Consultation draft only: Subject to change

Indigenous Advancement Strategy (IAS)

# Remote Jobs and Economic Development Program (RJED) Grant Opportunity Guidelines

| Opening date: | TBC |
| --- | --- |
| Closing date and time: | TBCNote: The National Indigenous Australians Agency (NIAA) may amend the closing date and time at its own discretion by issuing a notice through the [GrantConnect](https://www.grants.gov.au/) website. |
| Commonwealth policy entity: | NIAA |
| Administering entity | NIAA |
| Enquiries: | Applicant help desk |
| Date guidelines released: | TBC |
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#### IAS: Remote Jobs and Economic Development Program processes

**The IAS is designed to achieve Australian Government objectives**

This grant opportunity is part of the IAS which contributes to NIAA’s Outcome 1 to support economic development in remote Australia. The NIAA works with stakeholders to plan and design the grant program according to the

 [*Commonwealth Grants Rules and Guidelines (CGRGs).*](https://www.finance.gov.au/sites/default/files/commonwealth-grants-rules-and-guidelines.pdf)



**The grant opportunity opens**

NIAA publishes the grant guidelines on [GrantConnect](http://www.grants.gov.au/).



**Grant application completed and submitted**

You complete the application form, including addressing all eligibility and assessment criteria.



**Application assessed**

NIAA assesses your application against eligibility criteria, and if eligible, against the assessment criteria, including an overall consideration of value for relevant money. Your application will then be ranked against other applications for the same region.



**Grant recommendations made**

NIAA provides advice to the decision maker on the ranking and merits of each application.



**Grant decisions made**

Decision maker decides which applications are successful.



**Notified of outcomes**

NIAA advises you of the outcome of your application. Unsuccessful applicants may not be notified until grant agreements have been executed with successful applicants.



**Grant agreements signed**

If your application is successful, the NIAA will enter into a grant agreement with you. The type of grant agreement type will depend on the nature of the grant and will be proportional to the risks involved.



**Delivery of grant**

You undertake the grant activity as set out in your grant agreement. NIAA manage the grant by working with you, monitoring your progress and making payments.



**Evaluation of the RJED grant opportunity**

NIAA may evaluate RJED as a whole, based on information you provide and which the NIAA collects from various sources.

### Introduction

These guidelines contain information for the Remote Jobs and Economic Development Program (RJED) grants.

You must read these guidelines before filling out an application. This document sets out:

* the purpose of the grant program/grant opportunity
* the eligibility and assessment criteria
* how grant applications are considered and selected
* how grantees are notified and receive grant payments
* how grantees will be monitored and evaluated and
* responsibilities and expectations in relation to the opportunity.

Any alterations and addenda[[1]](#footnote-2) to these guidelines will be published on [GrantConnect](https://www.grants.gov.au/).

## About the RJED grant program

This opportunity is available under Program 1.1 - Jobs, Land and Economy of the Indigenous Advancement Strategy (IAS). The objectives and outcomes of this Program are available at Appendix A. The IAS provides grant funding for activities that address areas of need for First Nations people that aligns with targets agreed under the National Agreement on Closing the Gap (CtG). For more information about CtG, see the [NIAA website](https://www.closingthegap.gov.au/national-agreement/targets).

The Agency administers the IAS according to the Commonwealth Grants Rules and Guidelines ([CGRGs](https://www.finance.gov.au/government/commonwealth-grants/commonwealth-grants-rules-and-guidelines)).

The Remote Jobs and Economic Development Program (RJED, ‘the Program’) is a $707 million investment announced by the Government in February 2024. RJED is comprised of 2 elements; Job Creation and the Community Business Fund. Under the Job Creation element, RJED will initially fund 3,000 jobs to provide people in remote communities with real jobs, proper wages and decent conditions. The Community Jobs and Business Fund (CJBF) element provides funding for minor capital, equipment and capacity building directly supporting the new jobs.

RJED is part of the Government’s phased approach towards replacing the Community Development Program (CDP). It will support remote communities across [all current 60 CDP](https://www.niaa.gov.au/sites/default/files/documents/publications/Community%20Development%20Program%20Regions%20List%20and%20Map%20-%20Aug%202023.pdf) regions to determine local job priorities and related projects to increase economic opportunities in these areas.

Grant funding is available to eligible organisations in eligible locations who work with communities to identify jobs that align with local priorities.

RJED will be delivered in 2024-25 through 2 grant rounds and support up to 930 jobs over 3 years. RJED – Grant Round One will commence in September 2024. RJED – Grant Round Two will commence in early 2025. Further grant rounds will be considered for 2025-26 and 2026-27, informed by the outcomes of Rounds One and Two.

The design of RJED has incorporated learnings and evidence from the New Jobs Program Trial, CDP Trials and other relevant employment based programs delivered by NIAA. Feedback provided through stakeholder and community consultation undertaken in 2023 and 2024 has and will continue to inform this grant opportunity and delivery of RJED.

Ongoing consultation will be conducted with remote communities and stakeholders on RJED with opportunities to revise and improve the program through future grant rounds.

This RJED grant opportunity contributes to the following [Closing the Gap](https://www.closingthegap.gov.au/national-agreement/targets) **targets and Priority Reforms**:

* Target 7 – By 2031, increase the proportion of Aboriginal and Torres Strait Islander youth (15-24 years) who are in employment, education or training to 67 per cent.
* Target 8 – By 2031, increase the proportion of Aboriginal and Torres Strait Islander people aged 25-64 who are employed to 62 per cent. A priority area will be the NT, where a high proportion of Indigenous people live in remote communities and are unemployed.
* Priority Reform One – Formal Partnerships and Shared Decision-making
* Priority Reform Two – Building the Community Controlled Sector
* Priority Reform Three – Transforming Government Organisations
* Priority Reform Four – Shared Access to Data and Information at a Regional Level

This grant opportunity will contribute to these targets through the following objectives, which align with the IAS 1.1 program, to:

* fund the creation of 3,000 new jobs over 3 years in remote communities that are prioritised by local communities, with a pathway to sustainable employment
* support employees in new jobs to gain relevant work experience and skills for future employment
* support eligible organisations to deliver programs, services and opportunities communities want and need and
* Properly resource organisations with funding for minor capital, equipment and capacity building to complement jobs created through the program

The purpose of the RJED program and intended outcomes of the grant opportunity are:

* improving employment outcomes for participants and remote communities through the creation of culturally appropriate and meaningful work
* increasing the number of jobs available and flow-on effects of direct jobs in community and local business sectors, including building local economies and delivering more services in remote communities
* increasing opportunities for local businesses and organisations to train and recruit locals,
* increasing the number of people employed with connection to country and community
* increasing socio-economic and wellbeing outcomes, including increased community self-determination, through economic empowerment.

### NIAA regional presence and National Office

The Agency has a regional presence (the NIAA Regional Offices) across Australia. We have offices in capital cities, and regional and remote locations. Staff from these offices routinely visit over 400 communities. We also have an Agency officer in residence in nearly 50 Indigenous communities.

Agency staff in NIAA Regional Offices can provide information about the IAS, including whether a proposal is or is not consistent with regional priorities. A list of NIAA Regional Offices and contact details is available [here](https://www.niaa.gov.au/about-niaa/contact-us/regional-offices-around-australia).

The NIAA Regional Offices work in partnership with Indigenous Australians, their communities and other stakeholders to develop solutions tailored to address local need. Solutions may involve the implementation of several complementary activities working together to address a particular issue or challenge.

The NIAA Regional Offices have strong relationships with other Australian Government agencies and departments; state; territory and local government, as well as non-government and industry partners. Staff within each region work with these groups to ensure applications complement existing services and leverage local opportunities.

The NIAA National Office, based in Canberra, provides national oversight, policy advice and program management and support to the NIAA Regional Offices in the implementation of the IAS.

## Grant amount and grant period

### Grants available

The Australian Government announced in February 2024 a total of $707.6 million (GST exclusive) over 4 years for RJED.

For the RJED Grant Round One, up to $XYZ million (GST exclusive) is available over 3 years (2024-25 to 2026-2027).

For the RJED Grant Round Two, up to $XYZ million (GST exclusive) is available over 3 years (2024-25 to 2026-2027).

The amount of funding for each grant will be determined by the number of jobs approved, the award rate for each of those jobs and the amount of CJBF support requested.

The total of grants awarded cannot exceed the amount of available funds and maximum amounts will be awarded for certain types of expenditure (see section 5.5)

The NIAA will consider value for relevant money and availability of funds to meet priorities in offering a grant. An indicative regional allocation will also be applied (see section 3.3).

### Grant period

The maximum grant period is 3 years. Applicants can apply for funding for activities for up to 3 years, subject to limitations on fixed term contracts under Fair Work laws.

The NIAA can, at its sole discretion, offer to extend the grant period by up to a maximum of one year by giving notice to a grantee at least 60 business days prior to the end of the relevant activity end date. If a grantee accepts the NIAA’s offer, the terms of such an extension will be detailed by way of a deed of variation on terms acceptable to the NIAA and such extension will only be effective upon the formal execution of the deed of variation by the NIAA and the grantee.

The NIAA will accept applications:

* RJED Grant Round One from [open date - TBC] until [close date - TBC].
* RJED Grant Round Two from [open date - TBC] until [close date - TBC].

The NIAA may amend the closing date and time at its own discretion by issuing a notice through the [GrantConnect](https://www.grants.gov.au/) website.

### Indicative regional allocations

An indicative allocation of jobs has been made for Grant Rounds One and Two based on the allocation methodology of applying CDP caseload within each NIAA region to the available jobs (see table below). Indicative allocations allow for all eligible regions to benefit from RJED funding and the creation of new jobs.

These allocations do not factor in NJPT grant recipients that may transition into RJED during Grant Round One.

Where an eligible NJPT grant recipient transitions into RJED existing jobs funded under NJPT will also transition, which will reduce the total number of available jobs in that region. Updated regional allocations will be available through GrantConnect

Table 1: Indicative RJED job allocations per eligible NIAA region

|  |  |  |  |
| --- | --- | --- | --- |
| **NIAA Region** | **Round One allocation** | **Round Two allocation** | **Total\* no. of jobs** |
| Arnhem Land & Groote Eylandt | 65 | 66 | 131 |
| Central Australia | 59 | 59 | 118 |
| Greater Western Australia | 70 | 71 | 141 |
| Kimberley | 49 | 50 | 99 |
| North Queensland | 85 | 85 | 170 |
| South Australia | 31 | 31 | 62 |
| South Queensland | 9 | 9 | 18 |
| Top End & Tiwi Islands | 83 | 84 | 167 |
| Western NSW | 11 | 12 | 23 |
| **Total** | - | - | **930** |

\*allocations may be lower in some regions if NJPT grant recipients and existing funded jobs transition into RJED

Pending final decisions on grant applications in Grant Rounds One and Two, allocations within each eligible region will be revised and published on GrantConnect. If the entire job allocation for a region is not required for that region, available jobs may be re-allocated to other regions. The Program Delegate makes the final decision on reallocation of jobs within regions.

