



Australian Government

National Indigenous Australians Agency

Indigenous Advancement Strategy: Tourism Grants for Indigenous Business Grant Opportunity Guidelines

Opening date:	3 May 2022
Closing date and time:	11.30pm AEST on 12 July 2022 Note: The National Indigenous Australians Agency (the NIAA or the 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 or the Agency)
Enquiries:	If you have any questions, contact your NIAA Regional Offices (listed at 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:	3 May 2022
Type of grant opportunity:	Open competitive
	<div style="border: 1px solid black; padding: 5px;"><p>Note: other grant opportunities under the IAS or within the NIAA will be advertised separately on GrantConnect and may have different requirements to those listed in this document.</p></div>

Contents

Contents	2
1 Indigenous Advancement Strategy: Tourism Grants for Indigenous Business process	4
1.1 Introduction	5
2 About the Indigenous Advancement Strategy and Closing the Gap	5
2.1 About the Tourism Grants for Indigenous Business grant opportunity.....	6
2.2 NIAA regional presence and National Office	7
3 Grant amount and grant period	7
3.1 Grants available	7
3.2 Grant period	8
3.3 Possible Caretaker impacts	8
4 Eligibility criteria	8
4.1 Who is eligible to apply for a grant?	8
4.2 Who is not eligible to apply for a grant?	9
4.3 What qualifications, skills or checks are required?	9
4.4 Incorporation requirements	10
5 What the grant money can be used for	10
5.1 Eligible grant activities.....	10
5.2 Eligible locations.....	11
5.3 Eligible expenditure	11
5.4 What the grant money cannot be used for	11
6 The assessment criteria	12
7 How to Apply	13
7.1 Attachments to the application	14
7.2 Joint (consortia) applications.....	15
7.3 Trust Applications.....	15
7.4 Timing of grant opportunity processes	15
7.5 Questions during the application process	16
8 The grant selection process	16
8.1 Assessment of grant applications	16
8.2 Indigenous Grants Policy Trial	16
8.3 Who will assess applications?.....	17
8.4 Who will approve grants?.....	17
9 Notification of application outcomes	18
9.1 Feedback on your application	18
10 Successful grant applications	18
10.1 The grant agreement	18
10.2 Management of Debt and Underspend	19
10.3 Negotiation of funded activities	19
10.4 Execution of the grant agreement.....	19

10.5	How we pay the grant	19
10.6	Grants payment and GST	20
10.7	Risk and compliance	20
11	Announcement of grants.....	21
12	How we monitor your grant activity	21
12.1	Keeping us informed	21
12.2	Reporting.....	22
12.3	Grant agreement variations.....	22
12.4	Record keeping	22
12.5	Evaluation	22
12.6	Acknowledgement of funding.....	23
13	Probity.....	23
13.1	Enquiries and feedback.....	23
13.2	Conflicts of interest.....	23
13.3	Privacy	24
13.4	Confidential information.....	24
13.5	Freedom of information	25
14	Consultation	25
15	Glossary.....	26
	Appendix 1: IAS Program information.....	33
	About the Indigenous Advancement Strategy.....	33
	Appendix 2: Incorporation requirements	38
	Appendix 3: Application checklist	40

1 Indigenous Advancement Strategy: Tourism Grants for Indigenous Business process

1. The IAS is designed to achieve Australian Government objectives

This grant opportunity is part of the above grant program which contributes to NIAA's Outcome 1.

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. You complete and submit a grant application

You complete the application form and address all of the eligibility and assessment criteria to be considered for a grant.

4. We assess all grant applications

We assess the applications against eligibility criteria and notify you if you are not eligible. We assess your eligible application against the assessment criteria including an overall consideration of value with money [and compare it to other applications, if applicable].

5. We make grant recommendations

We provide advice to the Minister for Indigenous Australians and/or the NIAA delegate (the decision maker) on the merits of each application.

6. Grant decisions are made

The decision maker decides which applications are successful and approves the level of funding to be provided.

7. We notify you of the outcome

We advise you of the outcome of your application.

8. We negotiate and enter into a grant agreement

We will enter into a grant agreement with you if successful. The type of grant agreement is based on the nature of the grant and will be proportional to the risks involved.

9. Delivery of grant

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.

10. Evaluation

We may evaluate your specific grant activity and the broader Tourism Grants for Indigenous Business as a whole. We base this on information you provide to us and that we collect from various sources.

1.1 Introduction

These guidelines contain information for the Tourism Grants for Indigenous Business (TGIB) grant opportunity, 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
- responsibilities and expectations in relation to the opportunity.

These guidelines do not apply to procurement activities. The procurement of goods and services is 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 addenda¹ to these guidelines will be published on [GrantConnect](#).

2 About the Indigenous Advancement Strategy and Closing the Gap

The Indigenous Advancement Strategy (IAS) 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. Visit [our website](#) for more information on the IAS.

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

This opportunity is available under Program 1.1 Jobs, Land and Economy of the IAS. The objectives and outcomes of this Program are available at Appendix 1.

