



Australian Government

National Indigenous Australians Agency

Tailored Assistance Employment Grants Opportunity Guidelines

Opening date:	This grant opportunity opens on 6 May 2021 .
Closing date and time:	This grant opportunity will close at 11:59 pm on 3 June 2021 .
	Note: The National Indigenous Australians Agency (NIAA or Agency) may amend the closing date and time at its own discretion by issuing a notice through the GrantConnect website.
Commonwealth policy entity:	National Indigenous Australians Agency (NIAA)
Enquiries:	If you have any general enquiries refer to your NIAA Regional Offices (listed at https://www.niaa.gov.au/contact-us/regional-network-addresses) or if applicable contact National Office (refer to https://www.niaa.gov.au/who-we-are/contact-us).
Date Guidelines released:	6 May 2021
Type of grant opportunity:	Open Competitive

Note: Other grant opportunities under the (IAS or within the NIAA) will be advertised separately on [GrantConnect](#) and may have different requirements to those listed in this document.

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1 Tailored Assistance Employment Grants process



1.1 About these Guidelines

These guidelines contain information for the Tailored Assistance Employment Grants (TAEG) grant opportunity, including how to apply for grant funding.

You must read these guidelines before filling out an application.

This document sets out:

- the purpose of the grant program/grant opportunity;
- the eligibility and [assessment criteria](#);
- how grant applications are considered and selected;
- how grantees are notified and receive grant payments;
- how grantees will be monitored and evaluated; and
- responsibilities and expectations in relation to the opportunity.

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

Any alterations and addenda¹ to these Guidelines will be published on [GrantConnect](#).

1.2 Other grant opportunities in the Agency

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

1.3 About the Tailored Assistance Employment Grants

The TAEG grant opportunity is delivered under the Indigenous Advancement Strategy (IAS) – Jobs, Land and Economy Program (JLEP) and is one way the Australian Government funds and delivers programs for Indigenous Australians. There are a number of grant opportunities available under the IAS, including the grants process outlined in these Guidelines.

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

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

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

In the 2019-20 Budget, the Australian Government allocated \$5.2 billion to the IAS, over four years to 2022-23, for grant funding processes and administered procurement activities that address the objectives of the IAS.

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

² <https://www.finance.gov.au/resource-management/grants/>

Of this, JLEP is allocated \$2.8 billion to support Indigenous Australians to overcome barriers to employment and economic participation. It does this by connecting Indigenous Australians with real and sustainable jobs; fostering Indigenous business and assisting Indigenous Australians to generate economic and social benefits from natural and cultural assets through the effective management of Indigenous-owned land and seas and by supporting Indigenous Australians to have their native title rights recognised.

Further information about the JLEP can be found at [Appendix 1: Jobs, Land and Economy Program Information](#).

The TAEG grant opportunity aims to connect [Indigenous Secondary School Students](#) and [Indigenous Job Seekers with real and Sustainable Jobs](#) through experience that builds work-readiness and contributes to the broader community.

TAEG aims to increase Indigenous employment and retention by funding tailored activities that respond flexibly to local employment conditions through two activity streams that target specific cohorts of the Indigenous population to maximise employment outcomes for Indigenous Job seekers. The two TAEG grant opportunity activity streams are:

1. **Employment** – aims to support Indigenous job seekers into sustainable employment. This stream supports Indigenous job seekers (participants) with a guaranteed job; provision of pre-employment support and training to address barriers to employment and improve retention in the workplace; and support to both employers and Participants to the achievement of 26 weeks in employment (*refer to Section 2.1 - Agency may consider alternative for innovative proposal with link to specific needs at a local level or COVID-19 recovery*) which may include the provision of relevant mentoring and training; and
2. **School-based traineeships** – aim to support Indigenous secondary school students to gain work experience and prepare for post-school transition into further study or employment.

The intended outcomes of TAEG for are:

Stream	Cohort	Outcomes
Employment	Indigenous job seekers	<p>Increased employment and retention rates in the nominated region or location;</p> <p>Increased work readiness;</p> <p>Increased certified and transferrable qualifications.</p> <p>Indigenous job seeker secures sustainable employment (job);</p> <p>Indigenous job seeker (participant) and employer supported during their employment for 26 weeks (or as alternatively agreed by the Agency);</p>
School-based traineeships	Indigenous secondary school students	<p>Increased successful transition of secondary students into ongoing employment;</p> <p>Increased work readiness;</p> <p>Increased certified and transferrable qualifications</p>

Applicants can apply for one or both of the activity streams listed above.

The process is open and competitive, which means your application will be considered on its merits against the grant selection criteria and priorities for the Agency and will be compared to other applications within the stream/s that you have applied for.

1.4 Indigenous Grants Policy Trial

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

- Increase the involvement of Indigenous Australians and organisations in the grant funded services and programs that are intended to benefit them.
- Improve on-the-ground service delivery for Indigenous Australians.
- Leverage the Australian Government's investment to stimulate greater economic development for Indigenous Australian people.

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

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

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

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

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

2 Grant amount and grant period

2.1 Grants available

A total of up to \$10 million (GST exclusive) is available for this TAEG grant opportunity from the JELP to support projects that deliver employment outcomes for Indigenous Job seekers and/or Indigenous Secondary School Students against two [activity streams](#):

- **Employment** – available between 1 July 2021 and 30 December 2022 (recruitment end date no later than 30 June 2022); and
- **School Based Traineeships** – available between 1 July 2021 and 30 June 2023 (the Agency may consider extending to enable students to complete placements).

Further details are specified in [section 6.4 'Timing of grant opportunity'](#).

Projects must link to the purpose and intended outcomes for TAEG as outlined in [Section 1.3](#).

There is a maximum grant amount of \$500,000 (GST exclusive) per application, over the maximum project period.

If an Applicant would like to undertake multiple projects under TAEG, they can apply in one of two ways:

- Submit one application for multiple similar projects, including projects across both TAEG activity streams. The combined value of the projects must not exceed \$500,000 (GST exclusive).
- Submit one application per project – each project must be demonstrably different and not exceed \$500,000 (GST exclusive) in value.

Each activity stream has different eligible activities attracting varying maximum funding levels as detailed below. Proposed activities must help deliver employment outcomes for Indigenous Job seekers and Indigenous secondary students.

Applicants may apply for a lower or higher funding amount depending on the project scope and any special circumstances. Applicants will need to provide evidence to support their application.

Applicants may not receive the amount of funding requested in their application. As part of the assessment process, the Agency will consider responses to selection criteria, the number and quality of services provided to Indigenous Job seekers and the applicant's business case to determine a level of funding that best represents value with relevant money. Funding will be applied to each stream based on the assessed potential outcomes achievable.

Activity Stream 1 - Employment

Applicants should demonstrate that a project can provide [sustainable employment](#) placements that are ongoing for Indigenous Job seekers and identify the demand for jobs in the organisation, region and/or industry.

NIAA may consider innovative proposals to support Indigenous Job seekers in temporary employment where there is demonstrated link to specific needs at a local level or COVID-19 recovery. Note: proposals to support temporary positions may attract a lower outcome payment.

The following components must be included:

- Work Preparation – pre-employment and industry specific training, with maximum funding up to \$1,364 (GST exclusive) per [Participant](#).
- Employment Placements – placement of Indigenous participants into sustainable employment, including post-placement support (may include relevant on the job training or mentoring) to both employers and Participants to the achievement of 26 weeks in employment (*Agency may consider alternative for innovative proposal with link to specific needs at a local level or COVID-19 recovery*), with maximum funding up to \$7,500 (GST exclusive) per Participant.

