



WEST ARNHEM REGIONAL COUNCIL AGENDA

**SPECIAL COUNCIL MEETING
FRIDAY, 6 DECEMBER 2024**



WEST ARNHAM REGIONAL COUNCIL

Notice is hereby given that a Special Meeting of the West Arnhem Regional Council will be held in Council Chambers Jabiru on Friday 6 December 2024 at 2:00 pm.

Andrew Walsh
Chief Executive Officer

Code of Conduct: The Local Government Act 2019

As stipulated in Schedule 1 of the Act, the Code of Conduct for Members is as follows:

1. *Honesty and Integrity:* A member must act honestly and with integrity in performing official functions.
2. *Care and diligence:* A member must act with reasonable care and diligence in performing official functions.
3. *Courtesy:* A member must act with courtesy towards other members, council staff, electors and members of the public.
4. *Prohibition on bullying:* A member must not bully another person in the course of performing official functions.
5. *Conduct towards Council staff:* A member must not direct, reprimand, or interfere in the management of, council staff.
6. *Respect for cultural diversity and culture:* A member must respect cultural diversity and must not therefore discriminate against others, or the opinions of others, on the ground of their cultural background.
A member must act with respect for cultural beliefs and practices in relation to other members, council staff, electors and members of the public.
7. *Conflict of interest:* A member must avoid any conflict of interest, whether actual or perceived, when undertaking official functions and responsibilities.
If a conflict of interest exists, the member must comply with any statutory obligations of disclosure.
8. *Respect for confidences:* A member must respect the confidentiality of information obtained in confidence in the member's official capacity.
A member must not make improper use of confidential information obtained in an official capacity to gain a private benefit or to cause harm to another.
9. *Gifts:* Members must not solicit, encourage or accept gifts or private benefits from any person who might have an interest in obtaining a benefit from the council.
A member must not accept a gift from a person that is given in relation to the person's interest in obtaining a benefit from the council.'
10. *Accountability:* A member must be prepared at all times to account for the member's performance as a member and the member's use of council resources.
11. *Interests of municipality, region or shire to be paramount:* A member must act in what the member genuinely believes to be the best interests of the municipality, region or shire.
In particular, a member must seek to ensure that the member's decisions and actions are based on an honest, reasonable and properly informed judgment about what best advances the best interests of the municipality, region or shire.
12. *Training:* A member must undertake relevant training in good faith.

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Acknowledgement of Country

West Arnhem Regional Council acknowledges the First Nations Custodians, and the many Language and Family groups who are Managers and Caretakers to each of their Traditional homelands and Waters across the West Arnhem Region Wards.

West Arnhem Regional Council pays its respects and acknowledges Elders, past, present and rising.

WEST ARNHAM REGIONAL COUNCIL

FOR THE MEETING 6 DECEMBER 2024

Agenda Reference:	3.1
Title:	Apologies, Leave of Absence and Absent Without Notice
Author:	Jasmine Mortimore, Governance Advisor

SUMMARY

This report is to table, for Council's record, any apologies, and requests for leave of absence received by Council's Chief Executive Officer from Elected Members, as well as record any absence without notice for the Special Council meeting held on 6 December 2024.

RECOMMENDATION

1. Notes the absence of ...
2. Notes the apology received from

COMMENT

Council can choose to accept the apologies or requests for leave of absence as presented, or not accept them. Apologies or requests for leave of absence that are not accepted by Council will be recorded as absent without notice.

LEGISLATION AND POLICY

Section 47(o) of the *Local Government Act 2019*.

Council's Scheduling and Conduct of Meetings (Elected, Local Authority and Council Committee Members) Policy.

STRATEGIC IMPLICATIONS

This report is aligned to the following pillars and goals in the *Regional Plan and Budget*:

PILLAR 6 FOUNDATIONS OF GOVERNANCE

Integrity is at the heart of everything we do. We are leaders of best practice and excellence in governance, advocacy, consultation and administration. Our processes, procedures and policies are ethical and transparent.

Goal 6.3 Council and Local Authorities

Excellence in governance, consultation administration and representation

ATTACHMENTS

Nil

WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 6 DECEMBER 2024

Agenda Reference:	4.1
Title:	Acceptance of Agenda
Author:	Jasmine Mortimore, Governance Advisor

SUMMARY

Agenda papers are presented for acceptance at the Special Council meeting held on 6 December 2024.

RECOMMENDATION

THAT COUNCIL accept the agenda papers as circulated for the Special Council meeting held on 6 December 2024.

LEGISLATION AND POLICY

Section 92(1) *Local Government Act 2019*.

Council's Scheduling and Conduct of Meetings (Elected, Local Authority and Council Committee Members) Policy.

STRATEGIC IMPLICATIONS

This report is aligned to the following pillars and goals in the *Regional Plan and Budget*:

PILLAR 6 FOUNDATIONS OF GOVERNANCE

Integrity is at the heart of everything we do. We are leaders of best practice and excellence in governance, advocacy, consultation and administration. Our processes, procedures and policies are ethical and transparent.

Goal 6.3 Council and Local Authorities

Excellence in governance, consultation administration and representation

Goal 6.5 Planning and Reporting

Robust planning and reporting that supports Council's decision-making processes

ATTACHMENTS

Nil

WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 6 DECEMBER 2024

Agenda Reference:	5.1
Title:	Disclosure of Interest of Members or Staff
Author:	Jasmine Mortimore, Governance Advisor

SUMMARY

Elected Members are required to disclose an interest in a matter under consideration at a Council Meeting:

- 1) In the case of a matter featured in an officer's report or written agenda item by disclosing the interest to the meeting as soon as possible after the matter is raised.
- 2) In the case of a matter raised in a general debate or by any means other than the printed agenda of the Council meeting, disclosure as soon as possible after the matter is raised.

Under disclosure, the Member must abide by the decision of the Council on whether they shall remain in the Chambers and/or take part in the vote on the issue. The Council may elect to allow the Member to provide further and better particulars of the interest prior to requesting them to leave the Chambers.

Staff Members of the Council are required to disclose an interest in a matter at any time on which they are required to act or exercise their delegate authority in relation to the matter. Upon disclosure, the staff member is not to act or exercise their delegated authority unless Council expressly directs them to do so.

RECOMMENDATION

THAT COUNCIL receive the declarations of interest as listed for the Special Council meeting held on 6 December 2024.

LEGISLATION AND POLICY/STATUTORY ENVIRONMENT

Section 114 (Elected Members) *Local Government Act 2019*

Section 179 (staff members) *Local Government Act 2019*

Council's Scheduling and Conduct of Meetings (Elected, Local Authority and Council Committee Members) Policy.

STRATEGIC IMPLICATIONS

This report is aligned to the following pillars and goals in the *Regional Plan and Budget*:

PILLAR 6 FOUNDATIONS OF GOVERNANCE

Integrity is at the heart of everything we do. We are leaders of best practice and excellence in governance, advocacy, consultation and administration. Our processes, procedures and policies are ethical and transparent.

Goal 6.4 Risk Management

The monitoring and minimisation of risks associated with the operations of Council.

ATTACHMENTS

Nil

WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 6 December 2024

Agenda Reference:	6.1
Title:	Jabiru By-Laws for Approval
Author:	Ben Heaslip, Information Advisor

SUMMARY

This report presents a final version of the West Arnhem Regional Council (Jabiru Town) By-Laws 2024 to Council for approval.

RECOMMENDATION

THAT COUNCIL

1. Receive and note the report titled *Jabiru By-Laws for Approval*; and
2. Resolve as a special resolution to make the West Arnhem Regional Council (Jabiru Town) By-Laws 2024 under the Local Government Act 2019 and authorise the Chief Executive Officer to sign the by-laws and forward to the Minister for consideration

BACKGROUND

The draft Jabiru Town By-Laws went out to public consultation on 30 September following resolution OCM270/2024. As a result of this consultation the following changes were made:

- A provision was included to allow Council to manage on-street parking, such as yellow no-parking lines or no-parking signs (this provision does not allow Council to charge for on-street parking);
- The Department advised that current Australian traffic regulations authorise Council to remove abandoned vehicles; and
- Following Council's recommendation to increase penalties to the maximum extent possible for all by-laws relating to dogs and other animals, the Department of Chief Minister advised that doing so would risk the possibility of the by-laws not being approved by the Minister. Additionally, the Department advised that the maximum on-the-spot fine should be no more than 20% of the maximum penalty, with the maximum amounts reserved for court-ordered penalties. Therefore, on the Department's advice we have amended the penalties to the following:

By-Law		Max	Old	New
44(3)	Keeping a prohibited animal	50	2	10
47	Abandons or sets at large an animal	50	2	2
50(1)	Keep unregistered dog longer than 3 months	50	2	2
51(2)	Failure to comply with conditions of registration	50	1	10
52(3)	Failure to notify change of address	10	1	1
53(1)	Keeps more than 2 dogs	20	1	1
54(4)	Failure to keep dog out of restricted area	50	2	2
56(3)	Dog attack	100	9	20
63	Failure to comply with conditions of dangerous dog	100	9	9

64(2)	Entices or incites a dog to attack or menace	50	2	2
65(8)	Dog causes a nuisance	50	2	10
67(3)	Fails to collect dog from pound	50	2	2
68(7)	Fails to comply with by-laws for diseased dogs	50	3	3

COMMENT

Section 278 of the *Local Government Act* requires the Council to authorise the CEO to sign the by-laws by a special resolution. A special resolution requires the support of at least three-quarters of the total number of elected members. With 10 currently elected members, at least 8 members need to be present and vote yes.

After special resolution of Council, the CEO will sign the by-laws and forward them to the Minister for consideration and gazetting. All 6 existing by-laws will be repealed, and these new by-laws will come into effect.

STATUTORY ENVIRONMENT

Local Government Act 2019 Section 278 Making by-laws
West Arnhem Regional Council (Jabiru Town) By-Laws

FINANCIAL IMPLICATIONS

Not Applicable

STRATEGIC IMPLICATIONS

This report aligns to the following pillars and goals as outlined in the *Regional Plan and Budget*:

PILLAR 6 FOUNDATIONS OF GOVERNANCE

Integrity is at the heart of everything we do. We are leaders of best practice and excellence in governance, advocacy, consultation and administration. Our processes, procedures and policies are ethical and transparent.

Goal 6.3 Council and Local Authorities

Excellence in governance, consultation administration and representation.

ATTACHMENTS

1. Attachment B - Certification of West Arnhem Regional Council (Jabiru Town) By-laws 2024 [6.1.1 - 1 page]
2. Reg L 018 R 84 (211124) [6.1.2 - 44 pages]



Department of
HOUSING, LOCAL GOVERNMENT AND
COMMUNITNY DEVELOPMENT

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Certificate of the CEO of the Agency

Local Government Act 2019

West Arnhem Regional Council (Jabiru Town) By-laws 2024

I, Luccio Franco Cercarelli, Chief Executive Officer of the Department of Housing, Local Government and Community Development, for section 278(1)(d) of the *Local Government Act 2019* (the Act), certify that the proposed *West Arnhem Regional Council (Jabiru Town) By-laws 2024* are consistent with the principles in Part 13.1 of the Act.

A handwritten signature in black ink, appearing to read "Luccio Franco Cercarelli".

Luccio Franco Cercarelli

4th December 2024

NORTHERN TERRITORY OF AUSTRALIA

WEST ARNHEM REGIONAL COUNCIL (JABIRU TOWN) BY-LAWS 2024

 Subordinate Legislation No. [] of 2024

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. [] of 2024*

West Arnhem Regional Council (Jabiru Town) By-laws 2024

West Arnhem Regional Council, at a meeting held on [] 2024, made the following by-laws under the *Local Government Act 2019* and, for section 63A(1)(a)(ii) of the *Interpretation Act 1978*, authorised Andrew Walsh, the Chief Executive Officer, to sign them.

Dated 2024

Chief Executive Officer

* Notified in the *Northern Territory Government Gazette* on [] 2024.

Part 1 Preliminary matters

Part 1 Preliminary matters

1 Title

These By-laws may be cited as the *West Arnhem Regional Council (Jabiru Town) By-laws 2024*.

2 Commencement

These By-laws commence on 1 January 2025.

3 Purpose

The purpose of these By-laws is to provide for the good governance of Jabiru by establishing a legal and procedural framework for promoting public health and wellbeing and safety and the protection of public amenities in the town.

4 Acknowledgement of Mirarr people

- (1) Jabiru is located on Mirarr country and the Council pays its respects to the Mirarr Traditional Owners and pays its respects to Mirarr elders past, present and emerging.
- (2) The Council is committed to continuously nurturing a respectful working relationship with the Mirarr people.

5 Definitions

In these By-laws:

advertising means any form of advertising for the attention of the public, including advertising by writing, images, pictures, symbols, objects or illumination.

Examples for definition advertising

Billboard, fence sign, portable sign, poster, distinctive lighting and bunting.

approved means approved by the Council by resolution.

assistance dog means a dog that is an assistance animal as defined in section 4A of the *Anti-Discrimination Act 1992*.

attack, see by-law 56(2).

commercial waste means waste produced in the course of trade or commerce.

Council means the West Arnhem Regional Council.

dangerous dog means a dog declared to be dangerous under by-law 59.

dog means an animal of the genus *Canis*.

fee includes a charge, a due, a fare and rent payable to the Council.

goods includes food, beverages, wares, merchandise, raffle tickets, tokens, badges and vehicles.

handbill means a printed announcement or advertisement, including a poster, placard, notice, ticket, pamphlet and card.

infringement notice, see by-law 79.

infringement notice offence, see by-law 78(1).

Jabiru means the land specified as Jabiru town land under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).

litter, see section 3 of the *Litter Act 1972*.

market means an area in which 2 or more stalls are located or intended to be located.

menace, see by-law 55(2).

motor vehicle, see section 5 of the *Motor Vehicles Act 1949*.

nuisance, see by-law 65(2).

owner, of a dog, means:

- (a) the person whose name is registered with the Council as the owner of the dog; or
- (b) if the dog is not registered – the person who has care or control of the dog.

permit means a permit issued under by-law 8.

pound means a place established by the Council as a pound.

premises include the following:

- (a) a building or other structure;
- (b) a part of a building or other structure;
- (c) land where a building or other structure is situated.

prescribed amount, see by-law 78(2).

public land means a road, a reserve or land within Jabiru that is owned, controlled or maintained by the Council.

sell, in relation to goods, includes:

- (a) offering or exposing goods for sale or hire; and
- (b) displaying or publishing an advertisement describing or promoting the sale of goods.

stall means an outdoor place or structure in or from which goods or services are offered for sale, including a tent, a motor vehicle, a caravan, a trailer and a table.

Examples for definition stall

A stall at an outdoor market selling beverages or food, offering massages or selling crafts.

stallholder means a person who sells or offers for sale goods from a stall.

stallholder permit, see by-law 27.

vehicle means any conveyance that runs on wheels.

Examples for definition vehicle

Cars, trucks, trailers, golf carts, motorcycles, bicycles, scooters, skateboards and inline skates.

waste means garbage, litter, rubbish, refuse and other organic or inorganic waste matter.

waste management facility means a facility for waste management operated or controlled by the Council.

Note for by-law 5

The Act also defines terms that are used in these By-laws.

6 Application of by-laws

These By laws apply to and have effect within Jabiru.

7 Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against these By-laws.

Note for by-law 7

Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

8 Permits

- (1) A person may apply to the CEO for a permit to carry out an activity mentioned in these By-laws.
- (2) An application for a permit must be:
 - (a) in writing; and
 - (b) accompanied by any fee determined by the Council for the permit.
- (3) The CEO may grant or refuse to grant a permit.
- (4) A permit granted by the CEO:
 - (a) must be in writing; and
 - (b) is valid for the period specified in the permit; and
 - (c) is subject to the conditions specified in the permit (if any).
- (5) Without limiting clause (4)(c), it is a condition of a permit that authorises work to be carried out that the person to whom it is granted must reinstate, to the satisfaction of the CEO, a public road or crossing in respect of any damage caused in carrying out the work.
- (6) A person to whom a permit is issued must comply with:
 - (a) any conditions specified under clause (4)(c); and
 - (b) if clause (5) applies to the permit – that clause.
- (7) A person commits an offence of strict liability if the person fails to comply with clause (6).

Maximum penalty: 50 penalty units.

9 Variation, revocation or transfer of permits

- (1) The CEO may vary or revoke a permit on application of the person to whom it was granted.
- (2) The CEO may revoke a permit if the person who holds the permit fails to comply with these By-laws or a condition of the permit.
- (3) If the CEO varies or revokes a permit, it must give notice to the holder of the permit as soon as practicable.
- (4) A permit is not transferable.

10 Powers of authorised persons and employees

- (1) Subject to clause (2), an authorised person may exercise any reasonable power necessary or required to give effect to these By-laws.
- (2) An authorised person must act in accordance with any conditions imposed on the person by the Council, by resolution.
- (3) An authorised person or employee of the Council acting in accordance with their duties is exempt from the requirement of a permit for that activity.

Example for clause (3)

An employee does not need a permit to set up structures on public land.

- (4) An authorised person may request the holder of a permit to produce the permit for inspection by the authorised person.
- (5) A person commits an offence of strict liability if the person fails to comply with a request under clause (4).

Maximum penalty: 20 penalty units.

11 Maintenance of objects

- (1) A person commits an offence if:
 - (a) the person holds a permit in relation to an object, a structure, a sign or a fence; and
 - (b) the person fails to maintain the object, structure, sign or fence to a sufficient standard to reasonably ensure public safety in relation to, and in the vicinity of, the object, structure, sign or fence.

Maximum penalty: 50 penalty units.

Part 2 Public facilities and places
Division 2 Protecting public land

- (2) An authorised person may revoke a permit if satisfied that the holder of the permit is not adequately maintaining an object, structure, sign or fence in respect of which the permit was granted.

Part 2 Public facilities and places

Division 1 Liability of owner or occupier of land

12 Non-compliance by owner or occupier

- (1) The CEO may, by written notice, require the owner or occupier of land to comply, within the period specified in the notice, with any of the following:
- (a) these By-laws;
 - (b) a condition of a permit granted to the owner or occupier under these By-laws.
- (2) A person commits an offence of strict liability if:
- (a) the person is issued a notice under clause (1); and
 - (b) the person does not comply with the notice.

Maximum penalty: 50 penalty units.

- (3) If the owner or occupier fails to comply with a notice issued under clause (1), the CEO may arrange to carry out the work or take the action required by the notice.
- (4) Any costs properly and reasonably incurred by the Council under clause (3) are recoverable as unpaid rates or as a debt due and payable to the Council.
- (5) The CEO may apply the amount of a deposit made as a condition of the grant of a permit granted under these By-laws to cover any costs properly and reasonably incurred by the Council under clause (3).

Division 2 Protecting public land

13 Constructing cross-overs

- (1) An owner or occupier of premises adjoining public land may construct the following with a permit:
- (a) a cross-over across the footpath and verge to connect a driveway on the premises to a road or other public land;

Part 2 Public facilities and places
Division 2 Protecting public land

- (b) a cross-over for pedestrians or vehicles to travel between the premises and the public land.

Note for clause (1)

The requirements in this Division are in addition to any other legislative requirements that apply to construction, such as development permits and planning standards.

- (2) A person commits an offence of strict liability if the person constructs a cross-over referred to in clause (1) without a permit.

Maximum penalty: 50 penalty units.

14 Road works

- (1) This by-law does not apply to a person performing work for or on behalf of the Territory.

- (2) A person must not perform any of the following work without a permit:

- (a) do either of the following on a road:

- (i) deposit any material;
(ii) erect any structure;

- (b) open or break up the surface of a road.

- (3) A person who performs work specified in clause (2) must prevent harm or inconvenience to the public from the work and materials used for the work by:

- (a) managing any affected traffic appropriately; and
(b) operating safety lights around the work and materials between sunset and sunrise and when visibility is otherwise reduced; and
(c) installing appropriate fencing and enclosures around the work and materials.

Note for clause (3)

The safety measures required by this by-law must be taken whether or not the work is authorised by the Council.

- (4) The CEO may give the person performing the work directions regarding compliance with the safety measures required by this by-law.

(5) The cost of the safety measures must be paid by the person who performs the work.

(6) A person commits an offence of strict liability if the person fails to comply with clause (2).

Maximum penalty: 100 penalty units.

15 Prohibited excavation on adjoining land

(1) A person must not, without a permit, excavate any part of land abutting public land.

(2) A person commits an offence of strict liability if the person fails to comply with clause (1).

Maximum penalty: 50 penalty units.

16 Enclosing land to prevent risk of escaping soil

(1) The CEO may, by written notice, require the owner or occupier of land to cause the land to be enclosed if:

(a) the land adjoins a road, footpath or other public land; and

(b) the land is not enclosed in a manner that prevents soil, sand or other material from being carried on to the road, footpath or other public land.

(2) An owner or occupier of land who receives a notice under clause (1) must cause the land to be enclosed in accordance with the notice at the owner or occupier's own cost.

(3) A person commits an offence of strict liability if the person fails to comply with clause (2).

Maximum penalty: 50 penalty units.

17 Damage to public land

(1) A person must not, without a permit, cause damage to a footpath, road or other public land.

Examples for clause (1)

1 *Removing a road kerb.*

2 *Digging up a road.*

3 *Spilling wet concrete, motor oil or hydraulic fluid on a road.*

Part 2 Public facilities and places
Division 3 Control of vegetation

- (2) A person commits an offence of strict liability if the person fails to comply with clause (1).

Maximum penalty: 50 penalty units.

18 Structures on public land

- (1) A person must not, without a permit, erect or install on public land a post, rail, fence, pole, tent, booth, furniture, stand, display, exhibition, decoration or structure, whether permanent or temporary.