The National Agreement on Closing the Gap was developed in genuine partnership between Australian Governments and Aboriginal and Torres Strait Islander peak organisations. The National Agreement sets out ambitious targets and new Priority Reforms that will change the way governments work to improve life outcomes experienced by Indigenous Australians.

The IAS contributes to Closing the Gap (CtG) between Indigenous and non-Indigenous Australians by providing grant funding for activities that address areas of need for Indigenous Australians that align with CtG targets.

To ensure the best outcomes, the IAS has a focus on:

- Aligning investment with CtG targets.
- Ensuring Indigenous Australians are actively involved in the development, delivery and evaluation of local and regional solutions, including deciding how they will be involved.

¹ Alterations and addenda include but are not limited to; corrections to currently published documents, changes to closing times for applications, Questions and Answers (Q&A) documents and Frequently Asked Questions (FAQ) documents.

- Drawing on the strengths of Indigenous Australians and communities, and building capacity in Indigenous organisations and businesses.
- Increasing the number of Indigenous organisations delivering grants for the benefit of Indigenous Australians, where this is supported by value with money, and/or engaging organisations who are committed to improving Indigenous outcomes.
- Using evidence and innovation to develop solutions or improve existing approaches.
- Building an effective evidence base to ensure funding delivered through the IAS improves the lives of Indigenous Australians and communities.
- Fostering engagement between government, Indigenous organisations, Indigenous Australians and communities, and other stakeholders such as experts and business.

The IAS will also contribute to the National Roadmap for Indigenous Skills, Jobs and Wealth Creation. Complementing the National Agreement on Closing the Gap, the National Roadmap provides a long-term commitment to support Indigenous Australians to develop skills, secure jobs, build careers, and to start and grow businesses.

The Agency administers the IAS according to the Commonwealth Grants Rules and Guidelines (CGRGs).

2.1 About the Tourism Grants for Indigenous Business grant opportunity

The TGIB grant opportunity is part of the Indigenous Tourism Fund (ITF). The ITF is a comprehensive package of business support and grants to encourage the development of Indigenous-owned tourism businesses and Indigenous community organisations, consisting of a number of complementary elements through funding, capability development and facilitating sector leadership. It will run over four years from 2020-21 to 2023-24. The program is part of the Indigenous Advancement Strategy (IAS), Program 1.1 Jobs, Land and Economy.

The objectives of the TGIB grant opportunity are to:

- Support Indigenous-owned businesses and Indigenous-owned community organisations, particularly in remote and regional Australia; to increase the number of Indigenous tourism products available in the domestic and international market², and
- Support both Indigenous-owned tourism businesses and Indigenous-owned community organisations operating within the tourism sector or supply chain to stabilise and grow.

The intended outcomes of the TGIB grant opportunity are to:

- Build supply and boost product development in areas, such as; supply chain, accommodation, food and beverage, events, recreation, entertainment and attractions, transport, travel services, tourism marketing and communication
- Support the marketing and distribution of Indigenous tourism products to ensure sustained demand; and
- Meet the changing needs of Indigenous tourism businesses as they move through the COVID-19 recovery and as travel restrictions are progressively lifted.

This is Round 2 of the TGIB grant opportunity, which contributes to Closing the Gap target '*Strong economic participation and development of people and their communities*', as it targets Aboriginal and Torres Strait Islander owned business growth in the tourism sector (industry). It will also directly contribute to the National Roadmap for Indigenous Skills, Jobs and Wealth Creation by

² Refer to section 15 Glossary for the definitions of 'Indigenous owned', 'Indigenous Community Organisation', 'Ownership' and 'Tourism product'.

strengthening the economic participation of Aboriginal and Torres Strait Islander people and communities in the visitor economy.

Funding will be available through an open competitive selection process, which means applications will be considered on their merits, compared to other applications and subject to the availability of funding.

2.2 NIAA regional presence and National Office

The Agency has a regional presence (the NIAA Regional Offices) across Australia. We have offices in capital cities, and regional and remote locations (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 or is not consistent with regional priorities. A list of NIAA Regional Offices and contact details is available [here](#).

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

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

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

3 Grant amount and grant period

3.1 Grants available

This Tourism Grants for Indigenous Business grant opportunity is available over four years, distributed over funding rounds offering at least \$3 million for each opportunity. This is Round 2.

- Round 1 opened and closed in the 2020-21 financial year.
- Round 2 will open on 3 May 2022 and close on 12 July 2022³. \$6 million will be available for this round.

Successful applicants will receive funds to cover the costs of eligible grant activities (as outlined in section 5.1 *Eligible grant activities*), with grants capped to \$50,000 for Indigenous-owned tourism businesses and \$100,000 for Indigenous community organisations.

Successful applicants will be required to enter into a grant agreement with the NIAA. 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. Refer to section 10.7 *Risk and compliance* for further details.

³ Notwithstanding any impacts, a caretaker period may bestow upon any business process.