In addition to the Work Preparation and Employment Placement activities, TAEG can also provide funding for other components such as:

- Traineeship / apprenticeship support (Certificate II and above), with maximum funding up to \$8,318 (GST exclusive) per Participant;
- Structured mentoring by suitably qualified staff outside working hours for [Disadvantaged Indigenous Job seekers](#)), with maximum funding up to \$1,455 (GST exclusive) per Participant; and
- Cultural awareness training for non-Indigenous employers and service providers. Funding is provided up to \$182 (GST exclusive) per hour per trainer. An hour of cultural awareness training may involve a number of non-Indigenous personnel. This is a stand-alone payment

to employers or service providers and is not linked to the achievement of employment outcomes for their Participants.

For Activity Stream 1 – Employment, payments will be based on the achievement of individual milestones for Indigenous job seekers and weighted towards the achievement of 26 weeks employment. Other payment arrangements may also be considered depending on local circumstances and needs.

The ongoing job may be [Full-Time Work](#) or [Part-Time Work \(A or B\)](#) with reduced outcome payments for Part Time Job placements.

Casual Work and labour hire arrangements for employment project will be considered if the positions are likely to assist the obtainment of long-term employment. For example, projects in [remote](#) areas where employment opportunities are few may warrant casual work being part of the activity. These arrangements are considered on a case by case basis by the Agency.

Activity Stream 2 - School Based Traineeships

School Based Traineeship support Indigenous Secondary School students to gain work experience and prepare for post-school transition into further study or employment. The following activities must be included:

- First job placement, with maximum funding up to \$2,727 (GST exclusive) per student, per year. No additional payments are made if the student changes jobs or moves to a different employer within the school-based traineeships project.
- Traineeship or Apprenticeship (Certificate II and above), with maximum funding up to \$6,818 (GST exclusive) per student per year.

For School Based Traineeships, the ongoing job may be [Casual or Part-Time](#). Undertaking Casual or Part-Time work can be a good opportunity for Indigenous Job seekers to build skills that both complement their ongoing studies and maximise their pathways towards full-time employment.

Note: School Based Traineeships are not a replacement for a student's school based studies and therefore do not extend to [Full-Time](#) positions.

For School Based Traineeships, payments are made on the achievement of a combination of training, mentoring and employment outcomes. Payments are generally weighted towards the end of secondary students' completion of training such as certificate II or III. However, the Agency may consider the weighting towards commencement for more disadvantaged Indigenous students. The amount paid for milestones will be negotiated with the regional office and will be detailed in the Project Agreement.

Refer to section [17. 'Glossary'](#) for definitions of 'Full Time', 'Part Time' and 'Casual Work'.

3 Eligibility criteria

The Agency will not consider applications that do not satisfy all the [eligibility criteria](#).

Community groups that are not eligible to apply for funding are encouraged to consider partnering with an eligible organisation.³

3.1 Who is eligible for funding?

To be eligible to apply for grant funding under the TAEG grant opportunity, you must:

- have an Australian Business Number (**ABN**) (exemptions may apply in special cases);
- where relevant, be registered for the purposes of GST;
- if an individual, be a permanent resident of Australia;
- have an account with an Australian financial institution.

AND be one of the following entity types:

- an Aboriginal and/or Torres Strait Islander Corporation registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth)* (the CATSI Act);
- a company incorporated in Australia under the [Corporations Act 2001 \(Cth\)](#) (the [Corporations Act](#));
- an incorporated association (incorporated under state/territory legislation, commonly have 'Association' or 'Incorporated' or 'Inc' in their legal name)
- an incorporated Cooperative (also incorporated under state/territory legislation, commonly have 'Cooperative' in their legal name)
- an organisation established through a specific piece of Commonwealth or state/territory legislation including public benevolent institutions, churches and universities
- an Australian state or territory government body
- an Australian local government body
- an incorporated trustee on behalf of a trust⁴
- a partnership
- a joint (consortia) application with a lead organisation that satisfies the entity type
- an individual with an ABN.

In addition you must:

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

³ The Agency recognises that some organisations may seek to form a joint (consortia) application in order to apply for a grant under these guidelines. Consortia are eligible to apply and the relevant conditions applicable to consortia are at 6.5 Joint Applications'

⁴A trust itself is not a legal entity and cannot enter into a grant agreement.

3.2 Incorporation requirements

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

- Incorporate under Commonwealth legislation – Indigenous Organisations will be required to incorporate under the CATSI Act and; other organisations will be required to incorporate under the Corporations Act 2001.
- Maintain these arrangements while they continue to receive any IAS funding.

Indigenous Organisations already incorporated under the Corporations Act do not have to change their incorporation status. However, all other Indigenous Organisations must be incorporated under the CATSI Act so they can access the assistance and support available under the Act.

For further information on incorporation requirements please refer to [Appendix 2](#).

3.3 Who is not eligible to apply for a grant?

You are not eligible to apply for grant funding under TAEG if you are:

- an organisation, or your project partner is an organisation, included on the National Redress Scheme's website on the list of 'Institutions that have not joined or signified their intent to join the Scheme' (www.nationalredress.gov.au)
- a non-corporate [Commonwealth entity](#);
- an unincorporated association;
- subject to the Agency's sole discretion, an overseas resident;
- an organisation or individual not included in [section 3.1](#);
- declared bankrupt or subject to insolvency proceedings – as relevant to the entity type; or
- named as currently non-compliant under the *Workplace Gender Equality Act 2012 (Cth)*.

3.4 What qualifications and licencing are required?

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

4 What the grant money can be used for

4.1 Eligible grant activities

The grants can be used for a range of activities that contribute to the purpose and intent of TAEG, within the two TAEG activity streams: '**Employment**' and '**School Based Traineeships**' as detailed in [Section 2.1](#). The following is a non-exhaustive list of example activities that target:

- employment services or activities that support Indigenous Australians to overcome disadvantage in the labour market;
- unemployed disadvantaged Indigenous Job seekers ([Stream B and C Job seekers](#));
- indigenous people not in the labour market;
- indigenous youth and students at risk of disengaging when leaving school;
- the needs of employers;

- support for employers to engage and retain Indigenous Job seekers into real and sustainable ongoing jobs, as well as address barriers to recruitment and retention; and
- support for Indigenous Secondary School Students to gain work experience through school-based traineeships/apprenticeships and transition into sustainable employment or further education/training.

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

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

4.2 Eligible locations

Your grant activity must be delivered in Australia, unless the Agency, in its sole discretion, grants an exemption for an activity that occurs overseas but meets an objective outlined in [Appendix 1](#) and contributes to an outcome in Australia.

The Agency can also specify the regions or locations and industry where projects will be funded based on the Agency's priorities and needs of certain regions or locations in Australia.

