

Indigenous Languages and Arts (ILA) Program 2020-21 Grant Guidelines

Opening date:	24 February 2020
Closing date and time:	11.59pm AEST on 6 April 2020
Commonwealth policy entity:	Department of Infrastructure, Transport, Regional Development and Communications
Enquiries:	If you have any questions, contact the ILA program at ila@arts.gov.au or phone 1800 006 992 Questions should be sent no later than 2 April 2020
Date guidelines released:	24 February 2020
Type of grant opportunity:	Open competitive; Restricted competitive

IMPORTANT

Before submitting an application, you **MUST** read the following documents:

- 2020-21 ILA program guidelines
- frequently asked questions (FAQs) document
- online SmartyGrants application form
- draft Commonwealth Grant Agreement (grant agreement)

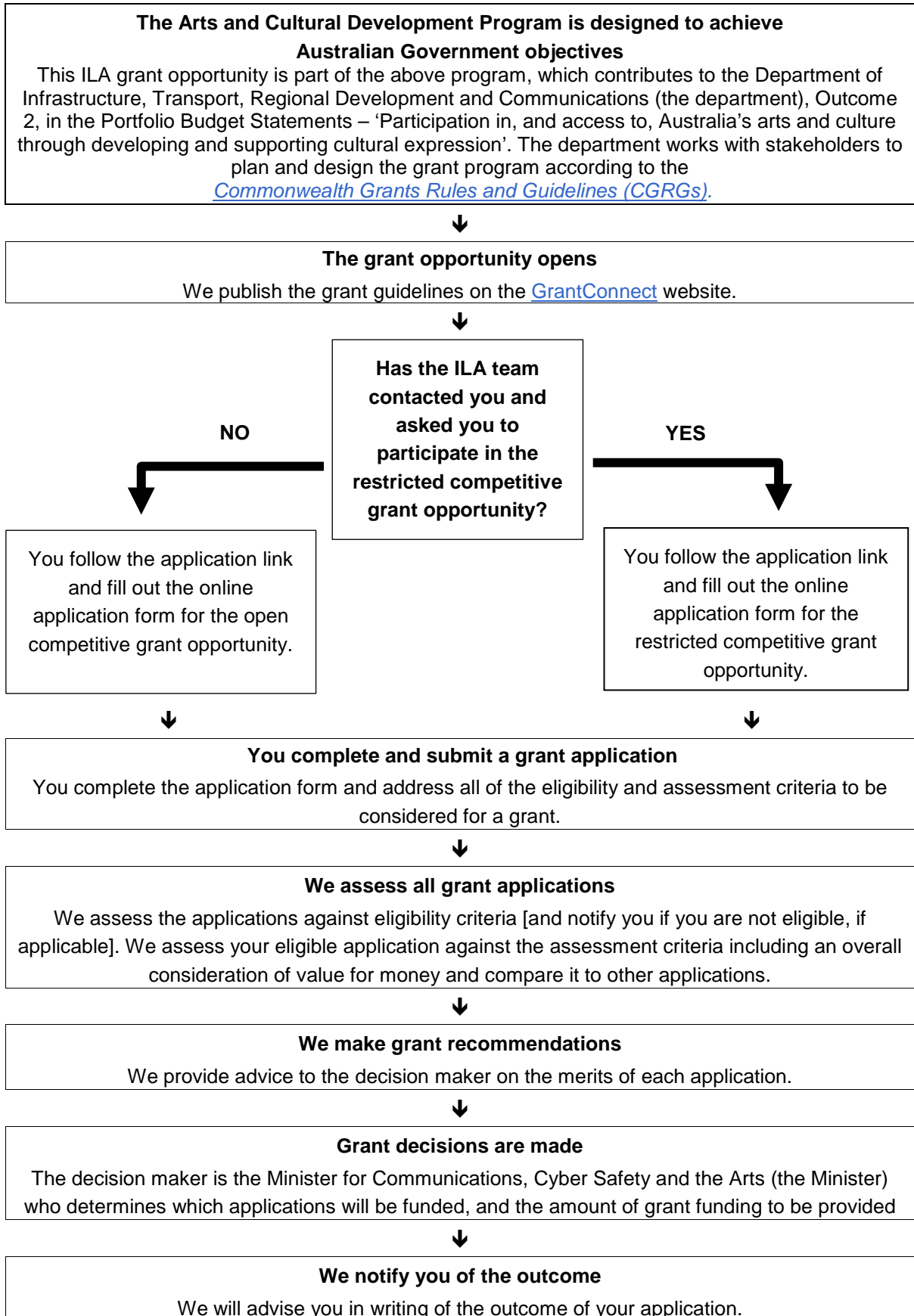
Reading the documents listed above prior to submitting a grant application will help you determine whether your project proposal is eligible; whether it aligns with the outcomes and objectives of the Program; and help you to formulate your project proposal should you decide to submit an application.

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1. Arts and Cultural Development Program: ILA grant opportunity processes





We 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.



Delivery of grant

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



Evaluation of the ILA program grant opportunity

We evaluate the specific grant activity and the ILA program as a whole. We primarily base this on information you provide to us and that we collect from various sources.

1.1 Introduction

These guidelines contain information on the ILA program.

IMPORTANT

You **MUST** read these guidelines before applying for an ILA program grant.

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

2. About the grant program

The ILA program grant opportunity is a part of the Australian Government's Arts and Cultural Development Program that supports participation in, and access to, Australia's arts and culture through developing and supporting cultural expression.

