Workplace English Language and Literacy (WELL) Program

Program Guidelines for WELL Resource and Strategic Projects

Updated 2013
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Part 1  Glossary/Definition of Terms

Note: The Program Guidelines use a number of terms which are defined in this Part 1. Defined terms start with a capital letter, e.g. 'Applicant'.

In the Program Guidelines, unless the contrary intention appears:

Applicant
Means an enterprise, Australian/State/Territory Government agency, representative body or Registered Training Organisation (RTO) that has completed a Workplace English Language and Literacy (WELL) Program Resource and Strategic Projects Funding Application Form and submitted it to the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education (DIICCSRTE) for consideration.

Application Form
Is the form applicants must use to apply for WELL Resource and Strategic Projects funding.

Assessment Panel
Is a committee which assesses WELL Resource and Strategic Project Applications against the Program selection criteria and recommends applications for funding where appropriate. The panel will include representatives from within DIICCSRTE or external experts in adult LLN.

Australian Core Skills Framework (ACSF)
Is a nationally recognised mechanism for assessing and reporting outcomes of adult LLN programs. The ACSF describes performance in the core skills of learning, reading, writing, oral communication and numeracy in three domains – personal and community, workplace and employment, and education. It provides a consistent national approach to identify an individual's core skills requirements and performance. Further information can be found at www.innovation.gov.au/acsf.

Australian Quality Training Framework (AQTF)
Is the nationally agreed recognition framework for the vocational education and training sector. The AQTF is based on a quality assured approach to the registration of training organisations seeking to deliver training; assess competency outcomes; and issue Australian Qualifications Framework qualifications and/or statements of attainment.

Commonwealth
Is the Commonwealth of Australia, including, but not limited to, where the context so permits, the Commonwealth as represented by the DIICCSRTE.

DIICCSRTE
Is the Department of Innovation, Industry, Climate Change, Science, Research and Tertiary Education.

Funding Agreement
Means the Program Funding Agreement with Schedules and Attachments and is the legal agreement between DIICCSRTE and the Funding Recipient. The Funding Agreement details the obligations and responsibilities of both DIICCSRTE and the Funding Recipient.

Funding Agreement Variation
Is a variation to the Funding Agreement where there is a change to the originally agreed terms, conditions or obligations after the Funding Agreement has been executed by both parties. A Funding Agreement Variation must be in writing and signed by both parties to the Funding Agreement.

Funding Recipient
Is the enterprise, Australian/State/Territory Government agency, representative body or RTO that has submitted a WELL Program Resource and Strategic Project Funding Application and has had funding approved and has entered into a Funding Agreement with DIICCSRTE.
GST
Has the meaning as given in Section 195-1 of the A New Tax System (Goods and Services Tax) Act 1999.

Indigenous Employment Program (IEP)
Is an Australian Government funded program administered by the Department of Education, Employment and Workplace Relations (DEEWR) which aims to increase Indigenous Australians’ employment outcomes and participation in economic activities, thereby contributing to the Government’s commitment to halving the gap between Indigenous and non-Indigenous employment outcomes within a decade.

The IEP is designed to be flexible and responsive and to support activities that will develop the capacity of employers, Indigenous Australians and their communities to increase opportunities through employment, businesses and economic development. More information can be found at www.deewr.gov.au/iep.

Industry Skills Council (ISC)
Is a privately registered not for profit company governed by an industry-based board of directors whose funding is provided substantially by the Australian Government through the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education. They bring together industry, educators, governments and other stakeholders on a common agenda to address skills and workforce development in the national Vocational Education and Training (VET) system.

Information Privacy Principles

Language
Means the understanding and use of spoken and written English.

Literacy
Means the integration of listening, speaking, reading, writing and critical thinking. It incorporates numeracy and it includes the cultural knowledge that enables a speaker, writer or reader to recognise and use language appropriate to different situations. Providing literacy training and assistance helps people to fully participate in the labour force, participate in adult education and training, and use literacy at home and in the community.

Literacy is about both skills acquisition and the critical application of these skills in multiple environments for multiple purposes. Language, literacy and numeracy are core skills that are fundamental to other learning.

LLN
Means language, literacy and numeracy (see separate Glossary/Definition of Terms entries for each).

National Office (NO)
Is DIICCSRTE’s National Office located at Industry House, 10 Binara Street, Canberra ACT 2601.

Numeracy
Means the knowledge and skills required to effectively manage and respond to the mathematical demands of work, education, social interaction and negotiation of everyday living.

Privacy Act
Is the Privacy Act 1988 (Commonwealth).
Program
Is the Workplace English Language and Literacy (WELL) Program.

Program Guidelines
Are the Program Guidelines for WELL Resource and Strategic Projects.

Recipient Created Tax Invoice
Is a tax invoice that is issued by the Funding Recipient rather than DIICCSRTE.

Registered Training Organisation (RTO)
Is an organisation registered by a State or Territory Training Authority or the National VET Regulator to deliver training and/or conduct assessments and issue nationally recognised qualifications in accordance with the Australian Quality Training Framework. Information about these qualifications may be found at www.training.gov.au.

