NT Flexible Workforce Solutions Fund

Terms and Conditions

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# Fund Parameters

## Introduction

The Flexible Workforce Solutions Fund (the Fund) is an initiative of the Northern Territory Government to support the Territory by providing flexible grants for projects and activities in addressing critical workforce shortages.

## Fund Objective

The objective of the Fund is to provide grants to a business and industry consortium that will promote workforce attraction and retention in priority sectors across the Territory to address critical workforce shortages.

# Fund Definitions

**Applicant** means a business applying for a grant under the Fund who is also an Eligible Recipient.

**Assessment Panel** means a group of appropriately skilled and experienced individuals nominated by the Department who critically assess applications based on predetermined criteria and decide which businesses and projects are eligible under the Fund.

**Business Consortium** means two or more businesses or organisations collaborating in order to apply for funding, consisting of a lead business or organisation and collaborative partners. A lead business or organisation for the consortium must be nominated in an application. All businesses comprising the consortium must be:

1. Eligible Recipients in their own right (including that they are Territory Enterprises); and
2. Active participants in the ownership and management of the legal entity or entities carrying out the project (that is, they must not merely be contractors to one business or organisation).

Additionally, in line with the fund objective, a Consortium is a partnership and/or collaborative arrangement join together to:

• deliver a proactive approach to strategic workforce solution through attraction and retention; and/or

• generate an innovative approach to tackle the workers shortages in the NT and regions;

• provide innovative workforce planning solution with an immediate and medium term outcome;

• create a model enabling improved utilisation of labour pool across the NT and the regions;

• grow the NT workforce capability through practical workforce development solution.

**Department** means the Northern Territory Government, Department of Industry, Tourism and Trade.

An **Eligible Recipient**:

1. is a Territory Enterprise (either a for-profit or not-for-profit business); and
2. is a legal entity (including a sole trader or partnership trading under a business name registered in the NT) that held as at the date of commencement of the Fund and continues to hold a valid Australian Business Number (ABN); and
3. is operating in the Northern Territory, providing its services wholly or substantially in the Northern Territory for at least six months prior to submitting an application for Funding; and
4. has a significant permanent presence – maintains an office, facilities or other permanent base within the Northern Territory; and
5. carries a public/general liability insurance policy of not less than $10 million; and
6. demonstrates in its application financial viability and that it has financial capacity to complete the project being funded within specified timeframes; and
7. is a Business Consortium – that is, there is more than one participant intended to join together to carry out the project; and
8. is not an Excluded Recipient.

The Department reserves the right to decide in its discretion if an Applicant is an Eligible Recipient.

**Excluded Recipient** means individuals (even if they are sole traders), private and public educational institutions, government agencies and government owned bodies and statutory corporations.

**Eligible Projects** include, but are not limited to, those projects and activities set out in Section 3.

**Excluded Projects and activities include, but are not limited to:**

* subscription or linked services incurring future or recurring costs;
* services that may be subject to copyright or intellectual property disputes or pending trademark decisions;
* products (being a service) that it is unlikely the Eligible Recipient will be able to use, install or manage without incurring further cost or obligation to the Eligible Provider; or
* products (being a service) that the Eligible Provider has not established clear instructions/or advice on the use/installation, and management of, for the benefit of the Eligible Recipient.

The Department retains absolute discretion as to what goods or services will be approved under the Fund having regard to the overall risk and ensuring value for Fund allocated money.

**Grant Funding** means is the amount of grant monies Eligible Recipients receive under the Fund, up to the Maximum Grant Amount.

**Fund** means the NT Flexible Workforce Solutions Fund.

**Maximum Grant Amount** is the sum of $200 000.

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

1. operating in the Northern Territory - the enterprise is currently engaged in productive activities out of premises within the Northern Territory (i.e., production of goods or delivery of services); and
2. has a significant permanent presence - the enterprise maintains an office, manufacturing facilities or other permanent base within the Northern Territory; and
3. employs Northern Territory residents.