The ILA program commenced in 2015-16 and invests around \$20 million per annum to support Aboriginal and Torres Strait Islander peoples to express, preserve and maintain their cultures through Indigenous languages and arts activities. The ILA program includes operational funding support to a network of 21 Indigenous Language Centres around the country working on capturing, preserving and maintaining over 150 Aboriginal and Torres Strait Islander languages. The ILA program also supports Aboriginal and Torres Strait Islander peoples to develop, produce, present, exhibit or perform Indigenous arts projects that showcase Australia's traditional and contemporary Indigenous cultural and artistic expressions.

We administer the program according to the [Commonwealth Grants Rules and Guidelines \(CGRGs\)](#).¹

2.1 ILA program outcomes

Grant funding allocated through the ILA program supports the following three key outcomes:

- the empowerment of Aboriginal and Torres Strait Islander peoples to preserve and teach their culture through languages and arts
- a strong sense of cultural identity and wellbeing in Aboriginal and Torres Strait Islander peoples, which contributes to sustainable and strong communities
- celebration and increased recognition of Aboriginal and Torres Strait Islander languages and arts in the wider Australian community

2.2 ILA program objectives

The department will ensure that the ILA program outcomes are met by funding a diverse range of community-led Indigenous languages and arts activities that contribute towards one or more of the following ILA program objectives:

¹ <https://www.finance.gov.au/sites/default/files/2019-11/commonwealth-grants-rules-and-guidelines.pdf>

- 1) Preserve, revive and maintain Indigenous languages by:
 - a) facilitating activities that capture and preserve Indigenous languages
 - b) promoting participation in Indigenous language teaching and learning, including support for languages projects with a specific focus on supporting the career development of Aboriginal and Torres Strait Islander people to teach, preserve and revive Indigenous languages
 - c) developing Indigenous language resources, including utilising digital technology in an innovative and culturally sensitive manner
 - d) delivering Indigenous-led language projects, or projects that are co-designed between Indigenous and non-Indigenous organisations.
- 2) Develop, produce, present, exhibit or perform a diverse range of traditional and contemporary Indigenous arts.
- 3) Support new and innovative forms of Indigenous expression through art.
- 4) Support the transmission and development of Indigenous cultural heritage and knowledge through languages and arts projects.

Funding under the Program is distributed annually through the following two categories of grant opportunity:

- **Open competitive** – an annual grant opportunity open to all eligible organisations wishing to submit applications for Indigenous languages and arts activities – see **Section 3.2**
- **Restricted competitive** – a restricted grant opportunity for eligible organisations and is by invitation only from the ILA program – see **Section 3.3**

3. Grant amount and grant period

IMPORTANT

With the demand for grant funding consistently and significantly more than what is available, it is very important that applications must be accompanied by a **realistic and robust** budget submission that demonstrates value-for-money.

TIP: The ILA program **strongly encourages applications** for smaller community projects that may require a more modest amount of funding to undertake the activity.

3.1 Grants available

The Australian Government provides around \$20 million per annum for the ILA program.

IMPORTANT

As a result of pre-existing multi-year grant agreements in place with a number of Indigenous Language Centres and Indigenous arts organisations, the amount of uncommitted funding available for each open competitive grant opportunity may vary.

Please note that all funding decisions regarding the ILA program are determined by the Minister.

The Minister may approve less funding than requested by an applicant, or approve a project in part. If this occurs, the department will work with the relevant organisation to revise the project scope and budget.

If successful, you can only expend grant funds on eligible grant activities as defined in **Section 5.2** and the grant details in your grant agreement.

3.2 Open competitive grant opportunity

IMPORTANT

With the demand for grant funding consistently and significantly more than what is available, it is very important that applications must be accompanied by a **realistic and robust** budget submission that **demonstrates value-for-money**. This demonstration is especially important for applicants applying for the maximum level of funding for the maximum project period.

You should construct your budget to reflect the actual funding required for the scope and complexity of the grant activity, rather than creating a budget for the maximum allowable amount.

TIP: The ILA program **strongly encourages applications** for smaller community-based projects that may only require a modest amount of funding to undertake the activity.

Participation in the open competitive grant opportunity is available to organisations that meet the eligibility criteria in **Section 4.1**.

Applications for grant funding must fall within one of the following parameters:

- a project period for up to 12 months and up to a maximum of \$100,000 per project. It is anticipated that most grants will be between \$20,000-\$80,000 depending on the scope of the grant activity and its complexity
- a project period for up to 24 months and up to a maximum of \$200,000 per project. It is anticipated that most grants will be between \$80,000-\$150,000 depending on the scope of the grant activity and its complexity

IMPORTANT

For applications that are for a project period up to 24 months, it is required to clearly demonstrate the reasons for a time period greater than 12 months.

- On occasion, funding may be available to meet an identified urgent or specialised need. In these instances, the application will be assessed against the assessment criteria on a value-for-money basis and within the available ILA program budget.

Funding under the competitive grant opportunity is for discrete one-off projects that must have clearly articulated outcomes for the community. To apply for funding you need to fill out and submit a SmartyGrants online application form that can be found using the following link: [Indigenous Languages and Arts – open competitive grant opportunity](#).

3.3 Restricted competitive grant opportunity

IMPORTANT

Participation in the restricted competitive grant opportunity is by **invitation only** from the ILA program and is available to organisations that meet the eligibility criteria in **Section 4.1** and **Section 4.2**.