Tax Invoice
Has the meaning as given in section 195-1 of the A New Tax System (Goods and Services Tax) Act 1999.

WELL
Means the Workplace English Language and Literacy Program.

WELL Delegate (Delegate)
Is the person with direct responsibility for the budget and management of the WELL Program. The WELL Delegate is the Manager of the Adult Literacy Policy section.

WELL Resource
Means a product developed under the Program that involves the development and trialling of:

- training materials designed to enhance LLN skills that are aligned with nationally endorsed Training Packages where available, and/or to local workforce requirements;
- industry relevant LLN assessment and reporting methods; and
- professional development resources for industry trainers/assessors aligned with endorsed Training Packages.

WELL Strategic Project
Is a project that has national scope and involves strategic activities to support cost effective workplace English LLN training across one or more industry sectors.
Part 2 Introduction to WELL

2.1 Background
The WELL Program (‘the Program’) is administered by the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education (DIICCSRTE) and contributes to increased productivity, communication and occupational health and safety outcomes for workplaces; and improved job security and career prospects for workers.

WELL funding is granted on a merit basis having regard for value for money and is regarded as ‘seed’ funding. Funding is available for three types of projects - Resource projects, Strategic projects and Training projects.

WELL Resource Projects
Australian Government funding for WELL Resource Projects is available for the development and trialling of:

- training materials designed to enhance LLN skills that are aligned with nationally endorsed Training Packages;
- industry relevant LLN assessment and reporting methods; and
- LLN professional development resources for industry trainers/assessors aligned with Training Packages.

WELL Strategic Projects
Australian Government funding for WELL Strategic Projects is available for projects that have national scope and involve strategic activities to support ongoing cost effective workplace English LLN training across one or more industry sectors.

Priority areas include:

- development of a national LLN plan for a particular industry
- implementation of strategies to encourage/support workplace LLN training across a whole industry sector
- development and training of nationally applicable models and strategies to integrate LLN in workplace training consistent with the Australian Quality Training Framework (AQTF), preferably with a cross-industry focus

WELL Training Projects
The WELL Program includes a stream of funding for Training projects. Further information can be found on the WELL website at www.innovation.gov.au/well.

2.2 Aims
The Program aims to:

- assist existing employees to undertake training essential to retaining their employment and progressing in the workplace by integrating LLN training (including information and communications technology) with accredited vocational training delivered in the workplace; (for further information refer to the WELL Training Guidelines on the WELL website at www.innovation.gov.au);
- assist IEP participants who require LLN training;
- assist employers to see the value of LLN training in achieving business and workplace training goals; and
- support resource development and strategic activities that improve the uptake of LLN training within and between industries.
Part 3  Program Overview

These Guidelines are for applicants applying for funding for WELL Resource and Strategic Projects.

3.1  Purpose of these Program Guidelines

These Program Guidelines for WELL Resource and Strategic Projects (‘the Guidelines’) set out the requirements for the delivery of WELL Resource and Strategic Projects services.

These Guidelines replace all previous versions of WELL Resource and Strategic Projects Guidelines.

The Guidelines form part of the Program Funding Agreement (‘the Funding Agreement’). Where the Funding Agreement is inconsistent with the Guidelines, the Funding Agreement takes priority over the Guidelines.

The Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education (DIICCSRTE) reserves the right to amend the Guidelines.

3.2  The management of WELL Resource and Strategic Projects

The Program is administered by DIICCSRTE. The Department develops the Funding Agreements, makes funding payments and provides reporting guides.

DIICCSRTE’s National Office (NO) manages the overall Program including developing policy, providing reporting guides and templates, and determining the direction of the Program.

The WELL Resource Coordinator based in DIICCSRTE’s NO monitors the project and provides project support and advice throughout the project.

3.3  Existing WELL Resource and Strategic Projects

Listings and information about existing WELL Resource and Strategic Projects (including finalised products and reports) are available through the following sources:

WELL products

- The VOCED website at www.voced.edu.au.

Industry specific LLN resources

- Individual industry training advisory bodies and industry skills councils (www.isc.org.au).
Part 4  WELL Funding

4.1  How WELL Resource and Strategic projects are funded

Resource and Strategic Projects are generally fully funded by the Australian Government. However, DIICCSRTE encourages larger enterprises or Industry Skills Councils to contribute to the overall cost of the project, where appropriate.

The Australian Government, through the Program, provides project funding on a competitive basis. Applications will be accepted for assessment during each Application Round (refer to Part 6.2 for more information).
Part 5 Participation in WELL Resource and Strategic Projects

5.1 Organisation eligibility

The following organisations are eligible to apply for a WELL Resource and Strategic Project:

- enterprises (including government business enterprises);
- Australian Government agencies and State/Territory Government departments and agencies;
- representative bodies (e.g. Industry Skills Councils, employer organisations and trade unions);
- Registered Training Organisations (RTOs);
- agencies which receive partial funding from Australian Government or State/Territory Government sources provided revenue is also derived from commercial business activities;
- non-government organisations; and
- Group Training Organisations (GTOs).