**Website** means nt.gov.au/workforce-solutions

**Fund Overview**

To address workforce shortages and gaps, a Territory Workforce Advisory Group consisting of industry and government representatives has been established. Collaborations between Territory Businesses, Industry Associations, Registered Training Organisations, Community Organisations and Local Government Associations are encouraged. This Advisory Group will also have oversight of the Fund.

Applications are sought to participate in the Fund. As part of the registration process, businesses must submit their proposed projects. Applications made to the Fund will be assessed by the Assessment Panel.

Eligible Projects under the Fund can be, but not limited to:

* Working with industry to create a solution to attract and retain workers across the Territory
* Strategies to support seasonal workers mobility across industries
* Leveraging technology to connect employers with workers
* Delivery of direct, in-country worker recruitment services to support the local workforce
* Provide innovative workforce planning solutions with an immediate and medium term outcomes

Excluded projects include:

* Activities that have previously been funded under other NT & Commonwealth Government grants programs;
* Direct costs of doing business such as wages, rent, utilities, insurance or legal costs;
* Prizes or gifts;
* Development of software applications;
* Transferring of migration costs to a third party prohibited under Migration Regulations; including visa Costs, migration agent costs, Skilling Australia Fund (SAF) Levy; and
* Building and/or renovation of staff amenities and accommodation.

Projects with a diverse consortium will be favourable.

The Department reserves the right to decide in its discretion if a proposed project is eligible or not.

# Application Process

Applications must be made to the Department and comply with all processes and procedures contained in these Terms and Conditions together with the application requirements contained on the [website](https://nt.gov.au/industry/business-grants-funding/flexible-workforce-solutions-fund).

The program is open to eligible applicant recipients to apply from Tuesday, 4 October 2022 by submitting an online application via [Grants NT](https://grantsnt.nt.gov.au/)[[1]](#footnote-2).

There is a two stage assessment process.

**Stage 1** – Applications undergo an initial due diligence process (determination of eligibility of all organisations).

As part of the proposal, the Eligible Recipient must:

1. identify their business structure (e.g. sole trader, company, partnership, trust, not-for-profit); and
2. identify the lead applicant (noting that it is the lead applicant only that will contract with the Northern Territory Government for the provision of the grant);
3. include a detailed project plan which sets out the number of workers targeted for each business, occupations targeted, whether training will be incorporated, how technology will assist in worker attraction, promotion methods and how the business intends to retain workers
4. evidence of partnership agreement or engagement between the nominated parties to undertake the proposed project work
5. provide a detailed breakdown of the budget for the funding sought, outlining what it will be used for. It is important to identify all the costs associated with the project; however, some costs or expenditure may not be eligible under this fund e.g. government levies and other fees, subscription payments etc.;
6. include a breakdown of costs (with written advice such as supplier quotations) and timelines for milestones (if applicable); and
7. include the estimated completion date of the project.

Stage 2 – Applications deemed eligible in Stage 1 will be referred to the Panel for assessment against the criteria set out in section 3.1 of these Terms and Conditions.

Once applications have been assessed by the Panel, recommendations will be made by the Panel to the Department and reviewed by the Senior Officials Working Group.

All successful applications will receive a written offer from the department with the Funding Agreement annexed, which will be required to be fully executed before any funding is advance. All funding payments will link to completion of milestones set out in the funding agreement.

Applications must provide any other information or documentation that the Department may require promptly on request.

The Department reserves the right to offer grant funding in a different amount to that requested and upon such terms and conditions of the funding agreement that it determines in its absolute discretion. The decision conveyed to the applicant is final and binding at every stage and no further discussions will be entered into.

Applicants must note that the Department will share application details (including the name of an applicant and a contact phone number and/ or email address) with other applicants where it believes that nominated prospective projects are similar in nature and may be delivered more effectively through a collaborative arrangement between applicants.

Any successful Eligible Recipient will be required to agree to undertake a Fund evaluation Interview upon completion of the Project and within the twelve months following should the Department require.

The Department will conduct business checks and other due diligence as part of the assessment process, including consulting with other government agencies or bodies, other organisations and/or relevant individuals, in order to substantiate any claims or statements made in the application to ascertain the viability and relevance of the proposed project, or to otherwise assist in the assessment of the application.