If your organisation receives an invitation to apply for this grant opportunity, you will need to complete and submit a SmartyGrants online application form. A link to the application form will be included in your invitation.

Funding may be available on either a single-year or a multi-year basis for up to a maximum of five years, and up to a maximum limit of \$400,000 per annum. The amount of funding provided will reflect the scope of the Indigenous languages and/or arts activities to be undertaken.

4. Eligibility criteria

We cannot consider your application if you do not satisfy all the eligibility criteria.

4.1 Who is eligible to apply for a grant?

To be eligible you must:

- have an Australian Business Number (ABN)
- be registered for the purposes of GST
- have an account with an Australian financial institution
- be one of the following entity types:
 - an Aboriginal and/or Torres Strait Islander Corporation registered under the [Corporations \(Aboriginal and /or Torres Strait Islander\) Act 2006](#)
 - an **organisation** established through specific Commonwealth or State or Territory legislation
 - a company incorporated in Australia
 - a company limited by guarantee
 - an incorporated association
 - a not-for-profit organisation
 - a partnership (as defined in the Glossary)
 - a joint (consortia) application with a lead organisation² – refer to **Section 7.3**
 - a publicly funded research organisation
 - An Australian state, territory or local government body
- have no overdue acquittals or serious breaches relating to Australian Government funding (a serious breach is one that has resulted in, or warrants, the termination of a grant agreement)
- not be bankrupt or subject to insolvency proceedings (as relevant to the entity type)

4.2 Additional eligibility requirements for the restricted competitive grant opportunity

In addition to the above requirements, to be eligible to apply for ILA program funding through the restricted competitive grant opportunity you must also:

- have previously received funding from the ILA program
- have a demonstrated capacity to deliver quality Indigenous language or arts projects
- have a demonstrated history of good governance, good financial management over an extended period, effective business planning and high-quality performance against funding objectives
- The ILA program will determine your eligibility and review your funding history with the department, including your performance against funded objectives, and your financial and performance reporting history.

² The Australian Government recognises that some organisations may seek to form consortia in order to apply for a grant under the Program. Consortia are eligible to apply and the relevant conditions applicable to consortia are at Section 7.2 'Joint Applications'

4.3 You are not eligible to apply if you are:

- a Commonwealth, state or territory **portfolio agency** (including government business enterprises) established through specific Commonwealth or State or Territory legislation – further information is available on the [Department of Finance](#) website
- an individual and/or sole trader
- unincorporated association without an eligible auspicing body
- overseas resident/organisation
- any organisation not included in **Section 4.1**

IMPORTANT

Organisations are **strongly encouraged** to seek independent legal advice about the terms and practical implications of the eligibility requirements and funding agreement prior to applying.

5. What the grant money can be used for

IMPORTANT

To see examples of eligible activities/projects refer to **Appendix A**.

5.1 Eligible grant activities

The department will determine your eligibility for ILA program funding. In the event that we determine part of your application comprises one or more ineligible activities, we may assess your application based only on the eligible components. In this instance, you may be offered partial funding for your project.

5.2 Eligible expenditure

The grant monies can only be used to fund activities for Indigenous languages and/or arts projects that align with the ILA program objectives, including activities such as:

- the engagement of consultants, specialists, experts or contractors (for example linguists, artist fees, arts workers, curators, Indigenous language experts, Indigenous cultural experts) – the ILA program strongly recommends you look into the most suitable contract arrangements when engaging human resources by visiting the [Fair Work Ombudsman](#) website
- project administration (a maximum of 30 per cent of total grant monies) for items such as project management, report-writing, book-keeping, audits and financial management
- consultation on, as well as development, maintenance and storage of, languages and/or arts resources and materials, including website(s), mobile apps and hard-copy materials
- facilitation of access to languages and/or arts resources and materials
- facilitation of languages and/or arts workshops and/or community meetings
- domestic travel to meet with community and key stakeholders for the project

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

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

Any expenditure on eligible grant activity using ILA program grant funding must occur between the start date and end or for your grant activity.

5.3 What the grant money cannot be used for

You cannot use ILA program funding for the following activities:

- the ongoing employment of staff and the associated staff wages
- operational funding or ongoing administration costs of an organisation
- the conservation, exhibition or interpretation of museum artefacts
- projects, or components of projects that are also funded by other programs administered by the government
- cultural camps that do not deliver a language and/or arts outcome
- the staging and production of festivals
- activities with a primarily commercial focus or intent
- activities with a political or lobbying focus or intent
- international travel or activities that happen outside Australia
- interpreting and translating services
- purchase of land or buildings
- costs incurred in the preparation of a grant application or related documentation
- infrastructure/construction/capital works projects
- activities for which other Commonwealth or state or territory or local government bodies have primary responsibility

Additionally, ILA program funding cannot be used for activities that:

- have a focus on Kriol language work. The ILA program provides funding to revive and maintain Australia's traditional Aboriginal and Torres Strait Islander languages. Kriol, Yumplatok and Pidgin are not classified as a traditional language, and not eligible for funding through the ILA program. If you are unsure if your language is eligible for funding, please contact us at ila@arts.gov.au
- are intended for, and form the basis of, National Aborigines and Islanders Day Observance Committee (NAIDOC) celebrations
- are the core business of early education, primary and secondary schools. For example, teacher salaries and the development of teaching and learning resources that are for exclusive use in schools. If you are developing teaching and learning resources as part of your project you must demonstrate that they will be used outside the school setting, and have evidence to support this
- have received funding from another government source for the same purpose. If you are currently receiving funding from another government source, or through a previous round of the Program, your application will need to clearly distinguish how this project is different to your existing grant agreement
- include re-granting of funds to other groups or organisations without prior agreement from the department
- fall within the scope of the Indigenous Advancement Strategy, Culture and Capability stream – visit www.niaa.gov.au
- fall within the scope of the Indigenous Visual Arts Industry Support program – visit www.arts.gov.au/ivais

6. The assessment criteria

You must address all of the following assessment criteria in the application. We will assess your application based on the weighting given to each criterion.