The Agency will consider value with money and availability of funds to meet priorities in offering a grant amount. Information on previous grants awarded is available on the [GrantConnect](#) website.

To be **eligible for the Indigenous community organisation level of funding** (up to \$100,000) you must be endorsed in writing by the Regional Manager of the NIAA region in which your organisation is located as an Indigenous community organisation.

3.2 Grant period

This grant opportunity will open on 3 May 2022 and close on 12 July 2022.

If you are successful, you will be required under the terms of your grant agreement to expend the funds within one year from the execution of the grant agreement, unless otherwise agreed by the Agency. You will be required to reimburse unspent funds to the Commonwealth.

3.3 Possible Caretaker impacts

Any grant opportunity that is open during the Caretaker period for a Federal election may be impacted by the result of the election. The grant opportunity is subject to the approval of the incoming government. If there is a change of government, or if there is a change of government policy following the election, the Agency may at its absolute discretion cancel a grant opportunity open during Caretaker.

The Agency may also at its absolute discretion immediately terminate an agreement entered into during Caretaker by notice in writing to the grant recipient any time within 12 months of the date of the execution the agreement.

On termination of the agreement, the grant recipient must cease all dealings in respect of the agreement.

The Agency will not be obliged to pay any part of the grant to the grant recipient after the termination of the agreement.

4 Eligibility criteria

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

4.1 Who is eligible to apply for a grant?

To be eligible you must:

- be an organisation with 50 per cent or more Indigenous ownership⁴
- be an Indigenous organisation which is currently operating in the tourism sector or supply chain
- have an Australian Business Number (ABN)
- where relevant, be registered for the purposes of GST
- if an Indigenous individual, be a permanent resident of Australia; and
- have an account with an Australian financial institution.

AND 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](#)

⁴ Refer to section 15 Glossary for definitions of 'Indigenous owned' and 'Ownership'.

- a company incorporated in Australia under the [Corporations Act 2001](#)
- an incorporated association (incorporated under state/territory legislation, commonly have 'Association' or 'Incorporated' or 'Inc' in their legal name)
- an incorporated cooperative (incorporated under state/territory legislation, commonly have 'Cooperative' in their legal name)
- an organisation established through a specific piece of Commonwealth or state/territory legislation including public benevolent institutions, churches and universities
- an incorporated trustee on behalf of a trust⁵
- a partnership
- a joint (consortia) application with a lead organisation that satisfies the entity type
- a registered charity or not-for-profit organisation; or
- an individual Indigenous person, operating as a sole trader.

The Agency will not accept your application unless you:

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

Indigenous community organisations applying for a grant must have an endorsement in writing by the Regional Manager of the NIAA region in which your organisation is located.

4.2 Who is not eligible to apply for a grant?

Even if you meet the criteria in Section 4.1, you are not eligible to apply if you are:

- an organisation with less than 50 per cent Indigenous ownership
- a successful grant recipient from Round 1 of this TGIB program
- receiving funding from another government source for the same specific purpose
- an organisation, or your project partner is an organisation, included on the [National Redress Scheme's](#) website on the list of 'Institutions that have not joined or signified their intent to join the Scheme
- 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
- named as currently non-compliant under the [Workplace Gender Equality Act 2012](#)
- a Commonwealth, state, territory or local government agency or entity (including government business enterprises), or
- an Australian public company.

4.3 What qualifications, skills or checks 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

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

qualifications, permits, registrations and licences required for the lawful performance of the activity or service they will provide. This also includes, where relevant, mandatory requirements for:

- Working with Children checks and/or Working with Vulnerable People registration (as required by the jurisdiction in which the activity will take place)
- Industry licenses or registration, or
- Australian Skills Quality Authority accreditation.

4.4 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.

5 What the grant money can be used for

5.1 Eligible grant activities

The Tourism Grant for Indigenous Business grant is to be used for items that support development of Indigenous business and Indigenous community organisations in the tourism sector.

Eligible grant activities may include:

- The acquisition of small plant and equipment⁶; *such as tourism-related asset or equipment items that are transportable or relocatable.*
- Minor capital works⁷ to be completed within the period of expenditure timeframe specified in section 3.2 *Grant period.*
- Tourism product development⁸; *for example the development of a cultural tour, experience, event of other cultural product/service.*
- IT equipment, software and software development.
- Production of marketing and promotion activities materials linked to a tourism experience.

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

⁶ Refer to section 15 Glossary for the definition of 'Plant and equipment'.

⁷ Refer to section 15 Glossary for the definition of 'Minor capital works'. The Commonwealth will consider requests to undertake minor capital works on a case-by-case basis.

⁸ Refer to section 15 Glossary for the definition of a 'Tourism product'.

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.

Where possible and relevant, your proposed grant 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. [Use of Interpreters - Commonwealth Ombudsman](#)
- The needs of Australians with disability including how the proposal supports one or more of the six policy outcome areas outlined in the Department of Social Services [National Disability Strategy 2010-2020](#).
- 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.

