Australian Government

National Indigenous Australians Agency

Indigenous Local Employment Fund

Grant Opportunity Guidelines

Opening date:	This grant opportunity is ongoing from 24 May 2021. **These Guidelines will apply to grants processes commencing on and from this date.**
Closing date and time:	This grant opportunity is open until funds are exhausted or until 31 December 2021, whichever occurs first. Note: The National Indigenous Australians Agency (NIAA or Agency) may amend the closing date and time at its own discretion by issuing a notice through the GrantConnect website.
Commonwealth policy entity:	National Indigenous Australians Agency (NIAA)
Enquiries:	If you have any general enquiries refer to your NIAA Regional Office (listed at https://www.niaa.gov.au/contact-us/regional-network-addresses) or if applicable contact National Office (refer to https://www.niaa.gov.au/who-we-are/contact-us).
Date Guidelines released:	24 May 2021
Type of grant opportunity:	Closed non-competitive
	Note: Other grant opportunities under the IAS (or within the NIAA) will be advertised separately on GrantConnect at www.grants.gov.au and may have different requirements to those listed in this document.

Contents

1   Indigenous Local Employment Fund process

Step	Action
1. The Indigenous Local Employment Fund (ILEF) is designed to achieve Australian Government objectives	This grant opportunity is part of the Indigenous Advancement Strategy (IAS). The NIAA works with stakeholders to plan and design the grant program according to the Commonwealth Grants Rules and Guidelines (CGRGs).
2. The grant opportunity opens	We publish the grant guidelines on GrantConnect.
3. A local employment opportunity is identified by the Agency, employment/training provider or community	You must discuss your proposal with your nearest NIAA regional office and ensure alignment with the ILEF.
4. You are invited to apply and submit a grant application	The Agency will invite you to apply for an ILEF grant. You complete the application form and address all of the eligibility and assessment criteria to be considered for a grant.
5. We check all grant applications for scope and eligibility	We check whether you meet the eligibility criteria. We notify you if you do not meet these requirements.
6. We assess eligible applications against the grant assessment criteria	We assess your application against the assessment criteria outlined in these Guidelines.
7. We make a recommendation on your application	We provide advice to the Agency delegate (the decision maker) on the merits of your application including how well it meets the assessment criteria and represents value for money.
8. A decision is made	The Agency delegate, the decision maker, decides whether your application will be funded and the level of funding to be provided.
9. We notify you of the outcome and if successful, we negotiate an agreement with you	We advise you of the outcome of your application and negotiate a grant agreement if you have been successful. There is no guarantee of funding until both parties sign the grant agreement.
10. We enter into a grant agreement with successful applicants	The type of grant agreement and its terms will depend on the nature of the grant and the risks involved.
11. Delivery of grant activity	You undertake the grant activity as set out in your grant agreement. We manage the grant by working with you, monitoring your progress and making payments.
12. Evaluation	We may evaluate the specific grant activity and the broader **IAS** programs. We base this on information we collect from you and various sources. We use this information to inform future policies and investments. We may ask you for information during the activity to assist with this.

1.1 About these Guidelines

These Guidelines contain information for the Indigenous Local Employment Fund (ILEF) grants, including how to apply for grant funding.

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.

These Guidelines do not apply to procurement activities. The procurement of goods and services are undertaken in accordance with the Commonwealth Procurement Rules, Accountable Authority Instructions and Financial Rules of the Agency, and the provisions of the *Public Governance Performance and Accountability Act 2013*.

Any alterations and addenda[1] to these Guidelines will be published on GrantConnect.

1.2 Other grant opportunities in the Agency

Other grant opportunities within the Agency will have their own guidelines separate to these Guidelines and may have different requirements to those listed in this document. These opportunities and any applicable guidelines will be advertised separately on GrantConnect and on the NIAA website.

For more information on the IAS visit http://niaa.gov.au/indigenous-affairs/grants-and-funding/funding-under-ias.

The Agency administers the IAS according to the *Commonwealth Grants Rules and Guidelines 2017 (CGRGs)*[2].

1.3 About the Indigenous Local Employment Fund grant opportunity

The ILEF is delivered under the IAS and is one way the Australian Government funds and delivers programs for Indigenous Australians. There are a number of grant opportunities under the IAS, including the grants process outlined in these Guidelines.

The IAS contributes to the Agency'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 people hold in this Nation.*

Under the IAS, ILEF grants aim to enable strategic and rapid responses to barriers to local employment. The program aims to facilitate innovative solutions to increase Indigenous participation in the workforce, particularly where COVID-19 may have had a significant impact on employment and job opportunities, and meet the objectives of Jobs Land and Economy Program (JLEP) see Appendix 1 for more information.

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[1] Alterations 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.

[2] https://www.finance.gov.au/sites/default/files/commonwealth-grants-rules-and-guidelines.pdf

The objective of the ILEF is to increase Indigenous employment participation in COVID-19 affected labour markets, including within regional and remote areas, by supporting innovative, short-term initiatives that address employment barriers in local communities. The NIAA reserves the right to target regional areas based on NIAA priorities.

The intended outcome is to enable NIAA to support business growth through engagement of Indigenous job seekers and are supported to provide appropriate and COVID Safe workplaces; ensure Indigenous job seekers are motivated, trained, reskilled and upskilled and supported to work through place-based initiatives; and increase understanding of the employment needs and barriers for Indigenous people in targeted regions.

Measuring outcomes for the relevant community/ies or group/s will be dependent on the activity to be undertaken and barriers to be overcome. It is expected that milestones to achieve outcomes will be agreed with the applicant.

The process is non-competitive, which means your application will be considered on its merits and priorities for the Agency and will not be compared to other applications.

For more information on the IAS visit http://niaa.gov.au/indigenous-affairs/grants-and-funding/funding-under-ias.

The Agency administers the ILEF according to the Commonwealth Grants Rules and Guidelines 2017 (CGRGs)[3].

1.4 Indigenous Grants Policy Trial

The IAS is part of a trial of the Indigenous Grants Policy (IGP), announced on 12 February 2018 by the former Prime Minister and the former Minister for Indigenous Affairs. The trial commenced on 1 July 2018. NIAA is one of three Commonwealth agencies participating in the trial, which is intended to test how best to achieve the following objectives:

- Increase the involvement of Indigenous Australians and organisations in the grant funded services and programs that are intended to benefit them.

- Improve on-the-ground service delivery for Indigenous Australians.

- Leverage the Australian Government's investment to stimulate greater economic development for Indigenous Australian people.

In order to meet these objectives, where there are two similarly ranked proposals, the Agency may give ordered preference to:

1. Indigenous Organisations (at least 51 per cent Indigenous ownership and at least 51 per cent Indigenous control); and then

2. organisations with at least 50 per cent Indigenous ownership, control or management; and then

3. any organisation, including non-Indigenous organisations, with a demonstrated commitment to increasing Indigenous employment, supplier use and/or engagement.

Refer to the section '17. Glossary' for definitions of "ownership", "control" and "management".

