

Aboriginal Workforce Grants Program terms and conditions

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1 Introduction

The Aboriginal Workforce Grants Program (“Program”) is part of the Northern Territory Government’s wider objective of increasing economic participation outcomes for Aboriginal Territorians through employment, skilling and support for employers.

2 General

2.1 Program objective

Funding is available to support Eligible Organisations in the delivery of Projects or activities that will result in more Aboriginal Territorians entering employment and developing their chosen careers within the workplace.

The Program will assist Eligible Organisations to access funds to meet the costs of:

- Mentoring
- Workforce development
- Wrap around services

An Eligible Organisation must submit an application to be assessed by a panel chaired by the Department. Successful Projects will then be offered funding through a Letter of Offer.

3 Definitions

Aboriginal Individual is defined as:

- being of Australian Aboriginal or Torres Strait Islander descent; and
- having previously and consistently in day-to-day life been known to be and/ or identified as an Australian Aboriginal or a Torres Strait Islander; and
- being accepted as an Australian Aboriginal and /or Torres Strait Islander in the community in which they live or have lived.

Approved Purpose means the purpose of the grant approved by the Department, as specified in the Grant Details, which meets the Program’s objectives and policy intent.

Department means the Northern Territory Government Department of Trade, Business and Innovation.

Eligible Organisation means a Territory Enterprise that is not an Excluded Body and:

- a) Is either, incorporated under a law of the Commonwealth of Australia, a State or a Territory, is a partnership or is a sole trader; and
- b) Holds a current ABN number; and
- c) Meets the insurance requirements in Section 9 of these Terms and Conditions; and
- d) is a direct employer of Aboriginal Territorians at the time of application OR will be directly employing Aboriginal Territorians by the conclusion of the Project.

Excluded Bodies means:

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- a) Government Departments (Australian, State or Territory), government owned businesses and government owned or controlled organisations (other than local government bodies or incorporated associations delivering local government or municipal services, which are not excluded from applying); and
- b) Other excluded businesses and organisations as may be determined by the Department from time to time in their absolute discretion.

Funding is the maximum grant amount the Department agrees to pay to the Recipient specified in the Grant Details.

Offer or the Letter of Offer is the letter setting out the conditions under which the Funding is awarded to the Recipient to conduct the Project. The **Grant Details** are attached to the Letter of Offer.

Payment Criteria means the payment criteria specified in Clause 7.3 of these Terms and Conditions.

Program means the Aboriginal Workforce Grants Program

Project means the proposed activities put forward to the Department to achieve the Approved Purpose as stated in the Grant Details.

Recipient is the Eligible Organisation as stated in the Grant Details.

Related means:

- a) in relation to a company:
 - i) a director or member of the body or of a related body corporate, or
 - ii) a Relative of a director or member, or
 - iii) a Relative of the spouse of a director or member, or
 - iv) an employee of the company or a Relative of an employee of the company.
- b) in relation to any other kind of legal entity:
 - i) a proprietor, member, partner or any other person exercising control (whether on their own or jointly with others) over the management of the business, or
 - ii) a Relative of any person falling within (b)i. above, or
 - iii) an employee of the business or a Relative of an employee of the business, and
- c) in relation to a person, means a Relative of that person.

Relative, in relation to a person, means the spouse, parent or remoter lineal ancestor, child or remoter issue, or brother or sister of the person.

A **Territory Enterprise** is a business that satisfies all of the following:

- Operating in the Northern Territory - the enterprise is currently engaged in productive activities (i.e. production of goods or delivery of services) within the NT.
- Significant permanent presence - the enterprise maintains an office, manufacturing facilities or other permanent base within the NT.

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- Employing NT residents - the enterprise employs Territorians. An enterprise which relies exclusively on transient, interstate/international labour or a fly-in, fly-out (FIFO) workforce will not satisfy this element.

Website means [Aboriginal Workforce Grants web page on the Northern Territory Government website](#)¹.

4 Eligibility and restrictions

The Program is open to Eligible Organisations.

Funding is not available to Excluded Bodies.

Applicants are strongly encouraged to:

- gain financial or in-kind support from their organisation or other sources such as the Australian Government and private or philanthropic organisations;
- Buy Local - preference will be given to applicants who can demonstrate that local suppliers have been invited to bid for any works that they need carried out by independent contractors to complete the Project.

Projects must be ready to start. Projects may be collaborations between organisations. Projects may complement an initiative that is underway but grant funds are not to be used to cover a deficit in funding.

