations.

ARTIE is one of the school-based sports academies, based in south-east Queensland and delivered by FOGS (Former Origin Greats) Queensland which, as its name implies, is a not-for-profit organisation of former Queensland State of Origin rugby league players. In December 2012, the Government announced that it would provide $4.4 million to expand the ARTIE project to 21 secondary schools in south-east and Central Queensland and in Townsville with selected feeder primary schools also benefitting.

Financial implications

The Bill proposes an additional appropriation of $3,255,000 under the IETA for the period 1 January 2012 to 30 June 2014. The proposed appropriation includes:

- $79,000 for the School Nutrition Program for the period 1 January 2012 to 30 June 2013, thereby increasing non-ABSTUDY payments from $132,607,000 to $132,686,000 and
- $3,176,000 for the School Nutrition Program, the Additional Teachers Initiative and the ARTIE project for the period 1 January 2013 to 30 June 2014, thereby increasing non-ABSTUDY payments from $137,699,000 to $140,875,000.

Statement of Compatibility with Human Rights

As required under Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011 (Cth), the Government has assessed the Bill’s compatibility with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of that Act. The Government considers

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30. Ibid.
31. Ibid., p. 6.
32. Ibid., p. 7.
33. Ibid., pp. 7–12.
35. For further information, see the ARTIE website and the FOGS website, accessed 10 May 2013.
that the Bill is compatible. The Statement of Compatibility with Human Rights can be found at page 4 of the Explanatory Memorandum to the Bill. 37

Key issues and provisions

Item 1 of Schedule 1 proposes to amend subsection 14B(1) of IETA (covering ‘Appropriations for non-ABSTUDY payments—2009 to 2012 quadrennium’) and increase non-ABSTUDY payments from $132,607,000 to $132,686,000 for the period 1 January 2012 to 30 June 2013.

Item 2 of Schedule 1 proposes to amend subsection 14C(1) of IETA (covering ‘Appropriations for non-ABSTUDY payments—2013’ and increase non-ABSTUDY payments from $137,699,000 to $140,875,000 for the period 1 January 2013 to 30 June 2014.

The 2013–14 Budget has announced that some of the school education programs currently provided under the IETA will move to an annual appropriation from 1 January 2014. 38 This announcement appears to have created an overlap with the Bill. The Bill’s provisions include additional funding for the SNP and the SCP for the first six months of 2014. However, these are two of the programs which are proposed to be moved to annual appropriations. This raises the question whether the relevant provisions in the Bill will require amendment before it is passed or whether the adjustment will be made in a separate Bill.

Concluding comments

The Bill’s provisions are unlikely to be controversial and they do not provide for any new programs.

However, the IETA will be significantly changed. The IETA was extended in 2011 to facilitate the implementation of any changes to Indigenous school education programs as a result of the Government’s Review of Funding for Schooling. 39 The 2013–14 Budget has confirmed the future funding arrangements for some of the IETA school education programs which will be moved to an annual appropriation from 1 January 2014. The Explanatory Memorandum also advises that the SNP and the ATI will be funded under national partnership arrangements by Treasury from next year. 40

The budget announcement does not cover all the IETA school education programs, including the ATI. It appears for the time being that these other Indigenous school education programs will remain under the IETA.

Regardless of whether this Bill is amended to take account of the budget announcement or whether the adjustment is made by a separate Bill, the IETA will, nevertheless, have to be amended (or other

37. Explanatory Memorandum, op. cit., p. 4.
40. Ibid., p. 2.
arrangements made) to continue funding for the remaining IETA non-ABSTUDY payments (including early childhood, school and tertiary education programs) beyond June 2014.

There has been a shift in emphasis on Indigenous education. The Standing Council on School Education and Early Childhood at its most recent meeting agreed to ‘renew and accelerate’ its commitment to progressing the Aboriginal and Torres Strait Islander Education Action Plan. This includes:

... by the end of this year all 150,000 Indigenous students in Years 1-10 will have a personalised learning strategy, and every one of the 950 Focus Schools identified under the plan has a school community partnership, attendance strategy, and whole of school literacy and numeracy strategy.

The Government has also announced the extension of funding for some other Indigenous education programs (including the Australian Indigenous Education Foundation and the Indigenous Youth Leadership Program) as part of the 2013–14 Budget.

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Appendix: educational achievement of Indigenous students

Literacy and numeracy

The COAG target is to halve each of the 2008 gaps in Year 3, 5, 7 and 9 reading, writing and numeracy achievement between Indigenous and non-Indigenous students by 2018.

Indigenous and non-Indigenous students achieving at or above the national minimum standard in reading and numeracy, 2012 (%)

<table>
<thead>
<tr>
<th>Year</th>
<th>Reading Indigenous</th>
<th>Reading Non-Indigenous</th>
<th>Numeracy Indigenous</th>
<th>Numeracy Non-Indigenous</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 3</td>
<td>74.2</td>
<td>94.7</td>
<td>72.7</td>
<td>95.1</td>
</tr>
<tr>
<td>Year 5</td>
<td>64.7</td>
<td>93.1</td>
<td>69.2</td>
<td>94.6</td>
</tr>
<tr>
<td>Year 7</td>
<td>75.4</td>
<td>95.1</td>
<td>74.4</td>
<td>94.9</td>
</tr>
<tr>
<td>Year 9</td>
<td>67.2</td>
<td>92.7</td>
<td>74.2</td>
<td>94.7</td>
</tr>
</tbody>
</table>


The latest National Assessment Program: Literacy and Numeracy (NAPLAN) results indicate the significant gaps between Indigenous and non-Indigenous student achievement. The achievement in numeracy for Indigenous students is similar between the different year levels except for Year 5. However, there is a noticeable variation in reading achievement between the different years. The achievement gaps between Indigenous and non-Indigenous students widen in regional and remote areas. In very remote areas, for example, only 39.9 per cent of Year 3 Indigenous students achieved at or above the national minimum standard in reading, compared to 90.4 per cent of non-Indigenous students. For Year 9 students, the achievement rates drop dramatically, with only 24.4 per cent of Indigenous students in very remote areas achieving at or above the national minimum standard in reading, compared to 87.9 per cent of non-Indigenous students in very remote areas.

Student attainment

The COAG target is to halve, by 2020, the 2006 Year 12 or equivalent attainment rate gap between Indigenous and non-Indigenous 20–24 year olds.

According to 2011 Census data, 53.9 per cent of Indigenous Australians aged between 20 and 24 had achieved a Year 12 or equivalent qualification, compared to 86.0 per cent of non-Indigenous...
Australians in the same age group. This is an improvement on 2006 Census data which showed 47.4 per cent of Indigenous Australians aged between 20 and 24 with these qualifications. 46

Indigenous school retention rates are improving. The apparent retention rate from Year 7/8 to Year 12 improved from 40.1 per cent of Indigenous students in 2006 to 51.1 per cent in 2012. However, these rates remain significantly below that for non-Indigenous Australians. In 2012, the apparent retention rate from Year 7/8 to Year 12 was 81.3 per cent for other students. 47

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