- (2) A person must not, without a permit, remove or displace a barrier, railing, post, seat or other structure on public land.

- (3) A person commits an offence of strict liability if the person fails to comply with clause (1) or (2).

Maximum penalty: 50 penalty units.

19 Obstruction of public facilities

- (1) A person must not obstruct or hinder another person from using public land or a facility located on public land.

Examples for clause (1)

A footpath, walkway, public shelter, play or exercise structure, public toilet, drinking fountain, water supply, barbecue or fireplace on public land.

- (2) A person commits an offence of strict liability if the person fails to comply with clause (1).

Maximum penalty: 50 penalty units.

Division 3 Control of vegetation

20 Damage to public vegetation

- (1) A person must not, without a permit, remove or damage vegetation on Council property or public land.

Examples for clause (1)

1 *Driving a vehicle on public land.*

2 *Cutting a tree.*

3 *Digging up a flowerbed on Council property.*

4 *Plucking, cutting or taking from a public flowerbed.*

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- (2) A person commits an offence of strict liability if the person fails to comply with clause (1).

Maximum penalty: 50 penalty units.

21 Trimming vegetation

- (1) The owner or occupier of land adjoining a footpath, verge or road must trim or otherwise maintain vegetation on the land to prevent the vegetation:

- (a) obstructing or damaging the footpath, verge or road; or
- (b) becoming a hazard to persons or property.

Examples for clause (1)

- 1 *Trimming a tree or shrub that blocks a footpath.*
- 2 *Mowing grass to prevent infestation by snakes or vermin.*

- (2) The CEO may, by written notice, require an owner or occupier of land to trim or otherwise maintain vegetation on the land if the CEO considers that it is:

- (a) obstructing or damaging the footpath, verge or road; or
- (b) becoming a hazard to persons or property.

- (3) The owner or occupier of land who receives a notice under clause (2) must trim or otherwise maintain the vegetation in accordance with the notice.

- (4) A person commits an offence of strict liability if the person fails to comply with clause (1) or (3).

Maximum penalty: 50 penalty units.

Division 4 Activities on public land

22 Busking and other activities

- (1) A person must not engage in any of the following activities on public land without a permit:

- (a) busking, performing or offering entertainment to the public;
- (b) painting or drawing portraits for a fee or donation;
- (c) taking photographs, making a film or recording audio or video for commercial or corporate purposes;

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- (d) fundraising;
- (e) preaching or proselytising for religious, political or ideological purposes;
- (f) activities related to community or pastoral care.

Examples for clause (1)

- 1 *Singing or playing guitar for donations.*
- 2 *Setting up an easel to paint or draw the faces of tourists.*
- 3 *Filming a movie or video on location in Jabiru.*
- 4 *Street fundraising.*
- 5 *Soup kitchens or portable laundry services.*

- (2) A person commits an offence of strict liability if the person engages in an activity specified in clause (1) without a permit.

Maximum penalty: 20 penalty units.

23 Goods on public land

- (1) A person must not, without a permit, place goods in, on or over public land, or outside premises adjoining public land.
- (2) A person commits an offence of strict liability if the person fails to comply with clause (1).

Maximum penalty: 20 penalty units.

- (3) The following circumstances are not relevant to an offence against clause (2):
 - (a) whether the goods cause an obstruction;
 - (b) whether the goods are for sale.

24 On-street parking

For the purpose of regulating on-street parking, the Council must determine the conditions for parking on any street.

Division 5 Camping on public land

25 Permit required to camp on public land

- (1) A person must not camp or set up camp on public land without a permit.

- (2) For this by-law, the following activities are taken to be camping or setting up camp:
- (a) occupying, between sunset and sunrise, a vehicle used for sleeping;
 - (b) erecting a tent or other shelter used for camping;
 - (c) setting up bedding, camping gear or other equipment used for camping.
- (3) A person commits an offence of strict liability if:
- (a) the person camps or sets up camp on public land; and
 - (b) the person does not have a permit to do so.

Maximum penalty: 20 penalty units.

26 Direction to vacate public land

- (1) An authorised person may direct a person who fails to comply with by-law 25 to do any of the following:
- (a) leave the public land;
 - (b) remove any vehicle, tent, shelter, gear or equipment to a place specified by the authorised person.
- (2) A person commits an offence of strict liability if the person fails to comply with a direction given under clause (1).

Maximum penalty: 20 penalty units.

Division 6 Selling goods and services

27 Stallholder permit

A person must not sell goods from a stall on public land except in accordance with a stallholder permit.

Note for by-law 27

A stallholder permit may be subject to conditions under by-law 8(4)(c). Examples of conditions that may be applied to a stallholder permit are the following:

- (a) the types of goods that may be sold from the stall;*
- (b) days and hours of operation;*
- (c) location of the stall and distance from other businesses;*
- (d) standards in relation to the order and condition of the stall health or hygiene procedures to be observed by the stallholder;*

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(e) a requirement to conduct the stall in a non-obstructive manner.

28 Offence to conduct stall without stallholder permit

A person commits an offence of strict liability if the person sells goods from a stall without a stallholder permit.

Maximum penalty: 20 penalty units.

Part 3 Waste and recycling

Division 1 Waste management

29 Collection of household waste and recyclables

- (1) Subject to this by-law, the Council must regularly carry out the collection of household waste and recycling from domestic premises in the town area of Jabiru.
- (2) The Council may refuse to collect any of the following:
 - (a) more than one bin at a time from a domestic premises;
 - (b) waste or recycling that is not contained in the correct bin as approved by the Council for that purpose;
 - (c) waste or recycling that is contained in a bin with a capacity of more than 240 litres;
 - (d) waste containing oil, paint, biological waste, batteries, chemicals or toxic substances.

30 Notice to remove waste or other discarded material

- (1) The Council may serve on the occupier of land or premises a written notice to remove from the land or premises any waste or discarded material (including material prohibited by by-law 31) that is likely to adversely affect:
 - (a) the health, convenience or comfort of the occupiers of adjoining or neighbouring land or premises; or
 - (b) the value of adjoining land or premises.
- (2) On receiving a notice under clause (1), the person must remove from the land or premises the waste or discarded material specified in the notice.

- (3) A person commits an offence of strict liability if the person fails to comply with a notice given under clause (1).

Maximum penalty: 50 penalty units.

- (4) If the Council cannot ascertain the identity of an occupier of land, the Council may serve a notice under clause (1) on the owner of the land or premises.

31 Machines not to be stored or broken up

- (1) A person must not on land or premises:

- (a) store a machine, disused motor vehicle or the body or chassis of a motor vehicle, which is not in working order; or
- (b) dismantle or break up a machine, disused motor vehicle or the body or chassis of a motor vehicle, which is not in working order.

- (2) Despite clause (1), a person may keep a machine or motor vehicle which is stored, dismantled or broken up if the machine or motor vehicle is:

- (a) inside a building; or
- (b) within an area enclosed by a fence or wall that is:
- (i) not less than 2 metres in height; or
- (ii) of such a nature as to screen the machine or disused motor vehicle and its parts from the adjoining street and properties.

- (3) A person commits an offence of strict liability if the person fails to comply with clause (1), except in circumstances permitted by clause (2).

Maximum penalty: 50 penalty units.

32 Commercial waste and toxic materials

- (1) A person commits an offence of strict liability if the person leaves, throws, deposits or abandons commercial waste other than at a waste management facility, unless the person has a permit to do so.

Maximum penalty: 50 penalty units.

- (2) A person commits an offence of strict liability if the person disposes of oil or toxic materials other than at a waste management facility.

Maximum penalty: 50 penalty units.

33 Disposal of waste at waste management facility

- (1) A person commits an offence of strict liability if the person leaves, throws, deposits or abandons waste at a waste management facility, other than on the days and during the hours specified by the Council.

Maximum penalty: 15 penalty units.

- (2) A person commits an offence of strict liability if the person deposits commercial waste at a waste management facility other than on the days and during the hours specified by the Council.

Maximum penalty: 50 penalty units.

- (3) A person commits an offence of strict liability if the person enters a waste management facility other than in accordance with the approved facility rules.

Maximum penalty: 15 penalty units.

- (4) A person commits an offence of strict liability if the person fails to comply with any direction given by an authorised person or clearly displayed on signage at a waste management facility relating to the place at which or manner in which either of the following are to be deposited at the facility:

- (a) commercial waste;
- (b) oil or toxic materials.

Maximum penalty: 50 penalty units.

- (5) A person commits an offence of strict liability if the person does not allow an authorised person at a waste management facility to inspect waste that the person is proposing to deposit at the facility.

Maximum penalty: 25 penalty units.

Division 2 Offences related to waste

34 Offence to deposit waste

- (1) A person must not deposit waste or recyclable materials in a place unless:
 - (a) the person is acting under the authority of the Council; or
 - (b) the place is an approved bin provided by the Council; or
 - (c) the place is a waste management facility.
- (2) A person must not deposit, in an approved bin provided by the Council, any substance or thing prohibited under the conditions and other particulars of the service determined by the Council by resolution.
- (3) A person must not deposit or allow to remain on land a substance or thing that is likely to attract vermin, unless it is enclosed in a bin or container that is vermin-proof.
- (4) A person who conducts a business must not dispose of waste from the business in a residential bin provided by the Council.
- (5) A person commits an offence of strict liability if the person fails to comply with clause (1), (2), (3) or (4).

Maximum penalty: 50 penalty units.

35 Offence to discharge liquid waste

- (1) A person commits an offence of strict liability if:
 - (a) the person deposits or causes waste water, liquid waste or hazardous liquid to be deposited onto public land or into a drain on public land; and
 - (b) the person has no permit for that conduct.
- (2) It is a defence to a prosecution for an offence against clause (1) if the defendant took all reasonable steps and exercised due diligence to avoid committing the offence.

Examples for by-law 35

Water leaking from a faulty air conditioner or used cooking oil dumped in a drain.

36 Offence to interfere with approved bins

- (1) A person who damages an approved bin provided by the Council is liable to the Council for the costs of replacing the bin.
- (2) A person commits an offence of strict liability if the person:
 - (a) removes anything from an approved bin provided by the Council; or
 - (b) takes or interferes with an approved bin provided by the Council; or
 - (c) causes an approved bin provided by the Council to become a danger to public health or to affect the comfort of persons occupying or passing through or along neighbouring premises.

Maximum penalty: 50 penalty units.
- (3) An employee or contractor engaged by the Council to collect waste and recycling is exempt from clause (2)(a) and (b).

Division 3 Removal of waste deposits

37 Removal of waste

- (1) An authorised person may, by written notice, direct a person responsible for waste in a public place or on vacant land to remove the waste within a stated period.
- (2) The authorised person must determine the period under clause (1) by taking into account the nature, quantity and location of the waste.
- (3) If the waste to be removed under clause (1) constitutes a threat or risk to public safety, the authorised person may specify in the notice that the waste must be removed immediately.
- (4) If a person does not comply with a notice under clause (1), an authorised person may carry out the work required to remove the waste.
- (5) Any costs properly and reasonably incurred by the Council under clause (4) are recoverable as unpaid rates or as a debt due and payable to the Council.

Part 4 Safety
Division 1 Fires

38 Offence not to comply with direction

A person commits an offence of strict liability if the person:

- (a) receives a direction under by-law 37; and
- (b) fails to comply with the direction.

Maximum penalty: 50 penalty units.

Part 4 Safety

Division 1 Fires

39 Lighting fires

(1) A person must not light a fire or keep a fire burning unless:

- (a) the person has permission to light or keep the fire under a law of the Territory or law of the Commonwealth; or
- (b) a person is operating a crematorium or incinerator licensed under a law of the Territory or otherwise approved by the Council; or
- (c) the fire is:
 - (i) for meal preparation or personal comfort; and
 - (ii) safely contained and supervised in a barbecue, fireplace or fire pit constructed of fireproof materials; and
 - (iii) not larger than 1 m²; and
 - (iv) at least 4 m away from any flammable vegetation or other material.

(2) A person commits an offence of strict liability if the person lights a fire or keeps a fire burning contrary to clause (1).

Maximum penalty: 50 penalty units.

Note for by-law 39

The Bushfires Management Act 2016 also provides for the control of fires.

Part 4 Safety
Division 2 Unsafe and unsanitary behaviour

40 Burning offensive substance or thing

A person commits an offence if:

- (a) the person intentionally burns or heats any substance or thing; and
- (b) that conduct results in an odour that is offensive to another person on adjacent land or public land and the person is reckless in relation to that result.

Maximum penalty: 50 penalty units.

Division 2 Unsafe and unsanitary behaviour

41 Breaking glass or other material

(1) A person commits an offence of strict liability if:

- (a) the person intentionally breaks glass or other material; and
- (b) the pieces of the glass or other material are on public land; and
- (c) the pieces of the glass or other material are likely to cause injury to a person or animal.

Maximum penalty: 50 penalty units.

(2) A person does not commit an offence against clause (1) if the broken pieces were collected and disposed of safely and without delay.

42 Throwing object causing damage

A person commits an offence if:

- (a) the person intentionally throws, or uses a device to throw, a stone or other object onto, into or from public land; and
- (b) the conduct results in:
 - (i) damage to property; or
 - (ii) hitting or frightening a person or animal; and
- (c) the person is reckless in relation to that result.

Maximum penalty: 20 penalty units.

Part 5 Animal management
Division 1 General keeping of animals

43 Unsanitary behaviour

A person commits an offence of strict liability if the person urinates or defecates on public land, other than in a toilet.

Maximum penalty: 20 penalty units.

Part 5 Animal management

Division 1 General keeping of animals

44 Prohibition on keeping animals

- (1) For this Part, a person keeps an animal if:
- (a) the person has custody or possession of the animal; or
 - (b) the animal, as a result of action taken by the person, is ordinarily kept on the person's land.
- (2) A person must not keep an animal other than:
- (a) a fish indigenous to the Magela Creek system; or
 - (b) a dog that is kept in accordance with this Part.
- (3) A person commits an offence of strict liability if the person keeps an animal other than as permitted under clause (2).

Maximum penalty: 50 penalty units.

Note for by-law 44

See also regulation 12.19 of the Environment Protection and Biodiversity Conservation Regulations 2000 (Cth).

45 Entry and removal

- (1) An authorised person may enter land on which it has reason to believe there is or may be an animal prohibited under by-law 44 and take all necessary steps to remove the animal from the land.
- (2) The authorised person must give at least 24 hours notice to the owner or occupier of the land before entering land under clause (1).

46 Destruction of animals

An animal that is removed from land under by-law 45 may be:

- (a) removed from Jabiru in accordance with the directions of the Council; or

Part 5 Animal management
Division 2 Responsible ownership of dogs

(b) destroyed:

- (i) by a veterinarian or an officer of the Council authorised in writing by the Council; and
- (ii) in a manner approved by the Australian Veterinary Association.

47 Abandonment of animals

A person commits an offence of strict liability if the person abandons or sets at large an animal.

Maximum penalty: 50 penalty units.

48 Removal or disposal of animal remains

- (1) The Council may arrange for the removal and disposal of the remains of a dead animal found in a public place.
- (2) The Council may recover expenses incurred in removing and disposing of a dead animal from the owner of the animal as a debt due and payable to the Council.

Division 2 Responsible ownership of dogs

49 Registration required

- (1) A person who keeps a dog in Jabiru for more than 3 months must apply to the Council to register the dog to an address at which the dog is usually kept.
- (2) The Council must, by resolution, determine the following:
 - (a) the process for registering dogs;
 - (b) any grounds for refusing to register a dog;
 - (c) any conditions of registration;
 - (d) date of expiry of a registration.

Examples for clause (2)(b)

Unsuitable premises or excessive number of dogs.

50 Offence of unregistered dog

- (1) A person commits an offence of strict liability if the person keeps an unregistered dog in Jabiru for a period of 3 months or longer.

Maximum penalty: 50 penalty units.

- (2) The following persons are exempt from clause (1):

- (a) a Council employee or contractor who keeps a dog in a pound;
- (b) a person who or entity that provides animal welfare services;
- (c) a veterinarian who keeps a dog for treatment.

51 Offence for contravention of condition of registration

- (1) The owner of a registered dog must comply with any conditions on the registration determined by the Council.

- (2) A person commits an offence of strict liability if:

- (a) the person is the owner of a registered dog; and
- (b) the registration of the dog is subject to a condition; and
- (c) the owner fails to comply with the condition.

Maximum penalty: 50 penalty units.

52 Notice of change in address or owner

- (1) The owner of a registered dog must notify the Council of the following events:

- (a) a change in the owner's address;
- (b) a transfer of the dog to a new owner.

- (2) The notice must be given in the approved form within 14 days after the event.

- (3) A person commits an offence of strict liability if the person:

- (a) is the owner of a registered dog; and
- (b) fails to comply with clause (1) or (2).

Maximum penalty: 10 penalty units.

53 Maximum number of dogs

- (1) Subject to clause (2), a person commits an offence of strict liability if the person keeps a dog on premises where there are already 2 dogs.

Maximum penalty: 20 penalty units.

- (2) The Council may, on application, grant a permit to a person to keep more than 2 dogs on a premises.

54 Dog restricted areas

- (1) The Council may declare an area to be a dog restricted area.

- (2) If the Council intends to declare an area to be a dog restricted area, the Council must:

- (a) publish notice of the proposed area at least 28 days in advance; and
 (b) consider any responses to the notice from residents of Jabiru.

- (3) The Council must publish the location and restrictions on dogs in any dog restricted area it declares.

Examples for clause (3)

- 1 *Prohibiting taking a dog into a market or festival.*
 2 *Restricting classes or numbers of dogs in an area.*

- (4) A person commits an offence of strict liability if the person:

- (a) owns a dog; and
 (b) subject to clause (5), fails to comply with the conditions of a dog restricted area.

Maximum penalty: 50 penalty units.

- (5) The owner of a dog may not comply with the conditions for the dog restricted area if any of the following apply:

- (a) the dog is an assistance dog;
 (b) the person is authorised not to comply with one or more specified conditions by an authorised person;
 (c) the Council has granted an exemption by resolution.

Division 3 Dangerous dogs

55 Dog menaces

- (1) The owner of a dog must ensure it does not menace a person or another animal.
- (2) For this Division, a dog is taken to **menace** a person or animal if it chases, harasses, rushes at or threatens to bite the person or animal in a manner that causes a reasonable apprehension of fear in the person or the owner of the animal.
- (3) The owner of a dog commits an offence of strict liability if the owner fails to comply with clause (1).

Maximum penalty: 50 penalty units.

56 Dog attacks

- (1) The owner of a dog must ensure it does not attack a person or another animal.
- (2) For this Division, a dog is taken to **attack** a person or another animal if it:
 - (a) bites the person or animal causing a puncture or break to the skin; or
 - (b) assaults the person or animal resulting in bleeding, bone breakage, sprains, scratches or bruising; or
 - (c) behaves aggressively resulting in physical contact with the person or animal and damage to anything worn by the person or animal.
- (3) The owner of a dog commits an offence of strict liability if the owner fails to comply with clause (1).

Maximum penalty: 100 penalty units.

57 Defences

It is a defence to a prosecution for an offence against by-law 55 or 56 if:

- (a) another person had, without the defendant's permission, caused the dog to menace or attack the person or animal; or
- (b) in the case of a person being menaced or attacked – the person was on premises owned or occupied by the defendant without consent (whether express or implied); or

- (c) in the case of another animal being menaced or attacked – the other animal was on premises owned or occupied by the defendant without consent (whether express or implied).

58 Orders to impound or destroy

If a court finds a person guilty of an offence against by-law 55 or 56, the court may order either or both of the following in addition to, or instead of, the penalty for the offence:

- (a) if the dog is impounded as a result of the offence – that the person pay the costs and expenses of, and incidental to, the impounding;
- (b) that the dog be destroyed.

59 Declaration of dangerous dog

- (1) An authorised person may, by written notice, declare a dog to be a dangerous dog if:
- (a) the dog menaces or attacks a person or another animal; or
- (b) the authorised person believes on reasonable grounds that the dog is destructive, dangerous, savage or a threat to the safety of the community.
- (2) The authorised person must give written notice of the declaration to the owner of the dog.
- (3) The written notice of the declaration must be in the approved form and include the following information:
- (a) the day the declaration takes effect;
- (b) the reasons for the declaration;
- (c) the identity of the dog and the owner of the dog.
- (4) The Council must keep a record of the information in clause (3).

60 Duties of owner of dangerous dog

- (1) This by-law applies to the owner of a dangerous dog.
- (2) The owner must, within 14 days after the day the declaration takes effect:
- (a) provide to an authorised person evidence from a veterinarian that the dog is desexed; and

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Division 3 Dangerous dogs

- (b) if the dangerous dog is not desexed, arrange for it to be desexed at the owner's expense; and
 - (c) undergo behavioural or other training with the dog, as specified by the CEO, at the owner's expense.
- (3) The owner must ensure the dangerous dog is kept contained in a secure enclosure that is appropriate to contain the dangerous dog.

Example for clause (3)

High and strong fencing would be required for a large dangerous dog.

- (4) The owner must post signage on the premises where the dangerous dog is usually kept with the words "Warning Dangerous Dog" clearly visible and legible from the front boundary of the premises.
- (5) When the dangerous dog is outside the premises where it is usually kept, the owner must ensure that:
- (a) the dog is under the control of a person who is at least 18 years of age and competent to restrain the dog; and
 - (b) the dog is muzzled and controlled by a suitable leash.
- (6) If the owner intends to keep the dangerous dog for more than 14 days at a place other than the premises where it is usually kept, the owner must notify the Council of the address of the place within 24 hours after the dog is relocated.
- (7) The owner must notify the Council of any attack, or alleged attack, by the dangerous dog of a person or another animal within 24 hours of the earlier of the following:
- (a) the time of the attack or alleged attack;
 - (b) the time the owner becomes aware of the attack or alleged attack.