5.2 Selection Criteria

**Resource Projects**

Potentially eligible Projects include the following activities:

- development and trialling of training materials designed to enhance LLN skills and be aligned with Training Packages;
- development and trialling of industry relevant LLN assessment and reporting methods; and
- development and trialling of LLN professional development resources for industry trainers/assessors aligned with Training Packages.

When submitting applications for DIICCSRTE’s approval of proposed Resource Projects, the applicant must ensure that the application:

- shows a demonstrated need for the proposed resource;
- demonstrates the proposed resource is appropriate (i.e. address LLN needs) for the intended employees, workplace and/or industry target group;
- demonstrates the proposed resource is aligned with Training Packages where available, and/or to local workforce requirements;
- demonstrates suitably qualified and experienced personnel will be engaged to produce the proposed resource;
- demonstrates that the Project would not result in the duplication of existing resources (information on existing WELL Resources is available in Part 3.3);
- demonstrates that the proposed resource would encourage best practice in the delivery of adult LLN;
- shows that Project would be cost effective with the resulting resource being able to be applied across workplaces, occupations or industries; and
- includes two letters of support from relevant bodies (e.g. peak employer bodies, State/Territory Industry Training Advisory Bodies (ITABs), etc.).

**Strategic Projects**

Strategic Projects developed under the Program have national applicability and support cost effective WELL training across one or more industry sectors.
When submitting applications for DIICCSRTE’s approval of proposed Strategic Projects, the applicant must ensure that the application:

- demonstrates how the Project would address the LLN needs of industries at the national level;
- shows a demonstrated need for the proposed Project;
- is appropriate (i.e. addresses LLN needs) for the intended employees, workplace and/or industry target group;
- demonstrates suitably qualified and experienced personnel will be engaged to undertake the proposed Project;
- demonstrates that the Project would not result in the duplication of existing WELL Strategic Projects (information on existing WELL Strategic Projects is available in Part 3.3);
- demonstrates that the Project would encourage best practice; and
- includes at least one letter of support from the relevant Industry Skills Council or other industry body.

5.3 Priority areas:
In selecting successful applications for funding for WELL Strategic Projects, DIICCSRTE will give priority to the:

- development of a national LLN plan for a particular industry;
- implementation of strategies to encourage/support workplace LLN training across a whole industry sector; and
- development and trialling of nationally applicable models and strategies to integrate LLN in workplace training consistent with the AQTF, preferably with a cross-industry focus.

Strategic Projects involving research only are not eligible for funding.

5.4 Cost
The proposed budget for successful projects must be approved by DIICCSRTE.

5.5 Conditions for previously funded applicants
Previously funded applicants may apply for further WELL funding provided previous contractual obligations have been successfully met, including satisfactory reports and finalisation.

5.6 Conditions for existing/previous DIICCSRTE Funding Recipients
DIICCSRTE may choose not to enter into contracts (Funding Agreements) with any organisation where existing obligations for any DIICCSRTE Program have not been met.

5.7 Format of Resource/Strategic Projects
Funding Recipients must ensure:

- the WELL Resource/Strategic Project is undertaken in accordance with the Funding Agreement between the Funding Recipient and DIICCSRTE.
- All paper based elements of the WELL Resource/Strategic Project (e.g. worksheets, trainer guides) are provided in Word and PDF format to enable upload by DIICCSRTE onto the LiteracyNet website (www.innovation.gov.au/literacynet). Documents must meet the requirements set out in the Funding Agreement, including conforming to the accessibility requirement of Web Content Accessibility Guidelines version 2, Level AA (WCAG 2.0 Level AA). More information on the Australian Government’s requirements, including links to external websites, can be found at http://webguide.gov.au/accessibility-usability/accessibility/.
5.8 **Cost Recovery**
Funding Recipients must make available to the general public the products of WELL Resource and Strategic Projects free of charge or on a cost recovery basis.

5.9 **Quality Assurance (QA) Process for WELL Resource and Strategic Projects**
All WELL projects must undergo Quality Assurance (“QA”) prior to finalisation. QA ensures WELL Resource and Strategic Projects are completed to a high standard and promote best practice.

**Quality Assurance for WELL Resource Projects**
Funding Recipients must ensure that the WELL Resource:

- is aligned with nationally endorsed Training Packages where available, and/or to local workforce requirements;
- includes strategies for developing and improving the LLN skills of the target group; and
- encourages good practice in relation to LLN delivery.

Funding Recipients must use an approved DIICCSRTE WELL Resource QA Consultant to undertake the QA process. A list of approved QA consultants will be available on the WELL website at [www.innovation.gov.au/well](http://www.innovation.gov.au/well).

The cost of the QA process must be factored into the proposed budget.

**Quality Assurance for Strategic Projects**
Funding Recipients must ensure that the WELL Strategic Project:

- is appropriate (i.e. addresses LLN needs) for the intended employees, workplace and/or industry target group; and
- encourages good practice in relation to LLN training provision.