5.2 Eligible locations

Your grant activity must be delivered in Australia.

5.3 Eligible expenditure

You can only spend the grant on eligible grant activities as defined in your grant agreement, unless we otherwise agree in writing to an alternative use.

- We may update the guidelines on eligible and ineligible expenditure from time to time. If your application is successful, the version in place when you submitted your application applies to your eligible grant activity.
- Not all expenditure on your grant activity may be eligible for grant funding. The Program Delegate makes the final decision on what is eligible expenditure during the contract negotiation period. They may give additional guidance on eligible expenditure if required.
- Unless otherwise agreed in writing by the Commonwealth, you must incur the expenditure between the dates specified in your grant agreement for it to be eligible.

5.4 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 grant activity, so cannot generally be used for items such as payment of fines or loans, purchase of gifts, personal debts, or sitting fees.

You cannot use the grant for the following activities:

- Activities that do not clearly align to the identified outcomes of the TGIB program (as listed in section 2.1 *About the Tourism Grants for Indigenous Business grant opportunity*).
- Purposes that do not directly contribute to the outcomes of the activity, typically including (but not limited to) the payment of wages or salaries, overseas travel, retrospective costs, or any general ongoing administration of an organisation, such as electricity, phone and rent.
- 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.
- Items that do not support business development of Indigenous business and Indigenous community organisations in the tourism sector, are unrelated to supporting development, or which are used to generate primary income.
- The purchase of land, any capital works or expenditure not considered minor⁹.
- Activities the NIAA deems may bring it into disrepute.

6 The assessment criteria

You must address all of the following assessment criteria in your application.

All criterion have equal weighting under these guidelines. However, in order to meet the program objectives, where there are two similarly ranked proposals, the Agency may give ordered preference to more viable businesses and/or alignment with community needs.

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

Criterion 1: Need and economic benefit

You should demonstrate this by:

- Outlining your target market
- Demonstrating a need or demand for the product or service; and
- Describing how the activity will assist your business to start up¹⁰, stabilise or grow within the tourism sector.

Criterion 2: Capability

You should demonstrate this by describing how:

- Your resources and capability will support you to deliver high quality activities
- You have delivered this or a similar activity to a high standard; and
- The risks associated with the proposed activity, including work, health and safety risks, will be managed.

Criterion 3: Delivering Outcomes

You should demonstrate this by:

- Providing evidence of how the funding will be expended to deliver the intended outcomes;
- Describing how the outcome/s of the proposed activity can be sustained into the future; and
- If appropriate, provide evidence your business is able to work without restriction on country (see glossary), with appropriate permissions, as necessary, from Traditional Owners (see glossary).

⁹ Refer to section 15 Glossary for definitions of 'Capital Works' and 'Minor Capital Works'.

¹⁰ Start-up businesses with limited tourism sector experience are encouraged to consider accessing support through the [National Indigenous Tourism Mentoring Program](#), expected to commence in 2022.

7 How to Apply

You will be required to complete an application form to enable the Agency to gather sufficient information to assess your proposal and to verify details.

As the grant process is competitive, which means your application will be considered on its merits and will be compared to other applications, all applicants are encouraged to ensure they are eligible and their proposal aligns with the objectives of the Tourism Grants for Indigenous Business grant opportunity outlined within these guidelines.

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**.

Before applying, you must read and understand these guidelines and the sample grant agreement.

These documents may be found at [GrantConnect](#). Any alterations and addenda¹¹ will be published on [GrantConnect](#) and by registering on this website, you will be automatically notified on any changes. [GrantConnect](#) is the authoritative source for grants information.

To apply you must:

- complete the online Tourism Grants for Indigenous Business application form on GrantConnect
- provide all the information requested
- address all eligibility criteria and assessment criteria
- include all necessary attachments outlined in section 7.1
- submit your application/s online by 12 July 2022, 11.30pm AEST.

A checklist is available at Appendix 3 to assist you with making sure that your application is complete.

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](#) and we will investigate any false or misleading information and may exclude your application from further consideration.

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

You cannot change your application after the closing date and time.

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. However, we can refuse to accept any additional information from you that would change your submission after the application closing time.

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

You should keep a copy of your application and any supporting documents.

You will receive an electronic Application ID Number once you lodge your application.

¹¹ 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

If you need further guidance around the application process or if you are unable to submit an application online please contact your local [NIAA Regional Office](#).