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

The SmartyGrants application form includes various text limits of between 25 and 300 words.

IMPORTANT

As the title suggests, the open competitive grant opportunity is a **competitive** one. Providing quality information in your application that addresses the assessment criteria, is clear and concise.

6.1 Criteria

The assessment criteria are outlined in the table below along with their weighting:

Criteria	Weighting
Ability of the project to meet the objectives of the Program	30%
Evidence of community engagement and support	25%
Benefit to Aboriginal and/or Torres Strait Islander community	25%
Capability and capacity of the organisation to undertake all aspects of managing delivery of the project	20%

Criterion 1

Ability of the project to meet the objectives of the ILA program (Weighting: 30%)

In providing a response to this criterion you should demonstrate how the project will achieve one or more of the ILA program's objectives. If your project does not demonstrate an ability to meet this criterion, your application will be considered ineligible and will not continue to be assessed.

If you are proposing an Indigenous language activity, it is important to consider whether the specific language group you are working with is not already supported by an Indigenous Language Centre funded by the ILA program.

You should visit the [ILA program](#) website to see the list of the 21 Indigenous Language Centres and the languages the ILA program funds them to revive and/or maintain. If the language you propose is supported by an Indigenous Language Centre, you may still apply for funding but you **must** have consulted with that centre prior to submitting your application. Your application must demonstrate a clear need for additional funding for that language, and collaboration with the language centre in terms of using existing resources.

Criterion 2

Evidence of community engagement and support (Weighting: 25%)

Projects should support, and be supported by community, foster a strong sense of identity and, where possible, build on existing community projects and sound organisational infrastructure.

In providing a response to this criterion you should:

- describe how Aboriginal and Torres Strait Islander peoples have been, and will be involved in the design, planning and delivery of the project
- demonstrate ability to engage and maintain positive relationships with Indigenous communities in the delivery of the project
- provide relevant, signed letters of support from individuals and/or organisations that will be involved in or benefit from the project
- non-Indigenous organisations will need to demonstrate local cultural competence. In addition to community support, non-Indigenous organisations may wish to disclose:
 - numbers and roles of local Indigenous staff within your organisation
 - numbers of Indigenous organisations to be used as suppliers or sub-contractors for key parts of the project (if applicable)

Criterion 3

Benefit to Aboriginal and/or Torres Strait Islander community (Weighting: 25%)

In providing a response to this criterion you should:

- identify a need in your target group or community
- clearly articulate the benefits of your project for the target group or community
- if applicable, highlight any mentoring, training or skills development that will be provided through the project

Criterion 4

Capability and capacity of the organisation to undertake all aspects of managing delivery of the project (Weighting: 20%)

In providing a response to this criterion you should:

- address the risks associated with your project and provide relevant mitigation strategies
- provide a realistic and cost effective project budget (see highlighted paragraph below)
- outline the governance arrangements in place within your organisation that will enable you to successfully manage funding
- demonstrate proven service and project delivery skills, and ability to achieve outcomes,
- demonstrate skills, experience and expertise of the key personnel involved in the project, including project officers, facilitators, artists and language workers, as applicable
- address how you will evaluate the project and document the results
- nominate any cash or in-kind contribution your organisation or other project partners could make – **Note:** contributions are optional and not compulsory

6.2 Value for money

In order to ensure that the grant opportunity achieves value for money, activities must:

- respond to a demonstrated need for grant funds
- represent efficient, equitable, effective, economical and ethical use of public resources
- not duplicate activities that are, or could be, provided by other funded organisations
- provide overall public/community benefit

7. How to apply

IMPORTANT

Before applying you MUST read and understand these guidelines. We strongly encourage all applicants to read the FAQs and sample grant agreement that accompany these guidelines. The ILA program guidelines can be found on the [GrantConnect](#) website. The FAQs and sample grant agreement can be found on the department's website at: www.arts.gov.au/ila.

7.1 Filling out the grant application

Any alterations and addenda³ will be published on [GrantConnect](#) website and by registering on this website, you will be automatically notified about any changes. The [GrantConnect](#) website is the authoritative source for Australian Government grants information.

To apply you must:

- complete the SmartyGrants online application form, which is available at the following link: [Indigenous Languages and Arts – open competitive grant opportunity application form](#) (this is an online application form that you can submit electronically and is compatible with screen readers and if you have any technical difficulties, please contact ila@arts.gov.au or phone 1800 006 992)
- provide all the information requested
- address all eligibility criteria and assessment criteria
- include all necessary attachments
- [list any application restrictions specific to the program]
- submit your application/s via SmartyGrants by the advertised closing date

Hard copy application forms may be provided in exceptional circumstances. Please contact ila@arts.gov.au if you require a hard copy form, noting that all applications, including supporting documentation, must be received by the closing date and time.