4.3 Eligible expenditure

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

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

4.4 What the grant money cannot be used for

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

- activities that do not clearly align to the intended outcomes of the TAEG;
- purposes that do not directly contribute to the outcomes of the activity, typically including (but not limited to) payment of fines or loans, purchase of gifts, personal debts, or sitting fees;
- costs incurred in the preparation of a grant application or related documentation unless specifically agreed with the Agency;
- activities for which other Commonwealth, state, territory or local government bodies have primary responsibility;
- expenses for which other Commonwealth, state, territory or local government bodies have primary responsibility to provide the source of funding, unless otherwise specifically agreed with the Agency;
- youth engagement and compulsory school-aged children activities that are not directly aimed at achieving employment or further education outcomes;
- training that is not connected to sustainable employment;

- activities, services or jobs that are the responsibility of the state and territory or other Australian Government programs that are already funded, including:
 - adult vocational education and training (VET) activities;
 - cultural heritage, land rights and land management activities subject to state or territory legislation; and
 - employment services including Community Development Program and *jobactive*.
- applicants with COVID-19 employment recovery activities funded by other state and territory or Australian Government programs can apply for funding. However, they must provide a strong justification as to why further funding is required under TAEG and a demonstrated need for the project;
- other Commonwealth, State/Territories and Local Government Entities own Indigenous recruitment and employment programs;
 - requests to fund wages of employees, Board or Executive positions in organisations where it is normally part of the organisation’s operational costs;
 - requests to directly fund the wages of Participant’s placed with a labour hire company labour hire (NB outcomes payments for Participants placed with a labour hire company is acceptable);
- retrospective funding for activities that have already commenced or completed; and
- upfront payments for any activities associated with project and the organisation.

Further detail of activities that are out of scope for funding is included at Appendix 1.

5 The assessment criteria

You must address all of the following assessment criteria in your application for TAEG - Employment and/or School-Based Traineeships funding. The Agency will assess your application against the criteria, and may also consider your previous performance, demonstrated capability to deliver the activity, and/or information that has been made available to the Agency during the development of the application.

All criterion have equal weighting under these Guidelines.

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

You must attach letter/s or evidence of support from employers demonstrating guaranteed employment or in principle support from employers to work with service providers to secure employment opportunities for Indigenous Job seekers.

If applying under the SBT stream, you must attach letter/s or evidence of support that demonstrate partnerships with host schools.

You may also include research/statistics in support of your application however, this is not mandatory.

Criterion 1: Need

To meet this criterion, you need to demonstrate how the activity will deliver sustainable jobs through addressing workforce demands of employer/s, industry, community or group.

Your response to this criterion should cover:

- a) the number of sustainable jobs and/or Aboriginal and Torres Strait Islander people to be targeted in the activity;
- b) the region/location that your activity will operate in;

- c) demonstrated evidence of vacancies with specified employer/s, industry/s, community or groups, along with evidence that the project will provide support to improve employment outcomes for Indigenous Australians and overcome disadvantage in the labour market. Note that the Agency reserves the right to check on claims made in the application form;
- d) a description of how the activity will prepare and retain Aboriginal and Torres Strait Islander people to meet requirements of identified jobs; and
- e) the details and strategies to engage with target employer, industry, community, schools or groups supported through the proposed activity and have been engaged.

In addition, for school-based traineeships:

- f) the number of work experience, traineeships and/or Aboriginal and Torres Strait Islander students targeted in the activity; and
- g) a description of the need for a school-based traineeship in the particular schools you intend to target.

Criterion 2: Cultural competency

To meet this criterion, you will need to demonstrate you are committed to, and capable of, working with the target Indigenous community or group. Your response to this criterion should cover:

- a) how the employer and/or organisation has built, or can build, positive relationships with Indigenous Australians, community organisations and other key stakeholders such as schools and training providers in the successful delivery of the proposed activity;
- b) how the local community has been consulted and is involved in the activity;
- c) any elements of the activity that will be sub-contracted and evidence the sub-contractor has relevant expertise and experience in working with Indigenous Australians and delivery of the activity; and
- d) evidence that the employer, industry and/or organisation is committed to the employment of Indigenous Australians in the delivery of the proposed activity. This will include an indication of what guaranteed jobs are available.
- e) Details demonstrating how mentors will be appropriately supervised and trained; and that mentors will possess suitable qualifications and/or experience to support participants.

In addition, for school-based traineeships:

- f) evidence of working successfully with students and schools in providing career pathways, training and work experience for students to pursue further studies or employment after they completed school.

Criterion 3: Capability

To meet this criterion, you need to demonstrate the proposed activity will support the intended outcomes in a way that appropriately manages risk, is cost effective and is coordinated with relevant stakeholders.

Your response to this criterion should cover:

- a) how the proposed activity will achieve the intended outcomes with the proposed funding;
- b) how the proposed activity is linked to the delivery of employment outcomes for Indigenous Job seekers;
- c) how the proposed activity will be implemented including how you intend to mitigate risks associated with the delivery of the activity; and
- d) how the proposed activity does not duplicate existing funding and services delivered under the Jobs, Land and Economy Program such as:
 - Community Development Program (CDP),
 - Vocational Training and Employment Centres (VTEC),
 - the Employment Parity Initiative, or

- other Australian or state/territory government such as jobactive and Disability Employment Services (DES) or other School Based Traineeship government programs.
- e) If applicable, how the proposed activity will leverage funds from other sources.

In addition, for school-based traineeships:

- f) how the organisation in delivering the activity will build and maintain relationships with schools, in particular, clarifying roles, responsibilities and expectations.

Criterion 4: Delivering Outcomes

To meet this criterion, you need to demonstrate how the proposed activity will deliver the intended employment outcomes and sustain the outcomes into the future.

Your response to this criterion should cover:

- a) how the proposed approach will deliver the identified employment outcomes;
- b) how the intended employment outcomes are to be sustained into the future;
- c) how the organisation will gather evidence and monitor performance to measure the effectiveness of the proposed activity;
- d) past performance data (particularly in the delivery of similar projects); and
- e) how the proposed activity provides value with relevant money taking into consideration the location/s of the services being delivered, access to other forms of funding/services and the level of support being provided.

In addition, for school-based traineeships:

- f) how will the intended work experience for secondary students provide a pathway to further studies and sustainable employment after they finished school.

6 How to apply

Applying for TAEG funding is a competitive process, which means your application will be considered on its merits and priorities for the Agency and will be compared to other applications.

Step 1: Ensure that your proposal aligns with the objectives of TAEG

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

Step 2: Ensure you meet all [eligibility criteria](#)

Refer to '[Section 4: Eligibility](#)' for further information around eligibility under TAEG. You may wish to contact your local NIAA Regional Office if you have any questions in relation to addressing all eligibility and assessment criteria before lodging an application.

Please refer to [section 6.1](#) of these Guidelines for more information about NIAA's Regional Offices.

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

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

1. complete the application form, including addressing all eligibility and assessment criteria; and
2. provide all the information requested, including any attachments;
3. use the checklist at [Appendix 3](#) to ensure your application is complete;
4. submit your application online by the closing date.

You will receive an electronic reference once your application has been lodged.

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

Following an assessment of your application, a response will be provided to you within three months, from the date of application being submitted unless further information or clarification is required.

6.1 NIAA regional presence

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

Agency staff in NIAA Regional Offices can answer your queries in relation to TAEG Guidelines such as eligibility and assessment criteria. However, Agency staff cannot assist you in developing your application form. For a list of NIAA Regional Offices and contact details see [Regional Network Addresses](#).

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

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

6.2 NIAA Grants Management Unit (GMU)

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

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

6.3 NIAA National Office

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

6.4 Timing of grant opportunity

You must submit an application between the published opening and closing dates. The TAEG opportunity will run from **6 May 2021** to **3 June 2021**.