## 3.1 Assessment Criteria

Proposals will be assessed by the Panel against the following criteria at the assessment stage. The information required to respond to each criteria will be included in the application form.

|  |  |  |
| --- | --- | --- |
| **Criterion #** | **Criteria** | **Weighting** |
| 1 | **Attract and retain a skilled workforce:**   * Promote workforce attraction * Improve inflow of new workers; local regions, intra-territory * Promotes workforce retention * Supports existing workers, reduces attrition rate   **Addresses workforce shortage and gaps:**   * Increases capacity of the labour force within an industry or across industries * Proposal addresses identified shortage area * Details on how milestones will be measured   **Alignment with other strategic objectives:**   * Aligns with strategic industry objective/s * Aligns with NT Government strategic objectives/s including NT Skilled Occupation Priority List, Designated Area Migration Agreements and the 2018-28 NT Population Growth Strategy | 50% |
| 2 | **Value for money and costings:**   * Project demonstrates a clear return on investments, co-contribution considered * Demonstrated success in the project area in the past * Are the resources required by the project identified * Project cost is realistic/consistent with defined output and outcome   Project demonstrated clear return on investments, co-contribution considered  **Other benefits**   * Benefits industry sector   Benefits regional/remote areas | 40% |
| 3 | **Nature of collaboration**   * Partnership/collaboration with business/employer incl. Small business enterprises * Consortium/partnership/collaboration with/between industry partners * Multilateral collaboration between industry, businesses/employers and other entities | 5% |
| 4 | **Risk consideration**   * Project duration/timing is realistic/consistent with defined output and outcome | 5% |

# GST

Grant Funding is issued exclusive of GST. If the Grant Recipient is registered for GST, then GST will be paid by the Department.

# Grant agreement and Funding

## Eligible Recipient

The Department on behalf of the Northern Territory Government will establish funding agreements with successful applicants. Such funding agreements will be in the form mandated by the Northern Territory Government. The general conditions of provision of funding currently mandated by the Northern Territory Government will be provided to successful applicants at the time that an offer is made.

Applications that are successful will receive a written letter of offer which will include the Funding Agreement fully populated with all the terms and conditions upon which the Funding is offered.

A successful Applicant may only accept an offer of Funding by the execution and return of the Funding Agreement by the date that is specified in the letter of offer.

Once the Funding Agreement is fully executed, the Project can commence and the funding paid to the recipient according to the terms of the Funding Agreement.

Important note: Funding is not recurrent and grants will be allocated on a one‐off basis. Only one grant is available per application (including in respect of consortium partners that are not the lead applicant).

## Unsuccessful applicants

Unsuccessful applicants will receive written notification of such, and may be able to receive feedback upon request.

## Funding Amount

Funding in respect of each Project will be:

1. a minimum of $10 000 and a maximum of $200 000 (exclusive of GST (if applicable)). The total value of a Project may exceed $200 000, but Funding will be capped at that amount; and
2. allocated on a 25%-75% co-contribution basis between the applicant and the department to the costs of the project. Not-for-profit organisations contribution can be in-kind.

# Fund 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 Fund at any time
* accept or reject any application for participation in the Fund
* decide in its discretion whether a Provider, a Recipient or Eligible Services do or do not meet the intent of the eligibility criteria for participation (notwithstanding that it may meet the requirements of the relevant definition)
* remove a Provider from further participation in the Fund where the Department has reasonably determined that the Provider is no longer an Eligible Service Provider, is in breach of these terms and conditions or is otherwise not complying with the objective, intent or expectation of the Fund
* cease the Fund at any time should allocated funding be depleted or the Northern Territory Government policy changes in which case no further Grant Funding will be issued

# Publication, promotion and intellectual property

Grant payments will become a matter of public record.

The Department retains the right to publicise information, including good practice models, case studies, data and resources developed as a result of grant funding.

The funding agreement will contain provisions dealing with intellectual property developed through the use of the grant funding.