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 us immediately on contact ila@arts.gov.au or phone 1800 006 992 straight away. 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.

Once you have submitted your application in SmartyGrants, the system should send you an automated message acknowledging receipt of the application and an application identity number. If you do not receive an automated acknowledgement or need further guidance around the application process, or if you are unable to submit an application online contact us at ila@arts.gov.au or phone 1800 006 992.

³ 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

7.2 Attachments to the application

To support your application, we strongly recommend including the following supporting documentation with your application:

- Arts Access Australia [project accessibility template](#)
- community support letters
- evidence of financial support
- evidence of audience demand (e.g. venue confirmations)
- invitation to perform/exhibit

IMPORTANT

Applications from non-Indigenous organisations must clearly demonstrate that the project has existing community support and provide documentary evidence that the proposed project has been designed and developed in collaboration with the local Indigenous community.

Community support from individuals or groups that may be in receipt of direct financial benefit as a result of potential grant funding will not be considered.

Your supporting documentation should be uploaded through the SmartyGrants online application form. There will be instructions in the application form to help you. You should only attach documents that are directly relevant to the project and strengthen your application.

Please keep a copy of any attachments to your application.

7.3 Joint (consortia) applications

We recognise that some organisations may want to join together as a group to deliver [a grant activity or project/services].

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
- an overview of how the 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 the partner organisation will bring to the group
- the roles/responsibilities of the partner organisation and the resources they will contribute (if any)
- details of a nominated management level contact officer

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

7.4 Timing of grant opportunity processes

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

IMPORTANT: You are strongly encouraged to work on your application now. We do not recommend you delay your submission of an application until the closing date.

After the round closes, all applications for this grant opportunity will be assessed, scored and grant recommendations will then be made to the Minister.

You will generally be notified in May or June each year regarding the success or otherwise of your request for grant funds. Grant funding would generally take effect from 1 July each year, unless otherwise stated in the grant agreement. The grant agreement must be executed by all parties prior to the payment of the grant.

Table 1: Expected timing for this grant opportunity

Activity	Timeframe
Application period	Opens: 9am AEST, 24/02/2020 Closes: 11.59pm AEST, 06/04/2020
Assessment of applications	4-6 weeks
Approval of outcomes of selection process	2-4 weeks
Negotiations and award of grant agreements	4-6 weeks
Notification to unsuccessful applicants	1 week
Earliest start date of grant activity or agreement	July 2020
End date of grant activity or agreement	To be negotiated

7.5 Questions during the application process

If you have any questions during the application period, contact ila@arts.gov.au or by calling 1800 006 992.

8. The grant selection process

8.1 Assessment of grant applications

If you are applying through the open competitive process, we will review your application against the eligibility criteria. Only eligible applications will move to the next stage.

If eligible, we will then assess your application against the assessment criteria. 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 relevant money⁴

⁴ See glossary for an explanation of 'value with money'.

To support activities that provide social and economic opportunities for Aboriginal and Torres Strait Islander peoples, where a number of applications are found suitable for funding for the same activity, and/or have equal ranking, preference will be given to Indigenous organisations, followed by organisations with a demonstrated commitment to increasing Indigenous employment, supplier use and/or engagement

When assessing the extent to which the application represents value with relevant money, we will have regard to:

- the overall objective/s to be achieved in providing the grant
- the relative value of the grant sought
- the extent to which the evidence in the application demonstrates that it will contribute to meeting the outcomes/objectives of the ILA program
- how the grant activities will benefit groups and/or individuals within community

8.2 Who will assess applications?

Each application receives an independent assessment from two ILA program officers.

The ILA program officers may seek additional information about you or your application. They may do this from within the Commonwealth, even if the sources are not nominated by you as referees. The assessment committee may also consider information about you or your application that is available through the normal course of business.

If the selection process identifies unintentional errors in your application, you may be contacted to correct or explain the information.

All eligible projects receive a score out of 100 and then ranked in order of their overall score. Where a significant deviation in scores occurs between the two assessments, a third independent assessment will be conducted by a senior ILA program officer including a review of both assessments to determine the final score. Details of the assessment for each project are then provided to a Recommendation Review Committee (the Committee). The Committee comprises ILA program executive level staff and is chaired by the Assistant Secretary, Access and Communication Branch.

The Committee will consider the applications and make recommendations to the Minister giving consideration to the following issues:

- whether the applicant is an Indigenous organisation or non-Indigenous organisation
- proportion of languages and arts projects being delivered through the ILA program
- geographic spread of projects across the states and territories and between city and regional/remote areas

The Committee ratifies funding recommendations to go to the Minister for decision.

8.3 Who will approve grants?

The Minister decides which grants to approve taking into account the recommendations of the Committee and the availability of grant funds for the purposes of the ILA program.

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

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

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

9. Notification of the Minister's decision

We will advise you of the Minister's decision in writing. If you are successful, we will advise you of any specific terms and conditions attached to the grant.

9.1 Feedback on your application

If you are unsuccessful, you may ask for feedback by emailing ila@arts.gov.au. We will give feedback within three weeks of your request.

You can submit a new application for the same grant (or a similar grant) in any future grant opportunities under the ILA 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

You must enter into a legally binding grant agreement with the Commonwealth.

Each agreement has general terms and conditions that cannot be changed. We will use a schedule to outline the specific grant requirements. Any additional conditions attached to the grant will be identified in the grant offer or during the grant agreement negotiations.