61 Notice to Council

- (1) The owner of a dangerous dog must notify the Council if the dog is missing within 24 hours after the owner becomes aware the dog is missing.
- (2) The owner of a dangerous dog must notify the Council if the dog dies within 14 days after its death.

- (3) If the owner of a dangerous dog intends to transfer ownership of the dangerous dog, the owner must:
- (a) inform the prospective owner that the dog is dangerous; and
 - (b) notify the Council of the name and address of the new owner at least 72 hours before the transfer.

62 Remedial action for dangerous dog

- (1) If the owner of a dangerous dog fails to comply with the duties of an owner under by-law 60 more than once in a 12-month period, an authorised person may require the owner to take either or both of the following actions:
- (a) undergo further specified behavioural or other training with the dog at the owner's expense;
 - (b) surrender the dog to the pound.
- (2) If an authorised person intends to take action under clause (1), the authorised person must give the owner of the dangerous dog a notice that:
- (a) states what action the authorised person is proposing under that clause; and
 - (b) states the grounds for taking that action; and
 - (c) invites the owner to show cause, within 14 days, why the action should not be taken.
- (3) After considering any response received within 14 days of the day of the notice, an authorised person must decide whether to take action under clause (1).
- (4) As soon as practicable after making a decision under clause (3), an authorised person must give a notice of the decision to the owner of the dangerous dog.

63 Offence in relation to dangerous dogs

A person commits an offence of strict liability if the person:

- (a) is the owner of a dangerous dog; and
- (b) fails to comply with by-law 60 or 61.

Maximum penalty: 100 penalty units.

64 Enticement or incitement

- (1) A person must not entice or incite a dog to:
- (a) menace a person or another animal; or
 - (b) engage in behaviour that is prohibited by by-law 65; or
 - (c) attack a person or another animal.

Example for clause (1)

A person must not cause a neighbour's dog to start barking excessively in order to make a complaint about the neighbour's dog.

- (2) A person commits an offence if:
- (a) the person intentionally engages in conduct; and
 - (b) the conduct causes a dog to:
 - (i) menace a person or another animal; or
 - (ii) attack a person or another animal; or
 - (iii) engage in behaviour that is prohibited by by-law 65; and
 - (c) the person is reckless in relation to that result.

Maximum penalty: 50 penalty units.

65 Dog causing nuisance

- (1) The owner of a dog must ensure the dog is not a nuisance to people or animals.
- (2) For this by-law, a dog is taken to be a **nuisance** if it:
- (a) causes, or is likely to cause, injury or is dangerous to the health of the community or a person other than its owner; or
 - (b) behaves repeatedly in a manner contrary to:
 - (i) the general interests of the community; or
 - (ii) the specific and reasonable interests of a person other than its owner; or
 - (c) creates a noise or an odour of a degree or to an extent that disturbs the reasonable mental, physical or social wellbeing of a person other than its owner; or

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- (d) defecates to a degree or extent that causes annoyance to a person other than its owner.

Examples for clause (2)(c)

Constant or loud barking, especially when pedestrians walk past the premises.

- (3) The owner of a dog that defecates in public must immediately remove the faeces and dispose of them in a sanitary manner.
- (4) The owner of a dog must ensure it does not aggressively chase a person or vehicle or another animal.
- (5) The owner of a dog must not allow the animal to come within 10 m of a public play structure or public exercise structure, unless the dog is under direct control of its owner.
- (6) A person must not bring a dog into the town centre unless:
- the dog is an assistance dog; or
 - the person holds a permit to do so; or
 - the dog is allowed under an exemption determined by the Council, by resolution.
- (7) A person must not feed a wild or feral dog.
- (8) A person commits an offence of strict liability if the person fails to comply with clause (1), (3), (4), (5), (6) or (7).

Maximum penalty: 50 penalty units.

Division 4 Seizure, impounding and destruction of dogs and other animals

66 Seizure and impounding

- (1) An authorised person may seize:
- a dog that appears to be diseased, injured, savage, destructive, stray or unregistered; or
 - a dog or any other animal that an authorised person believes on reasonable grounds has attacked a person; or
 - a dog or any other animal that is at large; or
 - a dangerous dog whose owner is not complying with Division 3.

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- (2) As soon as practicable after seizing an animal, the authorised person must:
- (a) impound the animal in a pound; or
 - (b) in the case of a dog – return the dog to its owner.

67 Notice of impounding

- (1) The CEO must ensure that reasonable steps are taken to notify the owner of an impounded dog that:
- (a) the dog is impounded; and
 - (b) subject to by-laws 69 and 71, the owner must collect it.
- (2) The owner of an impounded dog who receives a notice under clause (1) must collect the dog within the time specified in the notice.
- (3) A person commits an offence of strict liability if the person:
- (a) owns a dog; and
 - (b) receives a notice under clause (1) that the owner must collect the dog; and
 - (c) fails to collect the dog within the time specified in the notice.

Maximum penalty: 50 penalty units.

68 Release from pound

- (1) When collecting a dog from a pound, a person must provide evidence that the person is the owner of the dog or is authorised to act on behalf of the owner.
- (2) Subject to by-law 69, an impounded dog must not be released from a pound unless:
- (a) it is registered (either with the Council or another council); and
 - (b) it is released to its owner or to a person authorised to act on behalf of the owner; and
 - (c) the Council receives any fees payable in relation to it.

Note for by-law 68

Section 289 of the Act allows the Council to charge fees for services, including charging the owner of a dog for:

- (a) *the costs incurred by the Council in relation to an impounded dog; and*

Part 5 Animal management
 Division 4 Seizure, impounding and destruction of dogs and other animals

(b) *delivering the dog from the pound.*

69 Diseased dog

- (1) An authorised person must make arrangements for any impounded dog that is suspected of being infected with a contagious disease to be isolated from other animals in the pound.
- (2) An authorised person must take reasonable steps to give the owner of a dog isolated under clause (1) written notice:
 - (a) stating the reasons for isolating it; and
 - (b) warning that it must either undergo a course of treatment specified in the notice or be destroyed.
- (3) The authorised person may, in the notice given under clause (2), require the owner of the dog to give the Council a report on its condition and the condition of any other dogs usually kept at the same premises at which the diseased dog is usually kept.
- (4) If required under clause (3), the owner must:
 - (a) have the report prepared by a veterinarian or other person specified in the notice; and
 - (b) give the report to the Council within the time specified in the notice.
- (5) A dog that is isolated under this by-law may be released from the pound in accordance with by-law 68, subject to any conditions an authorised person considers appropriate.
- (6) The cost of treatment reasonably provided by the Council to a diseased dog, and to any other animal in the pound infected or at risk of being infected by the diseased dog before it could reasonably be isolated, is a debt payable by the owner of the diseased dog to the Council.
- (7) An owner of a dog commits an offence of strict liability if the owner:
 - (a) fails to comply with clause (4); or
 - (b) fails to comply with a condition imposed under clause (5).

Maximum penalty: 50 penalty units.

70 Transfer of dog

The CEO may make arrangements for the transfer of dogs from a pound to a person or entity that provides animal welfare services.

Example for by-law 70

Arrangements could be made with the RSPCA or other organisations that provide care for unwanted and stray animals.

71 Destruction of dog

- (1) The CEO may arrange for a dog to be destroyed if:
- (a) the dog is diseased, savage or destructive and in the opinion of the CEO is an immediate and actual threat to public safety; or
 - (b) the dog is diseased or injured and in the opinion of the CEO it would be cruel to keep it alive.
- (2) As soon as practical after arranging the destruction of a dog under this by-law the CEO must make a reasonable attempt to find the dog's owner and inform, in writing, the dog's owner of the destruction.

72 Destruction of other animal

The CEO may arrange for an animal other than a dog to be destroyed if:

- (a) the animal is in the pound, is seized or abandoned or is found on public land; and
- (b) the animal is diseased, injured, savage, destructive, unclaimed or unwanted; and
- (c) it is humane to destroy the animal in the circumstances.

73 Manner of destroying animal

Any destruction of an animal under these By-laws must be done:

- (a) in a manner approved by the Australian Veterinary Association; and
- (b) by a veterinarian or another person who is, in the opinion of the CEO, qualified to destroy it.

Part 6 Advertising and handbills

74 Permit for handbills

- (1) A person must not, without a permit, affix a handbill:
- (a) to a power pole, signpost or fixture in a street; or
 - (b) to or against a structure adjoining public land; or
 - (c) to a vehicle on public land.
- (2) A person who affixes a handbill under a permit must:
- (a) ensure the handbill is preserved in a clean and tidy condition; and
 - (b) remove the handbill after the information it contains expires or is no longer relevant; and
 - (c) properly dispose of any waste arising from the handbill.

Example for clause (2)(b)

Take down a concert handbill after the concert is over.

- (3) An authorised person may, by written notice, require the following persons to remove or remediate any handbill that is dirty, untidy, worn, torn or detached:
- (a) any person who was issued the permit to post the handbill;
 - (b) the owner or occupier of the land where the handbill is posted;
 - (c) the person who sponsored or is responsible for the handbill.
- (4) A person who receives a notice under clause (3) must comply with the notice.
- (5) A person commits an offence of strict liability if the person fails to comply with clause (1), (2) or (4).

Maximum penalty: 20 penalty units.

75 Establishing advertising code

- (1) The Council must establish an outdoor advertising code to prohibit and regulate outdoor advertising on:
- (a) land owned, occupied or under the control of the Council; or

Part 6 Advertising and handbills

- (b) premises adjoining, or visible from, land owned, occupied or under the control of the Council.

(2) The outdoor advertising code may:

- (a) define expressions used in this Part and not defined in these By-laws; and
- (b) classify advertising and the criteria or conditions applicable to each class; and
- (c) create exemptions from the requirement for an outdoor advertising permit; and
- (d) provide for matters necessary or convenient for this Part.

(3) An outdoor advertising code must be published.

76 General standards for advertising signs

A person installing or exhibiting outdoor advertising must ensure the advertising:

- (a) complies with the outdoor advertising code; and
- (b) does not detract from the quality and architectural character of the premises on which the advertising is installed or exhibited; and
- (c) has no negative effect on the environmental character and amenity of the surrounding area; and
- (d) is in good repair and poses no risk to the health and safety of the public.

Examples for by-law 76

- 1 *Advertising must not obstruct, or cause distraction to, vehicular and pedestrian traffic.*
- 2 *A sign must be built to withstand high winds.*

77 Interference with Council advertising

A person commits an offence of strict liability if the person removes, changes, defaces or otherwise interferes with any outdoor advertising installed or exhibited by the Council.

Maximum penalty: 50 penalty units.

Part 7 Infringement notice offences

78 Infringement notice offence and prescribed amount payable

- (1) An ***infringement notice offence*** is an offence against a provision specified in Schedule 1.
- (2) The ***prescribed amount*** for an infringement notice offence is the amount equal to the monetary value of the number of penalty units specified for the offence in Schedule 1.

79 When infringement notice may be given

If an authorised person believes on reasonable grounds that a person has committed an infringement notice offence, the authorised person may issue a notice (an ***infringement notice***) to the person.

80 Contents of infringement notice

- (1) The infringement notice must specify the following:
 - (a) the name and address of the person to whom it is issued, if known;
 - (b) the date the infringement notice is issued to the person;
 - (c) the date and time of the infringement notice offence and the place at which the infringement notice offence occurred;
 - (d) a description of the offence;
 - (e) the prescribed amount payable for the offence;
 - (f) the enforcement agency to which the prescribed amount is payable.
- (2) The infringement notice must include a statement to the effect of the following:
 - (a) the person may expiate the infringement notice offence and avoid any further action in relation to the offence by paying the prescribed amount to the Council within 28 days after the notice is issued;
 - (b) the person may elect to have the offence dealt with by a court by:
 - (i) completing a statement of election and giving it to the Council; and

Part 7 Infringement notice offences

-
- (ii) not paying the prescribed amount;
 - (c) if the *Fines and Penalties (Recovery) Act 2001* applies to the infringement notice offence – enforcement action may be taken under that Act if the person does nothing in response to the notice.
- (3) The infringement notice must include an appropriate form for making the statement of election mentioned in clause (2)(b)(i).

81 Electronic payment and payment by cheque

- (1) If the person uses electronic means to pay the prescribed amount, payment is not effected until the amount is credited to the payee's bank account.
- (2) If the person tenders a cheque in payment of the prescribed amount, payment is not effected unless the cheque is cleared on first presentation.

82 Expiation of offence

If the prescribed amount for the infringement notice offence is paid in accordance with the infringement notice, the alleged offence is expiated and no further proceedings can be taken in relation to the offence.

83 Withdrawal of infringement notice

- (1) An authorised person may withdraw the infringement notice by written notice issued to the person.
- (2) The notice must be issued:
 - (a) within 28 days after the infringement notice is issued to the person; and
 - (b) before payment of the prescribed amount.

84 Application of Part

- (1) This Part does not prejudice or affect the start or continuation of proceedings for an infringement notice offence for which an infringement notice has been issued unless the offence is expiated.
- (2) This Part does not:
 - (a) require an infringement notice to be issued; or

Part 8	Repeals and transitional matters
Division 2	Transitional matters for West Arnhem Regional Council (Jabiru Town) By-laws 2024

- (b) affect the liability of a person to be prosecuted in a court for an offence for which an infringement notice has not been issued; or
 - (c) prevent more than one infringement notice for the same offence being issued to a person.
- (3) If more than one infringement notice for the same offence has been issued to a person, the person may expiate the offence by paying the prescribed amount in accordance with any of the notices.

Part 8 Repeals and transitional matters

Division 1 Repeals

85 By-laws repealed

The By-laws specified in Schedule 2 are repealed.

Division 2 Transitional matters for West Arnhem Regional Council (Jabiru Town) By-laws 2024

86 Definitions

In this Division:

commencement means the commencement of these By-laws.

former By-laws means the By-laws repealed by by-law 85.

87 Former determinations

A charge, due, fare, fee or rent determined by the Council under the former By-laws and in force immediately before the commencement continues in effect as if it were determined by the Council under the Act until amended or revoked by the Council.

88 Former authorisations, permits and registrations

- (1) A licence, permit or other authorisation issued, granted or renewed under the former By-laws that is in effect immediately before the commencement continues in effect as if it were a permit granted under these By-laws or by the Council until revoked or expired.
- (2) A registration issued, granted or renewed under the former By-laws that is in effect immediately before the commencement continues in effect as if it were a registration granted under these By-laws or by the Council until revoked or expired.

Schedule 1 Infringement notice offences

Schedule 1 Infringement notice offences

by-law 78

Item	Provision	Prescribed amount in penalty units	
		for individual	for body corporate
1	by-laws 10(5), 22(2), 23(2), 25(3), 26(2), 28, 33(1), (3) and (5), 34(5), 36(2), 42, 43, 52(3), 53(1) and 74(5)	1	5
2	by-laws 8(7), 12(2), 13(2), 15(2), 16(3), 17(2), 18(3), 19(2), 20(2), 21(4), 30(3), 31(3), 32(1) and (2), 38, 39(2), 41(1), 47, 50(1), 54(4), 64(2) and 67(3)	2	10
3	by-law 69(7)	3	15
4	by-laws 33(2) and (4) and 40	4	20
5	by-laws 14(6) and 63	9	45
6	by-laws 44(3), 51(2) and 65(8)	10	50
7	by-law 56(3)	20	100

Schedule 2 Repealed By-laws

Schedule 2 Repealed By-laws

by-law 85

<i>West Arnhem Regional Council (Jabiru Town) (Control of Animals) By-laws 1984</i>	Subordinate Legislation No. 40 of 1984
<i>West Arnhem Regional Council (Jabiru Town) (Control of Dogs) By-laws 1992</i>	Subordinate Legislation No. 27 of 1992
<i>West Arnhem Regional Council (Jabiru Town) (Refuse) By-laws 1983</i>	Subordinate Legislation No. 7 of 1983
<i>West Arnhem Regional Council (Jabiru Town) (Roads and Public Places) By-laws 1983</i>	Subordinate Legislation No. 42 of 1983
<i>West Arnhem Regional Council (Jabiru Town) (Stallholders) By-laws 1983</i>	Subordinate Legislation No. 8 of 1983
<i>West Arnhem Regional Council (Jabiru Town) (Swimming Pool Complex) By-laws 1982</i>	Subordinate Legislation No. 82 of 1982

West Arnhem Regional Council (Jabiru Town) By-laws 2024

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WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 6 December 2024

Agenda Reference:	6.2
Title:	Further positions for Remote Jobs and Economic Development Grant funding application
Author:	Leanne Johansson, Business Development Manager

SUMMARY

This report provides information on a further position considered for the first round of the Remote Jobs and Economic Development grant.

RECOMMENDATION

THAT COUNCIL

1. Receive and note the report titled *Further positions for Remote Jobs and Economic Development Grant funding application*.
2. Approve West Arnhem Regional council apply for funding to support the following position under the Remote Jobs and Economic Development Program:
 - a. Transportation Team Member

BACKGROUND

On 30 September 2024, Council received, noted and approved a report titled Remote Jobs and Economic Development (RJED) Program. There were six positions considered and approved for West Arnhem Regional Council's (WARC) first round application as per the report on 30 September 2024.

COMMENT

On 28 November 2024, National Indigenous Australians Agency (NIAA) advised WARC that the Australian Government anticipates it will release the final RJED guidelines within two weeks. Round One applications will open then, and NIAA anticipates a four to six week opening for these completed applications.

Further discussion within WARC has determined one additional position for the Council to consider in Round One is:

- Transportation Officer – Minjilang and Waruwi x one

This person will meet the plane each day to transport Australia Post mail, other parcels and WARC passengers. They will also meet the barge weekly to assist with transporting WARC parcels. Over time, the service will be offered to other stakeholders in the Community at a set fee.

STATUTORY ENVIRONMENT

Fair Work Act

WARC Human Resource Policies

FINANCIAL IMPLICATIONS

TBC

STRATEGIC IMPLICATIONS

This report aligns to the following pillars and goals as outlined in the *Regional Plan and Budget*:

PILLAR 1 PARTNERSHIPS, RELATIONSHIPS AND BELONGING

Investing in relationships and partnerships at all levels supports and strengthens community and belonging. We prioritise the value of partnerships and relationships as a key determinant of a happy, strong and thriving community.

Goal 1.1 Community Engagement

Seek out and support diverse perspectives and collaborations with community, community leaders, businesses, agencies and local service providers to enhance community life.

Goal 1.2 Economic Partnerships

Secure increased income opportunities (grants and commercial) that create employment and/or improve community life.

PILLAR 2 INCREASED LOCAL INDIGENOUS EMPLOYMENT

We are committed to investing in and supporting local Indigenous employment. We recognise the instrumental value that Indigenous staff bring to our organisation and the social force that occurs with employment opportunities.

Goal 2.1 Indigenous Employment Framework

Create Council Indigenous employment framework including tailored pathways to employment.

PILLAR 3 SAFETY AND WELLBEING

As an 'Employer of Choice', we provide and promote a positive culture of safety, inclusion and respect. Our people are skilled, informed and have opportunities to grow and develop within our organisation. Services provided to community are professional, impactful, engaging and appropriate to local needs.

Goal 3.1 Cultural Safety

Delivery of actions in the WARC 'Innovate' Reconciliation Action Plan.

Goal 3.3 Training and Development

Deliver training and development which is effective and culturally appropriate, engaging and increases future employment opportunities and pathways.

PILLAR 6 FOUNDATIONS OF GOVERNANCE

Integrity is at the heart of everything we do. We are leaders of best practice and excellence in governance, advocacy, consultation and administration. Our processes, procedures and policies are ethical and transparent.

Goal 6.3 Council and Local Authorities

Excellence in governance, consultation administration and representation.

Goal 6.5 Planning and Reporting

Robust planning and reporting that supports Council's decision-making processes.

ATTACHMENTS

1. Remote Jobs__ Economic Develop Council Report 30.9.24 [6.2.1 - 77 pages]

WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

Agenda Reference:	6.2
Title:	Remote Jobs & Economic Development Program
Author:	Andrew Walsh, Chief Executive Officer

SUMMARY

This report is to inform Council on the new Remote Jobs and Economic Development (RJED) program and seek nominations for jobs to be applied for by West Arnhem Regional Council (WARC).

RECOMMENDATION

THAT COUNCIL:

1. Receive and note the report titled *Remote Jobs & Economic Development Program*; and
2. Approve West Arnhem Regional Council applying for the following positions and support funding under the Remote Jobs and Economic Development program:
 - a. Animal Control Officers – Jabiru x 2
 - b. Funeral Cultural and Burial Liaison Officer – Maningrida x 2
 - c. Oval and Sports Field Caretaker – Maningrida, Gunbalanya, Jabiru x 2 (per location).
 - d. Aquatic Lifeguard – Maningrida, Jabiru x 2 (per location)
 - e. Data & Records Officer Trainee – Darwin x 1
 - f. Resource Officers (Waste Awareness) - All Locations

BACKGROUND

The Remote Jobs and Economic Development (RJED) Program consultation draft has been issued. The grant program detail is not finalised and is still in consultation stage. National Indigenous Australians Agency (NIAA) presented the most recent draft to West Arnhem Regional Council (WARC) employees as part of the continuing consultation process. Representatives have also meet with the elected members to discuss the details of the program.

At this stage of the program’s development RJED will be available for WARC to apply for a grant to employ people in our regions (both West Arnhem and Darwin) who are current or eligible Community Development Program (CDP) participants. Participants can also include young people 15 to 24 years old and a person leaving prison.

There are two elements to RJED:

- Job Creation and Community Business Fund (Job Creation) for direct real job creation; and
- Community Jobs and Business Fund (CJBF) which will supply funding for minor capital, equipment and capacity building directly supporting Job Creation.