* Applications will be assessed by region. Eligible applications will be comparatively assessed against other applications for the same region.
* Applications may not be successful even if they meet all the criteria, or may be successful only in part (for example, they may not receive funding for the full number of jobs requested).
* No regional allocations will be applied to funding under the Community Jobs and Business Fund, however, consideration of funding amounts will be determined in proportion to the approved Job Creation element with the Program Delegate making a final decision.

## Eligibility criteria

In line with the Government’s commitment to support remote communities to determine local projects and job priorities to increase economic opportunities in their areas, applicants are required to demonstrate how they work with and have an ongoing commitment to working with their local community on the creation of the new jobs funded under RJED.

Organisations that are not eligible to apply for funding are encouraged to consider partnering with an eligible organisation (refer to section 7.2 for more information).

Grant recipients that are being funded under the New Jobs Program Trial (NJPT) may be eligible for funding under RJED through a transitional arrangement.

### Who is eligible to apply for a grant?

Your application can only be considered if you satisfy all the eligibility criteria. To be eligible you must:

* be one of the following eligible entity types located in at least one eligible CDP region
	+ an Aboriginal and/or Torres Strait Islander Corporation registered under the [*Corporations (Aboriginal and /or Torres Strait Islander) Act 2006*](https://www.legislation.gov.au/Series/C2006A00124)
	+ a company incorporated in Australia under the *Corporations Act 2001*, if Indigenous-majority owned
	+ an incorporated trustee on behalf of a trust[[2]](#footnote-3)
	+ an incorporated association (incorporated under state/territory legislation, commonly have 'Association' or 'Incorporated' or 'Inc' in their legal name)
	+ a partnership
	+ a joint (consortia) application with a lead organisation that satisfies the entity type[[3]](#footnote-4)
	+ a registered charity or not-for-profit organisation or
	+ an Australian local government body, including Regional Councils and Local Aboriginal Councils
* employ a CDP participant who resides in a CDP region
* demonstrate support for the grant activity from the community where the service will be delivered
* demonstrate that you can create the job and meet any costs not covered by the grant
* have an Australian Business Number (ABN) (exemptions may apply in special cases)
* where relevant, be registered for the purposes of GST and
* have an account, with an Australian financial institution

The NIAA will not accept your application unless you:

* have rectified any issues of previous non-compliance with existing Commonwealth agreements to the satisfaction of the Commonwealth, or be in the process of rectifying any issues of non-compliance with existing Commonwealth agreements to the satisfaction of the Commonwealth.
* are financially viable to the Agency’s satisfaction. The application form has questions about financial viability. The Agency may undertake its own enquiries in relation to the applicant’s financial viability.

### Who is not eligible to apply for a grant?

We cannot provide a grant if you receive funding from another government source for the same purpose as RJED as detailed in Section 2.

You are not eligible to apply if you are:

* an organisation, or your activity partner, is an organisation, included on the [National Redress Scheme’s website](https://www.nationalredress.gov.au/) on the list of ‘Institutions that have not joined or signified their intent to join the Scheme’
* a non-corporate Commonwealth entity
* an individual or sole trader
* unincorporated association
* an overseas resident/organisation (and the NIAA’s decision regarding residence will be final)
* declared bankrupt or subject to insolvency proceedings—as relevant to the entity type
* named as currently non-compliant under the [*Workplace Gender Equality Act 2012*](https://www.legislation.gov.au/C2004A03332/latest/text)or
* any organisation not included in section 4.1

### What qualifications, skills or checks are required?

All applicants must be able to demonstrate that they intend to and will be able to comply with all applicable laws if their application is successful. This includes maintaining all qualifications, permits, registrations and licences required by the applicant and participant for the lawful performance of the activity or service the applicant will provide. This also includes, where relevant, compliance with:

* Work Health and Safety laws
* Fair Work laws
* Laws pertaining to Working with Children checks and/or Working with Vulnerable People registration (as required by the jurisdiction in which the activity will take place)
* Industry licenses or registration requirements and/or
* Australian Skills Quality Authority accreditation requirements.

All applicants must demonstrate how they will ensure there is adequate supervision when employees are performing tasks, taking into account the level of experience of the employee, safety risks and cultural protocols within a working environment.

Applicants must also demonstrate the remuneration structure under which they will employ staff. The remuneration structure must align to a relevant state or nationally recognised award and/or a registered Enterprise Agreement or the National Minimum Wage, where there is no award or agreement.

### Incorporation requirements

Subject to certain exceptions, under the Strengthening Organisational Governance Policy, all organisations that receive grant funding totalling $500,000 or more (GST exclusive) in any single financial year from IAS funding are required to:

* Incorporate under Commonwealth legislation— First Nations organisations will be required to incorporate under the [*Corporations (Aboriginal and Torres Strait Islander) Act 2006*](https://www.legislation.gov.au/C2006A00124/latest/text) and other organisations will be required to incorporate under the [*Corporations Act 2001*](https://www.legislation.gov.au/Series/C2004A00818)and
* Maintain these arrangements while they continue to receive any IAS funding.

First Nations organisations already incorporated under the [*Corporations Act 2001*](https://www.legislation.gov.au/Series/C2004A00818) do not have to change their incorporation status. However, all other First Nations organisations must be incorporated under the [*Corporations (Aboriginal and Torres Strait Islander) Act 2006*](https://www.legislation.gov.au/C2006A00124/latest/text) so they can access the assistance and support available under the Act.

For further information on incorporation requirements please refer to Appendix B.

## What the grant money can be used for

### Eligible grant activities

Eligible grant applicants can apply for 2 elements of funding under RJED:

1. Job Creation

2. Community Jobs and Business Fund (CJBF)

Applicants may apply for:

* Job Creation funding only or
* Both Job Creation and CJBF funding.

Applicants cannot apply for CJBF funding only. In order to receive funding under the CJBF, applicants must be approved for Job Creation funding.

Job Creation funding must directly relate to the RJED outcomes (see *2. About the RJED Program*).

In addition, the job/s created through RJED must meet the following requirements:

* employ a person that is a current or is eligible to be a CDP participant (NIAA may make exemptions for the NJPT or CDP trialling pathways participants)
* be located in a CDP region
* be a job that is not currently funded or a vacant position (NIAA may make exemptions for existing positions funded under the NJPT or CDP Trial Projects)
* be an entry level job that will build work skills, experience and confidence of employees
* be a job that can be adapted to the particular needs of the employee (e.g. cultural or caring obligations)
* be a casual, part time or full time job with the proposed number of hours worked per fortnight to be indicated in the grant application and
* designed through engagement with and have the support of the local community

To be eligible for funding under Community Jobs and Business Fund, you must meet the following requirements:

* Apply and be assessed as eligible for funding for Job Creation (section 4.1)
* be able to demonstrate how the requested CJBF funding directly relates to supporting the employee/s and the creation of the job/s described in the application’s Job Creation element
* have a separate bank account/s for managing CJBF funding where the total budget for this element is more than $10,000

Where possible and relevant, your proposed grant activities should take into account:

* the cultural and linguistic needs of First Nations Australians and others whose first language is not English, and be mindful of the Commonwealth Ombudsman’s Best Practice Principles for interpreting. [Use of Interpreters - Commonwealth Ombudsman](https://www.ombudsman.gov.au/__data/assets/pdf_file/0014/35600/Commonwealth-Ombudsman-Fact-Sheet-Use-of-intepreters-With-edits-from-Director-SST.pdf)
* the needs of Australians with disability including how the proposed activity supports one or more of the seven policy outcome areas outlined in [*Australia’s Disability Strategy 2021–2031*](https://www.dss.gov.au/disability-and-australias-disability-strategy-2021-2031)
* differing barriers and opportunities experienced by subsets of the target community, including First Nations men and women, and the impact these might have on access to proposed activities⎯this could include articulating the specific ways delivery of the activity will address barriers to participation for different groups. For example, how the activity will support youth outcomes in the community.

Given the changing and variable impacts of COVID-19 across Australia, activities must be delivered in alignment with relevant government and health advice to limit the risk of transmission of COVID-19, particularly with respect to protecting Elders and those with chronic health issues.

### Job Creation - Eligible Employees

A person employed in a job funded through RJED will become an employee of the organisation receiving funding. Successful grant recipients will need to:

* work with a CDP provider to identify a suitable existing or eligible CDP participant for the job
	+ exemptions may be requested from NIAA for non-CDP participants to be placed into a job if they are youth (15-24 years) and for people leaving prison;
	+ consider age limitations of CDP participants - employees must be 15 years or older
* work with local CDP providers to ensure the employee has the required documentation to commence employment, for example an Australian bank account or superannuation account;
* pay wages, entitlements and provide suitable working conditions, as required by law;
* provide wellbeing and cultural support to employees;
* provide relevant training, mentoring and coaching to upskill employees; and
* continue engaging with the local community on ongoing employment needs, objectives, and progress towards successful outcomes.

### Job Creation - What jobs are not eligible for funding

The following jobs cannot be funded under RJED:

* religious occupations
* an existing job that is vacant
* a job that displaces an existing employee
* commission based jobs
* self-employment or a subcontracted position
* a job subsidised or funded under any other Commonwealth or government program
* a job that is likely to bring RJED, the NIAA or the Commonwealth into disrepute
* jobs that lead to a decrease in other employment opportunities in the region or a reduction in services or
* jobs that are unsafe or carry an unsatisfactory level of risk to the health and safety of the CDP participant.

### Job Creation - Eligible locations

Your grant activity must be delivered in Australia, in one or more of the 60 [CDP regions.](https://www.niaa.gov.au/resource-centre/community-development-program-cdp-regions) The NIAA may consider, on an exception basis with the express agreement of the NIAA, a location that is adjacent to or connected to a CDP region or the CDP participant undertaking the job,

If your grant activity seeks funding for jobs located in multiple CDP regions, your application must clearly indicate each region you are applying for and the number of jobs proposed per region.