Funding Recipients must use the designated DIICCSRTE WELL Strategic QA Consultant. Contact details of the Strategic QA Consultant will be supplied with the Letter of Offer.

The cost of the QA process must be factored into the proposed budget.

5.10 **WELL Program publicity requirements**
WELL Funding Recipients must ensure that all publicity relating to the Program bears the Program name and acknowledges funding provided by the Australian Government through DIICCSRTE. This will be specified in the Funding Agreement.

Information about individual WELL participants must not be used in publicity material without the consent of the participant. Consent must be obtained in writing (refer Part 10, Legislative and Other Requirements).

5.11 **Other requirements**
Funding Recipients must advise the WELL Resource Coordinator at least eight weeks in advance of public functions, events or openings concerning a WELL Project.

Funding Recipients must ensure that all representations about the Program, the Department or its policy are accurate and do not bring the Program into disrepute.

Funding Recipients may be approached to participate in marketing and promotional activities which are designed to promote the Program.
Part 6  Application Process

6.1 Application Round
Applications for WELL Resource and Strategic Projects are generally considered for funding once a year. Refer to the WELL website (www.innovation.gov.au/well) and major metropolitan newspapers for exact cut off dates by which applications must be submitted to DIICCSRTE.

6.2 How to apply
Applicants must complete and successfully submit an online Application Form to DIICCSRTE by the closing date listed on the WELL website (www.innovation.gov.au/well).

Applicants can apply online for WELL Resource and Strategic Project funding by registering for access to SmartyGrants (link available from www.innovation.gov.au/well). The website will provide details on how to complete the registration process and instructions on submitting your application.

A separate Application Form must be completed for each Resource or Strategic Project.

The WELL Resource and Strategic Project funding round is a competitive initiative. It is unlikely that all projects seeking funding will be successful.

DIICCSRTE will not accept hard copy applications. DIICCSRTE will not accept late applications. The application must include sufficient information and associated supporting documentation to enable the Assessment Panel to assess the application.

6.3 Assessment Process
Applications are assessed against the Selection Criteria (refer to Part 5.2) by an expert panel and recommendations are forwarded to the WELL Program Delegate for decision.

Decision
The WELL Program Delegate considers the recommendation and approves applications on the following basis:

- applications are consistent with the Guidelines;
- applicants meet the Selection Criteria (refer to Part 5.2);
- applications demonstrate that the Project will, if approved, comply with legislation including those Acts specified in Part 10, Legislative and Other Requirements;
- sufficient WELL funds are available; and
- projects offer value for money.

Preference will be given to applications that address the national issues/priorities highlighted in the WELL Resource and Strategic Project funding round advertisements.

DIICCSRTE reserves the right to approve or reject any WELL funding application. No legal obligations will arise until DIICCSRTE has entered into an executed Funding Agreement with successful applicants.

All applicants are notified in writing regarding selection results.
Part 7  Contractual Arrangements

7.1  Funding Agreement
Successful WELL Resource and Strategic Projects applicants must enter into a Funding Agreement with DIICCSRTE prior to any funds being paid. The Funding Agreement details the time frame, milestones, expected and/or measurable outcomes, payment schedule and reporting requirements of the Resource or Strategic Project and any other detail that DIICCSRTE considers appropriate to include.

7.2  Funding Agreement Exchange
Two copies of the Funding Agreement are sent to the approved applicant. They must be signed in accordance with the covering letter and then returned to the WELL Resource Coordinator. The WELL Program Delegate then signs the documents and one copy is returned to the applicant.

7.3  Execution of Funding Agreement
The Funding Agreement must be signed by persons who are authorised to act for or on behalf of the applicant organisation. It is the organisation’s responsibility to ensure their representative has read and understood the Funding Agreement and that the organisation can meet its contractual obligations. The Funding Agreement will commence when the Commonwealth signs and dates the documents.

7.4  Funding Agreement Variations
If the Funding Recipient wants to alter the Funding Agreement in some way, after it has been executed, they must:

- notify the WELL Resource Coordinator immediately and, if appropriate, request a Funding Agreement variation or extension of project duration in writing; and
- ensure approval of any variation or extension is granted before implementing any change.

Funding Agreement variations must be in writing and signed by both parties.

7.5  Insurance
Funding Recipients must indemnify the Australian Government as specified in the Program Funding Agreement.

Funding Recipients must provide and maintain insurance coverage, including workers’ compensation, public liability, professional indemnity and product liability insurance, as specified at Part 2, Section 17 (Insurance) of the Funding Agreement. Insurance must be valid for the full period of the Funding Agreement.
Part 8  Reporting Requirements

8.1 Reporting requirements information
Information on reporting requirements will be available on the WELL Program website at www.innovation.gov.au/well. This will contain:

- reports; and
- advice on how to complete reports.

8.2 Reporting Requirements
Funding Recipients must meet the reporting requirements as set out in the Funding Agreement and provide to DIICCSRTE the following reports on the templates available at www.innovation.gov.au/well.

