



Australian Government
Indigenous Business Australia

Confirmation of Aboriginality or Torres Strait Islander Descent Form

STATUTORY DECLARATION AND CONFIRMATION FORMS -

Guidelines for Applicants and Recognising Organisations

Introduction

The *Aboriginal and Torres Strait Islander Act 2005* gives IBA the function of providing benefits for the social, cultural and economic advancement of Aboriginal and Torres Strait Islander people.

IBA and its delegates require applicants for benefits to provide evidence of their Aboriginal and 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 both applicants applying for benefits and confirming organisations to complete the necessary forms.

The applicant should first complete the statutory declaration before the organisation completes the resolution form.

Guidelines for Applicants for IBA Benefits

Each applicant for an IBA benefit must complete a statutory declaration.

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 is recognised by his or her community as a person who is of Aboriginal or Torres Strait Islander descent.

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.

Guidelines for Recognising Organisations

Community organisations considering whether to certify the Aboriginality or Torres Strait Islander descent of applicants who are seeking assistance from IBA should appreciate that they bear a heavy responsibility in both ensuring that only people who are Aboriginal persons or Torres Strait Islanders receive benefits to which they are entitled, and also in ensuring that people who are not Aboriginal persons or Torres Strait Islanders do not receive them.

Community organisations whose confirmation will usually be acceptable are:

- (a) an Aboriginal or Torres Strait Islander association incorporated under Part IV of the *Aboriginal Councils and Associations Act 1976*; or
- (b) an incorporated community organisation where all the members of the governing body are Aboriginal persons or Torres Strait Islanders or both.

Such confirmation must be approved by a resolution at a formal meeting of the organisation's governing body and the record of such resolution is to be sealed with the Common Seal of the organisation and signed by the authorised signatories.

Organisations should not provide confirmation unless they have evidence before them that the applicant is an Aboriginal or Torres Strait Islander person and that he or she identifies as an Aboriginal or Torres Strait Islander; and that the applicant has community recognition.

Applicant Declaration

(Note: Each Aboriginal/Torres Strait Islander applicant applying for a loan or grant must complete a separate Declaration)

I, _____

(full name)

Are you also known by any other name – i.e. (maiden name, community or traditional name)

of _____

(address)

Occupation _____

DO SOLEMNLY AND SINCERELY DECLARE THAT:

1. I am of Aboriginal descent;*
2. I am of Torres Strait Islander descent;*
3. I identify as an Aboriginal person;*
4. I identify as a Torres Strait Islander;*
5. *I am accepted as such by the # _____ Community
in which I currently live;
6. *I am accepted as such by the # _____ Community
in which I formerly lived for _____ years.

(* Delete whichever is not applicable). (# Insert name of Community).

I make this solemn declaration by virtue of the **Statutory Declarations Act 1959** and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

Signature of Applicant _____

Declared at _____ this _____ day of _____ 200__

Before me _____

(signature of person before whom the declaration is made)

* _____
(here insert 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.

Recognising Organisation Resolution

Name of Applicant: _____

Address of Applicant: _____

It is hereby confirmed that the above named applicant, seeking assistance from the Aboriginal and Torres Strait Islander Commission has provided sufficient evidence to indicate Aboriginal or Torres Strait Islander descent;

identifies as an Aboriginal person*

identifies as a Torres Strait Islander* and:

*is recognised as such by the # _____ Community

in which the applicant currently lives and has lived for _____ years.

*is recognised as such by the # _____ Community

in which the applicant formerly lived for _____ years.

*is recognised as such by the # _____ Community

which is the *applicant's traditional area or *area where the applicant's family has lived for _____ years.

(* Delete whichever is not applicable). (# Insert name of Community).

(Organisations' Common Seal to be affixed)

Resolution Number _____ Date of Meeting _____ / _____ / _____

Signature: _____
Authorised Signatory

Signature: _____
Authorised Signatory