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[3] https://www.finance.gov.au/resource-management/grants/

As part of the IGP Trial, the Agency may gather information to determine the number of Indigenous and non-Indigenous organisations funded through the IAS; and the number and percentage of Indigenous people employed in all funded organisations.

The Agency may also gather information from grantees about the total value and number of contracts for goods and services that are provided by Indigenous Enterprises (see '17. Glossary').

2 Grant amount and grant period

2.1 Grants available

A total of $3 million (GST exclusive) over two years is available under the ILEF grant opportunity. The minimum individual grant amount is $5,000 (GST exclusive) up to a maximum individual grant amount of $250,000 (GST exclusive) per activity. Funding is available for activities until 30 June 2022.

The Agency will consider value for money and availability of funds to meet priorities in offering a grant amount.

Please refer to GrantConnect and the Agency website at www.niaa,gov.au for more information.

Successful applicants will need to enter into a grant agreement with the Agency. The terms and conditions of your grant agreement, including payment frequency and reporting requirements, will be proportionate to the level of risk associated with the activity and the nature of the activity being delivered. Further details on risk is at section14 of these Guidelines.

Grant Period:

Funding is available for activities until 30 June 2022. You must complete your project by 30 June 2023.

3 Eligibility criteria

The Agency cannot consider applications that do not satisfy all the eligibility criteria.

Community groups that are not eligible to apply for funding are encouraged to consider partnering with an eligible organisation.

3.1 Who is eligible for funding?

To be eligible to apply for grant funding under the ILEF opportunity you[4] must:

- contact and discuss your proposal with the local NIAA Regional Office;
- be invited by the NIAA to apply for funding to address an identified need under the ILEF;
- have an Australian Business Number (ABN) (exemptions may apply in special cases);
- where relevant, be registered for the purposes of GST;
- if an individual, be a permanent resident of Australia; and
- have an account with an Australian financial institution.

AND

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[4] Or your lead agency in the case of a joint (consortia) application. The Agency 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 sections 7.4 and 7.5.4.

be one of the following entity types:

- an Aboriginal and/or Torres Strait Islander Corporation registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act);
- a company incorporated in Australia under the *Corporations Act 2001*;
- Incorporated Associations (incorporated under state/territory legislation, commonly have 'Association' or 'Incorporated' or 'Inc' in their legal name);
- Incorporated Cooperatives (also incorporated under state/territory legislation, commonly have 'Cooperative' in their legal name);
- Organisations established through a specific piece of Commonwealth or state/territory legislation including public benevolent institutions, churches and universities;
- an Australian local government body;
- an incorporated trustee on behalf of a trust[5];
- a partnership;
- a joint (consortia) application with a lead organisation that satisfies the entity type; or
- an individual with an ABN.

In addition you must:

- 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; and
- be financially viable. The application form has questions about financial viability. The Agency may undertake its own enquiries in relation to the applicant's financial viability.

3.2 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 – Indigenous Organisations will be required to incorporate under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and; other organisations will be required to incorporate under the Corporations Act 2001.
- Maintain these arrangements while they continue to receive any IAS funding.

Indigenous Organisations already incorporated under the *Corporations Act 2001* do not have to change their incorporation status. However, all other Indigenous Organisations must be incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* so they can access the assistance and support available under the Act.

For further information on incorporation requirements please refer to Appendix 2.

3.3 Who is not eligible to apply for a grant?

You are not eligible to apply for grant funding under the ILEF opportunity if you are:

- not invited by the NIAA to apply;

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[5] A trust itself is not a legal entity and cannot enter into a grant agreement.

- a non-corporate Commonwealth entity;
- an unincorporated association;
- subject to the Agency's sole discretion, an overseas resident;
- an organisation or individual not included in section 4.1;
- declared bankrupt or subject to insolvency proceedings – as relevant to the entity type; or
- named as currently non-compliant under the *Workplace Gender Equality Act 2012.*

3.4 What qualifications and licencing are required?

All applicants must be able to demonstrate that they intend to, and can demonstrate they will be able to comply with all applicable laws if their application is successful. This includes maintaining all qualifications, permits, registrations and licences required for the lawful performance of the activity or service to be provided. This also includes mandatory requirements for Working with Children checks, Working with Vulnerable People checks, industry licenses or registration or Australian Skills Quality Authority accreditation if applicable.

4 What the grant money can be used for

4.1 Eligible grant activities

The ILEF grant opportunity supports activities that align with innovative solutions and small-scale, one off proposals tailored to address local employment needs and barriers for Indigenous job seekers. A broad range of activities that demonstrate a clear link to placing Indigenous jobseekers into employment can be funded. Funding is not for ongoing and long term proposals. Partnerships that leverage funding to co-invest in larger scale employment initiatives are also encouraged.

The following list outlines examples of the types of activities that address local employment barriers and facilitate innovative solutions to increase indigenous participation in the workforce. Proposed activities must align with JLEP Program Outcomes (see 'Appendix 1).

The grant activity should demonstrate a clear link to supporting and placing Indigenous jobseekers into employment. Activities may include but are not limited to:

- Support for employers and service providers for placing Indigenous job seekers into short-term casual work. Support may include costs associated with a job seeker preparing for and commencing in a role or addressing barriers to remaining in a role. This includes short-term employment for Indigenous job seekers in sectors such as the agricultural, hospitality, retail, construction, transport, manufacturing sectors – particularly those affected by COVID-19.

- Training, mentoring and development by qualified providers for Indigenous job seekers aimed at achieving employment outcomes (not otherwise available under other IAS programs).

- Cultural competency training for workplaces employing or seeking to employ Indigenous jobseekers.

- Health and safety support for Indigenous job seekers entering into employment and during their employment placements. This support may include mental wellbeing, nutrition awareness and costs associated with COVID-19 workplace requirements.

- Support for Indigenous jobseekers to attend training and employment placements, such as on-site accommodation, and transport.

- Post-placement support for participants (Indigenous job seekers).
- Small scale capital works, the purchase of assets and equipment. This will only be considered on a case by case basis. Funding for these activities will depend on the circumstances and need for the project. You must demonstrate that these activities are linked to delivery of services and employment outcomes for Indigenous job seekers and meet NIAA requirements for management of assets.

The applicant must discuss their proposal with the local NIAA Regional Office to ensure grant activities to be funded address the objectives of ILEF prior to being invited by the NIAA to submit an application form.

It is important to note that funding is not guaranteed and will be subject to the outcomes of the assessment process. Activities eligible to receive funding and/or in receipt of funding by Government or other means are not eligible to be funded.

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.

Before commencing an activity, it is your responsibility to develop a COVID-19 Risk Management Plan. The Risk Management Plan should include any potential risks associated with the delivery of an activity, and identify the strategies that you will put in place to minimise those risks. Upon request, you may be required to provide evidence to the NIAA that you have a COVID-19 Risk Management Plan in place.

4.2 Eligible locations

Your grant activity must be delivered in Australia, unless the Agency, in its sole discretion, grants an exemption for an activity that occurs overseas but meets an objective outlined in Appendix 1: IAS Program information and contributes to an outcome in Australia.

From time to time, depending on economic conditions, the Agency may prioritise a region and this will be published on GrantConnect.