The Agency reserves the right not to accept a late application but may consider the degree of lateness and whether the cause was beyond the applicant's control.

If you are successful, we expect you will be able to commence your grant activity before **September 2021**.

The date for the completion of TAEG projects:

Stream	Recruitment End Date	Project End Date
Employment	Not exceed 30 June 2022.	30 December 2022.
School Based Traineeships	Not exceed 30 June 2022.	30 June 2023 (the Agency may consider extending to enable students to complete placements).

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

6.5 Joint (consortia) applications

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

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

If you are applying in a consortium, you will need to provide additional information and documentation (see [section 6.6.4 'consortia applications' below](#)).

6.6 Supporting documentation

We require the following documents with your application:

- letter/s or evidence of support from employers demonstrating guaranteed employment or in principle support from employers to work with service providers to secure employment opportunities for Indigenous Job seekers;
- If applying under the SBT stream, you must attach letter/s or evidence of support that demonstrate partnerships with host schools.
- letter/s of support from relevant Indigenous Organisations/stakeholders; and
- most recently available Audited Annual Financial Statement.

In addition, we require the documents specified in sections 6.6.1 to 6.6.5 below. Refer to Appendix 3: Application checklist to ensure you have attached all necessary information.

You must attach supporting documentation to the application form in line with the instructions provided within the form. You should only attach requested documents.

6.6.1 Bank account details

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

6.6.2 Budget

Applicants will be required to provide an itemised budget with their application form. All budget figures must be GST exclusive⁵. The budget should include a breakdown of costs and funding for each financial year in which the proposed activity will operate and include the total funding being requested from the Agency. To capture this data, a project costing template is available on GrantConnect.

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

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

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

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

- a copy of your most recent financial statements such as an audited financial statement (audited expenditure report), income and expenditure statement, or a balance sheet to inform your Organisation Risk Profile (ORP). The ORP and the Activity Risk Assessment (ARA) help to determine the level of controls applied to your grant agreement, noting that if your ARA is high or extreme, an annual audited expenditure report will be a standard requirement under your grant agreement. For further information, please refer to [section 10 'Risk and compliance'](#), specifically Organisation risk and Activity Risk Assessment;
- a copy of your Certificate of Incorporation where relevant (Organisations registered with Australian Charities and Not-for-profits Commission are exempt from this requirement); and
- a copy of a completed ATO '[Statement by a supplier \(reason for not quoting an ABN to an enterprise\)](#)' form if you are not able to quote an ABN.

6.6.4 Consortia applications

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

- details of the partner organisation (including the percentages of Indigenous [ownership](#), [control](#) and/or management);
- an overview of how each partner organisation will work with the lead organisation and any other partner organisations in the group to successfully complete the grant activity;
- an outline of the relevant experience and/or expertise each partner organisation will bring to the group;
- the roles/responsibilities of each partner organisation and the resources they will contribute, if any; and

⁵ Refer to section 9.6 GST for further details about GST.

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

6.6.5 Evidence of your organisation's Indigeneity

If you indicate that your organisation is Indigenous owned and/or controlled you may be required to provide additional information, or to complete a declaration using the template available on [GrantConnect](#) and/or the Agency's website.

6.7 Completing the application form

You must complete an application form.

The Agency may request information from you to be able to undertake an assessment against the assessment criteria. However, you will be asked to read the form and sign the declaration form to verify the information, confirm understanding and acknowledgement of the terms and conditions.

6.7.1 Key personnel

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

6.7.2 Before lodging an application

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

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

6.7.3 False or misleading information

You are responsible for ensuring that your application is complete and accurate. Giving false or misleading information is a serious offence under s.137 of the *Criminal Code Act 1995* (Cth). We will investigate any false or misleading information and may exclude your application from further consideration.

6.7.4 Size limit for application

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

6.7.5 Declaration in application form

In the application form you are asked to declare you understand and agree the information you have provided is true and correct and that you have read, understood and agreed the terms and conditions. This declaration must be completed by the applicant or a person authorised to act on behalf of the applicant. When completing the form online, the applicant, or person authorised to act on behalf of the applicant, should type their full name and position, and include any qualifications and licencing requirements of the applicant as outlined in section 3.4.

6.7.6 Submitting your application

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

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

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

6.7.7 Guidance about application process

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

6.8 Questions during the application process

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

6.9 Legal and financial advice

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

6.10 Indigenous interpreters

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

6.11 Disability

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

6.12 Supporting equitable access, including gender equity

Where possible and relevant, applications should take into account the differing barriers and opportunities experienced by subsets of the target community, including Indigenous men and women, and the impact these might have on access to funded activities. This could include articulating the specific ways delivery of the activity will address barriers to participation for different groups for example, how the activity will support gender equitable outcomes in the community.

7 The grant selection process

7.1 Assessment of grant applications

If your application does not meet the eligibility criteria, we will not assess your application and will notify you.

The Agency assesses all applications against the assessment criteria and considers value with relevant money. This enables applications to be rated on whether they 'fully meet', 'partially meet' or 'do not meet' the assessment criteria. Key considerations in determining value with relevant money

include cost, the quality and purpose of the grant activity, intended outcomes, alignment and risk with TAEG objectives and relevant experience of the applicant.

If you are an applicant who already receives IAS funding, we may also consider previous performance, demonstrated capability to deliver the activity, and/or other information which has been made available to the Agency.

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

As noted in [section 1.4 'Preference to fund suitable Indigenous organisations'](#), preference may be given to fund suitable Indigenous organisations.

The Agency will determine which applications are similarly ranked by assessing whether your application “fully meets”, “partially meets” or “does not meet” the assessment criteria. Where two applications are within the same category, preference may be given to fund suitable Indigenous organisations.

7.1.1 The use of additional information in assessment

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

- information from within the Agency available through the normal course of business such as knowledge about your previous performance or knowledge about priority areas of community need;
- information about you or your application from other Commonwealth, state, territory or local government agencies, whether or not you nominated them as a referee;
- representatives from an Indigenous community or organisation, or subject-matter experts, who are on an assessment panel, whether or not you nominated them as a referee; or
- recommendations from Aboriginal and Torres Strait Islander local and regional decision making groups and organisations (e.g. [Empowered Communities](#)).

For information on how the Agency treats personal and confidential information, please see section 14 below.

7.2 Who will assess applications?

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

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

7.3 Who will approve grants?

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

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

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

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

8 Notification of application outcomes

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

8.1 Feedback on your application

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

9 Successful grant applications

9.1 The grant agreement

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

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

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

- [key performance indicators](#) and performance reporting requirements;
- financial reporting requirements;
- a funding payment schedule;
- mandatory requirements for Working with Children checks, and Working with Vulnerable People checks;
- mandatory requirements to comply with applicable work health and safety obligations including those provided under Commonwealth work health and safety legislation;
- insurance requirements including compliance with the *Work Health and Safety Act 2011 (Cth)* to cover your obligations in relation to the grant funding to be delivered;
- compliance with the Australian Privacy Principles as set out in Schedule 1 of the *Privacy Act 1988 (Cth)* (the Privacy Act). Further information about privacy and confidentiality is also included at [section 14](#) of this document;
- requirements to maintain the confidentiality of any information deemed by the Commonwealth to be confidential; and
- record keeping requirements.