### Eligible expenditure

Grant funding can only be spent on eligible grant activities between the dates specified in your agreement with NIAA, unless we provide prior agreement in writing to an alternative use.

A grant agreement must be executed before the NIAA can make any payments. If you choose to start your grant activity before a grant agreement is executed, the NIAA is not responsible for this expenditure and you do so at your own risk.

Grant recipients will be required to verify relevant activity-related expenditure (see section 12.3 for more detail).

### A. Job creation

Eligible expenditure items under this element are:

* Wages and salary expenses at the relevant Award rate for entry level positions (if applicable) or National Minimum Wage rate
	+ Determining the appropriate rates of pay will be the applicant’s responsibility and, as an employer, you must ensure your employees receive the correct payments for the hours worked, along with other entitlements.
	+ Funding includes penalty rates, overtime and other allowances as prescribed by the relevant Award or National Employment Standards, including casual loading and leave entitlements, if applicable.
* Superannuation
	+ Applicants must determine the appropriate superannuation payments to meet relevant requirements paying employees their superannuation entitlements, as set out in legislation and by the Australian Taxation Office.
* Leave entitlements
	+ Applicants are required to understand and comply with any leave entitlements prescribed by the relevant Award or National Employment standards

The amount of funding provided to approved applicants will depend on the job/s they are creating and whether an employee is entitled to receive an adult or a youth wage, part time or full time, award or minimum wage.

### B. Community Jobs and Business Fund (CJBF) SUBJECT TO CHANGE

This element will provide funding for minor capital, equipment and capacity building. Funding requested under the CJBF must clearly and directly support and complement the job/s being created under the *Jobs Creation*.

Additional funding or an increase to funds may be available over the period of the grant agreement, subject to approval by the NIAA.

Eligible expenditure items include but are not limited to those outlined in the table below:

| Expenditure item | Maximum expenditure amount | Example items |
| --- | --- | --- |
| Minor refurbishment or modification to existing facilities for the benefit of RJED employees  | Up to $100,000 GST exclusive per application | Transportable buildings for office spaceProvision of safe work spaces and amenities for RJED employeesFixed furnitureWHS modifications/adjustmentsSheds for equipment storage or work areas |
| Lease or purchase of equipment and materials needed by RJED employees to do their jobs | Up to $100,000 GST exclusive | Tools and small machineryPurchase or leased vehicle for employee to complete their dutiesUniforms and protective equipment WHS modifications/ adjustmentsICT equipment, including satellite phones and mobile devicesTechnical and specialist equipment, such as screen printing, earth moving machineryVehicles and vessels, such as all-terrain vehicles and fishing vessels Lease or purchase of a bus for employee transport |
| Materials and consumables to support RJED employees entering and staying in employment | maximum expenditure to be considered on a case by case basis | Engagement of mentoring or other employee support services Development of bespoke employment, training and induction resources for RJED employeesCultural competency trainingWages for supervisory staff for RJED-funded employees (maximum 12 months) |
| Capacity and capability building for organisations to support RJED employees | Up to $50,000 (GST exclusive) | One-off purchase of payroll processing software or HR softwareBusiness planning in relation to employees or employment, e.g. workforce planning, succession planning or career planningSupport for development of employee-related policy and processes, e.g. legal adviceTime limited payment of supervisor or trainer wages, e.g. six months to train RJED employees to replace fly in / fly out or drive in / drive out servicesDevelopment of secure remote IT systems to enable RJED employees to work away from the officeTraining, support and advice related to:* Human Resource Management
* Workplace Health and Safety
* Workplace Relations

Leadership and management training specific to the supervision, leading and management of employeesConsultancy and advice on developing programs, policies and processes to recruit, develop and retain employees |
| On costs and overheads | One-off funding up to 15% of the total job creation costs to cover on-costs | Workers compensation/ insuranceHuman resources support, such as HR/pay roll costs or upgrading to One-Touch PayrollProperty operating expensesDesktop ICT equipment and costs (for example – computer, attributed IT costs such as internet or IT supportTraining costs |

The NIAA may change the list of eligible and ineligible expenditure from time to time. If your application is successful, the version that was applicable on the date you submitted your application applies to your grant activity.

Not all expenditure may be eligible for grant funding. The Program Delegate will make the final decision on what is eligible expenditure and may give additional guidance on eligible expenditure if required.

### What the grant money cannot be used for

This section applies to both the Job Creation and CJBF elements of RJED. Grant funding cannot be used for a purpose that does not directly contribute to the outcomes of RJED, including:

* activities that do not clearly align to the RJED outcomes
* purposes that do not directly contribute to the outcomes of the activity, typically including (but not limited to) payment of fines or loans, purchase of gifts, personal debts, or sitting fees
* retrospective costs (i.e. costs incurred before the date of the agreement)
* costs incurred in the preparation of a grant application or related documentation unless specifically agreed with the NIAA
* activities for which other Commonwealth, state, territory or local government bodies have primary responsibility.
* expenses for which other Commonwealth, state, territory or local government bodies have primary responsibility to provide the source of funding, unless otherwise specifically agreed with the Agency.
* jobs that are already funded or should be funded from another source, including but not limited to Commonwealth, state, territory or local government bodies
* purchase of land
* ongoing operational expenses not listed at section 5.5 (for example but not limited to salaries and wages for existing organisational staff) not related to the employment of RJED participants.
* existing employees’ administrative and/or miscellaneous costs not involved in RJED activities– e.g. wages, rent, overseas travel etc.
* overseas travel
* proposed grant activities outside of Australia
* marketing campaigns or
* activities that commenced prior to the grant agreement being finalised.

## The assessment criteria

You must address all of Criterion 1-3 in your application. The NIAA will assess and score your application against the points for each criterion, awarding a maximum 5 points for each criterion.

A further criterion (Criterion 4) is included only for those applicants also seeking funding from the CJBF.

The amount of detail and supporting evidence you provide in your application should be relative to the size, complexity and grant amount requested. The application form includes word limits.

### Criterion 1: Creating new jobs (5 points)

Applicants must describe the proposed job/s and the plan for supporting CDP participants living in the community/ies move into employment.

Applicants should provide a description of:

* what the proposed job/s are, how they are ‘new’ and your plan to work towards making the jobs sustainable, including how overhead/on-costs will contribute to the creation of the new job
* For each job, the type of job/s (industry/sector), expected hours of work and the type of employment (casual, part-time or full time)
* how you will work with CDP Providers to identify suitable CDP participants and how you will support these employees to obtain skills, experience and confidence to move off welfare and into employment
* whether the jobs will be focused on supporting priority cohorts, including youth, people leaving prison or people with disability and how you will design the job to support ongoing engagement in employment
* how the proposed job/s align with local priorities identified through employment, economic, development and/or leadership planning. For example Community Development, Local Thriving Communities, Empowered Communities, etc., and
* how the job may be sustainable and actions that will be undertaken to ensure ongoing sustainability of the job beyond the RJED funding.

Applicants must provide supporting evidence, which includes, but is not limited to a detailed budget breakdown of all costs using the template provided, including evidence of expected costs (that may include, but is not limited to, quotes and invoices).

Applicants may also be asked to provide a local employment or economic development plan.

### Criterion 2: Community need (5 points)

Applicants must demonstrate that they have worked with the local community/ies to identify the job/s, that the community/ies has participated in the planning and design of the proposed job/s and that there is a commitment to continuing this engagement.

Applicants should outline:

* The approach taken to working with the local community, including a description of how the community/ies participated in planning of the job/s, will be engaged in feedback about the job/s and any involvement in delivery of the job/s
* What success looks like in the local context, how you will measure and determine if it has been achieved, including using this to continuously improve
* Examples of community/ies readiness, for example provide details of how people are coming together to lead change and improve employment and economic outcomes and
* The factors in the community/ies driving unemployment and related social impacts and how the funding from RJED for new jobs will support positive change for individuals, their families and the broader community.

Applicants must provide supporting evidence, which may include, but is not limited to:

* a letter of support from community or local relevant Indigenous Organisations and/or
* documentation/evidence that the local community has participated in the planning and design of the proposed job

### Criterion 3: Organisation Capability and Delivery (5 points)

Applicants must demonstrate experience in and/or demonstrate an understating of establishing new jobs and their ongoing management in their organisation.

In your application:

* Describe your organisation’s skill-set (expertise, authority, interest, influence, governance arrangements and capacity) to deliver high quality employment activities and, where required, understanding of appropriate cultural safety and practices.
* Provide examples of your successes and/or lessons learned from past experiences.
* Outline risks you think may arise and how you plan to mitigate them, including ensuring new jobs are occupied for the funded period and re-filling vacancies in a reasonable period of time and
* State if you hold or can obtain Annual Working with Vulnerable People Statement of Compliant and Annual Work Health and Safety Statement of Compliance

Applicants must provide supporting evidence, which may include, but is not limited to:

* proposed governance arrangements and how you will manage the job, including risks of underspends created by vacancies in the funded positions
* how the job will be managed by the organisation, including processes to terminate employment where required
* how the risks associated with the proposed activity, including work, health and safety risks, will be managed.
* details of any applications for funding for the proposed activity that are currently awaiting a decision and the nature of support for example, funding contribution, in kind support, resources and expertise

### Criterion 4: Delivering Outcomes and Economic Benefits to the community (only required for applicants seeking funding from Community Jobs and Business Fund)

To apply for funding under the CJBF component, applicants must address this assessment criteria and demonstrate how the funding requested directly links to their proposed Job creation element activities and supports the creation of the new job/s or the development and retention of an eligible employee.

Applicants must describe:

* the items required and the connection to the Job Creation element job/s being created and employment outcomes
* how the funding will impact on delivery of the job/s and
* readiness to commence including, where relevant, purchasing, hiring, designing or building

Applicants must provide the following evidence:

* detailed budget breakdown of all costs, including evidence of expected costs that may include, but are not limited to, quotes and invoices
* a full project plan on how you will manage the proposed activity including time, risk and budget if you are seeking CJBF funding of more than $100,000, and
* processes to manage the funding and items, including creation of asset registers and safe storage of materials

## How to apply

It is important to note that any discussion with the NIAA about a grant activity or the lodgement of an application form **does not guarantee that your activity will be funded**.

Before applying, you must read and understand these guidelines and other information available on [GrantConnect](http://www.grants.gov.au/), including a sample application form, Budget template, FAQs and a sample grant agreement. The NIAA may make changes and issue addenda[[4]](#footnote-5) to this grant opportunity. Any changes will be published on [GrantConnect](http://www.grants.gov.au/), as the authoritative source for grants information. You will be automatically notified of any changes if you register on [GrantConnect](http://www.grants.gov.au/).