Eligible expenditure

You can only spend grant funds for agreed and/or eligible grant activities as defined in your grant agreement, unless we otherwise agree in writing to an alternative use.

If your application is successful, we may ask you to verify project costs that you provided in your application. You may need to provide evidence such as quotes for major costs.

Not all expenditure of your grant activity may be eligible for grant funding. The Delegate makes the final decision on what is eligible expenditure and may give additional guidance on eligible expenditure if required.

Unless otherwise agreed in writing by the Agency, you must incur the expenditure between the dates specified in your grant agreement for it to be eligible.

4.3 What the grant money cannot be used for

Grant funding cannot be used for a purpose that does not directly contribute to the outcomes of the activity. You cannot use the grant for the following activities:

- activities that do not clearly align to the identified outcomes of the JLEP Employment Programs and objectives of ILEF;

- activities that are not linked to placing and supporting Indigenous job seekers into employment;

- 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;

- costs incurred in the preparation of a grant application or related documentation unless specifically agreed with the Agency;

- 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;

- large scale infrastructure and capital projects such as building construction and major renovations, purchase of buildings, equipment assets;

- retrospective funding for activities that have already commenced or completed;

- requests to fund wages of Board or Executive positions in organisations where it is normally part of the organisation's operational costs;

- requests for wage subsidies or to fund full salaries of participants; and

- requests to fund existing employees administrative and/or miscellaneous costs including other prohibited costs – e.g. purchase of land, wages, preparation of the grant application, rent, overseas travel etc.

5 The assessment criteria

You must address all of the assessment criteria in your application. In some cases, the Agency may assess the proposal against the criteria, based on your previous performance, demonstrated capability to deliver the activity, and/or information which has been made available to the Agency during the development of the proposal. All criterion have equal weighting under these Guidelines.

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.

You can attach evidence in support of your application such as research/statistics. Refer to section 6.6 for requirements for supporting letters.

Note that with regard to Criterion 1, from time to time, depending on economic conditions, the Agency may prioritise a region and this will be published on GrantConnect.

Criterion 1: Need and community involvement

You should demonstrate this by identifying how the proposed activity:

- is needed by the target community/ies or group/s you are proposing to service;

- responds to a direct COVID-19 impact in a particular region;

- will support improved employment opportunities and outcomes in the target Indigenous community/ies or group; and

- aligns with regional priorities.

AND

That the target community/ies or group:

- supports the proposed activity;
- has participated in the planning and design of the proposed activity.

Criterion 2: Cultural competence

You should demonstrate this by explaining your:

- understanding of the service delivery area/s and how your organisation is accepted by the target community/ies or groups;
- capacity to deliver quality, culturally competent services for the target community/ies or groups; and
- commitment to:
  - provide Indigenous employment opportunities; and
  - use Indigenous organisations in your supply chain.

Criterion 3: Capability

You should demonstrate this by describing how:

- your resources and capability will support you to deliver high quality activities;
- previous experience in delivering Employment Services if applicable;
- you have delivered this or a similar activity to a high standard;
- the risks associated with the proposed activity will be managed; and
- you will measure the performance of the proposed activity.

Criterion 4: Delivering Outcomes

You should demonstrate this by:

- providing details of how the proposed activity will deliver the intended outcomes for the community/ies or group/s, including detail on milestones to achieve those outcomes and how you will measure its effectiveness;
- describing how outcomes of the proposed activity will be achieved, including how you will maximise the contribution of Indigenous Australians and communities;
- describing how the proposed activity will complement other activities or services within the target community/ies or group/s; and
- describing how your organisation learns from experience and feedback, and how you can adapt the activity to improve outcomes.

6 How to Apply

These grant opportunities are available by invitation only. You may be required to complete an application form and / or provide other documentation to enable the Agency to gather sufficient

information to assess your proposal and to verify details. In some cases where the Agency has sufficient information to prefill an application form, the Agency may advise you that completion of an application is not required.

It is important to note that any discussion with the Agency about a grant activity or the lodgement of an application form does not guarantee that your activity will be funded. All applications will be assessed by the Agency according to the assessment process outlined in these Guidelines and the final decision is made by an Agency delegate.

The process is non-competitive, which means your application will be considered on its merits and priorities for the Agency and will not be compared to other applications. Your application will be assessed against the assessment criteria in section 5 and each of the four criteria must be met in order for your application to be successful.

Agency staff in NIAA Regional Offices can provide information about the IAS, including whether a proposal is not consistent with regional priorities or is unlikely to be funded.

Local consultation is required to ensure agreement on the scope and appropriateness of delivery methods of an activity. Consultation includes with the Regional Office and the local community and may be through an exchange of letters, meetings, or other appropriate means. The initial proposal discussion with the Regional Office will assist to map out the requirements on the provider to consult with the local community.

Step 1: Ensure that your proposal aligns with the objectives of the ILEF opportunity.

Refer to these Guidelines to ensure that your proposal addresses the objectives of ILEF.

We will screen your proposal against these Guidelines and funds availability, with consideration of government priorities.

Step 2: Ensure you meet all eligibility criteria

Refer to section 3 of these Guidelines for further information around eligibility under the ILEF grant opportunity. You must contact your local NIAA Regional Office and discuss your proposal to ensure activities to be funded meet the objectives of ILEF.

Step 3: Complete the application form ensuring you have addressed all assessment criteria

To apply for grant funding under ILEF you will be asked to:

- complete the application form, including addressing all eligibility and assessment criteria; and
- provide all the information requested, including any attachments (use the checklist at 'Appendix 3: Application checklist')

You will receive an electronic Application ID Number once your application has been lodged.

6.1 NIAA Regional Presence

The Agency has a regional presence (the NIAA Regional Offices) across Australia. We have offices in capital cities, and regional and remote locations (Figure A). 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 not consistent with regional priorities or is unlikely to be funded. For a list of NIAA

Regional Offices and contact details see https://www.niaa.gov.au/contact-us/regional-network-addresses.

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 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.

6.2 NIAA National Office

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

6.3 NIAA Grants Management Unit (GMU)

The purpose of the GMU is to provide high quality, professional grants management and administration services to our stakeholders that supports the outcomes of Government, and improves the lives of Indigenous Australians.

The GMU works with its NIAA national and regional offices to provide professional grant agreement administration services. The GMU ensures IAS grants comply with statutory requirements, regulatory frameworks and NIAA policies (e.g. risk), while complying with the relevant Grant Opportunity Guidelines.

6.4 Timing of grant opportunity

You can submit an application at any time over the duration of the grant opportunity.

Applications may be submitted from the date these guidelines are published on **24 May 2021 to 31 December 2021**.

The Agency aims to notify you of the outcome of your application within 90 days from submission.

6.5 Joint (consortia) applications

Organisations may want to join together as a group to deliver a grant activity. For joint (consortia) applications, you must appoint a 'lead organisation' to submit the application and to enter into a grant agreement with the Commonwealth if the application is successful.

You must have a formal arrangement in place with all parties. All parties will be required to act in accordance with the grant agreement.