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

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

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

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

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

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

9.2 Negotiation of funded activities

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

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

9.3 Execution of the grant agreement

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

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

9.4 Specific legislation, policies and industry standards

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

9.5 How we pay the grant

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

We must execute the Grant Agreement with you before we can make any payments. We are not responsible for any of your expenditure until a Grant Agreement is executed. If you choose to start your grant activities before you have an executed grant agreement, you do so at your own risk.

Payment of funding for projects is generally based on the achievement of individual milestones for its Participants. The amount paid for milestones will be negotiated with the regional office and will be detailed in the Project Agreement.

Payment details may be discussed with your NIAA Regional Office and should be included with the budget and project cost template in your application.

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

Specific funding cannot be provided as a lump sum to cover initial set-up costs or operating costs such as wages.

Payment milestones for each of the TAEG Program Elements are explained in detail under [Section 2.1](#).

9.6 GST

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

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

Grants may be considered assessable income for taxation purposes, unless exempted by a taxation law. We recommend you seek independent advice on your taxation obligations or seek assistance from the [Australian Taxation Office](#)⁶. We do not provide advice on taxation matters.

9.7 Grant agreement variations

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

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

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

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

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

All decisions to vary a grant agreement must be mutually agreed to between you and the Agency before a variation is provided for the parties to execute.

10 Risk and compliance

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

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

⁶ <https://www.ato.gov.au/>

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

10.1 Organisation Risk Assessment

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

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

10.2 Activity Risk Assessment

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

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

10.3 Non-compliance

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

11 Announcement of grants

Once your grant is executed, it will be listed on the [GrantConnect](#) website within 21 calendar days after the grant execution date, as required by paragraph 5.3 of the *CGRGs*. An exception to this is payments made for the purposes of the *Australian Education Act 2013 (Cth)* and the *Higher Education Support Act 2003 (Cth)*.

12 How we monitor your grant activity

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

- on-the-ground monitoring, predominately through the NIAA Regional Offices;
- key performance indicators;
- periodic provider reporting on the performance of activities;
- assessment of financial reports;
- where necessary, compliance operations; and
- keeping us informed.

12.1 On-the-ground monitoring

The Agency uses an active 'on-the-ground' strategy to monitor the TAEG grantees and activities primarily through the NIAA Regional Offices. This can involve site visits, discussions with community members and service recipients, and ongoing contact with the grantees.

A priority for the Agency is active engagement to assist with early identification and treatment of activity delivery risks and other issues as they arise.

12.2 Key performance indicators

The Agency, in conjunction with the grant recipient, will set key performance indicators (KPIs) for each activity to measure progress against identified outcomes. These will be set out in the grant agreement.

The Agency has two mandatory key performance indicators to provide consistency across funding agreements. In addition, the Agency may, negotiate extra individual key performance indicators with the successful applicant, based upon the type of grant funded.

The grant recipient will be assessed against the key performance indicators over the course of the funded activity.

12.3 Performance reports

You will be required to periodically report on the overall progress and performance of your activity, and against the key performance indicators in your grant agreement. The frequency and content of reporting requirements will depend on the funded activity and will be contained in the grant agreement. The Agency will also source a range of data and information to inform its judgement.

In completing performance reports, you are encouraged to be open about the status of the activity, any service delivery risks and issues, and to provide data to support any claims made. This instils confidence in your management reporting systems and allows us to better work with you to improve performance, if necessary.

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

12.4 Financial reports

Financial reports are required from grantees to provide evidence that funds have been expended for the purposes provided as agreed and so that any underspend or over spend can be managed.

The annual value of the grant and the risk rating of the grantee and the activity determine the financial reporting requirements. The default financial reporting requirement is one report per year. Financial reporting requirements will be specified in the grant agreement.

12.5 Compliance visits and record keeping

We may visit you during or after the completion of your grant activity to review your compliance with the grant agreement. We may also inspect, copy or remove and retain the records you are required to keep under the grant agreement. We will provide you with reasonable notice of any compliance visit.

12.6 Keeping us informed

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

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

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

- name;
- addresses;
- nominated contact details;
- bank account details;
- ABN;

- GST registration or status;
- any instance where your organisation may no longer meet the definition of an Indigenous Organisation (if it initially did); and
- if your organisation has an outstanding and overdue ATO debt.

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

12.7 Record keeping

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

12.8 Evaluation

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

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

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

12.9 Acknowledgement of funding

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

13 Probity

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

13.1 Enquiries and feedback

If you would like to make a complaint about a grant process phone (02) 6152 3050 or email the Agency at NIAAcomplaints@niaa.gov.au.

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

The Commonwealth Ombudsman can be contacted on:

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

13.2 Conflicts of interest

Conflicts of interest can affect the performance of the grant opportunity or program. There may be an actual conflict of interest, a perceived conflict of interest, or a potential conflict of interest, if the

Agency's staff, any member of a committee, panel or advisor and/or you or any of your personnel, including subcontractors and volunteers has, but not limited to:

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

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

If you later identify an actual conflict of interest, a perceived conflict of interest, or a potential conflict of interest, you must inform the Agency in writing immediately and provide further information to the satisfaction of the Agency.

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

Conflicts of interest for Australian Government staff will be handled as set out in the Australian Public Service Code of Conduct (section 13(7) of the *Public Service Act 1999 (Cth)*).

14 Privacy and confidentiality

14.1 Personal information

As part of your application, you declare your ability to comply with the Privacy Act 1988 (Cth) (Privacy Act) and the Australian Privacy Principles and impose the same privacy obligations on officers, employees, agents and subcontractors that you engage to assist with the activity, in respect of personal information you collect, use, store, or disclose in connection with the activity.

Accordingly, you must not do anything, which if done by the Agency would breach an Australian Privacy Principle as defined in the Privacy Act. We handle personal information in accordance with the Privacy Act and the Australian Privacy Principles. Personal information we collect will be used for the purposes of selecting applicants, assessing and administering grants. We may disclose personal information about grant applicants and grantees to other entities as set out further below, or where disclosure is otherwise authorised under the Privacy Act.

The Agency's Privacy Policy contains information about how you can access the personal information held by the Agency and seek correction of the information. It also explains how you can make a complaint about a breach of the Australian Privacy Principles. You can access the Privacy Policy on our website at www.niaa.gov.au or email privacy@niaa.gov.au for a copy of the policy, noting with the recent change from PM&C to NIAA, relevant PM&C policies will apply until replaced by an agreed NIAA policy.

14.2 Confidential information

We will treat the information you give us as sensitive and therefore confidential if it meets all of the three conditions below:

- you clearly identify the information as confidential and explain why we should treat it as confidential;
- the information is commercially sensitive; and

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

14.3 How we use personal and confidential information

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

We may reveal personal and confidential information to:

- the assessment panel, which may include Agency officers, community representatives and/or subject matter experts, and other Commonwealth employees and contractors to help us manage the program effectively;
- employees and contractors of our Agency so we can research, assess, monitor and analyse our programs and activities;
- employees and contractors of other Commonwealth agencies for any purposes, including government administration, research or service delivery;
- other Commonwealth, state, territory or local government agencies in program reports and consultations;
- the Auditor-General, Ombudsman or Privacy Commissioner;
- the responsible Minister or Parliamentary Secretary; and/or
- a House or a Committee of the Australian Parliament.

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

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

14.4 Your responsibilities

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

15 Freedom of information

All documents in the possession of the Australian Government, including those about this grant opportunity, are subject to the [Freedom of Information Act 1982](#) (Cth) (the FOI Act).