RJED will be available to the 60 CDP regions around Australia, with an anticipated budget of \$707 million over four years. In the first year, 2024/2025, there will be two rounds of grant applications received, the first was anticipated to be September 2024 and the second in early 2025.

The regions that will directly apply to WARC are:

- Arnhem Land and Groote Eylandt with an allocation of 65 jobs in Round 1 and 66 jobs in Round 2; and
- Top End and Tiwi with an allocation of 83 jobs in Round 1 and 84 jobs in Round 2.

There are a range of requirements to qualify. The most relevant to WARC are that local government qualifies and the positions and organisation must have community support for the jobs to be created.

To qualify as Job Creation, the positions must be:

- An entry level position that will build work skills, experience and confidence;
- Be casual, part time or full time positions
- Be designed through engagement with and support of the community.
- Positions cannot be a current vacant position or be able to be funded from another source.

Eligible expenditure

Job Creation eligible expenditure includes wages/salary, superannuation and leave entitlements.

Eligible CJBF expenditure (subject to change) may include:

- Up to \$100,000 for fixed assets and equipment
- Up to \$100,000 for equipment and tools, uniforms, lease of vehicles etc.
- A negotiable amount for mentoring and specific training for Job Creation positions and to cover the wages of supervisory staff up to 12 months.
- Up to \$50,000 for capacity building within the organisation, including Human Resources (HR), supervisor training, payroll system upgrades, etc; and
- Up to 15% to cover Job Creation employee on-costs and overheads, HR support, etc.

CJBF expenditure can not cover ongoing operational costs, administration to cover existing employees or other existing expenditure.

Once the final grant guidelines are released and applications are open, WARC can confirm how the grant aligns with WARC's goals and apply accordingly. Applications will be assessed by NIAA against the guidelines and may be granted in full, partially granted or denied.

Within WARC, suggested community positions include:

- Animal Control Officers – Jabiru x 2
- Funeral Cultural and Burial Liaison Officer – Maningrida x 2
- Oval and Sports Field Caretaker – Maningrida, Gunbalanya, Jabiru x 2 (per location).
- Aquatic Lifeguard – Maningrida, Jabiru x 2 (per location)
- Data & Records Officer Trainee – Darwin x 1
- Resource Officers (Waste Awareness) - All Locations

Another idea is to set up Community WARC Taster positions where RJED based employees can spend 6 months working part time across all areas of the WARC Council Services in their community so they can understand what each job involves and how it meets up with their own interests and skills.

This can then lead to a full-time position with Council (or another employer) in a mainstream position.

There is substantial work involved in applying for this grant and then setting up requirements for all or some of the positions noted above. Access to capacity building funds will be important so a short term position can be created to set up the HR requirements of these positions.

A mentor in each community who will work with the RJED positions, assisting especially those who are new to the work force to adapt to a work environment, is also seen as essential to the success of RJED within WARC.

COMMENT

The RJED program is still being developed, with the final grant guidelines expected before the end of 2024. This will be an important resource for WARC to develop real and meaningful jobs in our communities for West Arnhem residents. Once proposed positions are approved by Council, the administration will commence the grant application process.

LEGISLATION AND POLICY

Fair Work Act
WARC Human Resource Policies

FINANCIAL IMPLICATIONS

TBC

STRATEGIC IMPLICATIONS

This report is aligned to the following pillars and goals of the *Regional Plan and Budget*:

PILLAR 1 PARTNERSHIPS, RELATIONSHIPS AND BELONGING

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Goal 2.1 Indigenous Employment Framework

Create Council Indigenous employment framework including tailored pathways to employment.

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Goal 6.5 Planning and Reporting

Robust planning and reporting that supports Council's decision-making processes.

ATTACHMENTS

1. niaa-factsheet- RJE D-program [6.2.1 - 2 pages]
2. RJED Job Type Factsheet - May 2024 [6.2.2 - 1 page]
3. rjed-comparison with previous remote employment programs [6.2.3 - 1 page]
4. rjed-consultation-discussion-paper-7-5-2024 [6.2.4 - 20 pages]
5. RJED GoGs factsheet 10 7 2024 1 [6.2.5 - 3 pages]
6. RJED GoGs for consultation 10 7 2024 2 [6.2.6 - 46 pages]
7. rjed-journey-map-7-5-2024 [6.2.7 - 1 page]



Remote Jobs and Economic Development Program

The Remote Jobs and Economic Development Program (RJED) is coming for people living in remote areas of Australia. It will start in the second half of 2024 and create 3000 jobs over three years.

The Remote Jobs and Economic Development Program (RJED) will:

- create local, paid jobs with good conditions
- let communities decide what jobs are created
- be developed in partnership with First Nations peoples.

How will the RJED program work?

Communities will identify the jobs they want and need. The Government will pay for these jobs to be created so community organisations and local government can hire local people.

There will also be a fund for businesses to apply for money for equipment and capital. This will help create jobs by giving money to projects the community wants and needs.

Because each community is different, the RJED program may be different in each place.

Some communities already know what jobs they need straight away, while others will need more time.

People will still have support from the Community Development Program (CDP) if they need it.

How will the RJED program be designed?

We are designing the RJED program by talking to the people who it will impact.

This includes people living in remote communities, community organisations, CDP providers and participants and peak bodies.

In 2023, we heard from more than 2250 people and visited more than 100 CDP remote communities about what a new program should look like.

They said a new program should:

- be planned and led by communities



Attachment 6.2.1 niaa-factsheet- RJE D-program

- recognise roles carried out in communities
- take a new approach for youth
- support local jobs and people
- be flexible
- invest in local priorities
- assist people who can't work right now

We are also learning from [three different trials](#) that are currently taking place.

We will continue talking to people as we implement the RJED program about what is working and what isn't working.

Is this like the old Community Development Employment Projects?

The RJED program will be different to the Community Development Employment Projects (CDEP). Past programs like the CDEP did have some benefits but there were also things that were unfair.

Under CDEP, people did not get fair workplace conditions such as:

- a paid job
- good wages
- decent conditions
- superannuation
- leave.


Plus, community organisations had to do complicated paper work.

The new RJED program will include leave and superannuation. It will also be simpler for community organisations to get involved and to manage.


For more information

- Visit niaa.gov.au/remote-jobs
- Email us at remote.jobs@niaa.gov.au
- [Subscribe for updates on the RJED program](#)
- Contact your [local NIAA regional office](#) on 1800 079 098





Australian Government



National Indigenous Australians Agency

Local jobs for local people

What types of jobs would be useful in your community?

Depending on your community's circumstances and the design of the new **Remote Jobs and Economic Development program**, some of these jobs might fit. Or you might have other ideas.

FOR CONSULTATION ONLY

Strong in culture

- Interpreter
- Mentor
- Teaching language
- Tour guide
- Mediator
- Cultural advisor
- Artist
- Teaching culture

Caring for Country

- Land manager
- Sacred site manager
- Cool fire management
- Feral pest control
- Gardener/Tidy town
- Cultural heritage adviser
- Animal welfare
- Cattle station worker

Caring for people

- Aged care
- Night patrol
- Safe house worker
- Support worker
- Youth worker
- Drug and Alcohol worker
- Disability care
- Holistic wellbeing
- Caring for children

Building community







- Machine operator
- Site manager
- Public area maintenance
- Trade assistant

Servicing community

- Kitchen hand
- Sport coach
- Funeral support services
- Cleaning
- Bus driver
- Working in a shop
- Event organiser
- Customer service
- Cemetery maintenance

Small business enterprise


- Selling local art
- Natural medicine
- Hospitality
- Fishing
- Hairdressing
- Farming

West Arnhem Regional Council


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Special Council Meeting
30 September 2024



Australian Government

FOR CONSULTATION ONLY




National Indigenous Australians Agency

Local jobs for local people

What's different about the Remote Jobs and Economic Development Program?

It will support people in remote communities to move into employment by funding meaningful jobs that communities want.



	Remote Jobs and Economic Development program (RJED) 2024	Community Development Program (CDP) 2015 - current	1000 Jobs Package 2019 - 2023	Remote Jobs and Communities Program (RJCP) 2013 - 2015	Community Development Employment Projects (CDEP) 1977 - 2013
Developed by community	✔	✘	✘	✔	✔
Proper wages	✔	N/A	✔	N/A	Wages paid until 2009, then transition to income support
Superannuation	✔	N/A	✔	N/A	✘
Sick leave	✔*	N/A	✔	N/A	✘
Paid holiday leave	✔*	N/A	✔	N/A	✘
Health and Safety requirements	✔	✔	✔	✔	✔
Purchase of capital and equipment	✔ <small>Community Jobs and Business Fund**</small>	✘	✘	✔	✔
Mutual obligations	Not relevant***	✔	Not relevant***	✔	✔ <small>2009 - 2013</small>

*Does not apply to casual employees.
 **The purchase of capital and equipment is subject to consultations and final design. It will be assessed on a case-by-case basis.
 ***The participation in RJED and 1000 Jobs will be voluntary.

West Arnhem Regional Council

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Special Council Meeting
30 September 2024



Remote Jobs and Economic Development Program

Discussion paper

May 2024

Working with Aboriginal and Torres Strait Islander peoples



Contents

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Acknowledgment of Country

The National Indigenous Australians Agency (NIAA) acknowledges the Traditional Owners and Custodians of Country throughout Australia and acknowledges their continuing connection to land, waters and community. We pay our respects to people, cultures and Elders past and present

Working together for a future of equality
An artwork by Jordana Angus for the Australian Government.



Foreword from the Minister for Indigenous Australians, the Hon Linda Burney MP



The Albanese Labor Government is transforming the old Community Development Program (CDP) and replacing it in two stages. The first stage, announced in February 2024, is the new Remote Jobs and Economic Development program (Remote Jobs).

The Remote Jobs program will provide communities with the jobs you want and need, creating 3,000 jobs over 3 years to boost economic opportunities. These jobs will be real jobs, with proper wages and decent conditions, starting in the second half of 2024.

The second stage, expected to start in the second half of 2025, will look to support people to prepare for and find employment – to help people get ready for local job opportunities.

The purpose of this consultation paper is to provide you with an opportunity to inform the design and implementation of the first stage, the Remote Jobs program.

I will work in partnership with First Nations peoples to design the new program.

I know that when we listen to First Nations communities about the design and implementation of policies they are far more likely to make a lasting positive difference, and importantly help close the gap.

I strongly encourage you to look at the key issues in this paper and provide your views.

I look forward to hearing your views on this once in a generation reform.

The Hon Linda Burney MP



Purpose of the discussion paper

The purpose of this discussion paper is to seek views from interested stakeholders on the design and implementation of the RJED program. To ensure the new program meets community needs it must be developed in partnership with remote communities.

This is phase two of the consultation process and will help finalise recommendations to Government on program design prior to the launch of the program in the second half of 2024. The third stage of consultations will be to design a new employment service program to support the RJED program.

Phase one consultations were held between February to June 2023. The NIAA consulted with over 100 CDP communities and heard from over 2,250 people about what should be included in a new jobs program in CDP communities. We also received more than 210 anonymous survey responses and 50 'Have Your Say' web-forms. We heard from stakeholders that a new program should:

- Be planned and led by community.
- Support more local jobs for local people.
- Include something fair and meaningful for the community or for your job prospects in return for income support.
- Recognise the roles done in community including a new approach for youth.
- Have support for people who cannot work right now.
- Be flexible to invest in local priorities.

You can read the consultation report by visiting niaa.gov.au/remote-jobs.

The NIAA are also [testing new approaches to remote employment](#) to inform the design of the new program.

This discussion paper is about designing the RJED program. Consultation on the new employment services program will be later in the year.

Submissions are open until 30 June 2024.



Background

The Australian Government is committed to improving job opportunities for remote communities. What we know is that the current [Community Development Program](#) (CDP) is not working for everyone.

The CDP is a remote employment and community development service. CDP aims to support job seekers in remote Australia to build skills, address barriers to employment and contribute to their communities through activities and training. CDP supports Indigenous and non-Indigenous job seekers in remote communities and is administered by the NIAA.

The first step to replace the CDP is to design a new program that provides real jobs, proper wages and decent conditions.

On 31 August 2022, the Hon Linda Burney MP, Minister for Indigenous Australians, hosted a Remote Employment Roundtable. The Roundtable formally began consultation on the Government's commitment to replace the CDP. The Roundtable was one of a number being held by Ministers in the lead-up to the Government's Jobs and Skills Summit on 1–2 September 2022.

The objectives of the Roundtable were to harness expertise and insights on employment challenges and labour markets in remote Australia, particularly those experienced by First Nations peoples. The Roundtable involved representatives from peak bodies, relevant alliances and unions, community and business leaders as well as a number of local councils.

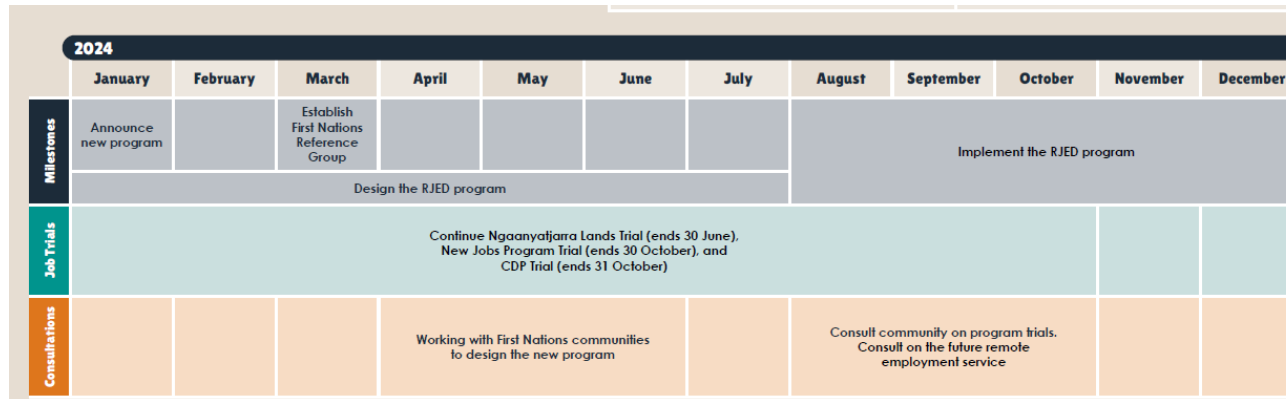
The 2022-23 Budget provided funding to trial remote jobs programs to empower First Nations peoples to choose their own destiny. The trials are used to test practical solutions and consult on the best way to build a new program that supports remote communities. There are four [job trials](#) underway: the 1000 jobs package, CDP Trials, the New Jobs Program Trial and the Ngaanyatjarra Lands Trial.

On 13 February 2024, the Prime Minister announced the RJED program as a part of the Commonwealth's [Closing the Gap Implementation Plan 2024](#). The Government is investing \$707 million to deliver the RJED program in the second half of 2024. The RJED program will continue to be developed in partnership with First Nations peoples. For more information, read [Prime Minister Albanese's announcement](#) and [Minister Burney's announcement](#).

The NIAA is now undertaking a second phase of consultations using what we heard in the first phase to test design options for the RJED program.



Timeline for the Remote Jobs and Economic Development Program



Why are we seeking feedback?

We want to hear from you about how the NIAA can work with communities to identify the programs and services they want and the jobs that can be created. The Government has made some decisions on what the RJED program will do from what we heard during our first phase of consultations. This is your second opportunity to provide feedback on what you need from the program to create opportunities in your community.

It is important to remember that the RJED program is providing funding to organisations to create jobs. This is different to the Community Development Program, which provide employment services only.

We are seeking feedback on how the program can be designed to take into account local conditions so it works for all remote communities.

The challenge for the RJED program is creating jobs where little or no job market exists. This requires funding for local organisations to become employers of choice in their communities and support for people looking for work to move into these jobs.

What we will do with your feedback?

Feedback on the design of the new program will be collected via stakeholder engagement, community consultation, written submissions, survey responses as well as other sources and will be recorded in the NIAA Client Relationship Management system. The feedback will be analysed and synthesised using Qualitative Data Analysis Software and will be reported on publically.

The Remote Jobs and Economic Development Program

The RJED program aims to:

- Fund the creation of new jobs in remote communities with priorities set by local communities.
- Support employees of new jobs to gain relevant work experience and skills for future employment.
- Support community organisations to deliver programs, services and opportunities communities want and need.
- Fund small scale capital, equipment and capacity building that is directly connected to the jobs created through the program.
- Contribute to Closing the Gap:
 - Target 7: By 2031, increase the proportion of Aboriginal and Torres Strait Islander youth (15-24 years) who are in employment, education or training to 67 percent.
 - Target 8: By 2031, increase the proportion of Aboriginal and Torres Strait Islander peoples aged 25-26 who are employed to 62 per cent.
 - Priority Reform 1 Outcome: Aboriginal and Torres Strait Islander people are empowered to share decision-making authority with governments to accelerate policy and place-based progress on Closing the Gap through formal partnership arrangements.
 - Priority Reform 2 Outcome: Building the community-controlled sector: There is a strong and sustainable Aboriginal and Torres Strait Islander community-controlled sector delivering high quality services to meet the needs of Aboriginal and Torres Strait Islander peoples across the country.



Attachment 6.2.4 rjed-consultation-discussion-paper-7-5-2024

- Priority Reform 3 Outcome: Improving mainstream institutions: Governments, their organisations and their institutions are accountable for Closing the Gap and are culturally safe and responsive to the needs of Aboriginal and Torres Strait Islander people, including through the services they fund.
- Priority Reform 4 Outcome: Aboriginal and Torres Strait Islander people have access to, and the capability to use, locally-relevant data and information to set and monitor the implementation of efforts to close the gap, their priorities and drive their own development.

The RJED program will initially run over 3 years from 2024-25 to 2026-27 through a grant process. The RJED program will provide funding to organisations to create new jobs in communities that are located within the current CDP regions. The program will fund proper wages and conditions, including superannuation and on costs for 3,000 jobs that communities want over three years.

The RJED program will support remote communities to determine local projects and economic priorities to increase job opportunities in their areas. There will also be a focus on youth to improve their employment opportunities. Eligible community organisations will be funded to create new jobs to employ local people at least at the minimum wage or applicable entry level award wage plus conditions. Jobs are likely to be part-time in most cases, reflecting community feedback for flexibility. The RJED program will support part-time jobs.

Organisations in the current CDP regions that can apply for funding will work together with local communities to decide the jobs that will be created and the training, equipment or capital needed to deliver these jobs.

A critical component of the RJED program will be a requirement for organisations that apply for funding to show how communities have been involved in deciding the priorities for their community, and how this relates to the jobs that are created.

Who can apply for RJED funding?

To apply for funding under RJED, organisations must be in a CDP region, have the support of community to apply for the grant and be a community organisation, local government or a joint (consortia) application, where the lead organisation is a community organisation or local government.

Proposed eligible entity types could include:

- An Aboriginal and/or Torres Strait Islander Corporation registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act).
- A community organisation or local government or a joint (consortia) application, where the lead organisation is a community organisation.
- A company incorporated in Australia under the *Corporations Act 2001*.
- An incorporated association.



- An incorporated cooperative.
- An organisation established through a specific piece of Commonwealth or state/territory legislation (e.g. churches and universities).
- An incorporated trustee on behalf of a trust.
- A partnership.
- A joint (consortia) application with a lead organisation that satisfies the entity type.

Who will fill the jobs created by the RJED program?

Successful RJED grant applicants will need to work with a CDP provider to find the right people to be employed in the new jobs.

Once people have gained experience, there may be further opportunities to connect them with jobs in the public or private sectors. It's important to note that the RJED program is aimed at supporting people into jobs and lifting their skills and experience so they can move into a long term, permanent job.

When a person starts in a new job through the RJED program they will become employees. The RJED program will provide funding for additional support provided through their employer (the local organisation) including training and mentoring.

What types of jobs will the RJED program support?

Design principles have been established for jobs that will be funded through the RJED program and they include that the job is:

- not a currently funded position (a "new" job)
- supported and designed through engagement with the local community
- an entry-level job designed to build work skills, experience and confidence of employees, and
- casual, part-time or full-time with the number of hours worked per fortnight to be negotiated between participants and their employer to reflect local and individual circumstances.



Examples of jobs that may be supported by the RJED program

Strong in culture	Caring for Country	Caring for people	Building community	Servicing community	Small business enterprise
Interpreter	Land manager	Aged care	Machine operator	Kitchen hand	Selling local art
Tour guide	Feral pest control	Support worker	Site manager	Cleaning	Fishing
Artist	Animal welfare	Disability care	Trade assistant	Event organiser	Farming
Mentor	Sacred site manager	Night patrol	Public area maintenance	Sports coach	Natural medicine
Mediator	Gardener, lawn, moving/tidy town	Youth worker		Bus driver	Hairdressing
Teaching culture	Cattle station worker	Holistic wellbeing		Customer service	Hospitality
Teaching language	Cool fire management	Safe house worker		Funeral support services	
Cultural adviser	Cultural heritage adviser	Drug and Alcohol worker		Administration	
		Childcare		Working in a shop	
		Before and after school care		Cemetery maintenance	

What could the RJED program fund?

Organisations will be able to apply through the RJED program for funding for:

- Wages/Salaries - Relevant award for entry level positions or National Minimum Wage rate (where there is no relevant award).
- Superannuation (if applicable).
- Leave loading (if applicable).
- On costs – which could include (and may not be limited to).
 - workers compensation/ insurance
 - human resources support
 - training, or travel costs.
- Community Jobs and Business Fund - for one-off business costs directly related to creating jobs.