If you are applying in a consortium, you will need to provide additional information and documentation (see Section 6.6.4 below).

6.6 Supporting documentation

We require the following documents with your application:

- Project Plan and Cost Template that include evidence of co-investment or partnership and costings. Refer to6.6.2.

- Letter/s or evidence of support from employers or contact details of employers who expressed in principle agreement to participate in the program (only required if the project includes employment placements).
- If requested by Regional Office, letter/s of support from Indigenous Organisations/stakeholders that were consulted or participated in the planning and design of the project.
- Audited Annual Financial Statement from the previous financial year.

In addition, we require the documents specified at Bank account details and evidence of your organisation's Indigeneity. Refer to Appendix 3: Application checklist to ensure you have attached all necessary information.

6.6.1 Bank account details

All applicants must provide evidence of bank account details, such as a copy of a current bank statement.

6.6.2 Budget

Applicants must be required to provide an itemised budget with their application form by using the Project Plan and Cost template. All budget figures must be GST exclusive[6]. The budget should include a breakdown of costs and funding for each financial year in which the proposed activity will operate and include the total funding being requested from the Agency.

Applicants must also provide details of funding from other sources that will contribute to the costs of the activity outlined in the application. This should include confirmation of whether the funding is approved.

Details of any applications for funding that are currently awaiting a decision should also be included, as well as the nature of the support for example, funding contribution, in kind support, resources, expertise.

Please use the Project Plan and Cost template to provide an itemised budget for your proposed project. The template is available at GrantConnect or NIAA website at www.niaa.gov.au

6.6.3 Non-government applicants without a current grant agreement with NIAA (or formerly as the Department of the Prime Minister and Cabinet)

If you are a non-government applicant who does not have a current grant agreement with the NIAA or former Department of the Prime Minister and Cabinet (PM&C), you will be required to provide the following documentation with your application:

- 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). 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 10.2;

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[6] Refer to section *9.6 GST* for further details about GST.

- a copy of your Certificate of Incorporation where relevant (Organisations registered with Australian Charities and Not-for-profits Commission are exempt from this requirement); and

- a copy of a completed ATO 'Statement by a supplier (reason for not quoting an ABN to an enterprise)' form if you are not able to quote an ABN.

6.6.4 Consortia applicants

If you are submitting an application on behalf of a consortium, you must provide a letter of support from each of the consortia partners. The application must identify all other members of the proposed group and include a letter of support from each of the partners. Each letter of support should include:

- details of the partner organisation (including the percentages of Indigenous ownership, control and/or management);

- an overview of how each partner organisation will work with the lead organisation and any other partner organisations in the group to successfully complete the grant activity;

- an outline of the relevant experience and/or expertise each partner organisation will bring to the group;

- the roles/responsibilities of each partner organisation and the resources they will contribute, if any; and

- details of a nominated management level contact officer at each partner organisation.

Please refer to the information set out in section 6.2 of this document for information about consortia.

6.6.5 Evidence of your organisation's Indigeneity

If you indicate that your organisation is Indigenous owned and/or controlled you may be required to provide additional information, or to complete a declaration using the template available on GrantConnect and/or the Agency's website (particularly if you are **not** Registered or Certified on Supply Nation or incorporated under the CATSI Act).

6.7 Completing the application form

You must complete an application form.

The Agency may request additional information from you to be able to undertake an assessment against the assessment criteria.

6.7.1 Key personnel

You must provide the names of key personnel in the application form. Key staff include Director/s, Chief Executive Officer, Finance Officer, and the Accountant or Auditor of the organisation; and staff involved in the delivery of the project.

6.7.2 Before lodging an application

You must contact your local NIAA Regional Office to discuss your proposed project. The Agency will assess the merits of your proposal and may invite you to apply.

Before lodging an application, signing a grant agreement, you must read and understand these Guidelines.

You should also read and understand the application form if applicable and the sample grant agreement. These documents can be found at GrantConnect.

6.7.3 False or misleading information

You are responsible for ensuring that your application is complete and accurate. Giving false or misleading information is a serious offence under the *Criminal Code 1995* (Cth). We will investigate any false or misleading information and may exclude your application from further consideration.

6.7.4 Size limit for application

The size limit for each application is 10MB. There is also a 2MB size limit for each attachment. The Agency's information technology system is not capable of receiving applications that exceed 10MB and any applications above this limit will not be received.

6.7.5 Declaration in application form

In the application form you are asked to declare you understand and agree the information you have provided is true and correct and that you have read, understood and agreed the terms and conditions. This declaration must be completed by the applicant or a person authorised to act on behalf of the applicant. When completing the form online, the applicant, or person authorised to act on behalf of the applicant, should type their full name and position, and include any qualifications and licencing requirements of the applicant as outlined in section 4.4.

6.7.6 Submitting your application

You must submit your application form online. You will receive an electronic Application ID Number once your application has been lodged with the Agency. You should keep a copy of your application, Application ID Number and any supporting documents.

If you find an error in your application after submitting it, you should immediately notify your NIAA Regional Office. The Agency does not have to accept any additional information, nor requests from applicants to correct an application after it has been received by the Agency.

If we find an error or information that is missing, we may ask for clarification or additional information from you that will not change the nature of your application. The Agency can refuse to accept any additional information from you that would change your application after it has been received by the Agency.

6.7.7 Guidance about application process

If you need further guidance about the application process or if you are unable to submit an application online please contact your NIAA Regional Office.

6.8 Questions during the application process

If you have any questions during the application period please contact your NIAA Regional Office. The Agency will endeavour to respond to emailed questions within three working days. Answers to questions may also be posted on GrantConnect.

6.9 Legal and financial advice

The Agency does not provide financial or legal advice to applicants or grantees. Applicants or grantees should seek their own independent professional advice on financial and legal matters, including compliance with any statutory obligations.

6.10 Indigenous interpreters

Where possible and relevant, the proposed activity should take into account the cultural and linguistic needs of Indigenous Australians and others whose first language is not English, and be mindful of the Commonwealth Ombudsman's Best Practice Principles for interpreting.

6.11   Disability

Where possible and relevant, the proposed activity should take into account the needs of Australians with disabilities including how the proposal supports one or more of the six policy outcome areas outlined in the *National Disability Strategy 2010-2020*.

6.12   Supporting equitable access, including gender equity

Where possible and relevant, applications should take into account the differing barriers and opportunities experienced by subsets of the target community, including Indigenous men and women, and the impact these might have on access to funded 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 gender equitable outcomes in the community.

7   The grant selection process

7.1 Assessment of grant applications

If your application or proposal is not consistent with the objectives of ILEF, as listed in these Guidelines, or you do not meet the eligibility criteria, we will not assess your application or proposal and will notify you if this is the case.

You may be asked to provide further information; your application may not be able to be processed while this information is outstanding, so grantees are encouraged to provide any requested documents as soon as possible.

The Agency consider eligible applications through an closed competitive grant process. If eligible, we will then assess your application against the assessment criteria (see Section 5), and whether it provides value for money[7] .