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

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

By mail: Freedom of Information Coordinator
National Indigenous Australians Agency
PO Box 6500
CANBERRA ACT 2600

By email: foi@niaa.gov.au

16 Consultation

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

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

17 Glossary

Term	Definition
Actual person	An actual person is an individual, or “natural person”. This term is used to distinguish these partnerships from those involving companies.
Agency	The National Indigenous Australians Agency (also referred to as ‘the NIAA ’ or ‘the Agency ’).
Assessment criteria	The specified principles or standards, against which applications will be judged. These criteria are also used to assess the merits of proposals and, in the case of a competitive grant opportunity, to determine application rankings or ratings (see Section 5).
Casual Employment/ Work	Casual employment/work involves a minimum average of 10 or more hours per week during the relevant job outcome period of the project. However, this can be negotiated depending the circumstances of involve with activity
Commonwealth entity	An Agency of a State, or a Parliamentary Department or Agency, or a listed entity or a body corporate established by a law of the Commonwealth. See subsections 10(1) and (2) of the Public Governance Performance and Accountability Act.
Commonwealth Grants Rules and Guidelines (CGRGs)	Establish the overarching Commonwealth grants policy framework and articulate the expectations for all non-corporate Commonwealth entities in relation to grants administration. Under this overarching framework, non-corporate Commonwealth entities undertake grants administration based on the mandatory requirements and key principles of grants administration.
Control	<p>Control refers to the people in your organisation that have decision-making authority over strategic direction or governance. For most entities, this will mean your Board or Management Committee. Depending on the legal entity type, control may mean:</p> <ul style="list-style-type: none"> • Directors and Secretary – Company Limited by Shares, Company Limited by Guarantee, Cooperatives • Management Committee and Public Officer - ORIC-Registered Indigenous Corporations, Incorporated Associations • Proprietor/partner – Sole traders, actual person partnerships <p>Note: For trusts, the trustee will typically be one of the legal entities above.</p>

Term	Definition
<i>Corporations Act 2001</i>	An act of the Commonwealth that sets out the laws dealing with business entities in Australia at federal and interstate level. It focuses primarily on companies, although it also covers some laws relating to other entities such as partnerships and managed grant funding schemes. Incorporation can be applied for through the Australian Securities and Investment Commission (ASIC) website.
<i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i>	The law that establishes the role of the Registrar of Aboriginal and Torres Strait Islander Corporations, now called the Registrar of Indigenous Corporations, and allows Indigenous Australian groups to form corporations. The <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> (CATSI Act) replaced the <i>Aboriginal Councils and Associations Act 1976</i> (ACA Act). Under the CATSI Act, laws governing Indigenous corporations have been modernised while retaining special measures to meet the specific needs of Indigenous Australians. Incorporation can be applied for through the Office of the Registrar of Indigenous Corporations (ORIC) website .
Decision maker	The person who makes a decision to award a grant.
Disadvantaged Indigenous Job seekers	Is generally classified as <i>jobactive</i> Streams B and C job seekers, those in the Community Development Program (CDP) or Disability Employment Services (DES).
Eligibility criteria	Mandatory criteria, must be met to qualify for a grant.
Empowered Communities	An Indigenous-designed and led initiative that involves Indigenous leaders, communities and governments working in partnership to set priorities, improve services and apply funding effectively at a regional level. This increases Indigenous ownership to give Indigenous people a greater say in decisions that affect them. For further information refer to https://www.niaa.gov.au/indigenous-affairs/empowered-communities .
Evaluation	Evaluation is the systematic measurement of the significance, merit and worth of policies and programs, undertaken to understand and improve decisions about investment. Evaluation involves the assessment of outcomes and operations of programs or policy compared to expectations in order to make improvements.
Full-Time Work	<ul style="list-style-type: none"> • Full-time work involves an average of 35 hours per week or more during the relevant job outcome period of the project.

Term	Definition
Grant	<p>As defined in paragraph 2.3 of the CGRGs: an arrangement for the provision of financial assistance by the Commonwealth or on behalf of the Commonwealth:</p> <p>(a) under which relevant money or other CRF money is to be paid to a grantee other than the Commonwealth; and</p> <p>(b) which is to help achieve one or more of the Australian Government policy outcomes while assisting the grantee to achieve its objectives.</p>
Grantee	An individual/organisation that has been awarded a grant.
Grant activity	The project/tasks/services that the grantee is required to undertake with the grant money as described in the grant agreement.
Grant agreement	<p>Sets out the relationship between the parties to the agreement, and specifies the details of the grant.</p> <p>A grant agreement comprises the Head Agreement, the Project Schedule and any documents attached or incorporated by references into either of those documents.</p> <p>The Head Agreement sets out the general terms and conditions that apply to all Jobs, Land & Economy funded projects for a particular grantee.</p> <p>The Project Schedule sets out specific terms and conditions that apply to particular projects.</p>
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 Opportunity Guidelines	<ol style="list-style-type: none"> 1) Grant Opportunity Guidelines inform potential applicants of the terms and conditions of a grant opportunity. 2) Activity-specific Guidelines outline the context for a specific grant opportunity, designed to inform the potential applicant of the terms and conditions. <p>It is a CGRG requirement to develop Grant Opportunity Guidelines and have them publically available.</p>
Indigenous Enterprise	An entity with at least 50 per cent Indigenous ownership, as outlined in the Indigenous Procurement Policy .

Term	Definition
Indigenous Job seekers	<p>An Indigenous Job seeker must:</p> <ul style="list-style-type: none"> • be of working age (15 years or over); • be actively looking for employment; • be of Aboriginal or Torres Strait Islander descent; • identify as an Aboriginal or Torres Strait Islander person; and • be accepted as such by the community in which they live, or formerly lived.⁷
<p>Indigenous Organisation</p> <p><i>(Note: This definition is used for administering the Incorporation Requirements only – Refer to Appendix 2)</i></p>	<p>Aligns with the s29-5 and 246-5 of the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> Regulation 6 of the <i>Corporations (Aboriginal and Torres Strait Islander) Regulations 2017</i>.</p> <ul style="list-style-type: none"> • If the corporation has five (5) or more members – at least 51 per cent of the members are Indigenous Australians. • If the corporation has fewer than five (5) members but more than one (1) member – all of the members, or all but one of the members are Indigenous Australians. • If the corporation has only one (1) member – that member is an Indigenous Australian. <p>Note that “member” is used as a term for ownership and may vary between entity types (e.g. “shareholder” for co-operatives).</p> <p><u>and</u></p> <p><u>A majority of the directors must be Indigenous Australian.</u></p>
Indigenous Secondary School student	<p>An Indigenous Secondary School student must:</p> <ul style="list-style-type: none"> • be enrolled in year 10, 11 or 12 at a secondary school; • be of Aboriginal or Torres Strait Islander descent; • identify as an Aboriginal or Torres Strait Islander person; and • be accepted as such by the community in which they live, or formerly lived.⁸
jobactive	<p>jobactive is the Australian Government’s employment service to help Australians into work and help employers find the right staff for their business</p>

⁷ Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), October 2020, <https://aiatsis.gov.au/family-history/you-start/proof-aboriginality>

⁸ Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), October 2020, <https://aiatsis.gov.au/family-history/you-start/proof-aboriginality>