# Due Diligence, Audit and Compliance with Law

All participants in the Fund acknowledge:

1. that the Department will conduct such due diligence enquiries as it sees fit in order to ensure the integrity of the Fund and that the allocated 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, association and business name searches on a business, title and other searches for the Premises, searches of the courts and / or the trustee in bankruptcy and enquiries of private businesses or institutions as the Department sees fit; and
2. that it is a condition of participation in the Fund that providers and Recipients comply with all relevant laws, including the *Payroll Tax Act 2009* and *Taxation Administration Act 2007* and, without limitation, that participants ensure they are aware of their obligations under the *Independent Commissioner Against Corruption Act 2017* (the Act) and that none of their officers, employees, and/or members engage in improper conduct as that term is defined in the Act; and
3. Participants must exercise utmost integrity and honesty in all their dealings with the Department. Misleading and/or deceptive conduct in relation to any aspect of a participant’s activity under the Fund may result in cancellation of the right to participate (including an obligation to repay any monies not already committed).

All participants in the Fund acknowledge and expressly agree to the Department seeking from and sharing information with other NT Government agencies, as well as such external professional advisers as it may need to do in order to assess eligibility, such as conveyancers / solicitors.

Participants must present, upon request by the Department within 10 working days of the request, any documentation required by the Department that is related to its eligibility to participate in the Fund and expenditure of any grant made.

The Department reserves the right to conduct an Audit at any time before or after the completion of the Eligible Services, or within 12 months after the Fund’s End Date.

By applying to participate in the Fund, Providers and Recipients declare that they expressly agree to the Department having access to any private register of information in relation to the Provider or Recipient, and to the Department using, storing and releasing for lawful purposes, their information, including personal information. Applicants further agree and expressly authorise the Department to share details of their Application (including name and contact details) where the Department believes that a project may be delivered more effectively through a collaborative arrangement.

Eligible Recipients must provide a statutory declaration in the form and as to the matters as required by the Department from time to time and published on the Website. Persons who cannot make the declaration truthfully of their own personal knowledge, will not have their business admitted to participate in the Fund.

# Privacy

In this section, a reference to “you” is a reference to a participant.

The Department is bound by the *Information Act 2002 (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](http://www.infocomm.nt.gov.au/privacy/information-privacy-principles) or by contacting the Information Commissioner Northern Territory on 1800 005 610.

Recipients should read the Department’s [Privacy Policy](https://industry.nt.gov.au/publications/business/policies/privacy-policy)[[2]](#footnote-3) and by providing information to the Department under the Fund, Businesses and Recipients agree to the following Privacy Statement:

Information collected as part of the Fund application process is collected in accordance with the Fund’s terms and conditions and for the purposes of assessing participant eligibility, audit; monitoring; evaluation; and reporting.

By applying to participate in the Fund, you consent to the Northern Territory Government:

1. storing information, including personal information (such as names and personal contact details);
2. using the information, including personal information for the purposes mentioned under the paragraph above;
3. transferring some of this information, including personal information, outside of the Northern Territory (but not outside Australia) for the purpose storing it; and
4. releasing non-sensitive information, de-identified data in accordance with the Northern Territory Government’s open data policy.

If you have provided personal information of another individual to the Northern Territory Government, you warrant that you have informed the person to whom the personal information relates that the personal information will be provided to the Northern Territory Government, and of the Northern Territory Government’s intended use of this personal information, and that you have obtained consent from all such persons to allow the Northern Territory  Government to use and disclose their personal information in this manner.

# 11. Release and Indemnity

By applying to participate and as a continuing obligation throughout any period of participation in the Fund, all participants declare and warrant to the Department that they have read, understood and fully accept these terms and conditions and fully release and indemnify the Department against any loss or damage he/she/it/they may suffer of any nature whatsoever (including without limitation personal injury or death) caused or to the extent contributed to by participation in the Fund, the conduct or provision of any services or otherwise.

# 12 Fund End

This Fund budget is $3M over two years and the Fund will end at such time as is determined by the Northern Territory Government.

1. https://grantsnt.nt.gov.au/ [↑](#footnote-ref-2)
2. https://industry.nt.gov.au/publications/business/policies/privacy-policy [↑](#footnote-ref-3)