Economic Development

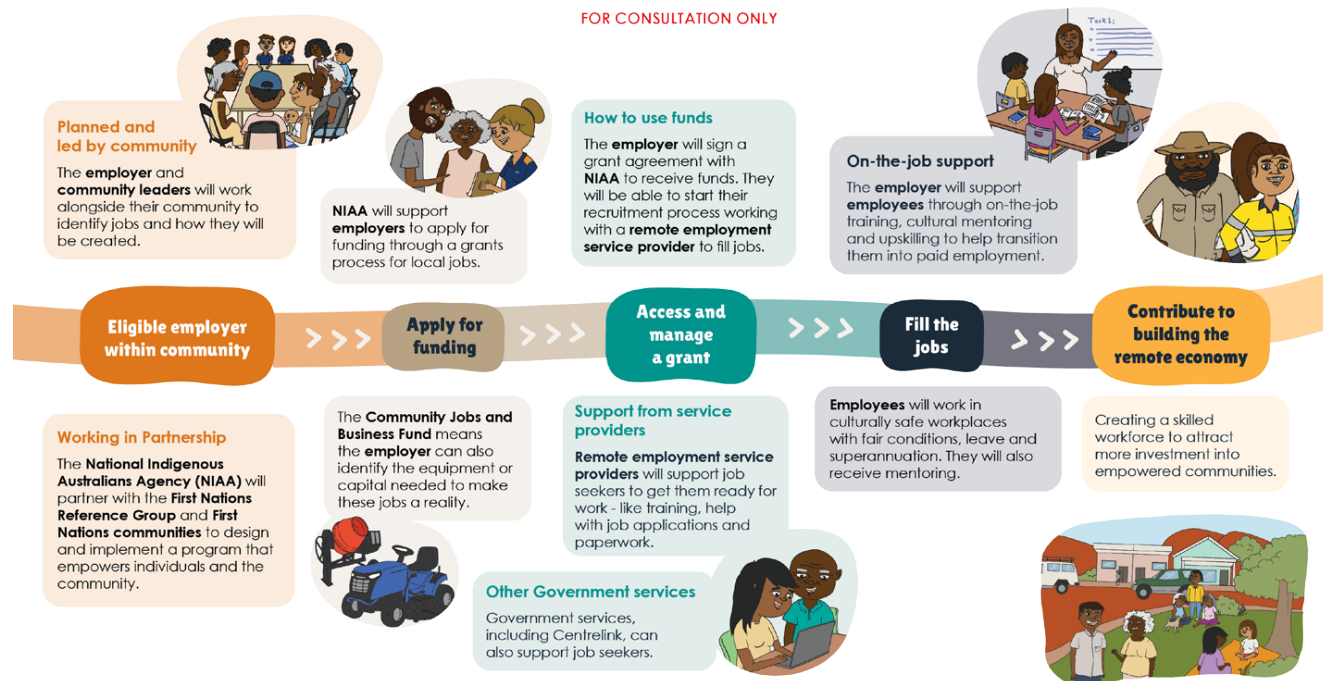
The economic development aspect of the new program aims to increase economic opportunities in remote communities and generate long term permanent jobs. For example, by localising jobs under fly in fly out programs and service delivery and by generating jobs in the care sector and infrastructure and resource sectors.

We understand each community is different and that is why the new program will support different employment opportunities in every place.

Please note: As not everyone will be ready to go into a job or may require other support services, a remote employment service will still be needed to provide pre-employment support. The CDP will continue to support people looking for work, and/or who become job ready until June 2025, and will then be replaced with a new remote employment service. The NIAA will also continue to work with other parts of Government to help ensure people are getting the right support they need.



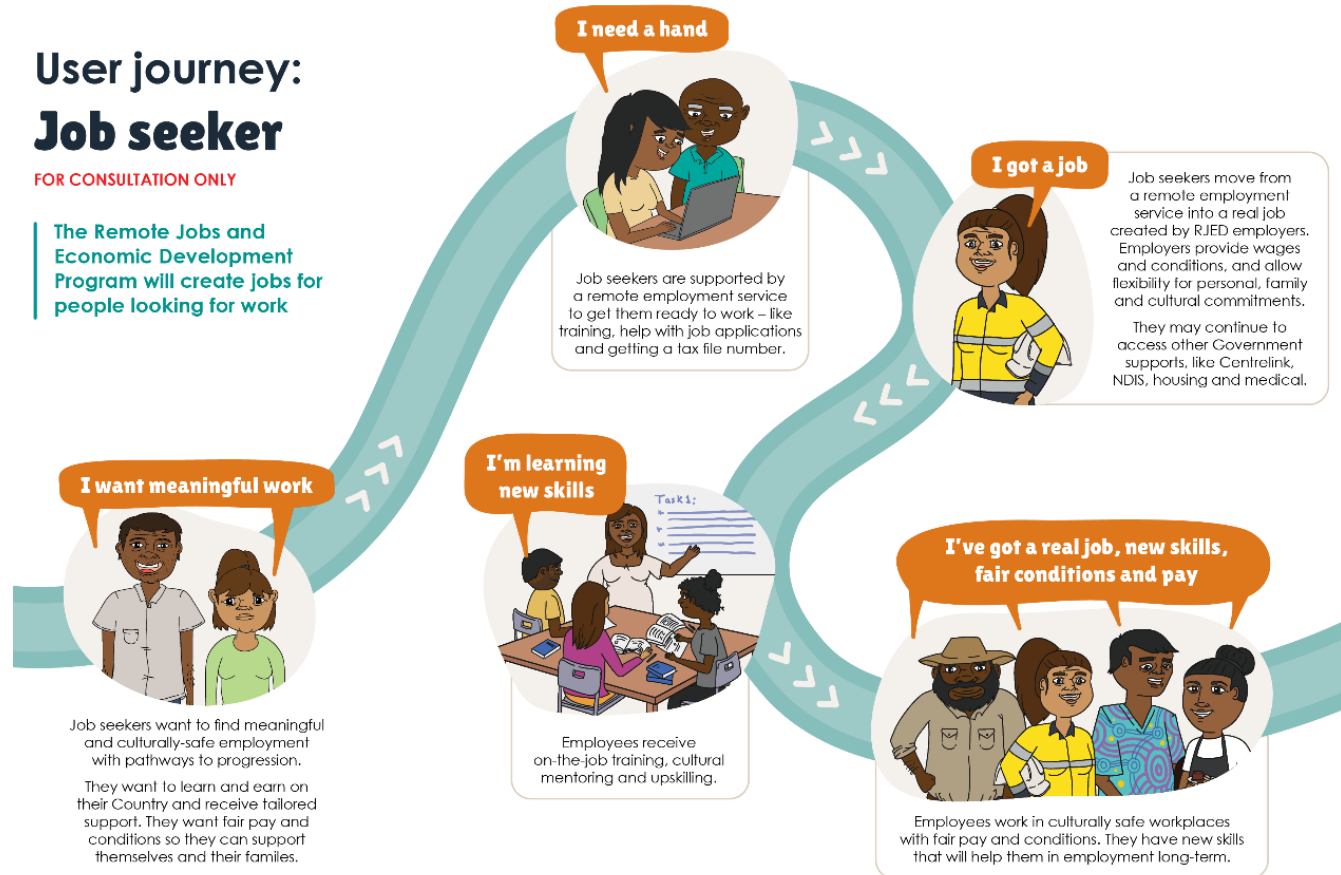
Journey Map: Remote Jobs and Economic Development program



User journey: Job seeker

FOR CONSULTATION ONLY

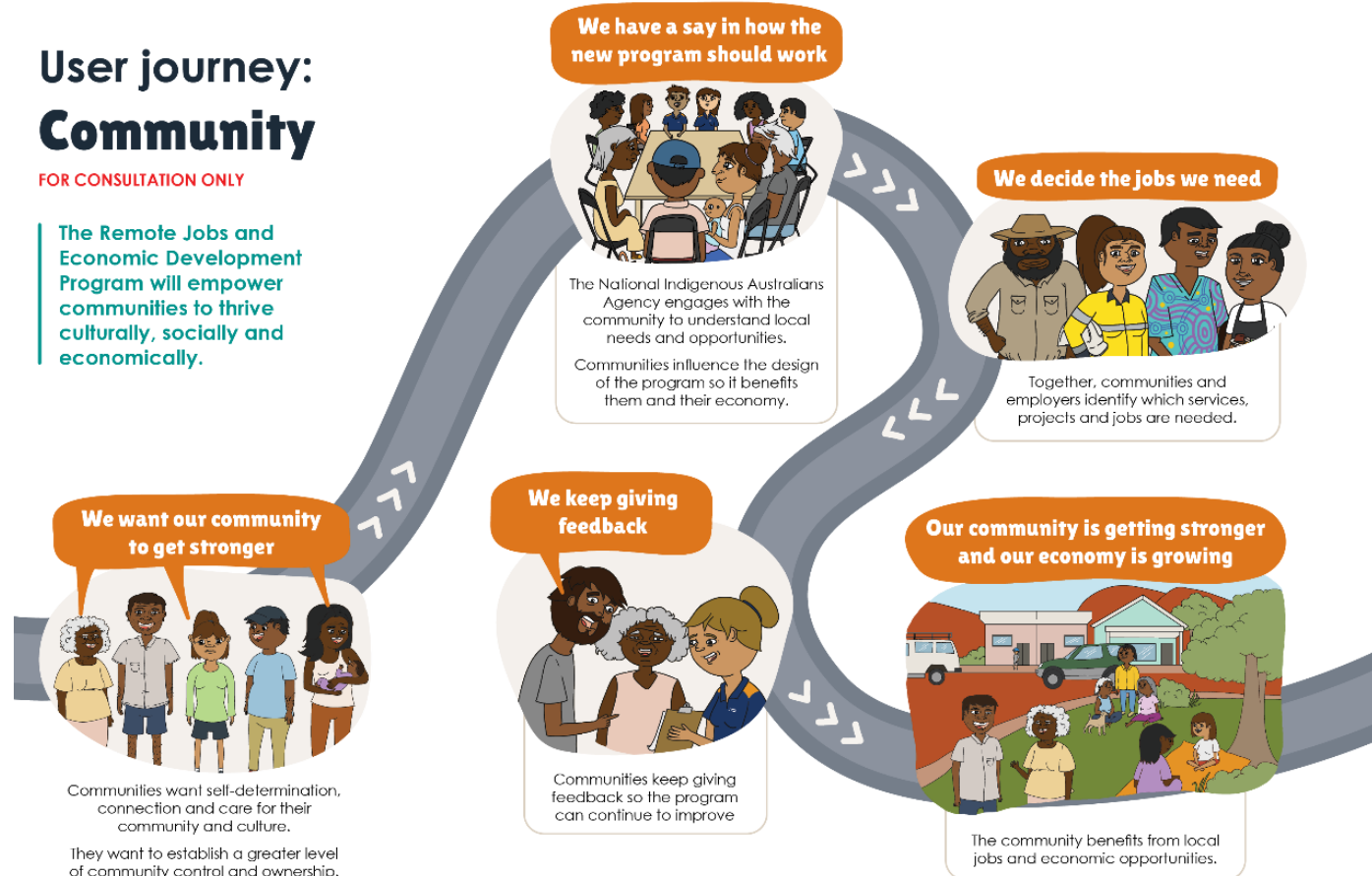
The Remote Jobs and Economic Development Program will create jobs for people looking for work



User journey: Community

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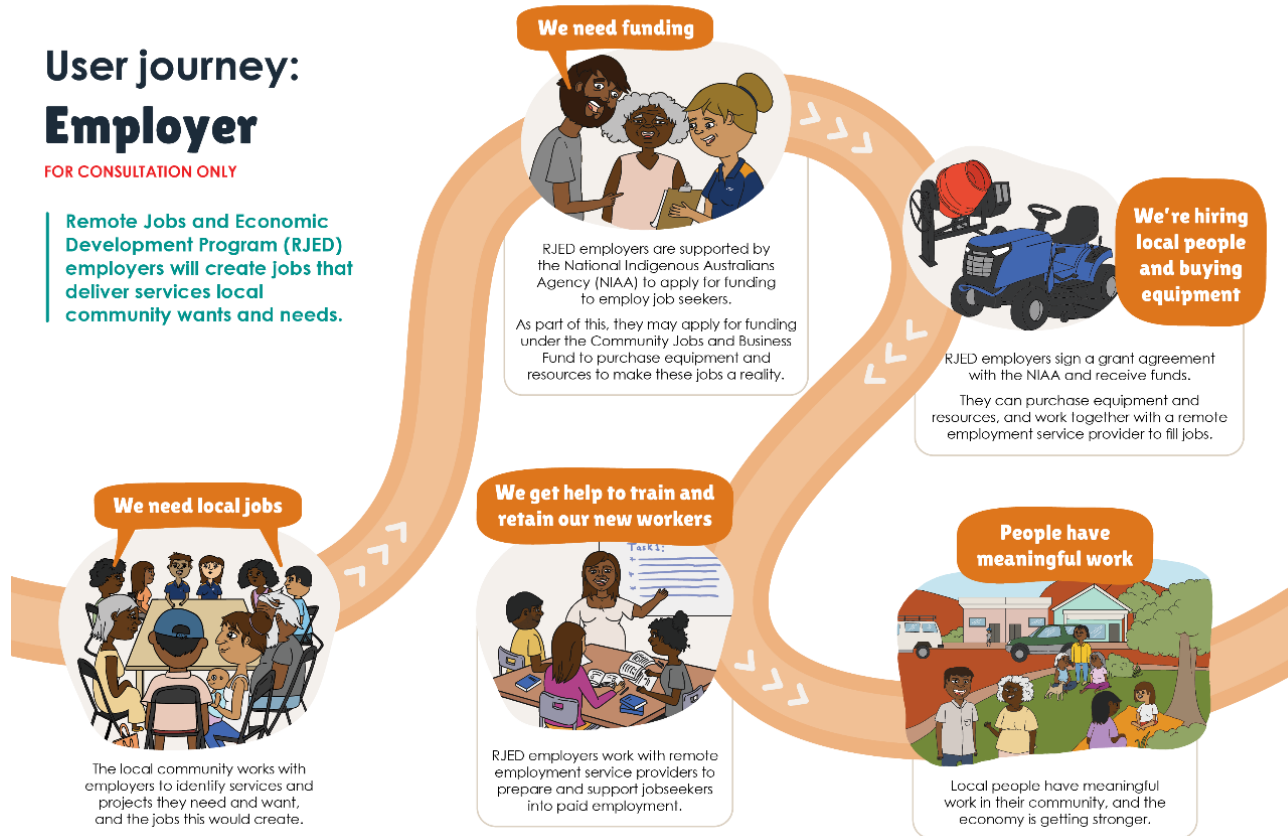
The Remote Jobs and Economic Development Program will empower communities to thrive culturally, socially and economically.



User journey: Employer

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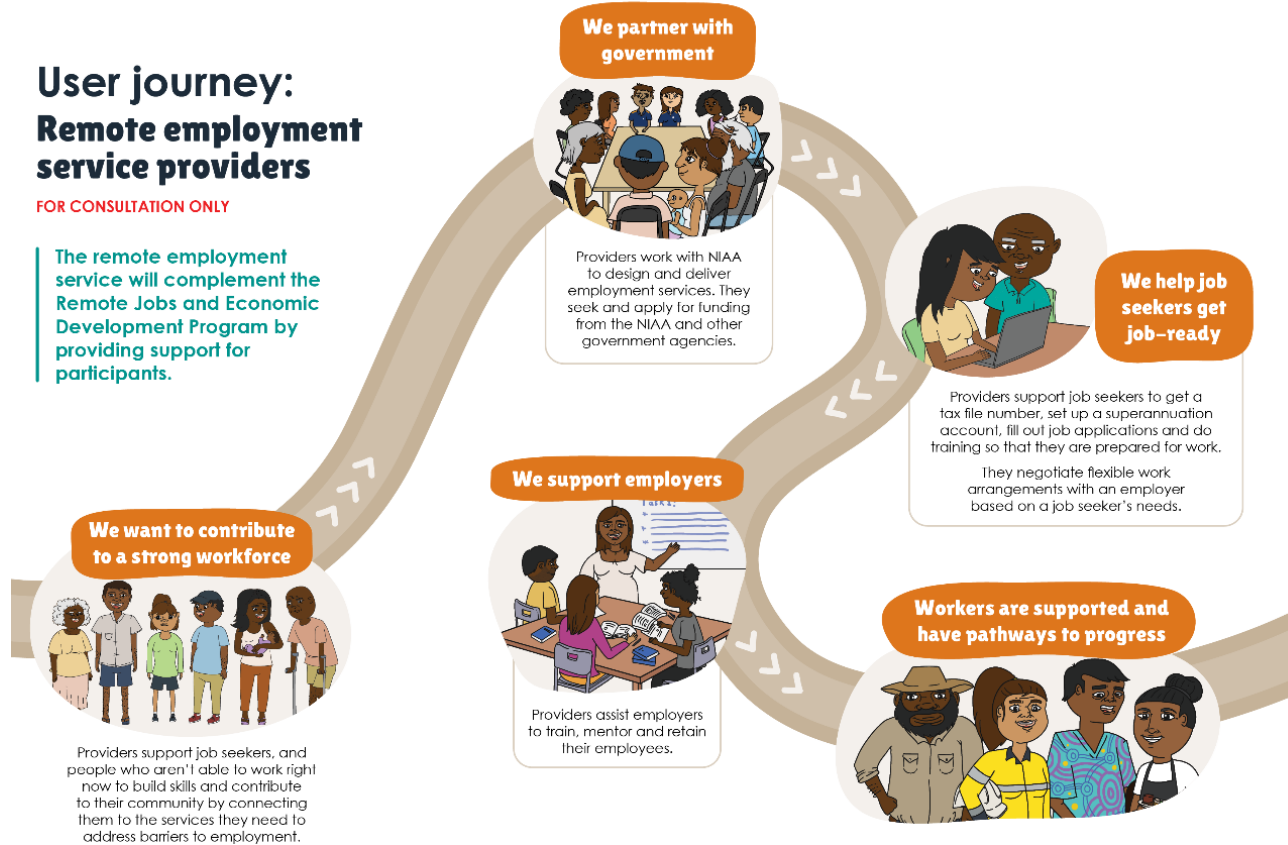
Remote Jobs and Economic Development Program (RJED) employers will create jobs that deliver services local community wants and needs.



User journey: Remote employment service providers

FOR CONSULTATION ONLY

The remote employment service will complement the Remote Jobs and Economic Development Program by providing support for participants.



Discussion questions

Understanding the RJED program – refer to diagram above

What parts of the program do you think will work well or not work well in remote communities?

What would you change about the program?

Job seekers

Who could you talk to in your community if you wanted to create a job you are interested in?

What support could be offered to youth, women and other vulnerable groups to succeed in the program?

What support would you want if you took up a job opportunity created through RJED?

Community

What can be done to maximise community effective led decision making?

Are there benefits other than money that could encourage job seekers and remote communities? For example, meals, clothing, vouchers.

What support do communities need to make sure they get the jobs they need? For example, writing community plans, facilitating meetings.

How could employers demonstrate that the jobs created are the ones communities want?

What can the program include to make sure it is flexible for the unique needs of different communities?

What are good examples of funding or services that are working on the ground?



Community organisations (employers)

Who should be eligible to apply for the program?

What jobs could you create in your local community under this program?

What are the challenges in remote communities to fill jobs?

What do communities need to grow and build a small business?

What support do organisations need to successfully apply for the new program?

How can NIAA work with communities to support sustainability of jobs?

Is there anything else you would like to add?

Remote Employment Service Providers

How can a remote employment service support participants to take up a RJED job opportunities?

How can RJED employer's best work with remote employment service providers?



Next Steps

Provide your feedback

Visit niaa.gov.au/rjed-consultations to provide a submission or complete the accompanying survey. Responses can also be emailed to remote.jobs@niaa.gov.au. You can also find out about upcoming consultations opportunities and subscribe to receive updates on the RJED program.

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Grant Opportunity Guidelines now out for consultation

Remote Jobs and Economic Development program

To help design the new [Remote Jobs and Economic Development \(RJED\) program](#), the Australian Government is seeking feedback on how the program should work.

A common way to provide funding for a program is through a grant. All grant opportunities need to have Grant Opportunity Guidelines (GOGs) developed. GOGs are the documents which provide potential applicants with all the information required to understand the purpose of a grant opportunity and how to make an application.

We want your feedback on the draft RJED program GOGs which have now been released for public consultation. This is the next step in working in partnership to design the program.

Feedback from the [First Nations Reference Group](#), community consultations, and findings from existing evidence on remote employment have informed elements of the draft GOGs. Tell us where you think the draft GOGs may limit opportunities or wouldn't meet the needs of community.

The design of the RJED program and GOGs is not yet final. The feedback we receive from you, together with what we've already heard, will feed into designing a successful program that helps income support recipients in remote Australia move into paid employment.

This will be done by funding organisations to create new jobs that pay wages and entitlements, and deliver programs and services that are a priority for local communities. These jobs will provide employees with relevant work experience and skills to create a sustainable local workforce.

Let us know what you think

We want to hear from potential eligible employers and communities that may want to apply for RJED program funding to create jobs for people living in remote Australia.

Your feedback will be critical to the success of this program.

We'd like your feedback on these specific elements of the GOGs:

- Section 3: Grants amount and grant period, including indicative regional allocations
- Section 4: Eligibility criteria (excluding 4.4 Incorporation requirements, a mandatory condition for all Indigenous Advancement Strategy (IAS) grants agreements)
- Section 5: Eligible grant activities
- Section 6: The assessment criteria

Attachment 6.2.5 RJED GoGs factsheet 10 7 2024 1

- Section 7: How to apply
- Section 8: The grant selection process (excluding 8.2 Indigenous Preferencing Policy, as applying this policy is mandatory for all IAS grants agreements)
- Section 10: Successful grant applications
- Section 12: How we monitor your grant activity
- Section 15: Glossary

As part of this process, we want to understand what barriers there may be for employers to apply for a grant. We are especially keen to know:

- How do we ensure local community organisations are able to access this grant opportunity to create local jobs to meet community needs?
- How can community advice be considered in the assessment process? Are there existing models that work?
- How can we ensure successful grant applicants are only employing eligible Community Development Program (CDP) participants?
- How can we fairly allocate the funding across all current CDP regions?
- What would be helpful for applicants as part of the grants application process?
- How can smaller organisations be supported to apply?
- What can we do to streamline an assessment process?