- Proof of Concept report. This is a QA report that aims to clarify the concept to ensure the project's requirements are met;
- Interim report (must include financial statement if a project payment is due);
- Interim QA report;
- Final report (usually at 13 months). This is a final qualitative account of project activities, including a financial statement;
- Final QA Report; and
- Independently Audited Financial Statements. These provide an independent review of the project's income and expenditure and are to show all contributions to the project including financial contributions made by the Funding Recipient. They must be provided within 30 days of receipt of the final payment.

8.3 Feedback Report
Feedback reports must be completed at both one and two years after completion of the project. The template for these will be available at www.innovation.gov.au/well. The information provided will contribute to the planning process for future funding applicants and will assist in identifying effective promotion and dissemination methods. It will also help DIICCSRTE to identify and meet demand for resources.

8.4 Auditing Requirements
As outlined in the Funding Agreement, Funding Recipients must provide financial acquittal and audit within 30 days of receipt of the final payment. This must include:

- final externally audited financial statements, covering the period of payments and/or operation of the program, and showing final expenditure against total funds provided from all sources; and
- a declaration made by the duly authorised person as stipulated in Schedule 3 Item 1 of the Funding Agreement, and the auditor, stating that all funds were expended for the purposes for which they were provided.

Funding Recipients Audited by the Australian or State/Territory Auditor General
Funding Recipients who are audited by the Australian Auditor General or the State/Territory Auditor General are exempt from submitting an externally audited financial statement. Both signature blocks must be completed and signed on the financial report. The Chief Executive Officer or Chief Internal Auditor should sign signature block and Senior Finance Officer the second signature block. This is attached to the Final Report.

Funding Recipients not Audited by the Auditor General
All other Funding Recipients must complete and sign the Signature Block on the financial report. This must be signed by the Chief Executive Officer or Chief Internal Auditor. An externally
audited financial statement must be provided to DIICCSRTE within 30 days of receipt of the final payment.
Part 9  Payment Details

9.1 Payments
DIICCSRTE will make the first payment as per the Funding Agreement provided:

- Funding Agreement documents are correctly executed; and
- the Funding Recipient is compliant with existing contracts with DIICCSRTE (where applicable).

Subsequent payments will be paid by DIICCSRTE as per the Funding Agreement provided:

- progress against all project deliverables is to a satisfactory standard, as determined by DIICCSRTE;
- the Funding Recipient is compliant with the terms of the Funding Agreement;
- reporting requirements (including provision of financial statements) have been met; and
- the Funding Recipient is compliant with existing contracts with DIICCSRTE (where applicable).

Payment terms are 30 days from receipt of a correctly rendered tax invoice or as stipulated in the Funding Agreement.

9.2 Tax Invoice Requirements
The invoice must meet the requirements of a tax invoice as set out in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and in a form approved by the Commonwealth which sets out:

- the agreement number and project title;
- the amount of Funds to be paid by the Commonwealth together with any substantiating material required;
- the name of the Commonwealth Representative; and
- such other information as the Commonwealth requires.

9.3 Banking Arrangements
All WELL funds must be deposited with a financial institution operating lawfully in Australia.

The Funding Recipient must maintain a separate bank account for WELL funds OR be able to identify the receipt and expenditure of WELL funds within accounting records where an existing account is used.

The Funding Recipient must maintain accurate financial records and be able to provide reports of how and where funds have been expended as requested by DIICCSRTE.

Funds will be paid by electronic funds transfer into the account specified by the Funding Recipient.  Payment by other means must be approved by the WELL Program Delegate.

9.4 Withheld, deferred or suspended payments
DIICCSRTE may withhold, defer or suspend payments for reasons including but not limited to:

- non performance of obligations under the Funding Agreement, for instance progress is unsatisfactory against the project outcomes;
- non performance of obligations under the Funding Agreement, for instance the Funding Recipient has not met the reporting requirements, such as providing an expenditure report;
- the Funding Recipient has outstanding or unacquitted monies under any arrangement (either contractual or statutory) with DIICCSRTE or the Commonwealth; and/or
- other contractual requirements have not been met.
DIICCSRTE may make withheld and/or deferred payments at a later date once the necessary requirements have been met.

9.5 Acquittal of funding
Following completion of the WELL Resource/Strategic Project, Funding Recipients must acquit, to DIICCSRTE’s satisfaction, all contributions to the project including financial contributions (where applicable). Funding Recipients will be notified when all obligations are complete.

WELL Resource/Strategic Project acquittal objectives are to:
- determine that all funds provided under the Funding Agreement were used for the purpose for which the funds were provided; and
- identify the extent of any necessary financial adjustment.

9.6 Goods and Services Tax (GST)
The Funding Recipient is liable for Goods and Services Tax (GST) on the services that are supplied to DIICCSRTE under the Funding Agreement. The budget provided as a part of your application or subsequent amendments must be GST exclusive with GST shown separately.