The Agency assesses all eligible applications against the assessment criteria and considers value for money. Key considerations in determining value for money include cost, the quality and purpose of the grant activity, intended outcomes, alignment with ILEF objectives and relevant experience of the applicant.

If you are an applicant who already receives IAS funding we may assess your application against the assessment criteria based on your previous performance, demonstrated capability to deliver the activity, and/or other information which has been made available to the Agency. We may request provision of a budget or project plan to assist in this assessment.

In addition to considering your responses to the assessment criteria and overall value for money, the Agency may also consider whether your organisation meets one of the tiers outlined in section 1.4 when assessing your application. In order to give integrity to the preference process, the Agency may request additional information to support this.

7.1.1   The use of additional information in assessment

The Agency may draw on sources other than your application to assess your application or proposal, or to verify claims, which may include but are not limited to:

▪ information from within the Agency available through the normal course of business such as knowledge about your previous performance or knowledge about priority areas of community need;

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[7] See glossary for an explanation of 'value with money'.

- information about you or your application from other Commonwealth, state, territory or local government agencies, whether or not you nominated them as a referee;

- representatives from an Indigenous community or organisation, or subject-matter experts, who are on an assessment panel, whether or not you nominated them as a referee; or

- recommendations from Aboriginal and Torres Strait Islander local and regional decision making groups and organisations (e.g. Empowered Communities and Murdi Paaki Regional Assembly).

For information on how the Agency treats personal and confidential information, please see section 15 below.

7.2 Who will assess applications?

An Agency assessment panel or staff member will assess applications. In accordance with the CGRGs, any panel member who is not a Commonwealth or state official will be subject to the same requirements as a government employee.

To ensure probity, staff who provide advice on a proposed project will not be involved in the assessment of the application.

The Agency will then put forward a funding recommendation to the Minister for Indigenous Australians, or the Agency delegate, about whether to approve the proposed grant. The recommendation will be based on the merits of the application including consideration of the assessment, risk and value for money; priority areas of need; and availability of funding.

7.3 Who will approve grants?

The Agency delegate, as the decision-maker, approves grants, taking into account the recommendations of the Agency and the availability of grant funds.

The decision-maker's decision is final in all matters, including:

- the approval of the grant
- the grant funding amount to be awarded.

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

8   Notification of application outcomes

We will advise you of the outcome of your application in writing. If you are successful, we will advise you of any specific conditions attached to the grant.

8.1 Feedback on your application

If your application is unsuccessful, you may seek feedback on your application by contacting your NIAA Regional Office.

9   Successful grant applications

9.1 The grant agreement

If you are successful and you choose to accept a grant offer, you must enter into a legally binding grant agreement with the Commonwealth. Under the ILEF, this 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(s), as well as the level of risk associated with the activity. Sample Head agreements are available on GrantConnect at www.grants.gov.au.

The grant agreement will provide a detailed description of the funded activity and associated 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 (Cth) 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. Further information about privacy and confidentiality is also included at section 15 of this document
- requirements to maintain the confidentiality of any information deemed by the Commonwealth to be confidential
- record keeping requirements.

You will work with an Agreement Manager from the NIAA Regional Office 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 activities 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 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 ILEF, unless otherwise 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.

9.2 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.

9.3 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.

9.4 Specific legislation, policies and industry standards

You are required to be compliant with all relevant laws and regulations.

9.5 How we pay the grant

Funding will be paid in accordance with the terms and conditions of the grant agreement

The Agency may make an initial payment on execution of the grant agreement. Subsequent payment of funding, whether outcomes based, 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 Agency 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.

9.6 GST

Payments will be Goods and Services Tax (GST) inclusive unless you are not registered for GST or certain exceptions set out in the GST legislation apply. Subject to those exceptions, we will add GST to your grant payment and issue you with a Recipient Created Tax Invoice.

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

Grants may be assessable income for taxation purposes, unless exempted by a taxation law. We recommend you seek independent advice on your taxation obligations or seek assistance from the Australian Taxation Office.[8] We do not provide advice on taxation matters.

9.7 Grant agreement variations

The Agency recognises that unexpected events may affect your progress, or the project may not be achieving results that are consistent with the Agency's priorities. In these circumstances, either the Agency or you can request a variation to the grant agreement, including:

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

If either the Agency or you want to propose changes to the grant agreement, the instigating party must put its concerns, issues and proposed changes in writing before the grant agreement end date.

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[8] https://www.ato.gov.au/

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 you and the Agency before a variation is provided for the parties to execute.

10 Announcement of grants

Once your grant is executed, it will be listed on the GrantConnect website within 21 calendar days after the grant execution date, as required by Section 5.3 of the *CGRGs.*

11 Risk and compliance

In managing risk and compliance, the Agency will work with you to achieve the intended outcomes of the grant activity. The risk management approach will focus management effort where risk levels are high, and supports consistent application of appropriate grant controls based on assessed risks.

The type of grant agreement and its terms and conditions will depend on the nature of the activity and the level of risk involved at both the **organisation** and **activity** levels. You will be advised of both the organisation and activity risk levels prior to the negotiation of your grant agreement.

As a principle, higher risk activities will typically be subject to increased controls and greater oversight. The intent of this is to work with organisations to overcome risks. Conversely, low risk activities will be subject to less oversight and management, which may include a single annual payment and reduced reporting.

11.1 Organisation risk assessment

At the time a grant application is assessed, or an existing grant is considered for extension, an Organisation Risk Profile (ORP) is completed.

The ORP is an evidence-based tool that assesses an organisation's governance, financial management and service delivery capability. The ORP enables consistent and transparent assessment by Agency staff.

11.2 Activity Risk Assessment

All IAS grant activities undergo an Activity Risk Assessment to determine whether the grant activity risk is low, medium, high or extreme. This assessment takes into account the ORP rating, the annualised value of the grant activity and the nature of the activity.

This approach enables the application of standard grant agreement requirements, controls and management approaches for low, medium, high or extreme risk grant activities, while also building in controls for any special requirements that apply, such as working with vulnerable people and work health and safety.

11.3   Non-compliance

The Agency will work with you to achieve the intended outcomes of the activity. In circumstances of non-compliance with the grant agreement, the Agency will consider an appropriate response under the grant agreement, including recovery of grant funds or termination of the agreement.

12 How we monitor your grant activity

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

1.   on-the-ground monitoring, predominately through the NIAA Regional Offices

2.   key performance indicators
3.   periodic provider reporting on the performance of activities
4.   financial reports
5.   where necessary, compliance operations.

12.1   On-the-ground monitoring

The Agency uses an active 'on-the-ground' strategy to monitor ILEF 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.

12.2   Key performance indicators

The Agency, in conjunction with the grant recipient, will set targets for each activity to measure progress against identified outcomes. Some targets are listed below.

For activities that deliver Indigenous job commencements, the target will be:

At least 70 per cent of job seekers who complete training commence into employment. This is calculated as follows: Number of job seekers who completed training, who commenced into employment Divided by Number of job seekers who have completed training.

For activities that deliver training to Indigenous job seekers, the target will be:

At least 70 per cent of job seekers who have commenced training have completed training. This is calculated as follows: Number of job seekers who have completed training divided by Number of job seekers who have commenced training.