Term	Definition
Key Performance Indicator	A measure that provides information about the extent to which the activities or services meet agreed performance requirements.
Management	<p>Persons with the responsibility for the day-to-day operation of the funded organisation. It includes:</p> <ul style="list-style-type: none"> • the CEO (or equivalent) • the people occupying the highest positions in relation to: <ul style="list-style-type: none"> ○ service delivery; ○ finances; ○ operations (e.g. property, ICT); and/or ○ human resources.
Mentor	<p>Means a person who:</p> <p>(a) possesses one of the following qualifications:</p> <ul style="list-style-type: none"> • Certificate IV in Mentoring and Coaching; • Certificate IV in Mentoring Diverse Groups (Indigenous Mentoring); • Diploma of Leadership Coaching and Mentoring; or • Bachelor I Master of Social Work • or • is otherwise approved by the Commonwealth to be a Mentor for a Project; and <p>(b) is available out of normal business hours for family and community visits if required.</p> <p><i>The Commonwealth may consider elders, peers and community members for approval if they can demonstrate minimum competencies such as the capacity to recognise potential mental health issues, understanding of referral strategies, and awareness of youth vulnerabilities.</i></p>
Mentoring	<p>Means a Mentor who:</p> <p>(a) establishes a structured and trusting relationship, and interacts with a Participant;</p> <p>(b) provides guidance, coaching, encouragement and other support for the Participant,</p> <p>to assist the Participant to progress and retain employment opportunities.</p>
Natural person	A natural person is an actual person. This term is used to distinguish these partnerships from those involving companies.

Term	Definition
Owners/Ownership	<p>Depending on legal entity type, “Ownership” may be based on your:</p> <ul style="list-style-type: none"> • Members – ORIC-Registered Indigenous Corporations, Companies Limited by Guarantee, Incorporated Associations • Shareholders – Companies Limited by Shares, Cooperatives • Proprietors/partners – Sole traders, actual person partnerships • Beneficiaries – Trusts <p>If you are a for-profit entity, ownership relates to those who draw a financial benefit from the entity (other than a salary/wage). For not-for-profits, “benefit” is a broader term that may include social/cultural benefits or maintaining an asset or rights (including native title).</p>
Part Time Work	<p>Part time work involves a minimum of 15 hours per week and up to 34 hours per week during the relevant job outcome period of the project.</p> <ul style="list-style-type: none"> • Part Time A – means employment that involves a minimum of 15 hours per week and up to 25 hours per week during the relevant job outcome period. • Part Time B – means employment that involves a minimum of 25 and up to 34 hours per week or an average of 10 hours or more per week during the relevant job outcome period if the Participant is in receipt of parenting or carer payment. This also means if Participant has partial capacity to work, the number of hours of employment per week as assessed or as agreed by the Commonwealth in writing but not less than an average of 8 hour per week during the relevant outcome period.

Term	Definition
Participant	<p>An Indigenous person engaged by the Provider/Grantee to enhance their employment opportunities.</p> <p>An Indigenous Participant must:</p> <ul style="list-style-type: none"> • be of Aboriginal or Torres Strait Islander descent • identify as an Aboriginal or Torres Strait Islander person • be accepted as such by the community in which they live, or formerly lived.⁹
Recruitment End Date	<p>The last date that the Grantee can recruit Indigenous Job seekers/ students to participate in their project.</p>
Remote	<p>The Agency generally applies the Accessibility/Remoteness Index of Australia (ARIA)+ to define remote areas, except where otherwise indicated. ARIA is widely accepted as Australia's most authoritative geographic measure of remoteness. ARIA measures the remoteness of a populated locality by its physical distance by road to the nearest urban centre.</p> <p>Please see the map at Figure A for a geographic representation of remote areas defined under ARIA. The Agency recognises there are some communities located within inner or outer regional areas that may be considered remote that fall outside the definition of remote explained above. These may be communities that have limited access to government services or standards of infrastructure.</p>
Selection process	<p>The method used to select potential grantees. This process may involve comparative assessment of applications or the assessment of applications against the eligibility criteria and/or the assessment criteria.</p>
Stream A	<p>Indigenous <i>jobactive</i> participants that are the most job ready and require minimal support from their providers.</p>
Stream B	<p>Indigenous <i>jobactive</i> participants that need their employment provider to play a greater role in making them job ready.</p>
Stream C	<p>Indigenous <i>jobactive</i> participants that have a combination of vocational and non-vocational issues that need to be addressed so they can take up and retain a job. These are job seekers who have complex or multiple barriers to employment as determined by Services Australia.</p>

⁹ Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), October 2020, <https://aiatsis.gov.au/family-history/you-start/proof-aboriginality>

Term	Definition
Structured Mentoring	<p>Means a Mentor who:</p> <ul style="list-style-type: none"> (a) provides on the job support, including assisting the Participant familiarise themselves with workplace and industry specific issues; (b) identifies issues that may impact upon a Participant's work or training, and discussion of those issues with the Participant; (c) assists the Participant communicate with their Employer, including speaking on behalf of the Participant where requested by the Participant; (d) provides assistance and support with personal issues; and (e) provides assistance or advice on any other topic related to a Participant's employment and/or training, as requested by a Participant.
Sustainable Employment / Jobs	<p>An ongoing job, which is not dependent on continuous government funding.</p>
Value with relevant money	<p>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, consistent with the CGRGs. This includes selecting grant activities that best represent value with relevant money in the context of the objectives and outcomes of the grant opportunity.</p> <p>When administering a grant opportunity, an official will consider the costs and benefits of feasible proposals including, but not limited to:</p> <ul style="list-style-type: none"> • active risk identification and engagement; • the quality of the grant activity/s proposed including how the proposed activity targets groups or individuals using existing processes or innovation; • the extent to which there is an approach to risk management that minimises potential waste of relevant money; • whether or not awarding the grant would add value by achieving something worthwhile that would not occur without the grant; and <p>whether the grant would contribute to the Government's policy outcomes being achieved.</p>

Appendix 1: IAS Program information

Program 1.1 Jobs, Land and Economy

Program objectives

The objectives of the Jobs, Land and Economy Program (the Program) are to:

- support Aboriginal and Torres Strait Islander people to find and remain in sustainable work;
- support remote job seekers' work readiness, through community activities and work experience.
- foster Indigenous business;
- assist Aboriginal and Torres Strait Islander people to generate economic and social benefit from natural and cultural assets, including through the effective and sustainable management of their land; and
- assist Aboriginal and Torres Strait Islander people to progress land and sea claims, and township leases under Commonwealth native title and land rights legislation.

Description

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

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

Program outcomes

The desired outcomes of the Program include:

- increasing in employment and participation rates for Aboriginal and Torres Strait Islander people.
- increasing the number of Aboriginal and Torres Strait Islander people participating in activities and work experience that build work-readiness and contribute to community;
- increasing the proportion of school/tertiary students and graduates connecting to employment through pathway activities including, but not limited to, school based traineeships and cadetships.
- increasing the number of Aboriginal and Torres Strait Islander Participants who reach 26 weeks and/or longer outcomes in employment;
- increasing the number and viability of Indigenous enterprises;
- supporting Australian workplaces to increase their cultural competency and employment of Aboriginal and Torres Strait Islander people;
- engaging local communities in employment solutions;

- support for Aboriginal and Torres Strait Islander people in prison to transition into employment on their release from prison;
- Assisting Aboriginal and Torres Strait Islander people engaged in jobs to engage in jobs relating to land and sea management;
- Progressing land and sea claims and township leases under Commonwealth native title and land rights legislation; and
- Supporting Aboriginal and Torres Strait Islander people to use their land and sea assets to create economic and social benefits.