To apply you must:

* complete the online application form on [GrantConnect](http://www.grants.gov.au/)
* provide all the information requested
* address all eligibility criteria and assessment criteria
* include all necessary attachments and
* submit your application/s on [GrantConnect](http://www.grants.gov.au/) by closing date and time.

A checklist is available at Appendix C to help you submit a completed application. You should keep a copy of your application and any supporting documents.

You are responsible for ensuring that your application is complete and accurate. You cannot change your application after the closing date and time. The Agency is not able to ask for additional information that should have been provided with the application.

If you find an error in your application after submitting it, you should contact us immediately at IASAMO@niaa.gov.au. We do not have to accept any additional information, nor requests from you to correct your application after the closing time.

We may ask for clarification or additional information from you that will not change the nature of your application. However, we can refuse to accept any additional information from you that would change your submission after the application closing time.

Giving false or misleading information is a serious offence under the [Criminal Code 1995](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html). Any false or misleading information will be investigated and may exclude your application from further consideration.

The NIAA will acknowledge it has received your application within 5 working days.

The NIAA may ask for additional information to support your application, including information about your entity structure, associated entities and key personnel (e.g. Directors, Chief Executive Officer, Finance Officer, Accountant/Auditor).

If you need further guidance on the application process or if you are unable to submit an application online contact your local [NIAA Regional Office](https://www.niaa.gov.au/about-niaa/contact-us/regional-offices-around-australia).

### Attachments to the application

Please ensure the following documents are included with your application:

* An itemised budget using the template provided that specifies:
	+ a breakdown of costs and funding for each financial year in which the proposed activity will operate and
	+ total funding being requested
	+ details of funding from other sources that will contribute to the costs of the activity outlined in the application, including whether the funding is approved
	+ details of any applications for funding that are currently awaiting a decision and include the nature of the support for example, funding contribution, in kind support, resources and expertise.
* A document containing:
	+ a list of key personnel of the organisation - include Director/s, Chief Executive Officer, Chief Financial Officer and Chief Operating Officer. This should include names and position titles.
	+ an organisation chart for your organisation
	+ if applicable, a chart of associated entities as defined by s50AAA of the Corporations Act 2001. This should show the relationships between companies, including levels of ownership and control
	+ evidence of bank account details, such as a copy of a current bank statement. This must be a bank account in your name and which you control.
	+ accountant declaration
* evidence of support from the community/ies where you propose to deliver this activity and
* a project management plan, using the template provided

If you do not have a current grant agreement with the NIAA or formerly with Department of the Prime Minister and Cabinet (PM&C) you must also provide the following documentation (government applicants are exempt from this requirement):

* + If you are required by your regulator to keep financial statements a copy of your most recent financial statements such as an audited financial statement (audited expenditure report), income and expenditure statement, or a balance sheet to inform your Organisation Risk Profile (ORP).[[5]](#footnote-6)
	+ A copy of your Certificate of Incorporation where relevant (Organisations registered with Australian Charities and Not-for-profits Commission are exempt from this requirement).
	+ A copy of a completed ATO [‘Statement by a supplier (reason for not quoting an ABN to an enterprise)’ form](https://www.ato.gov.au/Forms/Statement-by-a-supplier-not-quoting-an-ABN/) if you are not able to quote an ABN.

If you are not required by your regulator to keep financial statements, you must provide:

* + an income and expenditure statement;
	+ balance sheet; and
	+ statement of assets and liabilities.
* A copy of your Certificate of Incorporation, where relevant. Organisations registered with Australian Charities and Not-for-profits Commission are exempt from this requirement.

There is a size limit of 2MB for each attachment and a total limit of 10MB for each application. Any applications above this limit will not be received

You must attach supporting documentation to the application form in line with the instructions provided within the form. The NIAA will not consider attached information that is not requested in the application form.

### Joint (consortia) applications

Some organisations may decide to join together as a group to deliver a grant activity. In these circumstances, a ‘lead organisation’ must be appointed by the group.

Only the lead organisation can submit the application form and enter into a grant agreement with the Commonwealth. The application must identify all members of the proposed group and include a letter of support from each of organisations included in the group. If your application is successful, a formal arrangement between all parties in the joint consortia must be place with prior to execution of a grant agreement.

Each letter of support from an organisation in the group should include:

* details of the organisation
* percentage of First Nations ownership, control and/or management (refer to the glossary for definitions of these).
* overview of how the organisation will work with the lead organisation and any other organisations in the group to successfully complete the grant activity.
* relevant experience and/or expertise the organisation will bring to the group
* roles/responsibilities of the organisation and the resources they will contribute (if any)
* a nominated management level contact officer for the organisation.

### Trust applications

For applications made on behalf of a Trust, the application must be made in the name of the Trustee as listed in the Trust Deed. For example, if ABC Trust has a Trustee listed in the Trust Deed as XYZ Pty Ltd, then the application must be made in the name of XYZ Pty Ltd as Trustee for ABC Trust.

The NIAA may request additional information in order to consider your application. This could include a copy of the Trust Deed (in force at the time of application) and other information (including financial information) on the trust and the corporate trustee.

### Timing of grant opportunity processes

You must submit an application between the published opening and closing dates. Late applications may be accepted if extenuating circumstances exist and at the discretion of the Program Delegate.

If you are successful, we expect you will be able to commence your grant activity around TBC.

Table 1: Expected timing for this grant opportunity

| **Activity** | **Timeframe** |
| --- | --- |
| Assessment of applications | 4 weeks |
| Approval of outcomes of selection process | 2 weeks |
| Negotiations and award of grant agreements | 2-6 weeks |
| Notification to unsuccessful applicants | 2 weeks |
| Earliest start date of grant activity | TBC |
| End date of grant activity  | As specified in your grant agreement |

### Questions during the application process

If you have any questions during the application period, contact your local [NIAA Regional Office](https://www.niaa.gov.au/contact-us/regional-network-addresses).

The NIAA will respond to emailed questions within three working days. Answers to questions will be posted on [GrantConnect](https://www.grants.gov.au/).

## The grant selection process

### Assessment of grant applications

The NIAA will consider eligible applications through an open competitive grant process.

If eligible, your application will be considered on its merits, based on:

* how well it meets the assessment criteria (section 6) [[6]](#footnote-7)
* how it ranks against other applications for the same region
* whether it provides value with relevant money.

The NIAA will also consider how you have delivered other IAS and/or Commonwealth funded activities, if applicable.

### Indigenous Grants Preferencing Policy

The Australian Government is committed to increasing the proportion of services delivered by First Nations organisations. To deliver on this objective, the NIAA may preference organisations for IAS grants funding where there are two similarly ranked proposals[[7]](#footnote-8) as follows:

* First Nations Organisations (at least 51 per cent First Nations ownership and at least 51 per cent First Nations control), then
* organisations with at least 50 per cent First Nations ownership, control or management, then
* any organisation, including non-First Nations organisations, with a demonstrated commitment to increasing First Nations employment, supplier use and/or engagement.

The NIAA may also gather information from grantees to determine:

* the number of First Nations and non-First Nations organisations funded through the IAS
* the number and percentage of First Nations people employed in all funded organisations
* total value and number of contracts for goods and services that are provided by First Nations Enterprises.

Refer to the section ‘15. Glossary’ for definitions of “owners”, “control” and “management” and “First Nations Enterprises”.

### Who will assess applications?

An expert panel will assess each application in accordance with the process set out in this section 8 recommending which grant applications should be awarded a grant. The expert panel will compriseappropriate NIAA staff and relevant **external experts/advisors**.

Any expert/advisor, who is not a Commonwealth Official, will be required to perform their duties in accordance with the [CGRGs](https://www.finance.gov.au/government/commonwealth-grants/commonwealth-grants-rules-and-guidelines).

The expert panel may seek additional information about you or your application, including from within the Commonwealth (even if the sources are not nominated as your referees). The expert panel may also consider information about you or your application that is available through the normal course of business.

The expert panel recommends to the Program Delegate which applications to approve for a grant.

To ensure probity, staff who provide support in developing a proposal will not be involved in the assessment of the application.

### Who will approve grants?

The NIAA delegate decides which grants to approve taking into account the recommendations of the assessment committee and the availability of grant funds for the purposes of the grant program.

The Program Delegate’s decision is final in all matters, including:

* the approval of the grant
* the grant funding amount to be awarded
* the terms and conditions of the grant.

There is no appeal mechanism for decisions to approve or not approve a grant.

## Notification of application outcomes

You will be advised of the outcome of your application in writing. If you are successful, the NIAA will advise you of any specific conditions attached to the grant.

You can submit a new application for the same grant (or a similar grant) in any future grant opportunities under the program. You should include new or more information to address any weaknesses that may have prevented your previous application from being successful.

### Feedback on your application

If you are unsuccessful, you may ask for feedback from NIAA within 3 months of being advised of the outcome. Wewill give written feedback within one month of your request.

### Further grant opportunities

If there are not enough suitable applications to meet the program’s objectives, the NIAA will deliver subsequent grant opportunities as competitive, targeted or closed non-competitive processes.

## Successful grant applications

### The grant agreement

If you are successful and choose to accept a grant offer, you must enter into a legally binding grant agreement with the Commonwealth. This agreement may be through a letter of offer or standard grant agreement, or another form of agreement specified by the Commonwealth.

The type of grant agreement and its mandatory terms and conditions will depend on the size and complexity of your grant activity as well as the level of risk associated with the activity. A sample grant agreements is available on [GrantConnect](https://www.grants.gov.au/?event=public.GO.list).

The grant agreement will provide a detailed description of the funded activity and specific terms and conditions, which may include:

* key performance indicators and performance reporting requirements
* financial reporting requirements
* a funding payment schedule
* mandatory requirements for Working with Children checks, Working with Vulnerable People checks
* mandatory requirements to comply with applicable work health and safety obligations including those provided under Commonwealth work health and safety legislation
* insurance requirements including compliance with the [*Work Health and Safety Act 2011*](https://www.legislation.gov.au/Details/C2018C00293) to cover your obligations in relation to the grant funding to be delivered
* compliance with the Australian Privacy Principles as set out in Schedule 1 of the [*Privacy Act 1988*](https://www.legislation.gov.au/Series/C2004A03712). Further information about privacy and confidentiality is also included at section 13.3 of this document
* requirements to maintain the confidentiality of any information deemed by the Commonwealth to be confidential
* record keeping requirements.