We must execute a grant agreement with you before we can make any payments. You must not make financial commitments until a grant agreement has been executed by the Commonwealth.

The Commonwealth may recover grant funds if there is a breach of the grant agreement.

Simple Grant Agreement

We will use a [Simple](#) grant agreement for the ILA program.

You will have 30 days from the date of a written offer to execute this grant agreement with the Commonwealth ('execute' means both you and the Commonwealth have signed the agreement). 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. We base the approval of your grant on the information you provide in your application.

You may request changes to the grant agreement. However, we will review any required changes to these details to ensure they do not impact the grant as approved by the Minister.

10.2 Specific legislation, policies and industry standards

Whilst you are required to be compliant with all relevant laws and regulations, there are Australian Government policy initiatives that may impact on grant activities.

Indigenous Grants Policy (IGP)

The ILA program is participating in the trial of the IGP that was announced on 12 February 2018 by the Prime Minister and the Minister for Indigenous Affairs. The trial is testing how to best achieve the following objectives:

- increase the involvement of Aboriginal and Torres Strait Islander people in the grant funded services and programs that are intended to benefit them
- improve on-the-ground service delivery for Aboriginal and Torres Strait Islander people

- leverage the Australian Government’s investment to stimulate greater economic development for Aboriginal and Torres Strait Islander people

The Department of Infrastructure, Transport, Regional Development and Communications is one of three Commonwealth agencies participating in the trial through the ILA program and the Indigenous Visual Arts Industry Support program.

To contribute to the trial, we are gathering information to determine the number of Indigenous and non-Indigenous organisations funded through ILA program; and the number and percentage of Aboriginal or Torres Strait Islander Australians employed in all funded organisations. From organisations that are non-Indigenous, we are also gathering information about the total value of goods and services that are provided by Indigenous businesses.

National Principles for Child Safe Organisations

The Royal Commission into Institutional Responses to Child Sexual Abuse highlighted the need for organisations to adopt child safe practices including appropriate screening of staff, mandatory reporting and adoption of the National Principles for Child Safe Organisations. The Australian Government committed to a new Commonwealth-wide framework to protect children and young people it is responsible for – the Commonwealth Child Safe Framework (CCSF).

The Australian Government is considering appropriate ways to apply the requirements of the CCSF to grant recipients. A child safety clause is likely to be included in a grant agreement where the Commonwealth considers the grant is for:

- services directly to children; or
- activities that involve contact with children that is a usual part of, and more than incidental to, the grant activity

A child safety clause may also be included in the grant agreement if the Commonwealth considers the grant activity involves children more broadly.

The successful applicant will be required to comply with all child safety obligations included in the grant agreement published with this grant opportunity or notified to the successful applicant prior to execution of the grant agreement. Irrespective of the child safety obligations in the grant agreement you must always comply with your state and territory legislative requirements for working with children and mandatory reporting.

Accessibility for people with a disability

We encourage applicants to consider the accessibility of their activities for people with disability. The application form will also ask if your project is disability-led, and/or if the project team includes people with disability as artists or other personnel. In a disability-led project, people with disability lead the creative development process. Other personnel includes people like project managers, administrative staff or arts/language workers.

There are many definitions of disability. It can be a limitation or impairment that has lasted, or is likely to last, for at least six months and restricts everyday activities. Disability includes things like:

- impairments (such as low vision or deafness)
- chronic illness or health conditions
- mental health conditions
- conditions like autism, down syndrome or dyslexia

To learn more about disability and the arts, you can read the [National Arts and Disability Strategy](#) or contact [Arts Access Australia](#).

10.3 How we pay the grant

IMPORTANT: All funding recipients are **strongly encouraged** to establish a dedicated bank account, specifically for the purpose of depositing and withdrawing Program funds.

The grant agreement will state the maximum grant amount to be paid. All funding recipients are strongly encouraged to establish a dedicated bank account, specifically for the purpose of depositing and withdrawing Program funds.

We will not exceed the maximum grant amount under any circumstances. If you incur extra costs, you must meet them yourself.

Payments will be made against the agreed schedule, set out in the grant agreement, following its execution.

For projects up to 12 months in duration, we may make a single payment on execution of the grant agreement.

For multi-year projects, payments may be made in no more than three instalments annually.

Payments against the schedule are subject to the department's acceptance of performance and financial reports set out in the grant agreement, and the demonstrated need for approved funds to continue the activity. Payments will not be processed where the recipient has a breach under the terms of the grant agreement, overdue report or outstanding acquittal relating to current or previous ILA program funding.

10.4 Grant Payments and GST

Payments will be made as set out in the grant agreement. If you are registered for the [Goods and Services Tax \(GST\)](#), where applicable, we will add GST to your grant payment upon receipt of a [correctly rendered tax invoice](#).

Grants are assessable income for taxation purposes, unless exempted by a taxation law. We recommend you seek independent professional advice on your taxation obligations or seek assistance from the [Australian Taxation Office](#).⁵ We do not provide advice on your particular taxation circumstances.

11. Announcement of grants

If successful, your grant will be listed on the [GrantConnect](#) website 21 calendar days after the date of effect as required by Section 5.3 of the [CGRGs](#).

Your grant may also be announced by the Minister and by your local Member of Parliament.

12. How we monitor your grant activity

12.1 Keeping us informed

You should let us know if anything is likely to affect your grant activity or organisation.

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, carry on business and pay debts due.