7.1 Attachments to the application

We require the following documents with your application:

- Evidence of bank account details, such as a copy of a current bank statement.
 - Evidence that your organisation is at least 50 per cent Indigenous owned:
 - The NIAA contracts [Supply Nation](#) to maintain a free registry of Indigenous enterprises known as 'Indigenous Business Direct'.
 - Businesses are also recognised as Indigenous enterprises if they are on the public register maintained by the [Office of the Registrar for Indigenous Corporations](#) (ORIC).
 - If your business is not listed with Supply Nation or ORIC, you may provide evidence of your business' Indigenous ownership through:
 - A statutory declaration, declaring that the enterprise is 50 per cent or more Indigenous owned; or
 - Inclusion of your organisation on an Indigenous business list such as the Indigenous Chamber of Commerce or a state or territory directory.
 - An itemised budget (with quotes where applicable):
 - All budget figures must be GST exclusive¹².
 - 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 details of funding from being requested from the Agency and any 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.
 - If you are an 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 (as required by your regulator) to inform your Organisation Risk Profile (ORP)¹³. This would mean:
 - an audited financial statement (audited expenditure report); or
 - an unaudited financial statement
- If you are not required by your regulator to keep financial statements, you will need to provide:
- an income and expenditure statement;
 - balance sheet; and
 - statement of assets and liabilities.

¹² Refer to section 10.6 *Grants payment and GST* for further details about GST.

¹³ 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 10.7 *Risk and compliance*.

- A copy of your Certificate of Incorporation where relevant (Organisations registered with Australian Charities and Not-for-profits Commission are exempt from this requirement).
- A copy of a completed ATO 'Statement by a supplier (reason for not quoting an ABN to an enterprise)' form if you are not able to quote an ABN.

Please note 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.

7.2 Joint (consortia) applications

We recognise that some organisations may want to join together as a group to deliver a grant activity.

In these circumstances, you must appoint a 'lead organisation'. Only the lead organisation can submit the application form and enter into a grant agreement with the Commonwealth. 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 or project/services].
- 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).
- Details of a nominated management level contact officer at each partner organisation.

You must have a formal arrangement in place with all parties prior to execution of the agreement.

7.3 Trust Applications

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

The applicant must be prepared to provide a copy of the Trust Deed as in force at the time the application is made if requested, and other information (including financial information) for both the trust and the corporate trustee.

7.4 Timing of grant opportunity processes

You must submit an application between the published opening and closing dates. We cannot accept late applications.

The Agency reserves the right not to accept a late application but may consider the degree of lateness and whether the cause was beyond the applicant's control—for example, exceptional circumstances (being anything beyond the control of the applicant) such as natural disasters, and COVID-19-related restrictions on movement and travel.

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

7.5 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](#).

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.

8 The grant selection process

8.1 Assessment of grant applications

We review your application against the eligibility criteria.

The application assessment process, managed by the Agency, may include completeness, compliance and eligibility checks, as well as the verification of information presented and organisation risk assessments.

If eligible, we will then assess your application against the assessment criteria (outlined in Section 6) and against other applications. We consider your application on its merits, based on:

- how well it meets the criteria
- how it compares to other applications
- whether it provides value with money¹⁴.

This enables applications to be rated on whether they 'fully meet', 'partially meet' or 'do not meet' the assessment criteria. Key considerations in determining value with money include cost, the quality and purpose of the grant activity, intended outcomes, alignment with the grant opportunity 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.

8.2 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 government 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 peoples.

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 peoples 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 '15. Glossary').

¹⁴ Refer to section 15 Glossary for an explanation of 'value with money'.

To support the integrity of the IGP, the Agency may request further evidence of your organisation's Indigeneity.

8.3 Who will assess applications?

An assessment committee will assess each application on its merit and compare it to other eligible applications. The assessment committee will be made up of appropriate Agency staff.

We may ask external experts/advisors to inform the assessment process. Any expert/advisor, who is not a Commonwealth Official, will be required/expected to perform their duties in accordance with the CGRGs.

The assessment committee may seek additional information about you or your application¹⁵. They may consider other information sources other than your application to assess your application or proposal, or to verify claims, even if you do not nominate the sources. This may include but is 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.
- Information about you or your application from other Commonwealth, state, territory or local government agencies, whether or not you nominated them as a referee.
- Information 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
- Recommendations from Aboriginal and Torres Strait Islander local and regional decision-making groups and organisations (e.g. Empowered Communities and Murdi Paaki Regional Assembly).

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

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

8.4 Who will approve grants?

The Minister for Indigenous Australians or the Agency delegate, as the decision-maker, approves grants, taking into account the recommendations of the Agency and the availability of grant funds. In determining the decision maker for the activity, the Agency will consider aspects such as the level of funding and risk involved.

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

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

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

¹⁵ Refer to sections 13.3 *Privacy* and 13.4 *Confidential information* for how the Agency treats your information.

9 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.

9.1 Feedback on your application

If your application is unsuccessful, you may seek feedback on your application by contacting your [NIAA Regional Office](#). Initial feedback to unsuccessful applicants will be provided formally (upon request), in writing, only after the Agency's assessment process has been completed.

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

10 Successful grant applications

10.1 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. This agreement may be through a letter of offer or standard grant agreement, or another form of agreement specified by the Commonwealth.

The type of grant agreement and its mandatory terms and conditions will depend on the size and complexity of your grant activity, as well as the level of risk associated with the activity. Sample grant agreements are available on [GrantConnect](#).