To give assurance to the preference to fund suitable Indigenous organisations, your grant agreement may also contain conditions that your organisation must maintain a specified percentage of Indigenous ownership, control, management or employment and be able to provide evidence of this, on request. You may also be required to notify the Agency if you have a change in circumstances that means you no longer meet these conditions.

You will work with an Agreement Manager from the [NIAA Regional Office](https://www.niaa.gov.au/about-niaa/contact-us/regional-offices-around-australia) or National Office to effectively manage the grant agreement.

The Agency must execute a grant agreement with you before we can make any payments. There is no guarantee of funding until both parties have executed a grant agreement, and the Agency is not responsible for any of your expenditure until a grant agreement is executed.

If you choose to start your grant activity before you have an executed grant agreement, you do so at your own risk (including incurring financial costs that may not be covered by the grant agreement).

If you receive any grant funding from other Commonwealth, state or territory government granting programs for the same activity this may limit the amount of funding you might be entitled to under the activity, unless specifically agreed to in writing by the Agency. You must provide information about other funding received for the Agency’s consideration.

If you fail to meet the obligations of the grant agreement, the Agency may terminate the agreement. The Agency or the Commonwealth may also recover grant funds if there is a breach of the grant agreement.

The Agreement incorporates appropriate safeguards against fraud and unlawful activities and includes the right to request the removal of personnel for other inappropriate conduct or associations that may cause reputational damage to the Agency or Commonwealth.

### Management of Debt and Underspend

A previous debt or underspend of an IAS grant may influence the outcome of an application, including an awarded grant amount. The Agency reserves the right to recover underspends of one grant via offsets in another. Offsetting involves reducing future grant payments up to the amount of the underspend. If a debt has been incurred, the Agency may seek return of those funds or pursue other remedies.

### Negotiation of funded activities

Before a grant agreement is entered into, the Agency will negotiate the scope of the activity and the terms and conditions with you. Relevant community stakeholders may also be involved in these negotiations to ensure the activity is tailored to meet local community or regional need.

If there are unreasonable delays in finalising a grant agreement, the grant offer may be withdrawn and the grant may be offered to a different applicant.

### Execution of the grant agreement

You will have 30 days from the date of a written offer to execute the grant agreement with the Commonwealth or in accordance with other instructions provided by the Agency in writing. During this time, we will work with you to finalise details.

The offer may lapse if both parties do not sign the grant agreement within this time. Under certain circumstances, we may extend this period.

### Specific legislation, policies and industry standards

Whilst you are required to be compliant with all relevant laws and regulations, you may be requested to demonstrate compliance with the following legislation/policies/industry standards:

* Fair Work Act
* Superannuation Act

To be eligible for a grant, you must declare in your application that you comply with these requirements. You may need to declare you can meet these requirements in your grant agreement with the Commonwealth.

### How we pay the grant

The NIAA may make an initial payment of up to 25% on execution of the grant agreement. Subsequent payments of funding, whether quarterly, six monthly or annually, is dependent on you complying with the grant agreement requirements, including satisfactory progress against performance and financial reporting milestones. You will also be required to report how you spent the grant funds during the period of the grant activity or at the completion of the grant activity.

The funding provided by the NIAA will not exceed the total funding amount set out in the funding agreement. If your expenditure exceeds the amount granted you must pay this additional expenditure yourself.

The grant agreement will state the maximum grant amount to be paid. The NIAA will not exceed the maximum grant amount under any circumstances. You must meet any extra costs you incur.

Payment of grant funding will also be dependent on eligible grant recipients being employed in the jobs created within an appropriate period of time.

### Grants Payments and GST

Payments will be [Goods and Services Tax (GST)](https://www.ato.gov.au/Business/GST/Registering-for-GST/) Inclusive unless you are not registered for GST or certain exceptions set out in the GST legislation apply, including for wages. Subject to those exceptions, the NIAA will add GST to your grant payment and issue you with a [Recipient Created Tax Invoice.](https://www.ato.gov.au/forms-and-instructions/recipient-created-tax-invoices)

Unless otherwise indicated by the NIAA, all figures quoted in grant documentation will be GST exclusive.

Grants are assessable income for taxation purposes, unless exempted by a taxation law. The NIAA recommend you seek independent professional advice on your taxation obligations or seek assistance from the [Australian Taxation Office](https://www.ato.gov.au/).[[8]](#footnote-9) The NIAA do not provide advice on your particular taxation circumstances.

## Announcement of grants

If a grant agreement is executed, it will be listed on the [GrantConnect](https://www.grants.gov.au/?event=public.GO.list) website within 21 calendar days after the date of effect as required by Section 5.3 of the [CGRGs](http://cgrgs/).

## How we monitor your grant activity

The Agency uses a number of approaches to monitor IAS activities. These include the below.

* On-the-ground monitoring, predominately through the NIAA Regional Offices
	+ The NIAA uses an active 'on-the-ground' strategy to monitor the RJED grantees and activities primarily through the NIAA Regional Offices. This can involve site visits, discussions with community members and service recipients, and ongoing contact with the grantees. A priority for the Agency is active engagement to assist with early identification and treatment of activity delivery risks and other issues as they arise.
* Periodic reporting by the employer on the performance of activities
	+ The NIAA, in conjunction with the grant recipient, will set key performance indicators for each activity to measure progress against identified outcomes, including applicable Closing the Gap targets. The NIAA may include key performance indicators to inform broader data sets, such as Indigenous employment data. These will be set out in the grant agreement. The grant recipient will be assessed against all key performance indicators over the course of the funded activity.
* Compliance operations, where necessary
	+ We may visit you during or after the completion of your grant activity to review your compliance with the grant agreement. We may also inspect, copy or remove and retain the records you are required to keep under the grant agreement. We will provide you with reasonable notice of any compliance visit.

### Keeping us informed

If you execute a grant agreement, you must let the NIAA contact officer listed in your grant agreement know if anything is likely to affect your grant activity. This includes key changes to your organisation or its business activities, particularly if they affect your ability to complete your grant, carry on business and pay debts due. Changes to your organisation include (but are not limited to):

* name
* addresses
* nominated contact details
* bank account details
* ABN
* GST registration or status
* any instance where your organisation may no longer meet the definition of a First Nations organisation (if it initially did).
* if your organisation has an outstanding and overdue Australian Tax Office debt.

If you become aware of a breach of terms and conditions under the grant agreement, you must contact us immediately.

### Reporting

You will be required to periodically report on the overall progress and performance of your activity, and against the key performance indicators in your grant agreement. The frequency and content of reporting requirements will depend on the funded activity and will be contained in the grant agreement. The NIAA will also source a range of data and information to inform its judgement. In completing performance reports, you are encouraged to be open about the status of the activity, any service delivery risks and issues, and to provide data to support any claims made. This instils confidence in your management reporting systems and allows us to better work with you to improve performance, if necessary.

Financial reports are required from grantees to provide evidence that funds have been expended for the purposes provided as agreed and so that any underspend or over spend can be managed. The annual value of the grant and the risk rating of the grantee and the activity determine the financial reporting requirements. The default financial reporting requirement is one report per year. Financial reporting requirements will be specified in the grant agreement.

You must submit reportsin line with the [grant agreement](file://prod.protected.ind/User/user03/LLau2/insert%20link%20here), including:

* progress against agreed grant activity milestones and outcomes
* key performance indicators
* expenditure of the grant, including finance reports.
* The level of detail you provide in reports should be relative to the size, complexity and grant amount.

 The NIAA will monitor progress by assessing reports you submit and may also:

* source a range of data and information to inform its judgement.
* request records to confirm details of your reports if necessary.
* undertake on-the-ground monitoring of grantees and activities, including site visits, discussions with community members and service recipients and ongoing contact with the grantees.
* need to re-examine claims, seek further information or request an independent audit of claims and payments.
* We may use data provided to help support compliance activities

###  Audited financial acquittal report

The NIAA may ask you to provide an independently audited financial acquittal report, using a specified template. The report is intended to verify that you spent the grant in accordance with the grant agreement.

### Grant agreement variations

The NIAA recognises that unexpected events may affect your progress or impact on your ability to achieve results consistent with the NIAA’s priorities. In these circumstances, you or the NIAA can request a variation to your grant agreement, including:

* changing key performance indicators or milestones
* extending the timeframe for completing the grant
* changing grant activities
* changing funding.

You should not assume that a variation request will be successful. The Agency will consider your request based on factors such as:

* how it affects the grant activity outcome
* consistency with the program policy objectives and any relevant policies of the Agency
* changes to the timing of grant payments
* availability of program funding.

All decisions to vary a grant agreement must be mutually agreed to between

The instigating party must put its concerns, issues and proposed changes in writing before the grant agreement end date. Do not assume that a variation request will be successful. The NIAA will consider your request based on provisions in the grant agreement and the likely impact on achieving outcomes.

All decisions to vary a grant agreement must be mutually agreed by you and the NIAA before a variation can be executed.

### Compliance visits

The NIAA may visit you during or after the completion of your grant activity to review your compliance with the grant agreement. The NIAA will provide you with reasonable notice e.g. 2 weeks, of any compliance visit.

### Record keeping

The NIAA may inspect, copy, remove and/or retain the records you are required to keep under the grant agreement.

### Monitoring, evaluation and learning

The NIAA will monitor and evaluate the RJED program to measure how well outcomes and objectives have been achieved, including outcomes for participants, organisations and communities. Monitoring and evaluation activities may:

* use information from your application and reports
* use systems to understand experiences throughout the program, (this could include apps to report progress from both businesses and participants in the program)
* interview you, participants or other stakeholders, or ask for more information on how the grant impacted your organisation, participants and/or the wider community and how effective it was in achieving its outcomes. This may be in the form of an online application or other methods as directed by the NIAA.
* You may be contacted during and/or after the program to support RJED program monitoring and evaluation. We may request assistance in distributing information related to monitoring and evaluation of the grant activity to participants and other members of your community.
* Engage third parties to collect information or provide information to third parties as needed for monitoring, evaluation and related activities.

### Acknowledgement

If you make a public statement about a grant activity funded under the program, you must use the following statement:

‘This grant activity received grant funding from the Australian Government.’

## Probity

The Australian Government will ensure the grant opportunity process:

* is fair
* runs in accordance with these guidelines
* incorporates appropriate safeguards against fraud, unlawful activities and other inappropriate conduct
* is consistent with the CGRGs.

The NIAA may make changes to these guidelines and publish the revised guidelines on [GrantConnect](https://help.grants.gov.au/).