The Agency has four mandatory key performance indicators to provide consistency across funding agreements. The targets for Indigenous employment will be negotiated with the grant recipient and set out in the grant agreement. These Key performance indicators are listed below:

Key Performance Indicator	Data measurement and source
Indigenous employment: [target] per cent of hours worked in the 6 month reporting period under the activity, are worked by an Indigenous person.	Total number of hours worked by all Indigenous persons employed under the activity, in the reporting period *divided by* Total number of hours worked under the activity in the reporting period *multiplied by 100* Source: Service provider employee records.

Key Performance Indicator & Data measurement and source
Number of Indigenous people employed and the total number of people employed, under the activity (by gender).
Number of hours worked in the reporting period by all Indigenous people employed under the activity.
Number of hours worked in the reporting period by all people employed under the activity.

The grant recipient will be assessed against the key performance indicators over the course of the funded activity. Other KPIs, including delivery of progress reports, may be negotiated with providers before the funding agreement is signed, depending on the nature of the project.

12.3   Performance Reports

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 Agency 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.

The Agency may also request further information or action from you to support monitoring in line with the conditions outlined in the grant agreement.

12.4   Financial Reports

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.

12.5   Compliance visits and record keeping

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.

12.6   Keeping us informed

You should let us know if anything is likely to affect your grant activity or organisation by contacting the Agency's contact officer listed in your grant agreement.

We need to know of any key changes to your organisation or its business activities, particularly if they affect your ability to complete your grant activity, carry on business and pay debts due.

You must also inform us of any of the following changes:

- 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 an Indigenous Organisation (if it initially did).
- If your organisation has an outstanding and overdue ATO debt.

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

12.7   Record keeping

You must comply with the record keeping requirements as set out in the grant agreement.

12.8   Evaluation

We will evaluate the grant activity to investigate how well the outcomes and objectives have been achieved and to ensure the activity has achieved value for money.

We may use information from your application and performance reports for this purpose. We may also interview you, or ask you for more information to help us understand how the grant affected you and to evaluate how effective your grant activity has been in achieving its outcomes.

Quality evaluation will help Indigenous Australians, communities and Government to see whether they are getting the results they expect; to determine to what extent solutions have involved local people in driving change; how projects or activities collectively produce or enable long-term impact; and assists Government with future investment decisions.

12.9   Acknowledgement of funding

If you make a public statement about a grant activity funded under the program, we require you to acknowledge the grant by using the following: 'This grant activity received grant funding from the Australian Government.'

13 Probity

The Agency will make sure the grant opportunity process is fair, according to these Guidelines, incorporates appropriate safeguards against fraud, unlawful activities and other inappropriate conduct, and is consistent with the CGRGs.

13.1   Enquiries and feedback

If you would like to make a complaint about a grant process phone (02) 6271 5688 or email complaints@niaa.gov.au.

If you do not agree with the way the Agency has handled your complaint, you may wish to contact the Commonwealth Ombudsman. The Ombudsman will not usually look into a complaint unless the matter has first been raised directly with the Agency.

The Commonwealth Ombudsman can be contacted on:

> Phone (Toll free): 1300 362 072
> Email: ombudsman@ombudsman.gov.au
> Website: www.ombudsman.gov.au

13.2   Conflicts of interest

Conflicts of interest can affect the performance of the grant opportunity or program. There may be an actual 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 or is perceived to be able to influence the application selection process, such as a 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, 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, 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)) of the *Public Service Act 1999*.

14 Privacy and confidentiality

14.1   Personal information

As part of your application, you declare your ability to comply with the Privacy Act 1988 and the Australian Privacy Principles and 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 Agency would breach an Australian Privacy Principle as defined in the Act. We handle personal information in accordance with the *Privacy Act 1988* and

the Australian Privacy Principles. Personal information we collect will be used for the purposes of selecting applicants, assessing and administering grants. We may disclose personal information about grant applicants and grantees to other entities as set out further below, or where disclosure is otherwise authorised under the Privacy Act.

The Agency's Privacy Policy contains information about how you can access the personal information held by the Agency 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 on our website at www.niaa.gov.au or email privacy@niaa.gov.au for a copy of the policy.

14.2   Confidential information

We will treat the information you give us as sensitive and therefore confidential if 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; and

3.   revealing the information would cause unreasonable harm to you or someone else.

14.3   How we use personal and confidential information

The Australian Government may use and disclose information about grant applicants and grant recipients under this grant opportunity in any other Australian Government business or function. This includes giving information to the Australian Taxation Office and other government agencies for compliance purposes.

We may reveal personal and confidential information to:

- the assessment panel, which may include Agency officers, community representatives and/or subject matter experts, and other Commonwealth employees and contractors to help us manage the program effectively;
- employees and contractors of our Agency 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.

We may share the information you give us with other Commonwealth agencies for any purposes including government administration, research or service delivery and according to Australian laws.

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

14.4   Your responsibilities

You may be required to declare your ability to comply with the *Privacy Act 1988,* including where applicable the Australian Privacy Principles and impose the same privacy obligations on any subcontractors you engage to assist with the activity. You must ask for the Agency's consent in writing before disclosing personal or confidential information.

15 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* *(FOI Act)*.

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 6500
CANBERRA ACT 2600

By email: foi@niaa.gov.au

16 Consultation

These Guidelines draw on feedback received from previous public consultation processes and the Agency's daily role in working with providers and Indigenous Australians and communities across Australia.

The Agency will continue to review the Guidelines based on our experience in working with Indigenous Australians and communities, as well as the experiences of our grantees. We will also seek advice from Indigenous Australians, communities, and other stakeholders such as representative groups.

17 Glossary

Term	Definition
Actual person	An actual person is an individual, or "natural person". This term is used to distinguish these partnerships from those involving companies.
Agency	The National Indigenous Australians Agency (also referred to as NIAA).
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 or ratings.
Commonwealth entity	An Agency of a State, or a Parliamentary Department or Agency, or a listed entity or a body corporate established by a law of the Commonwealth. See subsections 10(1) and (2) of the Public Governance Performance and Accountability Act.
Commonwealth Grants Rules and Guidelines (CGRGs)	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.
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: • **Directors and Secretary** – Company Limited by Shares, Company Limited by Guarantee, Cooperatives • **Management Committee and Public Officer** - ORIC-Registered Indigenous Corporations, Incorporated Associations • **Proprietor/partner –** Sole traders, actual person partnerships **Note:** For trusts, the trustee will typically be one of the legal entities above.

Term	Definition
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 (ASIC) website.
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* (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.
Decision maker	The person who makes a decision to award a grant.
Eligibility criteria	Refers to the mandatory criteria, which must be met to qualify for a grant.
Empowered Communities	An Indigenous-designed and led initiative that involves Indigenous leaders, communities and governments working in partnership to set priorities, improve services and apply funding effectively at a regional level. This increases Indigenous ownership to give Indigenous people a greater say in decisions that affect them. For further information refer to https://www.niaa.gov.au/indigenous-affairs/empowered-communities.
Employment Services	Programs delivered by the Commonwealth Government, states, territories and local governments to support job seekers to find and keep a job, and provide assistance to employers to meet their recruitment needs.