4.1 What can be funded?

Projects may include elements such as:

- Structured Mentoring through a professional service for career development or advancement
- Workforce Development such as support for implementing workplace practices, job design or tutoring
- Wrap Around Services including (but not limited to) language, literacy and numeracy (LLN), in-situ mentoring and structured workplace support, transport and/or accommodation where there is no alternative.

4.2 What cannot be funded?

Funding cannot be used for:

- purchasing assets, capital goods or equipment
- solely for wages
- planning or strategy development
- operational or core business activities
- recurrent expenses such as salaries and administration costs

¹ <https://nt.gov.au/industry/start-run-and-grow-a-business/grow-your-business/business-grants-and-funding/aboriginal-workforce-employment>

- activities that are contractual requirements in other government programs
- activities that are the responsibility of another government funding program
- activities that may present commercial advantage including during an open tendering process

5 Application and approval process

5.1 How to Apply

Applications will be accepted all year round until all available funds are committed and/or expended. Where a need is identified by the Department, it may release competitive rounds.

Eligible Organisations should contact the Program Manager or the Workforce Coordinator in their region to assist with their application if required (see details on the Website). Eligible Organisations must complete the application form and submit it online at the Website, for assessment.

5.2 Applicant obligations and responsibilities

The Chief Executive is the person with the authority of the business to sign contracts. One person must be identified as the Chief Executive of the organisation applying for the Funding.

By signing the declaration, the Chief Executive:

- confirms that the information provided in the application is true and correct
- accepts to be bound by the terms and conditions
- agrees to participate in post-Project monitoring and evaluation of outcomes

These declarations are made in accordance with the *Oaths, Affidavits and Declarations Act 2010*. Online declarations are unattested in accordance with section 21 of the Act.

5.3 Time limits on Program and completion of Projects

No applications for participation in the Program will be accepted after the advertised closing date or after grant funds have been fully committed/expended, whichever comes first.

Projects must not commence until an application has been approved by the Department.

All Projects approved under this Program must commence within three months of the date of approval or by the Project start date specified in the Grant Details, whichever is later.

All Projects approved under this Program must be completed within six months of the Project end date specified in the Grant Details.

5.4 Other financial rebates, discounts and other financial incentives

Should any proposed Project include services or goods that already entitle the Eligible Organisation to a rebate, discount or other financial incentive, whether from the Northern Territory Government or not ('Benefit'), the Offer amount will be reduced by an amount to be determined by the Department to avoid double-dipping with the Benefit.

6 Assessment of applications

6.1 Assessment criteria

Applications must contain sufficient detail to enable the panel to assess the merits of the application, including the anticipated outcomes.

Applications will be assessed by the panel against the following criteria:

- anticipated number of new jobs and/or career advancement for Aboriginal Territorians
- evidence of employer commitment to proposed employment outcomes and sustainability beyond the funded period
- Project viability, rigour and sound methodology
- value for money
- demonstrated industry need
- Project has a plan and is ready to start
- ability and expertise to manage and deliver their Project
- risk management plan in place
- community and business support

The panel will also take into account an applicant's previous grant performance, the proposed geographic coverage of the Project sought to be funded, and the results of a range of due diligence checks it may carry out on an applicant to determine its corporate and financial stability and ability to carry out the Project successfully.

6.2 Other assessment methodology

The Department may consult with other government agencies or bodies, other organisations and/or relevant individuals, to substantiate any claims or statements made in the application to assist in the assessment process. Confidentiality of commercial information will be respected.

The Department reserves the right to seek additional information or documentation from the applicant to verify claims made or information provided in the application form.

Unsuccessful applicants will be advised in writing via email. Feedback will be provided on request.

7 Funding administration

7.1 Funding approval process

Successful applicants will be sent a Letter of Offer.

Eligible Organisations will have 14 days to accept or decline the Letter of Offer after which it will lapse without any further notice to the organisation. No counter-offers will be accepted.

The Department reserves the right to determine the value of the Funding provided, including offering a grant amount that is lower than the amount requested.

7.2 Funding agreement

Funding is not guaranteed until the Letter of Offer has been signed and returned to the Department. The Project must not commence until the signed Letter of Offer has been acknowledged as received by the Department.

By signing and returning the Letter of Offer, the Eligible Organisation declares and warrants to the Department that it has read, understood and fully accepts these Terms and Conditions and the content of the Letter of Offer and its attachment(s) and fully releases and indemnifies the Department against any loss or damage it may suffer of any nature whatsoever.

7.3 Payment criteria

The Funding Commitment will not exceed the amount stated in the Letter of Offer even if the actual costs of the Project are greater.