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

- key performance indicators and performance reporting requirements
- financial reporting requirements
- a funding payment schedule
- mandatory requirements for Working with Children checks, Working with Vulnerable People checks
- mandatory requirements to comply with applicable work health and safety obligations including those provided under Commonwealth work health and safety legislation
- insurance requirements including compliance with the [Work Health and Safety Act 2011](#) 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 13 of this document
- requirements to maintain the confidentiality of any information deemed by the Commonwealth to be confidential
- record keeping requirements.

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

You will work with an Agreement Manager from the [NIAA Regional Office](#) or National Office to effectively manage the grant agreement.

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

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

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

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

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

10.2 Management of Debt and Underspend

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

10.3 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.

10.4 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.

10.5 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 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.

10.6 Grants payment and 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 are 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](#)¹⁶. We do not provide advice on taxation matters.

10.7 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.

- **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.
- **Activity** risk assessment. All IAS grant activities undergo an Activity Risk Assessment (ARA) 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.

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.

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.

¹⁶ <https://www.ato.gov.au/>
Tourism Grant for Indigenous Business Guidelines – v2.1

11 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](#). An exception to this is payments made for the purposes of the [Australian Education Act 2013](#) and the [Higher Education Support Act 2003](#).

12 How we monitor your grant activity

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

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

12.1 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.

12.2 Reporting

You will be required to periodically report on the overall progress and performance of your activity, and against the key performance indicators in your grant agreement. The frequency and content of reporting requirements will depend on the funded activity and will be contained in the grant agreement. The 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.

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.

12.3 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.

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.

12.4 Record keeping

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

12.5 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 with 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.

12.6 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) 6152 3050 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: 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 is 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. And/or
- A relationship with, or interest in, an organisation or individual from which they will receive personal gain because the organisation receives a grant under the grant program/grant opportunity.

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

If you later identify an actual conflict of interest, 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*.

13.3 Privacy

We treat your personal information according to the [Privacy Act 1988](#) and the [Australian Privacy Principles](#). This includes letting you know:

- what personal information we collect
- why we collect your personal information
- who we give your personal information to.

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

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

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

As part of your application, you declare your ability to comply with the [Privacy Act 1988](#) and the Australian Privacy Principles 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.

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 niaa.gov.au or email privacy@niaa.gov.au for a copy of the policy.

13.4 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.
3. Revealing the information would cause unreasonable harm to you or someone else.

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.
- 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.

13.5 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: The Freedom of Information Coordinator
National Indigenous Australians Agency
PO Box 2191
CANBERRA ACT 2601

By email: foi@niaa.gov.au

14 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.

15 Glossary

Term	Definition
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.
Capital works	<p>Capital works means any work undertaken to create a new asset or space, or to change the use, function or layout of an existing asset or space.</p> <p>Capital works may include, but are not limited to:</p> <ul style="list-style-type: none"> (a) the construction of new buildings or other structures (b) alterations to existing buildings or structures (c) the provision of infrastructure associated with and integral to a building or structure (d) new landscaping, or alterations to existing landscaping (e) renovation of an existing building, structure, space or landscape. <p>Whether an activity represents capital works is a decision for the Commonwealth.</p>
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 2013 .
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.

Term	Definition
Control	<p>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:</p> <ul style="list-style-type: none"> ▪ 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. <p>Note: for trusts, the trustee will typically be one of the legal entities above.</p>
<i>Corporations Act 2001</i>	<p>An act of the Commonwealth that sets out the laws dealing with business entities in Australia at federal and interstate level. It focuses primarily on companies, although it also covers some laws relating to other entities such as partnerships and managed grant-funding schemes. Incorporation can be applied for through the Australian Securities and Investment Commission website.</p>
<i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i>	<p>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 <i>Aboriginal Councils and Associations Act 1976</i> (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.</p>
Country	<p>The traditional estate of an Indigenous person. This may mean a specific area inherited from ancestors and belonging to a descent-based group of people or a larger, more general region in which that person's ancestors originate.</p>
Decision maker	<p>The person who makes a decision to award a grant.</p>
Eligibility criteria	<p>Refers to the mandatory criteria, which must be met to qualify for a grant.</p>
Empowered Communities	<p>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 peoples a greater say in decisions that affect them. For further information, refer to niaa.gov.au/indigenous-affairs/empowered-communities.</p>