Term	Definition
Employment Services Provider	An organisation that is a provider of employment or employment-related services under the:
	(a) Commonwealth's employment services arrangements -- the jobactive Deed 2015 – 2020 (or any agreement under which jobactive is administered);
	(b) Disability Employment Services and the Disability Employment Services Deed (or any agreement under which Disability Employment Services are administered); or
	(c) Community Development Programme and the CDP funding agreement (or any agreement under which the Community Development Programme is administered),
	and includes any organisations declared by the Commonwealth to be Employment Services Providers from time to time.
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.
Grant Opportunity Guidelines	1) Grant Opportunity Guidelines inform potential applicants of the terms and conditions of a grant opportunity.
	2) Activity-specific Guidelines outline the context for a specific grant opportunity, designed to inform the potential applicant of the terms and conditions.
	• It is a CGRG requirement to develop Grant Opportunity Guidelines and have them publically available.
Indigenous Enterprise	An entity with at least 50 per cent Indigenous ownership, as outlined in the Indigenous Procurement Policy.
Indigenous job seeker	Unemployed Indigenous Australians
Indigenous Organisation

(Note: This definition is used for administering the Incorporation Requirements only – Refer to Appendix 2) | Aligns with the s29-5 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (**the CATSI Act**) and Part 2 – Regulation 6 of the *Corporations (Aboriginal and Torres Strait Islander) Regulations 2017* (**the CATSI Regulations**),

• If the corporation has five (5) or more members – at least 51 per cent of the members are Indigenous Australians.
• 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 |

Term	Definition
	• 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 - <u>a majority of the directors must be Indigenous</u>.
Grant	Is defined by CGRGs paragraph 2.3 as an arrangement for the provision of financial assistance by the Commonwealth or on behalf of the Commonwealth: (a) under which relevant money or other CRF money is to be paid to a grantee other than the Commonwealth; and (b) which is to help achieve one or more of the Australian Government policy outcomes while assisting the grantee to achieve its objectives.
Grant activity	Is the project/tasks/services that the grantee is required to undertake with the grant money. It is described in the Grant Agreement.
Grant agreement	Sets out the relationship between the parties to the agreement, and specifies the details of the grant. A grant agreement comprises the Head Agreement, the Project Schedule and any documents attached or incorporated by references into either of those documents. The Head Agreement sets out the general terms and conditions that apply to all Jobs, Land & Economy funded projects for a particular grantee. The Project Schedule sets out specific terms and conditions that apply to particular projects.
GrantConnect	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.
Grant opportunity	Refers to the specific grant round or process where a Commonwealth grant is made available to potential grantees.
Grantee	An individual/organisation that has been awarded a grant.
Key Performance Indicator	A measure that provides information about the extent to which the activities or services meet agreed performance requirements.

Term	Definition
Management	Management refers to the responsibility for the day-to-day operation of the funded organisation. It includes: • the CEO (or equivalent) • the people occupying the highest positions in relation to: o service delivery; o finances; o operations (e.g. property, ICT); and/or o human resources.
Natural person	A natural person is an actual person. This term is used to distinguish these partnerships from those involving companies.
Owners	Depending on legal entity type, "Owners" may be based on your: • **Members –** ORIC-Registered Indigenous Corporations, Companies Limited by Guarantee, Incorporated Associations • **Shareholders –** Companies Limited by Shares, Cooperatives • **Proprietors/partners –** Sole traders, actual person partnerships • **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).
Post-placement Support	Support provided to participants after they commence employment, which may include mentoring, well-being checks, assisting with workplace issues as they arise.

Term	Definition
Remote	The Agency generally applies the [Accessibility/Remoteness Index of Australia (ARIA)+](#) 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 Agency 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 for money	Value for money in this document refers to a 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 will consider the relevant financial and non-financial costs and benefits of each proposal including, but not limited to: - the quality of the grant activity/s proposed; - 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. Value for money is sometimes referred to as 'value with relevant money' or 'value with money'.

Appendix 1: **Program 1.1 Jobs, Land and Economy**

Program objectives

The objectives of the program are to:

- Support Aboriginal and Torres Strait Islander people to find and remain in sustainable work.
- Support remote job seekers' work readiness, through community activities and work experience.
- Foster Indigenous business.
- Assist Aboriginal and Torres Strait Islander people to generate economic and social benefit from natural and cultural assets, including through the effective and sustainable management of their land.
- Assist Aboriginal and Torres Strait Islander people 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 Aboriginal and Torres Strait Islander Australians to overcome barriers to employment and economic participation. It does this by connecting Aboriginal and Torres Strait Islander people 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 Aboriginal and Torres Strait Islander people to generate economic and social benefits from natural and cultural assets, through the effective management of Indigenous-owned land and seas and by supporting Aboriginal and Torres Strait Islander people to have their native title rights recognised.

The Program complements a range of state, territory and Commonwealth programs, which also aim to improve Aboriginal and Torres Strait Islander Australians' employment outcomes and to support the development of Indigenous 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 Aboriginal and Torres Strait Islander people. 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 Aboriginal and Torres Strait Islander people.
- Increasing the number of Aboriginal and Torres Strait Islander people 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 Aboriginal and Torres Strait Islander 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 Aboriginal and Torres Strait Islander people.
- Engaging local communities in employment solutions.
- Support for Aboriginal and Torres Strait Islander people in prison to transition into employment on their release from prison.

- Assisting Aboriginal and Torres Strait Islander people 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 Aboriginal and Torres Strait Islander people 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 Aboriginal and Torres Strait Islander communities to build and promote increased social and economic outcomes.

- Support for Aboriginal and Torres Strait Islander 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 Aboriginal and Torres Strait Islander people to overcome disadvantage in the labour market, connect to sustainable jobs and address barriers to recruitment and retention.

- Support for Aboriginal and Torres Strait Islander secondary school and post school students to transition from education into sustainable employment or further education.

- Support Vocational Training Employment Centres to connect Aboriginal and Torres Strait Islander job seekers with guaranteed jobs and provide the support services necessary to work with and support Aboriginal and Torres Strait Islander people into sustainable employment.

- Increase the number of large Australian companies to build a workforce reflective of the size of the Aboriginal and Torres Strait Islander 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 (CDP)

The 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 Agency 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. 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 at 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.
- Businesses that are unviable and/or unsustainable.