- Where the Funding Commitment is greater than \$50,000,
 - an upfront payment of up to 50% may be paid upon execution of the Letter of Offer,
 - a milestone payment of up to 30% may be paid once the progress report has been received and deemed satisfactory by the Department, and
 - a final payment of up to 20% may be paid once the final report and funding acquittal have been received and accepted by the Department.
- Where the Funding Commitment is less than \$50,000,
 - an upfront payment of up to 70% may be paid upon execution of the Letter of Offer, and
 - a final payment of up to 30% may be paid once the final report and funding acquittal have been received and accepted by the Department.

A schedule of proposed payments will be nominated on a case by case basis and specified in the Grant Details. All funding payments will be subject to and conditional upon the recipient discharging any deliverables specified in the Grant Details.

8 Conduct of Project

8.1 Related businesses

Eligible Organisations must not engage services or purchase goods from businesses which are Related to or a Relative of it or to the owner of any premises to which fixed improvements will be made in the course of carrying out the Project.

9 Insurance

The Eligible Organisation must ensure that it puts in place and maintains until the Funding has been acquitted, all risk management measures for the funded Project that a prudent person would have in place, including without limitation, public liability insurance of at least \$10 million (each single event) in respect of any premises that will be improved as a result of the conduct of the Project.

10 Due diligence, audit and privacy

All Eligible Organisations acknowledge that the Department will conduct such due diligence enquiries on Eligible Organisations as the Department sees fit at any time during the course of the Project or a Letter of Offer in order to ensure the integrity of the Program and that the allocated

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Funding is used strictly in accordance with the intent of the relevant government policy. Such enquiries may include (but are not necessarily limited to) company and business name searches and credit checks on an Eligible Organisations, as well as on-site visits to the place of business of Eligible Organisations.

All participants in the Program acknowledge and accept that the Department will seek from and share information (which may include personal information or commercial in confidence information) with other Northern Territory Government agencies, as well as such external third parties as it may need to do in order to assess and ensure eligibility.

The Department reserves the right to conduct an audit of the business or the Eligible Organisations at any time during the Project or within 12 months after the Project ends.

Eligible Organisations declare that they agree to the Department having access to any private register of information in relation to their business, and to the Department using, storing and releasing for lawful purposes, their information, including personal and sensitive information and will, promptly upon request, provide the holder of any such information with a release enabling the holder to disclose such information to the Department.

The Department is bound by the *Information Act* (NT) and will only ever use information in accordance with the Northern Territory Government's Information Privacy Principles. These principles are available at www.infocomm.nt.gov.au/privacy/information-privacy-principles or by contacting the Information Commissioner Northern Territory on 1800 005 610.

By providing information to the Department under the Program, Eligible Organisations agree to the [Privacy statement](#)².

11 All services procured with grants of Funding at risk of Eligible Organisation

The Eligible Organisation must make all enquiries it thinks necessary to ensure that any quoting business it engages to assist it to carry out a Project is suitably qualified and experienced to undertake the relevant works. The Department takes no responsibility whatsoever for any works which may not meet the Eligible Organisation's expectations, including without limitation works that are of unacceptable standard. Further, the Department takes no responsibility for any damage or loss of any kind accruing to the Eligible Organisation in the event that any business fails to complete the Project within the terms of the grant of Funding.

12 Program changes

The Department reserves the right to:

- vary these Terms and Conditions, the eligibility criteria or any other documented rule or procedure relating to the Program at any time
- accept or reject any application for participation in the Program and/or any application for issue or redemption of a Letter of Offer in its absolute discretion
- remove an organisation from further participation in the Program where the Department has reasonably determined that the Organisation is no longer an Eligible Organisation, is in breach of these Terms and Conditions or is otherwise not complying with the objective, intent or expectation of the Program, or

² <https://business.nt.gov.au/publications/policies/privacy-policy>

- cease the Program at any time should Northern Territory Government policy change, in which case no further Letters of Offer will be issued.

13 Funds Acquittal and Monitoring/Evaluation of Project

The Department reserves the right to check that the Project has been completed.

All payments are made in accordance with the payment criteria set out in Clause 7.3.

To acquit the Project, the Eligible Organisation must complete a Funding Acquittal Statement in the format as attached to the Letter of Offer. In addition, the Department reserves the right to require a Recipient to acquit progress payments (if any) in such form as specified in the Conditions of Grant or as may otherwise be notified to the Eligible Organisation from time to time where a Project is significant or funding is provided on the basis of staged deliverables being met.

It is important for the Department to evaluate the effectiveness of our business support programs. In addition to any other reporting or acquittal requirements that the Department may specify in individual cases, funds recipients will be required to complete a 6 months and 12 months post-Project report following the completion of the Project.