Activities that contribute to program outcomes

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

1. Economic Development

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

2. Employment

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

3. Community Development Program (CDP)

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

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

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

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

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

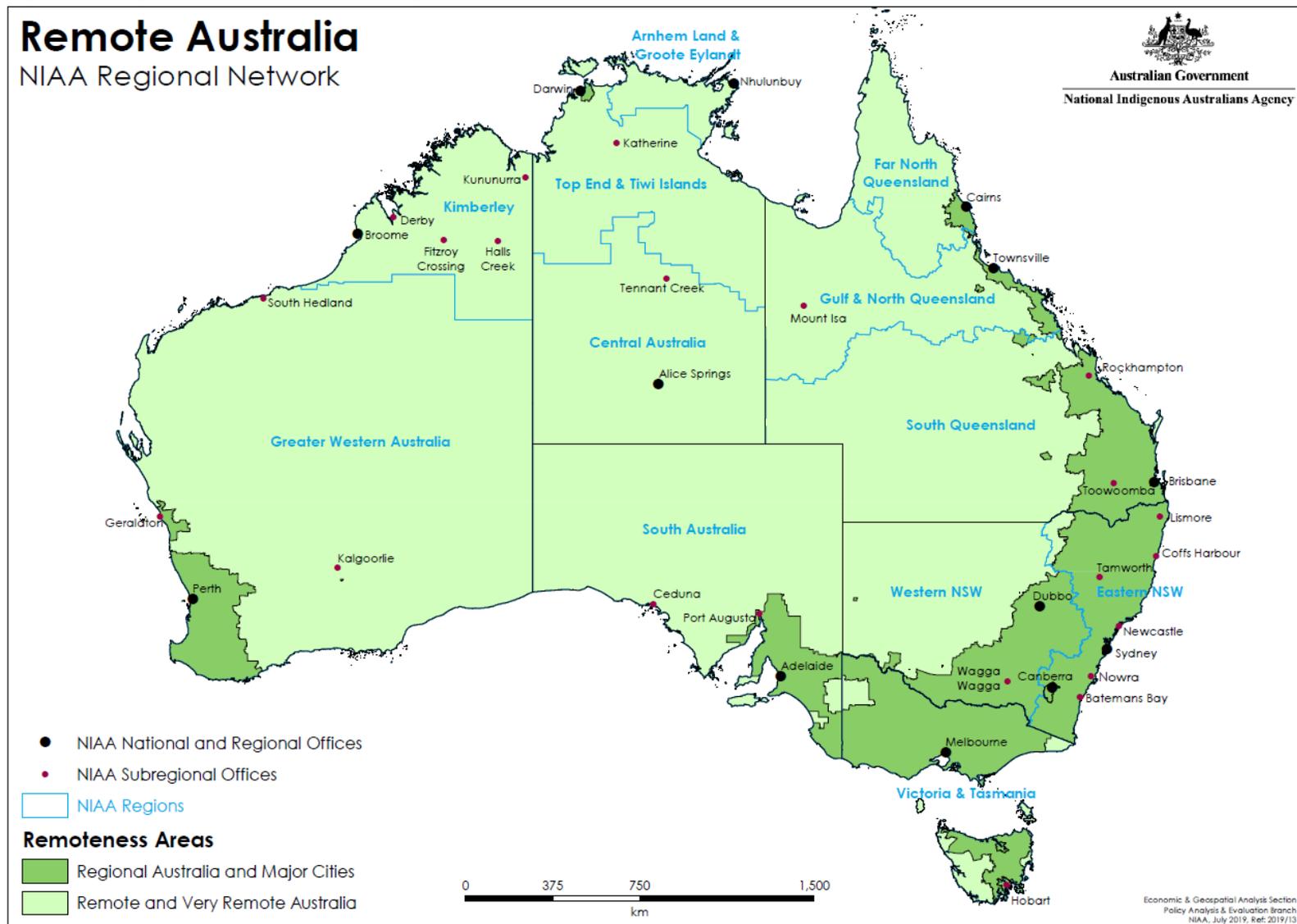
Further information on funding to support capacity building for PBCs is also available on [GrantConnect](http://www.grants.gov.au) at www.grants.gov.au.

Out-of-scope

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

- activities and training that are not directly linked to employment or do not have a demonstrated aim to overcome barriers to employment;
- training that is not connected to employment and/or employment positions that are not sustainable, or that is not needed to undertake a CDP activity;
- activities and services that are the responsibility of states and territory governments or other Commonwealth programs, including:
 - adult vocational education and training (VET) activities (although assistance that complements the completion of such activities may be considered); and
 - cultural heritage, land rights and land management activities subject to state or territory legislation;
- funding full wages for employment project positions;
- areas that are within the responsibility of state and territory governments such as land administration, for example survey and planning, which is not typically funded;
- jobs already being funded through mainstream employment programs or other service providers; and
- businesses that are unviable and/or unsustainable.

Figure A: Indigenous Advancement Strategy - remoteness areas



Appendix 2: Incorporation requirements

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

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

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

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

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

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

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

Organisations may apply for an exemption from the requirement to incorporate under the Strengthening Organisational Governance Policy. Applications for exemption must be submitted using the process outlined by the [Agency](#). Details about the exemptions policy and the Application for Exemption form can be found on the Agency's website.

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

1. That grant funding received from the Indigenous Affairs Group within the Agency is a small portion of its total revenue, and as such changing incorporation status may unfairly impose additional requirements on its operations and business model.
2. It is required to incorporate under specific non-Commonwealth legislation as part of its licensing arrangements or funding received through other sources.

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

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

Support for Indigenous organisations transferring to the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* is available through the Office of the Registrar of Indigenous Corporations (ORIC). This includes assistance in developing a rulebook, guidance on the process to transfer incorporation, and access to pro bono legal assistance through the LawHelp service.

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

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

Appendix 3: Application checklist

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

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

Completing the application form

	Ensure every section of the application form is completed.
	Complete the application form in English.
	Attach evidence of: <ul style="list-style-type: none"> • Project Costings - Template available on GrantsConnect. • Letter/s of Support from employers - guaranteed employment or in principle support from employers to work with service providers to secure employment opportunities for job seekers. • If applying under the SBT stream, you must attach letter/s or evidence of support that demonstrate partnerships with host schools. • Letter/s of support from relevant Indigenous Organisations/stakeholders. • Recent Annual Financial Statement.

	<p>This evidence should demonstrate the following:</p> <ul style="list-style-type: none"> • need for the project; • information about current or emerging employment opportunities including the type and number of positions and tenure of employment; • any opportunities for future training or skills development and career progression; • support from local Indigenous communities; and • support from local industries.
	<p>Complete the 'Declaration' section of the application form. Ensure all fields are completed including the checkboxes. If completing the form online, instead of signing the document, the applicant, or person authorised to act on behalf of the applicant, should type their full name in the field.</p>

Consortia applicants:

	<p>Ensure the nominated lead organisation (the applicant) is a legal entity capable of entering into a grant agreement with the Commonwealth.</p>
	<p>Attach a letter of support from each consortia organisation. Ensure that each letter of support includes the information required as set out in section 6.2 of this document.</p>

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

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

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