### Enquiries and feedback

Contact your local [NIAA Regional Office](https://www.niaa.gov.au/about-niaa/contact-us/regional-offices-around-australia) if you have any questions about this grant opportunity, including grant decisions.

If you would like to make a complaint about a grant process, phone (02) 6152 3050 or email complaints@niaa.gov.au. If you do not agree with the way the NIAA has handled your complaint, you may complain to the [Commonwealth Ombudsman](http://www.ombudsman.gov.au/) on:

 Phone (Toll free): 1300 362 072
Email: ombudsman@ombudsman.gov.au
Website: [www.ombudsman.gov.au](http://www.ombudsman.gov.au)

The Ombudsman will not usually look into a complaint unless the matter has first been raised directly with the NIAA.

### Conflicts of interest

Conflicts of interest can affect the performance of the grant opportunity or program. There may be an actual [conflict of interest](http://www.apsc.gov.au/publications-and-media/current-publications/aps-values-and-code-of-conduct-in-practice/conflict-of-interest), a perceived conflict of interest, or a potential conflict of interest, if the Agency’s staff, any member of a committee, panel or advisor and/or you or any of your personnel, including subcontractors and volunteers has, but not limited to:

* A professional, political, commercial or personal relationship with a party who is or is perceived to be able to influence the application selection process, such as an Australian Government officer or member of an external panel.
* A relationship with or interest in, an organisation or individual, which is likely to interfere with or restrict the applicants from carrying out the proposed activities fairly and independently. And/or
* A relationship with, or interest in, an organisation or individual from which they will receive personal gain because the organisation receives a grant under the grant program/grant opportunity.

**You will be asked to declare, as part of your application, any actual, perceived or potential conflicts of interests or that, to the best of your knowledge, there is no conflict of interest. The Agency will make the final decision on what is determined as an actual, potential or perceived conflict of interest.**

**If you later identify an actual** [**conflict of interest**](http://www.apsc.gov.au/publications-and-media/current-publications/aps-values-and-code-of-conduct-in-practice/conflict-of-interest)**, a perceived conflict of interest, or a potential conflict of interest, you must inform the Agency in writing immediately and provide further information to the satisfaction of the Agency.**

Committee members and other officials including the decision maker must also declare any conflicts of interest.

Conflicts of interest for Australian Government staff will be handled as set out in the Australian [Public Service Code of Conduct (Section 13(7))](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/psa1999152/s13.html) of the [*Public Service Act 1999*](https://www.legislation.gov.au/Series/C2004A00538). Committee members and other officials including the decision maker must also declare any conflicts of interest.

### Privacy

The NIAA treats your personal information according to the [*Privacy Act 1988*](https://www.legislation.gov.au/Details/C2014C00076)and the[Australian Privacy Principles](https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles). This includes letting you know:

* what personal information the NIAA collects
* why the NIAA collects your personal information
* who the NIAA gives your personal information to.

Your personal information can only be disclosed to someone else for the primary purpose for which it was collected, unless an exemption applies.

The Australian Government may also use and disclose information about grant applicants and grant recipients under this grant opportunity in any other Australian Government business or function. This includes disclosing grant information on GrantConnect as required for reporting purposes and giving information to the Australian Taxation Office for compliance purposes.

The NIAA may share the information you provide with other Commonwealth entities for purposes including government administration, research or service delivery, according to Australian laws.

As part of your application, you declare your ability to comply with the *Privacy Act 1988* and the Australian Privacy Principles. You also declare you will impose the same privacy obligations on officers, employees, agents and subcontractors that you engage to assist with the activity, in respect of personal information you collect, use, store, or disclose in connection with the activity. Accordingly, you must not do anything, which if done by the NIAA would breach an Australian Privacy Principle as defined in the Act.

The NIAA’s [Privacy Policy](https://www.niaa.gov.au/pmc/who-we-are/accountability-and-reporting/privacy-policy) contains information about how you can access the personal information held by the NIAA and seek correction of the information. It also explains how you can make a complaint about a breach of the Australian Privacy Principles. You can access the Privacy Policy at niaa.gov.au or by emailing privacy@niaa.gov.au for a copy of the policy.

### Confidential Information

Other than information available in the public domain, you agree not to disclose to any person, other than the NIAA, any confidential information relating to the grant application and/or agreement, without the NIAA’s prior written approval. The obligation will not be breached where you are required by law, Parliament or a stock exchange to disclose the relevant information or where the relevant information is publicly available (other than through breach of a confidentiality or non-disclosure obligation).

The NIAA may at any time, require you to arrange for: you; your employees; agents or subcontractors, to give a written undertaking relating to nondisclosure of our confidential information in a form we consider acceptable.

The NIAA will keep any information in connection with the grant agreement confidential to the extent that it meets all of the three conditions below:

1. you clearly identify the information as confidential and explain why we should treat it as confidential
2. the information is commercially sensitive
3. revealing the information would cause unreasonable harm to you or someone else.

The NIAA will not be in breach of any confidentiality agreement if the information is disclosed to:

* Commonwealth employees and contractors to help us manage the program effectively
* employees and contractors of our department so we can research, assess, monitor and analyse our programs and activities
* employees and contractors of other Commonwealth agencies for any purposes, including government administration, research or service delivery
* other Commonwealth, State, Territory or local government agencies in program reports and consultations
* the Auditor-General, Ombudsman or Privacy Commissioner
* the responsible Minister or Parliamentary Secretary, and
* a House or a Committee of the Australian Parliament.

The grant agreement may also include specific requirements about special categories of information collected, created or held under the grant agreement.

### Freedom of information

All documents in the possession of the Australian Government, including those about this grant opportunity, are subject to the [Freedom of Information Act 1982](https://www.legislation.gov.au/Series/C2004A02562) (FOI Act)*.*

The purpose of the FOI Act is to give members of the public rights of access to information held by the Australian Government and its entities. Under the FOI Act, members of the public can seek access to documents held by the Australian Government. This right of access is limited only by the exceptions and exemptions necessary to protect essential public interests and private and business affairs of persons in respect of whom the information relates.

All Freedom of Information requests must be referred to the Freedom of Information Coordinator in writing.

By mail: Freedom of Information Coordinator

National Indigenous Australians Agency

PO Box 2191

CANBERRA ACT 2601

By email: foi@niaa.gov.au

## Consultation

These guidelines draw on feedback received from previous public consultation processes and the NIAA’s daily role in working with providers and First Nations people and communities across Australia. The NIAA will continue to review the guidelines based on this experience and the experiences of our grantees.

The NIAA will also seek advice from First Nations people, communities, and other stakeholders (such as representative groups) as required.

## Glossary

| **Term** | **Definition** |
| --- | --- |
| Accountable authority | See subsection 12(2) of the [*Public Governance, Performance and Accountability Act 2013*](http://www.finance.gov.au/resource-management/pgpa-legislation-rules-and-associated-instruments/) |
| Assessment criteria | Are the specified principles or standards, against which applications will be judged. These criteria are also used to assess the merits of proposals and, in the case of a competitive grant opportunity, to determine application rankings. |
| CDP | The NIAA’s Community Development Program. |
| CDP participant | Is eligible to participate in CDP as a job seeker or volunteer and must have a current address in a CDP region. In general, people living in remote Australia who are looking for a job and receiving income support payments are eligible for CDP services. Those who are not on income support can volunteer to participate in CDP. |
| Commonwealth entity | A Department of State, or a Parliamentary Department, or a listed entity or a body corporate established by a law of the Commonwealth. See subsections 10(1) and (2) of the PGPA Act |
| [Commonwealth Grants Rules and Guidelines (CGRGs)](https://www.finance.gov.au/sites/default/files/commonwealth-grants-rules-and-guidelines.pdf)  | Establish the overarching Commonwealth grants policy framework and articulate the expectations for all non-corporate Commonwealth entities in relation to grants administration. Under this overarching framework, non-corporate Commonwealth entities undertake grants administration based on the mandatory requirements and key principles of grants administration.  |
| Completion date | The expected date that the grant activity must be completed and the grant spent by  |
| Control | Control is related to the people in your organisation that have decision-making authority over strategic direction or governance. For most entities, this will mean your Board or Management Committee. Depending on the legal entity type, control may mean:* 1. Directors and Secretary—Company Limited by Shares, Company Limited by Guarantee, Cooperatives
	2. Management Committee and Public Officer— ORIC-Registered Indigenous Corporations, Incorporated Associations
	3. Proprietor/partner—Sole traders, actual person partnerships.

Note: for trusts, the trustee will typically be one of the legal entities above. |
| *Corporations Act 2001* | An act of the Commonwealth that sets out the laws dealing with business entities in Australia at federal and interstate level. It focuses primarily on companies, although it also covers some laws relating to other entities such as partnerships and managed grant funding schemes. Incorporation can be applied for through the [Australian Securities and Investment Commission website](https://asic.gov.au/). |
| *Corporations (Aboriginal and Torres Strait Islander) Act 2006* | The law that establishes the role of the Registrar of Aboriginal and Torres Strait Islander Corporations, now called the Registrar of Indigenous Corporations, and allows Indigenous Australian groups to form corporations. The [*Corporations (Aboriginal and Torres Strait Islander) Act 2006*](https://www.legislation.gov.au/Series/C2006A00124) (CATSI Act) replaced the *Aboriginal Councils and Associations Act 1976* (ACA Act). Under the CATSI Act, laws governing Indigenous corporations have been modernised while retaining special measures to meet the specific needs of Indigenous Australians. Incorporation can be applied for through the [Office of the Registrar of Indigenous Corporations (ORIC) website](http://www.oric.gov.au). |
| Co-sponsoring entity | When two or more entities are responsible for the policy and the appropriation for outcomes associated with it |
| Date of effect | Can be the date on which a grant agreement is signed or a specified starting date. Where there is no grant agreement, entities must publish information on individual grants as soon as practicable.  |
| Decision maker | The person who makes a decision to award a grant |
| Eligibility criteria | Refer to the mandatory criteria which must be met to qualify for a grant. Assessment criteria may apply in addition to eligibility criteria. |
| Empowered Communities | A First Nations designed and led initiative that involves First Nations leaders, communities and governments working in partnership to set priorities, improve services and apply funding effectively at a regional level. This increases First Nations ownership to give First Nations peoples a greater say in decisions that affect them. For further information refer to [niaa.gov.au/indigenous-affairs/empowered-communities](https://www.niaa.gov.au/indigenous-affairs/empowered-communities). |
| Evaluation | Evaluation is the systematic measurement of the significance, merit and worth of policies and programs, undertaken to understand and improve decisions about investment. Evaluation involves the assessment of outcomes and operations of programs or policy compared to expectations in order to make improvements. |
| First Nations enterprise | An entity with at least 50% First Nations ownership, as outlined in the Indigenous Procurement Policy. |
| First Nations organisations(**Note**: This definition is used for administering the Incorporation Requirements only – Refer to Appendix B) | Aligns with the s29-5 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and Part 2 – Regulation 6 of the Corporations (Aboriginal and Torres Strait Islander) Regulations 2017 * 1. If the corporation has five (5) or more members—at least 51% of the members are Indigenous Australians.
	2. If the corporation has fewer than five (5) members but more than one (1) member—all of the members, or all but one of the members are Indigenous Australians.
	3. If the corporation has only one (1) member – that member is an Indigenous Australian.