⁵ <https://www.ato.gov.au/>

You must also inform us of any changes to your organisation's:

- name
- address
- nominated contact details
- bank account details

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

You must notify us of events relating to your grant and provide an opportunity for the Minister or their representative to attend.

12.2 Reporting

You must submit reports in line with the grant agreement. We will provide sample templates for these reports and remind you of your reporting obligations before a report is due. We will expect you to report on:

- progress against agreed grant activity milestones and outcomes
- expenditure of the grant

The amount of detail you provide in your reports should be relative to the size, complexity and grant amount.

We will monitor progress by assessing reports you submit and may conduct site visits or request records to confirm details of your reports if necessary. Occasionally we may need to re-examine claims, seek further information or request an independent audit of claims and payments.

IMPORTANT: We really want to hear about how your grant activity is benefitting the community and/or individuals. Let us know how your grant activity is affecting social well-being, employment, economic and health outcomes for Aboriginal and Torres Strait Islander peoples.

Progress reports

Progress reports must:

- include evidence of your progress towards completion of agreed activities and outcomes
- show the total eligible expenditure incurred to date
- be submitted by the report due date

We will only make grant payments when we receive satisfactory progress reports.

You must discuss any reporting delays with us as soon as you become aware of them.

Ad-hoc reports

We may ask you for ad-hoc reports on your grant. This may be to provide an update on progress, or any significant delays or difficulties in completing the grant activity.

12.3 Financial acquittal report

Depending on the amount of grant funding provided, the time period and the complexity of the grant activity, at the end of the grant activity you may be required to submit either:

- a declaration that the grant money was spent in accordance with the grant agreement and to report on any underspends of the grant money
- an independently audited financial acquittal report

Grant agreement variations

We recognise that unexpected events may affect progress. In these circumstances, you can request a variation to your agreement, including:

- adjusting activity milestones
- extending the timeframe, for a reasonable period of time, to allow completion of the activity
- changing allocations across budget items

You can request a variation by advising ila@arts.gov.au before the grant agreement end date.

You should not assume that a variation request will be successful. We will consider the request based on factors such as:

- how it affects the activity outcome
- whether it is consistent with ILA program outcomes, and any relevant Australian Government policies
- changes to the timing of grant payments
- availability of ILA program budget

12.4 Evaluation

We may evaluate the grant opportunity to measure how well the ILA program outcomes and objectives have been achieved. The grant agreements require you to provide information that may be used to assist us with this evaluation.

We may also interview you, or ask you for more information to help us understand how the grant impacted you and to evaluate how effective the program was in achieving its outcomes.

12.5 Acknowledgement

The ILA program logo must be used on all published materials related to funded activities under the grant opportunity. Whenever the logo is used, the ILA program grant must be acknowledged as follows:

(Name of organisation or event) receives funding through the Australian Government's Indigenous Languages and Arts program.

The ILA grant opportunity must also be acknowledged in speeches at any public events related to funded activities under the grant opportunity as follows:

(Name of organisation or event) receives funding through the Australian Government's Indigenous Languages and Arts program.

13. Probity

The Australian Government will make sure that the grant opportunity process is fair, according to the published guidelines, incorporates appropriate safeguards against fraud, unlawful activities and other inappropriate conduct and is consistent with the CGRGs.

These guidelines may be changed from time-to-time by the Australian Government. When this happens the revised guidelines will be published on the [GrantConnect](#) website.

13.1 Enquiries and feedback

All complaints about a grant opportunity process must be provided in writing.

Any questions you have about grant decisions for this grant opportunity should be sent to ila@arts.gov.au.

If you do not agree with the way the Department of Infrastructure, Transport, Regional Development and Communications has handled your complaint, you may complain to the [Commonwealth Ombudsman](#). The Ombudsman will not usually look into a complaint unless the matter has first been raised directly with the department.

The Commonwealth Ombudsman can be contacted on:

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

13.2 Conflicts of interest

Any conflicts of interest could affect the performance of the grant activity. There may be a conflict of interest, or perceived conflict of interest, if department staff and/or you, or any of your personnel:

- has a professional, commercial or personal relationship with a party who is able to influence the application selection process, such as an Australian Government officer
- has a relationship with or interest in, an organisation, which is likely to interfere with or restrict the applicants from carrying out the proposed activities fairly and independently
- has a relationship with, or interest in, an organisation from which they will receive personal gain because the organisation receives a grant under the grant program/ grant opportunity

You must declare any perceived or existing conflicts of interests to us, and we will handle them as set out in Australian Government policies and procedures. If you later identify that there is an actual, apparent, or potential conflict of interest, or that one might arise in relation to a grant, you must inform us in writing immediately.

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](#). The [APS Conflict of Interest](#) policy can be found on the [APS Commission](#) website.

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 else for the primary purpose for which it was collected, unless an exemption applies.

The Australian Government may also use and disclose information about grant applicants and grant recipients under this grant opportunity in any other Australian Government business or function. This includes disclosing grant information on the [GrantConnect](#) website 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 department would breach an Australian Privacy Principle as defined in the Act.

13.4 Confidential Information

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

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

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

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

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

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

The grant agreement may also 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).

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

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

By mail: Freedom of Information Coordinator
 Department of Infrastructure, Transport, Regional Development and
 Communications
 Nishi Building, 25 Edinburgh Ave, Canberra ACT 2601

By email: foi@communications.gov.au

14. Consultation

Indigenous Australians, as the principle beneficiaries of the ILA program, have been consulted to ensure Indigenous voices are reflected in the grant opportunity design process.