9.7 GST Exclusive
The Australian Taxation Office (ATO) ruled in November 2006 (GSTR 2006/11) about the application of section 9-15(3)(c) of the A New Tax System (Goods and Services Tax) Act 1999 to payments made between government related entities that are specifically covered by an appropriation under an Australian law. Interpretation of the new ruling may enable DIICCSRTE to make payments to State and Territory Government related entities without applying GST. This will be considered on a case by case basis.

9.8 Debt Recovery
Following the final acquittal any funding paid to a Funding Recipient that has not been spent in accordance with the Funding Agreement or has not been acquitted to DIICCSRTE’s satisfaction is to be repaid to DIICCSRTE within 20 business days of a written notice from DIICCSRTE.

Where the funds to be returned are not received within the stated period, DIICCSRTE may take recovery action including, but not limited to, rejecting future applications from the organisation, or undertaking formal debt recovery action.
Part 10 Legislative and Other Requirements

10.1 Overview – Legislative Requirements
This section provides overview information on the legislative requirements applicable to the administration of the Program. Funding Recipients are responsible for obtaining their own legal advice on the legislative and other requirements impacting on their participation in the Program and should not rely on the following guide.

10.2 Legislative Requirements
Funding Recipients, in carrying out all obligations and activities under the Program, must comply with all relevant legislation including but not limited to:

- the Crimes Act 1914;
- the Racial Discrimination Act 1975;
- the Freedom of Information Act 1982;
- the Archives Act 1983;
- the Sex Discrimination Act 1984;
- the Privacy Act 1988;
- the Disability Discrimination Act 1992;
- the Equal Opportunity for Women in the Workplace Act 1999; and

Funding Recipients must observe information privacy and freedom of information principles and all other requirements in relation to the personal information of participants.

[This restriction does not apply to providing consolidated data where the individual participant is not identified to the Australian Government for statistical purposes.]

10.3 Intellectual Property
The WELL Resource and Strategic Project Funding Agreements will vest the Intellectual Property Rights in WELL Resource/Strategic Projects to the Commonwealth of Australia and provide a licence to Funding Recipients to:

- use and distribute the products of WELL Resource/Strategic Projects for non-commercial purposes for the term of the Funding Agreement;
- maintain WELL Resources for a two year period after completion. Note this requirement does not apply to WELL Strategic Projects; and
- distribute the products of WELL Resource/Strategic Projects free of charge or on a cost-recovery basis.

Funding recipients will generally have one year (unless otherwise stipulated by the individual Funding Agreement) to finalise the WELL Resource/Strategic Project.

As a term of the licence from DIICCSRTE back to the Funding Recipient, WELL Resource Funding Recipients will generally be obliged to keep WELL Resources maintained (and up to date) for a further two years. If the funding recipient does not maintain the WELL Resource for that term in accordance with that licence requirement, DIICCSRTE may also have regard to that compliance when considering whether to approve future WELL funding applications by that Funding Recipient.

As owner of the products of WELL Resource/Strategic Projects, the Department will be entitled to licence third parties to use the products of WELL Resource/Strategic Projects for free or on a cost-recovery basis. The terms of this licence will prohibit third parties from commercially exploiting the product of the WELL Resource/Strategic Project.
Details of all WELL Resource/Strategic Projects will be uploaded by the Department onto the Literacynet website (www.innovation.gov.au/literacynet).

This Intellectual Property scheme will apply to all of the WELL Resource/Strategic Project Funding Agreements. However, upon request by prospective Funding Recipients, the Department may, at its discretion, consider alternative Intellectual Property arrangements subject to the prospective Funding Recipient presenting to DIICCSRTE a business case which:

- accurately describes the Funding Recipient’s proposal for Intellectual Property arrangements (e.g. who will own the Intellectual Property? Will the product be commercially exploited? Who will have a licence to use the product(s))
- demonstrates how the proposed arrangement will achieve the WELL policy objective of ensuring that DIICCSRTE will be able to distribute products of the WELL Resource/Strategic Projects free of charge;
- describes how the Funding Recipient intends to use, adapt or exploit the product;
- states whether the proposed arrangement will reduce required WELL funding from the Department due to intended cost recovery by the Funding Recipient; and
- identifies other benefits and key risks of the proposed arrangement.

Intellectual property arrangements must be agreed with DIICCSRTE before DIICCSRTE:

- accepts any application for WELL funding; or
- enters into a WELL Resource/Strategic Project Funding Agreement with the funding recipient.

### 10.4 The Privacy Act

DIICCSRTE is bound by the provisions of the Privacy Act 1988 (Commonwealth). Section 14 of the Privacy Act contains the Information Privacy Principles (IPPs) which prescribe the rules for handling personal information.

DIICCSRTE collects personal information from applicants for the purpose of evaluating applications and administering, monitoring and evaluating the program and the performance of funding agreements. DIICCSRTE may disclose personal information to external experts to assist in the evaluation of applications.