Please provide your feedback by sending an email to remote.jobs@niaa.gov.au before 31 July 2024.

How will the grants process work?

It is expected there will be multiple grant rounds throughout the three year period for potential employers to apply for funding to create a job. The first round is expected to open in September 2024 on [GrantConnect](#).

The draft GOGs propose that the RJED program will be an open competitive process. This means that the NIAA will assess applications against the eligibility criteria, it will then compare eligible applications against other applications from the same region.

The NIAA will advise the decision maker on each application's ranking and merits.

What is the proposed eligibility criteria?

The draft GOGs propose that eligible applicants are employers who can:

- demonstrate that the job can be created
- employ a Community Development Program (CDP) participant who resides in a CDP region
- demonstrate community support for the grant activity where it will be delivered
- demonstrate they can cover any costs associated with creating the new job that is outside of the RJED program.

Applicants must also have an Australian Business Number (ABN), be registered for the purposes of GST, have an account with an Australian financial institution and be an eligible entity, as proposed in the draft GOGs (Section 4).

Has the program design already been decided?

The design of the RJED program incorporates feedback from community and stakeholder consultations, and input from the FNRG. Community consultations, which began in April 2024, have asked key questions around the proposed eligibility criteria and questions related to the GOGs through the [discussion paper](#), including who should be eligible and what jobs the program should fund.

The FNRG have provided feedback that a competitive grant process for the RJED program could enable more equitable outcomes for all regions. This is because open competitive processes enable the Government to test the market and provide a greater opportunity to choose the best applicants, which increases the chance of delivering better outcomes for job seekers. You can [read a summary](#) of the options and issues FNRG considered in the program design to inform the draft GOGs.

Next steps

We will publish a report summarising what we heard from community consultations on our website later this year.

The public feedback we are currently seeking on the draft GOGs will help us finalise their design in partnership before the first grant round is expected to open in September 2024.

Further information will be made available on the RJED program and grants process.

More information

For questions on the Grant Opportunity Guidelines for the RJED program or to provide feedback, email remote.jobs@niaa.gov.au

For more information on RJED program consultations, please visit niaa.gov.au/rjed-consultations

You can also speak to an NIAA office in your local area, find the nearest office to you at niaa.gov.au/about-niaa/contact-us/regional-offices-around-australia



Australian Government

National Indigenous Australians Agency

Consultation draft only: Subject to change

Indigenous Advancement Strategy (IAS)

Remote Jobs and Economic Development Program (RJED) Grant Opportunity Guidelines

Opening date:	TBC
Closing date and time:	TBC Note: The National Indigenous Australians Agency (NIAA) may amend the closing date and time at its own discretion by issuing a notice through the GrantConnect website.
Commonwealth policy entity:	NIAA
Administering entity	NIAA
Enquiries:	Applicant help desk
Date guidelines released:	TBC
Type of grant opportunity:	Open competitive

DRAFT – FOR CONSULTATION ONLY

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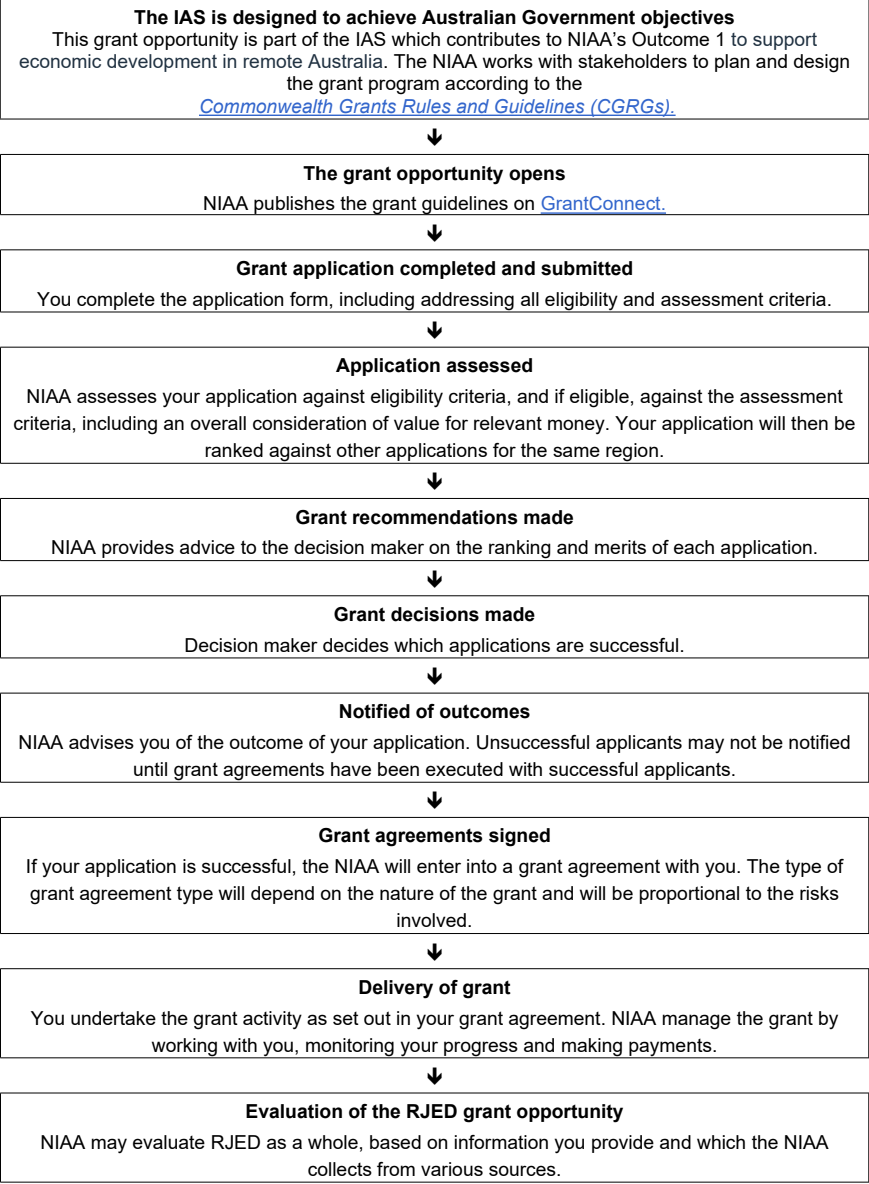
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IAS: Remote Jobs and Economic Development Program processes



DRAFT – FOR CONSULTATION ONLY

1.1 Introduction

These guidelines contain information for the Remote Jobs and Economic Development Program (RJED) grants.

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.

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

2. About the RJED grant program

This opportunity is available under Program 1.1 - Jobs, Land and Economy of the Indigenous Advancement Strategy (IAS). The objectives and outcomes of this Program are available at [Appendix A](#). The IAS provides grant funding for activities that address areas of need for First Nations people that aligns with targets agreed under the National Agreement on Closing the Gap (CtG). For more information about CtG, see the [NIAA website](#).

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

The Remote Jobs and Economic Development Program (RJED, 'the Program') is a \$707 million investment announced by the Government in February 2024. RJED is comprised of 2 elements; Job Creation and the Community Business Fund. Under the Job Creation element, RJED will initially fund 3,000 jobs to provide people in remote communities with real jobs, proper wages and decent conditions. The Community Jobs and Business Fund (CJBF) element provides funding for minor capital, equipment and capacity building directly supporting the new jobs.

RJED is part of the Government's phased approach towards replacing the Community Development Program (CDP). It will support remote communities across [all current 60 CDP](#) regions to determine local job priorities and related projects to increase economic opportunities in these areas.

Grant funding is available to eligible organisations in eligible locations who work with communities to identify jobs that align with local priorities.

RJED will be delivered in 2024-25 through 2 grant rounds and support up to 930 jobs over 3 years. RJED – Grant Round One will commence in September 2024. RJED – Grant Round Two will commence in early 2025. Further grant rounds will be considered for 2025-26 and 2026-27, informed by the outcomes of Rounds One and Two.

The design of RJED has incorporated learnings and evidence from the New Jobs Program Trial, CDP Trials and other relevant employment based programs delivered by NIAA. Feedback provided

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

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through stakeholder and community consultation undertaken in 2023 and 2024 has and will continue to inform this grant opportunity and delivery of RJED.

Ongoing consultation will be conducted with remote communities and stakeholders on RJED with opportunities to revise and improve the program through future grant rounds.

This RJED grant opportunity contributes to the following [Closing the Gap targets and Priority Reforms](#):

- Target 7 – By 2031, increase the proportion of Aboriginal and Torres Strait Islander youth (15-24 years) who are in employment, education or training to 67 per cent.
- Target 8 – By 2031, increase the proportion of Aboriginal and Torres Strait Islander people aged 25-64 who are employed to 62 per cent. A priority area will be the NT, where a high proportion of Indigenous people live in remote communities and are unemployed.
- Priority Reform One – Formal Partnerships and Shared Decision-making
- Priority Reform Two – Building the Community Controlled Sector
- Priority Reform Three – Transforming Government Organisations
- Priority Reform Four – Shared Access to Data and Information at a Regional Level

This grant opportunity will contribute to these targets through the following objectives, which align with the IAS 1.1 program, to:

- fund the creation of 3,000 new jobs over 3 years in remote communities that are prioritised by local communities, with a pathway to sustainable employment
- support employees in new jobs to gain relevant work experience and skills for future employment
- support eligible organisations to deliver programs, services and opportunities communities want and need and
- Properly resource organisations with funding for minor capital, equipment and capacity building to complement jobs created through the program

The purpose of the RJED program and intended outcomes of the grant opportunity are:

- improving employment outcomes for participants and remote communities through the creation of culturally appropriate and meaningful work
- increasing the number of jobs available and flow-on effects of direct jobs in community and local business sectors, including building local economies and delivering more services in remote communities
- increasing opportunities for local businesses and organisations to train and recruit locals,
- increasing the number of people employed with connection to country and community
- increasing socio-economic and wellbeing outcomes, including increased community self-determination, through economic empowerment.

2.1 NIAA regional presence and National Office

The Agency has a regional presence (the NIAA Regional Offices) across Australia. We have offices in capital cities, and regional and remote locations. 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 provide information about the IAS, including whether a proposal is or is not consistent with regional priorities. A list of NIAA Regional Offices and contact details is available [here](#).

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The NIAA Regional Offices work 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 agencies and 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.

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.

3. Grant amount and grant period

3.1 Grants available

The Australian Government announced in February 2024 a total of \$707.6 million (GST exclusive) over 4 years for RJED.

For the RJED Grant Round One, up to \$XYZ million (GST exclusive) is available over 3 years (2024-25 to 2026-2027).

For the RJED Grant Round Two, up to \$XYZ million (GST exclusive) is available over 3 years (2024-25 to 2026-2027).

The amount of funding for each grant will be determined by the number of jobs approved, the award rate for each of those jobs and the amount of CJBF support requested.

The total of grants awarded cannot exceed the amount of available funds and maximum amounts will be awarded for certain types of expenditure (see section 5.5)

The NIAA will consider value for relevant money and availability of funds to meet priorities in offering a grant. An indicative regional allocation will also be applied (see section 3.3).

3.2 Grant period

The maximum grant period is 3 years. Applicants can apply for funding for activities for up to 3 years, subject to limitations on fixed term contracts under Fair Work laws.

The NIAA can, at its sole discretion, offer to extend the grant period by up to a maximum of one year by giving notice to a grantee at least 60 business days prior to the end of the relevant activity end date. If a grantee accepts the NIAA's offer, the terms of such an extension will be detailed by way of a deed of variation on terms acceptable to the NIAA and such extension will only be effective upon the formal execution of the deed of variation by the NIAA and the grantee.

The NIAA will accept applications:

- RJED Grant Round One from [open date - TBC] until [close date - TBC].
- RJED Grant Round Two from [open date - TBC] until [close date - TBC].

The NIAA may amend the closing date and time at its own discretion by issuing a notice through the [GrantConnect](#) website.

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3.3 Indicative regional allocations

An indicative allocation of jobs has been made for Grant Rounds One and Two based on the allocation methodology of applying CDP caseload within each NIAA region to the available jobs (see table below). Indicative allocations allow for all eligible regions to benefit from RJED funding and the creation of new jobs.

These allocations do not factor in NJPT grant recipients that may transition into RJED during Grant Round One.

Where an eligible NJPT grant recipient transitions into RJED existing jobs funded under NJPT will also transition, which will reduce the total number of available jobs in that region. Updated regional allocations will be available through GrantConnect

Table 1: Indicative RJED job allocations per eligible NIAA region

NIAA Region	Round One allocation	Round Two allocation	Total* no. of jobs
Arnhem Land & Groote Eylandt	65	66	131
Central Australia	59	59	118
Greater Western Australia	70	71	141
Kimberley	49	50	99
North Queensland	85	85	170
South Australia	31	31	62
South Queensland	9	9	18
Top End & Tiwi Islands	83	84	167
Western NSW	11	12	23
Total	-	-	930

*allocations may be lower in some regions if NJPT grant recipients and existing funded jobs transition into RJED

Pending final decisions on grant applications in Grant Rounds One and Two, allocations within each eligible region will be revised and published on GrantConnect. If the entire job allocation for a region is not required for that region, available jobs may be re-allocated to other regions. The Program Delegate makes the final decision on reallocation of jobs within regions.

- Applications will be assessed by region. Eligible applications will be comparatively assessed against other applications for the same region.
- Applications may not be successful even if they meet all the criteria, or may be successful only in part (for example, they may not receive funding for the full number of jobs requested).
- No regional allocations will be applied to funding under the Community Jobs and Business Fund, however, consideration of funding amounts will be determined in proportion to the approved Job Creation element with the Program Delegate making a final decision.

4. Eligibility criteria

In line with the Government's commitment to support remote communities to determine local projects and job priorities to increase economic opportunities in their areas, applicants are required to demonstrate how they work with and have an ongoing commitment to working with their local community on the creation of the new jobs funded under RJED.

Organisations that are not eligible to apply for funding are encouraged to consider partnering with an eligible organisation (refer to section 7.2 for more information).

Grant recipients that are being funded under the New Jobs Program Trial (NJPT) may be eligible for funding under RJED through a transitional arrangement.

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4.1 Who is eligible to apply for a grant?

Your application can only be considered if you satisfy all the eligibility criteria. To be eligible you must:

- be one of the following eligible entity types located in at least one eligible CDP region
 - an Aboriginal and/or Torres Strait Islander Corporation registered under the [Corporations \(Aboriginal and /or Torres Strait Islander\) Act 2006](#)
 - a company incorporated in Australia under the *Corporations Act 2001*, if Indigenous-majority owned
 - an incorporated trustee on behalf of a trust²
 - an incorporated association (incorporated under state/territory legislation, commonly have 'Association' or 'Incorporated' or 'Inc' in their legal name)
 - a partnership
 - a joint (consortia) application with a lead organisation that satisfies the entity type³
 - a registered charity or not-for-profit organisation or
 - an Australian local government body, including Regional Councils and Local Aboriginal Councils
- employ a CDP participant who resides in a CDP region
- demonstrate support for the grant activity from the community where the service will be delivered
- demonstrate that you can create the job and meet any costs not covered by the grant
- have an Australian Business Number (ABN) (exemptions may apply in special cases)
- where relevant, be registered for the purposes of GST and
- have an account, with an Australian financial institution

The NIAA will not accept your application unless you:

- 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.
- are financially viable to the Agency's satisfaction. The application form has questions about financial viability. The Agency may undertake its own enquiries in relation to the applicant's financial viability.

4.2 Who is not eligible to apply for a grant?

We cannot provide a grant if you receive funding from another government source for the same purpose as RJED as detailed in Section 2.

You are not eligible to apply if you are:

² A trust itself is not a legal entity and cannot enter into a grant agreement.

³ The Australian Government recognises that some organisations may seek to form consortia in order to apply for a grant under the Program. Consortia are eligible to apply and the relevant conditions applicable to consortia are at 7.2 'Joint Applications'

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- an organisation, or your activity 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'
- a non-corporate Commonwealth entity
- an individual or sole trader
- unincorporated association
- an overseas resident/organisation (and the NIAA's decision regarding residence will be final)
- declared bankrupt or subject to insolvency proceedings—as relevant to the entity type
- named as currently non-compliant under the *Workplace Gender Equality Act 2012* or
- any organisation not included in section 4.1

4.3 What qualifications, skills or checks are required?

All applicants must be able to demonstrate that they intend to and will be able to comply with all applicable laws if their application is successful. This includes maintaining all qualifications, permits, registrations and licences required by the applicant and participant for the lawful performance of the activity or service the applicant will provide. This also includes, where relevant, compliance with:

- Work Health and Safety laws
- Fair Work laws
- Laws pertaining to Working with Children checks and/or Working with Vulnerable People registration (as required by the jurisdiction in which the activity will take place)
- Industry licenses or registration requirements and/or
- Australian Skills Quality Authority accreditation requirements.

All applicants must demonstrate how they will ensure there is adequate supervision when employees are performing tasks, taking into account the level of experience of the employee, safety risks and cultural protocols within a working environment.

Applicants must also demonstrate the remuneration structure under which they will employ staff. The remuneration structure must align to a relevant state or nationally recognised award and/or a registered Enterprise Agreement or the National Minimum Wage, where there is no award or agreement.

4.4 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— First Nations 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* and
- Maintain these arrangements while they continue to receive any IAS funding.

First Nations organisations already incorporated under the *Corporations Act 2001* do not have to change their incorporation status. However, all other First Nations organisations must be incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* so they can access the assistance and support available under the Act.

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

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5. What the grant money can be used for

5.1 Eligible grant activities

Eligible grant applicants can apply for 2 elements of funding under RJED:

1. Job Creation
2. Community Jobs and Business Fund (CJBF)

Applicants may apply for:

- Job Creation funding only or
- Both Job Creation and CJBF funding.

Applicants cannot apply for CJBF funding only. In order to receive funding under the CJBF, applicants must be approved for Job Creation funding.

Job Creation funding must directly relate to the RJED outcomes (see 2. *About the RJED Program*).

In addition, the job/s created through RJED must meet the following requirements:

- employ a person that is a current or is eligible to be a CDP participant (NIAA may make exemptions for the NJPT or CDP trialling pathways participants)
- be located in a CDP region
- be a job that is not currently funded or a vacant position (NIAA may make exemptions for existing positions funded under the NJPT or CDP Trial Projects)
- be an entry level job that will build work skills, experience and confidence of employees
- be a job that can be adapted to the particular needs of the employee (e.g. cultural or caring obligations)
- be a casual, part time or full time job with the proposed number of hours worked per fortnight to be indicated in the grant application and
- designed through engagement with and have the support of the local community

To be eligible for funding under Community Jobs and Business Fund, you must meet the following requirements:

- Apply and be assessed as eligible for funding for Job Creation (section 4.1)
- be able to demonstrate how the requested CJBF funding directly relates to supporting the employee/s and the creation of the job/s described in the application's Job Creation element
- have a separate bank account/s for managing CJBF funding where the total budget for this element is more than \$10,000

Where possible and relevant, your proposed grant activities should take into account:

- the cultural and linguistic needs of First Nations Australians and others whose first language is not English, and be mindful of the Commonwealth Ombudsman's Best Practice Principles for interpreting. [Use of Interpreters - Commonwealth Ombudsman](#)
- the needs of Australians with disability including how the proposed activity supports one or more of the seven policy outcome areas outlined in [Australia's Disability Strategy 2021–2031](#)
- differing barriers and opportunities experienced by subsets of the target community, including First Nations men and women, and the impact these might have on access to proposed 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 youth outcomes in the community.

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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.

5.2 Job Creation - Eligible Employees

A person employed in a job funded through RJED will become an employee of the organisation receiving funding. Successful grant recipients will need to:

- work with a CDP provider to identify a suitable existing or eligible CDP participant for the job
 - exemptions may be requested from NIAA for non-CDP participants to be placed into a job if they are youth (15-24 years) and for people leaving prison;
 - consider age limitations of CDP participants - employees must be 15 years or older
- work with local CDP providers to ensure the employee has the required documentation to commence employment, for example an Australian bank account or superannuation account;
- pay wages, entitlements and provide suitable working conditions, as required by law;
- provide wellbeing and cultural support to employees;
- provide relevant training, mentoring and coaching to upskill employees; and
- continue engaging with the local community on ongoing employment needs, objectives, and progress towards successful outcomes.

5.3 Job Creation - What jobs are not eligible for funding

The following jobs cannot be funded under RJED:

- religious occupations
- an existing job that is vacant
- a job that displaces an existing employee
- commission based jobs
- self-employment or a subcontracted position
- a job subsidised or funded under any other Commonwealth or government program
- a job that is likely to bring RJED, the NIAA or the Commonwealth into disrepute
- jobs that lead to a decrease in other employment opportunities in the region or a reduction in services or
- jobs that are unsafe or carry an unsatisfactory level of risk to the health and safety of the CDP participant.

5.4 Job Creation - Eligible locations

Your grant activity must be delivered in Australia, in one or more of the 60 [CDP regions](#). The NIAA may consider, on an exception basis with the express agreement of the NIAA, a location that is adjacent to or connected to a CDP region or the CDP participant undertaking the job,

If your grant activity seeks funding for jobs located in multiple CDP regions, your application must clearly indicate each region you are applying for and the number of jobs proposed per region.