Term	Definition
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	<p>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:</p> <p>(a) under which relevant money or other CRF money is to be paid to a grantee other than the Commonwealth; and</p> <p>(b) which is to help achieve one or more of the Australian Government policy outcomes while assisting the grantee to achieve its objectives.</p>
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	<p>Sets out the relationship between the parties to the agreement, and specifies the details of the grant.</p> <p>A grant agreement comprises the Head Agreement, the Project Schedule and any documents attached or incorporated by references into either of those documents.</p> <p>The Head Agreement sets out the general terms and conditions that apply to all Jobs, Land & Economy funded projects for a particular grantee.</p> <p>The Project Schedule sets out specific terms and conditions that apply to particular projects.</p>
Grant opportunity	Refers to the specific grant round or process where a Commonwealth grant is made available to potential grantees.
Grant Opportunity Guidelines	<p>Grant Opportunity Guidelines inform potential applicants of the terms and conditions of a grant opportunity.</p> <p>Activity-specific Guidelines outline the context for a specific grant opportunity, designed to inform the potential applicant of the terms and conditions.</p> <p>It is a CGRG requirement to develop Grant Opportunity Guidelines and have them publically available.</p>
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.
Grantee	An individual/organisation that has been awarded a grant.
Indigenous Community Organisation	An Indigenous-owned organisation engaged in charitable or other community-based activity operating under Australian law, which may or may not be established for the purpose of making a profit.

Term	Definition
Indigenous Enterprise	An entity with at least 50 per cent Indigenous ownership, as outlined in the Indigenous Procurement Policy .
Indigenous Organisation <i>(Note: This definition is used for administering the Incorporation Requirements only – Refer to Appendix 2)</i>	Aligns with the s29-5 of the Corporations (Aboriginal and Torres Strait Islander) Act 2006 and Part 2 – Regulation 6 of the Corporations (Aboriginal and Torres Strait Islander) Regulations 2017 <ul style="list-style-type: none"> ▪ 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. ▪ If the corporation has only one (1) member—that member is an Indigenous Australian. Note that “member” is used as a term for ownership and may vary between entity types (e.g. “shareholder” for co-operatives). and Aligns with s246-5 of the Act— a majority of the directors must be Indigenous.
Indigenous owned	A business where persons identifying as being of Indigenous heritage hold at least 50 per cent of ownership.
Key Performance Indicator	A measure that provides information about the extent to which the activities or services meet agreed performance requirements.
Management	Management refers to the responsibility for the day-to-day operation of the funded organisation. It includes: <ul style="list-style-type: none"> ▪ the CEO (or equivalent) ▪ the people occupying the highest positions in relation to: <ul style="list-style-type: none"> ▪ service delivery ▪ finances ▪ operations (e.g. property, ICT), and/or ▪ human resources.

Term	Definition
Minor capital works	<p>Minor capital works means any small-scale constructions, alterations, upgrades, extensions or restorations to an existing asset or space.</p> <p>Minor capital works:</p> <ul style="list-style-type: none"> (a) should not require approvals or permits from State/Territory or local Government agencies (b) must be fully completed within the stated budget and timeframe specified in this grant application; and (c) must contribute to a new, expanded or more accessible tourism product immediately upon completion. <p>The purpose of minor capital works must be to improve accessibility (for example, for people with a disability), or the capacity to deliver tourism-related activities funded under this Application.</p>
Ownership	<p>Depending on legal entity type, “Ownership” may be based on your:</p> <ul style="list-style-type: none"> ▪ 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 <p>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).</p>
Partnership	<p>A group or association two or more people who carry on a business in common, with a view to making a profit.</p>
Plant and equipment	<p>Plant and equipment are tangible items that are assets used in the production or supply of goods or services, and are to be used during more than one period. Examples may include machinery, appliances, containers, tools, furniture and fixtures, vehicles and components or anything fitted or connected to those things.</p>

Term	Definition
Remote	<p>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.</p> <p>Please see the map at Figure A for a geographic representation of remote areas defined under ARIA.</p> <p>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.</p>
Selection process	<p>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.</p>
Sole trader	<p>An individual running a business.</p>
Tourism business	<p>Any business providing a tourism product or those operating in the tourism supply chain.</p>
Tourism product	<p>A combination of resources, attractions, facilities, services and activities centred on a tourism experience, whether cultural, natural or human-made.</p>
Tourism sector	<p>Includes accommodation, adventure tourism and recreations; events and conference; food and beverages; tourism services and enabling infrastructure.</p>
Traditional Owners	<p>Aboriginal and/or Torres Strait Islander people who have inherited ancestral connections affiliated to a geographic area. This extends to cultural practices and spiritual responsibilities tied to land, waters and seas within that geographic area.</p>
Value with money	<p>Value with 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.</p> <p>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:</p> <ul style="list-style-type: none"> ▪ 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.

Appendix 1: IAS Program information

About the Indigenous Advancement Strategy

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

The IAS contributes to the 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 peoples hold in this nation.*

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

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

Program 1.1 Jobs, Land and Economy

Program objectives

The objectives of the program are to:

- Support Aboriginal and Torres Strait Islander peoples 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 peoples 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 peoples to progress land and sea claims, and township leases under Commonwealth native title and land rights legislation.

Description

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

The program complements a range of state, territory and Australian Government programs, which also aim to improve 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

peoples. The program may also provide funding for projects that address immediate need in community through small scale place based activities that align with IAS objectives.