WELL funding recipients will be required to abide by the IPPs and the Privacy Act when handling personal information collected for the purposes of the Program as if they were an agency as defined in the Privacy Act. In brief, persons, bodies and organisations must ensure that:

- personal information is collected in accordance with IPPs 1-3;
- suitable storage arrangements, including appropriate filing procedures are in place;
- suitable security arrangements exist for all records containing personal information;
- access to a person’s own personal information held by the organisation is made available to the person at no charge;
- records are accurate, up-to-date, complete and not misleading;
- where a record is found to be inaccurate, a correction is made;
- where a person requests that a record be amended because it is inaccurate but the record is found to be accurate, the details of the request for amendment are noted on the record;
- the personal information is only to be used for the purposes for which it was collected, or for other purposes where expressly allowed by IPP10; and
- personal information is only disclosed in accordance with IPP11.

**Privacy Complaints and Advice**
Complaints about breaches of privacy and requests for advice about privacy should be directed to the Administrative Law Branch of the Legal, Investigations and Procurement Group of DIICCSRTE NO at the following address:

Privacy Contact Officer
Administrative Law Branch
Legal, Investigations and Procurement Group
DIICCSRTE
C148CW2 – FOI
GPO Box 9880
CANBERRA ACT 2601

Privacy complaints can be made directly to the Federal Privacy Commissioner. However the Federal Privacy Commissioner prefers that the Department be given an opportunity to deal with the complaint in the first instance.

10.5 Confidentiality and Freedom of Information
DIICCSRTE has the right to disclose aggregated information on industries involved in the Program, activities funded under the Program, the outcomes of activities funded under the Program and levels of funding. Under some circumstances, details of Funding Recipients may be disclosed. Details that identify specific individuals are not made available without the agreement of the individuals involved.

Funding Recipients must not, without the prior written consent of the Commonwealth, disclose any of the Commonwealth’s confidential information to a third party, including any information that the Funding Recipient knows or ought to know is confidential, any information noted in the Funding Agreement as confidential and any information that the Commonwealth identifies as confidential.

The Crimes Act 1914 and The Criminal Code provide severe penalties for the unlawful disclosure of information.

The Funding Recipient may be required at any time to arrange for any person engaged in, or in relation to the performance or management of the WELL project, to give written undertakings, in a form required by the Commonwealth, relating to the non-disclosure of the Commonwealth’s confidential information.

All documents created or held by DIICCSRTE, including those with regard to the Program are subject to the Freedom of Information Act 1982 ('FOI Act').

Decisions regarding requests for access will be made by the authorised FOI decision-maker in accordance with the requirements of the FOI Act.

The FOI Act creates a general right of access to documents in the possession of the Department and this right of access is limited only by the exceptions and exemptions necessary for the protection of essential public interests and the private and business affairs of persons in respect of whom the information relates.

To the extent required by the FOI Act, where documents captured by a request contain personal information or relate to the business, commercial or financial affairs of third parties, the Department will consult with those third parties prior to making any decision on access to such documents.

All FOI requests are to be referred to the Administrative Law Branch, Legal Investigation and Procurement Group, in DIICCSRTE’s National Office at the following address:

FOI Coordinator
Administrative Law Branch
Legal, Investigations and Procurement Group
10.6 Record Keeping Legislation

The Archives Act 1983 requires that Commonwealth records are stored in a secure place not accessible by unauthorised persons and disposed of in the appropriate manner. All client records must be retained for a minimum period of seven years from the date the last action is completed. Financial records must be kept in accordance with accounting standards.


The Archives Act 1983 [subsection 3(1)] gives a wide definition of record as "a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microform, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is, or has been, kept by reason of any information or matter that it contains or can be obtained from it or by reason of its connection with any event, person, circumstance or thing”.

10.7 Access to Records and Premises

The Funding Recipient must grant persons nominated by DIICCSRTE (including, but not limited to, Investigations Branch officers, Program and Internal Audit Branch staff) full access to the relevant financial and other records (including records held by financial institutions). See Part 2, Section 23 of the Funding Agreement.

10.8 Conflict of Interest

Applicants are required to disclose any situation or relationship which may constitute an actual or potential conflict of interest. Where a conflict of interest is identified, applicants should specify how they propose to address the conflict and manage the potential for conflicts to arise. Applicants must provide assurances to DIICCSRTE that the conflict of interest will not impact adversely on the performance of the services. Refer to Part 2, Section 21 of the Funding Agreement.

Where a conflict of interest becomes evident or is possible as the result of the Funding Recipient’s business activities (including, but not limited to, mergers, acquisitions or bankruptcy) the Funding Recipient must notify the WELL Resource Coordinator identifying the conflict and specifying how they propose to address the conflict and its potential impact on the performance of the services.

10.9 Working with Children Checks

Funding Recipients must ensure that all personnel (other than Teachers) who are working with children whilst participating in the project are required to undergo:

(i) a National Criminal History Check (which must be renewed every two (2) years from the date of the initial check) obtained through the Australian Federal Police (AFP) or State/Territory police;

plus

(ii) (in those States/Territories which additionally require (by law) a Working With Children Check) a Working With Children Check.
NB. In those States/Territories in which it is a legal requirement for individuals to undergo a State/Territory Working With Children Check, DIICCSRTE additionally requires those individuals to additionally undergo a National Criminal History Check.