Note that “member” is used as a term for ownership and may vary between entity types (e.g. “shareholder” for co-operatives).**and** Aligns with s246-5 of the Act—a majority of the directors must be Indigenous peoples. |
| Grant  | For the purposes of the CGRGs, a ‘grant’ is an arrangement for the provision of financial assistance by the Commonwealth or on behalf of the Commonwealth:* 1. under which relevant money[[9]](#footnote-10) or other [Consolidated Revenue Fund](https://www.finance.gov.au/resource-management/pgpa-glossary/consolidated-revenue-fund/) (CRF) money[[10]](#footnote-11) is to be paid to a grantee other than the Commonwealth; and
	2. which is intended to help address one or more of the Australian Government’s policy outcomes while assisting the grantee achieve its objectives.
 |
| Grant activity/activities | Refers to the project/tasks/services that the grantee is required to undertake |
| Grant agreement | Sets out the relationship between the parties to the agreement, and specifies the details of the grant |
| Grant opportunity | Refers to the specific grant round or process where a Commonwealth grant is made available to potential grantees. Grant opportunities may be open or targeted, and will reflect the relevant grant selection process. |
| Grant program | A ‘program’ carries its natural meaning and is intended to cover a potentially wide range of related activities aimed at achieving government policy outcomes. A grant program is a group of one or more grant opportunities under a single [entity] Portfolio Budget Statement Program. |
| [GrantConnect](http://www.grants.gov.au/) | Is the Australian Government’s whole-of-government grants information system, which centralises the publication and reporting of Commonwealth grants in accordance with the CGRGs |
| Grantee | The individual/organisation which has been selected to receive a grant |
| Key Performance Indicator | A measure that provides information about the extent to which the activities or services meet agreed performance requirements. |
| Management | Management refers to the responsibility for the day-to-day operation of the funded organisation. It includes:* 1. the CEO (or equivalent)
	2. the people occupying the highest positions in relation to:
		1. service delivery
		2. finances
		3. operations (e.g. property, ICT), and/or
		4. human resources.
 |
| NJPT | The New Jobs Program Trial administered by NIAA |
| Owners | Depending on legal entity type, “Owners” may be based on your:* 1. Members ORIC-Registered Indigenous Corporations, Companies Limited by Guarantee, Incorporated Associations
	2. Shareholders—Companies Limited by Shares, Cooperatives
	3. Proprietors/partners—Sole traders, actual person partnerships
	4. Beneficiaries—Trusts

If you are a for-profit entity, ownership relates to those who draw a financial benefit from the entity (other than a salary/wage). For not-for-profits, “benefit” is a broader term that may include social/cultural benefits or maintaining an asset or rights (including native title). |
| PBS Program | Described within the entity’s [Portfolio Budget Statement](https://www.budget.gov.au/2018-19/content/pbs/index.html), PBS programs each link to a single outcome and provide transparency for funding decisions. These high-level PBS programs often comprise a number of lower level, more publicly recognised programs, some of which will be Grant Programs. A PBS Program may have more than one Grant Program associated with it, and each of these may have one or more grant opportunities. |
| Remote | The NIAA generally applies the [Accessibility/Remoteness Index of Australia (ARIA)+](https://www.abs.gov.au/websitedbs/D3310114.nsf/home/remoteness%2Bstructure) to define remote areas, except where otherwise indicated. ARIA is widely accepted as Australia's most authoritative geographic measure of remoteness. ARIA measures the remoteness of a populated locality by its physical distance by road to the nearest urban centre. Please see the map at Figure A for a geographic representation of remote areas defined under ARIA. The NIAA recognises there are some communities located within inner or outer regional areas that may be considered remote that fall outside the definition of remote explained above. These may be communities that have limited access to government services or standards of infrastructure. |
| Selection process | The method used to select potential grantees. This process may involve comparative assessment of applications or the assessment of applications against the eligibility criteria and/or the assessment criteria. |
| Value with relevant money | Judgement based on the grant proposal representing an efficient, effective, economical and ethical use of public resources and determined from a variety of considerations.When administering a grant opportunity, an official should consider the relevant financial and non-financial costs and benefits of each proposal including, but not limited to:* the quality of the project proposal and activities;
* fitness for purpose of the proposal in contributing to government objectives;
* that the absence of a grant is likely to prevent the grantee and government’s outcomes being achieved; and
* the potential grantee’s relevant experience and performance history.
 |

## Appendix A. Indigenous Advancement Strategy (IAS) Program Information

**About the IAS**

The IAS is one way the Australian Government funds and delivers programs for Indigenous Australians, to address the targets under the National Agreement on Closing the Gap. There are a number of grant opportunities under the IAS, including the grants process outlined in these guidelines.

The IAS contributes to the NIAA’s Outcome 1: *Indigenous—Improve results for Indigenous Australians, including in relation to school attendance, employment and community safety, through delivering services and programs, and through measures that recognise the special place that Indigenous peoples hold in this nation.*

Under the IAS, grant opportunities are available under the following six programs:

* 1.1 Jobs, Land and Economy
* 1.2 Children and Schooling
* 1.3 Safety and Wellbeing
* 1.4 Culture and Capability
* 1.5 Remote Australia Strategies
* 1.6 Research and Evaluation

## Program 1.1 Jobs, Land and Economy

### Program objectives

The objectives of the program are to:

* Support Indigenous peoples to find and remain in sustainable work.
* Support remote job seekers’ work readiness, through community activities and work experience.
* Foster Indigenous business.
* Assist Indigenous peoples to generate economic and social benefit from natural and cultural assets, including through the effective and sustainable management of their land.
* Assist Indigenous peoples to progress land and sea claims, and township leases under Commonwealth native title and land rights legislation.

### Description

The Jobs, Land and Economy Program supports Indigenous Australians to overcome barriers to employment and economic participation. It does this by connecting Indigenous peoples with sustainable jobs; and ensuring remote job seekers participate in activities that provide both work-readiness experience and that contribute to the broader community. Another key support element is fostering Indigenous business and assisting Indigenous peoples to generate economic and social benefits from natural and cultural assets, through the effective management of Indigenous-owned land and seas and by supporting Indigenous peoples to have their native title rights recognised.

The program complements a range of state, territory and Australian Government programs, which also aim to improve Indigenous Australians’ employment outcomes and to support the development of First Nations businesses, entrepreneurial skills and community economic participation. It does this by addressing gaps between these activities and targeting additional investment where it can maximise employment opportunities and economic outcomes for Indigenous peoples. The program may also provide funding for projects that address immediate need in community through small scale place based activities that align with IAS objectives.

### Program outcomes

The desired outcomes of the Jobs, Land and Economy Program include:

* Increasing in employment and participation rates for Indigenous peoples.
* Increasing the number of Indigenous participating in activities and work experience that build work-readiness and contribute to community.
* Increasing the proportion of school/tertiary students and graduates connecting to employment through pathway activities including, but not limited to, school based traineeships and cadetships.
* Increasing the number of Indigenous participants who reach 26 weeks and/or longer outcomes in employment.
* Increasing the number and viability of Indigenous enterprises.
* Supporting Australian workplaces to increase their cultural competency and employment of Indigenous peoples.
* Engaging local communities in employment solutions.
* Support for Indigenous peoples in prison to transition into employment on their release from prison.
* Assisting Indigenous peoples engaged in jobs to engage in jobs relating to land and sea management.
* Progressing land and sea claims and township leases under Commonwealth native title and land rights legislation.
* Supporting Indigenous peoples to use their land and sea assets to create economic and social benefits.

### Activities that contribute to program outcomes

Activities contributing to these outcomes that can be funded through the Jobs, Land and Economy Program include:

#### 1. Economic Development

* Support for Indigenous entrepreneurs to establish or grow sustainable businesses.
* Support for Indigenous communities to build and promote increased social and economic outcomes.
* Support for Indigenous land owners to leverage economic benefits from their land assets, including support for Traditional Owners to make well-informed decisions about how they can use their land, economic development opportunities, and understanding land use processes.
* Support for long-term tradable tenure, including land reform and land administration for Indigenous land owners.

#### 2. Employment

* Tailored assistance to support Indigenous peoples to overcome disadvantage in the labour market, connect to sustainable jobs and address barriers to recruitment and retention.
* Support for Indigenous secondary school and post school students to transition from education into sustainable employment or further education.
* Support Vocational Training Employment Centres to connect Indigenous job seekers with guaranteed jobs and provide the support services necessary to work with and support Indigenous into sustainable employment.
* Increase the number of large Australian companies to build a workforce reflective of the size of the Indigenous population through the Employment Parity Initiative.
* Activities that support jobs in land and sea management, including but not limited to, land and sea management, agriculture and tourism:
* Supporting employment opportunities and career pathways for individuals in the Indigenous Land and Sea Management (ILSM) sector.
* Supporting skills and capacity within the ILSM sector, including through traineeships, mentoring and job-ready programs.
* Supporting employment opportunities for economic development and fee for service arrangements for Indigenous communities through the sustainable use of land and sea.

#### 3. Community Development Program

The Community Development Program(CDP) is a community driven program that prepares job seekers for work while contributing to the goals of the community. Across remote Australia a network of CDP providers deliver a range of activities to respond to the specific needs of local communities and available employment opportunities. This may include:

* Services to assist job seekers to increase their work-readiness, language, literacy and numeracy skills, and contribute to the community.
* Services to support and complement cultural business.
* Services that provide work—like activities that reflect local employment opportunities.
* Services to assist job seekers to overcome vocational and non-vocational barriers.
* Accredited and non-accredited training.
* Services that cater for different work readiness levels and interests.
* Support personal development or community awareness.
* Activities that include and cater for diversity within a caseload.
* Increase access to job opportunities and support job seekers to retain a job.
* Support job seekers to meet their income support mutual obligations.