15. Glossary

Term	Definition
Aboriginal or Torres Strait Islander person (or Indigenous person)	<p>is someone who :</p> <ul style="list-style-type: none"> a) is of Aboriginal or Torres Strait Islander descent b) identifies as an Aboriginal or Torres Strait Islander person c) is accepted as an Aboriginal or Torres Strait Islander person by the community in which she or he lives
Aboriginal and Torres Strait Islander Secret/Sacred and private materials	<p>are items of special religious and spiritual significance to Aboriginal and Torres Strait Islander peoples. They have an associated tradition of restricted access and have never been accessible to all members of a community. Such items are usually associated with men's and women's private ceremonies which are not open to outsiders or to certain people within their society of origin. Secret/Sacred and Private materials are the legal property of the people and or community from which it came.</p>
assessment criteria	<p>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.</p>
commencement date	<p>the expected start date for the grant activity.</p>
Commonwealth entity	<p>a Department of State, or a Parliamentary Department, or a listed entity or a body corporate established by a law of the Commonwealth. See subsections 10(1) and (2) of the PGPA Act</p>
Commonwealth Grants Rules and Guidelines	<p>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.</p>
completion date	<p>the expected date that the grant activity must be completed and the grant spent by.</p>
Country	<p>single word expression to denote Indigenous peoples' "spiritual inter-being with the land, the sea, the sky, and all life and geologic forms therein" (as defined by Dr Shayne T. Williams in The Importance of Teaching and Learning Aboriginal Languages and Cultures).</p>
date of effect	<p>can be the date on which a grant agreement is signed or a specified starting date.</p>

Term	Definition
decision maker	the person who makes a decision to award a grant. For the ILA program the decision maker is the Minister.
eligibility criteria	refer to the mandatory criteria which must be met to qualify for a grant. Assessment criteria may apply in addition to eligibility criteria.
grant	<p>for the purposes of the CGRGs, a 'grant' is an arrangement for the provision of financial assistance by the Commonwealth or on behalf of the Commonwealth:</p> <ul style="list-style-type: none"> a. under which relevant money⁶ or other Consolidated Revenue Fund (CRF) money⁷ is to be paid to a grantee other than the Commonwealth; and b. which is intended to help address one or more of the Australian Government's policy outcomes while assisting the grantee achieve its objectives.
grant activity/activities	refers to the project/tasks/services that the grantee is required to undertake
grant agreement	sets out the relationship between the parties to the agreement, and specifies the details of the grant
GrantConnect	is the Australian Government's whole-of-government grants information system, which centralises the publication and reporting of Commonwealth grants in accordance with the CGRGs
grant opportunity	refers to the specific grant round or process where a Commonwealth grant is made available to potential grantees. Grant opportunities may be open or targeted, and will reflect the relevant grant selection process.
grant program	a 'program' carries its natural meaning and is intended to cover a potentially wide range of related activities aimed at achieving government policy outcomes. A grant program is a group of one or more grant opportunities under a single [entity] Portfolio Budget Statement Program.
grantee	the individual/organisation which has been selected to receive a grant

⁶ Relevant money is defined in the PGPA Act. See section 8, Dictionary.

⁷ Other CRF money is defined in the PGPA Act. See section 105, Rules in relation to other CRF money.

Term	Definition
partnership	is a group or association of people who carry on a business and distribute income or losses between themselves. For example, if you and a friend or family member decide to set up a business together, you might operate it as a partnership. Further information about a partnership is available on the ATO website.
PBS Program	described within the entity's Portfolio Budget Statements , PBS programs each link to a single outcome and provide transparency for funding decisions. These high-level PBS programs often comprise a number of lower level, more publicly recognised programs, some of which will be Grant Programs. A PBS Program may have more than one Grant Program associated with it, and each of these may have one or more grant opportunities.
selection process	the method used to select potential grantees. This process may involve comparative assessment of applications or the assessment of applications against the eligibility criteria and/or the assessment criteria.
value with money	<p>value with money in this document refers to 'value with relevant money' which is 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 should 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 project proposal and activities; • fitness for purpose of the proposal in contributing to government objectives; • that the absence of a grant is likely to prevent the grantee and government's outcomes being achieved; and • the potential grantee's relevant experience and performance history.

Appendix A. Examples of eligible projects

Some examples of eligible projects include, but are not limited to:

- multi-media arts or languages projects that engage young Aboriginal and Torres Strait Islander peoples
- traditional Indigenous arts and craft production
- the development of new Indigenous dance or theatre pieces
- film or other screen based works
- contemporary or traditional music production or performance
- traditional storytelling, writing, poetry and/or contemporary narrative pieces
- multi-art projects involving installations, projections, recorded interviews or other art forms
- photography and arts projects that promote the use of Indigenous languages, including dance, literature, music or theatre
- the documentation, collection, digitisation, preservation and storage of Indigenous language material and language resources
- the development of Indigenous language teaching and learning resources for broad use in/by the community (note: the development of resources for exclusive use in schools is not eligible)
- projects designed to promote an increase in, or maintain the number of, Aboriginal and Torres Strait Islander people speaking their language
- the use of Indigenous languages in a range of fields and media
- the teaching of languages (other than in a school setting) that directly facilitate the teaching and learning of Indigenous arts and languages
- language activities that utilise technology in an innovative and culturally sensitive manner

If you have any questions what constitutes an eligible project you should contact ila@arts.gov.au or phone 1800 006 992.