Program outcomes

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

- Increasing in employment and participation rates for Aboriginal and Torres Strait Islander peoples.
- Increasing the number of Aboriginal and Torres Strait Islander peoples 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 peoples.
- Engaging local communities in employment solutions.
- Support for Aboriginal and Torres Strait Islander peoples in prison to transition into employment on their release from prison.
- Assisting Aboriginal and Torres Strait Islander peoples engaged in jobs to engage in jobs relating to land and sea management.
- Progressing land and sea claims and township leases under Commonwealth native title and land rights legislation.
- Supporting Aboriginal and Torres Strait Islander peoples to use their land and sea assets to create economic and social benefits.

Activities that contribute to program outcomes

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

1. Economic Development

Support for Indigenous entrepreneurs to establish or grow sustainable businesses.

Support for 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 peoples 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 peoples 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

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

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

The 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](#)

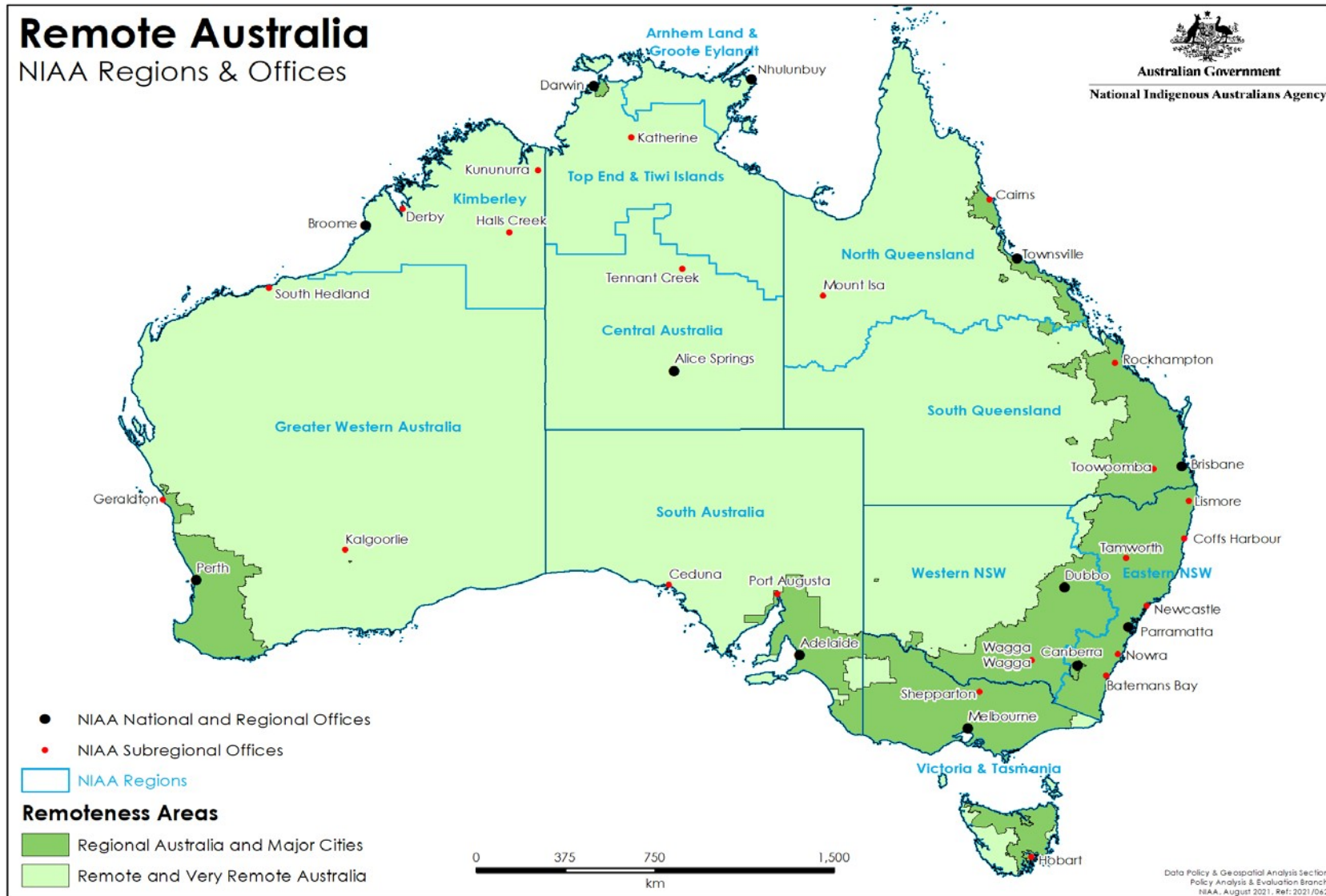
Out-of-scope

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: Remote Australia - [NIAA Regional Offices](#)



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.

	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.
	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.
	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.
	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.
	Ensure Australian bank account details are included and budget is attach.

Joint (consortia) applicants:

	Ensure the nominated lead organisation (the applicant) is a legal entity capable of entering into a grant agreement with the Commonwealth.
	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 7.2 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.