Figure A: Indigenous Advancement Strategy - remoteness areas
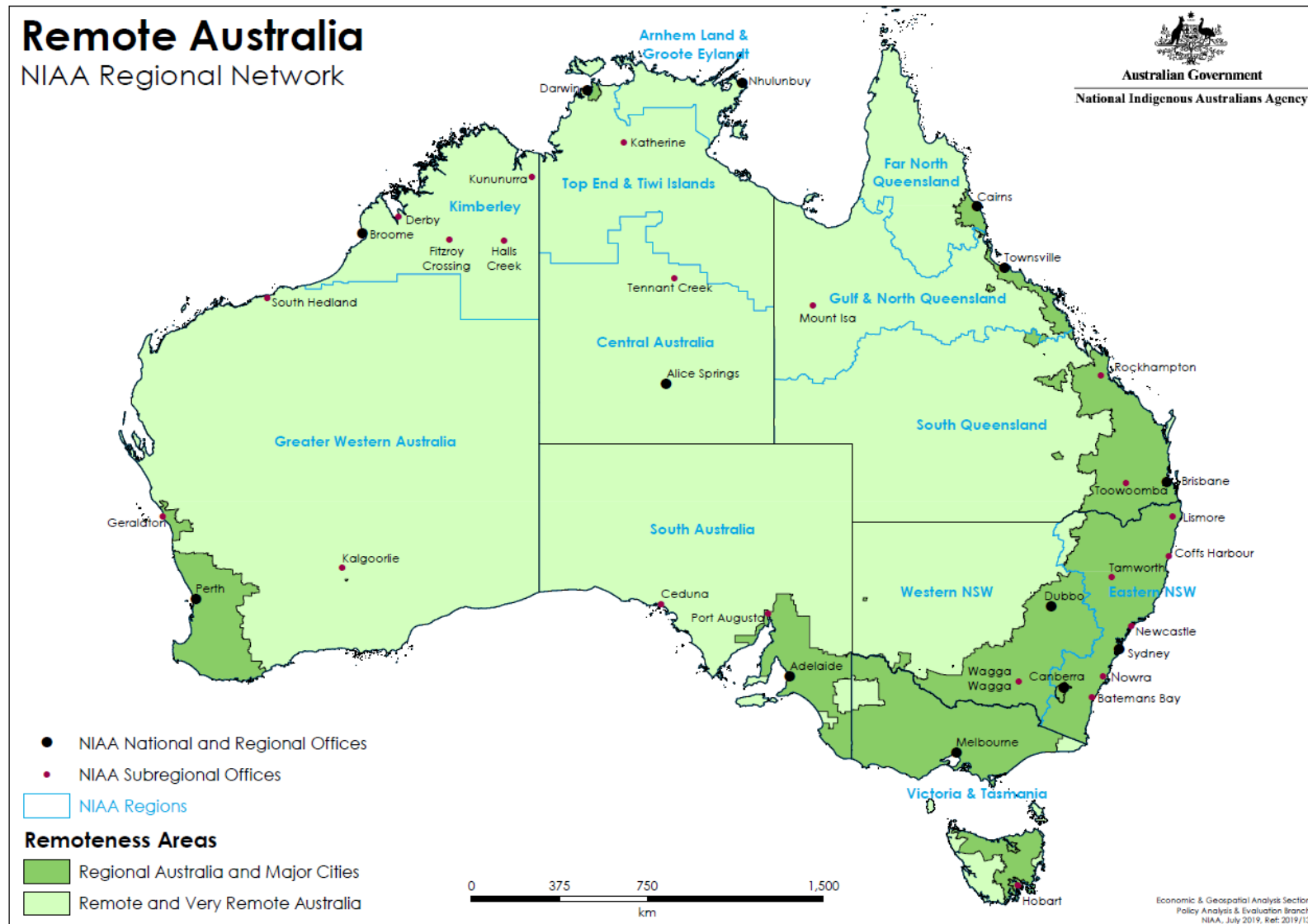
Appendix 2: Incorporation requirements

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 – Indigenous organisations will be required to incorporate under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and other organisations will be required to incorporate under the *Corporations Act 2001*.

- 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.

Indigenous organisations already incorporated under the *Corporations Act 2001* do not have to change their incorporation status. However, all other Indigenous organisations in scope of this policy must incorporate under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* so 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 Commonwealth'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 Agency. Details about the exemptions policy and the Application for Exemption form can be found on the Agency's website.

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 Agency 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 Indigenous organisations transferring to the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* 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* or the *Corporations Act 2001* 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 Agency will provide a one-off $10,000 (GST exclusive) payment upon receipt of evidence that the transfer has occurred.

Please refer to the Agency's website at https://www.niaa.gov.au/indigenous-affairs/grants-and-funding/incorporation-requirements for further information.

Appendix 3: Application checklist

Before you submit an application, it is recommended the following checklist be used to ensure the application is complete and contains the information needed for the application and assessment process.

	The proposal has been discussed with the Aboriginal and Torres Strait Islander groups who will be involved in the project and with other groups with an interest in the project.
	The proposal has been discussed with the local NIAA Regional Office, or National Office where relevant.
	Any issues raised by the Agency about the proposal have been considered and addressed.
	Eligibility requirements set out in the Grant Opportunity Guidelines are met
	Evidence can be provided to demonstrate incorporation and/or Indigeneity status where applicable.
	This document has been read and understood.
	IAS objectives and outcomes are understood and the proposed activity(s) contributes to the outcomes of the IAS.
	The assessment criteria are understood and met.
	The draft grant agreement has been read. When an application is submitted applicants must confirm that, if their application is successful, they will accept the terms of the grant agreement. If you are not able to accept the terms of the agreement, you should discuss this with the NIAA Regional Office before completing the application form.
	The name and contact details of two referees who can support the claims made in the application against the assessment criteria can be provided.
	If the applicant has a current NIAA grant agreement, have the Provider Reference Number ready. The 'Provider Reference Number' can be found on the grant agreement.

Completing the application form

	Ensure every section of the application form is completed.
	Complete the application form in English.
	Attach evidence of: • Project Plan and Cost Template - the template is available at NIAA's website; • letter/s of Support from employers or contact details of employers who expressed in principle agreement to participate in the program (if applicable); • letter/s of support from relevant Indigenous Organisations/stakeholders that were consulted or participated in the planning and design of the project (if

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requested by Regional Office); and

- recent audited Annual Financial Statement.

This evidence should demonstrate the following:

- need for the project;
- community involvement in the project;
- any opportunities to support the needs Indigenous job seekers in a COVID-19 environment; and
- support from local Indigenous communities; and support from local industries.

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Complete the 'Declaration' section of the application form. Ensure all fields are completed including the checkboxes. If completing the form online, instead of signing the document, the applicant, or person authorised to act on behalf of the applicant, should type their full name in the field.

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Consortia applicants:

	Ensure the nominated lead organisation (the applicant) is a legal entity capable of entering into a grant agreement with the Commonwealth.
	Attach a letter of support from each consortia organisation. Ensure that each letter of support includes the information required as set out in section 7.5 of this document.

Non-government applicants who do not have a current grant agreement with NIAA

If you are a non-government applicant and do not have an existing grant agreement with NIAA you will need to attach the following supporting documentation:

	A copy of the applicant's most recent financial statements, such as an audited expenditure report, income and expenditure statement, or a balance sheet.
	A copy of the applicants Certificate of Incorporation where relevant. Organisations registered with Australian Charities and Not-for-profits Commission are exempt from this requirement.
	If the applicant is not able to quote an ABN as required in the application form they will be required to provide a copy of a completed 'Statement by a supplier (reason for not quoting an ABN to an enterprise)' form that can be found on the ATO website.