The NIAA does not generally accept community-led grant applications under the CDP but may on occasion invite applications.

#### 4. Recognition of Native Title and maximising economic and social benefit from the use of native title rights

* Support the performance of statutory functions of native title representative bodies and service providers under the [*Native Title Act 1993.*](https://www.legislation.gov.au/Details/C2019C00054) Only native title representative bodies and organisations invited to apply for funding are able to apply.
* Build the capacity of registered native title bodies corporate, more commonly known as Prescribed Bodies Corporate or ‘PBCs’, to maximise the economic and social potential of their native title.
* Improve the governance and provide access to training to equip PBCs to build their long-term organisational capacity.

Further information on funding to support capacity building for PBCs is also available on [GrantConnect](https://www.grants.gov.au/)

**Out-of-scope**

The types of activities that will not be funded through the Jobs Land and Economy Program include:

* Activities and training that are not directly linked to employment or do not have a demonstrated aim to overcome barriers to employment.
* Training that is not connected to employment and/or employment positions that are not sustainable, or that is not needed to undertake a CDP activity.
* Activities and services that are the responsibility of states and territory governments or other Commonwealth programs, including:
	+ Adult vocational education and training (VET) activities (although assistance that complements the completion of such activities may be considered).
	+ Cultural heritage, land rights and land management activities subject to state or territory legislation.
* Funding full wages for employment project positions.
* Areas that are within the responsibility of state and territory governments such as land administration, for example survey and planning, which is not typically funded.
* Jobs already being funded through mainstream employment programs or other service providers (unless agreed under transition arrangements for the NJP trial).
* Businesses that are unviable and/or unsustainable.

## Appendix B: Incorporation requirements

Subject to certain exceptions, under the Strengthening Organisational Governance Policy all organisations receiving grant funding totalling $500,000 (GST exclusive) or more in any single financial year from the NIAA are required to:

* Incorporate under Commonwealth legislation— First Nation organisations will be required to incorporate under the [*Corporations (Aboriginal and Torres Strait Islander) Act 2006*](https://www.legislation.gov.au/Series/C2006A00124)and other organisations will be required to incorporate under the [*Corporations Act 2001*.](https://www.legislation.gov.au/Series/C2004A00818)
* Maintain these arrangements while they continue to receive any IAS funding.

The incorporation requirements apply to grant funding under grant agreements or variations executed on or after 1 July 2014. Grants for capital works and funding sourced through procurement activities are not included in the calculation of applicable funding.

Statutory bodies, government bodies, and organisations operating under a specific piece of legislation are excluded from the requirements and do not have to apply for an exemption.

First Nation organisations already incorporated under the [*Corporations Act 2001*](https://www.legislation.gov.au/Series/C2004A00818) do not have to change their incorporation status. However, all other First Nation organisations in scope of this policy must incorporate under the [*Corporations (Aboriginal and Torres Strait Islander) Act 2006* so](https://www.legislation.gov.au/Series/C2006A00124) they can access the assistance and support available under the Act.

Organisations will need to comply with this requirement as part of their grant agreement. Non-compliance will constitute a breach and may result in the termination of the grant agreement.

Organisations will have a six-month transition period to comply with the incorporation requirement from the execution of the Grant Agreement or variation of an existing grant agreement. At the NIAA’s discretion extended transition periods may be granted to organisations if the organisation has applied for an extension in writing and can provide evidence that they have made reasonable attempts during the six month period to transition, but are unable to meet this requirement in that time.

Organisations may apply for an exemption from the requirement to incorporate under the Strengthening Organisational Governance Policy. Applications for exemption must be submitted using the process outlined by the NIAA. Details about the exemptions policy and the Application for Exemption form can be found on the [NIAA’s website](http://www.dpmc.gov.au/indigenous-affairs/incorporation-requirements).

Exemptions will be considered where an organisation can demonstrate at least one of the following:

1. That grant funding received from the Indigenous Affairs Group within the NIAA is a small portion of its total revenue, and as such changing incorporation status may unfairly impose additional requirements on its operations and business model.

2. It is required to incorporate under specific non-Commonwealth legislation as part of its licensing arrangements or funding received through other sources.

Applications for exemption will be considered on a case-by-case basis, and will take into consideration information demonstrating that the organisation is well-governed, high-performing and low risk.

Applications for exemption from the requirements should be lodged through the Agreement Manager in the NIAA Regional Office. Applications should be lodged within the transition period, as soon as practicable once an offer of funding has been made. Organisations will be expected to comply with the requirements within the transition period should an exemption not be granted.

Support for First Nation organisations transferring to the [*Corporations (Aboriginal and Torres Strait Islander) Act 2006*](https://www.legislation.gov.au/Series/C2006A00124) is available through the Office of the Registrar of Indigenous Corporations (ORIC). This includes assistance in developing a rulebook, guidance on the process to transfer incorporation, and access to pro bono legal assistance through the LawHelp service.

Organisations required to transfer their incorporation from state and territory legislation to either the [*Corporations (Aboriginal and Torres Strait Islander) Act 2006*](https://www.legislation.gov.au/Series/C2006A00124) or the [*Corporations Act 2001*](https://www.legislation.gov.au/Series/C2004A00818) may incur some additional, one-off costs for independent legal advice and accountancy services to support the transfer of incorporation. **To assist those organisations required to transfer their incorporation status, the NIAA will provide a one-off $10,000 (GST exclusive) payment upon receipt of evidence that the transfer has occurred.**

Please refer to the [NIAA’s website](http://www.niaa.gov.au) at [Grants and Funding | NIAA](https://www.niaa.gov.au/our-work/grants-and-funding) for further information.

## Appendix C: Application checklist

Use the following checklist before you submit an application to ensure the application is complete and contains the information needed for the assessment process.

## Before applying

| **Step** | **Instruction** | **Complete** |
| --- | --- | --- |
| 1 | You have discussed your proposal with relevant Indigenous groups and others who may have an interest in the project. |[ ]
| 2 | You have read the Grant Opportunity Guidelines and met all the requirements as described, including eligibility and assessment criteria. | [ ]  |
| 3 | You can provide evidence of your incorporation status if required.  | [ ]  |
| 4 | You have read the sample grant agreement and are willing to accept the terms it describes, if your application is successful. If you are not able to accept the terms of the agreement, you should contact your local NIAA Regional Office before applying. | [ ]  |
| 5 | If you have a current NIAA grant agreement, you have found the ‘Provider Reference Number’ on your existing NIAA grant agreement. |[ ]

## Filling in the application form

| **Step** | **Instruction** | **Complete** |
| --- | --- | --- |
| 1 | You have completed the application form in English. |[ ]
| 2 | You have completed every section of the application form. |[ ]
| 3 | You have provided the name and contact details of two referees who can support the claims made against the assessment criteria. |[ ]
| 4 | You have complete the ‘Declaration’ section by ensuring all fields are completed including the checkboxes. If completing the form online, the applicant or person authorised to act on behalf of the applicant, should type their full name in the signature field. |[ ]

## Attachments to the application form

| **Step** | **Instruction** | **Complete** |
| --- | --- | --- |
| 1 | You have attached evidence of bank account details, such as a copy of a current bank statement. This must be a bank account in your name and which you control. |[ ]
| 2 | You have attached [attachment listed in section 7.1] |[ ]
| 3 | You have attached [attachment listed in section 7.1] |[ ]
| 4 | You have attached [attachment listed in section 7.1] |[ ]

## Applicants who do not have an existing grant agreement with the NIAA – Additional requirements (this does not apply to government applicants)

| **Step** | **Instruction** | **Complete** |
| --- | --- | --- |
| 1 | You have attached a copy of your most recent financial statements, such as an audited expenditure report, income and expenditure statement, or a balance sheet. |[ ]
| 2 | You have attached a copy of your Certificate of Incorporation, where relevant. Organisations registered with Australian Charities and Not-for-profits Commission are exempt from this requirement. |[ ]
| 3 | If you are not able to quote an ABN, you have attached completed a ‘Statement by a supplier (reason for not quoting an ABN to an enterprise)’ form that can be found on the [ATO website.](http://www.ato.gov.au/)  |[ ]

## Joint (consortia) applicants – Additional requirements

| **Step** | **Instruction** | **Complete** |
| --- | --- | --- |
| 1 | You can confirm the nominated lead organisation (the applicant) is a legal entity capable of entering into a grant agreement with the NIAA. |[ ]
| 2 | You can confirm a formal arrangement between all parties in the joint consortia can be place prior to execution of a grant agreement, if your grant application is successful. |[ ]
| 3 | You have attached a letter of support from each of the proposed organisation in the group. |[ ]

1. Alterations and addenda include but are not limited to: corrections to currently published documents, changes to closing times for applications, Questions and Answers (Q&A) documents and Frequently Asked Questions (FAQ) documents. [↑](#footnote-ref-2)
2. A trust itself is not a legal entity and cannot enter into a grant agreement. [↑](#footnote-ref-3)
3. The Australian Government recognises that some organisations may seek to form consortia in order to apply for a grant under the Program. Consortia are eligible to apply and the relevant conditions applicable to consortia are at 7.2 ‘Joint Applications’ [↑](#footnote-ref-4)
4. Changes and addenda include but are not limited to: corrections to currently published documents, changes to close times for applications, Questions and Answers (Q&A) documents and Frequently Asked Questions (FAQ) documents [↑](#footnote-ref-5)
5. The ORP and the Activity Risk Assessment (ARA) help to determine the level of controls applied to your grant agreement, noting that if your ARA is high or extreme, an annual audited expenditure report will be a standard requirement under your grant agreement. For further information, please refer to section 10.1 and the sample grant agreement available on GrantConnect. [↑](#footnote-ref-6)
6. Your previous performance, demonstrated capability to deliver the activity and/or other information available to the NIAA may be considered when assessing your application against the assessment criteria. [↑](#footnote-ref-7)
7. Applications will be scored and ranked as “Meets”, “Partially meets” or “Does not meet” the criteria. [↑](#footnote-ref-8)
8. <https://www.ato.gov.au/> [↑](#footnote-ref-9)
9. Relevant money is defined in the PGPA Act. See section 8, Dictionary. [↑](#footnote-ref-10)
10. Other CRF money is defined in the PGPA Act. See section 105, Rules in relation to other CRF money. [↑](#footnote-ref-11)