5.5 Eligible expenditure

Grant funding can only be spent on eligible grant activities between the dates specified in your agreement with NIAA, unless we provide prior agreement in writing to an alternative use.

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A grant agreement must be executed before the NIAA can make any payments. If you choose to start your grant activity before a grant agreement is executed, the NIAA is not responsible for this expenditure and you do so at your own risk.

Grant recipients will be required to verify relevant activity-related expenditure (see section 12.3 for more detail).

5.6 A. Job creation

Eligible expenditure items under this element are:

- Wages and salary expenses at the relevant Award rate for entry level positions (if applicable) or National Minimum Wage rate
 - Determining the appropriate rates of pay will be the applicant’s responsibility and, as an employer, you must ensure your employees receive the correct payments for the hours worked, along with other entitlements.
 - Funding includes penalty rates, overtime and other allowances as prescribed by the relevant Award or National Employment Standards, including casual loading and leave entitlements, if applicable.
- Superannuation
 - Applicants must determine the appropriate superannuation payments to meet relevant requirements paying employees their superannuation entitlements, as set out in legislation and by the Australian Taxation Office.
- Leave entitlements
 - Applicants are required to understand and comply with any leave entitlements prescribed by the relevant Award or National Employment standards

The amount of funding provided to approved applicants will depend on the job/s they are creating and whether an employee is entitled to receive an adult or a youth wage, part time or full time, award or minimum wage.

5.7 B. Community Jobs and Business Fund (CJBF) **SUBJECT TO CHANGE**

This element will provide funding for minor capital, equipment and capacity building. Funding requested under the CJBF must clearly and directly support and complement the job/s being created under the *Jobs Creation*.

Additional funding or an increase to funds may be available over the period of the grant agreement, subject to approval by the NIAA.

Eligible expenditure items include but are not limited to those outlined in the table below:

Expenditure item	Maximum expenditure amount	Example items
Minor refurbishment or modification to existing facilities for the benefit of RJED employees	Up to \$100,000 GST exclusive per application	Transportable buildings for office space Provision of safe work spaces and amenities for RJED employees Fixed furniture WHS modifications/adjustments Sheds for equipment storage or work areas

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Expenditure item	Maximum expenditure amount	Example items
Lease or purchase of equipment and materials needed by RJED employees to do their jobs	Up to \$100,000 GST exclusive	Tools and small machinery Purchase or leased vehicle for employee to complete their duties Uniforms and protective equipment WHS modifications/ adjustments ICT equipment, including satellite phones and mobile devices Technical and specialist equipment, such as screen printing, earth moving machinery Vehicles and vessels, such as all-terrain vehicles and fishing vessels Lease or purchase of a bus for employee transport
Materials and consumables to support RJED employees entering and staying in employment	maximum expenditure to be considered on a case by case basis	Engagement of mentoring or other employee support services Development of bespoke employment, training and induction resources for RJED employees Cultural competency training Wages for supervisory staff for RJED-funded employees (maximum 12 months)
Capacity and capability building for organisations to support RJED employees	Up to \$50,000 (GST exclusive)	One-off purchase of payroll processing software or HR software Business planning in relation to employees or employment, e.g. workforce planning, succession planning or career planning Support for development of employee-related policy and processes, e.g. legal advice Time limited payment of supervisor or trainer wages, e.g. six months to train RJED employees to replace fly in / fly out or drive in / drive out services Development of secure remote IT systems to enable RJED employees to work away from the office Training, support and advice related to:

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Expenditure item	Maximum expenditure amount	Example items
		<ul style="list-style-type: none"> • Human Resource Management • Workplace Health and Safety • Workplace Relations <p>Leadership and management training specific to the supervision, leading and management of employees</p> <p>Consultancy and advice on developing programs, policies and processes to recruit, develop and retain employees</p>
On costs and overheads	One-off funding up to 15% of the total job creation costs to cover on-costs	<p>Workers compensation/ insurance</p> <p>Human resources support, such as HR/pay roll costs or upgrading to One-Touch Payroll</p> <p>Property operating expenses</p> <p>Desktop ICT equipment and costs (for example – computer, attributed IT costs such as internet or IT support</p> <p>Training costs</p>

The NIAA may change the list of eligible and ineligible expenditure from time to time. If your application is successful, the version that was applicable on the date you submitted your application applies to your grant activity.

Not all expenditure may be eligible for grant funding. The Program Delegate will make the final decision on what is eligible expenditure and may give additional guidance on eligible expenditure if required.

5.8 What the grant money cannot be used for

This section applies to both the Job Creation and CJBf elements of RJED. Grant funding cannot be used for a purpose that does not directly contribute to the outcomes of RJED, including:

- activities that do not clearly align to the RJED outcomes
- 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
- retrospective costs (i.e. costs incurred before the date of the agreement)
- costs incurred in the preparation of a grant application or related documentation unless specifically agreed with the NIAA
- 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.

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- jobs that are already funded or should be funded from another source, including but not limited to Commonwealth, state, territory or local government bodies
- purchase of land
- ongoing operational expenses not listed at section 5.5 (for example but not limited to salaries and wages for existing organisational staff) not related to the employment of RJED participants.
- existing employees' administrative and/or miscellaneous costs not involved in RJED activities– e.g. wages, rent, overseas travel etc.
- overseas travel
- proposed grant activities outside of Australia
- marketing campaigns or
- activities that commenced prior to the grant agreement being finalised.

6. The assessment criteria

You must address all of Criterion 1-3 in your application. The NIAA will assess and score your application against the points for each criterion, awarding a maximum 5 points for each criterion.

A further criterion (Criterion 4) is included only for those applicants also seeking funding from the CJBF.

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

6.1 Criterion 1: Creating new jobs (5 points)

Applicants must describe the proposed job/s and the plan for supporting CDP participants living in the community/ies move into employment.

Applicants should provide a description of:

- what the proposed job/s are, how they are 'new' and your plan to work towards making the jobs sustainable, including how overhead/on-costs will contribute to the creation of the new job
- For each job, the type of job/s (industry/sector), expected hours of work and the type of employment (casual, part-time or full time)
- how you will work with CDP Providers to identify suitable CDP participants and how you will support these employees to obtain skills, experience and confidence to move off welfare and into employment
- whether the jobs will be focused on supporting priority cohorts, including youth, people leaving prison or people with disability and how you will design the job to support ongoing engagement in employment
- how the proposed job/s align with local priorities identified through employment, economic, development and/or leadership planning. For example Community Development, Local Thriving Communities, Empowered Communities, etc., and
- how the job may be sustainable and actions that will be undertaken to ensure ongoing sustainability of the job beyond the RJED funding.

Applicants must provide supporting evidence, which includes, but is not limited to a detailed budget breakdown of all costs using the template provided, including evidence of expected costs (that may include, but is not limited to, quotes and invoices).

Applicants may also be asked to provide a local employment or economic development plan.

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6.2 Criterion 2: Community need (5 points)

Applicants must demonstrate that they have worked with the local community/ies to identify the job/s, that the community/ies has participated in the planning and design of the proposed job/s and that there is a commitment to continuing this engagement.

Applicants should outline:

- The approach taken to working with the local community, including a description of how the community/ies participated in planning of the job/s, will be engaged in feedback about the job/s and any involvement in delivery of the job/s
- What success looks like in the local context, how you will measure and determine if it has been achieved, including using this to continuously improve
- Examples of community/ies readiness, for example provide details of how people are coming together to lead change and improve employment and economic outcomes and
- The factors in the community/ies driving unemployment and related social impacts and how the funding from RJED for new jobs will support positive change for individuals, their families and the broader community.

Applicants must provide supporting evidence, which may include, but is not limited to:

- a letter of support from community or local relevant Indigenous Organisations and/or
- documentation/evidence that the local community has participated in the planning and design of the proposed job

6.3 Criterion 3: Organisation Capability and Delivery (5 points)

Applicants must demonstrate experience in and/or demonstrate an understating of establishing new jobs and their ongoing management in their organisation.

In your application:

- Describe your organisation's skill-set (expertise, authority, interest, influence, governance arrangements and capacity) to deliver high quality employment activities and, where required, understanding of appropriate cultural safety and practices.
- Provide examples of your successes and/or lessons learned from past experiences.
- Outline risks you think may arise and how you plan to mitigate them, including ensuring new jobs are occupied for the funded period and re-filling vacancies in a reasonable period of time and
- State if you hold or can obtain Annual Working with Vulnerable People Statement of Compliant and Annual Work Health and Safety Statement of Compliance

Applicants must provide supporting evidence, which may include, but is not limited to:

- proposed governance arrangements and how you will manage the job, including risks of underspends created by vacancies in the funded positions
- how the job will be managed by the organisation, including processes to terminate employment where required
- how the risks associated with the proposed activity, including work, health and safety risks, will be managed.
- details of any applications for funding for the proposed activity that are currently awaiting a decision and the nature of support for example, funding contribution, in kind support, resources and expertise

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6.4 Criterion 4: Delivering Outcomes and Economic Benefits to the community (only required for applicants seeking funding from Community Jobs and Business Fund)

To apply for funding under the CJBF component, applicants must address this assessment criteria and demonstrate how the funding requested directly links to their proposed Job creation element activities and supports the creation of the new job/s or the development and retention of an eligible employee.

Applicants must describe:

- the items required and the connection to the Job Creation element job/s being created and employment outcomes
- how the funding will impact on delivery of the job/s and
- readiness to commence including, where relevant, purchasing, hiring, designing or building

Applicants must provide the following evidence:

- detailed budget breakdown of all costs, including evidence of expected costs that may include, but are not limited to, quotes and invoices
- a full project plan on how you will manage the proposed activity including time, risk and budget if you are seeking CJBF funding of more than \$100,000, and
- processes to manage the funding and items, including creation of asset registers and safe storage of materials

7. How to apply

It is important to note that any discussion with the NIAA about a grant activity or the lodgement of an application form **does not guarantee that your activity will be funded.**

Before applying, you must read and understand these guidelines and other information available on [GrantConnect](#), including a sample application form, Budget template, FAQs and a sample grant agreement. The NIAA may make changes and issue addenda⁴ to this grant opportunity. Any changes will be published on [GrantConnect](#), as the authoritative source for grants information. You will be automatically notified of any changes if you register on [GrantConnect](#).

To apply you must:

- complete the online application form on [GrantConnect](#)
- provide all the information requested
- address all eligibility criteria and assessment criteria
- include all necessary attachments and
- submit your application/s on [GrantConnect](#) by closing date and time.

A checklist is available at Appendix C to help you submit a completed application. You should keep a copy of your application and any supporting documents.

You are responsible for ensuring that your application is complete and accurate. You cannot change your application after the closing date and time. The Agency is not able to ask for additional information that should have been provided with the application.

⁴ Changes 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

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If you find an error in your application after submitting it, you should contact us immediately at IASAMO@niaa.gov.au. We do not have to accept any additional information, nor requests from you to correct your application after the closing time.

We may ask for clarification or additional information from you that will not change the nature of your application. However, we can refuse to accept any additional information from you that would change your submission after the application closing time.

Giving false or misleading information is a serious offence under the Criminal Code 1995. Any false or misleading information will be investigated and may exclude your application from further consideration.

The NIAA will acknowledge it has received your application within 5 working days.

The NIAA may ask for additional information to support your application, including information about your entity structure, associated entities and key personnel (e.g. Directors, Chief Executive Officer, Finance Officer, Accountant/Auditor).

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

7.1 Attachments to the application

Please ensure the following documents are included with your application:

- An itemised budget using the template provided that specifies:
 - a breakdown of costs and funding for each financial year in which the proposed activity will operate and
 - total funding being requested
 - details of funding from other sources that will contribute to the costs of the activity outlined in the application, including whether the funding is approved
 - details of any applications for funding that are currently awaiting a decision and include the nature of the support for example, funding contribution, in kind support, resources and expertise.
- A document containing:
 - a list of key personnel of the organisation - include Director/s, Chief Executive Officer, Chief Financial Officer and Chief Operating Officer. This should include names and position titles.
 - an organisation chart for your organisation
 - if applicable, a chart of associated entities as defined by s50AAA of the Corporations Act 2001. This should show the relationships between companies, including levels of ownership and control
 - evidence of bank account details, such as a copy of a current bank statement. This must be a bank account in your name and which you control.
 - accountant declaration
- evidence of support from the community/ies where you propose to deliver this activity and
- a project management plan, using the template provided

If you do not have a current grant agreement with the NIAA or formerly with Department of the Prime Minister and Cabinet (PM&C) you must also provide the following documentation (government applicants are exempt from this requirement):

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- If you are required by your regulator to keep financial statements 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).⁵
- A copy of your Certificate of Incorporation where relevant (Organisations registered with Australian Charities and Not-for-profits Commission are exempt from this requirement).
- 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.

If you are not required by your regulator to keep financial statements, you must provide:

- an income and expenditure statement;
- balance sheet; and
- statement of assets and liabilities.
- A copy of your Certificate of Incorporation, where relevant. Organisations registered with Australian Charities and Not-for-profits Commission are exempt from this requirement.

There is a size limit of 2MB for each attachment and a total limit of 10MB for each application. Any applications above this limit will not be received

You must attach supporting documentation to the application form in line with the instructions provided within the form. The NIAA will not consider attached information that is not requested in the application form.

7.2 Joint (consortia) applications

Some organisations may decide to join together as a group to deliver a grant activity. In these circumstances, a 'lead organisation' must be appointed by the group.

Only the lead organisation can submit the application form and enter into a grant agreement with the Commonwealth. The application must identify all members of the proposed group and include a letter of support from each of organisations included in the group. If your application is successful, a formal arrangement between all parties in the joint consortia must be place with prior to execution of a grant agreement.

Each letter of support from an organisation in the group should include:

- details of the organisation
- percentage of First Nations ownership, control and/or management (refer to the glossary for definitions of these).
- overview of how the organisation will work with the lead organisation and any other organisations in the group to successfully complete the grant activity.
- relevant experience and/or expertise the organisation will bring to the group
- roles/responsibilities of the organisation and the resources they will contribute (if any)
- a nominated management level contact officer for the organisation.

⁵ 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 10.1 and the sample grant agreement available on GrantConnect.

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7.3 Trust applications

For applications made on behalf of a Trust, the application must be made in the name of the Trustee as listed in the Trust Deed. For example, if ABC Trust has a Trustee listed in the Trust Deed as XYZ Pty Ltd, then the application must be made in the name of XYZ Pty Ltd as Trustee for ABC Trust.

The NIAA may request additional information in order to consider your application. This could include a copy of the Trust Deed (in force at the time of application) and other information (including financial information) on the trust and the corporate trustee.

7.4 Timing of grant opportunity processes

You must submit an application between the published opening and closing dates. Late applications may be accepted if extenuating circumstances exist and at the discretion of the Program Delegate.

If you are successful, we expect you will be able to commence your grant activity around TBC.

Table 1: Expected timing for this grant opportunity

Activity	Timeframe
Assessment of applications	4 weeks
Approval of outcomes of selection process	2 weeks
Negotiations and award of grant agreements	2-6 weeks
Notification to unsuccessful applicants	2 weeks
Earliest start date of grant activity	TBC
End date of grant activity	As specified in your grant agreement

7.5 Questions during the application process

If you have any questions during the application period, contact your local [NIAA Regional Office](#).

The NIAA will respond to emailed questions within three working days. Answers to questions will be posted on [GrantConnect](#).

8. The grant selection process

8.1 Assessment of grant applications

The NIAA will consider eligible applications through an open competitive grant process.

If eligible, your application will be considered on its merits, based on:

- how well it meets the assessment criteria (section 6)⁶
- how it ranks against other applications for the same region
- whether it provides value with relevant money.

The NIAA will also consider how you have delivered other IAS and/or Commonwealth funded activities, if applicable.

⁶ Your previous performance, demonstrated capability to deliver the activity and/or other information available to the NIAA may be considered when assessing your application against the assessment criteria.

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8.2 Indigenous Grants Preferencing Policy

The Australian Government is committed to increasing the proportion of services delivered by First Nations organisations. To deliver on this objective, the NIAA may preference organisations for IAS grants funding where there are two similarly ranked proposals⁷ as follows:

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

The NIAA may also gather information from grantees to determine:

- the number of First Nations and non-First Nations organisations funded through the IAS
- the number and percentage of First Nations people employed in all funded organisations
- total value and number of contracts for goods and services that are provided by First Nations Enterprises.

Refer to the section '15. Glossary' for definitions of "owners", "control" and "management" and "First Nations Enterprises".

8.3 Who will assess applications?

An expert panel will assess each application in accordance with the process set out in this section 8 recommending which grant applications should be awarded a grant. The expert panel will comprise appropriate NIAA staff and relevant **external experts/advisors**.

Any expert/advisor, who is not a Commonwealth Official, will be required to perform their duties in accordance with the [CGRGs](#).

The expert panel may seek additional information about you or your application, including from within the Commonwealth (even if the sources are not nominated as your referees). The expert panel may also consider information about you or your application that is available through the normal course of business.

The expert panel recommends to the Program Delegate which applications to approve for a grant.

To ensure probity, staff who provide support in developing a proposal will not be involved in the assessment of the application.

8.4 Who will approve grants?

The NIAA delegate decides which grants to approve taking into account the recommendations of the assessment committee and the availability of grant funds for the purposes of the grant program.

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

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

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

⁷ Applications will be scored and ranked as "Meets", "Partially meets" or "Does not meet" the criteria.

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9. Notification of application outcomes

You will be advised of the outcome of your application in writing. If you are successful, the NIAA will advise you of any specific conditions attached to the grant.

You can submit a new application for the same grant (or a similar grant) in any future grant opportunities under the program. You should include new or more information to address any weaknesses that may have prevented your previous application from being successful.

9.1 Feedback on your application

If you are unsuccessful, you may ask for feedback from NIAA within 3 months of being advised of the outcome. We will give written feedback within one month of your request.

9.2 Further grant opportunities

If there are not enough suitable applications to meet the program's objectives, the NIAA will deliver subsequent grant opportunities as competitive, targeted or closed non-competitive processes.

10. Successful grant applications

10.1 The grant agreement

If you are successful and choose to accept a grant offer, you must enter into a legally binding grant agreement with the Commonwealth. This agreement 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 as well as the level of risk associated with the activity. A sample grant agreements is available on [GrantConnect](#).

The grant agreement will provide a detailed description of the funded activity and 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, 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](#) 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](#). Further information about privacy and confidentiality is also included at section 13.3 of this document
- requirements to maintain the confidentiality of any information deemed by the Commonwealth to be confidential
- 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

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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 activity 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 any 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 the activity, unless 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.

The Agreement incorporates appropriate safeguards against fraud and unlawful activities and includes the right to request the removal of personnel for other inappropriate conduct or associations that may cause reputational damage to the Agency or Commonwealth.

10.2 Management of Debt and Underspend

A previous debt or underspend of an IAS grant may influence the outcome of an application, including an awarded grant amount. The Agency reserves the right to recover underspends of one grant via offsets in another. Offsetting involves reducing future grant payments up to the amount of the underspend. If a debt has been incurred, the Agency may seek return of those funds or pursue other remedies.

10.3 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.

10.4 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.

10.5 Specific legislation, policies and industry standards

Whilst you are required to be compliant with all relevant laws and regulations, you may be requested to demonstrate compliance with the following legislation/policies/industry standards:

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- Fair Work Act
- Superannuation Act

To be eligible for a grant, you must declare in your application that you comply with these requirements. You may need to declare you can meet these requirements in your grant agreement with the Commonwealth.

10.6 How we pay the grant

The NIAA may make an initial payment of up to 25% on execution of the grant agreement. Subsequent payments of funding, whether quarterly, six monthly or annually, is dependent on you complying with the grant agreement requirements, including satisfactory progress against performance and financial reporting milestones. You will also be required to report how you spent the grant funds during the period of the grant activity or at the completion of the grant activity.

The funding provided by the NIAA 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.

The grant agreement will state the maximum grant amount to be paid. The NIAA will not exceed the maximum grant amount under any circumstances. You must meet any extra costs you incur.

Payment of grant funding will also be dependent on eligible grant recipients being employed in the jobs created within an appropriate period of time.

10.7 Grants Payments and 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, including for wages. Subject to those exceptions, the NIAA will add GST to your grant payment and issue you with a [Recipient Created Tax Invoice](#).

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

Grants are assessable income for taxation purposes, unless exempted by a taxation law. The NIAA recommend you seek independent professional advice on your taxation obligations or seek assistance from the [Australian Taxation Office](#).⁸ The NIAA do not provide advice on your particular taxation circumstances.

11. Announcement of grants

If a grant agreement is executed, it will be listed on the [GrantConnect](#) website within 21 calendar days after the date of effect as required by Section 5.3 of the [CGRGs](#).

12. How we monitor your grant activity

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

- On-the-ground monitoring, predominately through the NIAA Regional Offices
 - The NIAA uses an active 'on-the-ground' strategy to monitor the RJED grantees and activities primarily through the NIAA Regional Offices. This can involve site visits,

⁸ <https://www.ato.gov.au/>

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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.

- Periodic reporting by the employer on the performance of activities
 - The NIAA, in conjunction with the grant recipient, will set key performance indicators for each activity to measure progress against identified outcomes, including applicable Closing the Gap targets. The NIAA may include key performance indicators to inform broader data sets, such as Indigenous employment data. These will be set out in the grant agreement. The grant recipient will be assessed against all key performance indicators over the course of the funded activity.
- Compliance operations, where necessary
 - 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.