**Provision of Documentation to DIICCSRTE:**
Funding recipients must provide certified copies of all National Criminal History Check and State-based Working with Children checks (where applicable) to DIICCSRTE.

**Processes Following a National Criminal History Check:**
Where a National Criminal History Check reveals any convictions or pending charges, the funding recipient must not, without written permission from DIICCSRTE, permit that person to have contact with children whilst delivering any part of the services. The suitability for engagement of persons who have an offence recorded on their National Criminal History Check will be determined by reference to the particular offences recorded (as indicated below).

**Adverse Results from National Criminal History Check:**
A person must not have contact with children (persons under 18 years of age) as part of the delivery of any part of the Project if the person’s National Criminal History Check reveals any pending charges or convictions (“Prohibited Charges or Prohibited Convictions”) relating to the following:

- violence against children;
- all sexual offences;
- all offences involving pornography; and/or
- all offences involving dealing or trafficking of illegal drugs.

If a person has matters of this nature before a court, these matters must be resolved and a judgement handed down before the person may be permitted to have contact with children as part of the delivery of any part of the Project.

In addition, if the National Criminal History Check reveals any other offences or pending charges DIICCSRTE may refuse to allow the person to have contact with children as part of the delivery of any part of the Project.

**Working With Children Checks:**
In addition to DIICCSRTE’s requirements for National Criminal History Checks, all people who work with children (under the age of 18 years) as part of delivery of a Project are required to satisfy the requirements of any ‘Working with Children’ State-based legislation in the State in which they work. These State requirements may vary from time to time. Currently these State requirements are as follows:

**New South Wales Legislation:**
Before funding recipients engage employees to deliver any part of a Project to children in NSW, funding recipients must ensure that employees have been screened in accordance with the requirements of the NSW Government’s *Commission for Children and Young People Act 1998 (NSW)* and the *Child Protection (Prohibited Employment) Act 1998 (NSW)*. Information regarding the obligations of providers under these Acts may be obtained from [www.kids.nsw.gov.au/check](http://www.kids.nsw.gov.au/check) or phone (02) 9286 7219.

**Queensland Legislation:**
Before funding recipients engage employees to deliver any part of a Project to children in Queensland, funding recipients must ensure that employees obtain a Suitability Card or ‘blue card’ in accordance with the requirements of the Queensland Government’s *Commission for Children and Young People Act 2000 (Qld)*. Information regarding the obligations of providers under the Act may be obtained from [http://www.ccypcg.qld.gov.au](http://www.ccypcg.qld.gov.au) or phone 1800 113 611.

**Western Australian Legislation:**
Before funding recipients engage employees to deliver any part of a Project to children in Western Australia, funding recipients must ensure that employees pass a Working with Children Check in accordance with the Working with Children (Criminal Record Checking) Act 2004 (WA). Information regarding the obligations of providers under the Act may be obtained from www.checkwwc.wa.gov.au or phone (08) 6217 8100 or toll free 1800 883 979.

**Victorian Legislation:**
Before funding recipients engage employees to deliver any part of a Project to children in, funding recipients must ensure that employees pass a Working with Children Check in accordance with the Working with Children Act 2005 (Vic). Information regarding the obligations of providers under the Act may be obtained from www.justice.vic.gov.au/workingwithchildren or phone 1300 652 879.

### 10.10 Confidentiality

The Funding Recipient is responsible for keeping a record of all reports and considerations which are part of the screening process. All records and information pertaining to an applicant’s criminal history check is highly sensitive information and must be treated in strict confidence. Disclosure of confidential information may result in breach of the Privacy Act 1988, the Crimes Act 1914, and an action for breach of confidence.

It is an Australian Government requirement that files containing such information must be accessed by only those people who have the need to know. Funding Recipients must store such files in a secure place to ensure that a reasonable level of security is maintained at all times. The minimum requirement for storage of these files is a lockable, commercial grade cabinet.

### 10.11 Other requirements

Funding Recipients must ensure that branding is applied in accordance with the Funding Agreement.

Where relevant WELL Resource projects must use the Australian Core Skills Framework (ACSF) to ensure the resource is targeted appropriately. Further information on the ACSF is available from the ACSF website at http://www.innovation.gov.au/acsf.

### 10.12 Managing Risk

The Program is subject to DIICCSRTE’s Risk Management Policy.

The Corporate Level Risk Management Plan guides program managers through the risk management framework. The Program has been and will continue to be the subject of a Risk Management Plan prepared by DIICCSRTE staff.
Part 11  WELL Contact Details

WELL Resource Coordinator
DIICCSRTE
GPO Box 9839
Canberra ACT 2601

Phone:  1300 303 544
Email:  AdultLiteracy@innovation.gov.au
Website:  www.innovation.gov.au/well