12.1 Keeping us informed

If you execute a grant agreement, you must let the NIAA contact officer listed in your grant agreement know if anything is likely to affect your grant activity. This includes key changes to your organisation or its business activities, particularly if they affect your ability to complete your grant, carry on business and pay debts due. Changes to your organisation include (but are not limited to):

- 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 a First Nations organisation (if it initially did).
- if your organisation has an outstanding and overdue Australian Tax Office debt.

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

12.2 Reporting

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 NIAA 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.

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

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financial reporting requirements. The default financial reporting requirement is one report per year. Financial reporting requirements will be specified in the grant agreement.

You must submit reports in line with the grant agreement, including:

- progress against agreed grant activity milestones and outcomes
- key performance indicators
- expenditure of the grant, including finance reports.
- The level of detail you provide in reports should be relative to the size, complexity and grant amount.

The NIAA will monitor progress by assessing reports you submit and may also:

- source a range of data and information to inform its judgement.
- request records to confirm details of your reports if necessary.
- undertake on-the-ground monitoring of grantees and activities, including site visits, discussions with community members and service recipients and ongoing contact with the grantees.
- need to re-examine claims, seek further information or request an independent audit of claims and payments.
- We may use data provided to help support compliance activities

12.3 Audited financial acquittal report

The NIAA may ask you to provide an independently audited financial acquittal report, using a specified template. The report is intended to verify that you spent the grant in accordance with the grant agreement.

12.4 Grant agreement variations

The NIAA recognises that unexpected events may affect your progress or impact on your ability to achieve results consistent with the NIAA's priorities. In these circumstances, you or the NIAA can request a variation to your grant agreement, including:

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

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
- availability of program funding.

All decisions to vary a grant agreement must be mutually agreed to between

The instigating party must put its concerns, issues and proposed changes in writing before the grant agreement end date. Do not assume that a variation request will be successful. The NIAA will consider your request based on provisions in the grant agreement and the likely impact on achieving outcomes.

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All decisions to vary a grant agreement must be mutually agreed by you and the NIAA before a variation can be executed.

12.5 Compliance visits

The NIAA may visit you during or after the completion of your grant activity to review your compliance with the grant agreement. The NIAA will provide you with reasonable notice e.g. 2 weeks, of any compliance visit.

12.6 Record keeping

The NIAA may inspect, copy, remove and/or retain the records you are required to keep under the grant agreement.

12.7 Monitoring, evaluation and learning

The NIAA will monitor and evaluate the RJED program to measure how well outcomes and objectives have been achieved, including outcomes for participants, organisations and communities. Monitoring and evaluation activities may:

- use information from your application and reports
- use systems to understand experiences throughout the program, (this could include apps to report progress from both businesses and participants in the program)
- interview you, participants or other stakeholders, or ask for more information on how the grant impacted your organisation, participants and/or the wider community and how effective it was in achieving its outcomes. This may be in the form of an online application or other methods as directed by the NIAA.
- You may be contacted during and/or after the program to support RJED program monitoring and evaluation. We may request assistance in distributing information related to monitoring and evaluation of the grant activity to participants and other members of your community.
- Engage third parties to collect information or provide information to third parties as needed for monitoring, evaluation and related activities.

12.8 Acknowledgement

If you make a public statement about a grant activity funded under the program, you must use the following statement:

'This grant activity received grant funding from the Australian Government.'

13. Probity

The Australian Government will ensure the grant opportunity process:

- is fair
- runs in accordance with these guidelines
- incorporates appropriate safeguards against fraud, unlawful activities and other inappropriate conduct
- is consistent with the CGRGs.

The NIAA may make changes to these guidelines and publish the revised guidelines on [GrantConnect](#).

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13.1 Enquiries and feedback

Contact your local [NIAA Regional Office](#) if you have any questions about this grant opportunity, including grant decisions.

If you would like to make a complaint about a grant process, phone (02) 6152 3050 or email complaints@niaa.gov.au. If you do not agree with the way the NIAA has handled your complaint, you may complain to the [Commonwealth Ombudsman](#) on:

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

The Ombudsman will not usually look into a complaint unless the matter has first been raised directly with the NIAA.

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 is or is perceived to be able to influence the application selection process, such as an 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. And/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](#). Committee members and other officials including the decision maker must also declare any conflicts of interest.

13.3 Privacy

The NIAA treats your personal information according to the [Privacy Act 1988](#) and the [Australian Privacy Principles](#). This includes letting you know:

- what personal information the NIAA collects
- why the NIAA collects your personal information

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- who the NIAA gives your personal information to.

Your personal information can only be disclosed to someone else for the primary purpose for which it was collected, unless an exemption applies.

The Australian Government may also use and disclose information about grant applicants and grant recipients under this grant opportunity in any other Australian Government business or function. This includes disclosing grant information on GrantConnect as required for reporting purposes and giving information to the Australian Taxation Office for compliance purposes.

The NIAA may share the information you provide with other Commonwealth entities for purposes including government administration, research or service delivery, according to Australian laws.

As part of your application, you declare your ability to comply with the *Privacy Act 1988* and the Australian Privacy Principles. You also declare you will 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 NIAA would breach an Australian Privacy Principle as defined in the Act.

The NIAA's [Privacy Policy](#) contains information about how you can access the personal information held by the NIAA 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 at niaa.gov.au or by emailing privacy@niaa.gov.au for a copy of the policy.

13.4 Confidential Information

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

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

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

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

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

- Commonwealth employees and contractors to help us manage the program effectively
- employees and contractors of our department so we can research, assess, monitor and analyse our programs and activities
- employees and contractors of other Commonwealth agencies for any purposes, including government administration, research or service delivery
- other Commonwealth, State, Territory or local government agencies in program reports and consultations

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- the Auditor-General, Ombudsman or Privacy Commissioner
- the responsible Minister or Parliamentary Secretary, and
- a House or a Committee of the Australian Parliament.

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

13.5 Freedom of information

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

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

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

By mail: Freedom of Information Coordinator
National Indigenous Australians Agency
PO Box 2191
CANBERRA ACT 2601

By email: foi@niaa.gov.au

14. Consultation

These guidelines draw on feedback received from previous public consultation processes and the NIAA's daily role in working with providers and First Nations people and communities across Australia. The NIAA will continue to review the guidelines based on this experience and the experiences of our grantees.

The NIAA will also seek advice from First Nations people, communities, and other stakeholders (such as representative groups) as required.

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Glossary

Term	Definition
Accountable authority	See subsection 12(2) of the Public Governance, Performance and Accountability Act 2013
Assessment criteria	Are the specified principles or standards, against which applications will be judged. These criteria are also used to assess the merits of proposals and, in the case of a competitive grant opportunity, to determine application rankings.
CDP	The NIAA's Community Development Program.
CDP participant	Is eligible to participate in CDP as a job seeker or volunteer and must have a current address in a CDP region. In general, people living in remote Australia who are looking for a job and receiving income support payments are eligible for CDP services. Those who are not on income support can volunteer to participate in CDP.
Commonwealth entity	A Department of State, or a Parliamentary Department, or a listed entity or a body corporate established by a law of the Commonwealth. See subsections 10(1) and (2) of the PGPA Act
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.
Completion date	The expected date that the grant activity must be completed and the grant spent by

Attachment 6.2.6 RJED GoGs for consultation 10 7 2024 2

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Term	Definition
Control	<p>Control is related 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> <ol 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>
<i>Corporations Act 2001</i>	<p>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 website.</p>
<i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i>	<p>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 Corporations (Aboriginal and Torres Strait Islander) Act 2006 (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.</p>
Co-sponsoring entity	<p>When two or more entities are responsible for the policy and the appropriation for outcomes associated with it</p>
Date of effect	<p>Can be the date on which a grant agreement is signed or a specified starting date. Where there is no grant agreement, entities must publish information on individual grants as soon as practicable.</p>
Decision maker	<p>The person who makes a decision to award a grant</p>

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Term	Definition
Eligibility criteria	Refer to the mandatory criteria which must be met to qualify for a grant. Assessment criteria may apply in addition to eligibility criteria.
Empowered Communities	A First Nations designed and led initiative that involves First Nations leaders, communities and governments working in partnership to set priorities, improve services and apply funding effectively at a regional level. This increases First Nations ownership to give First Nations peoples a greater say in decisions that affect them. For further information refer to 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.
First Nations enterprise	An entity with at least 50% First Nations ownership, as outlined in the Indigenous Procurement Policy.
First Nations organisations (Note: This definition is used for administering the Incorporation Requirements only – Refer to Appendix B)	<p>Aligns with the s29-5 of the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> and Part 2 – Regulation 6 of the <i>Corporations (Aboriginal and Torres Strait Islander) Regulations 2017</i></p> <ol style="list-style-type: none"> If the corporation has five (5) or more members—at least 51% 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>and</p> <p>Aligns with s246-5 of the Act—a <u>majority of the directors must be Indigenous peoples.</u></p>

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Term	Definition
Grant	For the purposes of the CGRGs, a 'grant' is an arrangement for the provision of financial assistance by the Commonwealth or on behalf of the Commonwealth: <ul style="list-style-type: none"> a. under which relevant money⁹ or other Consolidated Revenue Fund (CRF) money¹⁰ is to be paid to a grantee other than the Commonwealth; and b. which is intended to help address one or more of the Australian Government's policy outcomes while assisting the grantee achieve its objectives.
Grant activity/activities	Refers to the project/tasks/services that the grantee is required to undertake
Grant agreement	Sets out the relationship between the parties to the agreement, and specifies the details of the grant
Grant opportunity	Refers to the specific grant round or process where a Commonwealth grant is made available to potential grantees. Grant opportunities may be open or targeted, and will reflect the relevant grant selection process.
Grant program	A 'program' carries its natural meaning and is intended to cover a potentially wide range of related activities aimed at achieving government policy outcomes. A grant program is a group of one or more grant opportunities under a single [entity] Portfolio Budget Statement Program.
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
Grantee	The individual/organisation which has been selected to receive a grant
Key Performance Indicator	A measure that provides information about the extent to which the activities or services meet agreed performance requirements.

⁹ Relevant money is defined in the PGPA Act. See section 8, Dictionary.

¹⁰ Other CRF money is defined in the PGPA Act. See section 105, Rules in relation to other CRF money.

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Term	Definition
Management	<p>Management refers to the responsibility for the day-to-day operation of the funded organisation. It includes:</p> <ul style="list-style-type: none"> a. the CEO (or equivalent) b. the people occupying the highest positions in relation to: <ul style="list-style-type: none"> i. service delivery ii. finances iii. operations (e.g. property, ICT), and/or iv. human resources.
NJPT	The New Jobs Program Trial administered by NIAA
Owners	<p>Depending on legal entity type, “Owners” may be based on your:</p> <ul style="list-style-type: none"> a. Members ORIC-Registered Indigenous Corporations, Companies Limited by Guarantee, Incorporated Associations b. Shareholders—Companies Limited by Shares, Cooperatives c. Proprietors/partners—Sole traders, actual person partnerships d. 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>
PBS Program	<p>Described within the entity’s Portfolio Budget Statement, PBS programs each link to a single outcome and provide transparency for funding decisions. These high-level PBS programs often comprise a number of lower level, more publicly recognised programs, some of which will be Grant Programs. A PBS Program may have more than one Grant Program associated with it, and each of these may have one or more grant opportunities.</p>

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Term	Definition
Remote	<p>The NIAA 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.</p> <p>The NIAA 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>
Value with relevant money	<p>Judgement based on the grant proposal representing an efficient, effective, economical and ethical use of public resources and determined from a variety of considerations.</p> <p>When administering a grant opportunity, an official should consider the relevant financial and non-financial costs and benefits of each proposal including, but not limited to:</p> <ul style="list-style-type: none"> • the quality of the project proposal and activities; • fitness for purpose of the proposal in contributing to government objectives; • that the absence of a grant is likely to prevent the grantee and government's outcomes being achieved; and • the potential grantee's relevant experience and performance history.

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Appendix A. Indigenous Advancement Strategy (IAS) Program Information

About the IAS

The IAS is one way the Australian Government funds and delivers programs for Indigenous Australians, to address the targets under the National Agreement on Closing the Gap. There are a number of grant opportunities under the IAS, including the grants process outlined in these guidelines.

The IAS contributes to the NIAA'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 peoples hold in this nation.*

Under the IAS, grant opportunities are available under the following six programs:

- 1.1 Jobs, Land and Economy
- 1.2 Children and Schooling
- 1.3 Safety and Wellbeing
- 1.4 Culture and Capability
- 1.5 Remote Australia Strategies
- 1.6 Research and Evaluation

Program 1.1 Jobs, Land and Economy

14.1 Program objectives

The objectives of the program are to:

- Support Indigenous peoples to find and remain in sustainable work.
- Support remote job seekers' work readiness, through community activities and work experience.
- Foster Indigenous business.
- Assist Indigenous peoples to generate economic and social benefit from natural and cultural assets, including through the effective and sustainable management of their land.
- Assist Indigenous peoples to progress land and sea claims, and township leases under Commonwealth native title and land rights legislation.

14.2 Description

The Jobs, Land and Economy Program supports Indigenous Australians to overcome barriers to employment and economic participation. It does this by connecting Indigenous peoples 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 Indigenous peoples 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 peoples to have their native title rights recognised.

The program complements a range of state, territory and Australian Government programs, which also aim to improve Indigenous Australians' employment outcomes and to support the

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development of First Nations 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 Indigenous peoples. 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.

14.3 Program outcomes

The desired outcomes of the Jobs, Land and Economy Program include:

- Increasing in employment and participation rates for Indigenous peoples.
- Increasing the number of Indigenous 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 Indigenous 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 Indigenous peoples.
- Engaging local communities in employment solutions.
- Support for Indigenous peoples in prison to transition into employment on their release from prison.
- Assisting Indigenous peoples 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.
- Supporting Indigenous peoples to use their land and sea assets to create economic and social benefits.

14.4 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 Indigenous communities to build and promote increased social and economic outcomes.
- Support for Indigenous 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 Indigenous peoples to overcome disadvantage in the labour market, connect to sustainable jobs and address barriers to recruitment and retention.

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- Support for Indigenous secondary school and post school students to transition from education into sustainable employment or further education.
- Support Vocational Training Employment Centres to connect Indigenous job seekers with guaranteed jobs and provide the support services necessary to work with and support Indigenous into sustainable employment.
- Increase the number of large Australian companies to build a workforce reflective of the size of the Indigenous 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.
 - 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

The Community Development Program (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.
- Support job seekers to meet their income support mutual obligations.

The NIAA 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](#). 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.

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Further information on funding to support capacity building for PBCs is also available on [GrantConnect](#)

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).
 - 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 (unless agreed under transition arrangements for the NJP trial).
- Businesses that are unviable and/or unsustainable.

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Appendix B: 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— First Nation 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.

First Nation organisations already incorporated under the [Corporations Act 2001](#) do not have to change their incorporation status. However, all other First Nation 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 NIAA'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 NIAA. Details about the exemptions policy and the Application for Exemption form can be found on the NIAA'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 NIAA 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.

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Support for First Nation 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 NIAA will provide a one-off \$10,000 (GST exclusive) payment upon receipt of evidence that the transfer has occurred.**

Please refer to the [NIAA's website](#) at [Grants and Funding | NIAA](#) for further information.

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Appendix C: Application checklist

Use the following checklist before you submit an application to ensure the application is complete and contains the information needed for the assessment process.

Before applying

Step	Instruction	Complete
1	You have discussed your proposal with relevant Indigenous groups and others who may have an interest in the project.	<input type="checkbox"/>
2	You have read the Grant Opportunity Guidelines and met all the requirements as described, including eligibility and assessment criteria.	<input type="checkbox"/>
3	You can provide evidence of your incorporation status if required.	<input type="checkbox"/>
4	You have read the sample grant agreement and are willing to accept the terms it describes, if your application is successful. If you are not able to accept the terms of the agreement, you should contact your local NIAA Regional Office before applying.	<input type="checkbox"/>
5	If you have a current NIAA grant agreement, you have found the 'Provider Reference Number' on your existing NIAA grant agreement.	<input type="checkbox"/>

Filling in the application form

Step	Instruction	Complete
1	You have completed the application form in English.	<input type="checkbox"/>
2	You have completed every section of the application form.	<input type="checkbox"/>
3	You have provided the name and contact details of two referees who can support the claims made against the assessment criteria.	<input type="checkbox"/>
4	You have complete the 'Declaration' section by ensuring all fields are completed including the checkboxes. If completing the form online, the applicant or person authorised to act on behalf of the applicant, should type their full name in the signature field.	<input type="checkbox"/>

Attachments to the application form

Step	Instruction	Complete
1	You have attached evidence of bank account details, such as a copy of a current bank statement. This must be a bank account in your name and which you control.	<input type="checkbox"/>
2	You have attached [attachment listed in section 7.1]	<input type="checkbox"/>
3	You have attached [attachment listed in section 7.1]	<input type="checkbox"/>
4	You have attached [attachment listed in section 7.1]	<input type="checkbox"/>

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Applicants who do not have an existing grant agreement with the NIAA – Additional requirements (this does not apply to government applicants)

Step	Instruction	Complete
1	You have attached a copy of your most recent financial statements, such as an audited expenditure report, income and expenditure statement, or a balance sheet.	<input type="checkbox"/>
2	You have attached a copy of your Certificate of Incorporation, where relevant. Organisations registered with Australian Charities and Not-for-profits Commission are exempt from this requirement.	<input type="checkbox"/>
3	If you are not able to quote an ABN, you have attached completed a 'Statement by a supplier (reason for not quoting an ABN to an enterprise)' form that can be found on the ATO website.	<input type="checkbox"/>

Joint (consortia) applicants – Additional requirements

Step	Instruction	Complete
1	You can confirm the nominated lead organisation (the applicant) is a legal entity capable of entering into a grant agreement with the NIAA.	<input type="checkbox"/>
2	You can confirm a formal arrangement between all parties in the joint consortia can be place prior to execution of a grant agreement, if your grant application is successful.	<input type="checkbox"/>
3	You have attached a letter of support from each of the proposed organisation in the group.	<input type="checkbox"/>

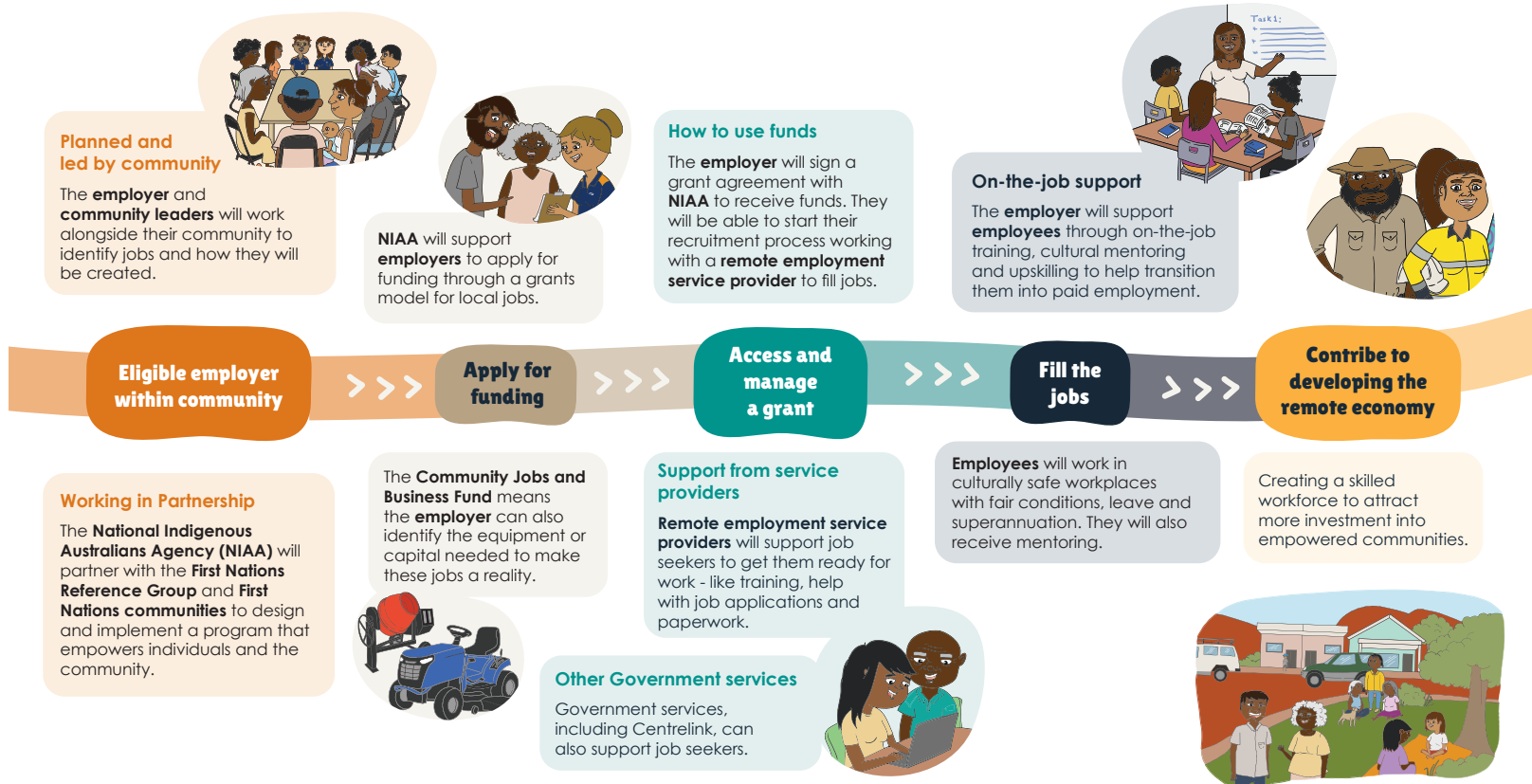


Journey map

Remote Jobs and Economic Development Program

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7 MEETING DECLARED CLOSED